

SubPro Pending Recs Small Team Plus

Introductions & Diving Into the First Topic



27 November 2023

Agenda

1

Welcome

2

Background - how we got here (Small Team Plus) + Introductions

3

Topic 17 and Recommendation 17.2 Background

4

Presentation from ICANN org: ideas in support of the intent of Recommendation 17,2

5

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Background - how we got here (Small Team Plus) + Introductions

Introductions

GNSO Council Small Team Members	SMEs & Alternates*
Alan Barrett, ICANN Board	Tijani Ben Jemaa, Greg Shatan (ALAC)
Anne Aikman-Scalese (Nom Com)	Jorge Cancio, Jason Merritt, Zeina Bou Harb, Nigel Hickson, Susan Anthony (GAC)
Becky Burr, ICANN Board	
Bruna Martins dos Santos (NCSG)	Jim Prendergast, Sebastien Ducos, Chris Disspain, Karen Day, Elaine Pruis, Paul Diaz (RySG)
Greg DiBiase (RrSG)	
Jeff Neuman (GNSO Council liaison to the GAC)	Karen Bernstein, Mike Rodenbaugh (IPC)
Justine Chew (ALAC Liaison to the GNSO Council)	Reema Moussa, Namra Naseer (NCSG)
Kurt Pritz (RySG)	
Nacho Amadoz (RySG)	
Paul McGrady (Nom Com) - Lead	
Stephanie Perrin (NCSG)	
Susan Payne (IPC)	
Tomslin Samme-Nlar (NCSG)	

* See “Topics” tab on wiki page to identify topic specific SMEs and alternates

SubPro Pending Recs Background

- Feb 2021 - Council unanimously adopted Final Report
- Jan 2022 - Operational Design Phase initiated, concluded with delivery of Operational Design Assessment in Dec 2022.
- Mar 2023 - Board adopts majority of recommendations, but places 38 in a pending status
- GNSO Council establishes small team and collaborates with ICANN Board to resolve as many pending recommendations as possible. The manner in which they've been resolved include:
 - Mutual understanding that an issue can be resolved in implementation.
 - Adoption of a clarifying statement at the Council level, which will be taken into account during implementation.

SubPro Pending Recs Background, cont.

- In September and October, the ICANN Board did not adopt seven (7) and three (3) recommendations respectively covering 6 different topics. These non-adopted recommendations constitute the scope of work for this Small Team Plus.
- Per Annex A of the ICANN Bylaws, “...the Council shall meet to affirm or modify its recommendation, and communicate that conclusion (the "Supplemental Recommendation") to the Board, including an explanation for the then-current recommendation.”
 - The Council has charged the Small Team Plus with potentially developing and proposing Supplemental Recommendations to address the Board’s concerns that will subsequently be considered at the Council level for approval.

SubPro Pending Recs Background, cont.

- Prior to this meeting, the original small team (not plus) developed straw person language to serve as a starting point for the Small Team Plus deliberations.
- The non-adopted recommendations are generally a subset from the following six topics:
 - Topic 9: Registry Voluntary Commitments / Public Interest Commitments
 - Topic 17: Applicant Support
 - Topic 18: Terms & Conditions
 - Topic 22: Registrant Protections
 - Topic 24: String Similarity Evaluations
 - Topic 32: Limited Challenge/Appeal Mechanism
- Small team plus members are expected to have reviewed the respective briefing documents that include all relevant background information as well as straw person language

Topic 17 and Recommendation 17.2 Background

Topic 17 - Applicant Support Background

- As noted in the overview, the recommendation(s) not adopted by the ICANN Board are generally only a subset of the overall topic.
- Specifically for Applicant Support, the topic is comprised of eight (8) recommendations and eleven (11) elements of implementation guidance.
- In Mar 2023, the Board adopted 7 of 8 recommendations and **implementation is already well underway** for those 7.
 - Note that the Board only adopts recommendations, not IG.
- In Aug 2022, the GNSO Council initiated its first ever GNSO Guidance Process to tackle two elements of Applicant Support:
 - Identifying what success looks like for ASP and metrics in order to measure whether success is achieved.
 - Proposing a method to fund the ASP if the number of qualified applications exceed allocated funds.

Topic 17 - Applicant Support - Non-Adopted Rec

- The only recommendation not adopted by the Board is:

Recommendation 17.2: The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process.

- In not adopting the recommendation, the ICANN Board made clear that it recognizes some ASP applicants will need or benefit from other types of assistance. However, asking to “cover costs such as application writing fees and attorney fees related to the application process” raised concerns. At a very high-level, “the expansion of applicant support to affirmative payments of costs beyond application fees could raise fiduciary concerns for the Board.”
- See Sept 2023 scorecard for full details:
<https://www.icann.org/en/system/files/files/scorecard-subpro-pdp-board-action-10sep23-en.pdf>

Recommendation 17.2 - proposed approach

- Hear from ICANN org staff about current thinking and approach in relation to already adopted topic 17 recommendations (today)
- Consider if/how these already address the intent of recommendation 17.2 (4 Dec meeting)
- Confirm modifications to recommendations 17.2 (11 Dec meeting)

As a reminder, once work has been completed on ALL recommendations, these will be presented to the ICANN community during ICANN79 prep week followed by a community session to obtain community feedback at ICANN79.

Presentation from ICANN org: ideas in support of the intent of Recommendation 17.2