

Application for "At-Large Structure" (ALS) Designation



Applications should be submitted electronically to staff@alac.icann.org. Please address any questions about the applications process to this address.

The form can be downloaded from [URL Here]

Organisation Contact information

1. Organisation's Name:

ASOCIACIÓN PARAGUAYA DE DERECHO INFORMÁTICO Y TECNOLÓGICO-APADIT

2. Organisation's email address: info@apadit.org.py

3. Organisation's phone number (include country/city codes):

+595 21 496 399 ext.2

4. Organisation's address (location and postal address, if different):

Yegros 786 c/F.R. Moreno. Asunción-Paraguay

5. Organisation's website (URL) (if available):

www.apadit.org.py

Primary and Secondary Contact for Organisation:

If accredited, the primary contact will be assumed to be that person who will cast any votes required, with the secondary person being the alternate – though your Organisation may at any time change its voting and alternate representatives.

6. Primary contact:

a. Name: **Natalia Enciso**

b. Email address: natalia.enciso@gmail.com

c. Telephone: +595 981 813 160

7. Secondary Contact:

a. Name: **Gladys Fariña**

b. Email address: gladysfarina@gmail.com

c. Telephone: +595 982 372 000

Description

1. Structure and Governance:

- a. Is your Organisation constituted so that individual Internet users who are citizens or residents of countries within the Geographic Region in which your Organisation is based control your Organisation?

Indicate Yes or No: **YES**

- b. Please explain the answer above in sufficient detail so that a person not familiar with your Organisation would be able to understand the reasons for your answer, and attach or reference the URLs where any statutes or operating principles or other supporting information related to this question can be found:

The Paraguayan Association of Computer Law and Technology (APADIT) is a nonprofit association, with legal domicile in the city of Asuncion, capital of the Republic of Paraguay, founded in June 15th, 2002. It forms a diverse group of people: lawyers, systems analysts, latin notaries, engineers, clerks, students, among others with an interest and a common look to promote the development of Legal Sciences in its relationship with new technologies. With this purpose, it undertakes various activities, such as conferences, attendance at international seminars, training, study groups, drafting bills, book preparation, contact with national authorities and cooperation with other institutions. In addition, it encourages specialization and update in topics related to Computer Law and Technology, allowing the formation of experts in this new field of law.

There are five categories of membership:

- a) **Founding Members:** Founding Members are considered individuals who are present on the day of the Founding Assembly and have subscribed the incorporation documents of the Association.
- b) **Active Members:** Active members will be considered individuals who meet the general requirements of these social laws and By-laws;
- c) **Supporters:** Supporters shall be considered students of the career of law and / or notary, and / or careers related to information technology and communications, interested in furthering the objectives of the Association and participate in its activities. Supporter Members automatically acquire active membership having completed their studies with the presentation of the respective documents and / or enabling titles;
- d) **Benefactors:** Benefactor Members will be considered natural or legal persons of public or private character represented by one delegate who may be interested in financially supporting and / or particularly to the Association to achieve its objectives, and;
- e) **Honorary Members:** Honorary Members shall be considered persons demonstrating academic and professional background with special recognition by the Association. The Association shall maintain a register of members according to their categories.-

The Assembly is the highest authority of the Association.

The management and administration of the Association shall be the responsibility of a Board of Directors, consisting of a President, a Vice-President, five Directors and three Alternate

Directors, appointed by the Assembly of Members, which may remove them by justified serious reasons .-

Bylaws in spanish www.apadit.org.py/estatuto.htm

- c. Is your organization formally incorporated or organized under a national legal jurisdiction?

Indicate Yes or No: **YES.**

YES, it is organized under paraguayan legislation. It is a not-for-profit organization recorded in the Paraguayan General Public Registers, Section Legal Persons and Associations under Record Number 93 since July 2002. In 2005 the bylaws were amended and registered in the Paraguayan General Public Records, Section Legal Persons and Associations, under Number 309, page 4013, Serie A, 20th September, 2005.

