

Guideline: ccNSO Procedure for the Exercise of the Empowered Community’s rights to Reject Specified Actions

Version 1.0

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1 Introduction and Background

According to the ICANN Bylaws, the Empowered Community has the right to reject the following (each, a “Rejection Action”):

1. PTI Governance Actions, as contemplated by Section 16.2(d) of the Bylaws;
2. IFR Recommendation Decisions, as contemplated by Section 18.6(d) of the Bylaws;
3. Special IFR Recommendation Decisions, as contemplated by Section 18.12(e) of the Bylaws;
4. SCWG Creation Decisions, as contemplated by Section 19.1(d) of the Bylaws;
5. SCWG Recommendation Decisions, as contemplated by Section 19.4(d) of the Bylaws;
6. ICANN Budgets, as contemplated by Section 22.4(a)(v) of the Bylaws;
7. IANA Budgets, as contemplated by Section 22.4(b)(v) of the Bylaws;
8. Operating Plans, as contemplated by Section 22.5(a)(v) of the Bylaws;
9. Strategic Plans, as contemplated by Section 22.5(b)(v) of the Bylaws; and
10. Standard Bylaw Amendments, as contemplated by Section 25.1(e) of the Bylaws.

As a Decisional Participant, the ccNSO exercises its rights as a member of the Empowered Community and interacts with other Decisional Participants, the Empowered Community Administration, and ICANN.

Applicability of the rules of the ccNSO. According to the rules of the ccNSO, a ccNSO Council decision comes into effect 7 days after publication. In general, decisions of the ccNSO Council are subject to a members vote if 10% of the members notify the Chair of the ccNSO Council of their objection. If the 10% threshold is met, a membership vote must be held to ratify or veto the decision of the ccNSO Council. A vote of the members may commence 5 days after the notification, and the voting period stays open for at least 14 days. The member’s vote is subject to a quorum rule: At least 50% of the members have to cast their vote in order to have a valid vote.

The Rules of the ccNSO are internal rules of the ccNSO in accordance with Article 10, section 3.k and Article 10 section 4.b of the ICANN Bylaws. These rules have to be consistent with the ICANN Bylaws. Therefore, the timelines prescribed in the relevant section of Annex D of the ICANN Bylaws are paramount. For this reason, only the ultimate decision of the ccNSO Council with respect to a Rejection Action Petition is subject to the Rules of the ccNSO.

2 Purpose of the Guideline

The purpose of this Guideline is to describe the roles and procedures for the ccNSO in its capacity as a Decisional Participant with respect to Rejection Actions¹.

3 General Provisions

3.1 Representation of the ccNSO

In its capacity as a Decisional Participant, the ccNSO interacts with other Decisional Participants, the Empowered Community Administration, and ICANN through the ccNSO's representative to the Empowered Community Administration².

Any Rejection Action Petitions arising within the ccNSO Community will be submitted to the ccNSO Council for consideration, and the decision of the Council with respect to a Rejection Action Petition is final, subject to the rules of the ccNSO.

To manage the Rejection Action Process and procedures the ccNSO Council shall appoint one of the Councillors to serve as the "Rejection Action Petition Manager". Additionally, the ccNSO Council shall appoint an additional Councillor to serve as a back-up "Rejection Action Petition Manager", in the event that the Rejection Action Petition Manager is unable to fulfil their duties, or in the event that the workload proves to be excessive. The ccNSO representative to the Empowered Community Administration is ineligible to serve as a Rejection Action Petition Manager or deputy Rejection Action Petition Manager. Rejection Action Petition Review Committee members may not initiate a Rejection Action Petition during their term of office.

For purposes of this Guideline, the communication with other Decisional Participants, the Empowered Community Administration, ICANN (Staff), or the ICANN Secretary, by individual ccNSO Council members will not be deemed as being representative of the ccNSO Council.

3.2 Appointment of the Rejection Action Petition Managers

The Rejection Action Petition Manager, as well as the deputy Rejection Action Petition Manager, are appointed by the ccNSO Council for a term of one (1) year beginning at the conclusion of the "A" format ICANN public meeting (the first public meeting in a given calendar year).

