

The ICANN GNSO "Business Constituency"



ICANN Business Constituency (BC) Comment

on

[ccNSO Proposed Policy for a Specific ccTLD Review Mechanism](#)

28-Sep-2023

General Comments:

The BC appreciates and welcomes the establishment of CCRM , which has been a missing piece in the ICANN bylaws.

BC members are registrants of ccTLDs. We are concerned about the reliability and continuity of any TLD, which has been expressed in [our previous comment on retirement of ccTLD PDP](#).

BC observes that the geopolitical situation may create the use or even abuse of CCRM among "rival" ccTLD managers. BC recommends the CCRM policy to address it.

Comments on specific provisions of the [proposed policy](#):

-- (4.2 Process Overview, p14) BC expressed its strong concern on the condition when IFO "accepts the results but opts to redo the process which resulted in the original decision". This makes the process unpredictable and could be time-consuming for the Applicant / ccTLD manager filing review.

-- (4.3 CCRM Manager, p14) BC recommends that any action or task performed by CCRM Manager should still be subject to ICANN's reconsideration process, since the role itself is funded by ICANN.

-- (4.4 Claimant, p14) BC observes that only existing and future ccTLD managers would be eligible to file reviews. BC recommends adding "local concerning party in the ccTLD jurisdiction" should be able to file review. This helps make the CCRM similar to the ICANN IRP.

-- (4.4 Applicant and Claimant, p15) BC requests clarification on why CCRM can not run in parallel with IFO internal review or IFO Mediation. BC further suggests a clear explanation (FAQ or flow chart) to distinguish CCRM, IFO internal review, and IFO Mediation for educational purposes.

-- (4.4 Applicant and Claimant, p15 ; Annex C, p34) BC recommends a conservative approach to handle competing applications. We do not recommend a first-come-first serve approach.

-- (9 Bylaw recommendation, p19) , BC suggests removing the 4th point (see below). We believe it is outside of the CCRM scope, and should be taken as a separate ccPDP in the future.

The CCPDP3WG-RM advises the ccNSO to consider that any **future policy** to be developed by the ccNSO and which can affect the stewardship of a ccTLD should include a consideration whether claims and disputes flowing from the application of the policy should be excluded from ICANN's Reconsideration Process and the Independent Review Process for Covered Actions, and if so, explicitly specify the outcome of this consideration in any such policy.

-- (Annex C, p35) BC recommends a public website to list and archive all CCRM cases (as the ICANN IRP does). Past cases could thereby serve as references for future cases.

This comment was drafted by Ching Chiao, and was approved in accord with the BC Charter.