

**Draft Final Paper
On issues and possible solutions pertaining to
the inclusion of IDN ccTLD managers
in the country code Names Supporting Organization**

October 2011

IDN ccPDP Working Group 2

Draft Final Paper

Internationalised Domain Names country code name supporting organisation policy development process working group on Inclusion of IDN ccTLDs in the ccNSO (IDNccPDP WG 2).

Executive Summary

The purpose of the IDN country code policy development process Working Group 2 (IDN ccPDP WG 2) is to report on and identify feasible recommendations for the inclusion of IDN ccTLDs in the ccNSO within the framework of the IDN ccPDP.

To date the WG has identified the following clusters of issues/topic area's:

1. Membership definition.
2. Roles of members
 - a. Eligibility and selection of Councillors to the ccNSO Council
 - b. Initiation of PDP
 - c. Voting (Policy development process, selection of Councillors)
3. Quorum for voting
4. Scope of PDP as defined in Annex C

Recommendation on membership definition

The WG recommends that the definition in Article IX section 4.1 should be updated to maintain the one-to- one correspondence between the IANA Root Zone Database and membership in the ccNSO.

Recommendation on Eligibility and selection of councillors

No changes in Bylaws needed.

Recommendation on initiation of ccPDP

In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current minimum of 10 members to request the creation of an Issue Report should be maintained.

Recommendation on voting (Council member selection and members vote PDP)

The majority of the WG members is of the view that with the inclusion of IDN ccTLD in the ccNSO the voting in the ccNSO should be based on the principle of one vote per Territory should be applied.

A minority of the WG members is of the view the voting should be based on the principle of one member one vote

Recommendation for one vote per Territory with multiple members

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory. It is a matter for the ccNSO members in the Territory how to designate such an emissary.

During the period the emissary has not been appointed, the incumbent member of the ccNSO from that Territory is deemed to vote for that Territory, until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory.

Recommendation on quorum

Assuming that one vote per Territory is the preferred principle, the current quorum rule could be maintained, albeit the relevant sections in the Bylaws need to be adjusted to reflect this principle.

Recommendation on changes to Annex C (Scope of the ccPDP)

No changes needed to the Annex C of the Bylaws.

At this stage the WG seeks your comments and input on the following:

- Should alternative solutions be included to resolve an issue identified?
- Do you support the proposed solution, and why? Would you prefer an alternative solution, and why?

After closure of the public comment period the working group will prepare submit its Final report to the Issue manager to be included in the IDN ccPDP Final Report.

A. Introduction

The purpose of the IDN country code policy development process Working Group 2 (IDN ccPDP WG 2) is to report on and identify feasible recommendations for the inclusion of IDN ccTLDs in the ccNSO within the framework of the IDN ccPDP. The members of the working group are listed in Annex A.

The scope of the IDN ccPDP WG 2 is to focus on, without limitation, examination of Article IX of the ICANN Bylaws and associated Annexes (Annex B and C of the ICANN Bylaws). It shall also take into account the proposals and recommendations of the IDN country code policy development process Working Group 1 (IDN ccPDP WG 1) on the selection and delegation of IDN ccTLDs associated with the territories listed in the ISO 3166-1 (IDN ccTLDs).

As this IDN ccPDP WG 2 undertakes its activities within the framework of the IDN ccPDP, the limitations on the scope of a ccPDP, in particular by Article IX of and Annex C to the Bylaws, applies accordingly.

In the course of its activities the WG noted the need to adjust some of the internal rules and guidelines of the ccNSO to reflect the inclusion of IDN ccTLD's in the ccNSO and recommendations under the IDN ccPDP. However, the WG also noted this would be out of scope of the WG as defined under the IDN ccPDP. The Chair of the WG informed the ccNSO Council accordingly, suggesting at the same time the WG could address the issues identified in the Rules and Guidelines. The ccNSO adopted this approach at its meeting¹. The recommendations of the WG pertaining to the Rules and Guidelines will be presented in a separate paper.

B. Scope of the Draft Final Paper

The purpose of this paper is to report to and seek input from the community on the recommendations for the inclusion of IDN ccTLD's in the ccNSO.

Building on the issues as identified in the Interim² Report the WG identified potential issues that need to be resolved to include IDN ccTLD's in the ccNSO.