The Rejection Action Manager will be listed on the ccNSO website as the person to whom Rejection Action Petitions should be sent. Additionally, a role email address ccnso-petitions@icann.org will be established for the Rejection Action Petition submission process; this email address will also be published on the ccNSO website.

¹ ICANN Bylaws, Section 6.1(g)

² ICANN Bylaws, Section 6.3(a)

The ccNSO Chair shall promptly inform all other Decisional Participants, the Empowered Community Administration, the ccTLD Community, and the ICANN Secretary of the appointment of the Rejection Action Petition Manager³.

The Rejection Action Petition Manager(s) will, inter alia:

- Attend any publically available conference call with the Decisional Participants should either a Petitioning Decisional Participant or a Supporting Decisional Participant submit a request to ICANN for such a call
- Attend any Rejection Action Community Forum, should one be requested in a Supported Rejection Action Petition.
- Attend any additional Rejection Action Community Forums if a Decisional Participant or the Empowered Community Administration elects to hold them.
- Provide prompt and accurate accounts of developments relating to the Rejection Action Petition or Supported Rejection Action Petition to the ccNSO Council and the ccNSO Community.
- Manage the Rejection Action Process on behalf of the ccNSO in accordance with Annex D Article 2 of the ICANN Bylaws.

3.3 The Rejection Action Petition Review Committee

The Rejection Action Petition Review Committee consists of the Rejection Action Petition Manager, the deputy Rejection Action Petition Manager and two (2) additional ccNSO Council members appointed by the ccNSO Council for a term of one (1) year as part of and in accordance of the annual assignment of roles and responsibilities of Councillors.

The Rejection Action Petition Review Committee will evaluate any Rejection Action Petition received by the Rejection Action Petition Manager to ensure that it meets the requirements for a Rejection Action Petition as set forth in Annex D of the Bylaws⁴ and advise the ccNSO Council accordingly.

The Rejection Action Petition Manager will be the Chair of the Rejection Action Petition Review Committee and will be responsible for organising the work of the Rejection Action Petition Review Committee and for all communication between the Rejection Action Petition Review Committee and the ccTLD community.

3.4 Communication

Task	Chair	Council	Secretariat	ccNSO members	ECA	Secretary of ICANN
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³ This notification is not required under the Bylaws, but is good practice to facilitate inter-Decisional Participant communication, as well as communication with the ICANN Secretary and the Empowered Community Administration.

⁴ ICANN Bylaws, Annex D Section 2.2(c)(i)(A-B)
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Appointment Rejection Action Manager		X				
List Manager on Website etc.			X			
Appointment Rejection Action Petition Review Committee		X				
List Committee on Website etc.			X			

Email is the preferred method of communication between the Rejection Action Petition Manager and the ccTLD Community, other Decisional Participants, the Empowered Community Administration and ICANN, including but not limited to the ICANN Secretary.

4 ccNSO Procedures Relating to a Rejection Action

4.1 Rejection Action Board Notice and Rejection Action Petition Period

Prior to the formal receipt of a Rejection Action Board Notice from the ICANN Secretary, there will likely be indications that a Rejection Action Board Notice is forthcoming.

In anticipation of a Rejection Action Board Notice, the Chair of the ccNSO Council or the Rejection Action Petition Manager will alert the ccTLD community. The Chair of the ccNSO Council will direct the ccNSO Secretariat to create dedicated web and/or wiki pages to record correspondence, etc. relating to the Rejection Action Board Notice.

Task	Chair	Rejection Action Manager	Secretariat	ccNSO members	ECA	Secretary of ICANN
Alert Community of forthcoming Board Notice	X	X				
Create dedicated web and wiki page			X			

Upon receipt of a Rejection Action Board Notice, the Rejection Action Petition period of 21 days will start⁵. As soon as the ccNSO Council has received the Rejection Action Board notification, the ccNSO Secretariat will publish on the ccNSO website and the relevant email lists that the ccNSO has received a Rejection Action Board Notice and other related relevant information, such as the timelines and milestones.

