

COMPARISON OF OLD VS. NEW GNSO POLICY DEVELOPMENT PROCESS

PLANNING FOR INITIATION OF A PDP

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
N/A	<p>The GNSO and Staff are encouraged to provide advice in advance of a vote on the request for an Issue Report specifying any additional research, discussion, or outreach that should be conducted as part of the development of the Issue Report.</p> <p>The GNSO is encouraged to consider scheduling workshops on substantive issues prior to the initiation of a PDP.</p> <p>The GNSO Council should take into full account the resources available, both volunteers and staff, when making its decision on whether or not to initiate a PDP.</p>

REQUESTING AN ISSUE REPORT

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
Who may request an Issue Report	
<p>An issue may be raised for consideration as part of the PDP by any of the following:</p> <p>a. <i>Board Initiation.</i> The Board may initiate the PDP by instructing the GNSO Council ("Council") to begin the process outlined in this Annex.</p> <p>b. <i>Council Initiation.</i> The GNSO Council may initiate the PDP by a vote of at least twenty-five percent (25%) of the members of the Council present at any meeting in which a motion to initiate the PDP is made.</p> <p>c. <i>Advisory Committee Initiation.</i> An Advisory Committee may raise an issue for policy development by action of such committee to commence the PDP, and transmission of that request to the GNSO Council.</p>	<p><i>Board Request.</i> The Board may request an Issue Report by instructing the GNSO Council ("Council") to begin the process outlined in the PDP Manual. In the event the Board makes a request for an Issue Report, the Board should provide a mechanism by which the GNSO Council can consult with the Board to provide information on the scope, timing, and priority of the request for an Issue Report.</p> <p><i>Council Request.</i> The GNSO Council may request an Issue Report by a vote of at least one-fourth (1/4) of the members of the Council of each House or a majority of one House.</p> <p><i>Advisory Committee Request.</i> An Advisory Committee may raise an issue for policy development by action of such committee to request an Issue Report, and transmission of that request to the Staff Manager and GNSO Council.</p>
Request for Issue Report Template	
N/A	<p>Council and Advisory Committees are recommended to use the Issue Report template as included in the PDP Manual for any Request for an Issue Report they make.</p>

¹ See new Annex A and PDP Manual for complete details. This is an abbreviated version.

Required elements of Issue Report Request	
N/A	Any request for an Issue Report must include at a minimum: the name of the requestor and the definition of the issue. The submission of any additional information, such as the identification and quantification of problems, and other as outlined for example in the Issue Request template is strongly encouraged.

CREATION OF AN ISSUE REPORT

UNIFORMITY OF CONTRACTS (In preparation)
LAW ENFORCEMENT RECOMMENDATIONS (On hold)

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
Timing	
Within fifteen (15) calendar days after receiving either (i) an instruction from the Board; (ii) a properly supported motion from a Council member; or (iii) a properly supported motion from an Advisory Committee, the Staff Manager will create a report (an "Issue Report").	Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board; (ii) a properly supported motion from the GNSO Council; or (iii) a properly supported motion from an Advisory Committee, the Staff Manager will create a report (a "Preliminary Issue Report"). In the event the Staff Manager determines that more time is necessary to create the Preliminary Issue Report, the Staff Manager may request an extension of time for completion of the Preliminary Issue Report.
Content of Issue Report	
Each Issue Report shall contain at least the following: a. The proposed issue raised for consideration; b. The identity of the party submitting the issue; c. How that party is affected by the issue; d. Support for the issue to initiate the PDP; e. A recommendation from the Staff Manager as to whether the Council should initiate the PDP for this issue (the "Staff Recommendation"). Each Staff Recommendation shall include the opinion of the ICANN General Counsel regarding whether the issue proposed to initiate the PDP is properly within the scope of the ICANN policy process and within the scope of the GNSO. In determining whether the issue is properly within the scope of the ICANN	The following elements should be considered in the Issue Report: a) The proposed issue raised for consideration; b) The identity of the party submitting the request for the Issue Report; c) How that party is affected by the issue, if known; d) Support for the issue to initiate the PDP, if known; e) The opinion of the ICANN General Counsel regarding whether the issue proposed for consideration within the Policy Development Process is properly within the scope of the ICANN's mission, policy process and more specifically the role of the GNSO. In determining whether the issue is properly within the scope of the ICANN policy process, General Counsel's opinion should

