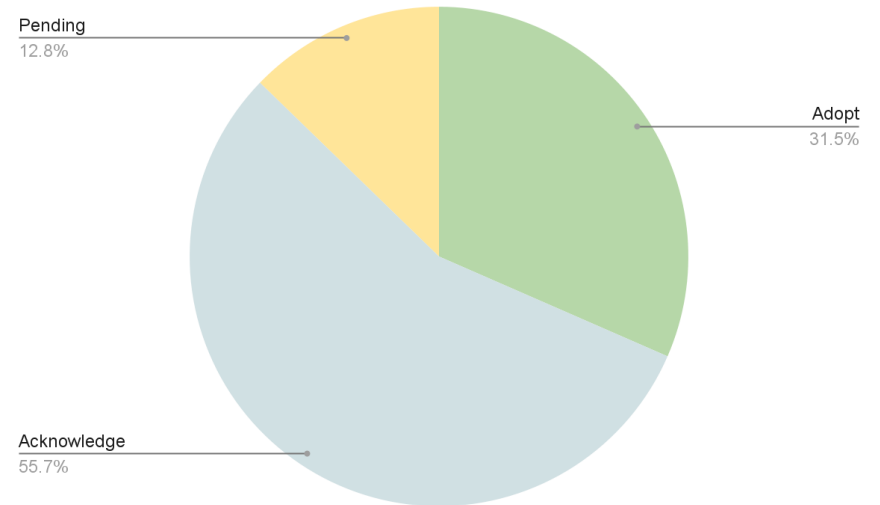


SubPro PDP Outputs: Anticipated Board action in Cancun and Dependencies

Overview:

Total number of Outputs, including Implementation Guidance	298
Number of Outputs (Recommendations, Affirmations, and Affirmations with Modification) that the Board plans to adopt	94
Number of Outputs (Affirmations and Implementation Guidance) that the Board will acknowledge	166
Number of Recommendations that are currently slated as 'pending'	38



High-level proposal on how Board/Council/community might move forward on these recommendations

- The Board expects it will approve a large majority of recommendations during its meeting on 16 March 2023; the policy implementation of these recommendations, led by ICANN org and with assistance by the Implementation Review Team (IRT), will start after ICANN76 (Cancun).
- The Board does not plan to consider the recommendations currently marked as 'pending' during its meeting on 16 March, to allow for further discussion. Therefore, the Council would have the opportunity to make amendments to these recommendations and re-submit them for Board consideration, as per PDP Manual.
 - Specifically, the PDP Manual (Section 16) provides the following process for such a scenario: "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."
 - If desired by the Council, the Board could share amendment proposals that would address its concerns; noting that this would not limit the ability of the GNSO Council and reconvened PDP WG and the GNSO Council to determine and approve the exact wording of any amendments.
- The Council would work with the reconvened PDP WG (per PDP Manual, Section 16 - see above) to ensure that proposed amendments are brought to the Council for a vote no later than ICANN78 (Hamburg) to allow for appropriate time for the Board's consideration and decision no later than ICANN79 (Puerto Rico).
- Any recommendation that has been approved by the Board would be passed on to ICANN org to implement, with assistance by and in consultation with the Implementation Review Team (IRT).
- The Board still has to agree on a path forward regarding the recommendations on PICs/RVCs

Topics and number of recommendation slated as 'pending' due to unresolved concerns:

Topic	# Recs Affected	Concern	Proposed remedy at this moment	Relevant to which of the 2012 modules	Target Date for the Board to resolve on this issue (to minimize impact on policy implementation)
Applications Assessed in Rounds	5	Recs prevent option to move to continuous applications in the future.	Council to consider amending per PDP Manual Section 16	Module 1 Module 2 Annexes Module 3 Annexes	June 2023 (No later than ICANN77)
RSP Pre-Eval	1	Rec puts IRT in charge of determining program costs.	Council to consider amending per PDP Manual Section 16	Module 2 Module 2 Annexes Module 5 Annexes	October 2023 (No later than ICANN78)
PICs/RVCs*	9	Enforceability under current Bylaws + Waiver for Spec 11 3 a+b (Rec 9.2)	Consultation with GNSO to share concerns and thoughts > next steps tbd	Module 3 Module 3 Annexes	April 2024 (No later than ICANN79)
Application Submission Period	1	Overly restrictive for future rounds	Council to consider amending per PDP Manual Section 16.	Module 1	June 2023 (No later than ICANN77)
Applicant Support	1	Direct payments to lawyers and writers	Council to consider amending per PDP Manual Section 16.	Module 5	February 2024 (No later than ICANN79)
Terms and Conditions	3	Risks of undue/increased	Consultation with GNSO to share	Module 6	TBD

		legal exposure	concerns and thoughts > next steps tbd		
Applicant Queueing	1	Restrictive batching figures	Council to consider amending per PDP Manual Section 16.	Module 1	June 2023 (No later than ICANN77)
Registrant Protection	1	Financial risk to ICANN in case of exemption from an COI for Spec 9 even for .Brands. Security and stability risks, e.g., if .brand gTLD allocates second level domains to customers (e.g., car manufacturers).	Explore issue with Council before deciding on next steps.	New gTLD Agreement	TBD
String Similarity	2	Would require ICANN to enforce content	Council to consider amending per PDP Manual Section 16.	Module 2	October 2023 (No later than ICANN78)
Security and Stability	1	Prohibiting emojis 'at any level' could be argued to be outside of ICANN's mission per Bylaws Section 1.1. (a)(i): "development and implementation of policies concerning the registration of second-level	Further Board alignment needed.	Module 2	October 2023 (No later than ICANN78)

