

Introduction to ALAC Objection Process

This proposal outlines the process how the At-Large Advisory Committee (ALAC) will consider an objection to a gTLD application and obtain funding from ICANN for the objection filing fees.

Under Section 3.3.2 Objection Filing Fees” on page 159 of the The gTLD Applicant Guidebook (AGB) at <http://newgtlds.icann.org/en/applicants/agb/guidebook-full-11jan12-en.pdf> says this about ALAC’s objection filing process:

“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.”*
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Grounds for Objection

(Source : Section 3.2.1, Page 3-4, Page 150 of 349 of AGB)

A formal objection may be filed on any one of the following four grounds:

- String Confusion Objection – The applied-for gTLD string is confusingly similar to an existing TLD or to another applied for gTLD string in the same round of applications.
- Legal Rights Objection – The applied-for gTLD string infringes the existing legal rights of the objector.
- Limited Public Interest Objection – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.
- Community Objection – 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.

Who can file an objection to a gTLD application?

As summarised in the Objection Dispute Resolution Face Sheet at <http://www.icann.org/en/topics/new-gtlds/objection-dispute-resolution-fact-sheet-14dec11-en.pdf>

- For String Confusion Objections, the objector must be an existing TLD operator or a gTLD applicant in the current same application round.
- For Legal Rights Objections, the objector must be a rightsholder whose rights are being infringed.
- For Limited Public Interest Objections, anyone can file an objection; however the objection is subject to a “quick look” review designed to filter out frivolous and/or abusive objections.
- For Community Objections, the objector must be an established institution associated with a clearly defined community.”

Thus, the ALAC only has standing to object to a gTLD application on "Limited Public Interest Objection" grounds or on "community" grounds if ALAC/At-Large is the community that is explicitly or implicitly targeted by the gTLD.

However, <http://newgtlds.icann.org/en/program-status/application-comments> points out that comments may be submitted on an application for an evaluation panel’s consideration (String Similarity, DNS Stability, Geographic Names, Technical & Operational Capability, Financial Capability, Registry Services, Community Priority) within 60 days from the date application comments open so ALAC could submit comments for consideration by the evaluation panel on a gTLD application.

Also, <http://newgtlds.icann.org/en/program-status/application-comments> points out that comments may be submitted on any application for viewing by dispute resolution service providers on the basis of one of the four objection grounds (string confusion, legal rights, limited public interest, community). These comments are NOT formal objections.

However the AGB on page 8 of 349 says this:

“Comments on matters associated with formal objections will not be considered by panels during Initial Evaluation. These comments will be available to and may be subsequently considered by an expert panel during a dispute resolution proceeding”

Objection Filing Procedures

See Page 172 of the AGB for a flowchart of the Objection Filing Process

Overview/Summary of Draft Objection Process

This proposal outlines the process how the At-Large Advisory Committee (ALAC) will consider an objection to a gTLD application and obtain funding from ICANN for the objection filing fees as mentioned under Section 3.3.2 Objection Filing Fees” on page 159 of the The gTLD Applicant Guidebook (AGB) at <http://newgtlds.icann.org/en/applicants/agb/guidebook-full-11jan12-en.pdf>

When ICANN posts all gTLD strings that have been applied for and who applied for each (tentatively May 1 2012) at <http://newgtlds.icann.org/en/program-status/application-results> , this will mark the beginning of two key activities

- [Application Comment Process](#). Anyone interested may submit comments to express any points to be considered by the independent evaluation panels (String Similarity, DNS Stability, Geographic Names, Technical & Operational Capability, Financial Capability, Registry Services, Community Priority) while evaluating any of the new gTLD applications. The comment period is approximate 8 weeks/2months and ends 30 June 2012
- [Objection Period](#). Anyone with grounds to do so may submit a formal objection to any of the new gTLD applications. There's approximately a 7-month window to file a formal objection to any of the applications received.

The ALAC has standing to object to a gTLD application on "Limited Public Interest Objection" grounds and "community" grounds. With respect to of “community” grounds, discussion is ongoing as to what extent that ALAC has standing to object given ALAC is responsible for considering and providing advice on ICANN activities as they relate to the interests of individual Internet users (the “At-Large” community).

It is envisioned that At Large/ALAC could submit comments for consideration by the evaluation panel on a gTLD application or comments or on objection grounds. Comments on objection grounds can be acted upon by the Independent Objector as mentioned under Section 3.2.5 on page 156 of the AGB.

