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ICANN Board Engagement with Community

Topic 2: The Board's Role & Responsibilities when Board-Adopted Policies Do Not Address the Problems They Were Developed to Solve



21 February 2024

Topic 2 - Description and Purpose

In this breakout room, the Board hosts will invite community feedback on how to handle situations where it becomes clear that community-developed gTLD policies adopted by the Board are superseded by subsequent events or are otherwise not able to, or can no longer, resolve the problems they were designed to address.

There is currently no Bylaw or process for such a circumstance, other than the Board requesting that the community initiate another full policy development process (PDP). As the Board continues to engage with the GNSO on this topic, the community is invited to brainstorm possible solutions.

Purpose of this breakout room:

- Bring awareness to the community about this apparent gap in the toolkit.
- Brainstorm with the community on possible solutions.

Topic 2 - Potential Examples

We understand that the best solution is to avoid ending up in this situation. For instance, early engagement from ICANN org and the ICANN Board during PDP/EPDPs are expected to help with avoidance. However, here are two current examples to help understand the need for today's discussion (note, one is not a PDP):

- Cross-Community Working Group on New gTLD Auction Proceeds (CCWG-AP) Recommendation 7, which would prevent applicants and other parties from using ICANN accountability mechanisms to challenge a panel decision to not approve an application through the ICANN Grant Program.
- EPDP on the Temporary Specification for gTLD Registration Data Recommendation 18, where a separate timeline is to be established for responses to urgent requests for registration data.

Topic 2 - Discussion Questions

- Do you believe that there are any existing mechanisms that help mitigate the situation where already Board-adopted recommendations are no longer fit for purpose?
- If you believe there are existing mechanisms, what are they and how can they be utilized?
- If you do not believe there are existing mechanisms, what solutions should be considered?
 - Would such solutions require a change to the ICANN Bylaws and/or GNSO Operating Procedures?