

Charter Working Group EPSRP

Adopted 11 September 2015

1. Introduction

At its meeting on 25 June 2015 the ICANN board of Directors requested *“the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings”*¹ .

In response to the request, the ccNSO seeks participants from the GAC and SSAC in the work of the working group in a manner these participants deem to be most appropriate, for example as observer or liaison, in accordance with their own rules and procedures. To ensure the Board request of consultation is adequately met, the GAC and SSAC are invited to, at a minimum, express no-objection to submitting recommendations of the working group to the Board.

2. Goal, Scope and Deliverables

2.1 Goals

The goals of the working group (WG EPSRP) are:

- Provide guidance on and refinement of the methodology for second string similarity review process
- Provide interpretation of split recommendations
- Inform policy on selection of strings

2.2 Scope

The work of the WG EPSRP is limited to the review of the Extended Process Review Process as defined in the Implementation Plan and the [Guidelines for the Extended Process Similarity Review Panel](#) and as part of the overall proposed policy for the selection of IDN ccTLD strings, including the definition of confusing similarity.

¹ <https://features.icann.org/refinement-second-similarity-review-evaluation-idn-ccTLD-applications>

2.3 Deliverables

2.3.1 Recommendations

The recommendations are provided by the WG EPSRP to the participating organisations as part of a Final Draft Report (see section 4), after at least one public consultation on the set of draft recommendations.

2.3.2 Work plan

In working towards its deliverables, the WG EPSRP will, as a first step, refine and adopt a high-level work plan as prepared by the ccNSO secretariat, on how it intends to meet its goal(s) and a tentative, associated schedule. Both the work plan and tentative schedule should be made publicly available. In addition, the work plan and schedule should include timeframes and methods for public consultation and an expected date for submission of the Draft Final Report.

In the course of its work the WG EPSRP may update and refine its work plan and schedule if necessary, and make the amended work plan and associated schedule publicly available on the webpage of the WG EPSRP which will be set under ccnso.icann.org.

2.3.3 Reporting

The Chair of the WG EPSRP will brief the participating organisations on a regular basis on progress made and the next steps.

3. Participation, Staffing and Organisation

The ccNSO Council appoints the Chair of WG. The Chair will preside over WG EPSRP deliberations and ensure that the process is bottom-up, consensus-based and has balanced participation and report on progress to the participating organisations and broader community.

A maximum of five (5) Members of the WG EPSRP shall be appointed by the ccNSO in accordance with its own rules and procedures. Efforts should be made to ensure that individuals:

- Have sufficient expertise to participate in the applicable subject matter;

- Commit to participate actively in the activities of the WG EPSRP on an ongoing basis; and
- Where appropriate, solicit and communicate the views and concerns of individuals in the organisation that appoints them.

Participation in the WG EPSRP will be open to any interested person from a participating organization. These Participants will be able to actively participate in and attend all WG EPSRP meetings on equal footing as members.

ICANN is invited to appoint an IDN Fast Track staff as an observer in the working group.

In addition the Chair may invite experts or other observers if deemed necessary by the WG EPSRP members and participants. Experts or other observers are expected to contribute to the dialogue in a similar manner as the other WG EPSRP participants. However, should there be a need for any consensus call(s), experts and other observers do not participate in such a call.

Efforts should be made to ensure that individuals who participate in the activities of the WG:

- Have sufficient expertise to participate in the applicable subject matter;
- Commit to participate actively in the activities of the WG EPSRP on an ongoing basis; and
- Where appropriate, solicit and communicate the views and concerns from their originating organisation.

All participants (member, participants, experts or other observers) will be listed on the WG EPSRP's webpage.

4. Decision-making Methodologies

4.1 Internal WG EPSRP decision-making

4.1.1 Determining Consensus

In developing its recommendation, work plan and/or reports, the WG EPSRP shall seek to act by consensus. The Chair shall be responsible for designating each position as having one of the following designations:

- a) Full Consensus - a position where no minority disagrees; identified by an absence of objection;
- b) Consensus – a position where a small minority disagrees, but most agree.

