UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures
Consensus Building on Recommendations

REGISTRY COMMITMENTS / PUBLIC INTEREST COMMITMENTS
(formerly Global Public Interest)
Incl. Objections [GAC Advice & GAC Early Warning]

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20 May 2020

Purpose of this Consultation

- What is the New gTLD Subsequent Procedures ("SubPro")?
  - ❖ The set of rules and mechanisms applicable to the <u>next round</u> for New gTLDs i.e. they DO NOT apply to legacy TLDs, ccTLDs, or delegated new gTLDs or those still unresolved from the 2012 application round
  - ❖ "An update" to the 2012 Round rules and mechanisms

- What are we concerned with in this Consultation?
  - ❖ To understand the existing consensus policy vs. implementation for 2012 round in order to consider necessary adjustments/harmonization in policy and implementation in respect of Registry Commitments in subsequent procedures.

  Note! Will introduce:
  - ❑ A number of well-used and new terminology and acronyms
  - ❑ Significant tie-in with other topics, in particular, GAC Advice and GAC Early Warnings; and <u>touch briefly</u> on the relationship with/between:
    - o Metrics, DNS Abuse Mitigation, Base Registry Agreement, Contractual Compliance – to be substantively addressed in a subsequent call

Public Interest Commitments (PICs): Background

- Recap of PICs Implementation in 2012 Round

  - ❖ "PICs" weren't a feature of the New gTLD Program consensus policy

  - ❖ Some PICs were part of the implementation for the 2012 Round, resulting from GAC Advice [1] to the New gTLD Program Committee of the ICANN Board (NGPC), post launch of 2012 Round

  - ❖ Over time, some commitments were incorporated in the Base Registry Agreement

  - ❖ Ultimately, we had "Mandatory PICs" and "Voluntary PICs" *(now "Voluntary Registry Commitments")*:

    - ❑ Mandatory PICs appear in Base RA and apply to all Registries (and some to all Registrars also)

    - ❑ GAC Category 1 Safeguards == Mandatory PICs applying to Registries (and Registrars in some cases) depending on category of applied-for string

    - ❑ GAC Category 2 Safeguards == Mandatory PIC addressing non-exclusive access Registries (Open Generics) for public interest

    - ❑ Voluntary Registry Commitments are Registry-specific commitments

    - ❑ But ALL are Registry Commitments, included in RA as applicable, so are technically "contractually enforceable"

[1] GAC's ICANN46 Beijing Communique, ICANN47 Durban Communique, and ICANN48 Buenos Aires Communique

Key Issues in SubPro

Registry Commitments
(formerly "Global Public Interest")

- Codification of 'Registry Commitments' framework as consensus policy
  - ❑ Mandatory PICs
  - ❑ Voluntary RCs
  - ❑ Waivers thereof
- Enforceability
  - ❑ Dispute Resolution Procedure – PICDRP
  - ❑ Contractual Compliance (prelude to Metrics)

GAC Advice & GAC Early Warning
(part of "Objections")

- GAC's onward role in influencing existing/new registry commitments
  - ❑ Update of Cat 1 Safeguards, especially status of Verified TLDs
  - ❑ Status of Cat 2 Safeguards – Open Generics
- Timing and nature of Advice/Early Warning
- Impact on applicants/applications
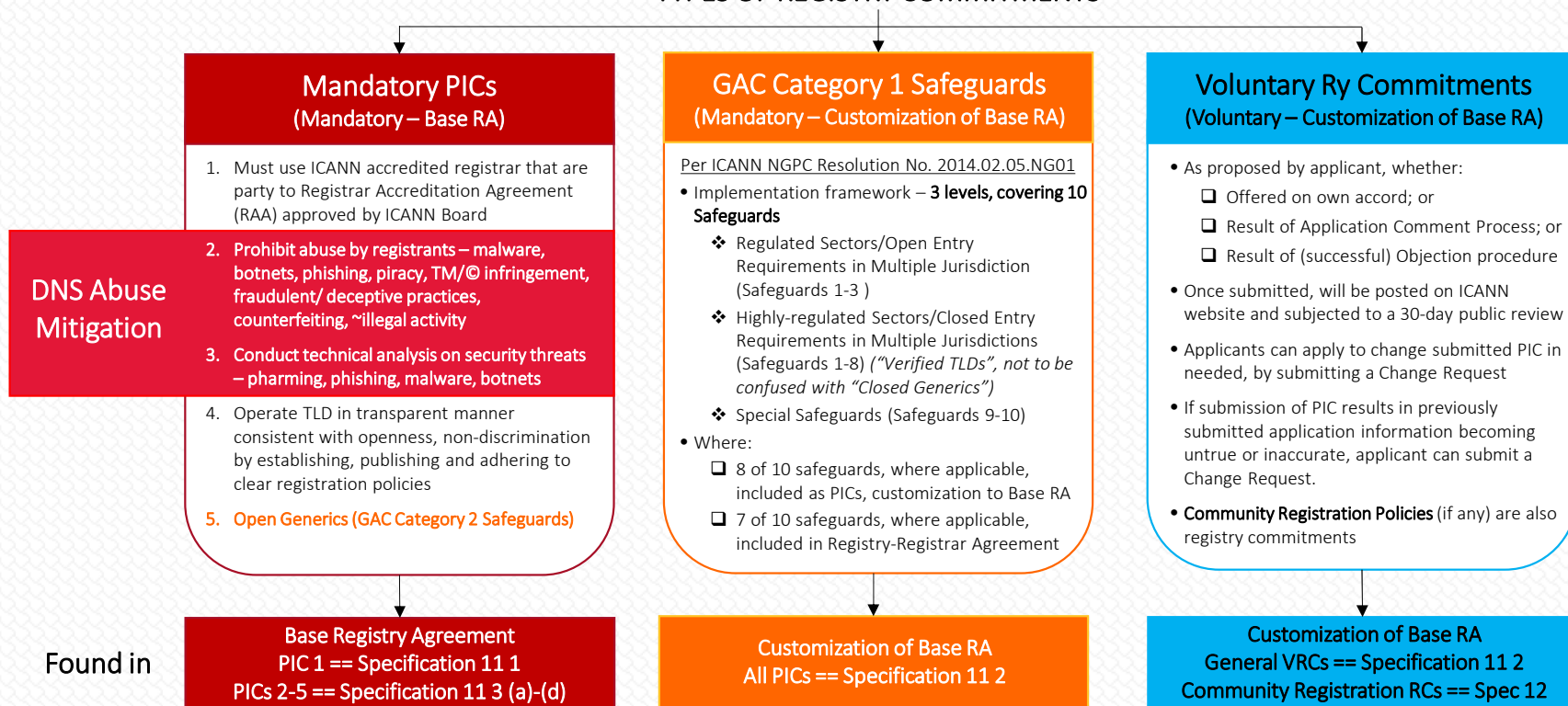
Registry Commitments /
Public Interest Commitments

