IANA Stewardship Transition CWG RFP Section 2A Proposal – 10 November 2014 Draft

II. Existing, Pre-Transition Arrangements

II.A Relevant Sources of Policy, Principles and Guidelines

There are a number of key documents that define how the existing IANA functions are carried out. The distinction between ccTLDs and gTLDs is reiterated by the fact that each group uses different documents as their main policy sources. A CWG letter has been allocated to each in the table below to identify the source in the rest of the document. Sources are listed according to date of creation.

> **Chuck Gomes 11/11/14 2:09 PM**
> **Comment [1]:** Note that this is a change to the RFP title. Section II.A in the ICG RFP is 'Sources of Policy'. It was changed here because some of the information provided is not actually policy but it is relevant to policy and should therefore be included.

CWG	Title	Description	Creator	Original Creation Date
A	RFC1591[1]	Created by first IANA operator Jon Postel to describe how the IANA functions were run.	IETF	Mar 1994
B	ICANN Bylaws[2]	The rules surrounding the development, activities and policy development of the Internet Corporation for Assigned Names and Number (ICANN).	ICANN	Nov 1998 (multiple revisions)
C	ICP-1[3]	A restatement of RFC1591 (Source A) by ICANN over how the IANA functions are run.	ICANN	May 1999
D	Principles for the Delegation and Administration of Country Code Top Level Domains[4]	An effort by ICANN's Governmental Advisory Committee (GAC) to clarify rules over ccTLD delegations and re-delegations	GAC	Feb 2000

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[1] https://www.ietf.org/rfc/rfc1591.txt
[2] Archive at: https://www.icann.org/resources/pages/archive-bc-2012-02-25-en
[3] https://www.icann.org/resources/pages/delegation-2012-02-25-en
[4] http://archive.icann.org/en/committees/gac/gac-cctldprinciples-23feb00.htm

CWG	Title	Description	Creator	Original Creation Date
E	GNSO Policy Development Process (GNSO PDP)[5]	Framework for deciding how the generic names supporting organization (GNSO) of ICANN develops and recommends policy recommendations to the ICANN Board. Annex A to the ICANN Bylaws (Source B).	GNSO	Dec 2002 (occasional revisions)
F	ccNSO Policy Development Process (ccPDP)[6]	Framework for deciding how the country code names supporting organization (ccNSO) of ICANN develops and presents policy recommendations to the ICANN Board. Annex B to the ICANN Bylaws (Source B).	ccNSO	Jun 2003 (infrequent revisions)
G	Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains[7]	A revised and superseding version of Source C by the GAC to clarify rules over ccTLD delegations and re-delegations.	GAC	Apr 2005
H	GNSO Policy Development Process Manual[8]	A manual for the process followed by the GNSO to develop or revise gTLD related policy recommendations (Source E). Annex 2 to GNSO Operating Procedures.	GNSO	Dec 2011 (occasional revisions)
I	GNSO Working Group Guidelines[9]	A manual for GNSO working groups, which is the current format used to develop new or revised policy recommendations. Annex 1 to GNSO Operating Procedures document.	GNSO	Apr 2011 (occasional revisions)
J	New gTLD Applicant Guidebook[10]	Rules surrounding applying for and the evaluation of applications for new generic top-level domains.	ICANN	Jun 2012

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[5] Latest version at: https://www.icann.org/resources/pages/bylaws-2012-02-25-en#AnnexA
[6] Latest version at: https://www.icann.org/resources/pages/bylaws-2012-02-25-en#AnnexB
[7] https://archive.icann.org/en/committees/gac/gac-cctld-principles.htm
[8] Latest version at: http://gnso.icann.org/en/council/annex-2-pdp-manual-26mar14-en.pdf
[9] Latest version at: http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-26mar14-en.pdf

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CWG	Title	Description	Creator	Original Creation Date
K	IANA Functions Contract[11]	Most recent contract between ICANN and National Telecommunications and Information Administration (NTIA) for running the IANA functions.	NTIA	Oct 2012
L	Framework of Interpretation of current policies and guidelines pertaining to the delegation and re-delegation of country-code Top Level Domain Names[12]	A review of existing policies into the delegation and re-delegation of ccTLDs. Provides guidelines and recommendations for following the current policies.	ccNSO	Oct 2014
M	Fast Track (for IDN ccTLDs)	Mechanisms to introduce a limited number of non-contentious IDN ccTLDs, associated with the ISO 3166-1 two-letter codes, to meet near term demand, while the overall policy is being developed.	ccNSO	Nov 2009

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[10] http://newgtlds.icann.org/en/applicants/agb
[11] http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf
[12] http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf

In order to provide greater context and understanding, here are additional details on several of the key policy documents.

