ICANN75 | AGM – ccNSO: ccPDP3 Update Consultation
Tuesday, September 20, 2022 – 09:00 to 10:00 KUL

CLAUDIA RUIZ: Thank you and with that, I will hand the floor over to Alejandra Reynoso, chair of the ccNSO. Thank you.

ALEJANDRA REYNOSO: Thank you Claudia. My name is Alejandra and I will speak in Spanish. [Speaking in Spanish].

EVERTON RODRIGUES: Thank you. Everton for the record. I'll speak in English. Okay. So thank you, Alejandra. Hi all. It's great to be here with you today, whether you're joining us remotely or here in person. Everton Rodrigues from Brazil from .br. I'll give you a brief presentation about our Members meeting. Before we go into the schedule, I would like to present you to the current Meeting Program Committee, the MPC. So, next slide, please.

This is the MPC, which I have the pleasure to share. This group coordinates and manages the high-level schedule of the ccNSO-related sessions, including the ccNSO Members meeting agenda at the ICANN public meetings. So if you have any comments regarding the ccNSO-related sessions, let us know. Many of us are here in the room, but you can see them online as well. This

meeting also relies on the great support from the ccNSO secretariat. Next slide, please.

They are here in the room. They are also joining us virtually. We usually have newcomers. Next slide, please. We usually have newcomers also in the room. I would like to take this opportunity to say that we have plenty of material to learn about the ccNSO, both at the Community page or at ICANN Learn. Next slide, please.

So here we have some useful links for presentations, agenda, and other information. So if you need to access our calendars and our wiki or session highlights, feel free to bookmark them and look for this information.

So, on our next slide, we have an overview of our Members meeting from today on. Next slide, please.

Now we start with the PDP 3.0 Review Mechanism Consultation. So this is the second part of this meeting. It will be followed by our first ccTLD News Session about Geographic Indications and ccTLDs, which will be chaired by Annaliese Williams from the .au. This session is organized jointly by the MPC and the ccNSO IGLC. It will explore the potential impact of regulations and legislation on ccTLDs related to geographic indications.

In the afternoon, we will have IANA and CSC update to ccTLDs, as well as an informational meeting to collect the views of the

ccNSO on the future of the multistakeholder model, the evaluation methodology we're applying to selected projects and initiatives and so on. We'll also get some information from the sponsor of the ccNSO community barbecue. So stay tuned. Next slide, please.

On Wednesday, we will start the day with the ccNSO and ICANN Board meeting. In the afternoon, we will have a ccNSO and Universal Acceptance discussion chaired by Dejan Djukic from .rs. The Governance session will be chaired by Sean Copeland from that .vi, which will follow up from ICANN73 and 74 discussions. In the end of the day, you're all welcome to the second ccTLD News session chaired by me with presentations from our local ccTLD .mi, from LACTLD, .id, .pe, and .vu.

Last but not least, on Thursday—next slide, please—we will have the ccNSO Council public meeting chaired by Alejandra Reynoso, and an open MPC meeting chaired by me. You're all welcome to attend. Please join us. Next slide, please.

Some useful information for all of us. We're having interpretation, so please speak slowly, announce your name. We also have a feedback survey which will be launched soon. So we need this information in order to make better MPC meetings. That's it from my side. So thank you very much. Have a great meeting. Have a great day.

ALEJANDRA REYNOSO:     Thank you all. Welcome to the ccNSO. With this, I give it to Stephen Deerhake to chair the next meeting. Thank you.

STEPHEN DEERHAKE:     Thank you, Alejandra. Greetings. I wish to thank everybody for pitching up for this update on the work of the ccPDP 3.0 Review Mechanism. I'm here today along with the working group's vice chair, Dr. Eberhard Lisse. Please be advised that I'm going to go through this material at a pretty good clip, but I need to be cognizant of the translation services. I also want to leave the PDP for people some time as well.

We will be polling, as Alejandra mentioned and I'm going to mention it again, at various points in the presentation to take the temperature of the room, virtual cards. Polling is limited to ccTLD managers who received an e-mail earlier with the necessary link required to participate in the polling. There'll be six questions in total that we're going to ask you. I'd like to reiterate that if you don't have that e-mail with that link handy, start digging through your e-mail to find it, as you will not be able to participate in the polling without the URL that it contains.

