Consultation Re: the CWG Rec6 Report

Bruce Tonkin

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Moderator   Bruce Tonkin
Panelists
Cheryl Langdon-Orr   ALAC
Jon Nevett   GNSO
Frank March   GAC
ICANN Board
Harald Alvestrand, Peter Dengate-Thrush, Ray Plzak, George Sadowsky, Vanda Scartezini, Jonne Soininen, Kuo-Wei Wu

Format of Today's Session

- Introduction and Background
- Panelist Questions
- Q&A
- Closing Remarks

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Required reading

The Rec6 CWG Report:
http://gnso.icann.org/issues/new-gtlds/report-rec6-cwg-21sep10-en.pdf

Explanatory Memo from Proposed Final Guidebook:
http://www.icann.org/en/topics/new-gtlds/explanatory-memo-morality-public-order-12nov10-en.pdf

Module 3 of the Proposed Final Guidebook:
http://www.icann.org/en/topics/new-gtlds/draft-dispute-resolution-procedures-clean-12nov10-en.pdf

no. 39   5 - 10 December 2010

Introduction to Consultation

Rec6 CWG Report

Implementation advice on proposed process for GNSO Recommendation #6 (Morality and Public Order/Limited Public Interest Objection)

Proposed Final Applicant Guidebook

Includes some, but not all, CWG recommendations

Goal of Consultation

- Explain concerns with Rec6 CWG recommendations

- Identify additional recommendations to adopt in the New gTLD Program

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Background on GNSO's New gTLD Policy

GNSO Recommendation 6

Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law

GNSO Council Guideline H

External dispute resolution providers will give decisions on objections

Board Resolution on Rec6

- Ultimate responsibility for the New gTLD Program rests with the Board

- Board wishes to rely on expert determinations

- Board to accept the Rec6 CWG recommendations that are not inconsistent with the existing process

Rec6 Revisions in Proposed Final Applicant Guidebook

Name changed to:

"Limited Public Interest Objection"

Government Notifications

Additional Treaties Included

References to "Principles of International Law"

Quick Look Test

Question 1- Role of the Board

What should the Board's role be with regard to objections based on morality and public order?

Is the use of third party dispute resolution processes to resolve these issues appropriate?

Question 2- Incitement to Discrimination

Proposed Final Guidebook	CWG Recommendation
Incitement to or promotion of discrimination based upon: •race, •color, •gender, •ethnicity, •religion or •national origin ***Increasing the number of Objections***	Incitement and instigation of discrimination, based upon: •race, •age, •color, •disability, •gender, •actual or perceived sexual orientation or gender identity, •political or other opinion, •ethnicity, •religion, or national origin

Question 3- GAC and ALAC Objections

CWG recommends the GAC/ALAC's ability to submit Community Objections, including-

- At no cost or reduced cost

- Uncertain voting requirements

- Measured against lower standards

Question 4- Independent Objector (IO)

Do the CWG recommendations affect the IO's independence?

Are there alternative ways of achieving the recommendations of the WG, such as:

- Enhanced transparency requirements

- ICANN providing procedural assistance to potential objectors

- Other ideas

Can WG goals be using or not using I/O role?

Questions

Closing Remarks

Thank You