Policy Development in ICANN
Process & Practice

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MEAC SIG 2021

2021/07/06

ICANN

What is PDP ? (1/3)

- As reminder, ICANN is an organization which develops policy on the Internet's unique identifiers e.g. domain names.

- The development of policy is aimed to respond to set of questions or issues.

- PDP stands for Policy Development Process. It is the set of procedures and steps to elaborate and then implementing through contracts the principles governing unique identifiers.

- Today focus is on PDP for generic names e.g. .com, .info. It is managed by the ICANN body called GNSO: Generic Names Supporting Organization

> Why it matter?
>
> The outcome impacts you as Internet user directly or indirectly.

What is PDP (2/3)

- From the ICANN Bylaws: the GNSO "shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains"

- All ICANN-accredited registrars and registries have contracts with ICANN that contain binding legal obligations:
  http://www.icann.org/en/general/agreements.htm

- In this context, "Consensus Policy" is a policy broadly supported by ICANN's stakeholders, adopted by the ICANN Board and which can bind ICANN-accredited registrars and registries

- In their contracts with ICANN, registries and registrars agree to comply with "consensus" policies adopted by ICANN

From Policy to Contracts

GNSO Council

- The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains (gTLDs)

- The GNSO is a Decisional Participant in the Empowered Community Administration

What is PDP ? (3/3)

Word "process" in PDP implies

Identifying issues to be solved and goals to be reached	New policy for Whois to comply with GDPR
Interested or impacted parties by the topic	ICANN stakeholders e.g. registrars, registries, registrants, governments
Procedures/rules to be followed	GNSO operating procedures and ICANN bylaws
Manager of the process	GNSO Council
Structure for the process	Working group
Tools	Conference calls, public consultations

Process means sequence of phases and milestones and responding to questions why/what/how/who/when, till producing a deliverable
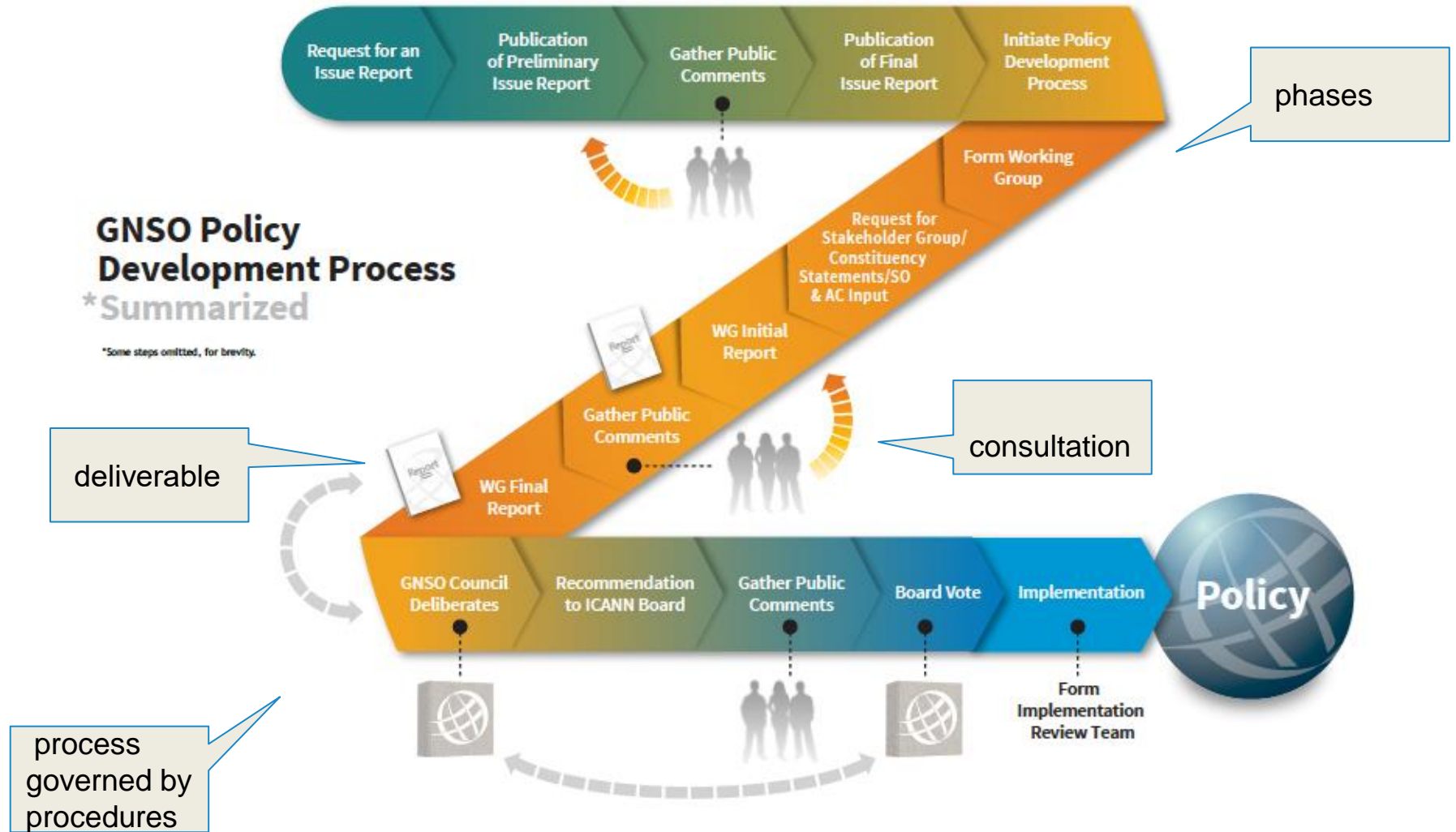
The GNSO Policy Development Process (2/4)

