

**PDP WT – Public Comments Review Tool / Open Issues – Proposed Final Report**  
**Updated 24 May 2011**

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>General Comments relating to</b>				
<b>Bylaws vs. Manual</b>	It would be helpful from an implementation point of view if it would be made clear in the report whether the recommendation relates to the Bylaws (Annex A), GNSO Operating Procedures or the PDP Manual.	RySG, INTA, SFO meeting	Noted and agreed.	<b>Update Report to reflect whether each recommendation relates to Bylaws or PDP Manual.</b>
<b>Streamlining of the Process</b>	ALAC supports the appropriate operating principles, rules and procedures applicable to the new PDP and notes that the different enhancements proposed by the WT should result in thoroughly-researched, well scoped objectives, and are run in a predictable manner that will yield results that can be implemented effectively.	ALAC	Noted.	
<b>Titles for recommendations</b>	Short titles for each recommendation would be helpful to readers to navigate the Final Report (suggestions provided in the submission).	INTA	Noted and agreed.	<b>Update/add short titles for each recommendation.</b>
<b>Transparency and Accountability</b>	Transparency and accountability are the keys to an effective and fair policy development process. The PDP review and the resulting recommendations are important first steps towards the achievement of this goal.	CADNA	Noted.	

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>PDP Summary Guide</b>	The report is not yet a guide for prospective participants in a PDP. The manual is helpful, but too long. A short practical manual on the PDP without references to the WT or recommendation # should be developed.	BC	Noted and agreed. However, the WT proposes that such a summary is developed once the report has been finalized and approved by the GNSO Council.	<b>Develop summary / guide to new PDP following approval of new PDP by GNSO Council.</b>
<b>PDP Flow Chart</b>	The PDP Flow Chart is useful but overly complex. A simplified one for Council initiated work only is needed. Showing timelines would also be useful.	BC	Noted and agreed. The WT notes that different versions of the flow chart may be developed which would show different levels of detail for each of the steps in the process. The WT recommends, however, that this is done at the end of the process, following adoption by the Board, so that a final and professionally developed graphics can be included in the PDP Manual	<b>Update / modify PDP Flow Chart for Final Report</b>
<b>PDP Flow Chart</b>	The PDP Flow Chart should also be included as part of the PDP Manual. The following information should be added though: (1) the required ICANN General Counsel opinion on the 'in scope' nature of the Issue Report as well as (2) the existence of an optional 'Impact Analysis' showing the stage at which this optional Impact Analysis enters the revised process of initiating a PDP.	INTA		
<b>PDP Flow Chart</b>	The Council vote box should say "In scope: 33% of each house or 66% of one house".	RySG		
<b>Comment relating to Recommendation #</b> (see <a href="http://gnso.icann.org/issues/pdp-wt-proposed-final-report-21feb11-en.pdf">http://gnso.icann.org/issues/pdp-wt-proposed-final-report-21feb11-en.pdf</a> )				

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>1</b> (Who -Request for Issues Report)	What is the rationale for leaving in place the possibility for an Advisory Committee or the Board to request an Issue Report? How does the WT see the GNSO Council cope with such 'outside influences'?	SVG	The WT did discuss whether the existing practice should be changed, but agreed not to do so. Even though to date this possibility to request an Issue Report has only been used by the ALAC, the WT wants to keep this option open for other Advisory Committees to make use of if deemed appropriate.	<b>No change</b>
<b>1</b> (Who -Request for Issues Report)	The ALAC supports maintaining the three methods for requesting an Issue Report as recommended by the WT.	ALAC	Noted.	<b>No change</b>
<b>3</b> (Development of PDP Manual)	The development of the manual should not hold up policy development efforts. An interim working arrangement must be achieved pending adoption of a final Policy Development Process Manual.	INTA	Noted, but the WT notes that it is unlikely that the manual will hold up the process as it is being developed in parallel to the recommendations and proposed Bylaw changes. Furthermore, the manual will not require board approval (only board oversight) while the new Annex A will need to be approved by the ICANN Board.	<b>No change</b>
<b>4</b> (Template – Request for Issues Report)	What use does the WT see for the proposed template if it is not compulsory? Not making it compulsory might result in people taking “short cuts” and not filling in the template.	SVG	The WT takes note of the comments received and suggests that certain elements of the template should be made	<b>Update recommendation accordingly.</b>

