ICANN | GNSO

Generic Names Supporting Organization

Policy Status Report on the Policy & Implementation Recommendations

Status of This Document

This is the Final Policy Status Report on the Policy and Implementation Recommendations, drafted by the Global Domains and Strategy (GDS) and Generic Names Supporting Organization (GNSO) Policy Staff for submission to the GNSO Council.

Preamble

A Policy Status Report (PSR) is intended to provide the GNSO Council with sufficient data and metrics to assess the impact of previously adopted and implemented recommendations. The PSR may serve as the basis for further review and/or revisions to the policy recommendations if deemed appropriate.

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1 Executive Summary

This Policy Status Report (PSR) provides an overview of the [Policy and Implementation Working Group Final Report](#) (Final Report) to support the GNSO Council in its assessment of the effectiveness of its recommendations in achieving their intention of supporting and improving the effectiveness of GNSO Policy Development and Implementation processes. The PSR includes background on the Policy and Implementation Recommendations and their intended purpose, readily available data, staff observations and analysis, and performance against the stated objectives by the GNSO Council and the ICANN community. The PSR is intended to serve as input to the GNSO Council review of policy and implementation related efforts, notably in the assessment of the following GNSO processes introduced in light of the recommendations of the Final Report:

- The [GNSO Expedited Policy Development Process (EPDP)](#)
- The [GNSO Guidance Process (GGP)](#)
- The [GNSO Input Process (GIP)](#)
- The [Implementation Review Team (IRT) Principles & Guidelines](#), as well as the requirement to form an IRT following the adoption by the ICANN Board of GNSO Policy recommendations
- The [Consensus Policy Implementation Framework (CPIF)](#)

The PSR finds that these processes have proved effective in supporting and enhancing GNSO Policy and Implementation efforts, while also identifying a number of caveats and possible improvements. The EPDP is noted as an area for refinement, with suggestions focused on fostering greater efficiency and improving community messaging throughout the process. Similar improvements were suggested for the GGP, including revised timelines. The report notes contrasting opinions on the value of the GIP, stemming from its lack of use to date and the existence of alternative mechanisms. Further research is proposed to explore data-driven opportunities to enhance the efficiency of the implementation process, while instances of overlap and duplication between the IRT Principles & Guidelines and CPIF are indicated. Finally, a regularly updated CPIF is recommended to facilitate the incorporation of future GNSO-approved improvements, in tandem with an ICANN org-led study to provide data analysis on potential improvements to current structure and effectiveness of the CPIF. It is envisaged that these measures will aid the development of clear and robust policies and support community participation in a more streamlined and agile implementation process.

This report was published for [Public Comment](#) and has been updated in light of the [input received](#) in order to provide additional insight for the GNSO Council for its consideration and potential action.

2 Background of the Policy & Implementation Recommendations

2.1 Background

As a result of discussions around implementation-related issues of the New Generic Top Level Domain (gTLD) program from 2008-2011, there was an increased focus within the ICANN community on defining topics which call for action on policy issues. This encompasses identifying those topics which require policy implementation work, including which processes should be used, when they should be used, and how issues subject to diverging opinions during the implementation process should be acted upon. Following several discussions, including the publication of a [staff discussion paper](#) and a [community session](#) during the ICANN46 meeting in Beijing in April 2013, the GNSO Council decided in July 2013 to form a Working Group (WG), which was [tasked](#) to provide the GNSO Council with a set of recommendations on a number of questions that specifically related to policy and implementation in a GNSO context.

After reviewing several policy and implementation topics that were addressed using ad-hoc processes, the WG concluded that defining these issues as either "policy" or "implementation" was not as important as developing standardized mechanisms for addressing such cases smoothly and efficiently regardless of characterization, especially in time-sensitive situations. The WG proposed three new standardized processes for GNSO deliberations on such issues, alongside a set of implementation related recommendations and principles, building on the Consensus Policy Implementation Framework developed by the ICANN Global Domains Division (GDD) team, now Global Domains and Strategy (GDS).

In June 2015, the GNSO Council adopted the [Policy and Implementation Working Group Final Report](#) (Final Report), followed by Board approval of the parts pertaining to the ICANN Bylaws in September 2015. The recommendations of the Policy & Implementation WG resulted in the introduction of a number of additional GNSO processes:

- The [GNSO Expedited Policy Development Process (EPDP)](#)
- The [GNSO Guidance Process (GGP)](#)
- The [GNSO Input Process (GIP)](#)

- The [Implementation Review Team (IRT) Principles & Guidelines](#)[1], as well as the requirement to form an IRT following the adoption by the ICANN Board of GNSO Policy recommendations
- The [Consensus Policy Implementation Framework (CPIF)](#)

In addition to these new processes, the GNSO Council adopted a number of "policy and implementation principles/requirements" proposed by the WG. These were a set of overarching statements intended to reinforce GNSO policy and implementation related discussions, affirming that "Policy development processes must function in a bottom-up manner" and "adhere to standards of fairness, notice, transparency, integrity, objectivity, predictability and due process consistent with ICANN's core values". The WG also sought to prescribe limits to the implementation process, suggesting the establishment of mechanisms to flag "unanticipated outcomes" with the potential to impact the community, as well as potential deviations between the implementation of policy and its original intent. This underlined an acknowledgement by the WG that policy and implementation "are not two separate phases entirely, but require continuous dialogue and communication between those that developed the policy… and those that are charged with operationalizing/implementing it." As these principles and requirements were intended to codify the expected standards and behaviors to be followed throughout the Policy and Implementation lifecycle, and not to fulfill a distinct function to the new GNSO processes noted above, they have not been assessed separately in this report.

