

# **Proposed Policy for a Review Mechanism for IFO decisions which apply to ccTLDs**

ccNSO PDP3 Review Mechanism Working Group

Final paper

XXXX 2022

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# 1 Background and Introduction

## 1.1 Background

At its meeting on 10 December 2015 the ccNSO Council discussed the launch of the formal ccNSO Policy Development Process to address the lack of Policy with respect to the lack of a Review Mechanism for IFO decisions which affect ccTLDs, as well as a Review Mechanism for decisions pertaining to the Delegation, Transfer, Revocation and Retirement of ccTLDs.

To increase the predictability and legitimacy of IFO decisions which affect ccTLDs and in accordance with the recommendations of the ccNSO Delegation and Redelegation Working Group (DRDWG) in 2011<sup>1</sup>, the void or lack of Policy relating to an independent Review Mechanism regarding IFO decisions which affect ccTLDs which needs to be filled by a Policy developed by the ccNSO. However, at the time the DRDWG also recommended that such a ccNSO PDP should be launched following the development of a Framework of Interpretation of RFC 1591.

Following initial discussions by the ccNSO Council, input and feed-back was sought from the ccTLD community at the Marrakesh (ICANN55) and Helsinki (ICANN56) meetings. At its meeting in Helsinki (ICANN56) the ccNSO Council launched the ccNSO Policy Development Process 3.

On 9 March 2017, the Issue Manager submitted the Final Issue Report to Council.

Following the discussions by the ccNSO Council, feed-back and input from the community and the drafting team, the Issue Manager recommended:

*The ccNSO Council initiates one (1) ccNSO Policy Development Process to develop Policy proposals for both a Review Mechanism and on the Retirement of ccTLDs.*

*The initial focus needs to be on developing a Review Mechanism, which is considered the highest priority, particularly in light of the IANA Stewardship transition. Only then the focus should be on Retirement, and, if needed, revisit the Review Mechanism to include decisions relating to the Retirement of ccTLDs. To appoint two Working Groups each with its own charter, working method and schedule.*

However, at the meeting in Copenhagen (ICANN58, March 2017), the ccTLD community present suggested to change the order in which the topics need to be addressed. Analyses showed that alternating the order would save at least 3 months and simplify the process. Effectively this meant that by reversing the order, to first develop Retirement Policy proposals and then those for the Review Mechanism, the potential Review Mechanism would be available sooner to the community.

The ccNSO Council initiated the 3<sup>rd</sup> ccNSO Policy Development Process (ccPDP3) in March 2017 by adopting the Issue Report. Accordingly, the ccPDP3 Working Group to develop policy recommendations for the Retirement of ccTLDs was established by June 2017. The Charter of this WG was included in the Issue Report and is available at:

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<sup>1</sup> See DRD WG Final Report, page 19, <http://ccnso.icann.org/workinggroups/drd-wg-final-report-07mar11-en.pdf> and Council Decision 16 March 2011, <http://ccnso.icann.org/workinggroups/minutes-council-16mar11-en.pdf>

## 1.2 Introduction

## 2 Policy Objective

Develop a review mechanism for IFO decisions that would meet most of the requirements of the CCPDP-RM WG for an independent review except for being binding on the IFO or ICANN.

Such a mechanism would be a logical, independent step following the IFO Customer Service Complaint Resolution Process and is available before launching [a binding review] or court proceeding.

## 3 Applicability of the Policy

The Independent Advice Review (Review) is available to ccTLD Managers who are directly impacted by an IFO decision (Decision) for the following processes:

- Delegations of a new ccTLD
- Transfers.
- Revocations (A last resort action by the IFO ).
- Refusal to grant an extension to the retirement deadline per the CCNSO Retirement Policy.
- Notice of Retirement for 2 letter Latin ccTLD which does not correspond to an ISO 3166-1 Alpha-2 Code Element per the CCNSO Retirement policy.
- Any other policy developed by the ccNSO and adopted by the ICANN Board which allows ccTLDs to appeal a decision by the IFO.

