

ALAC/At-Large ICANN65 Talking Points

Subsequent Procedures (General Position)

ICANN has added roughly 1200 new generic top-level domains (gTLDs) to the root since 2012 and there's a lot to be learned from this most recent round. The Subsequent Procedures Working Group (subproc) have labored hard over the past couple of years to propose a path forward and while we are impressed with the work thus far, the At-large believes there's a lot more to be done before any more applications for new strings are accepted. The At-large are particularly interested in consumer welfare and the encouragement of applications from communities and underserved regions.

- **There's NO RUSH to have new applications!**
Let's get it right out of the gate this time rather than having to so many mishaps during implementation. There are plenty of domains available now from a consumer perspective so rushing a new round has very limited upside.
- **Priority should be given to international domain names (IDNs), communities and underserved regions.**
There are parties in the ICANN community with a financial interest in a new round but the area of least success in the previous round should be addressed first.
- **Recommendations from the CCT and RPM Reviews Need to be Implemented**
There is considerable DNS abuse in the new gTLDs, increased infringement, some consumer confusion and overall a lack of data to evaluate the success of the program.

Underserved Regions (Under SubProc)

The ALAC supports differential treatment for community applications in the form of access to experts to assist communities, particularly those from and/or which are conceived to serve underserved regions, in preparing applications. The ALAC strongly advocates for Applicant Support to continue to be open to applicants whose applications are conceived to serve underserved regions and/or underserved communities regardless of their location, so long as they meet the other Applicant Support Program (ASP) criteria. The ALAC favors an appropriate application submission period as a function of how well such applicants can be expected to comprehend the requirements needed to prepare their applications and time needed to actually prepare the same.

ALAC believes:

- **Increased Participation for Community Applicants**
there should be a process for first-time community applicants;
- **Increased Participation for Geographically Dispersed Communities**
that the concept of membership must be flexible enough to incorporate geographically dispersed communities.

Communities (Under SubProc)

The ALAC and wider At-Large community continues to debate the actual benefits to communities in expanding the New gTLD Program. The ALAC highlighted key consensus positions on the 86-page statement submitted in Sept 2018, including:

- Concept of "Rounds", Community Applications and Community Priority Evaluation, Metrics, Public Interest Commitments, Applicant Support Program, IDNs, Universal Acceptance, SSAC Research and Recommendations, Objections, and High Standards for Applicants.

Geographic Names (Work Track 5) (Under SubProc)

The ALAC notes that there has yet to be a discussion about whether any new gTLDs are needed. The ALAC prefers preventative protection mechanisms for country, territory, sub-national place and capital names. ICANN should consider the application and delegation of all strings with some geographic connection in the context of preventing harm to end users and respecting end users' connection to those geographic names. The ALAC believes further community deliberation outside of the WG should be contemplated if Work Track 5 (or the WG) is unable to make any substantial recommendations on the recognition and treatment of geographic terms not included in the 2012 AGB.

Given that ICANN intends to move forward on the expansion, the ALAC finds these as essential features:

- (1) strings with geographic connotations should not present harm (eg. risk for confusion) to end-users and
- (2) end-users, as residents of a given geographic entity, should have a say, through their governments or public authorities, in how its name is used.

In the case of non-capital city names:

- The ALAC has a balanced support within the ALAC for either (1) requiring support or a non-objection letter from the relevant authority only if the applicant intends to use the TLD primarily for purposes associated with the city or (2) requiring support or a non-objection letter in any case. As to the 2012 AGB, ALAC thinks that its final version generally worked well and supports, in general, its treatment of geographic names.

Auction Proceeds

The ALAC believes strongly that At-Large Structures (ALSes) and Individual members should be able to apply for funds.

- **The Proceeds Should Be Consistent with Its Original Purpose**

The proceeds from past auctions were intended for use in capacity building activities enhancing the mission of ICANN and consistent with one of its core principles for an "open and interoperable Internet," for the benefit of the Internet community.

