



Comments in Response to <http://www.icann.org/en/news/public-comment/structures-charter-22jun13-en.htm>

August 28, 2013

The GNSO Intellectual Property Constituency (IPC) offers the following comments on the proposed GNSO Charter Amendment Procedure.

In Phase I, the requirement that stakeholder groups and constituencies “notify policy staff upon initiation of such efforts” to formulate charter amendments is both unclear and difficult to enforce, since different groups will have different procedures for formulating and considering such amendments. Perhaps the same goal can be achieved by simply encouraging SGs /constituencies to consult with policy staff as early as feasible in the amendment process.

In Phase IV, the two options provided leave open the question of the fate of a proposed charter amendment that enjoys support of less than a majority of the Board but is not opposed by 2/3 of the Board. This needs to be clarified. IPC suggests that charter amendments be approved unless rejected by a 2/3 Board majority (we agree that in this case a specific rationale must be provided).

Also in Phase IV, the prospect that a proposed charter amendment might languish before the Board indefinitely is troubling and could leave stakeholder groups/constituencies in limbo and impair their functioning. IPC suggests that such amendments be deemed approved if the board has taken no formal action upon them after a stated number of meetings (perhaps 4-6).

IPC thanks the SIC and Board for considering these suggestions.