To date the WG has identified the following clusters of issues/topic area's:

- 1 Membership definition.
- 2 Roles of members
 - a. Eligibility and selection of Councillors to the ccNSO Council
 - b. Initiation of PDP
 - c. Voting (Policy development process, selection of Councillors)
- 3 Quorum for voting
- 4 Scope of PDP as defined in Annex C

The Rules and Guidelines of the ccNSO are not addressed and not included in the analysis of the working group in this Report. These include, for example, the Board selection process and review of ccNSO Council decisions. Reviewing the Rules and Guidelines is considered out of scope of the IDN ccPDP, although they do reflect the current bylaws. According to its charter the Chair of the WG has informed the ccNSO Council accordingly and suggested that the Rules and Guidelines may need to be updated to reflect the inclusion of IDN ccTLD's in the ccNSO. The ccNSO Council requested the WG to include it in its activities and propose to the Council changes needed, if any³.

The WG has also noted that a single entity or organisation also could manage two or country-code top Level Domains for two different Territories. To the extent these organisations or entities manage two or more ASCII ccTLD's this issue is out of scope

¹See ccNSO council minutes at: <http://ccnso.icann.org/node/21027>.

² Interim Paper of the IDN ccPDP WG 2: <http://ccnso.icann.org/announcements/announcement-22nov10-en.htm>

³ The WG will submit a separate paper with proposals to align the Rules and Guidelines of the ccNSO with the proposals contained in this Report

of the IDN ccPDP as well. The Chair of the WG will inform the ccNSO Council accordingly and suggest that this needs to be addressed in due time.

In the balance of this paper each the four identified topic areas will be presented in the following manner:

- Description of the issue(s);
- The potential directions for solutions, if any, and the preferred option of the WG (Draft Recommendation). If feasible this will include proposed changes to Article IX of the ICANN Bylaws.
- The Reference(s) to the paragraph(s) in Article IX or Annexes are included.

At this stage the WG seeks your comments and input on the following:

- Should alternative solutions be included to resolve the identified issue(s)?
- Do you support the proposed solution, and why? Would you prefer an alternative solution, and why?

After closure of the public comment period the working group will prepare its Final report and submit it to the Issue manager for inclusion in the IDN ccPDP Final Report.

C Topic Area's Identified by the Working group

1. Topic Area: Membership definition

Issue

The current definition of membership in the ccNSO⁴ does not allow existing and new IDN ccTLD to become member of the ccNSO. In particular the section in the current definition: "*responsible for managing an ISO 3166 country-code top-level domain*" is considered to be too limiting. Although the relation between an entry on the ISO 3166 list and the IDN ccTLD is maintained, an IDN ccTLD manager operates a (cc)TLD that is not a ISO 3166 country code in the strict sense.

Furthermore, the WG considered whether there is a difference in membership between cases that one entity manages two or more ccTLD's in two more different Territories⁵ and cases that an one entity manages an IDN ccTLD and (ASCII) ccTLD in the same Territory.

With regard to some of the issues identified by the WG, there is in principle no difference between a manager that operates two or more ccTLD's and a manager that

⁴ Article IX Section 4.1

⁵ For purposes of this report Territory or Territories are defined as: countries, dependencies or other area of particular geopolitical interests that are listed on the 'International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions - Part 1: Country Codes', or, in some exceptional cases is listed on the reserved ISO 3166-1 code elements.

operates an ASCII ccTLD and an IDN ccTLD designed for the same Territory. However, dealing with the issues identified for the case that a manager operates two or more ccTLD's in different Territories is considered out of scope of the IDN ccPDP⁶. The chair of the WG will inform the ccNSO Council accordingly.

In the view of the WG the current Bylaws (as well as the membership application form) seem to be written with the prevailing circumstance in mind of a 1:1:1 mapping of the country code (i.e. Territory) - ccTLD string - ccTLD manager. The circumstance of multiple ccTLDs managed by one manager or multiple delegations per Territory in the event IDN ccTLD('s) and an ASCII ccTLD was not taken into consideration in defining membership when the ccNSO was formed.

The working group agreed that it would not enter into an attempt to define the distinctive features of a (IDN) ccTLD. The WG noted that the structure of the current definition, a direct reference to the IANA Root Zone Database is effective and allows for a distinction between ccTLD and other TLD's. The WG proposes to maintain that link.

