

ICANN REVIEW: GNSO DRAFT REPORT DESCRIBING REVIEW PROCESS FOR REGISTRY CHANGE REQUESTS

ICANN has reviewed the draft initial report prepared by the GNSO for a procedure for use by ICANN in considering requests for changes from registries and sponsors. Recall that the process defined two processes: a “Quick Look” process to address simple or straightforward registry introductions; and a “Detailed Look” process to address complex changes. The work thus far indicated the “Quick Look” process may take in excess of 80 days while the “Detailed Look” requires approximately nine months.

In order to evaluate the proposed process we first developed brief case studies for each of the registry introductions that have occurred in recent history, slightly more than one year ago. We then compared those examples against the processes defined in the Quick Look and Detailed Look processes described in the GNSP PDP report.

After that, we created a process map for a Detailed Look of a complex registry offering reflecting the ICANN process as it has evolved and presently exists. We then compared that process against the one proposed in the GNSO document.

In brief, the following findings were made:

- The vast majority of actual registry offerings were “simple” or “straightforward” in nature and were approved in substantially less time than indicated in the Quick Look process. This is because most offerings did not require public review or expert analysis. Some did not require ICANN Board Approval.
- The Detailed Look process that addresses complex offerings essentially matches in task descriptions the existing ICANN process that takes 4 to 9 months to evaluate complex issues. However, by using dedicated expert advisors and running some process in parallel, most evaluations can be completed in 6 months or less.
- Substantial time in the PDP timelines are devoted to first determining whether a Quick or Detailed look is required. This time can essentially be eliminated with an immediate “best guess” at the beginning of the process. Determining whether an issue is simple / straightforward or complex is dependent upon the degree of contentiousness resulting from a possible change. Contentions among constituency groups result in the requirement for public comment and outside review. Even if the first best guess is incorrect, the process will naturally revert to the proper path.
- Time to evaluate registry offerings can be further reduced through collaboration between the registry offering a product and ICANN. As proxy for the community, ICANN can advise the registry early in the product development cycle regarding the anticipated approval process. Through product or process modification, approval can take place at an earlier time than if the product is placed into the approval process at the end of the product development cycle.

One important realization developed through the analysis of the PDP document and the case studies is that it is not possible to specify one procedure that will cover all requests. It is clear that some elements (but not all) of the Quick Look and Detailed Look processes may be appropriate for evaluation of certain registry offerings. Those determinations must be made on a case-by-case basis to ensure the most economical and effective path is taken in each case.

Case Study

ICANN briefly studied requests for approval of registry offering that have been addressed during the past year. We categorized each as either “simple”, “straightforward” or “complex”. Which of those definitions applies was determined by measuring the potential contention or harm resulting from the implementation of any offering. That contention or potential harm gives rise to the need for public comment periods and the requirement for expert review and other steps that lengthen the review process.

For example, SiteFinder implementation resulted in contention between VeriSign and the Technical community; WLS resulted in contention between proponents of various secondary market models. The other offerings analyzed as part of this exercise resulted in little or no contention and were approved using a process less cumbersome than the Quick Look process.

Simple

- GNR request for EPP extension
- Modification of .biz billing
- EPP extension request
- RAA amendments – Transfer Policy
- Change deletion requirement in .org agreement
- RGP implementation
- Consolidate
- Various marketing and promotion programs

Straightforward

- Modification of .pro verification requirements
- .name – 2nd level names
- SITA domain name activation
- IDN test bed migration
- Assignment of .pro
- .pro 2nd level names
- IDN approval

