

Interim Paper
On issues and possible solutions regarding
the inclusion of IDN ccTLD managers
in the country code Names Supporting Organization

22 November 2010

IDN ccPDP Working Group 2

Interim 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).

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 by Article IX of and Annex C to the Bylaws, shall limit the scope of this WG accordingly.

If issues outside this scope become apparent to the WG, the Chair of the WG will inform the ccNSO Council of such an issue so that it can be taken into account and dealt with more appropriately.

B. Scope of the Interim Paper

The purpose of this paper is to report to and seek input from the community on structure and potential directions of the recommendations for the inclusion of IDN ccTLD's in the ccNSO.

Building on the Issue Report (see: <http://ccnso.icann.org/policy/cctld-idn>), 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/topics:

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, other)
3. Quorum for voting
4. Scope of PDP as defined in Annex C

Not addressed and not included in the analysis of the working group are the Rules and Guidelines of the ccNSO. These include for example the membership vote on Council decisions, Board selection process and Council members election, and guidelines for working groups. Reviewing the Rules and Guidelines is considered out of scope of the IDN ccPDP, although they do reflect the current bylaws. According to its charter the chair of the WG will note to the ccNSO Council that the Rules and Guidelines may need to be updated, to reflect the inclusion of IDN ccTLD's in the ccNSO.

In the balance of this paper for each the four topic area's:

- The issue(s) is (are) described,
- The potential directions for solutions, if any, are described, and
- Reference(s) to the paragraph(s) in Article IX or Annexes are included.

At this stage the WG seeks your comments and inputs on the following:

- Are all topics and issues identified? If not, which topics should be included?
- Should other alternatives be added to resolve an issue identified?
- What is preferred solution, if any, and why?

After closure of the public comment period the working group will prepare its draft recommendations, based on the comments and input received from the community and taking into account the related recommendations on the selection and introduction of IDN ccTLD's.

C Topic Area's Identified by the Working group

1. Topic Area: Membership definition

Potential issues

Current definition of membership in the ccNSO does not allow existing and new IDN ccTLD to become member of the ccNSO. In particular the section in the current definition: "responsible for managing an ISO 3166 country-code top-level domain" is considered to be too limiting. Although the relation between an entry on the ISO 3166 list and the IDN ccTLD is maintained, an IDN ccTLD manager manages a (cc)TLD that is not a ISO 3166 country code in the strict sense.

The working group agreed that it will not focus on what is ccTLD. However it noted that for the purpose of inclusion in the ccNSO it still awaits whether IDN ccPDP WG 1 will consider "synchronised" or "variant" IDN ccTLD's to be a single a ccTLD or not.

Further the WG considered whether there is a difference in membership if one entity manages two or more ccTLD's in two or more different 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 (hereafter referred to as: Territory or Territories) or an IDN ccTLD and (ASCII) ccTLD in the same Territory

In the view of the WG the Bylaws (as well as the membership application, etc.) seem to be written to address the prevailing circumstance of a 1:1:1 mapping of ccTLD; i.e. Territory: (IDN) ccTLD: (IDN) ccTLD manager, and do not directly address the situation of multiple ccTLDs managed by one manager or multiple delegations per Territory in the event IDN ccTLD's.

Should this situation be clarified?

The clarification may have impact on:

- Voting (see section, C. 2. c) & Quorum (see section C. 3)
- Potential future membership Fees.

Solution space

Update the definition in Article IX section 4.1 to bring about a one-to- one correspondence between the record in the IANA root zone database considered cc (ASCII or IDN) and potential membership in the ccNSO.

Relevant section in the Bylaws

Article IX section 4.1. "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 Organization¹", or under any later variant, for that country-code top-level domain."

2. Topic Area: Role of members

This area includes eligibility to the Council, voting rights and initiation of a PDP. Each of these clusters will be treated separately.

a. Eligibility and selection of Councillors for the ccNSO Council Potential issue(s).

Potential Issues

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

¹ (ASCII) ccTLD's are to date recorded in the IANA database as:
(to be included for Egypt)

Delegated IDN ccTLD's are to date recorded in the IANA database as:

Delegation Record for .XN--WGBH1C

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

Sponsoring Organisation

National Telecommunication Regulatory Authority – NTRA
Smart Village, B4 K28

associated with a ccNSO member, nor is there a requirement for geographic diversity within a region. With two or more ccTLD from the same Territory, two or more Councillors from the same Territory could be nominated for the Council.

According to the current rules, a candidate from a ICANN defined Geographic Region needs to be nominated by a ccNSO member from that Geographic Region and seconded by another member from that Region. The basic assumption was one nomination per Territory. With potentially more than one ccNSO member 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).

Solution space

Alternative A: Each member is entitled to run for any office or committee with the provision that if more than one member of the same Territory runs for the same committee or office, only the one with the higher vote takes a seat.

Alternative B: Councillors are elected by the ccNSO members from a Geographic Region. If the principle "only one vote per Territory" is safeguarded, candidates with broadest support in the Geographic Region will be elected, whether they are from the same Territory or not. This is also in line with the principle that there are no (additional geographic) requirements to qualify as Councillor.

Relevant sections in the Bylaws

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*

Potential Issue(s)

Currently a country code Policy Development Policy can be initiated, among others, by at least 10 (ten) members of the ccNSO. The assumption at the time of the creation of the ccNSO was that all members would be from different Territories. With potentially two or more members from one Territory, the effective threshold to initiate a policy development process is lowered.

