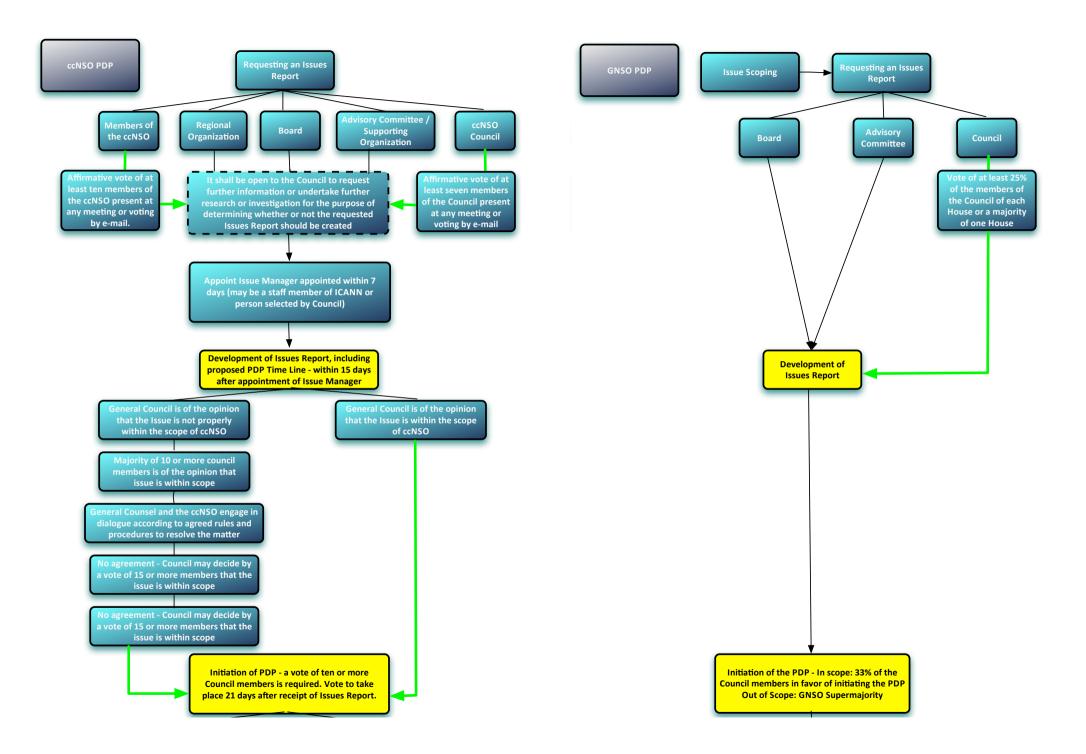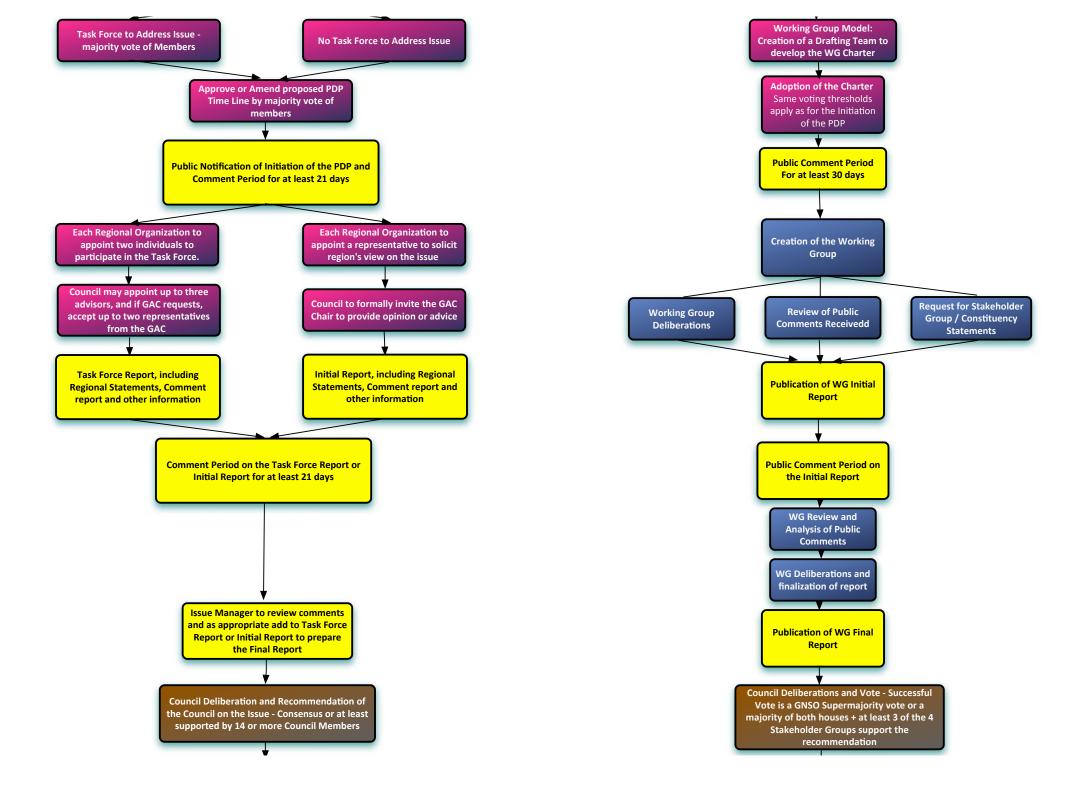# Comparative Analysis – GNSO / ccNSO Policy Development Process
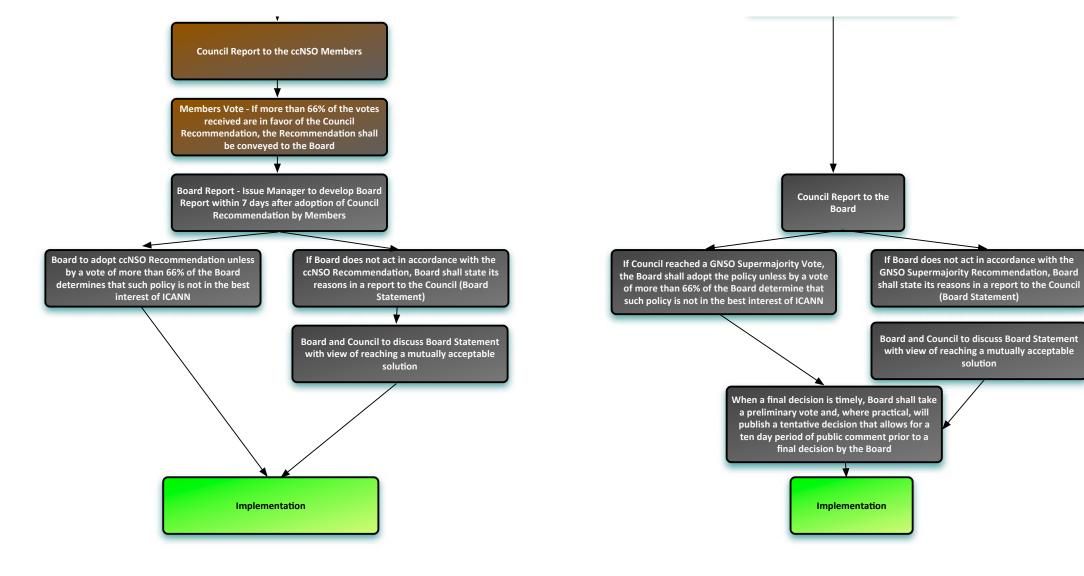
Please find below a schematic comparison between the GNSO and ccNSO Policy Development Process. Note that the GNSO overview is based on the draft proposal that is under discussion by the Policy Development Process Work Team as many elements as described in the by-laws are no longer relevant and/or are deemed unworkable.

