

ICANN strengthens GAC advice International - Hogan Lovells LLP

Domain names

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The [Internet Corporation for Assigned Names and Numbers](#) (ICANN) has published a proposed amendment to its bylaws that can be interpreted as giving the world's governments a stronger voice in matters concerning ICANN's actions, such as the introduction of new generic top-level domains (gTLDs). This proposed change will make it harder for the ICANN Board to reject advice from its Government Advisory Committee (GAC).

As matters currently stand, the ICANN bylaws allow the ICANN Board to reject GAC advice on a simple majority vote of the board, that is to say, 50% + 1.

Under the new proposals to the ICANN bylaws, new wording has been added to Article XI, Section 2.1(k) which states:

"A final decision by the ICANN Board to not follow the advice of the Governmental Advisory Committee must be supported by a two-thirds vote of all members of the board that are eligible to vote on the matter."

The rationale behind the change to the ICANN bylaws stems from the first Accountability and Transparency Review Teams recommendations. This resulted in the creation of the Board-GAC Recommendations Implementation Working Group, out of which came the proposal to require a two-thirds majority in the event that the ICANN Board chose to reject GAC advice.

The announcement by ICANN to implement this change comes at a time when many questions are being posed to the organisation with regard to [ICANN's accountability mechanisms](#) and the role that governments currently play and will play in the future in light of the US government's [National Telecommunications and Information Administration](#) (NTIA) recent announcement regarding its [intentions to transition "key internet domain name functions to the global multistakeholder community"](#). This is essentially a largely symbolic move on the part of the NTIA, as ICANN is already responsible for deciding what changes should be made to the root zone due to ICANN's role in the Internet Assigned Numbers Authority functions.

In any event, the recent proposal by ICANN can be seen either as an essential and long overdue piece of housekeeping, or an astute political move to ensure that governments can be assured that ICANN will listen to their positions and be more likely to accept GAC advice as and when it is issued.

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