

Subsequent Procedures Implementation Review Team

Meeting #55



16 July 2024, 13:00-14:00 UTC

Agenda

1. Welcome & SOI Update
2. IRT Information and Status
3. **Topic 31 | Objections**
 - a. Material
 - b. Quick Look Review
 - c. Rationale for Deviating from Affirmation with Modification 31.3
 - d. Implementation of Affirmation with Modification 31.2 and Implementation Guidance 31.12
 - e. Independent Objectors
4. Upcoming IRT Meetings
5. AOB

IRT Information and Status

Agenda Item #2

IRT Stats

Project Information

05/16/23

1st IRT meeting

05/31/25

Expected AGB completion

427

Days since 1st IRT meeting

319

Days to expected AGB completion



Project Health

IRT Information

102

Members

56

Full IRT meetings held

30%

Full IRT attendance

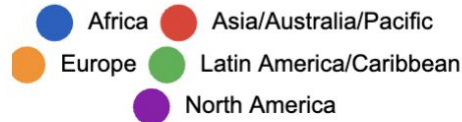
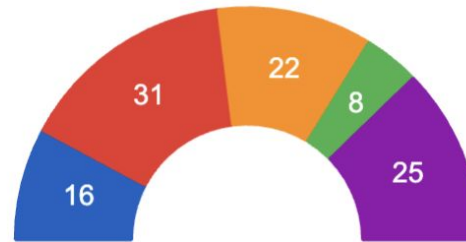
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Sub-Tracks

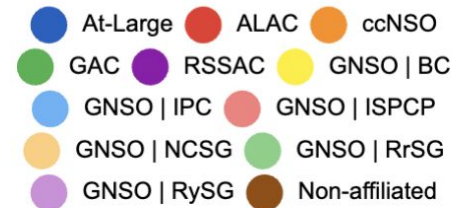
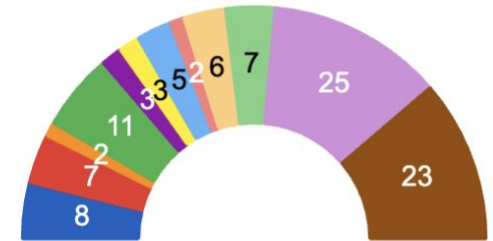
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Sub-Track meetings held