Before I get started on the Review Mechanism Update, I'd like to give the ccNSO community some updates on the Retirement

Policy and where it stands. As you know, it's been in the Board's hand for about a year or so. But I am pleased to report at the consideration of the Retirement Policy is finally on the Board's agenda, and they will look that in their public meeting later this week. In light of that, I encourage everyone, especially ccTLD representatives, whether you're a member the ccNSO or not, to attend that Board meeting. Next slide, please.

The Policy Update is broken into five parts. As you can see, I'd prefer the questions be held to the end due to time management constraints. So with that, let me begin with the background. Next slide, please.

As you can see from the slide, the PDP 3.0 Working Group has been at work on the twin problems of retirement and review for some time. The timeframe displayed starts in 2007 when that working group charter was adopted by the Council. On truth, however, the ccNSO, has been at work on these twin problems since the establishment of the Framework of Interpretation Working Group. Based on the work of the FOI Working Group, it became apparent the policy, with respect to delegation, transfer, revocation, retirement of ccTLDs, need to be developed. These all stems from RFC 1591 in the FOI work, hence the establishment of the PDP 3.0 Working Group by the Council in 2017. Next slide, please.

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The working group, after some considerable amount of discussion, reach consensus on the four principles you see before you. Each of these will be discussed further on in the presentation.

We're now coming to our first polling question. Kim, can you? The polling question is pretty straightforward and that is "Do you agree with the principles the working group adopted?" I thus ask those of you who are eligible to participate in the poll, please do so. We'll close it after about 30 seconds.

UNIDENTIFIED MALE: I'm not seeing the poll.

STEPHEN DEERHAKE: Do you have the URL for it?

UNIDENTIFIED MALE: I'm not sure.

STEPHEN DEERHAKE: Kim, I'm going to assume that our 30 seconds is up. I don't know what you do next. One more. Well, I want to thank everybody for that. That being the case, let me turn to the second agenda item. If I can have the next slide. Great. Thank you.

I'm pleased to say that the working group has made considerable progress of late. We've completed the draft policy language and subject it to stress testing with success. Next slide, please.

Now under the key elements of the proposed policy. This is the core of the working group's activities. I want to give you a heads up that the second poll is coming up shortly. Next slide, please.

That is the second poll. Kim, you want to start that up? Okay. Kim, I think you can close it. Thank you. Next slide. We will have another poll coming up shortly, just as a heads up.

Basically, the purpose of the review is to provide an avenue for a party that's affected by an action of the IFO. That means to question that action. Additionally, it's an enforcement tool, frankly, to ensure that the IFO has complied with the relevant policy involved in the dispute. Kim, can we have the next poll?

Kim, I think we can close it down. Moving on. What triggers the review under the policies of A, the IFO makes a decision is covered under the policy and that the party affected by the policy takes issue with it and request to review the IFO decision. So that would trigger review. At the conclusion of the review, if no significant problems were discovered in the IFO decision-making process, then the IFO's action would stand and the

review process is terminated. But what happens if the review panel finds fault in the IFO's decision? Next slide, please.

In that event, the FOI action has been reviewed, and the review panel takes exception, things get a little more interesting. If the IFO accepts the findings of the review panel, then the matter is considered closed as far as the policy is concerned. There is a possibility that the IFO accepts the finding but decides to redo their original process that sparked it to begin with.

The third option under the scenarios that the IFO basically tells the review panel and the complainant, that they're not going to abide by the review panel's ruling in the matter at hand. Let's turn now to the last scenario where the IFO announces that they're not going to honor the review panel's recommendation. If I can have the next slide, please.

In this scenario, the disclosure burden placed on the IFO varies on whether the disputed IFO action requires Board approval or not. The important thing here is that the policy is insisting on disclosure. You can see the two avenues for said disclosure there. I just want again to let everyone know that another poll is coming up shortly. Next slide, please.

So any event that the IFO decides what I've described as a do-over and submits a second version of their decision to the ccTLD manager, the manager needs to decide whether or not to accept

the revised decision of the IFO or to request a review of the revised decision. Next slide, please.

Here's our poll. Kim, I think we can close it out. Thank you, everybody. Again, thanks for the support. Heads up that we have yet another poll coming up shortly.

Next issue is who can request review. In the case of a new ccTLD, having just been put in the ISO table and therefore is eligible for the root zone and it's very likely there would be multiple requests for a review. Given that there's going to be one "winner" that gets to manage the new ccTLD, and no doubt there are going to be some unhappy losers who also wanted the opportunity to manage that ccTLD. In the other cases, only a single review request can be entertained.

