

Drafting Team (DT) recommendations applied to table by staff, listing potential changes to Bylaws and GNSO Operating Procedures

This table is color-coded to match 3 categories of decisions analyzed by the Drafting Team (DT):

Nominations for GNSO representatives on Empowered Community, Customer Service Committee, IANA Functions Review Team, and other review teams in new Bylaws

The consensus recommendation is that a majority of each house is the appropriate threshold for nominations to roles created in the new Bylaws.

Decisions made by GNSO to initiate or respond to Empowered Community petitions, instruct the GNSO Empowered Community Representative, and initiate investigations (per Bylaws Sections 22.8)

The consensus recommendation is that a majority of each house is the appropriate threshold to make most EC decisions, and that a GNSO Supermajority is the appropriate threshold for certain decisions, as indicated below.

Decisions made by GNSO on its own. e.g., request document inspection (Bylaws 22.7(a) and (e))

*The DT unanimously recommends that any GNSO Stakeholder Group or Constituency be empowered to request ICANN document inspection per Bylaws 22.7(a) and (e). This request would be automatically communicated by the GNSO's Decisional Participant representative, and would not require action by GNSO Council.
In addition, the DT has a consensus recommendation to empower GNSO Council to request ICANN document inspection per Bylaws 22.7(a) and (e), with approval by 1/4 of each House or majority of one House.*

Note: Three DT members (IPC, ISPCP, and BC) do not support Council exercising any of the new powers by voting within the present House-bound structure. The recommendation that Council would speak for GNSO therefore has **“Strong support but significant opposition”**. Nonetheless, all DT members contributed to **“Consensus”** recommendations for voting thresholds on the assumption that GNSO Council would approve nominations and actions created under the new ICANN Bylaws

Note: the table below includes excerpts from the new ICANN bylaws, at <https://www.icann.org/resources/pages/governance/bylaws-en>

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>ARTICLE 4 ACCOUNTABILITY AND REVIEW 4.2 & 4.3 RECONSIDERATION REQUESTS; (IRP) FOR COVERED ICANN ACTIONS</p> <p>4.2(b) EC may file a Reconsideration Request if approved pursuant to Section 4.3 of Annex D (“Community Reconsideration Request”) and if the matter relates to the exercise of the powers and rights of the EC of these Bylaws.</p>	<p>NEW: EC can file Reconsideration Request; SO/ACs expressly acknowledged as a possible Claimant for IRP (which may now be filed to cover enforcement of IANA contract and PTI service complaints); SO/ACs to be consulted as part of process for establishing Standing Panel (in coordination with the IRP Implementation Oversight Team); SO/ACs can nominate Standing Panel members from the list of qualified candidates.</p>	<p>The GNSO would need to determine the circumstances and mechanisms by which it will support a Reconsideration Request by the EC.</p> <p>GNSO would need to agree on the voting threshold that would apply for each of the steps/items involved in an IRP (including relief).</p> <p>As the Implementation Oversight Team (IOT) seems to be a one-time appointment, a new process will likely not be needed. It is noted that the IOT is already formed and working.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>4.3(b) A “Claimant” is any legal or natural person, group, or entity including, but not limited to the EC, a Supporting Organization, or an Advisory Committee that has been materially affected by a Dispute. To be materially affected by a Dispute, the Claimant must suffer an injury or harm that is directly and causally connected to the alleged violation.</p>		<p>GNSO needs a process to decide to be an IRP Claimant.</p> <p>--How a decision to initiate an IRP is reached - not just the threshold, but what it covers</p> <p>--Who would represent them?</p> <p>--Who would pay for representation?</p> <p>-- How would a claim that is supported by the GNSO be put forward?</p>	<p>For GNSO on its own to initiate a claim would require a majority of each house.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>4.3(j) ICANN shall, in consultation with SO/ACs, initiate a four-step process to establish the [IRP] Standing Panel ... [SO/ACs] shall nominate a slate of proposed panel members from the well-qualified candidates identified per the process set forth in Section 4.3(j)(ii)(B).</p> <p>4.3(k) The Claimant and ICANN shall each select one panelist from the Standing Panel, and the two panelists selected by the parties will select the third panelist from the Standing Panel.</p> <p>4.3(n) An IRP Implementation Oversight Team shall be established in consultation with SO/ACs and comprised of members of the global Internet community to develop clear, published rules for the IRP.</p>		<p>For the standing panel, the questions are: --What are the thresholds to agree? --Would it make sense to rely more on the SGs/Cs?</p>	<p>Decisions to approve the nominated panelist shall be presented to Council for approval by a majority of each House</p>
<p>4.6 SPECIFIC REVIEWS</p> <p>(a) Review teams will be established for each applicable review, which will include both a limited number of members and an open number of observers. The chairs of SO/ACs shall select a group of up to 21 review team members from among the prospective members nominated by SO/ACs, balanced for diversity and skill: (A)Each SSO/AC may nominate up to seven prospective members for the review team; (B)Any SO/AC nominating one, two or three prospective review team members shall be entitled to have those one, two or three nominees selected as members to the review team (C)If any SO/AC has not nominated at least 3 review team members, the Chairs of the SO/ACs shall determine whether all 21 SO/AC member seats shall be filled and, if so, how seats should be allocated from among those nominated.</p>	<p>NEW: Specific provision for appointment of review team members (these would be for the reviews mandated by the current AoC, which are being enshrined in the new Bylaws)</p> <p>Note that for the RDS review, ICANN must specifically work with SOACs to “explore structural changes to improve accuracy and access to generic top-level domain registration data, as well as consider safeguards for protecting such data.”</p>	<p>The GNSO will need to agree on a process for nominating and selecting these review team members.</p> <p>Issues the GNSO may wish to discuss include: (1) how will the GNSO (or its subparts) identify the up-to-seven nominees for any of the review teams; and (2) how should the GNSO Chair participate in the selection of the review team?</p> <p>The current practice (e.g. as was used for ATRT and CCT) could be used and/or modified to serve as a general procedure for nominating and selecting review team members. See the ATRT 2 at https://www.icann.org/resources/reviews/aoc/atrt and</p>	<p>Each GNSO Constituency/Stakeholder Group may nominate 1 candidate. (7 candidates for GNSO)</p> <p>Decisions to approve the 21 total review team members shall be presented to Council for approval by a majority of each House.</p>

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		the CCT Review Team at https://community.icann.org/x/C4RIAw .	

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<p>4.7 COMMUNITY MEDIATION</p> <p>(a) If the Board refuses or fails to comply with a duly authorized and valid EC Decision (as defined in <u>Section 4.1(a)</u> of Annex D) under these Bylaws, the EC Administration representative of any Decisional Participant who supported the exercise by the EC of its rights in the applicable EC Decision during the applicable decision period may request that the EC initiate a mediation process pursuant to this <u>Section 4.7</u>.</p>	<p>NEW: Procedure to request that the EC initiate a mediation process; ability to recommend individuals to represent the EC in the Mediation Administration.</p>	<p>GNSO Council will request that the EC initiate Mediation, and recommend EC representatives for the Mediation Administration. How this procedure is defined may need to be done in consultation with the other Decisional Participants. No current process specifically addresses this. However, it is envisioned that the GNSO Council will make the request on behalf of the GNSO, with Councilors consulting with their respective SGs/Cs according to current practice.</p>	Majority of each House
<p>(b) If the EC Administration delivers a Mediation Initiation Notice (as defined in Section 4.1(a) of Annex D) to the Secretary pursuant to and in compliance with Section 4.1(a) of Annex D, as soon as reasonably practicable thereafter, the EC Administration shall designate individuals to represent the EC in the mediation. Members of the EC can designate themselves as representatives.</p>		<p>One topic for consideration is what principles the GNSO will use to guide how it identifies its representatives to the Mediation Administration.</p>	Majority of each House

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<p>ARTICLE 6 EMPOWERED COMMUNITY SECTION 6.1 COMPOSITION AND ORGANIZATION OF THE EMPOWERED COMMUNITY</p> <p>(a) The Empowered Community (“EC”) shall be a nonprofit association formed under the laws of the State of California consisting of the ASO, the ccNSO, the GNSO, the ALAC and the GAC</p>	<p>NEW: Procedures relating to Decisional Participants and decision making</p>	<p>One point of discussion could be whether the GNSO would act through the GNSO Council if no other mechanism was determined or desired.</p> <p>Also, see comment above with respect to consultation with other Decisional Participants and the weighting of decision to determine thresholds. The GNSO Council Chair, or designee, would then be the GNSO representative in the EC Administration. The GNSO may consider principles to guide a designation.</p> <p>for provisions relating to GNSO Decisional Participation, GNSO might consider different processes /voting weightages/principles</p>	<p>Majority of each House to approve GNSO representative on EC</p>

