

Public Comment Summary Report

Standard Bylaws Amendment-Transition Article on Specific Reviews

Open for Submissions Date:

Wednesday, 11 February 2026

Closed for Submissions Date:

Monday, 13 April 2026

Summary Report Due Date:

Monday, 20 April 2026

Category: Reviews

Requester: ICANN Board

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Open Proceeding Link:

<https://www.icann.org/en/public-comment/proceeding/standard-bylaws-amendment-transition-article-on-specific-reviews-11-02-2026>

Outcome:

The comments submitted from across the ICANN community identified some key changes that will be incorporated into an updated text for the Bylaws Transition Article on Specific Reviews, as well as items that are recommended to be addressed in the Board's resolution or rationale if it approves the updated text. Specifically, the updated text will address the community's call for regular reporting during the status of the pause, streamlining of the basis for a needed extension, and building in additional safeguards into the schedule to restart the reviews to avoid overlap in reviews.

The community's contributions raised clear and actionable items that will improve the Transition Article and uphold the goal of establishing a more effective reviews program. We appreciate the community's time and effort in addressing this extraordinary situation.

Section 1: What We Received Input On

ICANN sought input on a proposed Transition Article to be added to the ICANN Bylaws drafted to update ICANN's obligations at Article 4, Section 4.6 to initiate Specific Reviews while the ICANN community is addressing the question of how ICANN's reviews can evolve through the Review of Reviews Cross Community Group (Reviews CCG). To date, ICANN has addressed the pending obligations to initiate Specific Reviews through Board resolutions deferring their initiation, taken after conversation with the community. The ICANN Board initiated a Standard Bylaws Amendment Process to seek formal Public Comment on the proposed path.

The Transition Article was drafted to achieve several goals:

- Not alter in any way the current text of Article 4, Section 4.6 of the Bylaws.
- Allow 12 months of progress on the community dialogue before ICANN's obligation to conduct Specific Reviews is reinstated.
- Define parameters for how ICANN's obligations can be paused for additional time if the community dialogue is progressing but not yet completed, with a maximum total pause of 24 months.
- If no updates to the Bylaws result from the current community effort and ICANN's obligations to conduct Specific Reviews are renewed, setting a workable schedule for reviews to be restarted in a manner that will not replicate the overlap of reviews that led in part to the issues ICANN currently experiences with reviews.

ICANN included proposed questions to prompt feedback, including:

- Do you support the use of the proposed Transition Article as a way to clarify ICANN's obligations to run Specific Reviews at this time?
- Are there elements you believe should be addressed differently?
- Are there other factors that ICANN should consider in the timing of restarting the reviews, if needed in the future?

Section 2: Submissions

Organizations and Groups:

Name	Submitted By	Initials
Noncommercial Stakeholder Group		NCSG
At-Large Community, At-Large Advisory Committee	Policy Staff	ALAC
Registrars Stakeholder Group	Owen Smigelski, Chair	RrSG
Root Server System Advisory Committee	Jeff Osborne, Chair	RSSAC
Registries Stakeholder Group		RySG

Individuals:

Name	Affiliation (if provided)	Initials
Namza Akter		NA
Valerie Yan Tong Chua		VYTC
Alfredo Calderon-Serrano		ACS
Ana Teresa Rodriguez		AR
Benon King'Ori Mugure		BK'OM
Camila Galvan		CG
Nitin Walia		NW
Joshua Seyi Ibitoye	Southeast Missouri State University	JSI

Section 3: Summary of Submissions

Use of Transition Article to Suspend Obligation

RSSAC noted its support for the Transition Article in full and that it gives the community time for its work on reviews to reach consensus. The RrSG and the RySG each noted their support and made a similar reflection that the Reviews CCG work is progressing well. NW and ACS noted support for the proposed Transition Article and each called for regular updates to the community during the paused period. ACS clarified that this is to explain what work has progressed, what issues still remain, and whether additional time might be necessary. NW cautioned that when reviews start again, if under this cycle, issues of bandwidth and implementation capacity are important. AR noted support for the Transition Article to provide predictability to the management of Specific Reviews and to allow time for the community conversation. VYTC also supported the Transition Article.