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<b>4</b> (Template – Request for Issues Report)	CADNA recommends that the use of the template is made mandatory to ensure that requests for an Issue Report are complete, each indicating “definition of issue, identification of problems, supporting evidence, economic impact(s), effect(s) on competition and consumer trust, and rationale for policy development”.	CADNA	mandatory while at the same time leaving sufficient flexibility to address different situations. Following additional deliberations, the WT agreed to make the ‘name of the requestor’ and the ‘definition of the issue’ required elements of any request for an Issue Report. Submission of additional information is strongly encouraged, but not required.	
<b>4</b> (Template – Request for Issues Report)	A template can be designed in a flexible manner in order to allow for varying situations and so that use of the template can be required.	RySG		
<b>4</b> (Template – Request for Issues Report)	The template should be limited to defining the issue, identifying problems and providing the rationale for investigating whether policy development is needed. If other elements, such as supporting evidence and economic impact are desirable, these should be explored through an impact analysis.	INTA		
<b>5</b> (Guidance on Issue Scoping)	Policy Development efforts should not be delayed while a PDP Manual is being finalized and adopted.	INTA	Noted, see also response above (#3).	<b>No change</b>
<b>6</b> (Creation of Issues Report)	It would be helpful to better define what ‘in scope means’. It is noted that some of these distinctions are made in other recommendations (#7, #8 and #23), but they should also be made in this recommendation as well.	RySG	Noted and agreed.	<b>Update recommendation to reflect comment.</b>

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<b>6</b> (Creation of Issues Report)	INTA is concerned that the request for the ICANN Staff Manager to express an opinion as to whether the PDP should be initiated may result in delays. Also, this appears to be beyond the responsibilities of ICANN Staff.	INTA	The WT does not understand why the request for the ICANN Staff Manager to express an opinion would cause delay as it reflects current practice. Also, the WT considers it appropriate for ICANN Staff to express its opinion, especially at this early stage, on whether or not to initiate a PDP. The WT would like to point out that this staff opinion is in no way binding and can be disregarded by the GNSO Council if it would choose to do so (and has done so in the past).	<b>No change</b>
<b>10</b> (Timeline Issues Report)	INTA agrees that in most cases the maximum timeframe for the creation of the Preliminary Issue Report should be 45 calendar days. Extensions should generally be limited to an additional 30 calendar days to ensure that requests for Issue Report are addressed in timely manner.	INTA	The WT notes that there seems to be a misconception with regard to the Preliminary Issue Report. The WT would like to clarify that the Preliminary Issue Report is the final report, if no comments are received (it is not an outline, or initial draft). The comment period is intended to address any issues or information that has been overlooked or is incorrect in the Preliminary Issue Report, and provide input to the GNSO Council for its consideration of	<b>Clarify what the Preliminary Issue Report is and isn't in the Final Report.</b>
<b>10</b> (Timeline Issues Report) & <b>11</b> (Comment Period Preliminary Issue Report)	The BC is concerned that the Preliminary Issue Report is being over engineered. It is intended to be short and factual, not solving the issue or adding opinion on its merit. An additional public comment period at this stage is therefore both redundant and a waste of time.	BC		

