

22 May 2023

RE: Final Report on the New gTLD Subsequent Procedures Policy Development Process

Nicolas Caballero
Chair, ICANN Government Advisory Committee (GAC)

Dear Nicolas,

I am writing to you regarding those Outputs of the [Final Report on the new gTLD Subsequent Procedures Policy Development Process](#) (Final Report), which remain under consideration following the Board's resolution in Cancun, in particular the pending policy recommendations related to GAC Consensus Advice and GAC Early Warning.

On 16 March 2023, the Board [resolved](#) to instruct ICANN org to begin the implementation of all Final Report Outputs detailed in Section A of the "[Scorecard on Subsequent Procedures PDP](#)" ([Scorecard](#)) and to make available resources required for the successful and timely opening of the next round of new gTLDs. The Board further directed ICANN org to deliver a comprehensive implementation plan to the Board no later than 1 August 2023, containing a work plan, relevant information for the Infrastructure Development stream, timelines and anticipated resource requirements to announce the opening of the next round of new gTLDs, subject to the satisfactory completion of four deliverables by the conclusion of ICANN77 on 15 June 2023.

One of these deliverables is agreement between the ICANN Board and GNSO Council on a plan and timeline for the consideration and resolution of all Outputs contained in Section B of the Scorecard, on which the Board has yet to reach a decision and have been designated as "pending". The Board recognizes that a number of the pending Outputs relate to issues previously raised in the GAC's [comment](#) on the Final Report and in subsequent GAC communications, most recently as priority 'Issues of Importance' to the GAC in the [ICANN76 GAC Communique](#). Notably, several Outputs related to Topic 30: GAC Consensus Advice and GAC Early Warning - Recommendations 30.4 - 30.7 - are pending Board decision.

The Board appreciated the opportunity to listen to the GAC's thoughts and expectations on the New gTLD Program during our [Joint Session](#) at ICANN76, during which the Board committed to engagement with the GAC and the wider community to ensure their views are taken into account when resolving the pending recommendations. Accordingly, the Board wishes to invite the GAC to discuss a clear path forward to supporting a Board decision regarding the recommendations on GAC Consensus Advice and GAC Early Warning, including how to address any GAC concerns during the implementation phase.

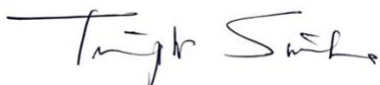
Although all of the pending recommendations on GAC Consensus Advice and GAC Early Warning received full or partial consensus from the PDP Working Group, the Board understands that the GAC has concerns about their potential impact on the timing of GAC Consensus Advice. The Board also acknowledges diverse opinion within the GAC's membership on the proposal in Recommendation 30.4 to omit language on the "strong presumption" for the ICANN Board to accept GAC consensus advice, when it recommends that an application for a new gTLD should not proceed.

The Board notes that ICANN org suggested several options in the [New gTLD Subsequent Procedures Operational Design Assessment \(ODA\)](#), to address the GAC's [concerns](#) on this topic, including reaching consensus with the GAC on the provision and timing of future Advice and revising language in the Applicant Guidebook around the issue of "strong presumption," which the Board would like to suggest as a useful basis for initial discussions.

We look forward to receiving the GAC's views on this subject. The Board invites the GAC to indicate its preferred method and timeline for engagement and welcomes the opportunity to work together to resolve this important issue.

Thank you again for your valued contribution to the ICANN community.

Sincerely,



Tripti Sinha,
Chair, ICANN Board of Directors