**EPDP Team on the Temporary Specification for gTLD Registration Data**

**Final Report Recommendation Summaries – Degination of Consensus**

**Introduction**

As described in the accompanying email, below are the the first set of Recommendations and the Chair’s designation as to the level of Consensus on each. Each contains the shorthand title and the wording of the recommendation in the final report. It is important to note that the shorthand title does not appear in the final report, just the recommendation itself plus the accompanying explanation that you can read in the currently posted version of the final report.

Also, the GNSO Guidelines for working group decision making are included below the tables.

In a slight contravention to the standard practice, I have used the label, “Strong Consensus / Consensus” as a signal to the GNSO Council that we have reached a consensus position on these issues but also as a salute to or indiction of the degree of teamwork and compromise that has taken place. Either term has an equivalent on the Council discussion.

On this first set, please revert to me by the end of Wednesday if you disagree with my assessment and if you will provide a statement for the final report. Remember that you can support a consensus position and still provide a statement.

**Cluster #1 - Purposes**

| **Purpose / Recommendation #** | **Final Language** | **Chair Proposed**  **Designation** | **Notes** |
| --- | --- | --- | --- |
| Purpose 1 - Establish the rights of a Registered Name Holder | a. In accordance with the relevant registry agreements and registrar accreditation agreements, activate a registered name and allocate it to the Registered Name Holder.  b. Subject to the Registry and Registrar Terms, Conditions and Policies and ICANN Consensus Policies:  Establish the rights of a Registered Name Holder in a Registered Name; and  Ensure that a Registered Name Holder may exercise its right in the use, maintenance and disposition of the Registered Name. | Full Consensus / Consensus |  |
| Purpose 2 - Maintaining SSR through enabling of lawful access | Contributing to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN’s mission through enabling responses to lawful data disclosure requests | Full Consensus / Consensus |  |
| Purpose 3 - Enable communication with RNH | Enable communication with the Registered Name Holder on matters relating to the Registered Name | Full Consensus / Consensus |  |
| Purpose 4 - Safeguarding RNH's Registration Data | Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure of a Registrar or Registry Operator, or unavailability of a Registrar or Registry Operator, as described in the RAA and RA, respectively; | Full Consensus / Consensus |  |
| Purpose 5 - Handling Contractual Compliance | i) Handle contractual compliance monitoring requests and audit activities consistent with the terms of the Registry agreement and the Registrar accreditation agreements and any applicable data processing agreements, by processing specific data only as necessary;  ii) Handle compliance complaints initiated by ICANN, or third parties consistent with the terms of the Registry agreement and the Registrar accreditation agreements | Full Consensus / Consensus |  |
| Purpose 6 - Resolution of DRPs | Operationalize policies for the resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names), namely, the UDRP, URS, PDDRP, RRDRP, and the TDRP | Full Consensus / Consensus |  |
| Purpose 7 - gTLD registration policy eligibility criteria | Enabling validation to confirm that Registered Name Holder meets gTLD registration policy eligibility criteria voluntarily adopted by Registry Operator and that are described or referenced in the Registry Agreement for that gTLD. | Full Consensus / Consensus |  |

For Reference:

**GNSO WG Guidelines – SECTION 3.6 Standard Methodology for Making Decisions:**

The Chair will be responsible for designating each position as having one of the following designations:[[1]](#footnote-1)

* + **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**
  + **Consensus** - a position where only a small minority disagrees, but most agree.[[2]](#footnote-2)
  + **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
  + **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
  + **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

1. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
2. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
3. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
4. iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
   * A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
   * It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

**[…]**

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion.

1. The designations “Full consensus,” “Consensus,” and “Strong support but significant opposition” may also be used to signify levels of “consensus against” a particular recommendation if the consensus position of the Working Group warrants it. If this is the case, any “Minority View” will be in favor of the particular recommendation. It is expected that designations of “consensus against” will be rare and Working Groups are encouraged to draft (and revise) recommendations so that a level of consensus can be expressed “for” rather than “against” a recommendation. However, it is recognized that there can be times when a “consensus against” designation is both appropriate and unavoidable as a practical matter. A “consensus against” position should be distinguished from a position of “Divergence” (or “No Consensus”), which is applied where no consensus has emerged either for or against a recommendation (i.e., the consensus level of the Working Group cannot be described as “Full consensus,” “Consensus” or “Strong support but significant opposition” either for or against a recommendation). [↑](#footnote-ref-1)
2. For those that are unfamiliar with ICANN usage, you may associate the definition of ‘Consensus’ with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term ‘Consensus’ as this may have legal implications. [↑](#footnote-ref-2)