

Draft Charter ccPDP4 WG

0. Contextual background information

In September 2013 the ccNSO submitted the IDN country code policy development process (ccPDP2) Board Report to the ICANN Board of Directors. The recommended policy ccPDP2 contains two parts:

- Proposals (at a high level) for the criteria and requirements for the IDN ccTLD string selection and activities, roles, and responsibilities of the actors involved in the string selection and string evaluation processes and procedures.
- Proposals to enable the inclusion of IDN ccTLDs in the ccNSO.

By mutual understanding, the ccNSO Council and the ICANN Board allowed the Fast Track Process to evolve, to test and gain experience with the policy aspects pertaining to the introduction of IDN ccTLDs under the Fast Track Process. The aim was to further inform the overall policy, specifically with results of the different reviews of the Fast Track process¹. The latest step in the evolution of the Fast Track Process was the introduction of the community developed Guideline with regard to the Risk Mitigation Panel and related process.

In March 2019 the ccNSO Council tasked a team (Preliminary Review Team or PRT) to review ccPDP2 in light of and to review the impact of the following on the recommended policies:

- The evolved Fast Track Process,
- The request of the ICANN Board of Directors with respect to IDN Variants and
- Other relevant developments such as retirement of the (IDN) ccTLDs
- The inclusion of IDN ccTLDs in the ccNSO.

The PRT was requested to advise the Council on whether or not to launch an additional Policy Development Process to address open issues, if any, or take other steps.

Based on its high-level analyses, the PRT identified various issues with the recommended policy for the selection of IDN ccTLD strings and advised Council to launch a ccNSO Policy Development Process (ccPDP4) to address the various issues it had identified, including the de-selection of IDN ccTLD strings. With respect to the recommendations in ccPDP2 pertaining to the inclusion of IDN ccTLDs, the PRT did not identify any issues and therefore advised the ccNSO Council to request a change of Article 10 of the ICANN Bylaws and Annex B. The Final Report of the PRT is included as part of ANNEX A of this Issue Report.

At its meeting on 22 August 2019, the ccNSO Council adopted the recommendations of the PRT. To implement these recommendations the ccNSO Council requested the ICANN Board of Directors to agree to take no additional steps with respect to ccPDP2 and to stop the evolution of the Fast Track Process². In October 2019, the ICANN Board confirmed and agreed with this approach³.

Since March 2019, and following the initial discussions of the ccNSO Council, input and feedback was sought from the community at the Kobe (ICANN64), Marrakesh (ICANN65) & Montreal (ICANN66) meetings. The community present at these meetings concurred with the view that (IDN) ccPDP4, should be launched and focus should be limited to the Items identified by the ccNSO Preliminary Review Team, namely on the (de-)selection of IDN ccTLD strings and management of variants of

¹ See: <https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-28mar19-en.pdf>, general introduction page 4.

² <https://ccnso.icann.org/sites/default/files/field-attached/sataki-to-chalaby-04sep19-en.pdf>.

³ <https://www.icann.org/en/system/files/correspondence/chalaby-to-sataki-31oct19-en.pdf>

selected IDN ccTLD strings. The community also concurred and re-confirmed the ccPDP2 recommendations to amend Article 10 and Annex 10 to allow the inclusion of IDN ccTLD Managers in the ccNSO on equal footing.

1. Goal, Scope and issues to be addressed

1.1 Goal

The goal of the working group (WG) is to report on and recommend a policy for the (de-) selection of Internationalised Domain Name country code Top Level Domain strings (IDN ccTLDS) associated with the country codes assigned to countries, territories or other areas of geopolitical interest listed in the ISO 3166-1 standard and within the framework of the ccNSO Policy Development Process.

1.2 Scope

To achieve its goal, the WG shall initially focus on and be guided by the topics and issues listed below in section 1.3. If other topics and issues become apparent that are not listed and that in the view of the WG need to be addressed to achieve its goal, the WG should take these into consideration and inform the ccNSO Council and Issue Manager accordingly.

As this WG will undertake its activities within the framework of the ccNSO Policy Development Process, the limitations with respect to the scope of a ccPDP, specifically by Article 10 and Annexes B and C to the ICANN Bylaws shall also limit the scope of the WG's work.

