

# GUIDELINES & MOTION TEMPLATES

Section 2.2 Petition Process for Specific Actions  
Section 2.3 Rejection Action Community Forum

## ANNEX D, ARTICLE 2 PROCEDURE FOR EXERCISE OF EC'S RIGHTS TO REJECT SPECIFIED ACTIONS

### 1. Introduction

Following the adoption by the GNSO Council of the revised GNSO Operating Procedures, as well as the proposed modifications to the ICANN Bylaws adopted by the ICANN Board of Directors on 13 May 2018, staff has outlined in the table below the additional proposed steps to be taken, including guidance and motion templates, to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws. These steps fall within the GNSO's existing processes and procedures.

### 2. Background

The processes set forth in this Article 2 of Annex D shall govern the escalation procedures for the EC's exercise of its right to reject the following (each, a "**Rejection Action**") under the Bylaws:

1. PTI Governance Actions, as contemplated by Section 16.2(d) of the Bylaws;
2. IFR Recommendation Decisions, as contemplated by Section 18.6(d) of the Bylaws;
3. Special IFR Recommendation Decisions, as contemplated by Section 18.12(e) of the Bylaws;
4. SCWG Creation Decisions, as contemplated by Section 19.1(d) of the Bylaws;
5. SCWG Recommendation Decisions, as contemplated by Section 19.4(d) of the Bylaws;
6. ICANN Budgets, as contemplated by Section 22.4(a)(v) of the Bylaws;
7. IANA Budgets, as contemplated by Section 22.4(b)(v) of the Bylaws;
8. Operating Plans, as contemplated by Section 22.5(a)(v) of the Bylaws;
9. Strategic Plans, as contemplated by Section 22.5(b)(v) of the Bylaws; and
10. Standard Bylaw Amendments, as contemplated by Section 25.1(e) of the Bylaws.

### 3. Bylaws and Additional Proposed Steps

#### A. ANNEX D, SECTION 2.2 PETITION PROCESS FOR SPECIFIED ACTIONS

<p><b>2.2(b)</b> During the period beginning on the Rejection Action Board Notification Date and ending on the 21<sup>st</sup> day after the Rejection Action Board Notification Date, subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant, seeking to reject the Rejection Action and initiate the Rejection Process (a “<b>Rejection Action Petition</b>”).</p>	<p>For this purpose, each GNSO Stakeholder Group and Constituency must develop clear rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules would be added to the GNSO Operating Procedures as an annex once available.</p> <p>GNSO Council action on the receipt, acceptance or rejection of a Rejection Action Petition will be put before the GNSO Council as a motion for consideration. The motion must be framed as a petition, and include the Bylaws-required rationale. Threshold for approval is a simple majority vote of each house, which per Section 11.3-1 of the ICANN Bylaws is the default voting threshold and as such does not require any further change.</p>	<p>Staff to develop template for motion.</p> <p>Staff (to work with DT, if applicable) to develop proposed rules for submitting petitions. Staff would produce the initial draft of the rules, including the identification of specific issues / questions via a consultation with the Drafting Team and the Stakeholder Groups and Constituencies, to ensure consistencies in the rules.</p>
<p><b>2.2(c)</b> A Decisional Participant that has received a Rejection Action Petition shall either accept or reject such Rejection Action Petition; provided that a Decisional Participant may only accept such Rejection Action Petition if it was received by such Decisional Participant during the Rejection Action Petition Period.</p> <p>(i) If, in accordance with the requirements of <u>Section 2.2(c)</u> of this <u>Annex D</u>, a Decisional Participant accepts a Rejection Action Petition during the Rejection Action Petition Period,</p>	<p>The first part of this process is only triggered if the GNSO received a petition and accepts it according to its procedures. Notice of acceptance must include rationale, etc. as set forth in 2.2ciA. Then the GNSO will need to determine the process that it would follow to become a Supporting Decisional Participant if it receives notice of a petition from another DP.</p> <p>The GNSO will also need processes to identify its representative for the purpose of the petition to act as a liaison</p>	<p>Staff to develop template for motion as well as template for Rejection Action Supporting Petition.</p> <p>Staff (to work with DT, if applicable) to develop proposed processes to identify its representative for the purpose of the petition to act as a liaison and how it will provide direction to that person.</p> <p>It is expected that this process would fall under the GNSO’s existing processes and practices.</p>

