

Board-GAC Workshop Scorecard March 2011

NCSG positions on the Board response to the GAC scorecard

Reference: [Documenting the Board/GAC Brussels consultation - 05 March 2011](#), Peter Dengate Thrush

The ratings reflect the current rough consensus of the NCSG Policy Committee. Discussions are still ongoing in the two candidate constituencies, NPOC and CC. NPOC has informed the Policy Committee that they have a minority position on items 4.1, 6 and 11.

NCSG Support for Board Response

The NCSG supports the ICANN Board positions as indicated on the following items:

- 1,
- All of 2,
- All of 3,
- 4.1, 4.3,
- All of 5,
- 6.1.2 through 6.1.7, 6.2.2, 6.2.4, 6.2.6 - 6.2.9, 6.2.10.1, 6.2.10.2, 6.2.11, 6.2.13, all of 6.3 and of 6.4,
- all of 7,
- all of 8,
- 9,
- 10,
- 11.1,
- 12

This constitutes support for the Board's position on over 85% of the issues.

NCSG Additional Comments on some supported items

1.) The NCSG did not agree with the Staff designated name for this REC6 issue: "Limited Public Interest Objections." The Rec6 report indicated a strong support for calling these issues: Principles of International Law. NCSG supports this name for the issue.

2.2.4) The NCSG recommends the wording "material detriment to the targeted community."

4.3) The NCSG would like to caution that this process might be at the cost of innovation

6.1.2) NCSG wishes to point out that the GAC position runs against the recommendations of the the GNSO, the IRT and the STI.

6.1.3) The NCSG believes that it is impossible to set objective and fair criteria for such determinations.

6.1.4) The NCSG understands both sides of this issues and shares the same concerns as the Board - trademark owners grabbing easy trademarks and gaming the system. A mechanism to address this issue is needed.

10) The NCSG supports the work of the JAS WG.

10.6) The NCSG recommends that the JAS WG discuss meeting the GAC request by allowing for support of country sponsored applications that are from the Least Developed Nations (LDC) as defined by the UN.

11.1) The NCSG shares the Board's concern about the various definitions of criminal behavior.

Replies that relate to several of the GAC issues, including: 2.2.5, 8.1.1.1, 8.1.4

While the NCSG has not taken a position on whether the GAC should be exempt from paying the fee for making objection, the NCSG supports the following:

- a.) Whenever an objection is made on the basis of a fee exemption, the applicant must have a similar fee exemption for the reply.
- b.) There should be a review done after the round on the affects of free objections.

Areas where the NCSG needs more information to make a determination

6.2.1) We would like to know which timeframes are being referred to. The NCSG has a concern about any timeframe in which the respondent has less time to respond.

12) We think we support the Board, and we do so in so far as the Board is supporting the REC6 recommendations on sensitive strings.

NCSG Disagreement with Board response

4.2) Strong support in the NCSG for marking this as a 2 as it goes beyond the role of ICANN to seek data on the application process itself.

6.1.1) The NCSG points out that this goes back to scope defined in the IRT, which was rejected by the STI. The GAC request, as well as the Board response, are unclear as to the scope of Intellectual Property and taken literally this would too broad.

6.2.3) The NCSG supports the recommendation made in the STI process: the respondent should be given the right to participate in selecting a panel.

6.2.5) Strong support in the NCSG for marking this as a 2, as this equates default with a presumption of guilt.

6.2.10.3) Strong support in the NCSG for marking this as a 2, as this equates default with a presumption of guilt.

6.2.12) There was a specific agreement in the STI that the URS would be limited to locking. This critical difference from the UDRP was how the URS was originally framed.

11.2.1) Strong Support in the NCSG for marking this as a 2 because of the difficulty in categorizing strings.

11.3) Strong support in the NCSG for marking as a 2 because of serious privacy concerns.

11.4) Strong support in the NCSG for marking as a 2 because it is outside of ICANN's scope.

11.5) Strong support in the NCSG for marking as a 2 because of serious privacy concerns.

11.6) Strong support in the NCSG for marking as a 1B to insure that implementations are done in accordance with privacy standards.

Minority Postions

The following is the NPOC, a proposed constituency within the NCSG, position on Section 6:

For the members of the proposed Not-for-Profit Operational Concerns Constituency, DNS abuse poses real problems to our infrastructure and the communities we represent. For example, charitable organizations accept donations online and academic organizations offer high-stakes standardized exams. Intellectual property rights, such as trademark and copyright, offer our members a tool to combat DNS abuse.

We greatly appreciate the efforts of the Board and the GAC to ensure these tools are made available as best as possible. Specifically we are pleased with the progress made regarding URS and the Trademark Clearinghouse - important tools, if accompanied with the right policies and procedures, that can assist our organizations effectively execute its missions and important work.

