

WP2: Categorising Public Comment Replies

Section: Fundamental Bylaws

Aims

The goals of this categorisation exercise were:

- i) To identify common topics that those who submitted replies wished to discuss, so that WP2/CCWG can organise itself to discuss these topics;
- ii) To show the relative popularity of each topic as an item for discussion, so that WP2/CCWG can prioritise its focus accordingly;
- iii) To collect those comments are all on a given topic together, and separate them out from unrelated comments, so that when WP2/CCWG discusses an issue it has readily before it all the feedback received on that issue
- iv) To ensure that items that were new to CCWG and which did not receive much attention were captured, so that these additional ideas were not excluded from consideration

Methodology

The reviewers read the Public Comment Replies¹ and sought to identify broad topics or issues to which particular comments were addressed. These topics were drawn broadly, and value neutral as to the position taken on the topic.

Outcome

The process produced three major substantive topic areas for WP2/CCWG to discuss, plus a single comment that the reviewers categorise as Miscellaneous. Within those major topic areas we find two sub-topic, two sub-topics and four sub-topics, respectively.

Three main topics or eight detailed topics seems a manageable number.

Every subtopic had at least four commenters speaking to it; the most popular had twenty-six.

The reviewers found a single comment raised that could not be categorised and indexed using this methodology: it therefore aims to constitute (errors and oversights aside) an exhaustive reference.

¹ The starting point for this exercise was the summary of public comment replies supplied by staff support, not the original replies themselves.

Breakdown of comments received

Main topic area	Sub-topic area	No. of commenters who submitted comments relating to this topic
Concept and choice of Fundamental Bylaws		
	The concept of having Fundamental Bylaws	26
	Which Bylaws should be fundamental?	13
Change mechanisms		
	Who can change the Fundamental Bylaws?	7
	Change thresholds and mechanisms	11
Proposals for additions and alterations to the Fundamental Bylaws		
	Proposals for additional Bylaws	5
	Does wording need to be more flexible?	4
	Location of Headquarters	7
	IANA Reviews	6
Miscellaneous comments		1

Scope of topics

Concept and choice of Fundamental Bylaws

There were a number of commenters who spoke specifically and explicitly in answer to the question posed about whether there was support for the bare concept of having Fundamental Bylaws that were harder to change than other Bylaws. These are collected into one sub-topic.

A set of commenters gave comments as to whether there was support for the specific bylaws that CCWG proposed for “Fundamental” status. These are collected into another sub-topic (NB: a separate major topic exists for new proposals).

Proposals for additions and alterations

The reviewers identified four groups of comments relating to this major topic:

- Those that commented on whether the location of the ICANN Headquarters should become a fundamental bylaw
- Those that commented on whether the IANA Functions Review and/or other provisions recommended by CWG-Stewardship should be incorporated into the bylaws and granted “Fundamental Bylaw” status
- Those that proposed the creation of new bylaws that would have fundamental status, or that would promote additional bylaws to fundamental status on top of those proposed by CCWG (apart from comments related to the location of ICANN headquarters or the IANA Functions Review / CWG-Stewardship proposals)
- Finally, a number of commenters suggested that, while they supported in principle granting “Fundamental Bylaw status” to the bylaws identified by CCWG, amendments to the wording of those bylaws should be considered before this occurs.

Change mechanisms

The reviewers identified two groups of comments relating to this major topic:

- Comments related to whose approval is required for changes to the fundamental bylaws (including support for the CCWG proposal that community approval should be required, rather than just the Board)
- Comments related to the thresholds of support that would be required to approve a change to a fundamental bylaw

Other

Other comments.

Appendix: Index of comments received

This appendix indexes the Public Comment Summary so that individual comments on a particular topic can be found quickly.

Topic	Commenter	Ref	Notes/extract
The concept of having Fundamental Bylaws	auDA	126	
	DBA	127	
	DCA-T	129	
	NM	130	
	AFRALO	131	
	Afnic	132	
	Govt-IN	133	
	DP-DK	134	
	IA	135	
	eco	136	
	JH	138	
	BC	139	
	.UK	140	
	USCIB	141	
	LINX	142	
	JPNIC	143	
	MPAA	147	
	CDT	148	
	CIRA	149	
	USCC	151	
	INTA	152	
	.NZ	153	
	NCSG	155	
GG	156		
CENTR	157		
NIRA	158		
Which Bylaws should be fundamental?	auDA	126	
	AFRALO	131	
	Afnic	132	
	eco	136	
	RySG	137	
	LINX	142	
	IPC	145	
	MPAA	147	
	CDT	148	
	INTA	152	
.NZ	153		
NCSG	155		

	NIRA	158	
Who can change the Fundamental Bylaws?	RH	124	
	Govt-IN	133	
	BC	139	
	CDT	148	
	NCSG	155	
	GG	156	
	NIRA	158	
Change thresholds and mechanisms	DCA-T	129	
	NM	130	
	IA	135	
	RySG	137	
	BC	139	
	.UK	140	
	LINX	142	
	IPC	145	
	SR	150	
	USCC	151	
	GG	156	
Proposals for additional Bylaws	CRG	128	
	IPC	145	
	USCC	151	
	INTA	152	
	.NZ	153	
Does wording need to be more flexible?	IA	135	
	BC	139	
	USCC	151	
	GG	156	
Location of Headquarters	Afnic	132	
	IA	135	
	RySG	137	
	BC	139	
	IPC	145	
	Govt-BR	146	
	MPAA	147	
IANA Reviews	RySG	137	
	JPNIC	143	
	CWG-St	144	
	CDT	148	
	HR2251	154	
	NCSG	155	
Miscellaneous comments	JS	125	