Policy & Implementation WG

Final Recommendations Report

Background

January 2013 — Publication of Staff Discussion Paper

April 2013 — Community Discussion during ICANN46

July 2013 — GNSO Council Charters Working Group

January 2015 — Publication of Initial Recommendations Report

June 2015 — Publication of Final Report & GNSO Council consideration

Next Steps
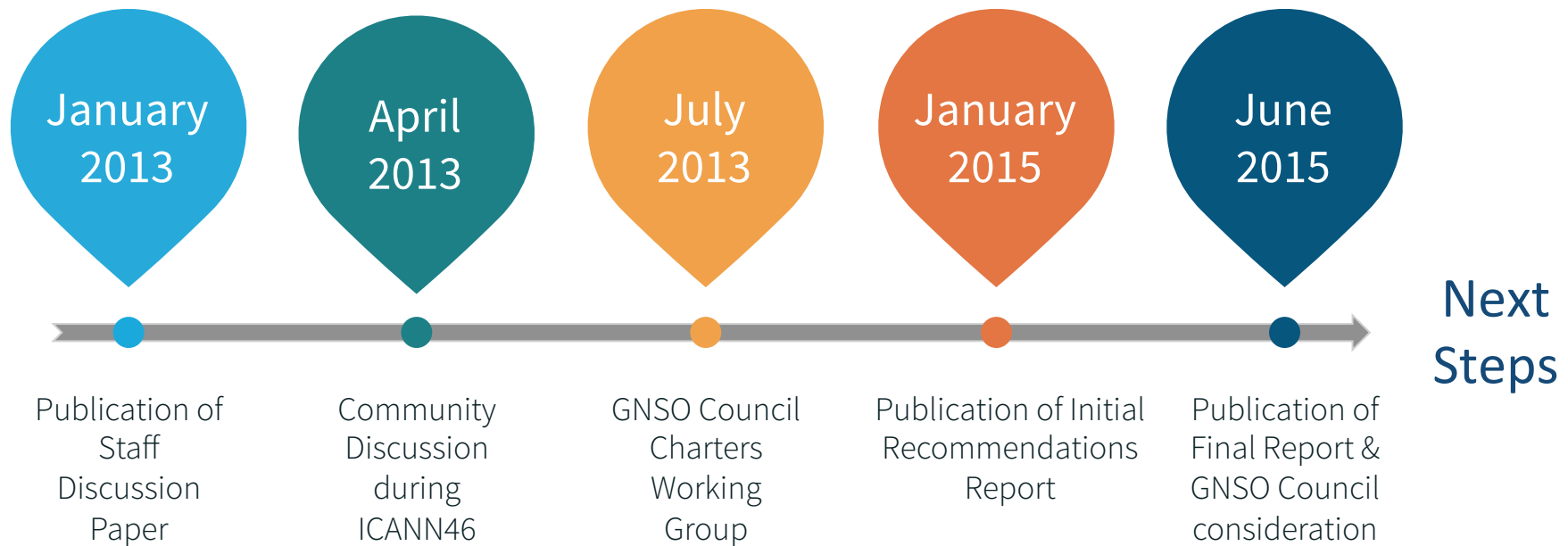
To Summarize

Increased focus on which topics call for policy and which call for implementation work, including which processes should be used, at what time and how diverging opinions should be acted upon. GNSO Council formed Working Group in July 2013 to address a number of questions specifically related to policy and implementation in the context of the GNSO. WG publishes its Initial Recommendations Report for public comment in January 2015.

Activities

1 Publication of Initial Recommendations Report in January 2015

2 Twelve contributions received including from RySG, BRG, BC, IPC, ALAC, NCSG, ISPCP

3 All comments reviewed and responses provided in public comment review tool

4 Final Recommendations Report, with full consensus support of WG submitted on 2 June

5 Includes 5 Recommendations

6 GNSO Council to consider recommendations for adoption in Buenos Aires

Policy & Implementation Principles (Recommendation #1)

Policy & Implementation Principles

⊙ The WG recommends that the principles / requirements outlined in section 4 are adopted by the GNSO Council and ICANN Board to guide any future policy and implementation related work when policy or implementation related issues arise in the implementation phase.

⊙ The principles are organized into three groups:
  ⊙ Overarching Principle
  ⊙ Principles that apply to Policy & Implementation
  ⊙ Principles that apply primarily to Policy
  ⊙ Principles that apply primarily to implementation (still under review by WG)

Proposed Additional GNSO Processes (Recommendation #2 & #3)

Proposed Additional GNSO Processes - Rationale

- Past experience shows that diverging opinions may arise during the implementation of GNSO policy recommendations that may or may not involve policy issues

- Defining such issues as either "policy" or implementation was not as important as developing standardized mechanisms for addressing such issues smoothly and efficiently regardless of characterization

- WG proposes three new standardized processes for GNSO deliberations regarding such issues (Recommendation #2)

GNSO Input Process (GIP)

1 To provide non-binding advice, which is expected to typically concern topics that are not gTLD specific and for which no policy recommendations have been developed to date.

2 Non-binding advice means advice that has no binding force on the party it is provided to.

3 It is the expectation that such input would be treated in a similar manner as public comments are currently considered by the entity to which the input is provided.

4 For example, this process could be used to provide input on the ICANN Strategic Plan or recommendations from an Accountability and Transparency Review Team.

