

Day Zero SubPro Deliverables - GNSO Council Working Sessions

Sunday, 11 June 2023



Agenda

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Agenda Overview &
Objectives for
today's meeting

2

Confirm IDNs EPDP
Timeline

3

Consider Closed
Generics next steps
and expected
timeline

4

Board Feedback on
38 outstanding
recommendations

5

Consider path
forward on 38
outstanding
recommendations

6

High level
agreement on
timelines and
expected next steps

Agenda Overview & Objectives

Agenda

Time	What	Notes
9:00 – 10:15	<ul style="list-style-type: none">• Agenda Overview & Objectives• Confirm IDN EPDP Phase 2 timeline• Consider Closed Generics Timeline	
10:15 – 10:45	Break	
10:45 – 12:15	<ul style="list-style-type: none">• Consider Board feedback on 38 outstanding recommendations & confirm next steps and expected timing	Avri & Becky in attendance
12:15 – 13:45	Lunch break	Lunch provided for Council members
13:45 – 15:00	<ul style="list-style-type: none">• Continued - Consider Board feedback on 38 outstanding recommendations & confirm next steps and expected timing	Avri & Becky in attendance
15:00 – 15:30	Break	
15:30 – 17:00	<ul style="list-style-type: none">• Consider any outstanding items & high level agreement on timelines & next steps	

Objectives & Approach

- At the end of the day, be able to confirm to the extent possible the expected next steps and timeline for the items requested by the ICANN Board:
 - A plan and timeline as agreed upon by the ICANN Board and the GNSO Council for consideration and resolution of all Outputs contained in [Section B of the Scorecard](#);
 - A GNSO Council project plan and timeline for policy work, or an alternate path, on how to handle closed generics for the next round of new gTLDs; and
 - A project plan from the GNSO Internationalized Domain Names (IDNs) Expedited Policy Development Process (EPDP) Working Group (WG)
- Staff support team to update the Work Plans and Timelines prior to GNSO Council meeting where, following Council review and non-objection, these will be submitted to the ICANN Board.
- Work Plans and Timelines should reflect best current thinking but also include dependencies and caveats. Expectation is that regular updates will be provided once detailed project plans are in place.

Proposed approach



Be pragmatic and realistic about what is feasible



Don't get into the weeds when it is not pertinent to the discussion. Don't repeat points previous raised and considered.



If you have clarifying questions on background, seek out some of the experts during the breaks to get up to speed



Don't only think in the abstract about the desired delivery date of each project but also factor in resources needed and parallel activities that may impact community as well as staff ability to keep up

Wishful thinking vs. reality

Initiative	Aspirational delivery date Final Report	Actual delivery date Final Report
SubPro	02 Jul 2018	18 January 2021
RPMs	24 Jan 2018	24 November 2020
Accuracy	24 Jan 2022	5 September 2022

- Realistic timelines can only be set by sizing the actual effort required and resources available (including commitment participants are willing to make), not by focusing on when the end product is ideally delivered
- The cumulative time needed to complete milestones is relatively similar – what makes the difference is:
 - Tight scoping and agreement on the problem that needs to be addressed;
 - Commitment of community participants (doing homework!);
 - Alignment on desired outcome at the start of the process;
 - More and longer meetings, ideally including F2F time.
- Don't underestimate the time that is spent on updating project timelines and project change request.
- Consider impact to reputation and credibility from badly missing delivery dates

From the Board Resolution

Whereas, the Board understands that the delivery of the Implementation Plan no later than 1 August 2023 requires the satisfactory completion of the following four deliverables (the Deliverables) by the last day of the ICANN77 Public Meeting (15 June 2023):

1. A plan and timeline as agreed upon by the ICANN Board and the GNSO Council for consideration and resolution of all Outputs contained in [Section B of the Scorecard](#);
2. A working methodology and Implementation Review Team (IRT) work plan and timeline as agreed upon by ICANN org and the GNSO Council;
3. A GNSO Council project plan and timeline for policy work, or an alternate path, on how to handle closed generics for the next round of new gTLDs; and
4. A project plan from the GNSO Internationalized Domain Names (IDNs) Expedited Policy Development Process (EPDP) Working Group (WG) identifying all charter questions that will impact the next Applicant Guidebook, along with considerations to ensure a consistent solution on IDN Variant TLDs with the ccPDP4 on IDN ccTLDs (in accordance with prior Board [Resolution 2019.03.14.09](#)), and a timeline by when the IDNs EPDP WG will deliver relevant recommendations to the GNSO Council.