If topics issues become apparent that are considered out of scope of the WG, the Chair of the WG shall inform the ccNSO Council and Issue Manager accordingly. If the ccNSO Council is also of the opinion it is outside the scope of the WG, it is expected to deal with it appropriately.

1.2 High Level overview of topics and Issues to be resolved

The main topics to be addressed are suggested by the PRT in its Final Report as adopted by the ccNSO Council. The detailed results of the PRT are mapped against section 2 the Board Report IDN ccNSO Policy Development Process⁴, which contains the recommended policies on the IDN ccTLD String Selection Criteria, requirements and Processes (section 2.1) and Policy Proposals on the inclusion of IDN ccTLDS in the ccNSO (section 2.2). This overview is included as Annex A of the Issue Report and provides the list of topics and issues that will need to be addressed. Note that for reference and to provide context, section 1 of the Board Report is included. Further note that - per advice of the PRT and as resolved by the ccNSO Council - section 2.2 of the Board Report are outside of scope of the work of this WG. Finally note that policy need to be developed to:

1. Include "variant management" as was also requested by the ICANN Board of Directors, and
2. Define the events which would cause the retirement policy as developed under the ccNSO Policy Development Process pertaining to the retirement of ccTLDS ccPDP3 part 1 to become effective.

⁴ https://ccnso.icann.org/sites/default/files/filefield_41859/idn-ccdp-board-26sep13-en.pdf

2. The WG

2.1 Members and other participants of the WG

The WG is open to members who are representatives of ccTLDs, participants from other stakeholder groups, observers and experts.

Members, participants, and experts commit to participate actively and regularly in the work of the WG and are expected to have at least a basic understanding of the reference material (section 7).

Once appointed, all participants in the WG will be subscribed to a mailing list. The mailing list will be archived after closure of the WG.

The names and affiliation of the WG members and other participants will be published on a dedicated WG page on the ccNSO website.

At any time WG members, participants, observers and experts may resign from the WG, by informing the Chair of the WG, who will then inform the ccNSO Council. After receiving a notification the ccNSO Council may seek a replacement.

2.1.1 Members

The working group should have at least 10 members, at least from two (2) of the five (5) ICANN Geographic Regions. Members are representatives from ccTLD managers or their nominees. With respect to members of the WG there is no requirement for a ccTLD to be a ccNSO Member. Members are appointed by the ccNSO Council in accordance with the Guideline: ccNSO Working Groups⁵.

2.1.3 Participants, experts and observers to the WG

Participants

In addition, the WG is open to participants, who shall not be considered members of the WG. Participants are entitled to participate on equal footing with members, unless the charter states otherwise. The ccNSO Council will request the following stakeholders to appoint at least one participant:

- Each of the Regional Organisations as defined in Section 10.5 of the ICANN Bylaws;
- ALAC
- GAC
- GNSO
- SSAC

Experts to the WG

The ccNSO Council may also invite and appoint experts as advisors to the WG. Experts shall not be considered members of the WG, but are entitled to participate on an equal footing in their area of expertise. The Council will at least invite the following persons:

- PTI staff
- Expert on the ISO 3166-1 list
- Relevant ICANN Staff

Observers

⁵ <https://ccnso.icann.org/about/guidelines-working-groups-30mar16-en.pdf>

The WG will have the following observers:

- The Issue Manager for the ccPDP
- Any person appointed as observer by the Chair of the WG

2.1.4 Sub-group Membership. Members, participants, experts and observers to the working group may - in addition to participating in the working group itself - participate in one or both of the two sub-groups identified below. In addition, Representatives from ccTLD managers or their nominees, participants, experts and/or observers may select to participate in one or both sub-groups only. The rules for membership apply for such limited membership to the extent reasonable.

2.1.5 Staff Support

ICANN will be requested to provide adequate staff support to the WG

2.2 Chair and Vice-Chair

At the nomination of the members of the WG, the Chair and Vice-Chair of the WG will be appointed by the ccNSO Council. The Chair and Vice-Chair should be members of the Working Group.

The Chair together with the Vice-Chair, will manage the ongoing activities of the WG and ensure an appropriate working environment by:

- Promptly sharing relevant information with the entire WG.
- Planning the work of the WG to meet the WG goals and leading the WG through its discussions.
- Regularly assessing and reporting on the progress of the WG to the Council and broader community.
- Keeping track of WG participation. Where a WG member does not regularly participate, the Chair will reach out to the member to engage that person in the WG. If, after a conversation that member does not regularly participates, the Chair will advise the Council, so that further steps can be taken to resolve the situation.