Source A: RFC1591

This document was written in the very early days of the Internet as a "request for comments" (RFC) by the original IANA functions operator Jon Postel. It is a short document intended to outline how the domain name system was structured at that time and what rules were in place to decide on its expansion. The longest part of it outlines selection criteria for the manager of a new top-level domain and what was expected of such a manager.

RFC1591 is one of a small number of critical documents that helped guide the Internet's development and as a result is held in very high regard by the technical community. Since it was created a number of years prior to the creation of ICANN, the document is generally accepted as the policy foundation for the administration of country code top-level domains (ccTLDs), the majority of which do not have a contractual relationship with ICANN.

All ccTLDs[13] regardless if they are members of the Country Code Names Supporting Organization (ccNSO) within ICANN (Source F) or not regard RFC1591 to be of paramount importance.

RFC 1591 remains the foundation for the relationship between ccTLDs and the IANA Operator, such as the connection between the names of ccTLDs[15] and the international standard ISO 3166. The policies within the document remain directly applicable to both new and existing services, with the notable exceptions of IDN ccTLDs and security protocol DNSSEC.

Although the document remains important for gTLDs, its impact is less significant since almost all gTLD managers are contractually tied to ICANN and many of the policies applied by the IANA Operator have been revisited over time beginning with the first round of new gTLDs in 2001-2, through the Generic Names Supporting Organization (GNSO) of ICANN and its policy development process (Source E) and other GNSO PDPs.

Source C: ICP-1

This document from the "Internet Coordination Policy" group of ICANN was one of three created shortly after ICANN's creation that attempted to clarify key details over how the domain name system was structured and should be run.

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[13] Of the 248 ccTLDs (not including IDN ccTLDs), 152 are members of the ccNSO. The remainder rest outside the ICANN system.
[15] Examples being "DE" for Germany (Deutschland) and "US" for United States

The document specifically addresses ccTLD administration and delegation and was developed before the creation of the Country Code Names Supporting organization (ccNSO). While it argues that it does not represent a change in policy, it proved controversial with ccTLD managers who viewed it as a unilateral restatement of RFC1591 by ICANN.

At the heart of the concerns of ccTLD managers was the requirement that all applicants who wished to become a ccTLD manager had to enter into a contractual agreement with ICANN prior to the delegation or re-delegation of the ccTLD.

The ccNSO later formally rejected the document (arguing in one case that it was "inconsistent with current rules and practices in several areas"[16]). A similar document produced by IANA two years earlier also ran afoul of ccTLD managers[17].

These restatements of RFC1591 (Source A) without full consultation of ccTLD managers was a source of tension between ICANN and ccTLD managers and serves to highlight the very different relationship between ccTLD managers and gTLD managers when it comes to the IANA functions. ICANN no longer applies the more controversial elements of ICP-1.

Source F: ccNSO Policy Development Process

All members of the ccNSO[18] are bound by the policy development process (PDP) developed within ICANN, and all services and activities of ccTLD managers are open to the process. Conversely only members of the ccNSO are bound by the results of any policy process.

The process is well-developed and documented[19] and has been through a number of iterations. In essence, it comprises the following elements:

- Consultations are held with all relevant parts of the ICANN structure, with ccTLD managers and with regional ccTLD organizations[20] .

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[16] See the final report of the Delegation, Re-delegation and Retirement Working Group of the ccNSO (2011) at:
http://ccnso.icann.org/workinggroups/final-report-drd-wg-17feb11-en.pdf
[17] ccTLD News Memo #1 (1997): https://www.iana.org/reports/1997/cctld-news-oct1997.html
[18] See the full list here: http://ccnso.icann.org/about/members.htm
[19] A graphical representation of the process is available here: http://ccnso.icann.org/policy/pdp-15jan13-en.pdf
[20] Regional ccTLD organizations, or ROs as they are commonly referred to, are the African Top Level Domains Association (AfTLD), the Asia Pacific Top Level Domains Association (APTLD), the European country code TLD organisation (CENTR) and the Latin American & Caribbean Top Level Domains Association (LACTLD). Many members of such organizations are also members of ICANN's ccNSO and conversely many members of ICANN's ccNSO are also members of one or more of these ROs.

