

Draft for Discussion Purposes  
Potential Revisions to the CSC Bylaws to address CSC Effectiveness Review Team  
Recommendations

## **ARTICLE 17 CUSTOMER STANDING COMMITTEE**

### **Section 17.1. DESCRIPTION**

ICANN shall establish a Customer Standing Committee ("**CSC**") to monitor PTI's performance under the IANA Naming Function Contract and IANA Naming Function SOW.

The mission of the CSC is to ensure continued satisfactory performance of the IANA naming function for the direct customers of the naming services. The direct customers of the naming services are top-level domain registry operators as well as root server operators and other non-root zone functions.

The CSC will achieve this mission through regular monitoring of the performance of the IANA naming function against the IANA Naming Function Contract and IANA Naming Function SOW and through mechanisms to engage with PTI to remedy identified areas of concern.

The CSC is not authorized to initiate a change in PTI through a Special IFR (as defined in Section 18.1), but may escalate a failure to correct an identified deficiency to the ccNSO and GNSO, which might then decide to take further action using consultation and escalation processes, which may include a Special IFR. The ccNSO and GNSO may address matters escalated by the CSC, pursuant to their operating rules and procedures.

### **Section 17.2. COMPOSITION, APPOINTMENT, TERM AND REMOVAL**

(a) The CSC shall consist of:

(i) Two individuals representing gTLD registry operators appointed by the Registries Stakeholder Group;

(ii) Two individuals representing ccTLD registry operators appointed by the ccNSO;  
and

(iii) One individual liaison appointed by PTI,

each appointed in accordance with the rules and procedures of the appointing organization; provided that such individuals should have direct experience and knowledge of the IANA naming function.

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(b) If so determined by the ccNSO and GNSO, the CSC may, but is not required to, include one additional member: an individual representing top-level domain registry operators that are not considered a ccTLD or gTLD, who shall be appointed by the ccNSO and the GNSO. Such representative shall be required to submit a letter of support from the registry operator it represents.

(c) Each of the following organizations may also appoint one liaison to the CSC in accordance with the rules and procedures of the appointing organization: (i) GNSO (from the Registrars Stakeholder Group or the Non-Contracted Parties House), (ii) ALAC, (iii) either the NRO or ASO (as determined by the ASO), (iv) GAC, (v) RSSAC, (vi) SSAC and (vii) any other Supporting Organization or Advisory Committee established under these Bylaws.

(d) The Registries Stakeholder Group and the ccNSO may each identify one individual to serve as an alternate member of the CSC. Each entity that selects a liaison to the CSC may also identify one individual to serve as an alternate liaison to the CSC. The role and method of selection of alternates shall be defined by the CSC.

(e) The GNSO and ccNSO shall approve the initial proposed members and liaisons of the CSC, and thereafter, the ccNSO and GNSO shall approve each annual slate of members and liaisons being recommended for a new term.

(f) The CSC members and liaisons shall select from among the CSC members who will serve as the CSC's liaison to the IFRT (as defined in Section 18.1) and any Separation Cross-Community Working Group ("**SCWG**").

(g) Any CSC member or liaison may be removed and replaced at any time and for any reason or no reason by the organization that appointed such member or liaison.

(h) In addition, the Chair of the CSC may recommend that a CSC member or liaison be removed by the organization that appointed such member or liaison, upon any of the following: (i) (A) for not attending without sufficient cause a minimum of nine CSC meetings in a one-year period (or at least 75% of all CSC meetings in a one-year period if less than nine meetings were held in such one-year period) or (B) if such member or liaison has been absent for more than two consecutive meetings without sufficient cause; or (ii) for grossly inappropriate behavior.

**Commented [SE1]:** Suggested to help implement the recommendation to allow alternates. Note that the Charter will also need to be updated to allow for alternates, as well as to identify the other particulars of the role of the alternates. ("The CSC will be responsible for determining the role of the alternate and developing the procedure for appointment, in consultation with the appointing organisations.")

