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## Policy Development Process Work Team

### Final Report & Recommendations

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#### STATUS OF THIS DOCUMENT

This document is the Final Report of the Policy Development Process Work Team concerning the development of, and transition to, a new GNSO policy development process. This Final Report has been prepared following review of public comment on the Initial as well as Proposed Final Report and has been submitted to the GNSO Council for its review and approval.

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## 57 1 Executive Summary

58 ▪ The Policy Development Process Work Team (PDP-WT) was tasked by the Policy Process  
59 Steering Committee (PPSC) to be 'responsible for developing a new policy development  
60 process that incorporates a working group approach and makes it more effective and  
61 responsive to ICANN's policy development needs'. The primary tasks of the PDP-WT were to  
62 develop:

- 63 1 Appropriate operating principles, rules and procedures applicable to a new policy  
64 development process; and
- 65 2 An implementation/transition plan.

66  
67 ▪ This Final Report presents the PDP-WT's views and recommendations in relation to tasks 1  
68 and 2. The proposed recommendations seek to:

- 69 ○ Codify existing practices and procedures already utilized by the GNSO community in  
70 policy development processes (PDPs);
- 71 ○ Clarify existing rules, methods and procedures set forth in the ICANN Bylaws and GNSO  
72 Council's Operating Procedures
- 73 ○ Suggest new approaches, methods and procedures to be used in the new policy  
74 development process.

75  
76 ▪ To this end, the PDP-WT has developed dozens of recommendations to improve the existing  
77 PDP process. Some of the key recommendations of the new PDP include:

- 78 ○ Recommending the use of a standardized "Request for an Issue Report Template"  
79 (recommendation 4)
- 80 ○ The introduction of a "Preliminary Issues Report" which shall be published for public  
81 comment prior to the creation of a Final Issues Report to be acted upon by the GNSO  
82 Council (recommendations 10 & 11).
- 83 ○ A Requirement that each PDP Working Group operate under a Charter  
84 (recommendation 18)

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- 87 ○ Dialogue between the GNSO Council and an Advisory Committee in the event that an  
88 the GNSO Council decides not to initiate a PDP following an Issues Report requested by  
89 such Advisory Committee (recommendation 17)
- 90 ○ Changing the existing Bylaws requiring a mandatory public comment period upon  
91 initiation of a PDP to optional at the discretion of the PDP Working Group  
92 (recommendation 21)
- 93 ○ Clarification of 'in scope of ICANN policy process or the GNSO' (recommendation 22)
- 94 ○ Changing the timeframes of public comment periods including (i) a required public  
95 comment period of no less than 30 days on a PDP Working Group's Initial Report and (ii)  
96 a minimum of 21 days for any non-required public comment periods the PDP WG might  
97 choose to initiate at its discretion (recommendation 27)
- 98 ○ Maintaining the existing requirement of PDP Working Groups producing both an Initial  
99 Report and Final Report, but giving PDP Working Groups the discretion to produce  
100 additional outputs (recommendation 33)
- 101 ○ A recommendation allowing for the termination of a PDP prior to delivery of the Final  
102 Report (recommendation 36)
- 103 ○ Guidance to the GNSO Council on the treatment of PDP WG recommendations  
104 (recommendation 38)
- 105 ○ New procedures on the delivery of recommendations to the Board including a  
106 requirement that all reports presented to the Board are reviewed by either the PDP  
107 Working Group or the GNSO Council and made publicly available (recommendation 39)
- 108 ○ The use of Implementation Review Teams (recommendation 42)
- 109 ○ A redefinition of 'GNSO Supermajority vote' to include the original meaning of GNSO  
110 Supermajority i.e. 2/3 of Council members of each house so a GNSO Supermajority vote  
111 would be 75% of one House and a majority of the other house or 2/3 of Council  
112 members of each house (recommendation 47)
- 113 For a complete overview of all the recommendations, please see Section 2.
- 114

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125   ▪ For purposes of its discussions, the PDP-WT divided the policy development process into the  
126   separate distinct stages and initially considered each of these stages consecutively. The  
127   details of the discussion on each of these stages can be found in the Initial Report (see  
128   <http://gns0.icann.org/issues/pdp-initial-report-31may10-en.pdf>).

129  
130   In addition, a number of overarching issues that are present in multiple stages of the policy  
131   development process, including timing, translation, development of definitions, voting  
132   thresholds and decision-making methodology, were also discussed following the review of  
133   the five different stages (see section 3).

134  
135   ▪ The WT, supported by ICANN staff, has developed a first outline of the new Annex A (see  
136   section 4) as well as a supporting document that is envisioned to be included in the GNSO  
137   Council Operating Procedures as the PDP Manual (see section 5).

138  
139   ▪ In section 2, you will find an overview of the recommendations of the PDP-WT. For further  
140   background information on how these recommendations were developed, you are strongly  
141   encouraged to review the [Initial Report](#), [the proposed Final Report](#), the WT's review of the  
142   public comments (see Annex A) and the WT's [deliberations on the outstanding issues](#), to  
143   appreciate the deliberations of the PDP-WT that form the basis for these recommendations.

144  
145   ▪ To facilitate visualization of the new PDP, the WT has also developed a flow chart that  
146   includes that provides a high-level overview of the main elements of the new PDP that can  
147   be found hereunder.

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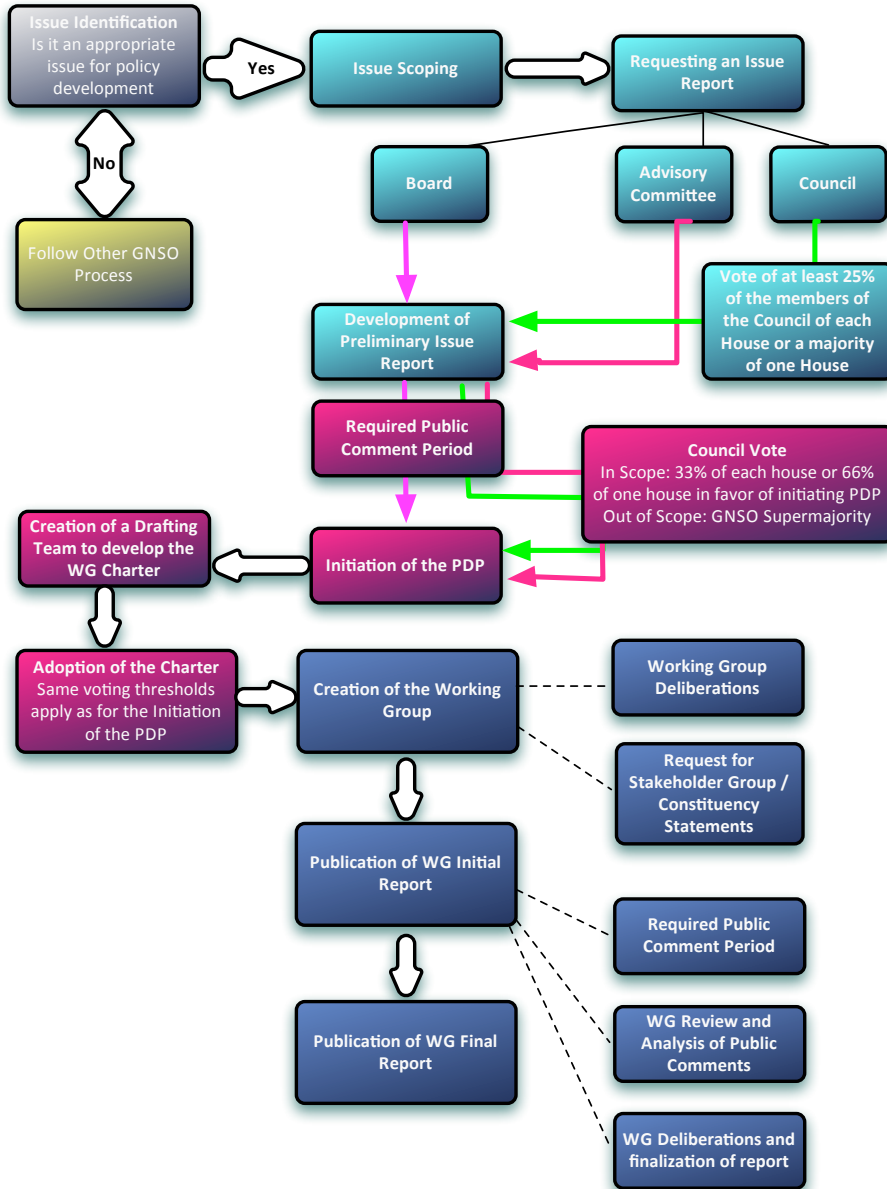
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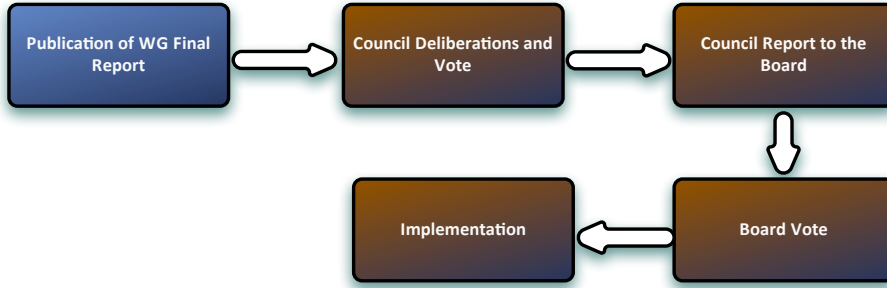
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## 168 2 Approach taken & Proposed Recommendations

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170 Following the publication of the [Initial Report](#), and a subsequent public comment period, the WT  
171 reviewed and addressed the comments received (see [public comment review tool](#)). In addition,  
172 the WT discussed the outstanding issues it had not been able to cover in time for the Initial  
173 Report and updated the recommendations accordingly. In order for the ICANN Community to  
174 review these updated recommendations, especially those not included in the Initial Report, the  
175 WT published [a Proposed Final Report](#) for public comment. Following review of the public  
176 comments received [\[include link to public comment review tool\]](#), the WT updated the report  
177 where deemed appropriate [and finalized the report for submission to the GNSO Council. Upon](#)  
178 [approval by the GNSO Council, the recommendations would be forwarded to the ICANN Board](#)  
179 [for its review and approval as appropriate.](#)

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180  
181 The PDP WT agreed to divide the policy development process into the following separate stages  
182 and consider each of these stages consecutively:

183

- 184 • Stage 1 – Planning and Request for an Issues Report
- 185 • Stage 2 – GNSO Council Review of the Issues Report and Initiation of the Policy  
186 Development Process
- 187 • Stage 3 – Working Group
- 188 • Stage 4 – Voting and Implementation
- 189 • Stage 5 – Policy Effectiveness and Compliance

190

191 Each of these stages were then broken down into related issues areas that were discussed by  
192 the PDP-WT. The following sections provide an overview of these deliberations, including  
193 proposed recommendations to address issues identified. To encourage input from the members  
194 of the WT, a number of surveys were conducted to solicit feedback. For further details on the



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206 surveys and interim notes, please visit the PDP-WT Workspace:

207 <https://community.icann.org/display/gnsoppsc/PDP-WT+Home>

208

209 For each of these stages a number of recommendations were developed (see hereunder) that  
210 form the basis of the proposed new GNSO Policy Development Process. These

211 recommendations are provided below. Please note that in order to make this section of the  
212 document concise, most of the context for the recommendations have been removed and the

213 PDP-WT urges the community to read the [Initial Report](#) for further context on the

214 recommendations. [It has been indicated for each of the recommendations whether these have](#)

215 [been incorporated into the proposed new Annex A of the ICANN Bylaws \("B"\) and/or the PDP](#)

216 [Manual \("M"\)](#).

217

## 218 **Stage 1 – Planning and Request for an Issues Report**

219

### 220 Recommendation 1. **Who can request an Issue Report (B)**

- 221
- 222 ▪ Although a request for a GNSO Issues Report has never been issued directly by the ICANN  
223 Board, or any Advisory Committee (other than the At-Large Advisory Committee), the PDP-  
224 WT recommends that the current three mechanisms for initiating a request for an Issue  
225 Report (Board request, Advisory Committee Request or GNSO Council Member Request)  
226 should be maintained.

227

### 228 Recommendation 2. **Definition of 'Raising an Issue' and 'Initiating a PDP' (B)**

- 229
- 230 ▪ The current language in Annex A of the Bylaws contains several references to the term  
231 "PDP" which over the years have been the source of confusion. The phrase "initiating a PDP"  
232 is currently used to refer to initiating an issue report, for example, and is also used to refer  
233 to the process of formally establishing Task Forces or working groups. Therefore, the PDP-  
234 WT has distinguished the two concepts into (1) Raising an Issue and (2) Initiating a PDP. The  
PDP-WT has recommended clarification of this language in the Bylaws and whenever such  
terms are used by the community.

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240 Recommendation 3. **Development of a Policy Development Manual (M)**

- 241 ▪ The PDP-WT recommends the development of a Policy Development Process Manual, which  
242 will constitute an integral part of the GNSO Council Operating Rules, intended to provide  
243 guidance and suggestions to the GNSO and ICANN communities on the overall PDP process,  
244 including those steps that could assist the community, working group members, and  
245 Councillors in gathering evidence and obtaining sufficient information to facilitate an  
246 effective and informed policy development process.

247

248 Recommendation 4. **Request for an Issue Report Template (M)**

- 249 ▪ The PDP-WT recommends that a 'request for an Issue Report' template should be developed  
250 including items such as: definition of issue; identification and quantification of problems, to  
251 the extent feasible; supporting evidence; economic impact(s); effect(s) on competition and  
252 consumer trust and privacy and other rights, and; rationale for policy development. Any  
253 request for an Issue Report, either by completing the template included in the PDP Manual  
254 or in another form, must include at a minimum: the name of the requestor and the  
255 definition of the issue. The submission of any additional information, such as the  
256 identification and quantification of problems, and other as outlined for example in the  
257 template, is strongly encouraged, but not required.

258

259 Recommendation 5. **Issue Scoping (M)**

- 260 ▪ The PDP-WT recommends adopting the proposed Policy Development Process Manual, to  
261 provide guidance and suggestions to those parties raising an issue on which steps could be  
262 considered helpful in gathering evidence and obtaining sufficient information to facilitate an  
263 effective and informed policy development process.

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280 Recommendation 6. **Creation of an Issue Report (B/M)**

281 ■ The PDP-WT recommends that the currently required elements of an Issue Report<sup>1</sup> continue  
282 to be required for all future PDPs. However the PDP-WT recommends that only certain of  
283 the elements be identified in Annex A of the Bylaws and others in the PDP Manual. More  
284 specifically, the Bylaws should continue to require elements a (the proposed issue raised for  
285 consideration), b (the identity of the party submitting the issue) and c (how that party is  
286 affected by the issue), while elements d (support for the issue to initiate the PDP) and e  
287 (recommendation from the Staff Manager) should be added to the PDP Manual. In addition,  
288 the PDP-WT notes that element e (recommendation from the Staff Manager) should be split  
289 in two parts; the first part dealing with the question of whether a PDP is considered "in  
290 scope" (see recommendation 22 for the definition of "in scope") and the second part  
291 addressing whether the PDP should be initiated. Although currently included as one element  
292 in the ICANN Bylaws, the reality is that these two elements should be treated separately.  
293 Furthermore, the PDP-WT recommends including in the PDP Manual a recommendation for  
294 the entity requesting an Issue Report to indicate whether there are any additional items it  
295 would like to have addressed in the Issue Report. This in turn which could then be taken into  
296 consideration by the Staff Manager and/or Council when reviewing the request for an Issue  
297 Report. In addition, the PDP Manual should allow for ICANN Staff or the Council to request  
298 additional research, discussion, or outreach to be conducted as part of the development of  
299 the Issue Report.

300

301 Recommendation 7. **Outcomes of a PDP (M)**

302 ■ The PDP-WT recommends better information and communication with Working Group  
303 members on the potential outcomes of a policy development process. There are more  
304 potential outcomes of the PDP process than just the formation of "consensus policies" as

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<sup>1</sup> See provision 2 of Annex A of the ICANN Bylaws

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309 defined under the applicable gTLD Registry and Registrar agreements. Acceptable outcomes  
310 also include the development of best practices, recommendations to other supporting  
311 organizations, recommendations that no changes are necessary, recommendations for  
312 future policy development, recommendations for additional research or study, etc. If known  
313 in advance, this information could be included in the Charter of a Working Group or in the  
314 Council’s instructions to a WG. The PDP Manual should clearly advise the Council and  
315 Working Group members of these other potential outcomes.

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317 Recommendation 8. **Scope – General Counsel’s opinion (B/M)**

318 ▪ The PDP-WT recommends retaining the requirement for obtaining the opinion of the ICANN  
319 General Counsel’s office in the Issues Report as to whether a proposed PDP is within the  
320 scope of the GNSO. Further details regarding the opinion of counsel are expected to be  
321 included in the PDP Manual as opposed to the Bylaws. For more clarification of the meaning  
322 of “in scope” please see Recommendation 22 below.

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324 Recommendation 9. **Role of ICANN Staff (M)**

325 ▪ The PDP-WT recommends that additional guidance on the different roles ICANN staff can  
326 perform, as outlined in the GNSO Working Group Guidelines, is to be included in the PDP  
327 Manual.

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329 Recommendation 10. **Timeframe for delivery of Preliminary Issue Report (B)**

330 ▪ The PDP-WT recommends the modification of timeframes included in clause 1 – Creation of  
331 an Issue Report in Annex A in relation to the development and delivery of an issues report as  
332 follows:  
333 Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board;  
334 (ii) a resolution from the GNSO Council; or (iii) a duly supported request from an Advisory  
335 Committee, the Staff Manager will create a report (a “Preliminary Issue Report”). In the  
336 event the Staff Manager determines that more time is necessary to create the Preliminary

342 Issue Report, the Staff Manager may request an extension of time for completion of the  
343 Preliminary Issue Report, which request should be discussed with the Requestor.

344

345 Recommendation 11. **Mandatory Public comment period on Preliminary Issue Report (B)**

346 ■ The PDP-WT recommends that there is a mandatory public comment period that  
347 follows the publication of a Preliminary Issue Report and before the GNSO Council is asked  
348 to consider the initiation of a PDP. Such a Public Comment period would, among other  
349 things, allow for additional information that may be missing from the Preliminary Issue  
350 Report, or the correction or updating of any information in the Preliminary Issue Report. In  
351 addition, this would allow for members of the ICANN Community to express their views to  
352 the Council on whether or not to initiate a PDP. Depending on the comments received,  
353 ICANN staff would include public inputs and any necessary corrections to the Preliminary  
354 Issue Report turning it into the Final Issue Report and/or summarize the comments received  
355 for Council consideration. If no comments are received on the Preliminary Issue Report, the  
356 content of the Final Issue Report should be substantially similar to the Preliminary Issue  
357 Report.

358

359 Recommendation 12. **Role of workshops prior to initiating a PDP (M)**

360 ■ The PDP-WT recognizes the value of workshops on substantive issues prior to the initiation  
361 of a PDP. It is therefore recommending that information on the potential role of workshops  
362 and information gathering events be provided in the PDP Manual. In addition, the PDP-WT  
363 recommends that the GNSO Council should consider requiring such a workshop, on-line or  
364 face-to-face, on a specific issue during the planning and initiation phase for a specific issue,  
365 when deemed appropriate. The PDP-WT does not recommend mandating the use of  
366 workshops prior to initiating a PDP. Furthermore, the PDP-WT recommends that, if a  
367 workshop is held, invitations and/or announcements for workshops are communicated as  
368 broadly as possible.