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- The proposal is posted for public comments.
- If there is general support, the council of the ccNSO will take a vote on whether to put it to a wider member approval vote.
- If at least 50 percent of members vote and at least 66 percent of them are in favor, then it is accepted.
- If the voting threshold is reached, the ccNSO council will vote to send the policy to the ICANN Board for adoption.

Since most ccTLDs have well-developed policy processes of their own at the local level, and since the majority of ccTLDs do not have a contractual relationship with ICANN, the policy development process for the ccNSO is used infrequently. In the past decade, only one policy has been developed through to completion (it covered the creation of so-called IDN ccTLDs and took several years to complete).

One important aspect of note is that if the ICANN Board for any reason refuses to implement a policy decided through the ccNSO process, it is prevented from setting policy on that topic.

Such a rejection by the Board can be subject to the Reconsideration or the Independent Review process. (Note that many ccTLDs have a local Policy Dispute Resolution Process, but these are outside the scope of the IANA Stewardship Transition Process.

Source G: Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains

In this category one must also consider the GAC's '*Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains*' (also known as the GAC Principles 2005), which the GAC regards as formal "Advice" to the ICANN Board and as such is subject to the Bylaws provisions regarding such Advice at the time of submission (details at https://www.icann.org/resources/pages/bylaws-2012-02-25-en#XI .
This Advice is developed privately by the GAC and the first version of these principles was published in 2000 and later revised to produce the 2005 version.

Section 1.2 of this document highlights one of the key principles for governments with respect to the management of the ccTLDs associated with their country or territory code:

> *1.2. The main principle is the principle of subsidiarity. ccTLD policy should be set locally, unless it can be shown that the issue has global impact and needs to be resolved in an international framework. Most of the ccTLD policy issues are local in nature and should therefore be addressed by the local Internet Community, according to national law.*

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Also section 7.1 of this document can be directly relevant to delegation and re-delegation of a ccTLD:

7.1. Principle
Delegation and re-delegation is a national issue and should be resolved nationally and in accordance with national laws,
taking into account the views of all local stakeholders and the rights of the existing ccTLD Registry. Once a final formal
decision has been reached, ICANN should act promptly to initiate the process of delegation or re-delegation in line with
authoritative instructions showing the basis for the decision.

Source L: Framework of Interpretation of current policies and guidelines pertaining to the delegation and re-delegation of country-code Top Level Domain Names

The FOIWG's goal was to provide IANA staff and the ICANN Board clear guidance in interpreting RFC1591, in order to clarify existing policies and to facilitate consistent and predictable application of these policies applicable to delegations and re-delegations of ccTLDs.

The FOIWG worked diligently for three years to complete its mandate, with members representing the ccNSO, GAC, ALAC and others. In this time the FOIWG has produced draft position papers, held public consultations, regularly presented status reports to both the ccNSO and GAC, and finalized individual reports on all the afore mentioned subjects.

The Final Report of the FOIWG is currently awaiting approval and can be found at:
http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf

Source M: Fast Track (for IDN ccTLDs)

The Fast Track Process for IDN ccTLDs was developed by the IDNC Working Group (short form of IDN ccTLDs) which was the prototype for cross community working groups within ICANN.

The purpose of the Fast Track was to introduce a limited number of non-contentious IDN ccTLDs, associated with the ISO 3166-1 two-letter codes in a short time frame to meet near term demand. The scope of the IDNC WG was limited to developing feasible methods (for the introduction of a limited number of IDN ccTLDs) that do not pre-empt the outcomes of the IDN ccPDP. The charter of the IDNC WG can be found at http://ccnso.icann.org/workinggroups/idnc-charter.htm .

The link to the ICANN Board Resolution which approved the recommendations of the IDNC WG in November 2009 is https://www.icann.org/resources/board-material/resolutions-2009-10-30-en#2 .

To date 43 IDN ccTLDs have been inserted into the root.

