MODULE 1:

1. *Introduction to the Predictability Framework[1]*

ICANN org maintains a number of operational processes to receive, process, and close out applications in an efficient, consistent, and transparent manner. The purpose of this Predictability Framework (Framework) is to provide a transparent procedure to utilize when unanticipated issues arise during the course of the New gTLD Program (Program) that either affect ICANN org's operations of the Program or the Board-approved recommendations on which the Program is built.

The Framework is not a mechanism to develop solutions to such issues, which will remain, depending on the kind of issue that arises, a matter for ICANN org or for the GNSO Council (see below). The Framework does not affect the role of the Board, nor does it affect the Board's ability to make decisions with regard to the Program. The Framework does not affect the GNSO Council's Bylaws-defined ability (see ICANN Bylaws Annexes A, A-1, A-2) to launch policy development or guidance processes that may affect the Program.

1.1. *Roles and Responsibilities in the context of this Framework*

The following parties are involved in the administration of this Framework and their roles and responsibilities listed here pertain only to this Framework.

1.1.1. *Applicants*

Applicants are all entities who applied or intend to apply for a new gTLD.

1.1.2. *Standing Predictability Implementation Review Team (SPIRT)*

As a standing implementation review team, the SPIRT will collaborate with ICANN org on non-minor operational issues in the same way as other implementation review teams interact with ICANN org per the Consensus Policy Implementation Framework and the Implementation Review Team Principles & Guidelines.

1.1.3. *ICANN org*

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ICANN org operates the Program. ICANN org, as the Program operator, must make all reasonable efforts to ensure that the Program continues to operate.

If an issue arises that may require modifications to the Program's operational processes and procedures, ICANN org will determine whether the modification is of an operational nature or if it may require a policy solution.

1.1.4. *GNSO Council*

The GNSO Council is the chartering entity of the SPIRT. The GNSO Council determines how to reach a solution to an issue that requires changes to the policy recommendations on which the Program is based.

1.1.5. *ICANN Board*

Within the Framework, the Board maintains its role as defined in the Bylaws and this Applicant Guidebook.

1.2. *Description and Triaging of Issues*

For the purpose of this Framework, changes to the Program are classified as either operational or policy changes. An operational change refers to any change that affects how the Program is operated by ICANN org. A policy change is a modification that requires a policy development process to amend existing policy or create new rules and requirements that affect future rounds of the Program.

The Framework provides procedural steps to implement a change to the Program, depending on the type of change required.

1.2.1. *Operational Changes*

Operational changes fall into two categories: minor operational changes and non-minor operational changes.

1.2.1.1. *Minor operational changes*

Minor operational changes are changes to existing Program processes that have no material impact on Program applicants. ICANN org is not required to involve the SPIRT in devising and implementing minor operational changes.

1.2.1.2. *Non-Minor operational changes*

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Commented [2]: Examples are included in Annex E at p. 318 of the SubPro PDP Final Report.

Commented [3]: as per discussion we will return to the issue of examples once we have discussed definition of 'material changes' which will likely be part of discussion on 18.4 (once approved by the board).

Commented [4]: Thanks Lars. This works. And apologies for the Zoom issues yesterday.

Commented [5]: @Justine - Yes - I know that the report contained those examples but those were in the opinion of the PDP/Council. As ICANN is now the sole arbiter I want to know their thinking. "If an issue arises that may require modifications to the Program's operational processes and procedures, ICANN org will determine whether the modification is of an operational nature or if it may require a policy solution."

Commented [6]: Understood, Jim.

Commented [7]: Material impact to be defined in connection with recommendations 18.4

Non-Minor operational changes create new Program processes or effect changes to existing Program processes that have a material impact on Program applicants.

If an issue arises that requires a non-minor operational change, ICANN org will inform the SPIRT of the issue. The SPIRT has the option to collaborate with ICANN org on the solution, in accordance with its operating procedures[2]. For ICANN org- SPIRT collaboration, see Section 1.4 below.

All non-minor changes to ICANN org's internal processes must be communicated to all impacted (or reasonably foreseeable impacted parties), prior to deployment of the change, and shall be reported on subsequent to their implementation in a change log, or similar (see 1.3 below).

1.2.2.   *Policy-related Solutions*

Policy changes comprise either changes to existing policies or the development of new policies that affect the Program. Policy changes can only be made with regard to subsequent rounds, not ongoing rounds.

If ICANN org identifies an issue that, in ICANN org's view, requires a policy change, ICANN org will refer this issue to the SPIRT.

If any other organization or body from within the ICANN ecosystem (Board, community, applicants) believes an issue has arisen that may require policy changes they should refer the issue to the SPIRT.

Once aware of a potential policy issue, and in accordance with its Charter, the SPIRT will confer with the GNSO Council to determine whether or not policy development is required. If the GNSO Council determines that no policy development is required, ICANN org will consider the change as an operational issue, and proceed in accordance with Section 1.2.1. of this Framework. If policy development process is required, the GNSO Council will determine how to proceed with regard to developing new or amending existing policy.

In circumstances where the continued effective operation of an ongoing round is dependent on a policy change, ICANN org will work with the SPIRT in accordance with Section 1.2.1.2. to develop a temporary solution. The SPIRT will work with the GNSO Council on policy work for subsequent rounds.

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[2] GNSO Council has indicated that it will develop these operating procedures.

Commented [8]: do we need to address what the process is if the concern is raised by the Board, or even Council?

Commented [9]: Good question!

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1.3. Change Log

ICANN org will document all operational changes to the Program that affect applicants in a publicly available Change Log and inform all applicants of such changes.

1.4.   *Interaction within Framework*

Only ICANN org can execute operational changes to the Program. The Framework does not affect ICANN org's or the ICANN Board's ability to act in emergencies.

The Framework does not affect the Government Advisory Committee's (GAC) ability to issue consensus advice, in accordance with ICANN's Bylaws and Section [XYZ] of this Applicant Guidebook.

1.4.1.   *Issues Forwarded to SPIRT*

Issues forwarded to the SPIRT should be subject to thoughtful analysis and have an impact beyond a single applicant. Issues can only be forwarded by the ICANN Board, ICANN org, or the GNSO Council.

1.4.2.   *ICANN org- SPIRT collaboration*

The continued operation of the Program is of the highest priority, and ICANN org, as the Program operator, must make all reasonable efforts to ensure that the Program continues to operate.

If a non-minor issue arises that requires a change on which the SPIRT elects the option to collaborate with ICANN org (See 1.2.1.2), ICANN org will provide the SPIRT with a feasible solution as quickly as practical. If the SPIRT decides to collaborate with ICANN org to finalize the solution, the SPIRT must collaborate as expeditiously as practicable so as to not create any undue delays to the Program. Once SPIRT and ICANN org agree on the solution it will be implemented and logged in the Change Log.

If the SPIRT's collaboration with ICANN org does not reach an agreement within a reasonable time, generally assumed to be 30 calendar days, or raises the possibility of delays or disruptions to the Program, ICANN org will implement a temporary solution to avoid such delays and disruptions and provide all relevant information including a rationale for its action in the Change Log. The temporary solution will be replaced by any agreement that ICANN org and SPIRT reach. As with all changes to the Program, these will be documented in the Change Log.