Recommendation 1

The WG recommends that the definition in Article IX section 4.1 should be updated to maintain the one-to-one correspondence between the IANA Root Zone Database and membership in the ccNSO.

Proposed definition

Section 4.1 should read: The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article (Article IX ICANN Bylaws), a ccTLD manager is the organization or entity responsible for managing a country-code top-level domain according to and under the current heading "Delegation Record" in the Root Zone Database, or any later variant and referred to in the IANA Root Zone Database under the current heading of "Sponsoring Organization"⁷, or under any later variant.,

⁶ During the deliberations of the WG this was considered hypothetical. However when .GE and .JJ became members of the ccNSO this became a reality.

⁷ (ASCII) ccTLD's are to date recorded in the IANA database as:

Delegation Record for .EG

(Country-code top-level domain designed for **Egypt**)

Sponsoring Organisation

Egyptian Universities Network (EUN)
Supreme Council of Universities
Cairo University

Delegated IDN ccTLD's are to date recorded in the IANA database as:

Delegation Record for رصم

(Country-code top-level domain designed for **Egypt**).

Sponsoring Organisation

National Telecommunication Regulatory Authority – NTRA

Relevant, current section in the Bylaws

Article IX section 4.1. "The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain and referred to in the IANA database under the current heading of "Sponsoring Organization", or under any later variant, for that country-code top-level domain."

2. Topic Area: Role of members

The second topic area the WG identified is the role of members. This area includes eligibility to the Council, voting rights and initiation of a PDP. Each of these clusters will be dealt with separately.

a. Eligibility and nomination of Councillors for the ccNSO Council

Issues

Currently the ccNSO members from each region select three (3) members for the Council. According to Article IX of the ICANN Bylaws there are no requirements to qualify as a potential Councillor. For example, a Councillor is not required to be associated with a ccNSO member, nor is there a requirement for geographic diversity.

According to the current rules, a candidate for the ccNSO council seat for a Geographic Region needs to be nominated and seconded by members from that Region. With potentially two or more ccNSO members from a single Territory, a candidate may be nominated and seconded by members from the same Territory.

Associated with this issue is the case that an IDN ccTLD and ASCII ccTLD are operated by the same entity (which is already the case with some of the current IDN ccTLD and (ASCII) ccTLD's from certain Territories).

A different case is when two or more people from the same Territory are nominated and therefore, two or more people from the same Territory could be elected for the Council.

In the view of the WG the current principle, no specific requirements to qualify as a potential Councillor, should not be maintained. This is reinforced by the principle that IDN ccTLD's and ASCII ccTLD's should be treated equally.

Recommendation 2

The WG proposes that everybody should be entitled to run for any office or committee, and all members from the ccNSO should be equally entitled to nominate or second candidates for any office or committee.

Therefore, no changes or adjustments to the relevant sections of Article IX of the ICANN Bylaws are foreseen.

Relevant sections in the Bylaws

Article IX section 3.1. “ The ccNSO Council shall consist of (a) three ccNSO Council members selected by the ccNSO members within each of [ICANN's Geographic Regions](#) in the manner described in [Section 4\(7\) through \(9\) of this Article](#); (b) three ccNSO Council members selected by the ICANN Nominating Committee;....”

Article IX section 4.8: “Any ccNSO member may nominate an individual to serve as a ccNSO Council member representing the ccNSO member's Geographic Region. Nominations must be seconded by another ccNSO member from the same Geographic Region.

b. Initiation of PDP

Issue(s)

Currently a country code Policy Development Policy can be initiated, among others, by at least 10 (ten) members of the ccNSO. The assumptions at the time of the formation of the ccNSO were that:

- By definition all members would be from different Territories.
- The threshold of 10 members was a reasonable and fair balance between the opportunity for members to initiate a ccPDP and the impact such a process would have on the whole community.

With potentially two or more country-code top-level domains for the same Territory managed by a single entity or organisation this assumption is no longer valid⁸.

The WG considered the following alternatives:

1. Leave it as it is.
2. Replace the number 10 by a minimum percentage of ccNSO members.
3. Introduce a ceiling on the number of managers from the same Territory.

⁸ For Example: To date (October 2011) 7 IDN ccTLD were delegated for India. This would imply that potentially the ccNSO could have 8 members from India.

