

## **Public Comment Forum Summary**

### **Amendment of GNSO Operating Procedures on the 2010 Selection Process**

#### **For Board Seat #13**

In response to the Public Comment Forum pertaining to the *Amendment of the GNSO Operating Procedures on the 2010 Selection Process for Board Seat #13*, the following comments were received:

#### **No Objection to Proposed Procedure.**

Claudio DiGangi, on behalf of the INTA Internet Committee, stated that the Committee did not object to the proposed timetables as put forward for the selection of Board Seat #13.

J. Scott Evans, on behalf of the Intellectual Property Constituency, stated that the IPC does not object to the proposed timetable.

#### **Equal Treatment for the Non-Contracted Party House Requested.**

Mr. DiGangi notes that the INTA Internet Committee requests equal treatment for the Non-Contracted Party House. In other words, when Non-Contracted Party House develops the process to fill Seat 14, the Non-Contracted Party House should be given the same latitude to determine how to fill the seat. The Non-Contracted Party House should not be required to adopt any of the procedures or mechanisms as laid out by the Contracted Party House during its process for Seat 13, simply because that House developed its procedure first.

J. Scott Evans notes that with regard to leaving the balance of the issues to be resolved by the Contracted Party House, the IPC respectfully requests parity for the Non-Contracted Party House.

#### **Each House Should Determine its Own Criteria for Filling its Allotted Seat.**

Mr. DiGangi notes that an important component of the reorganization of the GNSO was that each House would determine its own criteria for filling its allotted seat. It is also their understanding that the timing for the Contracted Party House to fill its seat first was greatly debated, and that the Non-Contracted Party House conceded this point to allow the GNSO reorganization process to move forward. Therefore the Non-Contracted Party House should not be penalized in any way for making this concession.

The IPC indicates that when the time comes next year for the Non-Contracted Party House to fill seat 14, the Non-Contracted Party House should also be allowed to decide how to do so and

should not be required to follow the selection mechanisms adopted by the Contracted Party House. From the perspective of the IPC, the decision to allow each House of the reorganized GNSO Council to decide separately who will fill one seat on the ICANN Board was one of the few positive features of the time-consuming and largely counter-productive process labeled “GNSO Improvement.” This reform has the potential to end the dominance of parties in a contractual relationship with ICANN over the selection of Board members by the GNSO. While the IPC continues to believe that it would have been more equitable, given this historical imbalance, to allocate the first selection under the new system to the Non-contracted Parties House, it accepts that this could not be achieved over the strong opposition of some of the contracted parties.

The IPC notes that the question of which House would be allowed to go first in selecting a Board member was hotly contested. It was not until the very end of the process of amending the ICANN by-laws that the Non-Contracted Party House acceded in letting the other house go first. It would not be appropriate to allow the Contracted Party House’s selection mechanism to govern the Non-Contracted Party House’s selection mechanism, merely because the Non-Contracted Party House was willing to compromise on an issue of timing in order to reach consensus on the by-law revisions.

**For More Information:**

**Announcement of Public Comment Forum:**

<http://icann.org/en/announcements/announcement-28jan10-en.htm>

Email Archive of Public Comment Forum: <http://forum.icann.org/lists/op-procedures-amendment-2010/>