

Next Round of New gTLDs

ALAC Procedure for Filing Comments & Objections

Presentation to OFB-WG

Justine Chew

ALAC Representative to SubPro IRT

27 June 2024



Background

- ⦿ In the 2012 Round of New gTLD applications
 - ALAC able to request ICANN to fund an objection to a new gTLD application
 - Funding subject to At-Large bottom-up consensus, involving all 5 RALOs
 - Hence, ALAC Procedure of 14 Mar 2012 was developed
 - s. 3.3.2 of the 2012 AGB also stated eligibility criteria, request for funding instructions, and fund disbursement process
 - Use of Objection Funding Request Form by designated ALAC point of contact

- ⦿ In present implementation for Next Round
 - Funding for ALAC objections still subject to bottom-up consensus
 - **Question: Do we need/want to amend the previous ALAC Procedure?**
 - If yes, how?
 - If no, then just check for outdated text?

Application Comments vs Objections

COMMENTS

- ⦿ No filing fees
- ⦿ No real limits

- ⦿ Submitted during *Application Comment Period (ACP)*
 - Period, closing date TBD
- ⦿ Addressed to independent evaluation panels
- ⦿ Prelude to Objections

VS

OBJECTIONS

- ⦿ Requires filing fees
- ⦿ Standing/Funding for 2 only:
 - Limited Public Interest Objection
 - Community Objection**Excludes any legal fees**
- ⦿ Filed during *Objection Period*
 - Period, closing date TBD
- ⦿ Addressed to dispute resolution service provider panels
- ⦿ Possibly dependent on Comments

The 2 Type of Objections Available to ALAC

- ⦿ A **formal** objection to a gTLD application may be filed on either of the following grounds:

LIMITED PUBLIC INTEREST

- ⦿ **Ground:** applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law
- ⦿ **Eligibility:** Anyone; however objection is subject to a “quick look” review designed to filter out frivolous and/or abusive objections

VS

COMMUNITY

- ⦿ **Ground:** There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted
- ⦿ **Eligibility:** Objector must be an established institution associated with a clearly defined community

Applicant Guidebook 2012 s.3.3.2: Objection Filing Fees

“Funding from ICANN for objection filing fees, as well as for advance payment of costs...is available to the At-Large Advisory Committee (ALAC).”

*“Funding for ALAC objection filing and dispute resolution fees is **contingent on publication by ALAC of its approved process for considering and making objections.** At a minimum, the process for objecting to a gTLD application will require:*

- **bottom-up development of potential objections,***
- **discussion and approval of objections at the Regional At-Large Organization (RALO) level, and***
- **a process for consideration and approval of the objection by the At-Large Advisory Committee.”***

COMMENTS

- New gTLD Working Group (New gTLD WG, predecessor to CPWG)
- Composition – more open
- Acts during *App. Comment Period (ACP)*
 - Comments can be received at large, New gTLD WG decides whether a formal comment should be drafted
 - Formal comment requires ALAC approval

VS

OBJECTIONS

- **At-Large New gTLD Review Group (gTLD RG)**
- Composition
 - At least 2 persons per RALO
 - +1 ALAC Member from each Region
- Action during *Objection Period*
 - Comments on objection grounds received at large, New gTLD WG reviews and decides whether to draft a formal objection statement for RALOs' approval to give to ALAC
 - gTLD RG assigned to draft formal objection statement
 - Each RALO then votes on all objection statements
 - If 3 or more RALOs approve, the ALAC votes on whether to accept RALOs' recommendation
 - If ALAC vote affirmative, then ICANN notified of ALAC's intention to file the objection

Points for Onward Discussion / Input

- **bottom-up development of potential objections,**
 - **discussion and approval of objections at the Regional At-Large Organization (RALO) level, and**
 - **a process for consideration and approval of the objection by the At-Large Advisory Committee.”**
- **For the Next Round, do we need/want to amend the previous ALAC Procedure? For eg.:**
 - Keep comment procedure as before but utilize CPWG? ALAC approval required?
 - What role should CPWG play vs RALOs?
 - CPWG reviews and decides whether to draft a formal objection statement for RALOs' approval to give to ALAC?
 - Or task ad-hoc At-Large New gTLD Review Group (gTLD RG) to bring objection grounds to CPWG?
 - gTLD RG to be constituted by volunteers: At least 2 persons per RALO + 1 ALAC Member from each Region
 - Rely on ad-hoc At-Large New gTLD Review Group (gTLD RG) to draft objection statement?
 - Any objection statement must be approved by ALAC?

Rough Timetable for Completion of Review

