

ICANN
ANNUAL GENERAL

63

BARCELONA

20–25 October 2018

**Rights Protection Mechanisms (RPMS)
Policy Development Process**
October 2018

GNSO RPMs PDP Working Group Working Session



Sunday, 21 October 2018 and Monday, 22 October 2018

Agenda

1

Review
Agenda

3

Initial Review of
URS Proposals

2

Initial Report
Process

Current Status

- ⦿ Working Group continues its review of the Uniform Rapid Suspension (URS) dispute resolution procedure.
- ⦿ Three sub teams proposed operational fixes and policy recommendations to enhance the URS based on feedback from experienced URS providers and practitioners, and analysis of URS cases;
- ⦿ Working Group completed deliberations on all sub team proposals in September 2018;
- ⦿ Individual WG members also submitted 33 proposals;
- ⦿ Working Group completed deliberations on all individual proposals on 12 October;
- ⦿ Working Group is reviewing the individual proposals in Sessions 1 and 4 at ICANN63.

Review of Sub Team Proposals

- ⦿ The Working Group created three URS Sub Teams to address topics for feedback from the URS providers and practitioners, and to identify data sources and to analyze certain categories of URS cases.
- ⦿ During ICANN62 the three Sub Teams presented updates.
- ⦿ Following ICANN62, the Providers and Documents Sub Teams continued their deliberations while the Practitioners Sub Team concluded its work.
- ⦿ In September 2018 the Working Group deliberated on the Sub Team preliminary findings/issues, 17 suggested policy recommendations and 17 operational fixes.

Review of Individual Proposals

- ⦿ Working Group agreed to the following procedure for determining which proposals to include in the Initial Report:
 - *Unless there is substantial material opposition within the Working Group, Sub Team recommendations will be included in the Initial Report for the purpose of soliciting public comment thereon. To be clear, Sub Team recommendations have a rebuttable presumption, subject to WG feedback, of enjoying an adequate level of support to be included in the Initial Report for the purpose of soliciting community input; Sub Team proposals, like those from individuals, will only become Final Report recommendations if they achieve Full Consensus or Consensus.*
- ⦿ Staff provided draft suggestions for how proposals could be included in the Initial Report based on the level of support;
- ⦿ Working Group will review the suggestions along with the referenced chat room discussions and transcripts;
- ⦿ Individual proposers will present any revisions to their proposals.

Review of Individual Proposals, Cont.

- ⦿ The levels of support and determination with respect to inclusion in the Initial Report will be based on the deliberations at ICANN63;
- ⦿ The Working Group will have the opportunity to review the proposals and levels of support as they appear in the draft Initial Report; and
- ⦿ The Working Group will have the opportunity to provide revisions before the Report is published for public comment.

Draft Initial Report: Creation

- ⦿ Who creates the initial draft of the Initial Report?
 - Typically, all draft reports are created initially by ICANN staff for review by the Working Group.
- ⦿ How will the initial draft be created?
 - As with all other PDPs, the staff draft will follow the GNSO template and include:
 - Any preliminary recommendations on which the Working Group seeks community input via public comment;
 - Open issues/questions on which the Working Group is divided or cannot reach consensus and for which public comments are considered helpful;
 - A summary of the group's deliberations; and
 - The process background.

Draft Initial Report: Revisions

- ⦿ How will revisions be accepted to the working draft Initial Report from Working Group members?
 - Typically an iterative process.
 - Proposals for recommendations may be made by members and discussed by the Working Group to see if a final proposed recommendation can be developed and agreed on (or not).
 - The Working Group Guidelines provide a general framework for how members are expected to participate in policy deliberations.
 - Staff generally documents all proposals received and updates these as the group's deliberations and refinements proceed.

Draft Initial Report: Conclusions

- ⦿ How will conclusions or recommendations be presented in the Initial Report?
 - Proposals with strong support per Co-Chairs and Working Group, such as the Sub Team proposals, will generally be described as “Preliminary Recommendations” in the Initial Report;
 - Proposals with adequate support per Co-Chairs and Working Group are generally described as options or questions for feedback and may be specifically called out for community input during the public comment period; and
 - Proposals with limited support per Co-Chairs and Working Group may be included in deliberations and referenced in an annex.

Draft Initial Report: Consensus

- ⦿ The WG Guidelines prescribe specific levels of consensus.
- ⦿ This level of detail is generally *not* used for an Initial Report, nor is there a formal Consensus Call; these being actions customarily used only for the Final Report.
- ⦿ As with the Final Report, the typical practice is for Working Group chairs to determine (subject to Working Group members' review):
 - Which proposals have garnered strong support;
 - Which proposals have adequate support;
 - Which remain open issues; and
 - Which were discussed sufficiently but did not obtain enough support to remain other than a proposal that was raised but did not proceed further.

Draft Initial Report: Public Comments Analysis

- How will public comments be analyzed?
 - Staff typically compiles a Public Comment Review Tool – a table that captures and summarizes (and which may also contain excerpts from) the comments received.
 - Depending on the number and type of comments, the Tool may also include categorization of comments into levels of support for specific recommendations and open issues.
 - Working Group may use the Tool as a starting point to review the comments – but this does not replace actual review of all the comments by members prior to their participation in Working Group calls on the comments.
 - Any Working Group may decide to use Sub Teams or other mechanisms to ensure that all comments are reviewed, such as for a large volume of comments.

Revisions and Draft Final Report

- How will revisions be accepted for the Final Report from Working Group members?
 - Working Group members suggest revisions, modifications, deletions or additions to preliminary recommendations or ways to resolve any open issues.
 - Staff prepares draft Final Report with draft text of proposed recommendations for Working Group review & discussion, and updates as a result of Working Group deliberations.
 - Following sufficient substantive discussion of all issues, the chair(s) announce a formal Consensus Call period:
 - Result allows the chair(s) to designate initial levels of consensus for each proposed recommendation.
 - Designation is published to the Working Group and open for discussion and modification, via an iterative process.

Thank You and Questions