Role of GAC Advice & GAC Early Warning
(a presentation by guests from GAC)

Registry Commitments

"The Present in-Principle Situation"

The Universe of Registry Commitments

TYPES OF REGISTRY COMMITMENTS

Mandatory PICs
(Mandatory – Base RA)

1. Must use ICANN accredited registrar that are party to Registrar Accreditation Agreement (RAA) approved by ICANN Board
2. Prohibit abuse by registrants – malware, botnets, phishing, piracy, TM/© infringement, fraudulent/ deceptive practices, counterfeiting, ~illegal activity
3. Conduct technical analysis on security threats – pharming, phishing, malware, botnets
4. Operate TLD in transparent manner consistent with openness, non-discrimination by establishing, publishing and adhering to clear registration policies
5. Open Generics (GAC Category 2 Safeguards)

DNS Abuse Mitigation

GAC Category 1 Safeguards
(Mandatory – Customization of Base RA)

Per ICANN NGPC Resolution No. 2014.02.05.NG01
- Implementation framework – **3 levels, covering 10 Safeguards**
  - ❖ Regulated Sectors/Open Entry Requirements in Multiple Jurisdiction (Safeguards 1-3)
  - ❖ Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions (Safeguards 1-8) *("Verified TLDs", not to be confused with "Closed Generics")*
  - ❖ Special Safeguards (Safeguards 9-10)
- Where:
  - ❑ 8 of 10 safeguards, where applicable, included as PICs, customization to Base RA
  - ❑ 7 of 10 safeguards, where applicable, included in Registry-Registrar Agreement

Voluntary Ry Commitments
(Voluntary – Customization of Base RA)

- As proposed by applicant, whether:
  - ❑ Offered on own accord; or
  - ❑ Result of Application Comment Process; or
  - ❑ Result of (successful) Objection procedure
- Once submitted, will be posted on ICANN website and subjected to a 30-day public review
- Applicants can apply to change submitted PIC in needed, by submitting a Change Request
- If submission of PIC results in previously submitted application information becoming untrue or inaccurate, applicant can submit a Change Request.
- **Community Registration Policies** (if any) are also registry commitments

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Found in

| Base Registry Agreement PIC 1 == Specification 11 1 PICs 2-5 == Specification 11 3 (a)-(d) | Customization of Base RA All PICs == Specification 11 2 | Customization of Base RA General VRCs == Specification 11 2 Community Registration RCs == Spec 12 |

The Universe of Registry Commitments

[Standard] Mandatory PICs
(Mandatory – Base RA)

Spec 11 1

1. **Registry Operator will use only ICANN accredited registrars** that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on 27 June 2013 in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

Spec 11 3(a)-(d)

3. Registry Operator agrees to perform the following **specific public interest commitments**, which commitments **shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN** (posted at http://www.icann.org/en/resources/registries/picdrp), which may be revised in immaterial respects by ICANN from time to time **(the "PICDRP").** Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

DNS Abuse Mitigation

(a) Registry Operator will include a provision in its Registry-Registrar Agreement that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name.

(b) Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request.

(c) Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies.

GAC Cat 2 Safeguard (Open Generics)

(d) Registry Operator of a "Generic String" TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's "Affiliates" (as defined in Section 2.9(c) of the Registry Agreement). "Generic String" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others.

The Universe of Registry Commitments

GAC Category 1 Safeguards
(Mandatory – Customization of Base RA)

GAC Beijing Communique, "*strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws.*" where GAC identified 145 such strings as requiring safeguards.

Regulated Sectors/Open Entry Requirements in Multiple Jurisdiction (Safeguards 1-3 apply)	Highly-regulated Sectors/ Closed Entry Requirements in Multiple Jurisdictions (Safeguards 1-8 apply)	Special Safeguards (Safeguards 9 and/or 10 also apply)
Children: .kid, .kids, .game, .games, .juegos, .play, .school, .Schule, .toys		**Potential for Cyber Bullying / Harassment (Safeguards 1-9 apply):** .fail, .gripe, .sucks, .wtf
Environmental: .earth, .eco., .green, .bio, .organic		
Health and Fitness: .care, .diet, .fit, .fitness, .health, .heart, .hiv, .rehab, .clinic, .healthy (IDN Chinese equivalent), .dental, .physio, .healthcare, .med, .organic	**Health and Fitness:** .pharmacy, .surgery, .dentist, .dds, .hospital, .medical, .doctor	
Financial: .capital, .cash, .cashbackbonus, .broker, .brokers, .claims, .exchange, .finance, .financial, .forex, .fund, .investments, .lease, .loan, .loans, .market, .markets, .money, .pay, .payu, .retirement, .save, .trading, .credit, .insure, .netbank, .tax, .travelersinsurance, .financialaid, .vermogensberatung, .mortgage, .reit	**Financial:** .bank, .banque, .creditunion, .creditcard, .insurance, .ira, .lifeinsurance, .mutualfunds, .mutuelle, .vermogensberater, . Vesicherung, .autoinsurance, .carinsurance	
	Gambling: .bet, .bingo, .lotto, .poker, .spreadbetting, .casino	
Charity: .care, .gives, .giving	**Charity:** .charity (and IDN Chinese equivalent)	
Education: .degree, .mba	**Education:** .university	
Intellectual Property: .audio, .book (and IDN equivalent), .broadway, .film, .game, .games, .jeugos, .movie, .music, .software, .song, .tunes, .fashion (and IDN equivalent), .video, .app, .art, .author, .band, .beats, .cloud (and IDN equivalent), .data, .design, .digital, .download, .entertainment, .fan, .fans, .free, .gratis, .discount, .sale, .hiphop, .media, .news, .online, .pictures, .radio, .rip, .show, .theater, .theatre, .tour, .tours, .tvs, .video, .zip		**Inherently Governmental Functions (Safeguards 1-8 and 10 apply):** .army, .navy, .airforce
Professional Services: .accountant, .accountants, .architect, .associates, .broker, .brokers, .engineer, .legal, .realtor, .realty, .vet, .engineering, .law	**Professional Services:** .abogado, .attorney, .cpa, .dentist, .dds, .lawyer, .doctor	
Corporate Identifiers: .limited	**Corporate Identifiers:** .corp, .gmbh, .inc, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal	
Generic Geographic Terms: .capital, .town, .city		
Others: .reise, .reisen, .weather		