4.2 Scheduling of ccNSO Council Meeting

Upon the (expected) delivery of a Rejection Action Board Notice, the Chair of the ccNSO Council will schedule a ccNSO Council meeting to be held no later than on the twentieth (20th) day of the Rejection Action Petition Period. If this date coincides with an ICANN Public meeting, then the meeting will be a Face-to-Face meeting. Otherwise it will be via tele-conference. The purpose of this meeting will be to decide whether to accept or reject Rejection Petition(s), if any, received from the ccNSO Community.

4.3 ccNSO Rejection Action Petitions

This section details the procedures to be followed, who may submit a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and how the ccNSO intends to accept or reject such petition⁶. All references to “notices” and “notification” in this section mean written notice, either as formal correspondence or email.

4.3.1 Who is eligible to submit a Rejection Action Petition to the ccNSO Council?

The ccNSO will consider a Rejection Action Petition from the following constituents:

- ccTLD managers,
- individual(s) directly related to a ccTLD manager,
- ccNSO working groups or committees mandated to submit such a petition,
- Regional ccTLD organisations (as defined in section 10.5 of the ICANN Bylaws),
- the ccNSO Council.

⁵ ICANN Bylaws, Annex D Section 2.2(b)

Note that all deadlines relating to the various stages of the Rejection Action Petition process are based on 23:59h local time in Los Angeles rather than 23.59h UTC.

⁶ ICANN Bylaws, Section 6.1(g)

This section grants Decisional Participants considerable leeway in developing their procedures for the acceptance and vetting of Rejection Action Petitions, subject to the specific procedures and timelines laid out in Annex D of the ICANN Bylaws.

4.3.2 Rejection Action Petition Submission Period, Requirements, Publication, and Certification

4.3.2.1 Rejection Action Petition Submission Period

Within the first ten (10) days after the start of a Rejection Action Petition Period, any constituent listed in section 4.3.1 above may submit a Rejection Action Petition to the Rejection Action Petition Manager's role account as provided in Section 3.2 of this Guideline.

4.3.2.2 Requirements for a Rejection Action Petition

A Rejection Action Petition should include at least the following:

- Name and affiliation of the Petitioner,
- If it is a ccNSO mandated group, reference to its mandate,
- If it is a ccTLD community related group, the nature of its relationship to the ccNSO,
- The rationale upon which rejection is sought⁷,
- If the Rejection Action Petition relates to a Standard Bylaw Amendment, a statement, if applicable, that the Standard Bylaw Amendment is based solely on the outcome of a PDP, citing the specific PDP and the provision in the Standard Bylaw Amendment subject to the Board Notice that implements such PDP. Additionally The Rejection Action Petition must include the name of the Supporting Organization that is a Decisional Participant that undertook the PDP⁸,
- If the Rejection Petition relates to an ICANN budget, an IANA(PTI) Budget, an Operating Plan or a Strategic Plan, the Rejection Action Petition shall also include a clarification that the rationale is based on one or more significant issues that were specifically raised in the applicable public comment period(s) and that these issues relate to perceived inconsistencies with the ICANN mission, purpose and role set forth in ICANN's Articles and Bylaws, the global public interest, the needs of ICANN's stakeholders , ICANN's financial stability or other matter of concern to the community⁹.

4.3.2.3 Rejection Action Petition Review and Certification

Upon receipt of a Rejection Action Petition submitted by an eligible constituent as defined in Section 4.3.1 of this Guideline, the Rejection Action Petition Manager will promptly inform the Chair of the ccNSO Council, the ccNSO Council, and the Rejection Action Petition Review

⁷ ICANN Bylaws, Annex D Section 2.2(c)(i)(A-B)

The requirements outlined in this section are very specific, and if they are not met to the letter, the Empowered Administration, upon receipt of a Rejection Action Petition from a Decisional Participant, has no discretion and must therefore reject any Rejection Action Petition that does not meet the specific requirements outlined in Annex D (and enumerated in this Guideline).

