

Annex 1 to NGPC Resolution No. 2013.09.10.NG03

ICANN Board New gTLD Program Committee Scorecard in response to GAC Durban Communiqué

10 September 2013

This document contains the NGPC's notes on the GAC Durban Communiqué issued 17 July 2013

<https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Communique_Durban_20130717.pdf?version=1&modificationDate=1374215119858&api=v2>. Refer to the GAC Register of Advice for the full text of each item of advice in the GAC Durban Communiqué <<https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>>.

Each GAC scorecard item is noted with a "1A", "1B", or "2":

- "1A" indicates that the NGPC's proposed position is consistent with GAC advice as described in the Scorecard.
- "1B" indicates that the NGPC's proposed position is consistent with GAC advice as described in the Scorecard in principle, with some revisions to be made.
- "2" indicates that the NGPC's current position is not consistent with GAC advice as described in the Scorecard, and further discussion with the GAC is required following relevant procedures in the ICANN Bylaws.

This is a preliminary draft, unapproved by the NGPC. ICANN reserves the right to make additional changes after further discussions and review of public comments.

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
1. 2013-07-18 – Obj- Amazon (Communiqué §1.1.a.i.1)	The GAC Advise the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)		Per § 3.1 of the AGB, the applicant submitted a response to the ICANN Board. Given the volume of information presented, the NGPC continues to consider the information presented by the applicant and proposes to take action at a future NGPC meeting.
2. 2013-07-18 – Obj- Thai (Communiqué §1.1.a.i.2)	The GAC Advise the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .thai (application number 1-2112-4478)	1A	The NGPC accepts this advice. The AGB provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved." (AGB § 3.1) The NGPC directs staff that pursuant to the GAC advice and Section 3.1 of the Applicant Guidebook, Application number 1-2112-4478 for .thai will not be approved. In accordance with the AGB the applicant may withdraw (pursuant to AGB § 1.5.1) or seek relief according to ICANN's accountability mechanisms (see ICANN Bylaws, Articles IV and V) subject to the appropriate standing and procedural requirements.
3. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.1)	The GAC Advises the Board to leave the following applications for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .spa (application number 1-1309-12524 and 1-1619-92115)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.

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4. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.2)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .yun (application number 1-1318-12524)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.
5. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.3)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .guangzhou (IDN in Chinese - application number 1-1121-22691)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.
6. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.4)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .shenzhen (IDN in Chinese - application number 1-1121-82863)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires..

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7. 2013-07-18 – wine and vin (Communiqué §2.a.i)	The GAC advises the ICANN Board that the GAC considered the two strings .vin and .wine and due to the complexity of the matter was unable to conclude at this meeting. As a result the GAC agreed to take thirty days additional time with a view to conclude on the matter.	1A	The NGPC accepts this advice. The NGPC stands ready to hear from the GAC on 29 August 2013 regarding its conclusion on applications for .vin and .wine. ¹
8. 2013-07-18 – date and persiangulf (Communiqué §3.a.i)	The GAC has finalized its consideration of the following string, and does not object to it proceeding: .date (application number 1-1247-30301)	1A	ICANN will continue to process the application in accordance with the established procedures in the AGB.
9. 2013-07-18 – date and persiangulf (Communiqué §3.a.ii)	The GAC has finalized its consideration of the following string, and does not object to it proceeding: .persiangulf (application number 1-2128-55439)	1A	ICANN will continue to process the application in accordance with the established procedures in the AGB. The NGPC notes that community objections have been filed with the International Centre for Expertise of the ICC against .PERSIANGULF.
10. 2013-07-18 –Indians and ram (Communiqué §4.a.i)	The GAC Advises the ICANN Board that the GAC has noted the concerns expressed by the Government of India not to proceed with the applications for .indians and .ram.	1A	The NGPC notes the concerns expressed in this advice.

¹ Note: The NGPC received a subsequent email from the GAC Chair on 10 September and a letter on 11 September advising that the GAC had finalized its consideration of the strings .wine and .vin, and that the applications should proceed through the normal application process. <<http://www.icann.org/en/news/correspondence/dryden-to-crocker-09sep13-en>> The NGPC acknowledges receipt of the correspondence and will discuss it at its next meeting.

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11. 2013-07-18 –IGO Acronyms (Communiqué §5.c.i.a)	The GAC advises the ICANN Board that the GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would: (a) provide notification to an IGO if a potential registrant seeks to register a domain name matching the acronym of an IGO at the second level, giving the IGO a reasonable opportunity to express concerns, if any.	1A	The NGPC accepts the GAC advice to continue ongoing discussions with the GAC and the IGOs regarding protections of IGO acronyms.
12. 2013-07-18 –IGO Acronyms (Communiqué §5.c.i.b)	The GAC advises the ICANN Board that the GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would: (b) allow for an independent third party to review any such registration request, in the event of a disagreement between an IGO and potential registrant.	1A	The NGPC accepts the GAC advice to continue discussions with the GAC and the IGOs regarding protections of IGO acronyms.
13. 2013-07-18 –IGO Acronyms (Communiqué §5.c.ii)	The initial protections for IGO acronyms confirmed by the NGPC at its meeting of 2 July 2013 should remain in place until the dialogue between the GAC, NGPC, and IGO representatives ensuring the implementation of preventative protection for IGO acronyms at the second level is completed.	1A	The NGPC accepts this advice. On 17 July 2013, the NGPC adopted a resolution requiring registry operators to continue to implement temporary protections for the precise IGO names and acronyms on the “IGO List” posted as Annex 1 to Resolution 2013.07.02NG03 – 2013.07.02.NG06 until the first meeting of the NGPC following the ICANN 48 Meeting in Buenos Aires or until the NGPC makes a further determination on the GAC Advice re IGO protections, whichever is earlier. If the NGPC and GAC do not reach an agreement on outstanding implementation issues in that timeframe, and subject to any matters that arise during the discussions, registry operators will be required to protect only the IGO names identified on the “IGO List”. http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-17jul13-en.htm#1.a