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<p>SECTION 6.1 COMPOSITION AND ORGANIZATION OF EMPOWERED COMMUNITY</p> <p>(g) Each Decisional Participant shall, except as otherwise provided in Annex D, adopt procedures for exercising the rights of such Decisional Participant pursuant to the procedures set forth in Annex D, including (i) who can submit a petition to such Decisional Participant, ... (iii) how the Decisional Participant determines whether to accept or reject a petition, (iv) how Decisional Participant</p>	<p>NEW: Procedures for exercising the rights of a Decisional Participant as described in (i)-(vi)</p>	<p>Clarity may be needed as to whether the GNSO acts through the GNSO Council if no other mechanism is deemed to be needed.</p> <p>Also, see comment above with respect to consultation with other Decisional Participants and the weighting of decision to determine thresholds.</p> <p>See additional notes on Annex D</p>	<p>GNSO Council speaks for GNSO, based on approval by majority of each house.</p>

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determines whether an issue has been resolved, (v) how the Decisional Participant determines whether to support or object to actions supported by another Decisional Participant, and (vi) the process for the Decisional Participant to notify its constituents of relevant matters.		(forthcoming).	

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<p>SECTION 6.2 EC POWERS</p> <p>6.2(a) & (b) EC will have various powers and rights, including appointing and removing individual Directors; recall the entire Board; reject ICANN Budgets, IANA Budgets, Operating Plans and Strategic Plans; reject Standard Bylaws Amendments; approve Fundamental Bylaw Amendments, Articles Amendments and Asset Sales; reject PTI Governance Actions; require the ICANN Board to re-review its rejection of IFR Recommendation Decisions, Special IFR Recommendation Decisions, SCWG Creation Decisions; initiate a Community Reconsideration Request, mediation or a Community IRP; and take necessary and appropriate action to enforce powers and rights, including through the community mechanism in Annex D or an action filed in a court of competent jurisdiction. EC may also pursue an action in any court with jurisdiction over ICANN to enforce EC’s rights under Bylaws.</p>	<p>NEW: Various rights and powers for the EC (as described in (a) & (b))</p>	<p>SCWG is Separation Cross-Community Working Group</p> <p>See notes above regarding the possibility that the GNSO will exercise its rights and powers via the GNSO Council.</p>	<p>GNSO Council speaks for GNSO, based on approval by majority of each house.</p> <p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<p>SECTION 6.3 EC ADMINISTRATION (a) The Decisional Participants shall act through their respective chairs or such other persons as may be designated by the Decisional Participants (collectively, such persons are the “EC Administration”). Each Decisional Participant shall deliver annually a written certification designating the individual who shall represent Decisional Participant on the EC. (b) In representing a Decisional Participant on the EC, the representative individual shall act solely as directed by the represented Decisional Participant and in accordance with processes developed by such Decisional Participant in accordance with <u>Section 6.1(g)</u>.</p>	<p>NEW: Procedures for Decisional Participants as described in (a)-(d)</p>	<p>The GNSO needs to agree on how such “other persons” would/could be designated and by whom.</p> <p>Discuss advisability of designating GNSO Chair as EC representative, possibly with option to appoint a temporary alternate (see above).</p>	<p>GNSO Rep to EC is approved by majority of each house.</p> <p>If GNSO does not reach this threshold to designate its EC Rep, Bylaws say that GNSO Chair is default EC Rep.</p> <p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<p>ARTICLE 7 BOARD OF DIRECTORS SECTION 7.12 designating INTERIM DIRECTORS to fill vacancies created by EC recall</p> <p>7.12(a) A vacancy occurring in Seats 1 through 15 shall be filled by the EC after nomination as provided in Section 7.2 and Articles 8 - 12.</p> <p>7.12(b) [Concerning vacancies when entire Board is recalled] Concurrently with delivery of any EC Board Recall Notice, the EC shall provide notice of the EC’s designation of individuals to fill such vacancies. An Interim Director shall hold office until the EC designates the Interim Director’s successor</p>	<p>NEW: Appointment of Directors via the EC</p>	<p>The GNSO will need to discuss the process and criteria for selection of Directors, including Interim Directors.</p>	<p>Names of interim director(s) must be approved by majority of each house</p> <p>GNSO selection of it’s replacement director(s) should follow current procedures.</p>

ARTICLE 11 GENERIC NAMES SUPPORTING ORGANIZATION
 SECTION 11.3 GNSO COUNCIL

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<p>SECTION 11.3 GNSO COUNCIL</p> <p>(i) Except as otherwise specified in these Bylaws, <u>Annex A</u>, or GNSO Operating Procedures, the default threshold to pass a GNSO Council motion or other voting action requires a simple majority vote of each House. The voting thresholds described below shall apply to the following GNSO actions:</p>	<p>NEW: Supermajority votes per GNSO role as Decisional Participant for these actions:</p> <p>Section 17.3: Amendments to CSC Charter by “simple majority of GNSO Council”</p> <p>Section 18.3: Approval of a delay in periodic IFR by supermajority</p> <p>Section 18.6: IFR Recommendations approved by supermajority</p> <p>Section 18.12: Special IFR and Recommendations approved by supermajority</p> <p>Section 19.1: Establish SCWG and approve recommendations by GNSO supermajority</p>	<p>These will need to be fully documented in and where necessary revised or added to the GNSO Operating Procedures.</p> <p>This can be done by amending the voting thresholds table currently in the GNSO Operating Procedures.</p> <p>NOTE: Where GNSO Supermajority is used, it is specifically intended to refer to the defined use of a supermajority threshold for the GNSO Council.</p>	<p>This is the exiting Bylaws section describing GNSO voting thresholds.</p> <p>This section can be amended to add new thresholds required in bylaws or recommended by DT and approved by GNSO Council.</p> <p>The DT notes that Sec 17.3 requires “simple majority of GNSO Council”, and suggests that GNSO Operating Procedures define that as a majority of Council, or a majority of each house.</p>

ARTICLE 16 POST TRANSITION IANA ENTITY

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 16.2 PTI GOVERNANCE</p> <p>No amendment or modification of the articles of incorporation of PTI shall be effective unless approved by the EC</p>	<p>NEW: EC approval of changes to PTI articles of incorporation.</p>	<p>Clarity may be needed as to whether the GNSO acts through the GNSO Council</p>	<p>GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority for approval of PTI Amendments</p>

