



**Registrar Constituency Status  
Confirmation**  
January 29<sup>th</sup>, 2009

According to an email from the ICANN Staff dated November 4<sup>th</sup>, 2008, the Registrar Constituency (RC) is required to:

- 1) Review RC practices, operations, and charter documents, as appropriate, to evaluate its adherence to the requirements of Bylaw Article X, Section 5, Subsection 3, which require that *each constituency represent the interests of its stakeholder communities globally and operates to the maximum extent feasible in an open and transparent manner, consistent with procedures designed to ensure fairness*;
- 2) Provide a written report to the Board (including its Board-approved charter) evaluating its compliance with its charter and Bylaw requirements on or before the February 2009 Board meeting.

The review process has taken place over the weeks following this e-mail and has been discussed both online and offline among members of the RC-Excom<sup>1</sup>. This report has been prepared following those discussions and will establish that our constituency does follow the requirements of Article X, Section 5, Subsection 3 of the ICANN Bylaws<sup>2</sup>.

---

<sup>1</sup> As of this writing, the RC's Executive Committee is composed of: Tim Ruiz, Stéphane Van Gelder, Adrian Kinderis, Jonathon Nevett, Jean-Christophe Vignes, Jeff Eckhaus and Mason Cole

<sup>2</sup> <http://www.icann.org/en/general/bylaws.htm#X>



## **Compliance with the Bylaws**

The current RC charter has been in place since April 17th 2003. After thorough review, we believe that it embodies the values of **openness**, **transparency** and **fairness** that are expected of an ICANN Constituency. Indeed, we submit that the RC Charter contains numerous mechanisms allowing for adequate and diverse representation of its membership.

### a) Diversity

- Elections for officers are held every year (*“The term of office of an Elected Officer is one year”*), allowing each member to express him/herself through frequently renewed candidates. Frequent rotations give the possibility of new or recent<sup>3</sup> members of the RC to participate more actively. Additionally, the fact that *“an Elected Officer may only serve three consecutive terms for the same position”* is also another safeguard that permits the Executive Committee to be renewed regularly , while allowing competent officers to pursue their work over more than a year.
- Since the Constituency is open to all ICANN accredited Registrars, it inherently welcomes Registrars from all over the world. Attendance at Constituency meetings and participation on the Constituency mailing list reflects this.
- Electing one GNSO representative for each Region helps ensure geographic diversity. The ExCom that took office during the Paris meeting was also the first to include two members<sup>4</sup> from the European region.

### b) Openness

As of this writing, the vast majority of registrars are members of the Registrar Constituency. Additionally, its members clearly represent the marketplace by holding, altogether, approximately 85% of the domain names registered in gTLD registries.

---

<sup>3</sup> Three out of 4 officers of the Excom elected in June 2008 were in their first year of membership.

<sup>4</sup> Stéphane Van Gelder, now European Representative at the GNSO has since then been replaced by Jeff Eckhaus.



- The Constituency welcomes each Registrar that has been accredited by ICANN. Any organization fulfilling that single criteria can apply<sup>5</sup> and will stay a member as long as it is accredited and pays its yearly dues.
- Officers of the Constituency regularly participate in outreach meetings and conferences where they encourage fellow Registrars to join the Constituency and have their voices heard<sup>6</sup>.
- A reasonably-priced membership fee of USD 500 ensures the Constituency has an adequate budget. These funds have allowed the hiring of a dedicated “Constituency Advocate” who prepares “Position papers” that are used to gather views and opinions by each and every member on a given topic. Once consolidated, the paper is used to form the official RC comment on the issue, allowing diverse views to be featured in one single, easy to consult, document.

#### c) Transparency

- The list of members is available to anyone on the Constituency’s web site and regularly updated by the Constituency’s Assistant<sup>7</sup>.
- Contact details and Affiliation for each officer of the Constituency are disclosed on the GNSO’s web site<sup>8</sup>. Each candidate for an elected position is required to post a conflict of interest statement on the mailing list<sup>9</sup>, allowing the electorate to ensure the representative

---

<sup>5</sup> See [http://www.icannregistrars.org/Join\\_Registrar\\_Constituency](http://www.icannregistrars.org/Join_Registrar_Constituency)

<sup>6</sup> See for example, Stéphane Van Gelder’s Presentation at the 2009 Rome Regional meeting.

<sup>7</sup> [http://beta.icannregistrars.org/List\\_of\\_Registrars](http://beta.icannregistrars.org/List_of_Registrars)

<sup>8</sup> <http://gnso.icann.org/registrars/>

<sup>9</sup> See section 4.6 of the RC Bylaws



has no particular or significant bias.

- Communication between members is handled through a Listserv dedicated mailing list<sup>10</sup>, which any member can access. The list is also used for voting purposes (see below). It is important to note that the Constituency's web site is undergoing a complete overhaul under the Secretary's supervision and that the mailing-list archive will be featured in the next iteration. As is customary with other constituencies, the RC uses a separate "RC Excom" list to discuss budgetary and strategic decisions. Only the GNSO representatives and the RC officers are subscribers to this list.
- While selected portions of the RC meetings can be closed to "members-only", most of the meetings are opened to anyone willing to attend and remote-participation facilities have been constantly provided, during ICANN meetings. This gives the possibility to anyone, from any organization to attend the meetings and see first hand what are the Constituency's views on any given topic.
- Any motion or important issue for Registrars – including on the yearly Budget – is voted upon online using a long-standing and tested mechanism. Following each vote completion, the vote record of each member is sent to all members, ensuring total transparency, not only on the voting process but also on the vote itself. To mitigate effects of e-mail ballots lost among other correspondence, each ballot is sent several times before the vote closes.
- A dedicated announcement list is publicly available<sup>11</sup> and gathers all position statements, election results, and other important information regarding the Registrar community at-large.

---

<sup>10</sup> [rc-members@icann-registrars.org](mailto:rc-members@icann-registrars.org)

<sup>11</sup> See, <http://gns0.icann.org/mailling-lists/archives/registrars/>



## **Room for improvement**

The RC has been very stable and productive since its inception and has participated quite remarkably on both the transition from the DNSO to the GNSO and the recent evolution of the GNSO itself.

However, the Constituency is aware several things can be done for it to stay a leading force in the new GNSO:

- As with other Constituencies, the need for new, actively contributing members still exists. The main issue is not a lack of openness, as discussed, but more surprisingly, a lack of interest from newly accredited Registrars. Strong and recent implication from the RC on “hot topics” such as amendments to the Registrar Accreditation Agreement (RAA)<sup>12</sup> and the new gTLDs process<sup>13</sup> have, however, triggered an increase in membership. At the time of this writing, the membership includes over 65 paying members representing many hundreds of registrars.
- The new, more useful and informative web site is long overdue. After discussions with the ExCom and specialized third parties, the new version should happen in Q2 2009 and shall include, among others, the mailing list archives, the agendas of previous and upcoming meetings, as well as a list and short bio of each of Constituency officers.

## **Conclusion**

While there is room for improvement, the Registrar Constituency has been successful in following the requirements of Article X, Section 5, Subsection 3 of the ICANN Bylaws, and should be recertified accordingly.

---

<sup>12</sup> <http://www.icann.org/en/registrars/ra-agreement-17may01.htm>

<sup>13</sup> <http://gns0.icann.org/issues/new-gtlds/>