

From: Katrina Sataki
Date: Wed, Apr 24, 2024
Subject: Requests for clarification/confirmation wrt ccPDP3 Review Mechanism
To: Alejandra Reynoso Barral
Cc: Patricio Poblete

Dear Alejandra,

I am writing to inform the ccNSO of the progress made to date regarding the assessment of the feasibility of the proposed policy for a Review Mechanism Pertaining to IANA Naming Function Operator (IFO) decisions that apply to ccTLDs and to request additional information.

As mentioned in my January 2024 report, the Board Caucus was formed in June 2023 with three objectives:

- (i) To evaluate the proposed policy for a Review Mechanism Pertaining to IANA Naming Function Operator (IFO) decisions that apply to ccTLDs, and provide recommendations to the Board, including in potential dialogue with the ccNSO Council when needed.
- (ii) To provide strategic advice to ICANN org during the implementation phase of the proposed policy.
- (iii) To develop a Supplemental Board Statement and engage in subsequent dialogue in the event that the Board does not accept recommendations.

Following the closure of Public Comment period and solicitation of GAC advice as mandated by the Bylaws, the Caucus support staff initiated an in-depth analysis of sections 2-6 of the Board report. This analysis served as the initial step in assessing the feasibility of implementation. Its aim was to ensure that the understanding and interpretation of the policy is unambiguous and aligns with the intentions of the ccNSO. As a result of this analysis, forty-three (43) instances were identified where additional information of the ccNSO would be beneficial in assessing the feasibility of implementing the proposed review mechanism and identify any necessary modifications. The additional information is requested using two types of questions:

- Requests for confirmation: The purpose of these requests is to seek confirmation from the ccNSO that ICANN's understanding and/or interpretation of a specific section is correct/ aligns what the ccNSO intended.
- Requests for clarification: The purpose of these requests is to seek further information or clarification from the ccNSO on a specific topic that is not clear from the language of the CCRM Policy.

After analyzing the CCRM Policy language, we've identified a foundational assumption that requires confirmation from the ccNSO: any Review of an IFO Decision under the CCRM Policy is limited to a review of whether the IFO properly followed its process in reaching that decision (a procedural review), and that the substantive, material review of an IFO

Decision is not subject to review. Once this foundational element is confirmed, we will evaluate each aspect of the review mechanism to ensure alignment with this principle and determine whether each proposed step advances the objectives of the CCRM (low cost, fast, minimize total time).

The questions that have been compiled in the attached document, are organized into columns as follows:

- Column A: Comment Number (1 through 43)
- Column B: Relevant section in the Board Report
- Column C: Relevant text from the Board Report to provide context for the question
- Column D: Request for clarification (highlighted in yellow) or request for confirmation of interpretation (highlight in green)
- Column E: Open space for ccNSO comments

Given the breadth of the inquiry, we understand that the ccNSO may require time to respond fully. However, we would appreciate your responses at your earliest convenience. Once we receive your responses, the Caucus support staff will continue the assessment of implementation feasibility.

Should the ccNSO have any questions on this matter in the interim, please do not hesitate to contact me.