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14. 2013-07-18 –IOCRC (Communiqué §5.a.i(sic))	The GAC advises the ICANN Board that the same complementary cost neutral mechanisms to be worked out (as above in 4.c.i. (sic)) for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).	1A	<p>As noted above, the NGPC accepts the GAC advice to continue discussions with the GAC and the IGOs regarding protections of IGO acronyms. The NGPC accepts this advice to adopt any mechanism(s) that may be agreed to by the GAC and the NGPC for the protection of IGO acronyms in order to protect the acronyms of the ICRC/CICR and IFRC/FICR.</p> <p>Additionally, the NGPC directs staff to require registry operators to implement temporary protections for acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR) until the first meeting of the NGPC following the ICANN 48 Meeting in Buenos Aires.</p>
15. 2013-07-18 –Category 1 (Communiqué §6.i.1)	The GAC has met with the NGPC to discuss the Committee’s response to GAC advice contained in the Beijing Communiqué on safeguards that should apply to Category 1 new gTLDs. The GAC Advises the ICANN Board that the GAC will continue the dialogue with the NGPC on this issue.	1A	The NGPC accepts this advice. The NGPC looks forward to continuing the dialogue with the GAC on this issue.
16. 2013-07-18 – GeoNames (Communiqué §7.a.i)	The GAC recommends that ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.	1A	The NGPC accepts this recommendation. The NGPC stands ready to hear from the GAC regarding possible refinements, for future rounds, of the Applicant Guidebook with respect to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.

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17. 2013-07-18 – Community Applications (Communiqué §7.b.i)	The GAC reiterates its advice from the Beijing Communiqué regarding preferential treatment for all applications which have demonstrable community support, while noting community concerns over the high costs for pursuing a Community Objection process as well as over the high threshold for passing Community Priority Evaluation.	1A	The NGPC accepts the reiteration of the GAC’s earlier advice from the Beijing Communiqué. The NGPC accepted this advice< http://www.icann.org/en/groups/board/document/s/resolutions-new-gtld-04jun13-en.htm#1.a > and stated as follows: Criterion 4 for the Community Priority Evaluation process takes into account "community support and/or opposition to the application" in determining whether to award priority to a community application in a contention set. (Note however that if a contention set is not resolved by the applicants or through a community priority evaluation then ICANN will utilize an auction as the objective method for resolving the contention.)
18. 2013-07-18 – Community Applications (Communiqué §7.b.ii.a)	Therefore the GAC advises the ICANN Board to consider to take better account of community views, and improve outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN’s formal community processes to date.	1A	The NGPC accepts this advice. The NGPC will consider taking better account of community views and improving outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN’s formal community processes to date. The NGPC notes that in general it may not be possible to improve any outcomes for communities beyond what may result from the utilization of the AGB’s community processes while at the same time remaining within the existing framework.
19. 2013-07-18 –Security and Stability (Communiqué §8.a.i.)	The GAC shares the security and stability concerns expressed by the SSAC regarding Internal Name Certificates and Dotless Domains. The GAC requests the ICANN Board to provide a written briefing about how ICANN considers this SSAC advice with a view to implementation as soon as possible. The GAC believes that all such stability and security analysis should be made publicly available prior to the delegation of new gTLDs.	1A	The NGPC will provide a written briefing regarding how ICANN considers this SSAC advice with a view to implementation as soon as possible. The NGPC agrees with the GAC that all such stability and security analysis should be made publicly available prior to the delegation of new gTLDs. The NGPC notes the publication of the “ Name Collision in The DNS” Study ” and the “ Dotless Domain Name Security and Stability Study Report .”

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20. 2013-07-18 –Security and Stability(Communiqué §8.a.ii.a)	The GAC Advises the ICANN Board to: as a matter of urgency consider the recommendations contained in the SSAC Report on Dotless Domains (SAC053) and Internal Name Certificates (SAC057).	1A	The NGPC accepts this advice. On 5 August, ICANN opened a public comment forum on staff proposed efforts to mitigate potential impact resulting from name collisions as New gTLDs are delegated into the root zone. At its 13 August 2013 meeting, the NGPC affirmed that dotless domains are prohibited < http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13aug13-en.htm#1 >.
21. 2013-07-18 –Registry/Registrar Agreements (Communiqué §9.a)	It was noted that there are provisions in the Registry Agreement and Registrar Accreditation Agreement that may conflict with applicable law in certain countries, in particular privacy and data retention, collection and processing law. The importance of having adequate procedures to avoid these conflicts was highlighted.	1A	The NGPC acknowledges the GAC’s highlighting of the importance of having adequate procedures to avoid conflicts between provisions in the Registry Agreement and the Registrar Accreditation Agreement and applicable law in certain countries, in particular privacy and data retention, collection and processing law. First, ICANN’s Registry Agreements and Registrar Accreditation Agreements already require contracted parties to abide by applicable law; ICANN cannot and will not require any of its contracted parties to violate laws. Through its contract development, ICANN has already demonstrated its understanding of the import of allowing contracted parties to obtain waivers of provisions that would conflict with laws, such as through the inclusion of a provision in the Registrar Accreditation Agreement to address conflicts of laws related to data retention. ICANN will also be working to achieve modifications of the existing ICANN Procedure for Handling Whois Conflicts with Privacy Law, including seeking input from the GAC on modifications.