

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

November 2012

IDN ccPDP Working Group 2

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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.

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

2. Membership definition.
3. Roles of members
 - a. Eligibility and selection of ccNSO Councillors
 - b. Initiation of PDP
 - c. Voting
4. Quorum for voting
5. Scope of PDP as defined in Annex C
6. Review of proposed policy

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.

Eligibility and selection of ccNSO Councillors: No changes proposed

Initiation of a 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.

Voting: For purposes of formal voting, the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages two or more (IDN) ccTLD's associated with a specific Territory, by definition the representative of that entity is the emissary.

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.

If during the period the emissary has not been appointed by all ccNSO members from that Territory, 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.

The ccNSO Council shall maintain a register of emissaries who vote. The rules and procedures to maintain such a register shall be developed in accordance with Article IX Section 3.11.

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.

Scope of ccPDP (Annex C of the Bylaws): No changes needed to the Annex C of the Bylaws.

Review of the proposed policy for the inclusion of IDN ccTLD's in the ccNSO: The proposed policy should be reviewed within five years after its implementation or sooner if warranted by extraordinary circumstances.

The Working Group has submitted its Final report to the Issue manager to be included in the IDN ccPDP Interim 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 those of Article IX and Annex C to the Bylaws, apply 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 with the 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 and suggested at the same time that 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.

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

B. Scope of the Final Report

The purpose of this report is to inform the community on the recommendations for the inclusion of IDN ccTLD's in the ccNSO.

Starting from the elements as highlighted 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
- 5 Review of the policy for the inclusion of IDN ccTLD's in the ccNSO

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, which are 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 could manage two or more country-code Top Level Domains for two different Territories. The fact that any entity may manage two or more ASCII ccTLD's is out of scope 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.

From 22 October 2011 until 15 December 2011 the Working Group published its Draft Final Report for public comments⁴. During the Dakar ccNSO meeting the recommendations were presented to the ccTLD community to seek their input⁵. No comments were received. During the Prague ccNSO meetings, the issue of voting was presented to the community again⁶. At this meeting the members of ccTLD

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

⁴ <http://www.icann.org/en/news/announcements/announcement-22oct11-en.htm>

⁵ 25 October 2011

⁶ 25 June 2012

community present indicated a preference for the one vote per territory method which was subsequently fully supported by the members of the WG.

This Final report is submitted to the Issue manager of the IDN ccTLD ccNSO Policy development Process to be included in the IDN ccPDP Interim Report.

In the balance of this Report each the four topic areas identified 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 recommendation
- The Reference(s) to the paragraph(s) in Article IX or Annexes are included.

C Topic Area's Identified

1. Membership definition

Issue

The current definition of Membership in the ccNSO⁷ does not allow existing and new IDN ccTLD to become member of the ccNSO. In particular the section in the current definition “managing an ISO 3166 country-code top-level domain” is considered to be too limiting. Although the relation between an entry in 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 Territories⁸ 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 operates an ASCII ccTLD and an IDN ccTLD for the same Territory. However, the case that a manager operates two or more ccTLD's in different Territories is considered out of scope of the IDN ccPDP⁹. The chair of the WG will inform the ccNSO Council accordingly.

⁷ Article IX Section 4.1

⁸ 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.

⁹ During the deliberations of the WG this was considered hypothetical. However when .GE and .JJ became members of the ccNSO this became a reality.

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.

Relevant 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."

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 Organization¹⁰", or under any later variant.,

¹⁰ (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 .مصر

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

2. 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 ccNSO Councillors

Issue

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

Sponsoring Organisation

National Telecommunication Regulatory Authority – NTRA
Smart Village, B4 K28

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 valid¹¹.

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.
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

¹¹ 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.

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.

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.”

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.”

c. Voting

Issue

Currently, some processes of the ccNSO are determined by voting of the members, in particular the selection of councillors and the adoption of the recommendations of a 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 is one vote per member. With the inclusion of IDN ccTLDs, 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 from the same Territory may cast two or more votes¹². As a result, the ccNSO formal voting processes and the principle that all ccTLD managers are equal are at stake.

¹² A ccTLD manager who manages two or more (IDN) ccTLD’s may apply for Membership for each and every ccTLD that is managed. For example: Assume the current manager of all (IDN) ccTLD’s in India would apply for each of them. Under the current rule and would therefore be able to cast 8 votes under

Alternatives

The Working Group considered the following principle alternatives regarding voting:

- One Vote per Member
- One Vote per Territory

One Vote per member

All ASCII and IDN ccTLDs managers who are member have equal voting rights. Effectively this implies that the current system is kept in place¹³.

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.

The WG notes that by introducing the limitation that if one and the same manager operates two or more ccTLDs in a Territory, then for voting purposes this manager is considered as one member of the ccNSO, parity of ccTLD managers could be maintained. However, the parity between territories is still not ensured, in the event of two or more different managers operate the (ID) ccTLD's associated with a specific Territory.

One vote per Territory

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 of a different kind and should therefore be treated differently.

The underlying principle for the creation of ccTLDs (ASCII and IDN's) is listing of the Territory in 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 voting¹⁴.