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 16.3 IANA NAMING FUNCTIONS CONTRACT</p> <p>ICANN shall enter into contract with PTI for performance of IANA naming functions. ... ICANN shall not agree to modify, amend or waive any Material Terms of the IANA Naming Function Contract if a majority of each of the ccNSO and GNSO Councils reject the proposed modification, amendment or waiver.</p>	<p>NEW: Majority of GNSO Council rejects the proposed modification, amendment, or waiver.</p>	<p>Clarity may be needed as to whether the GNSO acts through the GNSO Council if no other mechanism is deemed to be needed.</p> <p>clarify whether majority means simple majority of each house.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<p>SECTION 17.1 CSC The CSC is not authorized to initiate a change in PTI through a Special IFR, but may escalate a failure to correct an identified deficiency to the ccNSO and GNSO, which might then decide to take further action using consultation and escalation processes, which may include a Special IFR. The ccNSO and GNSO may address matters escalated by the CSC, pursuant to their operating rules and procedures.</p>	<p>NEW: Consultation and escalation processes and Special IFR</p>	<p>The GNSO should discuss whether or not its current procedures are adequate to cover this situation.</p>	<p>GNSO Council speaks for GNSO, and a majority of each house is required to instruct the GNSO Rep on the EC.</p>
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<p>SECTION 17.2 CSC COMPOSITION, APPOINTMENT, TERM AND REMOVAL (b) If so determined by the ccNSO and GNSO, the CSC may, but is not required to, include one additional member: an individual representing top-level domain registry operators that are not considered a ccTLD or gTLD, who shall be appointed by the ccNSO and the GNSO. (c) Each of the following organizations may also appoint one liaison to the CSC in accordance with the rules and procedures of the appointing organization: (i) GNSO (from the Registrars Stakeholder Group or the Non-Contracted Parties House) ... (d) The GNSO and ccNSO shall approve the initial proposed members and liaisons of the CSC, and thereafter, the ccNSO and GNSO shall approve each annual slate of members and liaisons recommended for a new term.</p>	<p>NEW: (b) Appointment of individual representing top-level domain registry operator not ccTLD or gTLD. (c) Appointment of liaison to the CSC. (d) Approval of initial proposed members and liaisons of the CSC and annual slate of members and liaisons.</p>	<p>Yes, this will require procedures for appointing a member by the Registry Stakeholder Group and a liaison by the GNSO.</p> <p>If one or more letters of support are provided for a non ccTLD or gTLD representative to join as a member, a procedure will need to be developed to identify how the GNSO will (i) internally and (ii) externally [with the ccNSO] determine the additional member.</p> <p>In addition, the GNSO and ccNSO must jointly approve the full membership of the CSC. This is currently covered by provisional procedures developed to address the GNSO's obligations relating to the CSC. These procedures will need to be formally approved as part of the GNSO Operating Procedures.</p> <p>GENERAL NOTE: Individual SGs and Cs should also review their</p>	<p>On its own, the Registry Stakeholder Group names 2 CSC members. No involvement of Council.</p> <p>The Registrars Stakeholder Group <u>or</u> the NCPH may name 1 CSC member. Decisions to approve the nominated GNSO liaison shall be presented to Council for approval by a majority of each House.</p> <p>The nominated slate of CSC members shall be presented to Council for approval by a majority of each House</p>

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		internal procedures to ensure that they are able to make all the necessary appointments enabled by the revised Bylaws.	

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SECTION 17.3 CSC CHARTER; PERIODIC REVIEW (b) The effectiveness of the CSC shall be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO	NEW: GNSO and ccNSO define method of review of the CSC charter.	Possible new procedures, although current procedures for GNSO Council approval via a vote on a motion may apply. Discuss if current procedures for GNSO Council approval may apply	GNSO Council may approve effectiveness review resolution by majority of each house.
(c) The CSC Charter shall be reviewed by a committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations. This review shall commence one year after the first meeting of the CSC. Thereafter, the CSC Charter shall be reviewed by such committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations at the request of the CSC, ccNSO, GNSO, the Board and/or the PTI Board and/or by an IFRT in connection with an IFR.	NEW: GNSO is one of the bodies that is to request the formation of committee comprised of ccNSO and RySG representatives, to review CSC Charter.	Possible new procedures, although current procedures for GNSO Council approval via a vote on a motion may apply. Discuss if current procedures for GNSO Council approval may apply.	GNSO Council may approve amendments by majority of each house.
(d) Amendments to the CSC Charter shall not be effective unless ratified by the vote of a simple majority of each of the ccNSO and GNSO Councils pursuant to each such organizations' procedures. Prior to any action by the ccNSO and GNSO, any recommended changes to the CSC Charter shall be subject to a public comment period	NEW: Amendments to the CSC Charter by a vote of simple majority of the GNSO Council.	Possible new procedures, although current procedures for GNSO Council approval via a vote on a motion may apply. Discuss if current procedures for GNSO Council approval may apply.	The DT notes that Sec 17.3 requires “simple majority of ... GNSO Council”, and suggests that GNSO Operating Procedures define that as a majority of Council, or a majority of each house.

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ARTICLE 18 IANA NAMING FUNCTION REVIEWS SECTION 18.2 FREQUENCY OF PERIODIC IFRS (c) In the event a Special IFR is ongoing at the time a Periodic IFR is required to be convened under this	NEW: Delay of convening IFR subject to GNSO Supermajority vote.	Only the administrative change required to update the voting thresholds in the GNSO Operating Procedures.	No recommended action, noting that GNSO Supermajority is defined in Bylaws:

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Section 18.2, the Board shall cause the convening of the Periodic IFR to be delayed if such delay is approved by the vote of (i) a supermajority of the ccNSO Council ... and (ii) a GNSO Supermajority.		Update GNSO Council voting thresholds table in the GNSO Operating Procedures.	“(A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.”

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SECTION 18.6 RECOMMENDATION TO AMEND THE IANA NAMING FUNCTION CONTRACT, IANA NAMING FUNCTION SOW OR CSC CHARTER (b) (i) The IFR Recommendation becomes effective if it has been approved by the vote of ... and (B) a GNSO Supermajority.	NEW: Approve IFR Recommendation by a GNSO Supermajority; EC Administration can direct Board to convene rejection action community forum.	For approval, only the administrative change required to update the voting threshold in the GNSO Operating Procedures. May need to clarify if and how the GNSO Council may instruct the EC to request the Board to convene the community forum. Update GNSO Council voting thresholds table in the GNSO Operating Procedures.	No recommended action, noting that GNSO Supermajority is defined in Bylaws: “(A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.”

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SECTION 18.7 COMPOSITION OF IFR REVIEW TEAMS Each GNSO SG can appoint one member (except that the RySG may appoint two). One of the two IFRT co-chairs is to be appointed “by the GNSO” from among the members appointed by the different stakeholder groups or constituencies in the GNSO. There is also the possibility of “other participants” that cannot vote.	NEW: IFRTs and their appointments	The GNSO SGs will collectively need to agree on a uniform process for the nomination and appointment process of a IFRT co-chair. Each listed constituency or stakeholder group of the GNSO will also have to identify the process through which it will make its appointment.	Each GNSO Stakeholder Group designates its own review team members: 2 from RySG; 1 from RrSG; 1 from CSG; 1 from NCSG. GNSO Council approves the GNSO co-chair on IFRT from among the 6 GNSO reps, by majority of each house.

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<p>SECTION 18.12 SPECIAL IFRS</p> <p>(a) A Special IFR may be initiated outside of the cycle for the Periodic IFRs to address any deficiency, problem or other issue that has adversely affected PTI’s performance under the IANA Naming Function Contract and IANA Naming Function SOW [under] the following conditions:</p> <p>(i) The Remedial Action Procedures of the CSC set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such procedures shall have been reviewed by the ccNSO and GNSO according to each organization’s respective operating procedures;</p> <p>(ii) The IANA Problem Resolution Process set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such process shall have been reviewed by the ccNSO and GNSO according to each organization’s respective operating procedures;</p> <p>(iii) The ccNSO and GNSO shall have considered the outcomes of the processes set forth in the preceding clauses (i) and (ii) and shall have conducted meaningful consultation with the other SO/ACs with respect to the PTI Performance Issue and whether or not to initiate a Special IFR; and</p> <p>(iv) After a public comment period ... if a public comment period is requested by the ccNSO and the GNSO, a Special IFR shall have been approved by the vote of (A) a supermajority of the ccNSO Council and (B) a GNSO Supermajority.</p> <p>(c) A recommendation of an IFRT for a Special IFR shall only become effective if, with respect to each such recommendation, each of the following occurs:</p> <p>(i) The Special IFR Recommendation has been approved by the vote of (A) a supermajority of the ccNSO Council and (B) a GNSO Supermajority.</p>	<p>NEW: (a) (i) Review of the outcome of the Remedial Action Procedures of the CSC.</p> <p>(ii) Review of the IANA Problem Resolution Process.</p> <p>(iii) Consultation with other SOs and ACs.</p> <p>(iv) Comment period requested by GNSO and Special IFR approval by GNSO Supermajority.</p>	<p>Possible new procedure, although it may be that existing procedures and/or the GIP could be applied. This will require discussion.</p> <p>The GNSO should discuss whether this is within the current remit and procedures of the Council. The new GIP could potentially be extended/amended to apply to certain aspects of this process, e.g. responding to another SO/AC request to initiate a Special IFR.</p>	<p>Required review by GNSO shall be determined by majority of each house.</p> <p>GNSO Supermajority, as defined in Bylaws: “ (A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.”</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>ARTICLE 19 IANA NAMING FUNCTION SEPARATION PROCESS</p> <p>SECTION 19.1 ESTABLISHING AN SCWG</p> <p>(b) The Board shall establish an SCWG if each of the following occurs:</p> <p>(ii) The SCWG Creation Recommendation has been approved by the vote of (A) a supermajority of the ccNSO Council ... and (B) a GNSO Supermajority;</p>	<p>NEW: Approval of SCWG by a GNSO Supermajority.</p>	<p>Only the administrative change required to update the voting thresholds in the GNSO Operating Procedures.</p> <p>GNSO Council voting thresholds table in the GNSO Operating Procedures.</p>	<p>No recommended action, noting that GNSO Supermajority is defined in Bylaws:</p> <p>“ (A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.”</p>

