

Staff Report of Public Comment Proceeding

Proposed Changes to The Registrar Stakeholder Group (RrSG) Charter			
Publication Date:	7 February 2019		
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Public Comment Proceeding		Important Information Links	
Open Date:	18 December 2018		
Close Date:	5 February 2019		
Staff Report Due Date:	19 February 2019		
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Section I: General Overview and Next Steps			
<p>The GNSO Registrar Stakeholder Group (RrSG) has completed phase I of the formal ICANNBoard Process for approval of GNSO Stakeholder Group and Constituency charter amendments and on 28 June 2018, the RrSG membership voted to approve amendments to its governing documents and availed itself of the Board process as of 6 July, 2018.</p> <p>As part of Phase II of the GNSO Charter Amendment Process, ICANN Org reviewed the proposed changes to the RrSG Charter. The Policy and Legal staff teams at ICANN organization reviewed the entire document, and worked with the RrSG to clarify potential fiscal or liability concerns contained within the amended Charter. ICANN Org notes that most of the concerns previously raised in the initial review of potential legal or fiduciary concerns have been addressed through an updated document.</p> <p>However, some of the concerns previously raised by ICANN Org persist, specifically as they relate to the development of a grouping of registrars that have non-voting status within the RrSG even if they are not exercising a vote in any other part of the GNSO, as set out in Section 2.2.3. As previously noted, these concerns do not apply where an otherwise eligible member elects to vote through a different Stakeholder Group in the GNSO, or is part of a registrar family.</p> <p>A dialogue was held between ICANN Org and the drafting team. ICANN Org confirmed for the drafting team that if it wished to proceed without making further changes to the proposed Charter, ICANN Org would provide to the OEC the above analysis, which was previously shared with the drafting team. The drafting team has provided a note to the OEC with their response to the issues raised during those dialogues, and the RrSG provided a comment once again addressing ICANN Org’s concerns as tracked below.</p> <p>Phase III of the Board’s process requires that the new Charter be shared with the larger community via ICANN Public Comment.</p> <p>After review of this Summary of Public Comment and subsequent deliberations, the Organizational Effectiveness Committee (OEC) shall make a recommendation to the Board either to:</p> <ol style="list-style-type: none">Recognize the proposed charter amendment by a simple majority vote; orReject the proposed amendment by a supermajority (2/3) vote and provide a specific rationale for its concerns.			

If neither above condition is met, the Board will ask for further explanation of the proposed amendments by the community.

Section II: Contributors

At the time this report was prepared, a total of five (5) community submissions had been posted to the forum. The contributors, organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Blacknight Internet Solutions Ltd	Michele Neylon	BIS
Alibaba Cloud Computing Ltd	Antonia Chu	ACC
Namecamp Limited	Amy Thomas	NL
Internet Infrastructure Coalition (i2Coalition)	Monica Sanders	I2C
Registrar Stakeholder Group	Zoe Bonython	RrSG

Individuals:

Name	Affiliation (if provided)	Initials
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Section III: Summary of Comments

***General Disclaimer:** This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

There were four comments submitted in support of the RrSG Charter Amendments (BIS, ACC, NL, I2C) which were submitted to provide written support of the RrSG Charter Amendment process. One substantive comment was submitted by the RrSG addressing the Charter Amendment Process and the discussions held within the RrSG, with ICANN Org especially relative to fiscal responsibility concerns.

1. Accountability

I2C noted that following the CCWG Accountability process one of the most notable proposed improvements sits within SO/AC accountability. On that note, I2C flagged that “[they] believe that the Registrar Stakeholder Group (RrSG) Charter has drafted a good charter that sits above the bar required by the aforementioned SO/AC reforms. [They] believe their requested changes, including the change to exclude registrars as voting members that are run by governments, are sensible and based on sound reasoning. [They] are pleased by the ways in which they have remained open and inclusive when it comes to participation. [They] strongly support the proposed changes as requested.”

2. General Support

Three comments were submitted expressing their support of the proposed changes to the RrSG Charter, noting these changes were approved by the RrSG Membership via a majority vote (BIS, ACC, NL).

3. ICANN Org Concerns – Response from RrSG

The RrSG submitted a thorough comment addressing concerns from ICANN Org following several discussions during the Charter Amendment Review process. During this phase, the RrSG made several changes to the proposed Charter prior to submitting it to public comment. Some concerns from ICANN Org remain to be resolved (see: [ICANN Org Concerns](#)) and the RrSG already commented on said concerns via a letter posted on the [Public Comment Proceeding](#) page (see: [RrSG Response to ICANN Org](#)). On the comment submitted by the RrSG, the RrSG expressed their views in support of the amended Charter which was approved by the RrSG Membership via a majority vote and thoroughly discussed during a 2-year amendment process. Particular attention was brought to section 2.2.3 of the amended RrSG Charter.

Provision Language:

§2.2.3 Non-Voting Members: The following is a non-exhaustive list of entities which, although they meet the primary membership eligibility requirements in 2.2.1, are considered eligible for membership only as Non-Voting Members:

- a. Not-for-profit entities excepting trade associations or coalitions representing for-profit entities;*
- b. Entities whose primary business activity derives from an accredited TLD registry or registry operator; and*
- c. Entities who are directly or indirectly operated/owned by governments.*

The RrSG commented flagging that *“the RrSG is committed to the ICANN multi-stakeholder model and decision making methodology by consensus. However, it is inevitable that conflicts of interest may arise in the RrSG as the domain ecosystem evolves. The RrSG firmly believes §2.2.3 of the New Charter is prudent and necessary. In the spirit of a bottom-up governance environment in ICANN, each group is empowered to determine its charter, including rules around admission and voting rights. Considering that the New Charter has been duly approved by the RrSG members in June 2018 and has been in operation since, [they] urge ICANN Board to recognize the proposed charter amendments as reflected in the New Charter.”*

Please refer to the issue tracking list document submitted to view the full report on specific issues brought forward by the RrSG in an effort to resolve ICANN Org’s concerns.

Section IV: Analysis of Comments

General Disclaimer: *This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

The feedback summarized in Section III (above) does not require any special analysis by Staff other than to document the question/comments for review and disposition as recommended by the OEC and/or ICANN Board.

Following the substantive comment submitted by the RrSG providing written responses to each substantive item present within ICANN Org’s Concerns document, ICANN Org tracked these responses in the [“Public Comment Issue Tracking Checklist: RrSG Charter”](#) for further review and disposition as recommended by the OEC and/or ICANN Board.