



# Notice of Intent to Form a New GNSO Constituency

**Important Notices:**

(1) This form's purpose is limited to notifying the ICANN Board, community, and public of the applicant's intention to form a new GNSO constituency. It is not a substitute for, or replacement of, formal petition requirements stipulated in the ICANN Bylaws nor does its receipt, acceptance, or acknowledgement represent an implicit or explicit Board approval.

(2) In addition to the Board, this form will be provided to the GNSO Council and constituencies and will be publicly posted [Note: phone and fax numbers supplied below will be removed].

Submit to ICANN Board at [new-constituency@icann.org](mailto:new-constituency@icann.org) [Note: If you do not receive a confirmation after submittal or have questions, please contact [policy-staff@icann.org](mailto:policy-staff@icann.org)].

Your Name:	NPOC Formation Committee – Debra Hughes, Chair
Your Company/Organization:	American National Red Cross
Tel. Number:	[Redacted]
Fax Number:	[Redacted]
Email Address:	NONPROFITICANN@usa.redcross.org
Submission Date:	June 14, 2010

## Section 1.0: Constituency Mission/Purpose

### 1.1 What name/title do you propose to give the new constituency and in which Stakeholder Group are you recommending that it be associated, including rationale?

The proposed name of the new constituency is Not-for-Profit Organizations Constituency (“NPOC”). The members of this new constituency will be comprised of organizations with missions such as: philanthropic, humanitarian, educational and academic, religious, community associations, promotion of the arts, public interest policy advocacy, health-related services, and social inclusion. NPOC is proposed to be included in the Non Commercial Stakeholder’s Group (“NCSG”). The members of NPOC will be not-for-profit organizations that use the Domain Name System (“DNS”) for primarily non-commercial purposes. The placement of NPOC is consistent with the NCSG Transitional Charter §§1.1.1 and 8.2, among other sections<sup>1</sup> and the Board of Director’s Resolution dated 2009 September 2009.<sup>2</sup>

### 1.2 What is the intended purpose of the new constituency?

The purpose of the NPOC shall be to allow not-for-profit organizations that deliver services for primarily non-commercial purposes opportunity to affiliate, discuss and participate in the development of DNS policies and how they relate and may impact our operations, outreach programs and member service delivery. For example, important issues are those related to the security, stability and resiliency

<sup>1</sup> [https://st.icann.org/data/workspaces/ncsg-ec/attachments/non\\_commercial\\_stakeholder\\_group:20091126180409-0-22043/original/ncsg-approved-charter-30jul09.pdf](https://st.icann.org/data/workspaces/ncsg-ec/attachments/non_commercial_stakeholder_group:20091126180409-0-22043/original/ncsg-approved-charter-30jul09.pdf)

<sup>2</sup> <http://www.icann.org/en/minutes/prelim-report-30sep09.htm>



## Notice of Intent to Form a New GNSO Constituency

of the Internet, increasing social inclusion of non-governmental organizations with technology, and issues related to public participation, communication and global outreach.

The following is a snapshot of issues of particular interest to the proposed NPOC membership:

- Decreasing fraudulent and deceptive practices and activities on the DNS.
- Issues related to the ICANN community’s compliance with existing policies that govern the DNS (such as agreements with Registries and Registrars). For example:
  - Compliance with the Registration Accreditation Agreement; and
  - Practices that govern registries and registrars.
- Operating in the DNS on a limited budget to deliver important and socially beneficial non-commercial services, for example, existing and developing policies and practices surrounding:
  - Pricing for domain registration related services; and
  - The new gTLD program.
- Increasing awareness, participation and access to the DNS.
- Provide an opportunity for similarly situated members of the ICANN community to affiliate, benchmark, share best practices and effectively and regularly engage GNSO stakeholders and the ICANN community.

