Draw attention to selected public comments received during Aug-Sep 2020 PC proceedings:

- Treatment of ALAC Comments
- Other comments of interest
- SubPro PDP WG leanings

Determine possible responses:

1. ALAC Advice
2. ALAC Minority Statement
3. Comment
4. No further action
5. Other?
1. General Comments
2. Predictability
3. Applicant Support
4. Limited Challenge/Appeals Mechanism
5. Applicant Guidebook
6. Communications
7. Systems
8. Application Change Requests
9. String Similarity Evaluations
10. Auctions – ongoing discussion
11. Application Fees
12. Base Registry Agreement
13. Objections
14. GAC Early Warning & GAC Consensus Advice
15. Role of Application Comment
16. Registry Commitments (Public Interest Commitments & Registry Voluntary Commitments)
17. Community Applications (+ Community Priority Evaluations)
2. Predictability

as at 27-10-2020

“Access to SPIRT”:

- GAC wants ability to refer issues to SPIRT rather than have to go through GNSO Council, ICANN org or ICANN Board
  - Prudent to allow SO/ACs to bring issues to SPIRT as well?

Membership of SPIRT:

- SPIRT membership meant to be open to all, qualifications apply
- SO/AC Liaison to the SPIRT?
  - Would this compromise openness of membership?
  - Nothing stopping ALAC from naming volunteer as liaison

Emergency Situations

- Board to reserve for itself the ability to take action in an “emergency”.
  - Transparency requiring disclosure to SPIRT within specified time period sufficient?
  - Distinct from intent to rein in ICANN org’s discretion to act
Objections as at 9-11-2020

ALAC Standing in Community Objection:

- ALAC should be equal in standing to the Independent Objector insofar as not having to prove a link to the community invoked in its Community Objection
  - No agreement in Work Track 3 – no duplication of Independent Objector role.
  - No interest to revisit this issue.
- No change, means ALAC will continue to be subject to standing criteria
  - No automatic standing like Independent Objector
  - Curative mechanism – Limited Appeal Mechanism
9. Registry Commitments (PICs & RVCs)  
as at 12-11-2020

24. String Similarity Evaluations  
as at 2-11-2020

36. Base Registry Agreement  
as at 5-11-2020

**Enforcement, Bylaw conflict:**

- **Board:** PICs and RVCs enforceability re: Bylaws s. 1.1(d)(ii)(A)(1) and (2)
  - How to utilize PICs and RVCs without the need for ICANN to assess and pass judgment on content?
  - PICs, String Similarity, Community TLDs commitments
  - How to frame “public interest” in context of a PIC and PICDRP, to ensure objective enforceability lies within ICANN’s mission?
  - **ICANN org:** How to address community disagreement over Cat 1 safeguards per Spec 11 3 (a) obligations?
  - **NABP:** Safeguards in Base RA only require that provisions be documented in RRA, not actually doing it. Need for compliance?

- **Subject to further discussion with Board Liaisons**
- **Tie into ICANN Org questions**
- **Potential amendment in Base RA to be discussed further**

**RVCs:**

- **ICANN Org:**
  - Who will review submitted RVCs?
  - How will review be conducted?
  - Cut-off for accepting changes to prevent gaming?
  - Meant to subsist on contract renewal / TLD assignment?
  - Can be modified or removed in future?
9. Registry Commitments (PICs & RVCs)
as at 12-11-2020

24. String Similarity Evaluations
as at 2-11-2020

36. Base Registry Agreement
as at 5-11-2020

Prohibition of fraudulent / deceptive practices in PIC or base RA?
- PICDRP requires evidence of harm

Subject to further WG discussion

DNS Abuse:
- To be handled in a holistic manner and beyond the scope of this PDP
- **GAC:** Expects swift action from GNSO Council in triggering such holistic effort

1. ALAC Advice
2. ALAC Minority Statement
3. No further action
34. Community Applications & CPE as at 12-11-2020

28. Role of Application Comment as at 9-11-2020

Major reform of CPE process, criteria, guidelines:

- Changes to CPE process
  - COI challenge mechanism
  - Synchronize public comment period – Applicant Comment Period should only run for predetermined period per AGB, only source of comments considered during evaluations
  - Limited challenge/appeal mechanism
  - Use of research, more dialogue
  - Verification of commentor in support / opposition

- Changes to CPE criteria:
  - Broader, more flexible “community” - avoid bias towards economic-driven groupings
  - Independence in scoring of Criteria, sub-criteria
  - Flexibility, clarity in Criteria, sub-criteria application
  - No imbalance in support vs opposition
  - Lower threshold to prevail

- More awareness on use of PICDRP and RRDRP

- Greater community participation in ICANN’s engagement of a CPE service provider/panellists:
  - (i) development of criteria to evaluate and select candidates;
  - (ii) shortlisting of identified candidates;
  - (iii) final selection process; and
  - (iv) terms for inclusion into the contract between ICANN Org and the selected candidate.

- More grassroot participation and expertise in evaluation panels

- Much of what ALAC commented likely accepted – need to see revisions to Recs/IGs

- ALAC’s proposition for greater community participation in selection and engagement of CPE provider still being discussed