

# Report ccPDP3-Review Mechanism Vote

23 May 2023

## 1. Background

The ccNSO members voted in April-May 2023 to determine whether the ccNSO membership supported the ccNSO Council's recommendation to adopt the proposed policy which will introduce a review mechanism with respect to decisions pertaining to the delegation, transfer, revocation and retirement of ccTLDs. Joke Braeken acted as vote process manager and author of this report.

## 2. Council developments leading up to the vote

- **4 June 2021**

The ccNSO Council adopted the resolution to split the third ccNSO Policy Development Process:

- ccPDP3 Part 1: Retirement of ccTLDs
- ccPDP3 Part 2: The goal of the Review Mechanism Working Group is to report on and recommend a policy for a review mechanism with respect to decisions pertaining to the delegation, transfer, revocation, and retirement of the delegated Top-Level Domains associated with the country codes assigned to countries and territories listed in the ISO 3166-1 and within the framework of the ccNSO Policy Development Process.

- **16 March 2023**

The Issue Manager drafted the Members Report, which is available [here](#). During its meeting held at ICANN76, the ccNSO Council has adopted the proposed review mechanism policy for ccTLDs. Consult Resolution 193:06 from 16 March 2023 [here](#).

## 3. Promoting the vote

- On 18 April 2023, the ccNSO held two editions of an update to the community webinar. Recordings are available [here](#).
- The ccNSO members and Council were informed prior to the start of the voting, about the upcoming procedure: Heads-ups regarding the vote alert were sent to the [ccnsomembers@icann.org](mailto:ccnsomembers@icann.org) and [ccnsocouncil@icann.org](mailto:ccnsocouncil@icann.org) mailing lists and posted on 6 April 2023 on the [ccNSO website](#). A heads up and interview with staff support was also included in the March and April editions of the monthly [ccNSO newsletter](#).
- The ccNSO members and other interested parties had an opportunity to learn more about the proposed policy and the vote during an [ICANN76 ccNSO Policy Session](#).
- The ccNSO Secretariat reached out to each of the Regional Organisations, inviting them to spread the word about the vote among their respective members. All Regional Organisations invited – either via email and/or via targeted sessions or

webinars – their members to participate in the voting. The vote process manager prepared a slide deck for those webinars.

- While the vote was ongoing, several reminders to vote were sent to the the [ccnso-members@icann.org](mailto:ccnso-members@icann.org) and [ccnsocouncil@icann.org](mailto:ccnsocouncil@icann.org) mailing lists - as well as via the voting tool - to the e-mail addresses of the Emissaries. The e-mail reminders included regular overviews on how many members already casted their votes, as well as links where to read more about the policy proposals.
- On 28 April, the vote process manager sent personalised e-mail reminders to all Emissaries (104) that had not yet voted. Below is the regional distribution of the reminders sent:
  - Africa: 31 reminders
  - Australia & Asia-Pacific: 32 reminders
  - Europe: 22 reminders
  - Latin America & Caribbean: 16 reminders
  - North America: 3 reminders
- Prior to vote closure, both Regional Organisation representatives and Councillors closely linked to RO-work, requested the vote process manager to provide lists of members from their respective regions that had not yet voted. The vote process manager provided such lists (Territory name only).

## 4. Launch of the vote

In accordance with the approved timeline, the voting started on Tuesday, 18 April 2023 (00:01 UTC). A formal vote notice was published on the ccNSO website on 6 July 2021 and shared that same day with the [ccnso-members@icann.org](mailto:ccnso-members@icann.org) and [ccnsocouncil@icann.org](mailto:ccnsocouncil@icann.org) mailing lists. The [vote notice](#) contained, among others, the following information:

- Information on how the vote would be conducted
- Vote opening and closing dates
- Links with additional information regarding the proposed, as well as ccNSO Council's Recommendation to adopt the proposed policy.

The ccNSO Secretariat sent the ballots via the e-mail address [tally@icann.org](mailto:tally@icann.org) , to the e-mail address of the ccNSO Emissaries, as listed in the ccNSO Members database. See Annex A

## 5. Closure of the vote and results

In accordance with the approved timeline, the vote closed on Tuesday, 9 May 2023 (23:59 UTC). Within 24 hours after closure of the vote, the ccNSO Secretariat sent an email to the [ccnso-members@icann.org](mailto:ccnso-members@icann.org) and [ccnsocouncil@icann.org](mailto:ccnsocouncil@icann.org) mailing lists with the results. An [announcement](#) was published also on the ccNSO website.

