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GAC Discussion on Subsequent Rounds of New gTLDs (2/2)

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ICANN | GAC
Governmental Advisory Committee

1. Introduction

2. Discussion on Topics of Importance to the GAC

3. Next Steps

   a. GAC Collective Comment Review

   b. Potential GAC Advice

   c. ODP - Call for volunteers

   d. AOB

Overview of SubPro Final Outputs Status

Recent Developments:

- **1 June 2021:** GAC submitted [collective comment](#) to public comment proceeding on final outputs on SubPro PDP for ICANN Board Consideration

- **4 June 2021:** GAC Chair [responded](#) to ICANN Board on potential public policy concerns on the final outputs on SubPro

  - Referred Board to GAC comment

  - Noted potential GAC Advice might come in due course

Next Steps:

- ICANN Board is envisaged to vote to start an Operational Design Phase (ODP), as recommended by GNSO Council

- ICANN Board Vote on PDP WG Final Report

  - GAC may wish to provide GAC consensus advice in preparation for the Board vote (following ODP - timeline TBC)

Discussion on Topics of Importance to the GAC

Based on GAC collective comment, GAC members expressed continued interest/concern on the following topics:

- Predictability

- RVCs/Pics

- Applicant Support

- Closed Generics

- Name Collisions

- GAC Consensus Advice/GAC Early Warnings

- Community Applications

- Auctions

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Overarching Comments from GAC Comment

- The GAC expects swift action from the GNSO Council in triggering such **holistic effort**, to meet ICANN66 Communique language.
- GAC ICANN70 Communique:

"DNS Abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of New gTLDs. The GAC supports the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse. The GAC also emphasized the importance of taking measures to ensure that Registries, Registrars and Privacy/Proxy Services providers comply with the provisions in the contracts with ICANN, including audits. The GAC welcomes the recently-launched DNS Abuse Institute and encourages community efforts to cooperatively tackle DNS Abuse in a holistic manner."

Overarching Comments From GAC Comment

- The GAC supports the multistakeholder process, and does not object to the introduction of new gTLDs .

- The GAC asks the Board to **ensure that all the necessary steps and reviews take place before a new round of gTLDs**, inter alia, the CCT-RT review and SSR2 recommendations.

- The GAC continues to **harbour serious concerns regarding the absence of policy recommendations on DNS Abuse Mitigation** in the SubPro PDP WG Final Report, and notes that the WG deemed that such future effort should be holistic and must apply to both **existing** and **new gTLDs**.

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Overarching Comments from GAC Comment

- The GAC does not intend nor wish to unnecessarily delay the process to prepare for a future round of new domain names.

- GAC considers that DNS abuse needs to be addressed and sees value in the SSAC's comment on SubPro that:

  > "*waiting until efforts to mitigate DNS abuse can be equally applied to all existing and new gTLDs, effectively cedes the ground to malicious actors who can depend upon a long policy development process to hinder meaningful anti-abuse measures*."

- The GAC urges the Board and the ICANN community to collectively and meaningfully address this situation.

Overarching Comments from GAC Comment

- The GAC is looking forward to receiving an "*objective and independent analysis of costs and benefits [...], drawing on experience with and outcomes from the*" 2012 round of new gTLDs

- Such objective and independent analysis would allow the GAC to offer further advice ahead of a launch of a new round of gTLDs.

- GAC calls upon the ICANN Board to provide a comprehensive overview and periodic updates of all issues that need to be addressed before the next round of new gTLDs.

GAC Comments by Topic

Predictability:
- Some GAC members continue to have doubts on the SPIRT:

  - Concerns about its added-value, its implementation and the added layer it may create regarding GAC consensus advice.

- GAC seeks clarification on role it will play, and emphasizes importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities

RVCs/PICs:
- GAC continues to harbour serious concerns regarding the absence of policy recommendations on DNS Abuse Mitigation . Notes that the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs.
- The GAC notes that any future voluntary/mandatory PICs need to be enforceable through clear contractual obligations, and consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties.

GAC Comments by Topic

Applicant Support:

- GAC members note the importance of fostering gTLD applications from a diverse array of applicants, which could, inter alia, include regional and local authorities, from all regions and that every effort be made to increase the number of applications from underrepresented regions.

- The GAC reiterates its support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support.

Closed Generics:

- The GAC is mindful that the issue of closed generics has generated considerable debate and diverse views.
- GAC Members support the proposed suspension of Closed Generic TLD applications until policy recommendations and/or a framework on the delegation of closed generics, which serve a public interest are developed by consensus, as per the ALAC minority statement and subsequent ALAC Advice to the ICANN Board.

GAC Comments by Topic

Name Collisions:

- GAC notes the importance of ensuring an effective framework for measuring & tackling name collision in further rounds of new gTLDs

- Taking into account the work on name collisions carried out so far by the Name Collision Analysis Project (NCAP).

- GAC draws attention to the SSR2 recommendation 17

- GAC supports the proposed setting of a framework to characterize the nature and frequency of name collisions and resulting concerns, allowing the appropriate handling of sensitive data and security threats.

GAC Comments by Topic

GAC Consensus Advice and GAC Early Warnings:

- GAC does <u>not</u> support the PDP WG recommended limitation on the timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discentivizing any such Advice being submitted after the finalization and publication of the next AGB.

- Rec. 30.4: diverse views within the GAC on the "strong presumption" language.

- Some GAC Members believe that Section 3.1 of the 2012 AGB which states that GAC Consensus Advice *"will create a strong presumption for the ICANN Board that the application should not be approved,"*should be maintained

- Such members consider that this language was part of a delicate compromise during the 2012 round preparations and further consider that it is consistent with past and present Bylaws provisions.

GAC Comments by Topic

Community Applications:

- The GAC supported the proposals in the Sub Pro PDP WG Initial Report for procedures to deal with community-based applications, as consistent with previous GAC advice.
- The GAC notes that consideration should be given to providing support for non-profit community-based applications, which is not included in the final recommendations.

Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets:

- Rec. 35.3: in an attempt to reduce potential gaming, the PDP WG included the need for applications to be submitted with a "bona fide" intention to operate a TLD
- The GAC reiterates concerns on the implementation, and notes that punitive measures for non compliance or submission of a "bona fide" intention are not sufficiently defined.
- Auctions of Last resort, the GAC reaffirms its view that they should <u>not</u> be used in contentions between commercial and non-commercial applications, and private auctions should be strongly disincentivized.

Next Steps

- **Operational Design Phase (ODP) - Community Consultation**

  Once certain milestones of the ODP have been reached, ODP seeks community input on:

    - Facts, figures and assumptions used for its ODP assessment;
    - Ensuring consistency between ICANN org's assessment of recommendations with existing consensus policies;
    - Considerations from stakeholders who are expected to execute recommendations or are affected by them;
    - Any other requests from ICANN Org or the Board on specific input/feedback

  GAC volunteers for ODP community consultation?

Next Steps

- **ICANN71 Potential GAC Advice Discussion:**

    - Do GAC Members wish to develop GAC Advice to the Board on public policy issues relative to the SubPro PDP WG Final Outputs?

    - If so, volunteer pen holders?

AOB

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