

DRAFT GAC Comments on the Framework of Interpretation
Working Group Interim Report on “Consent”

- The GAC welcomes the Framework of Interpretation Working Group’s (FOIWG) efforts to address current inconsistencies in the procedures and documentation related to the provision of consent by incumbent ccTLD managers in cases of redelegation.
- The GAC concurs with the FOIWG’s assessment that such procedures should be clear and applied consistently, and shares the FOIWG’s expectation that the implementation of the proposed FOIWG guidelines will achieve this goal.
- The GAC appreciates that the proposed guidelines for determining consent do not address those cases where consent either cannot be or is not provided by an incumbent operator. However, for greater clarity, the GAC suggests that the guidelines be amended to address this situation with the following amendments:
 - The inclusion of a 60 day deadline for the provision of consent by the incumbent operator, to avoid the unintended consequence that a refusal to provide consent by the incumbent operator would lead to the nullification of a redelegation request; and
 - Clarification that the inability or a refusal to provide consent will be more fully addressed in the FOIWG’s subsequent paper on “un-consented redelegations”.
- The GAC also notes that the references to the incumbent “manager” in the FOIWG consent document are consistent with both RFC 1591 and with the GAC Principles (e.g. the definition in Section 3.6 of the “ccTLD Registry” references the entity responsible for managing and administering a ccTLD). However, the terminology currently found on the IANA website uses the terms “manager” and “sponsoring organization”, a discrepancy which is noted in the draft FOIWG “terminology” document. The GAC strongly recommends that the FOIWG consent guidelines be amended to include a requirement that the terminology on the IANA website be made consistent with the FOIWG terminology.
- Finally, the GAC urges the FOIWG to clarify that the procedures drafted to implement the consent guidelines must be reviewed and approved by the ccNSO prior to being finalized.