

High-Risk String Mitigation Plan Evaluation

ICANN Procedure Description

The applicant for a string on the High-Risk String List that has cleared contention may amend their application to add a High-Risk String Mitigation Plan for that string, which will then be evaluated after payment of the High-Risk Mitigation Plan review fee has been submitted by the applicant.

This procedure description defines how the Mitigation Plan evaluation will function.

1. Inputs and Output

Inputs to the Mitigation Plan Evaluation are, as applicable:

- The Initial assessment report
- The Temporary Delegation report (if any)
- Community reports of name collisions
- Applicant's High-Risk String Mitigation Plan

Output of the Mitigation Plan Evaluation is:

- The Mitigation Plan Evaluation Panel's determination, which may be any of the following:
 - Approved to proceed to implementation.
 - The plan is determined to accurately identify the root cause of why Name Collision with high-risk impacts may occur; and the proposed mitigation measures have a high probability of being effective.
 - Not Eligible
 - Mitigation Plan does not meet the requirements

Normative references:

- [The Applicant Guide Book](#)
- The High-risk string classification model.

2. Roles and Responsibilities

Applicant: Submits a High-Risk String Mitigation Plan for evaluation.

Mitigation Plan Evaluation Panel: A panel of external technical experts who will evaluate the Mitigation Plans submitted by applicants for high-risk strings, led by a coordinator who distributes the work and follows up on the timelines for each activity.

Technical Review Team: A team of internal experts from relevant ICANN org departments overseeing the work of the Mitigation Plan Evaluation Panel and providing advice as needed.

The Service Operator: Manages the application process from submission to completion. This team conducts completeness checks where appropriate, and is the point of contact for applicants on specific questions relating to their application.

Program Governance: Program Governance refers to a group of internal Subject Matter Experts in different functions, including GDS and Program Leadership. Program Governance adopts the outcome of the procedure and makes the final determination on the Mitigation Plan Evaluation report. The Technical Review Team may also escalate to or provide input to or consider feedback from Program Governance in case there are ambiguities or other unclariities in the execution of the procedure, as appropriate.

Responsible (R): The Mitigation Plan Evaluation Panel

Accountable (A): Program Governance

Consulted (C): The Technical Review Team, The ICANN Community

Informed (I): The Applicant

3. The Procedure

The Mitigation Plan Evaluation Procedure consists of the following steps:

1. A High-Risk Mitigation Plan is received through an Application Change Request from the applicant.
 - a. The Service Operator (SO) performs an administrative review and labels it as "*substantive change*":
 - i. The change is escalated and delegated to the Mitigation Plan Evaluation Panel for review.
 - ii. The plan is sent to the Mitigation Plan Evaluation Panel's coordinator, together with the relevant documentation from Initial Evaluation and, as applicable, reports from the Temporary Delegation and the community.
 - iii. The applicant is informed that the preconditions for the plan have been met and that the plan is under review.

2. Formation of the Mitigation Plan Evaluation Team

- a. The coordinator of the Mitigation Plan Evaluation Panel assembles a team for the evaluation consisting of at least two panelists. One panelist shall be designated as the primary point of contact for the evaluation. When panelists are assigned, any potential conflict of interest shall be considered as well as any special competences that may be required for the assessment at hand.

3. Mitigation Plan Review

- a. The appointed panelists will start the review by confirming that the plan contains all the required elements, which are:
 - i. A summary of the findings from the Initial Assessment, and, if applicable, community reports and findings during Temporary Delegation;
 - ii. A Root Cause Analysis and any other relevant evidence, which identifies the underlying reason(s) why high-risk impacts from Name Collisions may occur for the string;
 - iii. An outline of the specific preventative and corrective actions the applicant will take to mitigate the risk of Name Collisions; where
 1. Each mitigation action must have a specific timeframe for implementation; and
 2. The total time frame must not exceed two years.
- b. The next step for the panelists is to come to a determination whether the plan:
 - i. Accurately identifies the root cause of why high-risk impacts from Name Collisions may occur; and
 - ii. If the proposed mitigation measures have a high probability of being effective.
- c. If the panel concludes that the High-Risk Mitigation Plan meets the requirements of 3.b(i) and (ii), then the panelists will draft a report containing the following elements:
 - i. A list of measures that need to be implemented before evaluation continues (“pre-contracting mitigations”) and how it can be verified that these measures have been effective.
 - ii. If the plan and the recommendation relies on measures that, for technical reasons, are required to be implemented after delegation (“post-contracting mitigations”), a list of those measures that need to be included in the contract.

