

ANNEX 3: Input Process Manual

1. GNSO Input Process (GIP) Introduction

A GIP is the process through which the GNSO provides input on matters that may not involve gTLD policy, for example in response to a request from the ICANN Board or in response to a public comment forum as further described in this GIP Manual. Any such requests should include as much information as possible.

A GIP may be initiated by the GNSO Council at any time it considers appropriate, for example, when a request for GNSO input is received from the ICANN Board or other entity that does not involve the creation of new obligations for ICANN contracted parties and does not relate to a topic otherwise suitable for a GNSO Policy Development Process or GNSO Guidance Process, for example providing GNSO Input to a public comment forum.

2. Planning for Initiation of a GIP

The GNSO community and staff are encouraged to provide advice, where possible in advance of a decision on the initiation of a GIP, specifying any additional research, discussion, or outreach that should be conducted prior to or immediately following the decision on the initiation of a GIP. In cases where it concerns a specific request from the ICANN Board or any other SO/AC, the requestor is expected to make available a point of contact to provide further information or clarification in relation to the request for input if needed.

The GNSO Council should take into full account the resources available, both volunteers and staff, when making its decision on whether or not to initiate a GIP.

3. Minimum requirements for a GIP Initiation Request

To initiate a GIP, a GNSO Council member must submit a request to the GNSO Council that includes at a minimum the following information:

1. Name of Council member (SG/C)
2. Origin of issue (e.g., Board request)
3. Scope of the effort (description of the issue or question that the GIP is expected to address)
4. Proposed GIP mechanism (e.g. WG, DT, individual volunteers – hereinafter referred to as the “GIP Team”)
5. Method of operation, if different from GNSO Working Group Guidelines
6. Decision-making methodology for the GIP Team, if different from GNSO Working Group Guidelines
7. Desired completion date and rationale for this date

Any additional information that can facilitate the work on the GIP, such as information that should be considered and/or other parties that should be consulted, is encouraged to be provided as well.

4. Initiation of a GNSO Input Process

Any Council member can request that a GIP is initiated following the steps in section 3. A Council vote is not required to initiate a GIP, except in the situation where one or more GNSO Council members object to the initiation. In such an instance, the GNSO Council may initiate the GIP if the default threshold to pass a GNSO Council motion (a simple majority vote of each House) in favor of initiating the GIP is achieved.

5. GIP Outcomes and Processes

Upon initiation of the GIP, the GNSO Council will form the GIP Team as outlined in the GIP request. The GIP Team is required to review and become familiar with the GNSO Working Group Guidelines, if applicable, as well as this GNSO Input Process Manual.

Once formed, the GIP Team is responsible for engaging in the collection of information. If deemed appropriate or helpful by the GIP Team, the GIP Team may solicit the opinions of outside advisors, experts, or other members of the public. The GIP Team should carefully consider the budgetary impacts, implementability, and/or feasibility of its proposed information requests and/or subsequent recommendations.

The GIP Team is encouraged to solicit input from each Stakeholder Group and Constituency in the early stages of the GIP. Stakeholder Groups and Constituencies should be provided sufficient time to provide input from the moment that the input is requested by the GIP Team, noting that in certain circumstances such as an external deadline that affects the GIP Team's ability to complete its work, this timeframe may be short.

The GIP Team is also encouraged to seek the input of other ICANN Advisory Committees and Supporting Organizations, if deemed relevant and as appropriate, that may have expertise, experience or an interest in the issue under consideration in the GIP. In this regard, it is recommended that the GIP Chair consult with the GNSO Council Liaison to the GAC or equivalent regarding the best way to achieve early GAC participation or consultation with respect to the issues under consideration. Solicitation of opinions should be done in the early stages of the GIP.

At the end of its deliberations, the GIP Team shall develop proposed GNSO input relating to the topic for which the GIP was initiated. At the same time, the GIP Team may also conclude that no input is desirable or needed.

The Staff Manager¹ is responsible for coordinating with the Chair(s) of the GIP Team to supervise and to carry out the GIP activities as necessary or appropriate, including, without limitation, making available the standard technical resources for the GIP Team, scheduling and attending GIP meetings, drafting GIP reports, and providing expertise where needed.

¹ As per the ICANN Bylaws: '1. A member of the ICANN staff shall be assigned to support the GNSO, whose work on substantive matters shall be assigned by the Chair of the GNSO Council, and shall be designated as the GNSO Staff Manager (Staff Manager)'.