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 19.4 SCWG RECOMMENDATIONS (b) ICANN shall not implement an SCWG recommendation (including an SCWG recommendation to issue an IANA Naming Function RFP) unless, with respect to each such recommendation (each, an “SCWG Recommendation”), each of the following occurs:</p> <p>(i) The SCWG Recommendation has been approved by the vote of (A) a supermajority of the ccNSO and (B) a GNSO Supermajority.</p>	<p>NEW: Approval of SCWG recommendation by GNSO Supermajority.</p> <p>Note: the recommendation to create a SCWG is anticipated to come out of a Special or Periodic IFR (see above).</p>	<p>Only the administrative change required to update the voting thresholds in the GNSO Operating Procedures. May need to clarify if and how the GNSO Council may instruct the EC to request the Board to convene the community forum.</p> <p>GNSO Council voting thresholds table in the GNSO Operating Procedures.</p>	<p>No recommended action, noting that GNSO Supermajority is defined in Bylaws:</p> <p>“ (A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.”</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 19.6 ELECTION OF CO-CHAIRS AND LIAISONS (a) The SCWG shall be led by two co-chairs: one appointed by the GNSO from one of the members appointed pursuant to clauses (iii)-(vi) of <u>Section 19.5(a)</u> and one appointed by the ccNSO from one of the members appointed pursuant to clauses (i)-(ii) of <u>Section 19.5(a)</u>.</p>	<p>NEW: Appointment of Co-Chair of the SCWG from the GNSO.</p>	<p>The GNSO will need to agree on the identification of a co-chair from among the appointees selected from across the GNSO community.</p> <p>Each listed constituency or stakeholder group of the GNSO will also have to identify the process through which it will make its appointment. The collective of those Cs/SGs need to identify how they will agree upon one of those appointees as the recommended co-chair. See comments under IFRT (above).</p>	<p>Each GNSO Stakeholder Group designates its own review team members: 3 from RySG; 1 from RrSG; 1 from CSG; 1 from NCSG.</p> <p>GNSO Council approves the GNSO co-chair on SCWG from among the 6 GNSO reps, by majority of each house.</p>

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 22.7 INSPECTION (a) A Decisional Participant may request to inspect the accounting books and records of ICANN, as interpreted pursuant to the provisions of Section 6333 of the CCC, and the minutes of the Board or any Board Committee for a purpose reasonably related to such Inspecting Decisional Participant’s interest as a Decisional Participant in the EC.</p>	<p>NEW: GNSO (as decisional participant) requesting an inspection.</p>	<p>There is nothing to prevent the GNSO Council from initiating, or a SG/C to request that the Council initiate, an inspection request. However, given the significance of this new ability, it may be preferable to develop and document specific mechanisms and/or agree on the voting threshold that would apply to requesting an inspection should it be different from a simple majority vote of the Council.</p>	<p>Any GNSO Stakeholder Group or Constituency may request ICANN document inspection. This request would be automatically communicated by the GNSO’s Decisional Participant representative, and would not require action by GNSO Council.</p> <p>In addition, GNSO Council may request ICANN document inspection, with approval by 1/4 of each House or majority of one House.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
SECTION 22.7 INSPECTION (e) If the Inspecting Decisional Participant believes that ICANN has violated the provisions of this <u>Section 22.7</u> , the Inspecting Decisional Participant may seek one or more of the following remedies: (i) appeal such matter to the Ombudsman and/or the Board for a ruling on the matter, (ii) initiate the Reconsideration Request process in accordance with <u>Section 4.2</u> , (iii) initiate the Independent Review Process in accordance with <u>Section 4.3</u> , or (iv) petition the EC to initiate (A) a Community Independent Review Process pursuant to <u>Section 4.3</u> of Annex D or (B) a Board Recall Process pursuant to <u>Section 3.3</u> of Annex D.	NEW: Ability to seek appeals and initiate a Reconsideration Request.	The GNSO Council should discuss whether new procedures are necessary to decide whether to seek an appeal or initiate a Reconsideration request, or whether current procedures (such as approval via a motion) may apply. If a process is developed, this should be incorporated into the GNSO Operating Procedures.	The requesting Constituency or SG may decide whether to seek the remedy. If Council was the requesting entity, Council may seek review with approval by 1/4 of each House or majority of one House.

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
SECTION 22.8 INDEPENDENT INVESTIGATION If three or more Decisional Participants deliver to the Secretary a joint written certification from the respective chairs of each Decisional Participant that the constituents of such Decisional Participants have, pursuant to the internal procedures of such Decisional Participants, determined that there is a credible allegation that ICANN has committed fraud or that there has been a gross mismanagement of ICANN's resources,... [excerpt]	NEW: Joint written certification by 3 or more Decisional Participants.	Similar observation to the general right of inspection – the GNSO may wish to discuss the need to create and document a new process for either (1) the GNSO to initiate or join a certification of a determination of allegation of fraud or gross mismanagement. Consider incorporating this into any new process to be documented for investigations.	GNSO rep on the EC will act in accord with instructions approved by majority of each house.

ARTICLE 25 AMENDMENTS; ARTICLE 26 SALE & DISPOSITION OF ICANN ASSETS

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
SECTION 25.2 AMENDMENTS TO FUNDAMENTAL BYLAWS & ARTICLES OF INCORPORATION 25.2(b) a Fundamental Bylaw or the Articles of Incorporation may be altered, amended, or only upon approval by a three-fourths vote of all Directors and the approval of the EC as set forth in this Section 25.2.	NEW: EC to approve changes to or deletions of Fundamental Bylaws and Articles of Incorporation.	The GNSO should discuss processes and mechanisms by which the EC may be instructed on this matter.	GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>ARTICLE 26 SALE & DISPOSITION OF ICANN ASSETS 26(a) ICANN may consummate a transaction or series of transactions that would result in the sale or disposition of all or substantially all of ICANN’s assets (an “Asset Sale”) only upon approval by a three-fourths vote of all Directors and the approval of the EC as set forth in this Article 26.</p>	<p>NEW: EC to approve sale or disposition of assets.</p>	<p>The GNSO should discuss processes and mechanisms by which the EC may be instructed on this matter.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority.</p>

<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>ANNEX D EC MECHANISM SECTION 1.2 APPROVAL PROCESS</p> <p>Regarding: Fundamental Bylaw Amendments Articles Amendments Asset Sales</p> <p>Following the delivery of a Board Notice for an Approval Action by the Secretary to the EC, the Decisional Participants shall promptly inform their constituents of the delivery of the Approval Action Board Notice.</p>	<p>NEW: Informing constituents of delivery of the Approval Action Board Notice.</p>	<p>It may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice. May not require new procedures.</p>	<p>GNSO notification, but no decision.</p>
<p>SECTION 1.3 APPROVAL ACTION COMMUNITY FORUM</p> <p>1.3(a) ICANN shall, at the direction of the EC Administration, convene a forum at which the Decisional Participants and interested parties may discuss the Approval Action.</p>	<p>Requesting a forum and deciding GNSO representation.</p>	<p>Is there a responsibility for Decisional Participants to request a forum? One point of discussion could be whether the GNSO would act through the GNSO Council if no other mechanism was determined or desired. GNSO might wish to consider whether different processes /voting weightages/principles are needed for different types (e.g. in impact or complexity).</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>1.3(b) If the EC Administration requests a publicly-available conference call by providing a notice to the</p>	<p>EC request for a conference call and process.</p>	<p>When would the EC request a publicly-available conference</p>	<p>GNSO notification, but no decision.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
Secretary, ICANN shall, at the direction of the EC Administration, schedule such call prior to any Approval Action Community Forum, and inform the Decisional Participants of the date, time and participation methods of such conference call.		call? What would the process be for deciding? See notes for 1.3 (a) above.	In any decision, the GNSO rep on the EC will act in accord with instructions approved by majority of each house.
(f) ICANN and any SO or AC (including Decisional Participants) may deliver to the EC Administration its views and questions on the Approval Action prior to the convening of and during the Approval Action Community Forum.	Providing comments to a forum.	Determine whether the existing process for the GNSO to submit comments to a public forum would suffice. Questions: How will the EC receive and process these submissions? How will the GNSO determine whether to send its views to the EC? While the SGs/Cs may separately submit comments, it would be expected that only the GNSO Council comments we be considered as those coming from the GNSO as a Decisional Participant.	GNSO rep on the EC will act in accord with instructions approved by majority of each house.
1.3(i) During the Approval Action Community Forum Period, an additional one or two Community Forums may be held at the discretion of the Board or the EC Administration.	Procedure for requesting an additional forum and process for decision-making.	When would an additional forum be requested? What would the process be for deciding? See notes for 1.3(a) above.	GNSO rep on the EC will act in accord with instructions approved by majority of each house.
SECTION 1.4 DECISION WHETHER TO APPROVE AN APPROVAL ACTION Regarding: Fundamental Bylaw Amendments Articles Amendments Asset Sales	Informing EC Administration of support, objection, abstention; forwarding notice.	How will GNSO decide whether to support/object/abstain? It may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice. May not require new procedures.	GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority

ARTICLE 2 PROCEDURE FOR EXERCISE OF EC'S RIGHTS TO REJECT SPECIFIED ACTIONS

<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
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New Bylaw Section	New Obligation/Right for GNSO	Any New Procedure Required?	DT Recommendation
<p>SECTION 2.2 PETITION PROCESS FOR SPECIFIED ACTIONS</p> <p>(b) During the period beginning on the Rejection Action Board Notification Date and ending on the 21st day after the Rejection Action Board Notification Date, subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant, seeking to reject the Rejection Action and initiate the Rejection Process (a “Rejection Action Petition”).</p> <p>(c) A Decisional Participant that has received a Rejection Action Petition shall either accept or reject such Rejection Action Petition; provided that a Decisional Participant may only accept such Rejection Action Petition if it was received by such Decisional Participant during the Rejection Action Petition Period.</p> <p>(i) If, in accordance with the requirements of <u>Section 2.2(c)</u> of this <u>Annex D</u>, a Decisional Participant accepts a Rejection Action Petition during the Rejection Action Petition Period, the Decisional Participant shall promptly provide ...written notice of such acceptance</p>	<p>(b) Submitting a petition to a Decision Participant, subject to the procedures and requirements development by the Decisional Participant.</p> <p>(c) Acceptance or rejection of Rejection Action Petition.</p> <p>(i) Providing written notice.</p> <p>(A) Providing rationale.</p> <p>(B) Citing PDP and provision in the Standard Bylaw Amendment.</p>	<p>How would GNSO receive and process individual petitions?</p> <p>2.2 (c) (i) A-B How will GNSO decide whether to accept or reject a petition?</p> <p>The GNSO Council will need a procedure for how to address a petition submitted to it. It may be that the current procedure for decision-making whereby a motion is considered and voted on – in this case to accept or reject the petition. However, there may need to be new procedures on providing written notice, rationale, and citing PDP and provisions in the Bylaws. Discuss whether there needs to be a new procedure for how to address a petition.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>SECTION 2.2 PETITION PROCESS FOR SPECIFIED ACTIONS</p> <p>(d) Following the delivery of a Rejection Action Petition Notice to the EC Administration pursuant to <u>Section 2.2(c)(i)</u> of this <u>Annex D</u>, the Rejection Action Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Rejection Action Petition.</p> <p>(i) If the Rejection Action Petitioning Decisional Participant obtains the support of at least one other Decisional Participant (a “Rejection Action Supporting Decisional Participant”) ... the Rejection Action Petitioning Decisional Participant shall provide written notice, to include:</p> <p>(A) a supporting rationale in reasonable detail;</p> <p>(C) a statement as to whether or not the Rejection</p>	<p>(d) Contact EC Administration and other Decisional Participants to determine whether any others support.</p> <p>(i) Providing written notice to the EC Administration, other Decisional Participant and Secretary.</p> <p>(A) Supporting rationale.</p> <p>(B) Contact information.</p> <p>(C) Statement re: conference call.</p> <p>(D) Statement re: forum.</p> <p>(D) Citing PDP Standard Bylaw Statement.</p>	<p>New procedure to contact the EC Administration and other Decisional Participants to determine other support. New procedures for providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>New procedures are likely required.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<p>Action Petitioning Decisional Participant and/or the Rejection Action Supporting Decisional Participant requests that ICANN organize a conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition;</p> <p>(D) a statement as to whether the Rejection Action Petitioning and Supporting Decisional Participants have determined to hold the Rejection Action Community Forum during the next scheduled ICANN public meeting.</p> <p>(E) a PDP Standard Bylaw Statement</p>			
<p>SECTION 2.3 REJECTION ACTION COMMUNITY FORUM 2.3(a) If the EC Administration receives a Rejection Action Supported Petition under Section 2.2(d) of this Annex D during the Rejection Action Petition Support Period, ICANN shall, at the direction of the EC Administration, convene a forum at which the Decisional Participants and interested parties may discuss the Rejection Action Supported Petition</p>	<p>Process for deciding whether to request a forum.</p>	<p>How will GNSO, as part of EC, decide whether to request a forum?</p> <p>See 1.3(a) notes above.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>SECTION 2.3 REJECTION ACTION COMMUNITY FORUM (f) ICANN and any SO or AC may deliver to the EC Administration in writing its views and questions on the Rejection Action Supported Petition prior to the convening of and during the Rejection Action Community Forum.</p>	<p>Delivery to EC Administration in writing views and questions on Rejection Action Supported Petition.</p>	<p>How will the EC receive and process these submissions? How will the GNSO decide whether to send its views?</p> <p>Current procedures for collecting GNSO Council views/questions may apply.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>(h) If the Rejection Action Petitioning and Supporting Decisional Participants for a Rejection Action Supported Petition agree before, during or after the Community Forum that the issue has been resolved, such Rejection Action Supported Petition shall be deemed withdrawn</p>	<p>For the avoidance of doubt, the Rejection Action Community Forum is not a decisional body and the foregoing resolution process shall be handled pursuant to the internal procedures of the Rejection Action Petitioning Decisional Participant and the Rejection Action Supporting Decisional Participant(s).</p>	<p>How will GNSO decide if the issue has been resolved?</p> <p>Would need to explore whether the GNSO has procedures that would cover its actions as a Rejection Action Petitioning Decisional Participant/Supporting Participant.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house</p>
<p>2.3(i) During the Rejection Action Community Forum</p>	<p>Process to decide whether to hold a</p>	<p>How will the EC determine</p>	<p>GNSO rep on the EC will act</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
Period, an additional one or two Rejection Action Community Forums may be held at the discretion of a Rejection Action Petitioning and Supporting Participant or the EC Administration	forum.	whether an additional forum should be held? See 1.3(a) notes above.	in accord with instructions approved by majority of each house.
<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	
SECTION 2.4 DECISION WHETHER TO REJECT A REJECTION ACTION (a) Following the expiration of the Rejection Action Community Forum Period, with respect to each Rejection Action Supported Petition, each Decisional Participant shall inform the EC Administration in writing as to whether such Decisional Participant (i) supports such Rejection Action Supported Petition and has determined to reject the Rejection Action , (ii) objects to such Rejection Action Supported Petition or (iii) has determined to abstain from the matter (which shall not count as supporting or objecting to such Rejection Action Supported Petition)	Decision re: Rejection Action Supported Petition and informing the EC Administration: supports, objects, abstains.	How will GNSO decide whether to support/object/abstain? It may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice. Also, the current GNSO Council process of submitting and voting on motions could be used to indicate support, objection, or abstention. May not require new procedures.	GNSO rep on the EC will act in accord with instructions approved by majority of each house.

