

Registries Stakeholder Group Statement



Public Comment: **Operational Design Phase Form** Concept Paper v2.0

Date statement submitted: **22 January 2021**

Documents & background

- **Operational Design Phase Form** Concept Paper v2.0 (18 December 2020)
<https://www.icann.org/en/system/files/files/odp-form-concept-paper-18dec20-en.pdf>
- **RySG comment on the Operational Design Phase Concept Paper Discussion Draft** (20 November 2020)
https://84e2b371-5c03-4c5c-8c68-63869282fa23.filesusr.com/ugd/ec8e4c_abc86ba60bae442583d02ec94caf81ff.pdf

Registries Stakeholder Group statement

The Registries Stakeholder Group (RySG) welcomes the opportunity to provide feedback¹ on the Operational Design Phase (ODP) Form, Concept Paper v2.0. We recognize the stated intent of the ODP is to help inform the ICANN Board prior to consideration of GNSO Consensus Policy recommendations, while enabling transparency and community feedback and avoiding delays in the overall timeline. We believe these are all worthy goals.

At a high level, the RySG supports the ICANN Board's desire to be fully informed on potential risks, options, and costs related to the approval and implementation of GNSO Consensus Policy recommendations, particularly where those recommendations may have a significant impact on operational complexity, institutional structure, and budget.

We are pleased to see that several of our concerns flagged in our comments on the 1 October 2020 OPD Concept Paper have been addressed in the revised paper v2.0, and wish to provide additional feedback.

GNSO Liaison to ICANN org's ODP team

While we're supportive of the reasons for no longer considering a community-led Design Feedback Group with a charter, operating procedures, and work plan, we are concerned that having only one liaison person tasked with providing feedback and input into the ODP, including clarification, if requested, of the intent, substance, or meaning of recommendations, and underlying facts, figures, or assumptions that informed them, may not be optimal. To better face the complexity of the issues and avoid re-addressing substance, we suggest that the ODP liaison function is shared by a committee of no

¹ *Registries Stakeholder Group (RySG) Comment - In the interest of time, we did not conduct a vote on these comments. We did discuss them on our mailing list and during a biweekly conference call, and no member opposed their submission.*

more than three that ideally includes representation from the PDP leadership team and the GNSO Liaison to the PDP.

The rationale is that between the PDP Working Group leadership and the GNSO Liaison, these individuals should have all the experience and expertise to spot all material issues that arise and be able to detect potential inconsistencies with the PDP recommendations. In addition, having at least three persons ensures that the burden of keeping the GNSO Community informed while at the same time being able to spot any community issues is shared. This will also allow for sufficient coverage if one person is busy, sick, on holiday, etc..

Community Consultations

Transparency is most important for the ODP process, including for ICANN org's community outreach and community input throughout the ODP. While we welcome the creation of a dedicated webpage with all relevant information on the ODP work, we request that ICANN use its existing public comment tool to collect input in a transparent, predictable way, in anticipation of the development of 'a system similar to and integrated with the Public Comment tracking system, which will show all uses of alternate mechanisms to gather input including results and analysis' as recommended by the ATRT3².

Early engagement of ICANN org

We recommend ICANN org to appoint a Staff Liaison to PDP Working Groups, who will attend PDP Working Group meetings, liaise with ICANN Policy and Implementation Staff, and advise, in consultation with the WG Chair(s), on when the ODP should commence.

Timing considerations

The RySG suggests that the ODP process should be time limited with a set end date by which the ODP should produce an output. In addition, a reasonable limit on the number of interactions (to prevent endless back and forth loops) and public consultations would also provide structure and predictability to the timeline for any ODP. Also, activities (i.e comparisons to policies or historical items) should be considered by organizers before initiation to ensure efficient use of time and resources. Finally, while we very much appreciate and support the clarity of scope stating that "the ODP is not a mechanism to reopen or revisit policy discussions that took, or are taking, place in the Policy Development Process (PDP)"³, we feel that focusing on the affected community groups and establishing clear timelines will also avoid the possibility of parties using the ODP as a tool to delay the policy process and implementation of recommendations.

Conclusion

The RySG thanks ICANN for its consideration of the community's suggestions regarding the ODP Concept Paper and for the further opportunity to comment on the ODP Form Concept Paper v2.0. As noted, we appreciate the clarity of scope for the ODP but also recommend establishing clear timelines, use of predictable comment process, and further consideration of the GNSO Liaison position to avoid a single resource for engagement and allow for more flexibility and support.

² <https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf>

³ <https://www.icann.org/en/system/files/files/odp-form-concept-paper-18dec20-en.pdf>