The following are examples of the new voice the NPOC will bring to the following issues:

ISSUE	NCUC	NCSG	Probable Position of NPOC
Threats to the stability of the Internet – DNS abuse	Generally reviews issue from the perspective of Registrants, especially Registrants that are individuals, end users and those that advocate on behalf of Registrants and end users.	Generally reviews issue from the perspective of Registrants, especially Registrants that are individuals, end users and those that advocate on behalf of Registrants and end users.	Considers issue to be an organization/service delivery threat.
WHOIS	Generally reviews issue with a focus on privacy of personally identifiable information.	Generally recommends a thin WHOIS.	Requests reasonable access to verifiable Registrant information.
Trademark issues for gTLDs	Generally reviews issue as an opportunity for trademark owners to expand their reach.	Generally reviews issue as an opportunity for trademark owners to expand their reach.	Views protection of brand to better serve our community (Trademark Clearing House, the Uniform Rapid Suspension System and the Post Delegation Dispute Resolution Procedure).



## Notice of Intent to Form a New GNSO Constituency

It is our belief that a not-for-profit organization's resources and mission force it to address these issues and others differently from all other entities explicitly and robustly represented in the stakeholder groups and constituencies.

### **1.3 How will the addition of this constituency improve the GNSO's ability to carry out its policy-development responsibilities?**

The proposed NPOC membership will help the GNSO complete the work tasks it has been assigned. For example, many of the proposed NPOC membership have experience coordinating and collaborating with commercial entities, individuals and governments to effectuate their organization's mission. Likely, the proposed membership will be able to use those experiences and bridge-building skills within the GNSO policy development process to help the GNSO work towards achieving consensus.

The goal of the NPOC will be to establish a membership of diverse not-for-profit organizations -- some may be already engaged in the ICANN community and others may be new to ICANN -- but all of which have expressed an interest in DNS policy development. Discussions will be centered around how DNS policy relates and may impact our operations, outreach programs and member service delivery. The NPOC will actively encourage members of eligible organizations to:

- Join and actively participate in ICANN Work Groups;
- Regularly provide comments to ICANN about ICANN policies, studies and issues;
- Attend or participate remotely in ICANN meetings, briefings, conference calls and other community gatherings; and
- Share their perspective on existing policy discussions and to identify new areas for policy development, as necessary.

### **1.4 How will the establishment of this new constituency augment, complement, and otherwise contribute differential or unique value to the GNSO and ICANN's existing structures?**

The establishment of the NPOC will augment, complement and contribute to ICANN by bringing in new organizations that are not aware of DNS issues or not actively engaged in ICANN policy development. The creation of the NPOC will better position ICANN to recruit and engage additional membership. Further, the NPOC will allow for a clear vehicle for not-for-profit entities to express their perspective and offer cohesive recommendations.

The proposed NPOC will augment, complement and contribute to the GNSO by virtue of its placement between commercial entities, individuals and governments. This unique placement will facilitate and improve the GNSO policy development process and build consensus.

Within the current GNSO structure, the NCSG has one existing constituency, the Non Commercial Users Constituency ("NCUC"). The NCUC and by virtue of the current structure, the NCSG, serve as the "catch all" constituency for all non-commercial users of the Internet interested in policy development. Although all non-commercial users have been grouped for a number of years, the NCSG is now faced with the untenable challenge of representing increasingly divergent views on DNS issues. For example, when protecting individual liberties or free speech are discussed as they relate to DNS issues, proposed NPOC members may not be able to participate or comment as few organizations are



# Notice of Intent to Form a New GNSO Constituency

able to take public positions on such topics. Further, this lack of comment, whether interpreted as tacit approval or disapproval, does nothing more than obfuscate the conversation.

The value of the NPOC will be demonstrated through its:

- Outreach to existing and prospective members of the ICANN community;
- Desire to build consensus; and
- Delivery of a clear voice to ICANN of the non-commercial view of not-for-profit organizations.

As a result, the voices of individual users and not-for profit organizations will occupy an undiluted space in the DNS conversation.<sup>3</sup> The positions taken by the NCUC and the proposed NPOC will be clearly articulated thereby providing the ICANN community with well-formed opinions to advance ICANN's mission.

