



**COMMENTS OF THE INTELLECTUAL PROPERTY CONSTITUENCY (IPC)**

**PROPOSED REVISIONS TO BYLAWS SECTION 11 – ADDITIONAL VOTING THRESHOLDS**

**May 5, 2018**

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) appreciates the opportunity to comment on the new proposed version of section 11.3.i of the ICANN Bylaws incorporating the GNSO Council’s unanimous recommendation to alter the ICANN Bylaws to reflect additional GNSO voting thresholds which are different from the current threshold of a simple majority vote of each House.<sup>1</sup> The IPC was an active contributor to the efforts of the GNSO Bylaws Drafting Team, and we fully support the GNSO Council’s resolution to make needed changes to Section 11.3.i of the ICANN Bylaws which is consistent with the GNSO Bylaws Drafting Team’s consensus.

With this support stated, IPC reiterates its view that the GNSO Council’s permitted scope of activity is managing the policy development process, consistent with Article 11 of the ICANN Bylaws. The GNSO Council is not a general purpose deliberative and decision body for the GNSO. It has been chartered in the ICANN Bylaws with a specific responsibility and with the power to adopt procedures to carry out that responsibility. The Council does not have the power to grant itself new responsibilities or to adopt procedures to carry out new responsibilities. That is a power that resides in the ICANN Bylaws and in the procedures to amend those Bylaws. We note that the proposed amendments to the Bylaws do not purport to expand the scope of the GNSO council’s mandate in this regard. Therefore, IPC opposes the application of the voting thresholds provisions of the Bylaws to matters outside the scope of management of the policy development process (or of any other GNSO council responsibility specifically recognized in the Bylaws). This includes but is not limited to representation of the GNSO as a Decisional Participant in the Empowered Community. Further, voting procedures for the GNSO Council and Stakeholder Groups/Constituencies are not clear, raising questions as to how they may reach decisions. IPC looks forward to providing thoughtful input on these questions and others the GNSO Bylaws Drafting Team may examine in the future.

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<sup>1</sup> <https://www.icann.org/public-comments/bylaws-section11-voting-2018-03-26-en>.

In closing, with the reservation noted above, IPC is in favor of the GNSO Council's resolution to make needed changes to Section 11.3.i of the ICANN Bylaws, and urges for this proposal's adoption by the ICANN Board.

Respectfully submitted,

**Intellectual Property Constituency**