Complex

- SiteFinder
- WLS

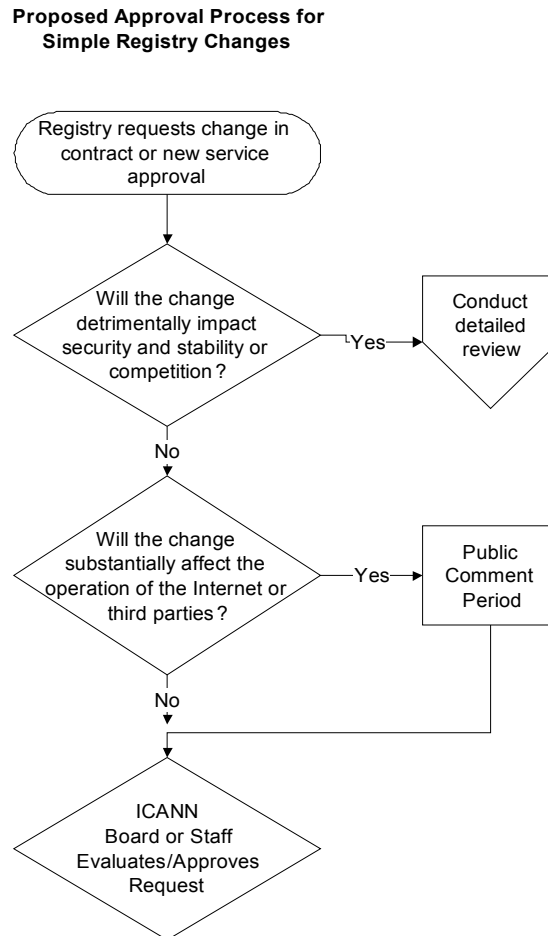
Analysis

The vast majority of recent registry requests can be classified as either “simple” or “straightforward.” In the cases of each of the “simple” examples above, there was no need for public comment period, outside review or other complexification. In most cases, there was evaluation by ICANN staff, sometimes consultation with the registry, recommendation and approval by the ICANN board. In some cases, board review was not required.

In most cases approval of the “simple” examples was received in one to two months. Generally, most registries have viewed this performance as part of a successful partnership.

Similarly, the “straightforward” examples, while somewhat more complex in nature, took less time than indicated in the PDP “Quick Look”. In some cases, public comment periods or public presentations were included to identify potential effects on the remainder of the marketplace, e.g., the .name – 2nd level names request and the SITA domain name activation.

Therefore, the quick-look process can be reduced, in most cases to a 30-60 day process:

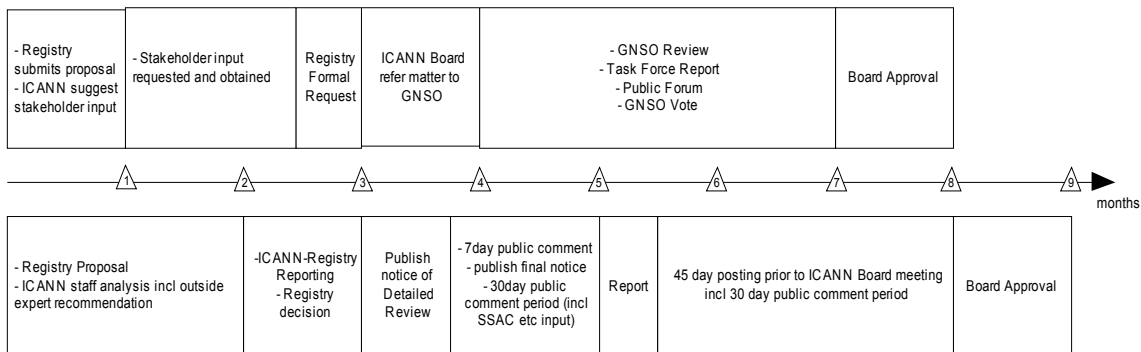


The slightly more complex “Straightforward” requests may require public comment and will generally require board approval. There may also be more iteration of these requests with the proposing registry before submission to the board, perhaps extending slightly the 60-day timeframe.