		domain names”			
Name Collison	1	Uncertainty around NCAP2	Wait until NCAP2 is released and assess whether any concerns arise.	Module 2	October 2023 (No later than ICANN78)
GAC Consensus Advice	4	GAC expressed concern around some of the wording	Explore with Council and subsequently with GAC	Module 1 Module 3	February 2024 (Dependency on PICs) (No later than ICANN79)
Objections	2	PICs/RVCs related concerns	see PICs/RVCs above	Module 3	February 2024 (No later than ICANN79)
Limited Challenge/ Appeals	3	Feasibility of challenge/appeals program as recommended	Consultation with GNSO to share concerns and thoughts > next steps tbd		TBD
Community Applications	1	May require publishing confidential information for public comment.	Council to consider amending per PDP Manual Section 16.	Module 1 Registry Restrictions Dispute Resolution Procedure	TBD
Auctions	2	Reference to ‘private auction’ in the recommendation text.	Council to consider amending per PDP Manual Section 16.	Module 4	December 2023 (No later than ICANN79)

Dependencies

Dependency	Concern / Reason for Dependency	Board Considerations / Options	Timeframe for Action
<p>Topic 23: Closed Generics</p>	<p>No consensus recommendations from the SubPro Final Report; community dialogue. The lack of consensus on recommendations means that there is no clear path from a policy perspective and there are outstanding questions as to how to proceed with Closed Generic strings..</p>	<p>A Board-facilitated dialogue between a small group of individuals selected by the GNSO, GAC, and ALAC have begun to work including a meeting held in late January 2023. Should the dialogue result in an agreed-upon framework, the next step would be for the GNSO Council to move the framework through an appropriate PDP. Should the dialogue not result in a mutually agreed-upon framework, it may be presumed that the Board will need to decide on what the most appropriate action is, within the defined roles and respective remits of the Board, GAC, and GNSO Council.</p>	<p>Prior to completion of Applicant Guidebook. The Board’s final action on Closed Generics depends on the outcome of the facilitated dialogue and the results of any additional GNSO policy work. The outcome(s), if any, will need to be factored into SubPro planning, design, and implementation. Note that any action taken by the Board on the outputs is not dependent upon a resolution to the Closed Generics issue.</p>

<p>Topic 17: Applicant Support</p>	<p>No consensus recommendations from the SubPro Final Report;</p> <p>The ODA indicates that most SubPro Final Report outputs related to Applicant Support are implementable. Org was unable to determine an appropriate way to fund attorney and consultant fees (Rec 17.2). To inform planning, resourcing, and design, ICANN org is looking to the GNSO Guidance Process (GGP) to articulate what represents success for the Program.</p>	<p>The GNSO Council will deliver to the Board guidance recommendations after its approval of the GGP working group's Final Guidance Recommendations Report anticipated to be in December 2023 or soon thereafter.</p>	<p>Planning and preparation work for Applicant Support can proceed in tandem with the GGP and prior to completion of the Applicant Guidebook. Implementation of the Applicant Support Program (ASP) can start after Cancun, but it cannot be completed before the GGP is completed and its outcome can be included in the final ASP design. The GGP is anticipated to finish its work by December 2023</p>
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Dependency	Required Action (s)	Timeframe for Action
<u>ALAC Advice on SubPro</u>	Consider and take action on advice	At time of taking action on the Final Report Outputs
<u>ALAC Advice on DNS Abuse</u>	Consider and take action on advice based on outcome of DNS abuse work in the ICANN community	Prior to completion of Applicant Guidebook
<u>SAC059: Response to The ICANN Board Regarding Interdisciplinary Studies</u>	Consider and take action on advice based on outcome of NCAP Study 2	Prior to completion of Applicant Guidebook
<u>SAC114: SSAC Comments on the GNSO New gTLD Subsequent Procedures Draft Final Report</u>	Further engagement with SSAC on clarifying questions / responses; consider and take action on advice	Prior to completion of Applicant Guidebook
<u>SSR2 Recommendation 17.1 (Framework for name collisions)</u>	Consider and take action on recommendation based on outcome of NCAP Study 2	Prior to completion of Applicant Guidebook
<u>CCT Recommendation 14 (Incentives for anti-abuse measures)</u>	Consider and take action on recommendation based on outcome of DNS abuse work in the ICANN community	Prior to completion of Applicant Guidebook
<u>CCT Recommendation 15 (Preventing systemic abuse)</u>	Consider and take action on recommendation based on outcome of DNS abuse work in the ICANN community	Prior to completion of Applicant Guidebook

<u>ALAC Advice on SubPro</u>	Consider and take action on advice		At time of taking action on the Final Report Outputs
<u>ALAC Advice on DNS Abuse</u>	Consider and take action on advice based on outcome of DNS abuse work in the ICANN community		Prior to completion of Applicant Guidebook
<u>Name Collision Analysis Project (NCAP)</u>	NCAP Discussion Group	Consider any advice received related to NCAP recommendations and implications for SubPro	Prior to completion of Applicant Guidebook
<u>Expedited Policy Development Process (EPDP) on Internationalized Domain Names (IDNs)</u>	EPDP Working Group	Consider recommendations and implications for SubPro	Prior to completion of Applicant Guidebook
<u>DNS Abuse</u>	ICANN Board / ICANN community	Determine what actions, if any, need to be taken regarding DNS abuse	Prior to Opening of application submission period