

## ICANN Board Readiness Small Team – Final Report

Comments from Christopher Wilkinson  
24 October 2025

With reference to the GNSO report and associated ALAC slides I would make the following comments and suggestions. (I apologise for this rather traditional format, since I have never learnt how to edit a Google Doc.)

The report reflects very well the underlying concerns, and the consultations and analysis that have been undertaken by the drafting team and - no doubt - some of the Staff. For this we may be grateful.

I don't know how often the ICANN Board is called upon to read documents of 20+ pages. As the masterly accompanying ALAC slides have shown, it would have been possible to pass the same messages in rather fewer pages.

But first, a caveat. I have been familiar, indeed sometimes very familiar, with the Policy Development Processes (PDPs) over the years. However, I have not been in a position to participate in more recent years and thus ignore much of the contemporary experience which must have inspired the drafting team. Specifically I have never seen a rationale for the Board having refused or paused certain recommendations. Furthermore, having invested, at the time, considerable time on the PDP for new gTLDs, one has yet to see the results of all those efforts. I would be incapable of explaining to any outsider, what has been going on meanwhile.

That said, and to return to the report, I would make three comments:

1. There are several references to GNSO PDPs producing 'hard-won consensus recommendations by virtue of a bottom-up multi-stakeholder process'. This does not ring true. The GNSO by itself is not multi-stakeholder by any stretch of the imagination. The report itself tacitly recognizes this and touches on how the gross imbalance in numbers and resources skews the outcome of the PDPs. Hopefully, moving from the 'Open Model' towards a 'Representative Model' will facilitate this much needed correction.

2. The report is unfortunately silent on the question as to by who and how is it decided which subjects merit or require a PDP, or not as the case may be. Two examples illustrate the point:

- ICANN had known for years, and had been repeatedly officially reminded, that the privacy and data protection policies enshrined in Whois practices were not compatible with European laws. But nothing was done, until the Whois EPDP was launched '*en catastrophe*' ostensibly in response to the simple fact that GDPR introduced fines for non-compliance!

There was no mechanism to initiate a PDP years ago which could have anticipated and avoided the problems arising from GDPR.

- [Geographical indications](#) are an IPR and are protected in law in many countries and sectors. In spite of the 'Applicable local law' clause in the Articles of Incorporation, the view in ICANN still seems to be that protection of GIs (e.g. in UDRP) would require a PDP. I am reasonably confident that the issue will arise when there is a call for proposals for new gTLDs. Meanwhile, is there a mechanism to initiate a PDP to implement the provisions of the Articles of Incorporation?

3. The report refers to the Board's [Global Public Interest check list](#). (p.11) I suppose that it is excellent for the Board to have such a list. But it is surprising that, apparently, it has not already been shared with the PDPs, bearing in mind that a large part of the rationale for multi-stakeholder governance is indeed that, collectively, it can identify, respect and implement the public Interest.

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