ICANN77 Deliverables

Confirm IDNs EPDP Timeline

IDNs EPDP

	Step/Milestone	Responsible Party	Timing
1	EPDP Initiation and Charter Approval	EPDP Team	May 2021
2	Phase 1 (top-level charter questions) Initial Report published for public comment	EPDP Team	Apr 2023
3	Phase 1 Final Report delivery to GNSO Council	EPDP Team	Nov 2023
4	Phase 1 Final Report: Council consideration; Bylaws mandated public comment period; Board adoption	Various	Duration: 4 months or more
5	Initiate Phase 2 (second-level charter questions) deliberations	EPDP Team	Nov 2023 *
6	Phase 2 Initial Report published for public comment	EPDP Team	May 2025
7	Phase 2 Final Report delivery to GNSO Council	EPDP Team	Nov 2025 **
8	Phase 2 Final Report: Council consideration; Bylaws mandated public comment period; Board adoption	Various	Duration: 4 months or more

IDNs EPDP, cont.

Key points from “Additional Explanatory Information”:

- EPDP Team recognizes completion for Phase 2 Final Report may impact launch of Next Round - however, Team only willing to commit to achievable/conservative work plan/timeline.
- However, reasons for optimism to beat date:
 - Phase 2 deliberations started in May 2023 (instead of Nov 2023) and significant progress made (though Phase 2 deliberations will be paused to review public comments and finalize Phase 1 Final Report).
 - The EPDP Team requested at least one dedicated face-to-face workshop in Nov-Dec of 2023, which may reduce the timeline significantly (e.g., 40%). Could request a second face-to-face workshop in 2024.
- “Considerations to ensure a consistent solution on IDN Variant TLDs with the ccPDP4 on IDN ccTLDs (in accordance with prior Board Resolution 2019.03.14.09)” accounted for.

Open Questions:

- Is there value in the Council providing an aspirational timeline, alongside the official timeline?
 - Does doing so help in planning for the next round? Will it result in the IDNs EPDP concluding more quickly?

ICANN77 Deliverables

Closed Generics

Closed Generics

- Draft Framework for Closed Generic gTLDs shared with Council just prior to ICANN77 (see <https://gnso.icann.org/sites/default/files/policy/2023/draft/draft-framework-for-closed-generic-gtlds-08jun23-en.pdf>)
- Draft framework covers:
 - The application process
 - The application
 - The evaluation process
 - Contracting & post-delegation

Next Steps

The Facilitated Dialogue group is currently seeking community feedback on the [Draft Framework for Closed Generic gTLDs](#).

- This feedback will be considered by the group as it continues to work toward a Final Framework, to underpin expected policy work on closed generic gTLDs.

SOAC groups are encouraged to submit documented feedback via:

- Their support staff within ICANN org;
- Their appointed participants in the Facilitated Dialogue (if applicable); or
- Directly to closed-generics-feedback@icann.org

Please review the Draft Framework and submit any feedback by **15 July 2023**.

EPDP as Policy Vehicle - Rationale

- GNSO policy work for the next round of New gTLDs has taken place in the form of a PDP
 - Closed Generics was a topic in the SubPro PDP
- Expectation that additional work on this topic will be in the form of a policy development process:
 - From the Board invitation to enter into a Dialogue: “Should the GAC and GNSO Council reach agreement on a framework, the proposal would then be considered through the **appropriate GNSO policy development process** that includes the wider community.”
- EPDP is more appropriate than PDP given groundwork completed
- GGP cannot create policy/procedurally does not save time

*Are there alternatives that can/should be considered?
If yes, what is the rationale and how would it meet the expectations?*

Closed Generics – EPDP Timeline (proposed draft)