For the ACP, comments are received by At-Large, then new gTLD WG decides whether a formal comment should be drafted for possible ALAC's approval to submit the comment as policy advice from the ALAC. Persons are assigned to hold the pen who does a 1st draft comment, receives comments from At-Large and then publishes a final comment. ALAC then votes on each comment and for those comments approved by ALAC are submitted to ICANN as formal comments from ALAC. RALOs and ALSes are able to submit comments on applied for gTLD strings directly for those statements or comments not considered by ALAC.

For the remainder of the objection period after the ACP (5 months), comments on objection grounds are received by At-Large, then the new gTLD WG reviews those comments for each gTLD application and decides whether to draft a formal objection statement to gTLD application for RALO's approval to give advice to ALAC. A ad-hoc WG is assigned to draft a formal objection statement to a gTLD application, publishes a first draft, receives comments/suggestions from At-Large, and then the ad-hoc WG submits a final objection statement.

All RALOs then votes on all objection statements to gTLD applications . If 3 or more RALOs approve an objection statement, then ALAC then votes on whether to accept the advice by the 3 or more RALOs. If the ALAC vote is yes to accept the regional advice, then ICANN is notified on ALAC's intention to file the objection and does so.

Figure 1 - Before the start of the Application Comment Period (ACP) or before ICANN publicly publishes all gTLD strings and applications

There is a call for participants from all RALOs to join a At-Large new gTLD Review Group (gTLD RG).

The gTLD RG is tasked with

- receiving the comments from At-Large either directly via email or via RALO conference calls,,
- creating/updating the gTLD wiki comment pages
- gives status updates of which gTLD received comments each week
- informs RALOs of deadlines for comments to be drafted and for objection statements

Figure 1 - At start of the ACP

gTLD RG notifies all RALOs when ICANN's publishes all applied for gTLD strings and applications.

Figure 1 - Within 1st week of ACP

The gTLD RG ensures all the applied for gTLD strings and links to applications from ICANN's website is imported into At-Large new gTLD Applications Dashboard

The At-Large new gTLD Applications Dashboard (hereafter referred to as gTLD Dashboard) is a website hosted on the ALAC/RALO's wiki. The ALAC/RALO's wiki runs the wiki software Confluence (<http://www.atlassian.com/software/confluence/>). The familiarity to At-Large, the ease of updating a wiki and the scripting capabilities is a suitable space to capture all comments and possible drafting of formal comments to submit by ALAC for evaluation panels' consideration or objection grounds within the ACP and for drafting a formal objection for RALO's consideration during the objection period.

A prototype gTLD Dashboard can be found at <https://community.icann.org/x/yZHbAQ>

Figure 2 - Up to Week 4 within the ACP

Each week, the gTLD RG updates RALOS of changes to the gTLD Dashboard and creates a gTLD comment page if it receives a comment from At-Large via email or by attending RALO conference calls. Subsequent comments can be added by At-Large directly to the wiki comment page. All commenters or watchers on that wiki space will be notified of such updates automatically.

By the end of week 4, the gTLD RG notifies all RALOs of upcoming new gTLD WG meeting soon after if not at the start of week 5 of the ACP to review submitted comments and to assign persons or to draft formal At-Large comments for possible submission to ICANN's Application Comments.

Figure 3 - Week 5 of the ACP

The gTLD RG gives status update to RALOs on changes to gTLD Dashboard, continues to receive comments and creates/updates wiki pages accordingly.

A conference call held near the beginning of the week, with the new gTLD WG and gTLD RG reviewing the comments on applied for gTLD strings via the gTLD Dashboard.

For each applied for gTLD string that has a comment page for evaluation panels' consideration or on objection grounds:

- a decision is taken whether to draft a formal comment for possible ALAC's approval to submit the comment as policy advice from the ALAC.
 - if yes, person or persons are assigned to hold the pen to draft a formal comment
- gTLD RG updates the status of the decision made on the gTLD Dashboard.

Figure 4 - Week 6,7 of the ACP

The gTLD RG gives status update to RALOs on changes to gTLD Dashboard, continues to receive comments and creates/updates wiki pages accordingly.

The persons holding the pen to draft formal comments updates appropriate wiki page (the wiki page comments for evaluation panels' consideration or comment page on objection grounds) with a draft formal statement. All commenters or watchers on that wiki space will be notified of such updates automatically

Figure 5 - Week 8 of the ACP

The last week of the ACP, the persons holding the pen to draft formal comments should update the appropriate wiki page with a final draft statement for ALAC to review and vote on whether to submit the comment as a comment from the ALAC on the applied for gTLD string.