	PDP Phase	Example: Expedited PDP on the Temporary Specification for gTLD Registration Data
Why	● **Identify the issues to be solved** GNSO Council, ICANN Board or an Advisory Committee identifies issue. GNSO Council considers if issue will result in consensus policy.	Issue: Whois policy needs to be compliant with GDPR ICANN board approved a temporary specification to deal with that for limited period GNSO Council identified the need to replace it
Who	● **Involve interested Parties** Open the process to all parties having interest on the topic or being impacted by it	Law Enforcement, Registrars, Registries, commercial and non commercial Registrants
What	● **Scope the issue** If yes, GNSO Council requests Preliminary Issue Report. Staff publishes Preliminary Issue Report for Public Comment Period. Following Public Comment review, Final Issue Report is submitted for GNSO Council consideration.	The temporary specification is the issue report scope: to confirm or not the temporary specification as consensus policy by 25 May 2019

The GNSO Policy Development Process (3/4)

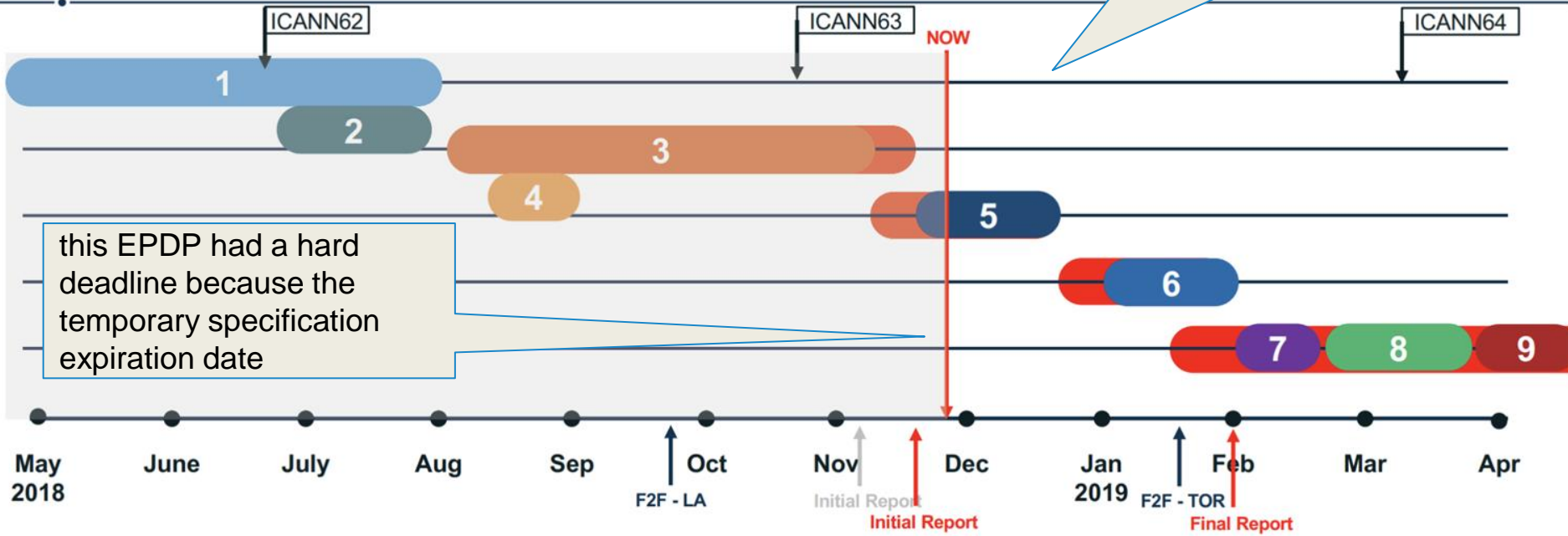| When	● **GNSO council initiate PDP** GNSO Council considers Final Issue Report and decides whether to initiate PDP. If yes, GNSO Council develops/adopts charter for PDP WG. GNSO Council calls for volunteers to form PDP WG.	GNSO council voted the charter for the EPDP Temporary Specification for gTLD Registration Data on 19 July 2018 Request the working group to develop policy recommendations and answer to 52 charter questions
How/Where	● **Form working group** WG consults with Community and develops Initial Report for Public Comment Period. After reviews, WG submits Final Report to GNSO Council. Working group is governed by its charter and GNSO operating procedures i.e. GNSO working group guidelines regarding consensus determination etc	Working Group started on July 2018 and delivered its final report on February 2020 Working group members answered the charter questions and propose recommendations Public comments for an initial report to ask community for input.
When	● **Delibrate on the final report** GNSO Council reviews Final Report and considers adoption. If adopted, GNSO Council submits Final Report to ICANN Board. ● **Vote by ICANN board** ICANN Board consults Community and GAC. ICANN Board votes on Final Report recommendations.	GNSO Council review the report and take into consideration any process or procedural issue. Board review the report, consult community and consider aspects such as impact, feasibility, risks and cost of the policy recommendation before making decision

ICANN

How/Who	● **Implement the policy recommendations** Initiate an Implementation Review Team with members from the community (usually from the working group) and ICANN staff to work on the implementation and converting the policy recommendations into contracts	An Implementation team was initiated on May 2019 The implementation follows the Consensus Policy Implementation Framework (CPIF)