⁸ ICANN Bylaws, Annex D Section 2.2 (c) (i) (B)

⁹ ICANN Bylaws, Annex D Section 2.2 (c) (i) (A)

Committee, and circulate the Rejection Action Petition to the ccNSO Council and the Rejection Action Petition Review Committee.

The Rejection Action Petition Review Committee will determine within two (2) days after receiving the Rejection Action Petition whether the Rejection Action Petition meets the requirements as set forth above and in Annex D Section 2.2 (c) (i) (A-B).

If the Rejection Action Petition Review Committee determines the Rejection Action Petition does not meet the requirements set forth in Annex D Section 2.2 (c) (i) (A-B), the petitioner and the ccNSO Council will be informed promptly. The petitioner may adjust the Rejection Action Petition, however, the updated petition needs to be re-submitted no later than ten (10) days into the Rejection Action Petition Submission period.

If the Rejection Action Petition Review Committee determines that a Rejection Action Petition meets the requirements for a Rejection Action Petition, the Rejection Action Petition Review Committee will certify the Rejection Action Petition as having met the requirements as set forth in Annex D Section 2.2 (c) (i) (A-B).

Upon certification of a Rejection Action Petition, the Rejection Action Petition Manager will promptly inform the ccNSO Council and have the Rejection Action Petition and its certification published on the ccNSO website/wiki page. Once published, the ccNSO Secretariat shall send notice of its publication to the ccTLD Community.

After closure of the Rejection Action Petition submission period (as defined in section 4.3.2.1 above) all Rejection Action Petitions that did not meet the criteria, as well the findings of the Rejection Action Petition Review Committee with respect to the certification of the Rejection Action Petitions will be published on the ccNSO website/wiki.

If no Rejection Action Petition has been submitted, or no Rejection Action Petition is certified at the closure of the submission period, the Rejection Action Petition Manager will inform the ccNSO Council, the ccTLD community, and the ccNSO's representative to the Empowered Community Administration accordingly.

4.3.3 ccTLD Community Feedback on Certified Rejection Action Petition(s)

Upon publication of a certified Rejection Action Petition, the ccTLD community members will be asked to provide feed-back, opinion or comments on the merits of the Rejection Action Petition. However, this feed-back period will close on the fifteenth (15) day into the Rejection Action Petition Period¹⁰. The Rejection Action Petition Manager will categorize and summarize any

¹⁰ Whilst Annex D Section 2.2(b) defines the Rejection Action Petition Period as twenty-one (21) days, the fifteen (15) day cutoff for submission of Rejection Action Petitions to the Rejection Action Petition Manager is intended to provide sufficient time for (a) evaluation of the Rejection Action Petition by the Rejection Action Petition Review Committee to insure it complies with the requirements set forth in Annex D of the ICANN Bylaws, (b) publication of the Rejection Action Petition to the ccNSO Community, (c) Community comment on the Rejection Action Petition, (d) ccNSO Council debate on the merits of the Rejection Action Petition, and (e) a vote by the Council to either accept or reject the submitted Rejection Action Petition.

comments received, and promptly post them to the ccNSO Council list. The ccNSO Secretariat shall promptly post the Rejection Action Petition Manager's summary to the ccNSO website/wiki.

4.3.4 Council Decision on whether to accept a Rejection Action Petition

The ccNSO Council shall meet either in person or via tele-conference no later than on the twentieth (20th) day of the Rejection Action Petition Period to decide whether or not to accept or reject the Rejection Action Petition(s). The decision shall be made by a simple majority vote.

Any Rejection Action Petition submitted by a Community constituent that has not been certified by the Rejection Action Petition Review Committee as meeting the requirements set forth in Annex D, Section 2.2(c)(i)(A-B) of the ICANN Bylaws shall not be considered by the ccNSO Council.

In its meeting, the ccNSO Council shall decide whether to support or reject the Rejection Action Petition(s).