<p>policy process, the General Counsel shall examine whether such issue:</p> <ol style="list-style-type: none"> 1. is within the scope of ICANN's mission statement; 2. is broadly applicable to multiple situations or organizations; 3. is likely to have lasting value or applicability, albeit with the need for occasional updates; 4. will establish a guide or framework for future decision-making; or 5. implicates or affects an existing ICANN policy. 	<p>examine whether the issue:</p> <ol style="list-style-type: none"> a. is within the scope of ICANN's mission statement, and more specifically the role of the GNSO; b. is broadly applicable; c. is likely to have lasting value or applicability, albeit with the need for occasional updates; d. is likely to enable ICANN to carry out its commitments under the Affirmation of Commitments; e. will establish a guide or framework for future decision-making; f. will implicate or affect an existing ICANN policy. <p>f) The opinion of ICANN Staff as to whether the Council should initiate the PDP on the issue</p>
--	--

'THICK' WHOIS (Preliminary Issue Report out for public comment)
RAA (Board initiated – Preliminary Issue Report out for public comment)

<i>Delivery of Final Issue Report</i>	
<p>On or before the fifteen (15) day deadline, the Staff Manager shall distribute the Issue Report to the full Council for a vote on whether to initiate the PDP.</p>	<p>Upon completion of the Preliminary Issue Report, the Preliminary Issue Report shall be posted for a public comment period of no less than 30 days. The Staff Manager is responsible for drafting a summary and analysis of the public comments received on the Issue Report and producing a Final Issue Report based upon the comments received. The Staff Manager should forward the Final Issue Report along with any summary and analysis of the public comments received, to the Chair of the GNSO Council for consideration for initiation of a PDP. The summary and analysis and the Final Issue Report are expected to be delivered to the Chair of the GNSO Council within 30 days of the closing of the public comment forum, though the Staff Manager may request an extension of that 30-day time for delivery.</p>

INITIATION OF THE PDP

UDRP (Awaiting vote on initiation)

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
Vote	
The Council shall initiate the PDP as follows:	The Council may initiate the PDP as follows:

<p>a. <i>Issue Raised by the Board.</i> If the Board directs the Council to initiate the PDP, then the Council shall meet and do so within fifteen (15) calendar days after receipt of the Issue Report, with no intermediate vote of the Council.</p> <p>b. <i>Issue Raised by Other than by the Board.</i> If a policy issue is presented to the Council for consideration via an Issue Report, then the Council shall meet within fifteen (15) calendar days after receipt of such Report to vote on whether to initiate the PDP. Such meeting may be convened in any manner deemed appropriate by the Council, including in person, via conference call or via electronic mail.</p> <p>c. <i>Vote of the Council.</i> A vote of more than 33% of the Council members present in favor of initiating the PDP will suffice to initiate the PDP; unless the Staff Recommendation stated that the issue is not properly within the scope of the ICANN policy process or the GNSO, in which case a Supermajority Vote of the Council members present in favor of initiating the PDP will be required to initiate the PDP.</p>	<p><u><i>Board Request:</i></u> If the Board requested an Issue Report, the Council, within the timeframe set forth in the paragraph below, shall note for the record the confirmation of receipt of the Issue Report and the formal initiation of the PDP. No vote is required for such action.</p> <p><u><i>GNSO Council or Advisory Committee Requests:</i></u> The Council may only initiate the PDP by a vote of the Council. Initiation of a PDP requires a vote as set forth in Article X, Section 3, paragraph 9(b) and (c) in favor of initiating the PDP.</p>
--	---