369

370 Recommendation 13. **Consideration of Resources (M)**

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10. Impact Analyses - ... [10]

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**Comment [2]:** Following further review of the WT deliberations on the comments in relation to recommendation #13, the WT agreed that an 'impact assessment' at the time of the initiation of a PDP did not make sense and noted that a 'scope assessment' is already carried out as part of the Issue Report. The WT is therefore considering deleting recommendation #13. (James to provide alternative language for consideration).

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381   ▪ The PDP-WT believes that the GNSO Council should take into full account the resources  
382       available, both volunteers from the community as well as ICANN staff, when making its  
383       decision on whether or not to initiate a PDP.

384

385 | Recommendation 14. **No fast-track procedure (B/M)**

386   ▪ The PDP-WT discussed the notion of a fast-track procedure extensively but did not come to  
387       agreement on whether such a process is truly needed, and if so, what such a fast-track  
388       procedure might look like. The PDP-WT recommends that the GNSO Council re-evaluates  
389       the need for a fast-track procedure in due time as part of the review of the new PDP, as it is  
390       of the view that the new PDP will offer additional flexibility and would allow for ‘faster’ PDPs  
391       provided that the necessary resources are available without the need for a formal ‘fast  
392       track’ process.

393

394 **Stage 2 - GNSO Council Review of the Issues Report and Initiation of the Policy Development**  
395 **Process**

396

397 | Recommendation 15. **Timeframes for Initiation of a PDP (M)**

398   ▪ The PDP-WT recommends modifying the timeframes currently included in clause 3 of Annex  
399       A – “Initiation of a PDP” to reflect current practice and experience. In addition, it proposed  
400       to add language to codify the current practice that any voting<sup>4</sup> Council members may  
401       request the deferral of the consideration of an initiation of a PDP for one Council meeting.

402

403 | Recommendation 16. **Flexibility (M)**

404   ▪ The PDP-WT recommends that further guidance be included in the PDP Manual on how to  
405       deal with situations where further flexibility is required e.g. additional research, ensuring  
406       that the Council provides clear indications on expected timing of next steps.

406

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<sup>4</sup> The term “voting Council Member” is intentionally used by the PDP-WT to refer to only those persons serving on the GNSO Council that have a vote as opposed to liaisons and others that do not.

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409

410 Recommendation 17. **Appeals mechanism for Advisory Committees (M)**

411 ▪ The PDP-WT recommends that if the GNSO Council votes to not initiate a PDP following an  
412 Issue Report requested by an Advisory Committee (AC), the AC or its representatives should  
413 have the opportunity to meet with representatives of the GNSO to discuss the rationale for  
414 the rejection and why the AC feels that reconsideration is appropriate<sup>5</sup>. Following this  
415 meeting, the AC may submit a statement to the GNSO Council requesting a re-vote on the  
416 initiation of a PDP and giving its rationale for such a request. This process may be followed  
417 just once for any given Issue Report.

418

419 Recommendation 18. **Chartering of a Working Group (M)**

420 ▪ The PDP-WT recommends updating clause 7 of Annex A of the ICANN Bylaws to reflect that  
421 a charter is required for all Working Groups, and to specify the voting threshold that should  
422 apply to the adoption of the working group charter which is identical to the one that applies  
423 to the initiation of the PDP. Any modifications to a Working Group Charter made after  
424 adoption by the GNSO Council of such Charter, however, may be adopted by a majority vote  
425 of the GNSO Council (as such term is currently defined in [article X, section 3 of the ICANN](#)  
426 [Bylaws](#)).

427

428 Recommendation 19. **Link to new PDP in GNSO Working Group Guidelines (M)**

429 ▪ The PDP-WT recommends that a link to the new Annex A and the PDP Manual, once  
430 finalized and approved, are included in the GNSO Working Group Guidelines, as these two  
431 documents provide an overview of the requirements for PDP WGs.

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6. How to involve advice from other ACs or SOs, and obtain consistent input from the Board? -

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<sup>5</sup> In particular those meeting with the AC should include members of the GNSO Council that voted against the initiation of the PDP.

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444 Recommendation 20. **Input from SOs and ACs (M)**

445 ▪ The PDP-WT recommends that further explanation on how to involve Advisory Committees  
446 or Supporting Organisations in a PDP be included as part of the PDP Manual. Much of this  
447 will involve the codification of existing practice. It is the belief of the PDP-WT that input  
448 from other SOs and ACs must be sought and treated with the same due diligence as other  
449 comments and input processes. In addition, comments from ACs and SOs should receive a  
450 response from the WG. This may include, for example, direct reference in the applicable  
451 Report or embedded in other responsive documentation or a direct response. The PDP WG  
452 is expected to detail in its report how input was sought from ACs and SOs and how, if input  
453 was received, such input has been considered.

455 Recommendation 21. **Optional public comment period after the initiation of a PDP (M)**

456 ▪ Taking into account the required public comment period on the Preliminary Issue Report  
457 (see recommendation 11), the PDP WT considers it no longer necessary to require a public  
458 comment period on the initiation of a PDP. However, a WG may, at its discretion, decide to  
459 conduct a public comment period at the start of their deliberations to obtain input on issues  
460 raised in the Charter.

462 Recommendation 22. **Clarification of 'in scope' (B)**

463 ▪ The PDP-WT recommends modifying clause 3 – Initiation of a PDP to clarify that within  
464 scope means 'within scope of ICANN's mission and more specifically the role of the GNSO' as  
465 opposed to within scope of the contracted parties' definition of "consensus policies"<sup>6</sup>.  
466 Furthermore, the PDP-WT recommends that issues raised should be mapable against  
467 specific provisions in the ICANN Bylaws, the Affirmation of Commitments and/or ICANN's

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<sup>6</sup> See for example section 3.3.4 of the Registrar Accreditation Agreement (<http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm>) or section 3.1 b of the .com Registry agreement (see <http://www.icann.org/en/tlds/agreements/verisign/registry-agmt-com-22sep10.htm>).

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475 Articles of Incorporation. This information should be included in the request for an Issue  
476 Report<sup>7</sup> and should be added as a category in the Issue Report request template.

478 **Stage 3 – Working Group**

480 Recommendation 23. **Mode of operation for a PDP (M)**

- 481 ▪ The PDP-WT recommends that even though a Working Group currently forms the basic  
482 mode of operation for a PDP, there should be flexibility to accommodate different working  
483 methods if deemed appropriate by the GNSO Council, in accordance with the GNSO  
484 Operating Rules. For example, in the past use has been made of “Task Forces” as well as a  
485 “Committee of the Whole”. Any such new working methods must contain each of the  
486 mandatory elements set forth in the ICANN Bylaws and PDP Manual.

488 Recommendation 24. **Information for PDP Working Groups (M)**

- 489 ▪ The PDP-WT recommends that each PDP WG will be strongly encouraged to review and  
490 become familiar with the GNSO Working Group Guidelines and the PDP Manual (once  
491 published), which includes further information and guidance on the functioning of GNSO  
492 Working Groups.

494 Recommendation 25. **Communication with different ICANN Departments (M)**

- 495 ▪ The PDP-WT recommends that further guidance should be included in the PDP Manual on  
496 the mechanisms and protocols for Working Groups to communicate with different ICANN  
497 departments. It may be necessary for PDP Working Groups to consult with the General  
498 Counsel’s office, Compliance, Operations, Finance, etc. The PDP-WT recommends that  
499 ICANN policy staff serve as the official intermediaries between a Working Group and the  
500 various ICANN departments, provided that a procedure is in place which allows for

<sup>7</sup> The WT notes that the ICANN Office of the General Counsel opines formally on the scope as part of the Issue Report.

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507 escalation via the WG Chair if the WG is of the opinion that communication is hindered  
508 through the involvement of ICANN policy staff.

509

510 Recommendation 26. Alignment with ICANN's Strategic Plan (M)

- 511 ▪ The PDP-WT recommends that the initiation of a PDP may include consideration of how  
512 ICANN's budget and planning can best accommodate the PDP and/or its possible outcomes,  
513 and, if applicable, how the proposed PDP is aligned with ICANN's Strategic Plan.

514

515 Recommendation 27. Duration of Public Comment Periods (B/M)

- 516 ▪ The PDP-WT recommends modifying clause 9 of Annex A of the ICANN Bylaws to change the  
517 duration of the public comment period on the Initial Report from 20 days to a minimum of  
518 thirty calendar days. This same minimum should also apply to the public comment period on  
519 the Preliminary Issue Report, while other public comment periods that a WG / GNSO Council  
520 opt to have as part of a PDP should have a minimum duration of 21 days. The minimum  
521 durations for the Preliminary Issue Report and Initial Report should be included in the ICANN  
522 Bylaws while the minimum requirement of 21 days for other public comment periods should  
523 be included in the PDP Manual. Further guidance on the recommended duration, for  
524 example taking into account overlap with ICANN meetings, should be included in the PDP  
525 Manual.

526

527 Recommendation 28. Summary and Analysis of Public Comments (M)

- 528 ▪ The PDP-WT recommends modifying clause 9 of Annex A of the ICANN Bylaws to reflect the  
529 current practice that a summary and analysis of the public comments received is to be  
530 provided by the staff manager to the Working Group. Such a summary and analysis of the  
531 public comments should be provided at the latest 30 days after the closing of the public  
532 comment period, absent exigent circumstances. The Working Group shall review and take  
533 into consideration the public comments received.

534

535 Recommendation 29. Guidance on Public Comment Periods (M)

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542 ▪ The PDP-WT recommends providing further guidance in the PDP Manual on how to conduct  
543 public comment periods and review public comments received. Such guidance should  
544 include the expectation that public comments are carefully considered and analyzed by the  
545 WG; encouraging WGs to explain their rationale for agreeing or disagreeing with the  
546 different comments received and, if appropriate, how these will be addressed in the report  
547 of the WG, and; other means to solicit input than the traditional public comment forums  
548 such as surveys.

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549 Recommendation 30. **Implementation, Impact and Feasibility (M)**

550 ▪ The PDP-WT recommends that PDP WGs **be required to** provide input on issues related to  
551 implementation **on all policy recommendations. This input could include an analysis of the**  
552 **impacts of the policy, both positive and negative, including but not limited to economic,**  
553 **competition, operations, privacy and other rights, scalability and feasibility.** When  
554 appropriate **the following should be considered:**

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- 555 ○ Recommend the inclusion of implementation guidelines as part of the Final
- 556 Report;
- 557 ○ Consultation with the WG / Council on the draft implementation plan;
- 558 ○ The creation of an implementation team that consists of representatives of the
- 559 WG, amongst others, which would be tasked to review / provide input during
- 560 the implementation phase
- 561

562 Further guidance on this issue is to be included in the PDP Manual.

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563 Recommendation 31. **ICANN Staff Resources (M)**

564 ▪ The PDP-WT recommends that staff resources needed or expected in order to implement  
565 the policy recommendations should be evaluated as part of the WG recommendations, and  
566 as part of the Council's review of those recommendations. This could be included as part of  
567 the feasibility analysis and/or impact statement (see also recommendation 30).

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569 Recommendation 32. **Stakeholder Group and Constituency Statements (M)**

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- 584
- The PDP-WT recommends amending clause 7 of Annex A of the ICANN Bylaws to reflect the
- 585 practice that Stakeholder Group / Constituency statements are requested by the Working
- 586 Group and the timeline for submission should start from that point instead of the initiation
- 587 of the PDP. It should be noted in the PDP Manual that a WG can request Stakeholder Group
- 588 / Constituency statements more than once if so desired.

589

590 Recommendation 33. **Mandatory Working Group Output (B)**

- 591
- The PDP-WT recommends that PDP Working Groups continue to be required to produce at
- 592 least an Initial Report and a Final Report, noting that additional outputs can be produced if
- 593 desirable.

594

595 Recommendation 34. **Initial Report vs. Final Report (B)**

- 596
- The PDP-WT does note that the description of the difference between an Initial Report and a
- 597 Final Report as currently described in the Bylaws is not in line with actual practice, and
- 598 recommends that this language is updated to reflect that an Initial Report may reflect the
- 599 initial ideas of a WG which are then finalized, in combination with review and analysis of the
- 600 public comment period in the second phase leading to the Final Report.

601

602 Recommendation 35. **Mandatory Public Comment Period on Initial Report (B)**

- 603
- The PDP-WT recommends that a public comment period on the Initial Report remains
- 604 mandatory. Additional guidance on further optional public comment periods, e.g. when
- 605 there are substantial differences between the Initial Report and Final Report are to be
- 606 included as part of the PDP Manual.

607

608 Recommendation 36. **Termination of a PDP prior to publication of a Final Report (M)**

- 609
- The PDP recommends that a provision be added to the PDP Manual to allow for the
- 610 termination of a PDP prior to the publication of a Final Report if the GNSO Council finds
- 611 significant cause and passes a motion with a Supermajority vote, as defined in the ICANN
- 612 Bylaws, in favour of termination.

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618 **Stage 4 – Voting and Implementation**

619

620 Recommendation 37. **Timing of consideration of Final Report (M)**

- 621 ▪ The PDP-WT recommends modifying clause 10 – “Council Deliberations of Annex A” of the  
622 ICANN Bylaws to reflect current practice and requirements in the rules of procedure to  
623 consider a report if it is received at least eight (8) days in advance of a Council meeting,  
624 otherwise the report shall be considered at the next Council meeting. In addition, the PDP-  
625 WT recommends adding language to codify the current practice that any voting Council  
626 member can request the deferral of the consideration of a final report for one Council  
627 meeting.

628

629 Recommendation 38. **Consideration of Working Group Recommendations (M)**

- 630 ▪ The PDP-WT recommends providing additional guidance to GNSO Council in the PDP Manual  
631 on how to treat Working Group recommendations, especially those that have not received  
632 full consensus and the expected / desired approach to adoption of some, but not all, or  
633 rejection of recommendations. PDP WGs should be encouraged to indicate which, if any,  
634 recommendations are interdependent so the GNSO Council can take this into account as  
635 part of their deliberations. The Council should be strongly discouraged from separating  
636 recommendations that the PDP WT has identified as interdependent. The PDP-WT would  
637 like to express its concern about the GNSO Council ‘picking and choosing’ or modifying  
638 recommendations, but recognizes that this is the Council’s prerogative. The PDP-WT would  
639 like to encourage the GNSO Council that where it does have concerns or would propose  
640 changes to recommendations, it passes these concerns and/or recommendations for  
641 changes back to the respective PDP Working Group for their input.

642

643 Recommendation 39. **GNSO Council Report to the Board (B/M)**

- 644 ▪ The PDP-WT recommends that all reports to the ICANN Board concerning a PDP should be  
645 publicly disclosed. In addition, it notes that the GNSO Council is responsible for the Board

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652 Report either as author of the report or by approving the report before it is sent to the  
653 Board. Board Reports on PDPs should be delivered from the GNSO Council directly to the  
654 Board and if any summaries or addenda are needed by request of the Board, those should  
655 be the assembled by the GNSO council (upon consultation of the Working Group if  
656 necessary). If feasible, the Board Report should be delivered to the Board within 21 days  
657 following the adoption of the Final Report. The PDP-WT discussed at length the current  
658 practice of ICANN Policy Staff submitting a separate report to the Board, which is not  
659 disclosed to the community and is drafted without the aid of the Council or applicable PDP  
660 Working Group. The PDP-WT unanimously believes that these reports should not be kept  
661 confidential. If ICANN Policy Staff would like to submit a separate report related to a PDP to  
662 the Board or is requested to do so, it should be done in an open and transparent matter and  
663 disclosed to the community at the same time it is delivered to the Board. The PDP-WT notes  
664 that there might be cases where certain confidential information cannot be publicly  
665 disclosed due to its privileged nature. Nevertheless, even in those circumstances, as much  
666 information as possible, without disclosing business confidential information, must be  
667 provided. This may include a description by ICANN Staff of the general nature of such  
668 information and the rationale for its non-disclosure.

669 Recommendation 40. **Voting Thresholds (B/M)**

- 670 ▪ The PDP-WT discussed whether the voting thresholds currently in place might need to be  
671 reviewed (see also overarching issues) but agrees that this issue should be covered as part  
672 of the next overall review of the GNSO. The WT does note that it has proposed two new  
673 voting thresholds in relation to the adoption of the WG Charter (see recommendation 18), as  
674 well as a new voting threshold for the termination of a PDP (see recommendation 36), and  
675 the definition of "Supermajority Vote" (see recommendation 47).

676 Recommendation 41. **Board Vote (B)**

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689   ▪ The PDP-WT recommends that the provisions in relation to the Board Vote in the ICANN  
690 Bylaws remain essentially unchanged, but recognizes that the current provision 13f<sup>8</sup> is not  
691 clear especially in relation to what ‘act’ means. Following further review and clarification by  
692 ICANN Staff (see <http://forum.icann.org/lists/gnso-ppsc-pdp/docUUZkcHBh3A.doc>), the WT  
693 recognizes that provision 13f relates to when the Board can reject (‘act’) a GNSO  
694 recommendation, if the GNSO recommendation was not adopted by a GNSO Supermajority.  
695 The WT notes that the current placing of provision 13f is confusing and therefore  
696 recommends to clarify this section by linking provision 13f to 13b, and make it clear that in  
697 both instances the desired next steps would be further discussion with the GNSO Council as  
698 outlined in provisions 13 c, d and e. In addition, an explanation needs to be added in the  
699 PDP Manual to clarify that all recommendations, including those not recommending new or  
700 changes to Consensus Policies, should be communicated to the Board.

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701  
702 Recommendation 42. **Implementation Review Team (M)**  
703   ▪ The PDP-WT recommends the use of WG Implementation Review Teams, when deemed  
704 appropriate, which would be responsible in dealing with implementation issues. A PDP WG  
705 should provide recommendations for whether a WG Implementation Review Team should  
706 be established and any other recommendations deemed appropriate in relation to such a  
707 Review Team (e.g. composition) as part of its Final Report. ICANN Staff should inform the  
708 GNSO Council of its proposed implementation of a new GNSO recommended policy. If the  
709 proposed implementation is considered inconsistent with the GNSO Council’s  
710 recommendations, the GNSO Council may notify the Board and request that the Board  
711 review the proposed implementation. (see also recommendation 31)  
712

<sup>8</sup> From the ICANN Bylaws – 13 Board Vote f. In any case in which the Council is not able to reach GNSO Supermajority vote, a majority vote of the Board will be sufficient to act.

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733 **Stage 5 – Policy Effectiveness and Compliance**

734

735 Recommendation 43. **Periodic Assessment of PDP Recommendations / Policy (M)**

736 ▪ The PDP-WT notes that a periodic assessment of PDP recommendations and/or policy is  
737 important. WGs should be encouraged to include proposed timing, assessment tools and  
738 metrics for review as part of their Final Report.

739

740 Recommendation 44. **GNSO Council Review of the PDP Working Group (M)**

741 ▪ The PDP Work Team notes that several documents, including the PPSC-WG WT and the WG  
742 Guidelines, reference a "Working Group Self-Assessment," which all WGs are encouraged to  
743 conduct. The Work Team believes that this could be a valuable exercise, and encourages  
744 PDP WGs to complete a candid and objective self-assessment at the conclusion of their  
745 work. However, the Work Team also notes that there are no ICANN guidelines and  
746 recommends that the GNSO Council develops such guidelines after some experience is  
747 gained in WG self-assessments.

