

18 December, 2018

Cheryl Langdon-Orr, Co-Chair
Jeff Neuman, Co-Chair
GNSO New gTLD Subsequent Procedures PDP Working Group

RE: New gTLD Subsequent Procedures PDP WG Supplemental Initial Report

Dear Ms. Langdon-Orr and Mr. Neuman,

I am writing in response to the request in your 7 November letter for the Board to provide feedback on the New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group's Supplemental Initial Report. The Board appreciates the level of detail and analysis that the Working Group has taken in analyzing the 5 issues discussed in the report. The serious effort that is being made to reach consensus on the policies related to each of the issues does credit to the GNSO, to the Subsequent Procedures working group, and to the supporting staff.

In terms of some of the issues wherein the group is still working on consensus, we continue to support the view that the policy recommendations for the Generic Names Supporting Organization (GNSO) be built upon existing policies and the Application Guidebook (AGB) and other New generic TLD Program materials unless, and except, for where they have been modified based on Subsequent Procedures PDP consensus. We would be interested in greater understanding on how this default condition will be used to close discussions that do not seem capable of consensus for change at this point in time. We would also like to understand how subjects that do not currently reach consensus can be further reviewed at a later time without the necessity for future gaps in subsequent application procedures.

The Board also appreciates the efforts the GNSO and the PDP leadership continue to take to include other stakeholders in the discussions on the various issues in the PDP working group and subgroups, and the bold new practices being used to bring all parties into the discussion.

Since there are a number of areas the PDP Working Group is still considering as well as the changes that may be made in considering comments, the Board may have questions and comments in the future as discussions advance. There were a few issues that the Board would like to comment on in the Supplementary Initial Report:

- One of our major concerns in reading the discussions in the Supplementary Final report relates to new procedures that may be open to abuse in ways that have not yet been understood. We would like to better understand the analysis that has gone into determining the likelihood, and types, of abuse that may open up with any new procedures.

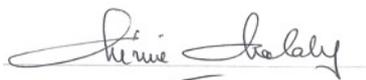
We believe that any new recommendations should guard against bad faith applications to the extent possible.

These concerns mostly center on the issues of auctions of last resort and on private auctions. We take special note of the possible practice of participating in private auctions for the sole purpose of being paid to drop out. We also take note of the abuse that becomes possible in alterations to the change request mechanisms.

- The Board has concerns about whether, and in what ways, the availability of private auctions incentivizes applications for purposes other than actually using the string; and we are interested in how these incentives for abuse might be minimized.
- On some recommendations the Board remains concerned about adding functions that may exceed ICANN's scope or mission. We also remain concerned with how these changes would be implemented in subsequent procedures and the burden that they may add to application processing systems and procedures.

Again, the Board appreciates the effort and time being devoted by the Subsequent Procedure Working Group, its leadership, and the support team. We are available to respond to any specific questions the PDP WG might have for the Board.

Best regards,



Cherine Chalaby
Chair, ICANN Board of Directors