

NCSG PUBLIC COMMENT

Re: [Standard Bylaws Amendment-Transition Article on Specific Reviews](#)

Submitted by: Non-Commercial Stakeholder Group (NCSG) | **Date:** [\[02.04.2026\]](#)

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in formulating the Domain Name System policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

NCSG thanks ICANN for the opportunity to comment on the proposed [Transition Article to Address Specific Reviews](#). NCSG agrees that the current situation is untenable: ICANN cannot continue to rely on repeated deferrals of Bylaws-mandated Specific Reviews while also claiming that the present reviews architecture is functioning as intended. The real question is not whether action is needed, but whether this amendment is appropriately framed as a narrow, temporary bridge while the community-led redesign of reviews is completed.

Introduction

Abstract

NCSG supports the use of a temporary transition article in principle, but only if it is treated as a limited mechanism to restore procedural integrity while the Reviews CCG completes its work. NCSG does not support allowing the amendment to become a generalized suspension tool for accountability obligations. The proposal is strongest where it is narrowly time-bound, linked to identifiable community milestones, and explicit that any long-term change must come through a proper Bylaws path. It is weakest where it risks creating ambiguity around extensions, restart conditions, or the relationship between review reform and future accountability expectations.

NCSG Position and Arguments

NCSG offers the following comments:

1. The proposal is justified only because the present reviews architecture has already been shown to be structurally overloaded

NCSG does not view this amendment as justified merely because reviews are difficult or resource-intensive. It is justified because ICANN has already documented a structural collision of review-related workstreams. In the [19 May 2025 Board rationale](#), the Board did not describe a temporary scheduling inconvenience; it described a broader problem of overlapping review initiatives, unresolved ATRT3 implementation, and community bandwidth constraints severe enough to undermine the effectiveness of the review function itself. The Board also expressly cited earlier work dating back to [2018 short-term and long-term options to adjust review timelines](#) and to the later consultation paper on next steps on reviews, confirming that this is not a sudden problem but a long-running one.

For NCSG, that record matters. It means support for a temporary pause does not rest on deference to Board convenience. It rests on the evidence that the current model has become too congested to produce timely, comprehensible, and implementable accountability outputs.

2. The amendment is more credible because it is tied to an existing community process, not merely to Board discretion

NCSG attaches significant weight to the fact that the [Bylaws Playbook](#) identifies a “SO/AC request for Bylaws amendment to address the delay of Specific Reviews while the community conversation on reviews proceeds” as one of the community-raised Bylaws update streams under discussion. In other words, the present amendment is not simply a top-down legal fix devised in isolation; it emerged from a community-recognized need to regularize the delay of Specific Reviews while the broader reviews conversation continued.

That same Bylaws Playbook is also useful because it explains the institutional significance of this proposal. It confirms that a Standard Bylaws amendment proceeds through Board initiation, Public Comment, Board approval, and the Empowered Community rejection process, and that the Board’s initiation of such a process does not itself mean the Board has accepted the final text. That is important because it underscores that the community is not being asked simply to ratify a settled outcome; it is being asked to shape whether the proposed bridge is proportionate and how it should operate.

3. The initial 12-month pause is defensible; using the full 24 months should require a much stronger showing

The [draft transition article](#) pauses the obligation to conduct the Specific Reviews, resumes that obligation after **12 months**, and permits a longer pause only if one of three conditions exists: the Board has accepted community-developed recommendations, a Bylaws amendment process has begun to modify or replace Article 4.6, or **four of seven SO/ACs** support a further pause. Even then, the total pause cannot exceed **24 months**.

NCSG considers the **initial 12-month pause** defensible because it aligns with the Reviews CCG work already underway. But the **full 24 months** should not become the default expectation. The reason is that the published **Review of Reviews factsheet timeline** points toward a **final report and support to the Board in August 2026**. That suggests the initial

pause was designed to create room for a defined body of work already on the calendar, not to normalize a two-year accountability holiday. If ICANN seeks to use the second year, it should have to show not merely that work is still “ongoing,” but that there has been material community progress and that the remaining steps could not reasonably have been completed within the first year.

NCSG therefore recommends adding an express requirement that any extension beyond 12 months be accompanied by a public explanatory statement setting out: the trigger relied upon, the milestones completed, the work still pending, the reason additional time is necessary, and the anticipated next step.

4. Restart sequencing is sensible, but the current proposal is still too mechanical

The proposal’s restart logic is better than an automatic return to simultaneous review launches. Under the draft transition article, if the old obligations resume, the ATR would restart within 90 days, the SSR within 18 months of ATR initiation, and the RDS Review within 18 months of the SSR. This is far more realistic than trying to bring all paused Specific Reviews back online at once.