748

749 Recommendation 45. **Periodic Assessment of the overall PDP Process (M)**

750 ▪ The PDP-WT notes that the periodic assessment of the overall PDP process is important,  
751 noting that a certain threshold of completed PDPs should be met before an overall review is  
752 carried out. The WT does not have a specific view on whether the PPSC or a new Standing  
753 Committee should be responsible for such a periodic assessment.

754

755 Recommendation 46. **Review of the Working Group Model (M)**

756 ▪ The PDP-WT recommends that such an overall review also includes the review of the  
757 Working Group Model in the context of the PDP, which should assess whether there are  
758 stages in the PDP that are more suitable for Working Groups and those that might be more  
759 suitable for formal advice from Stakeholder Groups and Constituencies.

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768 **Other**

769 Recommendation 47. **Definition of GNSO Supermajority (B)**

770 **The WT recommends that the definition of a 'GNSO Supermajority vote' be redefined in the**  
771 **ICANN Bylaws as 2/3 of the Council members of each house or 75% of one House and a**  
772 **majority of the other house,**  
773 **Specifically, Section 3.9(c) of Article X, should be modified from:**  
774 **"c. Initiate a PDP Not Within Scope: requires an affirmative vote of more than 75% of**  
775 **one House and a majority of the other House ("GNSO Supermajority");**  
776 **to:**  
777 **"c. Initiate a PDP Not Within Scope: requires an affirmative vote of a GNSO**  
778 **Supermajority."**  
779 **And a new stand-alone definition of GNSO Supermajority should be included at the end of**  
780 **Section 3.9 as follows:**  
781 **"3.9 g. A "GNSO Supermajority" shall mean: (a) two-thirds (66.67%) of the Council**  
782 **members of each House, or (b) seventy-five percent (75%) of one House and a majority**  
783 **of the other House."**

785 In addition, a number of overarching issues were identified which were deemed to have an  
786 impact on the overall policy development process or related to various stages of the new PDP  
787 and therefore needed to be considered once an initial outline of the new PDP would have been  
788 completed. These overarching issues consist of:

- 789
- 790 • Timing
  - 791 • Translation
  - 792 • Development of definitions
  - 793 • Voting thresholds
  - 794 • Decision-making methodology
  - 795 • Transition / Implementation of the new PDP
- 796

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804 Based on the discussions and deliberations to date, a flow chart which outlines the main  
805 elements of the proposed GNSO Policy Development Process can be found in the executive  
806 summary.

807

808 The WT, supported by ICANN staff, has also developed a first outline of the new Annex A (see  
809 section 4) as well as a supporting document that is envisioned to be included in the GNSO  
810 Council Operating Procedures as the PDP Manual (see section 5).

811

812 Based on the input received on the Initial Report and subsequent discussions, the PDP-WT has  
813 updated this report to a Proposed Final Report to allow for further input and feedback from the  
814 ICANN Community. Following review and analysis of the public comments received, the PDP-WT  
815 is expected to finalize its report recommendations for submission to the Policy Process Steering  
816 Committee (PPSC).

817

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## 820 3 Overarching Issues

821

822 In addition to the five stages discussed in the previous sections of this report, the PDP-WT also  
823 identified a number of 'overarching issues' which were deemed to have an impact on the overall  
824 policy development process or related to various stages of the new PDP and therefore needed  
825 to be considered once an initial outline of the new PDP would have been completed. These  
826 overarching issues consist of:

827

- 828 ○ Timing
- 829 ○ Translation
- 830 ○ Development of definitions
- 831 ○ Voting thresholds
- 832 ○ Decision-making methodology
- 833 ○ Transition / Implementation of the new PDP

834

835 The initial deliberations on a number of these issues can be found in the Initial Report (see  
836 <http://gnso.icann.org/issues/pdp-initial-report-31may10-en.pdf>). On the basis of these initial  
837 deliberations, the review of the public comments received on the Initial Report as well as the  
838 proposed Final Report and further discussions, the PDP-WT has reached the following  
839 conclusions.

840

### 841 1. Timing

842

843 Based on the different recommendations that have timing included, the following timeline  
844 would be applicable to every PDP, noting the flexibility in a number of the different stages.

845

846

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Task	Duration
Development of Preliminary Issue Report	Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board; (ii) a resolution from the GNSO Council; or (iii) a duly supported request from an Advisory Committee. (See Recommendation 10)
Public Comment Period on Preliminary Issue Report	Minimum of 30 Days (See Recommendation 27)
Submission of Final Issue Report, including summary of comments received	Within 30 days of the closing of the public comment forum, though the Staff Manager may request an extension of that 30-day time for delivery based upon the considerations set forth in the PDP Manual. (Recommendation 11)
Consideration of Final Issue Report by GNSO Council	At the Council meeting following the receipt of a Final Issue Report; provided that the Issue Report is received at least eight (8) calendar days prior to the GNSO Council meeting. If the Issue Report is forwarded to the GNSO Council Chair within the eight (8) calendar days immediately preceding the next GNSO Council meeting, the Council shall consider the Issue Report at the subsequent meeting following the next GNSO Council meeting. At the written request of any Stakeholder Group or constituency, for any reason, consideration of the Issue Report may be postponed by not more than one (1) meeting, provided that that

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	such Stakeholder Group or constituency details the precise rationale for such a postponement. Consideration of the Issue Report may only be postponed for a total of one (1) meeting, even if multiple Stakeholder Groups or constituencies request postponement. (See Recommendation 15)
Development of WG Charter	Council may set timeline for delivery of WG Charter at its discretion considering existing resources (both Volunteer and ICANN staff). <u>Such a timeframe should be realistic, but at the same time ensure that this task is completed as soon as possible and does not unnecessarily delay the formation of a Working Group</u>
Approval of WG Charter	The Council shall consider whether to approve the proposed Working Group Charter at the Council meeting following the Chair's receipt of the proposed Working Group Charter; provided that the proposed Working Group Charter is received at least eight (8) calendar days prior to the GNSO Council meeting. If the proposed Working Group Charter is forwarded to the GNSO Council Chair within the eight (8) calendar days immediately preceding the next GNSO Council meeting, the Council shall consider the proposed Working Group Charter at the meeting after the next GNSO Council meeting.

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Formation of WG	To determined by the GNSO Council at its discretion considering existing resources (both Volunteer and ICANN staff).
Working Group	Milestones / timetable may be included in Charter if deemed appropriate by the GNSO Council.
Request for Constituency / Stakeholder Group Statements on issues presented in the Charter.	35 days (See Recommendation 32)
Public Comment Period on the Initial Report	Minimum of 30 days (See Recommendation 27)
Consideration of Final Report by GNSO Council	The GNSO Council shall consider whether to adopt the recommendations within the Final Report at the next meeting after the Final Report is forwarded to the Council Chair, provided that the Final Report is forwarded to the Council Chair at least eight (8) calendar days prior to the GNSO Council meeting. If the Final Report is forwarded to the GNSO Council Chair within the eight (8) calendar days immediately preceding the next GNSO Council meeting, the Council shall consider the Final Report at the meeting after the next GNSO Council meeting. At the written request of any Stakeholder Group or constituency, for any reason, consideration of the Final Report may be postponed by not more than one (1) meeting, provided that that such Stakeholder Group or constituency details the precise rationale for such a postponement.

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	Consideration of the Final Report may only be postponed for a total of one (1) meeting, even if multiple Stakeholder Groups or constituencies request postponement. (See Recommendation 37)
Approval of Council Recommendations Report to the Board	If feasible, at the next GNSO Council meeting following adoption of the Final Report (See Recommendation 39)
Consideration by the ICANN Board	Where feasible, the Board shall consider the Recommendations Report at the Board's next meeting after receipt of the Recommendations Report from the GNSO Council.

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862 Given the greater flexibility introduced in to the process, and the variable time periods in which  
863 a Working Group has to complete its work, it might be worth pointing out that based on review  
864 of recent PDPs the average length varies between 350 – 550 days.

865

## 866 2. Translation

867

868 The PDP-WT considered a number of issues related to translations, including: (i) what  
869 translations should be provided at each stage of the policy development process, (ii) how will  
870 translations impact timing / delay e.g. in relation to a public comment period, and (iii) how to  
871 assess the success and/or additional needs for translation?

872

873 The following are ICANN's current translation principles:

874

875 *ICANN will provide timely and accurate translations, and move from an organisation that*  
876 *provides translation of texts to one that is capable of communicating comfortably with a*  
877 *range of different languages. The translation framework comprises a four-layer system:*

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- 882 - The bottom layer contains those specific documents and publications that  
883 address the organisation's overall strategic thinking. They will be translated  
884 into an agreed block of languages.
- 885 - The next layer contains a class of documents that ICANN undertakes to provide  
886 in different languages to allow interaction within ICANN processes by non-  
887 English speakers.
- 888 - The third layer comprises documents suggested by ICANN staff as being helpful  
889 or necessary in ongoing processes; and documents requested by the Internet  
890 community for the same reasons. These documents will be run through a  
891 translation approval system.
- 892 - The top layer is where the community is encouraged to use online collaborative  
893 tools to provide understandable versions of ICANN materials as well as material  
894 dynamically generated by the community itself. ICANN will provide the  
895 technology for community editing and rating, and a clear and predictable  
896 online location for this interaction to occur. It will also seek input from the  
897 community to review the tools.
- 898
- 899 English will remain the operating language of ICANN for business consultation and legal  
900 purposes.
- 901
- 902 Every effort will be made to ensure equity between comments made in languages other  
903 than English and those made in English. If it is not possible to arrange the release of  
904 particular documents in the agreed languages at the same time, then each language will be  
905 provided with the same time period in which to make comments.
- 906
- 907 ICANN will adopt the International Organisation for Standardisation's 639-2 naming system



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908 *for identifying and labelling particular languages*<sup>9</sup>.

909

910 **PDP-WT Conclusion:**

- The WT recognizes the importance of translation to facilitate participation of non-English speakers in the GNSO Policy Development Process. At the same time, the WT acknowledges the costs and timing implications that might result from enhanced translation of documents. Furthermore, the WT wants to emphasize the importance of a coherent and consistent approach across ICANN as an organization when it comes to translation. Awaiting and encouraging an overall ICANN policy on translation, the WT recommends the following in relation to the GNSO Policy Development Process:

1. At a minimum the following PDP outputs should be translated in the 5 UN languages:
  - Working Group Charter (including any amendments)
  - Executive Summary of Initial, Final or any other report that is put out for public comment, including recommendations (if not included in the Executive Summary)
2. Public comments should be received in other languages and where feasible, these comments should also be translated back into English.
3. ICANN is encouraged to consider whether the use of volunteers to assist with translation is appropriate and practical as a cost-cutting measure while it is considering the enhancements of the translation strategy, which is part of the overall strategic plan.

911

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<sup>9</sup> See <http://www.icann.org/en/transparency/acct-trans-frameworks-principles-23jun07.htm#trans>

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913 **3. Development of Definitions**

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915 **PDP-WT Conclusion:** the WT recommends that, where appropriate, definitions are added to the  
916 new Annex A and PDP Manual based on the PDP-WT discussions and recommendations. These  
917 would include definitions related to “PDP”, “in scope”, “Consensus Policies”, “Working Groups”,  
918 etc.

919

920 **4. Voting thresholds**

921

922 1. The WT discussed whether the voting thresholds as adopted as part of the new GNSO  
923 bi-cameral structure in 2009 are still appropriate and effective. Overall, the PDP-WT  
924 decided to substantially keep the existing thresholds intact and added a couple of  
925 others. Below are listed the thresholds recommended by the PDP-WT followed by some  
926 notes by the PDP-WT. Raising an Issue: Council initiation: 25% of the members of the  
927 Council of each house or a majority of one house.

928 2. Initiating PDP:

929 a. More than 33% of the Council members of each House; or More than 66% vote  
930 of one House if within scope

931 b. GNSO Supermajority Vote required if not in scope (2/3 of the Council Members  
932 of each House or 75% of one House and a majority of the other house)

933 3. Vote on Approving the Charter (as recommended by the WT – see recommendation 19)

934 a. More than 33% of the Council members of each house; or More than 66% of  
935 one House if within Scope

936 b. GNSO Supermajority vote required if not in scope

937 4. Vote to terminate a PDP (as recommended by the WT – see recommendation 37)

938 5. Vote of Council (From Article 10, Section 3, #9)

939 a. Approve a PDP Recommendation without a GNSO Supermajority – requires an  
940 affirmative vote of majority of each House and further requires that one GNSO

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- 943 Council member representative of at least 3 of the 4 Stakeholder Groups  
944 supports the Recommendation
- 945 b. Approve a PDP Recommendation with a GNSO Supermajority – requires an  
946 affirmative vote of a GNSO Supermajority; and
- 947 c. Approve a PDP Recommendation Imposing New obligations on certain  
948 Contracting Parties: where an ICANN contract provision specifies that “a two-  
949 thirds vote of the council” demonstrates the presence of a consensus, the GNSO  
950 Supermajority vote threshold will have to be met or exceeded with respect to  
951 any contracting party affected by such contract provision.
- 952 6. Board Vote
- 953 a. The Board will meet to discuss the GNSO Council recommendation as  
954 soon as feasible after receipt of the Board Report from the Staff  
955 Manager.
- 956 b. In the event that the Council reached a GNSO Supermajority Vote, the  
957 Board shall adopt the policy according to the GNSO Supermajority Vote  
958 recommendation unless by a vote of more than sixty-six (66%) percent  
959 of the Board determines that such policy is not in the best interests of  
960 the ICANN community or ICANN.
- 961 c. In the event that the Board determines not to act in accordance with  
962 the GNSO Supermajority Vote recommendation, the Board shall (i)  
963 articulate the reasons for its determination in a report to the Council  
964 (the "Board Statement"); and (ii) submit the Board Statement to the  
965 Council.
- 966 d. The Council shall review the Board Statement for discussion with the  
967 Board within twenty (20) calendar days after the Council's receipt of the  
968 Board Statement. The Board shall determine the method (e.g., by  
969 teleconference, e-mail, or otherwise) by which the Council and Board  
970 will discuss the Board Statement.

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- 971 e. At the conclusion of the Council and Board discussions, the Council shall  
972 meet to affirm or modify its recommendation, and communicate that  
973 conclusion (the "Supplemental Recommendation") to the Board,  
974 including an explanation for its current recommendation. In the event  
975 that the Council is able to reach a GNSO Supermajority Vote on the  
976 Supplemental Recommendation, the Board shall adopt the  
977 recommendation unless more than sixty-six (66%) percent of the Board  
978 determines that such policy is not in the interests of the ICANN  
979 community or ICANN.
- 980 f. In any case in which the Council is not able to reach GNSO  
981 Supermajority vote, a majority vote of the Board will be sufficient to act.
- 982 g. When a final decision on a GNSO Council Recommendation or  
983 Supplemental Recommendation is timely, the Board shall take a  
984 preliminary vote and, where practicable, will publish a tentative  
985 decision that allows for a ten (10) day period of public comment prior to  
986 a final decision by the Board  
987

988 **PDP-WT Conclusion:**

- 989 ■ The PDP-WT agreed that the existing voting threshold 1 for 'Raising an Issue' is appropriate  
990 as the initial gauge should continue to be low.
- 991 ■ The PDP-WT discussed voting threshold 2 'Initiating a PDP' and discussed whether a higher  
992 voting threshold should apply if staff recommended against the initiation of a PDP (as  
993 opposed to the ICANN General Counsel opining that the PDP is not "in scope" as set out in  
994 recommendation 23). Most agreed that no higher voting threshold should be required, as it  
995 would otherwise give staff indirectly a vote in the process. PDP-WT members discussed the  
996 issue of prioritization and the role the current threshold, which is considered low by some,  
997 plays in creating work the community and staff has difficulty keeping up with. Some were  
998 of the opinion that keeping the threshold as it currently is would be appropriate. Others  
999 considered there to be a strong relationship between this threshold and the prioritization

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1001 effort the GNSO Council is currently undertaking and were of the opinion that if there is no  
1002 effective prioritization this threshold may need to be raised in order to avoid GNSO  
1003 community and staff overload. No consensus was reached on how best to address this issue  
1004 and therefore no recommendation is presented.

- 1005 ▪ The WT recommends that the definition of a 'GNSO Supermajority vote' is redefined as 2/3  
1006 of the Council members of each house or 75% of one House and a majority of the other  
1007 house, (see recommendation 47)
- 1008 ▪ In line with recommendation 19, the WT recommends the proposed voting threshold for the  
1009 adoption of a WG charter (voting threshold number 3 above), noting that this would require  
1010 every WG to have a charter. In cases where two or more competing charters would be  
1011 proposed, the GNSO Council Chair should facilitate a meeting between the proponents of  
1012 the different charter to determine whether a compromise charter can be developed ahead  
1013 of the GNSO Council vote. If no compromise is found, the two or more competing charters  
1014 are put forward for GNSO Council consideration whereby the charter with the most votes is  
1015 adopted. Any modifications to a Working Group Charter may be adopted by a simple  
1016 majority vote of the GNSO Council.
- 1017 ▪ In relation to voting threshold 4 – Vote of the Council, the WT confirms its earlier conclusion  
1018 that the Council should be strongly discouraged from separating recommendations that a  
1019 PDP Working Group has identified as interdependent. (see recommendation 38)
- 1020 ▪ In relation to 4c, it was noted that only registrars have a clause in their agreement that  
1021 specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus.  
1022 Registries have a general definition of consensus in their agreements. A staff memorandum  
1023 circulated to the group (see <http://forum.icann.org/lists/gnso-ppsc-pdp/msg00359.html>)  
1024 recommends the standardization of 'all of the voting requirements for all registries and all  
1025 registrars in order to adopt Consensus Policies that would be enforceable against them.' In  
1026 addition, ICANN Staff proposed that the PDP-WT recommend that the GNSO Supermajority  
1027 Vote apply in all instances where the GNSO Council intends to adopt Consensus Policies to  
1028 be enforceable against all registrars and registries'. Some argued that the current wording  
1029 could also imply the lower threshold vote and this clarification would ensure that the higher

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- 1039 threshold would apply, while others argued this might be a lower standard than currently  
1040 applicable as 'consensus' in the registry agreement does not only relate to the vote of the  
1041 GNSO Council. No consensus was reached within the PDP-WT to adopt the ICANN Staff  
1042 recommendation.
- 1043 ▪ In relation to 6a, the WT discussed whether it would be possible to word this provision in a  
1044 positive way (instead of noting how many are needed to reject, note how many are needed  
1045 to approve).
  - 1046 ▪ In relation to 6b, the WT highlighted the importance of the board statement with info on  
1047 why something was rejected. The WT discussed whether a timeframe should be included as  
1048 to when the board is required to submit its statement to the GNSO Council and it was  
1049 suggested that a certain timeframe should be included (e.g. Board shall within x days submit  
1050 the board statement to the GNSO Council with guidance on how to cure the identified  
1051 deficiencies).
  - 1052 ▪ In relation to 6c, the WT agreed to consider including a similar timeframe as for earlier  
1053 discussed items (i.e. consider at next meeting if received 8 days ahead of the meeting, or at  
1054 the following meeting if not received 8 days ahead of the meeting).
  - 1055 ▪ The WT also discussed whether the board should be able to pick and choose  
1056 recommendations or whether they should be adopted or rejected 'en block' as has been  
1057 current practice. Most agreed that the board should only be able to adopt or reject the  
1058 GNSO Council recommendations as a whole as policy development is supposed to be done  
1059 at the SO level, not by the board.
  - 1060 ▪ The WT discussed [6f](#) and noted that there were different interpretations of what 'will be  
1061 sufficient to act' means. Some members of the contracted parties interpret this as meaning  
1062 that without supermajority vote of the Council, the Board can act and adopt the  
1063 recommendations with a majority vote, but these would not be binding on the contracted  
1064 parties. Other members of the non-contracted parties were of the opinion that it meant that  
1065 the board could act and adopt policy recommendations that would be enforceable on  
1066 contracted parties even without a supermajority vote of the GNSO Council. [Following](#)  
1067 [further review and clarification by ICANN Staff \(see \[Marika Konings 18/5/11 09:44\]\(http://forum.icann.org/lists/gnso-ppsc-</a></a></li></ul></div><div data-bbox=\)](#)

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pdp/docUUZkcHBh3A.doc), the WT recognizes that provision 13f relates to when the Board can reject ('act') a GNSO recommendation, if the GNSO recommendation was not adopted by a GNSO Supermajority. The WT notes that the current placing of provision 13f is confusing and therefore recommends to clarify this section by linking provision 13f to 13b, and make it clear that in both instances the desired next steps would be further discussion with the GNSO Council as outlined in provisions 13 c, d and e. (see recommendation 41).