GNSO Guidance Process (GGP)

1 To provide guidance that is required to be considered by the ICANN Board, but which is not expected to result in new contractual obligations for contracted parties.

2 Guidance developed through a GGP has a binding force on the Board to consider the guidance and it can only be rejected by a vote of more than two-thirds (2/3) of the Board, if the Board determines that such guidance is not in the best interests of the ICANN community or ICANN.

3 This would typically involve clarification of, or advice on existing gTLD policy recommendations. This could be in response to a specific request of the Board or at the GNSO's initiative.

4 For example, such a process could have been used in relation to the request from the ICANN Board to provide input on the .brand registry agreement, specification 13.

GNSO Expedited PDP (EPDP)

1 To develop recommendations that would result in new contractual obligations for contracted parties that meet the criteria for "consensus policies" as well as criteria to initiate a EPDP.

2 Qualifying criteria 1: To address a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation.

3 Qualifying criteria 2: To provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously, such that extensive pertinent background information already exists.

4 For example: (a) if the issue was already scoped in an Issue Report for a possible PDP that was not initiated; (b) as part of a previous PDP that was not completed; or (c) through other projects such as a GGP.
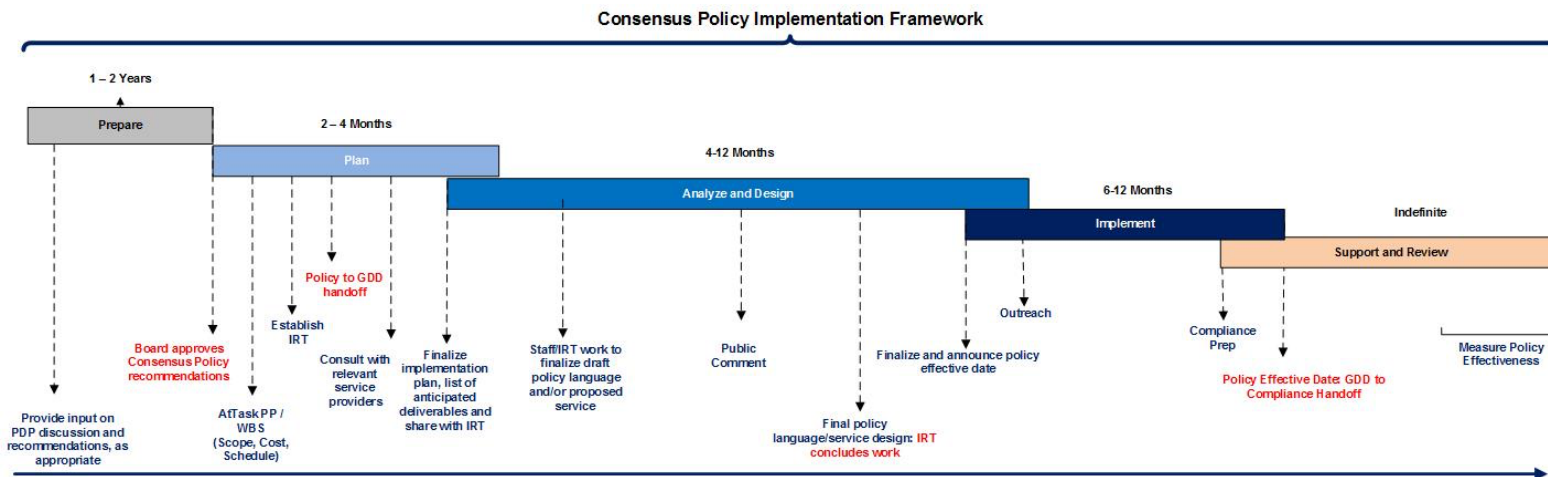
Further Details

⊙ Further details on each of these processes, including the proposed language for the PDP Manual as well as proposed bylaw language, where applicable, can be found in Annex C, D, E, F and G of the Final Recommendations Report.

⊙ The WG recommends to add a provision to the GNSO Operating Procedures that clarifies that parallel efforts on similar / identical topics should be avoided. As the manager of the process, the GNSO Council is expected to resolve which process would be the most appropriate to use. (Recommendation #3)

Implementation Related
Recommendations
(Recommendations #4 & #5)

Consensus Policy Implementation Framework

- In its deliberations on the charter questions, the WG reviewed & edited the Consensus Policy Implementation Framework that has been developed by the ICANN Global Domains Division (GDD) to support predictability, accountability, transparency, and efficiency in the Consensus Policy implementation process.

Consensus Policy Implementation Framework

- See Annex J of Final Recommendations Report for further details

Implementation Related Recommendations

4

Implementation Review Team Mandatory

PDP Manual should be modified to require the creation of an Implementation Review Team following the adoption of PDP recommendations by the ICANN Board, but allow the GNSO Council the flexibility to not create an IRT in exceptional circumstances

5

Principles in Annex L should be applied in IRTs

The WG recommends that the principles/requirements as outlined in Annex L are followed as part of the creation as well as operation of Implementation Review Teams.

Further Information

Further information

- Policy & Implementation Final Recommendations Report – http://gnso.icann.org/en/drafts/policy-implementation-recommendations-01jun15-en.pdf

- Redline version to view updates made as a result of public comments received - https://community.icann.org/display/PIWG/Final+Report+Redline+Version.

- Public comment review tool - https://community.icann.org/x/iSmfAg

- Policy & Implementation WG work space: https://community.icann.org/x/y1V-Ag

Questions?
Comments?