As part of the GNSO Council resolution, it was recommended that "a review of these recommendations is carried out at the latest five years following their implementation to assess whether the recommendations have achieved what they set out to do and/or whether any further enhancements or changes are needed". This PSR is a first step in that review. Based on the information contained in this report, which has been updated taking into account public comments, the Council will decide how to proceed.

The following sections provide an overview of each of the recommendations of the Policy & Implementation WG, their stated objectives and use to date, as well as observations on their effectiveness and further issues identified by the staff support team as warranting further consideration. Through the public comment forum, commenters were encouraged to identify additional issues requiring further consideration and provide suggestions for how these issues could be addressed.

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[1] Linked to this is role of the GNSO Council liaison to the IRT (see https://gnso.icann.org/sites/default/files/file/field-file-attach/gnso-liaison-wg-28sep21-en.pdf) that was developed at a later stage and flagged for further review as part of PDP 3.0. The liaison has been a valuable addition in helping to coordinate with the GNSO Council and for making determinations on escalation where necessary.

3 Expedited Policy Development Process (EPDP)

3.1 Objective / intent

The details of the Expedited Policy Development Process (EPDP) can be found in Annex F (Proposed Expedited Policy Development Process Manual) and Annex G (Proposed Expedited Policy Development Process Bylaw Provision) of the [Final Report](#). The main difference between a PDP and an EPDP is that the initial phases of a PDP (request for an Issue Report, publication of preliminary Issue Report for public comment and submission of Final Issue Report) are not included in an EPDP. In addition, there are different voting thresholds associated with some of the steps in an EPDP compared to that of a PDP, for example, the initiation of an EPDP and adoption of a charter for an EPDP Team require a GNSO Supermajority.

As outlined in the Final Report of the Policy & Implementation WG, an EPDP is:

> "to be used in those instances in which the GNSO Council intends to develop recommendations that would result in new contractual obligations for contracted parties that meet the criteria for "consensus policies"[2] as well as the qualifying criteria to initiate an expedited PDP. Those qualifying criteria are (1) to address a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) to provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously, such that extensive, pertinent background information already exists, e.g. (a) in an Issue Report for a possible PDP that was not initiated; (b) as part of a previous PDP that was not completed; or (c) through other projects such as a GGP. The EPDP should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group did not like the outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available".

A primary motivation for exploring the concept of an expedited EPDP was a desire to determine if and how the overall time frame for policy development could be reduced, while ensuring that the existing checks and balances would remain in place. The WG concluded that apart from mechanisms such as scoping, a focused charter and face to face time, there were no specific steps in the WG element of the PDP that could be removed or reduced if due diligence, transparency, and accountability were to be maintained. The only area in which the WG identified an opportunity to expedite the

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[2] For further information about 'consensus policies', please see
http://gnso.icann.org/en/basics/consensus-policy/about.

process concerned those cases where an Issue Report did not seem necessary because the issue had already been sufficiently explored through other efforts or initiatives. This resulted in the recommendations for an Expedited Policy Development Process, in which Annex I of the Final Report (Estimated Timelines For New Processes (In Days)), estimated that by removing the initial phases of a PDP (Request for an Issue Report, Preliminary Issue Report and Submission of a Final Issue Report), the overall timeline to deliver a Final Report to the GNSO Council could be halved.

3.2 Use to Date

The EPDP was implemented by means of [Annex A-1](#) of the ICANN Bylaws and [Annex 2](#) of the GNSO Operating Procedures. To date, a majority of the EPDPs carried out have, in the case of the EPDPs on the Temporary Specification for gTLD Registration Data and Internationalized Domain Names, involved multiple phases and tended to be large in scope.

3.2.1 EPDP on the Temporary Specification for gTLD Registration Data – Phase 1, Phase 2 and Phase 2a

The EPDP was used for the first time following the adoption by the ICANN Board of the [Temporary Specification for gTLD Registration Data](#) in May 2018. The adoption of a Temporary Specification triggered a one-year period to confirm or modify the Temporary Specification into a Consensus Policy.

The EPDP Charter was developed by a drafting team with the [initiation request](#) adopted by the GNSO Council on 18 July 2018. Section "d" of the initiation request outlines how the criteria for an EPDP had been met. Noting the short timeframe under which the EPDP was expected to act, a number of additional enhancements specific to this project were introduced. These include a representative membership model, more frequent and longer calls, legal advice, external facilitation support, face-to-face meetings, and a [Statement of Participation](#). The EPDP team delivered its Final Report on 20 February 2019, 217 days after its initiation.

The EPDP [charter](#) anticipated that work on a System for Accredited Access to Non-Public Registration Data would take place after the EPDP Team's recommendations on issues relating to the Temporary Specification for gTLD Registration Data. This resulted in Phase 2 of the EPDP Team's work. The Phase 2 deliberations commenced on 2 May 2019, with the Final Report being delivered on 31 July 2020, 456 days after it started.

The EPDP Team was subsequently [reconvened](#) by the GNSO Council to continue to work on a number of remaining items that were not covered as part of the earlier phases in the form of Phase 2a. The EPDP team delivered its Final Report in 327 days.

3.2.2 EPDP for Specific Curative Rights Protections for IGOs

On 19 August 2021, the GNSO Council resolved to initiate the EPDP for Specific Curative Rights Protections for IGOs and adopted its charter. The GNSO Council initiated this work to consider "whether an appropriate policy solution can be developed that is generally consistent with the first four recommendations from the GNSO's IGO-INGO Access to Curative Rights PDP and:

1. Accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
2. Does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
3. Preserves registrants' rights to judicial review of an initial [Uniform Domain Name Dispute Resolution Policy or Uniform Rapid Suspension decision;
4. Recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction."