- The WT discussed 6g and the meaning of 'timely'. Some suggested this could mean time-sensitive, critical or urgent. The question was raised who makes the assessment on whether something is timely? Most agreed that it would be the role of the ICANN Board to make this assessment, although the GNSO Council could make a recommendation to this end. ICANN staff has been requested to ask for clarification from Legal on this provision.
- The WT agreed to add a new voting threshold for the termination of a PDP (see recommendation 36).
- Overall, the WT agreed that the existing voting thresholds should be reviewed as part of the next cycle of GNSO Review.

5. Decision-making methodology

The PDP-WT recommends that PDP Working Groups are required to use the decision-making methodology that is outlined in the GNSO Working Group Guidelines, which were adopted by the GNSO Council, at least for a certain period of time, following which its effectiveness and usability could be reviewed and assessed as part of the overall review of the new PDP.

6. Transition

The WT agreed that following the adoption and implementation, the new PDP should apply to all issued raised and PDPs initiated after the date of adoption. In addition, the WT recommends

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1114 that, upon review by the GNSO Council, existing PDP Working Groups may be transitioned to the  
1115 new policy development process.

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## 1128 4 New GNSO PDP – Basis for new Annex A

1129 Based on the PDP-WT recommendations and deliberations, the PDP-WT, with the support of  
1130 ICANN Staff, has developed the outline below of a new Annex A which is intended to replace the  
1131 current Annex A contained in the ICANN Bylaws.

1132

### 1133 Annex A – GNSO Policy Development

1134

1135 The following process shall govern the GNSO policy development process (“PDP”) until such  
1136 time as modifications are recommended to and approved by the ICANN Board of Directors  
1137 (“Board”). The role of the GNSO is outlined in Article X of these Bylaws. If the GNSO is  
1138 conducting activities that are not intended to result in a Consensus Policy, the Council may act  
1139 through other processes.

1140

### 1141 Section 1. Required Elements of a Policy Development Process

1142

1143 The following elements are required at a minimum to form Consensus Policies as defined within  
1144 ICANN contracts, [and any other policies for which the GNSO Council requests application of this](#)  
1145 [Annex A](#):

1146

- 1147 a. Final Issue Report requested by the Board, the GNSO Council (“Council”) or Advisory  
1148 Committee, which should include at a minimum a) the proposed issue raised for  
1149 consideration, b) the identity of the party submitting the issue, and c) how that party is  
1150 affected by the issue;
- 1151 b. Formal initiation of the Policy Development Process by the Council;
- 1152 c. Formation of a Working Group;
- 1153 d. Initial Report produced by a Working Group;
- 1154 e. Final Report produced by a Working Group and forwarded to the Council for  
1155 deliberation;

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- 1156 f. Council approval of PDP Recommendations contained in the Final Report, by the  
1157 required thresholds;  
1158 g. PDP Recommendations and Final Report shall be forwarded to the Board through a  
1159 Recommendations Report approved by the Council; and  
1160 h. Board approval of PDP Recommendations.

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## 1162 Section 2. Policy Development Process Manual

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1164 The GNSO shall maintain a Policy Development Process Manual (PDP Manual) within the  
1165 operating procedures of the GNSO maintained by the GNSO Council. The PDP Manual shall  
1166 contain specific additional guidance on completion of all elements of a PDP, including those  
1167 elements that are not otherwise defined in these Bylaws. The PDP Manual and any amendments  
1168 thereto are subject to a twenty-one (21) day public comment period, as well as Board oversight  
1169 and review, as specified at Article X, Section 3.6.

1170

## 1171 Section 3. Requesting an Issue Report

1172

1173 *Board Request.* The Board may request an Issue Report by instructing the GNSO Council  
1174 ("Council") to begin the process outlined the PDP Manual.

1175

1176 *Council Request.* The GNSO Council may request an Issue Report by a vote of at least twenty-  
1177 five percent (25%) of the members of the Council of each House or a majority of one House.

1178

1179 *Advisory Committee Request.* An Advisory Committee may raise an issue for policy development  
1180 by action of such committee to request an Issue Report, and transmission of that request to the  
1181 Staff Manager and GNSO Council.

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1184 Section 3: **Creation of an Issue Report**

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1186 Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board; (ii) a  
1187 properly supported motion from the GNSO Council; or (iii) a properly supported motion from an  
1188 Advisory Committee, the Staff Manager will create a report (a "Preliminary Issue Report"). In the  
1189 event the Staff Manager determines that more time is necessary to create the Preliminary Issue  
1190 Report, the Staff Manager may request an extension of time for completion of the Preliminary  
1191 Issue Report.

1192

1193 The following elements should be considered in the Issue Report:

- 1194 a) The proposed issue raised for consideration;
- 1195 b) The identity of the party submitting the request for the Issue Report;
- 1196 c) How that party is affected by the issue, if known;
- 1197 d) Support for the issue to initiate the PDP, if known;
- 1198 e) The opinion of the ICANN General Counsel regarding whether the issue proposed for  
1199 consideration within the Policy Development Process is properly within the scope of  
1200 the ICANN's mission, policy process and more specifically the role of the GNSO as  
1201 set forth in the PDP Manual.
- 1202 f) The opinion of the Staff Manager as to whether the Council should initiate the PDP  
1203 on the issue

1204 Upon completion of the preliminary Issue Report, the Preliminary Issue Report shall be posted  
1205 on the ICANN website for a public comment period of no less than 30 days

1206

1207 The Staff Manager is responsible for drafting a summary and analysis of the public comments  
1208 received on the Preliminary Issue Report and producing a final Issue Report based upon the  
1209 comments received. The Staff Manager should forward the Final Issue Report, along with any  
1210 summary and analysis of the public comments received, to the Chair of the GNSO Council for  
1211 consideration for initiation of a PDP.

1212

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1213 Section 4: **Initiation of the PDP**

1214

1215 The Council may initiate the PDP as follows:

1216

1217 *Board Request:* If the Board requested an Issue Report, the Council, within the timeframe set  
1218 forth in the PDP Manual, shall initiate a PDP. No vote is required for such action.

1219

1220 *GNSO Council or Advisory Committee Requests:* The Council may only initiate the PDP by a vote  
1221 of the Council. Initiation of a PDP requires a vote as set forth in [Article X, Section 3, paragraph](#)  
1222 [9\(b\) and \(c\)](#) in favor of initiating the PDP.

1223

1224 Section 5: **Reports**

1225

1226 An Initial Report should be delivered to the GNSO Council and posted for a public comment  
1227 period of not less than 30 days, which time may be extended in accordance with the PDP  
1228 Manual. Following the review of the comments received and, if required, additional  
1229 deliberations, a Final Report shall be produced for transmission to the Council.

1230

1231 Section 6. **Council Deliberation**

1232 Upon receipt of a Final Report, whether as the result of a [working group](#) or otherwise, the  
1233 Council chair will (i) distribute the Final Report to all Council members; and (ii) call for Council  
1234 deliberation on the matter in accordance with the PDP Manual .

1235

1236 The Council approval process is set forth in [Article X, Section 3, paragraph 9\(d\) through \(g\), as](#)  
1237 [supplemented by the PDP Manual](#).

1238

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1241 Section 7: **Preparation of the Board Report**

1242

1243 If the PDP recommendations contained in the Final Report are approved by the GNSO Council, a

1244 Recommendations Report shall be approved by the GNSO Council for delivery to the ICANN

1245 Board.

1246

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1247 Section 8. **Board Approval Processes**

1248 The Board will meet to discuss the GNSO Council recommendation as soon as feasible after

1249 receipt of the Board Report from the Staff Manager. Board deliberation on the PDP

1250 Recommendations contained within the Recommendations Report shall proceed as follows:

1251 a. Any PDP Recommendations approved by a GNSO Supermajority Vote shall be adopted

1252 by the Board unless, by a vote of more than sixty-six (66%) percent of the Board, the

1253 Board determines that such policy is not in the best interests of the ICANN community

1254 or ICANN. If the GNSO Council recommendation was approved by less than a GNSO

1255 Supermajority Vote, a majority vote of the Board will be sufficient to determine that

1256 such policy is not in the best interests of the ICANN community or ICANN.

1257 b. In the event that the Board determines, in accordance with paragraph a above, that the

1258 policy recommended by a GNSO Supermajority Vote or less than a GNSO Supermajority

1259 vote is not in the best interests of the ICANN community or ICANN (the Corporation),

1260 the Board shall (i) articulate the reasons for its determination in a report to the Council

1261 (the "Board Statement"); and (ii) submit the Board Statement to the Council.

1262 c. The Council shall review the Board Statement for discussion with the Board as soon as

1263 feasible after the Council's receipt of the Board Statement. The Board shall determine

1264 the method (e.g., by teleconference, e-mail, or otherwise) by which the Council and

1265 Board will discuss the Board Statement.

1266 d. At the conclusion of the Council and Board discussions, the Council shall meet to affirm

1267 or modify its recommendation, and communicate that conclusion (the "Supplemental

1268 Recommendation") to the Board, including an explanation for the then-current

1269 recommendation. In the event that the Council is able to reach a GNSO Supermajority

1273 Vote on the Supplemental Recommendation, the Board shall adopt the  
1274 recommendation unless more than sixty-six (66%) percent of the Board determines that  
1275 such policy is not in the interests of the ICANN community or ICANN. For any  
1276 Supplemental Recommendation approved by less than a GNSO Supermajority Vote, a  
1277 majority vote of the Board shall be sufficient to determine that the policy in the  
1278 Supplemental Recommendation is not in the best interest of the ICANN community or  
1279 ICANN.

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1281 Section 9. **Implementation of Approved Policies**

1282  
1283 Upon a final decision of the Board adopting the policy, the Board shall, as appropriate, give  
1284 authorization or direction to ICANN staff to work with the GNSO Council to create an  
1285 implementation plan based upon the implementation recommendations identified in the Final  
1286 Report, and to implement the policy. The GNSO Council may, but is not required to, direct the  
1287 creation of an implementation review team to assist in implementation of the policy.  
1288

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Deleted: <#>[In any case in which the Council is not able to reach GNSO Supermajority vote, a majority vote of the Board will be sufficient to determine that such policy is not in the best interests of the ICANN community or ICANN. to act]<sup>10</sup> .

1289 Section 10. **Maintenance of Records**

1290  
1291 Throughout the PDP, from policy suggestion to a final decision by the Board, ICANN will  
1292 maintain on the Website, a status web page detailing the progress of each PDP issue. Such  
1293 status page will outline the completed and upcoming steps in the PDP process, and contain links  
1294 to key resources (e.g. Reports, Comments Fora, WG Discussions, etc.).  
1295

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1296 Section 11: **Additional Definitions**

1297 [TO BE DETERMINED]

1298

1299 **Section 12: Applicability**

1300 The procedures of this Annex A shall be applicable to all requests for Issue Reports and PDPs  
1301 initiated after [insert date of adoption]. For all ongoing PDPs initiated prior to [insert date], the

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1315 Council shall determine the feasibility of transitioning to the procedures set forth in this Annex A  
1316 for all remaining steps within the PDP. If the Council determines that any ongoing PDP cannot be  
1317 feasibly transitioned to these updated procedures, the PDP shall be concluded according to the  
1318 procedures set forth in Annex A in force on [insert date prior to adoption].  
1319  
1320

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## 1321 5 Policy Development Process Manual

1322

1323 As outlined before, in order to enhance flexibility of the Policy Development Process, the PDP-  
1324 WT proposes to incorporate the details as well as further guidance on how to manage a PDP in a  
1325 Policy Development Process Manual that would become an integral part of the GNSO Council  
1326 Operating Procedures. Below is [the WT proposed form of](#) a PDP Manual that contains the main  
1327 elements based on the recommendations outlined in the previous chapters.

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1328

### 1329 5.1 PDP Manual - Introduction

1330

1331 These guidelines and processes supplement the requirements for PDPs described in Annex A of  
1332 the ICANN Bylaws [insert link].

1333

### 1334 5.2 Requesting an Issue Report

1335 As outlined in Annex A of the ICANN Bylaws, a request for an Issue Report may be initiated upon  
1336 Board, Council or Advisory Committee request.

1337

1338 Requests for an Issue Report by the Board or by an Advisory Committee do not require any  
1339 GNSO Council action, but are to be reviewed by Staff and prepared in accordance with Section  
1340 5.4 below.

1341

### 1342 5.3 Planning for Initiation of a PDP

1343

1344 Consistent with ICANN's commitment to fact-based policy development, the GNSO Council and  
1345 Staff are encouraged to provide advice in advance of a vote on the request for an [Issue Report](#)  
1346 specifying any additional research, discussion, or outreach that should be conducted as part of  
1347 the development of the [Issue Report](#), in order to ensure a balanced and informed [Issue Report](#).

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1348



1355 The GNSO Council is encouraged to consider scheduling workshops on substantive issues prior  
 1356 to the initiation of a PDP. Such workshops could, amongst others; facilitate community  
 1357 understanding of the issue; assist in scoping and defining the issue; gather support for the  
 1358 request of an Issue Report, and/or; serve as a means to gather additional data and/or  
 1359 information before a request is submitted. Where appropriate, the GNSO Council should  
 1360 consider requiring such a workshop during the planning and initiation phase for a specific issue.  
 1361 To the extent such workshops are utilized by the GNSO Council, the invitations and/or  
 1362 announcements for workshops should be communicated as broadly as possible.

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1363  
 1364 The GNSO Council should take into full account the resources available, both volunteers and  
 1365 staff, when making its decision on whether or not to initiate a PDP.

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1366  
 1367 **5.4 Recommended Format of Issue Report Requests**

1368  
 1369 The recommended format of requests for Issue Reports under paragraphs (b) and (c) of Section  
 1370 2 is described below:

1371

Request for Issue Report	
Name of Requestor:	
Name of Stakeholder Group/Constituency/ <u>Advisory Committee</u> (if applicable) in support of request:	
Please provide rationale for policy development:	
Brief explanation of how issue affects your SG Constituency / <u>Advisory Committee</u> :	
Suggestions on specific items to be addressed in the Issue Report (if any):	
Please provide a concise definition of the issue presented and the problems raised by the issue, <u>including quantification to the extent feasible</u> :	

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**Comment [3]:** Based on public comments received, WT to review template and determine which elements of the template should be required and how sufficient flexibility can be guaranteed.

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What is the economic impact or effect on competition, consumer trust, privacy and other rights:	
Please provide supporting evidence (if any):	
How does this issue relate to the provisions of the ICANN Bylaws, the Affirmation of Commitments and/or ICANN's Articles of Incorporation:	
Date Submitted:	
Expected Completion Date:	

1377

### 1378 5.5 Creation of the Preliminary Issue Report

1379

1380 Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board; (ii) a  
1381 properly supported motion from the GNSO Council; or (iii) a properly supported motion from an  
1382 Advisory Committee, the Staff Manager will create a report (a "Preliminary Issue Report"). In the  
1383 event the Staff Manager determines that more time is necessary to create the Preliminary Issue  
1384 Report, the Staff Manager may request an extension of time for completion of the Preliminary  
1385 Issue Report, which request should be discussed with the Requestor.

1386

1387 In the event that the Issue Report was initially requested by the Board or an Advisory  
1388 Committee, the requestor shall be informed of any extension of time for completion of the Issue  
1389 Report. Any request for extension of time should include consideration of the complexity of the  
1390 issue, the extent of research and outreach recommended, and the ICANN Staff workload.

1391

1392 The following elements should be considered in the Issue Report:

- 1393 a) The proposed issue raised for consideration;
- 1394 b) The identity of the party submitting the request for the Issue Report;
- 1395 c) How that party is affected by the issue, if known;

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- 1396 d) Support for the issue to initiate the PDP, if known;
- 1397 e) The opinion of the ICANN General Counsel regarding whether the issue proposed for
- 1398 consideration within the Policy Development Process is properly within the scope of
- 1399 the ICANN's mission, policy process and more specifically the role of the GNSO. In
- 1400 determining whether the issue is properly within the scope of the ICANN policy
- 1401 process, General Counsel's opinion should examine whether the issue:
- 1402 a. is within the scope of ICANN's mission statement, and more specifically the
- 1403 role of the GNSO;
- 1404 b. is broadly applicable;
- 1405 c. is likely to have lasting value or applicability, albeit with the need for
- 1406 occasional updates;
- 1407 d. is likely to enable ICANN to carry out its commitments under the Affirmation
- 1408 of Commitments;
- 1409 e. will establish a guide or framework for future decision-making;
- 1410 f. will implicate or affect an existing ICANN policy.
- 1411 f) The opinion of the Staff Manager as to whether the Council should initiate the PDP
- 1412 on the issue

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## 1414 5.6 Public Comment on the Preliminary Issue Report

1415

1416 Upon completion of the preliminary Issue Report, the preliminary Issue Report shall be posted

1417 on the ICANN website for a public comment period of no less than 30 days. When posted for

1418 Public Comment, Staff is encouraged to translate the executive ~~summary~~ of Preliminary Issue

1419 Reports into the six UN languages to the extent permissible under the ICANN translation policy

1420 and the ICANN budget, though the posting of any version in English shall not be delayed while

1421 translations are being completed.

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1422

1423 The Staff Manager is responsible for drafting a summary and analysis of the public comments

1424 received on the Issue Report and producing a ~~Final~~ Issue Report based upon the comments

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1431 received. The Staff Manager should forward the Final Issue Report, along with any summary and  
1432 analysis of the public comments received, to the Chair of the GNSO Council for consideration for  
1433 initiation of a PDP.

1434

1435 The summary and analysis and the Final Issue Report are expected to be delivered to the Chair  
1436 of the GNSO Council within 30 days of the closing of the public comment forum, though the Staff  
1437 Manager may request an extension of that 30-day time for delivery.

1438

### 1439 5.7 Initiation of the PDP

1440

1441 The Council may initiate the PDP as follows:

1442

1443 *Board Request:* If the Board requested an Issue Report, the Council, within the timeframe set  
1444 forth in the paragraph below, shall note for the record the confirmation of receipt of the Issue  
1445 Report and the formal initiation of the PDP. No vote is required for such action.

1446

1447 *GNSO Council or Advisory Committee Requests:* The Council may only initiate the PDP by a vote  
1448 of the Council. Initiation of a PDP requires a vote as set forth in [Article X, Section 3, paragraph](#)  
1449 [9\(b\) and \(c\)](#) in favor of initiating the PDP.