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.

¹³ For example, currently (October 2012) 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.

¹⁴ 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.

As previously stated 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 across Territories.

At the same time the WG notes that in Territories with multiple IDN ccTLDs, they usually represent different language groups and/or cultures, or even different sub-territorial entities. Unless one manager operates all (IDN) ccTLD's in the Territory, a consensus position on sensitive matters could prove to be hard to achieve. However, taking into account the limited policy scope of the ccNSO (as defined in Annex C of the ICANN Bylaws) and that local matters should first and foremost be resolved in Territory, and should not affect the ccNSO, the WG believes that one vote per Territory is the preferred option.

Recommendation 4

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 members of the WG recommends as a basic rule for voting: one vote per Territory.

Effectuating the one vote per Territory: Fractional voting or one emissary per Territory?

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
- Appointment of an emissary per Territory

Fractional voting

Fractional voting: 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.

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.

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 notes that if the same manager manages two or more IDN ccTLD's, and another manager the ASCII ccTLD, 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.

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.

All (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 that in Region A in Territory X there are three (3), and in Territory Y two (2) members of the ccNSO. Further there are 40 other voting ccTLD managers / territories. A possible outcome of the fractional voting could be $21 \frac{1}{6}$ (20 members + 2 out of 3 members and 1 out of 2 members) in favour and $20 \frac{5}{6}$ (20 members, 1 out of 3 and 1 out of 2 members) against a proposal. In the view of the WG such a result 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

Emissary per Territory: The ccNSO member(s) from a Territory appoint(s) and designate an emissary¹⁵, whose sole role is to represent the ccTLD(s) in the ccNSO pertaining to voting. For example in case of a Council election the appointed emissary will receive the electronic ballot.

If either there is one ccNSO member from a Territory or two or more members from a Territory are managed by the same entity, by definition the representative in the ccNSO is the emissary.

In the event of two or more different members of the ccNSO from the same Territory, the members from that Territory appoint the emissary 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 ccNSO¹⁶. The ccNSO Council should be notified when an emissary is appointed to represent the Territory for voting. This needs to be done by all ccNSO 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.

¹⁵ 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>).

¹⁶ 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.

The ccNSO Council will need to maintain a register of emissaries who vote (effectively this will be maintained by the ccNSO Secretariat).

The WG 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?

According to the the WG, during the transition period, i.e. the time it takes to appoint an emissary for the Territory, the current emissary is deemed to represent the ccTLD (s) from that Territory until such time the ccNSO Council is informed otherwise.

In 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 is approved by the ccNSO Council.

Recommendation 5

For purposes of formal voting the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages two or more (IDN) ccTLD's associated with a specific Territory, by definition the representative of that entity is the emissary.

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.

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.

The ccNSO Council shall maintain a register of emissaries who vote. The rules and procedures to maintain such a register shall be developed in accordance with Article IX Section 3.11.

Relevant sections in Article IX the Bylaws

Suggested changes to Article IX and Annex C of the ICANN Bylaws will be proposed as part of the Interim Report.

Designation of Representative (Article IX Section 4.5)

Each ccTLD manager may designate in writing a person, organisation, or entity to represent the ccTLD manager. In the absence of such a designation, the ccTLD manager shall be represented by the person, organisation, or entity listed as the administrative contact in the IANA database.

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. Quorum

Issue

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 may not work anymore as originally envisioned. As a result, the quorum rules as currently stated may have unexpected side effects.

The Working Group notes that as a result of the increasing number of members the impact of the quorum rules may result inefficiencies and ineffectiveness of the ccNSO. This is partly due to the potential undetermined number of delegated IDN ccTLD's under the current rules of the Fast Track process and the envisioned overall policy, and partly to the more general issue of increased Membership of the ccNSO,

The Working Group also notes that the impact on the quorum rules by the inclusion of IDN ccTLD's in the ccNSO 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, the behaviour 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 of members with only one vote would not, the threshold of 50% of potential votes will be reached, although a small number of organisations have casted their votes and vice versa. Therefore, a limited number of (IDN) ccTLD's may determine the outcome of a vote.

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

Based on the one vote per Territory principle, the current quorum rule should be maintained, albeit the relevant sections on quorum rules in Article IX of the ICANN Bylaws need to be adjusted to reflect the principle and methodology of one vote per Territory.

Relevant, current sections in the Bylaws

Suggested changes to Article IX and Annex C of the ICANN Bylaws will be proposed as part of the Interim Report.

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.....”

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,....”

4. Scope of PDP as defined in Annex C

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 is 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.

5. Review of the Policy for the inclusion of IDN ccTLD's in the ccNSO

Recommendation 8

It is recommended that the proposed policy for the inclusion of IDN ccTLD's in the ccNSO is reviewed within five years after implementation or at such an earlier time warranted by extraordinary circumstances. It is also recommended that the ICANN Board of Directors should initiate such a review including consultations with the ccNSO on the Terms of Reference for such a review.

In the event such a review results in a recommendation to amend the policy, the rules relating to the country code Policy Development Process as defined in the ICANN Bylaws shall apply.

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