Kindest regards,

Katrina Sataki,
On behalf of the Board Caucus ccPDP3 RM

Comment Number	Section of the report to the Board	Extract	Question to the ccNSO Green = Requesting confirmation of understanding Yellow = Requesting clarification/information	ccNSO response
1	2	The objective of the policy is to offer ccTLD managers, and applicants for new ccTLDs, as direct customers of the IANA Naming Function an independent review mechanism for specifically identified IFO decisions. Such a mechanism would be a logical, independent step following the IFO Customer Service Complaint Resolution Process and the IFO Mediation process	Request for Confirmation - Based on the language of the proposed CCRM policy, it is ICANN's understanding that complainant is not required to exhaust the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism. Could you please confirm this understanding and/or indicate whether the ccNSO intends for a complainant to first utilize the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism.	
2	2	Low cost - (Registry/Manager fees will be established at implementation but these need to take into account the size/ability to pay of the Registry by having variable fees).	Request for Confirmation - Based on the language of the proposed CCRM policy, it is ICANN's understanding that establishing the review fee to be paid by complainant and overall being mindful of costs of the review process are part of ICANN's implementation process. Please confirm this is a correct understanding.	
3	2	Fast - Reviewers to return a decision in less than 90 days from the beginning of their consideration of the case	Request for Clarification - The proposed CCRM policy indicates that one of its objectives is a "fast" review process (less than 90 days to decision). Could the ccNSO please provide input regarding process parameters and/or limitations it is proposing in order to ensure a timely resolution?	
4	2	Minimize the total time required to review any specific IFO decision	Request for Clarification - The proposed CCRM policy indicates that one of its objectives is to "minimize" the total time to review an IFO decision. Could the ccNSO please provide input regarding what process parameters and/or limitations it is proposing in order to ensure a timely resolution?	
5	3	The Review Mechanism for IFO decisions which apply to ccTLDs (CCRM) is available to ccTLD Managers, or applicants for a new ccTLD, who are directly impacted by an IFO decision (Decision) for the following processes: •Delegations of a new ccTLD •Transfers. •Revocations (A last resort action by the IFO). •Refusal to grant an extension to the retirement deadline per the CCNSO Retirement Policy. •Notice of Retirement for two-letter Latin ccTLD which does not correspond to an ISO 3166-1 Alpha-2 Code Element per the CCNSO Retirement policy. •Any other policy developed by the ccNSO and adopted by the ICANN Board which allows ccTLDs to appeal a decision by the IFO.	Request for Clarification: Could the ccNSO please provide input regarding whether the intention is that any CCRM Review will only be applicable to what is specifically excluded from accountability mechanisms in the Bylaws, unless and until a Bylaws revision has been concluded with adopted revisions to the Bylaws?	
6	4.1	The CCRM will only report on whether: [...] There were significant issues with the IFO properly following its procedures and applying these fairly in arriving at its Decision;	Request for Confirmation - Section 4.1 indicates, in part, that the CCRM will only report on whether there were significant issues "with the IFO properly following its procedures." ICANN understands this to mean that a Review and ultimate CCRM report is limited to determining whether the IFO adhered to the existing procedure that led to the IFO decision at issue. ICANN further understands this to mean that the CCRM Review may not involve a substantive review of the procedure itself. Please confirm this is a correct understanding.	
7	4.1	The CCRM will only report on whether: [...] There were significant issues with the IFO properly following its procedures and applying these fairly in arriving at its Decision;	Request for Clarification - Could the ccNSO please provide clarity/information regarding what is meant by "applying these fairly" in arriving at the CCRM's decision, and how such fairness would be determined by the CCRM.	
8	4.1	The CCRM will only report on whether: [...] There were significant issues in how the IFO complied with RFC 1591, the CCNSO FOI for RFC1591 as adopted by the ICANN Board, and any other policies developed through a ccNSO policy development process and adopted by the ICANN Board in making its Decision	Request for Confirmation - It is ICANN's understanding that the request for Review will identify the relevant policy/RFC/process and that the CCRM will not have to independently try to determine the applicable policy/RFC/process to consider. Please confirm this is a correct understanding.	
9	4.1	The CCRM will only report on whether: [...] There were significant issues in how the IFO complied with RFC 1591, the CCNSO FOI for RFC1591 as adopted by the ICANN Board, and any other policies developed through a ccNSO policy development process and adopted by the ICANN Board in making its Decision	Request for Confirmation - It is ICANN's understanding that this provision, and the Review mechanism as a whole, is intended to be a procedural review of whether the IFO followed the relevant procedure/policy in reaching its decision. In addition, it is ICANN's understanding that this provision, and the Review mechanism as a whole, is not intended to be a substantive review of the IFO decision itself nor is it intended to be a substantive review of the procedure/policy itself. Please confirm these are correct understandings.	

