GNSO Operating Procedures

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Chapter 1.0:   Introduction, Scope, and Definitions

1.1   Introduction

This document, the "Operating Procedures" of the GNSO, describes those supplementary elements of administration, governance, and other logistics/mechanics that are not already prescribed in the aforementioned ICANN Bylaws. Nothing in the contents of this document shall be in conflict with the ICANN Bylaws and, in the event of any discrepancy, apparent or otherwise, the ICANN Bylaws shall govern.

Taken together, the ICANN Bylaws and the GNSO Operating Procedures are intended to provide a complete set of rules, procedures, and practices for governing the operations of the GNSO.

1.2   Scope

The Generic Names Supporting Organization (GNSO), its description, purpose(s), structures (e.g. Council, Stakeholder Groups), and governance mandate are covered in ICANN Bylaws, Article 11, Sections 1-6. The Policy Development Process (PDP) for the GNSO is described in ICANN Bylaws Annex A. The Expedited Policy Development Process (EPDP) for the GNSO is described in Annex A-1, and the GNSO Guidance Process (GGP) in Annex A-2.

1.3   Definitions

1.3.1   An "appointing organization" is defined to be the Stakeholder Group or Constituency that elected or appointed a representative to the GNSO Council.[1] Note that, for the purposes of these procedures, the Nominating Committee is not considered an "appointing organization."

1.3.2   The terms "Council member," Council representative," and "Councilor" have the same meaning and are used synonymously throughout the text.

Chapter 2.0:   GNSO Council Supplementary Procedures

2.1   GNSO Council Member Term Limits

The ICANN Bylaws {Article 11, Section 3(b)} specify term limits for GNSO Council Representatives except under a "Special Circumstance," which is defined within these procedures as follows:

2.1.1   Special Circumstance

A Special Circumstance may arise under the following conditions:

  a. a Stakeholder Group, as appropriate, is unable to meet a geographic/diversity requirement specified in its Charter; and

  b. after a reasonable search, including but not limited to publicizing the position among ICANN's other Supporting Organizations and Advisory Committees, no other qualified candidate is available to serve as its Council representative.

If both conditions above are present, the applicable Stakeholder Group may petition the Council to allow its designated representative to serve a third consecutive term. Approval requires greater than 60% affirmative vote in each House and does not require the abstention of the affected Council member.

2.1.2   If a Stakeholder Group wishes to have one of its Council members serve a third consecutive term under circumstances other than as provided in 2.1.1 above, it shall document the details and provide its rationale to the GNSO Secretariat who will disseminate to the Council for consideration. The Council may elect to apply a Special Circumstance, at its discretion, and such action will require greater than 75% affirmative vote in each House without requiring the abstention of any member.

2.1.3   In the event that a Council member is approved to and serves a third consecutive term, or any portion thereof, he/she must remain out of office for one full term before being eligible to serve a subsequent term as a Council member.

2.2   Officer Elections: Chair and Vice-Chairs

The GNSO Council shall select the GNSO Chair and two Vice-Chairs as follows:

  a. The GNSO Chair shall be elected by a 60 percent vote of each house.

  b. Each house will be allowed to nominate one candidate for GNSO Council Chair. Each house is responsible for determining how to nominate its candidate. A candidate for GNSO Council Chair does not need to be a member of a house, but must be a current or incoming member of the GNSO Council. Should a Chair be elected from outside of the houses that Chair will be a non-voting Chair.

    i.   All ballots will include the "none of the above" option. In the event that a 60 percent vote of each house selects the "none of the above" option, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be scheduled for no sooner than 30 days after the unsuccessful vote.

    ii. In the case of a tie for the most votes between the two candidates, or

between a candidate and "none of above," a second election will be held no sooner than 30 days. The candidates shall remain the same for this second election. In the case this second election also results in a tie, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful vote.

    iii.   The leading candidate will be defined as the one with the highest score. The score is calculated by adding together the voting percentages attained from each house. The highest percentage attainable in each house is 100. Thus, the maximum score a candidate can achieve is 200 as a result of attaining 100 percent of the votes from the contracted party house and 100 percent from the non-contracted party house (100 percent + 100 percent = score of 200). In case neither candidate reaches the 60 percent of each house threshold, a second ballot will be held between the leading candidate and "none of the above."

    iv.   In case neither candidate reaches the 60 percent of each house threshold and the candidates do not tie, a second runoff ballot will be held between the leading candidate and "none of the above."

    v.   If the single candidate does not reach the 60 percent of each house threshold in the runoff ballot, then each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful runoff ballot.

c. Each house shall select a Council Vice-Chair from within its respective house.

d. A Chair may not be a member of the same Stakeholder Group of either of the Vice-Chairs.

e. The Chair and Vice-Chairs shall retain their votes (if any) in their respective houses (if any).

f. In the event that the GNSO Council has not elected a GNSO Council Chair by the end of the previous Chair's term, the Vice-Chairs will serve as Interim GNSO Co-Chairs to jointly oversee the new Chair election and conduct Council business until a successful election can be held. In the event that one or both Vice-Chairs' terms ends concurrently with the term of the previous Chair, the procedures described in Section 2.2.1 below shall apply.

g. The Council shall inform the Board and the Community appropriately and post the election results on the GNSO website within 2 business days following each election and runoff ballot, whether successful or unsuccessful.

2.2.1 Procedures for a Situation Where a New GNSO Chair Has Not Been Elected by the End of the Previous Chair's Term

The following are procedures to address possible election scenarios relating to the gap to be addressed when the Vice Chairs' terms end at the same time as that of the Chair, and no Chair is conclusively elected by that time.

1. As described in Section 2.2(f) above, in the case where no Chair is conclusively elected, the two Vice Chairs shall jointly oversee the Chair election and conduct Council business until such time as a new Chair is elected.

2. In the case where one Vice-Chair's term on the Council ends at the same time as the Chair, and no Chair is conclusively elected, the House with a vacant Vice-Chair position shall designate an Interim Vice Chair from within its House to join the continuing Vice Chair to oversee the Chair election and conduct Council business. The deadline for the vacant House to designate its Interim Vice Chair is no later than 23h59 Coordinate Universal Time (UTC) 14 calendar days following the Council meeting at which no Chair was conclusively elected. Should the House with the vacant Vice-Chair position fail to appoint an interim Vice-Chair the continuing Vice-Chair from the other House will serve as an Interim Vice-Chair alone until a new Chair is conclusively elected.

3. In the case where both Vice-Chairs' terms on the Council end at the same time as the Chair, and no Chair is conclusively elected, the following procedure will apply: Each House shall designate an incoming or continuing Councilor from within its respective House to temporarily fill the role of Vice Chair on an interim basis, not as an elected Vice Chair. The deadline for each House to designate its Interim Vice Chair is no later than 23h59 Coordinate Universal Time (UTC) 14 calendar days following the Council meeting at which no Chair was conclusively elected. The Designated Interim Vice Chairs will co-chair the Chair election and conduct Council business until such time as a Chair is conclusively elected. Once the Chair election is completed their service in those roles would end. Candidates for GNSO Chair will not be eligible to serve as Designated Interim Vice Chairs, to avoid potential conflicts of interest. Designated Interim Vice Chairs are not prohibited from being appointed as continuing Vice Chairs by their respective Houses following a successful Chair election. Should a House fail to designate an interim Vice-Chair the Designated Interim Vice-Chair from the other House will serve as an Interim Vice-Chair alone until a new Chair is conclusively elected.

4. If both Houses should fail to temporarily fill the role of Vice Chair on an interim basis within the allotted time period, the non-voting NCA will be designated the Interim Chair to oversee the Chair election and conduct Council business until such time as a Chair is conclusively elected.

Table 1: Chair Election Timeline

Not Later Than:	Activity Commences:	Time Available:
Summer ICANN Meeting (Varies based on meeting date)	Announce Proposed Procedure and Timeline	1 Day
T – 60 Days	NomCom Selectees Announced	1 Day
	SG/C New Council Members Announced	1 Day
	House Nominee Selection	30 Days
T – 30 Days	Houses Submit Nominees	1 Day
T – 18 Days	Candidates Submit Statements	12 Days

T – 3 Days	Candidate Meetings	2 Days
T	Election Held at Annual General Meeting	1 Day
T + 2 Days	Council informs the Board and the Community and posts election results on the GNSO website	2 Days

2.3   Observers

The GNSO Council may agree with the Council of any other ICANN Supporting Organization or Advisory Committee to exchange observers. Such observers shall not be members of, or entitled to vote or make motions on, the GNSO Council, but otherwise shall be entitled to participate on equal footing with members of the GNSO Council. The appointing Council shall designate its observer (or revoke or change the designation of its observer) on the GNSO Council by providing written notice to the Chair of the GNSO Council and to the ICANN Secretary.

2.4   Board Seat Elections

2.4.1   The ICANN Bylaws, Section 11.3(f) specify that the Contracted Parties House shall select a nominee to fill Board Seat 13 and that the Non-Contracted Parties House shall select a nominee to fill Board Seat 14 according to procedures contained herein.

2.4.2   Timing

For the purposes of this section and Table 1 below, the date that the Empowered Community (EC) Administration must be notified of the GNSO's nomination of the Director for Board Seat, which is at least six months prior to the commencement of the Director's term, which is set to begin at the end of the Annual General Meeting (AGM), shall be considered time period "T." The following activities shall take place according to the generalized schedule in the table below in order to meet the notification requirements provided in the Bylaws, Section 11.3(f):

Table 1: Activities Timeline

Not Later Than:	Activity Commences:	Maximum Duration:
T – 4 Months	Call for Nominations	1 Month
T – 3 Months	Candidate Interviews	2 Weeks
T – 10 Weeks	First Round of Voting	2 Weeks
T – 8 Weeks	Second Round of Voting (if needed)	2 Weeks
T – 6 Weeks	Third Round of Voting (if needed)	2 Weeks
T – 4 Weeks	GNSO Secretariat Reports Election Results	3 Days

T	GNSO Chair Notifies Empowered Community Administration with a copy to the Secretary of the election results as prescribed by Section 7.25 of the ICANN Bylaw	3 Days

At the request of the House, the GNSO Secretariat will develop a specific schedule with actual dates in accordance with the above timeline.

2.4.3   Detailed Election Procedures

Each House is responsible for establishing its own internal procedures for nominations, interviews, voting, and candidate selection; however, those processes must be documented and forwarded to the GNSO Council for inclusion as ANNEXES to the GNSO Operating Procedures. If a House subsequently elects to alter its procedures, such amendments must be submitted to the GNSO Council before becoming effective so that the procedures accurately reflect the actual processes and activities performed by each House in selecting its candidate.

Chapter 3.0: GNSO Council Meetings

Except as provided elsewhere in these procedures, the GNSO Council shall act at meetings.

3.1 Meeting Facilities

Provided that all members participating in such a meeting can communicate with one another, members of the GNSO Council may participate in a meeting of the GNSO Council through use of (i) conference telephone or similar communications equipment; or (ii) electronic video screen communication or other communication equipment; provided that (a) all members are provided the means of fully participating in all matters before the GNSO Council, and (b) ICANN adopts and implements means of verifying that a person participating in such a meeting is a member of the GNSO Council or other person entitled to participate in the meeting and all actions of, or votes by, the GNSO Council are taken or cast only by the members of the GNSO Council and not persons who are not members.

3.2 Open vs. Closed Sessions

Except where determined by a majority vote of members of each house of the GNSO Council present that a closed session is appropriate, in-person meetings shall be open to physical or electronic attendance by all interested persons dependent upon space availability. Recordings of meetings will be made publicly available for any meetings not open to all interested parties. In cases where a closed session is deemed appropriate, the reason for such as closed session as well as the result of the vote will be published in the minutes. Votes in closed sessions shall be taken by a polling of the members.

3.3 Notice of Meetings

3.3.1 Advance Notice of Meetings

Advance notice of meetings shall be posted on the GNSO website, if reasonably practicable, at least 7 days in advance of the meeting for Administrative issues and 14 days in advance for Policy issues. Advance notice shall also be posted to other GNSO Council work spaces where practical.

3.3.2 Submission of Reports and Motions

Reports and motions should be submitted to the GNSO Council for inclusion on the agenda as soon as possible, but no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days before the GNSO Council meeting.

If a motion is submitted after the Submission Deadline, the GNSO Council shall consider the motion if the following requirements are met:

    a. The motion (including any report or other supporting documentation) is submitted to the GNSO Council at least 24 hours in advance of the GNSO Council meeting;

    b. The motion is accompanied by a request to consider the motion despite submission after the Submission Deadline (a "Request for Consideration");

    c. A vote on the Request for Consideration shall be called as the first order of business for the agenda item that deals with the motion. The vote on the Request for Consideration must be unanimous (i.e., all Councilors or their proxies must vote and

all votes cast must be in favor of considering the motion at such GNSO Council meeting) for the motion to be considered at such GNSO Council meeting.

If these requirements are not met, the motion shall not be considered submitted for the next Council meeting. For the avoidance of doubt, if the motion is proposed again for a subsequent Council meeting, it shall not be considered a resubmitted motion under the rules for Resubmission of a Motion in these Operating Procedures.

3.3.3 Submitting, Seconding, and Amending Motions

The following process shall apply to the submitting, seconding, and amending of motions for voting on by the GNSO Council:

3.3.3.1 Submitting and Seconding Motions

1. A motion for voting on by the GNSO Council must be proposed to the whole Council by a current Councilor (for example, via the Council mailing list). In submitting the motion, the Councilor may, but is not required to, expressly request that the motion be seconded by another Councilor.
2. If the motion is submitted no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days before the GNSO Council meeting, the motion is placed on the Council's meeting agenda and made public (for example, on the relevant page of the Council's online workspace). The identity of the proposer and seconder (if available)[2] shall also be published along with the motion.
3. At any time prior and up to the time that GNSO Council discussion on the motion commences at the Council meeting, a Councilor other than the motion proposer may second the submitted motion, either in response to the proposer's request or to a call for a seconder by the GNSO Chair or Secretariat.
4. A motion can be discussed at any time up to the Council meeting, but discussion during and voting on the motion at the Council meeting, even if properly submitted, cannot proceed without a second. The GNSO Chair may call for discussion and a vote on the motion only if it has been seconded in accordance with these procedures.
5. Adequate time should be provided for the Council to discuss the motion at the relevant Council meeting, prior to the GNSO Chair's calling for a vote on the motion.

3.3.3.2 Amending Motions:

1. Any Councilor may submit a proposed amendment to the submitted motion prior to the vote on the motion being called.
2. If the proposed amendment is deemed friendly by the motion proposer and seconder (where there is not yet a seconder, only the proposer needs to accept the proposal as friendly) it is incorporated into the motion to be voted on.
3. If the amendment is not accepted as friendly by either the proposer or seconder, the Council shall first vote on whether to accept the proposed amendment. The proposal shall be incorporated into the motion only if the vote passes by a simple majority of both Houses represented on the GNSO Council.
4. If the Council vote to accept the proposed amendment is an affirmative one, the GNSO Council shall proceed to vote on the motion incorporating the proposed amendment, in

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[2] Note that because the Council's practice permits a motion to be seconded at any time prior and up to the time that GNSO Council discussion on the motion commences at the Council meeting, the motion as proposed can be published and placed on the meeting agenda without it first being seconded.

accordance with the GNSO Operating Procedures.

5. If the Council vote falls below the simple majority threshold, the proposed amendment shall be deemed to have failed and is not incorporated into the original motion, in which case the Council shall proceed to vote on the original motion.

3.3.4 Timing of Meetings

The time of the meetings may vary to accommodate the different geographic regions represented by GNSO Council members. By way of guidance, start times corresponding to local times for the GNSO Council members earlier than 0600 and later than 2300 should be avoided where possible.

3.4   Meeting Schedules

The GNSO Chair and GNSO Council will prepare a 12-month schedule of meetings within 30 days following the ICANN annual meeting. GNSO Council members may request changes to the schedule during the year, which may be agreed upon by the Chair in consultation with the Council, subject to the minimum period of notice below.

3.5   Procedure to Produce the Minutes

Within 8 working days of a GNSO Council meeting, the GNSO Secretariat will forward draft summary to the GNSO Chair and Vice-Chairs.

Within 10 days of the meeting, the Chair and Vice-Chairs will edit the draft and request the Secretariat to circulate the draft summary to GNSO Council members for comment and approval. All comments received will be accepted for inclusion into the draft minutes unless there are objections. If no objections are received within 10 days, the minutes will be deemed to have been approved for posting.

All comments received from GNSO Council members will be incorporated in the summary unless there are objections from other GNSO Council members.

Where there are objections, the Chair will attempt to resolve the issue (by reference to the audio transcript, if any) and secure agreement from the relevant GNSO Council members. If agreement is not achieved, the Chair will determine the final version of the minutes and will note areas in which agreement has not been achieved

Disputes: If any GNSO Council member disputes what he or she has said in the resulting draft minutes, the recording and/or transcript of the meeting should be reviewed before minutes are approved.

The Chair will ensure the above procedure is complete and an approved version of the summary is circulated and made public within 21 days of the relevant meeting.

All minutes of meetings of the GNSO (and any working groups thereof) shall be approved promptly by the originating body. No later than the business day after the date on which they are approved by the Council, the minutes shall be made publicly available on the Website.

3.6   Speaking at Meetings

Both at physical and telephone meetings the GNSO Chair will recognize three types of

intervention in the following order of priority:

1. A point of order
2. A point of information
3. A normal substantive intervention

3.6.1 Points of Order

At a physical meeting, a GNSO Council member may raise a hand or, during a teleconference, a GNSO Council member may speak over the dialogue and say immediately "point of order." A point of order is raised when there is an infraction of the GNSO Operating Procedures or improper decorum in speaking. The point of order must be raised as soon as possible after the error occurs. The Chair will suspend discussion to hear the point.

3.6.2 Points of Information and Normal Substantive Interventions

At a physical meeting, a GNSO Council member may raise a hand and wait to be recognized by the Chair and, during a teleconference, a GNSO Council member may speak in an appropriate gap and say immediately "[state name] to speak". This will be noted by the Chair who will invite the intervention in due course. To ensure balance, the GNSO Council Chair has the discretion to delay an intervention by a frequent speaker to allow others to speak. By way of guidance for the Chair, a GNSO Council member is not expected to speak for more than three minutes at a time and the Chair should solicit the views of other GNSO Council members before returning to the same speaker on any one issue. This guidance should not be construed as limiting the Council from substantive discussion on any one issue. The GNSO Council Chair's discretion to delay an intervention should not be exercised for a "point of information". A "point of information" is for GNSO Council members seeking information from the Chair or other GNSO Council members about meaning or procedure - it is specifically not intended to provide information.

3.7 Seating and Visibility

As possible, during in-person meetings, the GNSO Council Chair and Vice-Chairs should be located so they can observe all GNSO Council members.

3.8 Absences and Vacancies

3.8.1 Absence

i. GNSO Councilors are expected to attend all regularly scheduled Council meetings and be present at the time such sessions are called to order. Absences may be **planned** (due to a conflicting personal or professional obligation that cannot be reasonably altered) or **unplanned** (e.g. sudden illness, accident, injury, or other unanticipated event). In either case (including being late) the Councilor is expected to notify the GNSO Secretariat by e-mail or telephone as soon as practicable before the meeting begins.

ii. Whenever possible, a Councilor is expected to vote on such motions as may come before the GNSO Council using the means provided in Section 4.4-Absentee Voting. If the vote is outside of the scope of 4.4.1 then the Council member may opt for Section 4.6-Proxy Voting.