In the absence of Full Consensus, the Chair should allow the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report.

In a rare case, the Chair may decide that the use of a poll is reasonable to assess the level of support for a recommendation. However, care should be taken in using polls that they do not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results.

4.1.2 No Consensus WG

In the event the WG EPSRP reaches no consensus on its recommendations, the following procedure will be followed:

- The Chair will submit a report to the participating organisations. In this report the Chair shall document the issues that are considered contentious, the process that was followed and include suggestions to mitigate prevention of consensus.
- If, after implementation of the mitigating measures, consensus cannot be reached, the Chair of the WG EPSRP shall prepare a Chairs Report documenting the processes followed and identifying the area's of no consensus. This Chairs Report will be submitted to the Chairs of the participating organisations. Upon submission of this Chairs Report the WG EPSRP will be closed by the ccNSO Council. After receiving the Chairs Report, the Chair of the ccNSO will inform the Chair of the ICANN Board of Directors accordingly.

4.2 Decision-making participating organisations

Support participating organizations for the Draft Recommendation(s)

Following submission of the draft Final Report, each of the participating organisations should, at its first meeting following submission of the draft Final Report, review and discuss the report, and decide whether they, at a minimum, do not object to the

recommendations contained in the report, all in accordance with their own rules and procedures. The chairs of the participating organisations shall notify the Chair of the WG of the result of these deliberations as soon as feasible, but no later than 5 business days after the decision has been taken.

Supplemental Draft Final Report

In the event that one or more of the participating SO's or AC's do(es) objects to one or more of the recommendation(s) contained in the draft Final Report, the Chair of the WG EPSRP shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support and a suggested alternative that would be acceptable, if any. The WG EPSRP may, at its discretion, reconsider, post for public comments and/or submit to the participating organisations a Supplemental Draft Final Report, which takes into accounting the concerns raised.

Following submission of the Supplemental draft Final Report, the participating organisations shall discuss and decide in accordance with their own rules and procedures whether they, at a minimum, do not object to the recommendations contained in the Supplemental Draft Report. The Chairs of the participating organisations shall notify the Chair of the WG EPSRP of the result of the deliberations, as soon as feasible, but no later than 5 working days after the result has been achieved.

Submission Final Report

After receiving the notifications from all participating organisations as described above, the Chair of the WG shall, within 10 working days after receiving the last notification, prepare and submit to the Chair of the ccNSO and Chairs of the other participating organisations the WG EPSRP Final Report for the ICANN Board, which shall include at a minimum:

- a) The last version of the Final Report as adopted by the WG EPSRP; and
- b) The notifications of the decisions from the participating organisations;
- c) Documentation of the process that was followed, including, but not limited to documenting the process of building consensus within the WG EPSRP and public consultations.

In the event one or more of the participating organisations do(es) object to (parts of) the Recommendation included in the (Supplemental) Final Report, the Final Report for the ICANN Board shall also clearly indicate the part(s) of the Recommendations which are fully supported and the parts which are not, and which of the participating organisations dissent, to the extent this is feasible.

After receiving the Final Report for the ICANN Board, the chair of the ccNSO shall submit it within 5 working days to the Chair of ICANN Board of Directors.

5. Miscellaneous

5.1 Omission/Unreasonable Impact of charter/Modification of the Charter

In the event that this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the WG EPSRP, the Chair have the authority to determine the proper actions. Such action may, for example, consist of a modification of the Charter in order to address the omission or its unreasonable impact, in which case the Chairs may propose such modification to the participating organisations. A modification shall only be effective after adoption of the amended Charter by all participating organisations, in accordance with their own rules and procedures, and publication of the amended Charter on the webpage of the WG. Until the amended Charter is published, this Charter remains effective.

5.2 Closure

The WG EPSRP will consult with the participating organisations to determine when it can consider its work completed. The WG EPSRP shall be dissolved upon receipt of a notification of closure of the WG from the Chairs of the participating organisations or their designated representatives.