JSI noted support for the pause but that “effectiveness will depend on how the pause period is managed.” JSI, NA, and the RrSG also supported the idea of periodic updates on progress to milestones.

The NCSG noted its support for the Transition Article but only as a limited mechanism to restore integrity while the Reviews CCG completes its work. The NCSG does not support using Transition Articles as general suspension of accountability obligations.

Length of Suspension of Obligation to Run Specific Reviews

The RySG noted its support for the length of the pause and the circumstances to allow an extension. BK'OM noted that a pause of 24 months might impact the community's readiness to return to reviews. To ensure bandwidth, BK'OM recommended the production of regular “readiness” reports. BK'OM also recommended that instead of a hard requirement to restart reviews after a 12-month pause, the community should note if it is ready to restart and, if not, then an additional 12-month pause would be automatically granted. ACS noted that there should be clearer criteria for determining whether the community dialogue is making sufficient progress to justify a further pause, and suggested potential objective indicators for that community work, such as timelines and meeting milestones.

VYTC noted that the 24-month maximum is only workable if the Reviews CCG maintains momentum, but cautioned that ICANN should not impose a timeline in favor of encouraging quality work. The RrSG also supported the time limit proposed for the pause, and noted its position that the maximum 24-month window provides a clear end date without impacting the quality of the Reviews CCG's work.

NA requested additional transparency on how the Supporting Organizations (SOs) and Advisory Committees (ACs) would assess consensus for extending the pause, if necessary.

ALAC noted that it did not understand why the conditions for extension of a pause included both acceptance of community-based recommendations and initiation of a Bylaws amendment process to Section 4.6 as separate bases for a pause and requested an explanation for how a Bylaws amendment process could be initiated without the Board's acceptance of community-developed recommendations. ALAC noted that as it relates to the ability for SO/AC agreement to extend the pause, that threshold should be consensus, and not the majority threshold stated

in the proposal. An extension under this SO/AC agreement should also be accompanied by a rationale and reference to the Reviews CCG work. ALAC also expressed a concern that because this is not aligned with the Empowered Community process, care needs to be taken to ensure consistency with the Bylaws.

The NCSG noted that the 12-month initial pause aligns well with the work already underway by the Reviews CCG. In the event that there appears a need to extend the pause, that “any extension beyond 12 months be accompanied by a public explanatory statement” that identifies specific elements, including the basis for the extension, milestones completed, pending work, and next steps.

Sequencing of Reviews After Pause

CG and BK’OM noted a concern with the proposed sequencing of the existing Specific Reviews if the cycle is restarted, specifically with the prioritization of the Accountability and Transparency Review (ATR) over the Security, Stability, and Resiliency Review (SSR), which “should have an independent path.” BK’OM suggested that, instead of sequencing reviews from the initiation of the prior review, to install “completion-based” triggers (such as six months from the publication of the final report of the prior review) to prevent the possibility of overlapping reviews.

AR and the RrSG expressed support for the scheduled resumption of reviews and providing a staggered approach to distribute review activity. JSI also noted support, while cautioning that “delays [should] not reduce attention to security, stability, and resiliency considerations.” VYTC supported the staggered schedule to resume reviews.

ACS commented that there should be readiness criteria for restarting reviews, and that timing should not be the only consideration in restarting. Some suggested readiness criteria include: the status of implementation of prior recommendations; volunteer availability; capacity within ICANN; dependencies on other work within ICANN; manageable scoping; and whether the review would generate actionable recommendations.

NA suggested that though the sequencing is logical, it could benefit from flexibility that would allow an SSR review to run in parallel with another review if there is capacity to do so.

ALAC supported the ATR starting 90 days after the pause, but for the other reviews, ALAC did not agree with the timing-based approach presented. Instead, ALAC suggested the Third Accountability and Transparency Review Team’s (ATRT3) recommendation that the future of both the SSR as the Registration Directory Service (RDS) Review should be considered by the next ATR.

The NCSG recognized the logic in sequencing out the reviews in the event the reviews are not changed, and in putting the ATR as the first review, as that ATR will be expected to assess the future of the RDS and SSR Reviews, as well as the future of the Competition, Consumer Trust, and Consumer Choice (CCT) Review. The NCSG cautioned that reliance only on a calendar might still cause the same congestion as previously experienced, and suggested an additional requirement that a review is only launched when there is “sufficient implementation and participation capacity” across the community and ICANN org to support the review.