Region

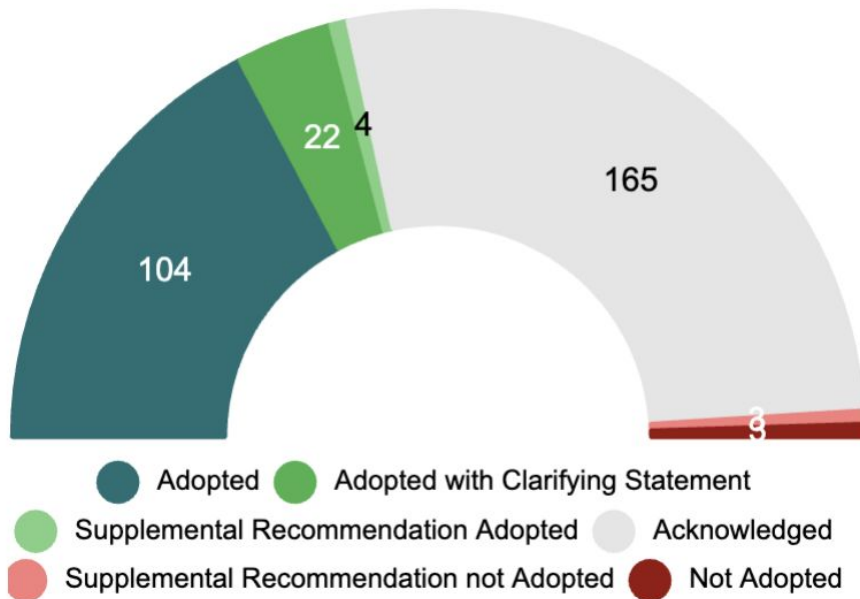


Affiliation

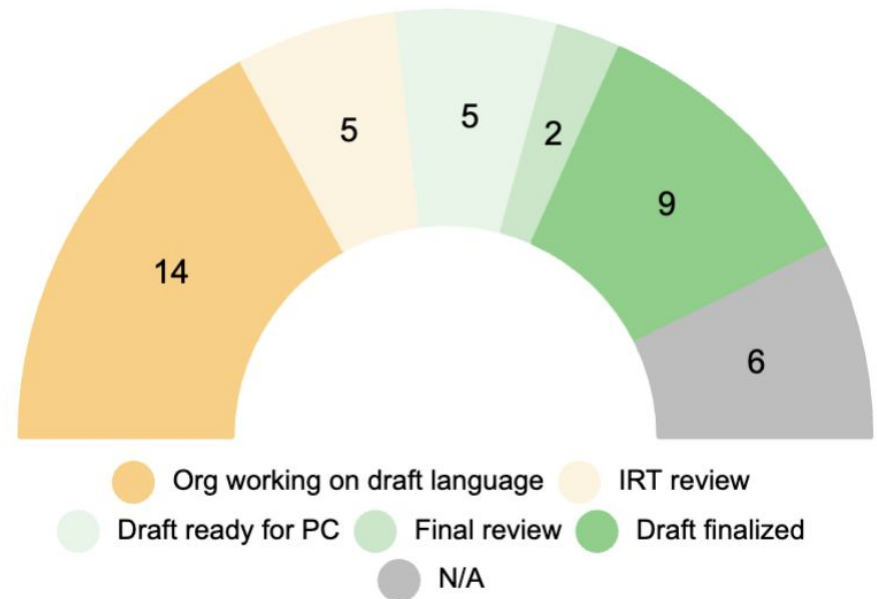


Outputs & Topics Status

Board Decision on Outputs



Topics Status



Topic 31 | Objections

Agenda Item #3

Material

Agenda Item #3a

Objections Material

Document	Owner	Published where
ICANN Procedure	Org	Annex to AGB
DRSP Rules	DRSPs	TBD
ALAC objection funding request process and form [2012 version]	Org	Website
Procedure for the ALAC to submit public comments on, and file objections to the new gTLD applications	ALAC	Website
National governments objection funding request process and form [2012 version]	Org	Website

Quick Look Review

Agenda Item #3b

Request for Quick Look Review

During [IRT Meeting #30](#), some IRT members requested the following, relating to the Quick Look review:

*An applicant whose application is subject to an objection and believes that said objection is **manifestly unfounded and/or an abuse to the right to object** has the opportunity to express their concern to the DRSP within [x] days of being notified by the DRSP of the objection filed against them. The applicant will need to include a **rationale** and link it to one or more of the **criteria** listed above. Should the applicant believe that **multiple objections** on the same ground are filed by the same or affiliated parties against them in a manner that constitutes harassment of the applicant, they can choose to submit only one request to the DRSP for consideration and request that the objections be **consolidated**. N.B: The Panel will perform the quick look in any case.*

Rationale for Not Allowing Applicants to File a Request for Quick Look Review

ICANN org does not believe that this should be included in the process for the following reasons:

1. The Quick Look review will be performed in any case, based on the criteria agreed with the IRT.
2. It might set false expectations that the objection will be dismissed.
3. It will create a situation where the applicant will file an opposition on the merits during the Quick Look review, which is not on the merits.
4. The Quick Look review is supposed to be quick, and this step would make the process longer and more cumbersome.
 - a. Very possibly, the objector would then want to file a reply.
 - b. It might create excessive work for the applicant and the DRSP for an edge case.

Therefore, ICANN org recommends that applicants not be allowed to file a request for Quick Look review.

