

Operational Design Phase

Process Paper

This paper establishes an Operational Design Phase (ODP) that consists of an ICANN organization (org) assessment of Generic Names Supporting Organization (GNSO) Council-approved policy development process (PDP) recommendations initiated and scoped by the ICANN Board of Directors (Board). The ODP concept and process has been developed with community input.¹

ODP Objective

The ODP is initiated and scoped by the Board and conducted by ICANN org. Its objective is to perform an assessment of GNSO Council policy recommendations in order to provide the Board with relevant information to facilitate the Board's determination, in accordance with the Bylaws, on the operational impact of the implementation of the recommendations, including whether the recommendations are in the best interests of the ICANN community or ICANN ([Annex A, Section 9 \(a\)](#)). While ICANN org already provides the Board with relevant material to inform its deliberations, the ODP supports the Board's ability to request a more focused assessment of the operational impact of GNSO Council-approved recommendations. The ODP will also support ICANN org's consultation with the community in the preapproval phase to solicit feedback on the assumptions, facts, and figures that underpin ICANN org's ODP assessment. Importantly, the ODP is not a mechanism to examine the design or implementation of any policies already approved by the Board, nor the substance or intent of GNSO Council recommendations. The ODP is not a mechanism to reopen or revisit policy discussions that belong to PDP working groups (WGs). During the ODP, if the Board, the community, or ICANN org are unclear about the intent or substance of a given recommendation, or believe there may be an unanswered policy question, the issue in question must be referred to the GNSO Council, as is the established practice when such questions arise.

Executive Summary

¹ See community input on the [ODP webpage](#).

The Board will generally initiate an ODP after the GNSO Council has voted to approve PDP recommendations and submitted the requisite Recommendations Report to the Board, in accordance with [Annex A, Section 8](#) of the Bylaws. In some cases, the Board may confer with the GNSO Council to initiate the ODP earlier, and it would overlap with the PDP.

The Board will initiate an ODP in instances where it believes that the implementation resourcing or the complexity of GNSO Council recommendations warrants an assessment by ICANN org before the Board can decide if adopting recommendations is in the best interests of the ICANN community or ICANN. The Board is expected to specify the scope and anticipated timeline of each ODP initiated. While the emphasis of the assessment will depend on the individual recommendations, an ODP will generally focus on the operational design necessary for implementation of GNSO Council recommendations. This includes any other issue that will help the Board decide whether a recommendation is in the best interest of the ICANN community or ICANN, including but not limited to resourcing, timing, and dependencies.

Community outreach is an important aspect of the ODP and it involves the entire community. Upon reaching relevant milestones, ICANN org will share findings with the community. The purpose of this outreach is to solicit feedback on the facts, figures, and assumptions used in the ODP assessment. All community input will be captured transparently. Additionally, ICANN org will regularly share non-privileged information about its ODP progress with the community.

If ICANN org identifies a question that pertains to the substance or intent of the Council-approved recommendations, they will be addressed to the GNSO Council in its role as the manager of the policy development process. The Council is encouraged to appoint a liaison to the ODP to streamline communications between ICANN org's ODP team and the Council should any questions on the substance or intent of recommendations arise.

As envisaged, the ODP will become part of the generic top-level domain (gTLD) policy implementation lifecycle and eventually be incorporated into the Consensus Policy Implementation Framework ([CPIF](#)). Before modifying the CPIF, ICANN org will conduct a community consultation on the functionality of the ODP after a minimum of two ODPs have concluded, to ensure that the ODP operates effectively and fulfills the needs of the Board, the community, and ICANN org.