The EPDP WG published its Initial Report on 14 September 2021. Following a period of public comment the WG submitted its Final Report to the GNSO Council on 4 April 2022. The Final Report, which made several recommendations to improve an IGO's ability to protect its name and related trademark, was adopted by the GNSO Council on 21 July 2022.

3.2.3 Internationalized Domain Names EPDP

On 20 May 2021, the GNSO Council passed a resolution to initiate the EPDP on Internationalized Domain Names (IDNs) and adopted its charter. The EPDP Team was tasked with providing the GNSO Council with policy recommendations on: 1) the definition of gTLDs and the management of variant labels; and 2) how the IDN Implementation Guidelines, which ICANN contracted parties are required to comply with, should be updated in the future. As explained in section D of the Initiation Request, the EPDP would be building on "the existing body of policy work, research, and analysis on the IDN subject", meaning the Issue Report phase was deemed not necessary. A drafting team was responsible for developing the charter that was subsequently adopted by the GNSO Council.

The IDN EPDP published its Phase 1 Initial Report on 24 April 2023 and delivered its Phase 1 Final Report to the Council on 8 November 2023, which was adopted in full in December 2023. In parallel, the team initiated deliberations on its Phase 2 Charter questions, completing preliminary deliberations during the EPDP team's face-to-face working session in December 2023. The Phase 2 Initial Report was published for public comment in April 2024, with the Final Report submitted to the GNSO Council for its

review and action in October 2024. In November 2024,the GNSO Council recommended that the ICANN Board adopt all 14 final recommendations documented in the Phase 2 Final Report.

3.2.4 Observations on Effectiveness

The average number of days to deliver an Initial/Final Report for the PDPs in the table below was 1124 and 1829 days respectively, compared to an average of 354 and 504 days in the EPDPs undertaken to date. There are numerous factors that can impact the overall duration of a policy development process, such as scoping, membership structure and face-to-face meetings. However, even after taking these variables into account, omitting the Issue Report phase, and in the case of the EPDP on Temporary Specification for gTLD Registration Data Phases 1-2a, adopting additional working practices outside standard EPDP working practices, does seem to have contributed to a shorter overall timeframe for the delivery of an Initial/Final Report to the GNSO Council. It is important to note, however, that the timeline for delivery of the final report does not include the often considerable amount of time required for any eventual Board decision on whether to adopt the policy recommendations, and the subsequent implementation phase.

PDP/EPDP	Delivery of Initial Report (after initiation for EPDP / request for Issue Report for PDP) - days	Delivery of Final Report - days
Curative Rights PDP	1175	1710
SubPro PDP	1105	2035
Transfers PDP	727	N/A
RPM Phase 1 PDP	1490	1741
EPDP Phase 1	125	216
EPDP Phase 2	340	515
EPDP Phase 2a	225	327
IDN EPDP Phase 1&2	1057	1236
Curative Rights IGO EPDP	26	228

3.3 Potential Issues for Further Consideration

- It has been reported that the reference to "expedited" in the EPDP has been misunderstood by some in the community to mean that the overall policy development process is expedited, with shorter or skipped steps throughout. In

reality it is only the Issue Report phase that is eliminated from the process. This misunderstanding may have been perpetuated by variances in how EPDPs have been conducted. For instance, as noted in 3.2.1, the EPDP on the Temporary Specification for gTLD Registration Data adopted working practices and enhancements outside of the typical EPDP structure to further shorten the timeline. Similar misconceptions could be averted by promoting greater community awareness of the EPDP process and how it differs from the PDP process, as well as managing expectations around timescales, such as setting estimated or aspirational timelines for EPDP completion prior to launch.

- The experience with the first EPDP process (EPDP Phase 1) on the Temporary Specification included instances in which recommendations were found to be unclear as to their intent or intended impact during the implementation phase, requiring extensive IRT discussions and further collaboration with the GNSO Council to address (for example, on issues relating to Thick WHOIS and Urgent Requests). This could be considered a consequence of the expedited nature of the EPDP, as some of these issues may have been raised with the EPDP Team during discussions but not fully addressed. Accordingly, it may be a matter for the GNSO Council to consider whether additional guidelines for EPDPs (and PDPs, more generally) are necessary to clarify where policy recommendations are intended to impact pre-existing policies and contract requirements, and to ensure that critical issues (e.g. the timing of urgent requests) are not deferred to the implementation phase due to timing constraints of an EPDP. Potential work on this area could align with proposed amendments to the CPIF noted in 7.4, which build on the [Evolving Consensus Policies](#) discussion paper shared by ICANN org with the GNSO Council in 2021, to emphasize its relevancy to ongoing discussions on improvements to the overall policy and implementation process.