## 4 Independent Review Mechanism

## 5. Oversight

### 5.1 Oversight

This Policy is directed at ICANN and the IFO as the entity that performs the IANA Naming Functions with respect to ccTLDs.

This Policy is not intended and shall not be interpreted to amend the way in which ICANN interacts with the IFO and the delineation of their roles and responsibilities.

This Policy will not change or amend the role that the ICANN Board of Directors has with respect to individual cases of ccTLD Delegation, Transfer and Revocation, which is understood to be limited to a review to ensure that the IFO (staff) has followed its procedures properly.

## 6. Stress Testing

### 6.1 Definition of Stress Testing

Stress Testing is defined as:

- Test the process as developed by applying the process to “corner case” situations and understand whether such a case results in an unwanted outcome or side effects.
- If the outcome of that situation results in an unwanted outcome or side effects adjust Policy/Process as needed.

After completion of the draft process the Stress Testing was conducted through answering the following questions:

- What is the outcome of this situation when the process is invoked?
- Is the outcome of that situation/the result unwanted or are side effects unwanted/unacceptable?
- Does the Policy/Process need to be adjusted/refined?

### 6.2 Identified Situations Where Adjustment/Additional Work May be Needed

## 7 Process to Date

## 8. References

- Domain Name System Structure and Delegation (RFC 1591), March 1994 -- <https://www.ietf.org/rfc/rfc1591.txt>
- ccNSO Delegation and Redelelegation Working Group: Final Report on the Retirement of ccTLDs, March 2011 - <http://ccnso.icann.org/workinggroups/drd-wg-retirement-report-07mar11-en.pdf>
- Framework of Interpretation of Current Policies and Guidelines Pertaining to the Delegation and Redelelegation of country-code Top Level Domain Names, October 2014 - <http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf>
- ISO 3166-1:2013, *Codes for the representation of names of countries and their subdivisions — Part 1: Country codes* - [http://www.iso.org/iso/country\\_codes](http://www.iso.org/iso/country_codes)

- Response to the IANA Stewardship Transition Coordination Group Request for Proposals on the IANA Stewardship Transition from the Cross Community Working Group on Naming Related Functions, June 2016, Annex O: ccTLD Appeals Mechanism Background and Supporting Findings, Sections 414-428 - [https://community.icann.org/download/attachments/53779816/FinalTransitionProposal\\_11June.pdf?version=1&modificationDate=1434047705000&api=v2](https://community.icann.org/download/attachments/53779816/FinalTransitionProposal_11June.pdf?version=1&modificationDate=1434047705000&api=v2)

## Annex A: Result of Stress tests per identified situations

Item #	Situation	Result	Relevant section Policy and / or other document if any	Adjustment if any
I				None
ii				None
iii				None
iv				None
v				Need to include specific mechanism targeting Retirement
Vi				None
vii				None
viii				None
ix				None
x				None
xi				None
xii				None
xiii				None
xiv				None
xv				None
xvi				See footnote 2 Section 1.2

## **Annex B: Overview of the terminology (Uncertain we need this section for this policy)**



# Annex C: Community Comments on Interim Paper

TITLE: ccNSO PDP3 Initial Proposals for Process to Retire ccTLDs		
<b>Section I: General Overview and Next Steps</b>		
<p><i>Purpose:</i></p> <p><i>Current Status:</i></p> <p><b>Next Steps:</b> After closure of the Public Comment period, the Working Group will review the comments received and take into account in developing a final set of Policy recommendations.</p>		
<b>Section II: Contributors</b>		
<u>Organizations and Groups:</u>		
<b>Name</b>	<b>Submitted by</b>	<b>Initials</b>
<u>Individuals:</u>		
<b>Name</b>	<b>Affiliation (if provided)</b>	<b>Initials</b>
<b>Summary of Comments, References to Interim Paper, WG Response</b>		
<p><i><u>General Disclaimer:</u> This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).</i></p>		

## Annex D: Contributors to the ccNSO Retirement WG

### Members:

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