<p>the Decisional Participant shall promptly provide ...written notice of such acceptance</p>	<p>and how it will provide direction to that person.</p>	
<p><b>2.2(d)</b> Following the delivery of a Rejection Action Petition Notice to the EC Administration pursuant to <u>Section 2.2(c)(i)</u> of this <u>Annex D</u>, the Rejection Action Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Rejection Action Petition.  (i) If the Rejection Action Petitioning Decisional Participant obtains the support of at least one other Decisional Participant (a "<b>Rejection Action Supporting Decisional Participant</b>") ... the Rejection Action Petitioning Decisional Participant shall provide written notice, to include:  (A) a supporting rationale in reasonable detail;  (B) Contact information for at least one representative who has been designated by the Rejection Action Petition Decisional Participant who shall act as a liaison with respect to the Rejection Action Supported petition.</p>	<p>The GNSO will need a process to draft the written notice and rationale (A)-(E) and approve it.</p>	<p>It is expected that this process would fall under the GNSO's existing processes and practices.</p>

<p>(C) a statement as to whether or not the Rejection Action Petitioning Decisional Participant and/or the Rejection Action Supporting Decisional Participant requests that ICANN organize a conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition;</p> <p>(D) a statement as to whether the Rejection Action Petitioning and Supporting Decisional Participants have determined to hold the Rejection Action Community Forum during the next scheduled ICANN public meeting.</p> <p>(E) a PDP Standard Bylaw Statement</p>		
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**B. ANNEX D, SECTION 2.3 REJECTION ACTION COMMUNITY FORUM**

<p><b>2.3(f)</b> ICANN and any SO or AC may deliver to the EC Administration in writing its views and questions on the Rejection Action Supported Petition prior to the convening of and during the Rejection Action Community Forum.</p>	<p>EC will need to decide on A process for receiving and processing submissions; however, this section is not about GNSO participation in the EC, it is about how the GNSO will develop its inputs (views and questions) for consideration at the Community Forum. Once that process is agreed, then whatever is produced is sent for information and posting.</p> <p>GNSO will use existing practices and processes for collecting views and questions.</p>	<p>Staff to develop template for motion.</p> <p>Staff (to work with DT, if applicable) on proposed process for how the GNSO will develop its inputs (views and questions) for consideration at the Community Forum. It is expected that this process would fall under the GNSO's existing processes and practices.</p>
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**4. Motion Templates**

**A. Motion to Approve/Reject A Rejection Action Petition**

<p><b>Made by:</b> <b>Seconded by:</b></p>
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Whereas:

1. Per Section 2.2(b) of Annex D, during the period beginning on the Rejection Action Board Notification Date and ending on the 21st day after the Rejection Action Board Notification Date (the "Rejection Action Petition Period"), subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant, seeking to reject the Rejection Action and initiate the Rejection Process (a "Rejection Action Petition").
2. Per Section 2.2(c) of Annex D, a Decisional Participant that has received a Rejection Action Petition shall either accept or reject such Rejection Action Petition; provided that a Decisional Participant may only accept such Rejection Action Petition if it was received by such Decisional Participant during the Rejection Action Petition Period.
3. Per Section 2.2(c)(i)(A) of Annex D, the Rejection Action Petition shall include the rationale upon which rejection of the Rejection Action is sought.
4. Per Section 2.2(c)(i)(B) of Annex D, where the Rejection Action Petition Notice relates to a Standard Bylaw Amendment, the Rejection Action Petition shall include a statement that the Standard Bylaw Amendment is based solely on the outcome of a PDP, citing the specific PDP and the provision in the Standard Bylaw Amendment subject to the Board Notice that implements such PDP ("PDP Standard Bylaw Statement") and the name of the Supporting Organization that is a Decisional Participant that undertook the PDP relating to the Standard Bylaw Amendment ("Standard Bylaw Amendment PDP Decisional Participant").
5. The GNSO Council may waive the timeframes currently referenced in the GNSO Operating Procedures in relation to submission of motions with regard to Rejection Action Petition as well as scheduling of meetings to meet its obligations under the timelines outlined in the ICANN Bylaws as a Decisional Participant.
6. All Rejection Action Petitions submitted by an individual must be submitted through a GNSO Stakeholder Group or Constituency to the GNSO Council.
7. [Insert petitioner(s)' name(s)] submitted a Rejection Action Petition through the [insert GNSO SG/C] to the GNSO Council during the Rejection Action Petition Period.
8. Such Rejection Action Petition includes the rationale upon which rejection of the Rejection Action is sought OR the statement that the Standard Bylaw Amendment is based solely on the outcome of a PDP with the requested citation.

