



13 September 2019

Empowered Community Administration
(ecadmin@icann.org)

Address Supporting Organization
(via Chair, Aftab Siddiqui)
At-Large Advisory Community
(via Chair, Maureen Hilyard)
Country Code Names Supporting Organization
(via Chair, Katrina Sataki)
Generic Names Supporting Organization
(via Chair, Keith Drazek)
Governmental Advisory Committee
(via Chair, Manal Ismail)

RE: Board Notice of Board Approval of Fundamental Bylaws Amendment re IANA Naming Function Review Composition

To the Decisional Participants in the Empowered Community and the Empowered Community Administration:

Pursuant to Section 25.2(e) of the ICANN Bylaws (at <https://www.icann.org/resources/pages/governance/bylaws-en/-article25>), this serves as notice to the EC Administration and Decisional Participants in the Empowered Community that on 8 September 2019 the ICANN Board approved an amendment to the Fundamental Bylaws at Article 18, Section 18.7(b) (regarding IANA Naming Function Review Team composition), as available [here](#). The Board also approved an amendment to the SSAC leadership terms, as well as the RSSAC leadership composition, and you will receive separate notices for each of those.

The Board approved this amendment based on the following rationale:

Moving forward with the Fundamental Bylaws Amendment Process is in direct response to the request of the ccNSO Council, and also supports the new accountability and oversight mechanisms designed by the community in the IANA Stewardship Transition Process.

The IANA Naming Function Review is an important part of the accountability and oversight of IANA's performance of the Naming Function and was a key aspect of the Transition proposal. During the pendency of Bylaws' change process to date, the ccNSO Council was eventually, was eventually able, through considerable effort and perseverance, to locate a non-ccNSO member ccTLD manager to serve on the current IANA Naming Function Review Team. However the ccNSO Council is likely to be unable to complete the required composition of the IANA Naming Function Review Teams in the future unless we continue with this change. Taking this action today is a step forward to making sure that the IANA Naming Function Reviews can proceed in a manner that the ICANN community collectively supports, as will be identified through the Fundamental Bylaws process.

This action is based on a review of the ccNSO's initial request to change the Bylaws and a review of the public comments received on the proposed amendments, including the [Staff Report of the Public Comment Proceeding](#). There were six unique comments submitted, including from the ccNSO Council, the Business Constituency, the Registries Stakeholder Group, the Non-Commercial Stakeholder Group, the At-Large Advisory Council, and an individual affiliated with Nominet.

The ccNSO, BC, RySG, ALAC and individual commenter all supported the Bylaws change as proposed. The NCSG, while not opposing the recommendation, suggested that a requirement for best efforts to identify a non-ccNSO should also be incorporated into the Bylaws. The individual commenter, who participates in ccNSO processes, warned against being too proscriptive in the Bylaws regarding the ccNSO processes. None of the commenters opposed the proposed language. No other commenter, including the ccNSO, supported the NCSG's recommendation for further change the proposed language.

The Board recognizes that the RySG, which is also responsible for the appointment of two members to the IFR, included in its comment a suggestion for further amendment of the composition requirements so as to relax some of the RySG's obligations as it relates to geographic diversity of its selected members. The action today on the amendments proposed by the ccNSO does not preclude further amendment to this section of the Bylaws and does not make any assessment of the RySG's proposal. The Board looks further to continued dialogue with the RySG and the broader community if additional issues are identified through the running of the IFR, and to considering issues of geographic diversity alongside the work that is arising out of the impending implementation of the diversity recommendations from Work Stream 2 of the Cross-Community Working Group on Enhancing ICANN Accountability.

Today's action does not pose any identified fiscal impact, nor does it impact the security, stability or resiliency of the Internet's DNS. This action serves ICANN's mission of coordinating the allocation and assignment of names in the root zone, as it will allow continued oversight over how ICANN serves that naming function. It is in the public interest as following the Bylaws-mandated amendment process supports ICANN's multistakeholder community and allows ICANN to remain accountable to its Bylaws-mandated mechanisms.

This is an Organizational Administrative Function for which public comment was received.

Within the Fundamental Bylaws Amendment Process, the Empowered Community now requires an Approval Action Community Forum to convene for the purpose of considering the proposed amendments. I confirm my understanding that the EC Administration has already requested that the Approval Action Community Forum convene during ICANN's 66th public meeting in accordance with Annex D, Section 1.3(c). Pursuant to Annex D, Section 1.3(f), ICANN and any Supporting Organization or Advisory Committee may deliver to the EC Administration its views and questions on the Approval Action in advance of the Approval Action Community Forum. The Empowered Community Approval Action Process is set out in full at Annex D, Section 1 of the

ICANN Bylaws. The timeline for the Empowered Community's exercise of this Approval Action Process will be tracked, including the associated deadlines, at <https://www.icann.org/ec>.

Best Regards,



John O. Jeffrey
General Counsel & Secretary
ICANN

cc: Cherine Chalaby, Chair, Board of Directors, ICANN
Goran Marby, President and CEO, ICANN