Bylaws: <http://www.apadit.org.py/estatuto.htm>

- d. Describe your Organisation's structure (e.g. governing and decision-making bodies and processes):

ADMINISTRATION OF THE ASSOCIATION

ARTICLE 20. OF THE BOARD OF DIRECTORS:

The management and administration of the Association shall be the responsibility of a Board of Directors, consisting of a President, a Vice-President, five Directors and three Alternate Directors, appointed by the Assembly of Members, which may remove them by justified serious reasons .-

ARTICLE 21: Members of the Board of Directors must be Active Members or Founders, having recognized honesty and ability to perform their functions, comply with other requirements of these By-laws and the Assembly. They will be elected for two years and may be reappointed. Perform their duties without compensation, directly or indirectly, but will be reimbursed for documented expenses incurred, in the exercise of their functions. In all Board of Directors shall appear a Director Secretary and a Treasurer or Chief Financial Officer.-

Article 22: In the event of death, disability, permanent disability or any other reason which prevents the presence of the President of the Board of Directors, the Vice-President will take the position until the expiry of the deadline and will be called to an Extraordinary Meeting

of Members in which a new Vice-President will be elected. If the latter might not remain in the office either, it will be called a Special Meeting of Members, in which shall be elected substitutes to finish the term.-

ARTICLE 23: In the event of prolonged absence, resignation, death, incapacity or disability of one or more Directors, Alternate Directors will assume in the order in which they were elected to fill vacancies to complete the term as appropriate.-

ARTICLE 24: The Board of Directors will meet ordinarily at least once a month and extraordinarily, convened by its President, through the Director Secretary, with the frequency that the interests of the Association so require, in the days and hours as may be agreed between the Directors. There may also be issues outside of those meetings any of the Directors consider necessary to deal, via e-mail or any other reliable virtual media. To this end, all motions, proposals, opinions and votes shall be sent to the President who will be responsible for relaying to the other directors the letters he receives, specify the positions and proposals and plan them for their vote, and then report the results of voting. If a director to whom one or more proposals is sent by email, in order to vote on such proposal, does not send an answer within the next three (3) following days, shall be understood that he/ she has responded negatively to the motion. The meetings of the Board of Directors shall be ruled by the same.-

ARTICLE 25: The resolutions of the Board of Directors shall be adopted by simple majority vote, being present at least three members, including the President or in his absence the Vice-President. In case of tie, the Chairman shall have a double vote-

ARTICLE 26: The resolutions of the Board of Directors will be written in a Book of Minutes and after being approved shall be signed by the President and Director Secretary.- The members of the Board of Directors may not engage in any activity that is self conflicting with regard to those which correspond to the Association, nor they can obtain any benefit in an improper way due to its character of perjury by the Association.

ARTICLE 27: The powers and duties of the Board of Directors:

- a) To exercise the legal representation of the Association;
- b) To comply and enforce compliance with these By-laws, decisions of the Assembly and the laws that govern public utility associations;
- c) To agree with other entities agreements of cooperation;
- d) Managing social goods, within the limitations established in these By-laws and the law;
- e) To convene Assembly of Members, in accordance with the By-laws, or when the solution of urgent matters within its competence so require;
- f) To propose the assembly the organic regulations and dictate the internal implementation of the Association or its amendments, establishing an adequate monitoring and oversight of the functioning of the Association
- g) To perform the necessary contracts for the fulfillment of its goals;
- h) To operate with private banks, official institutions and credit unions;
- i) Issuing checks, being able to choose the most convenient regime for the interests of the Association;
- j) To issue, accept, endorse vouchers or promissory notes;
- k) Request bank loans, with real guarantee or without it, incur obligations, shall the total taxable amount of credit be approved by an absolute majority of the Board of Directors and not exceed 50% of asset value as the last approved balance sheet.
- l) Provide Power for Judicial Affairs and / or administrative, and revoke them, as often as deemed advisable;

- m) To supervise the accounting the Board of Directors can hire accounting auditors to analyze the financial situation of the Association.
- n) To accept legacies, gifts and bequests;
- o) To submit annually to the Ordinary Meeting of Members, the report on the progress of the Association, the Balance Sheet, the Income Statement showing the profit and losses, through the report of the Chief Financial Officer and formulate the agenda of the issues to be considered by the Meeting;
- p) Be issued on acceptance or rejection of applications for new members;
- q) To create and integrate working committees according to areas of interest that may be needed;
- r) To allocate and identify specific roles for each Director;
- s) To open bank accounts and arrange bank loans and
- t) Other provisions of the By-laws and the resolutions of the Assembly.-

ARTICLE 33: The meeting of Members is the highest authority of the Association .-

ARTICLE 34: The Regular Meeting will be convened by the Board of Directors every two years, within 120 (one hundred twenty) days subsequent to the expiration of the fiscal year, which begins the first working day of January and ends on 31 December each year .-