1450

1451 *Timing of vote on Initiation of the PDP.* The Council should endeavour to vote on whether to  
1452 initiate the policy development process at the next scheduled Council meeting following the  
1453 receipt of a ~~Final~~ Issue Report; provided that the Issue Report is received at least eight (8)  
1454 calendar days prior to the GNSO Council meeting. If the Issue Report is forwarded to the GNSO  
1455 Council Chair within the eight (8) calendar days immediately preceding the next GNSO Council  
1456 meeting, the Council should endeavour to vote on the initiation of the PDP at the subsequent  
1457 GNSO Council meeting. At the written request of any voting Council member, for any reason,  
1458 consideration of the Issue Report may be postponed by not more than one (1) meeting,  
1459 provided that that the Council member details the precise rationale for such a postponement.

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1461 Consideration of the Issue Report may only be postponed for a total of one (1) meeting, even if  
1462 multiple Council members request postponement.

1463

1464 Upon consideration of the Issue Report the GNSO Council may, when necessary, vote to suspend  
1465 further consideration of the Issue Report. Any motion to suspend further consideration of the  
1466 Issue Report shall fail if the votes in favor of continuing consideration of the Issue Report is  
1467 sufficient to initiate a PDP under Article X Section 9.b or 9.c of the Bylaws, as appropriate. The  
1468 basis for suspension could include prioritization reasons such as insufficient Staff or community  
1469 support available due to other ongoing PDP work, requests for additional data and requests for  
1470 additional discussion. The GNSO Council is expected to use this procedure sparingly, and should  
1471 generally endeavour to vote on the initiation of a PDP within 90 calendar days of the receipt of  
1472 the Final Issue Report. Any decision to suspend consideration of the Final Issue Report is to be  
1473 accompanied by a proposed timeline for further consideration, including a timeline for a vote on  
1474 the initiation of the PDP.

1475

1476 In the event that the GNSO Council does not approve the initiation of the PDP, not including the  
1477 possible suspension of further consideration of the Issue Report as described above, any  
1478 Councillor may appeal the denial, and request that the GNSO Council hold a renewed vote on  
1479 the initiation of the PDP at the next subsequent GNSO Council meeting.

1480

1481 In the event that the GNSO Council does not approve the initiation of the PDP following an Issue  
1482 Report requested by an Advisory Committee (AC), the AC or its representatives should have the  
1483 opportunity to meet with representatives of the GNSO, and in particular, those voting against  
1484 the initiation of the PDP, to discuss the rationale for the rejection and why the AC feels that  
1485 reconsideration is appropriate. Following this meeting, the AC may submit a statement to the  
1486 GNSO Council requesting a re-vote and giving its rationale for such a re-vote. This process may  
1487 be followed just once for any given Issue Report.

1488

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1489 As part of its decision on the initiation of the PDP, the GNSO Council may include consideration  
1490 of how ICANN’s budget and planning can best accommodate the PDP and/or its possible  
1491 outcomes, and, if applicable, how the proposed PDP is aligned with ICANN’s Strategic Plan.  
1492

1493 **5.8 Development and Approval of the Charter for the PDP**  
1494

1495 Upon initiation of the PDP, a group formed at the direction of Council should be convened to  
1496 draft the charter for the PDP Team. The Council should indicate the timeframe within which a  
1497 draft PDP Charter is expected to be presented to the Chair of the GNSO Council. Such a  
1498 timeframe should be realistic, but at the same time ensure that this task is completed as soon as  
1499 possible and does not unnecessarily delay the formation of a Working Group. The elements of  
1500 the Charter should include, at a minimum, the following elements as specified in the GNSO  
1501 Working Group Guidelines: Working Group Identification; Mission, Purpose and Deliverables;  
1502 Formation, Staffing and Organization, and; Rules of Engagement.  
1503

1504 The Council should consider whether to approve the proposed PDP Charter at the Council  
1505 meeting following the Chair’s receipt of the proposed PDP Charter; provided that the proposed  
1506 PDP Charter is received at least eight (8) calendar days prior to the GNSO Council meeting. If the  
1507 proposed PDP Charter is forwarded to the GNSO Council Chair within the eight (8) calendar days  
1508 immediately preceding the next GNSO Council meeting, the Council should endeavour to  
1509 consider the proposed PDP Charter at the meeting after the next GNSO Council meeting.  
1510

1511 The same voting thresholds that apply to the initiation of the PDP also apply to the approval of  
1512 the proposed PDP Charter. Specifically, the proposed PDP Charter is to be approved with an  
1513 affirmative vote of more than 33% of the Council members of each House or more than  
1514 66% vote of one House in favour of approval of a Charter for a PDP within scope; unless the Staff  
1515 Recommendation stated that the issue is not properly within the scope of the ICANN policy  
1516 process or the GNSO, in which case a GNSO Supermajority Vote as set forth in [Article X, Section](#)

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1517 [3, paragraph 9\(c\)](#) in favour of approving the PDP Team Charter is specified to approve the PDP  
1518 Charter.

1519  
1520 Once approved, modification of any PDP Charter is discouraged, absent special circumstances.  
1521 Approved charters may be modified or amended by a simple majority vote of each House.  
1522

1523 In exigent circumstances, upon approval of the initiation of the PDP, the GNSO Council may  
1524 direct certain work to be performed prior to the approval of the PDP Charter.  
1525

### 1526 5.9 PDP Outcomes and Processes

1527  
1528 Upon approval of the PDP Charter, the GNSO Council may form a working group, task force,  
1529 [committee of the whole](#) or drafting team (the “PDP Team”), to perform the PDP activities. The  
1530 preferred model for the PDP Team is the Working Group model due to the availability of specific  
1531 Working Group rules and procedures that are included in the GNSO Operating Rules and  
1532 Procedures. The GNSO Council should not select another model for conducting PDPs unless the  
1533 GNSO Council first identifies the specific rules and procedures to guide the PDP Team’s  
1534 deliberations which should at a minimum include those set forth in the ICANN Bylaws and PDP  
1535 Manual. The PDP Team is required to review and become familiar with the GNSO Working  
1536 Group Guidelines, which also apply to PDP Working Groups ([see](#)  
1537 <http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-07apr11-en.pdf>), which includes  
1538 further information and guidance on the functioning of GNSO Working Groups.  
1539

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1540 Once formed, the PDP Team is responsible for engaging in the collection of information. If  
1541 deemed appropriate or helpful by the PDP Team, the PDP Team may solicit the opinions of  
1542 outside advisors, experts, or other members of the public. The PDP Team should carefully  
1543 consider the budgetary impacts, implementability, and/or feasibility of its proposed information  
1544 requests and/or subsequent recommendations.  
1545

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1548 The PDP Team should formally solicit statements from each Stakeholder Group and  
1549 Constituency in the early stages of the PDP. Stakeholder Groups and Constituencies should at a  
1550 minimum have 35 days to complete such a statement from the moment that the statement is  
1551 formally requested by the PDP Team. If appropriate, such statements may be solicited more  
1552 than once by the PDP Team throughout the PDP process. The PDP Team is also encouraged to  
1553 formally seek the opinion of other ICANN Advisory Committees and Supporting Organizations, as  
1554 appropriate that may have expertise, experience, or an interest in the PDP issue. Solicitation of  
1555 opinions should be done during the early stages of the PDP.

1556  
1557 In addition, the PDP Team should seek input from other SOs and ACs. Such input should be  
1558 treated with the same due diligence as other comments and input processes. In addition,  
1559 comments from ACs and SOs should receive a response from the PDP Team. This may include,  
1560 for example, direct reference in the applicable Report or embedded in other responsive  
1561 documentation or a direct response. The PDP Team is expected to detail in its report how input  
1562 was sought from other SOs and ACs.

1563  
1564 The PDP Team is encouraged to establish communication in the early stages of the PDP with  
1565 other departments, outside the policy department, within ICANN that may have an interest,  
1566 expertise, or information regarding the implementability of the issue. The Staff Manager is  
1567 responsible for serving as the intermediary between the PDP Team and the various ICANN  
1568 departments (finance, legal, compliance, etc.). The PDP Team Chair may escalate to the Vice  
1569 President of Policy if the PDP Team is of the opinion that such communications have been  
1570 hindered through the involvement of ICANN policy Staff. ICANN Staff may perform additional  
1571 distinct roles for a PDP Team as requested and appropriate (see GNSO Working Group  
1572 Guidelines for further details).

1573  
1574 This Section illustrates the types of outcomes that are permissible from a PDP. PDP Teams may  
1575 make recommendations to the GNSO Council regarding:  
1576



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- 1577 i. Consensus policies  
1578 ii. Other policies  
1579 iii. Best Practices  
1580 iv. Implementation Guidelines  
1581 v. Agreement terms and conditions  
1582 vi. Technical Specifications  
1583 vii. Research or Surveys to be Conducted  
1584 viii. Advice to ICANN or to the Board  
1585 ix. Advice to other Supporting Organizations or Advisory  
1586 Committee  
1587 x. Budget issues  
1588 xi. Requests for Proposals  
1589 xii. Recommendations on future policy development activities  
1590

1591 At the same time, a PDP Team may also conclude that no recommendation is necessary.  
1592

1593 The Staff Manager is responsible for coordinating with the Chair(s) of the PDP Team to supervise  
1594 and to carry out the PDP activities as necessary or appropriate, including, without limitation,  
1595 making available the standard technical resources for the PDP Team, scheduling and attending  
1596 PDP Team meetings, drafting and publishing PDP reports for public comment, and providing  
1597 expertise where needed.  
1598

#### 1599 **5.10 Publication of the Initial Report** 1600

1601 After collection and review of information, the PDP Team and Staff are responsible for  
1602 producing an Initial Report. The Initial Report should include the following elements:

- 1603 • Compilation of Stakeholder Group and Constituency Statements  
1604 • Compilation of any statements received from any ICANN Supporting Organization or  
1605 Advisory Committee

- 1606
- Recommendations for policies, guidelines, best practices or other proposals to address the issue
- 1607
- Statement of level of consensus for the recommendations presented in the Initial Report
- 1608
- Information regarding the members of the PDP Team, such as the attendance records, Statements of Interest, etc.
- 1609
- Impact analysis, both positive and negative, on all issues related to implementation including but not limited to economic, competition, operations, privacy and other rights, scalability and feasibility.
- 1610
- 1611
- 1612
- 1613
- 1614
- 1615

1616 These elements may be included as content within the Initial Report or by reference to  
1617 information posted on an ICANN website (such as through a hyperlink).

1618

1619 The Initial Report should be delivered to the GNSO Council and posted for a public comment  
1620 period of not less than 30 days. If such a public comment period would coincide with an ICANN  
1621 Public Meeting, the PDP Team is strongly encouraged to extend the public comment period a  
1622 minimum of seven (7) days. Any public comment period on items other than the Issue Report  
1623 and Initial Report shall be for a minimum of 21 days. The PDP Team is encouraged to explore  
1624 other means to solicit input than the traditional public comment forum such as, for example, the  
1625 use of a survey which might allow for asking more targeted questions.

1626

### 1627 5.11 Preparation of the Final Report

1628

1629 At the end of the public comment period, the Staff Manager will prepare a summary and  
1630 analysis of the public comments received for the Working Group. Such a summary and analysis  
1631 of the public comments should be provided at the latest 30 days after the closing of the public  
1632 comment period, absent exigent circumstances. The Working Group shall review and take into  
1633 consideration the public comments received. Following this review, the Staff Manager, in close  
1634 coordination with the PDP Team, shall add those comments deemed appropriate for inclusion to

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1644 the Initial Report. In addition, the Staff Manager and the PDP Team may update the Initial  
1645 Report if there are any recommendations within the Initial Report that require modification to  
1646 address comments received through public comment. Such a revised Report shall be put  
1647 forward for consideration by the PDP Team. The Staff Manager and the PDP Team are not  
1648 obligated to include all comments made during the comment period, including each comment  
1649 made by any one individual or organization.

1650  
1651 The PDP Team is expected to deliberate as appropriate to properly evaluate and address  
1652 comments raised during the public comment period. This should include the careful  
1653 consideration and analysis of the public comments; explaining the rationale for agreeing and  
1654 disagreeing with the different comments received, and, if appropriate, how these will be  
1655 addressed in the report of the PDP Team. Following the review of the comments received and, if  
1656 required, additional deliberations, the PDP Team is expected to produce a Final Report for  
1657 transmission to the Council. The analysis of the comments by the PDP Team is expected to be  
1658 included or referenced as part of the Final Report.

1660 While the Final Report is not required to be posted for public comment, in preparing the Final  
1661 Report, the PDP Team should consider whether the Final Report should be posted for public  
1662 comment as a [Draft] Final Report, with the goal of maximizing accountability and transparency  
1663 with regards the PDP, especially when substantial changes have been made compared to the  
1664 contents of the Initial Report. When posted for Public Comment, Staff should consider  
1665 translating the executive summaries of the Initial Reports and Draft Final Reports into the six UN  
1666 languages, to the extent permissible under the ICANN translation policy and the ICANN budget,  
1667 though the posting of any version in English is not to be delayed while translations are being  
1668 completed. Upon completion of the Public Comment period, if any, and incorporation of any  
1669 additional comments identified therein, or if no further comment period is necessary, the Final  
1670 Report is to be forwarded to the GNSO Council Chair to begin the GNSO Council deliberation  
1671 process.

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1679 In addition to any required public comment periods, the PDP Team may seek public comment on  
1680 any item that the PDP Team notes it will benefit from further public input. The PDP Team does  
1681 not have to seek approval from the GNSO Council to seek public comment on interim items. The  
1682 minimum duration of a public comment period that does not concern the Initial Report is twenty  
1683 (21) days.

1684  
1685 Each recommendation in the Final Report should be accompanied by the appropriate consensus  
1686 level designation (see [section 3.6 – Standard Methodology for Making Decisions in the GNSO](#)  
1687 [Working Group Guidelines](#)).

## 1688 1689 5.12 Council Deliberation

1690  
1691 The GNSO Council is strongly encouraged to consider the recommendations within the Final  
1692 Report at the next meeting after the Final Report is forwarded to the Council Chair, provided  
1693 that the Final Report is forwarded to the Council Chair at least eight (8) calendar days prior to  
1694 the GNSO Council meeting. If the Final Report is forwarded to the GNSO Council Chair within the  
1695 eight (8) calendar days immediately preceding the next GNSO Council meeting, the Council  
1696 should consider the Final Report at the meeting after the next GNSO Council meeting. At the  
1697 written request of any voting Council member, for any reason, consideration of the Final Report  
1698 may be postponed for no more than one (1) meeting, provided that that such Council member  
1699 details the precise rationale for such a postponement. Consideration of the Final Report may  
1700 only be postponed for a total of one (1) meeting, even if multiple Council members request  
1701 postponement. The GNSO Council may, if deemed appropriate, schedule a separate session with  
1702 the PDP Team to discuss the Final Report and ask any clarifying questions that might arise.

1703  
1704 The GNSO Council is expected to vote on the recommendations contained in the Final Report.  
1705 Approval of the PDP recommendations contained in the Final Report requires an affirmative  
1706 vote meeting the thresholds set forth at Article X, Section 3(9) d – f.

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1716 In the event that the Final Report includes recommendations that did not achieve the consensus  
1717 within the PDP Team, the GNSO Council should deliberate on whether to adopt them or remand  
1718 the recommendations for further analysis and work. Although the GNSO Council may adopt all  
1719 or any portion of the recommendations contained in the Final Report, it is recommended that  
1720 the GNSO Council take into account whether the PDP Team has indicated that any  
1721 recommendations contained in the Final Report are interdependent. The GNSO Council is  
1722 strongly discouraged from itemizing recommendations that the PDP Team has identified  
1723 interdependent or modifying recommendations wherever possible. In the event the GNSO  
1724 Council expresses concerns or proposes changes to the PDP recommendations, it may be more  
1725 appropriate to pass these concerns or recommendations for changes back to the respective PDP  
1726 Team for input and follow-up.

1727

### 1728 5.13 Preparation of the Board Report

1729

1730 If the PDP Recommendations contained in the Final Report are approved by the GNSO Council,  
1731 the GNSO Council may designate a person or group responsible for drafting a Recommendations  
1732 Report to the Board. If feasible, the Recommendations Report to the Board should be submitted  
1733 to the Board in time for consideration at the next GNSO Council meeting following adoption of  
1734 the Final Report. Staff should inform the GNSO Council from time to time of the format  
1735 requested by the Board. These GNSO Council Reports supplement any Staff Reports that may  
1736 highlight any legal, implementability, financial, and other operational concerns related to the  
1737 PDP recommendations contained in the Final Report. In order to enhance ICANN's accountability  
1738 and transparency, Staff is encouraged to publish its Staff Reports with minimal redactions  
1739 wherever possible, without jeopardizing information that may be protected under  
1740 attorney/client or other legal privileges.

1741

### 1742 5.14 GNSO Council Role in Implementation

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1745 Upon a final decision of the Board adopting the GNSO PDP policy, the Board may, as  
1746 appropriate, give authorization or direction to ICANN staff to work with the GNSO Council to  
1747 create an implementation plan based upon the implementation recommendations identified in  
1748 the Final Report, and to implement the policy in as timely a fashion as possible. The GNSO  
1749 Council may, but is not required to, direct the creation of an Implementation Review Team to  
1750 assist Staff in developing the implementation details for the policy. In its Final Report, the PDP  
1751 Team should provide recommendations to the GNSO Council on whether an Implementation  
1752 Review Team should be established and any other recommendations deemed appropriate in  
1753 relation to such an Implementation Review Team (e.g. composition).

1754  
1755 ICANN Staff should inform the GNSO Council of its proposed implementation of a new GNSO  
1756 recommended policy. If the proposed implementation is considered inconsistent with the GNSO  
1757 Council's recommendations, the GNSO Council may notify the Board and request that the Board  
1758 review the proposed implementation. Until the Board has considered the GNSO Council request,  
1759 ICANN Staff should refrain from implementing the policy, although it may continue developing  
1760 the details of the proposed implementation while the Board considers the GNSO Council  
1761 request.

1762

#### 1763 **5.15 Termination of PDP prior to Final Report**

1764 The GNSO Council, may terminate a PDP prior to the publication of a Final Report only for  
1765 significant cause, upon a motion that passes with a Supermajority Vote in favour of termination.  
1766 The following are illustrative examples of possible reasons for a premature termination of a PDP:  
1767

- 1768 1. **Deadlock.** The PDP Team is hopelessly deadlocked and unable to identify  
1769 recommendations or statements that have either the strong support or a consensus  
1770 of its members despite significant time and resources being dedicated to the PDP;
- 1771 2. **Changing Circumstances.** Events have occurred since the initiation of the PDP that  
1772 have rendered the PDP moot or no longer necessary; or

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1773 3. **Lack of Community Volunteers.** Despite several calls for participation, the work of  
1774 the PDP Team is significantly impaired and unable to effectively conclude its  
1775 deliberations due to lack of volunteer participation.  
1776

1777 If there is no recommendation from the PDP Team for its termination, the Council is required to  
1778 conduct a public comment forum first prior to conducting a vote on the termination of the PDP  
1779 (as described above).  
1780

### 1781 **5.16 Amendments or Modifications of Approved Policies**

1782  
1783 Approved GNSO Council policies may be modified or amended by the GNSO Council at any time  
1784 prior to the final approval by the ICANN Board as follows:  
1785

- 1786 1. The PDP Team is reconvened or, if disbanded, reformed, and should be consulted with  
1787 regards to the proposed amendments or modifications;
- 1788 2. The proposed amendments or modifications are posted for public comment for not less  
1789 than thirty (30) days;
- 1790 3. The GNSO Council approves of such amendments or modifications with a SuperMajority  
1791 Vote of both Houses in favour.  
1792

1793 Approved GNSO Council policies that have been adopted by the ICANN Board and have been  
1794 implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.  
1795

### 1796 **5.17 Periodic Assessments of Approved Policies**

1797  
1798 Periodic assessment of PDP recommendations and policies is an important tool to guard against  
1799 unexpected results or inefficient processes arising from GNSO policies. PDP Teams are  
1800 encouraged to include proposed timing, assessment tools, and metrics for review as part of their

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1803 Final Report. In addition, the GNSO Council may at any time initiate reviews of past policy  
1804 recommendations.

