ICANN 71

VIRTUAL POLICY FORUM

14–17 June 2021

GAC Discussion: Subsequent Round of New gTLDs

Overview of the Operational Design Phase (ODP) and Status Update on possible launch of a SubPro ODP.

Presenters: TBD

Tuesday 15 June, 8:30 – 9:15 UTC

ODP: Objective, Conduct, Consultation

Objective of the Operational Design Phase (ODP)

◉ The Operational Design Phase (ODP) formalise processes that already take place; adding **transparency, including community consultation** to inform the Board and help fulfil its Bylaws-mandated obligations.

◉ Upon Board request, the ODP is conducted by ICANN org to provide the Board with an **assessment of GNSO Council recommendations** in order to provide the Board with relevant operational information.

◉ The ODP outcome, together with other relevant information, such as public comment input, will inform the Board and help determine, in accordance with Bylaws requirements, **whether a given recommendation is in the best interests of the ICANN community or ICANN** (Bylaws, Annex A, Section 9 (a)).

ODP Conduct

- The natural trigger point for an ODP is where the **GNSO Council has transmitted its Recommendations Report to the ICANN Board** (as per Annex A, Section 8 of the Bylaws), as the substance and intent of the recommendations will be final.

- The Board will initiate an ODP in instances where it believes that the **complexity of recommendations warrants an assessment** by ICANN org.

- In initiating each ODP, the **Board** is expected to **specify the scope and anticipated timeline** of each ODP initiated.

- ODP **focuses on the operational design of recommendations** and/or other issues that help the Board decide if a recommendation is in the best interest of the ICANN community or ICANN, e.g., resourcing, timing, and dependencies.

- **ICANN org will conduct ODPs with appropriate community consultation**.

Community Consultation During an ODP

⦿ Community **consultation** is an important part of the ODP and, once certain milestones have been reached, includes seeking input on:

- ○ **Facts, figures, and assumptions** used for its ODP assessment;
- ○ Ensuring there are **no inconsistencies in ICANN org's assessment of the recommendations** with existing Consensus Policies or other relevant work;
- ○ **Considerations, relevant to the scope set by the Board, from stakeholders** who are expected to execute recommendations or are otherwise affected by them;
- ○ Any other requests from ICANN org or Board for specific inputs/feedback.

⦿ Community consultation is **not a mechanism to examine the design or implementation of any policies** already approved by the Board, nor the substance or intent of GNSO Council recommendations that are the subject of the ODP.

GNSO Council Liaison

◉ Should any policy questions arise or other issues pertaining to the substance or intent of the recommendation, then these will be brought to the GNSO Council.

◉ For the purpose of such consultation, the GNSO Council is encouraged to **select and appoint an ODP liaison** who, preferably, has had previous involvement with the relevant PDP.

◉ The liaison **keeps the GNSO Council informed** about their engagement with ICANN org and should be **empowered to convey relevant info from the GNSO Council to the ODP team**.

◉ Communication and consultation between the community and the GNSO Council and/or the ODP liaison is encouraged but not something that can or should be prescribed by the ODP.

What the ODP will not do

- As currently defined, the ODP **will not**:

  - Impose restrictions on or limit the work of the PDP or PDP WGs;
  - Impact the GNSO Council's role as manager of the PDP;
  - Present an opportunity to reopen or revisit policy questions settled during a PDP.
  - Allow for any changes to the substance or intent of policy recommendations that are before the Board;
  - Alter the roles and responsibilities of ICANN org and the Implementation Review Team that is formed during the implementation process after the Board has adopted the GNSO Council recommendations.

ODP – Continuous Improvement

- **After a minimum of two ODPs have been completed**, ICANN org will consult with the Board, the relevant ICANN org ODP teams, the GNSO ODP liaisons, the GNSO Council, and the wider ICANN community to **assess what updates—if any—may need to be made to improve the efficiency and effectiveness of the ODP**.

- This consultation will be part of **continuous improvement efforts** regarding the ODP's processes to ensure it fulfils the needs of the Board, community, and ICANN org.

Status Update on a possible SubPro ODP

Overview of ODP Scope

As per the Process Paper, the scope of an ODP could include the following:

- Formulation of **cost estimates and fiscal impact** under different design scenarios, including feasibility;

- Preliminary definition of **design requirements and workflows** for assessment of technical decisions and resourcing, including 'ongoing' vs 'launch' resources;

- Questions to **inform execution of Request for Information** (RFI) processes from potential service providers;

- **Identification of dependencies** on existing work of ICANN org, other recommendations, advice, or policies, and possible resolutions or opportunities to streamline;

- Any other information that the Board deems relevant for its consideration of whether a recommendation is in the best interests of the ICANN community or ICANN.

Preparing for a Possible SubPro ODP

◉ Board received the Recommendations Report shortly after the GNSO Council adopted the SubPro PDP WG Final Report on 18 February 2021.

◉ ICANN Board has since asked ICANN org to develop a scoping document for a possible SubPro ODP.*

◉ Once the document is drafted, the ICANN Board will finalize the scope and consider a draft resolution on whether to launch a SubPro ODP.

◉ A resolution on the launch of an ODP would also include the Board's expectations on timing for completion.

*For reference, please see the System for Standard Access/Disclosure to Non-Public Registration Data Operational Design Phase Scoping Document.

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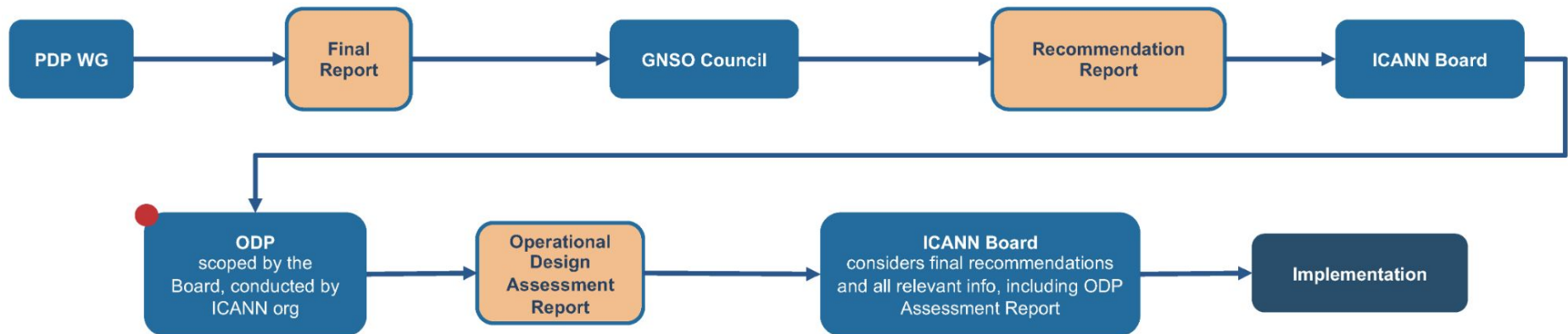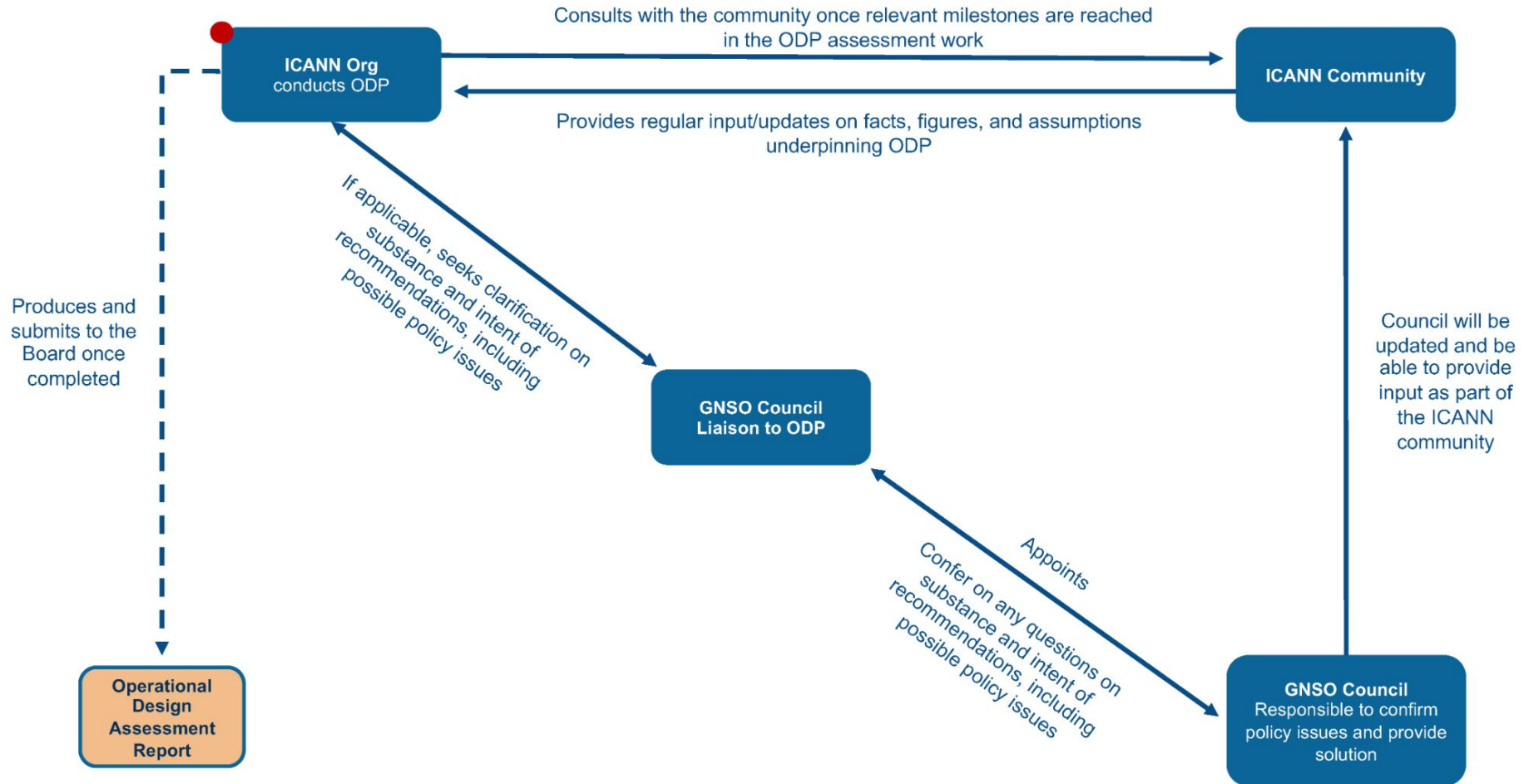
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Annex

ODP Within the Policy-Implementation Lifecycle*

*This flowchart is a simplified visualization of the ODP process. The ODP paper describes the process authoritatively.

ODP Community Consultation Flowchart*

Consults with the community once relevant milestones are reached in the ODP assessment work

ICANN Org conducts ODP

ICANN Community

Provides regular input/updates on facts, figures, and assumptions underpinning ODP

If applicable, seeks clarification on substance and intent of recommendations, including possible policy issues

Produces and submits to the Board once completed

GNSO Council Liaison to ODP

Council will be updated and be able to provide input as part of the ICANN community

Appoints

Confer on any questions on substance and intent of recommendations, including possible policy issues

Operational Design Assessment Report

GNSO Council Responsible to confirm policy issues and provide solution

*This flowchart is a simplified visualization of the ODP process. The ODP paper describes the process authoritatively.

Community Input on earlier ODP Process Paper Drafts

- **ICANN69 sessions that featured ODP discussion:**
  - GNSO Council Working Session, 6 October 2020, link.
  - Board and GNSO Council, 13 October, link.
  - RrSG Membership Meeting, 13 October, link.
  - Board and NCSG, 15 October, link.
  - NCSG Policy Committee, 15 October, link.
  - BC Open Meeting, 15 October, link.
  - GAC Preparation for Meeting with the Board, 15 October, link.
  - GNSO Council Session, 21 October, link.

- **Written community feedback received** (see also: ODP wiki page):
  - i2Coalition (20 November), link.
  - RySG (1 December), link.
  - GNSO Council (4 December), link.
  - ISPCP (11 December), link.
  - IPC (17 December), link.