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<b>11</b> (Comment Period Preliminary Issue Report)	INTA agrees that the Preliminary Issue Report should be posted for public comment. INTA would recommend a relatively short commenting window, for example no more than 30 days, to ensure that the initiation of the PDP is not subject to a lengthy delay.	INTA	the Issue Report and decision on whether or not to initiate a PDP. It is not intended to discuss approaches or solutions to the issue.	
<b>11</b> (Comment Period Preliminary Issue Report)	CADNA strongly supports this recommendation as it will incorporate and allow for critical public input much sooner in the PDP and will ensure that no necessary information is missing from the Preliminary Issue Report.	CADNA		
<b>12</b> (Role of workshops)	How can be determined which issues require a workshop and which don't?	SVG	WT agrees that a workshop is not required, but might be advisable in certain cases. In any event, it would be up to the GNSO Council to determine whether a workshop is needed / helpful prior to the initiation of a PDP.	<b>Clarify that workshop is not required, but might be advisable in certain cases.</b>
<b>12</b> (Role of workshops)	The WT should clarify that the GNSO Council may consider workshops, but that it is not required to hold workshops prior to voting on the initiation of a PDP.	INTA		
<b>12</b> (Role of workshops)	Organizing a workshop should not be a mandatory step of the PDP.	BC		
<b>13</b> (Impact Analysis)	The terms 'public interest' and 'consumer trust' should be defined. Any analysis of competition should be performed by qualified competition authorities. Analysis of human rights should be based on international principles of law because of the wide variations of local law in this regard.	RySG	The WT notes the concerns and issues identified with the current wording of the recommendation. Following further discussion, the WT noted that 'impact analysis' might not be the appropriate terminology as it concerns here an assessment prior to the	<b>Update recommendation to reflect comments and WT's subsequent discussion.</b>

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<b>13</b> (Impact Analysis)	The WT should clarify that the GNSO Council may consider an Impact Analysis, but that it is not required to do so prior to voting on the initiation of a PDP. INTA requests, therefore, the deletion of 'or necessary'. With respect to the elements of the Impact Analysis, INTA is of the opinion that 'human rights' is included in the category of 'the public interest'.	INTA	initiation of a PDP, not the assessment of the impact of potential new policies or recommendations for which the term 'impact assessment' would be appropriate. The WT therefore suggests changing the recommendation to reflect that it concerns a scope assessment or 'scope sanity check' to determine whether the issue is in scope for ICANN / GNSO to address by assessing it against existing mechanisms such as the AoC and ICANN Bylaw. The WT also notes that such a 'scope assessment' would not be mandatory and at the request of the Council if deemed appropriate.	
<b>13</b> (Impact Analysis)	A possible impact analysis before a vote to start a PDP is an option that will be gamed by parties wishing to delay a new PDP.	BC		
<b>13</b> (Impact Analysis)	Who would undertake the impact assessment? Are human rights part of ICANN's mission?	SFO Meeting		
<b>13</b> (Impact Analysis)	Support for dropping the "impact on Human Rights" from the list of issues in Recommendation #13, as it is adequately covered in other areas.	RrSG		
<b>14</b> (Resources & Prioritization)	How should resources be measured and how can the availability be determined, noting that there is currently no mechanism in place for the GNSO Council to do so.	SVG	The WT notes that in its view it is not the role of WTs or WGs to set the community priorities, but that it is the responsibility of the GNSO Council to do so. The WT also notes that there are currently only a limited number of PDPs going on, non-PDP related issues take up the majority of resources.	<b>No change</b>
<b>14</b> (Resource & Prioritization)	If the WT has specific guidelines for the GNSO Council to refer to in connection with the process of 'prioritization' then it would be helpful to state those guidelines specifically in the Final Report.	INTA		

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<b>15</b> (Fast Track Process)	The WT should clarify what recommendations will enable the PDP to move more quickly. Several mechanisms proposed in the report seem more likely to slow down the PDP instead of making it faster.	INTA	The WT is of the view that a better informed, well-scoped PDP in combination with substantial work and data gathering at the pre-PDP stages will allow for more effective and hopefully quicker PDPs. If the GNSO Council does see the need for the development of a fast track mechanism, it could take action to develop such a mechanism for example by tasking the recently created Standing Committee to look into this issue.	<b>No change</b>
<b>16</b> (Flexibility) & <b>38</b> (deferral of consideration of Final Report)	There is no practice to allow a Councilor to defer a PDP for one meeting, although there is an informal practice of allowing a GNSO SG or Constituency to request through one of its Council representatives that a vote on a motion is deferred for one meeting. Is this what is referred to here?	SVG	The WT notes that it is indeed this informal practice that is referred to.	<b>No change</b>
<b>16</b> (Flexibility)	General agreement with the modification of timeframes as proposed, but INTA suggests that a request for deferral would need to be seconded to avoid additional delays.	INTA	The WT agrees that this should not be a cumulative practice, there should only be one deferral. WT disagrees that this should be	<b>No change.</b>