Timing

<p>The Council shall meet within fifteen (15) calendar days after receipt of the Issue Report to vote on whether to initiate the PDP.</p>	<p>The Council should endeavour to vote on whether to initiate the policy development process at the next scheduled Council meeting following the receipt of a Final Issue Report; provided that the Final Issue Report is received at least eight (8) calendar days prior to the GNSO Council meeting. If the Final Issue Report is forwarded to the GNSO Council Chair within the eight (8) calendar days immediately preceding the next GNSO Council meeting, the Council should endeavour to vote on the initiation of the PDP at the subsequent GNSO Council meeting. At the request of any Council member, for any reason, consideration of the Final Issue Report may be postponed by not more than one (1) meeting, provided that the Council member details the rationale for such a postponement. Consideration of the Final Issue Report may only be postponed for a total of one (1) meeting, even if multiple Council members request postponement.</p>
---	--

Non-approval of PDP Initiated by an Advisory Committee

N/A	In the event that the GNSO Council does not approve the initiation of the PDP following a Final Issue Report requested by an Advisory Committee (AC), the AC or its representatives should have the opportunity to meet with representatives of the GNSO, and in particular, those voting against the initiation of the PDP, to discuss the rationale for the rejection and why the AC feels that reconsideration is appropriate. Following this meeting, the AC may submit a statement to the GNSO Council requesting a re-vote and giving its rationale for such a re-vote. This process may be followed just once for any given Issue Report.
<i>Suspension</i>	
N/A	Upon consideration of the Final Issue Report the GNSO Council may, when necessary, vote to suspend further consideration of the Final Issue Report. Any motion to suspend further consideration of the Final Issue Report shall fail if the votes in favor of continuing consideration of the Final Issue Report is sufficient to initiate a PDP under Article X Section 9.b or 9.c of the Bylaws, as appropriate. The basis for suspension could include prioritization reasons such as insufficient Staff or community support available due to other ongoing PDP work, requests for additional data and requests for additional discussion. The GNSO Council is expected to use this procedure sparingly, and should generally endeavour to vote on the initiation of a PDP within 90 calendar days of the receipt of the Final Issue Report. Any decision to suspend consideration of the Final Issue Report is to be accompanied by a proposed timeline for further consideration, including a timeline for a vote on the initiation of the PDP.

DEVELOPMENT AND APPROVAL OF THE CHARTER FOR THE PDP

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
<i>Developing a Charter</i>	
N/A	Upon initiation of the PDP, a group formed at the direction of Council should be convened to draft the charter for the PDP Team. The Council should indicate the timeframe within which a draft PDP Charter is expected to be presented to the Chair of

	the GNSO Council.
Required Elements of the Charter	
N/A	The elements of the Charter should include, at a minimum, the following elements as specified in the GNSO Working Group Guidelines: Working Group identification; Mission, Purpose and Deliverables; Formation, Staffing and Organization, and; Rules of Engagement.
Approval of the Charter	
N/A	The same voting thresholds that apply to the initiation of the PDP also apply to the approval of the proposed Charter.
Modification of an Approved Charter	
N/A	Once approved, modification of any PDP Charter is discouraged, absent special circumstances. Approved charters may be modified or amended by a simple majority vote of each House.
Work Prior to Approval of the Charter	
N/A	In exigent circumstances, upon approval of the initiation of the PDP, the GNSO Council may direct certain work to be performed prior to the approval of the PDP Charter.

PUBLIC NOTIFICATION OF INITIATION OF THE PDP

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
After initiation of the PDP, ICANN shall post a notification of such action to the Website. A public comment period shall be commenced for the issue for a period of twenty (20) calendar days after initiation of the PDP. The Staff Manager, or some other designated representative of ICANN shall review the public comments and incorporate them into a report (the "Public Comment Report") to be included in either the Preliminary Task Force Report or the Initial Report, as applicable.	In addition to any required public comment periods, the PDP Team may seek public comment on any item that the PDP Team notes it will benefit from further public input. The PDP Team does not have to seek approval from the GNSO Council to seek public comment on interim items. The minimum duration of a public comment period that does not concern the Initial Report is twenty (21) days. [No mandatory public comment period on the initiation of a PDP]

WORKING GROUP²

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
Constituency / Stakeholder Group Statements (Required)	
If the Council decides not to convene a task force, the Council will request that, within ten (10) calendar days thereafter, each	The PDP Team should formally solicit statements from each Stakeholder Group and Constituency in the early stages of the

² The preferred model for the PDP Team is the Working Group model, as a result, all the Task Force related provisions in the old Annex A have been removed.

