

BACKGROUND

This charter is based on the GNSO council decision to create a GNSO-ALAC group to draft a registrant rights charter, and a Drafting Team to discuss further amendments to the Registrar Accreditation Agreement.

On March ---, 2009, the GNSO Council approved the following resolution. The last paragraphs of the resolution is the genesis for this charter.

20090304-2

Registrar Accreditation Agreement (RAA) motion

Motion made by Tim Ruiz

Seconded by Kristina Rosette

Whereas, the Registrar Accreditation Agreement (RAA) has not been amended since May 2001, and ICANN has undertaken a lengthy consultative process related to amending the RAA, including several public comment periods and consultations;

Whereas, the proposed changes to the RAA include important compliance and enforcement tools for ICANN; The Council wishes to approve the set of proposed amendments as quickly as possible so that the ICANN Board may review them, and if approved then implement them as quickly as possible; and

Whereas,

The Council would like to proceed on the drafting of a charter identifying registrant rights that registrars would be obliged to link to, as contemplated in the set of amendments;

The Council would like a specific process and timeline to move forward with additional potential amendments to the RAA; and

The Registrar Constituency is supportive of these efforts and is willing to participate on a good faith basis on anticipated next steps.

Resolved:

The GNSO Council supports the RAA amendments as documented in <http://gns0.icann.org/drafts/current-list-proposed-raa-amendments-16dec08.pdf> and recommends to the Board that they be adopted at its meeting of March 6, 2009;

Within 30 days of Board approval of the set of amendments, representatives from the GNSO community and the ALAC shall be identified to participate in drafting a registrant rights charter, as contemplated by the amendments and the current GNSO Council discussions, with support from ICANN staff. A draft charter shall be completed no later than July 31 2009; and

Within 30 days of Board approval of the set of amendments, the GNSO Council will form a Drafting Team to discuss further amendments to the RAA and to identify those on which further

action may be desirable. The Drafting Team should endeavor to provide its advice to the Council and ICANN staff no later than July 31, 2009.

On May 21, 2009, the Board approved the RAA amendments referenced in the GNSO council motion. See <http://www.icann.org/en/minutes/minutes-21may09.htm>. Volunteers for the DT were solicited from constituencies and others (including ALAC).

CHARTER

The Drafting Team shall consider the following questions:

(A) Registrant rights charter

A subgroup of volunteers from GNSO and ALAC will draft a descriptive list of rights of registrants, drawn from the current version of the RAA (see link below), and using the staff-generated document at <http://forum.icann.org/lists/gns0-raa-dt/msg00018.html> as a starting point.

(B) RAA amendments

(1) Identify topics on which further action in the form of amendments to the RAA may be desirable.

(2) From list (1), flag any topics that may require further analysis as to impact on consensus policy.

(3) Propose next steps for considering such topics.

The output of Charter section A, when completed, may be subject to revision upon the completion of Charter Section B3 and/or the next steps envisioned by that section.

DRAFTING TEAM PROCESSES:

The following guidelines will apply to this DT:

- The DT shall function on the basis of rough consensus, meaning all points of view will be discussed until the chair can ascertain that the point of view is understood and has been covered. Consensus views should include the names and affiliations of those in agreement with that view. Anyone with a minority view will be invited to include a discussion in the DT report. Minority report should include the names and affiliations of those contributing to the minority report.
- In producing the DT report, the chair will be responsible for designating each position as having one of the following designations:
 - Unanimous consensus position
 - Rough consensus position - a position where a small minority disagrees but most agree

- Strong support but significant opposition
- Minority viewpoint(s)
- If several participants in a DT disagree with the designation given to a position by the chair or any other rough consensus call, their position and the reasons for the disagreement should be reflected in the DT report.
- The chair, in consultation with the GNSO council liaison(s) is empowered to restrict the participation of someone who seriously disrupts the DT. Any such restriction will be reviewed by the GNSO council. Generally the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances this requirement may be bypassed.
- The DT will have an archived mailing list. The mailing list will be open for reading by the community. All DT meetings will be recorded and all recordings will be available to the public. A GNSO RAA DT mailing list has been created xxxxx public archives are at: yyyyyy
- A wiki will be provided for DT usage
- The council liaison(s) to the DT will be asked to report on the DT status monthly to the council.

MILESTONES (to be updated as needed upon charter approval):

- Immediately: begin task A, forward to Council upon completion
- T: Council approval of charter
- T + 30: Draft report of DT on task B posted for 21-day public comment
- T+ 80: Final report of DT on task B forwarded to Council

DT Chair:

[tbd]

GNSO Council Liaison to DT:

[tbd]

Staff Coordinator:

Staff to be assigned as needed.

Subject Matter References:

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RAA (<http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm>)