3.8.2 Leave of Absence
    a. Planned: If a GNSO Council member anticipates being unable to attend two or

more regularly-scheduled GNSO Council meetings consecutively, the Councilor shall notify the appointing organization or, for a House NCA, the Nominating Committee and the GNSO Secretariat that a "Leave of Absence" is being requested at which time the remedy described in Paragraph 3.8.4 is available.

b. Unplanned: When a GNSO Council member fails to attend two regularly-scheduled GNSO Council meetings consecutively without prior notification to the GNSO Secretariat, the GNSO Secretariat will advise the appointing organization or, for a House NCA, the Nominating Committee that the Councilor has satisfied the conditions for an effective "Leave of Absence" at which time the remedy described in Paragraph 3.8.4 is available.

3.8.3 Vacancies

a. In the event of a GNSO Council member resignation or other permanent vacancy, the Bylaws call for replacement according Article 11, Section 3(c).

b. During any transition period following the occurrence of the permanent vacancy, but before a new election or appointment and subsequent seating of the replacement Councilor, the remedy in Paragraph 3.8.4 is available.

3.8.4 Remedy: Temporary Alternate

a. For a Councilor who is not appointed by the Nominating Committee, the appointing organization may, at its discretion, name a Temporary Alternate to serve in the absent or vacant Councilor's seat.

b. For a voting NCA, the Council non-voting NCA is immediately activated to serve as a Temporary Alternate subject to provisions in Section 4.7-Temporary Alternate. The communication required pursuant to Section 4.8-Procedures, Paragraph b, if it cannot be submitted by the voting NCA, will be completed and forwarded by the non-Voting NCA.

c. A named Temporary Alternate pursuant to this section is subject to the applicable provisions in Section 4.7-Temporary Alternate and Section 4.8-Procedures, Paragraph b, except that the communication to the GNSO Secretariat should be amended as follows:

   i. the reason or condition leading to the remedy is either "Leave of Absence" or "Vacancy," as applicable; and

   ii. the measures/motions/votes upon which the Temporary Alternate may engage are not constrained, as in other remedies (see Section 4.5-Abstentions), and may be noted as "All Subjects Permitted."

d. A named Temporary Alternate pursuant to this section will be expected to participate in all matters that would otherwise have occupied the attention of the absent Councilor.

3.8.5 Any occurrence of absence or vacancy that is not declared in advance, as provided in this section, will be recorded as "Absent" and such action will not reduce the denominator in any vote tabulation for the affected House.

Chapter 4.0:   Voting

4.1   Quorum

In order for the GNSO Council to initiate a vote, a quorum must be present. A quorum is a majority of voting members in each House, which must include at least one member of each Stakeholder Group.

4.2   Voting Thresholds

Unless otherwise specified in these procedures or in the ICANN Bylaws, to pass a motion or other action, greater than 50% of the eligible voters in each House must cast affirmative votes. For all votes taken, the number of eligible voters in each House shall be fixed to the number of seats allocated in the Bylaws (a.k.a. the denominator) and is not affected by the number of members present or absent at the meeting in which the motion or other action is initiated. For rules and procedures concerning abstentions and their impact on voting thresholds, refer to Section 4.5-Abstentions).

4.3   Motions and Votes

4.3.1   Eligibility: All actions of, or votes by, the GNSO Council are taken or cast only by the members of the GNSO Council. Except as otherwise provided in these procedures, persons who are not Council members may not vote. Acts by the GNSO Council members present at any meeting at which there is a quorum shall be acts of the GNSO Council unless otherwise provided herein.

4.3.2   For each motion or action of the GNSO Council requiring a vote, Councilors may enter either a "No", "Yes, or "Abstain." For a vote of "Abstain," a reason or explanation is required. For votes of "No" or "Yes", at the discretion of the Councilor, an explanation or reason may be provided which will be recorded in the meeting minutes.

4.3.3   Resubmission of a Motion: If a motion has been voted on by the GNSO Council and not adopted, that motion may be resubmitted to the Council for consideration at a subsequent meeting of the Council, subject to the following criteria:

1.   Explanation: The Councilor submitting the motion must also submit an explanation for the resubmission of the motion. The explanation need not accompany the motion when it is resubmitted; however, the explanation must be submitted no later than the deadline for submitting the motion (i.e., no later than 23h59 Coordinated Universal Time (UTC) on the day 10 calendar days before the Council meeting at which the motion is to be reconsidered). The explanation does not need to meet any requirements other than being submitted in a timely manner.

2.   Publication: The text and explanation of the resubmitted motion must be published (i.e., circulated to the Council mailing list) no later than the deadline for submitting the motion.

3.   Second: Upon the second resubmission of a motion (i.e., the third time the same motion comes before the Council), the motion must be seconded by a Councilor from each house as a prerequisite for placing the resubmitted motion on the consent agenda.

4.3.4   <u>Limitations and Exceptions to Resubmission of a Motion</u>: The above procedure on resubmission of a motion is subject to the following limitations and exceptions:

1. <u>Same Meeting</u>: A motion may not be resubmitted at the same meeting at which the motion was voted upon but not adopted.

2. <u>Material Changes</u>: If material changes have been made to the text of a motion, the revised motion will not be considered a resubmitted motion. The revised motion will instead be considered a new motion. Whether or not a change in the text of a motion is material will be determined at the discretion of the GNSO Council Chair.

3. <u>Timing</u>: A motion will no longer be considered a resubmitted motion once two Council meetings have passed after the meeting at which the motion was voted upon but not adopted. The motion will thereafter be considered a new motion. For example, if a motion has been voted upon but not adopted at a meeting in January, it would be considered a resubmitted motion if submitted for a meeting in February or March, but would be considered a new motion if submitted for a meeting in April.

4. <u>Motions Not Voted Upon</u>: A motion that has been submitted to the Council but not voted upon (<u>e.g.</u>, because the motion was tabled or withdrawn) will not be considered a resubmitted motion if it is submitted again to the Council. Instead, such a motion will still be considered a new motion.

5. <u>ICANN Meetings</u>: For purposes of this procedure, all Council sessions at an ICANN Meeting will be considered to be part of a single meeting.

4.3.5   <u>Parallel efforts on similar / identical topics should be avoided</u>: Where two or more requests (e.g. in the form of motions) are received by the GNSO Council that propose different processes for addressing the same issue, the GNSO Council as the manager of the overall policy development process must have the flexibility to determine the most appropriate course of action. In determining the most appropriate course of action, the GNSO Council should take into account all of the following:

1. The scope of each process, as expressly delineated in the ICANN Bylaws and the relevant portions of the GNSO Operating Procedures (including the PDP, GGP and EPDP Manuals, as applicable);

2. The information contained in the relevant motion, form or scoping document requesting the initiation of each process; and

3. Any other materials and information the Council deems relevant, such as the original Board, Supporting Organization or Advisory Committee request to the GNSO (if applicable).

4.4   Absentee Voting

4.4.1   <u>Applicability</u>

Absentee voting is permitted for the following limited number of Council motions or measures.

a. Initiate a Policy Development Process (PDP);

b. Approve a PDP recommendation;

c. Recommend amendments to the GNSO Operating Procedures (GOP) or ICANN Bylaws;

d. Fill a Council position open for election.

4.4.2   Absentee ballots, when permitted, must be submitted within the announced time limit, which shall be 72 hours from the meeting's adjournment. In exceptional circumstances, announced at the time of the vote, the Chair may reduce this time to 24 hours or extend the time to 7 calendar days, provided such amendment is verbally confirmed by all Vice-Chairs present.

4.4.3   The GNSO Secretariat will administer, record, and tabulate absentee votes according to these procedures and will provide reasonable means for transmitting and authenticating absentee ballots, which could include voting by telephone, e- mail, web-based interface, or other technologies as may become available.

4.4.4   Absentee balloting does not affect quorum requirements.

4.5   Abstentions

4.5.1   Duty of Councilors, Constituencies, and Stakeholder Groups

The GNSO Council is, by design, a small number of members organized into two voting Houses comprised of 7 and 13 members respectively, representing Stakeholder Groups as prescribed in the ICANN Bylaws (see https://www.icann.org/resources/pages/governance/bylaws-en/#article11). If approved within a particular Stakeholder Group Charter, a GNSO Council member may be a representative of a Constituency within that Stakeholder Group. Given the Council's size and the voting thresholds that have been defined, it is important that each Stakeholder Group (or Constituency, where applicable) vote decisively, through its appointed or elected Councilors, on every matter that is before the Council for action.

When exercising his/her voting responsibilities on Council matters, a GNSO Councilor is expected to comply with any obligations prescribed within the applicable Stakeholder Group or Constituency Charter governing Councilor's appointment to the Council. If such Charter procedures are silent with respect to voting guidance, directions, or restrictions, the Councilor may use his/her best-informed judgment, unless specifically directed as described in Paragraph 4.5.3 below.

When circumstances regarding a potential voting abstention occur that would otherwise prevent a Councilor from discharging his/her responsibilities (see Paragraph 4.5.2), the Councilor's appointing organization is provided a remedy (see Paragraph 4.5.3) designed to enable its vote to be exercised. For a Nominating Committee Appointee (NCA) assigned to a House (hereinafter House NCA), certain remedies are available and prescribed based upon a set of specific criteria, conditions, and implementation rules without requiring formal action by the Nominating Committee.

Specific Councilor obligations include:
a. Active participation: a Councilor is expected to actively participate in the regular affairs of the GNSO Council including, *inter alia*, attending its scheduled meetings, staying abreast of the technical and administrative agenda, engaging in

relevant email and live discussions, reading minutes, evaluating reports, listening to meeting recordings (in the event of absence), asking questions that foster learning, voting responsibly on all matters before the Council, and periodically reviewing the performance of the Chair and Vice-Chairs.

b. Reasonable inquiry: Councilors should request and receive sufficient information, including support from their Constituencies or Stakeholder Groups, as appropriate, so Councilors may carry out their responsibilities. When a problem manifests itself or some issue does not make sense, a Councilor has a duty to inquire into the surrounding facts and circumstances and seek guidance.

4.5.2   Abstention Categories

Circumstances leading to a potential voting abstention can arise when a Council member perceives a set of conditions, relative to some action or motion before the Council that warrants his/her recusal from participating and/or voting. For purposes of the Council's operating procedures, abstentions will be grouped into two categories varying by severity and recommended action: "volitional" abstentions and "obligational" abstentions.

a. Volitional Abstentions

Circumstances may occur when a Council member elects to refrain from participating and voting for reasons that may include, but are not limited to:

- Perception of being inadequately informed

- Has not participated in relevant discussions or studied available materials

- Lacks sufficient understanding, expertise, or technical knowledge

The above list itemizes several potential reasons for a volitional abstention; however, as described in Paragraph 4.5.1 above, it is the duty of Council members to remain informed, to exercise their responsibilities to vote, and to take whatever reasonable measures are available so that this category of abstentions is minimized to the greatest extent possible. Appointing organizations are encouraged to provide sufficient guidance, assistance, education, and direction, where applicable, to avoid circumstances that might otherwise result in a volitional abstention.

b. Obligational Abstentions

This category of abstentions results from conditions in which a Councilor may find that he/she is unable to vote on a measure due to a competing personal (e.g. religious), professional, or political interest that interferes with his/her ability to participate in the matter or where participation raises ethical questions.

Disclaimer concerning the term "Conflict of Interest": There are certain financial interests and, possibly, incentives associated with GNSO actions that affect Internet domain name policies. As they pertain to GNSO Council voting actions, such interests are expected to be documented in a Councilor's required Statement of Interest (see Chapter 5.0) and do not require that the Councilor abstain from participating and voting. GNSO Councilors do not have a fiduciary responsibility to act in the best interests of ICANN in discharging their responsibilities on the Council. While the deliberations and decisions of ICANN are made in the interests of the global Internet community as a whole, GNSO

Councilors are understood, in some cases, to represent the views of organizations and interest groups that would materially benefit from policies recommended by the GNSO. It is understood that Councilors are often employed by or represent those affected parties and such relationships could engender subsequent benefit to Councilors as individuals. As a result of these special circumstances and to avoid confusion with ICANN's Conflict of Interest Policy, which does not pertain to GNSO Council matters, the term "Conflict of Interest" will not pertain when a GNSO Councilor argues for and votes "Yes" or "No" on a matter which, by virtue of that action, directly or indirectly benefits that individual financially or economically; however, that interpretation does not imply that circumstances cannot occur in which a Councilor may perceive his/her situation as obligating a formal abstention.

A Councilor who believes that proceeding to vote on a motion or action before the Council not only warrants, but requires, his/her abstention and, thereby, recusal from deliberations, is considered to be facing an obligational abstention. Although it is not possible to draft a set of exhaustive conditions under which obligational abstentions can arise, two examples are provided by way of illustration:

Case 1: a Councilor (attorney by profession) is representing a client in legal action relating to a matter before the Council and, and as required by his/her professional code, must abstain and, furthermore, such abstention should not be counted as a negative vote. *[Note: this type of situation requires the remedy specified in Paragraph 4.5.3 below].*

Case 2: a Councilor is a paid consultant for a national political body that has a vested interest in a particular motion before the Council. The Councilor is concerned that his/her future income potential and ability to retain a consulting engagement with the national body may be affected if he/she votes on the measure. In such a case, the Councilor believes that the ethical course of action is to abstain.

In the two examples above, personal or professional obligations interfere with the Council member's ability to participate ethically; thus, requiring recusal from deliberations on the matter and abstention from voting.

4.5.3 Remedy To Avoid Abstaining on a Vote

According to existing rules, any abstention would not contribute to the passing of a motion; therefore, by default, an abstention functions as a "No" vote. The purpose of the remedial procedures in this section is to minimize this effect.

Voting Direction[3]

The preferred remedy, if applicable for the appointing organization, is to request a "Yes" or "No" voting instruction from the Council member's appointing organization (if applicable). The Council member is obligated to follow the instruction.

If a Voting Direction is not obtained then the Council member may opt for Section

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[3] The term "appointing organization" (see Section 1.3.1) does not comprise the Nominating Committee; therefore, the Voting Direction remedy does not apply to House NCAs.

4.6 (Proxy Voting).

4.6 Proxy Voting

An abstaining or absent Council member as defined above (the Proxy Giver) may transfer his or her vote to any other Council member (the Proxy Holder).

The Proxy Holder must vote in order of precedence according to one of three types:

1. An instruction from the Proxy Giver's appointing organization (if applicable), or if none;
2. An instruction from the Proxy Giver, or in the absence of either;
3. The Proxy Holder's own conscience.

    a. Multiple Proxies

    A GNSO Council member is not permitted to be a Proxy Holder for more than one Proxy Giver.

    b. Quorum

    An absent Council member does not count toward quorum even if a proxy has been established. A Temporary Alternate (see Section 4.7-Temporary Alternate below) if present, would count toward quorum.

    c. Proxy Notification

    A proxy notification must be sent to the GNSO Secretariat and should indicate which type it is. The notification should, where applicable, be sent by the Proxy Giver's appointing organization. Ordinarily a proxy notification must be received by the GNSO Secretariat before the start of the relevant meeting.

    Exceptionally, a proxy notification may be given during a meeting by a Council member who is present but needs to leave before a vote. In all cases the most recent notification takes precedence.

4.7 Temporary Alternate

Another remedy that may be exercised in avoiding the consequences of an abstention is the naming by the appointing organization of a Temporary Alternate who is empowered to "stand in" for the abstaining Councilor according to the provisions below. For a House NCA, the Temporary Alternate remedy is defined only for certain conditions of absence and vacancy as provided in Section 3.8 (Absences and Vacancies).

In selecting a Temporary Alternate, the appointing organization shall choose, from within its membership ranks, a responsible individual who is not a current voting GNSO Council member, but is otherwise knowledgeable on the matter at issue and qualified to represent the appointing organization's interests. The Temporary Alternate must meet all criteria (e.g. Term Limits) for GNSO Council membership.

    i. The GNSO Secretariat will arrange for the named Temporary Alternate to participate in GNSO Council meetings, teleconferences, email list discussions, as appropriate, and will cause such arrangements to be deactivated upon

conclusion of the Temporary Alternate's tenure.

ii. The Temporary Alternate is entitled to participate in Council deliberations and voting only upon the specific matter(s) outlined in the communication submitted to the GNSO Secretariat (see Section 4.8 (Procedures)). In all other matters, the regular Councilor is expected to function in Councilor's normal capacity. A Temporary Alternate may not be selected to register a proxy vote, as described in Section 4.6 (Proxy Voting).

iii. The presence of a duly recognized Temporary Alternate at a Council meeting is counted in quorum calculations; however, the regular Councilor, if present, and any Temporary Alternate only contribute a count of one to the meeting quorum.

iv. Only one Temporary Alternate may be named to act for a GNSO Councilor at a time.

v. If the Temporary Alternate is named for a Council member who is an elected officer of the GNSO Council, the Temporary Alternate does not assume those officer duties and responsibilities; the Council's leadership succession shall take effect as provided elsewhere in these procedures.

The above remedies are available for the purposes of ensuring that, to the maximum extent possible, each and every GNSO Council vote can be exercised and that conditions otherwise resulting in an abstention can be mitigated. The GNSO Council has not established any provision that would permit the voting thresholds and calculations to be altered, for example, by reducing the denominator due to an abstention.

4.8 Procedures

This paragraph outlines the notification and communication steps required when an abstention condition is identified as well as the procedures that must be followed in remedying the abstention.

For the purposes of these procedures, the term "written" or "in writing" shall mean via postal mail or electronic mail (e-mail).

In order for an abstention remedy to be implemented, all required procedures must be completed prior to the start of the GNSO Council meeting in which the vote will be taken; otherwise, the abstention will not be remedied and the provisions of Section 4.8, Paragraph c will apply.

a. Notification by Councilor

A Councilor who believes that he/she should abstain from participation/voting on a measure before the Council is required to provide, at the earliest opportunity, a brief written notification documenting the circumstances to the appointing organization with a copy forwarded to the GNSO Secretariat. For a House NCA, the notification should be sent to the GNSO Secretariat with a copy to the Council NCA who is required to acknowledge receipt to both parties that an automatic proxy is confirmed. If the situation is perceived to be confidential in nature and cannot be disclosed in the notification, a statement to that effect should be included by the Councilor.

b. Communication by Appointing Organization or NCA

To effectuate a remedy described in Paragraph 4.5.3 the appointing organization or, when applicable, the House or Council NCA must provide a written statement to the GNSO Secretariat, as early as possible prior to any discussion/voting on the matter at issue, containing the following information:

- Name of the abstaining Councilor.

- Remedy selected (from Paragraph 4.5.3).

- Reason(s) for or condition(s) leading to the remedy.

- Specific subject(s)/measure(s)/motion(s)/action(s) of the Council for which the remedy is being exercised.

- Date upon which the remedy will expire or terminate. No remedy may initially or subsequently extend beyond three (3) months at a time. If the period needs to be extended, a written notice can be provided to the GNSO Secretariat indicating the reason for extension (e.g. Council vote postponed) and a new expiration date. While there is no limit to the number of extensions; "standing" remedies are not allowed under any circumstances.

- For the specific remedies of Voting Direction and Proxy Voting, the communication must include an affirmation that the appointing organization has established a voting position, subject to provisions contained in its Charter or Bylaws, on the matter at issue. For Voting Direction, a statement from the appointing organization shall indicate that the affected Councilor has been instructed how to vote on the matter. Exclusion: these statements are not applicable or required in a remedy applied for a House NCA.

- For Proxy Voting, identification of the GNSO Councilor who will register the vote for the abstaining Councilor.