The WG notes that a single entity or organisation also could manage two or country-code top Level Domains for two different Territories. To the extent these organisations or entities manage two or more ASCII ccTLD's this issue is out of scope of the IDN ccPDP.

4. The members should be associated with different Territories, but leaving the numbers “as is”.

As noted, the leading principle of the WG is that managers of ASCII and IDN ccTLD’s should be treated equally. Based on this principle both ASCII and IDN ccTLD’s managers should be entitled to initiate a ccPDP. At the same time the WG believes that the parity between members should be maintained, in particular between entities or organisations managing one (1) or managing two or more country-code Top Level Domains for the same Territory.

The WG also notes that to date members of the ccNSO have not requested an Issue Report.

Recommendation 3

In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current number of 10 members should be maintained.

The WG suggests the following language for Annex B section 1. Request for an Issue Report.

.....

“ *Members of the ccNSO.* The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO each managing a country-code level Top-Level Domain from a different country, dependency or other area of particular geopolitical interest listed on the ‘International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases listed on the reserved ISO 3166-1 code elements, present at any meeting or voting by e-mail.”

Relevant section in the Bylaws

Annex B section 1. Request for an Issue Report.

“ An Issue Report may be requested by any of the following:

.... e. *Members of the ccNSO.* The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO present at any meeting or voting by e-mail.”

c. *Voting (selection of Councillors, Policy development process).*

Issues

Currently members of the ccNSO determine the outcome of processes by voting, in particular for the selection of councillors and the membership vote as part of the ccPDP. At the time the ccNSO was formed this was considered one of the main safeguards for the members of the ccNSO.

The current general rule for the formal voting processes is one vote per member. With the inclusion of IDN ccTLDs in the ccNSO, in some cases two or more ccTLD managers from the same Territory may vote, or one ccTLD manager who manages two or more (IDN) ccTLDs may cast two or more votes⁹. As a result, the ccNSO voting processes and the principle that in the ccNSO all ccTLD managers are equal would be under pressure.

Alternatives

The Working Group considered the following alternatives regarding voting:

Alternative 1. All ASCII and IDN ccTLDs managers have equal voting rights. Keep the current system in place (one vote per member)¹⁰.

Alternative 2. Consider each manager of a (IDN) ccTLD as members with equal voting rights. If one and the same manager operates two or more ccTLDs in a Territory, then for voting purposes this manager is considered one member of the ccNSO¹¹. If two or more different managers operate the ccTLDs, there will be two or more completely equal members.

Alternative 3. When two or more ccNSO members from a single ISO 3166 entity take part in voting, their collective vote counts as one. Thus for n voting members from the same ISO3166 entity, each member gets 1/n votes. This is easy to count if the voting is not secret; for secret ballots, such members could be given specially marked ballots with the correct fraction noted. Appropriate measures can also be provided for electronic voting.

Alternative 4. If a Territory has two or more members of the ccNSO, the members from that Territory appoint an the emissary¹² for that Territory for

⁹ A ccTLD manager who manages two or more (IDN) ccTLD's may apply for membership for every ccTLD that is managed. For example: Assume the entity that manages all current (IDN) ccTLD's in India could apply for each of them and would therefore be able to cast 8 votes under the current rules. As noted in Section C 1 above the case that a manager operates two or more ccTLD's in different Territories is considered out of scope of the IDN ccPDP. However, the WG is of the opinion this issue should be addressed consistently across the board.

¹⁰ For example, currently (October 2011) all the country-code Top Level Domains for India, have been delegated to the same organisation/Sponsoring Organisation. Assuming that this organisation would apply for membership for all 8 ccTLD's, this organisation would be entitled to 8 votes.

¹¹ Using the same example again, of India where all the country-code Top Level Domains for India, have been delegated to the same organisation/Sponsoring Organisation. Assuming that this organisation would apply for membership for all 8 ccTLD's, under this rule this organisation would be entitled to 1 vote. However in the case where the two organisations, and one organisation would operate the ASCII ccTLD and the other would operate 7 IDN ccTLD's, each of these organisations would be entitled to one vote.