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<b>16</b> (Flexibility)	Codifying a practice to delay seems a dangerous precedent. However, if the WT does propose codifying this practice it should make clear that this is not a cumulative right.	BC	clarified in the PDP rules. It would be up to the GNSO Council to determine its operational rules in relation to deferral of votes, but in relation to consideration of the Issue Report the WT is of the opinion that it should not be deferred for more than one meeting.	
<b>18</b> (Appeals mechanism)	ALAC supports the proposed appeal process, as it is important that all decisions in an organization such as ICANN have due process in place to address such possibilities.	ALAC	Noted.	<b>No change</b>
<b>19</b> (Chartering)	Recommendation to change 'Bylaws' at the end of the recommendation to GNSO Bylaws' to make it clear that this is not the same document as is being referenced earlier in the paragraph.	SVG	The WT notes that there are no GNSO Bylaws, but suspects that the commenter is referring to the section on the GNSO in the ICANN Bylaws instead of Annex A.	<b>Review recommendation and clarify language if needed.</b>
<b>19</b> (Chartering)	Recommendation to explicitly state what a 'majority' vote means according to the GNSO Operating Procedures: 'Any modifications to a Working Group Charter made after adoption by the GNSO Council of such Charter, however may be adopted by a majority vote <u>of each house</u> of the GNSO Council.	RySG	Noted and agreed.	<b>No change</b>

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<b>19</b> (Chartering)	INTA agrees that a WG Charter should be required. INTA would suggest setting a reasonable timeframe for the development and approval of the Charter to ensure that this task is completed as soon as possible and does not delay the formation of a WG.	INTA	The WT notes that there might be difficulties with setting a fixed timeframe, as the time to develop will depend on the availability of volunteers as well as the complexity of the issue. The WT would support inserting language such as 'as soon as possible' but wants to ensure sufficient flexibility to allow for different circumstances. The WT would like to point out that the GNSO Council can always set a timeline for a drafting team to develop a Charter if it would like to do so.	<b>Review recommendation and update accordingly.</b>
<b>19</b> (Chartering)	CADNA supports this recommendation and notes that it is important to ensure that the charter establishes a clear set of goals to work towards in order to be able to properly measure the WGs progress.	CADNA	Noted. In addition, the WT would like to point out that further guidance on what should be in the Charter is included in the GNSO Working Group Guidelines.	<b>No change</b>

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<b>21</b> (AC/SO input)	The WT should consider more detailed procedures for communication and responses to the GAC in an effort try to improve the involvement of the GAC and/or GAC members earlier in policy development and implementation efforts. The RySG also suggests that interim procedures be included regarding the involvement of community working groups in a GNSO policy development process until such time that community working group procedures are developed and implemented.	RySG	The WT notes that it has not considered CWG in the context of PDPs. The WT does agree that more detailed procedures for communication and responses to the GAC might be helpful, but is the view that it is not within the remit of this WT to develop, but should be for the GNSO Council and GAC to develop jointly on a more general level.	<b>No change</b>
<b>21</b> (AC/SO input)	Additional explanation is needed regarding how to best involve the ACs and SOs in a PDP. A clarification regarding how such input 'must be sought' would be useful, as well as the manner and timeframe in which the WG should respond to AC and SO comments.	INTA	Taking note of this comment, the WT agreed to update the recommendation to reflect that PDP WGs should detail in their report how input was sought from others and how this input has been considered.	<b>Review recommendation and update accordingly.</b>
<b>22</b> (Public comment after Initiation of PDP)	Complete agreement with this recommendation	SVG	Noted	<b>No change</b>
<b>23</b> (Clarify 'in scope')	The RySG agrees that the definition provided by the WT is one definition of 'in scope' and that this definition is important. The RySG suggests that the definition of 'in scope' with regard to possible consensus policies be included here for clarity.	RySG	Noted and agreed. Some suggested that a clear distinction between the two types of 'in scope' might be helpful, such as for example, GNSO scope and consensus policy scope.	<b>Review recommendation and update accordingly by adding a footnote to relevant sections in registry / registrar agreements that define consensus policy.</b>