- For a Temporary Alternate, identification of the individual who will serve as a substitute for the abstaining Councilor. If not already published and available, a short bio and Statement of Interest should be prepared by the Temporary Alternate and delivered to the GNSO Secretariat in advance of any discussion or voting scheduled to take place.

c. Effect and Recording of an Abstention Not Otherwise Remedied

If an abstention cannot be avoided after pursuing the remedy provided in Paragraph 4.5.3, then the Councilor may abstain from voting and an "Abstention" will be entered into the record along with a reason. If the reason for the abstention warrants such action (e.g. obligational abstention), the Councilor shall be recused and not participate in discussions on the affected topic(s) or otherwise attempt to influence other Council members nor shall he/she vote on any action attendant to the matter for which the abstention conditions are present. An abstention shall not affect quorum requirements or calculations nor will it reduce the denominator in any vote tabulations for the affected House.

4.9 Consent Agenda

When preparing the meeting agenda, the Council Chair in consultation with the Council Vice-Chairs determines whether an item belongs on the consent agenda. All items that are subject to a different voting threshold than a simple majority vote (see ICANN Bylaws, Article X, section 3-9) or are subject to absentee voting (see section 4.4 – Absentee Voting) are not eligible for inclusion in the consent agenda. A numbered list of consent items is

included as part of the meeting agenda. The list and supporting documents are included in the Council agenda in sufficient time to be read by all Council members prior to the meeting in accordance with section 3.3 – Notice of Meetings of these Operating Procedures.

At the beginning of the meeting, the Chair asks members what items they wish to have removed from the consent agenda and discussed individually. If any Council member requests that an item be removed from the consent agenda, it must be removed, unless it concerns a request made by a GNSO Council member on behalf of a SG or C for an ICANN inspection request or an inspection remedy[4] (see section 22.7 of the ICANN Bylaws). Any such request is automatically added to the consent agenda and can only be removed at the request of the GNSO Council member that made the original request or the person serving as an alternate for such Council member. Council members may request that any other item be removed for any reason. They may wish, for example, to discuss the item, to query the item, or to register a vote against the item. If an item is removed from the consent agenda, it is added to the meeting agenda for that meeting, unless the Council Chair in consultation with the Council Vice-Chairs determines differently.

When there are no more items to be removed, the Chair reads out the number of the remaining consent items. Then the Chair calls for a vote.

When preparing the minutes, the full text of (or links to) the resolutions, reports or recommendations that were adopted as part of the consent agenda are included. In addition the minutes should include a statement regarding the composition/threshold that approved the consent agenda.

4.10 Voting Outside A Meeting

4.10.1.   Applicability. There may be cases when GNSO Council voting outside a meeting might be necessary or desirable. The following is an illustrative, non-exhaustive list of examples where this may be the case:

a. Substantial discussion has occurred during a Council meeting and by other methods (such as the Council mailing list) but there was no time for a roll call vote.

b. Substantial discussion has occurred during a Council meeting, but one or more Councilors stated a need to refer the issue back to their Stakeholder Group or Constituency for further direction prior to a vote being taken.

c. The next regularly scheduled Council meeting will take place after the deadline for relevant Council action, including without limitation a response to a request for GNSO input generated by the ICANN Board or another Supporting Organization or an Advisory Committee, and the GNSO Chair determines in accordance with this Section that the issue under consideration has already been discussed at length or that such discussion will have occurred prior to the vote being called.

4.10.2.   Determination; Notice. Voting outside a meeting may only occur when all of the following conditions are met:

a. The GNSO Chair determines, after discussion with Council members, that the

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[4] This exception will not apply to requests to initiate the Reconsideration Request or Independent Review Process under Article 22.7, section e(ii) and (iii).

issue will have been adequately discussed and sufficient time given to each Stakeholder Group and Constituency to consider the issue by the time the vote is called;

b. The GNSO Chair determines, after discussion with Council members, that the Council's regular meeting schedule would make it difficult to resolve the issue without scheduling an extra meeting and this would be impractical in light of the circumstances at that time;

c. No Councilor objects to the vote being taken outside a regularly scheduled Council meeting; and

d. The GNSO Chair provides at least seven (7) calendar days' advance notice of the vote, along with notice of the beginning and ending day and hour of the voting period (in UTC), which period shall not be less than four (4) calendar days.

4.10.3   Guidelines for Voting Outside a Meeting

4.10.3.1   As with votes taken during a regularly scheduled GNSO Council meeting, all votes taken outside a meeting will:

a. Be open (i.e., not by secret ballot);

b. Allow for the inclusion of voting statements in accordance with Section 4.3.2 of these Operating Procedures; and

c. Have their outcomes published and recorded, with accompanying voter statements, if any, as minutes for purposes of formal record keeping. These items are to be prepared and approved in accordance with Section 3.5 of these Operating Procedures, except that the relevant time period shall commence with the ending of the voting period.

4.10.3.2   Voting outside a meeting should normally be by electronic means. Methods used to transmit and record votes taken outside of meetings shall be authenticated and verifiable using the same criteria and applying the same standards as those used for absentee ballots under Section 4.4.3 of these Operating Procedures.

4.10.3.3   Any motions to be voted on outside meetings must meet the same requirements as motions voted upon during GNSO Council meetings. For the avoidance of doubt, voting on motions outside meetings is permitted only in cases where a motion has been submitted for inclusion on the agenda for a GNSO Council meeting in accordance with these Operating Procedures.

4.10.4   Eligibility. For the avoidance of doubt, this Section shall not apply to votes for which absentee ballots would otherwise be permitted under these Operating Procedures. This Section may be applied to instances where a Councilor has requested a deferral of a motion properly submitted under these Operating Procedures, provided all the requirements stated in this Section are fulfilled, unless the Councilor requesting deferral specifically objects to voting outside a meeting at the time deferral is requested.

[NEW] Chapter 5.0:   GNSO as a Decisional Participant in the Empowered Community

5.1 GNSO Actions

Any actions relating to the GNSO's role as a Decisional Participant in the Empowered Community will follow the relevant provisions in the ICANN Bylaws and/or GNSO Operating Procedures with the exception of those actions noted in section hereunder. The GNSO Council may make available templates to facilitate the submission of motions relating to these actions in which case these are to be posted on a clear and accessible page.

The GNSO commits to adequate planning and a regular review of its schedule to ensure alignment with the timing foreseen for actions relating to the GNSO's role as a Decisional Participant.

The GNSO Representative to the Empowered Community Administration will only act as directed by the GNSO as the Decisional Participant.

5.2 Petitions

All petitions concerning a director removal process (see Annex D – Article 3) submitted by an individual must be submitted directly to the GNSO Council. For this purpose, the GNSO Council will develop a clear process and rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules will be added to the GNSO Operating Procedures as an Annex once available.

Petitions, as per Annex D, Article 2 – section 2.2, must be submitted through a GNSO Stakeholder Group or Constituency to the GNSO Council for consideration. GNSO Stakeholder Groups and Constituencies must develop and publish rules for the submission of petitions, including any requirements for the criteria to be included in a petition. These rules will be added to the GNSO Operating Procedures as an annex once available.

5.3. Waiver for petitions

In order to meet the timelines outlined in Annex D, for example, articles 2 and 3 of the ICANN Bylaws concerning petitions, the GNSO Council may waive the deadlines and timing requirements outlined in these GNSO Operating Procedures as well as the requirements for voting outside of a meeting, as recommended unanimously by the GNSO Chair and Council Vice-Chairs.

Chapter 6.0:   Statements of Interest

6.1   Definitions

Generic Names Supporting Organization (GNSO) Group:

    a. the GNSO Council, or

    b. a work team, working group, committee or other such policy development body formed by and under the supervision of the GNSO Council.

Relevant Party: An individual who participates as a member of a GNSO Group.

Statement of Interest: A written statement made by a Relevant Party that provides a declaration of interests that may affect the Relevant Party's judgment, on any matters to be considered by the GNSO Group.

Material Interest: A material interest is an important interest and is generally, but not always, financial in nature. However, in the legal sense, the interest needs to be substantial or of consequence.

6.2   Policy

6.2.1   Purpose

The purpose of this policy is to set forth responsibilities and procedures pertaining to the content, creation, timely update, accuracy, completeness, and compliance of Statements of Interest as defined in Section 6.1.

6.2.2   Compliance

Each Relevant Party is responsible for ensuring that he or she complies with this policy. Failure to comply with these procedures is covered in Section 6.5.

This policy is administered by ICANN Staff. Administration includes informing new members of groups of the policies, posting all Statements of Interest, and following up on any requests from the Chairs of GNSO Groups pertaining to this procedure.

6.2.3   Exemptions

Full time ICANN Staff members are exempt from the individual responsibility of completing a Statement of Interest by virtue of ICANN posting a global Statement of Interest confirming that all employees and individuals who have an exclusive contract with ICANN are representing the interests of ICANN, and no others, at all times. The exemption does not extend to Staff who do not have an exclusive contract with ICANN.

6.3   Statement of Interest Procedures

6.3.1   Timeliness
Relevant Parties are required to provide to the GNSO Secretariat a Statement of Interest, updated not less frequently than once a year or whenever there is a material change, setting forth those specified interests, relationships, arrangements, and affiliations that may affect the

judgments of Relevant Parties in the conduct of their participation within the GNSO. A completed Statement of Interest, updated at least annually, is a precondition for Relevant Parties to participate in a GNSO Group.

At the beginning of each meeting the Chair of the GNSO Group shall ask all Relevant Parties whether they have updates to their Statements of Interest.

6.3.2   Electronic Form and Publication

To ensure consistency, ICANN Staff shall develop, maintain, and provide to Relevant Parties an electronic Statement of Interest form including procedures and instructions pertaining to its completion online. ICANN Staff shall make available an alternative arrangement (e.g., email) in the event that a Relevant Party does not have the necessary Internet access or capability to complete the form online. ICANN Staff shall post the completed Statements of Interest in the relevant section of the GNSO web site prior to Relevant Parties undertaking any activity.

6.3.3   Content

Relevant Parties shall complete all six sections of the Statement of Interest form as specified below:

1. Please identify your current employer(s) and position(s).

2. Please identify your declared country of primary residence (which may be the country to which you pay taxes).

3. Please identify the type(s) of work performed at #1 above.

4. Please list any financial relationship beyond *de minimus* stock ownership you may have with any company that to your knowledge has a financial relationship or contract with ICANN.

5. Do you believe you are participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid? Please answer "yes" or "no." If the answer is "yes," please provide the name of the represented individual or entity. If professional ethical obligations prevent you from disclosing this information, please so state.

6. Please identify any other relevant arrangements, interests, or benefits as requested in the following two questions:

    i.   Do you have any type of material interest in ICANN GNSO policy development processes and outcomes? Please answer "yes" or "no." If the answer is "yes," please describe the material interest in ICANN GNSO policy development processes and outcomes.

    ii.   Are there any arrangements/agreements between you and any other group, constituency or person(s) regarding your participation as a work team member? Please answer "yes" or "no." If the answer is "yes," please describe the arrangements/agreements and the name of the group, constituency, or person(s).

6.3.4   Timing of Updates and Recordation

A Relevant Party shall provide any changes/and or updates to his or her Statement of Interest within ten business days of any material change in any information appearing in the statement of interest form. Such changes shall also be recorded in the minutes of the meeting at which the Relevant Party advises of such change and should be posted as soon as possible.

6.4 Completeness and Accuracy

6.4.1   Completeness

ICANN Staff shall review each Relevant Party's Statement of Interest to ensure completeness. If ICANN Staff has reason to believe that a Relevant Party's documentation is not complete, ICANN Staff shall notify the Relevant Party and request that the omitted or missing information be provided or, if there are extenuating circumstances, explanation as to why the document is incomplete. If the matter cannot be satisfactorily resolved with the Relevant Party after a reasonable period, Staff shall raise the matter with the applicable Chair pursuant to Paragraph 5.4.3.

6.4.2   Accuracy

Concerns raised by ICANN Staff or a member of the ICANN community about the accuracy of a Relevant Party's Statement of Interest, including whether an interest that may affect the Relevant Party's judgment with respect to a pending matter has been disclosed, shall be brought to the attention of the applicable Chair and handled pursuant to Paragraph 5.4.3.

6.4.3   Appeal Process

If concerns about the completeness and/or accuracy of a Statement of Interest persist after reasonable attempts are made to resolve them with the Relevant Party, the matter shall be brought to the attention of the applicable Chair and handled according to decision-making methodology and appeal process as prescribed in the GNSO Working Group Guidelines (ANNEX 1, Sections 3.6 and 3.7). At each step of the appeal process, every effort should be made to resolve the completeness and/or accuracy concerns by working cooperatively with the Relevant Party.

6.5 Failure to Comply

6.5.1   Requirement to Participate

A Statement of Interest form must be submitted by each Relevant Party in accordance with these procedures. If a Relevant Party fails to provide a Statement of Interest once a year or whenever there is a material change, the Chair may temporarily suspend that Relevant Party's participation until the Statement of Interest is provided. Participation shall not be suspended if a Statement of Interest is subject to the Appeals process of Paragraph 5.4.3 until a final determination is made under that process.

6.5.2   Suspension

Pursuant to the appeal provisions referenced in Paragraph 5.4.3, if it is determined that a Relevant Party has not complied with these procedures, the GNSO Council Chair, in

consultation with the Vice-Chairs, may suspend that Relevant Party's participation in a GNSO group until the failure to comply has been remedied. The ICANN General Counsel and GNSO Council will be notified when such actions are taken as a matter of protocol and the decision to take this step will be recorded in the GNSO Council minutes. If the failure to comply pertains to a Chair, the applicable Vice-Chairs shall act pending completion of the appeal process. If the failure to comply pertains to the GNSO Council Chair, the Vice-Chairs

shall act after consulting with the ICANN Vice President - Policy Development.

Chapter 7.0: Stakeholder Groups and Constituencies: Operating Principles and Participation Guidelines

7.1 Participation Rules and Operating Procedures

The following sections address the BGC WG's recommendation that Groups shall establish and abide by a set of participation rules and operating procedures.

7.1.1 Participation Principles

All Stakeholder Groups/Constituencies (here-in-after called Groups) should adopt the rules below for participation. Such rules and procedures should be part of their Charters.[5]

a. All Groups should adopt these rules for participation to encourage openness, transparency and accountability. These rules and any other rules governing participation should be objective, standardized and clearly stated.[6] For the avoidance of doubt, while commonality is encouraged in the interest of simplification, Groups are not required to have identical rules and variation between Groups is acceptable, as appropriate.

b. Groups should have their participation rules based on common principles developed by the GNSO. Groups should avail themselves of ICANN staff services to make these rules available in English and the five United Nations languages – Chinese, Russian, Arabic, Spanish, and French – so that ICANN's global audience can understand them.[7]

c. All Groups should strive to improve inclusiveness and representativeness. Groups should have either a differential fee structure based on the ability to pay, in order to encourage increased representation from those living in less developed economies, or hardship provisions that entitle any potential member to apply for relief from the normal fee scale.[8]

d. All Groups should strive to remove information barriers and put in place well-structured outreach programs so that many potential stakeholders come to know of their existence and also of the benefits in being part of the ICANN policy process, thereby becoming more aware of the value of joining the GROUP.[9]

7.1.2 Membership[10]

a. All Groups should make and publish rules and procedures for admission requirements of interested parties as Members in clear and simple terms. Such rules and procedures should be part of their Charters.

b. All Groups should abide by rules governing membership, which are based on common principles. All Group members should have rights, duties and responsibilities and in particular, rights to vote as applicable as per Group membership rules.

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[5] See Board Governance Committee (BGC) GNSO Review Working Group Report on GNSO Improvements, page 45, last paragraph.
[6] Ibid, page 43, paragraph 1.
[7] Ibid, page 42, paragraph 5.
[8] Ibid, page 41, last paragraph.
[9] Ibid, page 42, paragraph 4.
[10] Ibid, page 43, paragraph 2.

c. All Groups must offer membership to natural persons or individuals (if applicable) as well as to entities with legal personality such as corporations. However, any person or organization applying for membership should meet the membership criteria laid down by the Group with ICANN's approval.

d. All Groups should stipulate the rights, duties, and responsibilities of its members in clear and simple terms and publish the same.

e. A simple application form should be devised for membership and it should be publicly available on the Group's website.

    i. Admission criteria should be predictable and objective and not arbitrary or discretionary. Where eligibility depends on participation in a certain sector of business, then applicants should be entitled to submit evidence of their participation in that sector.

    ii. The general membership should be entitled to object to an application for membership provided that such objection is based on predictable and objective membership criteria. Such an objection should be published to the Group members.

    iii. In applying for membership an applicant thereby agrees to abide by the written rules and regulations, including charters and bylaws, of the Group and terms and conditions laid down by it.

f. Status of a new application and admission decision, as far as possible, should be publicly available at the option of the applicant and an applicant should be advised of any objection to the application, be given the opportunity to ask clarifying questions about the objection, and be given the opportunity to reply with clarification or to reply in general.

g. In case of unfair treatment resulting in the rejection of an application or a dispute, the applicant may lodge a complaint with the ICANN Ombudsman or a mutually agreed upon non-biased neutral third party. The process for lodging a complaint with the Ombudsman is set forth in Article 5 of the ICANN Bylaws and in the Ombudsman Framework.[11]

h. Every member should remain in good standing until the Group has decided otherwise as per its Charter provisions. The reasons that such status can be imperiled should be certain and predictable and objective and not arbitrary or discretionary. In such an event, the member should be given an opportunity to be heard. Appropriate procedures should be made for such an eventuality. The affected party should have right of appeal to a neutral third party.

i. List of members and their contact details should be publicly available on the Group website. Individual members should have the right to have publication of address and other contact details withheld to protect their privacy. All members, unless otherwise stated should be eligible to participate in the business of the Group and have voting rights as applicable.

j. No legal or natural person should be a voting member of more than one Group.

7.1.3 Policy and Consensus

a. All Group members should be eligible to participate in the Policy work of the Group and to join Committees formed to deal with policy issues and other Group

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[11] See   <http://www.icann.org/ombudsman/documents/ombudsman-framework-26mar09-en.pdf>.

issues, including eligibility of membership in the Group's committees.

b. Groups should refer to the GNSO Working Group model and guidelines for the purpose of reaching consensus and to improve accessibility, transparency, and accountability all Groups should establish and publish a consensus-building model or process that is publicly available to their membership and the community. Whatever consensus-building model or process a Group uses, the Group must describe the process and ensure that is publicly available to their membership and the community so it is visible and transparent.

7.2   Operating Principles

The following sections address the BGC WG's recommendations for clear operating principles for each Group to ensure that all Groups function in a representative, open, transparent and democratic manner.

Groups should adhere to the following common operating principles: representativeness, process integrity, flexibility, transparency, participation, openness, and other norms common to the GNSO.

7.2.1   Term Limits

a. No person should serve in the same Group Officer position for more than four consecutive years. A member who has served four consecutive years must remain out of office for one full term prior to serving any subsequent term in the same Group Officer position. Any exception to this policy would require approval by the Group membership.

7.2.2   Executive Committees

a. All Executive Committees must promptly publish action points, decisions, and any resolutions to Group members. It is recommended that prompt publication means within a reasonable period and a guideline is between 72 hours and 1 week of the relevant meeting.

b. All Executive Committees must publish to Group members their rules and procedures, decision making process and criteria.

7.2.3   Committees

a. Groups should adopt a standard set of rules and procedures to govern Group Committee constitution and operations. Whatever model is adopted, it should be published to the entire Group membership and maintained.

b. The formation of all Committees should be made known to the entire Group membership and eligibility to participate should be open to all members.

c. The fact a Committee has been established and its membership should be made available to the entire Group membership and should be published on the Group website.

d. Action points, decisions and any resolutions and final work products should be made available to the entire Group membership within a reasonable period of any given meeting.

e. Going forward, Groups should publish to the Group membership a list of all active and inactive Committees and their final decisions, resolutions and final

work products.