The official policy regarding IDN ccTLDs produced by the ccNSO PDP process, and the first use of this process, should be finalized by early 2015.

Existing arrangements

Most broadly, there are two sets key services that ICANN, in performance of the IANA functions, provides to the Names community: delegation and re-delegation (or, more simply, who runs a given top-level domain); and changes to the root zone. Here they are broken out by function numbers and policy source documents.

Service	Function numbers[21]	ccTLD sources (main)	ccTLD sources (supplemental)	gTLD sources (main)	gTLD sources (supplemental)
Delegation and re-delegation	4, 5	A, M	C, D, F, G, L	J, K	A, B, E
Changes to the root zone	1, 2, 3, 6, 7, 8, 9	A, K	C, F, G	J, K	E, H, I

While the IANA functions play a critical role in the proper functioning of the domain name system, it is important to note that the role of both the IANA functions operator and the current provider of the IANA functions contract (the NTIA) is just one part of a broader process.

Since the delegation/re-delegation processes for ccTLDs and gTLDs are so different, we have kept them separate.

1. **Delegation and re-delegation of ccTLDs**
2. **Delegation and re-delegation of gTLDs**
3. **Changes to the root zone**

In the tables that follow process steps for which the IANA functions operator is involved are highlighted in green and those for which NTIA is involved are highlighted in blue.

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[21] Refer to Section 1.a for the 'List of IANA functions used by the Naming communities'.

1. Delegation and re-delegation of ccTLDs

The information in this section is presented in three tables as follows:

A. Delegation and re-delegation of ccTLDs under RFC1591

B. Application for an IDN ccTLD string per Board decision on the Fast Track Process for IDN ccTLDs (not delegation)

C. Description of the ccNSO Policy Development Process

Table 1.A Delegation and re-delegation of ccTLDs under RFC1591

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	RZM[22]	
A-1	Submission of delegation or re-delegation request				x					A (3.1, 3.4, 3.6) K (C.2.9.2.c)

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[22] RZM = Root Zone Maintainer

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	RZM[22]	
A-2	Submission of a re-delegation request by a national government or territorial administration					x				G (1.7) K (C.2.9.2.c)
A-3	Validation of authenticity of the delegation or re-delegation request							x		-
A-4	Verification of compliance with established policies, procedures and requirements as well as assistance to applicants							x		A (3.1, 3.4, 3.6) G (1.7) K (C.2.9.2.c) L M
A-5	Motion by ICANN Board		x							-

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	RZM[22]	
A-6	Verification that the request complies with established policies and approval						x			A (3.1, 3.4, 3.6) G (1.7) L M
A-7	Implementation of the modification in the root zone file if applicable								x	-
A-8	Updating Root-Zone Whois							x		K (C.2.9.2.b)

Table 1.BApplication for an IDN ccTLD string per Board decision on the Fast Track Process for IDN ccTLDs (not delegation)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	External evaluators	
B-1	Application for an IDN ccTLD string as per the Fast Track Requirements				x	x				M
B-2	Review of application for IDN ccTLD specific requirements	x							x	M
B-2a	If the requested string is approved the registry operator may proceed to request delegation per the standard process									M
B-2b	If the requested string is refused because it is deemed confusingly similar the applicant may request an EPSRP evaluation B-3									M

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	External evaluators	
B-2c	If the requested string fails to meet other criteria the application is refused.									M
B-3	Extended Process Similarity Review Panel evaluation								x	M
B-3a	The panel finds that both the upper and lower case versions of the requested string are not confusingly similar to ISO3166 entries. (should proceed with delegation process)									M

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO	Registry operator	National Govt or territorial administration	NTIA	IANA	External evaluators	
B-3b	The panel finds that either the upper or lower case version of the requested string is confusingly similar to ISO3166 entries. (ICANN decision to proceed or not with delegation process)									M
B-3c	The panel finds that both the upper and lower case versions of the requested string are confusingly similar to ISO3166 entries. (should not proceed with delegation process)									M

