

IE DOMAIN REGISTRY POLICY ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Background

The IE Domain Registry (“**IEDR**”) is the designated manager and operator of the .IE country code Top Level Domain (“**ccTLD**”) in the global Domain Name System. IEDR wishes to establish a consultative group, known as the Policy Advisory Committee (“**PAC**”), to represent the views of the collective interests of the Irish Internet community in relation to the operation of the IE ccTLD and the Domain Name System in Ireland.

2. Role

2.1 IEDR hereby establishes the PAC on the terms set forth in these Terms of Reference and in replacement of previous consultative groups representing the interests of the Irish Internet community in relation to the operation of the .IE ccTLD and the Domain Name System (DNS) in Ireland.

2.2 The PAC shall be a consultative and advisory body to IEDR and will deal with questions and issues relating to the operation of the .IE ccTLD within the ambit of these Terms of Reference.

2.3 The PAC may convey advisory views or submissions on policy matters to IEDR. All advice given by the PAC will be objective and in the best interests of the Irish Internet community.

2.4 The PAC shall be autonomous in regard to its agenda and to the subject matter of its policy advisory recommendations. IEDR may refer any issue to the PAC for its consideration. Recommendations of the PAC shall be of persuasive authority and IEDR shall have due regard to them.

2.5 Otherwise than as provided by these Terms of Reference, the PAC may regulate its activities as it sees fit.

3. Composition of the PAC

3.1 For the purposes of these Terms of Reference, an Eligible Organisation means any of the organisations listed in the Schedule. This listing may be amended from time to time by IEDR following consultation with the PAC by notice in writing from IEDR to the Chairman of the PAC.

3.2 Each Eligible Organisation shall be invited to nominate a member of the PAC (a “**Member**”). IEDR’s Accredited Registrars shall be invited to nominate (4) members of the PAC. The IEDR shall also nominate a Member. Members shall be appointed to the PAC by IEDR. A Chairman of the PAC, who may, but will not necessarily be, one of the nominees of Eligible Organisations, shall also be appointed by IEDR and shall be a Member.

3.3 The minutes of all PAC meetings and all recommendations of the PAC shall be published on a website to be established by the PAC, unless the minutes or the recommendations contain information which the Chairman of the PAC believes to be confidential or otherwise inappropriate for publication and as a consequence should not be published. IEDR shall not be liable in the event of

any dispute or claim arising out of any of the information published on the PAC website.

- 3.4 Each Member representing an Eligible Organisation shall represent the views and opinions of his or her Eligible Organisation. The views expressed by the PAC or any Members shall not be attributed to IEDR unless IEDR confirms those views.
- 3.5 The term of membership of Members of the PAC shall be two years, subject to the nominee of an Eligible Organisation remaining so nominated for the term.
- 3.6 If 75% or more of the entire PAC membership vote that a Member shall be dismissed, such Member shall stand dismissed.
- 3.7 A Member served with written notice of dismissal by the Chairman of the PAC after consultation with IEDR shall stand dismissed.
- 3.8 When a Member ceases to serve on the PAC, IEDR may appoint another Member nominated by the relevant Eligible Organisation, or otherwise as appropriate, as a Member of the PAC.
- 3.9 A retiring Member nominated by an Eligible Organisation shall be eligible to be re-nominated by an Eligible Organisation subject to these Terms of Reference. The Chairman and the Member nominated by the IEDR may also be reappointed subject to these Terms of Reference.

4. **Chairmanship of PAC meetings**

- 4.1 The Chairman of the PAC shall, in the ordinary course, chair all meetings of the PAC
- 4.2 In the absence of the Chairman, the Members present shall elect from amongst themselves a Temporary Chairman for that meeting only.
- 4.3 The Chairman may be removed by IEDR at any time or may resign. On removal or resignation a new Chairman shall be appointed by IEDR.
- 4.4 The Chairman shall ensure that in its work the PAC complies with these Terms of Reference. The Chairman may delegate any of his or her functions to such Member as he or she shall see fit and may delegate administrative functions to such other persons as he or she sees fit.
- 4.5 The functions of a Temporary Chairman shall when presiding be those of the Chairman.
- 4.6 If a matter is put to vote then, in the event of an equality of votes, the Chairman or Temporary Chairman shall have a second or casting vote.

5. **Terms of Reference of the PAC**

- 5.1 The PAC shall be a consultative and advisory body to IEDR and shall make recommendations to IEDR on the operation of the .IE ccTLD and the Domain Name System in Ireland and matters relating thereto (the “**System**”).

