

BRG / Philip Sheppard comments on Westlake preliminary report of February 2015 on the GNSO review

1. Page 6: Context for this review

It is suggested that this key ICANN board resolution is included:

In its resolution of 28 September 2013 the ICANN Board stated:

*"The expansion of the TLD space has increased the number and variety of stakeholders participating in GNSO policy making and a review needs to take place on schedule to examine whether the current model meets the needs of **a new generation** of stakeholders.*

*GNSO Structure is unlikely to accommodate the anticipated new stream of stakeholders resulting from the expansion of the TLD space. The GNSO Review will be an important vehicle for considering and addressing this issue. **The unbalance that is already occurring** needs to be addressed by the GNSO Review. "*

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A case was put to us that the existing division of constituencies does not well serve "brands" that are, increasingly, acquiring their own TLDs in which they can be registries, registrars and business users, and within which policy rules may be different from open TLDs.

Suggest clarification:

A case was put to us that the existing GNSO Structure fails completely to serve "brands" that are, increasingly, acquiring their own brand registries. The business objective and internal policies of brand registries are radically different to the open registries around which the current GNSO was created. The charter of the Registry Stakeholder Groups does not allow for constituencies but a looser concept of Interest Groups.

Moreover, the arrival of brand registries challenges the very basis of the current GNSO structure with its division between users (the CSG and NCSG) and contract parties (RSG and RySG). A brand may well be simultaneously: a registry, a business user or a non-commercial user, and have intellectual property interests.

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The changing environment drives a requirement for flexibility in policy-making and representative structures. An example of this is the interest of brands in new gTLDs – brand owners potentially become registries, registrars and users of domains, as well as maintaining their obvious interests in intellectual property.

In theory the current GNSO structure provides for the creation of new constituencies so that a wider range of views can be represented.

Suggest clarification to paragraph2:

The current GNSO structure, which predates new types of TLDs, and the underlying charters of the stakeholder groups provides for the creation of new constituencies only in two of the four Stakeholder Groups (Commercial SG and the Non-Commercial SG). The charters of the Registry Stakeholder Group and the Registrar Stakeholder group do not allow for new constituencies.

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There may well be further comments on 7.4.4 where Westlake text is in preparation:

[7.4.4 BGC WG Recommendations 10 and 11.](#)

(Restructure Council membership and councilor term limits).