Note: ICANN board introduced lately a new step before approving recommendations to evaluate them with **Operational Design Phase**
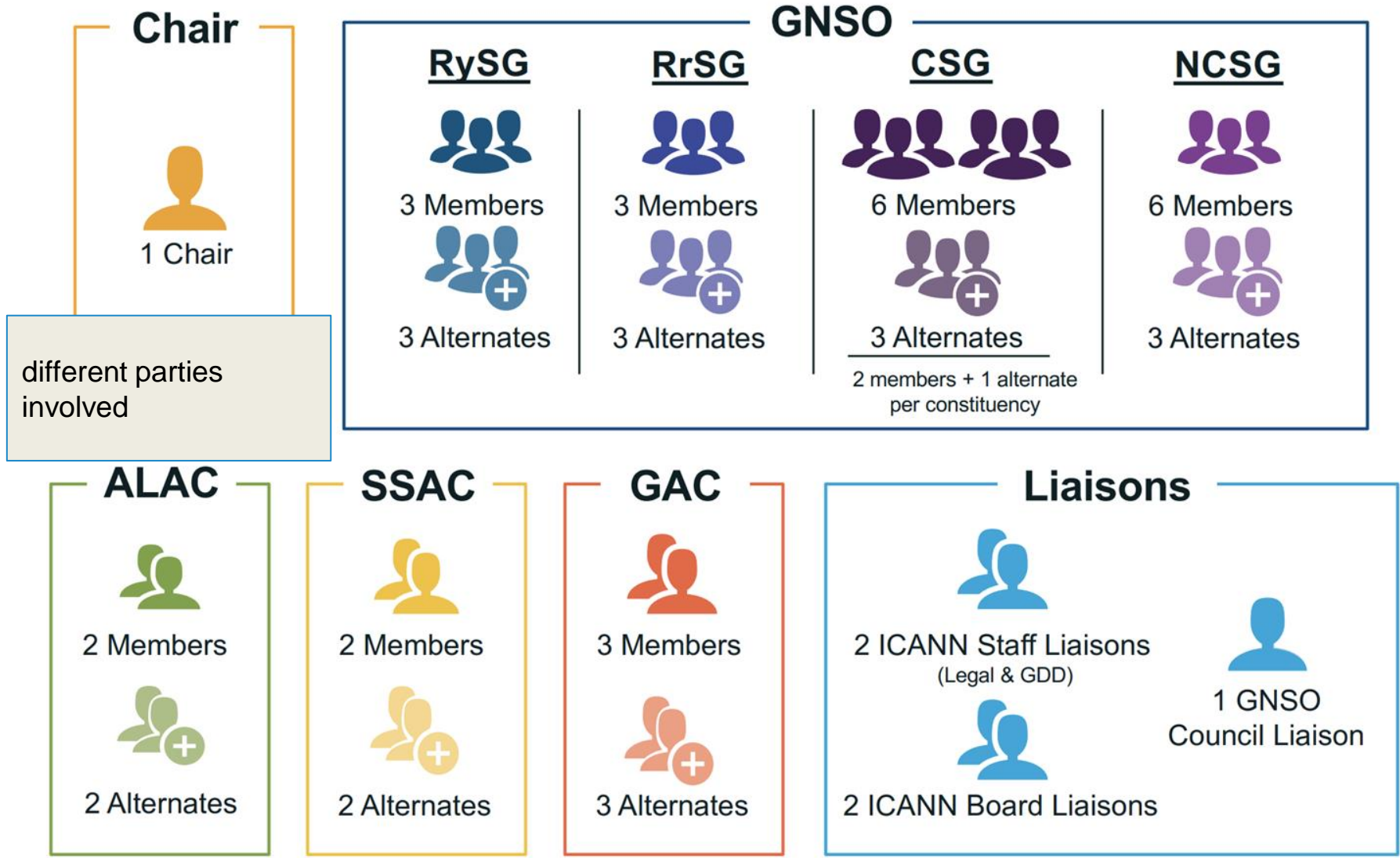
Example of PDP (1/5)

example of timeline for PDP and the important milestones

this EPDP had a hard deadline because the temporary specification expiration date

Example of PDP (2/5)

Chair
1 Chair

GNSO

RySG
3 Members
3 Alternates

RrSG
3 Members
3 Alternates

CSG
6 Members
3 Alternates
2 members + 1 alternate per constituency

NCSG
6 Members
3 Alternates

different parties involved

ALAC
2 Members
2 Alternates

SSAC
2 Members
2 Alternates

GAC
3 Members
3 Alternates

Liaisons
2 ICANN Staff Liaisons (Legal & GDD)
2 ICANN Board Liaisons
1 GNSO Council Liaison

we can also find independent experts

Example of PDP (3/5)

Many people at work….

Example of PDP (4/5)

Initial Report - Structure

1 Executive Summary	**5** Next Steps
2 Overview of Preliminary Recommendations	Glossary
3 EPDP Team Approach	**Annex A, B and C** Background, membership & attendance, early input
4 EPDP Team Responses to charter questions & Preliminary Recommendations	**Annex D** Data Elements Workbooks

example of structure to introduce policy recommendations and the background

Example of PDP (5/5)

Recommendations

1. Purposes	2. Additional Purposes
3. Commitment to consider a system for Standardized Access to non-public Registration Data	4. Requirements related to accuracy
5. Data elements to be collected by Registrars	6. Consent to publish additional contact information
7. Data elements to be transferred from Registrars to Registries	8. Escrow Providers
9. Compliance	10. Data Redaction
11. City Field Redaction	12. Organization Field
13. Email Communication	14. Privacy/Proxy Registrations
15. Data Retention	16. Geographic Application
17. Legal vs. Natural	18. Reasonable Access
19. Controller	20. Responsible Parties
21. URS/ UDRP	22. Instructions for RPM PDP WG
23. Data protection arrangements with dispute resolution providers	24. Transfer Policy
25. Input to Transfer Policy Review	26. Data protection arrangements with non- Contracted Party entities
27. Impact on other policies	28. Implementation Bridge
29. Admin Contact transition	

the devil is in the details

Reminder about PDP

GNSO Policy
Development Process
*Summarized

*Some steps omitted, for brevity.

