

Notes ccPDP4 Review mechanism WG 23 March 2022

1. Welcome

2. Administrative matters

ccPDP Retirement

Board has to take action on retirement.

Brief update Patricio: Nothing substantial, working to schedule calls. Within a week

Very few meetings, devising permanent scheme to handle ccNSO Policy proposals , might take a little longer.

Nigel different understanding. What should have happened, offered to provide his view off-line.

Presentations during ICANN73

Joint ccNSO-GAC see link. Brief presentation, no response from GAC members attending the session.

ccNSO Q& A with ICANN Board members

Stephen in role as chair of WG and Councillor raised unresponsiveness ICANN Legal that has been 5 months since questions were submitted (BB: 10 October 2021) and no response to date. Although not yet directly impacting work, it will in shortly.

Despite raising issue, heard nothing back. After today's call expect to wind-up non-binding discussion in one or two meetings.

Going forward: Original plan was to involve ICANN Legal in discussion around binding review mechanism to avoid issues at the end of the process. However going forward

This plan may need to be changed. Two options:

- Stop for a while
- Continue without ICANN

Suggestion to write a letter to chair of the ccNSO on lack of engagement and this will impact work going forward. If agreeable, what needs to be included?

Nigel: Impact on Working group, even though hope on engagement

Do need to work on. Suspend work pending lack of contribution

Patricio: Reasonable step at the moment. Promised to take this matter up

Hoping it will happen.

Stephen: Note for the record that ICANN legal did respond during the session, however have nothing back afterwards. Expect response will be series of questions

3. Comparison documents

Run through the documents

Patricio:

Mediation not helpful if outcome is kept binary

Nigel: Concern. Experience as litigant. UK court proceedings. Dealing with cases, strongly before court hearings.

Mediation not binary, to see creative solution. One ccTLD Manager does it very well

Agree what Nigel is saying,

Action: staff to emphasize direct quotes from IANA Function contract

4. Open issues Non-Binding document

Scope

Only change remove text around standing. Robust discussion. Needs to be communicated and explained during the process.

Administrative objectives

For simple cases

Peter: would “simple case” not just shift the target of contention - arguing about simple rather than the 90 days?

Nigel: It is simple if you can do it 90 days.

Response: 90 days for reaching a basic decision by panel, however next steps could take more time. Explanation is helpful, would be good to capture in a footnote maybe – assumption use of term “simple case” would trigger other readers, as well

Process review

Consider various options that stretch the timeline.

Administrative objectives

Nigel: Comment on criteria. It should be whether IFO followed policy. IFO may and could have “unknown”/ “non-published” procedures.

Response: Transparency is everything. Not-flying blind. Look at documents, basis to follow in reality

To be discussed on forthcoming calls

Prerequisites for starting procedure. Should there be requirement to follow mediation/ complaints procedure?

IFO ability to advise the Board. Wait until procedure is completed?

Basic process takes 90 days. Next steps will take time.

Deal with Administrative details

5. AOB

Propose letter to the chair on lack of support

Going forwards: calls to be scheduled at **19.00 UTC**.