In the cases of complex requests, we compared the methodology developed by ICANN in recent history with the one developed through the PDP. Each described an eight to nine month process:

TIMELINES COMPARING EXISTING ICANN METHODOLOGY FOR EVALUATING COMPLEX PROPOSED REGISTRY CHANGES AND THE METHODOLOGY SYGGESTED BY THE GNSO PDP

EXISTING ICANN METHOD



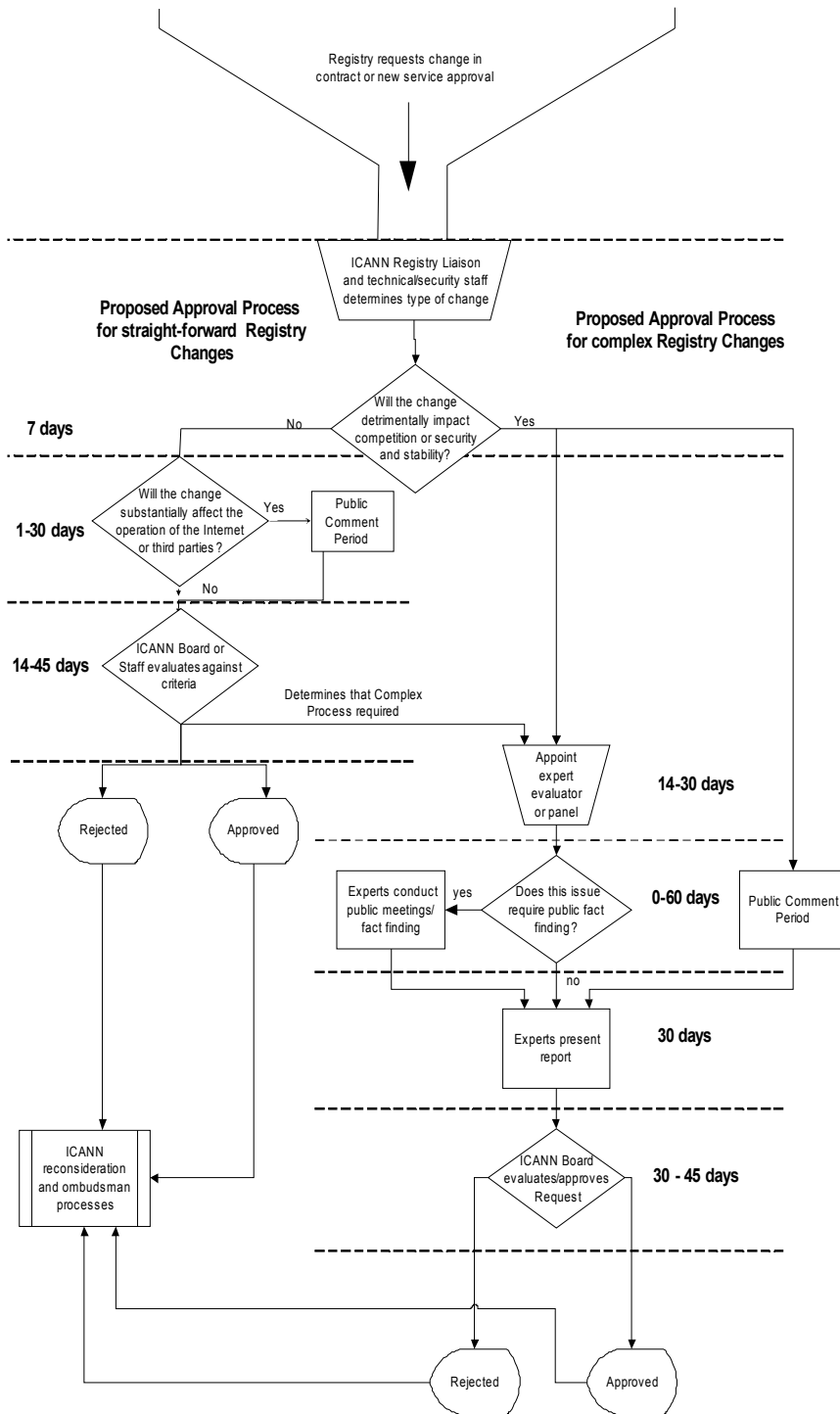
PDP DETAILED REVIEW PROCESS

In order to create a six-month process that can reliably be performed on a timely basis, three basic changes are suggested to the Detailed Review process:

- ICANN staff, with outside consultation as required, will (almost) immediately decide whether quick or detailed look is merited. Case studies indicate that this decision is almost always straight-forward. If the incorrect choice is made, the process as laid out (below) is self-correcting.
- Dedicated, retained experts will shorten the process as compared to the use of volunteer experts in the past.
- Public comment will inform the expert evaluation process and can occur in parallel with other portions of the evaluation process. In order to maintain confidentiality in certain cases, the public comment period can occur later in the process. This will probably extend the timeline so this step will be taken at registry request only.

