

Summary and Analysis of Public Comments for:

New Not-for-Profit Operational Concerns Constituency Petition and Charter

Comment period: 1 December 2010 – ~~23 January 2011~~ [extended to 30 January 2011]

Summary published: 7 February 2011

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I. BACKGROUND

In June 2008, the Board of Directors endorsed a series of recommendations on how to improve the GNSO's structures and operations. A significant underpinning of those recommendations was an interest in maximizing participation in the GNSO and its policy development processes. Among the various recommendations endorsed by the Board was that ICANN take steps to clarify and promote the option to self-form new GNSO Constituencies.

At the direction of the Board, ICANN Staff developed, and the Board subsequently acknowledged, a two-step process for potential new GNSO Constituencies to follow in petitioning the Board for formal recognition. Since 2008, four groups have submitted petitions in accordance with the process. The most recent applicant, and the subject of this Public Comment Forum, is the prospective Not-for-Profit Organizations Constituency (NPOC), which proposes to join the Non-Commercial Stakeholders Group (NCSG) of the GNSO.

*Note: On 7 December 2010, NPOC proponents modified their original Petition and Charter proposal to reflect an amended mission and a new name – “Not-for-Profit **Operational Concerns** [emphasis added] Constituency” while retaining the original acronym of NPOC. All subsequent references in this Summary and Analysis will use the revised name and documents. In recognition of the timing of these modifications, Staff extended the close of the public comment period to 30 January 2011. A summary of the NPOC amendments is included in Section III below.*

NPOC proponents completed the first step of the new GNSO constituency process on 15 June 2010 by filing a “Notice of Intent to Form a New Constituency,” which can be viewed at: [NPOC NOIF](#) [PDF-Redacted]. The second step of the process was completed on 2 November 2010 (and revised 7 December 2010) by submitting a New Constituency Petition and Charter:

- [NPOC Charter Cover Letter](#) [PDF-Redacted]
- [NPOC Petition and Charter v2.1](#) [PDF-Redacted]

[Note: copies of the NPOC's original documents are also available at: <http://gnso.icann.org/en/improvements/newco-process-en.htm>].

All members of the ICANN community and the public were invited to review the NPOC Constituency Petition and Charter documents and share their comments in this Forum through 30 January 2011.

II. GENERAL COMMENTS & CONTRIBUTORS

At the time this Summary and Analysis was prepared, a total of 16 community submissions (representing a total of 32 organization and individual parties) had been posted to the Forum. One Staff notice extending the deadline of the forum is not included in that total.

The contributors, both individuals and organizations, 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:

Contributor	Submitted by	Initials
AIM - European Brands Association	Philip Sheppard	AIM
Ellen B. Shankman & Associates	Ellen B. Shankman	EBS
eCOM-LAC Latin America and Caribbean Federation of Internet and Electronic Commerce	Anthony Harris Executive Director	eCOM
MarkMonitor	Frederick Felman	MM
Association of American Medical Colleges	Amber Sterling Sr. Intellectual Property Specialist	AAMC
Global Knowledge Partnership	Alain Berranger Vice-Chair, Executive Committee	GKP
Financial Planning Standards Board	Tamara S. Monroe Director of Legal Services	FPSB
Business Constituency	Steve DelBianco Vice-Chair for Policy Coordination	BC
Canadian Foundation For The Americas	Alain Berranger Vice-Chair	FOCAL
Not-For-Profit Operational Concerns Constituency (NPOC)	17 Organizations Listed	NPOC
Steptoe & Johnson, LLP	Brian J. Winterfeldt Partner	S&J
Bangladesh NGOs Network for Radio and Communication	AHM. Bazlur Rahman-S21BR Chief Executive Officer	BNNRC
Silverberg, Goldman & Bikoff, LLP	James L. Bikoff	SGB
MAKAIA Asesoría Internacional	Claire Philippoteaux	MAI

Individuals:

Contributor	Initials
Avri Doria Chair-Non Commercial Stakeholders Group (personal statement not reviewed by the NCSG Executive Committee)	AD
Lauren Bowers American Bankers Association	LB

III. SUMMARY & ANALYSIS

General Disclaimer: This document is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by contributors. Staff 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: <http://forum.icann.org/lists/npoc-petition-charter/>.