Some important differences to note are:

- Requesting an Issues Report: No matter who requests an Issues Report, it is possible for the ccNSO Council to request further information or undertake further research or investigation for the purpose of determining whether or not the requested Issues Report should be created. If an Issues Report is requested by the Board or Advisory Committee, it has to be created no matter what the GNSO thinks.

- Timelines: in a ccNSO PDP the proposed timeline is included as part of the Issues Report and can therefore be adapted depending on the issue while in a GNSO PDP the timelines are fixed and not dependent on the issue (note, more flexibility is being proposed as part of the review of the GNSO PDP).

- Scope (1): in the GNSO PDP, the scope assessment is made by the ICANN General Counsel and cannot be challenged, while in the ccNSO PDP the scope assessment is also made by the ICANN General Counsel but can be challenged.

- Scope (2): ccNSO scope for policy making is very narrowly described in Annex C of the ICANN by-laws, while the GNSO scope is interpreted as meaning any issue related to generic TLDs (although only certain issues qualify for so called consensus policies).

- Adoption of recommendations: it is the ccNSO members (not Council members) that have the final say whether a recommendation is adopted or not. In the GNSO, it is the GNSO Council members that adopt a recommendation or not.

ccNSO PDP

Requesting an Issues Report

- **Members of the ccNSO**
- **Regional Organization**
- **Board**
- **Advisory Committee / Supporting Organization**
- **ccNSO Council**

Affirmative vote of at least ten members of the ccNSO present at any meeting or voting by e-mail.

