Proposed GNSO Council Response to CCT Review Team Recommendations Passed Through to GNSO

No.	Description	Directed to Other Groups	GNSO Council Proposed Response	Rationale
10	The GNSO should initiate a new Policy Development Process (PDP) to create a consistent privacy baseline across all registries, including to explicitly cover cases of privacy infringements such as sharing or selling personal data without a lawful basis, such as the consent of that person. The GNSO PDP should consider limiting the collection and processing of personal data within rules which are mandatory for all gTLD registries. It should also consider not allowing registries to share personal data with third parties without a lawful basis, such as the consent of that person or under circumstances defined by applicable law (e.g. upon requests of government agencies, IP lawyers, etc.). Also, it is necessary to be aware of emerging, applicable regulations related to the processing of the personal data. For clarification, this recommendation does not relate to issues involving WHOIS or registration directory services data.		The GNSO Council does not intend to initiate a new PDP as recommended (see rationale). The Council will seek feedback from the EPDP Team as to whether this Recommendation #10 has been or is being addressed in whole or in part by the EPDP.	This recommendation seems to have been overtaken by events such the GDPR and the EPDP. The Council is of the view that a PDP "to create a consistent privacy baseline across all registries" is not within the "picket fence" or ICANN's mission. All gTLD registry operators are subject to applicable laws and regulations as well as ICANN's consensus policies. gTLD registry operators around the globe process a wide and differing range

				of data (including WHOIS data). While their processing of WHOIS data is subject to ICANN contracts and consensus policies, it is up to each registry operator to set their own privacy policy that governs their processing of such data and ensures compliance with applicable laws and regulations.
16	Further study the relationship between specific registry operators, registrars, and DNS Security Abuse by commissioning ongoing data collection, including but not limited to, ICANN Domain Abuse Activity Reporting (DAAR) initiatives. For transparency purposes, this information should be regularly published, ideally quarterly and no less than annually, in order to be able to identify registries and registrars that need to come under greater scrutiny, investigation, and potential enforcement action by ICANN organization. Upon identifying abuse phenomena, ICANN should put in place an action plan to respond to such studies, remedy problems identified, and	The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization, and the Subsequent Procedures	The GNSO Council is of the view that this recommendation regarding DNS abuse should be addressed by ICANN org: 1. Reporting and publication - Office of Chief Technology Officer (OCTO) as the project manager for the DAAR. 2. Enforcement - Contractual Compliance department, as far as they are able to act on accurate and reliable information from the DAAR.	The Council recognizes the topics of consumer trust in the context of the 2012 new gTLD round review and DNS abuse are of great importance to ICANN org and the ICANN community. The Council notes this Recommendation #16 was directed to multiple community groups and some of them are actively participating in on-going and there is on-going

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	define future ongoing data collection.	PDP WG, SSR2 Review Team.		cross-community engagement on DNS abuse in order to better understand the nature of community concerns, ICANN's remit and possible mitigation measures.
27	Since the review team's initial draft recommendation, the PDP "Review of All Rights Protection Mechanisms in All gTLDs (RPM WG)" has started reviewing the Uniform Rapid Suspension system in detail and this is currently ongoing. Given this ongoing review, the CCT Review Team recommends that the RPM WG continues its review of the URS and also looks into the interoperability of the URS with the Uniform Domain Name Dispute Resolution Policy (UDRP). Given the current timeline, it would appear that the appropriate time to do so will be when the UDRP review is carried out by the PDP WG and at this time consideration be given to how it should interoperate with the UDRP. The review team has encountered a lack of data for complete analysis in many respects. The RPM PDP WG appears to also be encountering this issue and this may well prevent it drawing firm conclusions. If		The GNSO Council does not plan to take any immediate action while awaiting the RMP WG's final report of its Phase 1 work (likely April 2020). The GNSO Council intends to seek feedback/comment from the RPM WG on the issue of "interoperability of the URS with the Uniform Domain Name Dispute Resolution Policy (UDRP)" after the completion of RPM WG Phase 1.	The review of URS is included in the scope of RMP WG Phase 1. The review of UDRP is planned for RMP WG Phase 2. The GNSO Council is in the process of updating RPM WG Phase 2 Charter and will take into account any input/feedback received from the RPM WG.

	modifications are not easily identified, then the review team recommends continued monitoring until more data is collected and made available for a review at a later date.			
28	A cost-benefit analysis and review of the Trademark Clearinghouse (TMCH) and its scope should be carried out to provide quantifiable information on the costs and benefits associated with the present state of the TMCH services and thus to allow for an effective policy review. Since our initial draft recommendation, the RPM PDP has started reviewing the TMCH in detail and ICANN has appointed Analysis Group to develop and conduct the survey(s) to assess the use and effectiveness of the Sunrise and Trademark Claims RPMs. Provided that the RPM PDP has sufficient data from this survey or other surveys and is able to draw firm conclusions, the CCT Review Team does not consider that an additional review is necessary. However, the CCT Review Team reiterates its recommendation for a cost-benefit analysis to be carried out if such analysis can enable objective conclusions to be drawn. Such cost-benefit analysis should include but not necessarily be limited to looking at cost to brand owners, cost to registries, and cost to registrars of operating with the TMCH now		The GNSO Council will refer this recommendation to the RPM WG.	A cost-benefit analysis of TMCH is within the scope of RMP WG Phase 1 (see Final TMCH Charter questions: "13. Are the costs and benefits of the TMCH reasonably proportionate amongst rights holders, registries, registrars, registrants, other members of the community and ICANN?"). The review was conducted by Analysis Group but its Revised Report states: "Our data also do not provide quantifiable information on the costs and benefits associated with the present state of the TMCH services, nor the potential costs and benefits of expanding or

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	and going forward and look at the interplay with premium pricing.			altering the way the services function, making concrete cost-benefit analyses outside the scope of this report."
29	Set objectives/metrics for applications from the Global South.	New gTLD Subsequent Procedures PDP Working Group/Generic Supporting Names Organization	The GNSO Council will refer this recommendation to the SubPro PDP WG.	This recommendation falls within the scope of SubPro PDP WG.