Next Round of New gTLDs

ALAC Procedure for Filing Comments & Objections

Presentation to OFB-WG

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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
  - **<u>Question</u>: 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    - **If no, then just check for outdated text?**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."***

Features of the ALAC Procedures of 14 Mar 2012

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