What	Expected Timing	For comparison
1. Preparation of Initiation Request & Charter (<i>note, step 1 and 2 could run partly in parallel</i>)	12 weeks	9 weeks (accuracy) 22 weeks (GGP)
2. Call for volunteers / confirmation of members, selection of chair, preparation for first meeting	12 weeks	10 weeks (accuracy) 10 weeks (GGP)
3. Team deliberations & publication of Initial Report	36 weeks	48 weeks (EPDP P2) 32 weeks (EPDP P2a) 100 weeks (IDNs EPDP) 104 weeks (Transfers) 48 weeks (accuracy)
4. Public comment on Initial Report	6 weeks	25 weeks (EPDP P2)
5. Review of public comments	8 weeks	15 weeks (EPDP Phase 2a)
6. Finalize report for submission to GNSO Council	6 weeks	
7. Consideration of Final Report	4 weeks	8 weeks (EPDP P2) 6 weeks (EPDP Phase 2a)
8. Public comment on Final Report prior to Board consideration	6 weeks	
9. Board consideration of public comments and Final Report	6 weeks	
Total (not counting implementation time)	96 weeks	

For Council discussion

- Having now seen the draft framework, are these timelines still realistic?
- What work is remaining to finalize the framework? Can a start time for the EPDP be anticipated?

ICANN77 Deliverables

38 Pending Recommendations

SubPro Small Team assessment

- Based on informal input from Avri and Becky, assessed potential landing spot of 38 outstanding recommendations:
 - Confirmation that issue can be addressed as part of implementation
 - Clarification Statement
 - Board non-adoption
 - Bylaw changes
 - Modification of recommendations (section 16)

Small Team Anticipated Landing Spots Before Bd. Workshop

Anticipated Landing Spot	Recommendations
Addressed during implementation	6.8 (Ry pre-evaluation), 16.1 (application submission period), 18.4 (terms & conditions), 19.3 (application queuing)
Clarifying statement	3.1, 3.2, 3.5, 3.6, 3.7 (applications assessed in rounds), 9.15 (RVCs/PICs), 26.9 (security & stability), 29.1 (name collision), 34.12 (community applications), 35.3, 35.5 (auctions)
Non adoption (either section 16 or supplemental recommendation)	9.2, 18.3 (terms & conditions), 22.7 (registrant protections)
Exploring Fundamental Bylaw Change	
Further dialogue needed	32.1, 32.2, 32.10 (limited challenge/appeal), 9.1, 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.15 (RVCs/PICs), 24.3, 24.5 (string similarity evals), 30.4, 30.5, 30.6, 30.7 (GAC Advice & early warning), 31.16, 31.17 (objections), 17.2 (applicant support), 18.1 (terms & conditions)

Overview of Path Forward (to be communicated to Council)

The **Board has aligned** on the pending recommendations as follows:

- A. The Board agrees that it can adopt the recommendation as is.
- B. The Board agrees that it still has concerns, but believes it can adopt the recommendation if the Council provides a clarifying statement.
- C. The Board agrees that it still has concerns and that these can only be addressed if the Council amends the recommendation.
- D. The Board agrees that the recommendation is not in the best interest of the ICANN community or ICANN and does not adopt it (requires $\frac{2}{3}$ majority vote).

Topic	Path	Notes
Application Assessed in Rounds	B	
RSP Pre-Eval	B	
PICs/RVCs	D, B	9.2 (waiver on Spec 11) = D PICs/RVCs recs = B
Applicant Submission Period	A	

Overview of Path Forward (to be communicated to Council)

Topic	Path	Notes
Terms and Conditions	D, D, B	Ability to reject (18.1) = D Covenant not to sue (18.3) = D Refund (18.4) = B
Application Queueing	A	
Security and Stability	B	
Name Collision	NCAP2	
GAC Early Warning/Advice	Conversation with GAC	
Community Applications	B	
Auctions	B	
Registrant Protection	D	
Applicant Support	C	
Limited Challenges	D	
Objections	B	
String Similarity	D	