The Universe of Registry Commitments

"The 10 Safeguards"

Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring registrants to comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.

2. Registry operators will include a provision in their Registry-Registrar Agreements that requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.

3. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law.

4. Registry operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.

5. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

6. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant possesses any necessary authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string.

7. If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.

8. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to report any material changes to the validity of the Registrants' authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string in order to ensure they continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve.

[APPLICABLE WHERE "SPECIAL SAFEGUARDS REQURIED" NOTED]

9. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

10. Registry operator will include a provision in its Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant will take reasonable steps to avoid misrepresenting or falsely implying that the Registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.

The Universe of Registry Commitments

GAC Category 1 Safeguards	Voluntary PICs [VRCs]
(Mandatory – Customization of Base RA)	(Voluntary – Customization of Base RA)

Spec 11 2
Spec 11 2

2. Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement.

Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN (posted at http://www.icann.org/en/resources/registries/picdrp), which may be revised in immaterial respects by ICANN from time to time (the "PICDRP"). Registry Operator shall comply with the PICDRP.

Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

<Finalized Mandatory PICs on applicable GAC Category 1 Safeguards are inserted here>

<Finalized Voluntary PICs are also inserted here>

Registry Commitments in the Larger Scheme of Things

REGISTRY COMMITMENTS

[Standard] Mandatory PICs
(Mandatory – Base RA)

1. Must use ICANN accredited registrar that are party to Registrar Accreditation Agreement (RAA) approved by ICANN Board
2. Prohibit abuse by registrants – malware, botnets, phishing, piracy, TM/© infringement, fraudulent/ deceptive practices, counterfeiting, ~illegal activity
3. Conduct technical analysis on security threats – pharming, phishing, malware, botnets
4. Operate TLD in transparent manner consistent with openness, non-discrimination by establishing, publishing and adhering to clear registration policies
5. Open Generics (GAC Category 2 Safeguards)

DNS Abuse Mitigation

GAC Category 1 Safeguards
(Mandatory – Customization of Base RA)

Voluntary PICs [VRCs]
(Voluntary – Customization of Base RA)

BASE REGISTRY AGREEMENT

Terms & Conditions

+ upon signing RA:
- Temporary & Consensus Policies – Art 2.1 & Spec 1
- Reserved Names – Art 2.6 & Spec 5
- Interoperability/Continuity Standards – Art 2.7 & Spec 6
- Rights Protection Mechanisms – Art 2.8 & Spec 7
- Continued Operations Instrument – Art 2.12 & Spec 8
- Code of Conduct – Art 2.14 & Spec 9
- Community Registration Policies – Art 2.18 & Spec 12
- Registry RPM Access Fees – Art 6
- Name Collision Occurrence Assessment

+ upon delegation:
- Data escrow – Art 2.3 & Spec 2
- Monthly Reporting – Art 2.4 & Spec 3
- WHOIS/RDDS; Zone Files, Thin Registration Data – Spec 4
- Registry Performance – Art 2.13, 2.16 & Spec 10

+ SPECIFICATIONS

- Spec 11 1
- Spec 11 3 (a)-(d)
- Spec 11 2
- Spec 11 2

ENFORCEABILITY

Contractual Compliance

- Registry Monthly Reporting
  - Registry Functions Activity
  - Per Registrar Transaction Report
- Audits by CC
  - Art 1 Reps & Warr
  - Art 2 Covenants
- Complaints resolution
  - Against Registry
  - Against Registrar

Dispute Resolution Procedures

- UDRP
- URS (for new gTLDs only)
- RRDRP
- TPDDRP
- PICDRP – data, review

DATA & TOOLS

Contractual Compliance Reporting

- Reports - Monthly, Quarterly, Annual
- Audits Reports
- Blogs

Open Data Portal

- Compliance
  - DMHI (business)
  - ITHI (technical)

DAAR – Domain Abuse Activity Reporting

DN Registrars & Registries Framework to Address Abuse

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Registry Commitments / Public Interest Commitments

SubPro PDP WG Recommendations

Global Public Interest: Consensus Building

ALAC STATEMENTS have touched on:

Mandatory PICs
- Mandatory Public Interest Commitments (PICs)

Voluntary PICs
- Voluntary PICs, timing of Voluntary PICs

Waiver
- Exemption / Waiver for PICs

Verified TLD
- Requirements for RO to operate TLD as verified TLD under certain circumstances

Enforcement
- Unclear, adversarial enforcement process with significant obstacles for reporting of breaches of PICs

Data
- CCT-RT draft report recommendations for more and better data to assess effect of new gTLDs on consumer trust or consumer choice, and whether objectives of New gTLD Program have been achieved

RELATED SubPro Areas/Topics include:

- Public Interest Commitments (PICs)
- DNS Abuse, Safeguards for personal info
- GAC Early Warnings, GAC Advice, Safeguards
- Contractual Compliance

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- Rec. 12: Meeting user expectations on SL domain use, registrations for sensitive/regulated industries; safety & security of user personal & sensitive info (prerequisite for SubPro)
- *Rec. 15: Amendments to RAA & RA to prevent systemic DNS security abuse (prerequisite for SubPro)*
- Rec. 14: Pro-active anti-abuse measures (high priority for SubPro)
- *Rec. 16: Support ongoing data collection efforts (eg DAAR) (high priority for SubPro)*
- *Rec. 23: Gather data on new gTLDs operating in highly-regulated sectors to include 5 elements (high priority for SubPro & ICANN Org)*
- Rec. 25: Voluntary commitments must include intended goal, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; organized, searchable (high priority for SubPro & ICANN Org)

SubPro PDP WG

Affirmation #1

- WG affirms Recommendation 6 from the 2007 policy, which states: "Strings must not be contrary to generally accepted legal norms relating to morality and public order that are enforceable under generally accepted and internationally recognized principles of law. Examples of such limitations that are internationally recognized include, but are not limited to, restrictions defined in the Paris Convention for the Protection of Industrial Property (in particular restrictions on the use of some strings as trademarks), and the Universal Declaration of Human Rights (in particular, limitations to freedom of speech rights)."

WG's Rationale
- WG affirms that the New gTLD Program should continue to operate in a manner consistent with generally accepted and internationally recognized principles of law and legal norms. As such, WG believes that Recommendation 6 of the 2007 policy remains appropriate policy for subsequent procedures.

Impact
- Affirms existing policy recommendation to be line with accepted legal norms relating to morality and public order, enforceable under generally accepted and internationally recognized principles of law – to do with trademarks, human rights

Additional intervention
- Is Affirmation #1 acceptable?
- If not, what are your concerns and/or what should be done?

* From SubPro PDP WG, not limited to recommendations, but also affirmations and implementation guidance

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #2

- Mandatory Public Interest Commitments (PICs) currently captured in Specification 11 3(a)-(d) of the Registry Agreement must continue to be included in RA for gTLDs in subsequent procedures.
- No additional mandatory PICs are needed at this time *(save for one being contemplated for String Similarity)*
- Noting that Mandatory PICs were not in the 2007 recommendations, this recommendation **puts existing practice into policy**.
- One adjustment to the 2012 implementation is included in the following Recommendation (3) *(i.e. on 1 Exception)*.

WG's Rationale
- PICs were not envisioned in the 2007 policy and the concept was codified in RA Spec 11 as part of the implementation process in the 2012 round.
- **Belief that mandatory PICs included in Spec 11 3(a)-(d) served their intended purpose and therefore recommends putting these existing mandatory PICs into policy**.
- Did not identify any additional mandatory commitments that it believes are necessary for subsequent procedures *(^String Similarity)*

WG's Rationale (Cont'd)
- **Notes ongoing work on this topic through discussions between the GAC Public Safety Working Group and Registries, which may impact future work in relation to mandatory PICs**.
- Acknowledges that concern was raised in PC and in WG discussion that Section 3(a) constitutes a form of intellectual property policing of Internet content which is beyond the scope and mission of ICANN, but given the level of support that many groups have provided for upholding the current framework, WG recommends maintaining the status quo as implemented in 2012.

For At-Large Consensus Building

Impact
- "Codifies" Mandatory PICs per Spec 11 implementation as policy. With 1 adjustment relating to an exception for single-registrants RO.

Additional intervention
Mandatory PICs
- What does GAC (GAC PSWG) have to say?
- Is Recommendation #2 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

Recommendation #3

- Provide **single-registrant TLDs** with exemptions and/or waivers to mandatory PICs included in Spec 11 3(a) and Spec 11 3(b).

WG's Rationale
- Supports **maintaining mandatory PICs for TLDs that implement a standard model of selling domains to third parties**.
- Believes, however, that **certain mandatory PICs are not necessary to require for TLDs where there is a single registrant**.
  - ❑ Noting commitments included in Spec 11 3(a) are required to be passed down to a registrar and from there to the registrant. Therefore, not relevant in the case of a single registrant TLD.
  - ❑ Believes that security threat monitoring and reporting requirements under Spec 11 3(b) should not be applicable to single registrant TLDs because the threat profile for such TLDs is much lower compared to TLDs that sell SL domains.
- Therefore believes that is it appropriate for single registrant TLDs to receive exemptions/waivers from the requirements in Spec 11 3(a) and 3(b).

Impact
- As per recommendation.

Waiver

Additional intervention
- We had earlier commented that exemptions/ waivers only if alternative, equally rigorous ways to achieve commitments.
- Is Recommendation #3 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #4

- ICANN **must allow applicants to submit Registry Voluntary Commitments** (RVCs)(previously called voluntary PICs) in subsequent rounds **in their applications and/or to respond to public comments, objections, GAC Early Warnings, and/or GAC Consensus Advice**.
- Applicants **must be able to submit RVCs at any time prior to the execution of a RA**; **provided**, however, **that all RVCs submitted after the application submission date shall be considered Application Changes** and be subject to the recommendation set forth in Section on Application Changes Requests, including, but not limited to, public comment in accordance with ICANN's standard procedures and timeframes.

WG's Rationale

In recommending maintain RVCs,

- Important for applicants to have an opportunity to make commitments either in anticipation of / or in response to concerns or objections raised.
- **Must be a mechanism to transform these application statements into binding contractual commitments.**
- Believes that the system of RVCs (previously called **Voluntary PICs) in the 2012 round served the purpose of allowing applicants to make and be held to such commitments**.