10	4.1	Definition of Significant Issues – Any clearly demonstrable inconsistency or deviation by the IFO of properly following its procedures and applying these fairly or how the IFO complied with the requirements of RFC 1591, the ccNSO FOI for RFC1591 as adopted by the ICANN Board as well as any other policies developed through a ccNSO policy development process and adopted by the ICANN Board in making its Decision which, in the opinion of the Reviewer(s), could have significantly impacted the IFO Decision.	Request for Confirmation - It is ICANN's understanding that this provision, and the Review mechanism as a whole, is intended to be a procedural review of whether the IFO followed the relevant procedure in reaching its decision; and, specifically, this is not intended to be a substantive review of the IFO decision nor is it intended to be a review of the policy itself. Please confirm this is a correct understanding.	
11	4.2	CCRM Process Overview: [...] IFO takes a decision that is subject to review (as covered by the policy)	Request for Confirmation - It is ICANN's understanding that "the policy" here means the (proposed) CCRM policy. Please confirm this is a correct understanding.	
12	4.2	CRM Process Overview: [...] The ccTLD Manager, or an applicant for a new ccTLD, applies for a Review.	Request for Confirmation - Based on the language of the proposed CCRM policy, it is ICANN's understanding that complainant is not required to exhaust the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism. Could you please confirm this understanding and/or indicate whether the ccNSO intends for a complainant to first utilize the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism.	
13	4.2	CRM Process Overview: [...] The CCRM Manager accepts the application.	Request for Confirmation - It is ICANN's understanding that "application" refers to a request for CCRM Review; and that the CCRM Manager's "acceptance" will involve an administrative review as set forth in the Annexes. Additionally, it is understood that the administrative review process will be prescribed in further detail, as needed, during the implementation phase. Please confirm this is a correct understanding.	
14	4.2	Reviewer(s) complete the review.	Request for Confirmation - It is ICANN's understanding that "the review" refers to the CCRM Review. Please confirm this is a correct understanding.	
15	4.2	If significant issues were found by the Reviewer(s) the IFO has three options:	Request for Confirmation - It is ICANN's understanding that the CCRM Reviewers will issue a report regarding their findings (whether they find significant issues with following the procedure or not), and that developing a template report framework will be part of the implementation phase. Please confirm this is a correct understanding.	
16	4.2	If significant issues were found by the Reviewer(s) the IFO has three options :	Request for Clarification - Could the ccNSO provide clarity on how to ensure that the same IFO decision is not reviewed multiple times? For instance, per Section 4.4, a claimant could be 'any applicant for that new ccTLD.' Section 4.4 indicates that if there are several Review requests of an IFO decision, then the requests would be consolidated into one Review. Presumably, this would be possible if the Review requests were submitted at or near the same time. However, what would happen if a claimant waited until the initial Review was completed and then later submitted its Review request? For instance, what if a Review was conducted and found procedural issues, and the IFO decided to redo its process and issue a new decision, then another claimant decided to challenge that (new) IFO decision? What provisions in the proposed CCRM mitigate against the risk of this type of gamesmanship?	
17	4.2	If significant issues were found by the Reviewer(s) the IFO has three options: [...] o The IFO accepts the results and adjusts its decision – this would conclude the review process.	Request for Clarification - It is ICANN's understanding that "the results" refers to the findings of the CCRM Reviewers. Please confirm this is a correct understanding. It is also ICANN's understanding that the CCRM Review mechanism is intended to be a procedural review of whether the IFO followed the relevant procedure in reaching its decision; and, specifically, the CCRM Review mechanism is not intended to be a substantive review of the IFO decision. Given that, could the ccNSO provide clarification on what is meant by "adjusts its decision"? It appears that, if there was a procedural issue, the only way the IFO would modify its decision is if the IFO decided to redo the process; and, in that instance, it would appear that Options One and Two in this section would be the same. Could the ccNSO provide input on this?	