Process Overall

Combining the Quick Look process with assumptions above for the Detailed Look provides a single flow for all registry offerings:

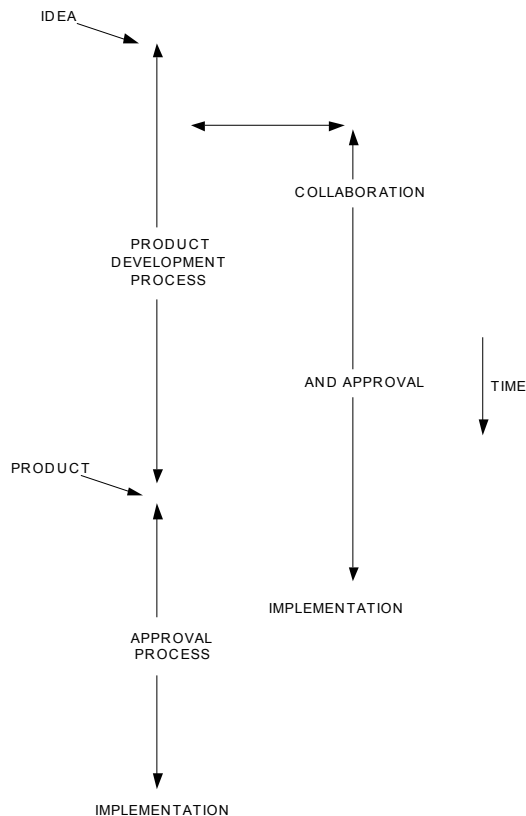


Collaboration

The cornerstone of this process is its collaborative nature. Success will not solely be predicated upon precise process maps. Process efficiency can be further developed through the collaboration between ICANN and registries seeking to introduce new products and services.

As the process is currently described, ICANN interaction is sought at the end of the product development cycle. Instead, ICANN can be consulted early on in the development process, somewhere between the formation of an “idea” and the unveiling of a “product.” Acting as a proxy for the community and with an understanding of contractual requirements and community expectations, ICANN can facilitate the approval process with advance notice. ICANN might suggest preliminary steps that can be taken to expedite or help ensure approval. The end result, depicted below, will be an earlier approval.

New Product Introduction: ICANN - Registry Collaboration



Early involvement requires the transfer of proprietary information. Key to this arrangement is ICANN’s commitment to keep certain information confidential. If desired by the registries, this can be accomplished through the use of NDAs.

The payoff is an accelerated introduction process and the development of positive working relationships between ICANN and the registries. The goals of both include the

rapid and reliable implementation of innovation. Our joint, successful futures are tied up in this ability to work together.

The PDP for introduction of registry offerings is as much about how to work together as it is about process.

Conclusion

ICANN finds merit and agrees with much of the work delivered through this PDP. Some timelines should be changed to reflect the opportunity ICANN and registries have to work together to shorten timelines. Some of the “requirements” for public comment and outside advice should be changed to “as required” steps.

Some of the timelines described here represent performance targets that should be met with regularity rather than worse case scenarios that will be met 100% of the time. We believe it more meaningful to describe the time that will typically be taken so that registries may plan better. Competent performance by ICANN will be defined by meeting these goals, or where they are missed solely by an unanticipated, outside exigency.

One goal of the PDP should be to foster better working arrangements among stakeholders. Generally speaking, registries approve of ICANN’s performance and professionalism in evaluating the products and services. This document seeks to do improve this partnership by decreasing approval timelines without risk to the process or community and by increasing collaboration among the parties involved.