- 5.2 The PAC may, on its own initiative or following a request from IEDR discuss, form a consensus if possible, and then make a recommendation on matters relating to the System, including but not limited to:
- (a) the structure and administration of the IEDR Registrar accreditation and code of practice;
 - (b) registration and naming policies, terms and conditions;
 - (c) dispute resolution, appeals and grievance processes/procedures;
 - (d) best practice recommendations of Internet Corporation for Assigned Names and Numbers (“**ICANN**”), Internet Assigned Numbers Authority (“**IANA**”) or Council of European National Top Level Domain Registration (“**CENTR**”); and
 - (e) technical operation and security of .IE ccTLD.
- 5.3 The PAC and each of its Members shall at all times operate objectively and in the best interests of the Irish Internet Community and all policy advice and recommendations shall be given in the best interests of the Irish Internet Community.
- 5.4 The PAC shall be governed by these Terms of Reference and respect (in so far as they do not conflict with the foregoing) best practice policies or recommendations of ICANN, IANA, and CENTR, the best interests of the Irish Internet Community and general principles of proper Internet use and development.
- 5.5 These Terms of Reference may be amended by IEDR following appropriate consultation with the PAC, by notice in writing from IEDR to the Chairman of the PAC.

6. Meetings of the PAC

- 6.1 Meetings shall be held on not less than fourteen days notice to each Member served personally or by fax, post, email or in person at his or her last known fax number, postal or email address with an agenda of the business to be transacted unless each Member shall consent in writing to a lesser period of notice.
- 6.2 The quorum necessary for a meeting of the PAC shall be six Members including the Chairman. The quorum necessary for a meeting of the PAC may be amended by agreement of 75% of the Members or by IEDR.
- 6.3 A Member may attend (and be regarded as present and part of the quorum) by means of telephone or video conference facility which ensures simultaneous interaction with the Members physically present and with others present by telephone.
- 6.4 There shall be not less than two meetings per calendar year at such place and at such time as the Chairman directs.
- 6.5 The PAC may through the Chairman invite an individual or organisation to attend as an observer at a meeting or to provide information to the PAC.

- 6.6 At the Chairman's discretion, the PAC may, for objective reasons, exclude invitees from any part of the business of a meeting.
- 6.7 The PAC shall strive, in the first instance, to reach its recommendations and decisions in a consensual manner by common accord incorporating the comments of all Members of the PAC in order to build a consensus.
- 6.8 The PAC may, but only where a consensus is not forthcoming or seems unlikely, reach its recommendations by a majority vote. Any submission, policy advice or recommendation made to IEDR reached by a majority vote shall include the views and opinions of any significant minority.
- 6.9 Any ballot shall be held by way of show of hands or in writing as the Chairman might determine. Each Member present shall have one vote.
- 6.10 The Chairman shall cause to be prepared minutes of each meeting that shall be made available to IEDR and all Members.

7. Administration and Support

- 7.1 IEDR shall provide reasonable secretarial and administrative support to the PAC. The reasonable and properly vouched costs of the PAC shall be borne by IEDR.

SCHEDULE

Eligible Organisations

Each of the following Organisations^{Note 1} will be invited to nominate a Member to the PAC in the first instance. This list is not exhaustive, and IEDR reserves the right to amend the list following appropriate consultation with the PAC.

1. Department of Communications, Energy and Natural Resources (DCENR);
2. Department of Enterprise, Trade and Employment (ENTEMP)
3. Irish Internet Association (IIA);
4. Internet Service Providers Association of Ireland (ISPAI)^{Note 1};
5. Irish Computer Society (ICS);
6. Incorporated Law Society;
7. Irish Business and Employers Confederation (IBEC or IBEC TiF);
8. Chambers Ireland;
9. Small Firms Association (SFA);
10. Director of Consumer Affairs;
11. Association of Registry of Patents and Trademarks (APTMA);
12. Data Protection Commissioner;
13. HEAnet; and
14. Enterprise Ireland

IEDR's Accredited Registrars shall be invited to nominate (4) members of the PAC^{Note 1}

^{Note 1} Registrars have not yet been formally consulted on these revised Terms of Reference, as of 20 April 2012. There is currently no "organisation" for Registrars specifically. (RAID is defunct, and the Domain Working Group within the IIA is inactive, after some public disagreements between rival Registrars). There are 98 Registrars currently, so there would have to be a democratic process for them to nominate one or more members. This is best decided by the registrars themselves. Ultimately, if registrars fail to devise a suitable mechanism, IEDR could prescribe a process (in order to ensure that Registrars were represented at the inaugural meeting). In this instance, one option could be to invite separate nominations from the Table A / Table B Registrar groups. This would reflect the reality that large Registrars' policy issues have traditionally had a different focus to those of smaller Registrars.