- Further options to streamline and/or expedite the process could be implemented, subject to community consent:

  - One such option might be to eliminate the early input requirement. Both the PDP and EPDP expect the EPDP team to solicit early input statements from stakeholder groups and constituencies, as well as other ICANN Advisory Committees and Supporting Organizations, during the early stages of the process. This is not a requirement per the EPDP Manual, but it is a step present in most EPDPs. However, it is within the power of the GNSO Council to decide if early input is required. As such, in certain cases where a representative team model is used, the GNSO Council could consider explicitly instructing the EPDP team to forgo the early input requirement, given that representatives of the different groups are already expected to provide the views of their respective groups during the course of deliberations. The GNSO Council could make this clear in the charter and/or instructions provided to the team. However, in such cases care and

appropriate steps should be taken to ensure that the voice and positions of all of the ICANN stakeholders have been taken into account

- o Another method to accelerate the EPDP process might be to incorporate certain expedited working actions and enhancements adopted by the EPDP Temporary Specification for gTLD Registration Data team, noted in 3.2.1, into a set of options that could be deployed flexibly across the EPDP projects. Examples include the representative membership model, more frequent face-to-face meetings, extended calls, external facilitation or outside legal advice where appropriate, and other enhancements trialed by the EPDP on the Temporary Specification for gTLD Registration Data, as noted in 3.2.1. Comments also noted that further possible improvements could be captured by introducing a regular "lessons learned' exercise at the conclusion of every EPDP, to collect relevant data and feedback from all participants on the effectiveness of utilized working methods. These could then be endorsed as possible tools for use in future EPDPs.

- o Comments also noted that such measures could be effectively complemented by enhanced preparatory activities, including robust use of project charters, identification and pre-collation of data and SME input to more clearly define the scope and expected outcomes of the EPDP prior to launch. This may help prevent some instances where an EPDP has been perceived to have been engaged in completing work that was either not finished or out of scope for a preceding PDP. Enhanced structure and governance around EPDP objectives may also help foster continued vigilance amongst both staff and community members on ensuring that policy work remains orientated and in line with its original purpose.

- Another comment noted the importance of ensuring that policies remain fit for their intended purpose, specifically advocating that "checking for fitness for purpose be included in all stages" of the policy and implementation process, even after a policy has been formally adopted through the consensus process. Addressing the question of 'fitness for purpose' is indeed important, especially during the policy development process, for example, in cases when proposed policies may entail unforeseen consequences on existing policies or cause delays during implementation. However, defining 'fitness' is not straightforward and arguably subjective. Agreeing upon suitable criteria to assess whether or not a policy meets this standard would likely be complicated or potentially controversial. Considerations of fitness may vary and change over time, according to material or external circumstances affecting or beyond the policy and implementation environment, or in light of the specific requirements of each implementation step. Establishing consensus on how and when to reach such a judgment may also therefore be difficult. The comment also suggested that the IRT should assume responsibility for attending to "the discovery of flaws that cannot be corrected within the agreed-upon policy and

implementation", while acknowledging that it is out of scope for an IRT to reopen or relitigate closed policy matters, demonstrating that it is not currently clear how concerns over adopted consensus policies may be easily addressed once the policy development process has concluded. For these reasons, staff believe that this request requires further consideration before being formally proposed to the GNSO Council for formal discussion and potential action.

4 The GNSO Guidance Process (GGP)

4.1 Objective / Intent

The GNSO Guidance Process (GGP) follows all of the required steps for an EPDP. The primary difference is that GGP recommendations do not result in a new consensus policy and contractual obligations for contracted parties.

As outlined in the Final Report of the Policy & Implementation WG, the GNSO Guidance Process is:

> "to be used in those instances for which the GNSO Council intends to provide guidance that is required to be considered by the ICANN Board, but which is not expected to result in new contractual obligations for contracted parties. Guidance developed through a GGP means advice that has a binding force on the ICANN Board to consider the guidance and it can only be rejected by a vote of more than two-thirds (2/3) of the Board, if the Board determines that such guidance is not in the best interests of the ICANN community or ICANN. It is expected that this would typically involve clarification of, or advice on existing gTLD policy recommendations. This could be in response to a specific request from the ICANN Board but could also be at the initiative of the GNSO Council to an issue that has been identified. For example, such a process could have been used in relation to the request from the ICANN Board to provide input on the .brand registry agreement, specification 13".

The intent of the GGP was to affirm that should the GNSO develop guidance through a process which followed all the steps taken to develop policy recommendations, it would be expected that the ICANN Board follows this guidance. The only exception would be if, as in the case of consensus policy recommendations developed via a PDP or an EPDP, the ICANN Board determined that the guidance was not in the best interest of ICANN or the ICANN community.

4.2 Use to Date

4.2.1 Applicant Support GGP

The GGP was implemented by means of [Annex A-2](#) of the ICANN Bylaws and [Annex 5](#) of the GNSO Operating Procedures. The GNSO Council [initiated](#) the first [GGP](#) - for Applicant Support - in August 2022, and it began its deliberations in November 2022. According to the GGP Initiation Request, the GGP for ASP was tasked with the following:

- Task 1: Review the 2011 Final Report of the Joint Applicant Support WG and the 2012 implementation of the Applicant Support program in detail, to serve as resources for other Applicant Support related questions/tasks.
- Task 2: Working with ICANN org staff as appropriate, identify experts with expertise to aid in tasks 3, 4, and 5.
- Task 3: Analyze the set of suggested metrics in Implementation Guidance 17.9 and propose which ones should be prioritized. The set of prioritized metrics is not limited to what is identified in 17.9
- Task 4: Identify any other appropriate metrics and measures of success to help in identifying the necessary program elements and measuring program success after the fact. In identifying the suggested set of metrics, propose how data can be collected, how metrics can be measured, who can collect the data, as well as what represents success.
- Task 5: Consider, and to the extent feasible, suggest how the "outreach, education, business case development, and application evaluation" elements of the Applicant Support Program may be impacted by the identified metrics and measures of success. For example, based on the success metrics for Awareness and Education, this may impact the approach for performing outreach and education. To the extent feasible, suggest an approach to outreach, education, business case development, and application evaluation assistance.
- Task 6: Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants.