Rationale for Deviating from Affirmation with Modification 31.3

Agenda Item #3c

Affirmation with Modification 31.3

*Implementation Guideline R from 2007 states: “Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated.” The Working Group modifies this Implementation Guideline to read: “**Once a response to the formal objection has been filed by the applicant(s)**, there may be a **cooling off** period for negotiation or compromise by agreement of both parties if the parties formally notify the dispute resolution provider that they would like to initiate a cooling off period.”*

Deviation from Affirmation with Modification 31.3

Proposed Approach

The cooling off period can be requested **at any point before the applicant has filed a response to the objection and paid the fee**. To request a cooling off period, the applicant and the objector should file a joint request to the DRSP.

Rationale

If the applicant is willing to address the concerns raised in an objection and the objector agrees with the proposed way forward, they should be able to request a cooling off at any time before the applicant has filed a response to the objection and paid the fee, in order to reach a settlement. Among other things, the objection could be addressed via an application change request, which could entail the addition of RVCs.

Should the parties be allowed to request a cooling off period only after the response to the objection has been filed, the processing of the application might be further delayed and the parties might incur in additional costs that could be otherwise avoided, e.g. the cost of filing a response to the objection.

Implementation of Affirmation with Modification 31.2 and Implementation Guidance 31.12

Agenda Item #3d

Outputs 31.2 and 31.12: [Final Report](#)

Affirmation with modification 31.2: Recommendation 12 from 2007 states: “Dispute resolution and challenge processes must be established prior to the start of the process.”

*Consistent with Implementation Guidance 31.12 below, the Working Group affirms Recommendation 12 with the following modification in italicized text: “**Dispute resolution and challenge processes must be established prior to the start of the process, the details of which must be published in the Applicant Guidebook.**”*

Implementation Guidance 31.12: All criteria and/or processes to be used by panelists for the filing of, response to, and evaluation of each formal objection should be included in the Applicant Guidebook.

Outputs 31.2 and 31.12: ODP Policy Questions and GNSO Council Answers

Implementation Guidance 31.12: “All criteria and/or processes to be used by panelists for the filing of, response to, and evaluation of each formal objection should be included in the Applicant Guidebook.”

Question: The ODP team believes that **the provider documentation is the best source for applicants**, not the AGB: Implementing 31.12 will **require ICANN to contract with the dispute resolution vendors prior to finalizing the AGB** to collaboratively create and finalize such criteria and/or process, in advance of the commencement of the application submission window. The ODP team notes that this will likely result in **significantly higher costs** for the program and may have additional **resourcing impacts**, too. Updating this information would also mean updating the AGB, which would invoke the **Predictability Framework**, leading to timing implications. For the ease of participants in any objection process, dispute resolution providers are the best source of information, as long as all relevant information is available in a timely manner. Does the Council agree that this would meet the intention of 31.12?

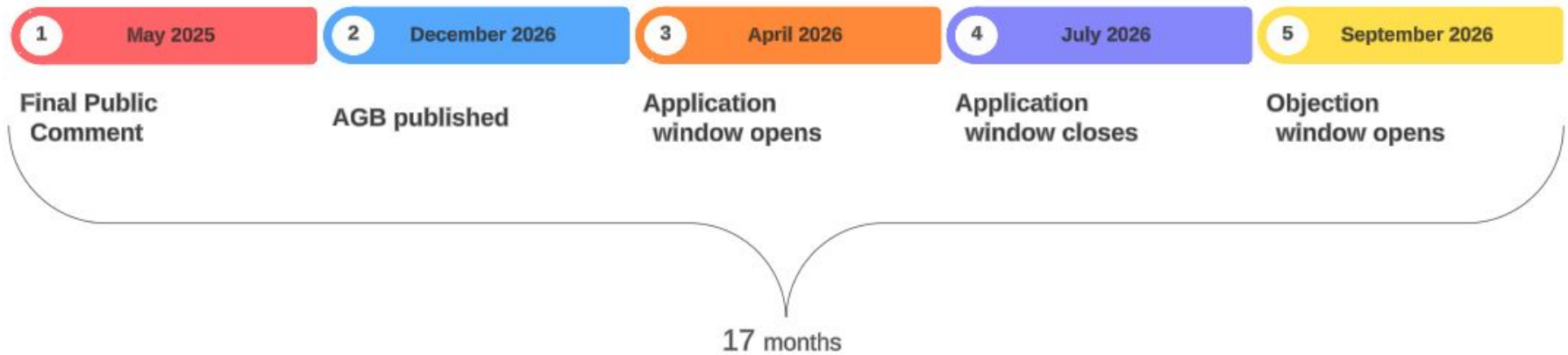
Response: The Council notes that these beliefs and comments from the SubPro ODP team are nearly identical to the comments filed by Theresa Swinehart to the Draft Final Report. As before, Council also notes that the SubPro PDP Working Group had carefully considered each and every comment it received through the Public Comment Proceedings for its Draft Final Report, and is not in the position to qualify Recommendation 31.12 as it reads.