WG's Rationale (Cont'd)

Re: Topic name change

- Discussed the name "Public Interest Commitments" or "PICs" - although agreed that the mandatory commitments could certainly be considered in "the public interest", other voluntary commitments may or may not. Those not may more appropriately be considered in the interest of the registry and/or the constituencies/stakeholders they support, so cannot all be considered in the "public interest."
- Therefore, decided to change the name of the Voluntary PICs to "Registry Voluntary Commitments" or "RVCs." To be clear, this represents a name change rather than a substantive change.

RVCs can be submitted any time prior to RA execution

- Understands that some applicants will be prepared at the time of application to propose RVCs - believes that applicants should be encouraged to submit such RVCs with the application, but should also be able to do so at any other time prior to the execution of a RA.

On concerns re: violation of human rights and civil liberties

- Noted in PC and WG discussion, some concern was raised that Voluntary PICs made by certain applicants in the 2012 round violated human rights and civil liberties and were not sufficiently subject to review by ICANN org or the community. From this perspective, RVCs in subsequent procedures should be narrowly tailored, should the concerns raised.
- Believes that the recommended approach is broadly supported and addresses the key concerns raised in PC and WG deliberations.

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #4

<u>WG's Rationale (Cont'd)</u>

RVCs allowed in response to PC, objections, GAC Advice / GAC EW
- Noting that applicants may identify RVCs that they would like to propose in response to public comments, objections, GAC Early Warnings, and/or GAC Consensus Advice, WG recommends that applicants should have an opportunity to submit RVCs after the initial application is submitted in order to remedy concerns raised through these channels.

Any changes to RVCs subject to PC
- WG emphasizes the importance of transparency and accountability in the implementation of RVCs.
- **By requiring public comment on any changes to RVCs, the New gTLD Program will ensure that the community has an opportunity to provide input on any changes being proposed**.
- These types of changes should be considered application change requests, which includes public comment.

<u>Impact</u>
- Adopt concept of Voluntary PICs (now called Voluntary Registry Commitments or RVCs) since there is belief that Voluntary PICs in the 2012 round served the purpose of allowing applicants to make and be held to such commitments.
- Allow applicant to submit RVCs with application, in anticipation of public comment, objection, etc.
  - RVCs submitted subject to public comment, objection as part of application
- Allow applicant to also submit or change RVCs any time after application submitted, in response to public comment, objection, GAC Advice or GAC Early Warning – prior to RA execution.
  - RVCs or change subject to Application Change Request, which triggers (another) public comment process

> **Voluntary PICs**

<u>Additional intervention</u>
- Does it meet CCT-RT Rec. 25: Voluntary commitments must include intended goal, **allow sufficient opportunity for community review**, Limited Public Interest objection deadlines; organized, searchable?
  - To confirm length public comment period for application and Application Change Request, impact on timeline for LPI objections
- Is Recommendation #4 acceptable?
- If not, what are your concerns and/or what should be done?

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Impact of SubPro Recommendations

Recommendation #5

- RVCs must continue to be included in the applicant's RA.

Implementation Guidance

- The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes should be updated to equally apply to RVCs.

  "Associated processes" refers to all existing processes relevant to what were formerly known as voluntary PICs.

WG's Rationale

- In the 2012 round, Voluntary PICs were included in Spec 11, section 4 of the RA. WG believes that RVCs should continue to be captured in the RA in subsequent rounds.
- While WG is recommending that Voluntary PICs now be referred to as RVCs, this is not intended to change their nature. Accordingly, **any RVCs that a registry commits to should be subject to enforcement via the PICDRP, as Voluntary PICs in Spec 11 are for 2012 registries, and the PICDRP should be updated to apply to RVCs.**

Impact

- RVCs continue to be included in RA.
- Consequently, continues to allow for enforcement either through PICDRP or Contractual Compliance

Voluntary PICs   **Enforcement**

Additional intervention

- **Examination on effective of enforcement by Contractual Compliance will be taken up at a subsequent call.**
- **As for examination of effectiveness of enforcement via PICDRP ….**
  "WG has not reviewed the PICDRP in detail, but nonetheless suggests this update to accommodate the introduction of RVCs. Note, WG did examine a specific instance of the PICDRP, which led to a recommendation as captured in the Section on Base RA."
  - ❑ ICANN must add a contractual provision stating that the Registry Operator will not engage in fraudulent or deceptive practices.
- Are Recommendation #5 + Implementation Guidance acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations: DRP

SubPro PDP WG

Dispute Resolution Procedures [2.8.2]

- Under SubPro, limited to RRDRP and PICDRP

Affirmation

- WF affirms that the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP) should remain available to those harmed by a new gTLD Registry Operator's conduct, subject to the recommendation below.

Recommendation

- For the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP), clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available.

WG's Rationale

- Belief that post-delegation dispute resolution procedures continue to be appropriate mechanisms to provide those harmed by a new gTLD Registry Operator's conduct an avenue to complain about that conduct. The Working Group believes, however, that in support of transparency and predictability, clearer and more detailed documentation for these procedures should be published.

New Issue

- WG did not conduct an exhaustive review of the PICDRP, because at the beginning of the PDP, no PICDRP cases had been filed. Since that time, only two cases had been filed, WG felt was too few to support an intensive review.

For At-Large Consensus Building

Additional intervention

- Are the Affirmation + Recommendation on PICDRP acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #6

- At the time an RVC is made, the **applicant must set forth whether such commitment is limited in time, duration and/or scope**.
- Further, an **applicant must include its reasons and purposes for making such RVCs such that the commitments can adequately be considered** by any entity or panel (e.g., a party providing a relevant public comment (if applicable), an existing objector (if applicable) and/or the GAC (if the RVC was in response to a GAC Early Warning or GAC Consensus Advice)) to understand if the RVC addresses the underlying concern(s).

WG's Rationale

- Belief that to the extent an applicant is making an RVC that is limited in time, duration and/or scope, the applicant should provide details about these proposed limitations at the time the RVC is submitted. This provides the transparency necessary to ensure that relevant parties have sufficient opportunity to review and respond to the details of the RVC being proposed.

