

4.3.9 Global Public Interest

- 4.3.9.1 Explanation of Subject

One of the governing elements in introducing new gTLDs was that they adhere to ICANN's Mission and Core Values, with the subject of Global Public Interest specifically identified in Article 1, Section 2.6, which states:

Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.

The 2007 Final Report did not attempt to define, or measure the impact of the introduction of new gTLDs on the public interest. Only Recommendation 6 appeared to provide guidance on the subject, though it was limited to the composition of the string, not regarding the behavior of the registry:

Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.

Examples of such principles of law include, but are not limited to, 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) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).

- 4.3.9.2 Questions and Concerns Related to Subject

The ICANN Board provided suggestions on areas for possible policy work in Annex A to a resolution passed on 17 November 2014 on Planning for Future gTLD Application Rounds¹. One of those areas identified was focused on “public interest guidance”, which the DG found to capture their issue sufficiently and succinctly:

The New gTLD Program was developed in the spirit of advancing the public interest; however, existing policy advice does not define the application of “public interest” analysis as a guideline for evaluation determinations on individual applications. Issues such as those identified in GAC advice on safeguards, the development of Public Interest Commitments (PICs), and associated questions of contractual commitment and enforcement may be an area for policy development.

¹ Ibid

Section 4.4.1 on Applicant Freedom of Expression contains substantial analysis around human rights and the global public interest and may be of some use to the discussion around this subject.

- *4.3.9.3 Relevant Guidance*
 - Annex A - <https://www.icann.org/en/system/files/files/resolutions-annex-a-17nov14-en.pdf>
- *4.3.9.4 Rationale for Policy Development*

ICANN's mission is primarily of a technical coordination role, though its core values note that in carrying out this mission, it should be done in a fashion that takes into account the public interest. A potential PDP-WG on New gTLD Subsequent Procedures may want to consider the issues identified above for possible policy development.

It should be noted that the discussion of global public interest is not isolated to the New gTLD Program and is possibly beyond the scope of this potential PDP-WG on New gTLD Subsequent Procedures. It may be more appropriate to integrate the definition of global public interest and ICANN's policies towards those interests, which would presumably be developed within the wider community. In particular, the development and implementation of a global public interest framework is part of ICANN's Strategic Plan² and the work related to this effort should be taken into account during PDP-WG deliberations.

² See: <https://features.icann.org/plan/objective/9622286347d80fd5fd89d3b537417aeb>