

**POTENTIAL SIGNATORY TO IPR COMMUNITY AGREEMENT ON BEHALF OF THE NAMING COMMUNITY**

*The following are some high-level notes regarding the pros and cons of potential signatories to the Community Agreement on behalf of the Names Community*

Potential Signatory	Pros	Cons
1. CWG as an Unincorporated Association	<ul style="list-style-type: none"> <li>• CWG is representative of the Names Community.</li> <li>• Could have the same five chartering organizations that are members of CWG join the new CWG as an unincorporated association (only two would be required).</li> <li>• Simple to form (minimal formalities required).</li> <li>• CWG process already in place to act by consensus.</li> <li>• Minimal costs (some support for necessary conference calls).</li> <li>• No liability for members of the unincorporated association.</li> <li>• CWG could appoint the three CCG representatives from among its members.<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Does not yet exist (timing issue).</li> <li>• Requires that CWG remain an organization for so long as Community Agreement is in place.</li> <li>• The five chartering organizations would need to act to determine whether to join (associate with) the new unincorporated association.</li> <li>• Requires creation of a document indicating an intent to associate. Governing documents, such as a simple charter are recommended.</li> <li>• Does involve some administrative / operational costs (although minimal). Open question if ICANN would provide requisite support.</li> <li>• Litigation costs under Community Agreement would need to be addressed.</li> </ul>
2. ICANN	<ul style="list-style-type: none"> <li>• Has the expertise and infrastructure.</li> <li>• Could implement quickly.</li> <li>• ICANN has provided an initial indication of willingness to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Involves some challenges for ICANN to act as the licensee and also as the representative of the Names Community under the Community Agreement.</li> <li>• Will need a mechanism agreeable to the community on selection of the three CCG representatives.</li> </ul>
3. Empowered Community (EC)	<ul style="list-style-type: none"> <li>• Represents the community interest.</li> <li>• Broad based and independent.</li> <li>• Primary role is to give effect to a decision – separation – already taken by the EC (or at least not rejected by the EC).</li> </ul>	<ul style="list-style-type: none"> <li>• Not intended for this purpose.</li> <li>• Will need a mechanism agreeable to the community on selection of the three CCG representatives.</li> <li>• Will require going back through the CCWG to vet and will necessitate an amendment to the ICANN bylaws to implement.</li> <li>• May not necessarily have the right people or infrastructure to carry out this role</li> <li>• Not designed to act quickly, which is</li> </ul>

<sup>1</sup> Note: Community Agreement contemplates an IANA Community Coordination Group (CCG) that will be comprised of nine members, with each operational community selecting three members. The CCG will give direction to the IETF on certain specified matters.

Potential Signatory	Pros	Cons
		important in the “advisory” role to the IETF Trust.
4. PTI	<ul style="list-style-type: none"> <li>• The PTI bylaws have not yet been approved so could be added.</li> </ul>	<ul style="list-style-type: none"> <li>• Lacking in the expertise to fulfill this role. It’s a technical function.</li> <li>• Similar cons to ICANN.</li> </ul>
5. Combination of Several ACs or SOs	<ul style="list-style-type: none"> <li>• Would represent a cross-section of the Names Community.</li> <li>• Those groups also exist and presumably have procedures for appointing individuals to represent them on various matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Would be limited to those ACs or SOs that are legal entities and can sign the Community Agreement. Limits choice.</li> <li>• Need their approval to take on such a role, which may be a lengthy process.</li> </ul>