Outputs 31.2 and 31.12: Concerns

If the round opens in April 2026, the objection process would only start later that year - probably in September 2026 at the earliest - after the closing of the application submission period and the completeness check. For the DRSP Rules to be included in the AGB, they would have to go out for Public Comment in May 2025, well over a year in advance of the DRSPs' work starting, which would require the use of time and resources that are currently dedicated to finishing the AGB and working on more urgent tasks.

N.B.: Org has started informal engagements with potential DRSPs.

Outputs 31.2 and 31.12: Potential Timeline



N.B. This timeline is just an example and may be subject to change.

Independent Objectors

Agenda Item #3e

Implementation Guidance 31.9

A mechanism should be established (e.g., standing panel of multiple IO panelists) that mitigates the possible conflict of interest issues that may arise from having a single panelist serving as the IO.

Questions for the IRT

1. Is three IOs agreeable?
2. Should the IOs work as a group or individually?
3. Should they come up with a process on how to file objections themselves?

Proposed Approach

IOs are not permitted to file an objection to an application where an objection has already **passed the quick look review on the same ground**, absent extraordinary circumstances.*

The IOs will monitor the application comments and objections as they are submitted and will start working on their objections as they identify potentially highly objectionable applications. After the results of the Quick Look review are published, the IOs will have a 7 calendar day window to file their objections.

*Should the IOs file an objection to an application where an objection has already passed the quick look review on the same ground based on extraordinary circumstances, they will describe such extraordinary circumstances in their objection.

Upcoming IRT Meetings

Agenda Item #4

Provisional Meeting Schedule

#	Date	Time UTC	Topic	Wiki
22	16-Jul-24	14:00-15:00	ASP Sub-Track	https://community.icann.org/x/HgANFQ
56	18-Jul-24	12:00-13:00	18. Terms & Conditions	https://community.icann.org/x/04EEF
57	23-Jul-24	13:00-14:00	5. Applications Submission Limits 16. Application Submission Period	https://community.icann.org/x/EQC-F
58	25-Jul-24	19:00-20:00		https://community.icann.org/x/HgC-F
59	30-Jul-24	13:00-14:00		https://community.icann.org/x/JQC-F
23	30-Jul-24	14:00-15:00	ASP Sub-Track	https://community.icann.org/x/KwANFQ
24	01-Aug-24	18:00-19:00	ASP Sub-Track	https://community.icann.org/x/OAANFQ
60	01-Aug-24	19:00-20:00	IDN EPDP outputs	https://community.icann.org/x/LQC-F
61	06-Aug-24	13:00-14:00		https://community.icann.org/x/RADyF
1	08-Aug-24	18:00-19:00	IDN Sub-Track	https://community.icann.org/x/u4EEF
62	08-Aug-24	19:00-20:00		https://community.icann.org/x/SwDyF
63	20-Aug-24	13:00-14:00		https://community.icann.org/x/UgDyF
64	22-Aug-24	19:00-20:00		https://community.icann.org/x/WQDyF

Dates, times, and agendas will be confirmed closer to the meetings.

AOB

Agenda Item #5