

Staff Recommended Amendments to Bylaws

The draft Bylaw Amendments posted for public comment are based upon the last version circulated to the GNSO that resulted from its work conducted on June 20-21, 2009 in Sydney (see <http://gns0.icann.org/mailling-lists/archives/council/msg06977.html>). Shortly thereafter, Staff received guidance from the Structural Improvements Committee of the ICANN Board in Sydney which resulted in the need for additional amendments to Article XX, Transition Article, Section 5 Generic Names Supporting Organization. These additional amendments and notations are found in Sections 2 and 4 of the Transition Article.

Specifically, although Section 2 was not revised, a footnote was included that explains:

It is proposed that the Constituencies in the Contracted Party House will be subsumed into the new Stakeholder Groups. As a result, a different approach will need to be agreed upon to replace the Constituency reconfirmation and recertification process.

The intent of this footnote is to clarify that the Board will review the Stakeholder Group Charters or other relevant organizational documents applicable to the Contracted Party House for compliance with certain requirements that are currently applicable to Constituencies. These include requirements to operate in an open and transparent manner, and consistent with procedures designed to ensure fairness.

Section 4 was revised to include a definition for the Effective Date of the Transition, and to clarify that the number of GNSO seats allocated to Non-Commercial Stakeholder Group (NCSG) will be increased to six. The appointment of the additional three seats beyond the three seats currently allocated to the Non-Commercial Users Constituency are initially to be determined in accordance with the NCSG charter, which grants the Board the right to appoint individuals representing additional non-commercial interests. The proposed amendments are:

4. Beginning with the commencement of the ICANN Meetings in October 2009, or another date the Board may designate by resolution (the “Effective Date of the Transition”),

and

d. The three seats currently assigned to the Non-Commercial Users Constituency shall be increased to be six seats of the Non-Commercial Stakeholder Group;