ccNSO PDP
Review Mechanism &
Retirement

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Topics to be covered

• Issue Report
• Principles to guide development of policy and interpretation
• Review mechanism
• Retirement
• PDPs Matters
• References
Requirements Issue report

• Description of Issues
• General Counsel opinion on scope
  • ICANN Mission & lasting value & in scope Annex C Bylaws
• 1 or 2 PDPs
• Recommendation Task force or Working Group
• Tentative timeline
• View on anticipated Board view
Current Status

• Identification of issues
• One or two PDP
• Task force or WG
• Request Council to include community in drafting WG charters
Principles to guide development of policy and interpretation

• Security and Stability of DNS is paramount
• Subsidiarity principle
• Policies should not be intended to, or should not be taken to, constrain or limit applicable law of in the country or territory represented by the particular two-letter code or IDN string, or in the state of incorporation/place of business of the IANA operator.
  • FOI principle
• Policies not to be applied retro-actively/ grandfathering of legacy cases
• Transitional arrangement (pending cases to be grandfathered)
Review Mechanism
Context Review Mechanism

• RFC 1591 Section 3.4
  • the Internet DNS Names Review Board (IDNB), a committee established by the IANA, will act as a review panel for cases in which the parties [BB: the Significantly Interested Parties] can not reach agreement among themselves. The IDNB’s decisions will be binding.
  • Section 3.4 RFC 1591 is about the definition and role of Significantly Interested parties.

• FoI Wg
  • The FOI WG believes it is consistent with RFC 1591 (section 3.4) and the duty to act fairly to recognize the manager has the right to appeal a notice of revocation by the IANA Operator to an independent body.

• ICANN Bylaws:
  • (d) Notwithstanding any other provision in this Section 4.2, the scope of reconsideration shall exclude the following:
    • (i) Disputes relating to country code top-level domain ("ccTLD") delegations and re-delegations;
High Level Issue list Review Mechanism: Scope of Review Mechanism

• Which decisions and/or actions should be subject to a review mechanism?
• Who’s decisions and/or actions should be subject to a review mechanism?
• Should review Mechanism be applicable / open to all ccTLDs?
• What will be result / scope of the review decision? What powers will be bestowed upon review panel?
• Binding or non-binding?
High Level Issue Review mechanism: Standing at review mechanism

• Who will have standing at a review mechanism?
  • Dependent on process/procedure (delegation, revocation, transfer, retirement)/
  • Entities
    • Only ccTLDs
    • Significantly Interested parties

• What are the grounds?
High Level Issues Review Mechanism: Rules and structure of review mechanism

- What set of procedural rules should be used?
  - IRP, ICC, other?

- Timelines?
  - When does a decision become effective
  - Impact of procedure

- Structure of panel and requirements and selection of panelist
  - Pool of panelist? Standing panel
  - Selection by litigating parties

- Include injunction or summary proceedings?

- Costs of proceedings:
  - who will have to pay for proceeding?
  - Who has to pay for maintaining structure
Retirement of ccTLDs
Context Retirement (1) DRD WG report 2011

• No policy in place
• Limited number of cases
Context Retirement (2): Past cases

• .UM case
  • At request of ccTLD manager and government
  • No registrations at time of request and decision (2007)
  • Current status IANA Root Zone Database: Not assigned
  • Current status ISO 3166-1: Assigned

• .AN case
  • Netherlands Antilles ceased, restructuring of Kingdom of Netherlands (2010)
  • Part of delegation of .CW delegation process 2010
  • Closure of retirement process in 2015
  • Current status IANA Root Zone Database: retired
  • Current status ISO 3166-1: Transitionally reserved (assigned->transitionally reserved)
Context Retirement (3)

• **YU**
  • Break-up of Yugoslavia
  • Part of delegation of .RS delegation process
  • Process initiated in 2007 (with the delegation of .rs) and completed in 2009
  • Current status IANA Root Zone Database: not included in IANA Root Zone Database
  • Current status ISO 3166-1: Transitionally reserved (assigned->transitionally reserved)
High Level Issues retirement: What are condition for Retirement

• Consistency of terminology
  • See summary of cases

• What triggers a retirement?
  • Change in ISO 3166-1?
    • Substantial Change of name in case of IDN ccTLD?
    • Change of status (from Assigned / to ?

