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## A Proposal for an MOU-Based ICANN Protocol Support Organization

### Status of this Memo

This memo provides information for the Internet community. It does not specify an Internet standard of any kind. Distribution of this memo is unlimited.

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#### 1. Abstract

This is a copy of the proposal for an MOU-based Protocol Supporting Organization that was submitted to ICANN on April 23, 1999.

#### 2. Cover Letter

This is a copy of the cover letter that was used to submit the draft to ICANN.

Dear Esther,

Enclosed please find a description of a proposed Protocol Support Organization (PSO) for ICANN's consideration. This description is purposefully informal as it is meant to be a basis for discussion and not a final formal legal document.

This proposal was developed primarily by using the open Internet Engineering Task Force (IETF) poisson working group mailing list to discuss successive versions of the proposal. In addition the proposal has benefited from extensive discussion within the IETF's Internet Engineering Steering Group (IESG) and Internet Architecture Board (IAB). The proposal also benefited from extended discussions with representatives of the International Telecommunication Union (ITU) and the World Wide Web Consortium (W3C).

I look forward to ICANN's evaluation of this proposal and am also looking forward to the MOU development meeting noted in section 1.c of the proposal.

Thanks

Scott

### 3. Proposal for a MOU-based PSO

#### ICANN Protocol Supporting Organization

##### 1. Definition of the PSO.

###### a. Purpose.

The Protocol Support Organization (PSO) will be a consensus-based advisory body within the ICANN framework.

###### b. Components.

The PSO will establish a "Protocol Council" and host an annual open meeting (known as the "General Assembly" (described below)).

###### c. Creation through a Memorandum of Understanding.

Arrangements regarding the PSO are to be reflected in a Memorandum of Understanding (MOU) among ICANN and a group of open international Internet related standards development organizations (SDOs). SDOs must satisfy a set of objective criteria before they can be considered for membership. (see Appendix A) After ICANN has accepted a proposal for an ICANN PSO, including the SDO criteria, a meeting, open to all SDOs that believe they meet the criteria, will be held to develop the MOU.

All existing MOU signatories must agree to the admission of new signatories. Rejected applicants can appeal to the ICANN Board where a 2/3rds majority can override such a rejection if the board finds the SDO meets the criteria.

##### 2. The Protocol Council

###### a. Members

The Protocol Council will have up to [12] individual members selected by the SDO signatories of the MOU. (see below)

b. Term

The term of Protocol Council members will be 2 years. Removal will be pursuant to procedures established through the MOU. (Initial terms will be 1 and 2 years to provide initial conditions for staggered terms.)

c. Powers/Duties of the Protocol Council

i Appointment of ICANN Directors

The Protocol Council will nominate 3 Directors to the ICANN Board (By-laws, Art. V, Sec. 4(iii)). The initial directors would have terms of 1, 2 and 3 years (By-laws, Art. V, Sec. 9(d))

The Protocol Council will conduct an open call for nominations for any open PSO seats on the ICANN board. Each SDO signatory to the MOU is entitled to nominate candidates by procedures of its own choosing. Additionally, nominations from the public at large should be allowed under conditions to be defined by the Protocol Council.

The Protocol Council will select the PSO nominees to the ICANN board from among these nominees by a means of its own choosing.

ii Qualifications of ICANN Directors

No more than 2 PSO-nominated Directors may come from the same geographic region.

iii Role of ICANN Directors

The Directors appointed by the Protocol Council will not represent the PSO on the Board, but will function as full Directors of ICANN. (By-laws, Art. V, Sec. 8)

iv Advisory Role

The Protocol Council will advise the Board of ICANN on matters referred to the Protocol Council by the ICANN Board. As per the ICANN By-laws, only matters relating to the assignment of parameters for Internet protocols would be so referred.

d. Policy Development

In the tradition of the Internet, standards development policies and conflict resolution mechanisms should be created by those institutions most directly involved, without undue interference from centralized bodies.