Resolved:

1. The GNSO Council determines to accept OR reject such Rejection Action Petition.

2. [If the GNSO Council accepts a Rejection Action Petition during the Rejection Action Petition Period] The GNSO Council requests the GNSO Representative to the EC Administration to promptly provide to the EC Administration, the other Decisional Participants, and the Secretary written Rejection Action Petition Notice of such acceptance.

**B. Motion to Approve/Reject A Rejection Action Petition as a Rejection Action **Petitioning** Decisional Participant**

**Made by:**

**Seconded by:**

Whereas:

1. Per Section 2.2(d) of Annex D, following the delivery of a Rejection Action Petition Notice to the EC Administration, the Rejection Action Petitioning Decisional Participant shall contact the EC Administration and the other Decisional Participants to determine whether any other Decisional Participants support the Rejection Action Petition.

2. Per Section 2.2(d)(i) of Annex D, if the Rejection Action Petitioning Decisional Participant obtains the support of at least one other Decisional Participant, the Rejection Action Petitioning Decisional Participant shall provide a written notice ("Rejection Action Supported Petition") of receiving the support of at least one Rejection Action Supporting Decisional Participant.

3. Per Section 2.2(d)(i)(A)(B)(C)(D)(E) of Annex D, such Rejection Action Supported Petition shall include: (A) a supporting rationale in reasonable detail; (B) contact information for at least one representative who has been designated by the Rejection Action Petitioning Decisional Participant who shall act as a liaison with respect to the Rejection Action Supported Petition; (C) a statement as to whether or not the Rejection Action Petitioning Decisional Participant and/or the Rejection Action Supporting Decisional Participant requests that ICANN organize a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition; (D) a statement as to whether the Rejection Action Petitioning Decisional Participant and the Rejection Action Supporting Decisional Participant have determined to hold the Rejection Action Community Forum during the next scheduled ICANN public meeting; and (E) a PDP Standard Bylaw Statement, if applicable.

4. The GNSO accepted a Rejection Action Petition submitted by [insert petitioner(s)' name(s)] through the [insert GNSO SG/C] to the GNSO Council.

5. [insert Supporting Decisional Participant] provided written notice of providing support to the Rejection Action Petition.

6 . [insert the process for the GNSO to determine a) whether ICANN should organize a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition, b) whether the Rejection Action Community Forum during the next scheduled ICANN public meeting should be held].

7. [include the GNSO process that has led to the identification of the GNSO representative who would act as a liaison with respect to the Rejection Action Supported Petition].

Resolved:

1. The GNSO Council appoints [insert name] to be its liaison with respect to the Rejection Action Supported Petition.

2. The GNSO Council determines that a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition is necessary / unnecessary.

3. The GNSO Council determines that the Rejection Action Community Forum during the [insert ICANN meeting] should be held.

4. The GNSO Council requests the GNSO Representative to the EC Administration to promptly provide the Rejection Action Supported Petition with all requested information to the EC Administration, the other Decisional Participants and the Secretary.

### **C. Motion to Approve/Reject A Rejection Action Petition as a Rejection Action Supporting Decisional Participant**

**Made by:**

**Seconded by:**

Whereas:

1. Per Section 2.2(d)(i) of Annex D, if the Rejection Action Petitioning Decisional Participant obtains the support of at least one other Decisional Participant, the Rejection Action Petitioning Decisional Participant shall provide a written notice ("Rejection Action Supported Petition") of receiving the support of at least one Rejection Action Supporting Decisional Participant. Each Rejection Action Supporting Decisional Participant shall provide a written notice to the EC Administration, the other Decisional Participants and the Secretary within twenty-four (24) hours of providing support to the Rejection Action Petition.