In taking its decision the ccNSO Council shall consider:

- the feed-back, views and input received from the ccTLD community regarding the Rejection Action Petition(s), if any;
- the importance of the matter for the ccTLD community and other factors deemed relevant by the ccNSO Council.

If the ccNSO Council decides to support the Rejection Action Petition, it must decide:

- whether to request ICANN to hold a public-conference call prior to the Rejection Action Community Forum¹¹,
- whether to request that ICANN hold a Rejection Action Community Forum¹².

The ccNSO Council is advised to discuss how the ccTLD community should provide input and feed-back on the Rejection Action Petition during the Rejection Action Community Forum, if any.

The ccNSO Council decision shall be published directly after it has been taken and the ccTLD community will be informed about the decision. Additionally, the ccNSO's representative to the Empowered Community Administration shall be informed of the decision reached by the ccNSO Council.

If the ccNSO Council has not reached a decision with respect to a submitted and certified Rejection Action Petition(s) by the end of the twentieth (20th) day of the Rejection Action Petition Period, the ccNSO Council is deemed to have rejected the proposed Rejection Action Petition and the matter will be considered closed. The ccTLD community shall be informed accordingly by the ccNSO Secretariat on the relevant ccNSO and ccTLD mailing lists, as well as on the

¹¹ Annex D section 2.2 (d) (i) (C)

¹² Annex D section 2.2 (d) (i) (D)

ccNSO website and/or wiki. Additionally, the ccNSO's representative to the Empowered Community Administration will be informed.

The decision to reject or accept a Rejection Action Petition is not subject to Rules of the ccNSO¹³.

In addition, the ccNSO Council is advised to discuss how the ccTLD community should provide input and feed-back on the Rejection Action Petition(s) during the community forum, if any.

4.3.5 Informing the Community, other Decisional Participants and the ECA of Acceptance of the Rejection Action Petition

After the ccNSO Council decides to accept the Rejection Petition(s), the Rejection Action Petition Manager will promptly provide a Rejection Action Petition Notice to the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary. In accordance with the Bylaws¹⁴ the Rejection Action Petition Notice must include:

- (a) The Council Decision, and the rationale for their decision to accept the Rejection Petition.
- (b) The Rejection Petition and the rationale for the Petition.

4.3.6 Solicitation of Support from other Decisional Participants

Immediately upon submission of the Rejection Action Petition Notice to the Empowered Community Administration and the other Decisional Participants as defined in the ICANN Bylaws¹⁵, the Rejection Action Petition Manager, now acting on behalf of the ccNSO as the Rejection Action Petitioning Participant, will contact the other Decisional Participants to invite other Decisional Participants to support the ccNSO Rejection Action Petition¹⁶.

All correspondence between the Rejection Action Manager and other Decisional Participants, the ICANN Secretary, and the Empowered Community Administration shall be posted on the ccNSO website/or wiki space.

4.3.7 Supported ccNSO Rejection Action Petition

If the ccNSO receives the support for its Rejection Action Petition(s) from at least one other Decisional Participant within seven (7) days after closure of the rejection Action Petition Period, the ccNSO initiated Rejection Action Petition shall be known as a Rejection Action Supported Petition. Within twenty-four (24) hours of receiving said support, the Rejection Action Petition Manager will inform the ccNSO Council and the ccTLD community, the Empowered Community

¹³ The Rules of the ccNSO are internal organisational rules as foreseen in Section 10.3(k) and 10.4 (b). As such they are subsequent to the ICANN Bylaws, which are paramount. Adhering to the timelines in section 6 of the Rules would be in direct conflict with the relevant timelines prescribed in the ICANN Bylaws.

¹⁴ ICANN Bylaws, Annex D Section 2.2(c)(i)(A-B)

¹⁵ ICANN Bylaws, Section 6.1(a)

¹⁶ ICANN Bylaws, Annex D Section 2.2(d)

Administration, the other Decisional Participants, and the ICANN Secretary of having received the required support.