18	4.2	<p>If significant issues were found by the Reviewer(s) the IFO has three options: [...]</p> <ul style="list-style-type: none"> o The IFO accepts the results but opts to redo the process which resulted in the original decision. Once the IFO completes the redo of the process, the original applicant must decide to: <ul style="list-style-type: none"> - Accept the new results – this will conclude the Review process. - Apply for a Review of the new decision by the IFO (in such a case if the Reviewer(s) find significant issues the IFO will only have two options - Accept or Reject the findings). 	<p>Request for Clarification - With regard to the reference to "the original applicant must decide to" - could the ccNSO provide clarity as to who makes the decision to accept or request review of new results if the "original applicant" is a consolidation of Review requests from multiple applicants for a new ccTLD (per Section 4.4)?</p>	
19	4.2	<p>If significant issues were found by the Reviewer(s) the IFO has three options: [...]</p> <ul style="list-style-type: none"> o The IFO rejects the results: <ul style="list-style-type: none"> - If the IFO decision requires Board approval - the IFO shall include the findings from the review in its recommendation to the Board for confirmation. - If the IFO decision does not require Board approval, the ICANN CEO and the ccNSO Council shall be advised of the situation. 	<p>Request for Confirmation - With regard to the reference to "if the IFO decision requires a Board approval," it is ICANN's understanding that this refers to whether the IFO decision has to be effectuated with Board involvement (e.g. that the IFO decision "require[d]" Board approval), which would then result in the IFO needing to inform the Board in the IFO's rejection of the Review results. Please confirm this is a correct understanding.</p>	
20	4.2	<p>If significant issues were found by the Reviewer(s) the IFO has three options: [...]</p> <ul style="list-style-type: none"> o The IFO rejects the results: <ul style="list-style-type: none"> - If the IFO decision requires Board approval - the IFO shall include the findings from the review in its recommendation to the Board for confirmation. - If the IFO decision does not require Board approval, the ICANN CEO and the ccNSO Council shall be advised of the situation. 	<p>Request for Confirmation - With regard to the reference to "if the IFO decision does not require Board approval," it is ICANN's understanding that this refers to whether the IFO decision was previously effectuated without Board involvement (e.g., that the IFO decision previously "[did] not" require Board approval), which would then result in the IFO needing to only advise the ICANN President and CEO and ccNSO council of the IFO's rejection of the Review results. Please confirm this is a correct understanding.</p>	
21	4.3	<p>The CCRM Manager must be a non-conflicted individual who is a Subject Matter Expert with respect to ccTLDs, the IFO and ICANN and who will be responsible for overseeing and managing the CCRM system.</p>	<p>Request for Confirmation - It is ICANN's understanding that determining the manner in which to assess whether a potential CCRM Manager is a "non-conflicted individual who is a Subject Matter Expert with respect to ccTLDs, the IFO and ICANN" is intended to be part of the implementation phase. Please confirm this is a correct understanding.</p>	
22	4.3	<p>The office of the CCRM Manager will be funded and managed by ICANN.</p>	<p>Request for Clarification - Could the ccNSO please provide clarity/information regarding what is intended in this instance with regard to how/in what way ICANN will be "managing" the CCRM Manager?</p>	
23	4.4	<p>Applicant and Claimant to the CCRM</p>	<p>Request for Clarification - The terms "Applicant" and "Claimant" appear to be used interchangeably in this instance and in the proposed CCRM Policy. Could the ccNSO please clarify whether the CCRM Policy intends to use these terms interchangeably or if there should be a distinction between the two within the CCRM Policy.</p>	
24	4.4	<p>To launch a CCRM, the Claimant must submit an application (Application) via the CCRM website to the CCRM Manager in English within 30 days of the Decision being made except if the Applicant has requested an IFO internal review or IFO Mediation.</p>	<p>Request for Confirmation - It is ICANN's understanding that "application" refers to a request for CCRM Review. Please confirm this is a correct understanding.</p>	
25	4.4	<p>To launch a CCRM, the Claimant must submit an application (Application) via the CCRM website to the CCRM Manager in English within 30 days of the Decision being made except if the Applicant has requested an IFO internal review or IFO Mediation.</p>	<p>Request for Confirmation - Based on the language of the proposed CCRM policy, it is ICANN's understanding that complainant is not required to exhaust the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism. Could you please confirm this understanding and/or indicate whether the ccNSO intends for a complainant to first utilize the Complaint Resolution Process and the Mediation process before being permitted to submit a request for the independent review mechanism.</p>	
26	4.4	<p>For cases where there is a potential for more than one Claimant, should there be more than one application for the same IFO Preliminary Decision the CCRM Manager will accept the first application which meets all the eligibility criteria. Should there be a tie the CCRM Manager will choose which application will be accepted. In all such cases where the CCRM Manager has approved an Application for a Review, the Reviewer(s) will consider all elements of the IFO Decision for all potential Claimants.</p>	<p>Request for Confirmation - It is ICANN's understanding that "application" refers to a request for CCRM Review. Please confirm this is a correct understanding.</p>	