The Operational Design Phase

The Board formally initiates the ODP in writing, e.g., via a letter to the GNSO Council, a Board resolution, or through other mechanisms as appropriate. In doing so, the Board directs the President and CEO to conduct an ODP for a specific set of GNSO Council recommendations. The purpose of the ODP is to provide relevant information regarding the operational impact of recommendations to inform the Board's deliberations. The Board will remain involved in the ODP process through relevant status updates and, where appropriate, it will engage with the GNSO Council and/or the wider community, for example if a policy issue emerges. The ODP's rigorous framework is consistent with the CPIF, which specifies that ICANN org create draft preliminary requirements for systems and coordinate with affected ICANN org teams to prepare for operational readiness, as needed. Building on this, the Board shall specify the scope and timing of ICANN org's assessment in its ODP launch request. This includes any relevant questions or concerns the Board may want to have addressed, in order to consider whether the recommendations are in the best interests of the ICANN community or ICANN. The following is a list of examples to illustrate possible scope issues:

- Formulation of cost estimates and fiscal impact under different design scenarios.
- Preliminary definition of design requirements and workflows, for assessment of technical decisions and resourcing.
- Questions to inform execution of Request for Information (RFI) processes from potential service providers.
- Identification of specific stakeholders that may be directly affected by the recommendations and who should be alerted during the implementation.
- Preliminary risk analysis and mitigation plans for different design scenarios.
- Gap analysis as to the feasibility of design options.
- Identification of dependencies on existing work of ICANN org, other recommendations, advice, or policies, and possible resolutions or opportunities to streamline.
- Resource scaling requirements for launch vs. ongoing operations.
- Review of GNSO Council recommendations for consistency with ICANN Bylaws and applicable laws.
- Any other information that the Board deems relevant for its consideration of whether a recommendation is in the best interests of the ICANN community or ICANN.

Once an ODP is launched, the CEO or designee will appoint a subject matter expert (SME) to be tasked with leading and managing ICANN org's ODP assessment based on the scope set by the Board. The SME will report back to the CEO or designee and provide regular updates to the Board. To inform its assessment and increase subject matter expertise, ICANN org may consult with experts, including ad hoc community groups such as a technical study group.

Community consultation – like any other part of the ODP – is not a forum to relitigate questions raised during the policy development process. It is an important part of the ODP and will take several forms, depending on whether the outreach concerns (a) seeking input or (b) providing information on the ODP's progress.

- a. ICANN org will consult with the community once relevant milestones are reached in the ODP assessment work.² Therefore, these consultations may take place just once or several times depending on the complexity of an ODP's scope. Such consultations will solicit targeted feedback on:
 - Facts, figures, and assumptions that ICANN org used for its ODP assessment.
 - Ensuring there are no inconsistencies in ICANN org's assessment of the recommendations with existing Consensus Policies or other relevant work.
 - Considerations, relevant to the scope set by the Board, from stakeholders who are expected to execute recommendations or are otherwise affected by them.
 - Requests from ICANN org or the Board for specific inputs from the community.
- b. ICANN org will inform the community regularly on its progress. ICANN org will create a dedicated webpage for each ODP containing relevant information on the ongoing ODP work. Additionally, ICANN org will conduct regular community outreach throughout the ODP via webinars, blogs, or dedicated sessions during ICANN Public Meetings or Prep Weeks.

Any questions that arise during the ODP that pertain to policy, substance, intent of recommendations will be addressed to the GNSO Council as the manager of the PDP. To

² As each ODP will have a different scope and a different focus, the number of milestones will vary from each ODP. At the start of each ODP, ICANN org will publish a work plan for each ODP that lists milestones and opportunities for community outreach.

facilitate communication on these issues, the GNSO Council is encouraged to select and appoint an ODP liaison who, preferably, has had previous involvement with the relevant PDP. The ODP does not require the liaison to be a member of the GNSO Council. The liaison will serve as the primary contact between ICANN org's ODP team and the GNSO Council on questions pertaining to the substance or intent of the GNSO Council recommendations. The liaison is expected to keep the GNSO Council informed about their engagement with ICANN org on these questions and should be empowered to convey relevant information from the GNSO Council to the ODP team.

Once its assessment is completed and all relevant community input considered, ICANN org will transmit its assessment report to the ICANN Board. The assessment is informational and not prescriptive in nature. It is tailored to provide the Board with the information it requested to inform its deliberation as well as to support the Board's obligation to act on the GNSO recommendations in accordance with the Bylaws. In keeping with ICANN org's transparency and publication practices, the report will be published on ICANN's webpage.