3. Per Section 2.2(d)(i)(C)(D) of Annex D, such Rejection Action Supported Petition shall include: (C) a statement as to whether or not the Rejection Action Petitioning Decisional

Participant and/or the Rejection Action Supporting Decisional Participant requests that ICANN organize a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition; (D) a statement as to whether the Rejection Action Petitioning Decisional Participant and the Rejection Action Supporting Decisional Participant have determined to hold the Rejection Action Community Forum during the next scheduled ICANN public meeting.

2. The GNSO has received a notice from [insert Rejection Action Petitioning Decisional Participant] about a Rejection Action Petition. [insert Rejection Action Petitioning Decisional Participant] contacted the EC Administration and the other Decisional Participants to seek support of the Rejection Action Petition.

3. [insert the GNSO process that has led to its decision to become a Supporting Decisional Participant].

4. [insert the process for the GNSO to draft the notice of support and determine a) whether ICANN should organize a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition, b) whether the Rejection Action Community Forum during the next scheduled ICANN public meeting should be held].

Resolved:

1. The GNSO Council determines to become a Supporting Decisional Participant for the Rejection Action Petition.

2. The GNSO Council determines that a publicly-available conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition is necessary / unnecessary.

3. The GNSO Council determines that the Rejection Action Community Forum during the [insert ICANN meeting] should / should not be held.

4. The GNSO Council requests the GNSO Representative to the EC Administration to promptly provide a written notice to the EC Administration, the other Decisional Participants and the Secretary of providing support to the Rejection Action Petition. The written notice also includes the GNSO Council's determination on the publicly-available conference call and the Rejection Action Community Forum.

#### **D. Motion to Approve/Reject A Rejection Action Community Forum**

**Made by:**

**Seconded by:**



Whereas:

1. Per Section 2.3(f) of Annex D, ICANN and any Supporting Organization or Advisory Committee (including Decisional Participants) may deliver to the EC Administration in writing its views and questions on the Rejection Action Supported Petition prior to the convening of and during the Rejection Action Community Forum. Any written materials delivered to the EC Administration shall also be delivered to the Secretary for prompt posting on the Website in a manner deemed appropriate by ICANN.

[add clauses related to the process of developing the input]

Resolved:

1. The GNSO Council approves the submission of its input for the Rejection Action Supported Petition for consideration at the Community Forum.
2. The GNSO Council requests the GNSO Representative to the EC Administration to promptly deliver the input to the EC Administration and its Secretary.

## **5. GNSO Rejection Action Petitions**

This section details the procedures to be followed, who may submit a Petition, how to submit a Petition to the GNSO as a Decisional Participant, and how the GNSO intends to accept or reject such petitions. All references to “notices” and “notification” in this section mean written notice, either as formal correspondence or email.

### **5.1 Who is eligible to submit a Rejection Action Petition to the GNSO Council?**

The GNSO Council will consider petitions from the GNSO Stakeholder Groups and Constituencies.

### **5.2 Rejection Action Petition Submission Period, Requirements, Publication, and Certification**

#### **5.2.1 Rejection Action Petition Submission Period**

Within the first ten (10) days after the start of a Rejection Action Petition Period, any constituent listed in section 4.1 above may submit a Rejection Action Petition to the GNSO Council.

#### **5.2.2 Requirements for a Rejection Action Petition**

A Rejection Action Petition should include at least the following:

- Name and affiliation of the Petitioner,
- If the Rejection Action Petition relates to a Standard Bylaw Amendment, a statement, if applicable, that the Standard Bylaw Amendment is based solely on the outcome of a PDP, citing the specific PDP and the provision in the Standard Bylaw Amendment

subject to the Board Notice that implements such PDP. Additionally The Rejection Action Petition must include the name of the Supporting Organization that is a Decisional Participant that undertook the PDP,

- If the Rejection Petition relates to an ICANN budget, an IANA(PTI) Budget, an Operating Plan or a Strategic Plan, the Rejection Action Petition shall also include a clarification that the rationale is based on one or more significant issues that were specifically raised in the applicable public comment period(s) and that these issues relate to perceived inconsistencies with the ICANN mission, purpose and role set forth in ICANN's Articles and Bylaws, the global public interest, the needs of ICANN's stakeholders, ICANN's financial stability or other matter of concern to the community.

