

To begin with, it was with great pleasure today that the Noncommercial Stakeholder Group lent our full support to the EPDP team's final report, and we are grateful that the GNSO Council has voted to adopt it. We encourage the ICANN Board to adopt its recommendations.

We are mindful of the fact that in the case of this EPDP, this is the first time in which the ICANN Board has resorted to using a Temporary Specification under unusual and urgent circumstances, and similarly, this is the first time that the GNSO has resorted to using an Expedited Policy Development Process to address a policy issue, so it is understandable that we leave having learned a thing or two.

The NCSG believes that replacing the Temporary Specification for gTLD Registration Data with a Consensus Policy fulfills both of the stated required criteria for initiation of an expedited policy development process, and that the narrowly defined policy issue was appropriately identified by the Temporary Specification, and complemented by the EPDP charter.

Having said that, the NCSG would like to point out a concern that we have had with how the EPDP has undertaken its policy development activities. On a number of occasions, some of the members of the EPDP Team have insisted on introducing topics that the NCSG firmly believes are out-of-scope of the EPDP. These topics were neither sufficiently outlined, nor actually mentioned at all in the Temporary Specification nor EPDP Team charter. This troubles us, because it has led the EPDP team to spend valuable time and effort, which was in short supply, on unnecessarily addressing these topics. Some issues were also re-raised after we thought that they had been closed and a consensus reached. There were likely significant cost implications that resulted, in terms of additional support required for transcription, call recording, and staff support, that the GNSO Council may not have foreseen and perhaps would not have authorized. Furthermore, discussions of these topics led to the inclusion in the EPDP's final report of a number of recommendations which we believe would have been better addressed in a traditional PDP following an issue scoping phase. These recommendations are:

Recommendation #1, specifically, purpose 7 concerning validation of registered name holder eligibility criteria to register domain names under specific gTLDs, which also impacted the content of recommendation #5 of the EPDP final report,

Recommendation #2 concerning consideration of additional purposes to facilitate ICANN's Office of the Chief Technology Officer, or OCTO, to carry out its mission,

which we note that the only GNSO Stakeholder Group which wanted this now has ⅔ of its constituencies opposing it, while those who did not initially support it supported it out of a genuine desire to reach across the aisle and to understand the concerns of others

Recommendation #4 concerning accuracy of gTLD registration data,

And

The inclusion of the WHOIS Accuracy Reporting System within both purpose 5 of recommendation #1 as well as within recommendation #4

The NCSG urges the GNSO Council to take this matter seriously and to be diligent when chartering any potential, future EPDPs. We recommend that the GNSO Council monitor future EPDPs closely to ensure that they strictly stay within the scope of work that they are mandated to deliberate upon.

Most importantly, the NCSG notes that there are a number of issues that were within scope of the work of the terminated GNSO Next-Generation gTLD Registration Directory Services PDP Working Group that have yet to be addressed in future policy development efforts. We ask that the topics identified by the NCSG in this comment be included in the issues reports of future policy development, so that they may be appropriately scoped and fully considered in a future PDP.

Finally, with the adoption of the report today, the NCSG wishes to extend our thanks and gratitude to the EPDP leadership team, staff support, members, alternates, and observers for their contributions towards the final report of phase one of the EPDP and for successfully completing the EPDP's mandate. By any measure, developing 29 policy recommendations for consideration by the Council in a mere 7 months must be considered a successful outcome for the use of a new process, which has only existed for a few years. This reflects the maturity of ICANN's multistakeholder model, and its ability to not only adapt to challenging circumstances, but also to foresee these circumstances before they occur, and to prepare the processes needed to mitigate against them.