ARTICLE 3 PROCEDURE FOR EXERCISE OF EC’S RIGHTS TO REMOVE DIRECTORS AND RECALL THE BOARD

<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	
SECTION 3.1 NOMINATING COMMITTEE DIRECTOR REMOVAL PROCESS (a) Subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant seeking to remove a Director holding Seats 1 through 8 and initiate the Nominating Committee Director Removal Process (“ Nominating Committee Director Removal Petition ”). Each Nominating Committee Director Removal Petition shall set forth the rationale upon which such individual seeks to remove such Director. (b) During the period beginning on the date that the Decisional Participant received the Removal Petition and ending on the 21 st day after, the Decisional Participant that has received a Nominating Committee Director Removal Petition shall either accept or reject	(a) Procedures and requirements for an individual to submit a petition to a Decisional Participant seeking to remove a Director. (b) Accepting or rejecting a Nominating Director Removal Petition. (c) Inviting the Director subject to the Nominating Committee Director Removal Petition and the Chair of the Board (or the Vice Chair of the Board if the Chair is the affected Director) to a dialogue with the individual(s) bringing the Nominating Committee Director Removal Petition and the Nominating Committee Director Removal Petitioned Decisional	How will GNSO receive and process such petitions? The GNSO Council may need a procedure for how to address a petition submitted to it. It may be that the current procedure for decision-making whereby a motion is considered and voted on – in this case to accept or reject the petition. There may need to be new procedures on inviting the Director to a dialog, contacting the EC Administration and other Decisional Participants to	GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority.

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	
<p>such Nominating Committee Director Removal Petition;</p> <p>(i) the Nominating Committee Director Removal Petitioning Decisional Participant must obtain the support of at least one other Decisional Participant ... Each Decisional Participant shall provide a written notice to the EC Administration, the other Decisional Participants and the Secretary, to include:</p> <p>(A) a supporting rationale in reasonable detail;</p> <p>(C) a statement as to whether or not the Nominating Committee Director Removal Petitioning and/or supporting Decisional Participant requests that ICANN organize a conference call prior to the Nominating Committee Director Removal Community Forum for the community to discuss the Nominating Committee Director Removal Supported Petition; and</p> <p>(f) Following the expiration of the Nominating Committee Director Removal Community Forum Period, each Decisional Participant shall inform the EC Administration in writing as to whether such Decisional Participant (i) supports such Nominating Committee Director Removal Supported Petition, (ii) objects to such Nominating Committee Director Removal Supported Petition or (iii) has determined to abstain from the matter (which shall not count as supporting or objecting to the Nominating Committee Director Removal Supported Petition),</p>	<p>Participant’s representative on the EC Administration.</p> <p>(i) providing written notice (“Nominating Committee Director Removal Petition Notice”) of such acceptance to the EC Administration, the other Decisional Participants and the Secretary. The Nominating Committee Director Removal Petition Notice shall include the rationale.</p> <p>(d) Nominating Committee Director Removal Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Nominating Committee Director Removal Petition.</p> <p>(i) Providing a written notice to the EC Administration, the other Decisional Participants and the Secretary (“Nominating Committee Director Removal Supported Petition”) within twenty-four (24) hours of receiving the support of at least one Nominating Committee Director Removal Supporting Decisional Participant. Including:</p> <p>(A) supporting rationale</p> <p>(B) contact information</p> <p>(C) statement re: conference call</p> <p>(D) statement re: whether to hold a Community Forum</p>	<p>determine other support, providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>Existing method of GNSO Council communication may apply in the case of informing the EC Administration in writing, and indicating support, objections, or abstentions.</p>	
<p>SECTION 3.2 SO/AC DIRECTOR REMOVAL PROCESS</p> <p>(a) Subject to the procedures and requirements developed by the applicable Decisional Participant, an</p>	<p>Removal of a SO/AC Director subject to the procedures and requirements of the Decisional Participant.</p>	<p>The GNSO Council will need a procedure for how to address a petition submitted to it. Also for</p>	<p>GNSO will determine in its procedures how to satisfy the ¾ threshold required in</p>

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New Bylaw Section	New Obligation/Right for GNSO	Any New Procedure Required?	
<p>individual may submit a petition to the ASO, ccNSO, GNSO or At-Large Community (as applicable, the “Applicable Decisional Participant”) seeking to remove a Director who was nominated by that Supporting Organization or the At-Large Community in accordance with <u>Section 7.2(a)</u> of the Bylaws, and initiate the SO/AC Director Removal</p> <p>(b) During the 21 day period, the Applicable Decisional Participant shall either accept or reject such SO/AC Director Removal Petition pursuant to the internal procedures of the Applicable Decisional Participant.</p> <p>(i) If the Applicable Decisional Participant accepts an SO/AC Director Removal Petition, the Applicable Decisional Participant shall, within twenty-four (24) hours of the Applicable Decisional Participant’s acceptance of the SO/AC Director Removal Petition, provide written notice (“SO/AC Director Removal Petition Notice”) of such acceptance. Such SO/AC Director Removal Petition Notice shall include:</p> <p>(A) a supporting rationale in reasonable detail;</p> <p>(B) contact information for at least one representative who has been designated by the Applicable Decisional Participant who shall act as a liaison with respect to the SO/AC Director Removal Petition;</p> <p>(C) a statement as to whether or not the Applicable Decisional Participant requests that ICANN organize a publicly-available conference call prior to the SO/AC Director Removal Community Forum (as defined in <u>Section 3.2(d)</u> of this <u>Annex D</u>) for the community to discuss the SO/AC Director Removal Petition; and</p> <p>(D) a statement as to whether the Applicable Decisional Participant has determined to hold the SO/AC Director Removal Community Forum during the next scheduled ICANN public meeting.</p> <p>The SO/AC Director Removal Process shall thereafter continue for such SO/AC Director Removal Petition pursuant to <u>Section 3.2(d)</u> of this <u>Annex D</u>.</p> <p>...</p> <p>(f) Following the expiration of the SO/AC Director</p>	<p>(a) Individual petitioning GNSO to remove a Director</p> <p>(b) accepting or rejecting a petition subject to internal procedures</p> <p>(c) Inviting Director to a dialog</p> <p>(i) providing written notice of acceptance [of a petition] to the EC Administration, the other Decisional Participants and the Secretary. Including:</p> <p>(A) supporting rationale</p> <p>(B) contact information</p> <p>(C) statement re: conference call</p> <p>(D) statement re: whether to hold a Community Forum</p> <p>(f) informing the EC Administration in writing as to whether the Applicable Decisional Participant has support for the SO/AC Director Removal Petition within the Applicable Decisional Participant of a three-quarters majority as determined pursuant to the internal procedures of the Applicable Decisional Participant (“SO/AC Director Removal Notice”).</p> <p>The Applicable Decisional Participant shall, within twenty-four (24) hours of obtaining such support, deliver the SO/AC Director Removal Notice to the EC Administration, including:</p> <p>(A) supporting rationale</p> <p>(B) contact information</p> <p>(C) statement re: conference call</p> <p>(D) statement re: whether to hold a Community Forum</p> <p>...</p> <p>(f) informing the EC Administration in writing as to whether the Applicable</p>	<p>inviting a Director to a dialog and determining other support. It may be that the current procedure for decision-making whereby a motion is considered and voted on – in this case to accept or reject the petition.</p> <p>There may need to be new procedures on inviting the Director to a dialog, contacting the EC Administration and other Decisional Participants to determine other support, providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>Existing method of GNSO Council communication may apply in the case of informing the EC Administration in writing, and indicating support, objections, or abstentions.</p>	<p>Bylaws Annex D Section 3.2(f) “three-quarters majority as determined pursuant to the internal procedures of the Applicable Decisional Participant”.</p> <p>Five DT members believe that voting would occur only in the House that nominated the director, while other DT members said the entire GNSO should vote on this decision.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	
<p>Removal Comment Period, ...the Applicable Decisional Participant shall inform the EC Administration as to whether the Decisional Participant has support for the SO/AC Director Removal Petition of a three-quarters majority as determined pursuant to the internal procedures of the Applicable Decisional Participant.</p>	<p>Decisional Participant has support for the SO/AC Director Removal Petition within the Applicable Decisional Participant of a three-quarters majority as determined pursuant to the internal procedures of the Applicable Decisional Participant (“SO/AC Director Removal Notice”) Delivering the SO/AC Director Removal Notice to the EC Administration, the other Decisional Participants and Secretary</p>		
<i>New Bylaw Section</i>	<i>New Obligation/Right for the GNSO</i>	<i>Any New Procedure Required?</i>	
<p>SECTION 3.3 BOARD RECALL PROCESS (a) Subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant seeking to remove all Directors (other than the President) at the same time and initiate the Board Recall Process (“Board Recall Petition”), provided that a Board Recall Petition cannot be submitted solely on the basis of a matter decided by a Community IRP if (i) such Community IRP was initiated in connection with the Board’s implementation of GAC Consensus Advice and (ii) the EC did not prevail in such Community IRP. Each Board Recall Petition shall include a rationale setting forth the reasons why such individual seeks to recall the Board. The process set forth in this Section 3.3 of this Annex D is referred to herein as the “Board Recall Process.” (b) A Decisional Participant that has received a Board Recall Petition shall either accept or reject such Board Recall Petition during the period beginning on the date the Decisional Participant received the Board Recall Petition (“Board Recall Petition Date”) and ending at 11:59 p.m. (as calculated by local time at the location of ICANN’s principal office) on the date that is the 21st day after the Board Recall Petition Date (the “Board Recall</p>	<p>NEW: Procedures and requirements for an individual to submit a petition to a Decisional Participant seeking to remove all Directors.</p> <p>(a) individual submitting a petition to a Decisional Participant seeking to remove all Directors (other than the President) at the same time and initiate the Board Recall Process (b) accepting or rejecting such Board Recall Petition (i) providing written notice (“Board Recall Petition Notice”) of such acceptance to the EC Administration, the other Decisional Participants and the Secretary. (c) contacting the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Board Recall Petition. (i) If obtains the support of at least two other Decisional Participants, providing a written notice to the EC</p>	<p>The GNSO Council will need a procedure for how to address a petition submitted to it. It may be that the current procedure for decision-making whereby a motion is considered and voted on – in this case to accept or reject the petition.</p> <p>There may need to be new procedures on inviting the Director to a dialog, contacting the EC Administration and other Decisional Participants to determine other support, providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>Existing method of GNSO Council communication may apply in the case of informing the EC Administration in writing, and indicating support, objections, or abstentions.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by GNSO Supermajority.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	
<p>Petition Period”).</p> <p>(i) If, in accordance with <u>Section 3.3(b)</u> of this <u>Annex D</u>, a Decisional Participant accepts a Board Recall Petition during the Board Recall Petition Period (such Decisional Participant, the “Board Recall Petitioning Decisional Participant”), the Board Recall Petitioning Decisional Participant shall, within twenty-four (24) hours of the expiration of its acceptance of the Board Recall Petition, provide written notice (“Board Recall Petition Notice”) of such acceptance to the EC Administration, the other Decisional Participants and the Secretary.</p> <p>(c) EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Board Recall Petition.</p> <p>(i) If the Board Recall Petitioning Decisional Participant obtains the support of at least two other Decisional Participants .. provide notice:</p> <p>(A) a supporting rationale in reasonable detail;</p> <p>(C) a statement as to whether or not the Board Recall Petitioning and/or Supporting Decisional Participants want a conference call prior to the Board Recall Board Recall Community Forum; and</p> <p>(D) a statement as to whether the Board Recall Petitioning Decisional and Supporting Participants have determined to hold the Board Recall Community Forum during the next scheduled ICANN public meeting.</p> <p>...</p> <p>(v) ICANN and any Supporting Organization or Advisory Committee (including Decisional Participants) may deliver to the EC Administration in writing its views and questions on the Board Recall Supported Petition prior to the convening of and during the Board Recall Community Forum</p> <p>.Each Decisional Participant shall inform the EC Administration as to whether such Decisional Participant (i) supports such Board Recall Supported Petition, (ii) objects to such Board Recall Supported Petition or (iii) has determined to abstain from the matter (which shall not count as supporting or</p>	<p>Administration, the other Decisional Participants and the Secretary (“Board Recall Supported Petition”) within twenty-four hours of receiving the support of at least two Board Recall Supporting Decisional Participants, including:</p> <p>including:</p> <p>(A) supporting rationale</p> <p>(B) contact information</p> <p>(C) statement re: conference call</p> <p>(D) statement re: whether to hold a Community Forum.</p> <p>...</p> <p>(v) delivering to the EC Administration in writing its views and questions on the Board Recall Supported Petition prior to the convening of and during the Board Recall Community Forum.</p> <p>(e) informing the EC Administration in writing as to whether such Decisional Participant (i) supports such Board Recall Supported Petition, (ii) objects to such Board Recall Supported Petition or (iii) has determined to abstain from the matter</p>		