27	4.4	For cases where there is a potential for more than one Claimant, should there be more than one application for the same IFO Preliminary Decision the CCRM Manager will accept the first application which meets all the eligibility criteria. Should there be a tie the CCRM Manager will choose which application will be accepted. In all such cases where the CCRM Manager has approved an Application for a Review, the Reviewer(s) will consider all elements of the IFO Decision for all potential Claimants.	Request for Clarification - ICANN requests clarification/information regarding what is intended by defining the IFO's decision as "preliminary" in light of the fact that an IFO decision is final unless and until it is challenged and then subsequently modified. Could there be confusion if the term "preliminary" is used? Request for Clarification - ICANN requests clarification regarding what circumstances would create "a tie" between Review applications?	
28	4.4	For cases where there is a potential for more than one Claimant, should there be more than one application for the same IFO Preliminary Decision the CCRM Manager will accept the first application which meets all the eligibility criteria. Should there be a tie the CCRM Manager will choose which application will be accepted. In all such cases where the CCRM Manager has approved an Application for a Review, the Reviewer(s) will consider all elements of the IFO Decision for all potential Claimants.	Request for Clarification - ICANN requests clarification/information regarding how a Review would be handled if there are multiple claimants that have different claims. Section 4.4 indicates that, in such cases, "the Review(s) will consider all elements of the IFO Decision for all potential Claimants." Does that mean that it is intended that all claims (even if the claims are distinct) would be consolidated into one Review?	
29	4.4	For cases where there is a potential for more than one Claimant, should there be more than one application for the same IFO Preliminary Decision the CCRM Manager will accept the first application which meets all the eligibility criteria. Should there be a tie the CCRM Manager will choose which application will be accepted. In all such cases where the CCRM Manager has approved an Application for a Review, the Reviewer(s) will consider all elements of the IFO Decision for all potential Claimants.	Request for Confirmation - It is ICANN's understanding that determining the "eligibility criteria" is intended to be part of the implementation phase. Please confirm this is a correct understanding	
30	4.4	For cases where there is a potential for more than one Claimant, should there be more than one application for the same IFO Preliminary Decision the CCRM Manager will accept the first application which meets all the eligibility criteria. Should there be a tie the CCRM Manager will choose which application will be accepted. In all such cases where the CCRM Manager has approved an Application for a Review, the Reviewer(s) will consider all elements of the IFO Decision for all potential Claimants.	Request for Clarification - Similar to Comment Number 28 above - ICANN requests clarification/information regarding how a Review would be handled if there are multiple claimants that have different claims. Section 4.4 indicates that, in such cases, "the Review(s) will consider all elements of the IFO Decision for all potential Claimants." Does that mean that it is intended that all Review requests would be provided to the Reviewer(s) for consideration as part of one Review? Request for Confirmation - As raised before with regard to the CCRM Policy and Review process, ICANN's understanding is that the ccNSO intends that any Review of an IFO Decision is limited to a review of whether the IFO properly followed its process in reaching that decision; and that the substantive IFO Decision itself is not subject to review. Please confirm this is what is intended for the CCRM Policy and Review process.	
31	4.5	All Reviewers will be certified, managed, and supported by the CCRM Manager	Request for Clarification - ICANN requests clarification/information regarding who will determine whether a Reviewer is "certified" (as guided by the certification requirements in Annex B). Is it intended that the CCRM Manager will make the determination as to whether a potential Reviewer is certified? Is it intended that the certification requirements listed in Annex B are exhaustive, minimum threshold, or suggestions to consider including in the implementation phase?	
32	4.5	Reviewers must be impartial.	Request for Clarification - ICANN requests clarification/information regarding how "impartiality" is to be determined and who will be making the determination.	
33	4.5	Certification requirements will include a minimum of 10 years of practical experience with respect to ccTLD administration and IFO processes as well as the ability to function in English.	Request for Clarification - ICANN requests input from the ccNSO regarding whether there is a concern about finding sufficient Reviewers that have the required level of experience yet are "non-conflicted"; and what steps should be taken if there is difficulty in finding such Reviewers.	
34	4.5	Findings from the Reviewer(s) cannot be appealed.	Request for Confirmation - It is ICANN's understanding that the proposed CCRM policy's directive that the Reviewer(s) findings "cannot be appealed" means that neither a CCRM claimant nor any other party may challenge the Reviewer(s) findings via ICANN's accountability mechanisms. Please confirm this is a correct understanding.	
35	4.6	The IFO Must amend its procedures to allow concerned parties sufficient time to file for a CCRM or other official IFO review mechanisms prior to the IFO implementing or making a recommendation to the ICANN Board regarding the decision which is being challenged (implementation). As such the IFO will advise all directly involved parties of any decisions which can be reviewed under this Policy. Such decisions will be labelled Preliminary Decisions and will advise the concerned parties of their options for Reviewing such decisions.	Request for Confirmation - It is ICANN's understanding that not all Reviews will (or could) result in recommendations to the ICANN Board. Please confirm this is a correct understanding. Also, please see comment below (Comment Number 36) regarding referring to the IFO's Decision as "preliminary" - in light of the fact that an IFO decision is final unless and until it is successfully challenged and subsequently modified, could there be confusion if the term "preliminary" is used?	

