SubPro ODP: Policy Question Set #5 - Predictability Framework

Policy Question | Applications Assessed in Rounds (Application Submission Periods):

These two questions focus on the role policy development can or cannot play during future rounds of new gTLDs. Specifically it is about the interaction of Topic 3 (Applications Assessed in Rounds), specifically Recommendation 3.7, and Topic 2 (Predictability Framework), specifically Annex E.

Annex E, Sections 2 and 3 detail the SPIRT's role if a policy-level issue arises during an ongoing new gTLD round; Annex E assigns to the SPIRT the role of recommending to the GNSO Council whether to initiate a policy development process to address such a policy-level issue.

Recommendation 3.7 states: "If the outputs of any reviews and/or policy development processes has, or could reasonably have, a material impact on the manner in which application procedures are conducted, such changes must only apply to the opening of the application procedure subsequent to the adoption of the relevant recommendations by the ICANN Board."

Questions on interplay of Recommendation 3.7 and Annex E.

A. If an issue occurs that requires a policy-level solution during an ongoing round, does the Council agree with the ODP team's interpretation that even if the SPIRT recommends to the Council to initiate a policy development process and the GNSO Council decides to follow that recommendation, as a result of Recommendation 3.7, any policy recommendations that result from such a process will not apply to the ongoing but only to future rounds?

B. Does the GNSO Council agree with the ODP team's understanding that in such an instance, where a policy-level solution is required to overcome an issue during an ongoing round, and the GNSO Council decides to initiate a policy development process (the outcome of which will apply to future rounds per Question A above), ICANN org will, if needed, develop a temporary operational solution that ensures the issue is addressed for the ongoing round? In such a scenario and consistent with Annex E Section 1b and 1c, the SPIRT "will have the option to collaborate with ICANN org as a solution is developed".