

From: Mason Cole
Date: Thursday 14 May 2015 20:42
To: Tom Dale
Cc: Marika Konings, Jonathan Robinson, Olof Nordling
Subject: Early engagement notification: EWG Final Report and FY16 special community requests

Tom --

I would like to formally notify the GAC of an opportunity for early engagement in a GNSO policy development process. This is the first opportunity under the new agreed to structure for the GAC to engage in a PDP and provide its input.

The ICANN Board (which has authority to initiate a PDP) has requested a preliminary issue report to define the purpose of collecting, maintaining and providing access to gTLD registration data, and to consider safeguards for protecting data, using the recommendations in the Final Report (linked [here](#)). This may become the foundation for new gTLD policy. According to staff, the issue report will be published for public comment no later than 10 June. (The Board resolution that requests the report is attached below.)

I wanted to provide notice as soon as possible so as to allow the GAC time to organize to provide input. Should you have questions about this process, please contact me.

Please confirm your receipt of this notification, advise on the GAC's next steps, and let me know how I can assist from here. I also will notify the GAC-GNSO consultation group that this first opportunity is under way.

Many thanks --

Mason

Mason Cole
VP Communications & Industry Relations
Donuts Inc.

<https://www.icann.org/resources/board-material/resolutions-2015-04-26-en#1.f>

Next Steps for the EWG Final Report on Next Generation Registration Directory Services

Whereas, in 2012, the Board [adopted](#) a two-pronged approach to address the recommendations of the WHOIS Review Team, calling for ICANN to (i) continue to fully enforce existing consensus policy and contractual conditions relating to WHOIS, and (ii) create an expert working group to determine the fundamental purpose and objectives of collecting, maintaining and providing access to gTLD registration data, to serve as a foundation for a Board-initiated GNSO policy development process (PDP).

Whereas, in 2014, the Expert Working Group on Next Generation Registration Directory Services (EWG) delivered its [Final Report](#) [PDF, 5.12 MB] to the Board with its recommended model and principles to serve as the foundation for the GNSO PDP.

Whereas, an informal group of Board members and GNSO Councilors collaborated and developed a proposed [framework](#) [PDF, 612 KB] to provide guidance to the GNSO PDP for the examination of the EWG's recommended models and principles for the next generation registration directory services to replace WHOIS.

Resolved (2015.04.26.09), the Board thanks the EWG for the significant effort and work exerted that produced the proposed model for a next generation registration directory services as reflected in its [Final Report](#) [PDF, 5.12 MB].

Resolved (2015.04.26.10), the Board reaffirms its request for a Board-initiated GNSO policy development process to define the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations in the [Final Report](#) [PDF, 5.12 MB] as an input to, and, if appropriate, as the foundation for a new gTLD policy;

Resolved (2015.04.26.11), the Board directs that a new Preliminary Issue Report that follows this [framework](#) [PDF, 612 KB] be prepared and delivered to the GNSO;

Resolved (2015.04.26.12), the Board commits to forming a group of Board members that will (i) liaise with the GNSO on the policy development process to examine the EWG's recommended model and propose policies to support the creation of the next generation registration directory services, and (ii) oversee the implementation of the remaining projects arising from the [Action Plan](#) [PDF, 119 KB] adopted by the Board in response to the WHOIS Review Team's recommendations. The Board directs the Board Governance Committee to begin the process for identifying a recommendation of a slate of Board members to do this work.

Rationale for Resolutions 2015.04.26.09-2015.04.26.12

Why the Board is addressing the issue?

This resolution continues the Board's attention to the implementation of the [Action Plan](#) [PDF, 119 KB] adopted by the Board in response to the WHOIS Review Team's [recommendations](#) [PDF, 5.12 MB]. The resolution adopted today adopts a [framework](#) [PDF, 612 KB] to conduct a board-initiated GNSO policy development process to refine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations of the Expert Working Group's [Final Report](#) [PDF, 5.12 MB] as an input to, if appropriate, to serve as the foundation for a new gTLD policy.

What is the proposal being considered?

Under the Affirmation of Commitments (AoC), ICANN is committed to enforcing its existing policy relating to WHOIS (subject to applicable laws), which "requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information...." The AoC obligates ICANN to organize no less frequently than every three years a community review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust. Under this timeline, the second WHOIS Review Team is to be convened in late 2015.