Additionally, the Rejection Action Petition Manager will formally submit the Rejection Action Supported Petition to the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary. Said submission will conform to the requirements set forth in Annex D Section 2.2(d)(i)(A-E) of the ICANN Bylaws and will include at a minimum the following:

- A supporting rationale in reasonable detail,
- Contact details for the Rejection Action Petition Manager,
- A statement whether a publically available conference call prior to the Rejection Action Community Forum is requested,
- A statement whether a Rejection Action Community Forum is requested,
- A statement whether or not the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

4.3.8 No Support for ccNSO Rejection Action Petition

If, at the end of the seventh (7th) day after conclusion of the Rejection Action Petition Period no other Decisional Participant has expressed its support for the ccNSO Rejection Action Petition(s), the Process ends. The Rejection Action Petition Manager shall notify the Empowered Community Administration of the lack of support for the Rejection Action Petition. Additionally, the Rejection Action Petition Manager shall inform the ccNSO Council and ccTLD community that the Rejection Action Petition cannot go forward due to a lack of support from other Decisional Participants. The ccNSO Secretariat will publish this information to the ccNSO and ccTLD Community mailing lists, as well as post it on the ccNSO website/wiki.

4.4 Procedures for the ccNSO Actions for Supporting a Rejection Action Petition from another Decisional Participant

This section details the procedures when another Decisional Participant solicits the support of the ccNSO to support their Rejection Action Petition(s). The period to seek support ends at the seventh (7th) day following the Rejection Action Petition Period (twenty-eight (28) days after the Rejection Action Board Notification Date).

All references to “notices” and “notification” in this section mean written notice, either as formal correspondence or email.

4.4.1 Scheduling of ccNSO Council Meetings

Upon receipt of the Board Notification of a Rejection Action, the ccNSO Chair will schedule a ccNSO Council meeting to be held no later than the twenty-seventh (27th) day at 23.59 UTC after the Rejection Action Board Notification Date. The purpose of this meeting is for the ccNSO Council to make a decision whether or not to support a Rejection Action Petition from another Decisional Participant.

4.4.2 Receipt and Publication of a Request from another Decisional Participant to Support their Rejection Action Petition

Upon receipt of a request from another Decisional Participant to support their Rejection Action Petition(s), the Rejection Action Petition Manager shall notify the ccNSO Council, and have the request posted on the ccNSO website/wiki, and inform the community accordingly¹⁷.

4.4.3 Solicitation of Community Feedback

During a three (3) day period directly following the receipt of the request to support a Rejection Action Petition, ccTLD community members may submit their opinion on the merits of the ccNSO becoming a Rejection Action Supporting Decisional Participant. Immediately upon the conclusion of this community feedback solicitation period, the Rejection Action Petition Manager will have the comments received, if any, categorized and summarized, and post the summary to the ccNSO Council list.

4.4.4 Council Decision with Respect to Becoming a Rejection Action Supporting Decisional Participant

The ccNSO Council shall convene either in person or via tele-conference no later than the twenty seventh (27th) day at 23.59 UTC from the date of the Rejection Action Board Notification Date to take a decision whether or not to support the Rejection Action Petition(s) from another Decisional Participant.

In making its decision, the ccNSO Council will consider:

- the feed-back, views, and input received from the ccTLD community regarding the specific Rejection Action Petition, if any,
- the importance of the matter for the ccTLD community and other factors deemed relevant by the ccNSO Council.

If the ccNSO Council supports the Rejection Action Petition from another Decisional Participant, it must decide:

¹⁷ Solicitation of support by a Decisional Participant by other Decisional Participants is detailed in Annex D Section 2.2(d)

- whether to request ICANN to hold a publically available conference call prior to the Rejection Action Community Forum¹⁸,
- whether to request ICANN to hold a Rejection Action Community Forum¹⁹.

The ccNSO Council decision shall be published and the ccTLD community informed about the decision directly after it has been taken.

The decision whether to support a Rejection Action Petition of another Decisional Participant is not subject to Rules of the ccNSO²⁰.

The ccNSO Council is advised to discuss how the ccTLD community should provide input and feed-back on the Rejection Action Petition(s) during the community forum, if any.

