



The Internet Corporation for Assigned Names and Numbers

4 September 2015

Thomas Schneider
Chair, ICANN Governmental Advisory Committee

Re: Clarification request re GAC Buenos Aires Communiqué

Dear Mr. Schneider:

The Board New gTLD Program Committee (NGPC) respectfully requests clarification of certain terminology that appears in the GAC's Communiqué issued at the ICANN 54 Public Meeting in Buenos Aires, Argentina. In Section VI. Advice to the ICANN Board, the GAC "recommends" and "additionally recommends" that the NGPC take certain actions:

a. The GAC recommends that the NGPC:

- i. Create a list of commended public interest commitment (PIC) examples related to verification and validation of credentials for domains in highly regulated sectors to serve as a model. These public interest commitments could demonstrate a best practice for other gTLD registry operators. For example the PIC for .bank appears to have taken steps to provide confidence to consumers that they can rely on the *bona fide* of the Registrants listed. Relevant stakeholders should be identified and encouraged to devise a set of PICs that work well for the protection of public interests in each of the new gTLDs related to highly regulated sectors.

b. The GAC additionally recommends:

- i. that the ICANN community creates a harmonised methodology to assess the number of abusive domain names within the current exercise of assessment of the new gTLD program.
- ii. that the NGPC clarifies its acceptance or rejection of Safeguard advice. It would be useful to develop a straightforward scorecard on all elements of GAC Safeguard advice since the Beijing 2013 GAC Communiqué in order to clarify what elements of GAC advice have been implemented, what remains a work in progress, and what has not been accepted for Implementation. In any instances of complete or partial rejection of the Advice, the GAC urges the NGPC to clarify the milestones intended to be followed in order to seek a potentially "mutually acceptable solution" as mandated by ICANN's Bylaws.¹

¹ GAC Buenos Aires 53 Communiqué, 24 June 2015 at p. 5, available at <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings>.



The NGPC would appreciate the GAC's view on whether "recommends" is equivalent to "advises" and therefore carries with it the ICANN Bylaw obligations concerning GAC advice, or whether instead it conveys more flexibility to the Board in terms of the range of actions it can take without invoking the ICANN Bylaw obligations. This guidance would be immensely helpful to the NGPC's consideration of and response to the GAC's recommendations.

Thank you for your consideration of this request for clarification. Please let us know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Crocker", is written over a light blue horizontal line.

Dr. Stephen Crocker
Chair, ICANN Board Of Directors