Note: Delegation and Re-delegation of IDN ccTLDs in accordance with Table 1

Table 1.C Description of the ccNSO Policy Development Process

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-1	Request an issue report (requesters can be): • ccNSO Council • ICANN Board of Directors • One or more of the Regional Organisations • ICANN Supporting Organisation or Advisory Committee • Members of the ccNSO (at least 10 members)									F (1)
C-2	Appointment of Issue Manager			x						F (2)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-3	Issue manager produces Issue Report + recommendation if a PDP is required				x					F section 2
C-4	ICANN general council reports or ccNSO Council decide with super majority if issue is in scope of ICANN and in scope of ccNSO PDP	x		x						F (2) And Annex C
C-5	ccNSO council votes to initiate a PDP or not. If not step 21			x						F (3)
C-6	If the ccNSO Council votes in favour of initiating a PDP it appoints a task force (or alternate mechanism per Council decision) to carry out the work of the PDP			x						F (4,5,7,8)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-7	Public Notice of initiation of a PDP for comments (including direct notification of the GAC by the ccNSO Council)				x					F (6)
C-8	Task Force (or alternate mechanism) produces an initial report on issue for public consultation. Note – this can be quite a complex task which can easily extend into multiple years and has built-in thresholds for approvals.				x					F (7,8,9)
C-9	Task Force (or alternate mechanism) produce final report taking into account results of public consultation				x					F (9)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-10	GAC opinion or Advice						x			F (10)
C-11	ccNSO Council consideration and vote. If not adopted by at least 14 members of Council Step 20)			x						F (10,11,12)
C-12	Members vote on accepting the final report. (first round minimum 50% of all members voting 66% in favour, second round 66% of all voting)					x				F (13)
C-13	Issue Manager will prepare a report for the ICANN Board if the members accept				x					F (14)
C-14	ccNSO Council reviews and approves the Report for transmission to the ICANN Board			x						F (14)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-15	ICANN Board Votes on approving the report [not accepted if supermajority (66% of Board members) votes against.]		x							F (15)
C-15	If the Board approves the report it becomes policy, directing staff to implement (Implementation, See step 21)		x							F (16)
C-15b	If rejected send back recommendations to the ccNSO Council for modifications		x							F (15)
C-16	If the report is sent back to the ccNSO Council. The ccNSO Council shall consider making Changes			x						F (15)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
C-17	ccNSO Council votes on sending the report (modified or not) to the ICANN Board for approval.			x						F (15)
C-18	The Issue Manager transmits the report to the ICANN Board with relevant information.				x					F (15)
C-19	The ICANN Board votes on accepting the report		x							F (15)
C-19a	If the Board approves the report it becomes policy.		x							F (15)
C-19b	If the Board rejects the shelved the issue is tabled: the ICANN Board cannot adopt any policies relating to the issues in the report.		x							F (15)
20	Termination of PDP		x	x		x				F (3, 11, 13, 15)

Step	Process Step Description	Done by:								References
		ICANN Staff	ICANN Board	ccNSO Council	Issue manager	ccNSO members	GAC	IANA	NTIA	
21	If policy, Implementation at direction of Board	x								F (16)

2. Delegation and re-delegation of gTLDs

Step	Process Step Description	Done by:							Function[23]
		ICANN Staff	ICANN Board	GNSO	Registry operator	NTIA	IANA	**RZM**[24]	
2-1	Development of Consensus Policies			x					
2-2	Approval of Consensus Policies		x						
2-3	Implementation of Consensus Policies including:	x		x					
2-3a	Finalization of Registry Agreement	x	x	x					
2-3b	Approval of gTLD for delegation	x							
2-3c	Execution of Registry Agreements	x			x				
2-4	Pre-delegation testing	x			x				
2-5	Request for delegation by registry operators or by ICANN in the case of EBERO action	x			x				
2-6	Verification of process, policy and technical checks					x	x		2, 5, 6, 7, 8
2-7	Approval of delegation of gTLD					x			
2-8	Change into the root							x	

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[23] Refer to Section 1.a for the 'List of IANA functions used by the Naming communities'.