4.4.5 Notification to ICANN, other Decisional Participants, and the Empowered Community Administration

Within twenty four (24) hours of the ccNSO Council's decision to support the Rejection Action Petition of another Decisional Participant, the Rejection Action Petition Manager by written notice will inform the ECA, the other Decisional Participants, and the ICANN Secretary of the ccNSO Council decision. In accordance with Annex D, Section 2.2 (d) (i) (A-E) the notice must include the following:

- A supporting rationale in reasonable detail,
- Contact details for the Rejection Action Petition Manager,
- A statement whether a publically available conference call prior to the Rejection Action Community Forum is requested,
- A statement as to whether a Rejection Action Community Forum is requested,
- A statement as to whether the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

4.5 Procedures with respect to a Rejection Action Community Forum

This section details the ccNSO procedures with respect to a Rejection Action Community Forum.

¹⁸ Presumably this request will have been made by the Rejection Action Petitioning Decisional Participant; however, Annex D, Section 2.2(d)(i)(C) also affords this to Rejection Action Supporting Decisional Participants.

¹⁹ The same comment made in the prior footnote applies here; however the relevant Bylaw citation is Annex D, Section 2.2(d)(i)(D).

²⁰ The Rules of the ccNSO are internal organisational rules as foreseen in Section 10.3(k) and 10.4 (b).As such they are subsequent to the ICANN Bylaws, which are paramount. Adhering to the to timelines in section 6 of the Rules would be in direct conflict with the relevant timelines prescribed in the ICANN Bylaws.

Unless explicitly determined otherwise, the Rejection Action Community Period shall start when the Rejection Action Support Period (section 4.3 above) ends and closes after twenty-one (21) days²¹.

4.5.1 Community Forum

Following the ICANN announcement to convene a Rejection Action Community Forum, the Rejection Action Petition Manager will inform the ccTLD community on the details of the Community Forum.

The ccNSO, via the Rejection Petition Action Manager, will participate in any Rejection Action Community Forum convened by ICANN.

4.5.2 ccTLD community input

The Rejection Action Manager will request the ccTLD community to provide input and/or feedback on the Rejection Action Supported Petition(s) to inform the Rejection Action Community Forum. The manner in which the input and feed-back will be requested from the community and then provided to the ECA will be determined by the ccNSO Council prior to requesting the ccTLD community to provide their feed-back and input.

The ccNSO Council is advised to discuss how the ccTLD community should provide input and feed-back at its meeting to decide to support a Rejection Action Petition (section 4.3.4 above).

4.5.3 Rescinding Support of the Rejection Action Supported Petition during the Community Forum Period

During any time up and until the eighth (8th) day before the end of the Rejection Action Community Forum period, the ccNSO Council may elect to rescind its support of the Rejection Action Supported Petition. The decision to rescind shall be made by a 2/3 super-majority vote of the votes cast by a quorate²² ccNSO Council.

In taking its decision the ccNSO Council shall consider:

- the feed-back, views and input received from the ccNSO community regarding the Rejection Action Supported Petition;
- the importance of the matter for the ccTLD community and other factors deemed relevant by the ccNSO Council.

This ccNSO Council decision is subject to the Rules of the ccNSO. The ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible and the ccTLD community shall be informed about the decision by the ccNSO Secretariat and will become effective 7 calendar days after publication.

²¹ ICANN Bylaws, Annex D, section 2.3 (c)

²² A quorate ccNSO Council is quorate if at least 10 Councillors are present with at least one representative from each ICANN Region.

Once the decision has become effective, the Rejection Action Petition Manager shall notify the ECA, the other Decisional Participants, and the ICANN Secretary of the decision by the ccNSO Council to rescind their support for the Rejection Action Supported Petition.

4.6 Final Decision Rejection Action Supported Petition

4.6.1 Council meeting

Following the ICANN announcement to convene a Rejection Action Community Forum, the Chair of the ccNSO Council shall schedule a Council meeting for final decision making on the Rejection Action Supported Petition(s).