Landing Spots After Board Workshop

Anticipated Landing Spot	Recommendations
Addressed during implementation	16.1 (application submission period), 18.4 (terms & conditions), 19.3 (application queuing)
Clarifying statement	3.1, 3.2, 3.5, 3.6, 3.7 (applications assessed in rounds), 6.8 (Ry pre-evaluation), 9.1, 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.15 (RVCs/PICs), , 18.4 (terms & conditions), 26.9 (security & stability), 29.1 (name collision), 31.16, 31.17 (objections), 34.12 (community applications), 35.3, 35.5 (auctions)
Non adoption (either section 16 or supplemental recommendation)	9.2, 17.2 (applicant support), 18.1, 18.3 (terms & conditions), 22.7 (registrant protections), 24.3, 24.5 (string similarity evals), 32.1, 32.2, 32.10 (limited challenge/appeal)
Exploring Fundamental Bylaw Change	
Further dialogue needed	30.4, 30.5, 30.6, 30.7 (GAC Advice & early warning)

Key: Updated group Council amendment Board has concerns that may be addressed with Moved from Further dialogue needed section

Issue to be addressed during implementation

What	Whom
Board confirmation that issue can be addressed during implementation	ICANN Board
Board adoption of recommendation	ICANN Board
Transmittal of recommendation to ICANN org for implementation	ICANN Board

Timeline implications for Council: Essentially, **None?**

- Recommendations believed to be in this group: 6.8 (Ry pre-evaluation), 16.1 (application submission period), 18.4 (terms & conditions), 19.3 (application queuing)

Clarifying Statement

What	Whom	Expecting timing
Confirmation that clarifying statement would address Board concerns	ICANN Board	ICANN77 (ideally)
Development of clarifying statement	SubPro Small Team (TBC by Council)/SubPro Caucus Co-Leads?	3-4 meetings
Council confirmation of clarifying statement (consent agenda / Council vote)	GNSO Council	Delivered by doc & motions deadline (10 days) and adopted at GNSO Council meeting
Council transmittal of clarifying statement	GNSO Secretariat	1-2 business days (or less)
Board adoption of recommendation with clarifying statement	ICANN Board	Subject to Board scheduling
Transmittal of recommendation to ICANN org for implementation	ICANN Board	Essentially with immediate effect

Clarifying Statement, cont.

Timeline implications for Council:

- Existing work of the Small Team: **provision of clarify information & identification of landing spot** can be leveraged to draft Clarifying Statement.
- The duration for this group of recs is unlikely to be impacted by either the number of recommendations nor the level of complexity.
- **~1.5 months** for **Small Team** to draft Clarifying Statement and **GNSO Council** to approve (e.g., on Consent Agenda).
- Recommendations believed to be in this group: 3.1, 3.2, 3.5, 3.6, 3.7 (applications assessed in rounds), 9.15 (RVCs/PICs), 26.9 (security & stability), 29.1 (name collision), 34.12 (community applications), 35.3, 35.5 (auctions)

Board signalling non-adoption

- Council has the choice to:
 - Modify recommendations per section 16
 - Await non-adoption and decide whether to develop a Supplemental Recommendation
- Recommendations believed to be in this group: 9.2 (RVCs/PICs), 18.3 (terms & conditions), 22.7 (registrant protections)

Modification of Recommendations (Section 16)

What	Whom	Expected Timing
Confirmation that ICANN Board is not able to accept recommendation in its current form	ICANN Board	ICANN77 (ideally)
Council confirmation that modification of the recommendation is preferred path	GNSO Council	ICANN77 (ideally)
Development of proposed modifications	GNSO Council	3-6 meetings?
Consult with SubPro PDP on proposed modifications	GNSO Council / SubPro PDP	3-6 meetings?
Post modifications for public comment		Min of 30 Days
Review public comments and update modifications as deemed appropriate	GNSO Council	3-6 meetings?
GNSO Council vote to adopt modifications	GNSO Council	10 days before meeting
Transmittal of the modified recommendation	GNSO Secretariat	1-2 bus days
Board consideration of the modified recommendation	ICANN Board	Board sched

Modification of Recommendations (Section 16), cont.