The GGP for ASP tasks addressed SubPro Final Report Recommendation 17.3, and Implementation Guidance 17.5, 17.8, 17.9, 17.10.

The GGP for ASP published its [Initial Report](#) on 25 July 2023. After the [Public Comment Proceeding](#) on the initial report (31 July - 11 September 2023), the [Public Comment Summary Report](#) was published on 24 September 2023. Following a review of the public comments by the GGP for ASP working group, the [Final Report](#) was published on 8 December 2023. All of the GGP's recommendations were adopted by the GNSO Council at its session on [21 December 2023](#). The [GNSO Council Recommendations Report to the ICANN Board](#) (on the adoption of the final Guidance Recommendations from the GGP Report) was adopted and sent to the Board by the GNSO Council on 18 January 2024.

4.3 Observations on Effectiveness

As outlined in 4.1, the primary aim of a GGP is to provide guidance that is required to be considered by the ICANN Board but which is not expected to result in new contractual obligations for contracted parties. This would typically involve clarification or advice on existing gTLD policy recommendations. By this measure, the GGP has effectively provided clarification and advice on existing policy gTLD recommendations (in this case, the SubPro Final Report Policy Recommendations), approved by the GNSO Council and sent to the ICANN Board. Comments also confirmed that the GGP proved useful to the

Sub Pro IRT subteam charged with developing the draft Applicant Support Program (ASP) handbook by providing information that helped avoid the need for additional implementation work.

From a staff perspective, the GGP has proved effective in meeting established requirements. The GGP for ASP WG completed its work within the timeline it set out during a meeting on 19 December 2022, where it defined December 2023 as the target date to deliver the final report to the GNSO Council. On 22 December 2023, the GNSO Council voted to approve, by a GNSO Supermajority, all nine final consensus recommendations contained in the Final Report. The Board subsequently adopted all nine recommendations on 8 June 2024.

In Task 4, which included "[defining] what represents success [for the ASP]" (see p.4 of the GGP Initiation Request), the GGP recommendations clearly defined an expected number of supported applications (0.5% of all successfully delegated next round New gTLDs to be supported applications), and to this extent the objective and intent of the GGP could be seen to have been met. However, the WG noted that this figure "should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum." Setting more comprehensive targets may have aided ICANN org to further define goals and metrics in the ASP.

Furthermore, in Task 6, "Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants," the GGP for ASP WG classified some issues as being out-of-scope. For example, Recommendation 8 of the GGP for ASP Final Report stated, in relation to the risk of a potential insufficiency in the level of support offered to applicants, that "ICANN org should designate a minimum level of support each qualified applicant must receive, and develop a plan if funding drops below that level". The WG subsequently noted in its rationale that it "did not think it was necessary or in scope for it to provide details concerning how ICANN could mitigate the risk of that occurring". Given the narrow scope defined in the Initiation Request, it may not have been appropriate for the WG to decide what level of guidance would be most effective. However, as this was the first GGP to occur, better communication between and among the WG, Council and ICANN org may have helped align expectations on the GGP's role. Feedback from GGP for ASP WG members might be valuable in helping to evolve this process in the future.

4.4 Potential Issues for Further Consideration

- In the instance where a GGP is initiated to provide additional guidance on existing policy recommendations, a process step could be considered to coordinate on the expected timing with any active or planned implementation work on those policy recommendations. In general, ICANN org found the timeline for the GGP for ASP (one year, not including the time between the GGP for ASP initiation request in

August 2022 and the start of the GGP for ASP in November 2022) to be longer than expected, as the intent had been to provide implementation guidance in a short time. Had the GGP for ASP been able to complete its work more quickly (e.g., nine months or less) it would have been possible for ICANN to deliver a key dependency earlier in the implementation process. Specifically, Annex I of the GNSO Policy & Implementation Working Group Final Recommendations Report estimated 245 days between the Initiation of a GGP and the Council Vote on a given GGP's Final Report. In reality, the GGP for ASP took 483 days between the Initiation Request being approved by the GNSO Council (25 August 2022) and the Council's vote on the Final Report (21 December 2023), with the Board taking action on the adopted GGP recommendations in June 2024. Noting that the parties involved in the process are not necessarily aware of one another's internal assumptions and deadlines, it will likely be helpful to enhance communication between ICANN org and the GNSO Council prior to the launch of a GGP, based on the experience gained from the first GGP.

- To more effectively set and manage expectations around the scope and outputs of the GGP, the GNSO Council could provide more direction on what level of detail and guidance is appropriate for the WG to deliver. For example, the GGP initiation request could be changed to require the requestor to provide supplementary information beneath each of its tasks, or include a pre-set form with precise instructions in order to ensure the relevant detail is captured at the beginning of the process. In general, comments suggested that more direct community involvement in the GGP process, from setting the scope, delineating the expected outcomes, and increased participation - including more in-person meetings, networking and working sessions during public meetings - might help deliver better outcomes in future GGPs, by ensuring that all parts of the community reach consensus on final outcomes.

5 The GNSO Input Process (GIP)

5.1 Objective / Intent

The GNSO Input Process (GIP) was intended to be the mechanism through which the GNSO would provide input on matters that may not involve gTLD policy. It is detailed in Annex C (Proposed GNSO Input Process Manual) of the Policy & Implementation Final Report and has been implemented in the form of Annex 3 of the GNSO Operating Procedures. As outlined in the Final Report of the Policy & Implementation WG, the GNSO Input Process is:

> "to be used for those instances for which the GNSO Council intends to provide non-binding advice, which is expected to typically concern topics that are not gTLD specific and for which no policy recommendations have been developed to date. "Non-binding advice" means advice that has no binding force on the party it is provided to. For example, this process could be used to provide input on the ICANN Strategic Plan or recommendations from an Accountability and Transparency Review Team. It is the expectation that such input would be treated in a similar manner as public comments are currently considered by the entity (e.g. Board, NPOC, or WG) to which the input is provided".