Solution space

Alternative 1. Replace the number 10 by a minimum percentage of ccNSO members.

Alternative 2. Introduce a ceiling on the number of managers from the same Territory.

Alternative 3. The members should be associated with different Territories .

Alternative 4. Leave it as it is.

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.”

c. *Voting (Policy development process, selection of Councillors, other).*

Potential Issue(s)

Currently members of the ccNSO have to vote at specific instances indicated in the Bylaws. The working group is of the view that at the time of the creation the underlying principle for all voting mechanisms was one vote per member with the general assumption that time there would only be one ccTLD manager per Territory (ISO 3166 listed entity). With the inclusion of one or more IDN ccTLD per Territory, the balance as envisioned will shift.

Solution space

The assumption of the working group is that IDN ccTLD and (ASCII) managers should be treated equally. It is the view of the working group that this implies that IDN ccTLD managers and ASCII ccTLD managers in a Territory should have equal voting rights.

Alternative 1. When more than one ccNSO member from a single ISO3166 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.

Alternative 2. Consider each administrator of (IDN) TLD as a normal member of the ccNSO and all members have equal voting rights. If both domains in a Territory have one administrator, then the administrator is considered one member of the ccNSO. If the domains have different administrators, there will be two completely equal members. ccNSO should be considered as the expert community, not as the United Nations. We should not complicate the procedures and regulations.

Alternative 3. Where a Territory has two or more ccTLD managers who are members of the ccNSO, one of those is designated as the representative of the

Territory for voting in the ccNSO. It is a matter for the members in a Territory to designate one member as representative and that if it cannot be agreed in Territory then some sort of rotation mechanism is put in place.

Alternative 4. All ASCII and IDN ccTLDs are treated as having equal voting rights. Keep the current system in place (one vote per member), make no distinction as currently is the case if two or more ccTLDs from different Territories are run by the same entity.

Preferred alternative of the working group

Voting should be based on the principle of one vote per Territory. . This implies that if there are two or more members per Territory, their combined votes are considered to be only 1 (one) vote, with the same weight as the vote from a Territory where only 1 (one) ccTLD manager is member (ASCII or IDN) of the ccNSO . This can be achieved either through appointing one representative for all members from that Territory or by formally dividing the one vote per Territory over the number of members of the ccNSO for that Territory (1/n vote per member from a Territory, where n is the number of members from that Territory). Designating one representative, may take time, which in effect implies a transition rule needs to be in place for the duration of the local appointment process.

If one would choose for dividing the votes, the working group notes that combining divided votes may impact the results, and what it represents.

A staged voting process may resolve the issue of combining votes. Firstly the votes per Territory are counted to determine the vote for that Territory. Secondly the votes are Yes, counted on a per Territory basis. As an example: assume in Territory X, two IDN ccTLD's and one ccTLD are members of the ccNSO. In a vote two out three (one IDN ccTLD and the ccTLD) vote in favour of a proposal and the other IDN ccTLD votes against. The vote of that Territory would be counted as one vote in favour of the proposal, and combined with all other per Territory votes. The working group is aware that such a staged process may prolong the duration of any process that includes a formal vote.

The working group noted that in case the preference is to designate a representative per Territory, this should be organised locally, while at the same time a mechanism needs to be put in place to inform the ccNSO who would be the representative. The working group also noted that, during the time the local designation process is not concluded, a mechanism needs to be put in place to allow for formal voting during that period.

Relevant sections in the Bylaws

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. Topic Area: Quorum

Potential Issues

In the bylaws few quorum voting rules are defined. The rules were introduced to increase support for the outcome of a process and mitigate the risk that a minority could determine the outcome of a voting. These rules were based on the assumptions of:

1. One vote per ccTLD manager; and
2. One ccTLD per Territory (ISO 3166 entry).

With the inclusion of IDN ccTLD the underlying model for the quorum rules does not seem to work anymore as originally envisioned and as a result the quorum rule as is currently stated may have adverse or unforeseen side effects.

Solution space

The working group notes that if the principle of one vote per Territory is adopted, the current quorum rule can be maintained, albeit the relevant sections in the Bylaws need to be adjusted to reflect this principle.

Relevant sections in the bylaws

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.....”

4. Topic Area: Scope of PDP as defined in Annex C

Potential issue

The scope to conduct a policy development process is very limited and was developed to reflect the roles and responsibilities of ccTLD's and ICANN. The working group considered

whether there were particular characteristics of IDN ccTLD's or ICANN's role vis-a vis IDN ccTLDs which would require the development of specific IDN ccTLD related policy.

Solution Space

The working group noted that there appears to be a general agreement that IDN ccTLD and (ASCII) ccTLD should be treated similar, and therefore, no special arrangement regarding policy development for IDN ccTLD's 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 ccTLD.

Consequently, the working group believes that the scope for policy development processes does not need to be adjusted to include IDN ccTLD's in the ccNSO.

Relevant section in the Bylaws

Annex C The scope of the ccNSO. "This annex describes the scope and the principles and method of analysis to be used in any further development of the scope of the ccNSO's policy-development role. As provided in [Article IX, Section 6\(2\)](#) of the Bylaws, that scope shall be defined according to the procedures of the ccPDP."

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