CCT Reviews – Special Considerations

NW and BK'OM noted the need for assuring sufficient data for the success of the CCT Review.

ACS requested further explanation for the proposed new threshold of 500 delegated gTLDs and whether there is flexibility if market conditions or delegation patterns raise issues with the threshold.

VYTC noted her opinion that the CCT review threshold is “appropriately calibrated to operational reality rather than an arbitrary date.”

ALAC noted its position that the threshold for the next CCT Review should be as recommended by the ATRT3, to be started within two years after the first introduction to the root of the new gTLDs out of the 2026 application round. In addition, ALAC noted that the proposed Transition Article does not “address[] the crucial need for a framework of data collection to be put in place prior to the Next Round to ensure availability of all relevant and required data sets to effectively inform the work of the next CCT Review.”

The NCSG noted that while the proposed trigger “tries to respond to the concern that a CCT Review should have enough real-world data,” the 2026 Round is currently based on assumptions, and therefore the expected volume is not well known or predictable and the threshold could become an open-ended postponement. Therefore, the NCSG recommended that the trigger be updated with both a delegation threshold and date by which the review will be commenced if the threshold is not reached, or by adding a clause requiring the Board to publish a justification and revised timeline if the 500-delegation benchmark is not reached within a specific period.

Other Concerns

ACS noted that a historical issue with reviews has been the accumulation of recommendations pending implementation, and cautioned that “ICANN's ability to absorb, prioritize and implement recommendations” has to be a consideration in restarting reviews.

VYTC encouraged documentation of the community efforts on reviews so that even if there is a need to restart Specific Reviews, that work isn't just set aside.

ALAC suggested that the Effective Date of the Transition Article should be 5 September 2025, the date that the Board approved the Charter for the Reviews CCG. ALAC noted its objection to the use of new acronyms for the reviews. ALAC also noted that the use of a Transition Article in this situation should remain exceptional and not set a precedent.

The NCSG requested that if the Board takes further action to approve the Transition Article, that its rationale make clear that the purpose of the amendment is to support a more effective and credible accountability framework, and not to normalize the suspension of review obligations. The NCSG noted that its support of the Transition Article is based on the fact that the issues posed by the current review structure have been well documented over time, which supports the fact that this effort is not just about the Board seeking to avoid running reviews. The NCSG also noted that the idea for addressing the reviews-compliance issue arose out of the community, and its expectation that the initiation of the Bylaws amendment process was to seek public input to shape the proposal, and not to present the Transition Article as a matter of ratification.

Section 4: Analysis of Submissions

As a whole, the commenters supported the use of a Transition Article to identify a path to bring ICANN back into Bylaws compliance regarding the Specific Reviews, while allowing time for the ICANN community dialogue – currently happening through the Reviews CCG – to progress. Multiple commenters cautioned that this is a special case, such as the NCSG's citation to the well-documented history that the challenges posed by Specific Reviews led to this situation. In the event the Board approves the Bylaws change, the Board's rationale should be clear on the special, nonprecedential nature of this action. The commenters also overwhelmingly noted that confirmation of any pause must be accompanied by a requirement for regular updates on the status of the community dialogue and work. Multiple commenters relied upon the diligent efforts of the Reviews CCG to date to support that the contemplated dialogue is taking place and progressing. In the event the Board approves the Bylaws amendment, the Board will be recommended to include a requirement for clear and regular reporting during the pause.

In terms of length of the pause and ability to extend the pause, commenters presented a range of opinions. Notably, no commenter identified the 12-month pause as too short, or the 24-month pause as too long. However, there were ranges of opinions regarding the substantiation for extending the pause beyond 12 months. Multiple commenters noted the need for any extension beyond the 12 months must be accompanied by specific explanation and rationale, including details of the status of the Reviews CCG work and further timelines and milestones. One commenter queried whether the 24-month window itself might constrict the quality of the Reviews CCG effort, but others noted that the 24-month maximum window is sufficient. ALAC requested that the Effective Date of the Transition Article be defined as the date the Board approved the Charter of the Reviews CCG, as opposed to the date the Bylaws amendment is approved. Taking the comments into consideration, the proposed length of the pause, including the ability to extend, is not anticipated to change, though a requirement for clear, documented rationale to support any extension beyond the initial 12 months will be incorporated. ALAC raised an important question of what date the 12-month period should start, and that will be further considered.

