

BRIEFING NOTE FOR THE GNSO COUNCIL ON INITIATING SECTION 16 OF THE GNSO POLICY DEVELOPMENT PROCESS MANUAL – CONCERNING POSSIBLE AMENDMENT OF ADOPTED GNSO POLICY RECOMMENDATIONS

Introduction

On 17 March 2017, the ICANN Board requested that the GNSO initiate its process for Amendments or Modifications of Approved Policies, as described in Section 16 of the GNSO PDP Manual, to consider amending Recommendation 5 in Section 3.1 of the Protection of IGO and INGO Identifiers in All gTLDs PDP Working Group Final Report.

As this process has not been used previously, this briefing note provides an outline of the process contained Section 16 of the GNSO's [Policy Development Process \(PDP\) Manual](#) for the information of the Council.

The Process

Section 16 of the PDP Manual specifies certain steps that are to be taken by the GNSO Council in initiating a process for considering possible amendments to GNSO policies approved by the Council (but not yet approved by the ICANN Board). The text of Section 16 in full (with emphasis added) is as follows:

*Approved GNSO Council policies may be modified or amended **by the GNSO Council at any time prior to the final approval by the ICANN Board** as follows:*

- 1. The PDP Team is reconvened or, if disbanded, reformed, and should be consulted with regards to the proposed amendments or modifications;*
- 2. The proposed amendments or modifications are posted for public comment for not less than thirty (30) days;*
- 3. The GNSO Council approves of such amendments or modifications with a Supermajority Vote of both Houses in favour.*

Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.

Essentially, the provision calls for the GNSO Council to:

- Develop a proposed amendment or modification¹;
- Consult with the original Working Group on the proposal;
- Post the proposal for public comment for a minimum 30-day period; and
- Vote on a final version of the proposal, with a Supermajority Vote needed for the proposal to pass.

It is important to note that:

(1) Section 16 does not contemplate reconvening the original Working Group for the purpose of developing an amendment from scratch; rather, it specifies that the Council consult with the WG in relation to an amendment that is being proposed *for the Council's consideration*;

(2) The requisite public comment period may run concurrently with that consultation, or consecutively following it; and

(3) The final GNSO Council vote may take any of the following forms:

- (a) vote to adopt the proposed amendment (after taking into account the WG input and public comment); or
- (b) vote to adopt a modified form of the proposed amendment (based on the WG input and public comment); or
- (c) not adopt either the original or any further proposed amendment to the initial recommendations (i.e. no change to the policy).

Voting Thresholds

- For the final version of the proposed amendment: Supermajority (specified in Section 16)
- For initiating the consultation and public comment period: simple majority (i.e. the general rule for all other motions not otherwise requiring a specific threshold under the GNSO Operating Procedures)

¹ In this case, the scope of the proposed amendment or modification will be what was proposed by the Board in its resolution on the Red Cross, passed at ICANN58: <https://www.icann.org/resources/board-material/prelim-report-2017-03-16-en#2.e.i>.

Board resolution:

Resolved (2017.03.16.13), the Board requests that the GNSO initiate its process for Amendments or Modifications of Approved Policies, as described in Section 16 of the GNSO PDP Manual, to consider amending Recommendation 5 in Section 3.1. of the PDP Working Group Final Report, as follows:

(1) The full names of the 190 Red Cross National Societies and the full names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, with an exception procedure to be created for cases where the relevant Red Cross Red Crescent Movement organization wishes to apply for their protected string at the second level;

(2) In placing the specified identifiers into Specification 5 of the Base gTLD Registry Agreement, this should apply to an exact match of the full name of the relevant National Society recognized by the International Red Cross and Red Crescent Movement (in English and the official languages of its state of origin), the full names International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies (in the six official United Nations languages) and a defined limited set of variations of these names; and

(3) In considering the Board's request, the Council is requested to duly take into account these factors and the public policy advice to reserve the finite list of names of the Red Cross and Red Crescent National Societies, as recognized within the International Red Cross and Red Crescent Movement, in all gTLDs.