¹² The term "emissary" is introduced to avoid confusion with the term "representative". According to the application form to join the ccNSO a representative is defined as: here the Sponsoring Organisation is listed in the IANA database as an individual person then that person is the Representative. Where the Sponsoring Organisation is listed in the IANA database as an organisation then the Representative is the individual person who is completing the application form for the organisation and is authorised to do so by the organisation.(see: <http://ccnso.icann.org/applications/form.htm>). It should also be noted that

purposes of voting in the ccNSO. It is a matter for the members in a Territory to designate such a person. . Should there be no agreement in that Territory, this should be considered a local issue and should not be imposed on the ccNSO.

To review and assess the alternatives for voting, the following basic principles can be distinguished:

- One vote per member (Alternative 1 and 2)
- One vote per Territory (Alternative 3 and 4)

One vote per member

One vote per member ensures equal treatment and footing of all members. This rule also reflects that the ccNSO is in principle a professional organisation based on an understanding of peers. However, if one entity or organisation manages two or more country-code Top-Level Domains, such an entity or organisation would hold multiple votes. As a result, one entity or Territory would have more voting power than others. This would contradict the parity principle between ccTLD's and hence between Territories.

One vote per Territory

The underlying principle for the creation of ccTLDs (ASCII and IDN's) is listing on the ISO 3166 -1 standard (including territories that are listed on the exceptionally reserved list of ISO 3166-1). This principle should be reflected in the ccNSO and hence the voting¹³. It is noted that the principle of one vote per Territory could be perceived as aligning the ccNSO with the Governmental Advisory Committee, but at the same time it is noted that the criteria for GAC membership and mandate are different.

As stated before the WG is working under the assumption that all (IDN and ASCII) managers should be treated equally. In the context of voting this implies parity between managers within a Territory and parity between ccTLD managers across Territories.

The WG notes that formal voting is limited to two instances: voting in the council selection process and voting on the outcome of a ccPDP. Other instances of membership vote, such as requesting an issue report to initiate a ccPDP, are considered to be different and therefore are treated differently.

formal voting is conducted by persons who are designated by the member to acts on its behalf. For example in case of a council lection these persons receive the electronic ballot.

¹³ The difference between IDN ccTLD's and ccTLD's is the mechanisms for visual association of the country code and the name of the Territory. For ccTLD the mechanisms is provided by the ISO 3166 standard, for IDN ccTLD the mechanism is currently provided through the rules of the Fast Track Process and in future by the overall policy.

Recommendation 4

The majority view of the WG: Taking into account the general principle that all ccTLD managers should be treated equally and looking at the impact of the each of the basic rules on voting processes, the majority of the members of the WG recommends as a basic rule for voting: one vote per Territory.

The minority view of the WG: Taking into account that the ccNSO is a professional organization, the preferred voting scheme should be one vote per manager (Alternative 2). In Territories with multiple IDN ccTLDs, they usually represent different cultures, language groups, or even different sub-territorial entities. Unless all (IDN) ccTLD's in the Territory are operated by the same manager, a consensus position on sensitive matters can hardly be expected. As a result one or more members will not be able to vote as they would wish.

Fractional voting or one emissary per Territory?

If there are two or more members per Territory, the implication of the majority recommendation of one vote per Territory is that the vote(s) from the ccNSO members in that Territory is considered to be only 1 (one) vote, with the same weight as the vote from other Territories, including those with only 1 (one) ccNSO member.

In the event of two or more members in a Territory two basic mechanisms are envisioned to achieve one vote per Territory:

- Fractional voting by all the members in the Territory (Alternative 3)
- Appointment of an emissary per Territory (Alternative 4);

Fractional voting

Within this mechanism, at least two models can be discerned:

1. Staggered voting: If there are two or more (n) members from one Territory each member has 1/n vote for that Territory. Majority of votes determines the vote for that Territory.

2. Conduct voting at the same time. If there are two or more members in a Territory, the votes for those members are cast at the same time and are added up with all other votes.

If there are two or more (n) members from one Territory each member from that Territory has 1/n vote for that Territory. To calculate the result of the voting: The majority of votes in that Territory determine the vote for that Territory. The WG noted that if two or more IDN ccTLD's are managed by the same manager, and the ASCII ccTLD is managed by another manager, the vote for that Territory will always be determined by the IDN ccTLD manager. It is

also noted that if there are only two different members in a Territory and they vote differently, the vote for that Territory will be undetermined.