Impact
- As per recommendation

Voluntary PICs

Additional intervention
- Does it meet CCT-RT Rec. 25: Voluntary commitments **must include intended goal**, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; organized, searchable
- Is Recommendation #6 acceptable?
- If not, what are your concerns and/or what should be done?

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Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #7

- In support of the principle of transparency, RVCs must be readily accessible and presented in a manner that is usable, as further described in the Implementation Guidance below.

WG's Rationale
- WG notes that the CCT-RT's recommendation 25 has recommended developing an "organized, searchable online database" for RVCs. The Working Group agrees and believes that ICANN org should evaluate this recommendation in the implementation phase and determine the best method for ensuring that RVCs are widely accessible.

WG's Rationale
- WG reviewed and discussed CCT-RT's Rec 25 , which provides guidance on the implementation of RVCs with a particular focus on improving transparency and accountability.
- Shares the CCT-RT's belief that transparency and accountability are essential in the implementation of RVCs, and believes that recommendations serve these objectives by establishing clear processes and supporting community review of and input on RVCs.

WG's Rationale (Cont'd)
- Transparency is further supported by ensuring that RVCs are publicly available and accessible. In the 2012 round, RAs were published in full, including any voluntary Public Interest Commitments in Spec 11, and believes this practice should continue in future rounds, in support of transparency.

For At-Large Consensus Building

Impact
- ICANN Org to determine solution.
- Possibly meets CCT-RT Rec. 25: Voluntary commitments must include intended goal, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; **organized, searchable – won't know until implemented?**

Voluntary PICs

Additional intervention
- Is Recommendation #7 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #8

- WG acknowledges ongoing important work in the community on the topic of DNS abuse and believes that a holistic solution is needed to account for DNS abuse in all gTLDs as opposed to dealing with these recommendations with respect to only the introduction of subsequent new gTLDs.
- In addition, recommending new requirements that would only apply to the new gTLDs added to the root in subsequent rounds could result in singling out those new gTLDs for disparate treatment in contravention of the ICANN Bylaws.
- Therefore, **this PDP WG is not making any recommendations with respect to mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs).**

- The Working Group has reached this conclusion after duly considering the DNS Abuse related CCT-RT recommendations, which includes 14, 15, and 16. Note, however, that at the time of the drafting of this report, the ICANN Board only passed through a portion of recommendation 16 to this WG (amongst several other community groups) and recommendations 14 and 15 remain in a "Pending" status

WG's Rationale
- WG believes that work within the ICANN community on the topic of DNS abuse should take place in a comprehensive and holistic manner, addressing both existing TLDs and those that will be delegated in the future.
- Given that the PDP is chartered to address only new gTLDs that will be delegated in subsequent applications rounds, WG does not believe it is in the proper position to address the issue, and therefore defers to broader community efforts on the topic.

For At-Large Consensus Building

Impact
- No recommendations on mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs).
- "Push back" on Rec. 14: Pro-active anti-abuse measures; Rec. 15: Amendments to RAA & RA to prevent systemic DNS security abuse; and Rec. 16: Support ongoing data collection efforts

Data

Additional intervention
- Is Recommendation #8 acceptable?
- If not, what are your concerns and/or what should be done?

SubPro PDP WG

❑ **1. GAC Category 1 Safeguards – Sensitive Strings**

- WG reviewed GAC Beijing 2013 Communique on GAC Category 1 Safeguard Advice which required safeguards to be added as Public Interest Commitments to Specification 11 of the Registry Agreement for certain categories of strings:
  - ❑ Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions
  - ❑ Highly Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions
  - ❑ Special Safeguards Required

- WG also considered the implementation framework adopted by the ICANN Board's NGPC to address this Safeguard Advice, plus subsequent GAC Consensus Advice (LA & Singapore).
- In discussion but **not yet made any conclusions on this topic**- :
  - ❑ Whether to affirm framework adopted for Cat 1 strings in the 2012 round and/or provide guidance on rules for sensitive strings
  - ❑ Continue to take into account CCT-RT recommendation 23
  - ❑ NGPC's framework for Implementing GAC Cat 1 Advice did not include requirements that specific strings must operate as validated TLDs and instead provided other measures to safeguard strings assoc. with highly-regulated sectors.
  - ❑ Concept of "verified" TLDs and consider whether special rules should apply to these TLDs.

❑ Whether to recommend requiring TLDs to be verified in certain cases.
❑ Merits and drawbacks of incentivizing verified TLDs – reviewed **CCT-RT recommendation 12** on whether establishing incentives for operating verified TLDs could be a means to address this recommendation -- potential methods of establishing such incentives
  - o Fee reduction.
  - o Priority in application processing.
  - o Incentives for registrars to carry verified TLDs.

Pros	Cons
• Improve trust and confidence in specific areas/industries where there may be sensitivities/risks	• This topic is closely connected to content and policy on the issue could constitute a form of content regulation
• Contribute to improved consumer protection through registrant verification prior to domain name use and through ongoing monitoring of the domain space for compliance with registry standards	• Existing procedure already provides sufficient opportunities to address concerns associated with TLDs related to highly regulated or professional sectors and therefore further categories of TLDs are not necessary

For At-Large Consensus Building

Impact
- No agreement yet means no recommendation as yet.   `Verified TLD`

Additional intervention
- What does GAC say?
- Do you have further concerns, suggestions on what should be done?