ARTICLE 35: At the beginning of each Assembly shall be elected a Chairman and a Secretary of Assembly, who will automatically cease in their duties once the Assembly is ended. These authorities would be responsible for leading the Assembly and take forward the discussions, styling record of all the proceedings and the resolutions taken during it.-

ARTICLE 37: The Regular Assembly may meet properly with the assistance of half plus one of the Members entitled to vote and who are current on their social obligations. Not having the legal quorum at the first call, it will be called a Meeting for the second time under the condition that the Meeting will be held notwithstanding the number of members present at the Meeting who are entitled to vote and in compliance with their social obligations. Both calls may be made in a single warning for the same date, indicating the corresponding times of initiation .-

ARTICLE 38: It will be competence of the Ordinary Assembly the treatment of the following matters:

- a) Consideration of the Report and Balance Sheet with the Income Statement showing the profit and losses;
- b) Election of Directors and Alternates of the Board of Directors, Trustees, and members and alternate members of the Electoral Commission;
- c) Establish the amount and payment of dues; and
- d) Any other thing established in these By-laws and any other item included on the agenda .-

ARTICLE 39: Each Active Member and Founding Member is recognized right to vote once._

ARTICLE 40: In the voting, except where specifically indicated, shall be decided by simple majority. In the event of a tie, the President of the Assembly vote will decide. The Assembly may decide by secret ballot. The decisions of the Assembly shall be binding on all members, including absentees and dissidents, as well as other parts of the Association.-

ARTICLE 41: In each Meeting, a Minute shall be written, detailing all the proceedings and resolutions. This Minute should be read and signed by the Chairman and Secretary of the

Meeting and two members appointed for that purpose on behalf of the other members, within the next 10 (ten) days following the Meeting

- e. Does your organization have written bylaws or other constitutional instruments?

Indicate Yes or No: **YES**.

IF YES: Please provide a copy along with your application (in English if available)

- f. Explain the eligibility requirements (if any) for your Organisation's constituents/membership (if you provide a written application for admission as a member, you may attach a copy):

ARTICLE 8: To be an active member is required:

a) To be an adult

b) To have law degree, Notary Public, or like in any other area related to the objective of the Association and

c) To meet other requirements established by the social laws and By-laws.-

Article 9: Any person who wishes to join the Association as an active member or adherent shall submit a written request. The Board of Directors shall consider the application for admission and acceptance must be adopted by simple majority vote of the Directors present in the first meeting after consideration of the cited issues, unless it requires a more detailed analysis .-

ARTICLE 10: Before considering the application for membership, it shall be revealed or be properly communicated for a period of five days, for the general information of other Members .-

- g. In what language/s does your Organisation conduct its business?

Spanish.

2. About Your Members

- a. Do you have individual members with the ability to vote in or otherwise control the management of the organization?

Indicate Yes or No: **YES**

IF NO: Describe what role individuals have in the management and work of the organization.

ARTICLE 13: The rights of the Active Members and Founders:

- a) To attend the General Assembly, taking part in all discussions and deliberations, and vote on equal terms;
- b) To elect and be elected to the Board of Directors, Trustee or Electoral Commission, and in any committee work which may be created;
- c) To participate in all activities of the Association;
- d) To enjoy the benefits granted by the Association;
- e) To apply any time progress reports of the Association;
- f) To attend and participate in meetings, conferences, seminars and / or training courses organized or sponsored by the Association and
- g) Any other activity agreed by the By-laws and the resolutions of the Assembly of Members.-

b. Do you have organisations as all or part of your membership?

Indicate Yes or No: **NO**

Currently there are no legal persons as partners. But the bylaws allow that legal persons can be active members and supporters.

IF YES: Describe whether they are profit-making, non-profit-making, a mixture of both, and/or what proportion of the total membership each type of private sector organization is. Please also describe what the nature of the organizational members is: For example, are they all of a similar type or interested in a similar activity or policy area?

c. Do you have governmental bodies, or quasi-governmental bodies, as members of your organisation?

Indicate Yes or No: **NO**

IF YES: Please describe their nature and role in the decision-making and work of your organization, and the proportion of the total membership made up of these types of organization.

d. Describe the general membership – are they predominately of one (or more) professional background or interest group? (e.g. journalists, online rights activists, consumer organizations, individual consumers, etc.):

Currently most active members and supporters are individuals, most lawyers by profession and few engineers. <http://www.apadit.org.py/m-activos.htm>

Honorary members are the oen who contributed and continue to contribute to the activities of the Association. Most of them are also individuals.