1805

1806 **5.18 Miscellaneous**

1807

1808 This Manual may be updated by the GNSO Council from time to time following the same  
1809 procedures as applicable to amendments to the GNSO Council Operating Rules and Procedures.

1810

1811 In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the  
1812 ICANN Bylaws shall supersede.

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## Annex I - Public Comment Forum on the Initial Report

A public comment forum was held on the Initial Report which ran from 31 May to 30 September (see

<http://www.icann.org/en/announcements/announcement-2-31may10-en.htm>). A summary of the comments received can be found [here](#). In addition, the WT developed a public comment review tool to facilitate review and discussion of the comments received as well as providing an overview of how the different comments have been addressed in this report. You can review the public comment review tool hereunder.

### PDP WT – Public Comments Review Tool

Updated 11 November 2010

	Comment (Summary)	Who	WG Response	Recommended Action/Change
<b>General Issues</b>				
<b>Working Group Model</b>	Prior to formally institutionalizing the WG model, the PDP WT should undertake or commission a review of whether the WG model is in fact optimal for addressing PDP issues	ALAC	There are some concerns from the ALAC if the PDP would mandate the WG model as there are known weaknesses, e.g. uneven representation. It was suggested that the PDP-WT could call for the evaluation of the WG model which should assess whether there are stages in the PDP that are more suitable for WGs and those that might be more suitable for formal advice from SGs / Constituencies. It was also noted that	<ul style="list-style-type: none"> <li>▪ Recommend review of WG model for PDP</li> <li>▪ Ensure a structure that is flexible enough to accommodate different working methods, possibly requiring some core principles</li> </ul>

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			new models might emerge, therefore, the PDP should not be restricted to only WGs but leave flexibility for future adoption of alternative mechanisms. The WT debated whether there should be overall principles that any method should contain such e.g. representativeness.	
<b>Evidence / data</b>	PDPs should be based on responsibly document evidence of an issue to be addressed. A reasonable data-driven threshold for introduction of a PDP is a necessary step.	RrSG	The basis of the comment is that anecdotal evidence is not sufficient, there should be a push to provide as much information as possible. The question was raised whether there are certain areas where there should be some flexibility. It was suggested that in those cases additional efforts should be made to gather information, but if there is community agreement, this might be circumvented. Some noted that the GNSO is the manager of the process and should have the discretion to make these kinds of decisions, a black/white rule would not make sense here.	None
<b>Stage 3 – 3a</b>	ICANN was established with parameters for good reasons – to keep the organization from overreaching and causing disruption, to clearly define its role, etc. If the GNSO is willing to continue accepting every issue	RrSG	Some noted that not every issue that is raised at the GNSO Council level is a gTLD policy issue, e.g. Internet Governance, DNS Cert. Not every issue that is raised will meet the GNSO scope test.	

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	that's raised, whether in scope or not, ICANN will continue to experience the difficulties it does now. Setting reasonable boundaries about scope should not be difficult.			
<b>Stage 3 – 3b</b>	No potential outcomes should be dictated as part of the PDP, though the SG agrees a requestor should identify potential outcomes if possible, without bias.	RrSG	As the comment is in line with the views expressed in the report, no further discussion needed.	None
<b>Stage 3 – 3c</b>	The proposed suggestion (if there is not sufficient information available, an issue does not pass to the next stage) is a reasonable one. Proceeding blindly on policy development without sufficient information is irresponsible.	RrSG	As the comment is in line with the views expressed in the report, no further discussion needed.	None
<b>Stage 3 – 3d</b>	The RrSG agrees that a variety of alternatives should be employed to address issues of concern to the community. A PDP may or may not be the appropriate method.	RrSG	As the comment is in line with the views expressed in the report, no further discussion needed.	None
<b>PDP and other activities</b>	It is important to distinguish between what constitutes a PDP and 'other' GNSO Council activities that might also result in creation of WGs or development of charters but for which no formal process	BXL meeting	The WT discussed that although it might be helpful to provide further details on the significance of a PDP and when a PDP is supposed to be utilized to distinguish it from 'other' GNSO activities.	<ul style="list-style-type: none"> <li>▪ Develop introductory paragraph on what constitutes a PDP to be added to the report.</li> </ul>

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	has been defined at this point in time.			
<b>GNSO Council / GNSO</b>	Need to distinguish between GNSO Council and GNSO as these are not synonyms	BXL meeting	The WT agreed with this comment and will update the report accordingly.	<ul style="list-style-type: none"> <li>Review report and verify that the terms GNSO Council and GNSO are used correctly</li> </ul>
<b>By-laws</b>	By-laws should provide high-level overview of PDP process, with further details going into rules of procedure.	BXL meeting	The WT agreed that the by-laws should provide a high-level overview of the PDP process by outlining the main principles and constraints in the by-laws, while other elements would be incorporated in the rules of procedure.	<ul style="list-style-type: none"> <li>Ensure that any draft by-law language follows this principle</li> </ul>
<b>PDP Flow Chart</b>	<p>The RySG notes that the PDP Flowchart shows the 'Initiation of a PDP' prior to the 'Creation of a Drafting Team to develop the WG Charter'. In recent GNSO PDPs, it has appeared to be helpful to have a draft charter prepared before initiating the PDP; that then makes it easier to decide whether a PDP should be initiated because the desired objectives and deliverables are defined.</p> <p>For 'Adoption of the Charter', the "Same voting thresholds apply as</p>	RySG	<p>The WT noted that the flowchart did not allow for the flexibility that might be needed in this case and it expressed its support for the flexibility of having a draft of the charter prepared before or after initiation of the PDP. Further guidance on such flexibility should be provided in the rules of procedure.</p> <p>The WT pointed out that by applying the default threshold, the vote to adopt a charter would be higher than the actual initiation of a PDP which could result in possible gaming (i.e. those opposed to initiating the PDP could block the adoption of the charter). The WT did</p>	<ul style="list-style-type: none"> <li>Update recommendation 19 by adding that modifications to a WG charter may be adopted by a simple majority vote of the GNSO Council</li> </ul>

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	for the Initiation of the PDP". The voting thresholds for initiating a PDP are as follows: To initiate a PDP within scope requires an affirmative vote of more than 33% of each House or more than 66% of one House. To initiate a PDP not within scope requires an affirmative vote of more than 75% of one House and a majority of the other House ("GNSO Supermajority"). It might be simpler to apply the default threshold, a simple majority of each house.		agree that modifications to the charter should be adopted by a simple majority vote of the GNSO Council.	
<b>Relating to Recommendation #<sup>13</sup></b>				
<b>1 (Who -Request for Issues Report)</b>	The PDP ought to address the manner in which unaffiliated groups and individuals can properly raise issues they would like to be considered. For instance, a funneling mechanism through which issues are vetted and/or passed to the GNSO or AC or relevant constituencies likely to have similar concerns, may be	INTA	The WT did discuss this question as part of its deliberations. In its view, if the issue would be considered important enough, it would be picked up by one of the constituencies or stakeholder groups. In addition, if there is no interest from constituencies or stakeholder groups to take up the issue, the unaffiliated group or individual can reach out to the Board or one of the Advisory Committees to get	

<sup>13</sup> Please note that the numbering refers to the numbering of the recommendations as marked in the Initial Report

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	considered.		the issue raised.	
1 (Who -Request for Issues Report)	<p>It is appropriate that the current mechanisms for initiating a request for an Issues Report be maintained and not expanded. The language of the current Recommendation may itself create further confusion. For example, is it the WT's intention to equate the necessary action as between the GNSO Council and an AC? If so, that would have been clearer had the recommended language for (b) (where the Council raises an issue) read "raise an issue for policy development" (as it currently reads in relation to ACs) rather than simply "raise an issue". Another option might simply be to re-title Section 1 of Annex A of the latest ICANN Bylaws, to read "Raising an Issue for Consideration Before Initiation of a PDP" (instead of just "Raising An Issue", which is the current wording.) A separate section dealing with Board initiation of a PDP (bypassing an Issues Report and Council vote) should then be added. In similar vein, the words "Issue Raised by the Board" in Section 3(a) of Annex</p>	Mary Wong	<p>Noted and agreed. The WT agrees with the clarification and will take the recommendation into account when reviewing the proposed new Annex A.</p>	

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	A should be amended to read "Initiation of PDP by the Board".			
<b>2</b> (Language – Request for Issues Report)	Although this was presumably not part of the WT’s charge, striking the “members present” language should be reviewed against other parts of the Bylaws (and any other applicable rules to ICANN constituent bodies, offices, committees, teams and groups, as the case may be) to see if similar problems present themselves in those situations and respects. A template for requesting an Issues Report would be useful, but ought not to be mandatory.	Mary Wong	The WT notes that this will be addressed in the new Annex A. The WT agrees that the use of a template is to be recommended but not mandatory.	
<b>3</b> (How – Request for Issues Report)	Support for recommendation 3 and suggests that said Manual will also be open for public comment as it is developed.	INTA	Noted. The WT confirmed that it does have the intention to put out the manual or rules of procedure (which might be a more appropriate term) for public comment in due time.	
<b>3</b> (How – Request for Issues Report)	How are the contents of the PDP Manual/Guidebook going to be developed? Note also that Recommendation 5 appears to duplicate Recommendation 3.	RySG	The WT discussed that the rules of procedure would together with the by-laws form one whole, with the by-laws outlining the basic (mandatory) principles and the rules of procedures providing the details including examples and optional steps. Normally the WT report should provide the ingredients for the rules of	

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			procedure which might be further worked out by the WT with the support of ICANN staff.	
4 (How – Request for Issues Report)	Some basic template detail should probably be mandatory, including for instance a statement as to why the issue is important to the relevant constituency.	INTA	The WT did discuss as part of its deliberations whether a template or certain elements of the template should be mandatory, but the WT is of the opinion that its use should be strongly recommended, but not mandatory. The WT also noted that in combination with some of the other recommendations, such as additional research and discussion in advance of making a request would contribute to making additional information available in support of a request for an issues report.	
4 (How – Request for Issues Report)	Issues for consideration should be raised through an electronic/online process that is linked to relevant sections of the PDP Manual.	INTA	The WT agreed that it might be worth exploring in due time, but as a ‘nice to have’, not a mandatory function.	
4 (How – Request for Issues Report)	The RrSG believes this is a responsible step toward making future policies based on evidence and facts. A template that includes a clearly defined problem, well-documented supporting evidence, and a rationale for the use of increasingly very limited resources for development of policy, would	RrSG	The WT agreed noting that there the limited resources apply both to staff as well as community volunteers.	



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	be a useful tool.			
4 (How – Request for Issues Report)	Any manual or guidebook should encourage that ICANN participants are mindful and respectful of ICANN’s limited resources.	RrSG	The WT noted that limited resources apply both to staff as well as community volunteers.	
4 (How – Request for Issues Report)	The RrSG looks forward to a continued discussion of what would constitute a reasonable threshold for initiating a PDP.	RrSG	Noted, and this will be covered in further detail in the discussion on ‘overarching issues’ that addresses voting thresholds.	
3, 4 & 5 (How – Request for Issues Report & Issue Scoping)	A manual and/or guidelines would be helpful. It is not clear at this point how, and by whom, these manuals and guidelines will be developed. They ought to be a community process. Similarly, suggestions for identifying potential outcomes and ways to define the issue should be accomplished with community input. Recommendation #5 seems repetitive in light of previous recommendations. Are there specific issues or concerns that were not addressed by, say, Recommendation #3, that the WT intended be addressed here?	Mary Wong	Noted and agreed. The content of the manual will be open for community input as the basic outline for such a manual is expected to be part of the draft Final Report.  Agreed, but recommendation #5 is the result of a different discussion and therefore does serve a specific purpose.	
6 (Creation of Issues Report)	Should there be certain requirements for which elements	BXL Meeting	The WT is of the opinion that certain elements should be encouraged, but not	

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	an Initial Report should contain, e.g. draft recommendations / conclusions?		necessarily mandated.	
6 (Creation of Issues Report)	In some cases it might be useful to do additional research, hold discussions or conduct outreach before an Issues Report is requested, so it might be useful to include this possibility in the manual/guidebook.	RySG	Noted	
6 (Creation of Issues Report)	The Bylaws should not be complicated with too much detail, particularly (in this regard) the precise contents of an Issues Report. The WT recommendation that this be taken up as part of the preparation of the manual and guidelines is a good way of ensuring that sufficient guidance is given such that an Issues Report will serve as both a precise and informative document upon which to base a vote to initiate a PDP (or not.)	Mary Wong	Noted and agreed.	
7 (End result of PDP)	The RrSG welcomes this recommendation. Issues should be met with the solution that most appropriately resolves them.	RrSG	Noted	
7 (End result of	Although other outcomes are	BXL	The WT noted that although nothing	

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PDP)	possible, the focus of a PDP should be foremost on the development of consensus policies relating to issues that are within the 'picket fence'.	meeting	prevents issues that are not focused on developing consensus policies going through a PDP, other GNSO processes that might be applicable (as indicated with 'follow other GNSO process' in the diagram) should be encouraged. Some noted that the reason for using a PDP could be that its outcome cannot easily be dismissed by the Board.	
7 (End result of PDP)	The fact that potential outcomes of a PDP can be other than the development of consensus policies ought to be further highlighted to the ICANN community, in line with the WT's recommendation.	Mary Wong	Noted and agreed.	
8 & 9 (Role of ICANN staff)	The General Counsel's role in opining whether a proposed PDP is "within scope" is both useful and necessary, thus the WT's recommendation in this respect should be followed. It would, additionally, be helpful if ICANN staff's function with respect to a particular Issues Report (e.g. whether technical expertise was provided or sought) could be included, where possible. The proposed manual/guidelines could further explore this question.	Mary Wong	Noted. The WT agrees with the suggestion and proposes to include a description of the role of ICANN Staff in the Manual.	Include description of the role of ICANN staff in the PDP Procedure Manual.

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10 (Timeline Issues Report)	Maximum time frames in the current PDP in the Bylaws have for the most part have had to be ignored because they were unrealistic for many issues. Timeframes are better put into the manual/guidebook instead of any Bylaws. The practice of asking Staff to provide estimates of time needed has worked fairly well in GNSO history and better accommodates the variability of issue complexity.	RySG	Agreed	
10 (Timeline Issues Report)	It may be possible to combine options (c) and (d); for example, prescribing the time frame (minimum to maximum) in the Bylaws, with the added provision that if ICANN staff requests a modification of the time frame, then the estimate requirements in (d) be provided as soon as possible upon the request for an Issues Report.	Mary Wong	Noted. This seems in line with the WT's current thinking and will be taken into account when finalizing the recommendation.	
11 (Community Input)	INTA agrees with this position as it would allow relevant stakeholders and community members to have input on new issues that may not be reflected in the Issues Report.	INTA	Noted	

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11 (Community Input)	Considering the nature of ICANN as a multi-stakeholder, consensus-building organization, the recommendation for a mandatory public comment period, after the preparation of an Issues Report and prior to the Council vote in favor (or not) of a PDP, should be implemented.	Mary Wong	Noted	
12 (Role of workshops)	What is meant by a workshop? Workshops traditionally have been held at ICANN international meetings but those are held only three times a year. Note that drafting teams have been used successfully in the GNSO in recent years for several purposes including drafting charters, developing recommendations for consideration before initiating a PDP, etc. Does the WT see a place for DTs in the PDP process and, if so, what would that be?	RySG	The workshop / DTs mentioned in the report were optional not mandatory. Workshops would be intended to introduce an issue to the community and see if there is community interest, while a DT seems more appropriate if there is a certain product that is expected / needed. The WT is open to considering other mechanisms such as briefings or webinars that might be used in between ICANN meetings. Workshops do not need to be organized by ICANN; an interested party could also undertake such an effort to socialize an issue.	<ul style="list-style-type: none"> <li>▪ Recommend that invitations / announcements for workshops or other events are communicated as broadly as possible.</li> </ul>
12 (Role of workshops) & 13 (Impact Analysis)	This should be discussed, and possible processes recommended, by those tasked with preparing the relevant manual/guidelines.	Mary Wong	Noted	
13 (Impact Analysis)	INTA generally agrees with this recommendation with the caveat	INTA	These comments (also other ones made in relation to this issue) are in line with	

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	that more detailed guidance should be in the Manual on what constitutes 'appropriate or necessary' and how the GNSO Council should consider and use such analyses. The design of such studies so early in the process might be flawed or could bias the outcome or decision on whether to proceed with a PDP. Public comment period could provide adequate bases for parties to argue or support undue fiscal hardship economic impact.		the comments expressed by the WT in its report. An Issues Report might include recommendations for further study or impact analysis which is then subsequently considered by the Council. Although the Council could also request a study or impact analysis as a separate step from the PDP. Some suggested that an impact analysis as part of a PDP should be preceded by an Issues Report.	
13 (Impact Analysis)	The RrSG agrees with this recommendation and believes it would be a prudent step in a PDP. It recommends that the PDP-WT add to this recommendation that impact analyses include, to the extend possible, an assessment of the impact to: the operations of registries, registrars and service providers; ICANN as an entity (including ICANN's revenue); end-users and customers of the DNS.	RrSG	See above	
13 (Impact Analysis)	Further consideration should be given on how the request for an impact analysis could be abused to	BXL meeting	Some disagreed with this comment, noting that it is important that the potential impact an issue might have	

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	delay a decision on the initiation of a PDP and how this can be avoided		<p>before starting a PDP. If there is a concern to start a PDP, it might be even more reason to conduct an impact analysis. Some noted that there is a potential under the guise of studies or impact analysis to delay moving forward with a PDP.</p> <p>The WT noted that this kind of issue should be handled by the Council as part of its role as manager of the process, also noting that launching an impact analysis would require resources and co-ordination from policy staff.</p>	
13 (Impact Analysis)	The RySG believes that this is a very constructive recommendation.	RySG	Noted	
14 (Prioritization)	The RrSG supports this recommendation and looks forward to a continued discussion of prioritization methods.	RrSG	<p>The WT noted that it is not clear yet what will come out of Council's prioritization effort. It was pointed out that is not only the number of PDPs that are running simultaneously, but also all the other initiatives, Working Groups, Work Teams and Drafting Teams that are going on, especially those with tight deadlines. It was suggested that one of the solutions is to get more people involved to share the workload.</p> <p>The WT noted that the Council hasn't considered yet how to deal with future issue and has focused for now on the</p>	<ul style="list-style-type: none"> <li>▪ Reword in the report that it is not only PDPs, but also other initiatives that need to be taken into account when prioritizing</li> <li>▪ Change some of the terminology (managing workload)</li> </ul>

