

Subject: Re: [Ext] Bylaw changes to Article 10 and Annex B
Date: Wednesday, September 1, 2021 at 9:38:04 AM Mountain Daylight Time
From: Alejandra Reynoso
To: Erika Randall
CC: Sarah Zagha, Sam Eisner, Kimberly Carlson, ccNSO Council, Bart Boswinkel
Attachments: Proposed Bylaw Amendments - ccNSO - 30 August 2021 final.docx

Dear Erika

The ccNSO

welcomes this opportunity to provide a response to your suggestions regarding the proposed changes to Article 10 and Annex B of the ICANN Bylaws. The ccNSO Council was consulted from 13-19 August and had no issues with the proposed amendments. As a next step, the ccNSO Members were consulted from 20-27 August. We received three (3) comments:

Comment

#1:

"I really disagree with the deprecation of the word "country" and its replacement by "territory".

Among the ccTLDs, countries are the rule, and non-country territories are the exception. We are ccTLDs, not tcTLDs, and the ccNSO is not the tcNSO.

I don't think it is a good idea to have the bylaws break in its use of terms from long standing tradition. RFC1591 speaks only of countries, never of territories, even though I suppose Postel was aware he was abusing the word "country" a little bit. The Fol report uses "countries or territories" a lot, but even then, "country" is used twice as often as "territory".

My preference would be to use "countries" throughout, and have a note at the beginning specifying that the use of this word in the bylaws must be interpreted to mean "countries or territories". My second best choice would be to use "countries or territories" everywhere.

"

Finally, I would suggest a better wording for the phrase "or other area of particular geopolitical interest listed on the 'International Standard ISO 3166-1,...', which might be understood as if other territories that did not get their own code would be of no particular geopolitical interest. A better phrase could be 'or other geographical area listed on the 'International Standard ISO 3166-1,...'

"

Comment

#2:

"Use

the word 'country' throughout and insert at the beginning language that defines 'country' to mean names of countries (current and non-current), dependencies, and other areas of particular geopolitical interest and their subdivisions."

Taken from the ISO 3166 definitions

Comment

#3:

"I

would like to include the term "territories" in Comment #2's proposed definition. Defining 'country' as the names of countries (current and non-current), dependencies, territories, and other areas of particular geopolitical interest and their subdivisions.

While it was implicit in the previously proposed definition, I would like to make it explicit."

The comments

refer to the second paragraph in Article 10.4.a. which currently states:

"For purposes of this Article, and Annexes B and C of these Bylaws, "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."

We appreciate

the comments made, however we want to point out that the definition as proposed was already included in the proposed overall policy for the inclusion of IDNccTLD Managers in the ccNSO selection of IDN ccTLD strings (ccPDP2) as adopted by the ccNSO in 2013, and submitted to the Board. The definition was confirmed again in the October 2019 consultation resulting in the request to change Article 10 and Annex B of the Bylaws and in the ccNSO Statement on the first set of questions from ICANN Legal more recently.

With respect

to the substance of the comments:

Firstly,

according to the English Dictionary (<https://www.merriam-webster.com/dictionary/territory> [merriam-webster.com]), the word territory is being used correctly. We note

that this term is not part of the reference to geographic entities referenced in ISO 3166.

Secondly,

we note that in other relevant documents, such as the [FOI \[ccnso.icann.org\]](https://www.icann.org/en/about/structure/ccnso/foi) and the

[IDN](#)

[Fast Track](#), "countries or territories" is the term that is mainly

used, but in the discussions with respect to the ccPDP4 (de-)selection of IDNccTLD strings, the term 'Territory' will be proposed and is defined in the same manner.

Therefore,

taking in consideration the feedback received, the ccNSO Council suggests moving forward with the current definition.

Finally,
some additional edits that are needed:

1.

Change the heading of Article 10.4.e. The suggestion is to strike “and Territory” from the heading:

“Designation of Representative and Territory“. The new heading should read “Designation of Representative”, since the section is about the designation of the ccTLD Representative.

2.

Correct the typo in Article 10.4.e.iii: "manger" needs to become "manager".

3.

Capitalize the first letter of "Emissary" in Article 10.4.e.iii. at the end of the sentence "is deemed to be the emissary for that Territory".

4.

Change "e-mail" to "electronic means" in Annex B.1.a .

All

other proposed amendments are supported. Please find enclosed the updated proposed Bylaw changes.

Please

do not hesitate to contact us, if you have any questions.

Best

regards,

Alejandra

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ccNSO

Council Chair

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Photograph

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