Timeline implications for Council:

- The duration for this group of recs is LIKELY to be impacted by either the number of recommendations AND the level of complexity.
- **~4 - 6 months** for **Small Team** to draft modified recommendations, consult with some form of reconvened **SubPro PDP**, **GNSO Council** to conduct public comment period, **Small Team** to review public comment and finalize modified recommendations, and **GNSO Council** to vote to approve.
- Recommendations believed to be in this group: Currently, none

Board non-adoption

What	Whom	Expected Timing
Submit Board Statement with reasons for why policy is not in the best interests of the ICANN community or ICANN	ICANN Board	1st Board meeting after ICANN77 (ideally)
Council to review the Board Statement	Small Team?	2-4 meetings?
Discussion with the ICANN Board to discuss Statement	ICANN Board / GNSO Council	4-6 weeks (dependent upon schedules)
Council to decide whether to develop Supplemental Recommendation	Small Team?	2-4 meetings?
If yes, Council to develop Supplemental Recommendation	Small Team?	4-8 meetings?
Council adoption of Supplemental Recommendation	GNSO Council	10 days before meeting
Transmittal of Supplemental Recommendation to the ICANN Board	GNSO Secretariat	1-2 bus days
Board consideration of Supplemental Recommendation	ICANN Board	Board sched

Board non-adoption, cont.

Timeline implications for Council:

- Again, the duration for this group of recs is **LIKELY** to be impacted by either the number of recommendations **AND** the level of complexity.
- **~1.5 - 3 months** for **Small Team** to review Board Statement, for **GNSO Council and Board** to hold a dialogue to discuss the Board Statement, for the **Small Team** to recommend whether or not to develop Supplemental Recommendations, for the **Small Team** to draft Supplemental Recommendations (if applicable), and for **GNSO Council** to vote to approve.

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Fundamental Bylaw Amendment

What	Expected Timing
Drafting Bylaw Proposal	
Board Resolution Initiating Fundamental Bylaws Amendment Process	
Public Comment	42 days
Public Comment Summary	14 Days
Board Action on Bylaws (assuming no further comment needed)	Approx. 1 month from Public Comment Summary publication
Notice to Empowered Community (EC) of Approval	Within 7 days of Board action
EC Approval Action Community Forum	Within 30 days of Notice OR, upon request of the EC, at the next scheduled ICANN Public Meeting (even if beyond 30 days)
EC Consideration of Approval Action	Within 21 days of completion of Community Forum Period
Delivery of Decision on Approval	Within 24 hours of completion of consideration period

Fundamental Bylaw Amendment, cont.

Timeline implications for Council:

- If a Fundamental Bylaw Amendment is pursued, actions for the Council for this group of recs are minimal to none.
- However, if the Board believes that this is the right path to resolve issues for certain recommendations, GNSO Council action is likely required prior.
 - The Council has been asked to provide its assessment for why an amendment may NOT be needed in order to adopt the recs as-is.
 - The Council may be asked to check in with the SG/Cs to gauge the likelihood of objections to the amendment.
- The duration for this group of recs is unlikely to be impacted by the number of recs. The narrow amendment is presumed to address a singular issue that affects many recs, including: 9.1, 9.4, 9.8, 9.9, 9.10, 9.12, 9.13 (RVCs/PICs), 24.3, 24.5 (string similarity), 30.7 (GAC Advice & early warning), 31.16, 31.17 (objections)

More Needed (by the GAC and Board)

- There are several recommendations within Topic 30: GAC Consensus Advice and GAC Early Warning that are in a pending state: 30.4, 30.5, 30.6, 30.7
- The Board has not yet provided any substantive input on whether they have concerns with these specific recommendations, but recognize that they must consult with the GAC.
- At this stage, it is unclear what Council actions may result, if any; next steps are dependent upon Board/GAC dialogue.
 - If there are any issues that must be addressed, the Board will collaborate with the Council.

