

# Extraordinary GNSO Council Meeting

On Outstanding SubPro Related Work

5 June 2023



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# Update on Small Team Activities

## Agenda Item 3

# Update on SubPro Small Team Activities

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- Small team has continued deliberations following GNSO Council meeting with the ICANN Board
- Based on informal input from Avri and Becky, assessing potential landing spot for 38 outstanding recommendations:
  - Clarification Statement
  - Board non-adoption
  - Confirmation that issue can be addressed as part of implementation
  - Bylaw changes
  - Modification of recommendations (section 16)
- Board input expected to be received by ICANN77
- Small team can only finalize recommendations on how to proceed after Board input has been received, but potential landing spots should allow for some estimation of potential timeline and planning for next steps

# SubPro Outstanding Items Timeline Planning

Agenda Item #4

# From the Board Resolution

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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.

# Pending 38 recommendations

Small team has identified the following potential avenues for resolution at this point in time:

Clarification  
Statement

Board  
non-adoption

Confirmation that  
issue can be  
addressed as part  
of implementation

Fundamental  
Bylaw change

Modification of  
recommendations  
(section 16)



Looking at each of these in the abstract,  
what would it entail?

# 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



# 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	

# 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	

# Board non-adoption

What	Whom
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

# 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
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

# Past Experience

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- 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)

# Closed Generics – EPDP Timeline (estimated)

What	Whom	Expected Timing
Preparation of Initiation Request & Charter	Drafting Team/Council	12 weeks
Call for volunteers / confirmation of members, selection of chair, preparation for first meeting	GNSO Secretariat / GNSO Council / Support Staff	12 weeks
<b>Team deliberations &amp; publication of Initial Report</b>	<b>EPDP Team</b>	<b>36 weeks</b>
Public comment on Initial Report		6 weeks
Review of public comments	EPDP Team	8 weeks
Finalize report for submission to GNSO Council	EPDP Team	6 weeks
Consideration of Final Report	GNSO Council	4 weeks
Public comment on Final Report prior to Board consideration		6 weeks
Board consideration of public comments and Final Report	ICANN Board	6 weeks
Total (not counting implementation time)		96 weeks

## Phase 2: Estimated Timeline

- **Tackle Phase 2 in one-go:**
  - Only a limited number of questions may not have a direct impact on the next AGB or RA (indirect impact may exist)
  - Further triage will likely extend the total timeline for completion by another 8 months
- **Essentially no change to the milestone date estimation:**
  - Phase 2 Initial Report: **18 April 2025** (1 week earlier than current project plan); **deliberations to start in Dec 2023.**
  - Phase 2 Final Report: **24 October 2025** (2 weeks earlier than current project plan)
- **Estimated timeline is conservative and based on the following assumptions:**
  - Current method of operating is unchanged (e.g., weekly 2-hour online meetings, 2 working sessions / ICANN meeting)
  - Phase 1 must be completed first (e.g., when Phase 1 Initial Report Public Comment closes, pause Phase 2 work)
  - Estimated timeline for various steps besides charter question deliberation is unchanged, examples include:
    - ICANN org Early Input Review: 10 weeks
    - Build Phase 2 Initial Report + ICANN org Processing: 6 weeks
    - Phase 2 Initial Report Public Comment: 6 weeks
    - Review Public Comments + Complete Deliberation: 17 weeks
    - Build Phase 2 Final Report + Consensus Call: 4 weeks

Note, this does not factor in potential time gained if F2F request is granted, nor does it include time needed for Council consideration, public comment prior to Board consideration and time needed for implementation.

# For Discussion

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- Apart from the IDNs EPDP, none of the other items currently have a timeline and project plan due to dependencies (confirmation from ICANN Board on proposed path forward on 38 outstanding SubPro recommendations & delivery of Closed Generics Framework):
  - What is the Council able to deliver to the ICANN Board by the end of ICANN77 and what form should this take?
  - Should certain caveats be added in the delivery of the work plan and timelines?
- Apart from project plans and timelines, how can community participation and engagement be facilitated and ensured as it will be key to delivering results?



# ICANN Day Zero Preparations

## Agenda Item #5

# Proposed Agenda & Approach

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See

[https://docs.google.com/spreadsheets/d/1IVnLoZyE4AY7ES\\_5Ji1vGIRPQ2B7ecp4Ybmyc48zxk/edit#gid=0](https://docs.google.com/spreadsheets/d/1IVnLoZyE4AY7ES_5Ji1vGIRPQ2B7ecp4Ybmyc48zxk/edit#gid=0)

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Factor in feedback received from today's meeting to start building out further details for ICANN77 deliverables

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Progress will be dependent on ICANN Board feedback on 38 pending recommendations – based on feedback, aim to agree on next steps and timing

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Any other expectations for day zero or information that Council would like to receive in preparation?

# AOB

Agenda Item #6