

Overview of the ccNSO PDP on Review Mechanisms

June 2021

Topics

1. History of review mechanisms for ccTLDs.
2. Update on work to date.
3. Next Steps.

1. History of review mechanisms for ccTLDs

- **1994 RFC1591** - *“The Internet DNS Names Review Board (IDNB), a committee established by the IANA, will act as a review panel for cases in which the parties can not reach agreement among themselves. The IDNB's decisions will be binding.”*
- June 2015 - The ICANN Board adopts all of the recommendations of the **ccNSO FOI WG** which include the following:
 - “4.8. Note: The FOI WG believes it is consistent with RFC1591 (section 3.4) and the duty to act fairly to recognize the manager has the right to appeal a notice of revocation by the IANA Operator to an independent body.”*
- March 2020, the **ccNSO WG for the PDP on a Review Mechanism** holds its first meeting.

2. Update on work to date

The WG identified the following IFO decisions which could be subject to a review:

- Failure to accept a Delegation application for a newly created ccTLD.
- Contested Delegation of a newly created ccTLD by a losing party.
- Rejection of a Transfer request by a ccTLD Manager.
- Contested Revocation of an active ccTLD.
- Contested Retirement of an active ccTLD which does not correspond to an ISO 3166-1 Alpha-2 Code Element.
- IFO refusal to grant an extension to the retirement period for a retiring ccTLD.
- Failure to accept an IDN ccTLD (dependent on the IDN ccTLD PDP and the responsibility of the ICANN Board).

2.1 Update on work to date - Principles

General Principles:

- Preserve the Stability, Security, and Interoperability of the DNS.
- Predictability and Legitimacy of Process.

Specific considerations:

- Low-cost.
- Limited Duration.
- Accessibility.
- Fundamental Fairness.

2.2 Update on work to date

The WG has started working with ICANN Legal.

In a presentation ICANN Legal stated its position regarding the following Corporate Governance Fundamentals:

- ICANN Board is not able to defer decision making to other bodies. Fiduciary Duties preclude this.
- ICANN is entrusted to perform the IANA Functions – not an external tribunal. ICANN is not in a position to place decisions on IANA functions external to PTI/ICANN.

3. Next Steps

- The WG will continue to interact with ICANN Legal and consider its work in the context of the input by ICANN Legal in an effort to complete a first draft of a Review Mechanism.
- Going forward the WG will proceed by a Topic Driven working method of addressing 1 topic per meeting where there will be a topic paper produced for that topic.

ccNSO PDP WG on Review Mechanism

- Chair: Stephen Deerhake
- Vice-Chair: Eberhard Lisse
- Staff Lead: Bart Boswinkel

- ccNSO page - <https://ccnso.icann.org/en/workinggroups/pdp-review-mechanism.htm>
- Wiki - <https://community.icann.org/display/ccnsowkspc/Policy+Development+Process+%28ccPDP3%29+-+Review+Mechanism>