ccNSO PDP
Review Mechanism
&
Retirement

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Presentation

- Request Issue Report
- Scope of topics Review mechanism
- Scope of topics Retirement
- PDPs Matters
- References

Counsel Questions
to be covered in Issue report

1. **Should the ccNSO Council initiate a ccPDP to develop policy for a Review Mechanism and on the retirement of ccTLDs?**

2. **Should the ccNSO Council initiate one or two ccNSO Policy Development Processes, and in what order should the topics be addressed?**

3. **Should the ccNSO Council convene a Taskforce or use another method?**

Requirements Issue report

- Description of Issues
- General Counsel opinion on scope
  - ICANN Mission & lasting value & in scope Annex C Bylaws
- 1 or 2 PDPs
- Recommendation Task force or Working Group
- Tentative timeline
- View on anticipated Board view

Review Mechanism

Context Review Mechanism

- RFC 1591 Section 3.4
  - *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 [BB: the Significantly Interested Parties] *can not reach agreement among themselves. The IDNB's decisions will be binding.*
  - Section 3.4 RFC 1591 is about the definition and role of Significantly Interested parties.
- FoI Wg
  - *The FOI WG believes it is consistent with RFC 1591 (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.*
- ICANN Bylaws:
  - *(d) Notwithstanding any other provision in this* <u>*Section 4.2,*</u> *the scope of reconsideration shall exclude the following:*
    - *(i) Disputes relating to country code top-level domain ("**ccTLD**") delegations and re-delegations;*

High Level Issue list Review Mechanism (1)

- ***Scope of the review mechanism***
  - *Which decisions and/or actions should be subject to a review mechanism?*
  - *Who's decisions and/or actions should be subject to a review mechanism?*
  - *What will be result / scope of the review decision? What powers will be bestowed upon review panel?*

- ***Standing at review mechanism***
  - *Who will have standing at a review mechanism?*
  - *Should a Review Mechanism be open and applicable to all ccTLDs?*

High Level Issue list Review Mechanism (2)

- ***What are the grounds?***
  - *Should the questions for a review be limited to questions whether due process was followed in terms of a ccTLD delegation, transfer, revocation or retirement or should they be broader?*

- ***Rules and structure of review mechanism***
  - *What are the rules and procedures to be used?*
  - *Structure of panel and requirements and selection of panellist*

Retirement of ccTLDs

Context Retirement

- Limited number of ccTLDs have been undelegated (delegation ended)

- No Policy, Practices to date seem to provide an insufficient framework for such a critical activity (observation DRD WG).

High Level Issues retirement

- Consistency of terminology
- What triggers a retirement of a (IDN) ccTLD?
- Who triggers retirement process?
- Additional conditions for retirement of a ccTLD?
- Compliance with conditions?

PDP Matters

Threshold criteria for PDP

- *The proposed issues raised for consideration identified*
  - *Topic list*

- *The identity of the party*
  - Council, DRD WG and ccTLD community
- *Impact of issue identified*
  - predictability and legitimacy of decisions

- *Support for the issue to initiate the PDP*
  - Significant support in the ccTLD community to addres issues identified

Opinion ICANN's General Counsel

- Addressing topics identified
  - In ICANN's mission &
  - scope of ccNSO PDP (Annex C)

- Implicates an ICANN policy

- Lasting value

Recommendation 1 Issue Manager

Based on a review of the issues,

Considering that the Threshold Criteria are met, and

Taking into account General Counsel's opinion,

The Issues Manager recommends that the ccNSO Council initiates a ccNSo Policy Development Process to develop policies for a Review Mechanism and on the retirement of ccTLD.

One or two PDPs: Assumptions

- Review mechanism on decisions delegation, revocation, transfer and retirement partly dependent on output work on retirement

- Pool of volunteers limited

- Most volunteers will be active in both work streams

One (1) or two (2) PDPs

- More flexibility to align Review Mechanisms with Retirement recommended policy
- More flexibility in total timeline
- Run WG in Parallel, when needed and feasible, determined by community
- One members vote on total package

Recommendation 2

- Initiate one (1) ccNSO Policy Development Process.

- Initial focus needs to be on developing a Review Mechanism for decisions pertaining to delegation, transfer and revocation of ccTLDs, Highest priority ccTLD community,

- Once review mechanism completed focus should be on Retirement, and, if needed, revisit the Review Mechanism to include decisions relating to the retirement of ccTLDs.

Task Force or WG (1)

- Task Force specified in Annex B,
- The Council **must**:
  - Identify Task Force members (including two Representatives of the Regional Organizations) and formally request the GAC participation);
  - Develop a charter or terms of reference that must specify:
    - The issues to be addressed by the Task Force;
    - The time line to be followed by the Task Force;
    - Any specific instructions for the Task Force t, including whether or not the task force should solicit the advice of outside advisors on the issue.

- Assessment No experience to date with method, limited participation, no flexibility

Task Force or WG (2)

- Each Regional Organization must, within the time designated in the PDP Time Line, appoint a representative to solicit the Region's view on the issue.
  - If not, explicitly inform the Counci;l
- The Council **must** formally request the Chair of the GAC to offer opinion or advice: and
- The Council **may** take other steps to assist in the PDP
  - Allows for flexibility

Task force or WG (3)?

- Issue(s) to be resolved and interests are cross-cutting

- Experience of community with working groups to address complex issues

- Conclusion/recommendation: Appoint a working group for review mechanism and retirement.

- Each WG own charter to be developed by community:
  - definition of scope and description of issues to be addressed
  - working method and schedule.

Recommendation 3

- Any potential benefit of appointing a Task Force is not outweighed by its inherent limitations.

- The ccNSO Council is advised not to appoint a Task Force, but instead to appoint two working groups each with its own charter, working method and schedule.

Next Steps

- Council decision: **Initiation PDP**

- Publication of Issue Report to seek public comment

- Call for volunteers WG 1
  - Appointment by Council meeting
  - Seek particpants form other SO/AC

- Formally inform GAC to seek opinion on Issue report

High level Timeline

Phase 1: Initiation of ccPDP	**Decision of Council to initiate PDP and launch Phase 3 by call for volunteers**	**March 2017**	
Phase 2: Comments on Issue PDP	Publish Issue report, call for volunteers, inform SO/ACs etc.	Minimum 2 months	March- May 2017
Phase 3: Preparing Recommendations	Preparing Initial and Final proposals by WGs , including at a minimum one (1) Public Comment on combined output	Minimum 18 months (9 months WG 2, 7 months WG 2, Interim Report Issue Manager 2 Months . WG 1 and WG 2 partially parallel)	May 2017 – March 2019
Phase 4: decision making (Council and Members).	Decision making procedures and requirements as prescribed for the Council and Members	Expected duration: at a minimum 2 months, maximum 4 months. Start post ccNSO members meeting	November 2018- January 2019
Phase 5: Submission Board report	Issue manager and Council to prepare Board report	0.5 Month	January 2019

References

- The ccNSO Delegation and Redelegation working group Final report on retirement of ccTLDs, 07 march 2011 (http://ccnso.icann.org/workinggroups/drd-wg-retirement-report-07mar11-en.pdf)
- RFC 1591 (https://www.ietf.org/rfc/rfc1591.txt)
- ISO 3166 standard (http://www.iso.org/iso/country_codes)
- The ccNSO Framework of Interpretation working group Final Report, (http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf)
- CWG-Stewardship Final Report, Annex O: ccTLD Appeals Mechanism Background and supporting Findings Sections 1414- 1428.
- ccNSO members/ccTLD community email exchanges on survey Appeals Mechanism (2-3 March 2015)

Questions

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