Timing Considerations

Given that the ODP is intended to be a part of the policy and implementation lifecycle, timing considerations are important. The natural trigger point for an ODP is the point where the GNSO Council has transmitted its Recommendations Report to the ICANN Board (as per [Annex A, Section 8](#) of the Bylaws), as the substance and intent of the recommendations will be final.

The Board is required under the Bylaws to "meet to discuss the GNSO Council recommendation as soon as feasible, but preferably not later than the second meeting after receipt of the Board Report from the Staff Manager" ([Annex A, Section 9](#)). If the Board believes an ODP is necessary, the Board initiates the ODP by that second meeting. As part of the scope, the Board will also agree on a realistic timeline for completion of the ODP. ICANN org will strive to complete an ODP as soon as feasible and within the timeframe stipulated by the Board. The conduct of an ODP may prolong the time between the GNSO Council's adoption of the recommendations and the decision by the Board. However, two considerations are relevant here:

- The ODP is only launched if the ICANN Board believes that an ODP will add value to the Board's deliberations and thus believes that the time spent on the ODP is necessary and important to inform its deliberations in accordance with all relevant Bylaws provisions.

- PDP working groups and PDP implementation phases usually take a number of years to complete. Adding some time prior to the Board decision on the recommendations is expected to have only a marginal impact on the overall PDP lifecycle. In addition, ODP assessments are expected to inform – but not restrict – the implementation work, likely reducing the time that ICANN org and the Implementation Review Team spend on designing processes and procedures during the implementation phase.

Community feedback on earlier versions of the ODP concept supported the idea of an earlier launch of the ODP under certain circumstances.³ Such an earlier start would mean that the ODP overlaps with the PDP. Notably, the [CPIF](#) already provides for ICANN org staff to observe and engage during the progress of any PDP: “GDD staff will follow policy development activities to engage on implementation-related matters, as appropriate. Consideration and feedback to policy work products and Consensus Policy recommendations as it relates to implementation will occur through the various phases of the GNSO Policy Development Process.” The ODP is not intended to replace or preclude the existing consultations that take place under the CPIF. However, where either the Board or the GNSO Council believes that a particular PDP may benefit from initiation of a formal ODP before the policy development phase concludes, the Board and the GNSO Council shall consult and agree on such an earlier start. While other factors may be of relevance, the consultations should demonstrate that, at a minimum, the PDP working group has made sufficient progress on key recommendations to ensure the ODP will be both feasible and constructive.

The purpose of the ODP is always to inform the Board’s consideration of policy recommendations. To ensure that the ODP has fully addressed all of the recommendations as adopted by the GNSO Council, an early-launch ODP cannot conclude before the GNSO Council has approved the recommendations and the staff manager has transmitted the Recommendations Report to the ICANN Board. While ICANN org will still require time to complete the ODP assessment following the transmission of the Recommendations Report, the efforts in developing the ODP prior to that time will likely reduce the time needed to complete the ODP. Any time savings will depend on the degree to which the recommendations adopted by the GNSO Council align with the draft recommendations upon which the initial ODP assessment was based.

³ See the ODP webpage for earlier versions as well as written community input: <https://www.icann.org/resources/pages/odp-development-2021-04-26-en>

Principles

The Operational Design Phase will:

- Be launched by the ICANN Board, instructing ICANN org to provide an assessment of GNSO Council recommendations, to help inform the Board's deliberation whether a given recommendation is in the best interests of the ICANN community or ICANN.
- Be conducted by ICANN org, focusing on operational and other relevant aspects of implementing the GNSO Council recommendations, which the Board believes will help inform its deliberations.
- Rely on existing community structures and processes for consultation and feedback and provide the entire ICANN community with opportunities to provide feedback on the facts, figures, and assumptions that underpin ICANN org's assessment.
- Provide a mechanism to test ideas and assumptions regarding the operational impact of a recommendation without amending or changing their substance or intent.
- Ensure the Board remains involved in the ODP process through relevant status updates and, where appropriate, the Board will engage with the GNSO Council and/or the wider community, for example if a policy issue emerges.
- Ensure that the Board has all information it deems necessary to make decisions that are in the best interests of the ICANN community and ICANN.