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	
objecting to such Board Recall Supported Petition),			

ARTICLE 4 PROCEDURE FOR EXERCISE OF EC’S RIGHTS TO INITIATE MEDIATION, A COMMUNITY IRP OR RECONSIDERATION REQUEST

<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>SECTION 4.1 MEDIATION INITIATION</p> <p>(a) If the Board refuses or fails to comply with a decision by the EC delivered to the Secretary pursuant to an EC Approval Notice, EC Rejection Notice, Nominating Committee Director Removal Notice, SO/AC Director Removal Notice or EC Board Recall Notice pursuant to and in compliance with <u>Article 1</u>, <u>Article 2</u> or <u>Article 3</u> of this Annex D, or rejects or otherwise does not take action that is consistent with a final IFR Recommendation, Special IFR Recommendation, SCWG Creation Recommendation or SCWG Recommendation, as applicable (each, an “EC Decision”), the EC Administration representative of any Decisional Participant who supported the exercise by the EC of its rights in the applicable EC Decision during the applicable decision period may request that the EC initiate mediation with the Board in relation to that EC Decision as contemplated by <u>Section 4.7</u> of the Bylaws</p>	<p>Requesting initiation of a Mediation with the Board in relation to that EC Decision as contemplated by <u>Section 4.7</u> of the Bylaws, by delivering a notice to the EC Administration, the Decisional Participants and the Secretary requesting the initiation of a Mediation (“Mediation Initiation Notice”).</p>	<p>The GNSO Council may need a new procedure for how it decides whether to request initiation of a Mediation. For the notice it may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice.</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>
<p>SECTION 4.2 COMMUNITY IRP</p> <p>(a) After completion of a Mediation under <u>Section 4.7</u> of the Bylaws, the EC Administration representative of any Decisional Participant who supported the exercise by the EC of its rights in the applicable EC Decision during the applicable decision period may request that the EC initiate a Community IRP (a “Community IRP Petitioning Decisional Participant”), as contemplated by <u>Section 4.3</u> of the Bylaws, by delivering a notice to the EC Administration and the Decisional Participants requesting the initiation of a Community IRP (“Community IRP Petition”). The Community IRP Petitioning Decisional Participant shall forward such notice to the Secretary for ICANN to promptly post on the Website. The process set forth in this <u>Section 4.2</u> of this <u>Annex D</u> as it relates to a particular Community IRP Petition is referred to herein as the “Community IRP”</p>	<p>NEW: Initiating a Community IRP.</p> <p>(a) delivering a notice to the EC Administration and the Decisional Participants requesting the initiation of a Community IRP (“Community IRP Petition”). The Community IRP Petitioning Decisional Participant shall forward such notice to the Secretary</p> <p>(b) contacting the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Community IRP Petition. The Community IRP Decisional Participant shall forward such communication to the Secretary for ICANN to promptly post on the Website.</p>	<p>The GNSO Council may need a new procedure for how it decides whether to initiate a Community IRP. For the notice it may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice.</p> <p>Also for inviting a Director to a dialog and determining other support, and for providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>New procedure to contact the EC Administration and other Decisional Participants to</p>	<p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>Initiation Process.” (b) Following the delivery of a Community IRP Petition to the EC Administration by a Community IRP Petitioning Decisional Participant pursuant to <u>Section 4.2(a)</u> of this <u>Annex D</u> (which delivery date shall be referred to herein as the “Community IRP Notification Date”), the Community IRP Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Community IRP Petition. (i) If the Community IRP Petitioning Decisional Participant obtains the support of at least one other Decisional Participant ... provide a written notice ... Such Community IRP Supported Petition shall include: (A) a supporting rationale in reasonable detail; (B) contact information for at least one representative who has been designated by the Community IRP Petitioning Decisional Participant who shall act as a liaison with respect to the Community IRP Supported Petition; (C) a statement as to whether or not the Community IRP Petitioning Decisional Participant and/or the Community IRP Supporting Decisional Participant requests that ICANN organize a publicly-available conference call prior to the Community IRP Community Forum; (D) a statement as to whether the Community IRP Petitioning Decisional Participant and the Community IRP Supporting Decisional Participant have determined to hold the Community IRP Community Forum during the next scheduled ICANN public meeting; (E) where the Community IRP Supported Petition relates to a Fundamental Bylaw Amendment, a PDP Fundamental Bylaw Statement if applicable and, if so, the name of the Fundamental Bylaw Amendment PDP Decisional Participant; (F) where the Community IRP Supported Petition relates to a Standard Bylaw Amendment, a PDP</p>	<p>(i) providing a written notice to the EC Administration, the other Decisional Participants and the Secretary within twenty-four (24) hours of providing support to the Community IRP Petition including: (A) supporting rationale (B) contact information (C) statement re: conference call (D) statement re: whether to hold a Community Forum. (E) PDP Fundamental Bylaw Statement if applicable (F) a PDP Standard Bylaw Statement if applicable (G) a statement citing the specific CCWG Policy Recommendation and related provision in the Community IRP Supported Petition (“CCWG Policy Recommendation Statement”), and, if so, the name of any Supporting Organization that is a Decisional Participant that approved the CCWG Policy Recommendation (“CCWG Policy Recommendation Decisional Participant”). ... (v) delivering to the EC Administration in writing its views and questions on the Community IRP Supported Petition prior to the convening of and during the Community IRP Community Forum AND delivering to the Secretary for prompt posting on the Website in a manner deemed appropriate by ICANN. ... (vii) resolution process shall be handled pursuant to the internal</p>	<p>determine other support. New procedures for providing written notice, rationale, contact information, statements, and Bylaws citation. Existing method of GNSO Council communication may apply in the case of informing the EC Administration in writing, and indicating support, objections, or abstentions.</p>	