36	4.6	The IFO... Must amend its procedures to allow concerned parties sufficient time to file for a CCRM or other official IFO review mechanisms prior to the IFO implementing or making a recommendation to the ICANN Board regarding the decision which is being challenged (implementation). As such the IFO will advise all directly involved parties of any decisions which can be reviewed under this Policy. Such decisions will be labelled Preliminary Decisions and will advise the concerned parties of their options for Reviewing such decisions.	Request for Clarification - ICANN requests clarification/information regarding what is intended by defining the IFO's decision as "preliminary" in light of the fact that an IFO decision is final unless and until it is challenged and then subsequently modified. Could there be confusion if the term "preliminary" is used? Also, many IFO Decisions will not be challenged but seemingly would be termed "preliminary"; at what point would such Decisions be considered "final"? Could persons misunderstand the term "preliminary" to mean "draft"?	
37	4.6	The IFO... Will make all relevant internal materials available to the Reviewer(s) who will be under a formal confidentiality agreement. These will include all internal emails on the matter and all communications from all the relevant parties but does not include formal legal advice to the IFO.	Request for Clarification - As raised before with regard to the CCRM Policy and Review process, ICANN's understanding is that the ccNSO intends that any Review of an IFO Decision is limited to a review of whether the IFO properly followed its process in reaching that decision; and that the substantive IFO Decision itself is not subject to review. If that is correct, then ICANN requests clarification/information as to how "all internal emails on the matter and all communications from all the relevant parties" is needed for a procedural review and what impact this level of litigation-type discovery could have on the speed and efficiency of the Review Process. Is there a specific subset of documentation that the IFO could provide to the Reviewer(s) that would be limited to a procedural review?	
38	4.6	Will make itself available to the Reviewer(s) to present details of the case or answer questions.	Request for Clarification - Similar to comment nb 37 -- ICANN's understanding is that the ccNSO intends that any Review of an IFO Decision is limited to a review of whether the IFO properly followed its process in reaching that decision; and that the substantive IFO Decision itself is not subject to review. If that is correct, then ICANN requests clarification/information as to what is intended by the requirement that the IFO "will make itself available to the Reviewer(s) to present details of the case or answer questions" and how this is needed for a procedural review. This type of requirement sounds similar to litigation-style deposition testimony, which is not even permitted in ICANN's accountability mechanisms. Would the ccNSO's intention here be addressed via the issuance of a specific set of clarifying questions to the IFO, limited to a procedural review, which the IFO could respond to in writing?	
