

gTLD Registries Stakeholder Group (RySG) Procedure for the Enforcement of the ICANN Community Code of Conduct concerning Statements of Interest

I. Introduction

The gTLD Registry Stakeholder Group (RySG) is implementing the enforcement of the [ICANN Community Participant Code of Conduct Concerning Statements of Interest](#). The application and enforcement of the Code of Conduct in a predictable, transparent, and fair way contributes to a culture of trust, transparency, and mutual respect, which builds confidence in the outcomes of the ICANN community's work and processes, and encourages new and broad participation. The RySG, as other ICANN Community bodies, has the primary responsibility for enforcing the Code of Conduct within its respective activities.

This document is structured as follows: **Section II** contains the RySG SOI Enforcement Process, **Annex I** provides, as background, the ICANN published community enforcement guidance intended to promote consistency and due process.

II. RySG SOI Enforcement Process

All RySG members are expected to follow the guidance and requirements laid out in the [ICANN Community Participant Code of Conduct Concerning Statements of Interest](#) (Code of Conduct) and any subsequent requirements by the [GNSO](#) implementing the Code of Conduct.

To ensure the use and enforcement of the Code of Conduct is predictable and transparent for RySG Members, we have outlined the below processes that reflect the requirements and enforcement guidance provided in the Code of Conduct.

The GNSO has ultimate responsibility for enforcing the Code of Conduct, however, a RySG Member should report concerns specific to RySG activities directly to the RySG Chair. While alleged violations should normally be made directly to the relevant group's leader or chair, if an RySG Member has a concern about activities in an ICANN Working Group, Policy Development Process, IRT, Review Team, or other Community work, and they are uncomfortable or unable to raise the concern themselves, they may also ask the RySG Chair to escalate that concern on their behalf to the Chair of the relevant group or GNSO Chair.

In general, if disclosures are properly documented, even in the case of an individual representing multiple interests, conflicts of interest should not exist.

RySG Process for Raising and Addressing Potential Violations of the Code of Conduct

For RySG Specific Activities:

- Any RySG Member in good standing may report a potential violation or question regarding the SOI of another RySG Member either publicly (on a call or email list) or privately to the Chair or Officers (the receiving Officer will share the report with the Officers).
- In line with the Code of Conduct any alleged violation should include an explanation of the basis for the complaint.
- Process to cure: Any participant from whom clarification or explanation of their SOI is requested, will have the opportunity to cure by offering clarity or by updating their SOI.
- If a simple clarification or update doesn't resolve the complaint, the RySG ExCom will discuss possible corrective steps to cure or determine if the complaint represents a conflict of interest and the process for "Failure to Disclose or Cure" will be followed.

Failure to Disclose or Cure:

- If a complaint is made, or question raised, in a meeting of the RySG, that can't immediately be clarified, the Chair may ask that the person concerned remove themselves from the immediate discussion.
- The process to cure, described above, will then promptly be initiated to limit the amount of time any individual is excluded from activities.
- If cured or resolved without a finding of any violation, the Secretariat will keep a record of the claim and its resolution without any other enforcement action.
- If an individual reports that they cannot disclose or clarify their representations, per the Code of Conduct, that individual will not be permitted to participate in impacted discussions or groups as determined by the Officers.
- If a Conflict of Interest is present as determined by the Officers, the individual will, at a minimum, be removed from RySG discussion (issue specific) with possible removal from RySG mailing lists at the discretion of the Officers.

For GNSO or Community Activities:

This process applies to resolving RySG complaints. Any RySG Member participation in GNSO activities will be governed by the GNSO implementation of the SOI guidelines should there be a concern raised at the GNSO level.

- While alleged violations should normally be made directly to the relevant group's leader or chair, if an RySG Member has a concern about activities in an ICANN Working Group,

Policy Development Process, IRT, Review Team, or other Community work, and they are uncomfortable or unable to raise the concern themselves, they may ask the RySG Chair to escalate that concern on their behalf to the Chair of the relevant group or GNSO Chair.