Objections [GAC Advice & GAC Early Warnings]

SubPro PDP WG Recommendations

GAC Advice / GAC EW: Consensus Building

ALAC STATEMENTS support/state:

- GAC Advice:
  - ❖ (1) should *[sic]* include clearly articulated rationale, including national or international law or policy basis.
  - ❖ (2) GAC Advice and ensuing Board action on categories should be issued prior to finalization of next AGB, thereafter GAC Advice issued during application period to apply to individual strings based on merit and details of application.
  - ❖ (3) No GAC Advice if no full consensus support by GAC.
- Issuance of GAC Early Warnings should be during a specified time and to include both written rationale/basis and specific action requested of applicant.
- Suggestion to remove of all references to a strong presumption to be taken by the ICANN Board

RELATED SubPro Areas/Topics include:

- Mandatory PICs, Voluntary PICs
- Safeguards for Sensitive Strings – Verified TLDs
- Appeal Mechanism

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- Rec. 33:
  - ❖ GAC Advice to include rationale and be subject to timelines; also when does GAC Advice apply to categories of TLD applications vs individual TLD application; <u>to allow ICANN Board to determine how to apply advice</u>.
  - ❖ ICANN should provide a template to the GAC for advice related to specific TLDs; and <u>AGB should clarify the process and timelines by which GAC advice is expected for individual TLDs.</u>
  - ❖ CCT believes there should be <u>a mechanism created to specifically allow objections by individual members of the GAC and means to challenge assertions of fact by GAC members</u>.
  - ❖ Finally, some sort of <u>appeals mechanism</u> is imperative.

SubPro PDP WG

Affirmation #1

- WG acknowledges the ability of the GAC to issue GAC Consensus Advice in accordance with the ICANN Bylaws. In addition, subject to the recommendations below, WG supports the 2012 implementation of GAC Early Warnings. Section 1.1.2.4 of the 2012 AGB describes the Early Warning mechanism: "Concurrent with the [public] comment period, ICANN's GAC may issue a GAC Early Warning notice concerning an application. This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments."

WG's Rationale
- WG believes that the **GAC Early Warning mechanism served its intended purpose of allowing GAC members to raise concerns about New gTLD applications**, and further **acknowledges the role of GAC Consensus Advice as defined in the ICANN Bylaws**. The Working Group supports continuation of these mechanisms in subsequent rounds, subject to the recommendations included in this report

Implementation Guidance
- To the extent that the GAC provides **GAC Consensus Advice** (as defined in the ICANN Bylaws) in the future **on categories of TLDs**, the GAC **should provide this Advice prior to the finalization and publication of the next AGB**.
- **In the event that GAC Consensus Advice is issued after the finalization and publication of the next AGB** and whether the GAC Consensus Advice applies to categories, groups or classes of applications or string types, or to a particular string, **the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect of such timing in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws."**

WG's Rationale
- GAC Consensus Advice in the 2012 round was provided for whole categories of applications, whereas the 2012 AGB states that Consensus Advice is to be provided for individual applications -- applicants and other parties experienced uncertainty because it was unclear if the lists were exhaustive and was also unknown whether those applying for strings in related industries might be impacted

From SubPro PDP WG, not limited to recommendations, but also affirmations and implementation guidance

Impact of SubPro Recommendations

SubPro PDP WG

Affirmation #1

Implementation Guidance Rationale (Cont'd)

- Believes that in service of predictability, if the GAC issues **Consensus Advice on categories** in the future, this Consensus Advice **should be given by the GAC and actioned by the Board before the AGB is published**, so that prospective applicants and the Internet community fully understand the implications and scope of the Consensus Advice before the application process begins.

- WG urges that any **GAC Consensus Advice issued once the application submission period has begun be limited to individual applications**, so that it is clear which are affected. To the extent that GAC Consensus Advice may be related to a particular string, there may be multiple applications for the same string and the Consensus Advice should take into account that different members of a contention set may be proposing different business models or may be proposing specific measures to address concerns that the GAC may have about the use of the string.

- Therefore, WG strongly encourages GAC Consensus Advice about a string to reference relevant applications individually to improve clarity for all parties.

Impact (of Affirmation #1 + Implementation Guidance)

- Affirmation #1: **Continue to have GAC Early Warning mechanism**, limited to:
  - ❑ Applicable to single applications /strings, not category of strings
  - ❑ Distinct to GAC Advice (GAC Consensus Advice), so can be issued by one or more GAC members
  - ❑ During [public] comment period

- Implementation Guidance:
  - ❑ **GAC should provide GAC Consensus Advice on categories of TLDs (if any) prior to the finalization and publication of the next AGB**
  - ❑ **If GAC Consensus Advice is issued after the finalization and publication of the next AGB, then ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect of such timing in deciding on what to do with the GAC Consensus Advice, per Bylaws**

Additional intervention

- What does GAC say?
- Is Affirmation #1 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #2

- As stated in the ICANN Bylaws, GAC Consensus Advice must include a clearly articulated rationale.
- WG recommends that GAC Consensus Advice be limited to the scope set out in the applicable Bylaws provisions and elaborate on any "interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues."
- To the extent that the rationale for GAC Consensus Advice is based on public policy considerations, well-founded merits-based public policy reasons must be articulated.

WG's Rationale
- **The ICANN Bylaws require that Advice provided by ACs must be clear, unambiguous and accompanied by a rationale.**
- **Notes that CCT-RT Recommendation 33 specifically references this requirement with respect to GAC Consensus Advice related to gTLDs.**
- Emphasizes that by providing a rationale that is in line with the scope of GAC Consensus Advice per ICANN Bylaws, the GAC not only permits the Board to determine how to apply that Advice, but it also gives applicants an opportunity to remedy concerns raised in GAC Consensus Advice while still proceeding with the application process if those concerns have been sufficiently addressed.

WG's Rationale (Cont'd)
- WG further believes that the requirement to provide a rationale supports transparency and predictability, which are essential in processes related to the New gTLD Program

For At-Large Consensus Building

Impact
- Requires GAC Consensus Advice to include clearly articulated rationale

Additional intervention
- CCT-RT Rec 33, "…*GAC consensus advice to the Board regarding gTLDs should also be* **clearly enunciated, actionable and accompanied by a rationale**, *permitting the Board to determine how to apply that advice ..*"
- Is Recommendation #2 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #3

- 3.1 of the 2012 Applicant Guidebook states that GAC Consensus Advice "will create a strong presumption for the ICANN Board that the application should not be approved."
- Noting that this language does not have a basis in the current version of the ICANN Bylaws, WG recommends omitting this language in future versions of the AGB to bring the AGB in line with the Bylaws language.
- Further notes that the language may have the unintended consequence of hampering the ability of the Board to facilitate a solution that mitigates concerns and is mutually acceptable to the applicant and the GAC as described in the relevant Bylaws language. Such a solution could allow an application to proceed.
- In place of the omitted language, WG recommends including in the AGB a reference to applicable Bylaws provisions that describe the voting threshold for the ICANN Board to reject GAC Consensus Advice.