NCSG also agrees with the substantive reason for placing ATR first. The 19 May 2025 Board rationale recalled that ATRT3 tasked ATRT4 to reassess the relevance of the RDS Review and determine the future of the SSR Review, and also recommended that the CCT Review should occur one more time before sunsetting that topic. In other words, ATRT4 was not merely another delayed review; it was supposed to help determine the shape of later Specific Reviews.

Still, the restart mechanism is too calendar-driven. NCSG recommends adding a requirement that before each later review is initiated, ICANN assess and publish whether the community and org have sufficient implementation and participation capacity to support that next review. Without that safeguard, the sequencing may still reproduce the very congestion that triggered this amendment.

5. The CCT trigger is the part of the proposal most in need of refinement

The draft transition article would start the next Competition, Consumer Trust and Consumer Choice Review only when the next round of new gTLDs has been in operation for two years, measured from the point at which 500 gTLDs from that round have been delegated into the root zone. This is more specific than the older Bylaws rule and tries to respond to the concern that a CCT review should have enough real-world data to assess market effects and consumer outcomes.

NCSG understands the logic, but this formulation is still problematic. ICANN’s own [FY26–30 Operating and Financial Plan](#) shows that the New gTLD Program: Next Round depends on significant operational build-out, system readiness, procurement, outreach, and application processing assumptions. It also notes that implementation carries dependencies and timeline risks, and that the scope of investment is being made without precise knowledge of future

application volume. That means the speed of delegation in the next round is not a fixed or easily predictable variable.

For that reason, NCSG recommends replacing the current CCT trigger with either:

- a dual trigger that combines the delegation threshold with a backstop date, or
- a clause requiring the Board to publish a justification and revised timetable if the 500-delegation benchmark is not reached within a specified period.

Without such a safeguard, the proposal risks moving from “data-based timing” to **open-ended** postponement by operational contingency.

6. Review reform should be linked to ICANN’s own strategic commitments on agility, policy process improvement, and institutional accountability

ICANN’s current [Strategic Plan for FY2026–2030](#) is directly relevant here. It commits ICANN to “reduce complexity and create incentives to encourage active participation,” to “establish a proactive framework to ensure early involvement and avoid unexpected outcomes,” and to “incorporate flexibility and agile methodologies into the policy and advice development and implementation life cycle.” It also places strong emphasis on organizational excellence, including institutional agility and adaptability. Those are not abstract management ambitions; they are directly implicated by the current reviews problem.

The FY26-30 Operating and Financial Plan likewise shows that ICANN has already built review-related reform into its planning architecture through initiatives such as the Pilot Holistic Review, the Continuous Improvement Program, Advice Consideration Process Improvements, and Policy Development and Implementation Process Improvements. The same plan also reiterates the importance of planning prioritization for Board-approved PDP, Specific Review, and CCWG recommendations.

NCSG therefore believes that any transition article should be interpreted consistently with those existing strategic commitments. A temporary pause may serve agility; an indefinite pause would contradict it. Reform should simplify, clarify, and improve accountability, not defer it without discipline.

7. The amendment should say more clearly that the end-state is not fewer accountability obligations, but better ones

The [Review of Reviews factsheet](#) is explicit that the goal of the Reviews CCG is to design a review system that is “sustainable, impactful, and fit for purpose,” and that any resulting bylaw changes would need to align the Bylaws with the CCG recommendations while removing deprecated or changed processes. The factsheet also explains why this matters: reviews are part of how ICANN remains accountable, and a modernized system should reduce unnecessary burden, improve trust and transparency, and ensure reviews lead to actionable and implemented outcomes.

NCSG supports that framing and recommends that the final Board rationale for any adopted amendment say so plainly. The community needs assurance that this exercise is about strengthening accountability architecture, not weakening it by attrition. That assurance is especially important because the present proposal pauses not just one review, but the full set of currently pending Specific Reviews.

Conclusion

NCSG supports the proposed Transition Article to Address Specific Reviews in principle, but only as a strictly temporary, tightly justified, community-anchored mechanism.

NCSG therefore recommends that ICANN:

1. retain the **12-month base pause** and the **24-month outer cap**, but make clear that the second year is exceptional, not presumed;
2. require a **publicly reasoned extension notice** if the pause continues beyond 12 months;
3. preserve the current **sequencing logic**, but condition later restarts on a published **capacity and implementation readiness assessment**;
4. revise the **CCT trigger** so that it cannot become an open-ended deferral if next-round delegation proceeds more slowly than expected; and
5. confirm in the final rationale that the purpose of this amendment is to support a **more effective and credible accountability framework**, not to normalize suspension of review obligations.

Respectfully submitted,
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