This ccNSO Council meeting should be scheduled by the thirteenth (13th) day of the Rejection Action Decision Period, which directly follows the Community Forum Period²³.

4.6.2 The ccNSO Decision

No later than on the thirteenth (13th) day at 23.59 UTC of the Rejection Action Decision Period, the ccNSO Council must have decided whether to:

- Support the Rejection Action Supported Petition (and thereby reject the Rejection Action Board Notice),
- Object to the Rejection Action Supported Petition, or
- Abstain from the matter. Abstention will not count as support or objection to a Rejection Action Supported Petition.

In taking its decision, the ccNSO Council shall consider:

- the feed-back, views and input received from the ccNSO Community regarding the Rejection Action Supported Petition;
- the importance of the matter for the ccTLD Community and other factors deemed relevant by the ccNSO Council.

The ccNSO Council decision to support the Rejection Action Supported Petition has to be taken with a super-majority of 2/3 of the votes cast supporting the Petition at a quorate ccNSO Council meeting.

The ccNSO Council decision to reject the Rejection Action Supported Petition has to be taken by a simple majority of the votes cast rejecting the Petition at a quorate ccNSO Council meeting.

In all other cases the ccNSO Council is deemed to have abstained²⁴.

²³ ICANN Bylaws, Annex D, Section 2.4(a)

²⁴ To make this work the first question has to be who supports the Petitions, if threshold is not met, second question needs to be who rejects the petitions, if none of these positions meet the required thresholds, the

This ccNSO Council decision to support or reject a Rejection Action Supported Decision is subject to Rules of the ccNSO. The ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible and the ccNSO community shall be informed about the decision by the ccNSO Secretariat. If the ccNSO Council decision is not effective by the close of the Rejection Action Decision Period (as defined in the ICANN Bylaws Annex D section 2.4 (a)), the ccNSO Council is deemed to have abstained from the matter.

4.6.3 Submission of the Council's Decision to ICANN, other Decisional Participants, and the Empowered Community Administration

As soon as the ccNSO Council decision has become effective, the Rejection Action Petition Manager will convey in writing the decision of the ccNSO Council to the Empowered Community Administration and the ICANN Secretary. This correspondence shall be published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website/wiki.

In the event that the ccNSO Council has been deemed to have abstained (i.e., not taken a timely decision), the Rejection Action Petition Manager will inform the Empowered Community Administration and the ICANN Secretary accordingly. The notification shall be published on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website/wiki.

5 Miscellaneous

5.1 Archive

All ccNSO information and communication with respect to a specific Rejection Action process will be archived separately. For each Rejection Action the ccNSO Secretariat shall create a separate archive which will include at least:

1. All emails and correspondence related to the specific Rejection Action.
2. Any other communication between the Rejection Action Petition Manager with either the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Secretary. If necessary the communication first must be documented in writing.

A link to the Archive will be published on the ccNSO website/wiki.

ccNSO is deemed to have abstained. The kind of ccNSO decision -support, reject or abstain - is relevant to determine the overall level of support for a Rejection Action Supported Petition, see Annex D section 2.4 (b) (i) and (ii) and its consequences Annex D section 2.4 (c).

5.2 ccNSO Internal Guideline

This Guideline is an internal rule of the ccNSO in accordance with Article 10 of the ICANN Bylaws. In the event of conflict between this Guideline and the ICANN Bylaws, the ICANN Bylaws shall be paramount.

5.3 Omission in or Unreasonable Impact of the Guideline

In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the business of the ccNSO or the ccNSO Council, the Chair of the ccNSO Council will decide on a way forward. However, in all events the ICANN Bylaws shall remain paramount.

5.4 Publication and Review of the Guideline

This Guideline will be published as part of the rules and guidelines of the ccNSO after adoption by the ccNSO Council.

The Guideline will be reviewed every two (2) years at the time of review of the annual Work plan, or adjusted when considered necessary. To become effective, the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website/wiki.

Before publishing the updated Guideline, the Secretariat will adjust the version number and insert the date the Guideline was reviewed and adopted by the ccNSO Council.