It shall be open to the Council to request further information or undertake further research or investigation for the purpose of determining whether or not the requested Issues Report should be created

Affirmative vote of at least seven members of the Council present at any meeting or voting by e-mail

Appoint Issue Manager appointed within 7 days (may be a staff member of ICANN or person selected by Council)

Development of Issues Report, including proposed PDP Time Line - within 15 days after appointment of Issue Manager

General Council is of the opinion that the Issue is not properly within the scope of ccNSO

General Council is of the opinion that the Issue is within the scope of ccNSO

Majority of 10 or more council members is of the opinion that issue is within scope

General Counsel and the ccNSO engage in dialogue according to agreed rules and procedures to resolve the matter

No agreement - Council may decide by a vote of 15 or more members that the issue is within scope

No agreement - Council may decide by a vote of 15 or more members that the issue is within scope

Initiation of PDP - a vote of ten or more Council members is required. Vote to take place 21 days after receipt of Issues Report.

GNSO PDP

Issue Scoping → **Requesting an Issues Report**

- **Board**
- **Advisory Committee**
- **Council**

Vote of at least 25% of the members of the Council of each House or a majority of one House

Development of Issues Report

Initiation of the PDP - In scope: 33% of the Council members in favor of initiating the PDP Out of Scope: GNSO Supermajority

Left flowchart (PDP Task Force Model)

Task Force to Address Issue - majority vote of Members

No Task Force to Address Issue

↓ (both flow to)

Approve or Amend proposed PDP Time Line by majority vote of members

↓

Public Notification of Initiation of the PDP and Comment Period for at least 21 days

↓ (splits into two branches)

Each Regional Organization to appoint two individuals to participate in the Task Force.

↓

Council may appoint up to three advisors, and if GAC requests, accept up to two representatives from the GAC

↓

Task Force Report, including Regional Statements, Comment report and other information

Each Regional Organization to appoint a representative to solicit region's view on the issue

↓

Council to formally invite the GAC Chair to provide opinion or advice

↓

Initial Report, including Regional Statements, Comment report and other information

↓ (both branches merge)

Comment Period on the Task Force Report or Initial Report for at least 21 days

↓

Issue Manager to review comments and as appropriate add to Task Force Report or Initial Report to prepare the Final Report

↓

Council Deliberation and Recommendation of the Council on the Issue - Consensus or at least supported by 14 or more Council Members

↓

Right flowchart (Working Group Model)

Working Group Model: Creation of a Drafting Team to develop the WG Charter

↓

Adoption of the Charter Same voting thresholds apply as for the Initiation of the PDP

↓

Public Comment Period For at least 30 days

↓

Creation of the Working Group

↓ (splits into three)

Working Group Deliberations

Review of Public Comments Receivedd

Request for Stakeholder Group / Constituency Statements

↓ (merge)

Publication of WG Initial Report

↓

Public Comment Period on the Initial Report

↓

WG Review and Analysis of Public Comments

↓

WG Deliberations and finalization of report

↓

Publication of WG Final Report

↓

Council Deliberations and Vote - Successful Vote is a GNSO Supermajority vote or a majority of both houses + at least 3 of the 4 Stakeholder Groups support the recommendation

Left flowchart

Council Report to the ccNSO Members

↓

Members Vote - If more than 66% of the votes received are in favor of the Council Recommendation, the Recommendation shall be conveyed to the Board

↓

Board Report - Issue Manager to develop Board Report within 7 days after adoption of Council Recommendation by Members

Board to adopt ccNSO Recommendation unless by a vote of more than 66% of the Board determines that such policy is not in the best interest of ICANN

If Board does not act in accordance with the ccNSO Recommendation, Board shall state its reasons in a report to the Council (Board Statement)

↓

Board and Council to discuss Board Statement with view of reaching a mutually acceptable solution

↓

Implementation

Right flowchart

Council Report to the Board

If Council reached a GNSO Supermajority Vote, the Board shall adopt the policy unless by a vote of more than 66% of the Board determine that such policy is not in the best interest of ICANN

If Board does not act in accordance with the GNSO Supermajority Recommendation, Board shall state its reasons in a report to the Council (Board Statement)

Board and Council to discuss Board Statement with view of reaching a mutually acceptable solution

When a final decision is timely, Board shall take a preliminary vote and, where practical, will publish a tentative decision that allows for a ten day period of public comment prior to a final decision by the Board

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Implementation