[24] RZM = Root Zone Maintainer

Step	Process Step Description	Done by:							Function[23]
		ICANN Staff	ICANN Board	GNSO	Registry operator	NTIA	IANA	**RZM**[24]	
2-9	Update root zone Whois						x		3, 6, 8

3. Modification of Root Zone File for ccTLDs and gTLDs

Step #	Process Step Description	Currently Done by	IANA Functions[25]
3-1	Submission of modification request	ccTLD Manager or gTLD Registry Operator	
3-2	Validation of the change request	ICANN Staff	
3-3	Verification of compliance with established policies and procedures	IANA & NTIA	C.2.9.2.b, e & g
3-4	Implementation of the modification in the root zone file if applicable	Root Zone Maintainer	
3-5	Updating Root-Zone Whois	IANA	C.2.9.2.b, e & g

Description of gTLD Policy Development & Implementation Process Steps

The following table lists documents that provide descriptions of each of the above process steps along with URL links to those documents. Note that references for implementation of gTLD policies are for the current round of new gTLDs. Also note that a GNSO Working Group is presently underway regarding Policy and Implementation, which may impact the process for implementing policy recommendations in the future.

Chuck Gomes 11/11/14 10:45 AM
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[25] Refer to Section 1.a for the 'List of IANA functions used by the Naming communities'.

Step #	Process Step Description	Reference(s)	URL Link
2-1	Development of Consensus Policies for gTLDs	• ICANN Bylaws, Annex A • Visual diagram of the GNSO PDP	• https://www.icann.org/resources/pages/bylaws-2012-02-25-en#AnnexA • http://gnso.icann.org/en/basics/policy-development-process-flow-10jul14-en.pdf
2-2	Approval of Consensus Policies for gTLDs	Section 9 of Bylaws, Annex A	See link above
2-3	Implementation of Consensus Policies for gTLDs including:	Section 10 of Bylaws, Annex A	See link above
2-3a	Finalization of the Registry Agreement, including terms for delegation, re-delegation and modification of name server and contact information for gTLDs	New gTLD Applicant Guidebook, Module 5, Section 5.1	http://newgtlds.icann.org/en/applicants/agb
2-3b	Approval of gTLDs for delegation	Same as for 1.c.i	Same as for 2-3a
2-3c	Execution of Registry Agreements	Same as for 1.c.i	Same as for 2-3a
2-4	Pre-delegation testing of approved gTLDs with an executed agreement	New gTLD Applicant Guidebook, Module 5, Section 5.2	Same as for 2-3a
2-5	Request for delegation by registry operators or by ICANN in the case of an EBERO action	New gTLD Applicant Guidebook, Module 5, Section 5.2	Same as for 2-3a

Step #	Process Step Description	Reference(s)	URL Link
2-6	Verification that process, policy and technical checks were successfully confirmed	• IANA Functions Contract Sections C.2.9.2, C.2.9.2.a, & C.2.9.2.d • SAC067 Overview and History of the IANA Functions	http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf https://www.icann.org/en/system/files/files/sac-067-en.pdf
2-7	Approval of delegation of gTLDs	IANA Functions Contract Section C.2.9.2.d	Same as 2-6
2-8	Delegation/re-delegation of gTLDs into the root	IANA Functions Contract Sections C.2.9.2.d & C.2.9.2.f	Same as 2-6
2-9	Updating Root-Zone Whois	IANA Functions Contract Section C.2.9.2.b	Same as 2-6
3-1	Submission of modification request	IANA Functions Contract Sections C.2.9.2, C.2.9.2.a, & C.2.9.2.b	Same as 2-6
3-2	Validation of the change request	IANA Functions Contract Section C.2.9.2.b	Same as 2-6
3-3	Verification of compliance with established policies and procedures	IANA Functions Contract Section C.2.9.2.b	Same as 2-6
3-4	Implementation of the modification in the root zone file if applicable	IANA Functions Contract Section C.2.9.2.b	Same as 2-6

Step #	Process Step Description	Reference(s)	URL Link
3-5	Updating Root-Zone Whois	IANA Functions Contract Section C.2.9.2.b	Same as 2-6

Description of Policy Dispute Resolution Processes

ccTLDs

This is included in the ccTLD portion at the beginning of Section II.A.

gTLDs

The table below lists the dispute resolution processes for each of the process steps for gTLDs along with associated URL links as applicable.

Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-1	Development of Consensus Policies for gTLDs[26]	There is no DRP within the GNSO Policy Development Process (PDP) but Section 3.6 of the GNSO Working Group Guidelines contains a Standard Methodology for Making Decisions and Section 3.7 provides an Appeals process.	GNSO Policy Development Process Manual: http://gnso.icann.org/council/annex-2-pdp-manual-26mar14-en.pdf GNSO Working Group Guidelines: http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-26mar14-en.pdf

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[26] The GNSO develops policy for gTLD second level names and new top level gTLD names according to the Policy Development Process (PDP) in Annex A of the ICANN Bylaws as well as the GNSO Policy Development Process Manual and the GNSO Working Group Guidelines. The working group model is the means used to development policy; participation is encouraged by all GNSO Stakeholder Groups and Constituencies and by ICANN Advisory Committees and other ICANN. Section 3.2 of the Working Group Guidelines states that working groups "should mirror the diversity and representativeness of the community".

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Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)

2-2	Approval of Consensus Policies for gTLDs	• If the Board rejects GNSO policy recommendations that were adopted by a simple majority[27], there is no DRP.
		• If the Board rejects GNSO policy recommendations that were adopted by a supermajority[28]:
		  - GNSO & Board discussion
		  - Possible GNSO supplementary recommendation
		  - 2/3 Board vote required to reject a Council supermajority approved policy.
		• In both cases above, adversely impacted persons or entities could request Reconsideration by the Board.
		• Because the Board makes a decision regarding approval of consensus policies, a materially impacted party could request an Independent Review.
			ICANN Bylaws, Annex A, GNSO PDP, Section 9:
			https://www.icann.org/resources/pages/bylaws-2012-02-25-en#AnnexA
			
			Reconsideration
			ICANN Bylaws, Article IV, Section 2:
			https://www.icann.org/resources/pages/bylaws-2012-02-25-en#IV
			
			Independent Review
			ICANN Bylaws, Article IV, Section 3:
			https://www.icann.org/resources/pages/bylaws-2012-02-25-en#IV

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[27] A GNSO simple majority is defined to be greater than 50% in each of the two GNSO Council Houses, Contracted Party House & Non-Contracted Party House.

[28] A GNSO supermajority is defined as one of the following: (a) two-thirds (2/3) of the Council members of each House, or (b) three-fourths (3/4) of one House and a majority of the other House.

Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-3	Implementation of Consensus Policies for gTLDs including:	In addition to the mention of possibly forming an Implementation Review Team, the PDP Manual foresees that 'If the proposed implementation is considered inconsistent with the GNSO Council's recommendations, the GNSO Council may notify the Board and request that the Board review the proposed implementation. Until the Board has considered the GNSO Council request, ICANN Staff should refrain from implementing the policy, although it may continue developing the details of the proposed implementation while the Board considers the GNSO Council request'. A GNSO WG on Policy & Implementation is currently in progress and is expected to make recommendations that would further define implementation processes including additional procedures for dealing with disputes that might arise.	ICANN Bylaws, Annex A, GNSO PDP, Section 10: https://www.icann.org/resources/pages/bylaws-2012-02-25-en#AnnexA Policy & Implementation WG wiki: https://community.icann.org/pages/viewpage.action?pageId=41899467 GNSO Project Page: http://gnso.icann.org/en/group-activities/active/policy-implementation

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Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-3a	Finalization of the Registry Agreement, including terms for delegation, re-delegation and modification of name server and contact information for gTLDs	For the current round of new gTLDs, this happened as part of step 1.c above. The results are mostly reflected in Module 5 of the New gTLD Applicant Guidebook, which includes the base registry agreement as well as the following DRPs: Uniform Rapid Suspension, Post Delegation Dispute Resolution Process and Registry Restriction Dispute Resolution Process. Because the Board makes a decision regarding approval of the registry agreement, a materially impacted party could request an Independent Review.	New gTLD Applicant Guidebook (AG): http://newgtlds.icann.org/en/applicants/agb Independent Review ICANN Bylaws, Article IV, Section 3: https://www.icann.org/resources/pages/bylaws-2012-02-25-en#IV
2-3b	Approval of gTLDs for delegation	For the current round of new gTLDs, Module 1 of the New gTLD Applicant Guidebook (AG) provides an overview of the conditions required for approval for delegation and subsequent modules provide details of those conditions. Module 3 of the New gTLD Applicant Guidebook (AG) contains Objection Procedures and Dispute Resolution Procedures; Module 4 contains String Contention Procedures. An applicant whose gTLD string is not approved for delegation could request Reconsideration by the Board.	New gTLD Applicant Guidebook (AG): http://newgtlds.icann.org/en/applicants/agb Reconsideration ICANN Bylaws, Article IV, Section 2: https://www.icann.org/resources/pages/bylaws-2012-02-25-en#IV

