# RrSG Public Comment: Proposed GNSO Process for ICANN Board to Reverse Adoption of GNSO Policy Recs

22 January 2026

The Registrar Stakeholder Group ("RrSG") appreciates the opportunity to comment on the Proposed GNSO Process for the ICANN Board to Reverse Adoption of GNSO Policy Recommendations ("Process") and the GNSO Council's work in drafting this proposal.

The RrSG recognizes that such a Process is necessary as highlighted by a number of recent situations including the PPSAI IRT and the Urgent Requests work within the Registration Data Policy IRT. As such, **the RrSG supports the development of a Process by which the ICANN Board can reverse adoption of GNSO policy recommendations in very limited circumstances and with appropriate guardrails, as already noted in the proposal.**

The RrSG supports much of the proposed Process, including the limitation of this reversal option to Policy which has not yet concluded its implementation, the requirement for the Board to engage in dialogue with the GNSO Council, the voting thresholds matching the original policy adoption thresholds, and the use of this same process for both PDP and GGP scenarios.

The RrSG has specific comments and some concerns with the following areas in this proposal:

## Circumstances of reversal

The RrSG appreciates the limitation of circumstances when reversal can occur ("*The action should be taken on the basis of new information and where the recommendation is no longer in the best interest of ICANN or the ICANN community.*" (pg. 9)). However, "new information" may not be the best approach. Instead, we should consider referring to "changed circumstances". Reversal of an adopted recommendation may be prompted not by the discovery of information that was unknown when the policy was adopted, but a change in reality that now requires a reversal.

The process could instead say "The action should be taken on the basis of new information **or a change in relevant circumstances** and where the recommendation is no longer in the best interest of ICANN or the ICANN community." *(bold text is new)*

## Recommendation interdependence and Council consultation

The RrSG notes that Working Group recommendations are often presented as a package, and so adjusting one or more of those recommendations may cause confusion or adverse

effect on the remaining recommendations. In addition, Working Group negotiations are often based on what recommendations are included and so if changes are made that may affect the level of consensus overall. This Process must be sensitive to those concerns; the Board should include this interdependency in their consideration of whether to adjust the recommendation.

**It will likely be necessary to gather further information from the GNSO Council on the specifics of recommendation interdependence and WG negotiations as part of considering this reversal process, both generally when formalizing the process and specifically when considering the reversal of a particular recommendation.**

## Availability of this Process

The RrSG supports that this process should be available "*In limited circumstances, where the ICANN Board has adopted a GNSO policy recommendation and where that recommendation has not yet concluded its implementation*" (pg. 9).

There should be consideration of a **pathway for the GNSO Council to recommend to the Board that the adoption of recommendations be reversed rather than relying solely on the Board to identify situations for reversal**. There is indeed the possibility of fiduciary considerations for the Board but the Community also has faced unforeseen circumstances that have made policies obsolete or otherwise not fit for purpose prior to concluded implementation and the Community is well-suited to raise those issues via the GNSO Council. One relevant example is the PPSAI IRT: while it is clear that the recommendations date from a pre-GDPR era, the IRT is being forced into very *creative* interpretations to implement them, rather than restarting with a more suitable and up-to-date set of recommendations.

Further, if the IRT members unanimously agree that the Policy **is** fit for purpose, the RrSG is concerned about the potential for that decision to be overridden by the ICANN Board. As such, **consultation with the IRT should be a required part of the reversal process**. This may occur naturally as the IRT's work leads up to the Board's consideration of reversal of adopted recommendations; if not then it should be part of the process alongside Board interaction with the GNSO Council.

## Board's obligation to follow this Process

The proposed process says "*the Board **may** adhere to the process below*" (pg. 9); does this mean they also may **not**, and the Board could reverse an approval without following this process? Or is this intended to mean that **if** the Board decides a reversal should happen then this is the process that must be followed? **The "may" should instead be a "should".**

## Proposal: Review of reversals

It may prove valuable to further consider how to document and discuss these situations in a measurable and structural manner. This would help identify patterns in the policy development work leading to the necessity of reversing an approved recommendation—a

situation that should be vanishingly rare—to ensure that those patterns are understood and minimized where possible. **The RrSG suggests that any reversal decision should be subject to specific review of the individual reversal occurrence as well as a broader regular review, perhaps biannually, of all reversals that have occurred in that period.** It may be appropriate for the ICANN Org to draft the review and share it with both the Board and GNSO Council for input and acceptance prior to publication for the Community.


Thank you,

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