We have yet another poll. Kim, if you could put that up please. Thank you. Kim, I think we can close that. Thank you, everybody, for the continued support and for your participation in the polling.

In the event that an IFO decision impacts multiple ccTLDs, it may be some change in policy that impacts more than one ccTLD. For example, they changed the policy for glue records and if people are sharing a server more than the point from an independent thing. I remember doing that years and years ago. It's possible that more than one ccTLD would apply for a review, whatever

that decision that the IFO made. In this case, it'll be the first review request received will be the one accepted for the review process.

There is the other edge case, which I can't imagine will ever happen, and that is a situation where the review manager receives two or more requests simultaneously regarding the same IFO decision and the review manager will accept the first one that comes under the door. Next slide, please.

So let me touch briefly on the review process manager. The review process manager will be the person responsible for overseeing the handling of review requests. It's the way we envision it. And in the spirit of keeping costs to a minimum and leveling the playing field for smaller ccTLDs without the financial resources to completely fund their review request, the policy stipulates that the review manager will be funded by ICANN. Additionally, the review manager will be part of ICANN and that's managed by ICANN. It's recognized that the requirements for reviewers are rather steep, but the overarching goal is to secure people with gTLD experience and who are also unbiased. Again, as noted in the previous slide in the start, they will be paid by ICANN so as to minimize cost to the ccTLDs.

So at this point, both the review manager and for a specific review being performed, the two reviewers and the review

manager are all being paid by ICANN. Next slide, please. Thank you. That's the scoop there. Next slide.

We have a section in the policy regarding IFO obligations. The proposed policy stipulates that once review request has been submitted, the IFO cannot continue down the path that the review request challenges. The intent there is to prevent ICANN from carrying on until you're settling at the differences between the ccTLD which submitted the review request via either an internal reconsideration request within the IFO mediation or a review decision in the IFO's favor. If the ICANN continues down their path within violation of the policy, the review manager will notify both the ICANN CEO and the Council of the situation. Next slide, please.

Review mechanism decisions are one-off decisions applicable only to the circumstances related to the specific review request. Next slide, please. Can there be more than one review for a given IFO decision? The answer, as you can see, is no. This is put into the policy as a way to prevent a disgruntled manager from filing review request over and over again. It would not be a good situation. For your information, we have yet another poll coming up shortly so be prepared for that. Next slide, please.

Underpinning the entire ccTLD structures, the ISO 3166 table of country codes and ICANN is not in control of it. So in the event

that there are significant changes made to it in the future by the maintenance agency or there are significant changes to it, the policy will have to be reviewed at a minimum and most likely revised.

Let's go to the poll, if we can, Kim. The question is in front of you. If you want to open the poll, we'll give everybody 30 seconds or so. Kim, I think we can close it. Thank you. Your views on the working group are critical. I really want to thank everybody for what I've been seeing so far. Almost done here.

Working Group is going to continue to finalize the structure and language of the initial draft policy. Given that the working group has achieved consensus on both the proposed language of the initial draft policy and the various stress test applied against it, the working group is operating in a rather expedited manner with the goal of getting the initial draft policy out for public comment sometime in November 2022. We really want to try to get this out before the holiday season kicks off in earnest. Otherwise, everything will be delayed well into 2023. I note that one of the reasons we're pushing on that as the comment period is at least 40 days. So even in mid November timeframe, it'll definitely spill over to next year.

That's about it. Questions? Next slide, please. Anybody have questions? Either remote or in the room? I'm not seeing any in the room. Are there any remote? No? Okay. Thank you.

This is my last slide, I promise. Next one, please. Here are the references. Once the slide deck is up on the wiki, you can access them.

And that's it for me. Thank you all once again for getting up and coming in and your support on the polling. It's really gratifying so I thank that. Thank you, guys, for that. And with that, I'll turn it back over to you, Alejandra.

ALEJANDRA REYNOSO:    Thank you very much, Stephen. With this, I just want to make a quick reminder that it would be very nice for everyone in the room, whenever you join a session, to also join the Zoom Room so the remote participants can see you and interact with you there in the chat and also see when you raise your hand and everything. With this, welcome to the ccNSO and I hope to see you in our next session that will be starting—let me check—at 10:30. So, welcome, everybody. This session is adjourned. Thank you.

CLAUDIA RUIZ:    You can stop the recording now. Thank you.

**[END OF TRANSCRIPTION]**

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