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<b>23</b> (Clarify 'in scope')	CADNA fully supports this recommendation and notes that with regard to the initiation of a PDP it is important to define how the proposed issue fits within the scope of ICANN's mission and how it addresses the provisions laid out in the Affirmation of Commitments.	CADNA	Noted	<b>No change</b>
<b>24</b> (Working Methods)	It would be helpful if some examples of possible different working methods are provided.	RySG	The WT noted that it would not be in the remit of the WT to develop new working methods, but that this would be the responsibility of the GNSO Council as outlined in the PDP Manual. The WT agrees that examples from previous experiences can be added for illustrative purposes (Task Force, Committee of the Whole).	<b>Review recommendation and update accordingly.</b>
<b>24</b> (Working Methods)	The ALAC is pleased to see that the WT has supported the flexibility suggested by the ALAC as part of its comments on the Initial Report with regard to working methods for policy development.	ALAC	Noted.	<b>No change</b>

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<b>24</b> (Working methods)	INTA is supportive of the flexibility proposed in the recommendation but it should clarify who may, or who is responsible for, suggesting and developing such alternate processes, as well as the approvals required to implement such processes instead of a Working Group.	INTA	The WT notes that the PDP Manual outlines that the GNSO Council may select a different working method if it 'first identifies the specific rules and procedures to guide the PDP Team's deliberations which should at a minimum include those set forth in the ICANN Bylaws and PDP Manual'.	<b>No change</b>
<b>28</b> (Public comment)	CADNA supports the proposed extension of the public comment period on the Preliminary Issue Report and the Initial Report to a minimum of 30 days.	CADNA	Noted.	<b>No change</b>
<b>29</b> (Public Comments)	INTA agrees with this recommendation but further recommends setting a reasonable timeframe, for example 30 days after the closing of the public comment forum, to ensure that comments can be relayed to the WG promptly.	INTA	Noted and agreed, absent exigent circumstances.	<b>Review recommendation and update accordingly.</b>
<b>29</b> (Public Comments)	The WG 'shall' review (delete 'responsible for reviewing')	SFO Meeting	Noted and agreed.	<b>Review recommendation and update accordingly.</b>

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<b>31</b> (Implementation / impact)	The RySG suggests that the WT make clear the role of the GNSO with regard to implementation of approved policies by addressing questions such as 1) should the GNSO have approval rights for implementation plans, 2) what should the GNSO do if implementation plans are not consistent with approved policy?	RySG	Noted and agreed.	<b>Staff should inform the GNSO Council of its proposed implementation of a new GNSO recommended policy. If the proposed implementation is inconsistent with the GNSO Council's recommendations, the Council may notify the Board and request that the Board review the proposed implementation. Until the Board has considered the GNSO request, Staff should refrain from actually implementing the policy, although it may continue developing the details of the proposed implementation while the Board considers the GNSO Council request.</b>

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>34</b> (Working Group Output)	What would be the recommendation of the WT on the timing of the Initial Report? Expectations for the publication of the Initial Report should be clarified and detailed.	SVG	Noted. The WT believes it is better to be less specific in this regard. The Charter for the WG typically specifies the initial timing of the initial report. It is incumbent upon the WG chair and the Council liaison to update the Council and communicate any changes in the proposed timeline for the Initial Report.	<b>No change.</b>
<b>37</b> (Termination of a PDP)	Recommendation to reword as follows: ‘... and passes a motion with <u>at least 75% of one house and a simple majority of the other house</u> ’. Noting that if recommendation #48 is approved, ‘or with at least 2/3 of each house’ should also be added.	RySG	Following additional discussion, the WT supported leaving the recommendation as is, but agreed to add the words ‘as defined in the ICANN Bylaws’ following the word ‘supermajority’ to ensure that it is clear what is meant and to avoid having multiple, possibly different, definitions of supermajority.	<b>Change as suggested.</b>

