

ICM – Chart of GAC Advice*

Reference	Source	GAC Advice*	Additional Discussion
GAC-BD-XXX-2010-10-28-c1	Wellington Communiqué and 2 February 2007 letter	The Wellington Communiqué noted that several GAC members were emphatically opposed from a public policy perspective to the introduction of an .XXX sTLD, and not contingent on the specificities of the proposed agreement. The GAC member opposition was reiterated in the 2 February 2007 letter.	The question remains whether a position taken by “several members of the GAC” can be equated with GAC advice on public policy matters. If it is not GAC advice, then the concern of inconsistency diminishes.
GAC-BD-XXX-2010-10-28-c2	Lisbon Communiqué	The Lisbon Communiqué stated that ICANN could be moving towards assuming an ongoing management and oversight role regarding Internet content, which is inconsistent with its technical mandate.	The concern of ICANN being required to oversee content, while mitigated through the creation of the ICM Compliance Reporting System, may not be fully eliminated through the proposed Registry Agreement. There is the possibility that ICANN may be required to take compliance action against ICM for content-related matters that also result in violations of the Registry Agreement. Further, regardless of the merit of such requests, if the .XXX sTLD Registry is delegated, registrants and others will likely turn to ICANN for assistance with content-related issues. ICANN cannot stop such requests for content oversight to occur. The ICANN Board and the GAC may benefit from further discussion of this potential issue.

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Reference	Source	GAC Advice*	Additional Discussion
GAC-BD-XXX-2010-010-28-c3	4 August 2010 letter	The 4 August 2010 GAC letter called for a cross-community discussion to assist in the development of an objection procedure “that both recognizes the relevance of national laws and effectively addresses strings that raise national, cultural, geographic, religious and/or linguistic sensitivities or objections that could result in intractable disputes. These objection procedures should apply to all pending and future TLDs.”	There are no objection procedures in place or contemplated to address the possibility that the .XXX string may raise national, cultural, geographic, religious and/or linguistic sensitivities or objections. ICANN has been dealing with this issue within the New gTLD program, however that work remains separate from the consideration of the .XXX sTLD, which is not subject to the timing or the requirements of the New gTLD program. Further, outside of the public comment periods, there was no formalized string objection process within the 2004 sTLD RFP process when ICM applied for the .XXX sTLD. If the “pending” TLD refers to .XXX, the approval of the .XXX sTLD Registry Agreement without allowing for these types of objections would be inconsistent with GAC advice.

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