At the closure of the vote, 105 Emissaries out of 173 (60%) casted their votes:

Total Ballots Cast (including duplicates): 111

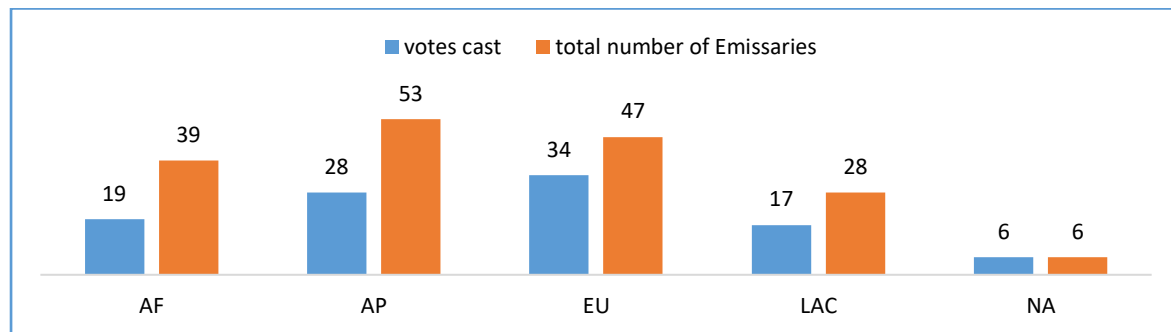
Ballots Counted (excluding duplicates): 105

Voters Who Haven't Voted: 68

101 voters supported the ccNSO Council's recommendation to adopt the proposed policy, 2 voters did not support the recommendation, and 2 voters voted without selecting any of the options.

The vote passed: it met the Bylaw requirements regarding the minimum number of ccNSO members that needed to lodge their vote, and the minimum number of votes in favour. Minimum 50% of the ccNSO Members, via their Emissaries, needed to lodge their vote, and at least 66% of the members needed to vote in favour of the policy for the ccNSO members vote to pass.

**Fig. 1: Votes cast, at closure of the vote, per region**



## 6. Vote observations

- **Observation 1**

At the time the ballots were distributed, the ccNSO counted 173 members. The IDN ccTLD manager for Egypt joined the ccNSO shortly afterwards, but since the vote started prior to NTRA joining the ccNSO, this did not impact the vote nor the number of ballots. The ccNSO member list is published [here](#).

- **Observation 2**

The ballots were sent by the e-mail address [tally@icann.org](mailto:tally@icann.org), to the e-mail address of the ccNSO Member Emissaries, as listed in the ccNSO Members database.

The vote process manager forwarded ballots to alternative email addresses, either at the request of the respective ccTLD manager (2 instances), or following reported delivery errors for the email addresses of the Emissaries (13 instances).