- iii. The panel's recommendation on the next steps, as applicable:
 - 1. Criteria for starting the verification of the effectiveness of the implemented pre-contracting measures, and
 - 2. Criteria for removing the string from the collision string list.
- d. If the panel concludes that the High-Risk Mitigation Plan does not meet the requirements of (a) and (b); then
 - i. The panel will reach out to the applicant's point of contact to communicate the issues identified; and
 - ii. Provide any recommendations on possible improvements to the plan to address the identified issues; and
 - iii. If the applicant so requests, to provide a further 90 days to the applicant to make amendments to the plan. Upon receipt of an amended plan, the evaluation process will restart from 3(a), unless the 90 days amendment period has expired.
 - iv. If the applicant does not present an amended plan that meets the requirement within the stipulated time period of 90 days, the panelist will draft a report containing the following elements:
 - 1. What requirement or requirements the plan fails to meet, and
 - 2. The rationale behind the rejection of the plan.
- e. The report is to be provided to the Technical Review Team within 30 days counting from the day when ICANN received the (latest version of the) Mitigation Plan.

4. ICANN determination

- a. The Technical Review Team will review the Mitigation Plan Evaluation Panel's report.
 - i. The Technical Review Team may request additional information from the panel to resolve any ambiguities or other unclaritys, before it adopts the report.
 - ii. If ambiguities or other unclaritys remain after the Technical Review Team having attempted to resolve them in the previous step, the Technical Review Team may escalate or provide input to or consider feedback from Program Governance and escalation processes, as appropriate.

- b. If the Mitigation Plan does not meet the requirements, or the preconditions set out in step 1 were not met, the application may not proceed and will be moved to the 'terminated' state.
 - i. The applicant is given the opportunity to challenge the outcome of the Mitigation Plan Evaluation if the applicant believes the panel has made a factual or procedural error when it determined that the Mitigation Plan does not meet the requirements (3(b)i and ii).
 1. The applicant must file a challenge within 21 days from the date of transmission of the evaluation determination.
 2. A Challenge Panel shall conduct the challenge review.
 3. The Evaluation Challenge will be assessed under a "clearly erroneous" standard of review. Specifically, the Challenge Panel must accept the Evaluation Panel's Determination unless the Evaluation Panel:
 - a. failed to follow the appropriate procedures, or
 - b. failed to consider/solicit necessary material evidence or information.
 4. The Challenge Panel will communicate the result of the Challenge Proceeding within 30 days of the filing of such a challenge.
 5. If the Challenge Panel finds a factual or procedural error, the Mitigation Plan will be reevaluated per step 3 of this procedure.

ICANN will post the results of the reevaluation and provide a 30-day public comment period. After the comment period has ended, Program Governance will consider all available information and make a final determination on whether to accept or reject the Mitigation Plan.

If approved, the procedure will move to step 4(c).
 - ii. If the applicant was in contention, and the applicant fails all options to submit a Mitigation Plan that meets the requirements, Program Governance may give other applicants in the contention set the opportunity to submit a mitigation plan for evaluation (at the Program Governance's discretion and based on consideration of the Program duration).
- c. If the Mitigation Plan is assessed to meet the requirements.

- i. ICANN will publish the Mitigation Plan Evaluation Panel's report and the Mitigation Plan for public comment.
- ii. Within the Mitigation Plan, applicants may identify sections which contain information which, if published, could undermine the effectiveness of the plan – such as where it might allow a malicious actor to interfere with mitigations – and mark these sections for redaction. If the Technical Review Team agrees, the marked sections will be redacted before publication.
- iii. After the comment period has ended, the Mitigation Plan Evaluation Panel will consider all available information and make any updates to the report, as appropriate. Program Governance will make the final determination on the outcome of the Mitigation Plan evaluation and adopt the report.
- iv. If the Mitigation Plan only includes post-contracting mitigation measures, the string is removed from the Collision String List and the requirements to be included in the applicable Registry Agreement is drafted for these measures to be legally binding for the applicant.