

<b>Distribution</b>	Public
<b>Date</b>	27 September 2023

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## Governmental Advisory Committee Comment on the ccNSO Proposed Policy for a Specific ccTLD Related Review Mechanism

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The Governmental Advisory Committee (GAC) appreciates the opportunity to comment on the ccNSO Proposed Policy for a Specific ccTLD Related Review Mechanism, pertaining to the delegation, transfer, revocation and retirement of ccTLDs, submitted to the ICANN Board of Directors.

The GAC wishes to focus comments on two sections of the proposed policy:

- The CCRM Manager
- “Stress Testing”

Regarding the **CCRM Manager**, the GAC notes that the CCRM Manager must be a non-conflicted individual who is a Subject Matter Expert with respect to ccTLDs, the IFO and ICANN, and the entity who will be responsible for overseeing and managing the CCRM System.

The GAC wishes to convey its concern regarding the possibility of finding such an expert, unanimously accepted by the parties in conflict (ccTLD managers and applicants for new ccTLDs) and therefore accepting the review decision taken by said expert. The GAC suggests consideration of an alternative option, including potential arbitration, where each party would be enabled to choose its own expert and a third expert would be chosen by the two experts or by ICANN org. While this option may prove to be more expensive, the GAC considers that this would allow for a case by case approach, i.e. no permanent expert would need to be retained as

these cases wouldn't be numerous, but this option would offer an additional chance that the ICANN review decision would be accepted by the two parties in conflict.

In the context of a review or appeal, the GAC wishes to express lack of understanding pertaining to point 7, "**stress testing**" which is not sufficiently clear and understandable as it doesn't specify how such stress test is drafted and who carries out such a test for the corner cases defined in Appendix C: *"test the process as developed by applying the process to "corner case" situations to understand whether such a case results in an unwanted outcome or side effects"*. The GAC notes that it is necessary to properly understand the situations as to whether such a case would not result in an unwanted outcome or unintended consequences.

With the review mechanism and ccTLD status quo and protection in mind, the GAC kindly reminds that the review mechanism shall respect and duly protect the rights and benefits of all parties that have concluded ccTLD agreements or other similar instruments with ICANN as including their rights associated or attached such country or regional code TLD. The inability to protect ccTLDs may result in release or transfer of ccTLDs to unintended parties hence creating unprecedented and unforeseeable consequences, or to the extreme, affecting the stability of the DNS system.

The GAC conveys its thanks for the opportunity to provide input on the ccNSO Proposed Policy for a Specific ccTLD Related Review Mechanism and looks forward to further engagement with the ccNSO on this matter moving forward.

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