

18 December 2019

Mr. Keith Drazek
Chair, GNSO Council

Re: EPDP Phase 1 Recommendation 28

Dear Keith,

As you are aware, ICANN org is currently working with the community to implement the recommendations of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP Phase 1 Recommendations) at the direction of the Board, which [adopted 27 of the 29 EPDP Phase 1 Recommendations](#) on 15 May 2019. We are writing to consult with the GNSO Council concerning the expected implementation date for these policy recommendations.

The EPDP's Phase 1 Recommendation 28 provides that "as a matter of urgency, the GNSO Council and ICANN Org, informally convene the Implementation Review Team to allow for the necessary planning to take place before ICANN Board consideration of this Final Report, following which the IRT would be formally convened." As you know, ICANN org and the Council followed this recommendation to convene a "pre-IRT" in advance of the policy's completion.

The [Interim Registration Data Policy for gTLDs](#) (Interim Registration Data Policy), which went into effect on 20 May 2019, requires gTLD registry operators and ICANN-accredited registrars to continue to implement measures that are consistent with the [Temporary Specification for gTLD Registration Data](#) on an interim basis, pending the implementation of the Registration Data Policy.¹

The Phase 1 Recommendation 28 also provided that: "the effective date of the gTLD Registration Data Policy shall be February 29, 2020." Including a recommended effective date is unusual in the case of the GNSO process, and we understand that setting a specific effective date within the policy recommendation was flagged as a potential issue by some members of the EPDP Phase 1 Team.

In adopting Recommendation 28, [the ICANN Board noted that](#), "Given the complexity of the implementation, and the possibility of additional input on the recommendations from DPAs or other sources, there is a possibility that this date may not be met." The Board directed ICANN org to provide regular status updates on the progress of implementation and flag any potential issues or concerns with timeline so that issues can be addressed in a timely manner.

ICANN org first met with the IRT to begin work on implementation of the Registration Data Policy on 29 May 2019, including a detailed review of each recommendation and rationale and

¹ The Interim Registration Data Policy further provides that "As of the Registration Data Policy's effective date (which the EPDP Team recommended to be 29 February 2020), contracted parties must comply with the Registration Data Policy."

identification of implementation tasks needed to support these. On 2 October 2019, the Council liaison to the IRT [provided an update](#) to Council, noting that the recommended date “was deemed to not be feasible due to not providing adequate time for IRT to complete a full review and analysis.” This communication also noted that “IRT needs to fully understand the implications and not rush a policy that has such a wide impact.”

Since that time, the IRT has continued to work with ICANN org on drafting the complete Registration Data Policy and agreeing on a timeline that can be shared, including the anticipated implementation time for contracted parties. We note also that the Governmental Advisory Committee (GAC) provided advice to the Board in its [Montreal communique](#) to: “take all possible steps to ensure that the ICANN org and the EPDP Phase 1 Implementation Review team generate a detailed work plan identifying an updated realistic schedule to complete its work and provide and inform the GAC on the status of its progress by 3 January 2020.”

There is not an ICANN process in place available to the Board to address a situation in which the community develops and the Board adopts a policy recommendation that is subsequently determined to be impracticable. However, the approved [GNSO Policy & Implementation Working Group Final Recommendations Report](#) provides that “ICANN staff tasked by the Board with the implementation of the approved GNSO Policy recommendations should be able to make changes to the proposed implementation of the policy recommendations into an implementation plan as long as these do not affect the intent of the policy recommendations and as long as they are fully transparent. Examples of such changes include administrative updates, error corrections and process details. In all cases, any such changes should be communicated to the GNSO Council or appropriate entity as designated by the GNSO Council....”

ICANN org’s recommendation is to continue the implementation work and continue to keep the GNSO and wider community informed of progress. If the GNSO supports this approach, we would appreciate confirmation accordingly. We also welcome any guidance or alternative steps the GNSO may wish to provide to inform our actions.

Best regards,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)