

Blue Sky Exercise

Snapshot of Etherpad taken from <http://willyou.typewith.me/p/BlueSky%20-%20Objection%20Process>

Updated from Etherpad: 12 Dec 0135 UTC

If you have made a comment though email, the Etherpad or other method that you do not see reflected here, please let it be known by sending email to the WG email list with a pointer to where your content can be found so that it can be added. This collection will be used to produce a first draft of requirements and possible solution for the ALAC Objection process

Blue sky exercise - questions, possible requirements and possible solutions

- Is the At-Large objection process a review of all applications (similar to the reported GAC process) or an exception process where only applications that are raised by the community (by the At-Large Community)
 - <CLO> My first thought on this choice is the latter => a Community Objection raised by the At-Large (or can it be at-large??? why not?) Internet Users if it is At-Large then we should probably also consider a minimum (or threshold of support { X # of ALSes or Regions etc., in favour of the 'Objection on behalf of a/the [identified] Community) that sort of thing... BUT that is a first reaction I can see where a parallel to GAC review plans might also work but then why not let them be Pro-Active from their 'unique' POV and we (ALAC and At-Large) act as conduit for **genuine** Community concerns that has may not fit the GAC 'filter' Yes that might be Re-active but
 - <avri> I would think that the GAC perspective will be rather different from a At-Large perspective. The GAC perspective will be controlled by national laws and sensitivities. I do not know exactly what will motivate At-Large objections, but I do not expect they will map to national law and especially national sensitivities.
 - <BretF> I think it would be really helpful if we thought about the sorts of things that might be objectionable before the application process got underway so prospective applicants could address our concerns. I know some things will only be clear in hindsight, but one measure of success would be announcing the sort of things that the ALAC found objectionable and then having applicants steer clear of our issues.
 - <DevT> I suggest the latter (applications raised by the community) - From a reading of the gTLD Applicant Guidebook, it looks the ALAC has standing to object on "Limited Public Interest Objection" grounds ; According to Page 154 of the gTLD Applicant Guidebook (19 Sept 2011 clean version) "Established institutions associated with clearly delineated communities are eligible to file a community objection" or the Independent Objector (Page 156)
 - <CLO> Yes the 'standing we have on this' is a privilege that should be guarded and used wisely and transparently with full accountability etc.
- Is there estimate of how many applications we expect to be subject to At-Large objection process or objection process review
 - <CLO> nope not to my knowledge but I would have thought the number reasonable low like N=<3-5 or so
 - <DevT> Given that the typical objection and DRSP fees can range from USD 70,000 to USD 122,000 (Page 47), it seem likely that only a small number of objections (around 3 say) that we would be able to file
- Are there, or should there be, tools to aid in the process.
 - <CLO> yup and they need to be accessible accountable and transparant....
- if so what sort of tools?
 - <CLO> darn good question => in this we must consider MUCH more...
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<DevT> Ideas for Objection Process :

1) ICANN posts the public portions of all applications considered complete and ready for evaluation (<http://newgtlds.icann.org/program-status/application-results>) within two weeks of the close of the application submission period and starts the Application Comment Period & GAC Early Warning of 60 days (subject to extension, depending on number of applications) and 7 months for objections.

2) Notice of public posting of gTLD applications would regularly be sent (once a month) to all ALAC, At-Large and RALO lists.

Such notices would also be for discussion during ALAC and RALO teleconference calls and updated to reflect any news pointing to public comments and /or DRSP website updates of objections filed during the 60 day comment period and 7 month objection period

(Question : should a WG be created before the beginning of the Application Comment Period with RALO and ALAC representation to monitor the gTLD public comments and DRSP website updates and provide updates to the RALOs?)

3) Is there any application that ALAC or any RALO or RALOs believes that 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?

4) If Yes, RALO (or a ad-hoc At-Large group) produces draft text explaining the validity of the objection and why it should be upheld.

(draft objection statement to gTLD application document produced). Such a statement should be shall be limited to 5,000 words or 20 pages, whichever is less, as per the objection process in the AGB

5) Draft objection statement to application document sent to ALAC and other RALOs for discussion.

6) Based on comments received, a final objection statement is produced by the RALO or ad-hoc At-Large group.

(Ideally, all objection statements should be drafted and ready for RALOs to review)

7) RALO that raised the objection votes on the final objection statement as regional advice to ALAC to consider the application.

OR

All RALOs vote on the final objection statement to send as regional advice to ALAC to consider the application ; at least 3 RALOs needed to support the final objection statement for ALAC to consider.

