

How to resolve the pending issues?

Three categories of input:

- ★ Issues for discussion
- ★ “uncontested” comments
- ★ Questions from our group

Issues for discussion

Q1/Additional Q#13: “in the root zone”

Let’s not get trapped by three words...

Lawyers shall ensure:

- ★ ICANN is not in charge overall of names in the DNS.
- ★ ICANN has policy authority over what labels go into the root zone.
- ★ Additional conditions can be imposed on the registry operating the TLD, but must be in the Picket Fence.

Q2: “The scope of grandparenting”

Let’s not get trapped by one word....

Lawyers shall ensure:

- ★ Existing Ry and Rr agreements can be renewed
- ★ Applicants of the current “round” can sign the Ry agreement in the currently used form
- ★ The t&cs of new form gTLD Ry and Rr agreements are not grandfathered

Q6: “Removing colleagues by the Board”

The possibility for the Board to remove colleagues remains unaltered.

Lawyers shall ensure:

- ★ The Board must be able to remove colleagues. Formal requirements must be baked into the bylaws.
- ★ The CCWG recommendations do not suggest that the approval or any other decision from the EC is required to exercise that power.

Q29/Additional Q#22: “Removing NomCom Board members”

Lawyers to redraft the question not to refer to the carveout. We did not receive anything so far, but the answer is moot anyway as the carveout is not applicable to Board Member removal.

Lawyers shall ensure:

- ★ ..that no mentioning of the carveout is made in the bylaws when it comes to individual Board Member removal.

Q33/AddQ#5: “Mediation and Community IRP”

Questions from redrafted lawyers Q.

Escalation to lead to Mediation automatically?

Lawyers shall ensure:

★ ...

★ ...

“Uncontested” comments

Additional Q #1: Selection of IRP Panel

The selection of the IRP panel is deemed not to be sufficiently community driven

Lawyers shall ensure:

- ★ Process “in consultation with the community” is not strong enough
- ★ The selection process must be truly community driven
- ★ The role of the Board is only to confirm or veto proposed Panelists

Additional Q #2: IRP Rules of Procedure

Members of the global Internet community shall develop processes for the IRP that are governed by clearly understood and pre-published rules applicable to all parties (“Rules of Procedure”).

Lawyers shall ensure:

- ★ The community driven nature of the establishment of the rules of procedure should be reinforced in the Bylaws

Questions from our group

Additional Q #8: PICs

Jorge's question why PICs are not mentioned explicitly in Sec 1.1 d)iv).

Lawyers to respond, unless Jorge confirms the answer given on April 5 was satisfactory.

Additional Q #10/15/17/18/20/21: RR/IRP

- Applicability of RR/IRP before implementation of FOI
- Disputes on “resources for protocol parameters” or “disputes relating to protocol parameters”
- Definition of “Staff” ambiguous
- 4.3(o)(vii) Should it also (or instead) refer to the cost shifting in (r)?
- Shall decisions be suspended pending resolution?
- 4.3(x)(ii)(B) Can anyone or just the EC start a court action to enforce an IRP decision if the Board rejects – should be made clear?
- 4.3(x)(iii) Lawyers to refine language re interplay of arbitration provisions in Ry and Rr agreements

Lawyers shall ensure:

Additional Q #11: Carveout

Lawyers have been asked to reword the carveout

Lawyers shall ensure:

- ★ The lawyers are requested to ensure that the applicability of the carveout is not broadened.

Additional Q #12: Mission & Regulation

Malcolm had identified a discrepancy between the report and the bylaws. Lawyers have been asked to review a middle ground proposal by Becky.

Additional Q #16: Global Internet Community

Term should be defined, but how?

Lawyers shall ensure:

★ ...

Additional Q #19: IANA Budget

22.4(b)(ii): Why distinguish IETF and IAB? Andrew suggests to drop either, but IAB is easier to consult with.

Lawyers shall ensure:

★ ...

Additional Q#23/24: 25.2

Should the composition of SO/ACs be a fundamental bylaw?
Copy and paste glitch at the end of 25.2 (e) and (f)?

Lawyers shall ensure:

★ ...