The ALAC could either call a 5 day vote and vote online or have a conference call to vote on the final statements on applied for gTLDs.

For those statements accepted by ALAC, ALAC (via ICANN At-Large staff) submits to ICANN's new gTLD Public Comment Forum its approved comments on gTLD Applications for evaluations panels' consideration and objection grounds.

RALOs and ALSes are able to submit comments on applied for gTLD strings directly, even for those statements or comments not considered by ALAC.

Figure 6 - 3rd and 4th month after start of ACP

There are 5 months remaining for filing of objection to a gTLD application.

The gTLD RG gives status update to RALOs on changes to gTLD Dashboard, continues to receive comments on objection grounds and creates/updates wiki pages accordingly.

Figure 7 - 5th month after start of ACP

There are 3 months remaining for filing of objection to a gTLD application.

A conference call held near the beginning of the week, the new gTLD WG and the gTLD RG reviewing the objection comments on applied for gTLD strings via the gTLD Dashboard.

For each applied for gTLD string that has a comment page on objection grounds:

- a decision is taken whether to draft a formal objection statement for RALO's approval to give advice to ALAC.
- ad-hoc WG assigned to draft the objection statement for each gTLD string

Figure 8 - 6th month after start of ACP

There are 2 months remaining for filing of objection to a gTLD application.

Ad-hoc WGs publishes 1st draft of objection statement to gTLD string/application for comments/suggestions by At-Large

By end of 6th month, ad-hoc WGs publishes final objection statement ready for RALOs to review and approve

Figure 9 - 7th month after start of ACP

The last month for filing of objection to a gTLD application.

At beginning of 7th month, all RALOs vote on all completed objection statements to gTLDs strings/applications.

By mid month, the results would show which objection statements received the support of 3 or more RALOs.

The ALAC then votes whether to accept the advice for each gTLD string/application by 3 or more RALOs.

If ALAC votes yes to accept the advice, then in co-ordination with ICANN, files the objection statement to the appropriate DRSP.

Appendix - Extracts from AGB on Public Interest and Community Objections

Limited Public Interest Objections

(Excerpted from Section 3.5.3, Page 3-20, Page 167 of 352 of AGB)

An expert panel hearing a Limited Public Interest objection will consider whether the applied-for gTLD string is contrary to general principles of international law for morality and public order.

Examples of instruments containing such general principles include:

- [The Universal Declaration of Human Rights](#) (UDHR)
- [The International Covenant on Civil and Political Rights](#) (ICCPR)
- [The Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW)
- [The International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Declaration on the Elimination of Violence against Women](#)
- [The International Covenant on Economic, Social, and Cultural Rights](#)
- [The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#)
- The [International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families](#)
- [Slavery Convention](#)
- [Convention on the Prevention and Punishment of the Crime of Genocide](#)
- [Convention on the Rights of the Child](#)

Note that these are included to serve as examples, rather than an exhaustive list. It should be noted that these instruments vary in their ratification status. Additionally, states may limit the scope of certain provisions through reservations and declarations indicating how they will interpret and apply certain provisions. National laws not based on principles of international law are not a valid ground for a Limited Public Interest objection.

Under these principles, everyone has the right to freedom of expression, but the exercise of this right carries with it special duties and responsibilities. Accordingly, certain limited restrictions may apply.

The grounds upon which an applied-for gTLD string may be considered contrary to generally accepted legal norms relating to morality and public order that are recognized under principles of international law are:

- Incitement to or promotion of violent lawless action;
- Incitement to or promotion of discrimination based upon race, colour, gender, ethnicity, religion or national origin, or other similar types of discrimination that violate generally accepted legal norms recognized under principles of international law;

- Incitement to or promotion of child pornography or other sexual abuse of children; or
- A determination that an applied-for gTLD string would be contrary to specific principles of international law as reflected in relevant international instruments of law.

The panel will conduct its analysis on the basis of the applied-for gTLD string itself. The panel may, if needed, use as additional context the intended purpose of the TLD as stated in the application.

Community Objection

Section 3.5.4 mentions four tests that will enable a DRSP panel to determine whether there is substantial opposition from a significant portion of the community to which the string may be targeted.

For an objection to be successful, the objector must prove that:

- The community invoked by the objector is a clearly delineated community; and
 - Community opposition to the application is substantial; and
 - There is a strong association between the community invoked and the applied-for gTLD string;
- and
- The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted.