

# Issues Report

## 1. Introduction

### 1.1 Background

At the ICANN meeting in Mar del Plata, ICANN's Vice President Policy Development Support (Mr. Paul Verhoef) relayed a letter from CENTR, on behalf of its ccTLDs community, to the ccNSO Council and requested the Council to consider CENTR's letter. The letter identified a number of issues in relation to the ccNSO bylaws that are said to stand in the way of a number of CENTR members joining the ccNSO.

Having considered the letter, the ccNSO Council resolved to investigate whether a ccPDP (ccNSO Policy Development Process), as described in Annex B of the ICANN bylaws, is a viable route to address the expressed concerns. In accordance with Resolution of the Council at that meeting the Chair of the ccNSO Council sent out a call on 11<sup>th</sup> April 2005 to the members and non-members of the ccNSO to determine if :

- a) there was consensus in the ccTLD community for the Council to request an Issues Report as the first step in initiating a ccPDP; and
- b) there are other issues, besides those raised in the CENTR paper, that ought to be considered in this context.

The Council received positive feedback from the community to conduct a ccPDP. There was no feedback against the initiation of a ccPDP nor any suggesting limitation to or broadening of Issues.

The Council considered the matter at its next meeting on 28 April 2005, and resolved to call for an Issue Report on whether a Policy Development Process should be launched to consider recommending to the Board of ICANN changes to;

1. Article IX of the ICANN By Laws (<http://www.icann.org/general/bylaws.htm#IX>);
2. The ccNSO Policy Development Process (<http://www.icann.org/general/bylaws.htm#AnnexB>); and
3. The Scope of the ccNSO (<http://www.icann.org/general/bylaws.htm#AnnexC>)..

At the same meeting Bart Boswinkel was appointed as interim Issue Manager.

To seek further input the community was invited by the Chair of the ccNSO on the 5<sup>th</sup> of May 2005 to submit comments. On the 13<sup>th</sup> of May a reminder was send to the lists to submit comments.

At closing date, May 15<sup>th</sup> 2005, comments were received, from DENIC (.de registry), Nominet (.uk registry) and UNinett (.no registry). In preparing his report, the Issue Manager has considered the letter from CENTR [<http://www.centri.org/docs/2005/04/comment-ccnso-process.pdf>] as well as those comments.

## 1.2 Process

According to the ICANN By-laws Appendix B, section 3, the Council will need to vote on whether to initiate the PDP on the issues as defined. During the next phase comments are requested on the issue(s) as defined in the Issues Report. These comments will then be compiled by the Issue Manager in the Initial Report. Thereafter in the second period for comments input is sought on the Initial Report. The comments will be reviewed again and the appropriate comments, to be determined by the issue manager, will be added to the Initial report, to create the final report. On the basis of the Final Report the Council shall work towards achieving recommendations to be presented to the Board after a positive vote on the recommendations of the members of the ccNSO.

The Issue Report contains the specific issues of members and non-members of the ccNSO with regard to:

1. Article IX of the ICANN By Laws (<http://www.icann.org/general/bylaws.htm#IX>);
2. The ccNSO Policy Development Process (<http://www.icann.org/general/bylaws.htm#AnnexB>); and
3. The Scope of the ccNSO (<http://www.icann.org/general/bylaws.htm#AnnexC>)..

In the next phase comments and input will be sought on:

- a) whether the matters raised are of concern to ccNSO members, and the ccTLD community and its stakeholders generally;
- b) if they are, methods of resolving the issues;
- c) support for the alternative solutions throughout the relevant constituencies; and
- d) the feasibility, effectiveness and proportionality of the solutions proposed.

The finalisation of this phase will result in the Initial Report.

In the second round of comments input will be sought on the concrete proposals if any to change Article IX, Annex B or Annex c of the ICANN Bylaws.

### 1.3 Issues Report

The ICANN By-laws Annex B section 2, require the Issue Report to contain the following information:

1. The proposed issue raised for consideration;
2. The identity of the party submitting the issue;
3. How that party is affected by the issue;
4. Support for the issue to initiate the PDP;
5. A recommendation from the Issue Manager as to whether the Council should move to initiate the PDP for this issue (the "Manager Recommendation").

In following section of this report the input received is presented in the following order:

- a) Identity of the party submitting the issue;
- b) Proposed issue(s) raised for consideration;
- c) How the party is effected by the issues;
- d) Support for the issue(s) raised

The comments and issues raised for consideration (sub b.) are divided into four categories:

- i. Issues relating to Article IX of the by-laws
- ii. Issues and comments relating to the ccPDP (Annex B)
- iii. Issues and comments relating to the scope of the ccNSO (Annex C)
- iv. Comments and issues which do not fall in the aforementioned three categories.

The report then considers whether the issues are specific enough to be resolved by recommending to the ICANN Board changes to Article IX, Annex B and/or Annex C of the by laws. The issues that can be so resolved are the basis for the potential list of issues for the PDP. .

Also in accordance with the by laws, ICANN's General Counsel provides an opinion as to whether the issues listed are properly within the Mission of ICANN and within the scope of the ccNSO (section 5).

Taking into account the list of potential issues and the opinion of General Counsel, the Issue Manager makes a Recommendation whether or not an issue should be part of the PDP.,

As it is recommended to the Council to initiate a PDP a time line to conduct the process is proposed as well (section 7) .The Council is advised not to convene a Task Force (section 6) Finally, if a PDP is conducted as proposed in this Issues Report, it is uncertain if and to what extent the Board of ICANN will adopt the recommendations.

## 2. Comments and Input received

### 2.1 CENTR

#### a) Identity

CENTR is the Council of European National Top level domain Registries. The ccNSO Council has designated CENTR as a Regional Organisation for the European region under Article IX Section 5 of the ICANN by-laws.

#### b) Issues raised:

##### i. Article IX

*No binding of policy for non-members of the ccNSO.*

It should be made clear that ccNSO policies cannot bind non-members of the ccNSO.

*Policy that is binding on ccNSO members (Article IX section 4.10)*

Under the current bylaws (Article IX section 4,10) an ICANN policy shall apply to a member of the ccNSO by virtue of its membership if, and only to the extent that this policy (a) has been developed through the ccPDP and b) has been recommended as such by the ccNSO to the Board, and (c) is adopted by the Board as a policy.

According to CENTR a policy should only be binding on members if it is on a matter that is within Scope and has been developed through the ccPDP and is adopted by the Board.

*Amendment of the by-law.*

Under the current bylaws there is a provision (Article IX section 6) that deals with changes to Annex B and Annex C of the bylaws.

According to CENTR Article IX, Annex B and Annex C should only be amended by the ICANN Board if a minimum of 66% of the members of the ccNSO consent.

##### ii. ccPDP (Annex B)

*Initiating a ccPDP (Annex B Section 3b)*

Under the current bylaws the ccNSO Council can initiate a ccPDP on matters which are within Scope and outside of Scope (Annex B section 2.b) According to CENTR a ccPDP should only be possible on matters that are within the Scope of the ccNSO.

*Membership quorum voting on PDP recommendations (Annex B Section 13)*

According to the current bylaws (Annex B section 13) a vote of the members is valid without a quorum. According to CENTR a vote of ccNSO members is only valid if at least 50% of the members have lodged a vote.

*Rejection of PDP recommendations by the ICANN Board*

Under the current bylaws the Board can reject a recommendation of the ccNSO where the Board determines by a vote of more than 66% of the Board that such policy is not

in the best interest of the ICANN community or of ICANN (Annex B section 15).

According to CENTR, recommendations to the ICANN Board following a ccNSO PDP should only be able to be rejected by the Board in exceptional circumstances.

### **iii. Scope of the ccNSO (Annex C)**

#### *Matters within the ccNSO Scope*

According to CENTR the scope of the ccNSO's global policy responsibility should be limited to making policy for the operation of the IANA function as it relates to ccTLDs. This may comprise IANA procedures (including those related to IANA in the event of a registry change), and fees to IANA.

### **iv Other Comments**

#### *Subsidiarity*

The principle of subsidiarity is mentioned.

#### *Enforcement procedures.*

ICANN should set out clearly what enforcement procedures, if any, it will apply where a ccNSO member does not comply with a duly adopted global binding policy.

#### *Internal Organisation of the ccNSO*

ccNSO Members should decide on the fee structures and (internal) operational procedures.

### **c) How CENTR is affected by the Issues**

CENTR is not a ccTLD manager and as such is not eligible to become a member of the ccNSO. However, the issues raised by CENTR appear to be shared concerns among some of its members. Addressing the concerns raised may encourage ccTLD managers from the European region to join the ccNSO. However no individual CENTR members have committed to do so.

### **d) Support for issues raised**

All comments and issues raised by CENTR are explicitly supported by Nominet and UNINETT Norid. The issues raised by CENTR are a compilation of the main concerns of the CENTR community related to the ccNSO process. As such it does not reflect the position of an individual member of CENTR. The compilation is the result of a CENTR internal consultation process according to a process which was endorsed by the CENTR community at its previous meetings. At its next meeting, 16<sup>th</sup> and 17<sup>th</sup> June 2005, the CENTR community will be requested to ratify the final version of the paper.

## **2.2 Nominet UK**

### **a) Identity**

Nominet UK is the ccTLD manager for .UK . Nominet is not a member of the ccNSO.

### **b) Issues raised**

#### **i. Article IX**

##### *IANA Services*

According to Article IX, Section 4,3 "Neither membership in the ccNSO nor membership in any Regional Organization described in Section 5 of this Article shall be a condition for access to or registration in the IANA database. Membership in the ccNSO is independent of any individual relationship a ccTLD manager has with ICANN or the ccTLD manager's receipt of IANA services."

According to Nominet there should be a clear statement that IANA services are not in any way contingent upon membership of the ccNSO.

##### *Policy that is binding on ccNSO members*

A policy can only be binding on members if it is on a matter that is within Scope and it was created by using the PDP.

##### *Amendment of the by law*

The ccNSO membership must be involved in any change to the by laws that effects them.

#### **ii ccPDP (Annex B)**

##### *ccPDP process*

The PDP process should be radically simplified.

##### *PDP recommendations to ICANN Board*

Recommendations to the ICANN Board following a ccNSO PDP should only be able to be rejected by the Board in exceptional circumstances.

#### **iii Scope of the ccNSO (Annex C)**

##### *Matters within the ccNSO Scope*

The Scope should be clarified and limited.

#### **iv Other Comments**

##### *Subsidiarity*

The principle of subsidiarity is mentioned.

##### *CENTR statement*

The letter sent by CENTR is endorsed by Nominet.

### **c) How Nominet is effected by the Issues**

Nominet is currently not a member of the ccNSO. In their opinion the issues raised need to be resolved because they address Nominet's and other ccTLD managers legitimate concerns which discourage them from joining the ccNSO.

### **d) Support for issues raised**

Nominet welcomes a PDP addressing the concerns as a positive step in the development of the ccNSO.

Some of the issues Nominet has raised are supported by CENTR.

## **2.3 DENIC**

### **a) Identity**

DENIC is the ccTLD manager for the .DE domain.. DENIC is not a member of the ccNSO.

### **b) Issues raised**

#### **i Article IX**

##### *Applicable law exemption (Article IX Section 10)*

Where a policy developed through a ccPDP conflicts with the law applicable to the ccTLD manager, the policy does not apply to the manager. The law applicable shall always remain paramount. It is unclear what the mechanism is to invoke this exemption and who bears the burden of proof. It is therefore a source for potential conflict between the ccNSO member and ICANN.

##### *Scope to set binding policies (Article IX section 1)*

Potentially the ccNSO itself can set binding policies on its members on activities not defined in Article IX section 1 but authorised by its members.

##### *Changes to ccPDP and Scope (Article IX section 6)*

The use of the word "initially" in Article IX section 6 implies the scope for setting binding policies will change over time. This is contrary to the original intention to keep the scope as narrow as possible.

#### **ii ccPDP (Annex B)**

##### *Ability of Board to set binding policies on issues not within scope.*

Under the current bylaws an issue outside of scope can be considered in a PDP. Where the final recommendation to resolve the issue is a Supplemental Recommendation (Annex B section 15) and the issue is within scope according to General Counsel pursuant to Annex B section 2, the Board may not set a policy and the status quo remains.

According to DENIC , if an issue is not within scope pursuant to Annex B section 2 and where the Supplemental Recommendation is rejected by the Board in accordance with Annex B section 15, then the Board can set its own policy, which will be binding on the ccNSO members.

*Membership quorum voting on PDP recommendations (Annex B Section 13)*

In order to make Recommendations to the Board the ccNSO members are given the opportunity to vote on the Recommendations to be presented. The first round of voting is only valid if at least 50% of the members have lodged a vote. Where less than 50 % of the members lodge a vote a second round of voting will be held. The outcome of this round of voting will then be employed irrespective of the number of members who have voted. As a result there is a risk of capture of the voting in the second round and setting a policy which is of no interest to the majority of the members.

**iii Scope of the ccNSO (Annex C)**

*Interoperability*

In Annex C an area that is defined as within scope is the “ccTLD name servers function in respect to interoperability”. The use of these words is open to various interpretations and lacks clarity. It therefore leaves room to introduce issues which could be relevant for the gTLD’s but unrelated to ccTLD’s.

**iv Other Comments**

*Unilateral amendment of by laws by ICANN Board (Article XIX)*

Under Article XIX the Board of ICANN is able to change or amend Article IX of the bylaws without participation of the ccNSO. As a result the Board can potentially circumvent or remove the safeguards for ccNSO member in the bylaws or impose additional obligations on the ccNSO members through the bylaws.

*Ability to change the Bylaws after periodic review (Article IV section 4)*

According to the bylaws (Article IV section 4) there needs to be a periodic review of the Article IX and Annex B and C. This review can result in a change of the bylaws.

*ccNSO membership and bilateral relations between ccTLD manager and ICANN*

It is unclear if and to what extent termination of membership of the ccNSO has an impact on the bilateral relation between the ccTLD manager and ICANN/IANA. There are (valid) concerns that ICANN would use the termination of the membership as a basis to initiate a change of ccTLD manager.

**c) How DENIC is effected by the Issues**

DENIC has stated it feels unable to join the ccNSO as long as the issues raised by them remain unresolved.

**d) Support for issues raised**

Based on the input received some of DENIC’s issues are supported by others, for example with the requirement of a quorum of ccNSO members in case of a members vote in a PDP.

On other matters there is a overlap with issues others have raised such as:



- Changes to the bylaw by the ccNSO;
- Definition of scope (Annex C);
- Limiting the ability to set binding policies through a ccPDP.

Finally there are some issues only raised by DENIC:

- Mechanism for exemption in case of conflict ccNSO policy and applicable law;
- Ability to set binding policies through authorisation by the ccNSO members without going through the mechanism of running a ccPDP;
- Ability by the Board to set policy in case Supplemental Recommendation is not accepted.

## 2.4 UNINETT Norid

### a) Identity

UNINETT Norid is the ccTLD manager for .no and .bv

### b) Issues raised

#### i Article IX

##### *Binding policy*

For policy to be binding in must be within the Scope of the ccNSO

#### ii ccPDP (Annex B)

##### *Membership quorum voting on PDP recommendations (Annex B Section 13)*

For a vote of ccNSO members to be valid a minimum of the members must vote.

##### *Initiating a ccPDP (Annex B Section 3b)*

A ccPDP should only be possible on matters that are within the Scope of the ccNSO.

#### iii Scope of the ccNSO (Annex C)

##### *Matters within the ccNSO Scope*

The Scope should be limited.

#### iv Other Comments

##### *Subsidiarity*

The principle of subsidiarity is mentioned.

##### *CENTR statement*

The letter sent by CENTR is endorsed by UNINETT Norid.

### c) How UNINETT Norid is effected by the Issues

The issues raised prevent UNINETT from joining the ccNSO

#### **d) Support for Issues raised**

UNINETT Norid fully supports and welcomes a PDP on the issues raised by them and CENTR. The issues raised by UNINETT Norid are also raised in the other input received.

### **3.1 Analysis of Comments and Issues.**

In considering whether an issue raised should be included in the list of matters to be discussed and addressed in a ccPDP the following criteria are applied :

1. The Issue raised has to relate directly to Article IX of the bylaws, the ccPDP (Annex B) or scope of the ccNSO (Annex C) as requested by the Council (Resolutions of 6<sup>th</sup> April (Mar del Plata meeting) and 28<sup>th</sup> April);
2. The issues should be specific enough to be resolved by recommending to the ICANN Board concrete changes to Article IX, Annex B and/or Annex C of the bylaws.

As a result, when applying the first criterion, all issues raised for consideration that do not relate to either Article IX, Annex B or Annex C of the ICANN bylaws are not within the area of issues as defined by the Council for further consideration in a PDP.

When applying the second criterion to the issues raised on Article IX it is recommended they are all considered as items of a ccPDP.

With regard to the issues relating to the ccPDP, Annex B, it is recommended that all issues raised are to be considered with the exception of a radical change and simplification of the ccPDP. This issue, although appealing is not very specific, without having gone through the experience of a ccPDP. Further as has commented by CENTR a comprehensive change of the ccPDP is advised if substantial more ccTLD managers have joined the ccNSO. At a more practical level it is not recommended at this stage in order to profit from the experience of running a ccPDP first and evaluating the process.

With regard to the issues raised to the scope of the ccNSO, it is recommended to consider all issues raised as a matter to be considered in a ccPDP. As to the comments by CENTR, Nominet and UNINETT Norid regarding the principle of subsidiarity it is advised to take this principle explicitly into account when comments and possible resolutions are considered at the next phase of the process.

Finally, where a comment or an issue is not within the remit of a possible ccPDP as defined by the ccNSO Council , in particular the matters that are listed under the headings iv. Other comments in paragraph 2, the Council itself or ICANN and its staff may consider other means to address an issue. For instance a more transparent and visible presentation of the working procedures and workplans of the ccNSO and its working groups will already address some of the comments and issues raised. However this is outside the scope of the ccPDP.

### **3.2 . Issues for consideration in a PDP**

Based on the Resolutions of the Council and taking into account the input received it is recommended to the Council of the ccNSO to initiate a PDP to consider a change of the bylaw Article IX (Country-Code Names Supporting Organization), Annex B (ccNSO Policy-Development Process) and Annex C (the Scope of the ccNSO) to address the following matters raised:

#### **Article IX:**

*A -- No binding policy for non-members of the ccNSO.*

Under the conditions enumerated in Article IX section 4.10 a ccNSO policies shall apply to members of the ccNSO by virtue of their membership . Is this language sufficiently clear..

*B -- IANA Services*

At article IX section 4.3 it is stated that ccTLD's managers receipt of IANA services is independent of membership of that ccTLD manager in the ccNSO Is this language sufficiently clear..

*C -- Amendment of the by-law.*

Under the current bylaws there is a provision (Article IX section 6) that deals with changes to Annex B and Annex C of the bylaws.

Should the ICANN Board only be able to change or amend Article IX, Annex B and Annex C after consultation and the consent of the members of the ccNSO?

*D -- Setting binding policies*

Under the current bylaws (Article IX section 4,10) a member of the ccNSO shall be bound by an ICANN policy if, and to only to the extent that this policy (a) has been developed through the ccPDP and b) has been recommended as such by the ccNSO to the Board, and (c) is adopted by the Board as a policy.

Should a policy only be binding on members if and only to the extent the policy is on an issue that is within Scope and has been developed through the ccPDP and is adopted by the Board?

E -- Can the ccNSO potentially set binding policies on its members on activities not defined in Article IX section 1 but authorised by its members? If so, is this an issue? If not, should the ccNSO be able to do so?

*F -- Changes to ccPDP and Scope*

The use of the word "initially" in Article IX section 6 implies the scope for setting binding policies (and the ccPDP) will change over time. Should the ccNSO be able to change the Scope and the ccPDP over time? Should the ccNSO be able to change Article IX over time?

*G -- Applicable law exemption*

Where a policy developed through a ccPDP conflicts with the law applicable to the ccTLD manager, the policy does not apply to the manager. The law applicable shall always remain paramount.

Should a process be inserted into Article IX section 4.10 that sets out how a decision should be made as to whether a ccNSO policy does conflict with the national law of a ccNSO member?

### **ccPDP (Annex B)**

#### *H -- Initiating a ccPDP*

Under the current bylaws the ccNSO Council can initiate a ccPDP on matters which are within Scope and outside of Scope (Annex B section 2.b) Should it only be possible for the Council to initiate a ccPDP on matters that are within the Scope of the ccNSO?

#### *I -- Membership quorum voting on PDP recommendations*

According to the current bylaws (Annex B section 13) a vote of the members is valid without a quorum. Should a vote of ccNSO members only be valid if at least 50% of the members have lodged a vote irrespective of the round of voting?

#### *J -- Rejection of PDP recommendations by the ICANN Board*

Under the current bylaws the Board can reject a recommendation of the ccNSO in case the Board determines by a vote of more than 66% of the Board that such policy is not in the best interest of the ICANN community or of ICANN (Annex B section 15).

*K -- Should the ICANN Board only be able to reject a Recommendation or Supplemental Recommendation as the case may be in exceptional circumstances?*

#### *L -- Ability of Board to set binding policies on issues not within scope.*

Under the current bylaws an issue outside of scope can be considered in a PDP. In case the final recommendation to resolve the issue is a Supplemental Recommendation (Annex B section 15) and the issue is within scope according to General Counsel pursuant to Annex B section 2, the Board may not set a policy and the status quo remains.

If the Council will remain able to initiate a ccPDP outside of Scope, is the ICANN Board able to set its own policy, if the issue is not within scope pursuant to the opinion of the General Counsel and in case the Supplemental Recommendation is rejected by the Board? If so, should this remain the case? If not, should this be introduced?

### **Scope of the ccNSO (Annex C)**

M -- Should the Scope of the ccNSO be redefined?

With regard to all of the matters listed above comments and input is sought from the relevant constituencies: :

- a) whether the matter raised is of concern to ccNSO members, and the ccTLD community and its stakeholders generally;
- b) if so, methods of resolving the issue(s);
- c) support for the alternative solutions throughout the relevant constituencies; and
- d) the feasibility, effectiveness and proportionality of the solutions proposed.

#### ***4. Opinion ICANN's General Counsel***

The ccNSO Policy Development Process as set forth in the ICANN Bylaws at Annex B, at paragraph 2, calls the Manager's Recommendation to include an opinion of the ICANN General Counsel regarding 1) whether the issue is properly within the scope of the ICANN policy process; 2) within the scope of the ccNSO; 3) whether the issue Implicates or affects an existing ICANN policy and 4) whether the issues is likely to have lasting value or applicability, albeit with the need for occasional updates, and to establish a guide or framework for future decision-making.

The General Counsel's opinion is that all of the issues are properly within the scope of review for the ICANN policy process and within the scope of the ccNSO to consider. Depending upon the results of a ccPDP, some of the recommendations could fall outside of the scope of the ICANN policy process and the scope of the ccNSO. In the General Counsel's opinion some of the issues raised are already addressed within the existing ICANN Bylaws, but that a review of those provisions does not appear to be outside of the appropriate scope.

The General Counsel indicated that all of the issues may impact existing policies and that such review may or may not have lasting value or applicability depending upon the results of such review. The General Counsel cautions against making changes to policies or Bylaws unless such changes are required and necessary.

#### ***5 Recommendations Issue Manager***

According to Annex B section 2.e the Issue Manager shall make a Recommendation as to whether the Council should move to initiate the PDP for the issues raised and presented as such in paragraph 3.2 of this report. The Recommendation shall include and be supported by, an opinion of General Counsel as to whether the issue is properly within scope of the ICANN policy process and within the scope of the ccNSO. Accordingly, based on the opinion of General Counsel (paragraph 4 of this report) the Council of the ccNSO is recommended to initiate a PDP with a vote of ten (10 ) or more of the Council on all of the issues outlined in Section 3.2 of this report.

#### ***6. Uncertainty of approval of outcome by the ICANN Board***

According to the Annex B section 2.g it is required to give an indication whether the outcome of the PDP is likely to result in a policy i.e. recommendations for suggested changes of the bylaws which will be approved by the ICANN Board. However, substantive discussions on the

matters raised have not taken place yet. These are foreseen to commence in the next phase of the ccPDP. Therefore at this stage in the process it is uncertain if and to what extent the ICANN Board is likely to approve i.e. adopt the outcome of the ccPDP.

## **7. Appointment of Task Force**

According to the bylaws the Council may appoint a Task Force to gather information documenting the positions of the various parties or groups as specifically and comprehensively as possible to enable the Council to have a meaningful and informed deliberation on the issue(s).

In case the Council decides to convene Task Force, it has to:

- i. Convene a Task Force (including the required participation of two Representatives of the Regional Organizations, and formally request the GAC to participate);
- ii. Develop a charter or terms of reference which have to include:
  - The issues to be addressed by the Task Force;
  - Specific time line to which the Task Force must adhere to;
  - Any specific instructions the Task Force must adhere to, including whether or not the task force should solicit the advice of outside advisors on the issue.

Alternatively, if the Council does not convene a Task Force:

- i. Each Regional Organization shall, within the time designated in the PDP Time line, appoint a representative to solicit the Region's view on the issue;
- ii. The Council formally has to request the Chair of the GAC to offer opinion or advice: and
- iii. The Council may take other steps to assist in the PDP, for example, appointing particular individual(s), to gather information and to assist the Issue Manager.

Taking into account the nature of the issue(s) to be resolved through the PDP and considering that the foreseen benefits of appointing a Task Force in this particular case do not outweigh the expected impact on the proposed ccPDP, it is advised not to appoint a Task Force.

It is further advised to reaffirm the resolution of the Council at 28<sup>th</sup> of April to appoint one member of Council or other person from each Geographic Region to help gathering information and to assist the Chair of the ccNSO and the Issue Manager to run the ccPDP.

## **8. Proposed PDP Time line**

In order to meet the requirements of a PDP as defined in Annex B of the bylaws, the PDP needs to contain a predefined set of stages. Some of these stages have to be conducted over a minimal period of time.

It is recommended that in the next phase of the ccPDP comment and input is sought from the members of the ccNSO and other stakeholders in the ccNSO on the issues raised and possible alternative solutions, if any, to resolve the issues. At a next phase the comments and input is requested on concrete proposals.

It is expected that during the PDP there will only be one opportunity to conduct a discussion at a physical face –to – face meeting. This is anticipated to take place at the ICANN meeting in Luxemburg (July 11-15 2005). It is envisioned to give members of the ccNSO and other stakeholders the opportunity to comment and give input at this meeting. In order to make this as effective as possible it is recommended to conduct the physical meeting during the next phase of the PDP (Comment period 1).

Accordingly the following time line to conduct the PDP is proposed A more detailed version is enclosed as Annex A):

**Initiation of the ccPDP**

Decision date: 3 June 2005.

**Approval of the PDP time line**

Decision date: 3 June 2005.

**Decision not to appoint a Task Force**

Decision date: 3 June 2005.

**Comment Period 1**

Starting date: 6 June 2005

Closure of comment period: 16 July 2005

**Appointment of representative Regional Organization**

Starting date: 4 June 2005

Closure of appointment: 18 June 2005

**Publication of Initial Report**

Publication date: 1 August 2005

**Comment Period 2**

Starting date: 1 August 2005

Closure of comment period: 28 August 2005

**Final report**

Submission date: 11 September 2005

**Recommendation of the Council**

Decision date Council: 25 September 2005

**Council Report to the Members**

Submission date: 6 October 2005

**Members Vote**

Starting date: 7 October 2005

Closure date: 28 October 2005

**Board Report**

Submission date: 4 November 2005