



20 December 2021

Internet Corporation for Assigned Names and Numbers
ATTN: Board of Directors
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536, USA

Dear ICANN Board Members:

The Registries Stakeholder Group (RySG) thanks the ICANN Board for the opportunity to interact during ICANN72. Despite the challenges created by the virtual meeting format, we continue to welcome these opportunities to engage on important topics facing our groups and the ICANN community. During this last engagement we discussed at length the topic of prioritization: in particular, the need to prioritize and progress the backlog of work that is awaiting action by the Board or implementation by ICANN Organization. This topic was also raised by a number of different groups and stakeholders during the course of ICANN72 and we believe is of sufficient importance and urgency that we are following up with this letter to reiterate our concerns.

Board members may recall that the RySG expressed concern about volunteers feeling disempowered or discouraged because, after years of committing time and energy to comprehensive Reviews and complex policy development discussions, the subsequent tasks of Board consideration and implementation have not been predictable. This has resulted in across-the-board delays and a lack of tangible results or outcomes from the community work expended. We also expressed the corollary concern that ICANN's legitimacy and credibility might be impacted if it is unable to effectively manage and complete various community efforts. Below are some examples of items that are of particular concern to the RySG and are taking considerably longer than anticipated:

- On 15 May 2019, the Board passed a resolution to authorise the implementation of all but two of the recommendations from the EPDP Phase I Temporary Specification for gTLD Registration Data. After more than two years the IRT continues its deliberations. In addition, the Board has not yet finished consideration of one recommendation, (Recommendation #12) two and a half years after receiving it following approval by the GNSO Council.
- In a parallel effort between Contracted Parties and ICANN Org that is intended to reach agreement on Data Processing Terms continues after first commencing more than two years ago. Contracted Parties are operating without GDPR-mandated DPAs with ICANN.
- On 21 October 2019, a joint Registry Agreement / Registrar Accreditation Agreement Amendment Process was triggered that is intended to incorporate service level agreements for RDAP into the respective agreements, as well as establish terms for sunseting the WHOIS protocol. This effort is also incomplete and the replacement of

WHOIS has been delayed, to the detriment of the DNS.

- There is an unmet ICANN Bylaw (11 April 2013) obligation to have an Independent Review Process (IRP) Standing Panel, from which panellists for individual IRPs are to be selected. Seven years later and after prodding by the community, ICANN issued a call for EOIs for IRP Standing Panellists that closed in July 2020. Members were appointed to the Community Representative Group (CRG) created to select the IRP Standing Panellists in January 2021, but 10 months later, the CRG is yet to have its first meeting. This despite the fact that IRP reform was identified as a high priority and extremely important by the ICANN Board and CEO.
- After the GNSO Council approved the Final Report from the New gTLD Subsequent Procedures PDP in February 2021, the Board took nine months, until September 2021, to resolve to initiate an Operational Design Phase (ODP) before considering the policy recommendations. This ODP was originally planned to have a three-month ramp-up period, but this has already been extended to four months, meaning it will not begin until February 2022, a year after the Final Report was adopted by Council.

We recognize that the Board has recently made progress in considering many Review recommendations, and that the Board has acknowledged the community's concerns about delays in policy making efforts including launching new gTLD application rounds, approving recommendations on Rights Protection Mechanisms, and acting on recommendations around using new gTLD auction proceeds.

We also acknowledge that ICANN Org has established a Planning Department that will engage the community to develop a Framework for Prioritization to better cope with the challenges associated with managing and implementing the work resulting from community efforts. While the RySG believes this may provide benefits in the future; it will not address the more immediate problem of the existing backlog of work. This body of outstanding, incomplete, or unimplemented work efforts requires urgent attention from the ICANN Board and Organization. There must be a commitment from the Board to consider community outputs and for the Organization to implement approved community recommendations within a reasonable timeframe. This will require committing to and clearly communicating timelines, as well as establishing accountability for missing deadlines.

To be clear, it is not our intention to denigrate anyone with this letter. Rather, it is meant to convey our dedication to the multi-stakeholder model and commitment to making the ICANN multi-stakeholder "experiment" successful well into the future. It is now time for the Board and ICANN Staff to deliver on the community's work that has been delayed. The RySG requests that the Board and ICANN Org re-focus their resources on implementing the policy work already delivered by the GNSO Council and provide the assurance and predictability necessary to maintain the community's confidence and ensure ongoing engagement.

Sincerely,

Samantha Demetriou
RySG Chair