If all the (fractional) votes are summed, to determine a majority and/or quorum, the WG notes that the value and meaning of such a result will be very difficult to determine and assess. Assume in a Region in Territory X there are 3 ccNSO members, and in Territory Y 2 members and 40 other voting ccTLD managers / territories. The In the view of the WG a result of 21 1/6 (20 members + 2 out of 3 members and 1 out of 2 members) in favour and 20 5/6 (20 members, 1 out 3 and 1 out of 2 members) opposed does not make sense. Secondly, although it appears as if all members in the Region have a vote, some members will have a larger vote than others.

Appointment of an emissary for the Territory

The ccNSO members within the Territory appoint an emissary to vote on their behalf in the Council selection process and on the outcome of a ccPDP. The appointment of the emissary should be considered an issue internal for that Territory. This may become an issue if the managers in the Territory cannot reach consensus on either the mechanism to appoint the emissary or the person itself. However, the WG believes this is first and foremost an issue that should be resolved locally, and should not affect the ccNSO.

The WG also notes potential transitional issues. Assuming one ccTLD manager from a Territory is a longstanding member of the ccNSO, what will happen when the application of another ccTLD manager has been approved by the ccNSO Council?

In the view of the WG during the transition period, i.e. the time it takes to appoint a representative for the Territory, the incumbent member from that Territory is deemed to represent the ccTLD (s) from that Territory, until such time the ccNSO Council is informed otherwise.

1. In this context incumbent is the current member or the already appointed emissary for the ccNSO i.e. the person from a Territory that already represents the ccTLD(s) in the ccNSO pertaining to voting. In case it is the current member this could be either the IDN ccTLD or the ASCII ccTLD. Although unlikely, it is foreseeable that an IDN ccTLD manager joins the ccNSO prior to the ASCII ccTLD manager.
2. The ccNSO Council should be notified when an emissary is appointed to represent the Territory for voting. This needs to be done by all members from that Territory. In practical terms this could be done by a web-form, similar to the application form. For timing purposes the ccNSO will need to confirm receipt of the notice.
3. The ccNSO Council will need to maintain a register of emissaries who vote (effectively this will be maintained by the ccNSO secretariat).
4. If the event two ccTLD managers apply for membership at the same time, these two will be asked to work out first who will represent the ccTLD's

from the Territory pertaining to voting, before the application will be approved by the ccNSO Council.

The WG notes that:

- If the IDN ccTLD and ASCII ccTLD are managed by the same entity, there is no need to appoint an emissary.
- Appointment of an emissary is a local matter and should be organized at local level, in Territory¹⁴.
- If there is an issue between two or more managers in a Territory, these issues should be resolved in Territory, if necessary together with other stakeholders, such as the Local Internet Communities (including local government), or (informal) assistance by members from the ccTLD community or ccNSO Council.
- In practical terms the Territory is always represented in voting.

The working group holds the view that fractional voting could introduce awkward results and although appears to be reasonable and fair in practice introduces inequality between members. The WG believes that fractional voting is less practical, both from an administrative perspective and in terms of timing of the processes.

As to one emissary per Territory, the WG is aware that in some cases the ccTLD managers in a Territory may not be able to reach consensus on either the appointment mechanism or the person. However, the WG believes that this is and should remain first and foremost a local issue, and, as such, it should be resolved locally.

Recommendation 5

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory. It is a matter for the ccNSO members in a Territory to designate such an emissary.

During the period the emissary has not been appointed by all ccNSO members, the incumbent member of the ccNSO from that Territory is deemed to vote for that Territory, until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory.

Suggested changes to Article IX of the ICANN Bylaws will be proposed as soon as the preferred option by the community is clearer and before the Final Report is submitted to the Issue Manger

¹⁴ If this mechanism is adopted, the WG suggests that members, who are facing the need to appoint an emissary, develop a workable procedure, which considers for example terms limits, or internal consultation mechanisms.

Relevant sections in the Bylaws

Selection of Councillors (Article IX section 4.9). “....an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their designated representatives. ...”

Vote on Recommendations ccPDP (Annex C section 13). “Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and members' votes shall be lodged over such a period of time as designated in the PDP Time Line ..”

3. Topic Area: Quorum

Issues

In Article IX of the ICANN Bylaws quorum rules for voting are defined. These rules were introduced to increase support for the ccNSO, legitimate the outcome of a process and mitigate the risk that a minority could determine the outcome of a voting. The WG understands that at the time these rules were defined the basic assumptions were:

- One vote per ccTLD manager; and
- One ccTLD per Territory (ISO 3166 entry).