The Chair is the representative of the WG. If the Chair of a WG is not a member of the ccNSO Council, the ccNSO Council will appoint a ccNSO Council liaison, to act as an intermediary between the WG and the ccNSO Council or invite the chair to Council meetings to regularly inform the Council on progress made, take questions and participate in any deliberations related to the WG.

The Chair and Vice-chair will regularly inform the broader community on progress of the WG and seek (informal) feed-back from the community.

3. Operations of the WG

3.1 Working Methods

The first work item of the WG is to develop and agree on its working methods (Rules of Engagement) that will guide how the WG intends to conduct its business. These working methods will be made publicly available and be guided by the following principles:

- The meetings will rotate from a timing perspective to share the burden as the membership is distributed over different time zones.
- No firm decisions are taken during any single meeting without the substance of those decisions having been discussed and open for review / consideration by those that may not have been present during the meeting.

- Efforts should be made to ensure that non-native English speakers can participate on an equal basis in the discussions
- The WG will consider public comments and other input as appropriate, and at its reasonable discretion.
- The Secretariat will set up conference calls, maintaining mailing lists, etc. at the direction of the Chair and Vice-Chair of the WG. At the request of the Chair the Secretariat or other ICANN staff will also provide other forms of assistance, for example providing advice or an expert opinion.

3.2 Sub-groups

The WG is expected to create at least two sub-groups:

- sub-group 1 focusing on developing recommendations pertaining to the confusing similarity review process(es), procedures, criteria and method(s) and
- sub-group 2 on variant management of IDN ccTLD strings.

The Chair and vice-Chair of the WG are ex-officio members of these two groups and are tasked with inviting participants from the GNSO to the sub-groups to coordinate the policy efforts undertaken by both the ccNSO and GNSO in the areas of confusing similarity and variant management. In coordinating the efforts the sub-group are strongly advised to take into account the requests from the Board in the area of Variant Management, and potential efficiencies and effectiveness in coordinating the policy efforts in the area of confusing similarity of TLD strings. Each sub-group shall nominate their chair, who will be appointed by the Chair and Vice-Chair of the WG.

Sub-groups shall submit their recommendations with respect to IDN ccTLDs, including but not limited to the results of the coordinating efforts, to the working group to seek the support for the proposal (at a minimum at the level of consensus) from the WG membership. Only if supported by the WG membership, the sub-group proposals become part of the WG proposals and will be included in the Initial Report and Final Report.

3.3 Internal Decision making

In developing its output – guideline for operations, working method, work plan and any reports or papers - the WG shall seek to act by consensus. The Chair of the WG may make a call for consensus. In making such a call, the Chair should always make reasonable efforts to involve at a minimum all members of the WG. The Chair shall be responsible for designating each position as having one of the following designations:

- Full Consensus - a position where no minority disagrees; identified by an absence of objection
- Consensus – a position where a small minority disagrees, but most agree
- No Consensus

In the absence of Full Consensus, the Chair should allow for the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report, paper or other relevant deliverable.

In rare cases, the Chair may decide to use of a poll to assess the level of support for a recommendation. However, care should be taken in using polls: they should not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results. Such a poll shall be open for the WG members only, unless the Chair decides otherwise.

Any person on the WG who disagrees with the consensus-level designated by the Chair, or believes that her/his contributions have systematically been ignored or discounted, should first discuss the circumstances with the Chair. If the matter cannot be resolved satisfactorily, the person should discuss the situation with the Chair of the ccNSO or a person designated by the Chair of the ccNSO.

If No Consensus can be reached by the WG, on policy recommendations, the Chair of the WG will submit a Chair's Report to the ccNSO Council and Issue Manager. In this report the Chair shall document the issues that are considered contentious, the process that was followed to try to reach a consensus position and suggestions to mitigate those issues, if any. If, after implementation of the mitigating measures, consensus still cannot be reached, the Chair shall prepare a Final Chair's Report documenting the processes that was followed to reach consensus and this Final Chair's Report will be deemed to replace the Final Paper. In this case, the ccNSO Council, advised by the Issue Manager, may decide to close the WG, or take mitigating measures, for example changing the charter and reconstitute a WG based on the new charter.