Annex

From the Board Resolution

Whereas, the Board understands that the delivery of the Implementation Plan no later than 1 August 2023 requires the satisfactory completion of the following four deliverables (the Deliverables) by the last day of the ICANN77 Public Meeting (15 June 2023):

1. A plan and timeline as agreed upon by the ICANN Board and the GNSO Council for consideration and resolution of all Outputs contained in [Section B of the Scorecard](#);
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3. A GNSO Council project plan and timeline for policy work, or an alternate path, on how to handle closed generics for the next round of new gTLDs; and
4. A project plan from the GNSO Internationalized Domain Names (IDNs) Expedited Policy Development Process (EPDP) Working Group (WG) identifying all charter questions that will impact the next Applicant Guidebook, along with considerations to ensure a consistent solution on IDN Variant TLDs with the ccPDP4 on IDN ccTLDs (in accordance with prior Board [Resolution 2019.03.14.09](#)), and a timeline by when the IDNs EPDP WG will deliver relevant recommendations to the GNSO Council.

Clarifying Statement

What	Whom	Expecting timing
Confirmation that clarifying statement would address Board concerns	ICANN Board	?
Development of clarifying statement	SubPro Small Team (TBC by Council)	3-4 meetings
Council confirmation of clarifying statement (consent agenda / Council vote)	GNSO Council	To be delivered 10 days in advance of GNSO Council meeting
Council transmittal of clarifying statement	GNSO Secretariat	Max. 1 week after Council confirmation
Board adoption of recommendation with clarifying statement	ICANN Board	
Transmittal of recommendation to ICANN org for implementation	ICANN Board	

Board non-adoption

What	Whom	Expected Timing
Submit Board Statement with reasons for why policy is not in the best interests of the ICANN community or ICANN	ICANN Board	
Council to review the Board Statement	GNSO Council	
Discussion with the ICANN Board to discuss Statement	ICANN Board / GNSO Council	
Council to decide whether to develop Supplemental Recommendation	GNSO Council	
If yes, Council to develop Supplemental Recommendation	GNSO Council	
Council adoption of Supplemental Recommendation	GNSO Council	
Transmittal of Supplemental Recommendation to the ICANN Board	GNSO Secretariat	
Board consideration of Supplemental Recommendation	ICANN Board	

Issue to be addressed during implementation

What	Whom	Expected Timing
Board confirmation that issue can be addressed during implementation	ICANN Board	
Board adoption of recommendation	ICANN Board	
Transmittal of recommendation to ICANN org for implementation	ICANN Board	

Fundamental Bylaw Changes

What	Expected Timing
Drafting Bylaw Proposal	
Board Resolution Initiating Fundamental Bylaws Amendment Process	
Public Comment	42 days
Public Comment Summary	14 Days
Board Action on Bylaws (assuming no further comment needed)	Approx. 1 month from Public Comment Summary publication
Notice to Empowered Community (EC) of Approval	Within 7 days of Board action
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EC Consideration of Approval Action	Within 21 days of completion of Community Forum Period
Delivery of Decision on Approval	Within 24 hours of completion of consideration period

Modification of Recommendations (Section 16)

What	Whom	Expected Timing
Confirmation that ICANN Board is not able to accept recommendation in its current form	ICANN Board	
Council confirmation that modification of the recommendation is preferred path	GNSO Council	
Development of proposed modifications	GNSO Council	
Consult with SubPro PDP on proposed modifications	GNSO Council / SubPro PDP	
Post modifications for public comment		Min of 30 Days
Review public comments and update modifications as deemed appropriate	GNSO Council	
GNSO Council vote to adopt modifications	GNSO Council	
Transmittal of the modified recommendation	GNSO Secretariat	
Board consideration of the modified recommendation	ICANN Board	

Past Experience

- Although past performance does not guarantee future results, previous occurrence of non-adoption and section 16 were completed in the following timeframes:
 - Section 16 – Protection of IGO and INGO Identifiers: 653 days until adoption by ICANN Board of modified recommendations
 - Non-Adoption – EPDP Phase 1: 1017 days until Board adoption of Supplemental recommendation (note, there was a significant delay in the consideration of the Supplemental recommendation by the ICANN Board. GNSO Council adoption of the Supplemental Recommendation happened at day 219)
 - ICANN Fundamental Bylaw Amendments: 64 days (amendment to transfer responsibility for reconsideration requests to a new Board Committee), 83 days (amendment to IANA Naming Function Review Team Team composition) (note, this does not include amendment preparation time)