### **5.2.3 Rejection Action Petition Review and Certification**

Upon receipt of a Rejection Action Petition submitted by an eligible constituent as defined in Section 4.1 of this Guideline, the GNSO Secretariat will promptly inform the Chair of the GNSO Council, the GNSO Council, and circulate the Rejection Action Petition to the GNSO Council.

The GNSO Chair will determine within two (2) days after receiving the Rejection Action Petition whether the Rejection Action Petition meets the requirements as set forth above and in Annex D Section 2.2 (c) (i) (A-B).

If the GNSO Chair determines the Rejection Action Petition does not meet the requirements set forth in Annex D Section 2.2 (c) (i) (A-B), the petitioner and the GNSO Council will be informed promptly. The petitioner may adjust the Rejection Action Petition, however, the updated petition needs to be re-submitted no later than ten (10) days into the Rejection Action Petition Submission period.

If the GNSO Chair determines that a Rejection Action Petition meets the requirements for a Rejection Action Petition, the Chair will promptly inform the GNSO Council and have the Rejection Action Petition and its certification published on the GNSO website/wiki page. Once published, the GNSO Secretariat shall send notice of its publication to the GNSO Community. After closure of the Rejection Action Petition submission period (as defined in section 5.2.1 above) all Rejection Action Petitions that did not meet the criteria, as well the findings of the Rejection Action Petition Review Committee with respect to the certification of the Rejection Action Petitions will be published on the GNSO website/wiki.

If no Rejection Action Petition has been submitted, or no Rejection Action Petition is certified at the closure of the submission period, the GNSO Chair will inform the GNSO Council, the GNSO community, and the GNSO's representative to the Empowered Community Administration accordingly.

### **5.2.4 GNSO Community Feedback on Certified Rejection Action Petition(s)**

Upon publication of a certified Rejection Action Petition, the GNSO Stakeholder Groups and Constituencies will be asked to provide feed-back, opinion or comments on the merits of the Rejection Action Petition. However, this feed-back period will close on the fifteenth (15) day into

the Rejection Action Petition Period<sup>10</sup>. The GNSO Support Staff will categorize and summarize any comments received, and promptly post them to the GNSO Council list. The GNSO Secretariat shall promptly post the Rejection Action Petition Manager's summary to the GNSO website/wiki.

#### **5.2.5 GNSO Council Decision on whether to accept a Rejection Action Petition**

The GNSO Council shall meet either in person or via tele-conference no later than on the twentieth (20th) day of the Rejection Action Petition Period to decide whether or not to accept or reject the Rejection Action Petition(s). The decision shall be made by a simple majority vote.

Any Rejection Action Petition submitted by a Community constituent that has not been certified by the Rejection Action Petition Review Committee as meeting the requirements set forth in Annex D, Section 2.2(c)(i)(A-B) of the ICANN Bylaws shall not be considered by the GNSO Council.

In its meeting, the GNSO Council shall decide whether to support or reject the Rejection Action Petition(s).

In taking its decision the GNSO Council shall consider:

- the feed-back, views and input received from the GNSO Stakeholder Groups and Constituencies regarding the Rejection Action Petition(s), if any;
- the importance of the matter for the GNSO Stakeholder Groups and Constituencies and other factors deemed relevant by the GNSO Council.

If the GNSO Council decides to support the Rejection Action Petition, it must decide:

- whether to request ICANN to hold a public-conference call prior to the Rejection Action Community Forum;
- whether to request that ICANN hold a Rejection Action Community Forum.

The GNSO Council is advised to discuss how the GNSO Stakeholder Groups and Constituencies should provide input and feed-back on the Rejection Action Petition during the Rejection Action Community Forum, if any.

The GNSO Council decision shall be published directly after it has been taken and the Stakeholder Groups and Constituencies will be informed about the decision. Additionally, the GNSO's representative to the Empowered Community Administration shall be informed of the decision reached by the GNSO Council.

If the GNSO Council has not reached a decision with respect to a submitted and certified Rejection Action Petition(s) by the end of the twentieth (20th) day of the Rejection Action Petition Period, the GNSO Council is deemed to have rejected the proposed Rejection Action Petition and the matter will be considered closed. The Stakeholder Groups and Constituencies shall be informed accordingly by the GNSO Secretariat on the relevant GNSO mailing lists, as

well as on the GNSO website and/or wiki. Additionally, the GNSO's representative to the Empowered Community Administration will be informed.

