

BRIEFING NOTE FOR THE GNSO COUNCIL ON PROPOSING MODIFICATIONS TO POLICY RECOMMENDATIONS IN ACCORDANCE WITH THE GNSO POLICY DEVELOPMENT PROCESS MANUAL

Introduction

This Briefing Note sets out the process that the GNSO Council should follow in considering whether or not to amend approved GNSO policy recommendations in accordance with Section 16 of the GNSO's [Policy Development Process \(PDP\) Manual](#). Please note that although the specific topic currently under consideration by the Council relates to the 16 June 2014 request by the ICANN Board's New gTLD Program Committee (NGPC), the process is not limited to such requests, i.e. it is of general applicability in future circumstances falling within the scope of Section 16, as described below.

The Process

Section 16 of the PDP Manual provides in full (with emphasis added) that:

Approved GNSO Council policies may be modified or amended by the GNSO Council at any time prior to the final approval by the ICANN Board as follows:

- 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.*

Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.

As described during the GNSO Council meeting in London on 25 June 2014, the section calls for the GNSO Council to:

- Develop a proposed amendment or modification;
- Consult with the original Working Group on the proposal;
- Post the proposal for public comment for a minimum 30-day period; and
- Vote on a final version of the proposal, with a Supermajority Vote needed for the proposal to pass.

Based on the wording of Section 16, it is important to note that:

(1) Section 16 does not contemplate reconvening the original Working Group for the purpose of developing an amendment; rather, it specifies that the Council consult with the WG in relation to the amendment being proposed *by the Council*;

(2) A second form of consultation and input is ensured in the form of the public comment period; and

(3) The GNSO Council, in taking a final vote, may therefore: (a) vote to nonetheless adopt its original proposed amendment (while taking into account the WG input and public comment); or (b) vote to adopt a modified form of the proposed amendment (based on the WG input and public comment); or (c) not adopt either the original or any further proposed amendment to the initial recommendations (i.e. no change to the policy).

Voting Thresholds

- For the final version of the proposed amendment: Supermajority (specified in Section 16)
- For initiating the consultation and public comment period: simple majority (i.e. the general rule for all other motions not otherwise requiring a specific threshold under the GNSO Operating Procedures)

Further Notes

For the actual proposed amendments in this specific instance, i.e. possible modifications to the policy recommendations on IGO-INGO identifier protections, please refer to the documents (including the draft motion) circulated separately. The initial versions of these were sent by Thomas Rickert via email to the Council list for discussion in London on Monday 23 June: <http://gns0.icann.org/mailling-lists/archives/council/msg16377.html>

The draft motion contemplates:

- Reconvening the original PDP WG upon the Council's approval of the proposed policy amendments;
- Requesting that the WG revert to the Council with its input on the proposed amendments within 45 days;
- Posting the proposed amendments for public comment concurrently with the referral to the WG; and
- Voting on a final version of the amendment (if any) by the GNSO Council following receipt of WG input and closure of the public comment period.