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<b>38</b> (Deferral of consideration of Final Report)	Clarification should be added that states that only one delay may be requested regardless of what SG requests the delay.	RySG	Noted. WT disagrees that this should be clarified in the new PDP rules. It would be up to the GNSO Council to determine its operational rules in relation to deferral of votes, but in relation to consideration of the Issue Report the WT is of the opinion that it should not be deferred for more than one meeting.	<b>No change.</b>
<b>38</b> (Deferral of consideration of Final Report)	INTA supports this recommendation and is of the view that the deferral per the request of one Council member apply only to the consideration of the final report, and that, as indicated in its comments on Recommendation 16, any deferral relating to the initiation of a PDP should need to be seconded.	INTA	Noted. The WT disagrees that the deferral needs to be seconded because this would dilute the ability of a Stakeholder Group to duly consider a proposed PDP recommendation. It is preferable to leave this issue to the Council to determine as appropriate under its operating rules and procedures.	<b>No Change.</b>



	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>39</b> (WG Recommendations)	Why is the WT concerned with the GNSO Council accepting some but not other recommendations? Isn't that what is expected from the GNSO Council? Suggested correction to last sentence of the recommendation: remove 'there'.	SVG	Noted. This issue was extensively considered by the WT prior to the publication of the Draft Final Report. Since the Council's role is to manage the process, and not to make policy, the GNSO Council should not be changing recommendations designated as "interdependent" by the WG without referring the issue back to the WG to consider.	<b>No Change, except to remove "there" in the last sentence of the recommendation.</b>
<b>39</b> (WG Recommendations)	INTA supports recommendation 39, but only if it is clarified that unanimity is not the ICANN policy standard, but rather consensus, even if it is only 'rough consensus' at times. Additionally, the recommendation should make clear that the GNSO Council can consult with the WG for their input whenever concerns or changes occur, but that the WGs input does not automatically govern. The GNSO Council should be able to consider the composition of WGs, including the level of representation in WGs and whether they may be either underrepresented or overrepresented, and any related lack of participation.	INTA	As outlined in the report, the GNSO Working Group Guidelines outline the standard methodology for decision-making, including designation of level of consensus. These guidelines also outline the procedures for addressing under- or overrepresentation. The WG does recommend that the decision-making methodology as prescribed by the GNSO Working Group Guidelines is used for a certain period of time 'following which its effectiveness and usability could be reviewed and assessed as part of the overall review of the new PDP'.	<b>No change</b>

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<b>39</b> (WG Recommendations)	CADNA supports this recommendation.	CADNA	Noted.	<b>No Change.</b>
<b>40</b> (Board Report)	INTA supports this recommendation.	INTA	Noted.	<b>No Change.</b>
<b>40</b> (Board Report)	CADNA agrees that all reports to the ICANN Board concerning a PDP should be publicly disclosed.		Noted.	<b>No Change.</b>
<b>41</b> (Voting Thresholds)	Whether or not the voting thresholds should be revised should not wait for the next GNSO review, the GNSO Council should remand this topic for further consideration by the WT with a short timeframe for a recommendation.	INTA	Noted and agreed. However, there has not been sufficient experience with the current voting thresholds to determine whether a change is warranted. The Council should revisit this in the future when it deems appropriate, perhaps during the next GNSO review cycle.	<b>No change.</b>
<b>42</b> (Board Vote)	Preference for option 1, the ‘narrow sense’ interpretation: the Board cannot choose to ignore a GNSO Council vote as it sees fit.	SVG	Following further review and explanation of the staff memo on this issue (see	<b>Modify provision 13 to make clear that this section and especially provision 13f relates to the rejection of GNSO recommendations and clarify that discussion between the Board and GNSO Council is desirable both when the Board rejects a GNSO</b>
<b>42</b> (Board Vote)	The RySG supports the ‘narrow’ interpretation of what ‘act’ means (the Board cannot declare a recommendation as a Consensus Policy under the applicable ICANN Contracts if that recommendation was not approved by the required GNSO voting threshold) and suggests that the Bylaws be modified to make it clear.	RySG	<a href="http://forum.icann.org/lists/gnsoppsc-pdp/msg00628.html">http://forum.icann.org/lists/gnsoppsc-pdp/msg00628.html</a> ), the WT agreed that the current provision 13f should be seen in the context of when the Board is able to <b>reject</b> a GNSO recommendation (either as explained in 13b if the GNSO	