The Operational Design Phase will not:

- Impose restrictions on or limit the work of the PDP or PDP WGs.
- Impact the GNSO Council's role as manager of the PDP.
- Present an opportunity to reopen or revisit policy questions settled during a PDP.
- Allow for any changes to the substance or intent of GNSO Council recommendations that are before the Board.
- Alter the roles and responsibilities of ICANN org and the Implementation Review Team that is formed during the implementation process after the Board has adopted the GNSO Council recommendations.

Integration and Relationship with the Existing Consensus Policy Implementation Framework (CPIF)

The [Consensus Policy Implementation Framework](#) (CPIF) was collaboratively developed by ICANN org and the GNSO's Policy and Implementation Working Group in 2015. Among other

things, the CPIF tasks ICANN org with preparing materials for Board consideration of GNSO Council recommendations. The ODP will eventually be incorporated in the CPIF. Still, the ODP should remain a flexible process. Its procedures and processes should be adaptable and allow for future fine tuning, changing circumstances, and other instances that may require procedural improvement. Its incorporation into the CPIF will allow for this needed flexibility while ensuring the ODP is conducted with adequate transparency and predictability.

After a minimum of two ODPs have been completed, ICANN org will consult with the Board, the relevant ICANN org ODP teams, the GNSO ODP liaisons, the GNSO Council, and the wider ICANN community to assess what updates – if any – may need to be made to improve the efficiency and effectiveness of the ODP. This consultation will be part of continuous improvement efforts regarding the ODP’s processes to ensure it fulfils the needs of the Board, community, and ICANN org.

Roles and Responsibilities

To synthesize from the descriptions above, the following table notes the expected roles and responsibilities of each of the entities participating during the ODP.

Entity	Relevant Roles & Responsibilities
PDP Working Group	<ul style="list-style-type: none"> ● Develops policy recommendations through multistakeholder processes. ● May consider, but is not bound by ODP assessment, in case ODP overlaps with PDP WG.
GNSO Council	<ul style="list-style-type: none"> ● Manager of the PDP. ● Approves recommendations and transmits them via a Recommendations Report to the Board. ● Consults with the ICANN Board in cases where an ODP launch overlapping with the PDP WG is sought. ● Appoints a liaison to the ODP who is empowered to confer with the ODP team on matters of policy and substance or intent of recommendations.

Community	<ul style="list-style-type: none"> ● Receives regular updates on the process of the ODP. ● Consulted on the facts, figures, and assumptions that underpin ICANN org's ODP assessment. ● Brings relevant viewpoints from affected community groups to develop and provide feedback to the ODP.
ICANN org	<ul style="list-style-type: none"> ● Conducts the ODP. ● May consult experts including ad hoc community groups such as a technical study group. ● Consults with the ICANN Board, GNSO Council ODP liaison, the GNSO Council, the wider community, and the PDP WG, as appropriate. ● Refers questions regarding the substance or intent of recommendations to the GNSO Council via the GNSO liaison. ● Provides regular updates of its work and maintains a publicly-accessible webpage documenting ODP progress. ● Provide regular updates to the ICANN Board ● Informs the Board about policy issues that arise during the ODP and which may or may not be implementation specific. ● Delivers in a timely manner response to questions posed by the Board.
ICANN President & CEO	<ul style="list-style-type: none"> ● Appoints SME from ICANN staff to lead operational design work. ● Accountable for delivery of relevant information to the Board.
Board of Directors	<ul style="list-style-type: none"> ● Directs President & CEO to commence ODP. ● Consults with GNSO Council in case an ODP launch prior to the conclusion of the PDP WG is required. ● Specifies the scope of the ODP, including questions or information that it deems necessary, to decide if a recommendation is in the best interests of the ICANN community or ICANN. ● Conducts consultative meetings with the ODP team and/or community. ● Is informed by the ODP team on progress and issues that may arise during the ODP.

- Is informed by the ODP team on progress and issues that may arise during the ODP
- Considers the GNSO Council Recommendations Report in light of the ODP assessment, public comment on the PDP WG Final Report, and any other relevant information when deciding if a recommendation is in the best interests of the ICANN community or ICANN.