In 2012, in response to the recommendations of the first WHOIS Review Team, the Board adopted a two-prong approach that simultaneously directed ICANN to (1) implement improvements to the current WHOIS system based on the [Action Plan](#) [PDF, 119 KB] that was based on the recommendations of the WHOIS Review Team, and (2) launch a new effort, achieved through the creation of the Expert Working Group, to focus on the purpose and provision of gTLD directory services, to serve as the foundation of a Board-initiated GNSO policy development process (PDP).

The Expert Working Group's [Final Report](#) [PDF, 5.12 MB] contains a proposed model and detailed principles to serve as the foundation for a PDP to support the creation of the next generation registration directory services to replace WHOIS. This [Final Report](#) [PDF, 5.12 MB] contains over 160 pages of complex principles and recommendations to be considered in the GNSO PDP. In order to effectively manage the PDP on such a large scale, an informal group of Board members and GNSO councilors collaborated to develop the [framework](#) [PDF, 612 KB] approved today.

What factors did the Board find to be significant?

The complex nature of the EWG's recommendations, along with the contentiousness nature of the WHOIS issue in the ICANN community over the last ten+ years, calls for a very structured approach to conducting a policy development process of this magnitude. The [framework](#) [PDF, 612 KB] provides guidance to the GNSO on how to best structure the resulting PDP(s) for success – that is, it proposes a process which leads to new policies defining the purpose of gTLD registration data and improving accuracy, privacy, and access to that data.

This [framework](#) [PDF, 612 KB] creates a 3-phased approach to conducting the PDP, with Phase 1 focusing on definition of the policy requirements, Phase 2 focusing on the functional design elements of the policy, and Phase 3 focusing on implementation of the policies and providing guidance during an expected

transition period during which the legacy WHOIS system and the next generation registration directory services may coexist and both operational at the same time. The Board believes that following the [framework](#) [PDF, 612 KB] will ensure that the PDP will properly address the many significant issues and interdependencies that require consideration in order to support the creation of the next generation registration directory services.

The Board recognizes that additional resources may be needed for the conduct of this unique policy development process. The Board commits to reviewing the GNSO's proposed plan and schedule, as well as Staff's assessment of the resources required to implement this proposed plan, and to supporting appropriate resourcing for the conduct of this PDP.

In addition, the Board believes that the importance of the WHOIS issue, along with the breadth and scope of the many WHOIS activities currently under way, support the need for a designated group of Board members dedicated to overseeing the entire WHOIS Program, including working with the community on the GNSO PDP, and any future transition to a next generation registration directory services that may emerge following the GNSO PDP. Community members participating in the informal Board-GNSO Council effort to develop the framework for the PDP also requested the Board's continued involvement in this effort.

What significant materials did the Board review?

The Board reviewed the EWG [Final Report](#) [PDF, 5.12 MB], the [framework](#) [PDF, 612 KB] developed through the informal collaboration between the Board and the GNSO Council, and the Briefing Papers submitted by Staff.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, or budget)?

The initiation of focused work on WHOIS and the creation of policies to support the next generation of registration directory services are expected to have an impact on financial resources as the research and work progresses. Due to the expected complexity of this PDP, there is a potential that this PDP may have higher resource needs than other PDPs, though the full extent of those resource needs are not fully understood, particularly as to the scope of those resources in comparison to the resources proposed for allocation within the upcoming fiscal year for this effort. The Board commits to reviewing staff's assessment of resources for the conduct of this PDP (after there is a plan and schedule developed) with a view towards providing appropriate resourcing for the conduct of this PDP.

Are there any security, stability or resiliency issues relating to the DNS?

This action is not expected to have an immediate impact on the security, stability or resiliency of the DNS, though the outcomes of this work may result in positive impacts.

Is public comment required prior to Board action?

As this is a continuation of prior Board actions, public comment is not necessary prior to adoption. A public comment period will be commenced, as required by the ICANN Bylaws, once the Preliminary Issue Report is published by Staff, thereby allowing the [framework](#) [PDF, 612 KB] approved today to be adjusted as appropriate prior to delivery of the Final Issue Report to the GNSO.