- In line with the Code of Conduct any alleged violation should include an explanation of the basis for the allegation.

Input for RySG specific implementation of the ICANN Community Participant Code of Conduct Concerning Statements of Interest

- All member's delegates to the Registry Stakeholder Group (RySG) must have and keep up to date a GNSO statement of Interest (SOI). The RySG leverages the GNSO Statements of Interest as their official location for disclosing and maintaining member interests related to participation in the RySG. (<https://icann-community.atlassian.net/wiki/spaces/gnsosoi/overview>)
- Changes to SOIs - in the event of a change to an SOI - the delegate must provide notice to the RySG via the mailing list (they may also provide notice during an official RySG call such as the bi-weekly stakeholder group call).
- Prior to receiving access to the private area of the RySG website and being added to the RySG mailing list, prospective delegates must provide their GNSO SOI to the RySG secretariat who will verify its existence.
- During RySG meetings, all delegates must include their member organization after their name in Zoom.
- It's understood that all interventions by a delegate are on behalf of their member organization - if a delegate is making an intervention in any capacity other than as a representative of their member organization they MUST make it clear and indicate who they are representing. Officers of the RySG are expected to represent the RySG on the whole and need to indicate when they are making an intervention on behalf of their member organization (rather than the RySG).

Annex I ICANN Community Enforcement Guidance on the Code of Conduct Concerning Statements of Interest

Purpose and Applicability

The [ICANN Community Participant Code of Conduct Concerning Statements of Interest \(“Code of Conduct”\)](#) applies across all ICANN Supporting Organizations (SOs), Advisory Committees (ACs), Constituencies, Stakeholder Groups, Working Groups, Task Forces, Review Teams, and other similar community bodies. Every ICANN community participant is required to comply with the disclosure obligations set forth in the Code of Conduct, as well as any implementation guidance adopted by their respective SO or AC.

To ensure that the application and enforcement of the Code of Conduct is predictable, transparent, and fair, this document provides community-wide enforcement guidance that may be adopted or adapted by SOs and ACs. This guidance is intended to promote consistency and due process, while respecting the authority and autonomy of each ICANN community body.

SOs, ACs, and their subsidiary bodies retain primary responsibility for enforcing the Code of Conduct within their respective activities, subject to any applicable escalation or oversight mechanisms.

Guiding Principles

Enforcement of the Code of Conduct should be guided by the following principles:

1. **Transparency Over Punishment**
Statements of Interest exist to promote transparency and informed participation, not to discourage engagement or penalize participants for holding multiple roles or interests.
2. **Opportunity to Cure**
Participants must be given a reasonable opportunity to clarify, correct, or update their Statement of Interest prior to any enforcement action.
3. **Proportionality and Fairness**
Interim or corrective measures should be proportionate, consistent, limited in scope and duration, and applied consistently.
4. **Subsidiarity and Escalation**
Concerns should be addressed at the most immediate and appropriate level first, with escalation occurring only where necessary.

5. **Predictability Across the Community**

Similar disclosure issues should be handled in similar ways across SOs, ACs, and community bodies.

Raising Questions or Concerns

Any ICANN Community participant in good standing (e.g. not in violation of any ICANN Participant Code of Conduct or [Expected Standards of Behavior](#)) may raise a question or concern regarding the adequacy, accuracy, or completeness of another participant's Statement of Interest. Where feasible, participants are encouraged to first seek clarification or encourage disclosure directly and privately with the individual concerned; however, it is recognized that such opportunities may not always be available, including where issues arise during public sessions or time-sensitive discussions.

Concerns may be raised:

- Publicly (e.g., during a meeting or on a mailing list), or
- Privately to the Chair or leadership of the relevant group.

In line with the Code of Conduct, any concern should include:

- An explanation of the basis for the concern; and
- Reference to the relevant disclosure obligation.