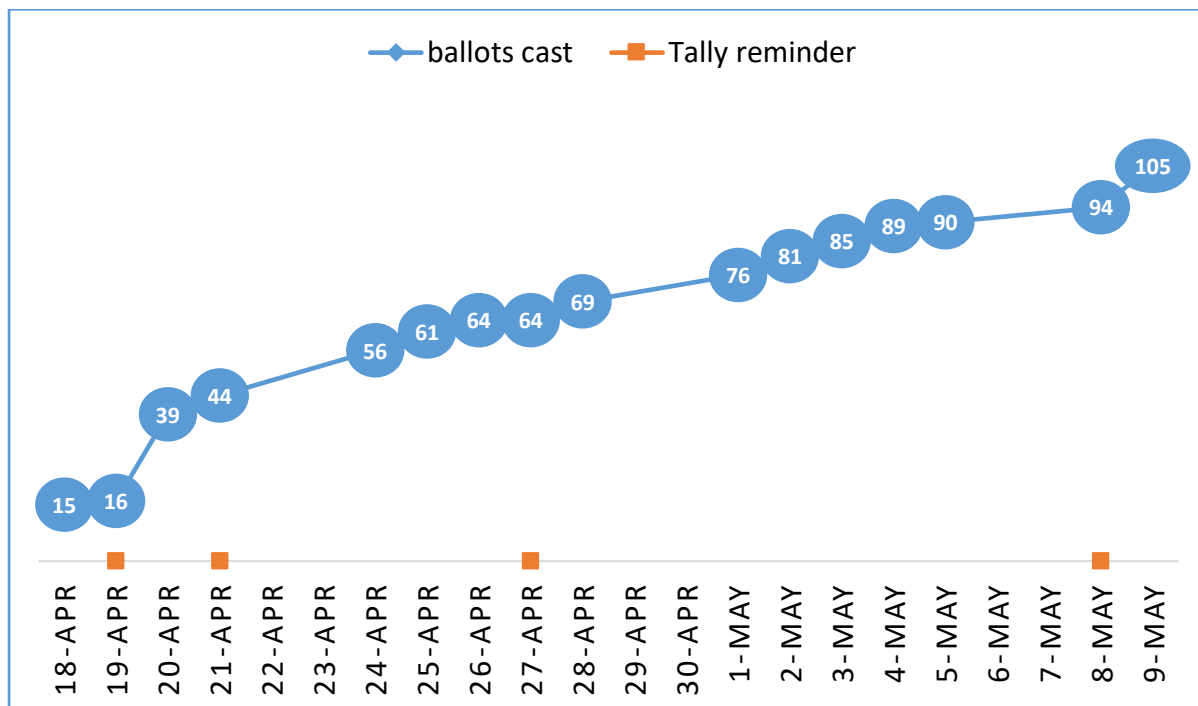
- **Observation 3**

A ccNSO Council member asked the vote process manager whether the ccPDP3-RM vote is governed by the ccNSO Internal Guidelines. The vote process manager confirmed that votes regarding ccNSO Policy Development Processes are governed by the ICANN Bylaws (annex B, section 13).

- **Observation 4**

The vote process manager noticed that the reminders via Tally, directly to the voters that had not yet voted, were very efficient. The effect of the tally reminders was clearly visible on the number of incoming votes. Please find 2 figures below, that provide an overview of the number of ballots cast over time.

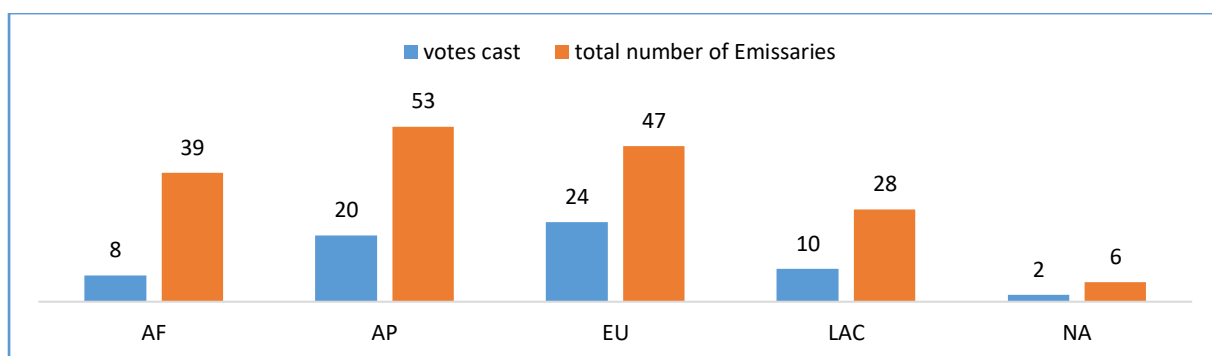
**Fig. 2: Tracking the number of ballots cast for the entire duration of the vote, combined with the days when tally-reminders were sent**



Note:

- records of potential tally reminders sent between 27 April and 8 May are missing.
- On 28 April, the vote process manager sent a personalised reminder via email to all Emissaries that did not yet vote.
- The list of voters that did not yet cast their ballot was shared with APTLD on 2 May, with CENTR on 3 May, and with the AF-region Councilor on 8 May.

**Fig. 3: Intermediary vote status on 26 April, per region**



• **Observation 5**

The vote notice clearly mentioned that voting is anonymous. The vote results are only identified by the ballot numbers, and not by the email addresses to whom the ballots were sent.

Following the request by the Regional Organisations and others, the vote process manager seeks guidance from Council regarding the distribution of the lists of ccNSO Members that did not yet vote, considering the effort involved, the impact on the ballots cast, as well as the confidentiality of the vote.

For comparison, please find included a comparative table between the ccPDP3-Retirement vote, and the ccPDP3-Review Mechanism vote

	<b>Retirement Vote</b>	<b>Review Mechanism Vote</b>
<b>Number of ballots</b>	172	173
<b>Votes cast</b>	100 (58%)	105 (60%)
<b>Did not vote</b>	72 Members	68 Emissaries
<b>Results per region</b>	No	Yes
<b>List of Territories that did not yet vote shared with 3<sup>rd</sup> parties</b>	No	Yes
<b>Working Group leadership team and relevant staff support received daily updates regarding the vote results</b>	No	Yes

# ANNEX A

**Ballots (173 in total) were sent to the Representatives of the Territories included below. At the time of ballot distribution, the ccNSO counted 173 members, with one single ccTLD manager per Territory.**

## **AFRICAN REGION (39 ballots)**

Namibia  
Mauritius  
Sudan  
Congo, Republic of  
Zimbabwe  
Rwanda  
Lesotho  
Morocco  
Guinea-Bissau  
Burundi  
Uganda  
Comoros  
Kenya

Congo, The Democratic  
Republic of the  
Malawi  
Benin  
Cape Verde  
Somalia  
Republic of Chad  
Madagascar  
Mozambique  
Ethiopia  
United Republic of  
Tanzania  
Djibouti  
Tunisia  
Mauritania

Libya  
Zambia  
Botswana  
Algeria  
Cameroon  
Nigeria  
Cote d'Ivoire  
South Africa  
Seychelles  
Egypt  
Gabon  
Burkina Faso  
Senegal

## **AUSTRALIA & ASIA-PACIFIC (53 ballots)**

Iraq  
Kiribati  
United Arab Emirates  
Vanuatu  
Oman  
Thailand  
Maldives  
Republic of Korea  
Hong Kong  
Malaysia  
Afghanistan  
India  
Cocos (Keeling) Islands  
Singapore  
Armenia  
Viet Nam  
Nauru  
Palestine

Tokelau  
Taiwan (Chinese Taipei)  
Mongolia  
Kuwait  
Samoa  
Christmas Islands  
Palau  
Japan  
Indonesia  
Bahrain  
Republic of the Marshall  
Islands  
Georgia  
Islamic Republic of Iran  
Papua New Guinea  
Saudi Arabia  
Azerbaijan  
Nepal  
Türkiye  
Pakistan

Tuvalu  
Solomon Islands  
Fiji  
Cook Islands  
China  
Philippines  
Australia  
Federated States of  
Micronesia  
New Zealand  
Timor-Leste  
Lao People's Democratic  
Republic  
Niue  
Cambodia  
Brunei Darussalam  
Israel  
Jordan

## **EUROPE (47 ballots)**

Romania  
Slovakia  
Russian Federation

Guernsey  
Portugal  
Lithuania  
New Caledonia

Belgium  
North Macedonia  
Montenegro  
Norway

Serbia  
Czech Republic  
Switzerland  
Poland  
Luxembourg  
Germany  
Montserrat  
European Union  
Slovenia  
Austria  
Curaçao  
Greece

**LATIN AMERICA &  
CARIBBEAN (28 ballots)**

El Salvador  
Paraguay  
Trinidad and Tobago  
Uruguay  
Haiti  
Saint Lucia  
Cuba  
Colombia  
Barbados

**NORTH AMERICA (6  
ballots)**

Puerto Rico

Iceland  
Latvia  
Italy  
Estonia  
Gibraltar  
Albania  
Jersey  
Croatia  
Greenland  
Ukraine  
Bulgaria  
Netherlands

Honduras  
Nicaragua  
Sint Maarten (Dutch part)  
Chile  
Dominican Republic  
Costa Rica  
Argentina  
Guatemala  
Peru  
Jamaica  
Brazil

Guam  
United States of America  
American Samoa

Republic of Moldova  
Cayman Islands  
Bosnia and Herzegovina  
Denmark  
Finland  
Liechtenstein  
Faroe Islands  
Sweden  
French Polynesia  
France  
United Kingdom  
Guadeloupe

Bolivarian Republic Of  
Venezuela  
Guyana  
Grenada  
Panama  
Mexico  
Plurinational State of  
Bolivia  
Bahamas  
Belize

Canada  
Virgin Islands, U.S.

# ANNEX B

## ccPDP3-RM vote FAQ

### FAQ 01. What is this policy about?

This policy will introduce a review mechanism with respect to decisions pertaining to the delegation, transfer, revocation, and retirement of the delegated Top-Level Domains associated with the country codes assigned to countries and territories listed in ISO 3166-1 and within the framework of the ccNSO Policy Development Process.

### FAQ 02. What are the Policy highlights?

**OBJECTIVE OF THE POLICY.** To offer ccTLD managers, and applicants for new ccTLDs, as direct customers of the IANA Naming Function, an independent review mechanism for specifically identified IANA Function Operator (IFO) decisions.

**APPLICABILITY OF THE POLICY.** The Review Mechanism for IFO decisions which applies to ccTLDs - also referred to as ccRM - is available to ccTLD Managers, or applicants for a new ccTLD, who are directly impacted by an IFO decision.

