GAC Quick Look Mechanism – Experiences to date (FINAL 19 February 2016)

Background: The Governmental Advisory Committee (GAC) and Generic Names Supporting Organization (GNSO) agreed as part of their discussions during the ICANN meeting in Singapore (ICANN52) to implement the 'Quick Look Mechanism' to facilitate early engagement of the GAC in the issue scoping phase of the GNSO PDP on a pilot basis. The details of the quick look mechanism are outlined here:. The Quick Look Mechanism is being implemented on a trial basis for a minimum of 3 consecutive GNSO PDP's immediately following the adoption of the motion.

Following the end of this trial period, the GAC-GNSO Consultation Group (CG) is expected to report back to the GAC and GNSO Council on the effectiveness of these recommendations as a result of the experiences gained during the trial period. Furthermore, the CG is expected to make a recommendation as to whether or not the preliminary recommendations concerning the issue scoping phase of the PDP should be permanently implemented, either in their current form, or with possible modifications based on the further work of the CG including experience gained during the trial.

This document represents a preliminary overview of the Quick Look Mechanism as it has been implemented to date and some initial food for thought from a staff perspective that may facilitate the subsequent review by the CG.

Quick Look Mechanism experience to date: To date, the Quick Look Mechanism has been applied for three GNSO Issue Reports, namely the Issue Report on the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS, the Issue Report on new gTLD Subsequent Procedures and the review of Rights Protection Mechanisms (RPMs) in all gTLDs. The following steps have been followed in these cases, as also prescribed in http://gnso.icann.org/en/drafts/gac-cg-issue-scoping-27jan15-en.pdf:

- Following the adoption of a request for an Issue Report or the receipt by the GNSO Council of the request for an Issue Report (in the case of the Issue Report on the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS which was requested by the ICANN Board), the GNSO Council Liaison to the GAC informed the GAC secretariat of the request and planned publication of the Preliminary Issue Report for public comment (see for example: http://gnso.icann.org/en/correspondence/cole-to-dale-14may15-en.pdf sent on 14 May).
- The GAC secretariat acknowledged receipt on 14 May noting that the GAC Secretariat

    'will identify existing GAC advice that may be relevant to this issue and provide this to you as soon as possible after consultation with the GAC Quick-Look Committee (comprised, as per previous advice, of the Chair, Vice Chairs, Manal Ismail and Suzanne Radell). We will also give the Committee "heads up" notification on the preparation of a Preliminary Issue Report, so that the Committee and GAC as a whole can respond promptly when the Report is issued for public comment, in accordance with the recently agreed procedures; and our initial advice (that is, ACIG in consultation with ICANN GAC support staff) on whether there may be public policy implications. Without in any way pre-empting the views of the Committee or the GAC as a whole, I should indicate now that I believe that there is existing GAC advice that may be relevant; and that there is a good case for 1ategorizing the issue as having public policy implications. Hopefully this

would not come as a surprise to anyone. However, the agreed Quick-Look procedures will now give the GAC an opportunity to work through the issues in a considered way, including possible mechanisms for GAC input to any policy development process'.

- This communication was followed by a formal response on 20 May confirming the views of the Quick Look Committee (see http://gnso.icann.org/en/correspondence/dale-to-cole-20may15-en.pdf).
- A further clarification and reconfirmation of previous GAC Advice was received from the GAC Secretariat on 9 July 2015 (see http://gnso.icann.org/en/correspondence/dale-to-cole-09jul15-en.pdf).
- Staff published the Preliminary Issue Report, taking into account the GAC input received, on 13 July (see http://forum.icann.org/lists/comments-rds-prelim-issue-13jul15/).
- The GAC Secretariat submitted its input to the public comment forum on 10 September (see http://forum.icann.org/lists/comments-rds-prelim-issue-13jul15/msg00012.html) providing substantive input to be considered in the PDP. See report of public comments here https://www.icann.org/en/system/files/files/report-comments-rds-pdp-07oct15-en.pdf.
- Staff submits the Final Issue Report to the GNSO Council on 7 October (see http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf).
- The GAC has assigned its Public Safety WG (see https://gacweb.icann.org/display/gacweb/GAC+Public+Safety+Working+Group) to follow the GNSO PDP on Next-Generation gTLD Registration Directory Service and develop further GAC contributions.
- Regarding the GNSO PDP on new gTLD Subsequent Procedures, the GNSO Council Liaison to the GAC informed the GAC Secretariat on 14 July of the request and planned publication of the Preliminary Issue Report for public comment (see http://gnso.icann.org/en/correspondence/cole-to-dale-13jul15-en.pdf) and for the review of all RPMs on 14 October 2015 .
- The Quick Look initial comments from the GAC on the Preliminary Issue Report on new gTLD Subsequent Procedures were filed in the public comment period for this report (see https://www.icann.org/public-comments/new-gtld-subsequent-prelim-2015-08-31-en) as well as for the Preliminary Issue Report on the review of RPMs in all gTLDs (see http://forum.icann.org/lists/comments-rpm-prelim-issue-09oct15/msg00008.html).

Staff's preliminary observations:
- Less time is needed by the GAC to provide input than initially foreseen as it was originally anticipated that the response from the Quick Look Committee would be received as part of the public comment forum on the Initial Response.
- Substantive input to be considered in the PDP is very helpful, but at the stage of the Preliminary Issue Report it is input that will be passed on to the PDP WG to consider in due time as the Preliminary Issue Report is focused on scoping the issue.
- Further consideration may need to be given to how to ensure public tracking of correspondence back and forth.

Issues for Discussion:

Questions	Comments	Conclusion / Recommendation
What is the experience from others involved in this process to date (e.g. GAC Quick Look Committee, GAC Secretariat, GNSO liaison to the GAC)?		
Are there any improvements that can already be identified that should be considered by the Consultation Group?		
Does the Quick Look Mechanism facilitate preparation and engagement of the GAC in the later stages of a PDP?		

Possible simplification/generalization of the process:

Step 1 – GNSO Liaison to the GAC informs the GAC Secretariat following the adoption of a request for an Issue Report or the receipt by the GNSO Council of the request for an Issue Report in case it is requested by the ICANN Board.

Step 2 – the GAC Secretariat confirms receipt of the email and indicates if any additional information on the issue is needed in order to proceed with the QLM.

Step 3 – the GNSO Liaison to the GAC informs the GAC Secretariat of the opening of the public comment forum of the Preliminary Issue Report.

Step 4 – the GAC Secretariat submits the input from the GAC Quick Look Mechanism and any other input it wishes to provide as part of the public comment forum. Should additional time be needed to provide the QLM response, the GAC Secretariat informs the GNSO Liaison to the GAC of the anticipated submission date.

Step 5 – QLM response and any other relevant input is incorporated in the Final Issue Report that is submitted to the GNSO Council for its consideration as well as the summary of public comments.