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42 (Board Vote)	Provision 13f should be amended to make clear that, absent the appropriate voting threshold by the GNSO Council, the Board cannot act on its own to initiate policy, and that the matter should be remanded to the GNSO Council for further consideration or termination of the PDP if the Council so decides.	INTA	recommendation is adopted by a GNSO Supermajority or as explained in 13f if the GNSO recommendation was not adopted by a GNSO Supermajority). The WT noted that this provision does not provide the option for the board to adopt a recommendation that was not adequately supported by the GNSO as this whole section only relates to rejection of the Board of GNSO recommendations. The WT noted that the current placing of provision 13f is confusing and that it would make more sense to link it closer to provision 13 b, as in both instances the desired next steps would be further discussion with the GNSO as outlined in provisions 13 c, d and e.	<b>supermajority recommendation or a GNSO recommendation that was not adopted by supermajority.</b>

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>45</b> (Review of WG)	Guidelines for WG self-assessment should be developed and these should be included in the final PDP Manual.	INTA	Noted. The issue of group assessments are relevant to all GNSO Council chartered committees, working groups and drafting teams, and is not unique to those involved in PDPs. This issue should be referred to the new GNSO Council Standing Committee on Improvements Implementation after there is more experience with the new PDP process. The WT suggests that an assessment mechanism might explore whether the WG accomplished what it set out to do in the charter.	<b>No change.</b>
<b>48</b> (Definition of Supermajority)	Proposal for rewording as current proposal is considered confusing: 'The WT recommends that the definition of a 'GNSO Supermajority vote' is redefined as 2/3 of the Council members of each house or 75% of one house and a majority of the other house'.	RySG	Noted. The WT agrees with the clarification so long as it does not change the substance of the threshold.	<b>Change as suggested.</b>
<b>Overarching Issues</b>				
<b>Translation</b>	The ALAC is satisfied that the WT has recognized the importance of translation to facilitate the participation of non-English speakers and supports the WT recommendations in this regard.	ALAC	Noted.	<b>No Change.</b>

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>Voting Thresholds</b>	The WT should recommend something in relation to the voting thresholds, especially in relation to the 'low' voting threshold to request an Issue Report, and not put this back to the GNSO Council to deal with as part of its prioritization efforts.	SVG	The current voting thresholds to initiate a PDP were developed as part of a carefully crafted compromise that led to the recent GNSO restructuring. There is insufficient support within the WT to recommend a change and there is not enough data connected to this issue to justify a change at this time.	<b>No Change.</b>
<b>Voting Thresholds</b>	Further changes to the voting thresholds should simplify not add complexity to an already overly complex structure.	BC	Noted.	<b>No Change.</b>
<b>PDP Manual</b>				
<b>5.9 PDP Outcomes and Processes</b>	CADNA strongly recommends that the PDP Team be required to engage in the collection of information from outside advisors and experts but would like to see the addition of a provision that would ensure that those selected are of a neutral position.	CADNA	Noted. The WT notes that there are budgetary constraints involved with requiring the collection of information from experts. In addition, the WT does not agree that outside advisors should be neutral. A PDP WG may welcome the input of an expert even if it not neutral so long as the PDP WG is aware of the expert's viewpoint on the issue.	<b>No Change.</b>