<http://www.apadit.org.py/m-beneficios.htm>

- e. Describe how your Organisation keeps its constituents/membership informed about, and enables them to participate in, decisions regarding issues of interest:

Via mail, website, email list, a group in Facebook and Twitter.

- f. Approximately how many members, of each type of membership class if you have more than one, do you have?

There are 22 founders members, 55 active members, 3 beneficiaries, 9 honorary members.

3. Provide support for the statement that your Organisation is self-supporting (by answering "yes" you confirm that it will not rely on ICANN for funding):

Indicate Yes or No: **NO**. The Association is a nonprofit organization, only charges a minimal fee to members, every six months to cover administrative costs.

4. What is the primary source, or sources, of funding for your Organisation? (if unfunded/entirely voluntary simply indicate "N/A"):

N/A

5. Do you receive any funding from government agencies or for-profit entities? If so, please describe below and describe their involvement in the activities of the organization (if they so participate):

NO

6. Does your Organisation commit to supporting its individual constituents'/membership's informed participation in ICANN?

Indicate Yes or No: **YES**

6. Does your Organisation post on the Internet publicly-accessible, current information about your Organisation's goals, structure, description of constituent group(s)/membership, working mechanisms, leadership, and contact(s) (if this information currently is available, provide URLs)?

Indicate Yes or No: **YES**

www.apadit.org.py

Facebook: <http://www.facebook.com/?ref=home#!/group.php?gid=40877906449>

Twitter: www.twitter.com/apadit

7. Provide information on your Organisation's leadership (leaders' names, positions, emails):

BOARD 2010-2011:

President: Gladys Fariña gladysfarina@gmail.com

Vicepresident: Natalia Enciso Natalia.enciso@gmail.com

Directors

Alejandro Guanes Alejandro.guanes@ghp.com.py

Fernando Heisecke fernando.heisecke@ghp.com.py

Patricia Stanley p.stanley@stanley.com.py

Oscar Pavia Benitez oscarpavia@gmail.com

Ma. Esmeralda Moreno mmoreno@moreno.com.py

Alternate Directors

Carlos Cazaña Portella carlos.cazana@petrobras.com

Maria Teresa Suarez Msuarezs@bcp.gov.py

Trustee

Jorge Angulo jorgeangulo1@gmail.com

Alternate Trustee

Carlos Masi carlos.masi@gmail.com

Electoral commission.

Yeny Villalba yeny.villalba@gmail.com

Mario Ardissonne mardisso@personal.com.py

Luz López luzangelo@yahoo.com

Alternates

Erika Kikuchi ericakikuchi@hotmail.com

Cristobal Gonzalez Cristobal.Gonzalez@berke.com.py

Objectives

1. Please describe your Organisation's mission and purpose (please attach any mission or policy statement for your Organisation, if in writing, or provide a URL, if posted):

The Paraguayan Association of Computer Law and Technology (APADIT), founded on June 15th, 2002, is a diverse group of people - lawyers, systems analysts, engineers, latin notaries, clerks, students, among others, with interest and common look to promote the development of Legal Sciences in its relationship with new technologies.

For this purpose, undertakes various activities such as conferences, attendance at international seminars, training, study groups, drafting bills, book preparation, contact with national authorities and cooperation with other institutions.

In addition, it encourages specialization and update in topics related to Computer Law and Technology, allowing the formation of experts in this new field of law.

2. What ICANN-related issues currently are of interest to your Organisation's constituents/membership:

Intellectual property, cybersecurity, whois data base, new domain names, IDN.

3. If your Organisation is accredited, will it commit to participating actively in the Regional At-Large Organisation (RALO) for the region in which your Organisation is based?

Indicate Yes or No: **YES**

4. If your Organisation is accredited, does it or will it agree to adhere to the provisions of the Memorandum of Understanding (MoU) between the other ALSes in your Geographic Region and ICANN, as if it were an original signer of that document?

Indicate Yes or No: **YES**

The texts of the MoUs can be found at: https://st.icann.org/alac/index.cgi?reference_texts

Signature

Include the name, and title, if applicable, of the individual who is authorized by your Organisation to sign this application and commit your Organisation to comply with ALS criteria.



Signature: _____

Name: Gladys Ma. Patricia Fariña Larrosa

Date: 06/10/2010

Title: President.