7.2.4   <u>Communications</u>

     a. Group mailing lists should be open to the entire Group membership and, at the election of the Group in any given case, to the public. The Group may have reserved lists if needed.

     b. The outcome of all Group policy decisions should be open and publicly archived with posting rights limited to members at the election of the Group.

     c. Group business, work products, finance and accounts, and submissions to Staff and other ICANN entities should be made available to the entire Group membership unless there are valid grounds for restricting distribution.

     d. All Groups should have a published Privacy Policy providing for the protection of the private data of members.

7.2.5   <u>Elections</u>

Groups should publish and maintain a list of all Office holders, past and present, to inform Group members and to provide transparency for term limits.

7.2.6   <u>Voting</u>

     a. All Group Charters should clearly delineate the voting rights of all of their members.

     b. All Groups should permit all voting members in good standing to vote in elections as delineated in their Charters.

     c. Members may be entitled to appoint proxies.

     d. No legal or natural person should be a voting member of more than one Group.

7.2.7   <u>Charter Amendments</u>

The procedure for amending Group Charters should be stipulated therein.

7.2.8   <u>Meetings</u>

Groups should adopt simple and accessible basic meeting procedures. Groups also may refer to the GNSO Bylaws, Operating Procedures, and the GNSO Council Working Group Guidelines.

Minutes should be taken at meetings of the general Group membership and action points, decisions and any resolutions or minutes be published to the entire Group membership within a reasonable period.

7.2.9 <u>Policy</u>

    a. Eligibility to participate on Policy Committees should be open to all members in good standing.

    b. Any Member of a Group should be able to propose the Policy Committee consider a Policy issue in accordance with the Group Charter.

    c. Policy Committee meetings should be open for attendance by all Group members.

7.2.10 <u>GNSO Working Group (WG)</u>

    a. Any individual participant of a Group should be entitled to join any GNSO WG in an individual capacity and Groups should publish and advise all members of the call for WG participants.

    b. Groups should adopt and publish to the Group membership their rules and procedures for selecting and appointing Group representatives to GNSO WGs. It is recommended that these appointments be open to the entire membership to increase opportunities for participation.

    c. Group Members may participate in an individual or representative capacity, but Group representatives must advise the entire Group membership of the WG activity from time to time.

Version Control

Version	Date	Description
1.0	24 Sep 2009	New GNSO Operating Procedures adopted by Council
1.1	23 Nov 2009	Council approved text changes that were inadvertently omitted in v1.0 (Seoul)
1.2	28 Jan 2010	Council approved Annex 1 - Board Seat Elections Transition for Seat #13 and directed that a Public Comment Forum be initiated (28 Jan 2010 to 18 Feb 2010).
2.0	5 Aug 2010	Added Table of Contents; placeholder Chapters (6, 8, 9) for anticipated future content; Version Control; and Section 1.3-Definitions to Chapter 1.0. Added new content approved by GNSO Council: 2.1-Term Limits; 2.4-Board Seat Elections; 3.8-Absences and Vacancies; Chapter 4.0-Voting; Chapter 5.0-Statements and Disclosures of Interest; and Chapter 7.0-Stakeholder Groups and Constituencies: Operating Principles and Participation Guidelines.
2.1	7 April 2011	Added APPENDIX 1: GNSO Council Voting Results Table; Removed placeholder Chapter 6.0 (GNSO Work Prioritization) and renumbered Chapter 7.0 to become Chapter 6.0; Removed placeholder Chapters 8.0 (WG Guidelines) and 9.0 (PDP Procedures); Added ANNEX 1 for Council approved Working Group Guidelines; and Added bookmarks and reference links throughout the document.
2.2	8 April 2011	Replaced entire Chapter 5.0-Statements of Interest with language approved by the OSC (4 Feb 2011) and GNSO Council (7 April 2011), which removed references to "Disclosures of Interest" among other amendments; Inserted bookmarks including a link to WG Guidelines (new ANNEX 1); and Deleted all other GOP references to "Disclosures of Interest" consistent with this revision, including the WG Guidelines (ANNEX 1) added in v2.1.
2.3	22 September 2011	Revised text in Chapter 3.0-GNSO Council Meetings: 3.8.1 Absences; 3.8.4 Remedy: Temporary Alternate; and in Chapter 4.0-Voting: 4.5.3 Remedy To Avoid Abstaining on a Vote. The purpose of the revisions was to simplify and clarify the procedures and avoid contradicting the internal procedures of some constituencies. The revisions required renumbering of sections in Chapter 4 and subsequent revisions to references in Chapter 3.0 and Chapter 4.0 to those sections.
2.4	16 December 2011	On 08 December 2011 the ICANN Board of Directors approved a revised Annex A, GNSO Policy Development Process (PDP). See http://www.icann.org/en/minutes/resolutions-08dec11-en.htm#2.5. The new PDP is included as the new ANNEX 2 in this revision.
2.5	13 September 2012	Following recommendations of the Standing Committee on Improvements Implementation, added new section on consent agenda (4.9) and updated Appendix A to incorporate changes resulting from adoption of the revised GNSO PDP.
2.6	16 May 2013	Following recommendations of the Standing Committee on Improvements Implementation, revised section 15 of the Policy Development Process (PDP) Manual, Annex 2 of the GNSO Council Operating Procedures, on Termination or Suspension of PDP prior to Final Report.

Version	Date	Description
2.7	13 June 2013	On 13 June 2013 the GNSO Council approved a motion instructing staff to update any sections in the GNSO Operating Procedures that are related to the submission of reports and / or motions to ensure that these are consistent with the new provision that reports and motions should be submitted to the GNSO Council for inclusion on the agenda as soon as possible, but no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days before the GNSO Council meeting.
2.8	26 March 2014	On 26 March 2014 the GNSO Council approved a motion adopting the revised Operating Procedures including the new provisions concerning the resubmission of a motion (new section 4.3.3) and a Working Group self-assessment in Annex I: Working Group Guidelines.
2.9	13 November 2014	On 13 November 2014 the GNSO Council approved a motion adopting the revised Operating Procedures including (1) adding a provision regarding circumstances in which the general 10-day deadline for the submission of motions for voting at a GNSO Council meeting can be waived (renumbered section 3.3); and (2) adding a provision allowing the GNSO Council to vote outside a GNSO Council meeting in certain circumstances (new Section 4.10). In addition, the Council approved the addition of a footnote to the GNSO Working Group Guidelines in the section dealing with the various consensus levels for decision-making in GNSO Working Groups, to clarify their scope.
3.0	24 June 2015	On 24 June 2015, the GNSO Council adopted the GNSO Input Process as outlined in Annex C of the Final Recommendations Report of the Policy & Implementation Working Group and instructed ICANN staff to post the new version of the GNSO Operating Procedures, effective immediately upon adoption. At the same time, GNSO Council adopted recommendation #4 of the Final Recommendations Report to modify the PDP Manual to require the creation of an Implementation Review Team following the adoption of the PDP recommendations by the ICANN Board, and instructed ICANN staff to post the new version of the GNSO Operating Procedures immediately upon adoption.

3.1	17 February 2016	On 24 June 2015 the GNSO Council recommended that the ICANN Board of Directors adopt the new GNSO Processes as reflected in the Annexes D and E for the GNSO Guidance Process and Annexes F and G for the GNSO Expedited Policy Development Process as outlined in the Policy & Implementation Final Recommendations Report. See http://gnso.icann.org/en/drafts/policy-implementation-recommendations-01jun15-en.pdf and the motion at in the motion at https://community.icann.org/display/gnsocouncilmeetings/Motions+24+June+2015. In addition, the GNSO Council recommended that the GNSO Guidance Process and GNSO Expedited Policy Development Process shall be available for use by the GNSO Council following adoption of any necessary changes to the ICANN Bylaws by the ICANN Board. The revised ICANN Bylaws were completed and posted on 16 February 2016. The revisions in the Bylaws appear in Article X: Generic Names Support Organization, Section 3(9) with the new voting thresholds posted at: https://www.icann.org/resources/pages/governance/bylaws-en#X. The GNSO Expedited Policy Development Process and GNSO Guidance Process are added to the Bylaws as Annex A-1 at https://www.icann.org/resources/pages/governance/bylaws-en#AnnexA1 and Annex A-2 at https://www.icann.org/resources/pages/governance/bylaws-en#AnnexA2. The additional of Annex A-1 and A-2 necessitated changes to the GNSO Operating Procedures, APPENDIX 1: GNSO Council Voting Results Table to include the new voting thresholds as described above. In addition, the GNSO Expedited Policy Development Process and the GNSO Guidance Process are included as Annex 4 and 5, respectively. Also, as per the motion Section 4.3 Motion and Votes was amended to include 4.3.5, which adds a provision that clarifies that parallel efforts on similar/identical topics should be avoided as outlined in recommendation #3 of the Final Recommendations Report. On 24 September 2015, in its Consent Agenda the GNSO Council adopted the addition to the GNSO Operating Procedures of a proposed process for the selection of Board seat #13 by the Contracted Parties House (per current rules in the Operating Procedures concerning the selection of Board seats by each House). See http://gnso.icann.org/en/meetings/agenda-council-24sep15-en.htm. The process has been added to this version of the Operating Procedures as Annex 6. On 21 October 2015 the GNSO Council passed a motion to approve the Data & Metrics Working Group Recommendations (non-PDP) as detailed in the Final Report at: http://gnso.icann.org/en/issues/dmpm-final-09oct15-en.pdf. See the motion at https://community.icann.org/display/gnsocouncilmeetings/Motions+21+October+2015. Some of the recommendations in the Final Report resulted in revisions to the GNSO Operating Procedures as follows: Recommendation 2 directs staff to update Annex 2 of the GNSO Operating Procedures, Policy Development Process Manual, Section 9, Outcomes and Processes, concerning early outreach in regards to audience scope and quantitative input; Recommendation 3 directs staff to create and publish new templates of the Issue Report, Charter, and Final Report templates in Annex 1 of the GNSO Operating Procedures, Working Group Guidelines, Section 5, Products and Outputs; Recommendation 6 directs staff to update Annex 2 Policy Development Process Manual, by adding a new Section 4.5 2 Metrics Request Decision Tree and Form; and Recommendation 7 directs staff to import the Metrics Request Decision Tree found in Annex B and Metrics Request Form found in Annex C of the Final Report into Annex 1 Working Group Guidelines.

3.2	01 September 2016	The GNSO Standing Committee on Improvements Implementation (SCI) recommended modifications to the GNSO Council Operating Procedures relating to motions and the Chair/Vice-Chair elections, which the GNSO Council approved in a [motion](#) on 01 September 2016. With respect to motions, there are additions to Section 3.0 GNSO Council Meetings. Specifically, there is a new Section 3.3.3 Submitting, Seconding, and Amending Motions that records the processes currently used informally by the GNSO. With respect to Chair/Vice-Chair Elections, there are modifications to Section 2.2 Officer Elections: Chair and Vice-Chairs, and a new Section 2.2.1 Procedures for a Situation Where a New GNSO Chair Has Not Been Elected by the End of the Previous Chair's Term. This section describes the procedures for four scenarios relating to the Chair election and the selection of temporary Interim Vice-Chairs.
3.3	30 January 2018	The GNSO Bylaws Drafting Team recommended a number of updates to the GNSO Operating Procedures following the adoption of the post-transition ICANN Bylaws to accommodate the role of the GNSO as a decisional participant. Furthermore, a number of updates were made as a result of recommendations resulting from other efforts (the GAC-GNSO Consultation Group on Early Engagement of the GAC in GNSO Policy Development Activities and the GNSO PDP Improvements). In addition, references and links were updated to match the latest version of the ICANN Bylaws.

APPENDIX 1: GNSO Council Voting Results Table

Motion or Action	Reference	Threshold	CPH[12]: (3.3.1)	Conj.	NCPH[13]: (6.6.1)
Create Issue Report	Bylaws: Art 11, §3(i)i	> ¼ Both (or) > ½ One	2	AND	4
			4	OR	7
Initiate PDP Within Scope	Bylaws: Art 11, §3(i)ii	> ⅓ Both (or) > ⅔ One	3	AND	5
			5	OR	9
Initiate PDP Not Within Scope	Bylaws: Art 11, §3(i)iii	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Approve PDP Team Charter for PDP Within Scope	Bylaws: Art 11, §3(i)iv	> ⅓ Both (or) > ⅔ One	3	AND	5
			5	OR	9
Approve PDP Team Charter for PDP Not Within Scope	Bylaws: Art 11, §3(i)v	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Amendment to an Approved PDP Team Charter	Bylaws: Art 11, §3(i)vi	>½ Both	4	AND	7
Terminate a PDP (only for a significant cause)	Bylaws: Art 11, §3(i)vii	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Approve PDP Recommendation Without GNSO Super Majority	Bylaws: Art 11, §3(i)viii	> ½ Both[12] See footnote	4	AND	7

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[12] CPH = Contracted Parties House
[13] NCPH = Non-Contracted Parties House

Motion or Action	Reference	Threshold	CPH[14]: (3.3.1)	Conj.	NCPH[15]: (6.6.1)
Approve PDP Recommendation <u>With</u> GNSO Super Majority	Bylaws: Art 11, §3(i)ix	>= ⅔ Both OR >= ¾ One AND > ½ One	5 6 4	AND AND AND	9 7 10
Approve PDP Recommendation Imposing New Obligations on Certain Contracting Parties (where a 2/3 vote of the council demonstrates the presence of a consensus)	Bylaws: Art 11, §3(i)x	>= ⅔ Both OR >= ¾ One AND > ½ One	5 6 4	AND AND AND	9 7 10
Modify or Amend an Approved PDP Recommendation (only prior to Board approval)	Bylaws: Art 11, §3(i)xi	>= ⅔ Both OR >= ¾ One AND > ½ One	5 6 4	AND AND AND	9 7 10
Initiate an Expedited PDP (EPDP)	Bylaws: Art 11, §3(i)xii	>= ⅔ Both OR >= ¾ One AND > ½ One	5 6 4	AND AND AND	9 7 10
Approve EPDP Charter	Bylaws: Art 11, §3(i)xiii	>= ⅔ Both OR >= ¾ One AND > ½ One	5 6 4	AND AND AND	9 7 10

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[14] CPH = Contracted Parties House
[15] NCPH = Non-Contracted Parties House

Motion or Action	Reference	Threshold	CPH[16]: (3.3.1)	Conj.	NCPH[17]: (6.6.1)
Approve EPDP Recommendations	Bylaws: Art 11, §3(i)xiv	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Approve EPDP Recommendations Imposing New Obligations on Certain Contracting Parties	Bylaws: Art 11, §3(i)xv	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Initiate GNSO Guidance Process (GGP)	Bylaws: Art 11, §3(i)xvi	> ⅓ Both (or) > ⅔ One	3	AND	5
			5	OR	9
Reject Initiation of GGP Requested by the ICANN Board	Bylaws: Art 11, §3(i)xvii	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Approve GGP Recommendations	Bylaws: Art 11, §3(i)xviii	>= ⅔ Both OR >= ¾ One AND > ½ One	5	AND	9
			6	AND	7
			4	AND	10
Elect Vice-Chair Each House	GOP: §2.2c	> 50% One	5	OR	9
Elect Board Seat 13	Bylaws: Art 11, §3(6)a	> 60% One	5		
Elect Board Seat 14	Bylaws: Art 11, §3(6)b	> 60% One			8

[16] CPH = Contracted Parties House
[17] NCPH = Non-Contracted Parties House

Motion or Action	Reference	Threshold	CPH[16]: (3.3.1)	Conj.	NCPH[17]: (6.6.1)
Remove NCA Each House	Bylaws: Art 11, §3(3)	> 75% One	6	OR	10
Remove NCA	Bylaws: Art 11, §3(3)	> 75% Both	6	AND	10
Extend Term Limit: Geog/Diversity Circumstance	GOP: §2.1.1	> 60% Both	5	AND	8
Extend Term Limit: New Circumstance	GOP: §2.1.2	> 75% Both	6	AND	10
All Other (Default)	Bylaws: Art 11, §3(i)	> ½ Both	4	AND	7

Instructions:

Set forth above are all possible vote counts necessary to effectuate GNSO Council decisions that result from the consensus voting thresholds published in the ICANN Bylaws and GNSO Council Operating Procedures.

Where the threshold action notes a "both" designation, the vote in that column cell that corresponds with the appropriate voting house composition must be combined with the vote total in a second column cell. Where a result indicates "one" the action can be triggered by only the vote count in the column cell that corresponds with the appropriate voting house composition. For example, to create an Issues Report would require (2 votes in the Contracted Parties House combined with 4 votes in the Non-Contracted Parties House) OR (4 votes from the Contracted Parties House or 7 votes in the Non-Contracted Parties House).

Unless otherwise specified, a motion or action affecting a Council Member (e.g., Extend Term Limit) does not require that Councilor to abstain.

The Secretariat shall announce the motion and then call the roll, varying the sequence randomly for each new vote.

Results shall be published by Councilor by House indicating number of votes by category: Yes, No, Abstain (with Reason).

Legend:

CPH = Contracted Parties House

NCPH = Non-Contracted Parties House

GOP = GNSO Operating Procedures
(3.3.1) = Three CPH Members; Three NCPH Members; 1 Voting
NCA (6.6.1) = Six CPH Members; Six NCPH Members; 1 Voting NCA

ANNEX 1: GNSO Working Group Guidelines

Section 1.0: General

1.1   Purpose

The objective of this document is to assist Working Groups to optimize productivity and effectiveness by providing a set of guidelines, checklists, templates, and other 'best practice' materials that they may consider and/or utilize, as appropriate, in the process of establishing the WG and throughout its life cycle.

1.2   Intended Audience

This document is intended to inform the (potential) members of Working Groups that have been created or are in the process of being created by the GNSO or another Chartering Organization[1] to achieve or accomplish one or more objectives or outcomes. It should be noted that the manner in which the output of a WG defined by these guidelines is used is not determined by these guidelines, but rather is determined by the charter of the WG and, if applicable, the relevant ICANN Bylaw definitions such as the Policy Development Process.

While the document is the outcome of an effort started in response to the GNSO reorganization, the guidelines are meant to be applicable to other chartering organizations; hence, reference is made to Chartering Organization or CO as opposed to GNSO Council throughout this document.

1.3   Revisions

As further experience is developed in the management, operation and practice of Working Groups, it is intended that this document will be updated when appropriate. Any proposals for updates or changes should be submitted to the GNSO Council for consideration (please contact the GNSO Secretariat for further information).

The GNSO Council should commit to the annual review of these documents to ensure that documents stay up-to-date.

Section 2.0:   Roles and Responsibilities

2.1   Introductions and Working Group Formation

2.1.1   Announcement of a Working Group

After a decision has been taken to form a Working Group, it is important to circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group. Depending upon the scope of the Working Group and its intended subject matter, the following avenues could be explored:

- Publication of announcement on relevant ICANN web sites, including by not limited to the

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[1] These guidelines can also be used when several organizations want to charter a joint working group, such as has been done in the Cross-Community Working Groups (CWG).

GNSO and other Supporting Organization and Advisory Committee web pages.

- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.

- Circulation of announcement to organizations that are considered to have expertise/knowledge/interest in relation to the subject matter of the Working Group.

- One-to-one outreach from either the GNSO Chair or the Interim WG Chair to the Chair of other ICANN Supporting Organizations and Advisory Committees either known to have an interest in the subject, or those where it is felt that their input into the discussions will be valuable. Individuals known to be knowledgeable or interested could be similarly approached.

Ideally, the 'Call For Volunteers' announcement should include the following types of information about the Working Group: its objective(s), expectations concerning activities and timeframes, links to relevant background information including its charter, details on how to sign up as a participant, and the requirement to submit a Statement of Interest (SOI). In addition, a Chartering Organization (CO) might want to include some statement as to the importance of the activity, that is, why the effort is being undertaken, its criticality, context, and perceived usefulness to the GNSO. While a WG may not "need to know" these elements in order to complete their tasks, it could help in recruitment and sense of purpose. In addition, the announcement should include a link to these Working Group Guidelines as well as any other instructions or information that might be applicable to that particular Working Group.

2.1.2 Membership Applications

The Chartering Organization Secretariat or their representative, herein after referred as the Secretariat, will be tasked to gather expressions of interest to participate in a WG. Following the submission of an expression of interest, the Secretariat will verify that the submission has been received from a 'real person.' If the expression of interest has been made on behalf of a company or organization, a primary point of contact and alternate will be required in order to be eligible for WG membership.

Upon completion of the 'real person' verification, the Secretariat will send a confirmation of receipt together with a request for a Statement of Interest (SOI), according to GNSO Operating Procedures, Chapter 5.0, and a link to these Working Group Guidelines.

Appeals Process

If concerns about the completeness and/or accuracy of a Statement of Interest persist after reasonable attempts are made to resolve them with the Relevant Party, the matter shall be brought to the attention of the applicable Chair and handled according to decision-making methodology and appeal process as prescribed in Sections 3.6 and 3.7.

2.1.3 Planning the First Meeting

The responsible ICANN Staff member will coordinate with the Chair, Interim Chair or Chartering Organization (as appropriate) on the timing and proposed agenda for the first meeting of the WG. In addition, the ICANN Staff member is expected to provide the members of the WG with the relevant background information, including any relevant historical data, and recommended materials for review prior to the first meeting, including, but not limited to, a link to these Working Group Guidelines.

Once a date and time has been identified, the Secretariat will send out the call-in details to all the members of the WG.

2.1.4   First Meeting of the Working Group

2.1.4.1 Introductions

For team-building purposes, to understand its resources and capabilities and, potentially, to help with prospective assignments, members of the Working Group should be provided with the opportunity, at the start of the first meeting, to share information regarding interests, background, skills, experience, especially as related to any requirements in the Charter.

Members of the Working Group should be informed that all Working Groups are normally expected to operate under the principles of transparency and openness, which means, *inter alia*, that mailing lists are publicly archived, meetings are normally recorded and/or transcribed, and SOIs are required from Working Group participants which will be publicly posted.

2.1.4.2 Election of the WG Leaders

Unless a Chair has already been named by the Chartering Organization, normally a Chair will be selected at the first meeting of the WG. Until that time, the Chartering Organization's liaison may fulfill the role of interim Chair. A Working Group may elect to have Co-Chairs and Vice-Chairs. Under extraordinary circumstances, ICANN staff may be requested to perform administrative co-ordination of the WG until such time a Chair can be appointed. Once selected, a Working Group Chair will need to be confirmed by the Chartering Organization (CO). The newly elected Chair will act on a provisional basis until the Chartering Organization has confirmed the appointment. If there are any objections to the selected Chair, the CO will conduct a vote to establish whether there is sufficient support for the selected Chair according to the voting procedures of the CO. If not, the Working Group will be requested to reconsider their choice for Chair and return to the CO with a new proposal.

In the unlikely event that the selected Chair is rejected by the CO, the CO must articulate its reason for the rejection and the WG must be able to ask for reconsideration of the decision.

2.1.4.3 Items for Review

At the first meeting of the WG or as soon thereafter as practicable, the following documents should be reviewed in order to ensure all members have a common understanding of the WG's mission, goals, objectives, deliverables, decision-making process and timeframes: Charter, Working Group Guidelines and any other documents relevant for the WGs discussion (e.g., Policy Development Process Guidebook, Issues Paper). These documents are normally transmitted to the WG prior to the first meeting. It is required that WGs develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones set out in the WG Charter. If a WG does not develop a work plan, it will need to provide a justification to the Chartering Organization.

If the Chartering Organization has specified that it would like the WG to complete a formal Self-Assessment, it may be helpful to participants to review the questionnaire (see Section 7.0) in

advance so that, as plans unfold and deliberations proceed, members have an understanding of the information that will be asked at the conclusion of the team's work.

The WG Chair may use the following checklist.

Checklist	Yes/No
Have all WG members submitted Statements of Interest?	
Introduction of WG members	
Inform members that WG will operate under the principles of transparency and openness (i.e., mailing lists are publicly archived, meetings are recorded / transcribed)	
Review of WG's mission, goals, objectives, deliverables, decision-making process, timeframes and any other documents relevant for the WG"s discussion	
Review WG Self-Assessment Questionnaire (see Section 7.0)	
Development of a work plan	
Schedule for future meetings of the WG	

If the Chartering Organization has specified that it would like the WG to complete a formal Self-Assessment, it may be helpful to participants to review the questionnaire (see Section 7.0) in advance so that, as plans unfold and deliberations proceed, members have an understanding of the information that will be asked at the conclusion of the team's work.

2.2   Working Group Member Roles and Responsibilities

The following is a description of standard WG roles. Typically, the Charter will outline the desired qualities and skills a WG Chair should possess, the role and name of the official liaison to the Chartering Organization, and any key Staff or other experts assigned to the WG. Any additional roles that are not included here should be listed in the WG Charter, including a description and minimal set of functions/duties to the extent that the chartering organization might wish to specify them.

A suggested procedure to conduct elections may be:

- Nominations or self-nominations;

- Statements of qualifications from candidates, which sets forth the qualifications, qualities and experience that they possess that will serve the particular WG;

- Vote by simple majority;

- Notification of and subsequent confirmation by the Chartering Organization of results of actions.

2.2.1   Chair

The purpose of a Chair is to call meetings, preside over working group deliberations, manage the process so that all participants have the opportunity to contribute, and report the results of the Working Group to the Chartering Organization. The Chair should underscore the importance of achieving overall representational balance on any sub-teams that are formed. The Chair should make it clear that participation on sub-teams is open to all and he/she should encourage representational balance to the

degree possible. However, it should be understood that there will not always be volunteers from every interest group and that it is often acceptable to have a small sub-team that is not totally representational perform an initial role that will later be reviewed by a broader more representational group. In those cases where initially there is insufficient balance, the Chair should make a special outreach effort to those groups not represented. In all cases where the Chair believes that one set of interests or expertise is missing from a group, special efforts must be made to bring that interest or expertise into the group via invitation or other method and the situation must be documented in the final report, including a discussion of the efforts made to redress the balance. Additionally, the Chair should ensure that particular outreach efforts are made when community reviews are done of the group's output, to include reviews from the interests or expertise that were not adequately represented. The Chair should always encourage and, where necessary, enforce the ICANN Standards of Behavior (see 3.0 Norms).

2.2.2   Co-Chairs or Vice-Chairs

Appointing a co-chair(s) or vice-chair(s) may facilitate the work of the Chair by ensuring continuity in case of absence, sharing of workload, and allowing the Chair to become engaged in a particular debate.

2.2.3   Secretary

Note taker and recorder of the WG's activities (Note: this role could also be fulfilled by ICANN Staff).

2.2.4   Liaison

A Member of the Chartering Organization (CO) may be appointed to serve as a Liaison to the Working Group. The role of the Liaison consists of reporting to the CO on a regular basis on the progress of the Working Group; assisting the Chair as required with his/her knowledge of WG processes and practices; taking back to the CO any questions or queries the WG might have in relation to its charter and mission; and, assisting or intervening when the WG faces challenges or problems. The liaison is expected to fulfill the liaison role in neutral manner, monitor the discussions of the Working Group and assist and inform the Chair and the WG as required.

2.2.5   Members

WG members as a whole are expected to participate, contribute and drive the work of the group. It is the responsibility of the WG members to make sure that any initial drafts represent as much of the diversity of views as possible. This may be done by either asking multiple WG members to contribute text that may be assembled with the help of staff, or for a drafting subgroup to be established to produce such an initial draft. While staff may be asked to help in assembling initial drafts, the WG is responsible for driving the work. Examples of member responsibilities include:

- Develop and draft working-group documents;
- Contribute ideas and knowledge to working group discussions;
- Act as liaisons between the Working Group and their respective stakeholder groups or constituencies;
- Ensure that stakeholder group or constituency statements are developed in an informed and timely way; and

- Actively and constructively participate in the consensus decision making process.

2.2.6 Staff

ICANN Staff performs the following two basic functions for any WG, namely secretariat (fundamentally a support function covering logistics) and policy liaison (a support function providing WG assistance in a neutral manner, including drafting, if required, which should reflect faithfully the deliberations of the Working Group). In addition, workload permitting, ICANN Staff may perform the following distinct roles for a WG as requested and appropriate:

- Expertise (technical, legal, economic, etc.);
- Operational/Implementation (facilitation with the framework of existing policies and rules);
- Scoping (for policy matters, internal role of the General Counsel, but possibly distinct, guaranteeing respect of the procedures and competencies of the different structures); or
- Liaison with other Staff or experts.

2.3 Use of Sub-Teams

The WG may decide to employ sub-teams as an efficient means of delegating topics or assignments to be completed. Sub-team members need to have a clear understanding of issues they work on as well as the results to be achieved. The members of sub-teams report their results to whole working group for review and approval. The WG should indicate whether or not it would like to have meetings of the sub-team recorded and/or transcribed.

Any member of the WG may serve on any sub-team; however, depending upon the specific tasks to be accomplished, the Chair should ensure that the sub-team is properly balanced with the appropriate skills and resources to ensure successful completion. It is recommended that the sub-team appoints a coordinator who heads up the sub-team and is responsible for providing regular progress updates to the Working Group. There is no need for formal confirmation by the CO or WG of such a coordinator.

The lifespan of a sub-team should not extend beyond that of the Working Group.

> **Decisions made by sub-teams should always be shared with the larger working group and a call for consensus must be made by the entire WG.**

Section 3.0: Norms

3.1 Participation

Members of a WG are expected to be active participants, either on the WG mailing lists and/or in the WG meetings, although some might opt to take an observer approach (monitor mailing lists and/or meetings). The WG Chair is expected to make an assessment at the start of every meeting whether a sufficient number of WG members are present to proceed with the meeting and discussions. A sufficient number has not been defined in exact numbers in this context, but should be understood as having a representative number of WG members present. For example, the Chair may decide that there is not a sufficient number of WG present to make decisions, but that there is a sufficient number of WG members to have initial

discussions on a certain issue and following those initial discussions encourage members on the mailing list to share their views before a decision is made at a subsequent meeting. An attendance record will be kept of every WG meeting.

If there is lack of participation resulting in meetings being cancelled and/or decisions being postponed, the Chair is expected to explore the reasons (e.g. issues with the schedule of meetings, conflict with other activities or priorities) and attempt to address them (e.g. review meeting schedule). If there is no obvious way to address the situation, the Chair should approach the Chartering Organization, Stakeholder Groups, or Constituencies for assistance (e.g. request for additional volunteers to the WG) on whether there is sufficient interest from the community to continue or whether the work should be delayed.

3.2   Representativeness

Ideally, a Working Group should mirror the diversity and representativeness of the community by having representatives from most, if not all, CO Stakeholder Groups and/or Constituencies. It should be noted that certain issues might be more of interest to one part of the community than others. The Chair, in cooperation with the Secretariat and ICANN Staff, is continually expected to assess whether the WG has sufficiently broad representation, and if not, which groups should be approached to encourage participation. Similarly, if the Chair is of the opinion that there is over-representation to the point of capture, he/she should inform the Chartering Organization.

3.3   Process Integrity

WGs are encouraged to focus and tailor their work efforts to achieve the identified goals of the Charter. While minimum attendance and participation requirements are not explicitly recommended, a Chair is expected, as outlined above, to take the necessary measures to ensure that all WG members have an opportunity to provide their input on issues and decisions. WG members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced. If the reopening is perceived as abusive or dilatory, a WG member may appeal to the Chair (see Section 3.7).

Members are expected to participate faithfully in the WG's process (e.g., attending meetings, providing input OR monitoring discussions) and should formally withdraw if they find that they can no longer meet this expectation. Working group members may request a review by the Chair if a member disrupts the work or decision-making of the group as a result of inconsistent participation. It should be noted that there are no rules or requirements as to what constitutes sufficient or adequate 'participation;' this is an assessment that each WG member should make individually.

Public comments received as a result of a public comment forum held in relation to the activities of the WG should be carefully considered and analyzed. In addition, the WG is encouraged to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG.

3.4   Individual/Group Behavior and Norms

ICANN's Expected Standards of Behavior are outlined in the ICANN Accountability and Transparency Framework, see http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf for

further details. [2]

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

3.5   Rules of Engagement

This section contains procedures for handling any member that is perceived to be persistently and continually obstructing the Working Group's efforts.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. This restriction is subject to the right of appeal as outlined in Section 3.7.

3.6   Standard Methodology for Making Decisions

The Chair will be responsible for designating each position as having one of the following designations:[3]

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**

- **Consensus** - a position where only a small minority disagrees, but most agree.[4]

- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or

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[2] Other best practices that can be considered include the 'Statement on Respectful Online Communication', see http://www.odr.info/comments.php?id=A1767_0_1_0_C.

[3] The designations "Full consensus," "Consensus," and "Strong support but significant opposition" may also be used to signify levels of "consensus against" a particular recommendation if the consensus position of the Working Group warrants it. If this is the case, any "Minority View" will be in favor of the particular recommendation. It is expected that designations of "consensus against" will be rare and Working Groups are encouraged to draft (and revise) recommendations so that a level of consensus can be expressed "for" rather than "against" a recommendation. However, it is recognized that there can be times when a "consensus against" designation is both appropriate and unavoidable as a practical matter. A "consensus against" position should be distinguished from a position of "Divergence" (or "No Consensus"), which is applied where no consensus has emerged either for or against a recommendation (i.e., the consensus level of the Working Group cannot be described as "Full consensus," "Consensus" or "Strong support but significant opposition" either for or against a recommendation).

[4] For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.

convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.

- • **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

    i.   After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

    ii.   After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.

    iii.   Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

    iv.   In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

        o   A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.

        o   It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology it should be affirmatively stated in the WG Charter.

Consensus calls should always involve the entire Working Group and, for this reason, should take place

on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants[5] in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.

2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.

3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO.[6]

3.7   Appeal Process

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in Section 2.2 of this document, the same appeals process may be invoked.

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[5] Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support for initiating an appeal before the formal process outlined in Section 3.7 can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial the appeal process set forth in Section 3.7.

[6] It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Section 4.0: Logistics and Requirements

4.1   Session Planning – General Meeting Logistics

The Chair will normally work with ICANN Staff and/or the Secretariat to coordinate the logistics for the WG meetings. Online tools are available that may be used to find a day and time convenient for most WG participants. It should be noted, however, that scheduling tools should follow the preference of the majority and accommodate those that are in different time zones. Alternating meeting times should be considered as an option if the same members of the WG are always 'inconvenienced' by a standing meeting time. WGs should decide how often they would like to meet (e.g., weekly, every two weeks) and for how long (e.g., 1 hour, 1.5 hours).

The Secretariat is responsible for communicating the timing and dial-in details for meetings that take place by conference call. Universal Standard Time (UTC) is used as a standard reference (local times can be found using www.timeanddate.com). Dial out support and/or toll free numbers, when available, will be provided to WG members to facilitate participation. Additionally, to facilitate remote participation and sharing of documents, WGs may make use of various online connect services. As described above, meetings are normally recorded and transcribed.

There is a presumption of full transparency in all WGs. In the extraordinary event that the WG should require confidentiality, it is up to that WG to propose a set of rules and procedures in collaboration with the CO.

WGs may opt to organize face-to-face meetings during ICANN meetings to take advantage of those members attending and to open its session to the broader ICANN community. It should be noted that not all WG members may attend an ICANN meeting, a factor that should be weighed in deciding whether to arrange a face-to-face session. Best efforts should be made to provide remote participation facilities for those not attending an ICANN meeting in person.

Apart from face-to-face sessions during ICANN meetings, WGs might decide that it is vital for its deliberations and/or reaching consensus to meet in person for a certain amount of time (e.g., day, two days). If funding is required to organize such a meeting (e.g., travel expenses), a request should be made to the Chartering Organization for approval with as much advance notice as possible.[7]

A WG may request additional tools or applications if considered necessary to achieve the objectives set out in its Charter.

The Chair, with support of ICANN Staff, if required, is expected to circulate the draft agenda to the WG ideally at least 24 hours in advance. At the start of a meeting, the Chair should review the agenda and any proposed changes to that agenda.

Following the meeting, an MP3 recording and/or transcript will be made available for those who were not able to attend and/or other interested parties. In addition, a WG may consider using action items and/or notes from the meeting to record the main decisions or follow-up items from a meeting. The action items or meeting notes should be circulated in a timely manner in order to allow for sufficient preparation or

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[7] Please note that the ICANN Budget is finalized and approved in advance of each fiscal year so if general funds are not   available for a need like this, it may be difficult to obtain funding.

response ahead of the next meeting.

4.2   Communication/Collaboration Tools

Each Working Group will have a dedicated mailing list. Working Group mailing lists are publicly archived (e.g., on the GNSO web site (http://gnso.icann.org). In addition, WGs may make use of collaborative workspaces such as Wikis (see https://community.icann.org). WGs are free to make use of different document formats, but it might be helpful to come to an agreement, in advance, to ensure that all members are able to work with them.

4.3   Translation

ICANN uses the following translation principles:

ICANN will provide timely and accurate translations, and move from an organization that provides translation of texts to one that is capable of communicating comfortably with a range of different languages. The translation framework comprises a four-layer system:

- The bottom layer contains those specific documents and publications that address the organization's overall strategic thinking. They will be translated into an agreed block of languages.

- The next layer contains a class of documents that ICANN undertakes to provide in different languages to allow interaction within ICANN processes by non-English speakers.

- The third layer comprises documents suggested by ICANN staff as being helpful or necessary in ongoing processes; and documents requested by the Internet community for the same reasons. These documents will be run through a translation approval system.

- The top layer is where the community is encouraged to use online collaborative tools to provide understandable versions of ICANN materials as well as material dynamically generated by the community itself. ICANN will provide the technology for community editing and rating, and a clear and predictable online location for this interaction to occur. It will also seek input from the community to review the tools.

English will remain the operating language of ICANN for business consultation and legal purposes.

Every effort will be made to ensure equity between comments made in languages other than English and those made in English. If it is not possible to arrange the release of particular documents in the agreed languages at the same time, then each language will be provided with the same time period in which to make comments.

ICANN will adopt the International Organisation for Standardisation's 639-2 naming system for identifying and labeling particular languages.

4.4   Briefings and Subject Matter Experts

If the WG determines that it needs additional educational briefings occurring upfront or as issues emerge during deliberations, it should identify its specific requests to the CO including subject matter(s), type(s) of expertise, objectives, and costs. If additional costs are involved, prior approval must be obtained from

the CO.

Additionally, a WG may, at any stage throughout its deliberations, decide to seek input from self-formed groups and/or individuals with the aim of further informing WG members about matters that fall within the remit of the WG and which are of interest to the ICANN community.

4.5 Metrics Request Decision Tree and Form

If a Stakeholder Group or Constituency at the Issue Identification phase or during the Working phase of the Policy Development Process determines that acquisition of data and/or metrics may better facilitate issue development or deliberations, it should utilize the Metrics Request Decision Tree and submit a Request Form to the GNSO Council for consideration and subsequent facilitation by staff. The requestor should perform a preliminary requirements definition and an approximate sizing of resources that may be required.

The Metrics Request Decision Tree will help facilitate the process of the request in considering requirements, resources, data sources, and confidentiality. The requestor shall complete the following form and the Metrics Request Decision Tree can be found on the GNSO Website.

Working Group Metrics Request Form

Group Submitting Request:	[Name of WG/DT]
Request Date:	[DD-MMM-YYYY]
Policy or Issue being explored:	Provide a brief description of the policy issue being explored that requires the need for additional data.
Issue to be solved:	Provide a detailed problem statement about the issue(s) that require additional data and metrics to facilitate the WG's deliberations.
Data Requirements:	Provide a set of requirements to inform the scope
Responsible Team(s) or Data Source:	Provide a list of potential sources, teams, and or 3rd party sources to meet the above data requirements. Such examples could be: 1. Publicly available data submitted to ICANN via Registry Operator monthly reports 2. ICANN Contractual Compliance 3. Sample(s) of Registrar/Registry data from registration systems aggregated through third party provider 4. Sample(s) of Registrar/Registry data from complaint intake systems aggregated through third party provider 5. Third party data sources
Expected Delivery Date:	[DD-MMM-YYYY]

Resource Estimation:	Educated guess on the resources required such as scope, people, access to data, complexity of requirements, sources. [Note: staff will evolve this section in fulfilling the request]
Budget Considerations:	Educated guess on the budget implications based on the resource estimation. [Note: staff will evolve this section in fulfilling the request] TBD 1. Data supplied by ICANN will not require additional budget allocation 2. Third party provider to aggregate Registrar data will be required; RFP to be announced

Hints & Tips for completing the above form.

Section 5.0:   Products and Outputs

The products and outputs of a Working Group may be prescribed by the Charter such as a report, recommendations, guidelines, self-assessment or defined by the process under which the WG operates (e.g., Policy Development Process). In addition, the Working Group might decide that additional products or outputs are required in order to carry out its Charter in an efficient and productive manner such as a statement of work or a project plan. Working Groups should be encouraged to review products and outputs from other WGs and/or consult with ICANN Staff to decide what additional products or outputs would be advisable to develop. Links to some examples of products and outputs produced by other GNSO Working Groups can be found hereunder:

Work Product Templates:
•   Preliminary Issue Report
•   Working Group Charter
•   Initial Working Group Report
•   Public Comment Review Tool

Work Product Examples:
•   Issue Report – IRTP Part D Issue Report
•   Charter – IRTP Part D Charter
•   Initial Report – IRTP Part D WG Initial Report
•   Final Report – IRTP Part D WG Final Report
•   Public Comment Review Tool – IRTP Part D PCRT
•   Recommendations/Guidelines – New gTLDs Principles, Recommendations & Implementation Guidelines
•   Stakeholder Group/Constituency Statement Template – IRTP Part D Constituency Statement Examples
•   Public Comment Announcement Text – IRTP Part D Public Comment Announcement
•   WG Self Assessment Template (See Section 7.0.)

Section 6.0:   Charter Guidelines

This section of the document is intended to assist any Chartering Organization in its effective implementation of Working Groups by providing a set of guidelines, checklists, templates, and other 'best practice' materials that it should consider and/or utilize, as appropriate, in creating, chartering, staffing, and guiding a Working Group (WG) to accomplish some desired outcome. The term "Chartering Organization" (CO), in this context, can be any formal entity or informal grouping of individuals that wishes to generate a WG Charter document.

These Guidelines are organized into three major sections as follows:

Section 6.1: Contains suggestions and recommendations related to the implementation of Working Groups.

Section 6.2: Is organized and structured to be a template containing specific elements that are recommended to be considered by any CO intending to produce a specific Working Group Charter document.

Section 6.3: Contains background information informing the effort to create this document.

6.1   General Working Group Implementation Guidelines

Introduction: This Section contains suggestions and recommendations related to the general implementation of Working Groups. For those engaged in drafting a specific Working Group Charter, please see Section 6.2 below for further details.

6.1.1   Announcement of a Working Group

After a decision has been taken to form a Working Group, it is important to circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group. Depending upon the scope of the Working Group and its intended subject matter, the following avenues are required to be utilized as the default rule, subject to exceptions only in extraordinary circumstances:

- Publication of announcement on the relevant ICANN web sites.
- Distribution of announcement to appropriate Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.

Nothing in the foregoing is intended to limit the wider distribution of the call for volunteers. For example, the WG could consider:

- Circulation of announcement to organizations that are considered to have expertise/knowledge/interest in relation to the subject matter of the Working Group.

Ideally, the 'Call For Volunteers' announcement should include the following types of information about the Working Group: its objective(s), expectations concerning activities and timeframes, links to relevant background information including its charter, details on how to sign up as a participant, and the requirement to submit a Statement of Interest (SOI). In addition, a CO might want to include some

statement as to the purpose of the activity, that is, why the effort is being undertaken, its criticality, context, and perceived usefulness to the Chartering Organization. While a WG may not "need to know" these elements in order to complete their tasks, it could help in recruitment and sense of purpose.

6.1.2   Transparency and Openness

All Working Groups are expected to operate under the principles of transparency and openness, which means, *inter alia*, that mailing lists are publicly archived, meetings are normally recorded and/or transcribed, and SOIs are required from Working Group participants and will be publicly available. It is important that prospective Working Group members are made aware of these principles.

6.1.3   Purpose, Importance, and Expectations of the Chair

While open Working Groups may offer many benefits in terms of broad participation and support, it is equally important that inclusiveness does not compromise effectiveness. An experienced Chair with strong leadership and facilitation skills will be a key ingredient of a successful outcome. He or she should be able to distinguish between participants who offer genuine reasons for dissent and those who raise issues in an effort to block progress. The Chair should have the authority to enforce agreed upon rules applicable to anyone trying to disrupt discussions and be able to exclude individuals in certain cases, provided an avenue of appeal is available. In addition, the Chair should be able to ensure that anyone joining a Working Group after it has begun has reviewed all documents and mailing list postings and agrees not to reopen previously decided questions. However, if there is support from the Chair to reopen an issue in light of new information that is provided either by a new member or an existing member of the Working Group, this should be possible.

The Chair is expected to assume a neutral role, refrain from promoting a specific agenda, and ensure fair treatment of all opinions and objectivity in identifying areas of agreement. This does not mean that a Chair experienced in the subject manner cannot express an opinion, but he or she should be explicit about the fact that a personal opinion or view is being stated, instead of a 'ruling of the chair.' However, a Chair should not become an advocate for any specific position. The appointment of co-chairs could be considered and is encouraged as a way to share the burden, provide continuity in case of absence of the Chair as well as allowing group leaders to rotate their participation in the discussion. In addition, in certain circumstances the CO may decide that it must appoint a completely neutral and independent Chair who would not participate in the substance of the discussions. In such circumstances, the Chair would be appointed by the CO.

Ideally, a Chair should have sufficient and substantive process expertise, possess leadership skills and be skilled in consensus building.

The Chartering Organization, working with the Staff, might consider the use of a professional facilitator, in certain circumstances, to help a Chair ensure neutrality and promote consensus or to provide other capabilities and expertise.

6.1.4   Other Important Roles
There are a number of other roles that a Chartering Organization should consider including:

- **Chartering Organization Liaisons** – A Member of the Chartering Organization (CO) is appointed to serve as a Liaison to the Working Group. The role of the Liaison consists of

reporting to the CO on a regular basis on the progress of the Working Group; assisting the Chair as required with his/her knowledge of WG processes and practices; taking back to the CO any questions or queries the WG might have in relation to its charter and mission; and, assisting or intervening when the WG faces challenges or problems. The Liaison is expected to play a neutral role, monitor the discussions of the Working Group and assist and inform the Chair and the WG as required. The CO is therefore strongly encouraged to appoint an individual to the role of liaison who is expected to remain neutral and fulfill the role as described above.

• **Expert Advisors/Consultants** – If deemed necessary to fulfill the charter obligations, a CO may consider inviting one or more expert advisors or consultants to participate in the WG. If there are budget implications related to the participation of such external resources, funding should be confirmed in advance with the appropriate ICANN Staff organization.

• **ICANN Staff** – the following distinct Staff roles may be assigned to a WG:

   o Expertise (technical, legal, economic, etc.)

   o Secretariat (fundamentally a support function covering both logistics and drafting assistance in a neutral manner reflecting faithfully the deliberations of the Working Group)

   o Operational/Implementation (facilitation with the framework of existing policies and rules)

   o Scoping (for policy matters, internal role of the General Counsel, but possibly distinct, guaranteeing respect of the procedures and competencies of the different structures)

6.2   Working Group Charter Template[8]

Introduction: This Section of the Guidelines is organized and structured to be a template containing specific elements that are recommended to be considered by any group intending to produce a specific Working Group Charter document.

Disclaimer: The reader is cautioned that, while this template was designed to be comprehensive in terms of topics that might be applicable to a wide range of circumstances, not all Working Group Charters need to contain each and every section outlined below. Charter drafters are encouraged to consider all of the elements contained herein, but should feel unconstrained in skipping any section(s) that are not relevant to a particular purpose or adding additional sections that are specific to the particular WG effort. However, the following sections are required like 6.2.1, 6.2.2, 6.2.3 and all associated sub-sections.

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[8] The Chartering Organization will be responsible for drafting the charter and may follow its own internal procedures for completing and/or assigning this task.

6.2.1   Working Group Identification

This section of the Charter should identify the name/identity of the Working Group and any sponsoring motion (as well as links/pointers) that establishes the Charter, if applicable. Drafters are also encouraged to identify which version of these Guidelines was referenced in preparing the Charter document. Specific elements that might be included in this section are:

- *Name of WG*
- *Name of Appointed Liaison(s)*
- *Names of Advisers to the WG, if any*
- *Name of WG Chair, if appointed in advance [Note: the Liaison may serve as Interim Chair until a Chair selected by the WG and confirmed by the CO]*
- *URL of any WG Workspace(s) and WG mailing list archives, if available*
- *Links to other ICANN documents or initiatives, including past documents or initiatives, that might have a bearing on the WGs discussions and deliberations*

Links to documents and/or decisions that have led to the creation of the WG

6.2.2   Mission, Purpose, and Deliverables

6.2.2.1 Mission and Scope

A well-written mission statement is characterized by its specificity, breadth and measurability.

The Scope of a WG should outline the boundaries within which the WG is expected to operate, e.g., in the context of a GNSO policy development process, the scope of a WG is limited to consideration of issues related to gTLDs and within ICANN's mission.

6.2.2.2 Objectives and Goals

The objectives/goals should clearly set out the issues that the WG is supposed to address. This could, for example, be in the form of a number of questions that the WG is expected to answer. In addition, objectives/goals could also include specific activities such as the organization of a workshop or production of certain documents. In general, well-defined objectives will structure and facilitate the deliberations of the WG and should be written clearly and concisely to minimize questions and confusion.

A provision should be considered that encourages the WG to request clarity from the CO if it feels it cannot carry out its tasks and responsibilities due to perceived uncertainties or limitations within the Charter. Furthermore, a WG has the possibility to renegotiate potential changes to the Charter if deemed necessary in order to achieve the objectives and goals set out.

6.2.2.3 Deliverables and Timeframes

A Charter is expected to include some, if not all, of the following elements: potential outcomes and/or expected deliverables, key milestones, and a target timeline - all of which can, if necessary, be further refined by the WG at its onset in conjunction with the CO. Although the identification of specific work tasks, outcomes, and deadlines might be perceived as constraining the WG in its activities, it is also intended to provide guidance to the WG and prevent unintentional scope creep. It should be emphasized that the WG can always ask the CO to reconsider any of the deliverables or renegotiate deadlines identified by providing its rationale.

In certain WGs, such as a Policy Development Process, the milestones and timeline might be prescribed by the ICANN Bylaws. In other situations, sufficient thought should be given to key milestones, realistic timelines, and ways to inform and consult the ICANN Community (such as public comment periods). It should be noted that any changes to milestone dates incorporated in the charter will need to be cleared with the CO.

6.2.3   Formation, Staffing, and Organization
6.2.3.1   Membership Criteria
This section of the charter should contain the chartering organization's guidance to the Working Group in terms of membership/staffing and may specify certain types of knowledge/expertise needed or desired, balance in skills/background/interest, openness to the ICANN community and its modus operandi, sizing elements/factors, and any limitations or restrictions to individuals previously banned from participating in a WG for cause.
6.2.3.2   Group Formation, Dependencies, and Dissolution
This section should outline information about the proper formation and instantiation of the Working Group (e.g., date, place, logistics). It would also indicate any dependencies or relationships with other groups, if applicable. Further information might be included addressing under what conditions the WG is dissolved.
6.2.3.3   Working Group Roles, Functions, and Duties
This section is intended to describe the WG roles that exist (e.g., Chair, Vice-Chair, Secretary, Liaison, Expert Advisor, Staff). A description of standard WG roles [provide list of standard roles] can be found in the WG Guidelines [include reference]. A reference to this section should be included in the Charter. Any additional roles that are not included in the WG Guidelines should be listed here including a description and minimal set of functions/duties to the extent that the chartering organization might wish to specify them.
6.2.3.4   Statements of Interest (SOI)
This section will contain guidelines relating to the elements and content of SOIs that each member of the WG is required to supply to the team. [See GNSO Operating Procedures, Chapter 5.0, for provisions related to Statements of Interest] *Further guidance is provided in Section 2.1.2 of this document on how to deal with any participant that does not provide an SOI despite multiple requests and reminders.*

6.2.4   Rules of Engagement
The intention of this section is to provide a place in the Charter for those situations where a sponsor or chartering organization wishes to emphasize the rules of engagement or impose specific overarching 'rules of engagement' that will apply to the WGs deliberations and activities. The standard rules of engagement, including behavior and norms, are explained in further detail in Section 3.0 of this document.
6.2.4.1   Decision Making Methodologies
The standard methodology for making decisions is incorporated in Section 3.6 of this document and should be reproduced/referenced in the WG's charter. If a chartering organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology it should be affirmatively stated in this section.
6.2.4.2   Status Reporting
This section of the Charter should stipulate the types of status reports requested (e.g., Chair or Liaison update), frequency of reporting, and any guidance to the WG in terms of expected substance/content, e.g. status of deliberations, significant agreements/disagreements, how often are meetings held, how many active participants are there, role assignments, etc. It should also specify if there is a requirement for status updates at set times, e.g., two weeks prior to an ICANN meeting.[9] If the CO has a standard for reporting, it can be included here by reference.

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[9] It should be noted that the Board has adopted a 'Document Publication Operational Policy' (see http://www.icann.org/en/committees/participation/document-publication-operational-policy-30oct09-en.pdf)   which   requires   the publication of documents 15 working days in advance of an ICANN public meeting.

6.2.4.3 Problem/Issue Escalation and Resolution Processes
The standard methodology for problem/issue escalation and resolution is incorporated in Section 3.4, 3.5 and 3.7 of this document and should be reproduced in the WG's charter. If a chartering organization wishes to deviate from the standard methodology for problem/issue escalation and resolution, and empower the WG to decide its problem/issue escalation and resolution methodology it should be affirmatively stated in this section.
6.2.4.4 Closure and Working Group Self-Assessment
This section of the Charter should describe any instructions for WG final closure including any feedback and/or self-assessment that is requested by the Chartering organization. This section might also indicate if there is any specific format, template, or prescribed manner in which the feedback is to be provided.

Charter Document History
This section should record key changes to the WG Charter, that take place after the adoption of the Charter by the CO.

6.3 Revisions

The original drafters of this document intended that its contents be continually revised and improved as individuals and groups gain experience with Working Groups and utilize these guidelines in writing charter documents. Comments about this document, including suggestions for revision may be directed to: policy-staff@icann.org. When offering suggestions for update, please cite the section, chapter, page number, and specific text along with recommendations for amendment. This document and its prior versions will be available on the GNSO Website (http://gnso.icann.org).

6.4 Applicability

The GNSO Council or any of its sub-groups may decide to utilize a WG anytime they think that community wide participation is advisable for resolving issues. It should be emphasized that WGs are not intended to apply to policy development processes solely.

Section 7.0: Working Group Self-Assessment

A WG Self-Assessment instrument has been developed as a means for Chartering Organizations to formally request feedback from a WG as part of its closure process. WG members are asked a series of questions about the team's inputs, processes (e.g., norms, decision-making, logistics), and outputs as well as other relevant dimensions and participant experiences. Screenshots of the questionnaire have been assembled into a PDF (see link below) so that WG participants can review, in advance, how it is designed and what specific information will be solicited.

During the WG's closure process, coordinating with the Chair, Staff will provide a unique link (URL) to the online questionnaire along with open and close dates and any specific instructions. Staff will then perform the following actions:
- Monitor the online process providing status updates to the WG Chair;
- Provide technical assistance to WG members if requested;
- Notify the Chair when all team members have completed the questionnaire; and, following the close date,
- Summarize the feedback in a written report to the Chartering Organization.

END OF ANNEX 1

ANNEX 2: Policy Development Process Manual

1. PDP Manual - Introduction

These guidelines and processes supplement the requirements for PDPs described in Annex A of the ICANN Bylaws https://www.icann.org/resources/pages/governance/bylaws-en/ - AnnexA.

2. Requesting an Issue Report

As outlined in Annex A of the ICANN Bylaws, a request for an Issue Report may be initiated upon Board, Council or Advisory Committee request.

Requests for an Issue Report by the Board or by an Advisory Committee do not require any GNSO Council action, but are to be reviewed by Staff and prepared in accordance with Section 5.4 below.

3. Planning for Initiation of a PDP

Consistent with ICANN's commitment to fact-based policy development, 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, in order to ensure a balanced and informed Issue Report.

The GNSO is encouraged to consider scheduling workshops on substantive issues prior to the initiation of a PDP. Such workshops could, amongst others; facilitate community understanding of the issue; assist in scoping and defining the issue; gather support for the request of an Issue Report, and/or; serve as a means to gather additional data and/or information before a request is submitted. Where appropriate, the GNSO Council should consider requiring such a workshop during the planning and initiation phase for a specific issue. To the extent such workshops are utilized by the GNSO, the invitations and/or announcements for workshops should be communicated as broadly as possible.

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.

4. Recommended Format of Issue Report Requests

The recommended format of requests for Issue Reports under paragraphs (b) and (c) of Section 2 is described below:

Request for Issue Report	
Name of Requestor:	
Name of Stakeholder Group/Constituency/Advisory Committee (if applicable) in support of request:	
Please provide rationale for policy development:	
Brief explanation of how issue affects your SG / Constituency / Advisory Committee:	
Suggestions on specific items to be addressed in the Issue Report (if any):	
Please provide a concise definition of the issue presented and the problems raised by the issue, including quantification to the extent feasible:	
What is the economic impact or effect on competition, consumer trust, privacy and other rights:	
Please provide supporting evidence (if any):	
How does this issue relate to the provisions of the ICANN Bylaws, the Affirmation of Commitments and/or ICANN's Articles of Incorporation:	
Date Submitted:	
Expected Completion Date:	

Any request for an Issue Report, either by completing the template or in another form, 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 template, is strongly encouraged.

5. Notification by GNSO Liaison to the GAC to initiate GAC Quick Look Mechanism

Following the adoption of the request for an Issue Report, or the receipt by the GNSO Council of a request for an Issue Report by the ICANN Board, the GNSO Liaison to the GAC notifies the GAC Secretariat of this request. The GAC Secretariat is expected to confirm receipt of the notification and indicate if any additional information on the issue is needed in order to proceed with the Quick Look Mechanism (QLM). The QLM is used by the GAC to establish whether the issue subject to the request for an Issue Report has potential public policy implications and, if so, flag this at an early stage to the GNSO. The outcome of the QLM is expected to be submitted by the GAC Secretariat as part of the public comment forum on the Preliminary Issue Report.

6. Creation of the Preliminary 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, which request should be discussed with the Requestor.

In the event that the Issue Report was initially requested by the Board or an Advisory Committee, the requestor shall be informed of any extension of time for completion of the Issue Report. Any request for extension of time should include consideration of the complexity of the issue, the extent of research and outreach recommended, and the ICANN Staff workload.

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 examine whether the issue:
   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.
f) The opinion of ICANN Staff as to whether the Council should initiate the PDP on the issue
g) A proposed Charter for the PDP Working Group

7. Public Comment on the Preliminary Issue Report

Upon completion of the preliminary Issue Report, the preliminary Issue Report shall be posted on the ICANN website for a public comment period of no less than 30 days. When posted for Public Comment, Staff is encouraged to translate the executive summary of Preliminary Issue Reports into the six UN languages to the extent permissible under the ICANN translation policy and the ICANN budget, though the posting of any version in English shall not be delayed while translations are being completed.

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.

8. Initiation of the PDP

The Council may initiate the PDP as follows:

Board Request: 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.

GNSO Council or Advisory Committee Requests: 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 11, Section 3, paragraph i(i) and (ii) in favor of initiating the PDP.

Timing of vote on Initiation of the PDP. 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 no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days prior to the GNSO Council meeting. If the Final Issue Report is forwarded to the GNSO Council Chair no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 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.

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.

In the event that the GNSO Council does not approve the initiation of the PDP, not including the possible suspension of further consideration of the Final Issue Report as described above, any Councillor may appeal the denial, and request that the GNSO Council hold a renewed vote on the initiation of the PDP at the next subsequent GNSO Council meeting.

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.

As part of its decision on the initiation of the PDP, the GNSO Council may include consideration of how ICANN's budget and planning can best accommodate the PDP and/or its possible outcomes, and, if applicable, how the proposed PDP is aligned with ICANN's Strategic Plan.

9. Development and Approval of the Charter for the PDP

Upon initiation of the PDP, the Council considers whether to adopt the proposed charter for the PDP WG as included in the Final Issue Report. If the Council decides not to adopt the proposed charter for the PDP WG as included in the Final Issue Group, a group formed at the direction of Council should be convened to draft the charter for the PDP Team or revise the proposed charter for the PDP WG as included in the Final Issue Report. The Council should indicate the timeframe within which a draft PDP Charter is expected to be presented to the Chair of the GNSO Council. Such a timeframe should be realistic, but at the same time ensure that this task is completed as soon as possible and does not unnecessarily delay the formation of a Working Group. 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.

The Council should consider whether to approve the proposed PDP Charter at the Council meeting following the Chair's receipt of the proposed PDP Charter; provided that the proposed PDP Charter is received no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days prior to the GNSO Council meeting. If the proposed PDP Charter is forwarded to the GNSO Council Chair no later than 23h59 Coordinated Universal Time (UTC) on the day, 10 calendar days immediately preceding the next GNSO Council meeting, the Council should endeavour to consider the proposed PDP Charter at the meeting after the next GNSO Council meeting.

The same voting thresholds that apply to the initiation of the PDP also apply to the approval of the proposed PDP Charter. Specifically, the proposed PDP Charter is to be approved with an affirmative vote of vote of more than one-third (1/3) of the Council members of each House or more than two-thirds (2/3) vote of one House in favour of approval of a Charter for a PDP within scope; 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 GNSO Supermajority Vote as set forth in Article 11, Section 3, paragraph i(xix) in favour of approving the PDP Team Charter is specified to approve the PDP Charter.

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.

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.

10. PDP Outcomes and Processes

Upon approval of the PDP Charter, the GNSO Council may form a working group, task force, committee of the whole or drafting team (the "PDP Team"), to perform the PDP activities. The preferred model for the PDP Team is the Working Group model due to the availability of specific Working Group rules and procedures that are included in the GNSO Operating Rules and Procedures. The GNSO Council should not select another model for conducting PDPs unless the GNSO Council first identifies the specific rules and procedures to guide the PDP Team's deliberations which should at a minimum include those set forth in the ICANN Bylaws and PDP Manual. The PDP Team is required to review and become familiar with the GNSO Working Group Guidelines, which also apply to PDP Working Groups (see http://gnso.icann.org/en/council/procedures), which includes further information and guidance on the functioning of GNSO Working Groups.

Once formed, the PDP Team is responsible for engaging in the collection of information. If deemed

appropriate or helpful by the PDP Team, the PDP Team may solicit the opinions of outside advisors, experts, or other members of the public. The PDP Team should carefully consider the budgetary impacts, implementability, and/or feasibility of its proposed information requests and/or subsequent recommendations.

The PDP Team should formally solicit statements from each Stakeholder Group and Constituency in the early stages of the 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. Further, the PDP team should consider expanding the audience scope external to ICANN's ACs and SOs where additional expertise could provide value in the capture of information to better inform the issues being discussed. This may include, for example, direct reference in the applicable Report or embedded in other responsive documentation or a direct response. Where possible, the PDP team should also complement qualitative input with a method that seeks quantitative input either through the use of surveys or other instruments or metrics to detect noticeable trends to any responses received. The PDP Team is expected to detail in its report how input was sought from other SOs and ACs.

The PDP Team is encouraged to establish communication in the early stages of the PDP with other departments, outside the policy department, within ICANN that may have an interest, expertise, or information regarding the implementability of the issue. The Staff Manager is responsible for serving as the intermediary between the PDP Team and the various ICANN departments (finance, legal, compliance, etc.). The PDP Team Chair may escalate to the Vice President of Policy if the PDP Team is of the opinion that such communications have been hindered through the involvement of ICANN policy Staff. ICANN Staff may perform additional distinct roles for a PDP Team as requested and appropriate (see GNSO Working Group Guidelines for further details).

This Section illustrates the types of outcomes that are permissible from a PDP. PDP Teams may make recommendations to the GNSO Council regarding:

i.	Consensus policies
ii.	Other policies
iii.	Best Practices
iv.	Implementation Guidelines
v.	Agreement terms and conditions
vi.	Technical Specifications
vii.	Research or Surveys to be Conducted
viii.	Advice to ICANN or to the Board
ix.	Advice to other Supporting Organizations or Advisory Committee
x.	Budget issues
xi.	Requests for Proposals

xii.   Recommendations on future policy development activities

At the same time, a PDP Team may also conclude that no recommendation is necessary.

The Staff Manager is responsible for coordinating with the Chair(s) of the PDP Team to supervise and to carry out the PDP activities as necessary or appropriate, including, without limitation, making available the standard technical resources for the PDP Team, scheduling and attending PDP Team meetings, drafting and publishing PDP reports for public comment, and providing expertise where needed.

11. Publication of the Initial Report

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:

- 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.

These elements may be included as content within the Initial Report or by reference to information posted on an ICANN website (such as through a hyperlink).

The Initial Report should be delivered to the GNSO Council and posted for a public comment period of not less than 30 days. If such a public comment period would coincide with an ICANN Public Meeting, the PDP Team is strongly encouraged to extend the public comment period a minimum of seven (7) days. Any public comment period on items other than the Issue Report and Initial Report shall be for a minimum of 21 days. The PDP Team is encouraged to explore other means to solicit input than the traditional public comment forum such as, for example, the use of a survey which might allow for asking more targeted questions.

12. Preparation of the Final Report

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.

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 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.

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. When posted for Public Comment, Staff should consider translating the executive summaries of the Initial Reports and Draft Final Reports into the six UN languages, to the extent permissible under the ICANN translation policy and the ICANN budget, though the posting of any version in English is not to be delayed while translations are being completed. Upon completion of the Public Comment period, if any, and incorporation of any additional comments identified therein, or if no further comment period is necessary, the Final Report is to be forwarded to the GNSO Council Chair to begin the GNSO Council deliberation process.

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.

Each recommendation in the Final Report should be accompanied by the appropriate consensus level designation (see section 3.6 – Standard Methodology for Making Decisions in the GNSO Working Group Guidelines).

13. Council Deliberation

The GNSO Council is strongly encouraged to allow sufficient time for Stakeholder Group, Constituency and Councillor review of the Final Report prior to a motion being made to formally adopt the Final Report. However, the GNSO Council is also encouraged to take formal action on a Final Report in a timely manner, and preferably no later than the second GNSO Council meeting after the report is presented. 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.

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 11, Section 3(i) viii – x.

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 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.

13. Preparation of the Board Report

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.

14. GNSO Council Role in Implementation

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 must direct the creation of an Implementation Review Team (IRT) to assist staff in developing the implementation details for the policy, unless in exceptional circumstances the GNSO Council determines that an IRT is not required (e.g. if another IRT is already in place that could appropriately deal with the PDP recommendations. However, in such case the membership of the IRT will need to be reviewed to ensure that adequate expertise and representation is present to take on the implementation of the additional PDP recommendations). 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).

ICANN staff should inform the GNSO of its proposed implementation of a new GNSO recommended policy. If the proposed implementation is considered inconsistent 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.

15. Termination or Suspension of PDP Prior to Final Report

1. The GNSO Council may terminate or suspend[27] 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 **or** suspension. The following are illustrative examples of possible reasons for a premature termination **or** suspension of a PDP:
2. **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;
3. **Changing Circumstances**. Events have occurred since the initiation of the PDP that have rendered the PDP moot, no longer necessary; or warranting a suspension; or
4. **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.

In the case of a proposed termination of a PDP prior to the issuance of a Final Report or suspension of a PDP upon the recommendation of the PDP Team, the GNSO liaison to the PDP Team shall promptly submit to the Council a written Termination Summary or Suspension Summary specifying the reasons for the recommended action to be taken and, if applicable, the points of view represented in the PDP Team and the consensus status (as defined by the GNSO Working Group Guidelines) at the time such action is recommended. In the event that no PDP Team has been formed or there is no recommendation from the PDP Team for a proposed termination or suspension by the GNSO Council, any GNSO Council member may propose termination or suspension of a PDP. In the case of such a proposal, the GNSO Council will publicly specify the reasons for the recommended action and will conduct a public comment forum on the proposed termination or suspension prior to conducting the vote.

Upon the request of any Council Member, Advisory Committee or the ICANN Board, the GNSO Council will prepare a formal report on the proposed termination or suspension of a PDP outlining the reasons for the proposed action, current status of the PDP and expected next steps, if any.

16. Amendments or Modifications of Approved Policies

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:

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.

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.

17. Periodic Assessments of Approved Policies

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[27] Suspension is a stated time interval during which there is a temporary cessation of the PDP, i.e. all activities are temporarily halted upon a decision of the GNSO Council. A mere change in milestones or schedule of the PDP is not considered a suspension.

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.

18. Miscellaneous

This Manual may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Rules and Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

END OF ANNEX 2

ANNEX 3: Input Process Manual

1. GNSO Input Process (GIP) Introduction

A GIP is the process through which the GNSO provides input on matters that may not involve gTLD policy, for example in response to a request from the ICANN Board or in response to a public comment forum as further described in this GIP Manual. Any such requests should include as much information as possible.

A GIP may be initiated by the GNSO Council at any time it considers appropriate, for example, when a request for GNSO input is received from the ICANN Board or other entity that does not involve the creation of new obligations for ICANN contracted parties and does not relate to a topic otherwise suitable for a GNSO Policy Development Process or GNSO Guidance Process, for example providing GNSO Input to a public comment forum.

2. Planning for Initiation of a GIP

The GNSO community and staff are encouraged to provide advice, where possible in advance of a decision on the initiation of a GIP, specifying any additional research, discussion, or outreach that should be conducted prior to or immediately following the decision on the initiation of a GIP. In cases where it concerns a specific request from the ICANN Board or any other SO/AC, the requestor is expected to make available a point of contact to provide further information or clarification in relation to the request for input if needed.

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 GIP.

3. Minimum requirements for a GIP Initiation Request

To initiate a GIP, a GNSO Council member must submit a request to the GNSO Council that includes at a minimum the following information:

1. Name of Council member (SG/C)

2. Origin of issue (e.g., Board request)

3. Scope of the effort (description of the issue or question that the GIP is expected to address)

4. Proposed GIP mechanism (e.g. WG, DT, individual volunteers – hereinafter referred to as the "GIP Team")

5. Method of operation, if different from GNSO Working Group Guidelines

6. Decision-making methodology for the GIP Team, if different from GNSO Working Group Guidelines

7. Desired completion date and rationale for this date

Any additional information that can facilitate the work on the GIP, such as information that should be considered and/or other parties that should be consulted, is encouraged to be provided as well.

4.   Initiation of a GNSO Input Process

Any Council member can request that a GIP is initiated following the steps in section 3. A Council vote is not required to initiate a GIP, except in the situation where one or more GNSO Council members object to the initiation. In such an instance, the GNSO Council may initiate the GIP if the default threshold to pass a GNSO Council motion (a simple majority vote of each House) in favor of initiating the GIP is achieved.

5.   GIP Outcomes and Processes

Upon initiation of the GIP, the GNSO Council will form the GIP Team as outlined in the GIP request. The GIP Team is required to review and become familiar with the GNSO Working Group Guidelines, if applicable, as well as this GNSO Input Process Manual.

Once formed, the GIP Team is responsible for engaging in the collection of information. If deemed appropriate or helpful by the GIP Team, the GIP Team may solicit the opinions of outside advisors, experts, or other members of the public. The GIP Team should carefully consider the budgetary impacts, implementability, and/or feasibility of its proposed information requests and/or subsequent recommendations.

The GIP Team is encouraged to solicit input from each Stakeholder Group and Constituency in the early stages of the GIP. Stakeholder Groups and Constituencies should be provided sufficient time to provide input from the moment that the input is requested by the GIP Team, noting that in certain circumstances such as an external deadline that affects the GIP Team's ability to complete its work, this timeframe may be short.

The GIP Team is also encouraged to seek the input of other ICANN Advisory Committees and Supporting Organizations, if deemed relevant and as appropriate, that may have expertise, experience or an interest in the issue under consideration in the GIP. In this regard, it is recommended that the GIP Chair consult with the GNSO Council Liaison to the GAC or equivalent regarding the best way to achieve early GAC participation or consultation with respect to the issues under consideration. Solicitation of opinions should be done in the early stages of the GIP.

At the end of its deliberations, the GIP Team shall develop proposed GNSO input relating to the topic for which the GIP was initiated. At the same time, the GIP Team may also conclude that no input is desirable or needed.

The Staff Manager[1] is responsible for coordinating with the Chair(s) of the GIP Team to supervise and to carry out the GIP activities as necessary or appropriate, including, without limitation, making available the standard technical resources for the GIP Team, scheduling and attending GIP meetings, drafting GIP reports, and providing expertise where needed.

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[1] As per the ICANN Bylaws: '1. A member of the ICANN staff shall be assigned to support the GNSO, whose work on substantive matters shall be assigned by the Chair of the GNSO Council, and shall be designated as the GNSO Staff Manager (Staff Manager)'.

6. Preparation of Proposed GNSO Input

After collection and review of information, the GIP Team and staff are responsible for producing the Proposed GNSO Input. At a minimum, this should include the proposed recommendation(s), if any. Additionally, the following information may be provided, if available and if the GIP Team considers it desirable to do so:

i. Compilation of Stakeholder Group and Constituency Statements (where these were sought and provided)

ii. Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee (where these were sought and provided)

iii. Statement of level of consensus for Proposed GNSO Input

iv. Information regarding the members of the GIP Team

v. A statement on the GIP Team discussion concerning the impact of the proposed input which could include areas such as economic impact, competition, operations, privacy and other rights, scalability and feasibility.

If available or deemed desirable, these elements may be included as part of the Proposed GNSO Input or by reference to information posted on an ICANN website or wiki (such as through a hyperlink).

The Proposed GNSO Input should be delivered to the GNSO Council for its consideration. This may be done in the form of a motion for the Council's action.

7. Preparation of Final GNSO Input

This Section 7 applies where Proposed GNSO Input has been posted for public comment at the direction of the GNSO 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 GIP Team. Such a summary and analysis should be provided at the latest 2 weeks after the closing of the public comment period, absent exigent circumstances. The GIP Team shall review and take into consideration the public comments received. The GIP Team may update the Proposed GNSO Input Report if there are any recommendations that require modification to address the public comments received. The GIP Team is not obligated to include all comments received during the comment period in the updated Proposed GNSO Input Report, including comments made by any one individual or organization.

The GIP Team is expected to deliberate as appropriate to properly evaluate and address concerns 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 the Final GNSO Input. Following the review of the comments received and any additional deliberations, the GIP Team is expected to produce the Final GNSO Input for transmission to the Council. The GIP Team's analysis of the public comments is expected to be included or

referenced as part of the Final GNSO Input.

While the Final GNSO Input that is prepared (following a public comment period on the Proposed GNSO Input) is not required to be posted for further public comment, the GIP Team should consider whether the report should be posted for public comment as Draft Final GNSO Input, with the goal of maximizing accountability and transparency with regard to the GIP, especially when substantial changes have been made to the contents of the Proposed GNSO Input.

When posted for public comment, staff should consider translating the executive summaries (if any) of the Proposed GNSO Input and Draft Final Input into the six UN languages, to the extent permissible under the ICANN translation policy and the ICANN budget, though the posting of any version in English is not to be delayed while translations are being completed. Upon completion of the public comment period, if any, and incorporation of any additional comments identified therein, or if no further comment period is deemed necessary, the GIP Team shall forward the Final GNSO Input to the GNSO Council.

In addition to any public comment periods as described herein, the GIP Team may seek public comment on any item that the GIP Team believes will benefit from public input. The GIP 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 Proposed GNSO Input is twenty (21) days.

8.   Council Deliberations

The GNSO Council is encouraged to take action on the Proposed and/or Final GNSO Input (as applicable) in a timely manner, and preferably no later than the second GNSO Council meeting after the input is presented.

Approval of the GIP recommendations submitted to the Council does not require a Council vote, except in the case where one or more GNSO Council members object to the adoption of the report. In such an instance, the GIP recommendations may be adopted only by the default threshold to pass a GNSO Council motion (a simple majority vote of each House), as set forth at Article X, Section 3-9 of the ICANN Bylaws. The outcome of the vote should be recorded and provided together with the results of the GIP to the entity that initially requested the input.

9.   Transmission of the Outcome of the GIP

The GNSO Council shall transmit the results of a GIP, including any recommendations adopted by the GNSO Council, to the entity that originally requested the input as soon as practicable following the Council's decision pursuant to Section 8 above.

10.   Termination or Suspension of a GIP Prior to Final Report

The GNSO Council may terminate or suspend a GIP at any time on the recommendation of the GIP Team or any Council member. Termination or suspension could be considered if events have occurred since the initiation of the GIP that have rendered the GIP moot, no longer necessary or another process such as a PDP more appropriate.

11.   Miscellaneous

This Manual may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Rules and Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

END OF ANNEX 3

ANNEX 4 – Expedited GNSO Policy Development Process Manual

1. GNSO EPDP – Applicability

These guidelines and processes supplement the requirements for the EPDP described in Annex E of the ICANN Bylaws [include link]. An EPDP may be initiated by the GNSO Council only in the following specific circumstances: (1) to address a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) to provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously, such that extensive, pertinent background information already exists, e.g. (a) in an Issue Report for a possible PDP that was not initiated; (b) as part of a previous PDP that was not completed; or (c) through other projects such as a GGP. The EPDP should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group was not satisfied with the outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available.

For the avoidance of doubt, the following sections of the PDP Manual shall <u>not</u> apply to an EPDP:

Section 2 (Requesting an Issue Report);
Section 4 (Recommended Format of Issue Report Requests);
Section 5 (Creation of the Preliminary Issue Report);
Section 6 (Public Comment on the Preliminary Issue Report); and
Section 7 (Initiation of the PDP)

Except as otherwise expressly modified or excluded herein, all other provisions of the PDP Manual shall apply in full to an EPDP, including without limitation the publication of an Initial Report for public comments. In the event of a conflict in relation to an EPDP between the provisions of the PDP Manual and the specific provisions in this EPDP Manual, the provisions herein shall prevail.

2. Planning for Initiation of an EPDP

Consistent with ICANN's commitment to fact-based policy development, the GNSO and staff are encouraged to provide advice in advance of a GNSO Council vote on the initiation of an EPDP, specifying any additional research, discussion, or outreach that should be conducted prior to or immediately following the vote.

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 EPDP.

3. Minimum Requirements for a EPDP Initiation Request

The request to initiate an EPDP, a GNSO Council member must submit a motion accompanied by an EPDP scoping document, to the GNSO Council which is expected to include at a minimum the following information:

a. Name of Council member / SG / C
b. Origin of issue (e.g. previously completed PDP)
c. Scope of the effort (detailed description of the issue or question that the EPDP is expected to address);

d. Description of how this issue meets the criteria for an EPDP, i.e. how the EPDP will address either (1) a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) new or additional policy recommendations on a specific GNSO policy issue that had been scoped previously as part of a PDP that was not completed or other similar effort, including relevant supporting information;

e. If not provided as part of item d, the opinion of the ICANN General Counsel regarding whether the issue proposed for consideration 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 examine whether the issue:
   1) Is within the scope of ICANN's mission statement, and more specifically the role of the GNSO;
   2) Is broadly applicable;
   3) Is likely to have lasting value or applicability, albeit with the need for occasional updates;
   4) Is likely to enable ICANN to carry out its commitments under the Affirmation of Commitments;
   5) Will establish a guide or framework for future decision-making;
   6) Will implicate or affect an existing ICANN policy.

f. If not provided as part of item 4, the opinion of ICANN staff and their rationale as to whether the Council should initiate the EPDP on the issue;

g. Proposed EPDP mechanism (e.g. WG, DT, individual volunteers);

h. Method of operation, if different from GNSO Working Group Guidelines;

i. Decision-making methodology for the proposed EPDP mechanism, if different from GNSO Working Group Guidelines;

j. Desired completion date and rationale for this date.

The request for an EPDP may also include a proposed EPDP Team Charter, which the Council may consider at the same time as the EPDP Initiation Request. If no such Charter is provided, or if the proposed Charter is not approved, Section 8 of the PDP Manual, with the exception of the provision on the voting threshold required for adoption of the Charter, will apply to the drafting of the EPDP Team Charter. Adoption of a Charter drafted in accordance with Section 8 of the PDP Manual requires an affirmative Supermajority Vote of the Council.

Any additional information that can facilitate the work on the EPDP, such as information that should be considered and/or other parties that should be consulted, should be provided as well.

4. Initiation of an EPDP

At the request of any Council member duly and timely submitted and seconded as a motion, the Council may initiate the EPDP by a Supermajority vote of the Council in favor of initiating the EPDP. A motion which fails to carry a Supermajority vote of Council may be resubmitted at the same Council meeting as a motion to initiate a GNSO Guidance Process.

5. EPDP Processes and Outcomes

Section 9 of the PDP Manual (Outcomes and Processes) shall apply fully to an EPDP, with the exception that in relation to the soliciting of statements from GNSO Stakeholder Groups and Constituencies in the early stage of an EPDP, the GNSO Council may, either of its own accord or at the request of the EPDP

Team, direct that the time period for such statements be less than the 35 days recommended by the PDP Manual. In no event, however, shall such time period be less than 21days.

6.   Termination or Suspension of an EPDP Prior to Final Recommendation(s) Report

The GNSO Council may terminate or suspend an EPDP prior to the publication of a Final Recommendations Report in accordance with Section 15 of the PDP Manual. In addition to the illustrative reasons contained in Section 15, termination or suspension of an EPDP may be considered if events have occurred since the initiation of the EPDP that have rendered the EPDP moot or no longer necessary.

Upon the request of any GNSO Council Member, the GNSO Council will prepare a formal report on the proposed termination or suspension of an EPDP outlining the reasons for the proposed action, current status of the EPDP and expected next steps, if any.

7.   Miscellaneous

These provisions for an EPDP, as incorporated into the PDP Manual, may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

END OF ANNEX 4

ANNEX 5 – GNSO Guidance Process Manual

1. GGP Manual – Introduction

These guidelines and processes supplement the requirements for GGPs described in [Annex A-2 of the ICANN Bylaws](). A GGP may be initiated by the GNSO Council when a request for input relating to gTLDs (either a new issue or in relation to previous policy recommendations) has been received from the ICANN Board or a gTLD issue has been identified by the GNSO Council that would benefit from GNSO Guidance, and it has determined that the intended outcome of the GGP is not expected to create new "Consensus Policy" recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a PDP would need to be initiated). However, the GGP may provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations. The GGP should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group was not satisfied with outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available.

2. Planning for Initiation of a GGP

Consistent with ICANN's commitment to fact-based policy development, the GNSO and Staff are encouraged to provide advice in advance of a vote on the initiation of a GGP specifying any additional research, discussion, or outreach that should be conducted prior to or immediately following the vote on the initiation of a GGP. In cases where it concerns a specific request from the ICANN Board or any other SO/AC, the requestor is expected to make available a point of contact to provide further information or clarification in relation to the request to inform a vote on the initiation of a GGP if needed.

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 GGP.

3. Minimum Requirements for a GGP Initiation Request

The request to initiate a GGP, a GNSO Council member must submit a motion accompanied by a GGP scoping document to the GNSO Council, which is expected to include at a minimum the following information:

1. Name of Council member / SG / C
2. Origin of issue (e.g. board request)
3. Scope of the effort (detailed description of the issue or question that the GGP is expected to address)
4. Proposed GGP mechanism (e.g. WG, DT, individual volunteers)
5. Method of operation, if different from GNSO Working Group Guidelines
6. Decision-making methodology for GGP mechanism, if different from GNSO Working Group Guidelines
7. Desired completion date and rationale for this date

Any additional information that can facilitate the work on the GGP, such as information that should be considered and/or other parties that should be consulted, is encouraged to be provided as well.

4.   Initiation of a GNSO Guidance Process

Any Council member can request that a GGP is initiated following the steps in section 3. The Council may initiate a GGP as follows:

The Council may only initiate the GGP by a vote of the Council. Initiation of a GGP requires a vote as set forth in Article 11, Section 3(i) xvi in favor of initiating the GGP.

As part of its decision on the initiation of a GGP, the GNSO Council may include consideration of how ICANN's budget and planning can best accommodate the GGP and/or its possible outcomes, and, if applicable, how the proposed PDP is aligned with ICANN's Strategic Plan.

Furthermore, upon a formal request of the ICANN Board which is expected to include at a minimum a detailed description of the issue or question that the GGP is expected to address, the GGP will be automatically initiated, unless the GNSO Council votes against the initiation of a GGP as set forth in Article X, Section 3(i) xvii [2]. If the ICANN Board has not identified the proposed GGP mechanism and/or desired completion date in its request, the GNSO Council is expected to confirm these elements as soon as possible, if needed in consultation with the ICANN Board.

5.   GGP Outcomes and Processes

Upon initiation of the GGP, the GNSO Council will form the GGP Team as outlined in the GGP scoping document. The GGP Team is required to review and become familiar with the GNSO Working Group Guidelines as well as the GNSO Guidance Process Manual.

Once formed, the GGP Team is responsible for engaging in the collection of information. If deemed appropriate or helpful by the GGP Team, the GGP Team may solicit the opinions of outside advisors, experts, or other members of the public. The GGP Team should carefully consider the budgetary impacts, implementability, and/or feasibility of its proposed information requests and/or subsequent recommendations.

The GGP Team should formally solicit statements from each Stakeholder Group and Constituency in the early stages of the GGP. Stakeholder Groups and Constituencies should ideally have 35 days at a minimum to complete such a statement from the moment that the statement is formally requested by the GGP Team. However, in certain circumstances such as an external deadline that affects the GGP Team to complete its work, this timeframe may be shorter.

The GGP Team is also encouraged to formally seek the opinion of other ICANN Advisory Committees and Supporting Organizations that may have expertise, experience or an interest in the GGP issue, as appropriate. In this regard, it is recommended that the GGP Chair consult with the GNSO Council Liaison to the GAC or equivalent regarding the best way to achieve early GAC participation or consultation with respect to the issues under consideration. Solicitation of opinions should be done in the early stages of the GGP.

The GGP Team is encouraged to establish communication in the early stages of the GGP with other departments, outside the policy department, within ICANN that may have an interest, expertise, or information regarding the implementability of the issue. The GGP Staff Manager[3] is responsible for serving as the intermediary between the GGP Team and the various ICANN departments. The GGP Team Chair may

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[2] A supermajority vote of the GNSO Council will be required to not initiate a GGP following a formal request from the ICANN Board.
[3] As per the ICANN Bylaws: '"GGP Staff Manager" means an ICANN staff person(s) who manages the GGP)'.

escalate to the Vice President of Policy if the GGP Team is of the opinion that such communications have been hindered through the involvement of ICANN policy staff. ICANN Staff may perform additional distinct roles for a GGP Team as requested and appropriate (see GNSO Working Group Guidelines for further details).

This section illustrates the types of outcomes that are permissible from a GGP. GGP Teams may make recommendations to the GNSO Council regarding, but not limited to:

    a. Advice to the ICANN Board
    b. Advice to other Supporting Organizations or Advisory Committees
    c. Best Practices
    d. Implementation Guidelines
    e. Agreement terms and conditions
    f. Technical Specifications
    g. Research or Surveys to be Conducted
    h. Budget issues
    i. Requests for Proposals
    j. Recommendations on future guidance or policy development process activities

At the same time, the GGP Team may also conclude that no recommendation is necessary.

The GGP Staff Manager is responsible for coordinating with the Chair(s) of the GGP Team to supervise and to carry out the GGP activities as necessary or appropriate, including, without limitation, making available the standard technical resources for the GGP Team, scheduling and attending GGP meetings, drafting and publishing GGP reports for public comment, and providing expertise where needed.

6. Publication of Proposed GNSO Guidance Recommendation(s) Report

After collection and review of information, the GGP Team and Staff are responsible for producing a Proposed GNSO Guidance Recommendation(s) Report. This report should include at a minimum:

Main body
    vi. Executive Summary
    vii. GNSO Guidance Recommendation(s)
    viii. Statement of level of consensus for recommendation(s)
    ix. A statement on the GGP Team discussion concerning the impact of the proposed recommendations which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility.

Appendices
    x. Information regarding the members of the GGP Team
    xi. Compilation of Stakeholder Group and Constituency Statements
    xii. Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee
    xiii. GGP analysis of public comments

The Appendix elements may be included in full in the appendices or may be referenced to information posted on an ICANN website or wiki (such as through a hyperlink) within the main body of the report .

The Proposed GNSO Guidance Recommendation(s) Report should be delivered to the GNSO Council and posted for a public comment period of not less than 30 days. If such a public comment period would coincide with an ICANN Public Meeting, the GGP Team is strongly encouraged to extend the public comment period for a minimum of seven (7) days. The GGP Team is encouraged to explore other means to solicit input than the traditional public comment forum such as, for example, the use of a survey which might allow for asking more targeted questions.

7.   Preparation of Final GNSO Guidance Recommendation(s) Report

At the end of the public comment period, the Staff Manager will prepare a summary and analysis of the public comments received for the GGP Team. Such a summary and analysis should be provided at the latest 21 days after the closing of the public comment period, absent exigent circumstances. The GGP Team shall review and take into consideration the public comments received. The GGP Team may update the Proposed GNSO Guidance Recommendation(s) Report if there are any recommendations that require modification to address comments received through public comment. The GGP Team is not obligated to include all comments received during the comment period in the updated Proposed GNSO Guidance Recommendation(s) Report, including each comment made by any one individual or organization.

The GGP Team is expected to deliberate as appropriate to properly evaluate and address comments received 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 the report of the GGP Team. Following the review of the comments received and, if required, additional deliberations, the GGP Team is expected to produce a Final Report for transmission to the Council. The analysis of the comments by the GGP Team is expected to be included or referenced as part of the Final GNSO Guidance Recommendation(s) Report.

While the Final Recommendation(s) Report is not required to be posted for public comment, in preparing the Final Recommendation(s) Report, the GGP Team should consider whether the Final Recommendation(s) Report should be posted for public comment as a [Draft] Final Recommendation(s) Report, with the goal of maximizing accountability and transparency with regards the GGP, especially when substantial changes have been made compared to the contents of the Proposed Recommendation(s) Report. When posted for Public Comment, Staff should consider translating the executive summaries of the Proposed Recommendation(s) Report and Draft Final Recommendation(s) Report into the six UN languages, to the extent permissible under the ICANN translation policy and the ICANN budget, though the posting of any version in English is not to be delayed while translations are being completed. Upon completion of the Public Comment period, if any, and incorporation of any additional comments identified therein, or if no further comment period is necessary, the Final Recommendation(s) Report is to be forwarded to the GNSO Council to begin the GNSO Council deliberation process.

In addition to any required public comment periods, the GGP Team may seek public comment on any item that the GGP Team notes it will benefit from further public input. The GGP 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 Proposed Recommendation(s) Report is twenty-one (21) days.

Each recommendation in the Final Report should be accompanied by the appropriate consensus level designation (see section 3.6 – Standard Methodology for Making Decisions in the GNSO Working Group

Guidelines).

8. Council Deliberations

The GNSO Council is strongly encouraged to allow sufficient time for Stakeholder Group, Constituency and Councilor review of the Final GNSO Guidance Recommendation(s) Report prior to a motion being made to formally adopt the Final Recommendation(s) Report. The GNSO Council is required to take formal action on a Final Recommendation(s) Report in a timely manner, and preferably no later than the second GNSO Council meeting after the report is presented. At the request of any Council member, for any reason, consideration of the Final Recommendation(s) 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 Recommendation(s) 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 GGP Team to discuss the Final Report and ask any clarifying questions that might arise.

The GNSO Council is expected to vote on the recommendations contained in the Final Recommendation(s) Report. Approval of the GGP recommendations contained in the Final Recommendation(s) Report requires an affirmative vote meeting the thresholds set forth at Article 11, Section 1(9) xviii[4]. If this voting threshold is not met, the vote fails and the GGP is considered complete, unless the GNSO Council decides to ask the GGP Team to reconsider its recommendations in light of the GNSO Council vote.

In the event that the Final Recommendation(s) Report includes recommendations that did not achieve the consensus within the GGP Team, the GNSO Council should deliberate on whether to adopt them or remand the recommendations for further analysis and work. Although the GNSO Council may adopt all or any portion of the recommendations contained in the Final Recommendation(s) Report, it is recommended that the GNSO Council take into account whether the GGP Team has indicated that any recommendations contained in the Final Report are interdependent. The GNSO Council is strongly discouraged from itemizing recommendations that the GGP Team has identified interdependent or modifying recommendations wherever possible. In the event the GNSO Council expresses concerns or proposes changes to the GGP recommendations, it must pass these concerns or recommendations for changes back to the respective GGP Team for input and follow-up.

9. Preparation of the Board Report

If the GNSO Guidance Recommendations contained in the Final Recommendation(s) 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 Draft Recommendations Report to the Board should be submitted to the Council in time for consideration at the next GNSO Council meeting following adoption of the Final Recommendation(s) 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 GNSO Guidance recommendations contained in the Final Recommendation(s) 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.

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[4] Approval of GGP recommendations requires a GNSO Supermajority vote as defined in the GNSO Operating procedures and/or ICANN Bylaws.

10. Termination or Suspension of a GGP Prior to Final Recommendation(s) Report

The GNSO Council may terminate or suspend a GGP prior to the publication of a Final Recommendations Report on the recommendation of the GGP Team and a majority vote of the Council. Termination or suspension could be considered if events have occurred since the initiation of the GGP that have rendered the GGP moot, no longer necessary or another process such as a PDP is deemed more appropriate.

The GNSO Council will prepare a formal report on the proposed termination or suspension of a GGP outlining the reasons for the proposed action, current status of the GGP, and the points of view represented in the GGP Team and the consensus status, as applicable (as defined by the GNSO Working Group Guidelines) and expected next steps, if any. If the GGP was initiated in response to a request from the ICANN Board, the GNSO Council will share this formal report with the ICANN Board for its information.

11. Miscellaneous

This Manual may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Rules and Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

END OF ANNEX 5

ANNEX 6: Registries Stakeholder Group and Registrars Stakeholder Group Process to Select ICANN Board Seat #13 Candidates

This should happen no later than 12 months in advance of the date the new Director would be seated.

1. **Have Preliminary Conversations**

   a. RySG to ask members to identify possible candidates
   b. RrSG to ask members to identify possible candidates
   c. Set preliminary target dates for the process

2. **Determine Willingness and Availability of Any Candidates**

3. **Registries Stakeholder Group and Registrars Stakeholder Group to Consult on Available Candidates.**

4. **If There Is Only One Candidate**

   d. Each SG should use their normal processes to determine whether they support the candidate.
      i. If both SGs support the candidate, select the candidate; the process ends.
      ii. If both SGs do not support the candidate, the SGs should attempt to identify an alternate candidate(s).
         a) If one or more alternate candidates are identified, restart the process at step 3.
         b) If no alternate candidates are identified, each SG should use their normal processes to again determine whether they support the original candidate.
            a. If at least one SG supports the one candidate according to its normal processes, select that candidate.
            b. If neither SG supports the one candidate according to its normal processes, restart the process at step 1.

5. **If There Are Multiple Candidates From the Registries Stakeholder Group and/or the Registrar Stakeholder Group**

   Do the following in parallel:

   e. Ask the Registrars Stakeholder Group to determine if they have a favored candidate.
   f. Poll the Registries Stakeholder Group membership using standard voting procedures to determine if there is a clear favorite in the Registries Stakeholder Group:
      i. If the Registries Stakeholder Group supports one candidate with at least a simple majority according to its normal processes, notify the Registrars Stakeholder Group.
         a) If the Registrars Stakeholder Group supports the same candidate, select that candidate; the process ends.
         b) If there are only two candidates and the Registries Stakeholder Group supports a different candidate than the Registrars Stakeholder Group, refer the issue to the Executive Committees of both Stakeholder Groups to develop an approach to resolve the differences and implement it; the process would end when the approach has been implemented.

c) If there are more than two candidates and the Registries Stakeholder Group supports a different candidate than the Registrars Stakeholder Group, eliminate any candidates not supported by either Stakeholder Group and refer the issue to the Executive Committees of both SGs to develop an approach to resolve the differences and implement it; the process would end when the approach has been implemented.

ii. If there are more than three candidates and the Registries Stakeholder Group does not support one candidate with at least a simple majority according to its normal voting procedures, eliminate all but the top two vote getters and restart the process at step 5.a.

END OF ANNEX 6