

27 April 2016

GNSO Council Review of the Marrakesh GAC Communiqué

From: James Bladel, GNSO Chair

To: Steve Crocker, ICANN Board

Dear Members of the ICANN Board,

On behalf of the GNSO Council, I'm hereby transmitting to you the GNSO Council's [review](#) of the GAC Marrakesh Communiqué. This review is an effort to provide feedback to you, in your capacity as members of the ICANN Board, as you consider issues referenced in the GAC Communiqué that we believe relate to generic top-level domains. Our intent is to inform you, as well as the broader community of gTLD policy activities, either existing or planned, that may directly or indirectly relate to advice provided by the GAC.

As we noted in our response following the Buenos Aires meeting, the GNSO Council review of the GAC Communiqué is part of our continuing dialogue with the GAC to facilitate early engagement in GNSO policy development activities. To this end, I am also sharing this communication with the GAC Chair for distribution to the GAC membership.

The GNSO Council hopes that the input provided through its review of the GAC Communiqué will enhance co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

James Bladel
Chair, GNSO

Cc: Thomas Schneider, Chair, GAC

GNSO REVIEW OF THE [MARRAKECH GAC COMMUNIQUE](#)¹

GAC Advice - Topic	GAC Advice Details	<i>Does the advice concern an issue that can be considered within the remit² of the GNSO (yes/no)</i>	<i>If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?</i>	<i>How has this issue been/is being/will be dealt with by the GNSO</i>
Future gTLDs Rounds: Public Policy Issues	<p>GAC Members reviewed the public policy aspects of current work across the ICANN community that impacts on the policy framework for future rounds of new gTLDs. This work includes the PDP on Subsequent Procedures, the CCT Review, the Program Implementation Review, Reviews of Root Stability and the Trademark Clearing House; and development of metrics to assess gTLD developments.</p> <p>The GAC recalls the ICANN-wide shared understanding</p>	Yes		<p>The GNSO Council agrees that future new gTLD rounds would benefit not only from the reviews mandated by the Affirmation of Commitments, but also from reviews currently being carried out by GNSO Working Groups. As the GAC has outlined there are many ongoing reviews that address the new gTLD program.</p> <p>The community along with the Board should make it a priority to ensure that there is a logical sequence in the review and resulting policy review.</p>

¹ Only of “Section VI of the Communiqué: GAC Advice to the ICANN Board”

² As per the ICANN Bylaws: ‘There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

	<p>that development of a policy framework for future new gTLD rounds should follow a logical sequence of review of the current round and associated issues so that this can inform policy development through GNSO-based community processes. The GAC notes with concern that current PDP scheduling may put this logical sequencing at risk, potentially leading to policy development work that does not have access to the most up to date and comprehensive data and analysis.</p> <p>a. The GAC therefore reiterates previous advice to the Board to:</p> <p>i. ensure that a proper assessment of all relevant aspects of the new gTLD program is made, taking into account feedback from all stakeholders, and that development of future rounds should be</p>			<p>The GNSO Council agrees that raising awareness of any future efforts to introduce new gTLDs in the underserved regions should be an important consideration. However, we would also like to note that having gTLD registry operators is only one part of the problem since registrants also need registrars or resellers with local language and payment method support.</p>
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	<p>based on the conclusions of this assessment.</p> <p>b. The GAC advises the Board to:</p> <p>i. give particular priority to awareness raising in, and facilitating applications from, underserved regions.</p> <p>Having noted these concerns, GAC members will nevertheless make efforts to participate in open processes such as PDPs. The GAC, with the support of its independent Secretariat, will strive to provide input to all relevant work on future gTLD policies at an early stage and relevant later stages. In view of the overall community workload, the GAC notes the importance of allowing sufficient time for appropriate engagement.</p>			
Privacy and Proxy Services	The GAC thanks the GNSO Privacy & Proxy Services			The GNSO Council is disappointed that the GAC asked for a delay in

<p>Accreditation Issues</p>	<p>Accreditation Issues Policy Development Process Working Group for its significant effort in producing its Final Report, which contains many beneficial recommendations. The GAC submitted comments on the Initial Report, reflecting public policy issues, which are attached at Annex A.</p> <p>The GAC welcomes the request by the Board, in a letter dated February 19th 2016, to submit any public policy issues raised by the recommendations set forth in the Final Report. Consistent with the GAC's prior comments on the initial report and the 2007 GAC Principles regarding gTLD WHOIS Services, particularly Principle 3 regarding assisting law enforcement authorities in investigations, and Principle 6 regarding contributing to user</p>	<p>Yes</p>		<p>Board action on the PPSAI recommendations and hope that their concerns can be resolved as expeditiously as possible so that we can move to implementation.</p> <p>The GNSO Council notes that the GAC provided comments on the PPSAI Final Report via the Public Safety Working Group, which were considered by the Working Group. It is the hope of the Council that the GAC will not use the opportunity to discuss the Final Report of the WG as an opportunity to discuss new concerns.</p>
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	<p>confidence in the Internet by helping users identify persons or entities responsible for content and services online, the GAC believes that the recommendations set forth in the Final Report may raise certain public policy issues regarding consumer safety and trust.</p> <p>a. The GAC advises the Board to:</p> <p>i. allow sufficient time for GAC consideration of possible advice on these important public policy issues and requests that the Board meets with the GAC prior to considering adoption of the Privacy Proxy Services Accreditation Issues PDP Final Report. The ICANN 56 meeting would be an appropriate opportunity to consider these issues further.</p>			
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<p>Work Scheduling and Workload Management</p>	<p>The GAC is concerned that there continues to be a high number of concurrent work programs across ICANN with significant workload implications for the GAC and the wider community. For example, existing reviews on the first round of new gTLDs, preparation for subsequent rounds, and a wide range of work on WHOIS issues have continued without timeline adjustment despite the high priority work generated by the IANA Stewardship Transition Process.</p> <p>The GAC acknowledges the need to consider the different priorities of each of the SOs and ACs.</p> <p>a) The GAC advises the Board to:</p> <ul style="list-style-type: none"> a. an exchange at ICANN 56 between all the SOs and ACs regarding how work requiring community input is 	<p>Yes</p>		<p>The GNSO Council is also struggling with how to manage the community workload. The last few PDPs have had a significant number of community member participation. The RDS, New gTLD Subsequent Procedures and RPM WGs all have had more than 100 community members sign on. Also the CCT review team had more than 70 candidates to select from to fill the 15-member team. The GNSO Council welcomes the opportunity for community wide discussions at ICANN 56.</p>
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	<p>scheduled and managed by the respective SO and AC communities, particularly for issues of broad interest across the community as a whole. The GAC considers that a joint SO/AC review will permit the Board to better assess the level of concurrent work the community can manage. This exchange should include consideration of:</p> <ul style="list-style-type: none">i. how different community priorities are balanced; andii. how this process can maximize community participation in policy development processes.			
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