**POSSIBLE FINDINGS.** The ccRM will only report on whether there were significant issues with the IFO. Were the IFO procedures properly followed, and were they applied fairly? Did IFO comply with RFC 1591, the ccNSO Framework of Interpretation (FOI) for RFC1591 as adopted by the ICANN Board, and any other policies developed through a ccNSO policy development process?

**PARTIES INVOLVED.** There are various parties involved in the Review Mechanism for IFO decisions which applies to ccTLDs, namely:

- The overseeing ccRM Manager, who must be a non-conflicted individual who is a subject matter expert with respect to ccTLDs, the IFO and ICANN
- The ccTLD Manager qualifies as applicant or claimant. In the case of the delegation of a new ccTLD, any applicant for that new ccTLD is eligible
- The reviewers, who will be certified, managed, and supported by the ccRM Manager
- The IFO, who will advise eligible parties for a review about their options and the timeline.

**PROPOSED PROCESS.** The process starts with a decision by IFO, which is subject to review. Once an eligible applicant applies for review, and the ccRM manager accepts the review application, the result of the review will determine the next steps: If there are no significant issues found by the reviewers, the process ends and the IFO decision is confirmed. If however significant issues were found by the reviewer(s) the IFO has three options:

1. The IFO accepts the results and adjusts its decision. This concludes the review process.
2. The IFO accepts the results, but opts to redo the process which resulted in the original decision. Once the IFO completes the redo of the process, the original applicant must decide to:



- Accept the new results – this will conclude the Review process.
  - Apply for a Review of the new decision by the IFO (in such a case if the Reviewer(s) find significant issues the IFO will only have two options – Accept or Reject the findings).
3. The IFO rejects the results:
- If the IFO decision requires Board approval - the IFO shall include the findings from the review in its recommendation to the Board for confirmation.
  - If the IFO decision does not require Board approval, the ICANN CEO and the ccNSO Council shall be advised of the situation.

**OVERSIGHT.** The policy is directed at ICANN and the IFO as the entity that performs the IANA Naming Functions with respect to ccTLDs. It will not amend the way in which ICANN interacts with the IFO, nor the respective roles and responsibilities. The proposed policy will not change the role that the ICANN Board of Directors has with respect to individual cases of ccTLD delegation, transfer, retirement, revocation, or any other policy developed by the ccNSO and adopted by the ICANN Board, which allows ccTLDs to review a decision by the IFO. The working group that developed the proposed policy recommends that all disputes and claims regarding the delegation, transfer, revocation and retirement of ccTLDs remain and are excluded from ICANN’s Reconsideration Request Process and the Independent Review Process (see ICANN Bylaws Sections 4.2 (d) (i) and 4.3 (c) (ii)), and recommends the amendment of the Bylaws accordingly.

### **FAQ 03. Why is the policy important to ccTLDs?**

The goal of the policy is to increase the predictability and legitimacy of decisions pertaining to the delegation, transfer, revocation, and retirement of ccTLDs. The proposed policy offers a review mechanism that meets the following objectives:

- Low cost | there is a minimum application fee to use the ccRM. ICANN will pay for implementing and supporting the ccRM, as well as all reviewer costs
- Fast | Reviewers will return a decision in less than 90 days.
- Fundamental Fairness | follows the principles of due process

### **FAQ 04 - Why should I vote?**

[Annex B, Article 13 of the ICANN Bylaws](#) stipulates that at least 50% of the total number of the ccNSO Emissaries must vote to constitute the quorum. If the quorum is not met, a second final vote will need to take place. More than 66% of the votes received need to be in favor of the Council Recommendation. Only if those requirements are met, the policy recommendations will be submitted to the ICANN Board of Directors for their consideration.

### **FAQ 05. How can I vote?**

The ballots will be sent to the e-mail addresses of the ccNSO Emissaries, as listed in the ccNSO Member Database. There are currently 173 Emissaries, corresponding to 173 ccNSO members. The first round of voting will start on Tuesday, 18 April 2023 (00:01 UTC) and will close on Tuesday, 9 May 2023 (23:59 UTC). If you are in doubt whether you are the person eligible to vote, please contact [joke.braeken@icann.org](mailto:joke.braeken@icann.org)

## FAQ 06. How can I learn more?

- [Join the informative webinars on 18 April](#), or [consult the recordings](#)
- Consult the proposed policy (Members Report) [here](#).
- Keep an eye out for the announcements on the ccNSO members mailing list and website
- Check out the [ccPDP3-RM materials on the ccNSO website](#)
- [Annex B of the ICANN Bylaws](#) describes the process that governs the ccNSO policy development process.