6. Preparation of Proposed GNSO Input

After collection and review of information, the GIP Team and staff are responsible for producing the Proposed GNSO Input. At a minimum, this should include the proposed recommendation(s), if any. Additionally, the following information may be provided, if available and if the GIP Team considers it desirable to do so:

- i. Compilation of Stakeholder Group and Constituency Statements (where these were sought and provided)
- ii. Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee (where these were sought and provided)
- iii. Statement of level of consensus for Proposed GNSO Input
- iv. Information regarding the members of the GIP Team
- v. A statement on the GIP Team discussion concerning the impact of the proposed input which could include areas such as economic impact, competition, operations, privacy and other rights, scalability and feasibility.

If available or deemed desirable, these elements may be included as part of the Proposed GNSO Input or by reference to information posted on an ICANN website or wiki (such as through a hyperlink).

The Proposed GNSO Input should be delivered to the GNSO Council for its consideration. This may be done in the form of a motion for the Council's action.

7. Preparation of Final GNSO Input

This Section 7 applies where Proposed GNSO Input has been posted for public comment at the direction of the GNSO Council.

At the end of the public comment period, the Staff Manager will prepare a summary and analysis of the public comments received for the GIP Team. Such a summary and analysis should be provided at the latest 2 weeks after the closing of the public comment period, absent exigent circumstances. The GIP Team shall review and take into consideration the public comments received. The GIP Team may update the Proposed GNSO Input Report if there are any recommendations that require modification to address the public comments received. The GIP Team is not obligated to include all comments received during the comment period in the updated Proposed GNSO Input Report, including comments made by any one individual or organization.

The GIP Team is expected to deliberate as appropriate to properly evaluate and address concerns raised during the public comment period. This should include the careful consideration and analysis of the public comments, explaining the rationale for agreeing and disagreeing with the different comments received, and, if appropriate, how these will be addressed in the Final GNSO Input. Following the review of the comments received and any additional deliberations, the GIP Team is expected to produce the Final GNSO Input for transmission to the Council. The GIP Team's analysis of the public comments is expected to be included or

referenced as part of the Final GNSO Input.

While the Final GNSO Input that is prepared (following a public comment period on the Proposed GNSO Input) is not required to be posted for further public comment, the GIP Team should consider whether the report should be posted for public comment as Draft Final GNSO Input, with the goal of maximizing accountability and transparency with regard to the GIP, especially when substantial changes have been made to the contents of the Proposed GNSO Input.

When posted for public comment, staff should consider translating the executive summaries (if any) of the Proposed GNSO Input and Draft Final Input into the six UN languages, to the extent permissible under the ICANN translation policy and the ICANN budget, though the posting of any version in English is not to be delayed while translations are being completed. Upon completion of the public comment period, if any, and incorporation of any additional comments identified therein, or if no further comment period is deemed necessary, the GIP Team shall forward the Final GNSO Input to the GNSO Council.

In addition to any public comment periods as described herein, the GIP Team may seek public comment on any item that the GIP Team believes will benefit from public input. The GIP Team does not have to seek approval from the GNSO Council to seek public comment on interim items. The minimum duration of a public comment period that does not concern the Proposed GNSO Input is twenty (21) days.

8. Council Deliberations

The GNSO Council is encouraged to take action on the Proposed and/or Final GNSO Input (as applicable) in a timely manner, and preferably no later than the second GNSO Council meeting after the input is presented.

Approval of the GIP recommendations submitted to the Council does not require a Council vote, except in the case where one or more GNSO Council members object to the adoption of the report. In such an instance, the GIP recommendations may be adopted only by the default threshold to pass a GNSO Council motion (a simple majority vote of each House), as set forth at Article X, Section 3-9 of the ICANN Bylaws. The outcome of the vote should be recorded and provided together with the results of the GIP to the entity that initially requested the input.

9. Transmission of the Outcome of the GIP

The GNSO Council shall transmit the results of a GIP, including any recommendations adopted by the GNSO Council, to the entity that originally requested the input as soon as practicable following the Council's decision pursuant to Section 8 above.

10. Termination or Suspension of a GIP Prior to Final Report

The GNSO Council may terminate or suspend a GIP at any time on the recommendation of the GIP Team or any Council member. Termination or suspension could be considered if events have occurred since the initiation of the GIP that have rendered the GIP moot, no longer necessary or another process such as a PDP more appropriate.

11. Miscellaneous

This Manual may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Rules and Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

****END OF ANNEX 3****