AT-LARGE ADVISORY COMMITTEE
Comment on the Proposed Language for Draft Sections of the Next Round Applicant Guidebook

1. Is the proposed Next Round Applicant Guidebook language for Predictability Framework consistent with the relevant SubPro Final Report recommendations for Topic 2: Predictability Framework?

Options
Yes
No

Yes ▾

If no, please explain.

Although the ALAC agrees that the Predictability Framework is consistent with the relevant SubPro recommendations, there are two areas where it needs to be enhanced.

1.   Clarity related to Policy Changes

Section 3 of the Predictability Framework, bullet three includes the text "If a policy change is necessary the Board, ICANN org, GNSO Council and the SPIRT will collaborate to identify an appropriate solution to secure the continuation of the program as well as an appropriate process to implement it."

The Change Execution flowchart includes a box at the lower right saying "In collaboration with the SPIRT, ICANN Org, GNSO Council and ICANN Board develop a solution in variance of or an exception to the policy for the existing round."

Despite these statements, there is a pervasive belief among some ICANN participants that the SPIRT will not engage in any discussions about policy but will only advise on methodology for how policy issues should be addressed.

Additional clarity would be helpful. As an example: "For avoidance of doubt, should policy variances or exceptions be required for the existing round, SPIRT will be a full participant in arriving at the recommended changes."

2.   Non-Policy Change Resolution

In the case of a non-minor operational change, the Change Execution Flowchart includes a box with the text "The SPIRT and ICANN org to agree on a solution*", followed by text which effectively says that if they do not agree within 30 days, then ICANN org may develop a "temporary solution" while they continue to collaborate to find an agreed permanent solution. Out of an abundance of caution, we suggest that additional text be included to indicate that should the inability of the SPIRT and ICANN org to agree on a permanent solution continue for another 30 days after the implementation of the "temporary solution", then ICANN org's independent action should continue but the impasse towards a permanent solution must be escalated to the GNSO Council. There is also no explanation for the asterisk.

3. Change Request Flowchart

The arrowheads on the first flowchart are nearly invisible. They need to be enlarged to enhance readability.

2. Is the proposed Next Round Applicant Guidebook language for Code of Conduct and Conflict of Interest Guidelines consistent with the SubPro Final Report recommendations for Topic 8: Conflicts of Interest?

Options
Yes
No

No ▾

If no, please explain.

Please include in section 1.1.1.7 Affirmation, that all Vendors shall certify in writing that they have not only read and understand the Code of Conduct and Conflict of Interest Guidelines but **also agree to comply** with the Guidelines. This is to establish consistency with Conflicts of Interest Process for Vendors and Subcontractors item 9 on page 2 which refers to 'Vendors being required to contractually comply with and document acknowledgement that they understand ICANN's Conflict of Interest policies and guidelines established in Section [ ] of the AGB.' We see both parts as complementary, and aimed at fulfilling SubPro Recommendation 8.1.

3. Is the proposed Next Round Applicant Guidebook language for Conflicts of Interest Process for Vendors and Subcontractors consistent with relevant SubPro Final Report recommendations for Topic 8: Conflicts of Interest?

Options
Yes
No

Yes ▾

If no, please explain.

4. Is the proposed Next Round Applicant Guidebook language for Applicant Freedom of Expression consistent with the relevant SubPro Final Report

recommendations for Topic 10: Applicant Freedom of Expression?

Options
Yes
No

No ▾

If no, please explain.

Please include a reference to "prohibitions" as another element that could result in an unsuccessful string application. By "prohibitions" we mean restrictions applicable to Reserved and Blocked Names (including Geographic Names) and other such restrictions which may not be viewed as "requirements".
In particular, we suggest the following amendment: "Applications are subject to an evaluation and objection process [hyperlink] as described in the AGB and will be unsuccessful should an applied-for string be found to violate applicable laws or other rights and requirements **or prohibitions** specified in the AGB."

5. Is the proposed Next Round Applicant Guidebook language for Universal Acceptance consistent with the relevant SubPro Final Report recommendations for Topic 11: Universal Acceptance?

Options
Yes
No

Yes ▾

If no, please explain.

6. Is the proposed Next Round Applicant Guidebook language for Reserved and Blocked Names consistent with the relevant SubPro Final Report recommendations for Topic 21: Reserved Names?

Options
Yes
No

Yes ▾

If no, please explain.

7. Is the proposed Next Round Applicant Guidebook language for Geographic Names consistent with relevant SubPro Final Report recommendations for Topic 21: Reserved Names and Work Track 5 Final Report to the New gTLD Subsequent Procedures Policy Development Process Working Group?