With the inclusion of IDN ccTLD the underlying model for the quorum rules does not appear to work anymore as originally envisioned. As a result, the quorum rules as currently stated may have adverse or unforeseen side effects.

The working group notes that as a result of the increasing number of members the quorum rules may become harsher in their effect. This is partly due to the potential undetermined number of IDN ccTLD's under the current rules of the Fast Track process and the envisioned overall policy, but also reflects the more general issue of the increase in the number of members of the ccNSO,

The working group also notes that the impact of inclusion of IDN ccTLD's in the ccNSO on the quorum rules is mainly determined by the principle underlying the voting mechanism (one vote per member or one vote per Territory).

Alternatives

If the preferred voting principle is one vote per ccTLD manager/member (Alternative 1, section 2 C above), the impact of one entity or organisation with two or more votes would greatly impact the quorum rules. For example if few organisations holding two or more votes would vote, and a larger number members with only one vote would not, a small number or organisations may cross the minimal number of votes needed and as a result determine the outcome of a vote. To accommodate these cases the quorum rule needs to be revised to reflect the potential undetermined number of voting members and the envisioned purpose of the quorum rules.

If the preferred voting principle is one vote per member, independent of the number of (IDN) ccTLD's it operates in a Territory (Alternative 2, section 2 C above), the impact of one Territory with two or more votes would impact the quorum rules. For example if members from a Territory with two or more votes, the quorum rule would bias in favour of those Territories. To accommodate these cases the quorum rule would need to be revised as well to reflect the potential undetermined number of voting members and the envisioned purpose of the quorum rules.

If the preferred voting principle is one vote per Territory, the impact of the inclusion of IDN ccTLDs is expected to be minimal on the quorum rule and the current quorum rules could be maintained with a minimal adjustment (reflecting the number votes have to be aligned with one vote per Territory).

Recommendation 6

Assuming that one vote per Territory is the preferred principle, the current quorum rule could be maintained, albeit the relevant sections on quorum rules in Article IX of the ICANN Bylaws need to be adjusted to reflect the principle of one vote per Territory.

Relevant, current sections in the Bylaws

Article IX Section 4.9 (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

Annex B section 13. “In the event that at least 50% of the ccNSO members lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% of the ccNSO members lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed irrespective of whether 50% of the ccNSO members lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”

4. Topic Area: Scope of PDP as defined in Annex C

issues

The scope to conduct a policy development process is very limited and was developed to reflect the roles and responsibilities of ccTLDs and ICANN. The working group considered whether there were particular characteristics of IDN ccTLDs or ICANN's role vis-a vis IDN ccTLDs which would require the development of specific IDN ccTLD related policies.

The working group notes that there seems to be a general consensus that IDN ccTLDs and (ASCII) ccTLDs should be treated similar, and therefore, no special arrangement regarding policy development for IDN ccTLDs should be introduced. It is also noted that it is generally accepted that the current scope for a PDP suffices to develop an overall policy for the introduction and delegation of IDN ccTLDs.

Consequently, the working group believes that the scope for policy development processes does not need to be adjusted to reflect the inclusion of IDN ccTLDs in the ccNSO.

Recommendation 7

No changes needed to the Annex C of the Bylaws.

Relevant section in the Bylaws

Annex C The scope of the ccNSO. “This annex describes the scope and the principles and method of analysis to be used in any further development of the scope of the ccNSO's policy-development role. As provided in [Article IX, Section 6\(2\)](#) of the Bylaws, that scope shall be defined according to the procedures of the ccPDP.”

Annex A. Working group members & support staff.

Working Group Members

African Region

- Paulos Nyirenda, .mw (observer)
- Mary Uduma,.ng

Asia - Pacific Region

- Chris Disspain (observer)
- Hiro Hotta, .jp (chair)
- Siavash Shahshahani, .ir
- Zmarialai Wafa, .af
- Jian Zhang, APTLD

European Region

- Dejan Djukic, .rs
- Daniel Kalchev, .bg
- Andrey Romanov, .ru
- Giovanni Seppia, .eu

Latin American and Caribbean Region

- Demi Getschko, .br (vice –chair)

Support Staff

- Bart Boswinkel
- Samantha Eisner
- Kristina Nordström
- Gabriella Schitteck