	<b>Comment (Summary)</b>	<b>Who</b>	<b>WG Response</b>	<b>Recommended Action / Change</b>
<b>5.11 Preparation of Final Report</b>	CANA would like further information about how the comments will be evaluated and what would be required to deem them appropriate for inclusion. An additional report on how comments were considered should be required as well. CANDA also proposes that the Final Report be required to be posted for public comment as a [Draft] Final Report.	CADNA	The PDP WG is responsible for properly viewing and analyzing the public comments.	<b>PDP WG should be required to use a public comment tool that notes the WG response to comments and recommended changes as a result.</b>

Remaining Open Issues			WT Notes
<b>Rec #13 Impact Analyses</b>	The PDP-WT recommends that the PDP Manual describe the option for the GNSO Council to request that an impact analysis be conducted if appropriate or necessary prior to the vote for the initiation of a PDP. Such an impact analysis could include the assessment of the impact on (i) the public interest, (ii) the security, stability and resiliency of the DNS, (iii) competition, consumer trust and consumer choice, and (iv) international participation <sup>1</sup> [as well as the impact on human rights] – The bracketed language only received minority support from within the PDP-WT. The WT hopes to receive input as part of the public comment period on whether the bracketed language should be maintained or not.	Proposed Final Report	Following further review of the WT deliberations on the comments in relation to recommendation #13 (see above), the WT agreed that an ‘impact assessment’ at the time of the initiation of a PDP did not make sense and noted that a ‘scope assessment’ is already carried out as part of the Issue Report. The WT is therefore considering deleting recommendation #13. (James to provide alternative language for consideration). At the same time, the WT agreed that there should be a recommendation that addresses the possibility to assess the impact of proposed policy recommendations. It was noted that recommendation #31 already foresees that the PDP WG should provide input on impact related issues, but it does not address if/how/when the GNSO Council should consider an impact assessment. (Avri proposed alternative language for consideration by the WT – see <a href="http://forum.icann.org/lists/gnso-ppsc-pdp/msg00649.html">http://forum.icann.org/lists/gnso-ppsc-pdp/msg00649.html</a> ).

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<sup>1</sup> As outlined in section 3 of the Affirmation of Commitments

<p><b>Rec #42 – Board Vote</b></p>	<p>The PDP-WT recommends that the provisions in relation to the Board Vote in the ICANN Bylaws remain essentially unchanged, but recognizes that the current provision 13f<sup>2</sup> is not clear especially in relation to what ‘act’ means. Some members of the WT suggest that this should be interpreted in a narrow sense (the Board cannot declare a recommendation as a Consensus Policy under the applicable ICANN Contracts if that recommendation was not approved by the required GNSO voting threshold). Other members of the WT suggest that this should be interpreted in a broader sense (the Board can approve a Consensus Policy even if it was not approved by the required GNSO voting threshold). The PDP-WT is in the process of seeking further input on this issue by the ICANN Board, Staff and the community in order to determine whether this provision needs to stay as is, be clarified or be removed. In addition, an explanation needs to be added in the PDP Manual to clarify that all recommendations, also those not recommending new or changes to Consensus Policies, should be communicated to the Board</p>	<p>Proposed Final Report</p>	<p>See WT’s response in relation to comments on recommendation #42 above.</p>
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<sup>2</sup> From the ICANN Bylaws – 13 Board Vote f. In any case in which the Council is not able to reach GNSO Supermajority vote, a majority vote of the Board will be sufficient to act.



<p><b>Transition</b></p>	<p>The WT agreed that following the adoption and implementation, the new PDP should apply to all issued raised and PDPs initiated after the date of adoption. The WT discussed whether it would / should be possible for existing PDPs to adopt the new model upon request. The Office of the General Counsel confirmed that a transition to the new PDP model for ongoing PDPs would be possible should the GNSO Council approve that concept. The PDP-WT is soliciting comments from the comments from the public on this issue.</p>	<p>Proposed Final Report</p>	<p>The WT agreed to modify the recommendation as follows: Upon review by the GNSO Council, existing PDP Working Groups may be transitioned to the new policy development process.</p>
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