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>Standard Bylaw Statement if applicable and, if so, the name of the Standard Bylaw Amendment PDP Decisional Participant; and</p> <p>(G) where the Community IRP Supported Petition relates to a policy recommendation of a cross community working group chartered by more than one Supporting Organization (“CCWG Policy Recommendation”), a statement citing the specific CCWG Policy Recommendation and related provision in the Community IRP Supported Petition (“CCWG Policy Recommendation Statement”), and, if so, the name of any Supporting Organization that is a Decisional Participant that approved the CCWG Policy Recommendation (“CCWG Policy Recommendation Decisional Participant”).</p> <p>...</p> <p>(v) ICANN and any SO/AC may deliver to the EC Administration its views and questions on the Community IRP Supported Petition prior to the convening of and during the Community IRP Community Forum.</p> <p>...</p> <p>(vii) If the Community IRP Petitioning Decisional Participant and each of the Community IRP Supporting Decisional Participants for the Community IRP Supported Petition agree before, during or after a Community IRP Community Forum that the issue raised in such Community IRP Supported Petition has been resolved, such Community IRP Supported Petition shall be deemed withdrawn and the Community IRP Process with respect to such Community IRP Supported Petition will be terminated.</p> <p>...</p> <p>(d) Following the expiration of the Community IRP Community Forum Period, each Decisional Participant shall inform the EC Administration whether such Decisional Participant (i) supports such Community IRP Petition, (ii) objects to such Community IRP Petition or (iii) has determined to abstain from the matter</p>	<p>procedures of the Community IRP Petitioning Decisional Participant and the Community IRP Supporting Decisional Participant(s).</p> <p>(d) informing the EC Administration in writing as to whether such Decisional Participant (i) supports such Community IRP Petition, (ii) objects to such Community IRP Petition or (iii) has determined to abstain from the matter (which shall not count as supporting or objecting to the Community IRP Petition), and each Decisional Participant shall forward such notice to the Secretary for ICANN to promptly post on the Website.</p>		

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New Bylaw Section	New Obligation/Right for GNSO	Any New Procedure Required?	DT Recommendation
<p><i>New Bylaw Section</i></p> <p>(a) Any Decisional Participant may request that the EC initiate a Reconsideration Request (a “Community Reconsideration Decisional Participant”), as contemplated by Section 4.2(b) of the Bylaws, by delivering a notice to the EC Administration and the other Decisional Participants, with a copy to the Secretary for ICANN to promptly post on the Website, requesting the review or reconsideration of an action or inaction of the ICANN Board or staff (“Community Reconsideration Petition”). A Community Reconsideration Petition must be delivered within 30 days after the occurrence of any of the conditions set forth in Section 4.2(g)(i)(A), (B) or (C) of the Bylaws. In that instance, the Community Reconsideration Petition must be delivered within 30 days from the initial posting of the rationale.</p> <p>(b) Following the delivery of a Community Reconsideration Petition to the EC Administration ... the Community Reconsideration Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Community Reconsideration Petition. The Community Reconsideration Decisional Participant shall forward such communication to the Secretary for ICANN to promptly post on the Website.</p> <p>(i) If the Community Reconsideration Petitioning Decisional Participant obtains the support of at least one other Decisional Participant ... provide a written notice. Such Community Reconsideration Supported Petition shall include:</p> <p>(A) a supporting rationale in reasonable detail;</p> <p>(C) a statement as to whether or not the Community Reconsideration Petitioning and/or Supporting Participant requests a conference call ...for the community to discuss the Community Reconsideration Supported Petition; and</p>	<p><i>New Obligation/Right for the GNSO</i></p> <p>Initiating a Reconsideration Request.</p> <p>(a) delivering notice to the EC Administration and other Decisional Participants requesting the review or reconsideration of an action or inaction of the ICANN Board or staff (“Community Reconsideration Petition”).</p> <p>(b) contacting the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Community Reconsideration Petition. The Community Reconsideration Decisional Participant shall forward such communication to the Secretary for ICANN to promptly post on the Website.</p> <p>(i) providing a written notice to the EC Administration, the other Decisional Participants and the Secretary (“Community Reconsideration Supported Petition”) within twenty-four (24) hours of receiving the support of at least one Community Reconsideration Supporting Decisional Participant.</p> <p>(A) supporting rationale</p> <p>(B) contact information</p> <p>(C) statement re: conference call</p> <p>(D) statement re: whether to hold a Community Forum.</p> <p>...</p> <p>(v) delivering to the EC Administration in writing its views and questions on the Community Reconsideration Supported Petition prior to the</p>	<p><i>Any New Procedure Required?</i></p> <p>The GNSO Council may need a new procedure for how it decides whether to initiate a Reconsideration Request. For the notice it may be that the existing methods for the GNSO to send a communication or notice via the Council may suffice.</p> <p>Also for inviting a Director to a dialog and determining other support, and for providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>New procedure to contact the EC Administration and other Decisional Participants to determine other support. New procedures for providing written notice, rationale, contact information, statements, and Bylaws citation.</p> <p>Existing method of GNSO Council communication may apply in the case of informing the EC Administration in writing, and indicating support, objections, or abstentions.</p>	<p><i>DT Recommendation</i></p> <p>GNSO rep on the EC will act in accord with instructions approved by majority of each house.</p>

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<i>New Bylaw Section</i>	<i>New Obligation/Right for GNSO</i>	<i>Any New Procedure Required?</i>	<i>DT Recommendation</i>
<p>(D) a statement as to whether the Community Reconsideration Petitioning Decisional and Supporting Participants want to hold the Community Reconsideration Community Forum during the next scheduled ICANN public meeting.</p> <p>...</p> <p>(v) ICANN and any SO/AC may deliver to the EC its views and questions on the Community Reconsideration Supported Petition prior to the convening of and during the Community Reconsideration Community Forum.</p> <p>...</p> <p>(d) Following the expiration of the Community Reconsideration Community Forum Period... each Decisional Participant shall inform the EC Administration whether such Decisional Participant (i) supports such Community Reconsideration Petition, (ii) objects to such Community Reconsideration Petition or (iii) has determined to abstain from the matter</p>	<p>convening of and during the Community Reconsideration Community Forum</p> <p>delivering to the EC Administration shall also be delivered to the Secretary for prompt posting on the Website in a manner deemed appropriate by ICANN.</p> <p>...</p> <p>(vii) resolution process shall be handled pursuant to the internal procedures of the Community Reconsideration Petitioning Decisional Participant and the Community Reconsideration Supporting Decisional Participant(s).</p> <p>...</p> <p>(d) informing the EC Administration in writing as to whether such Decisional Participant (i) supports such Community Reconsideration Petition, (ii) objects to such Community Reconsideration Petition or (iii) has determined to abstain from the matter (which shall not count as supporting or objecting to the Community Reconsideration Petition), and each Decisional Participant shall forward such notice to the Secretary for ICANN to promptly post on the Website.</p>		