Concerns should normally be raised with the leadership of the group in which the activity occurs. Where a participant is uncomfortable or unable to raise the concern directly, they may request that the Chair of their SO, AC, Constituency, Stakeholder Group, Working Group, Task Force, Review Team, or other similar community body raise the concern on their behalf.

Initial Review and Clarification Process

Upon receipt of a concern, the Chair or leadership of the relevant group should conduct a preliminary assessment to determine whether the issue is credible and within scope of the Code of Conduct.

If the Chair determines that disclosure has not been made or was not sufficient, the participant whose Statement of Interest is in question should be asked to:

- Clarify their existing Statement of Interest; and/or
- Update their Statement of Interest within a reasonable timeframe.

Where clarification or updates resolve the concern, the matter should be considered cured. Representation of multiple interests or roles does not, by itself, constitute a conflict of interest where those interests are fully and accurately disclosed.

Interim Measures During Active Discussions

If a concern arises during an active discussion or meeting and cannot be immediately clarified:

- The Chair may request that the participant temporarily recuse themselves from the specific discussion.
- Such a request is an interim procedural measure and does not constitute a finding of a violation.
- The clarification and cure process should be initiated promptly to minimize disruption and exclusion.

Failure to Disclose or Cure

A failure to disclose or cure may occur where a participant:

- Refuses to clarify or update their Statement of Interest;
- States that they are unable to disclose who they represent; or
- Provides information that remains materially incomplete or misleading after an opportunity to cure.

In such cases, the relevant group may take proportionate corrective action, which may include:

- Restricting participation in the specific discussion or activity;
- Limiting participation in the affected Working Group, Task Force, or process; or
- Temporarily limiting access to issue-specific mailing lists.

Corrective actions should, where possible, be issue-specific, time-limited, and clearly communicated. Time limitations shall not apply if the individual continues to refuse to disclose.

Escalation Framework

Concerns regarding Statements of Interest should be addressed using a tiered escalation approach, reflecting ICANN's multistakeholder structure.

Illustrative escalation path (GNSO example):

1. **Working Group or Task Force Chair**

For concerns arising within a Working Group or similar body, the matter should first be raised with the Chair of that group.

2. **Stakeholder Group or Constituency Chair**

If the matter cannot be resolved at the Working Group level, it may be escalated to the Chair of the relevant Stakeholder Group or Constituency.

3. **GNSO Chair**

Where resolution is not possible at the Stakeholder Group or Constituency level, or where a participant refuses to comply with disclosure requirements, the matter may be referred to the GNSO Chair for consideration and enforcement.

Equivalent escalation paths should be followed for activities within other SOs and ACs, consistent with their internal structures and procedures (see Annex).

Escalation and External Enforcement

Escalation beyond the immediate group should occur where:

- A participant refuses to disclose required information;
- A material conflict of interest is suspected; or
- Resolution at the lower level (e.g., the Working Group level) is not possible.

Once escalated, the matter will be subject to the policies, procedures, and determinations of the receiving body. The referring group or SO/AC should cooperate fully with any subsequent review or enforcement action.

Escalation should follow a reasonable path depending upon the origin (e.g. PDP Chair > GNSO Chair, or Stakeholder Group Meeting > SG Chair > GNSO Chair) with hopes that issues can resolve before reaching the GNSO level.

Documentation and Record-Keeping

Group Chairs or secretariats should maintain records of:

- Concerns raised;
- Requests for clarification;
- Participant responses; and
- Outcomes or actions taken.

Records should be maintained solely to support consistency, transparency, and accountability.

Adoption and Adaptation

This guidance is intended as a baseline framework that SOs, ACs, and other ICANN community bodies may adopt or adapt to reflect their specific structures and processes. Adoption of consistent enforcement approaches across the ICANN community will help ensure clarity, fairness, and confidence in ICANN's multistakeholder processes.