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(ih) A vacancy on the CSC shall be deemed to exist in the event of the death, resignation or removal of any CSC member or liaison. Vacancies shall be filled by the organization(s) that appointed such CSC member or liaison. The appointing organization(s) shall provide written notice to the Secretary of its appointment to fill a vacancy, with a notification copy to the Chair of the CSC. The organization(s) responsible for filling such vacancy shall use its reasonable efforts to fill such vacancy within one month after the occurrence of such vacancy.

### Section 17.3.CSC CHARTER; PERIODIC REVIEW

(a) The CSC shall act in accordance with its charter (the "CSC Charter").

(b) The effectiveness of the CSC shall be reviewed ~~two years after the first meeting of the CSC; and then every five three years,~~ calculated from the date of the delivery of the final report of the prior CSC effectiveness review. The effectiveness of the CSC may be reviewed at an interval shorter than five years upon request of the CSC, ccNSO, GNSO, the Board and/or the PTI Board. If such an off-cycle review is requested, the delivery of the final report from such review shall serve as the date for calculation of the five-year period prior to the next CSC effectiveness review. thereafter. The method of review will be determined by the ccNSO and GNSO and the findings of the review will be published on the Website.

(c) The CSC Charter shall be reviewed by a committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations. This review shall commence one year after the first meeting of the CSC. Thereafter, the CSC Charter shall be reviewed by such committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations at the request of the CSC, ccNSO, GNSO, the Board and/or the PTI Board and/or by an IFRT in connection with an IFR.

(d) Amendments to the CSC Charter shall not be effective unless ratified by the vote of a simple majority of each of the ccNSO and GNSO Councils pursuant to each such organizations' procedures. Prior to any action by the ccNSO and GNSO, any recommended changes to the CSC Charter shall be subject to a public comment period that complies with the designated practice for public comment periods within ICANN. Notwithstanding the foregoing, to the extent any provision of an amendment to the CSC Charter conflicts with the terms of the Bylaws, the terms of the Bylaws shall control.

### Section 17.4. ADMINISTRATIVE AND OPERATIONAL SUPPORT

**Commented [SE2]:** The presence of alternates raises a series of questions regarding how the role of the primary is impacted. Based on the answers to these questions, we can evaluate if the nuances raised within these are better left to a charter/alternates document maintained by the CSC, or if there are modifications or additions required to the Bylaws: (1) do alternates have term limits?; (2) can alternates serve as liaisons to the IFRT/SCWG?; (3) may alternates be removed at any time by the appointing org?; (4) do alternates have attendance requirements that make the CSC removal applicable?; (5) When an alternate is present, is the strict attendance rule for the primary member/liaison still applicable? Typically, attendance requirements help make sure that there are enough people to do the work of group and to make sure that no one group lacks regular participation. However, the presence of an alternate could mitigate some of this. (Example of possible treatment for issues 4/5: "Only the primary member/liaison is subject to the attendance requirement set forth in Section 17.2(h)(i)(A). The presence of an alternate does not mitigate the absence of the primary.") (6) if the appointment of an alternate is advised - but not required - is there any accounting for a vacancy in an alternate position? (7) If an alternate has been appointed and there is a vacancy in the primary member/liaison role, is there a preference that the alternate be made the primary? (Example of possible treatment: "Upon the vacancy in a primary member/liaison role, the CSC will recognize the alternate as the interim primary member/liaison. The appointing organization shall, within one month after the occurrence of such vacancy, either affirm the alternate to serve as the primary or identify a new primary member/liaison.")

**Commented [SE3]:** Mirrored language from (c) below. Not clear if there is a reason why the ICANN Board itself shouldn't be able to cause this review to happen ("the Councils support the suggestions of the Review Team and therefore also to reduce the frequency to once every five years after the previous review was concluded, or at the request of the PTI Board, the CSC, the ccNSO or RySG if any of them deem an effectiveness review is necessary.")

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ICANN shall provide administrative and operational support necessary for the CSC to carry out its responsibilities, including providing and facilitating remote participation in all meetings of the CSC.