The ICANN By-laws vest in the PSO the primary responsibility for developing and recommending substantive policies in the area of protocol parameter assignment. The PSO is committed to the proposition that policies for parameter assignments for particular protocols are the responsibility of the individual SDO that developed the protocol. The Protocol Council will be available as needed by the SDOs to develop policies and procedures for conflict resolution between SDOs. (By-laws, New Art. VI, Sec. 2(b)). Any policies must be adopted by consensus of all SDOs. The ICANN Board of Directors will take no additional action regarding disputes between SDOs related to protocol assignment or registration.

3. Annual Open Meeting (General Assembly)

a. Hosting an open meeting

The Protocol Council will periodically host an open meeting ("General Assembly") for promoting discussion and receiving input regarding the work of the PSO. A General Assembly meeting will be held at least once per year, and will permit open participation by all interested individuals.

The annual open meeting will be held in conjunction with a major meeting of one of the SDOs that have signed the MOU. (with an effort to hold no 2 consecutive meetings in the same geographic region.

It is expected that the major SDOs within the Internet protocol standards development community will provide the constituency of the General Assembly.

b. Selection of Protocol Council Members

Prior to the annual open meeting, the Protocol Council shall make an open call for nominations to the upcoming vacancies in the Protocol Council. Each SDO signatory to the PSO MOU will be entitled to make nominations for some or all of the vacant seats by a procedure of its own choosing. In the event that there are more nominees than vacancies, an election will be held in which each SDO signatory to the PSO MOU has equal votes.

Protocol Council Members should fairly represent, to the extent reasonable, all constituencies within the member SDOs, including the major technical areas and geographical regions.

#### 4. Open Proceedings and Documents

##### a. Communications between ICANN and the PSO

All communications between ICANN and the PSO will be made public on the PSO web site. In the event that ICANN requests that a communication be kept confidential, the PSO will honor this request for a fixed period of time not to exceed one year, and then make the communication public.

##### b. PSO Proceedings

All discussions of PSO business will be conducted on a publicly-archived mailing list accessible through the PSO web site. The schedule for the PSO meetings will be posted 90 days in advance of the meeting date. The agenda for the Protocol Council and annual open meetings will be posted on the PSO web site at least 30 days before the meetings. The minutes from all PSO meetings will be publicly posted on the PSO web site within 30 days of the meeting.

#### 5. Review of MOU

The MOU signatories will periodically review the results and consequences of their cooperation under the MOU. When appropriate, the signatories will consider the need for improvements in the MOU and make suitable proposals for modifying and updating the arrangements and scope of the MOU.

#### 6. Recognition

ICANN will officially recognize the PSO described in this memo as the PSO under the ICANN By-laws Art. 6, Sec. 3.

## Appendix A - requirements for consideration as a PSO-qualified SDO

SDOs must be open, international, voluntary technical standard and technical specification development organizations which:

- 1) Develop standards and/or specifications for use over the public Internet.
- 2) Can demonstrate active membership in the IP-related standards and/or specification development process of more than 1000 individuals, if individual memberships are used by the organization, or 100 companies, if corporate memberships are used by the organization.
- 3) Has been in operation for 3 or more years at the time of their application.
- 4) Can demonstrate that there is significant deployment of its standards on the Internet.
- 5) The significant protocols controlled by the organization can be implemented without paying a licensing fee to the organization

Open international voluntary standards bodies are defined as international organizations that plan, develop or establish voluntary standards.

An organization shall be considered open and international if its standards and/or specifications development process is open to any person or organization of any nationality on equitable terms. It shall be considered voluntary if it makes no claim to compel use of its standards and specifications.

In either case, to be considered as 'international', the voting (or other "full") membership must include individuals or companies primarily located in at least three different regions and at least two different countries within each of those regions.

4. Security Considerations

This type of non-protocol document does not directly effect the security of the Internet.

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