The New gTLD Applicant Group (NTAG) is a group of applicants operating under the umbrella of the Registries Stakeholder Group (RySG). The NTAG is a diverse group of over 100 members accounting for over half of all new gTLD applications. The NTAG is comprised of members from each of the five ICANN regions, and includes applicants for IDN, Geographic, Brand, Community, and other applicants. More than 50% of its members applied for only one gTLD, and collectively the group has paid ICANN in excess of $175 million in application fees.

These comments are in response to the Governmental Advisory Committee's (GAC) Advice to the ICANN Board of Directors as laid out in the [Beijing Communiqué](#), which was issued on April 11, 2013.

We would first like to express gratitude to Ms. Heather Dryden, Chair of the GAC, and each country's representative who participated in the GAC meetings to achieve the issued Advice pertaining the New gTLD Program. Coming to consensus and producing the GAC Communiqué on such topics was undoubtedly taxing and controversial, and the NTAG appreciates this diligent work.

While the NTAG supports the GAC's efforts, we nonetheless have important concerns, which we would like to highlight here, specifically pertaining to the process and the role of the GAC Advice within the New gTLD Program and the multi-stakeholder process. While individual members of the NTAG may take issue with particular points within the Beijing Communiqué, the NTAG takes a broader view. It is the NTAG's belief that the advice from the Beijing Communiqué largely attempts to advance policy initiatives in a manner that is not consistent with Applicant Guidebook's definition of GAC Advice and the role of the GAC.

GAC Advice is initially defined in Module 1.1.2.7 of the Applicant Guidebook, which states:

> *The GAC may provide public policy advice directly to the ICANN Board on any application… If the Board receives GAC Advice on New gTLDs stating that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN Board that the application should not be approved.*

GAC Advice is further explained in Module 3, where it states, "The process for GAC Advice on New gTLDs is intended to address *applications* [emphasis added] that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities."

At this stage in the new gTLD process, the role of GAC Advice, as outlined by the Applicant Guidebook (AGB), is meant to provide targeted advice toward specific applications with concrete recommendations as to how the Board should consider such advice.
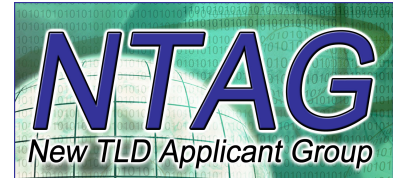
Given this clearly stated criteria, the NTAG specifically has concerns around "safeguard advice for new gTLDs," which calls for the enactment of safeguards that would apply to the entire new gTLD program writ large (Communiqué page 3, section IV.1.b.). Our concerns are twofold: First, the GAC has had, and has taken, multiple opportunities to provide advice on the new gTLD program as a whole. GAC principles on new gTLDs in fact influenced the new gTLD PDP. The GAC has issued Communiqués at every ICANN meeting since the start of the new gTLD program and in many circumstances that advice was heeded and incorporated into the Applicant Guidebook, obligating each applicant to implement that "advice" under the Applicant Guidebook rules. Second, in 2011 when the GAC still had significant concerns regarding the Applicant Guidebook rules, an extra-ordinary, government-focused process was created that led to the creation of the GAC Scorecard and a follow on inter-sessional meeting in Brussels, where the Board and the GAC directly engaged to address a host of critical issues – almost all of which were also included in the Final Applicant Guidebook as set policy.

The issue for the NTAG is not whether the type of advice that was given in the Beijing Communiqué is warranted or not. The issue is *how* to manage changes in policy within the bottom-up, multi-stakeholder model. It is not the role of the GAC to make those decisions; it is through the policy development process (PDP) that such changes are made. As such, we urge the Board to carefully consider whether such safeguards deserve deeper community discussion and consideration and if so, the Board should initiate a community process to fully develop these parameters *while ensuring that the new gTLD program is not delayed*.

Further, the NTAG also notes the complete lack of transparency regarding GAC deliberations and its resulting Advice. We understand that the GAC periodically needs to work in a closed session to have meaningful and frank deliberations without the scrutiny of the public. However, the GAC Advice meetings in Beijing were entirely closed, providing no transparency, ability for broader understanding, or participation. This is especially concerning because transparency is paramount in ICANN's multi-stakeholder model and consensus building process. Because the GAC New gTLD Advice deviates from or seeks to add layers on to existing policies in the Applicant Guidebook, it makes it all the more important to allow applicants the ability to understand the drivers behind the advice and how certain portions of it were reached. In certain cases, the Advice or its objectives are not clear. Interchange would promote better understanding.

The NTAG therefore requests that the Board review GAC Advice according to the terms of the AGB, the terms of which applicants have relied on, and the clearly defined roles of discrete parts of the ICANN community.

In conclusion, the NTAG appreciates the work of the GAC and applauds its work in its remit to protect the public interest but does not want to see that done at the expense of the multi-stakeholder model or the PDP. While some members of the NTAG may disagree with parts of the GAC Advice, our membership looks forward to working with ICANN leadership and the Board to continue to move the program forward in an efficient and effective way, while respecting the collaborative multi-stakeholder, bottom-up, consensus-driven process.
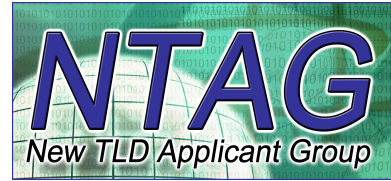
1. Level of Support of 100 Active Members: Of the Voting Members who voted, a Supermajority voted in favor of the above Public Comments. Details on the level of support are outlined below.

   1.1. # of Voting Members in Favor out of 80:  23
   1.2. # of Voting Members Opposed out of 80:  4[1]
   1.3. # of Voting Members that Abstained out of 80:  1
   1.4. # of Voting Members that did not vote out of 80:  52
   1.5. # of Non-Voting Members in support out of 20:  9
   1.6. # of Non-Voting Members in opposition our of 20:  0

Note:
NTAG Members who are able vote in another ICANN Stakeholder Group or Constituency are not eligible to vote in the NTAG.
Each eligible Voting NTAG member is entitled to one vote, regardless of the number of TLDs they have applied for.

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[1] The following members opposed (i.e., voted 'no') these Public Comments:
Artemis Internet Inc.
DotMusic Ltd.
Dot Registry LLC
Latin American Telecom, LLC