

Requests for clarification/confirmation wrt ccPDP3 Review Mechanism

27 September 2024

To: Board Caucus

CC: Patricio Poblete, ccNSO Appointed member of the Board

Dear Members of the Board Caucus on ccPDP3 Review Mechanism,

The ccNSO Council is pleased to provide you with responses to your requests for confirmation and clarification from April 2024.

In providing the answers, the small group that prepared the responses (“the group”) has chosen to include the requests and responses in the text of the ccPDP3-RM Policy, sections 2 - 6, referring to the comment numbering in the document you sent to us. The group believes that providing the responses in this manner provides the necessary context for understanding and interpreting the ccPDP3-RM Policy, and ensures that the text of the Policy itself is not amended or changed as a result of the responses.

In preparing the responses, it was noted that of the 43 instances identified by the Caucus support staff, some requests contained more than one issue. The small group has addressed this by referencing the Comment Number, and adding point 1, 2 etc.

Going forward, the Council invites the Caucus and relevant support staff to discuss the questions and responses and any remaining ambiguities, either via a face-to-face meeting or a teleconference. This is suggested in order to avoid losing time by sending further written communication back and forth.

With respect to the foundational assumption made in the cover note, which (paraphrased) asks the ccNSO Council to confirm that the ccPDP3-RM Policy is limited to a procedural review, the Council refers to responses Comment Number 6 point 1 and 2. Under the ccPDP3-RM Policy, Reviewer(s) are expected to determine if there were any significant issues with the IFO applying procedures fairly in arriving at its Decision or how the IFO complied with the relevant policies enumerated in the text. The Reviewer(s) are free to identify in their report and note any inconsistencies between the relevant procedures and applicable policies. The outcome of the Review does not replace the IFO decision, but as suggested in section 4.2 of the ccPDP3-RM Policy, the IFO may adjust its decision, taking into account the outcome of the Review.

As you know, on several occasions members of the ccTLD community have raised the point about the lack of clarity of the scope of Annex B section 15(a) of the ICANN Bylaws. This point surfaced again during the preparation of the responses. The ccNSO Council would therefore

appreciate a formal clarification from the Board of the scope of what the ccNSO can expect to be included in *Procedures for Board Consideration*, in order to set expectations and understand the process of the Board Consideration and factors that determine its duration.

Finally, we would like to inform the Board and ICANN org that last year the ccNSO has adopted an [Outline](#) on how it intends to organize its work during the implementation phase of a Board adopted ccNSO policy. We welcome any questions or comments you have about the approach.

On behalf of the ccNSO Council, kind regards,

Alejandra Reynoso
Chair of the ccNSO Council