

18 February 2021

To the attention of ICANN's Legal Department

Dear Sam:

The ccNSO welcomes this opportunity to provide a response to your questions and suggestions regarding the ccNSO proposed changes to Article 10 and Annex B of the ICANN Bylaws. The ccNSO Council decided to seek the ccNSO Membership's support, as the original 2013 proposal was approved by both the ccNSO Council and Membership. This response has been approved by Council and Membership in accordance with section 3 of the Guideline: ccNSO Statements ([https://ccnso.icann.org/sites/default/files/filefield\\_47783/guidelines-statements-30mar16-en.pdf](https://ccnso.icann.org/sites/default/files/filefield_47783/guidelines-statements-30mar16-en.pdf)).

In this letter we will highlight our responses and additional suggestions. A more detailed response is included in the Annex. We suggest the following additional changes:

- a) Section 10.4 (a): i. Replace "*Sponsoring Organization*" with "*ccTLD Manager*". This is the current variant of the term used in the IANA Root Zone database to designate the entity that manages a ccTLD. iii. Include the definition of Territory in this section as suggested.
- b) Section 10.4 (e): support the suggested changes except for one point - replacing "ccTLD member" with "ccNSO member".
- c) Section 10.4 (f): Agree with moving the definition of "Territory" to section 10.4 (a), see above. Agree with other suggested changes, i.e. limiting the original "*for purposes of voting in the ccNSO*" to "*for the purpose of voting in the specific cases enumerated in this Article, Annex B, or Annex C of these Bylaws.*"
- d) Agree with striking the proposed new section 10.4.6.1 as suggested.
- e) Section 10.4(h): To be consistent, introduce that the required seconding is by "*another member from a different Territory from the same Geographic Region*".
- f) Section 10.4 (i): i. Replace "*email*" with "*by electronic means*". ii. Replace "majority" with "most".
- g) Annex B, section 1.e: Maintain the original proposal, however with some editorial changes. The newly proposed text would read: "*At least ten members of the ccNSO from at least ten different Territories may call for the creation of an Issue Report at any meeting or by electronic means.*"
- h) Annex B section 13: Agree with proposed edits to original text.

Again, we thank you for this opportunity to respond to your questions and suggestions. Please do not hesitate to contact us if you have any questions.

Best regards,

Katrina Sataki  
Chair of the ccNSO Council

## Annex Detailed suggestions

Section	New proposed text
<b>Article 10, Section 10.4(a)</b>	<p>The ccNSO shall have a membership consisting of ccTLD Managers. For purposes of this Article, a "ccTLD Manager" is the organization or entity responsible for managing a ccTLD according to and under the current heading "Delegation Record" in the Root Zone Database, or any later variant.</p> <p>For purposes of this Article, and Annexes B and C, "Territory" is defined to be the 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.</p>
<b>Article 10, Section 10.4(e)</b>	<p>Each ccTLD Manager may designate in writing a person, organization, or entity to represent the ccTLD Manager in matters relating to the ccNSO ("Representative"). In the absence of such a designation, the person, organisation, or entity listed as the administrative contact in the IANA database shall be deemed to be the designate of the ccTLD Manager by whom the ccNSO member shall be represented.</p>
<b>Article 10, Section 10.4(f)</b>	<p>f) Designation of Emissary</p> <p>(i) For any Territory for which there is a single ccTLD Manager that is a ccNSO member, the Representative selected by that Manager in accordance with Section 10.4.(e) shall be the Territory's emissary ("Emissary") for the purpose of voting in the specific cases enumerated in this Article, Annex B, or Annex C of these Bylaws. In the event two or more ccTLD Managers from the same Territory are ccNSO members, those ccTLD Managers are to appoint one of the Representatives from among those ccNSO members to serve as the Emissary to vote on behalf of the ccNSO members from that Territory.</p> <p>(ii) During any period in which an Emissary is not appointed, the Representative of the ccTLD Manager that has been the member of the ccNSO for the longest period is deemed to be the Emissary for that Territory.</p> <p>(iii) Each Emissary, regardless of the number of ccTLD Managers within the relevant Territory, is entitled to cast a single vote in any round of any voting process defined within this Article, Annex B or Annex C that is reserved for Emissary voting. The ccTLD Managers within each Territory may define the process to determine how their respective Emissary's vote is determined.</p>
<b>NEW Article 10, Section 4.6.1</b>	<p>Not relevant anymore</p>
<b>Article 10, Section 10.4(i)</b>	<p>....an election by written ballot (which may be by electronic means) 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 Emissaries. In such an election, a majority of the Emissaries entitled to vote in the Geographic Region shall constitute a quorum and</p>

Section	New proposed text
	the selected candidate must receive most votes cast by the Emissaries within the Geographic Region.
<b>Annex B, Section 1.e</b>	At least ten members of the ccNSO from at least ten different Territories may call for the creation of an Issue Report at any meeting or by electronic means.
<b>Annex B, Section 13</b>	<p>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 lodged through their designated Emissaries. The members' votes shall be lodged over such a period of time as designated in the PDP Time Line (at least 21 days long).</p> <p>In the event that at least 50% of the Emissaries lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% of Emissaries lodge votes in the first round of voting, the first round will not be employed and the results of a final, second round of voting, conducted after at least thirty-days notice to the ccNSO members, will be employed irrespective of whether at least 50% of the Emissaries lodge votes . In the event that more than 66% of the votes received at the end of the voting period shall be in favor of the Council Recommendation, then the recommendation shall be conveyed to the Board in accordance with Item 14 below as the ccNSO Recommendation.</p>
<b>Article 10, Section 10.4(h)</b>	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 a different Territory, from the same Geographic Region. By accepting their nomination, individuals nominated to the ccNSO Council agree to support the policies committed to by ccNSO members.