Request for an Issue Report → Publication of Preliminary Issue Report → Gather Public Comments → Publication of Final Issue Report → Initiate Policy Development Process

Form Working Group

Request for Stakeholder Group/ Constituency Statements/SO & AC Input

WG Initial Report

Gather Public Comments

WG Final Report

GNSO Council Deliberates → Recommendation to ICANN Board → Gather Public Comments → Board Vote → Implementation → Policy

Form Implementation Review Team

From issue identification to policy implementation

Important Points...

- Developing policy in ICANN goes through PDP and follow specific framework
- There are challenges and PDP is not an easy journey:

Consensus-making is hard	lengthy process/delays	some procedural issues can happen
implementation issues	complexity and expertise	rejected recommendations

one reason behind continuous improvement and review the process

Q&A

Tools and Mechanisms for PDP Support

- The Working Group model

- Meetings: in-person, teleconference, virtual

- Public comments are critical

- Online collaboration mechanisms

- Regular publications & briefings

- Webinars & updates

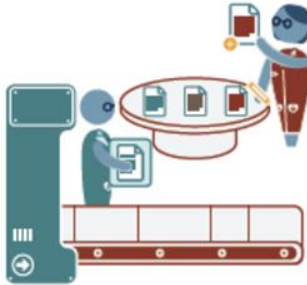**These tools all support** bottom-up, consensus policies and guidelines

The Consensus Policy Implementation Framework

ICANN's Global Domains Division (GDD) is responsible for the implementation lifecycle of generic top-level domain name policies.
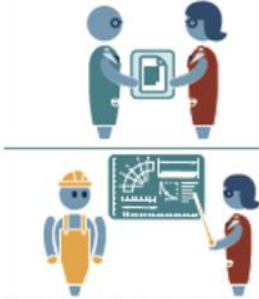
1 PREPARE ⧗ 1-2 YEARS

- gTLD policies are developed and created by the GNSO, and adopted by the ICANN Board.
- GDD follows these policy development activities to engage on implementation-related matters.

gTLD = Generic Top-Level Domain
**GNSO = Generic Names Supporting Organization**

2 PLAN ⧗ 2-4 MONTHS

- Upon ICANN Board approval, GDD organizes activities to implement Consensus Policy recommendations.
- GDD creates a project plan and typically forms an IRT to assist in implementing policy.

IRT = Implementation Review Team : GDD recruits volunteers from the GNSO and the ICANN community.

3 ANALYZE AND DESIGN ⧗ 4-12 MONTHS
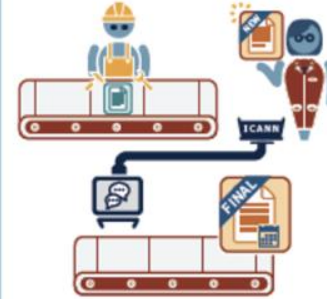
- GDD works with the IRT to draft implementation language for Consensus Policy (if necessary) and develop any new service(s).
- ICANN org solicits Public Comment.
- New policy issues arising during implementation process are referred back to the GNSO.

4 IMPLEMENT ⧗ 6-12 MONTHS

- GDD announces final implementation details and conducts outreach to educate contracted parties on new policy requirements.
- Contractual Compliance begins enforcement of implemented policies on the policy effective date.

5 SUPPORT AND REVIEW ⧗ ONGOING
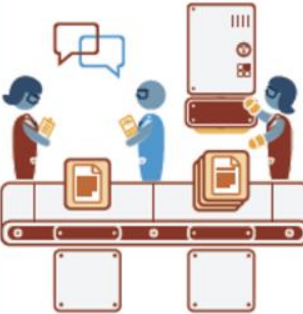
- GDD serves as a resource to the wider ICANN org and community in matters related to the implementation and interpretation of a Consensus Policy.
- GDD supports reviews of Consensus Policy Implementations.

GOALS & OBJECTIVES

The Global Domains Division is the unit of ICANN that delivers IANA functions and engages the Internet community to implement ICANN policies for gTLDs through contracts and services.

GDD's Consensus Policy Implementation Framework is designed to support predictability, accountability, transparency and efficiency in the Consensus Policy Implementation process.

For more information on this framework, visit:
icann.org/policy/implementation

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