5.2 Use to Date

The GIP has not been formally used to date. However, that does not mean that the Council has not provided non-binding advice during this time. This has typically been done in the form of letters that are either drafted by Council leadership or small groups of volunteers. More recently, the Council has started making use of "small teams", typically consisting of Council members with a limited, focused assignment that is prepared for Council consideration. The Council has also established guidance that sets the scope, as well as limitations, for small teams.

5.3 Observations on Effectiveness

An assessment of the effectiveness of the GIP is complicated because it has not yet been used as outlined in the GIP Manual. Nevertheless, if one were to replace reference to "GIP team" with "small team" and review how small teams have operated to date, the results might be similar to what was anticipated by the WG.

5.4 Potential Issues for Further Consideration

- Given that a GIP has yet to be initiated, and the Council has put into practice other mechanisms that seem to fulfill the same objective, is the GIP still

relevant? Given its lack of use and supersession by alternative GNSO processes, some comments stated that the GIP is no longer relevant and should be retired. However, this opinion was not uniformly supported. Other comments expressed a belief that the GIP is still theoretically valuable, citing the formation of "small team" working groups in connection with several policy issues as evidence of its de facto implementation.

- Noting that the GIP manual would also become obsolete in the event of the GIP being discontinued, comments expressed support for replacing the GIP manual with the guidance developed for GNSO small teams, reasoning that the flexible, chartered approach utilized by small teams - whether formalized or deployed as a set of standardized working practices - would help provide the necessary transparency, structure and community participation required to provide effective non-binding advice. However, some comments remained skeptical that the GIP and small teams processes are essentially commensurate, arguing that the creation of small teams serves a specific, issue driven purpose which is worthy of being formalized in its own right. Accordingly, rather than being replaced, the GIP and small teams could continue to exist as separate processes, with the GIP manual potentially revised to include practices and learnings derived from small teams.

6 The Implementation Review Team (IRT) Principles & Guidelines

6.1 Objective / Intent

The Policy and Implementation WG noted that for an Implementation Review Team (IRT):

> "flexibility is critical as an IRT is very different from a PDP WG, and each IRT is different depending on the issues addressed. As such, the WG agreed that specific rules might not be desirable, but a set of general principles might assist in setting expectations and help guide IRTs".

Based on its review of previous IRTs, as well as its deliberations on charter questions, a set of principles and guidelines was developed by the WG. These are included as Annex L to the [Policy & Implementation Working Group Final Report](). Together, with the Consensus Policy Implementation Framework (CPIF) that was developed to support predictability, accountability, transparency, and efficiency in the implementation process, these materials set out how implementation is expected to be handled. In addition, both the CPIF and the IRT Principles and Guidelines include the objective of confirming and clarifying various ICANN org roles and responsibilities, as well as those of the community during the implementation phase.

6.2 Use to Date

Since the adoption and the implementation of the Policy & Implementation Recommendations, resulting in the publication of the IRT Principles and Guidelines in August 2016 as a [standalone document](), IRTs have been formed and operated under those principles and guidelines. These include:

- Registration Data Policy for All gTLDs (EPDP Phase 1 Implementation; ongoing)
- Rights Protection Mechanisms Phase 1 Implementation (ongoing)
- Subsequent Procedures Implementation (ongoing)
- Protection of IGO and INGO Identifiers in all gTLDs (on hold)
- Translation and Transliteration of Contact Information (on hold)
- Privacy and Proxy Services Accreditation (on hold)
- Thick Whois (completed)
- Inter-Registrar Transfer Policy Part D (completed)

The CPIF, a document by ICANN org, provides guidance on how the IRT should assist ICANN org in implementing the GNSO policy requirements. However, this set of guidelines overlaps with the GNSO's IRT Principles & Guidelines, which may lead to

confusion regarding the convening of the IRT and its responsibilities. This scenario is described further in section 6.4.

6.3 Observations on Effectiveness

In combination with the CPIF, the IRT Principles & Guidelines have provided the necessary clarity in relation to the different roles & responsibilities in the implementation phase. IRTs have been demonstrated to fulfill an essential role within the implementation process, helping to ensure that policy recommendations are implemented in line with the original intent. It is worth noting that with each implementation process having its own specificities and challenges, there have been instances where those roles and responsibilities may have been challenged or not clearly understood (see also section 6.4).

From an ICANN org perspective, it is also worth noting that the support and cooperation from the IRT during implementation has increased stakeholder involvement and visibility during the policy implementation process. The IRT also provides valuable input and perspectives to the implementation efforts. Staff believes it would be beneficial to gather data on IRT time utilization during the implementation process, to determine how the IRT guidelines and principles may have contributed to extended community efforts and implementation timelines. Research into the conduct of the IRT process could help pinpoint some root causes of extended timelines, including issues with re-litigation, policy language clarification, or technical detail identification. Such analysis may also highlight where additional guidelines may be required and, in collaboration with the community, uncover potential opportunities for streamlining the policy implementation process and increasing its overall efficiency.

6.4 Potential Issues for Further Consideration

- Although the IRT guidelines describe how potential cases of disagreement should be handled, it is a very high-level process that, in practice, does not seem to provide enough guidance for either ICANN org or the GNSO Council liaison for how to handle actual situations. It could be worth considering if further detail on how to address specific circumstances could be developed, in combination with possible examples. Providing further detail on the roles and responsibilities among ICANN org, the IRT and the GNSO Council in reaching solutions to implementation issues may also be beneficial. Clarity on these roles is especially relevant when disagreements take place.

