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Internet Corporation for Assigned Names and Numbers

At-Large Advisory Committee

AT-LARGE ADVISORY COMMITTEE

ALAC STATEMENT TO THE BOARD OF ICANN

ON THE

GNSO NEW GTLD POLICY'S OBJECTIONS PROVISIONS

Introductory Note by the Staff

This statement was developed during the meetings of the At-Large Advisory Committee in consultation with the members of the At-Large community present during the ICANN 32nd International Meeting in Paris. It was presented to the Board of ICANN during the Public Board Meeting on 26th June 2008 as part of the Report of the ALAC to the Board.

Note on Translations

The original version of this document is the English text. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

Date: 26th June 2008

At-Large Advisory Committee Statement to the Board of ICANN on the GNSO New GTLD Policy's Objections Provisions

The At-Large Advisory Committee realizes that the GNSO, ICANN staff and others have worked hard for consensus on the policy for introduction of new gTLDs. However, the ALAC wants to express discomfort with two of the four objection criteria: Morality and Public Order, and Community Objection.

With regard to the Morality and Public Order criterion for objection, the ALAC states, with reference to Annex A, 13(b) of the ICANN Bylaws, that such policy is not in the best interests of the ICANN community or ICANN.

The ALAC and the RALO and ALS representatives assembled in Paris for ICANN's 32nd International Meeting resolved:

- Any ICANN process in which "Morality and Public Order", however defined, is a criterion, even if only in an objection or arbitration pathway, debases the ICANN process.
- An international organisation cannot be principled on a particular notion of "morality."
- Human Rights instruments should not be linked to notions of "morality"; human rights are intrinsic, whereas no intrinsic rights to domain name purity exist.
- Local community standards may not be determined or adjudicated by any international tribunal.
- Well-established local systems are already in place to adjudicate questions of morality and public order.
- Domain names ought to be treated as symbols devoid of meaning; they do not intrinsically possess trademark status.
- This ICANN process favors Dispute Resolution companies at the expense of users.
- ICANN risks straying into areas that are clearly treaty obligations.

If the Board decides not to reject the policy, the ALAC recommends the working group on the implementation process keeps these points in mind, and work to mitigate its negative impact. ALAC stands ready to work with the Staff on implementation as requested.