WG's Rationale

- WG seeks to ensure that policy and future versions of the AGB are consistent with the applicable provisions of the ICANN Bylaws

WG's Rationale (Cont'd)

- In the 2016 revisions to the ICANN Bylaws, changes made to sec. 12.2, which describes the role of the GAC and GAC Consensus Advice – do not indicate that GAC Consensus Advice "will create a strong presumption for the ICANN Board that the application should not be approved.
- By omitting the language referenced in this recommendation, the Board has greater flexibility to facilitate a solution that both accepts GAC Consensus Advice and allows for the delegation of a string if the underlying concerns that gave rise to the GAC Consensus Advice are addressed.
- Allowing for mutually acceptable solutions is consistent with the relevant section of the Bylaws.

For At-Large Consensus Building

Impact

- Removes strong presumption for ICANN Board that GAC Consensus Advice means the application should not be approved. Bringing in line with Bylaws.

Additional intervention

- Is Recommendation #3 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #4

- WG recommends that GAC Early Warnings are issued during a period that is concurrent with the application comment period.
- To the extent that there is a longer period given for the GAC to provide Early Warnings (above and beyond the application comment period), the AGB must define a specific time period during which GAC Early Warnings can be issued

WG's Rationale
- WG supports processes that provide the GAC with a fair and consistent opportunity to provide Early Warnings while also ensuring that that application process is transparent and predictable for all parties.
- Believes that by providing a clear timeframe in which GAC members may provide Early Warning(s) on applications, predictability will be increased in the application process for all parties

Impact
- (Per) Affirmation #1: **Continue to have GAC Early Warning mechanism**, limited to: During [public] comment period

Additional intervention
- Is Recommendation #4 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #5

- Government(s) issuing Early Warning(s) must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns.

WG's Rationale

- Written explanation in the Early Warning needed as to why it is being issued and how the applicant may potentially be able to address the underlying concerns.
- This measure provides greater transparency in the process and also enables applicants to propose specific changes to the application to address concerns raised by GAC members

Impact

- Require GAC Early Warnings to include explanation and how to resolve concerns.

Additional intervention

- Is Recommendation #5 acceptable?
- If not, what are your concerns and/or what should be done?

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #6

- Applicants must be allowed to change their applications, including the addition or modification of Registry Voluntary Commitments (RVCs, formerly Voluntary PICs), to address GAC Early Warnings and/or GAC Consensus Advice.
- Relevant GAC members are strongly encouraged to make themselves available during a specified period of time for direct dialogue with applicants impacted by GAC Early Warnings or GAC Consensus Advice to determine if a mutually acceptable solution can be found.

WG's Rationale

- To the extent that applicants can address concerns raised in GAC Early Warnings or GAC Consensus Advice through proposed changes to the application, they must have the opportunity to make such changes and continue with the application process.
- Potential amendments could include the addition of RVCs.
- Application changes would be subject to evaluation by ICANN as discussed under "Application Change Requests".

WG's Rationale (Cont'd)

- Believes that applicants and GAC members both benefit from the opportunity to engage directly in dialogue about the content of Early Warnings and GAC Consensus Advice, as well as underlying concerns that the GAC members may have about an application - provides parties the opportunity to avoid misunderstandings, address any incorrect assertions of fact, and potentially come to a mutually agreeable solution.

For At-Large Consensus Building

Impact

- GAC members encouraged to dialogue with applicant impacted by GAC Early Warnings of GAC Consensus Advice to strive for mutually acceptable solution.
- Solutions which lead to addition or modification of RVCs allowed, subject to Application Change Request process – evaluation, PC.

Additional intervention

- Is Recommendation #6 acceptable?
- If not, what are your concerns and/or what should be done?

SubPro PDP WG

❑ **1. Harmonizing PDP recommendations with CCT-RT recommendation 33 – additional work?**

Recommendation 33 states: "As required by the October 2016 Bylaws, GAC consensus advice to the Board regarding gTLDs should also be clearly enunciated, actionable and accompanied by a rationale, permitting the Board to determine how to apply that advice. ICANN should provide a template to the GAC for advice related to specific TLDs, in order to provide a structure that includes all of these elements. In addition to providing a template, the Applicant Guidebook (AGB) should clarify the process and timelines by which GAC advice is expected for individual TLDs."

- WG believes that recommendation #2 is consistent with the CCT-RT's recommendation that GAC Consensus Advice is "enunciated, actionable and accompanied by a rationale."

- **Not yet made a decision** about whether to provide further recommendations corresponding to the other elements of the CCT-RT recommendation, in particular regarding the *proposed template for GAC Consensus Advice related to specific TLDs and clarification in the AGB regarding process and timelines for GAC Consensus Advice directed at specific TLDs*.

- Re: a *mechanism created to specifically allow objections by individual members of the GAC and means to challenge assertions of fact by GAC members*, WG believes that creating the opportunity for **dialogue between applicants and GAC members** as part of the Early Warning and GAC Consensus Advice processes (recommendation #6) provides a potential means to "challenge assertions of fact by GAC members."

- Re: *some sort of appeals mechanism is imperative,* WG believes that the **substantive appeals mechanism proposed** under "Limited Challenge/Appeal Mechanism" addresses the need for an appeals mechanism expressed by the CCT-RT.

For At-Large Consensus Building

Impact
- CCT-RT Rec 33 elements seemingly partly met? Vis a vis:
  ❑ GAC Consensus Advice including clear enunciated, actionable, with rationale,
  ❑ Mechanism to allow objection by individual GAC members, means to challenge assertion of fact
  ❑ Appeals

Additional intervention
- Do you have further concerns, suggestions on what should be done?