- The IRT guidelines do anticipate that IRTs "may not necessarily be representative of the ICANN community, as actual participation may depend on interest and relevance of the topic under discussion", but in practice this has tended to result in an IRT with a high concentration of participation from some stakeholder groups, while others are

missing or less represented (e.g., contracted party representatives attending and contributing regularly, while participation from other ICANN community groups is much less consistent). In addition, an IRT participant may not be supported by or be chartered to represent their stakeholder group, resulting in surprises, when the proposed implementation published for public comment was found not to align with the expectation of the relevant stakeholder group.

● In the case of the New gTLD Subsequent Procedures recommendations, the implementation team is piloting an "open and representative model" for the IRT. This model allows interested participants to take part, while also including representatives from the GNSO SG/C and SO/ACs. These representatives are expected to represent and speak on behalf of their respective organizations. Once the IRT is completed, it will be interesting to observe how this model compares to the current trends around community participation.

● While minority viewpoints that were not incorporated in the form of final report recommendations are regularly documented as part of the WG decision making process, it was noted in a comment that there is currently no agreed follow-up procedure to monitor their potential outcomes, especially in cases which may possess the potential for significant impact. The comment further stated that such a procedure might provide valuable information to improve future policy iterations and could be undertaken by the IRT using evaluation criteria based on material impact and financial, legal and operational assessments. Capturing minority viewpoints may indeed provide the GNSO Council and future WGs with valuable information to consider during future deliberations. However, ICANN org has concerns about this suggestion. Such an undertaking during the implementation phase would be difficult and time consuming, given the plethora of viewpoints expressed during the policy development process and the potential for scope creep, for example, to also monitor viewpoints that did not gain consensus. The extent to which definite outcomes can be extrapolated from hypothetical or suggested policy positions is also questionable. Designating the IRT with such a responsibility may also result in accusations that it is seeking to reopen concluded policy discussions, an action beyond its remit.

7 The Consensus Policy Implementation Framework (CPIF)

7.1 Objective / Intent

The [Consensus Policy Implementation Framework](#) (CPIF) is designed to support predictability, accountability, transparency, and efficiency in the policy implementation process. First published in 2015, the CPIF was developed through a collaboration between ICANN org's Global Domains Division (GDD) - now Global Domains & Strategy (GDS) - and the GNSO Policy and Implementation WG (non-PDP).

The CPIF establishes a standard and predictable "roadmap" for the ICANN community to follow as ICANN org implements GNSO-approved consensus policy recommendations. It also functions as a checklist for ICANN org staff to ensure all necessary steps are followed during each implementation phase. The CPIF is a five-phase process based on a number of underlying principles, including amongst others that implementation "should be transparent throughout the project lifecycle" and that staff must always "strive to follow the letter and the intent of GNSO Consensus Policy recommendations when implementing Consensus Policy recommendations". It also delineates the specific roles and responsibilities of all parties involved in the implementation process.

7.2 Use to Date

The CPIF was approved by the ICANN Board as part of the Policy & Implementation Recommendations Review in 2015. In collaboration with the GNSO Council, a first round of amendments to the CPIF was carried out in 2018, adding detail on the role and responsibilities of ICANN's implementation efforts and interaction with the IRT. A second round of amendments, which included proposals to establish a standardized process for post-implementation consensus policy reviews and a methodology for amending the CPIF document on an ongoing basis, was proposed to the GNSO Council in 2019 but has yet to be incorporated into the framework.

GDS staff shared a discussion paper with the GNSO Council in 2021 on [Evolving Consensus Policies](#), which was developed to identify potential gaps in the existing procedures, including the CPIF, and highlight how those might be addressed. In addition, GDS developed and published the [Guidelines for GDS Liaisons to the Policy Development Process](#) in September 2023.

The CPIF has been used both as a blueprint and metric for ICANN org policy implementation activity since its introduction, with status updates on ongoing

implementation projects based on the CPIF template published monthly on the [Implementing Policy at ICANN](#) homepage. ICANN org staff has also amassed extensive experience in the organization and conduct of IRTs, which, as noted in section 6, have become an integral part of consensus policy implementation. The Implementation Policy Status Review Report, incorporated in the CPIF as part of the 2018 amendments, has been employed frequently by ICANN org and the GNSO to evaluate the effectiveness of Consensus Policies. Specifically, a PSR was undertaken in March 2019 to review the Revised Inter-Registrar Transfer Policy (IRTP); while a further PSR, on the Uniform Domain Name Dispute Resolution Policy (UDRP), was prepared by ICANN org in 2022, to assist the GNSO in its planned policy work around the UDRP.

7.3 Observations on Effectiveness

The CPIF has become an important and effective tool in generic top-level domain (gTLD) policy implementation, clearly defining the expected roles and responsibilities of the parties involved in supporting the policy and implementation lifecycle. By concentrating on distinct implementation phases, the CPIF also allows a readily comprehensible evaluation of the status and progress of an implementation project against defined timescales and goals. However, as the CPIF functions as a phasic framework composed of multiple individual elements and actions, a detailed study of the conduct of several implementation projects would be required to assess adherence to the CPIF during each individual step of implementation, beyond reported progress in completing the five implementation phases.

