

The ICANN GNSO “Business Constituency”



ICANN Business Constituency (BC) Comment on Proposed GNSO Process for ICANN Board to Reverse Adoption of GNSO Policy Recs

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Background

This document provides input from the ICANN Business Constituency (BC), from the perspective of business users and registrants. We advocate for ICANN policy that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

General Comment:

The ICANN Business Constituency (BC) appreciates the opportunity to comment on the proposed process governing the circumstances under which the ICANN Board may reverse previously adopted GNSO policy recommendations.

BC members rely on stable, predictable, and transparent policy outcomes to make long-term investment, operational, contractual, and compliance decisions within the DNS ecosystem. The integrity and finality of the Policy Development Process (PDP) are therefore critical to maintaining confidence in ICANN's bottom-up, consensus-based model. Any mechanism that permits reconsideration of previously adopted consensus policy must be narrowly scoped, clearly defined, and supported by robust procedural safeguards in order to avoid unintended uncertainty for contracted parties, business users, and the broader Internet community.

The BC acknowledges that exceptional circumstances may arise in which reconsideration of an adopted policy recommendation is warranted. However, such circumstances should remain limited, objectively defined, and subject to a high threshold of justification, reflecting the significant reliance interests that arise once a policy has completed the PDP and has been adopted by the Board.

From a business perspective, policy reversals, particularly where implementation planning has commenced or concluded, carry material costs. These may include sunk compliance

investments, contractual and operational adjustments, resource reallocation, and reputational risk. Any reversal mechanism must therefore strike a careful balance between accountability and policy finality, while preserving confidence in the predictability and credibility of ICANN's policy framework.

BC Recommendations:

1. Policy Reversal as a Last Resort: A reversal of an adopted GNSO policy should be treated as extraordinary and only considered when no reasonable alternative exists. Policies developed through the PDP reflect significant investments of time, expertise, and resources by the community, the GNSO Council, the ICANN Board, and the ICANN organization. Reversals where alternatives exist risk undermining community confidence, morale, and trust in ICANN's bottom-up, consensus-driven model.

Before any reversal is considered, a formal impact assessment should be conducted to evaluate potential consequences for reliance interests, including business operations, investment and compliance decisions, contractual obligations, operational stability, and downstream effects on customers, consumers, and end users. Where adverse impacts are identified, appropriate mitigation measures should be identified, documented, and considered as part of the Board's decision-making process.

The BC notes that such assessments should not require the Board itself to undertake substantive analytical work. Where an adopted policy reaches the Board without adequate impact analysis, supporting evidence, or documentation of likely effectiveness, the Board should retain the authority to require that these deficiencies be addressed by the GNSO and ICANN org before implementation proceeds. In such cases, returning a policy for further work should be treated as a corrective step, not a policy reversal.

2. Clear standards for “new information” and justification: The BC is concerned that references to “new information” and determinations of what is in the “best interest of ICANN or the ICANN community” remain insufficiently defined. To preserve policy certainty, any justification for reversal should be limited to material developments that were not reasonably foreseeable or discoverable during the PDP. Information that was available but insufficiently considered during the PDP should not, in and of itself, constitute a valid basis for reversal. The BC recommends that the guidance clarify the standards by which “new information” is assessed and explicitly exclude foreseeable or previously available inputs from qualifying as justification.

3. Mandatory root cause analysis: In instances where an adopted policy is reversed, a formal root cause analysis should be required. This analysis should identify the specific factors and process gaps that contributed to the reversal, including whether relevant external developments were unavailable, insufficiently considered, or overlooked during the PDP. These

findings should be systematically documented, including in tabular form where appropriate, and made available as guidance for future PDPs to reduce the likelihood of similar outcomes.

4. Procedural safeguards and meaningful engagement: While the BC supports structured dialogue between the Board and the GNSO Council, it is concerned that the proposed guidance affords the Board excessive discretion in determining the format and nature of such engagement. The BC recommends that minimum procedural standards be established to ensure timely, meaningful, and substantive dialogue, including adequate opportunity for Council deliberation and reasoned responses to Council input.

5. Voting thresholds and heightened scrutiny: The BC supports the application of voting thresholds for reversal that mirror those applied at the time of policy adoption. However, given the heightened reliance interests that arise following adoption, the BC emphasizes that reversal should be subject to a level of scrutiny at least equivalent to, and in practice more rigorous than, initial adoption.

Closing statement

In closing, the BC encourages the ICANN Board to take into account the rapidly evolving global environment, particularly the pace at which technological developments, including artificial intelligence, are reshaping markets, user behavior, and risk landscapes. Current policy development timelines increasingly struggle to keep pace with these changes, raising the risk that policies may become misaligned with external realities by the time they are implemented. The BC therefore urges ICANN to explore mechanisms that enable more timely, responsive, and adaptive policy development, while preserving the stability, predictability, and finality upon which businesses and the broader community depend. Strengthening the PDP in this manner will help reduce the likelihood of post-adoption policy reversals and enhance long-term confidence in ICANN's governance model.

This comment was drafted by Vivek Goyal, Segunfunmi Olajide and Steve Crocker. It was approved in accordance with our [Charter](#).