For all of these reasons, we believe the addition of this new constituency will provide a unique and important compliment to the NCSG.

## Section 2.0: Membership

### 2.1 What connection do you have to this proposed constituency and what membership representation do you propose (e.g. market/interest-area/community; expertise/knowledge of members).

The members of this new constituency will be comprised of organizations with missions such as: philanthropic, humanitarian, educational and academic, religious, community associations, promotion of the arts, public interest policy advocacy, health-related services, and social inclusion. It is the expectation that the members of this new constituency will:

- Represent geographically diverse organizations and communities;
- May be local or regional not-for-profit organizations or larger international not-for-profit organizations;
- Not be required to have any special expertise;
- Own at least one domain name and maintain or have plans to create an organization website;
- Acknowledge the importance of ICANN related matters; and
- Agree to actively participate in the multi-stakeholder model.

Debra Y. Hughes is the current chair of the NPOC Formation Committee. She is Senior Counsel employed by the American National Red Cross. The American National Red Cross is a not-for-profit organization and one of the more than 180 member national societies of the International Federation of Red Cross and Red Crescent Societies, the world's largest humanitarian organization that provides assistance without discrimination as to nationality, race, religious beliefs, class or political opinions.

When Ms. Hughes was appointed by the Board as one of the new GNSO Councilors as a part of the GNSO Improvements initiative, the Board also asked these new councilors *“to provide leadership and*

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<sup>3</sup> Currently the NCSG is comprised of approximately 86 small and large organizations and 110 individuals.



## Notice of Intent to Form a New GNSO Constituency

*guidance in building new GNSO Constituencies in the specific community categories for which they have applied.” (See GNSO Council NCSG Position Notification, Effective 4 August 2009.” See also, § 8.2.3 of the NCSG Non-Commercial Stakeholder Group (NCSG) Transitional Charter: “Three Representatives Appointed by ICANN Board. The remaining three (3) GNSO Council representatives will be appointed by the Board as temporary placements, each serving two year terms, with the expectation that new Constituencies will form. Since joining the GNSO as a board appointed Councilor, she has spent time engaging various ICANN stakeholders about the perspective of humanitarian and philanthropic organizations and bringing to ICANN’s attention to the unique position of not-for-profit organization in the DNS.*

Amber Sterling is the current vice-chair of the NPOC Formation Committee. She is the Senior Business Strategy and Development Specialist employed by the Association of American Medical Colleges (“AAMC”). The AAMC is a not-for-profit organization representing all 132 accredited U.S. and 17 accredited Canadian medical schools; approximately 400 major teaching hospitals and health systems, including 68 Department of Veterans Affairs medical centers; and nearly 90 academic and scientific societies. Through these institutions and organizations, the AAMC represents 125,000 faculty members, 75,000 medical students, and 106,000 resident physicians. The AAMC and its members are dedicated to their communities and steadfast in their desire to earn and keep the public's trust for the role they play in improving the nation's health.

### **2.2 If this constituency will be formed from other pre-existing entities, please describe current memberships, including size/reach, and any public exposure offered (e.g. websites, email lists).**

This is a new constituency; however, the Formation Committee anticipates some members will come from existing GNSO constituencies. The Formation Committee will invite existing members of the ICANN community to consider membership. Membership in the NPOC will not preclude membership to other constituencies or stakeholder groups.

### **2.3 What organizations/entities would be eligible/ineligible to join this constituency?**

The members of this new constituency will be comprised of organizations with missions such as: philanthropic, humanitarian, educational and academic, religious, community associations, promotion of the arts, public interest policy advocacy, health-related services, and social inclusion. All NPOC members must:

- Meet the eligibility requirements of the NCSG;
- Operate with a primarily not-for-profit purpose;
- Provide verifiable evidence of their not-for-profit status consistent with jurisdictional requirements;
- Designate its official representative and an alternate; and
- Not be an individual.