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			ongoing projects. It might therefore be appropriate for the WT to give more consideration to this. Another issue that was identified is that as WGs progress, the interest in the issue seems to disappear resulting in fewer volunteers trying to finish the task. This becomes especially apparent when a new 'hot' topic is launched which attracts many new volunteers at the expense of other efforts.	
<b>14</b> (Prioritization) & <b>15</b> (Fast Track Process)	Given the possibility of unexpected or urgent issues that can arise from time to time, it will be difficult for the GNSO Council to accomplish a truly meaningful prioritization of the various tasks (including a PDP.) It would be unfortunate if a particularly important issue (e.g. as demonstrated by strong support for a PDP amongst numerous constituencies or committees) could not be pursued due to a lack of resources. Specific indicators (e.g. level of support; existence of third party economic impact studies) could be identified as aids to the GNSO Council when determining prioritization or initiation of PDPs.	Mary Wong	The WT would favor some kind of prioritization even if it would be a simple method like 'first in, first out'. The WT suggests exploring how other organizations prioritize as this might serve as an example. It was pointed out that it is not only PDPs that create workload, but especially other initiatives and working groups. The WT is of the opinion that activities should be limited to what the volunteer community and staff resources can sustain. The WT debated three different options to manage workload: <ul style="list-style-type: none"> <li>- Put PDPs on temporary hold</li> <li>- Develop elaborate calendar with timeframes and set milestones for WGs. If any milestones are missed, the Council should</li> </ul>	



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	A "fast track" procedure would be a useful option. However, as identified by the WT, due consideration needs to be given to questions relating to gaming and ensuring broad (and diverse) participation.		<p>review why milestones are missed and address issue.</p> <ul style="list-style-type: none"> <li>- Acknowledge at the start of a PDP what resources are available and which other initiatives contend for the same resources.</li> </ul> <p>The WT agrees that a fast track procedure would be a useful option.</p>	
15 (Fast Track Process)	For issues that need urgent attention, the ALAC supports the development of a streamlined process which will require less volunteer and staff time, and less elapsed time.	ALAC	To be discussed in further detail at one of the upcoming meetings. (see separate note)	
15 (Fast Track Process)	INTA agrees that, under certain circumstances, emergency procedures (requiring by-law amendment) may be necessary. INTA concurs with a sunset period that requires a subsequent (full) PDP procedure to confirm or adapt any temporary policy.	INTA		
15 (Fast Track Process)	Recent experiences in the GNSO have demonstrated the need for such a procedure so the RySG supports this recommendation. But it should be recognized that some issues will be too complex to adequately cover in a fast-track	RySG		

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	process so it would be helpful if there were some guidelines that could be used to decide when to consider a fast track procedure.			
16 (Flexibility)	INTA agrees with the proposed modified language set out in the report, but suggests that the clarifying language 'calendar' days be inserted in sub-clause 'b'.	INTA	Agreed and should be updated	<ul style="list-style-type: none"> <li>Update in report</li> </ul>
16 & 17 (Flexibility)	Where a PDP is initiated by Board action, it is not clear what (if any) role public comment (which, as recommended, should be provided after the issuance of an Issues Report) would play in this regard. As such, the 8 calendar days proposed by the WT may be either unnecessary (if the Council has no choice but to act on the Board's instruction) or insufficient (if public comment is to be considered.) The recommendation that a Stakeholder Group or constituency may defer a vote on a PDP for no more than one meeting, and needs to detail its reasons for such a request, is necessary to ensure timely action on issues of importance, and minimize gaming	Mary Wong	A PDP requested by the Board will also start with the development of an Issue Report, followed by a comment period.	

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	or other similarly strategic actions.			
<b>18</b> (Appeals mechanism)	For the reasons stated by the WT in its report, requiring the Council to state its reasons in the absence of a formal appeal mechanism would help ensure transparency and accountability.	Mary Wong	Noted	
<b>19 &amp; 20</b> (Chartering)	The WT's rationale and recommendations regarding, in particular, the nomenclature for, participation in, and chartering processes for, a Working Group (as opposed to a "task force") are timely and should be adopted.	Mary Wong	Noted	
<b>21</b> (AC/SO input)	It is encouraging that AC/SO cooperation is being contemplated on a more formal basis and will be institutionalized.	ALAC	Noted, the recent CWG Rec6 might serve as a model. Further examples to promote AC/SO cooperation were also included in the notes relating to this issue.	
<b>21</b> (AC/SO input)	The WT's recommendation that further consideration be given as to how to further involve other SOs and ACs in the PDP process are welcome and should be adopted.	Mary Wong	Noted	
<b>22</b> (timeframe for taking a decision)	This recommendation presumably applies to situations where the Council (as opposed to Councilors representing particular Stakeholder Groups or constituencies) believe a vote should be deferred, e.g. in	Mary Wong	Agreed and the WT will incorporate this in the recommendation. As a general rule, a vote can be deferred to the next Council meeting but for a maximum of three meetings.	Incorporate suggestion in the recommendation.

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	<p>order to obtain expert advice. To ensure timely action (one way or the other), however, it does not seem advisable to leave the question of how long such a deferral can last unanswered. Similarly, the question of whether a certain threshold of Council members is required before a deferral is confirmed is also important. To leave these questions to guidelines may not be the optimal solution, although it is certainly better than the current lack of guidelines and clarity. The WT may wish to explore the possibility of at least requiring that a deferral be made for no longer than the next Council meeting (unless the reason for the deferral reveals the need for a longer deferral period, in which case there should be a maximum time limit set, to be amended only upon further vote of the Council.)</p>			
<p>23 (Public Comment Period after Initiation)</p>	<p>INTA believes that the public comment period must be mandatory, noting that the public comment period is ample and the scope of comments is not</p>	<p>INTA</p>	<p>Some suggested it should be recommended, but not mandatory. Some suggested that this should be considered in combination with the public comment period on Issues Report. Should one of</p>	<ul style="list-style-type: none"> <li>▪ Clarify section in the report as outlined in the notes.</li> </ul>

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	<p>restricted to the WG's initial questions.</p>	<p>the two or both be mandatory? If there is a public comment period, the WG should have the opportunity to ask specific questions, but should also solicit input on the issues within the scope of that WG. Most agreed that there shouldn't be an obligation for a WG to respond to comments that are outside of scope of the WG. The WT supported that a public comment period on the issues report should take place. The second public comment period after the initiation of the PDP would then be optional, unless no public comment period had taken place on the Issues Report in which case it would become 'highly recommendable'.</p> <p>It was pointed out that the Council and/or WG both have the flexibility to run additional public comment periods as deemed appropriate.</p> <p>The WT discussed how comments on the Issues Report would need to be dealt with and noted that this would depend on the nature of the comments received: some might require updating of the Issues Report, some might be passed on the Council for further consideration and</p>	
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			some might be passed on to the WG for consideration.	
<b>23</b> (Public Comment Period after Initiation)	The function – and nature – of public comments in relation to a Working Group (WG) request after its initiation can be different from public comments solicited and received in response to an Issues Report. As such, a public comment period should be mandatory, unless the WG specifically deems it – and documents its reasons – unnecessary. Even so, this should not preclude the WG from initiating a public comment period at some later point in its processes.	Mary Wong		
<b>24</b> (Clarify ‘in scope’)	INTA agrees with the proposed language	INTA	Noted	
<b>24</b> (Clarify ‘in scope’)	The RrSG found this language to be confusing and would appreciate clarification from the WT. With regard to the general issue, it believes that ICANN’s role should be limited to that of a technical coordination body and avoid mission creep. Furthermore, the GNSO should not confuse policy development with policy implementation.	RrSG	It was noted that ‘in scope’ is frequently used, but also frequently misunderstood. It was suggested that there is a general feeling amongst registrars that if something bad is happening on the Internet that ICANN is supposed to be doing something about it. ICANN has a role to play, but it is not the ‘end all – be all’ target for complaints about the Internet. Further clarification of ‘scope’ might therefore be helpful. The WT	<ul style="list-style-type: none"> <li>Update report to include that issues identified should be mapable to provisions in the by-laws, incl. annexes or AoC</li> </ul>

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			agreed that issues should be readily able to be mapped to ICANN's mission or AoC at the outset of a PDP, and if it is not clear where an issue falls, then it is a problem that needs to be further considered. It was suggested that the (	
24 (Clarify 'in scope')	Further review of 'in scope' definition by ICANN legal Counsel, including consideration of how 'scope' is defined elsewhere in the by-laws (such as Article 10, section 1) which might form the reference point. At the same time, further details / examples on what 'in scope' in practice means might be included in the rules of procedure or PDP handbook.	BXL meeting	The WT noted that it might be difficult to come up with examples.	
24 (Clarify 'in scope')	The WT's recommendation to clarify the "in scope" question, to distinguish this issue from that of "consensus policy", is necessary and should be adopted.	Mary Wong		
25 (Maximize effectiveness of WGs)	INTA agrees with the proposed recommendation	INTA	Noted	
25 (Maximize effectiveness of WGs)	Development of a "cheat sheet" for WGs could facilitate implementation of this recommendation	RySG	It was pointed out that the WG Guidelines do include a chairs check sheet for first meeting. The WT expressed support for providing training	

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			<p>on the WG Guidelines to new Working Groups, incl. PDP WGs. It was also pointed out that there is a placeholder in the GNSO WG Guidelines to include specific details concerning PDP WGs, which could also be translated in a presentation or cheat sheet in due time. Some expressed concern about cheat sheets as certain details and/or links with other provisions might be left out. Some suggested that an annotated index might be more appropriate (e.g. if you want to know about issue x, look at section y). The WT did agree that further information on WG basic should be provided to make it easier for newcomers, while at the same time encouraging review of the complete WG Guidelines.</p>	
<p><b>26</b>                  (Communication with ICANN departments)</p>	<p>INTA agrees that such inquiry is worthy and that mechanisms for communication with ICANN departments should be clearly established.</p>	<p>INTA</p>	<p>Noted. WT agreed to change language in report to make it a firm recommendation instead of a suggested approach.</p>	<ul style="list-style-type: none"> <li>Update language to reflect recommendation instead of suggested approach.</li> </ul>
<p><b>26</b>                  (Communication with ICANN departments)</p>	<p>Clarification over appropriate and available means and channels of communication with various ICANN departments, will be necessary and should be developed.</p>	<p>Mary Wong</p>		



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<p>27 (Link with strategic plan &amp; budget)</p>	<p>The initiation of a PDP might include consideration of how ICANN’s budget and planning can best embrace the PDP and/or its possible outcomes, the priority must be on ensuring that GNSO policy development can address the public’s needs, and ICANN should adequately budget and plan to meet those requirements.</p>	<p>INTA</p>	<p>Noted and agreement with comment.</p>	<ul style="list-style-type: none"> <li>▪ Reflect comment in report.</li> </ul>
<p>27 (Link with strategic plan &amp; budget)</p>	<p>The fact that policy issues do not arise in organized fashion according to a calendar (budgetary or otherwise) renders it practically impossible to implement a single process to determine how best to link a PDP with an overall strategic plan or central budget (e.g. the fact that emergency and fast track processes are being considered demonstrates this.) It is important, however, that financial constraints not be the major factor curtailing the initiation, timing or workings of a PDP. Much responsibility therefore devolves by default to the GNSO Council in its current role as manager of overall GNSO processes and work. It would be helpful, however, if through the</p>	<p>Mary Wong</p>		

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	<p>Issues Report and constituency/stakeholder group input as well as SO and AC feedback prior to and during a PDP, as much detailed information (such as costs, timing and the need for further expert analysis) can be provided to the Council, to assist its deliberations as to whether to initiate a PDP, and (if applicable) to the WG once a PDP is initiated and a charter approved. Suggestions as to what and how such information could consist of and be compiled could be made part of the manual/guidelines under consideration.</p>			
<p><b>28 / 29</b> (Public comment)</p>	<p>INTA agrees with the extension of timing for public comments, but believes the minimum should be 45 days to ensure that all members of the public have adequate time to comment. In addition, there may be circumstances under which more than 45 days is necessary, either because of the likely interest in the issue, or the calendaring of the request, and that provision should be made for extending the</p>	<p>INTA</p>	<p>See below</p>	

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	period for public comment under certain defined circumstances.			
28 (Public comment)	Timeframes are better placed in the manual / guidebook than in the Bylaws because the former are much easier to change as needed. GNSO experience to date has shown that flexibility is often needed; in that regard, it might be better to suggest comments periods of 20 to 30 days, the latter being preferred if possible.	RySG	The WT agreed that there needs to be flexibility and suggested that the absolute minimum should be noted in the by-laws (21 days), while the guidebook should indicate reasonable parameters, for example taking into account when a public comment period coincides with a public comment period. The guidebook could also indicate what the recommended length is for a 'typical' public comment period (30 days), noting that there is flexibility to extend but also taking into account the overall milestones and target dates of the WG as outlined in its Charter.	<ul style="list-style-type: none"> <li>Reflect WT position in the report and update recommendation accordingly.</li> </ul>
28, 29 & 30 (Public Comment)	Given ICANN's reliance on volunteer input and the importance of public comments, the proposed extension of a public comment period to 30 days is welcome and should be adopted. Although it might not be feasible to expect a WG to review and acknowledge all public comments received, nor would it be fair to add unnecessarily to ICANN staff workload, it is still important that	Mary Wong		

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	the WG have easy access to all public comments submitted. The recommended language should therefore be amended such that, at a minimum, the ICANN staff manager must provide, a full list of all public comments received and an indication of which comments were deemed appropriate to be included in the summary and analysis provided to the WG, and which not.			
31 (Implementation / impact)	The first option seems like it could have value but it is not clear that it would be practical in some PDPs. It may depend on what is meant by implementation guidelines, so that may need some clarification. For example, the New gTLD PDP contained implementation guidelines but they were at a fairly high level; if the final report had to contain more detail, the PDP would have taken considerably longer than the 1.5 years it lasted. And we have seen that the implementation process has taken even longer than the PDP took. To the extent possible, it would be helpful to consult with WGs during	RySG	Taking into account the comments made in relation to recommendation 31 and 42, the WT noted that there seems to be general support for the concept of an implementation team, noting the need for flexibility on when and how such a team should be used.	

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	<p>the implementation process, but for PDPs that last a long time, WG membership tends to change a lot so that reality needs to be considered. Also, it is important to do that in a way that does not too easily provide an avenue for redoing recommendations in cases where some parties may not have been totally satisfied with the results unless there is strong justification for doing so. Consultation with the GNSO should definitely happen during the implementation plan development. The GNSO Council should mainly be a channel through which that happens. In cases where an implementation team is formed, it would be useful to include members of the WG as possible.</p>			
<p><b>31</b> (Implementation / impact)</p>	<p>To the extent that a WG can provide recommendations as to implementation, they would doubtless be useful. A WG ought in all cases to consider including these as part of its report, and should also consider whether to recommend the formation of an</p>	<p>Mary Wong</p>		

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	implementation team, which should consist of a broad base of participants and preferably include at least a few WG members. Recognizing the periodic difficulty of distinguishing between “policy” and “implementation”, it would be helpful (particularly in soliciting public comment) also if a WG could indicate which issues discussed or raised crossed the line, in its view, from one to the other.			
32 (Staff resources)	The RrSG concurs with this recommendation and encourages adoption of this provision as part of the PDP reform.	RrSG	Noted	<ul style="list-style-type: none"> <li>Update recommendation to include language that encourages staff to provide that information.</li> </ul>
32 (Staff resources)	The RySG strongly supports this recommendation.	RySG	Noted	
33 (Constituency Statements)	The RySG thinks this is a good change. It might also be a good idea to note that in some cases constituency statements may be requested more than once.	RySG	Noted, this flexibility is also acknowledged in the report.	
33 (Constituency Statements)	The WT’s note that the lack of a statement from a constituency or Stakeholder Group may reflect that	Mary Wong		

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	group's belief as to the relative importance of that issue to it, or simply the group's current workload, is important as it recognizes that there are numerous stakeholders in the ICANN community with varying interests in different issues. The reliance on volunteer participation and the recent increase in overall GNSO workload has also taken its toll on volunteer time and resources. Regardless of the amendment to Clause 7, therefore, the WT's suggestion of additional follow-up with constituencies and Stakeholder Groups should be incorporated into the proposed manual and/or guidelines, and perhaps included as part of the charter for all WGs tasked with a PDP, where possible.			
<b>34, 35, 36</b> (WG Output) & <b>37</b> (WG Recommendations)	The WT's recommendations in these respects make sense and should be adopted.	Mary Wong		
<b>36</b> (Public Comment period Initial Report)	INTA agrees that such a public comment period should be mandatory. Optional additional comment periods may be useful in	INTA	Noted and in line with the recommendations.	

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	certain circumstances, such as when a final report differs substantially from the Initial Report.			
38 (WG Recommendations)	The RrSG has no currently formed position on this issue, but agrees it is an issue that deserves attention and looks forward to contributing to further discussion.	RrSG	The WT noted that the different comments in relation to this recommendation express different points of view. In its discussion, some suggested that recommendation that have full consensus of the WG, cannot be altered or picked / chosen by the WG. Some suggested that the WG should have the obligation to indicate if there are interdependencies between recommendations to the Council. Most agreed that it should not be the Council's job to change recommendations, especially those that have consensus. Some suggested that the Council does make the final call and weigh the different recommendations and pick which ones they send to the Board. Some expressed concern about recommendations that would come out	
38 (WG Recommendations)	It is important to note that WGs do not necessarily have balanced representation. In contrast, the Council structure is designed to facilitate balanced representation of the stakeholder groups. Assuming that Councilors are consulting with their SGs and constituencies, Council decisions should reflect the consensus or lack thereof of the broader GNSO community and hopefully the broader ICANN Community as applicable.	RySG	of a WG that is unbalanced, but it was noted that the issue of balance should be addressed at the WG level before recommendations are even developed.	
38 (WG Recommendations)	No, the GNSO Council should not have the flexibility to 'pick and choose' recommendations. It is very important for PDP Final Reports to give an objective	Naomasa Maruyama		



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	description of the level of each consensus for each opinion / recommendation.			
38 (WG Recommendations)	The Council should not be able to “pick and choose” recommendations, where these have not received full consensus within a WG, without at least fully documenting its reasons for doing so. In such a case, Council members should also indicate for the record whether it consulted with his/her constituency and Stakeholder Group as well as the outcome of such consultations. Where WG recommendations have not received full consensus, the WG report should indicate the actual level of support each recommendation received and (subject to a WG participant’s consent) a list of WG members in support of, or against, particular recommendations.	Mary Wong		
39 (Board Report)	ALAC strongly supports this recommendation.	ALAC	Noted	
39 (Board Report)	INTA’s view is that Staff should be allowed to provide its opinion to the Board, in an open, and non-	INTA	It was noted that there should be flexibility for issues for which confidential information has been provided by staff to	<ul style="list-style-type: none"> <li>▪ Reword the recommendation to clarify that staff can</li> </ul>

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	confidential manner. Staff may be in a better position than most to decipher positive and negative suggestions and recommendations and should be heard in this capacity.		the board, noting that this should not become an excuse to not make information public.	<p>have its say but in an open and transparent manner</p> <ul style="list-style-type: none"> <li>Reflect in recommendation that in cases where privileged/confidential information is concerned, ICANN staff should indicate that privileged advice was given and as much information as possible should be provided without breaking attorney-client privilege.</li> </ul>
39 (Board Report)	The RySG suggests rewording this sentence along the lines of the following: "Reports on PDPs should be delivered from the GNSO Council to the Board and any summaries needed should be approved by the Council after consultation with the Working Group (if necessary)". This would more clearly allow the Council to enlist GNSO policy staff support in preparing and delivering	RySG		<ul style="list-style-type: none"> <li>Update recommendation to reflect suggestion made by RySG</li> </ul>

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	<p>summaries and reports while still leaving approval of such to the Council in its representative capacity of GNSO Community members.</p> <p>In relation to the last sentence, as this initial report illustrates, reports need to be much more concise. Detailed background and supporting information can be referenced as appendices or attachments.</p>			
39 (Board Report)	<p>All reports to the Board should be public. ICANN staff may be requested by the GNSO Council to assist in providing summary and analysis to the Board, but (as recommended by the WT) ultimate responsibility for the content of such summary and analysis should lie with the Council, who should work with the relevant WG to determine the need for and extent of ICANN staff assistance.</p>	Mary Wong	Noted and agreed (see also previous comment)	
40 (Agreement of the Council)	<p>Although not presumably within the scope of this WT, it should be noted that the actual procedures regarding absentee voting in the GNSO Council Operating Rules are</p>	Mary Wong	WT to review new procedures in further detail in future meeting (see <a href="http://gns0.icann.org/council/docs.html">http://gns0.icann.org/council/docs.html</a> ).	

