

**Response ccPDP3 REVIEW MECHANISM working group on questions ccNSO Council with respect to applicability of ICANN Bylaws Sections 4.24.2 (d) (i) and 4.3 (c ) (ii).**

Dear members of Council

This response is included in the Initial report of the WG and will be published for public comments around 22 November 2022.

Bart Boswinkel

Issue Manager ccPDP3.

**Recommendations regarding  
ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c ) (ii).**

In July 2022 the ccNSO Council requested that the CCPDP3WG-RM look at the need for further clarification of the ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c ) (ii), and, if in their view clarification is needed, make a recommendation to that effect.

The CCPDP3WG-RM makes the following recommendations regarding ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c ) (ii):

- The CCPDP3WG-RM recommends that all disputes and claims related to the delegation, transfer, and revocation of ccTLDs shall remain excluded from ICANN’s Reconsideration Process and the Independent Review Process for Covered Actions.
- The CCPDP3WG-RM also recommends that all claims and disputes related to the retirement of a ccTLD shall be excluded from ICANN’s Reconsideration Process and the Independent Review Process for Covered Actions.
- The CCPDP3WG-RM recommends that the relevant section of the ICANN Bylaws shall be amended accordingly, including but not limited to amending the terms “delegation and re-delegation” to “delegation, transfer and revocation”. Amendment of the Bylaws is considered a matter of implementation.
- The CCPDP3WG-RM advises the ccNSO to consider that any future policy to be developed by the ccNSO and which can affect the stewardship of a ccTLD should include a consideration whether claims and disputes flowing from the application of the policy should be excluded from ICANN’s Reconsideration Process and the Independent Review Process for Covered Actions, and if so, explicitly specify the outcome of this consideration in any such policy.