8) If RALO vote is yes, (or 3 RALOs express support for the final objection statement), ALAC then considers and votes on whether to accept the regional advice to file an objection

9) If ALAC vote is yes, then ALAC notifies ICANN (to ensure that ICANN will be ready to pay the objection filing fees) and some time after files the objection to the appropriate DRSP.

Additional Notes regarding Objection Process :

Page 160 of 352 from the AG Guidebook dated Sept 19 2011 (clean version) at <http://www.icann.org/en/topics/new-gtlds/rfp-clean-19sep11-en.pdf> :

"At the time an objection is filed, the objector is required to pay a filing fee in the amount set and published by the relevant DRSP (dispute resolution service provider). If the filing fee is not paid, the DRSP will dismiss the objection without prejudice. See Section 1.5 of Module 1 regarding fees.

Funding from ICANN for objection filing fees, as well as for advance payment of costs (see subsection 3.4.7 below) 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"

</DevT>

Comment received by email

From: Hong Xue <hongxueipr@gmail.com>

Subject: Re: [GTLD-WG] Meeting Invitation / gTLD Working Group teleconference - Monday 05 December 2011 at 1400 UTC

Date: 2 December 2011 20:55:45 EST

To: ICANN AtLarge Staff <staff@atlarge.icann.org>

Cc: gTLD WG <gtld-wg@atlarge-lists.icann.org>

Hi, I cannot join the call but would like to provide my comments on objection process.

If reading from the Guidebook, we could see two specific references to At-large/ALAC objections:

- 1. Budget--but not clear if it is specifically for at-large to lodge objections to the DRP service provider (ICC);*
- 2. RALO to ALAC process against community-base applications--it is still not clear how to involve individual ALSes.*

On additional issue not in the GB: unlike GAC that is entitled to both objection process and independent early warnings, at-large objection seems limited to objection process and no other alternative.

Hong

Begin forwarded message:

From: Dev Anand Teelucksingh <admin@ttcsweb.org>

*Subject: **GTLD-WG** v1 of draft At-large Objection Process*

Date: 9 December 2011 12:51:49 EST

To: At-Large GTLD WG List <gtld-wg@atlarge-lists.icann.org>

Dear All,

Here are some ideas on how the At Large objection process would work for discussion here and on the Monday's conference call.

From a reading of the gTLD applicant Guidebook (AGB) at <http://www.icann.org/en/topics/new-gtlds/rfp-clean-19sep11-en.pdf> , pages 151-156 suggest that 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.

- 1) ICANN posts the public portions of all gTLD applications considered complete and ready for evaluation (<http://newgtlds.icann.org/program-status/application-results>) within two weeks of the close of the application submission period and starts the Application Comment Period & GAC Early Warning of 60 days (subject to extension, depending on number of applications) and 7 months for objections.*

- 2) Notice of public posting of gTLD applications would regularly be sent (once a month) to all ALAC, At-Large and RALO lists. Such notices would also be for discussion during ALAC and RALO teleconference calls and updated to reflect any news pointing to public comments (<http://newgtlds.icann.org/program-status/application-comments>) and/or Dispute Resolution Service Provider (DRSP) website updates during the 60 day comment period and 7 month objection period
- 3) Is there any applied-for gTLD string that ALAC or any RALO or RALOs believe is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law?
- 4) If Yes, RALO (or a ad-hoc At-Large group) produces draft text explaining the validity of the objection and why it should be upheld. (draft objection statement to gTLD application document produced). Such a statement should be shall be limited to 5,000 words or 20 pages, whichever is less, as per the objection process in the AGB
- 5) Draft objection statement to gTLD application sent to ALAC and other RALOs for discussion.
- 6) Based on comments received, a final objection statement to gTLD application is produced by the RALO or ad-hoc At-Large group.
- 6a) Repeat steps 3-6 for any other gTLD application that any RALO or ALAC believes that is contrary to generally accepted legal norms of morality and public order (Ideally, all objection statements should be drafted, finalised and ready for all RALOs to review)
- 7) All RALOs vote on the final objection statement to gTLD application to send as regional advice to ALAC to consider the objection ;
at least 3 RALOs are needed to support the final objection statement for ALAC to consider such advice.
- 8) If 3 or more RALOs vote to approve the final objection statement, ALAC then considers and votes on whether to accept the majority of the RALOs' regional advice to file an objection. If less than 3 RALOs express support for the final objection statement, then ALAC does not have to consider such objection statements not receiving RALO majority support.
- 9) If ALAC's vote is yes, then ALAC notifies ICANN (to ensure that ICANN will be ready to pay the objection filing fees) and in coordination with ICANN, files the objection to the appropriate DRSP. If ALAC vote is no, then no objection is filed ; RALOs and ALSes can file public comments which may be acted upon by the Independent Objector.