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	currently being clarified. The WT should take note of the official interpretation (if any) of the pertinent part of the Rules, and review whether or not to revisit this issue in light of it.			
41 (Board Vote)	Should there be a Board vote for recommendations that are not changes to existing or recommendations for new consensus policies, recognizing that a PDP might have different outcomes?	Brussels meeting	The WT agreed that any recommendations adopted as the result of a PDP should be communicated to the Board, noting that some recommendations might have cost implications or an impact on staff resources. The same process should apply as for the adoption of consensus policies.	<ul style="list-style-type: none"> <li>Update report to reflect that all recommendations adopted as a result of a PDP should be communicated to the Board.</li> </ul>
42 (Implementation)	INTA agrees with the recommendation to create an implementation review team as it will ensure that policy is implemented as agreed to in other stages of the process.	INTA	Noted. The WT supports that a PDP WG should provide guidance if needed and appropriate on how an implementation DT might be composed, but this should not be binding or obligatory.	<ul style="list-style-type: none"> <li>Update recommendation to reflect that WG may provide guidance on the composition of an implementation DT.</li> </ul>
42 (Implementation)	The RrSG has no objection to this recommendation, but it should be considered in the context of the RrSG's other comments about an overtaxed staff and volunteer community.	RrSG		
42 (Implementation)	Should there be a provision for when a sub-element is determined	BXL meeting		

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	not to be final -- or not to be finished in terms of its policy implementation and that sub-element needs to be returned to the Council for further work. At the same time, if there is a certain oversight by the Council / WG on implementation, how can you avoid stakeholders trying to influence the implementation process? Appropriate safeguards would need to be in place to avoid gaming. Potential concerns with WG transforming into Implementation Review Team (anti-trust); staff should be responsible for implementation.			
42 (Implementation)	The RySG supports the idea contained in the first sentence of the recommendation and suggests that the recommended composition of such review team be made in the WG final report. The review team then could serve as an ongoing resource for the GNSO Council and ICANN implementation staff.	RySG		
42 (Implementation)	A WG Implementation Review Team would likely facilitate	Mary Wong		

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	<p>implementation efforts, and could act as the main conduit between the GNSO Council and ICANN staff charged with actual implementation of adopted policy recommendations. If a WG has included implementation recommendations as part of its report, the Implementation Review Team should ensure that these recommendations are either followed or amendments/departures from them justified. In addition, ICANN staff should consult regularly with the Team and update it frequently on the status of implementation efforts, as well as refer questions that might raise policy issues to it promptly, for review as to whether these should be referred to the Council.</p>			
<p><b>43 / 44</b> (Review of policy and WG)</p>	<p>Providing a policy now on these issues might create an avenue to appeal policy decisions rather than provide meaningful insights. Other aspects of the report already address avenues for measuring whether specific policy implementations are successful.</p>	<p>INTA</p>	<p>The WT noted that for an individual PDP the WG may/should provide recommendations on which steps should be taken to review and measure the outcome.</p>	

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	Review can be positive and beneficial, but the multiple layers of review and assessment proposed may be overly extensive and might hinder the PDP process.			
45 (Review of PDP process)	A periodic review of the effectiveness of the PDP Process would probably be beneficial. It may be that this review should be undertaken after a threshold number of PDPs have been completed.		The WT agreed that a periodic review of the overall PDP process would be appropriate, as also acknowledged in the Affirmation of Commitments, noting that a certain thresholds of completed PDPs should be met before an overall review is carried out. There was support for a Standing Committee being responsible for such a review, but there was no strong view whether the PPSC should be this Standing Committee or whether a new body should be created.	
<b>Overarching Issues</b>				
	Without firm recommendations or, in some cases, any roadmap suggesting the direction of the WT's discussions to date on a particular overarching issue, it is difficult for the public to comment. INTA hopes that the public will have another opportunity to comment upon any recommendations relating to the overarching issues before the	INTA	Noted, another public comment forum is foreseen on the draft Final Report.	

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	Council considers them.			
<b>Timing</b>	INTA agrees that an overall assessment of timing needs to be conducted. It hopes that the public will have a further opportunity to comment on any overarching timing recommendations that may be propounded following this public comment period.	INTA	Noted, the draft Final Report will include an overview of the overall timing, noting that it will be difficult to give a precise number of days due to the flexibility built in the different stages. As noted above, another public comment forum is foreseen on the draft Final Report.	<ul style="list-style-type: none"> <li>Include overview of overall timing of new PDP in draft Final Report</li> </ul>
<b>Translation</b>	INTA believes that provisions in the new PDP relating to translations should, where possible, be consistent with the translation policy being developed by ICANN.	INTA	WT agrees, but notes that there currently is no ICANN translation policy.	
<b>Translation</b>	INTA does not support the idea of utilizing volunteers to translate key documents or public comments, however, it may support the role of a volunteer editorial group that would review professionally prepared translations to ensure that the translations use technically terms correctly. The qualifications for volunteers seeking to participate on a translation editorial review group should be outlined and how and by whom those individuals would be selected.	INTA	Noted	



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<b>Translation</b>	Further consideration should be given to how the proposed translation of key documents and public comments will impact the new timelines proposed for public comment periods. Fairness and inclusion dictate that non-English speakers should have the same length of time to comment on initial reports. Providing translations of public comments may improve inclusiveness, but may have a negative effect on the efficiency of the PDP.	INTA	The WT agrees that when public comment periods are run in other languages, the same amount of time to submit comments should be allocated to the other languages.	<ul style="list-style-type: none"> <li>Update Report to reflect support for this concept.</li> </ul>
<b>Definitions</b>	INTA hopes that the public will have a further opportunity to comment on any proposed definitional changes once the PDP-WT has an opportunity to complete its work on this overarching issue.	INTA	Noted, another public comment forum is foreseen for the draft Final Report.	
<b>Voting Thresholds</b>	INTA agrees that a higher voting threshold should not apply if ICANN staff recommends against initiating a PDP.	INTA	Noted	
<b>Voting Thresholds</b>	The PDP-WT should make recommendations about how to handle competing WG charters and supports the proposal that in the case of competing charters, the	INTA	The WT agrees and discussed the following approach: In cases where two or more competing charters would be proposed, the GNSO Council Chair should facilitate a meeting between the	<ul style="list-style-type: none"> <li>Update report accordingly</li> </ul>

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	Council should select the charter by majority vote.		proponents of the different charters to determine whether a compromise charter can be developed ahead of the GNSO Council vote. If no compromise is found, the two or more competing charters are put forward for GNSO Council consideration whereby the charter with the most votes is adopted.	
<b>Voting Thresholds</b>	INTA supports the recommendation that a majority of both houses should be required to change administrative elements of an approved charter, but that a supermajority should be required to modify the charter questions themselves.	INTA	Noted, but after further discussion, the WT is of the view that any modifications to the charter should be adopted by a simple majority vote of the GNSO Council.	
<b>Transition</b>	INTA hopes that the public will have a further opportunity to comment on any proposed recommendations relating the transition to the new PDP. Of particular note will be the recommendations relating to (1) the timeline for the adoption of the new PDP, and (2) the effect of that adoption on working groups already convened under the 'old' PDP.	INTA	Noted	

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## Annex II - Background

On 26 June 2008 the ICANN Board [approved a set of recommendations](#) designed to improve the effectiveness of the GNSO, including its policy activities, structure, operations, and communications. The [GNSO Improvements Report](#), approved by the Board, identified the following key objectives:

- Maximize the ability for all interested stakeholders to participate in the GNSO’s policy development processes;
- Ensure that recommendations can be developed on gTLD “consensus policies” for Board review and that the subject matter of “consensus policies” is clearly defined;
- Ensure that policy development processes are based on thoroughly-researched, well-scoped objectives, and are run in a predictable manner that yields results that can be implemented effectively;
- Align policy development more tightly with ICANN’s strategic and operations plans; and
- Improve communications and administrative support for GNSO objectives.

The Board emphasized the need to improve inclusiveness and representativeness in the GNSO’s work while increasing its effectiveness and efficiency. The following pertains to the PDP-WT’s mission:

Revising the PDP: The Policy Development Process (PDP) needs to be revised to make it more effective and responsive to ICANN’s needs. It should be brought in-line with the time and effort actually required to develop policy and made consistent with ICANN’s existing contracts (including, but not limited to, clarifying the appropriate scope of GNSO “consensus policy” development). While the procedure for developing “consensus policies” will need to continue to be established by the Bylaws as long as required by ICANN’s contracts, the GNSO Council and Staff should propose new PDP

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rules for the Board’s consideration and approval that contain more flexibility. The new rules should emphasize the importance of the preparation that must be done before launch of a working group or other activity, such as public discussion, fact-finding, and expert research in order to properly define the scope, objective, and schedule for a specific policy development goal and the development of metrics for measuring success.

The charter of the PDP-WT is to develop and document a revised GNSO Policy Development Process that achieves the goals established by the ICANN Board. The PDP-WT, with staff assistance, will need to determine what changes to the bylaws will be required. New processes will need to be documented properly to ensure that the bylaws (and any related operational rules or procedures) are updated accurately. The revised PDP, after review and approval by the PPSC, GNSO Council, and ICANN Board, would replace the current PDP defined in Annex A of the ICANN bylaws.

This mandate arises not from a change in the mission or role of the GNSO, but from the accumulation of experience with the current PDP and the decisions that have been made by the ICANN Board concerning an organizational restructuring of the GNSO.

The PDP-WT’s mission is closely related to that of the parallel Working Group Work Team (WG-WT) also chartered by the PPSC. The charter of the WG-WT is to “[d]evelop a new GNSO Working Group Model that improves inclusiveness, improves effectiveness, and improves efficiency”. The two PPSC Work Teams are expected to work independently, but in consultation with each other.

For further details please visit [the GNSO Improvements Home Page](#).

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## ANNEX III - Working Group Charter<sup>14</sup>

### I. TEAM CHARTER/GOALS:

The GNSO Council's responsibility in recommending substantive policies relating to generic top-level domains is a critical part of ICANN's function. The mechanism by which the GNSO makes such recommendations to the ICANN Board of Directors is through the GNSO Policy Development Process (PDP) set forth in the ICANN Bylaws. The PDP Work Team is responsible for developing a new policy development process that incorporates a working group approach and makes it more effective and responsive to ICANN's policy development needs. The primary tasks are to develop:

1. Appropriate operating principles, rules and procedures applicable to a new policy development process; and
2. An implementation/transition plan.

Specifically, the GNSO Improvements Report approved by the ICANN Board recommended that a new PDP:

1. Be better aligned with the contractual requirements of ICANN's consensus policies as that term is used in its contracts with registries and registrars and clearly distinguishes the development of "consensus policies" from general policy advice the GNSO Council may wish to provide to the Board. In addition, the Bylaws should clarify that only a GNSO recommendation on a consensus policy can, depending on the breadth of support, be considered binding on the Board, unless it is rejected by a supermajority vote.

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<sup>14</sup> [Updated following the adoption of resolution 20010428-2](#)

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2. Emphasize the importance of the work that must be done before launching a working group or other policy development activity, such as public discussion, fact-finding and expert research in order to define properly the scope, objective and schedule for a specific policy development goal.
3. Be more flexible than the current model, containing timelines that are consistent with the task.
4. Provide for periodic assessment to determine the effectiveness of revised rules, processes, and procedures on policy development work including self-reporting by each working group of any lessons learned, as well as input on metrics that could help measure the success of the policy recommendation. In addition the GNSO Council Chair should present an annual report to the ICANN community on the effectiveness of new GNSO policies using the metrics developed at the end of each PDP. The report should also contain a synthesis of lessons learned from policy development during the year with a view to establishing best practices. The report should be presented annually at an ICANN public meeting each year, and the material should be incorporated into the ICANN Annual Report prepared by Staff.
5. Better align the PDP process with ICANN's strategic plan and operations plan. The Council, constituencies and staff should publish an annual "policy development plan" for current and upcoming work, to better align resources with strategic objectives, and to create a stronger nexus between the work plan of the GNSO Council and the ICANN planning process. The plan should be linked to ICANN's overall strategic plan, but be sufficiently flexible to accommodate changes in priority determined by rapid evolution in the DNS marketplace and unexpected initiatives.
6. Contain rules, processes and procedures that are more effective and efficient and that meet consensus policy requirements as detailed further in the Report, to include specifying certain policy activities that should be done, including: research, consultation with constituencies, periods for public comment, timelines consistent with the complexity of the task, regular reporting to the Council as established in the scoping phase, and a final report and public comment period as in the current PDP.

The PDP Team shall work independently from, but in close consultation with, the Working Group Team of the Policy Process Steering Committee (PPSC). The Policy Development Process Team shall be responsible for making recommendations concerning the development of and transition to a new PDP for [the GNSO Council's review](#).

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## ANNEX IV - The Working Group

- Following the adoption of the charter by the GNSO Council, a call for volunteers was launched. The following individuals are part of the PDP-WT. Statements of Interests can be found [here](#).

NAME	AFFILIATION	Meetings Attended (Total # of meetings: <b>[tbc]</b> )
James Bladel	Registrar	▼
Jeff Neuman (Chair)	RyC	▼
Paul Diaz	Registrar	▼
Alan Greenberg	ALAC	▼
Wolf-Ulrich Knoblen	ISP	▼
Tatyana Khramtsova	Registrar	▼
David Maher	RyC	▼
Avri Doria	NCA/NCSG <sup>15</sup>	▼
Alex Gakuru	NCUC	▼
Marilyn Cade	Individual	▼
Gabriel Pineiro	NCUC	▼
Brian Winterfeldt	IPC	▼
Mike Rodenbaugh	CBUC	▼
Sophia Bekele	Individual	▼
Bertrand de la Chapelle	Individual	▼
Robin Gross <sup>16</sup>	NCUC	▼
John Berard <sup>17</sup>	CBUC	▼
Jean-Christophe Vignes	Registrar	▼
Liz Williams <sup>18</sup>	CBUC	▼
Tony Harris	ISP	▼
Cheryl Langdon-Orr	ALAC (Alternate)	▼

<sup>15</sup> NCA until 26 Oct 09, NCSG after

<sup>16</sup> Joined WT in September 2010

<sup>17</sup> Joined WT in January 2011

<sup>18</sup> Resigned from WT in January 2011

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Zbynek Loebel	IPC	▼
Kristina Rosette	IPC	▼
Jaime Wagner <sup>19</sup>	ISP	▼
J. Scott Evans (Observer)	IPC	▼
Antonio Tavares	ISP	▼

To view the attendance sheet, please click [\[include link\]](#).

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<sup>19</sup> Resigned from WT June 2009

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Public input is encouraged as part of the public comment period on the Proposed Final Report on the proposed recommendations, the proposed elements for the new Annex A, the proposed PDP Manual, as well as which elements should be included in the ICANN Bylaws and which ones should be part of the GNSO Council Operating Rules.

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**1. Who has the ability to initiate a request for an issues report?**

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**2. Procedures for Requesting an Issues Report**

See also recommendation 2.

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**3. Issue Scoping**

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**4. Creation of the Issues Report**

Recommendation 1.

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**5. What can the end result of a PDP be?**

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**6. The role of ICANN staff**

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**7. Community input / How to incorporate public comments**

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## 8. Role of Workshops / Information Gathering events

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## 9. Efficiency and flexibility during planning / initiation phase

See recommendation 12 above.

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## 10. Impact Analyses

The PDP-WT recommends that the PDP Manual describe the option for the GNSO Council to request that an impact analysis be conducted if appropriate or necessary prior to the vote for the initiation of a PDP. Such an impact analysis could include the assessment of the impact on (i) the public interest, (ii) the security, stability and resiliency of the DNS, (iii) competition, consumer trust and consumer choice, and (iv) international participation<sup>1</sup> [as well as the impact on human rights]<sup>2</sup>[1].

## 11. Resources and Prioritization

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### 1. Flexibility when launching a policy development process

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### 2.

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### 3. Should the approved voting thresholds apply to the entire GNSO Council or just members present (as is current practice)?

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<sup>1</sup> As outlined in section 3 of the Affirmation of Commitments

<sup>2</sup> The bracketed language only received minority support from within the PDP-WT. The WT hopes to receive input as part of the public comment period on whether the bracketed language should be maintained or not.

As it is expected that a recommendation for absentee voting / ballot will be included in the GNSO Council Operating Rules, the PDP-WT considers this question no longer valid as all Councillors will have the opportunity to vote whether they are present at the meeting or not, therefore no recommendation is made with respect to this issue.

#### **4. Where in the process is chartering done?**

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#### **7. Evaluate the ICANN Staff costs and resources needed to conduct the PDP and prioritize existing policy work and revisit their existing deadlines and deliverables.**

See recommendation 14

#### **8. Public Comment Period after the Initiation of a PDP**

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#### **9. Clarification of 'in scope of ICANN policy process or the GNSO'**

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#### **1. How to maximize the effectiveness of Working Groups**

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#### **2. Communication with different ICANN Departments (e.g. Legal, Compliance, Services)**

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#### **5. Implementation, Impact and Feasibility**

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#### **6. ICANN Staff Resources**

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#### **7. Stakeholder Group / Constituency Statements**

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## 8. Working Group Output

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## 9. Termination of a PDP

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## 1. Working Group Recommendations

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## 2. Public Comments

See recommendation 36.

## 3. Delivery of Recommendations to the Board

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## 4. Agreement of the Council

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## 5. Board Vote

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## 1. Periodic assessment of PDP Recommendations / Policy

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The WT discussed whether it would / should be possible for existing PDPs to adopt the new model upon request. The Office of the General Counsel confirmed that a transition to the new PDP model for ongoing PDPs would be possible should the GNSO Council approve that concept. The PDP-WT is soliciting comments from the comments from the public on this issue.

### Council Expedited Procedures

The PDP Manual may define expedited procedures for policy development work in exigent circumstances.

~~The GNSO Council should consider requiring an impact analysis to be conducted if appropriate or necessary prior to the vote for the initiation of a PDP. Such an impact analysis could include the assessment of the impact on the public interest; the security, stability and resiliency of the DNS; competition, consumer trust and consumer choice, and; international participation<sup>3</sup> [as well as the impact on human rights]<sup>4</sup>.~~

The Staff Manager and the PDP Team may update the Initial Report if there are any recommendations within the Initial Report that require modification to address comments received through public comment.

### Expedited PDP Procedures

No expedited PDP Procedures are available. The GNSO Council should re-evaluate the need for an expedited mechanism in due time, as part of the review of the new Policy Development Process.

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<sup>3</sup> As outlined in section 3 of the Affirmation of Commitments

<sup>4</sup> The bracketed language only received minority support. The WT hopes to receive input as part of the public comment period on whether the bracketed language should be maintained or not.