RE-WORKING THE PROPOSED CONSUMER CONSTITUENCY CHARTER

Guidance Document

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This document is intended to help those members of the non-commercial stakeholders’ group who want to assist in re-formulation of the candidate Consumers Constituency charter. It is not intended to suggest how to re-work the charter, but rather, to point out sections written prior to current events.

When the charter was first written more than two years ago, then updated a year later, language was included at the request of the Structural Improvements Committee to differentiate the activities of the proposed consumer constituency from other groups and subgroups in the GNSO. This language is no longer necessary or, in some cases, no longer applicable.

Also, it should be noted most of the charter document is “boilerplate,” taken from other constituency charters already established in the GNSO, or suggested by ICANN staff and its consultants, and updated to reflect changes in the other proposed charters. This language has been repeatedly sifted and reviewed by people with more expertise and knowledge of GNSO structure than the original consumer constituency charter’s authors. In the interest of time I suggest these sections be left largely alone so we don’t waste time “reinventing the wheel.” However, that certainly shouldn’t preclude anyone who wants to review them and make comment, to do so. Both charters have been available for public comment for many months and reflect any significant proposed changes.

Finally, it should be noted the intent of the first consumer constituency charter was to create a presence in the GNSO for consumer organizations, specifically, international NGOs or quasi-NGOs such as Consumentenbond of the Netherlands (not a member, but mentioned for illustrative purposes) or BEUC (not a member, but mentioned for illustrative purposes). The second iteration of the charter was intended to open up membership to others, with a broader interpretation of the words “consumer” and “consumer organization.” For the purposes of this document, when the words “consumer organization” are used, think “BEUC, Consumentenbond, etc.”, and when the word “consumer” is used, think: “human being.”

This document is intended to make clear which sections of the charter are “boilerplate” and which are not. The version of the charter being used can be found here:

 [Consumers Constituency Charter (Revised 15 Sep 2009)](http://gnso.icann.org/en/improvements/consumers-constituency-charter-15sep09.pdf)

Supporting documents and the other proposed charters can be found here:

<http://gnso.icann.org/en/improvements/newco-process-en.htm>

**Page 2, Section 1.0: Mission, Structure, and Principles.**

Section 1.1 will need to be updated.

Section 1.2 will need to be rewritten. The current text:

***Mission.*** *The purpose of the Consumers Constituency is to be the conduit for public interests as they relate to ICANN’s legal mandate in maintaining safety and stability of the Internet. Major areas of consumer interest are fraud, spam, phishing, identity theft, and privacy. The focus of the Consumers Constituency is to ensure that safety, security and stability regarding the Domain Name System (DNS) are adequately represented within ICANN policy development.*

**Page 3, Section 2.0: Executive Committee.**

Section 2.1.2 sub a) will need to be updated.

**Page 12, Section 5.0: Eligibility for Membership.**

Section 5.1 will need to be reviewed and rewritten. The current text:

***5.1 Organizations.***

***5.1.1 Eligible Organizations.*** *To be eligible to be a Member of the Consumers Constituency, a Large or Small Organization must be:*

*a. Either:*

*i. An organization incorporated or otherwise legally established as a non-commercial entity (in countries that have such a provision in their corporation law); or*

*ii. An unincorporated organization, or organization operating in a country without provisions for non-commercial incorporation, that operates on a non-profit basis, primarily for non-commercial purposes, and has at least ten (10) members;* or *b. The exclusive user of at least one (1) domain name used primarily for non-commercial purposes; or*

*c. Engaged in activities that are primarily non-commercial and public service oriented, including but not limited to, policy advocacy, educational, religious, charitable, scientific, or artistic purposes.*

Page 13,Section 5.1.2 will need to be reviewed and rewritten, though I think it is fairly far down the right track. The current text:

***Ineligible Organizations.*** *An organization is not eligible to be a Consumers Constituency Member if it:*

*a. Is a political organization whose primary purpose is to elect government officials;*

*b. Exists as an association of, or for the benefit of, commercial entities (even if it is non-profit in form), such as industry trade associations;*

*c. Provides a service under a contract or memorandum of understanding with ICANN; or*

*d. Is currently represented in ICANN through another Supporting Organization or GNSO Stakeholder Group. Organizations that participate in ICANN with the At Large Advisory Committee (ALAC) are not excluded by this criterion.*

Page 14, Section 5.1.5 will need to be reviewed and rewritten. The current text:

***Status and Vote of Large Organization or Small Organization.***

*a. An organization with fifty (50) or more employees, or membership organizations with five hundred (500) or more individual members, shall be classified as a “Large Organization” and afforded three (3) votes in all Constituency elections.*

*b. An organization not qualifying as a Large Organization under the prior Paragraph, and with five (5) or more employees, or membership organizations with fifteen (15) or more individual members, shall be classified as a “Small Organization” and afforded two (2) votes in Constituency elections.*

Page 14, Section 5.2.1 will need to be reviewed and possibly rewritten, specifically:

***5.2.1 Eligible Individuals.*** *To be eligible to be a Member of the Consumers Constituency, an individual must:*

*a. Own at least one domain name for personal or family use of a predominantly non-commercial nature;*

and

*c. Be employed by, or a member of, a large non-commercial public interest organization, such as a university, college, or non-government organization that qualifies as an Organization under this Charter and is not a Member Organization of the Constituency.*

**Page 20, Section 9.0: Outreach.**

Parts of section 9.1 will need to be reviewed and possibly rewritten. The current text:

***9.1 Outreach Policies.*** *The objective of the Consumers Constituency is to be as inclusive and representative of non-commercial Internet users as possible, with particular focus on categories of users who are not represented elsewhere within ICANN. The Constituency will conduct primary outreach to other consumer groups around the world who serve a collective purpose representing the interests of consumers and, secondarily, to individuals who have demonstrated interest and expertise in consumer issues on the Internet.*

***9.1.1 Recruiting Emphasis.*** *Particular emphasis in recruiting should be focused on increasing representation from:*

*d. A variety of experience, including without limitation those working for or with universities, schools, hospitals, governments, churches, political parties, and other large non-commercial Internet users; researchers and scholars; child-protection advocates; parents; consumers; domain name registrants; and public service organizations.*