The Formation Committee will develop specific membership requirements when it prepares the NPOC Charter. We anticipate the NPOC Charter will be available in late Fall 2010.



## Notice of Intent to Form a New GNSO Constituency

### 2.4 How would the Constituency adequately represent its membership on a global basis?

One of the NPOC's core goals will be to use worldwide resources and online networks to share DNS information with small, medium and large not-for-profit organizations and to encourage their participation in ICANN. The NPOC will create email lists and plan informational conference calls using rotating times to encourage opportunities for feedback and participation from global organizations. Informational meetings will be planned at each ICANN public meeting. In addition, NPOC will consider hosting meetings and seminars in locations within the various regions, partnering with local host organizations and entities, to encourage participation in ICANN and to obtain feedback and input on ICANN matters from interested not-for-profit organizations. Finally, NPOC members will leverage their own networks and meeting opportunities to provide their member and constituents with ICANN and DNS information.

### 2.5 What plans for recruitment/expansion do you envision for the constituency?

The NPOC will actively and continuously recruit potential members using global not-for-profit networks, not-for-profit umbrella organizations and related conferences, meetings and forums. In addition, NPOC will coordinate with ICANN's communications teams and outreach teams to solicit members, input and feedback. The NPOC hopes to coordinate with existing constituencies and ICANN stakeholders, such as NCUC, At Large Advisory Committee, registries (like the Public Interest Registry), ccTLD operators and the Governmental Advisory Committee to identify potential member organizations. Also, the NPOC would look to coordinate with the ICANN's Public Participation Committee and related Working Groups to assist their efforts to increase participation in ICANN and to find ways to make participation meaningful and impactful.

One of the ultimate goals of the NPOC is to encourage sustainable and meaningful engagement in ICANN by not-for-profit organizations. Tools such as a quarterly newsletters, regular webinars and conference calls will be very important. In addition, the NPOC hopes to use ICANN's marketing materials to introduce -- or reintroduce -- ICANN to potential members and explain the benefits of participation in policy development.

To date, the Formation Committee has presented during several conference calls and meetings where not-for-profit organizations have gathered or otherwise advocated the interests of not-for-profit organizations:

- January 2010: Conference call with several not-for-profit organizations to discuss DNS issues, resulting in comments being submitted by at least four organizations not previously engaged with ICANN and several signing a joint comment
- January & February 2010: Two informational conference calls hosted by Debra Hughes
- March 2010: Presentation by Debra Hughes on DNS Abuse and Related Issues Affecting Non Profit Organizations at the ICANN 37<sup>th</sup> Annual Meeting in Nairobi, Kenya
- March 2010: Presentation to the Executive Committee of the Global Knowledge Partnership in Delhi, India by Anthony Harris
- April 2010: Participation/Report provided at Association of Corporate Counsel's Non-Profit Committee Meeting
- May 2010: Two informational webinars for not-for-profit organizations hosted by the AAMC



## Notice of Intent to Form a New GNSO Constituency

- Planned June 2010– Informational/Q&A Meeting at the ICANN 38<sup>th</sup> Meeting in Brussels, Belgium
- Planned June 2010 –Presentation by Debra Hughes at the “Brand Management in the Age of New gTLDs” at the ICANN 38<sup>th</sup> Annual Meeting in Brussels, Belgium on June 23, 2010
- Planned July 2010 – Webinar Debrief for not-for-profit organizations after ICANN 38<sup>th</sup> Annual Meeting in Brussels, Belgium

The NPOC Formation Committee and its supporters will continue outreach activities targeted to organizations within ICANN’s five regions July – October 2010.

The attached letters are signed by several not-for-profit organizations that have indicated an interest in the formation of a new constituency. We encourage the Board to consider providing the NPOC Formation Committee with support and resources for continued global outreach and organization.

Please note that previous conversations among the proposed membership referred to this proposed new constituency as the Humanitarian and Philanthropic Organization Constituency (“HPOC”).