As mentioned in the Background section above, the “Not-for-Profit Organizations Constituency” amended its mission and changed its name about one week into the public comment period as a result of collaboration with the NCSG in Cartagena. The substantive changes are quoted below from the cover letter to the revised Petition and Charter:

“The purpose of the Not-for-Profit Operational Concerns Constituency (NPOC) shall be to represent, specifically, the operational concerns related to service delivery of not-for-profit and non-governmental organizations who are domain registrants in the DNS. The NPOC shall focus on the impact of DNS polices and their effects on the operational readiness and implementation of non-commercial missions and objectives. ... The NPOC shall engage the ICANN Community on how proposed and existing policies and initiatives may uniquely impact the operations of not-for-profit and non-governmental organizations and the delivery of their mission-related services. Such ... operational concerns include, but are not limited to, domain name registration, expansion of the DNS, fraud and abuse, using the DNS to provide and collect information and serve their members and communities.

NPOC Members shall include not-for-profit and non-governmental organizations with missions that include, but are not limited to, philanthropic, humanitarian, educational, academic and professional development, religious, community associations, promotion of the arts, public interest policy advocacy, health-related services, and social inclusion.”

Of the 16 community submissions to the Public Comment Forum, 15 express unqualified support for the NPOC’s petition to become a new GNSO Constituency within the Non-Commercial Stakeholders Group (NCSG). MM adds, ”We believe that this new group will add a welcome and important voice to the community that is currently under-

represented.” BC’s endorsement includes this affirmation, “We also believe this petition is timely, since it follows a GNSO restructuring that enables diversification within the non-contract house.”

Several commenters (AAMC, GKP, FPSB, FOCAL, NPOC, S&J, BNNRC, LB, MAI),, most representing that they are members of the NPOC, express support using the following similar language:

“... the petition for recognition of the NPOC... adequately explains how the NPOC will improve the ability of the GNSO to carry out its policy-development responsibilities. ... the ICANN community will benefit from a new constituency that will robustly represent the non-commercial perspective of organizational registrants and organizational users of domain names. ... the NPOC’s outreach activities and outreach plan demonstrate how NPOC will provide a global voice for not-for-profit/NGOs within ICANN.”

AD’s submission also supports the NPOC’s petition:

“The NPOC proponents have worked with the NCSG to arrive at a charter that matches the goals...for the Stakeholder Group... I am very grateful to them for the effort they made to fit themselves with the rest of the NCSG membership. As a candidate constituency...they have become part of the NCSG and have shown that they are active in the work of the Stakeholder Group and of the GNSO. On this basis, I feel comfortable supporting their application for full constituency status...”

Although AD’s support for the NPOC is unqualified as to its merits to be recognized as a new GNSO Constituency, AD offers the following timing caveat to the Board:

“I believe that until such time as the new NCSG charter is approved, it would be inappropriate to approve any new constituencies in the Stakeholder Group as the old NCSG charter would not allow for them to be properly integrated. ... I would very much like for the NCSG charter and the NPOC charter to be approved at the same time and very much hope that we will be able to celebrate those approvals in San Francisco.

In no event should the NPOC charter be approved before the NCSG charter is finalized and approved, as this would cause organizational chaos within the NCSG.”

AD concludes her comments by expressing the following vision for incorporating new Constituencies within the Commercial Stakeholder Group (CSG):

“I look forward to the day when new constituencies in the CSG ... receive the same level of support from ICANN Staff and the Commercial Constituencies. I think that the Non Contracted Parties House can only benefit from the orderly addition of new communities, both commercial and non-commercial.”

IV. NEXT STEPS

As with previous reviews of petitions for new GNSO Constituencies, the ICANN Board will evaluate the NPOC Petition and Charter consistent with ICANN Bylaw principles.

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