EPDP Phase II

Privacy is on the top of peoples' minds all over the world and new legislation is cropping up in many jurisdictions all the time. Philosophically, the At-large are supportive of this trend but, as always, find that the devil is in the details and want to ensure that legitimate access to data continues to mitigate the instances of fraud, illicit content, malware and other illegal activities. Consequently, we are frustrated that the Expedited Policy Development Process (EPDP) that has taken place over the past year has focused almost entirely on liability with little or no discussion of consumer protection. This *must* be address going forward into Phase 2:

- **Geographic Differentiation be Re-opened During the EPDP Phase 2**
The ALAC request that the issue of geographic differentiation be re-opened during the EPDP Phase 2 in light of the new legal opinion and the lack of considering the competing needs of privacy vs the benefits of non-redaction on cyber-security activities and that the ensuing discussion factor in the needs of those using the data for cyber-security and other legitimate purposes;
- **The issue of Legal/Natural Differentiation be Discussed in the EPDP Phase 2**
The ALAC requests that the issue of legal/natural differentiation be discussed during the EPDP Phase 2 explicitly considering the competing needs of those using the data for cybersecurity and other legitimate purposes;
- **Initiate independent studies Regarding Implementing Geographic and Legal/Natural Distinctions**
Initiate independent studies related to the implementation of geographic and legal/natural differentiation as well as the impact of the Temporary Specification implementation on cyber-security, or request that the EPDP Phase 2 commission such studies. If the latter, the Board should ensure adequate funding for such work.

Evolution of ICANN's Multistakeholder Model

There is a need for a rebalancing of participation and powers within the ICANN organization. The At-Large Advisory Committee [believes in the ICANN priorities](#) of keeping the Internet secure and stable, and maintaining the multistakeholder model, and for the community to be directly involved in setting other priorities. The ALAC strongly believes that for ICANN appropriate resources must be made available to remove barriers that might prevent the full participation of the ICANN community in policy activities. Both the GAC and the ALAC believe that including non-expert stakeholders to meaningfully participate in ICANN's multistakeholder policy development processes

- The ALAC supports a system that:
 - **strengthens the security of the Domain Name System (DNS) and the DNS Root Server System,**
 - **Focuses on evolving the unique identifier systems to continue to serve the needs of the global Internet user base, addressing geopolitical issues impacting ICANN's mission to ensure a single and globally interoperable Internet,**

- **and ensures ICANN’s long-term financial sustainability.**

Reviews

- **NomCom Review**

The [ALAC believes the ICANN NomCom system](#) has been working well. The ALAC seeks open and transparent processes should be adopted to represent the multistakeholder nature of ICANN.

- **ccTLD Review**

We support the updates to the Operating Standards for Specific Reviews. The ALAC believes that the level of specificity for specific reviews is necessary to prevent misunderstandings and missteps by any of the parties involved in the review. Moreover, the scope should be well defined within the confines of bylaws and review teams should be free to pursue their mandate within that scope. However, ICANN Org should stop initiating Organizational Reviews until it’s assessed their overall effectiveness and develop a cost-effective system. ICANN needs to change the Bylaws to give the Board more flexibility with the timing of Specific Reviews going forward.

- **ATRT3 Review**

The ALAC encourages active community participation in formulating any recommendations in organizational reviews, and states that specific reviews operating standards should take a minimalist approach.

Emerging Identifiers Technology (EIT)

The ALAC is looking into the benefits of various EITs—namely DNS over Transport Layer Security (DoT) and DNS over HTTPS (DoH)—have for ensuring end-user privacy online. Many DNS experts have highlighted how these EITs, especially DoH, can add value to the end-user by encrypting query and response data from Internet service providers as they browse websites online. At this stage, the ALAC is seeking input from a myriad of other groups within the community and performing an exploratory review on the cost-benefit of implementing such a technology more broadly throughout the DNS community.