• Who triggers retirement process?
  • IANA Function operator?
  • ICANN?
  • ccTLD manager? Government?
  • Significantly Interested parties? Is there an impact on SIP
High Level Issues retirement: other issues

- Consistency of terminology
  - See cases

- When/under what conditions may a ccTLD be retired?
  - No more domain names under management?
  - Agreement to retire by Significantly Interested Parties

- Conditionality to a delegation of subsequent ccTLD?
  - Retirement .YU -> part of delegation .RS
  - Retirement .AN -> part of delegation .CW

- Compliance with conditions?
  - Who does monitoring, if any?
  - Any consequences non-compliance?
PDP Matters
One or two PDPs: Assumptions

- Review mechanism on decisions delegation, revocation, transfer and retirement partly dependent on output work on retirement
- PDP is organised by using WGs (not a taskforce)
- Pool of volunteers limited
- Most volunteers will be active in both work streams
Method (1)
Single PDP, two working groups

• Charter two working groups
• Working groups to develop recommendations
• Working Group 1: Develop recommendations around retirement of ccTLDs

• Working group 2: Develop recommendations for a review mechanism for decisions on delegation, revocation, transfer and retirement of ccTLDs.

• Total package (output WG 1 and 2) subject to members vote
Method (2)
two PDPs

• Launch 2 PDPs
• PDP 1 on retirement of ccTLDs
  • one working group
  • Launch first PDP on retirement
  • Launch second PDP when Final report is adopted by members
• PDP 2 on review mechanism decisions delegation, revocation, transfer and retirement of ccTLDs
Tentative Recommendation:
One (1) PDP

• More flexibility to align Review Mechanisms with Retirement recommended policy
• More flexibility in total timeline
• Run WG in Parallel, when needed and feasible, determined by community
• One members vote on total package
Task Force or WG (1)

• Task Force specified in Annex B,
• The Council must:
  • Identify Task Force members (including two Representatives of the Regional Organizations) and formally request the GAC participation);
  • Develop a charter or terms of reference that must specify:
    • The issues to be addressed by the Task Force;
    • The time line to be followed by the Task Force;
    • Any specific instructions for the Task Force, including whether or not the task force should solicit the advice of outside advisors on the issue.

• Assessment No experience to date with method, limited participation, no flexibility
Other Structure (WG)

• Each Regional Organization must, within the time designated in the PDP Time Line, appoint a representative to solicit the Region’s view on the issue.
  • If not, explicitly inform the Council;

• The Council **must** formally request the Chair of the GAC to offer opinion or advice: and

• The Council **may** take other steps to assist in the PDP
  • Allows for flexibility
Task force or WG?

• Issue(s) to be resolved and interests are cross-cutting
• Experience of community with working groups to address complex issues
• Conclusion/recommendation: Appoint a working group for review mechanism and retirement.
• Each WG own charter to be developed by community:
  • definition of scope and description of issues to be addressed
  • working method and schedule.
Next Steps

• Council decision: Community to Draft charter for WG 1 and 2
  • Refine Scope and description of issues
  • Working methods

• Community defines scope of issues and working methods

• Completion of Issue Report
  • Include draft charters
  • General Counsel opinion with respect to scope

• Initiation PDP
Timeline

• Council Decision 7 November: approval call for volunteers to draft charter WG 1 and 2
• Call for volunteers (14 November – 2 December)
• Council to appoint drafting teams 15 December
• Issue manager prepare strawman charter
• First meetings WG January 2017 (two weekly meetings)
• Submit charters to Issue Manager for inclusion in Issue report ( late February 2017)
• Council initiates PDP ( March 2017)
References

• The ccNSO Delegation and Redelegation working group Final report on retirement of ccTLDs, 07 march 2011 (http://ccnso.icann.org/workinggroups/drd-wg-retirement-report-07mar11-en.pdf)
• RFC 1591 (https://www.ietf.org/rfc/rfc1591.txt)
• ISO 3166 standard (http://www.iso.org/iso/country_codes)
• The ccNSO Framework of Interpretation working group Final Report, (http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf)
• CWG-Stewardship Final Report, Annex O: ccTLD Appeals Mechanism Background and supporting Findings Sections 1414- 1428.
• ccNSO members/ccTLD community email exchanges on survey Appeals Mechanism (2-3 March 2015)