NCSG ICANN74 Topics of Interest

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Closed Generics

1. NCSG is against the idea of GNSO council going into a dialogue with GAC to develop a policy framework on this issue.

2. If the meeting pushes ahead, NCSG would like

   - For the group to define "strings representing generic terms" and "serve a public interest goal" (key terms used by the GAC in its 2013 Beijing Communique)

   - Facilitator should be a neutral one and brought in from outside of ICANN

   - Composition of the small group for the dialogue must include the full range of GNSO views on the Closed Generics issues

   - Composition of this group to only include people who are independent and do not have a conflict of interest, e.g., no one considering closed-generic applications or with direct business relationships with a potential applicant.

| 2

Background

On 6 March 2022, the ICANN Board sent a letter to both the GNSO and the GAC, inviting them to "explore a mutually agreeable way forward, for which the Board could facilitate a dialogue to formulate a workable framework to identify and handle closed generic applications for the immediate next round of new gTLDs." Shortly thereafter, and as requested by the Board, ICANN org prepared a draft Framing Paper to support the potential collaboration between the GNSO and the GAC.

 The Council established a small team to consider both the letter and framework, to determine next steps. Manju Chen and Tomslin Samme-Nlar served for NCSG. To support this work, Council leadership and staff developed an assignment form, which helps make clear the narrow "ask" of the small team (i.e., whether the GNSO Council is open to working with the GAC to seek to develop a framework on closed generics). On 27 April 2022, the Council responded to the Board affirmatively, that it is willing to pursue next steps. This letter included NCSG's dissent and concerns.

 Subsequently, the Council tasked the small team with preparing for the next step, of mutually agreeing with the GAC on the parameters, processes, and procedures for the facilitated dialogue. The Small Group will be reporting to Council at this ICANN74 meeting.

Impact of SSAD Light on SubPro Work, etc.

1. We do not approve of starting a process of unknown cost and benefit just so that it can grow into something that may achieve the ultimate goals, primarily because of the lack of evidence that an "SSAD Light" will actually achieve something useful.

2. We recommend getting accurate estimates of how the actual work of assessing access requests breaks down in terms of labour, research and costs.

| 3

Background

On 25 January 2022, the Operational Design Assessment (ODA), the final output of the System for Standardized Access/ Disclosure (SSAD) to Nonpublic generic Top-Level Domain Registration Data Operational Design Phase (ODP) was published. Just prior to the publication of the ODA, the ICANN Board sent a letter to the GNSO Council, outlining some of its concerns as well as questions it hoped to receive input on from the Council. The Council agreed to establish a small team to review the ODA in detail, focusing on several elements as identified in the assignment form. The small team delivered its preliminary report to Council on 4 April 2022.

As part of the small team's consultations with ICANN org, the org provided an SSAD Light Design Concept overview, guided by the proof of concept contained in the preliminary report. The paper anticipates a six week effort to produce the SSAD Light Design Concept paper. Notably, the resources needed to produce that document are responsible for other areas of work and developing the document will delay the timelines fSubPo by 1.5 months. The Council will discuss and decide next steps for the SSAD Light Design Concept.

SubPro GNSO Guidance Process (GGP)

1. We support the use of existing policy making tools

2. This first GGP should only focus on Applicant Support Program.

3. More awareness and outreach is required for non-commercial groups, indigenous people, regions of the world about the new gTLD program and whatever support is available.

4. Efficiency and good use of volunteer time is recommended

| 4

Background

In relation to the SubPro ODP, ICANN org shared question set #2 with the GNSO Council's liaison to the ODP on 11 February 2022, who subsequently shared the questions and an update with the Council. While the question set was specifically about the topic of Applicant Support, it introduced broader procedural concerns, about whether the level of substantive work recommended by SubPro to be conducted by an IRT, would be beyond the commonly understood scope of the IRT.

The Council agreed that it should explore finding avenues to complete that level of substantive work in advance of the expected IRT that would be convened upon ICANN Board adoption of the SubPro Outputs. The potential model to address this work is the GNSO Guidance Process. ICANN org staff worked with Jeff Neuman and Council leadership to prepare a draft GGP Initiation request, which was shared on Council list on 4 May 2022.

1. Improvements should respect and adhere to existing GNSO policy development processes and procedures.

Background

During the ICANN73 wrap up, the Council discussed a number of parallel conversations that have emerged since implementing PDP 3.0, identifying other aspects of the PDP where improvements could be considered. In addition, there are a number of projects on the Council's Action Decision Radar (ADR) related to PDP improvements which will need to be addressed at some point in the future.

To provide the Council with a clear picture of these different parallel initiatives and projects, and to avoid overlap and ensure complementarity, the staff support team developed a discussion paper. In addition to an overview of the different initiatives and projects, the paper also suggests a possible approach for managing these different initiatives by focusing on 1) which elements could be implemented with relatively minimal effort, 2) which elements could be implemented with some effort, 3) which elements need careful planning and consideration before these can be implemented. It is envisioned in the paper that going forward, progress on these different initiatives could be tracked through a PDP improvements tracker to ensure oversight and allow for forward planning which can factor in these commitments.

DNS Abuse

1. NCSG does not believe there are any problems discussed in the community that require policy development effort. Moreover, a common definition of DNS abuse which is in alignment with ICANN's bylaws and technical remit first needs to be adopted by the community.

Background

GNSO Council agreed at the end of the ICANN 72 to establish a small team to consider the next step for DNS abuse. Acknowledging the time taken to get this group kicked off, I would note that the remit and expected outputs of the group were not established. As such, Council leadership and staff have developed an Assignment Form to help provide some pertinent background information. The small team decided to reach out to community groups and seek their input.

Background

At its meeting on 18 February 2021, the GNSO Council unanimously adopted a motion to initiate a Policy Development Process (PDP) to review the Transfer Policy and determine if changes to the policy are needed to improve the ease, security, and efficacy of inter-registrar and inter-registrant transfers.

UDRP Review

1. NCSG needs full and fair representation in the WG

2. We support the addition of independent experts to help us evaluate this wide-reaching, quasi-legal dispute policy, including professors of trademark law, professors of free expression and free speech, experts in fair use and the sharing of basic dictionary terms and common names.

Background

Council is proposing to structure a new UDRP Working Group to review the Uniform Dispute Resolution Policy. This is ICANN's very first consensus policy, adopted in 1999, and this will be its belated first review. Key questions about this important new PDP working group exist even before it starts its important work.

- *How will it be formed and what will the Working Group look like under the new PDP 3.0 rules?*

- *How many members will NCSG be allowed?*

- *What space is being made for independent experts - Trademark Law Professors and Free Speech/Free Expression Independent Experts - people who could make great contributions and help us with the fair and balanced review of this far-reaching policy (now used tens of thousands of times) and identify how it should change to better protect noncommercial domain name registrants and legitimate noncommercial uses of domain names.*

Thank You and Questions

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