39	4.6	If the IFO fails to comply with the requirements of the Review policy the CCRM Manager will advise the ICANN CEO and the ccNSO Council of the situation and request that the ICANN CEO promptly correct the situation. In cases where the IFO fails to respond to a request by the CCRM Manager within the time period specified in the policy, the review process will be suspended until such time as the IFO properly responds to the request.	Request for Clarification - ICANN requests clarification/information regarding what is intended by the reference to the ICANN President and CEO "correct[ing] the situation." What steps does the ccNSO envision that the ICANN President and CEO would be permitted to take to enforce compliance by the IFO? What if the Reviewer(s) findings and directives go beyond the parameters of a procedural review; who would make that determination and what would be the remediation?	
40	4.6	If the IFO fails to comply with the requirements of the Review policy the CCRM Manager will advise the ICANN CEO and the ccNSO Council of the situation and request that the ICANN CEO promptly correct the situation. In cases where the IFO fails to respond to a request by the CCRM Manager within the time period specified in the policy , the review process will be suspended until such time as the IFO properly responds to the request.	Request for Clarification - ICANN requests clarification/information as to whether the IFO may request additional time to respond to request by the CCRM Manager.	
41	1.3	The proposed policy includes the details on the recommended policy (section 2 to 6 and 9 of the Board Report). In addition, annexes A and B provide details and requirements for various aspects of the policy. The WG believes these details, although important, are suggestions to facilitate and guide implementation.	Request for Confirmation - Based upon the language of Section 1.3, it is ICANN's understanding that the "details and requirements" noted in Annexes A and B are meant to be advisory, rather than directive, in that they "are suggestions to facilitate and guide implementation." Please confirm this is a correct understanding.	
42	3	The Review Mechanism for IFO decisions which apply to ccTLDs (CCRM) is available to ccTLD Managers, or applicants for a new ccTLD, who are directly impacted by an IFO decision (Decision) for the following processes: - Delegations of a new ccTLD - ...	Request for Confirmation - Under certain circumstances, such as after a revocation or other discontinuity of operations, the ccTLD may be subsequently delegated through an evaluation process that is functionally the same as delegating a new ccTLD. This is to be distinguished from a transfer of a currently delegated ccTLD. It is ICANN's understanding that under the proposed policy these subsequent delegations should be considered "delegations of a new ccTLD" even though the ccTLD had been delegated previously. Please confirm this is a correct understanding.	

43	4.4 (first bullet point)	Applicant and Claimant to the CCRM - Must be a ccTLD Manager except in the case of the delegation of a new ccTLD where any applicant for that new ccTLD is eligible	Request for Confirmation - Under the aforementioned assumption of "new delegation", the exception rule described in the first bullet point of section 4.4 applies to all cases of "new delegation" of a ccTLD, i.e. including those cases where it was previously revoked or otherwise removed. Please confirm this is a correct understanding.	
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