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Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-3c	Execution of Registry Agreements	For the current round of new gTLDs, Sections 1.1.5 and 5.1 of the New gTLD Applicant Guidebook (AG) cover execution of the Registry Agreement. A DRP for this step is not applicable.	New gTLD Applicant Guidebook (AG): http://newgtlds.icann.org/en/applicants/agb
2-4	Pre-delegation testing of approved gTLDs with an executed agreement	For the current round of new gTLDs, Section 5.2 covers pre-delegation testing (PDT). It also describes the processes an applicant can take if they do not pass any elements of the PDT.	New gTLD Applicant Guidebook (AG): http://newgtlds.icann.org/en/applicants/agb

Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-5	Request for delegation by registry operators or by ICANN in the case of an Emergency Back End Registry Operator (EBERO) action	For the current round of new gTLDs, Section 5.3 describes the delegation process; it refers applicants to the IANA site for delegation information. In applying for a gTLD string, an applicant agrees to terms in Module 6 of the New gTLD Applicant Guidebook that say "approval is entirely at ICANN's discretion" and an applicant agrees "NOT TO CHALLENGE, IN COURT OR IN ANY OTHER JUDICIAL FORA, ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE PLICATION, AND IRREVOCABLY WAIVES ANY RIGHT TO SUE OR PROCEED IN COURT OR ANY OTHER JUDICIAL FOR A ON THE BASIS OF ANY OTHER LEGAL CLAIM AGAINST ICANN AND ICANN AFFILIATED PARTIES WITH RESPECT TO THE APPLICATION." So there is not DRP for this step. Emergency back-end registry operators (EBEROs) are temporarily activated if a TLD registry operator is at risk of failing.	New gTLD Applicant Guidebook (AG): http://newgtlds.icann.org/en/applicants/agb IANA processes: http://www.iana.org/domains/root For more information on EBEROs see: https://www.icann.org/resources/pages/ebero-2013-04-02-en
2.6	Verification that process, policy and technical checks were successfully confirmed	As noted earlier in this section, this step is currently performed by the IANA functions operator and NTIA. Any disputes would be handled according to the terms of the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf

Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
2-7	Approval of delegation of gTLDs	As noted earlier in this section, this step is currently performed by NTIA. Any disputes would be handled according to the terms of the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf
2-8	Delegation/re-delegation of gTLDs into the root	As noted earlier in this section, this step is currently performed by the Root Zone Maintainer. Any disputes related to this step would be handled according to the Cooperative Agreement between NTIA and the Root Zone Maintainer.	NTIA Cooperative Agreement with Verisign: http://www.ntia.doc.gov/page/verisign-cooperative-agreement
2-9	Updating Root-Zone Whois	As noted earlier in this section, this step is currently performed by the IANA functions operator. Any disputes related to this step would be handled according to the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf
3-1	Submission of modification request	As noted earlier in this section, this step is performed by the registry TLD operator.	IANA processes: http://www.iana.org/domains/root
3-2	Validation of the change request	As noted earlier in this section, this step is currently performed by the IANA functions operator and NTIA. Any disputes related to this step would be handled according to the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf
3-3	Verification of compliance with established policies and procedures	As noted earlier in this section, this step is currently performed by the IANA functions operator and NTIA. Any disputes would be handled according to the terms of the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf

Step #	Process Step Description	Dispute Resolution Process (DRP)	Document Title(s) & URL Link(s)
3-4	Implementation of the modification in the root zone file if applicable	As noted earlier in this section, this step is currently performed by the Root Zone Maintainer. Any disputes related to this step would be handled according to the Cooperative Agreement between NTIA and the Root Zone Maintainer.	NTIA Cooperative Agreement with Verisign: http://www.ntia.doc.gov/page/verisign-cooperative-agreement
3-5	Updating Root-Zone Whois	As noted earlier in this section, this step is currently performed by the IANA functions operator. Any disputes related to this step would be handled according to the IANA functions contract.	IANA functions contract: http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf