

Date received: 23 January 2025

From Becky Burr, chair of the Board caucus ccPDP3 RM

Dear Alejandra,

We appreciate the ccNSO's thorough review of ICANN's requests for confirmation and clarification. The detailed feedback has been very useful in refining our understanding of the intended scope and objectives of the policy recommendations.

As mentioned in my previous email, we have identified a small number of remaining questions about the policy recommendations, and we would like to discuss these points in order to ensure a shared understanding of the ccNSO's intent and objectives for the CCRM policy recommendations.

We look forward to our upcoming conversation, to discuss these points and move forward with a clear, shared understanding. Below is a brief overview of the points for further discussion:

1. Objective: Procedural and Substantive Review.

- We understand that the ccNSO is seeking a simple and low cost process to review disputed
- decisions regarding the delegation, transfer, revocation, and retirement of ccTLDs.

- Based on your responses, we also understand that the envisioned Independent Review Mechanism
- is intended to determine (i) whether the IANA Function Operator (IFO) followed its processes in making certain decisions and (ii) whether the IFO applied the applicable policies and procedures fairly.

- In our experience, the desire for a simple and low cost process is in some tension with
- the requirement for a substantive/fairness review. We would like to discuss this further with the ccNSO to make sure we have a shared understanding of the role of the CCRM Review and in order to reconcile these objectives.

2. Scope of the Review

- It is important to ensure that we are all on the same page regarding the relevant policies

- to be applied by the CCRM Reviewers. In particular, we would like to discuss the reference to “any other policies developed through a ccNSO policy development process and adopted by the ICANN Board” in Section 4.1. Is this a reference to existing policies,
- to policies that may be adopted in the future, or to both? If both, is it possible to develop a comprehensive list of applicable policies? Also, should this include previous decisions of the IFO, which would seem to be relevant to the fairness analysis?

3. Role of ICANN President and CEO

- We seek clarification from the ccNSO on the intended role of the CEO, specifically regarding
- the role envisioned for the CEO’s involvement in reviewing the IFO’s failure to comply with the CCRM’s finding. Could this create issues given the existing role of the CEO in the IANA Customer Service Complaint Resolution Process?

We look forward to reviewing these points with the drafting team.

Best,

Becky