

ccPDP3- Review Mechanism (CCRM)

**Webinar to inform ccTLDs on
the vote for approving the
policy**

April 2023

Why is this policy important for ccTLDs?

- This policy is the only review option for IFO decisions that affect ccTLDs which would provide independent and knowledgeable reviewers to identify any significant issues in how the IFO followed its procedures and applied these fairly or complied with the relevant policy in making its decision.
- It is also the only review option which requires the IFO to pause implementing a decision which is being reviewed.

Review mechanisms which currently apply to IFO decisions regarding ccTLDs:

1 - Ombudsman – Offers an independent option using a mediation approach which can report to the Board. However, the Office of the Ombudsman has little specific knowledge of IFO processes or ccNSO policies as they apply to ccTLDs - this significantly limits its ability to understand complex issues with IFO decisions that affect ccTLDs.

Review mechanisms which currently apply to IFO decisions regarding ccTLDs:

2 - IANA Customer Service Complaint Resolution Process (IANA Naming Function Contract – section 8.1) – Internal review of decisions with the possibility of escalation but does not offer an independent review of decisions affecting ccTLDs.

3 - IANA mediation (IANA Naming Function Contract – section 8.1) – Requires completing Customer Service Complaint Resolution Process and Escalation – the Independent mediator cannot make recommendations to the ICANN Board and has the same issues as the Ombudsman option.

Review mechanisms which currently apply to IFO decisions regarding ccTLDs:

It is important to note that:

- The ICANN Reconsideration Process does not apply to ccTLDs (ICANN Bylaws section 4.2 d).
- The ICANN Independent Review Process (IRP) does not apply to ccTLDs (which implies that the Cooperative Engagement Process (CEP) also does not apply to ccTLDs) - (ICANN Bylaws section 4.3 (c)).

How does the proposed review mechanism differ from mediation type approaches?

Mediation-type approaches are about getting the parties to understand each other's positions and arrive at a resolution through dialogue.

Mediation does not provide for a formal review of the decision to identify if there were significant issues with how the decision was made.

Mediation does not require the IFO to pause its implementation of a contested decision.

Principles which guided the CCPDP-RM WG in developing the CCRM policy:

- Low cost of Process
- Limited Duration of the process.
- Accessibility of the process
- Fundamental Fairness

Decisions covered by the CCRM?

- Delegation of a new ccTLD
- Transfers
- Revocations
- Refusal to grant an extension to the retirement deadline.
- Notice of Retirement for 2-letter Latin ccTLD which does not correspond to an ISO 3166-1 Alpha-2 Code Element

Recap of the key elements of the Policy

- **Who can request a review?**

- Any of the applicants for a new ccTLD.
- A ccTLD manager who is the subject of the transfer, revocation, or retirement decision.

- **Financial Considerations:**

- There will be a minimum application fee to use the CCRM.
- ICANN will pay for implementing and supporting the CCRM as well as all reviewer costs.

Voting details

- **Voting starts on 18 April 00:01 UTC and closes on 09 May 23:59 UTC.**
- All members of the ccNSO may vote via their emissaries*,
- There will be one ballot per ccNSO Emissary, and ballots will be sent by tally@icann.org.
- To approve the policy, at least 50% of ccNSO members (= 87 currently) must vote, and more than 66% of the votes cast must approve the policy.

* ICANN Bylaws - Section 10.4 (e) (ii)

Timeline going forward

- Members vote, 18 April 2023 – 09 May 2023 (info at <https://ccnso.icann.org/en/announcements/announcement-06apr23-en.htm>)
- After voting is complete, assuming approval, the Issue Manager will prepare a Board Report prior to ICANN 77.
- The ccNSO Council should consider approving the Board Report at ICANN 77 in June 2023.
- If the Board Report is approved by the ccNSO Council it will be transmitted to the ICANN Board for consideration (June 2023 at or after ICANN77 earliest).

Questions?

References CCPDP-RM WG

Wiki

<https://community.icann.org/display/ccnsowkspc/Policy+Development+Process+%28ccPDP3%29+-+Review+Mechanism>

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