At-Large Workspace: Initial Report on the ccNSO PDP Review Mechanism

Public Comment Close	Statement Name	Status	Assigned Working Group	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email
23 January 2023	Initial Report on the ccNSO PDP Review Mechanism	ADOPTED	CPWG	Lianna Galstyan Hadia Elminiawi	11 January 2023	13 January 2023	18 January 2023	22 January 2023	23 January 2023	bart. boswinkel@cann.org

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What We Need Your Input On

The ccNSO Policy Development Process Review Mechanism Working Group (ccPDP3WG-RM) has completed its initial draft for a recommended policy for a mechanism to review specific decisions pertaining to the delegation, transfer, revocation, and retirement of country code top-level domains (ccTLDs). Your input and comments, if any, are sought on the initial proposed policy. For ease of understanding, a summary is presented below:

1. Objective of the Policy. The objective of the policy is to offer ccTLD managers, and applicants for new ccTLDs, as direct customers of the IANA Naming Function an independent review mechanism for specifically identified IANA Function Operator (IFO) decisions.

2. Applicability of the Policy. The Review Mechanism for IFO decisions which apply to ccTLDs (CCRM) is available to ccTLD Managers, or applicants for a new ccTLD, who are directly impacted by an IFO decision (Decision) for a limited set of processes, which are detailed in the Initial Report.

3. Possible findings. The CCRM will only report on whether:

- There were significant issues with the IFO properly following its procedures and applying these fairly in arriving at its Decision; or
- There were significant issues in how the IFO complied with RFC 1591, the CCNSO FOI for RFC1591 as adopted by the ICANN Board, and any other policies developed through a ccNSO policy development process.

4. Parties involved

- The CCRM Manager. The CCRM Manager must be a non-conflicted individual who is a Subject Matter Expert with respect to ccTLDs, the IFO and ICANN and who will be responsible for overseeing and managing the CCRM system.
- Applicant and Claimant to the CCRM. The Applicant and Claimant must be a ccTLD Manager except in the case of the delegation of a new ccTLD where any applicant for that new ccTLD is eligible.
- The reviewers. All Reviewers will be certified, managed, and supported by the CCRM Manager.
- The IFO. Takes a decision that is subject to review under the proposed. After reaching a decision on a ccTLD request which can be Reviewed, the IFO will advise those parties who could apply for a CCRM of the Decision and of their options for Reviewing the Decision as well as the timeline for doing so.

5. CCRM Proposed Process.

- IFO takes a decision that is subject to review (as covered by the proposed policy).
- The ccTLD Manager, or an applicant for a new ccTLD, applies for a Review.
- The CCRM Manager accepts the application.
- Reviewer(s) complete the review.
- If no significant issues were found by the Reviewer(s) the review process is concluded and the IFO decision is confirmed.
- If significant issues were found by the Reviewer(s) the IFO has three options:
  - The IFO accepts the results and adjusts its decision – this would conclude the review process.
  - The IFO accepts the results but opts to redo the process which resulted in the original decision. Once the IFO completes the redo of the process, the original applicant must decide to:
    - Accept the new results – this will conclude the Review process.
    - Apply for a Review of the new decision by the IFO (in such a case if the Reviewer(s) find significant issues the IFO will only have two options – Accept or Reject the findings).
  - The IFO rejects the results:
    - If the IFO decision requires Board approval - the IFO shall include the findings from the review in its recommendation to the Board for confirmation.
    - If the IFO decision does not require Board approval, the ICANN CEO and the ccNSO Council shall be advised of the situation.

6. Oversight. This Policy is directed at ICANN and the IFO as the entity that performs the IANA Naming Functions with respect to ccTLDs. The proposed Policy is not intended and shall not be interpreted to amend the way in which ICANN interacts with the IFO and the delineation of their roles and responsibilities. The proposed policy will not change or amend the (limited) role that the ICANN Board of Directors has, with respect to individual cases of ccTLD Delegation, Transfer, Retirement, Revocation, or any other policy developed by the ccNSO and adopted by the ICANN Board which allows ccTLDs to review a decision by the IFO.

7. Recommendations regarding ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c) (ii). The ccPDP3WG-RM recommends that all disputes and claims regarding the delegation, transfer, revocation and retirement of ccTLDs remain and are excluded from ICANN's Reconsideration Request Process and the Independent Review Process (see ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c) (ii)), and recommends the amendment of the Bylaws accordingly.

Proposals For Your Input
[Initial Report on the Proposed Policy for a Review Mechanism for IFO decisions which apply to ccTLDs (CCRM)](#)

FINAL VERSION SUBMITTED (IF RATIFIED)

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

AL-ALAC-ST-1122...01-2023 (1).pdf

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

In progress: https://docs.google.com/document/d/1m9aYCKt5fs5mM5Gh0j1IP1CjWe0-8awSPcUw1OwgWbc/edit

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DRAFT SUBMITTED FOR DISCUSSION

The first draft submitted will be placed here before the call for comments begins. The Draft should be preceded by the name of the person submitting the draft and the date/time. If, during the discussion, the draft is revised, the older version(S) should be left in place and the new version along with a header line identifying the drafter and date/time should be placed above the older version(s), separated by a Horizontal Rule (available + Insert More Content control).

Draft statement (in progress): https://docs.google.com/document/d/1m9aYCKt5fs5mM5Gh0j1IP1CjWe0-8awSPcUw1OwgWbc/edit

Presentations (2022-12-07 CPWG call):

- https://community.icann.org/download/attachments/222267777/CCPDP-RM-Webinar-202212-V1.0.pdf?version=1&modificationDate=1670417717000&api=v2
- https://community.icann.org/download/attachments/222267777/ccPDP3RM-InitialReportSummary_20221206.pdf?version=1&modificationDate=1670361456000&api=v2