Regarding the potential bases for extension, ALAC queried whether there is a need to have ICANN Board approval of both the community recommendations as well as a pending Bylaws amendment process as separate items that could be used as a basis for extension. The inclusion of both items separately reflected the possibility that while the community group may not have been able to issue recommendations, the community could potentially still support a Bylaws amendment process. This was not included as an opportunity for the ICANN Board to unilaterally initiate a Bylaws amendment process in order to achieve a further pause. The provision regarding a pending Bylaws amendment will likely be removed from the final version to be presented to the Board for approval.

ALAC also noted that it believed the threshold for a community-supported request for a further pause should be on the basis of consensus from the SOs/ACs, as opposed to a majority threshold. ALAC also cautioned that this provision should be tested against Empowered Community processes to assure alignment with the Bylaws. As this is not a defined power for the Empowered Community, and this is giving a voice to all seven SOs and ACs (as opposed to the five Decisional Participants in the Empowered Community), there is not a good basis for comparison. One commenter noted that the test should be whether the SOs and ACs believe Specific Reviews are ready to restart, and if not, then the extension should be granted. No other commenters suggested this more permissive view. Another commenter requested further details

on SO/AC decision-making, which could be met through requiring a specific explanation and rationale to support an SO/AC-approved 12-month extension.

On the sequencing of Reviews, if the pause ends with no changes to the Bylaws, the commenters addressed a variety of issues. Some noted a concern with a timeline-driven restart, as opposed to a restart driven by ICANN org and the community's readiness to do a review. However, more commenters were supportive of the time-bound nature of the restart, within 90 days of the end of the pause.

Once ICANN reinitiates reviews, a few commenters noted their concern that with ICANN's security and stability remit, the SSR review should start as early as possible, with one commenter suggesting that it could run in parallel with another review. ALAC did not support either the SSR or RDS having a defined timeline for review, recognizing the ATRT3 recommendations that the next ATR should consider the future of each review. The NCSG noted that the Board addressed the pending ATRT3 recommendations in its rationale as the justification for having the ATR go first and having the opportunity to impact whether future SSR or RDS Reviews would occur. A few commenters noted that hard-coding in 18-month windows from the initiation of each review in the cycle could perpetuate the issue with too many reviews running concurrently, causing the same conditions that led to the need to look anew at the purpose and future of Specific Reviews. These commenters offered a variety of solutions, such as building in a "readiness" test that could include community bandwidth concerns and the satisfaction of other dependencies instead of solely relying on a calendar. The comments will be considered to identify if there is a way to hold ICANN to a predictable timeline for initiating reviews after the next ATR, while also allowing better opportunity for that next ATR to impact future Specific Reviews and reduce the possibility for overlapping reviews.

On the CCT Review, multiple commenters noted their position that there should be a commitment for appropriate data to be available to run this review. Of the four commenters that addressed the new proposed threshold to convene the next CCT Review, one noted support for the threshold, two noted concerns that market realities could stymie the review from being triggered at all, and one noted that it explicitly did not support the new threshold and instead believed that the threshold recommended by the ATRT3 should be relied upon instead. The NCSG, one of the commenters raising concerns with market realities, suggested paths to addressing this concern, such as creating a threshold of the earlier of the delegation of 500 gTLDs or a set time period after delegations start in the 2026 Round, to ensure that the CCT Review will happen even if volume assumptions used in planning are not met. The comments will be taken into consideration to assure that there is a path to a further CCT Review even if the 2026 Round results in fewer delegated gTLDs than anticipated. The comments on the need to assure sufficient data will also be considered.

Section 5: Next Steps

The ICANN Board will be presented with proposed updates to the Transition Article to address comments raised during this proceeding. In the event the Board approves the article, the Empowered Community will then have the opportunity to consider whether it will reject the Standard Bylaws amendment.