In addition, the GNSO Council is advised to discuss how the Stakeholder Groups and Constituencies should provide input and feed-back on the Rejection Action Petition(s) during the community forum, if any.

#### **5.2.6 Informing the Community, other Decisional Participants and the ECA of Acceptance of the Rejection Action Petition**

After the GNSO Council decides to accept the Rejection Petition(s), the GNSO Secretariat will promptly provide a Rejection Action Petition Notice to the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary. In accordance with the Bylaws<sup>14</sup> the Rejection Action Petition Notice must include:

- (a) The Council Decision, and the rationale for their decision to accept the Rejection Petition.
- (b) The Rejection Petition and the rationale for the Petition.

#### **5.2.7 Solicitation of Support from other Decisional Participants**

Immediately upon submission of the Rejection Action Petition Notice to the Empowered Community Administration and the other Decisional Participants as defined in the ICANN Bylaws, the GNSO Chair, now acting on behalf of the GNSO as the Rejection Action Petitioning Participant, will contact the other Decisional Participants to invite other Decisional Participants to support the GNSO Rejection Action Petition.

All correspondence between the Rejection Action Manager and other Decisional Participants, the ICANN Secretary, and the Empowered Community Administration shall be posted on the GNSO website/or wiki space.

#### **5.2.8 Supported GNSO Rejection Action Petition**

If the GNSO receives the support for its Rejection Action Petition(s) from at least one other Decisional Participant within seven (7) days after closure of the rejection Action Petition Period, the GNSO initiated Rejection Action Petition shall be known as a Rejection Action Supported Petition. Within twenty-four (24) hours of receiving said support, the Rejection Action Petition Manager will inform the GNSO Council, the Stakeholder Groups and Constituencies, the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary of having received the required support.

Additionally, the GNSO Chair will formally submit the Rejection Action Supported Petition to the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary. Said submission will conform to the requirements set forth in Annex D Section 2.2(d)(i)(A-E) of the ICANN Bylaws and will include at a minimum the following:

- A supporting rationale in reasonable detail;
- Contact details for the Rejection Action Petition Manager;

- A statement whether a publically available conference call prior to the Rejection Action Community Forum is requested;
- A statement whether a Rejection Action Community Forum is requested;
- A statement whether or not the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

### **5.2.9 No Support for GNSO Rejection Action Petition**

If, at the end of the seventh (7th) day after conclusion of the Rejection Action Petition Period no other Decisional Participant has expressed its support for the GNSO Rejection Action Petition(s), the Process ends. The GNSO Chair shall notify the Empowered Community Administration of the lack of support for the Rejection Action Petition. Additionally, the Rejection Action Petition Manager shall inform the GNSO Council and the Stakeholder Groups and Constituencies that the Rejection Action Petition cannot go forward due to a lack of support from other Decisional Participants. The GNSO Secretariat will publish this information to the GNSO mailing lists, as well as post it on the GNSO website/wiki.

### **5.3 Procedures for the GNSO Actions for Supporting a Rejection Action Petition from another Decisional Participant**

This section details the procedures when another Decisional Participant solicits the support of the GNSO to support their Rejection Action Petition(s). The period to seek support ends at the seventh (7th) day following the Rejection Action Petition Period (twenty-eight (28) days after the Rejection Action Board Notification Date). All references to “notices” and “notification” in this section mean written notice, either as formal correspondence or email.

#### **5.3.1 Scheduling of GNSO Council Meetings**

Upon receipt of the Board Notification of a Rejection Action, the GNSO Chair will schedule a GNSO Council meeting to be held no later than the twenty-seventh (27th) day at 23:59 UTC after the Rejection Action Board Notification Date. The purpose of this meeting is for the GNSO Council to make a decision whether or not to support a Rejection Action Petition from another Decisional Participant.

#### **5.3.2 Receipt and Publication of a Request from another Decisional Participant to Support their Rejection Action Petition**

Upon receipt of a request from another Decisional Participant to support their Rejection Action Petition(s), the Rejection Action Petition Manager shall notify the GNSO Council, and have the request posted on the GNSO website/wiki, and inform the community accordingly.