3.3 Standards of Behaviour

The persons on the WG are expected to behave in a mature and professional way when conducting their business on the WG. This includes, but is not limited to, communicating with the fellow membership professionally and ensuring that the WG remains inclusive and productive. To resolve incidents of non-professional communication the following steps should be followed:

- Any concerns regarding the behavior of one of the members, participants, observers or experts should first be raised with that person.
- If the issue is not satisfactorily resolved, a formal complaint may be raised with the Chair of the WG, who will attempt to mediate.
- If that is not possible, or if the complaint is sufficiently serious in nature, the Chair of the WG is empowered to restrict the participation of the person if in the chairs view the continued participation would not be appropriate and/or would seriously disrupt the working group from conducting its business.
- Generally, a person should first be warned privately, and then warned publicly before such the restriction is put into effect; only in extreme circumstances to be determined by the chair and vice-chair together, this restriction may be put in effect immediately.

If a person on the WG disagrees with an imposed restriction, or the complainant disagrees with a restriction (or the lack of one), or there are other matters regarding the complaint that cannot be resolved satisfactorily, the participant, complainant, or the Chair of the WG may raise the issue with the Chair and Vice-Chairs of the ccNSO Council or their designate(s). They will review the matter and then decide. The ccNSO Council, WG Chair, WG person and complainant shall be informed accordingly.

4. Deliverables

4.1. Working Method & Work Plan

The WG is expected to develop its working methods and a work plan first. The working methods should provide guidance on how the WG intends to conduct its business (see section 3.1). The work plan should include at a minimum, where feasible, timelines and expected outputs of the WG, based on the deliverables outlined in this Charter. Purpose of the work plan is to inform the community and ccNSO on the expected progress and anticipated schedule of public consultations.

Once the work plan is completed, the Time Line as set forth in section 6 shall be updated and published. If in the course of conducting its business the WG or the chair of the WG is of the view that the Time Line is untenable, the chair will inform the ccNSO Council and Issue Manager. The chair will then also suggest an adjusted Time Line to be adopted by the WG. Once adopted, the chair will inform the ccNSO Council and Issue Manager and the adjusted Time Line will be published.

4.2 WG Initial Report

The WG shall develop and publish for public consultation an Initial Report, which shall, at a minimum, include proposals to address the topics and issues identified in the Issue Report, and any documentation necessary to make the proposals effective. The Initial Report shall also contain a review and analysis of comments made on the Issue Report, if any, with respect to the issues raised in the Issue Report. The Initial Report shall be published for public consultation on the ICANN website following the guidelines for public consultations. The consultation should be scheduled in such a manner that it allows a public discussion with the relevant stakeholders at a designated ICANN meeting. The Chair of the WG will send the Initial Report to the Issue Manager of the ccPDP.

4.3 WG (draft) Final Report

After conclusion of the public consultation on the Initial Report, the WG shall prepare a (draft) Final Report reflecting the Initial Report, and the comments received on the Initial Report during the public consultation period.

If the WG is of the view that an additional public consultation is appropriate, it will prepare a draft Final Report to be published for public consultation on the ICANN website and following the guidelines for public consultations. The consultation should be scheduled in such a manner that it also allows for a public discussion with the relevant stakeholders at a designated ICANN meeting. After conclusion of the public consultation on the draft Final Report, the WG shall prepare its Final Report that reflects the draft Final Report, the comments received and how they have been taken into consideration by the WG, if at all.

The Final Report will include the proposed policy recommendations. This Final Report shall be published within fourteen (14) days after adoption of the Report by the WG and conveyed to the Chair of the ccNSO and the Issue Manager of the ccPDP. The Chair of the ccNSO shall request the Chair of the GAC, opinion or advise from the GAC.

5 Miscellaneous

5.1 Omission in or unreasonable impact of Charter

If this charter does not provide sufficient guidance and/or the impact of the charter is found to be unreasonable for conducting the business of the WG, the Chair has the authority to determine a proper course of action to mitigate the issue. Such action may, for example, consist of a modification to the Charter to address the omission or its unreasonable impact, in which case the Chair(s) may propose such modification to the ccNSO Council and Issue Manager. A modification shall only be effective after adoption of the amended by the ccNSO and after publication of the amended Charter. The chair of the WG shall exercise reasonable discretion with respect to question as to whether this charter does not provide guidance and/or the impact of the charter is unworkable with respect to the conduct of business of the WG.