As the CPIF was intended to function as a high level, linear implementation roadmap and checklist, it can tend to be prescriptive rather than instructive, lacking detail on the required steps and responsibilities involved in resolving difficulties in the implementation process. For example, in cases of irresolvable disagreement within an IRT necessitating outside intervention, although the CPIF outlines an escalation process to the GNSO Council in cases where an impasse is motivated by concerns over whether implementation is consistent with policy, it offers no guidance on how to proceed in cases where the disagreement concerns other implementation details. An example of this is when there are perceived inconsistencies between recommendations or the application of implementation guidance. In this case, the CPIF does not propose a timeframe for raising the issue with the Council or clarity on which party is ultimately responsible for resolving the impasse.

The CPIF provides a holistic framework for an implementation process involving several distinct parties. However, its ICANN org-specific focus means that it exists alongside, and in some cases, duplicates alternative implementation guidance produced by the GNSO, notably the IRT Principles and Guidelines.

7.4 Potential Issues for Further Consideration

The issues shared below were provided by seeking cross-functional input from ICANN org staff whose work touches on the Consensus Policy Implementation Framework and related processes. The proposed process to update the CPIF will be informed by the content of this section and include additional research and data analysis.

- The CPIF was last updated in 2018, with a set of ICANN org proposals shared with the GNSO Council in [2019](), which are yet to be approved and incorporated. The CPIF currently lacks a defined and agreed upon amendment process, further detail on the post-implementation Consensus Policy Review Process, and the roles of specific parties, amongst other suggested additions. Adopting these proposals would remedy these omissions. The current CPIF also lacks reference to the additional implementation steps developed since its last update in 2018. Regular updates and iteration of the CPIF would ensure that it remains both relevant and effective.

- As noted in 7.3, while the CPIF is useful as a reporting tool on the overall progress of implementation projects, little in-depth research has been undertaken into adherence to the CPIF during the various individual steps of implementation. This effort might be undertaken as part of an ICANN org review of the current structure and effectiveness of the CPIF. This could include reconsidering the typical length of time required for implementation [currently published]() on the ICANN website, which presently estimates the length of time required for implementation to be between 2 to just over 4 years.

- As identified in the 2021 [Modifying gTLD Consensus Policies Discussion Paper](), gaps have been identified in the CPIF with regards to aspects of the implementation process, including, amongst others:

  - The absence of a process to modify an existing policy that may be impacted by the implementation of a new policy. While the CPIF acknowledges the possibility that existing policies may be modified during implementation, it does not clarify the roles of each party or what steps should be taken if implementing a new Consensus Policy directly or indirectly impacts one or more existing policies.

    This issue has been raised previously with the GNSO Council. It resulted in an action to update the CPIF to clarify that ICANN org and the IRT will routinely review potential updates to existing policies as part of future

implementation plans, and its inclusion as an objective in the 2022 [GNSO PDP Improvements Tracking and Coordination](#) paper.

- ○ The absence of alternative mechanisms for resolving policy or implementation issues which are not raised by the IRT or GNSO Council Liaison (e.g., should ICANN org staff have a concern which is not shared by IRT members). The lack of an agreed procedure on how to retire obsolete or redundant policies.

- ○ The absence of a policy amendment process to follow in cases where the Board wishes to reconsider approval for implementation of policies which may no longer be fit for purpose. Examples include receipt of new information, changes in the legal, regulatory or technological landscape, or following consideration of how such a decision might impact ongoing, related implementation activity.

  This procedural gap is also relevant in light of the Board's decision in November 2024 to reverse its adoption of Recommendation 20.6 of the SubPro Final Report. The GNSO Council has committed to developing and documenting a process around this Board mechanism, which will be reflected in the CPIF once agreed by the community and adopted by the GNSO Council and Board.

- ○ The absence of a procedure for addressing circumstances in which approved consensus policy recommendations are not enforceable by ICANN org, or when the recommendations do not allow the Contractual Compliance team to ensure that the policy is implemented in a manner that creates clear and enforceable obligations on contracted parties. For example, policy recommendations that apply a "reasonableness" standard or similar subjective criteria impact the ability of the Contractual Compliance team to effectively enforce the intended requirement. Another example is the use of the term "business days" in recommendations, the definition of which may vary according to country or region.

- ○ Comments also noted that any work to update the CPIF should be carried out cautiously with a clear rationale and following community consultation to ensure that community members do not feel that their recommendations have been ignored or overridden. Care should also be taken to avoid any negative consequences or impacts on unrelated policy areas, taking due care to ensure that the activities of concurrent working groups or initiatives do not interfere with each other, avoiding any unnecessary relitigation of issues.

- As the CPIF originated as a joint GNSO-GDS product, there is an inherent risk that aspects of the CPIF might overlap, be repetitive of or conflict with alternative implementation guidance issued by the GNSO, most notably in regards to those guidelines relating to the IRT. The IRT is a dedicated implementation body. Given that the existing IRT guidelines largely duplicate the information contained in the CPIF, it seems a logical step to incorporate the IRT guidelines into the CPIF. This would also help avoid any potential confusion as to which body or set of guidelines the IRT is responsible for and should follow.

8 Next Steps

This PSR will be published for public comment to allow for community input, specifically to ensure that all relevant information has been included in this report and it provides a complete list of issues for further consideration. Following review of the public comments received, this report has been updated and is being submitted to the GNSO Council to consider potential next steps to address the issues identified for further consideration. Further work may consist of GDS undertaking a study to investigate and provide data analysis on potential improvements to the CPIF, and performing further research on IRTs to explore opportunities to streamline and increase the efficiency of the implementation process, with both initiatives expected to include community involvement. ICANN org has included potential options for how the Council might consider addressing these issues together with the delivery of this Final PSR.