Because of the budget limitations facing our organizations, we will have to rely heavily on the protections afforded by the Trademark Clearinghouse and the URS - areas discussed in Section 6 of the GAC New gTLD Scorecard. We need these tools, such as the Trademark Clearinghouse to assist with the prevention of DNS abuse (keeping in mind the limited financial resources that prevent some not for profit organizations from registering their names), or the URS, to assist in the prompt and inexpensive resolution of DNS abuse. While we recognize these tools cannot solve the entirety of the problem, nevertheless, we need these tools to be as strong as and efficient as possible. Additionally, we need these tools to be affordable. We request the Board and the GAC to consider the needs of not-for profit organizations as you move forward in your consultations.

Table

Item number	Board Rating	NCSG view	Comment
1	1B	Support	The NCSG did not agree the Staff designated name for this REC6 issue: "Limited Public Interest Objections." The Rec6 report indicated a strong support for calling these issues: Principles of International Law. NCSG supports this name for the issue.
2.1.1	1B	Support	
2.1.2	2	Support	
2.1.3	1A	Support	
2.2.1	2	Support	

2.2.2	2	Support	
2.2.3	2	Support	
2.2.4	1B	Support	Recommends the wording "material detriment to the targeted community."
2.2.5	1B	Support	Whenever an objection is made on the basis of a fee exemption, the applicant must have a similar fee exemption for the reply; There should be a review done after the round on the affects of free objections.
3.1.1	1A	Support	
3.1.2	1A	Support	
3.2	1A	Support	
3.3	1A	Support	
3.4	1A	Support	
3.5	1A	Support	
3.6	1A	Support	
3.7	1A	Support	
4.1	2	Support	
4.2	1B	2	Goes beyond the role of the ICANN to seek data on the application process itself.
4.3	1A	Support	Caution that this process might be at the cost of innovation
5	2	Support	
6.1.1	1B	2	The NCSG points out that this goes back to scope defined in the IRT, which was rejected by the STI. The GAC request as well as the Board response are unclear as to the scope of Intellectual Property and taken literally this would too broad.
6.1.2	2	Support	The GAC postion runs against the recommendations of the the GNSO, the IRT and the STI.
6.1.3	2	Support	It is impossible to set objective and fair criteria for such determinations.
6.1.4	1B	Support	The NCSG understands both sides of this issues and shares the same concerns as the Board - trademark owners grabbing easy trademarks and gaming the system. A mechanism to address this issue is needed.
6.1.5	1A	Support	
6.1.6	1A	Support	
6.1.7.1	2	Support	
6.1.7.2	1B	Support	
6.2.1	1A	Need more information	We would like to know which timeframes are being referred to. The NCSG has a concern about any timeframe in which the respondent has less time to respond.
6.2.2	1A	Support	
6.2.3	1A	2	The NCSG supports the recommendation made in the STI process: the respondent should be given the right to participate in selecting a panel.
6.2.4	1B	Support	
6.2.5	1B	2	This equates default with a presumption of guilt.
6.2.6	2	Support	
6.2.7	2	Support	
6.2.8	2	Support	
6.2.9	2	Support	
6.2.10.1	2	Support	
6.2.10.2	2	Support	
6.2.10.3	1A	2	This equates default with a presumption of guilt.
6.2.11	1B	Support	
6.2.12	1B	Support	
6.2.13	2	Support	
6.3.1	2	Support	
6.3.2	2	Support	
6.3.3	1B	Support	
6.3.4	?		
6.3.5	2	Support	
6.3.6	2	Support	

6.3.7	1A	Support	
6.4.1	1B	Support	
6.4.2	1B	Support	
6.4.3	1A	Support	
6.4.4	2	Support	
7.1	1B	Support	
7.2	1B	Support	
8.1.1.1	1B	Support	Whenever an objection is made on the basis of a fee exemption, the applicant must have a similar fee exemption for the reply; There should be a review done after the round on the affects of free objections.
8.1.1.2	2	Support	
8.1.2	1B	Support	
8.1.3	2	Support	
8.1.4	1B	Support	
8.2.1	1A	Support	
8.2.2	1B	Support	
9	1A	Support	
10.1	TBD		The NCSG supports the work of the JAS WG.
10.2.1	1A	Support	
10.2.2	1A	Support	
10.2	1B	Support	
10.4	1A	Support	
10.5	TBD		The NCSG supports the work of the JAS WG.
10.6	TBD		The NCSG recommends that the JAS WG discuss meeting the GAC request by allowing for support of country sponsored applications that are from the Least Developed Nations (LDC) as defined by the UN.
10.7	1B	Support	
11.1	1B	Support	Concern about the various definitions of criminal behavior.
11.2.1	1B	2	Concern about difficulty in categorizing strings.
11.3	1B	2	Serious privacy concerns
11.4	1B	2	Outside of ICANN's scope.
11.5	1B	2	Serious privacy concerns
11.6	1A	1B	Insure that implementations are done in accordance with privacy standards.
12.1	1B	?	We think we support the Board, and we do so in so far as the Board is supporting the REC6 recommendations on sensitive strings.