<p>constituency or Stakeholder Group appoint a representative to solicit the constituency's or Stakeholder Group's views on the issue. Each such representative shall be asked to submit a Constituency/Stakeholder Group Statement to the Staff Manager within thirty-five (35) calendar days after initiation of the PDP.</p>	<p>PDP. Stakeholder Groups and Constituencies should at a minimum have 35 days to complete such a statement from the moment that the statement is formally requested by the PDP Team. If appropriate, such statements may be solicited more than once by the PDP Team throughout the PDP process. The PDP Team is also encouraged to formally seek the opinion of other ICANN Advisory Committees and Supporting Organizations, as appropriate that may have expertise, experience, or an interest in the PDP issue. Solicitation of opinions should be done during the early stages of the PDP. In addition, the PDP Team should seek input from other SOs and ACs. Such input should be treated with the same due diligence as other comments and input processes. In addition, comments from ACs and SOs should receive a response from the PDP Team. This may include, for example, direct reference in the applicable Report or embedded in other responsive documentation or a direct response. The PDP Team is expected to detail in its report how input was sought from other SOs and ACs.</p>
---	---

IRTP PART C (Working Group in progress)

<i>Development of Initial Report</i>	
<p>The Staff Manager will take all Constituency / Stakeholder Group Statements, Public Comment Statements, and other information and compile (and post on the Comment Site) an Initial Report within fifty (50) calendar days after initiation of the PDP.</p>	<p>After collection and review of information, the PDP Team and Staff are responsible for producing an Initial Report. The Initial Report should include the following elements:</p> <ul style="list-style-type: none"> - Compilation of Stakeholder Group and Constituency Statements - Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee - Recommendations for policies, guidelines, best practices or other proposals to address the issue - Statement of level of consensus for the recommendations presented in the Initial Report - Information regarding the members of the PDP Team, such as the attendance records, Statements of Interest, etc. - A statement on the WG discussion

	concerning impact of the proposed recommendations, which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility.
Initial Report Public Comment Period (Required)	
<p>The Staff Manager will take all Constituency / Stakeholder Group Statements, Public Comment Statements, and other information and compile (and post on the Comment Site) an Initial Report within fifty (50) calendar days after initiation of the PDP. [...]. The public comment period will last for twenty (20) calendar days after posting of the Task Force Report or Initial Report. Any individual or organization may submit comments during the public comment period, including any Constituency or Stakeholder Group that did not participate in the task force. All comments shall be accompanied by the name of the author of the comments, the author's relevant experience, and the author's interest in the issue.</p>	<p>An Initial Report should be delivered to the GNSO Council and posted for a public comment period of not less than 30 days, which time may be extended in accordance with the PDP Manual. Following the review of the comments received and, if required, additional deliberations, a Final Report shall be produced for transmission to the Council. At the end of the public comment period, the Staff Manager will prepare a summary and analysis of the public comments received for the Working Group. Such a summary and analysis of the public comments should be provided at the latest 30 days after the closing of the public comment period, absent exigent circumstances. The Working Group shall review and take into consideration the public comments received. Following this review, the Staff Manager, in close coordination with the PDP Team, shall add those comments deemed appropriate for inclusion to the Initial Report. In addition, the Staff Manager and the PDP Team may update the Initial Report if there are any recommendations within the Initial Report that require modification to address comments received through public comment. Such a revised Report shall be put forward for consideration by the PDP Team. The Staff Manager and the PDP Team are not obligated to include all comments made during the comment period, including each comment made by any one individual or organization.</p>
Review of Comments on Initial Report	
<p>At the end of the twenty (20) day period, the Staff Manager will be responsible for reviewing the comments received and adding those deemed appropriate for inclusion in the Staff Manager's reasonable discretion to the Task Force Report or Initial Report (collectively, the "Final Report"). The Staff Manager shall not be obligated to include all comments made during the</p>	<p>The PDP Team is expected to deliberate as appropriate to properly evaluate and address comments raised during the public comment period. This should include the careful consideration and analysis of the public comments; explaining the rationale for agreeing and disagreeing with the different comments received, and, if appropriate, how these will be addressed in</p>

comment period, including each comment made by any one individual or organization.	the report of the PDP Team. Following the review of the comments received and, if required, additional deliberations, the PDP Team is expected to produce a Final Report for transmission to the Council. The analysis of the comments by the PDP Team is expected to be included or referenced as part of the Final Report.
Final Report (Required)	
The Staff Manager shall prepare the Final Report and submit it to the Council chair within ten (10) calendar days after the end of the public comment period.	While the Final Report is not required to be posted for public comment, in preparing the Final Report, the PDP Team should consider whether the Final Report should be posted for public comment as a [Draft] Final Report, with the goal of maximizing accountability and transparency with regards the PDP, especially when substantial changes have been made compared to the contents of the Initial Report.

COUNCIL DELIBERATION

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
<p>a. Upon receipt of a Final Report, whether as the result of a task force or otherwise, the Council chair will (i) distribute the Final Report to all Council members; and (ii) call for a Council meeting within ten (10) calendar days thereafter. The Council may commence its deliberation on the issue prior to the formal meeting, including via in-person meetings, conference calls, e-mail discussions or any other means the Council may choose. The deliberation process shall culminate in a formal Council meeting either in person or via teleconference, wherein the Council will work towards achieving a Supermajority Vote to present to the Board.</p> <p>b. The Council may, if it so chooses, solicit the opinions of outside advisors at its final meeting. The opinions of these advisors, if relied upon by the Council, shall be (i) embodied in the Council's report to the Board, (ii) specifically identified as coming from an outside advisor; and (iii) be accompanied by a detailed statement of the advisor's (x) qualifications and relevant experience; and (y) potential conflicts of interest.</p>	<p>At the request of any Council member, for any reason, consideration of the Final Report may be postponed for no more than one (1) meeting, provided that such Council member details the rationale for such a postponement. Consideration of the Final Report may only be postponed for a total of one (1) meeting, even if multiple Council members request postponement. The GNSO Council may, if deemed appropriate, schedule a separate session with the PDP Team to discuss the Final Report and ask any clarifying questions that might arise.</p> <p>The GNSO Council is expected to vote on the recommendations contained in the Final Report. Approval of the PDP recommendations contained in the Final Report requires an affirmative vote meeting the thresholds set forth at Article X, Section 3(9) d – f.</p> <p>In the event that the Final Report includes recommendations that did not achieve the consensus within the PDP Team, the GNSO Council should deliberate on whether to adopt them or remand the recommendations for further analysis and</p>

	<p>work. Although the GNSO Council may adopt all or any portion of the recommendations contained in the Final Report, it is recommended that the GNSO Council take into account whether the PDP Team has indicated that any recommendations contained in the Final Report are interdependent. The GNSO Council is strongly discouraged from itemizing recommendations that the PDP Team has identified interdependent or modifying recommendations wherever possible. In the event the GNSO Council expresses concerns or proposes changes to the PDP recommendations, it may be more appropriate to pass these concerns or recommendations for changes back to the respective PDP Team for input and follow-up.</p>
--	--

BOARD REPORT

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
<p>The Staff Manager will be present at the final meeting of the Council, and will have five (5) calendar days after the meeting to incorporate the views of the Council into a report to be submitted to the Board (the "Board Report"). The Board Report must contain at least the following:</p> <ul style="list-style-type: none"> a. A clear statement of any Supermajority Vote recommendation of the Council; b. If a Supermajority Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the constituency(ies) that held the position; c. An analysis of how the issue would affect each constituency, including any financial impact on the constituency; d. An analysis of the period of time that would likely be necessary to implement the policy; e. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest; f. The Final Report submitted to the Council; and 	<p>If the PDP Recommendations contained in the Final Report are approved by the GNSO Council, the GNSO Council may designate a person or group responsible for drafting a Recommendations Report to the Board. If feasible, the Recommendations Report to the Board should be submitted to the Board in time for consideration at the next GNSO Council meeting following adoption of the Final Report. Staff should inform the GNSO Council from time to time of the format requested by the Board. These GNSO Council Reports supplement any Staff Reports that may highlight any legal, implementability, financial, and other operational concerns related to the PDP recommendations contained in the Final Report. In order to enhance ICANN's accountability and transparency, Staff is encouraged to publish its Staff Reports with minimal redactions wherever possible, without jeopardizing information that may be protected under attorney/client or other legal privileges.</p>

<p>g. A copy of the minutes of the Council deliberation on the policy issue, including the all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.</p>	
--	--

BOARD APPROVAL PROCESS

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
<p>a. The Board will meet to discuss the GNSO Council recommendation as soon as feasible after receipt of the Board Report from the Staff Manager.</p> <p>b. In the event that the Council reached a Supermajority Vote, the Board shall adopt the policy according to the Council Supermajority Vote recommendation unless by a vote of more than sixty-six (66%) percent of the Board determines that such policy is not in the best interests of the ICANN community or ICANN.</p> <p>c. In the event that the Board determines not to act in accordance with the Council Supermajority Vote recommendation, the Board shall (i) articulate the reasons for its determination in a report to the Council (the "Board Statement"); and (ii) submit the Board Statement to the Council.</p> <p>d. The Council shall review the Board Statement for discussion with the Board within twenty (20) calendar days after the Council's receipt of the Board Statement. The Board shall determine the method (e.g., by teleconference, e-mail, or otherwise) by which the Council and Board will discuss the Board Statement.</p> <p>e. At the conclusion of the Council and Board discussions, the Council shall meet to affirm or modify its recommendation, and communicate that conclusion (the "Supplemental Recommendation") to the Board, including an explanation for its current recommendation. In the event that the Council is able to reach a Supermajority Vote on the Supplemental Recommendation, the Board shall adopt the recommendation unless more than sixty-six (66%) percent of the Board determines that such policy is not in the interests of the ICANN community or ICANN.</p> <p>f. In any case in which the Council is not able</p>	<p>The Board will meet to discuss the GNSO Council recommendation as soon as feasible, but preferably not later than the second meeting after receipt of the Board Report from the Staff Manager. Board deliberation on the PDP Recommendations contained within the Recommendations Report shall proceed as follows:</p> <p>a. Any PDP Recommendations approved by a GNSO Supermajority Vote shall be adopted by the Board unless, by a vote of more than two-thirds (2/3) of the Board, the Board determines that such policy is not in the best interests of the ICANN community or ICANN. If the GNSO Council recommendation was approved by less than a GNSO Supermajority Vote, a majority vote of the Board will be sufficient to determine that such policy is not in the best interests of the ICANN community or ICANN.</p> <p>b. In the event that the Board determines, in accordance with paragraph a above, that the policy recommended by a GNSO Supermajority Vote or less than a GNSO Supermajority vote is not in the best interests of the ICANN community or ICANN (the Corporation), the Board shall (i) articulate the reasons for its determination in a report to the Council (the "Board Statement"); and (ii) submit the Board Statement to the Council.</p> <p>c. The Council shall review the Board Statement for discussion with the Board as soon as feasible after the Council's receipt of the Board Statement. The Board shall determine the method (e.g., by teleconference, e-mail, or otherwise) by which the Council and Board will discuss the Board Statement.</p> <p>d. At the conclusion of the Council and</p>

<p>to reach Supermajority, a majority vote of the Board will be sufficient to act.</p> <p>g. When a final decision on a GNSO Council Recommendation or Supplemental Recommendation is timely, the Board shall take a preliminary vote and, where practicable, will publish a tentative decision that allows for a ten (10) day period of public comment prior to a final decision by the Board.</p>	<p>Board discussions, the Council shall meet to affirm or modify its recommendation, and communicate that conclusion (the "Supplemental Recommendation") to the Board, including an explanation for the then-current recommendation. In the event that the Council is able to reach a GNSO Supermajority Vote on the Supplemental Recommendation, the Board shall adopt the recommendation unless more than two-thirds (2/3) of the Board determines that such policy is not in the interests of the ICANN community or ICANN. For any Supplemental Recommendation approved by less than a GNSO Supermajority Vote, a majority vote of the Board shall be sufficient to determine that the policy in the Supplemental Recommendation is not in the best interest of the ICANN community or ICANN.</p>
---	---

IMPLEMENTATION

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011)¹
<p>Upon a final decision of the Board, the Board shall, as appropriate, give authorization or direction to the ICANN staff to take all necessary steps to implement the policy.</p>	<p>Upon a final decision of the Board adopting the GNSO PDP policy, the Board may, as appropriate, give authorization or direction to ICANN staff to work with the GNSO Council to create an implementation plan based upon the implementation recommendations identified in the Final Report, and to implement the policy in as timely a fashion as possible. The GNSO Council may, but is not required to, direct the creation of an Implementation Review Team to assist Staff in developing the implementation details for the policy. In its Final Report, the PDP Team should provide recommendations to the GNSO Council on whether an Implementation Review Team should be established and any other recommendations deemed appropriate in relation to such an Implementation Review Team (e.g. composition).</p> <p>ICANN Staff should inform the GNSO of its proposed implementation of a new GNSO recommended policy. If the proposed implementation is considered inconsistent</p>

	with the GNSO Council’s recommendations, the GNSO Council may notify the Board and request that the Board review the proposed implementation. Until the Board has considered the GNSO Council request, ICANN Staff should refrain from implementing the policy, although it may continue developing the details of the proposed implementation while the Board considers the GNSO Council request.
--	--

TERMINATION OF A PDP PRIOR TO FINAL REPORT

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
N/A	<p>The GNSO Council may terminate a PDP prior to the publication of a Final Report only for significant cause, upon a motion that passes with a Supermajority Vote in favour of termination. The following are illustrative examples of possible reasons for a premature termination of a PDP:</p> <ol style="list-style-type: none"> 1. Deadlock. The PDP Team is hopelessly deadlocked and unable to identify recommendations or statements that have either the strong support or a consensus of its members despite significant time and resources being dedicated to the PDP; 2. Changing Circumstances. Events have occurred since the initiation of the PDP that have rendered the PDP moot or no longer necessary; or 3. Lack of Community Volunteers. Despite several calls for participation, the work of the PDP Team is significantly impaired and unable to effectively conclude its deliberations due to lack of volunteer participation. <p>If there is no recommendation from the PDP Team for its termination, the Council is required to conduct a public comment forum first prior to conducting a vote on the termination of the PDP (as described above).</p>

AMENDMENTS OR MODIFICATIONS TO APPROVED POLICIES

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
N/A	<p>Approved GNSO Council policies may be modified or amended by the GNSO Council at any time prior to the final approval by the ICANN Board as follows:</p> <ol style="list-style-type: none"> 1. The PDP Team is reconvened or, if disbanded, reformed, and should be consulted with regards to the proposed amendments or modifications; 2. The proposed amendments or modifications are posted for public comment for not less than thirty (30) days; 3. The GNSO Council approves of such amendments or modifications with a Supermajority Vote of both Houses in favour. <p>Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.</p>

PERIODIC ASSESSMENTS OF APPROVED POLICIES

Old PDP (before 8 December 2011)	New PDP (from 8 December 2011) ¹
N/A	<p>Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies. PDP Teams are encouraged to include proposed timing, assessment tools, and metrics for review as part of their Final Report. In addition, the GNSO Council may at any time initiate reviews of past policy recommendations.</p>