Options
Yes
No

No ▾

If no, please explain.

Please refer to Geographic Names (Work Track 5 Final Report) on page 4, under item 4 to do with "UNESCO region" and "Geographic Regions" and its Annex at page 9; as well as page 10 of the Work Track 5 Final Report to the New gTLD SubPro PDP WG.

Our comments are:
1) The Work Track 5 Final Report recommendation on the above does not include the words "in the six UN languages" as was included in the draft AGB text at the end of the first paragraph of item 4. While the draft AGB text does go on to mention in the second paragraph "will be limited to the six UN languages specified on that list" which is technically correct per https://unstats.un.org/unsd/methodology/m49/ (footnote 5), we believe that the six UN languages are set by the UN, and not ICANN. Hence, we propose that the words "in the six UN languages" be **deleted** from the said first paragraph; AND that the text "will be limited to the six UN languages specified on that list" in said second paragraph be changed to "**will be limited to the languages specified on that list**";
2) If ICANN org is going to specifically rely on https://unstats.un.org/unsd/methodology/m49/ as at Sep 2023, then we

suggest a capture of that webpage be published by ICANN org for applicants' benefit. Otherwise, the reference to "Sep 2023" may become meaningless. This goes back to earlier input by our representatives on the IRT regarding the need to ensure that any external information referred to by ICANN in the AGB has to consider the currency, and hence validity, of that information;

3) Please include a hyperlink (or bookmark thereto) to link "DNS Label Conversion Rules" in the said second paragraph to the source of that information; and

4) **Most importantly**, the first line of the third paragraph of the draft AGB text, should read as "In the case of an application for a string appearing on **either of the lists in this item 4**, documentation of.." instead of "In the case of an application for a string appearing <u>on</u> the list <u>above</u>, documentation of…". This is to correctly reflect the narrow amendment intended in the Work Track 5's recommendation 3 at page 10 of the [Work Track 5 Final Report to the New gTLD SubPro PDP WG](#).

Please refer to [Geographic Names (Work Track 5 Final Report)](#) on page 5; wherein our comments are:

5) In paragraph 2, please be consistent when mentioning "government support" to also include "**or non-objection**"; and

6) Paragraph 3 first line should perhaps read as, "For each application, the Geographic Names Panel will determine which governments **and/or public authorities** are relevant ….."

Please refer to [Geographic Names (Work Track 5 Final Report)](#) on pages 6 and 7 wherein our comment for references to "government" to consistently include "(and/or) **public authority**" are relevant to the:

7) The fourth and last paragraphs on page 6; and

8) The fourth and last paragraphs on page 7.

ALAC Acknowledgement

The At-Large Advisory Committee (ALAC) appreciates the opportunity to provide comments on the Proposed Language for Draft Sections of the Next Round Applicant Guidebook, which is a matter of significant interest to end-users.

Ratification Record

On 01 February 2024, the Public Comment proceeding opened for the Proposed Language for Draft Sections of the Next Round Applicant Guidebook. On 06 February 2024, an [At-Large workspace](#) was created for their Public Comment submission. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the

interest of end users to develop and submit an ALAC statement for this Public Comment proceeding. Justine Chew, Cheryl Langdon-Orr, and Alan Greenberg volunteered to draft the ALAC statement.

On 13 March 2024, Justine Chew, Cheryl Langdon-Orr, and Alan Greenberg discussed the comments for the ALAC statement during the 13 March 2024 CPWG call. On 14 March 2024, the draft statement was circulated with the At-Large community for final review and input.

On 15 March 2024, the At-Large Public Comment Statement was finalized. The ALAC Chair, Jonathan Zuck, requested that the Public Comment Statement be ratified by the ALAC before submission to the ICANN Public Comment feature.

On 19 March 2024, staff confirmed the online vote resulted in the ALAC endorsing the statement with 15 out of 15 votes in favor. 0 votes against, and 0 abstentions. Please note 100% of ALAC members participated in the poll. The ALAC members who participated in the poll are (alphabetical order by first name): Aziz Hilali, Bill Jouris, Bukola Oronti, Claire Craig, Eduardo Diaz, Joanna Kulesza, Jonathan Zuck, Justine Chew, Lilian Ivette De Luque, Marcelo Rodriguez, Pari Esfandiari, Raihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman, Tommi Karttaavi. You may view the results here: https://tally.icann.org/cgi/results?e=a27514934b1.