#### **5.3.3 Solicitation of Community Feedback**

During a three (3) day period directly following the receipt of the request to support a Rejection Action Petition, GNSO Stakeholder Groups and Constituencies may submit their opinion on the merits of the GNSO becoming a Rejection Action Supporting Decisional Participant. Immediately upon the conclusion of this community feedback solicitation period, the GNSO Chair will have the comments received, if any, categorized and summarized, and post the summary to the GNSO Council list.

### **5.3.4 GNSO Council Decision with Respect to Becoming a Rejection Action Supporting Decisional Participant**

The GNSO Council shall convene either in person or via tele-conference no later than the twenty seventh (27th) day at 23.59 UTC from the date of the Rejection Action Board Notification Date to take a decision whether or not to support the Rejection Action Petition(s) from another Decisional Participant.

In making its decision, the GNSO Council will consider:

- the feed-back, views, and input received from the GNSO Stakeholder Groups and Constituencies regarding the specific Rejection Action Petition, if any;
- the importance of the matter for the GNSO Stakeholder Groups and Constituencies and other factors deemed relevant by the GNSO Council.

If the GNSO Council supports the Rejection Action Petition from another Decisional Participant, it must decide:

- whether to request ICANN to hold a publically available conference call prior to the Rejection Action Community Forum;
- whether to request ICANN to hold a Rejection Action Community Forum.

The GNSO Council decision shall be published and the GNSO community informed about the decision directly after it has been taken.

The GNSO Council is advised to discuss how the GNSO Stakeholder Groups and Constituencies should provide input and feed-back on the Rejection Action Petition(s) during the community forum, if any.

### **5.3.5 Notification to ICANN, other Decisional Participants, and the Empowered Community Administration**

Within twenty four (24) hours of the GNSO Council's decision to support the Rejection Action Petition of another Decisional Participant, the Rejection Action Petition Manager by written notice will inform the ECA, the other Decisional Participants, and the ICANN Secretary of the GNSO Council decision. In accordance with Annex D, Section 2.2 (d) (i) (A-E) the notice must include the following:

- A supporting rationale in reasonable detail;
- Contact details for the Rejection Action Petition Manager;
- A statement whether a publically available conference call prior to the Rejection Action Community Forum is requested;
- A statement as to whether a Rejection Action Community Forum is requested;
- A statement as to whether the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

## **6. Developing Input to the Rejection Action Community Forum**

Per the GNSO Operating Procedures, the GNSO Council may initiate a GNSO Input Process (GIP) per ANNEX 3 of the GNSO Operating Procedures to provide input to the EC Administration for the Rejection Action Community Forum. See:

<https://gns0.icann.org/en/council/annex-3-input-process-manual-18jun18-en.pdf>. Specifically:

“A GIP is the process through which the GNSO provides input on matters that may not involve gTLD policy, for example in response to a request from the ICANN Board or in response to a public comment forum as further described in this GIP Manual. Any such requests should include as much information as possible.

“A GIP may be initiated by the GNSO Council at any time it considers appropriate, for example, when a request for GNSO input is received from the ICANN Board or other entity that does not involve the creation of new obligations for ICANN contracted parties and does not relate to a topic otherwise suitable for a GNSO Policy Development Process or GNSO Guidance Process, for example providing GNSO Input to a public comment forum.”

Per these procedures, once the GIP is completed the Council will consider whether to approve the GIP recommendations, noting the following:

“Approval of the GIP recommendations submitted to the Council does not require a Council vote, except in the case where one or more GNSO Council members object to the adoption of the report. In such an instance, the GIP recommendations may be adopted only by the default threshold to pass a GNSO Council motion (a simple majority vote of each House), as set forth at Article X, Section 3-9 of the ICANN Bylaws. The outcome of the vote should be recorded and provided together with the results of the GIP to the entity that initially requested the input.”

In addition, “The GNSO Council shall transmit the results of a GIP, including any recommendations adopted by the GNSO Council, to the entity that originally requested the input as soon as practicable following the Council’s decision pursuant to Section 8 above.”

The GNSO EC Representative shall deliver the input to the EC Administration and ICANN Secretary.