5.2 Closure of the Working Group

If the WG determines that it has completed its work, or if the WG cannot achieve its goal(s), The Chair of the WG will submit a Final Chair Report to the ccNSO Council and Issue Manager. This report should include a recommendation on the time to close the WG.

A WG is closed by a resolution of the ccNSO Council.

6. WG Time Line

Step	Event	Entity	Tentative Date completion	Comment
1	Draft Issue Report	Issue Manager	February 2020	To be presented to the prior to the Cancun meeting
2	Formal Initiation of ccPDP 4	ccNSO Council	February 2020	Following public comment ccNSO Council vote
3		Public notification of Initiation of IDN ccPDP Issue Manager	February 2020	Notification of initiation of the ccPDP4 to the Website and to the other ICANN Supporting Organizations and Advisory Committees. Open comment period (in accordance with the PDP Time Line) and at a minimum 40 days.
4		Notification of and appointment by Regional Organisations of a representative Issue Manager	April 2020	Each representative of a Regional Organisation shall be asked to submit a Regional Statement to the Issue Manager as part of and within the time designated in the PDP Time Line.

Step	Event	Entity	Tentative Date completion	Comment	
5		Formal request to Chair of the GAC to offer opinion or advice	ccNSO Council	April 2020	
6		Formation of Working Group under ccPDP	ccNSO Council	April 2020	As part of the ccPDP4, create a Working Group will be established
8		Interim Papers	ccPDP4 WG	November 2020	Various papers (sub) WG to be concluded at ICANN 69 (Hamburg) to be initially presented at ccNSO meeting
10	Initial Report		ccPDP4 WG	December 2020	Combined version of Interim papers. Public comment period of at least 40 days
11	Draft Final Report		ccPD4 WG & Issue Manager	February 2021	Publication Final Report of containing the recommendations to resolve issues as identified in Issues report, public comment of 40 days
17	Adoption Process				Adoption process ccNSO, including ccNSO membership vote.
		Adoption Final Report by WG	Issue Manager	May 2021	Ensure the Final Report reflects consensus of the WG on recommended policy
18		Submission of Final Report to the ccNSO Council	Issue Manager	May 2021	Preferably in time for ICANN's community forum FY 21
19		Invite the Chair of the GAC to offer opinion or advice	ccNSO Council	May 2021	Preferably in time for ICANN's community forum FY 21
20		ccNSO Council Adoption of Final Report	ccNSO Council	June 2021	After GAC has had opportunity to Advise or share its opinion.
21		First round ccNSO members vote	ccNSO Members	To be completed post Policy Forum June 2021	Note: the members vote is subject to quorum rule (at least 50 %) of the members

Step	Event	Entity	Tentative Date completion	Comment	
				need to have cast a vote.	
		Council decision to adopt Board Report	ccNSO Council	October 2021	Board report needs to include the results of members vote.
22	Submission Board report	Board Report	ccNSO Council	November 2021	

7. References

- 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>)
- The Fast Track Implementation Plan and related documents, latest version (see: <https://www.icann.org/resources/pages/fast-track-2012-02-25-en>)
- The draft policy for the selection IDN ccTLD strings (September 2013) (<https://ccnso.icann.org/en/announcements/announcement-26sep13-en.htm>)
- The Final Report of the IDN policy preliminary review team (June 2019) (<https://ccnso.icann.org/en/workinggroups/final-report-idn-prt-29jul19-en.pdf>)
- The Board resolution on IDN (cc)TLD Variants (14 March 2019) (<https://www.icann.org/resources/board-material/resolutions-2019-03-14-en#2.a>) requesting the ccNSO to work on Variant Management and related relevant material (see: <https://www.icann.org/resources/pages/idn-variant-tld-implementation-2018-07-26-en>)
- Relevant resolutions of the ICANN Board of Directors as documented in the report
- Relevant correspondence between the ccNSO and ICANN Board of Directors.
- Issue report ccPDP4