Comments on the New gTLD Program Implementation Review Report

The Universal Postal Union (UPU), created in 1874, is an intergovernmental organization and the primary forum for international postal sector cooperation. With 192 member countries and their territories, the UPU is also a specialized agency of the United Nations. To maintain the global postal territory, the UPU establishes rules for international postal exchanges among member countries. It also provides technical assistance, advising on improving the quality of international postal services and stimulating their growth to aid the socio-economic development of member countries.

The international postal network is the world's largest physical distribution network with more than 640,000 postal outlets. It also one of the largest employers with some 5.5 million employees.

In 2009, the UPU signed an agreement with ICANN to operate the .POST TLD, which was launched in 2012, as a community regulated domain for the postal and mail community.

The UPU acknowledges ICANN's efforts to undertake a comprehensive review of the new gTLD Program, and appreciates the opportunity to provide comments to ICANN on the New gTLD Program Implementation Review Report as part of the public process launched at https://www.icann.org/public-comments/new-gtld-draft-review-2015-09-23-en.

The UPU is submitting these comments based on its experience as a community sponsor of a TLD regulated by treaty (.POST) as well as a community objector against .MAIL. These comments are submitted with the aim of helping ICANN with its announced improvement review process.

New gTLD Program Implementation Review Report

2.4 DNS Stability Evaluation

Suggestions:

For the next round, the UPU encourages ICANN staff to address the topic of name collisions well in advance and in a proactive manner.

We would like to invoke again the SSAC; and to recall that the name collision issue was not managed in a timely manner by ICANN during this round. Indeed, the SSAC advice on that matter was submitted early in the process but ignored by ICANN staff until very late in the evaluation process.

We would like as well to recall here the outcomes from the final report on "*Mitigating the Risk of DNS Namespace Collisions*", as issued by JAS Global Advisors and published on 30 November 2015 (https://www.icann.org/news/announcement-2-2015-11-30-en), which confirms their stance for recommendation 1:

"*RECOMMENDATION 1: The TLDs .corp, .home, and .mail be referred to the Internet Engineering Task Force (IETF) for potential RFC 1918-like protection/treatment.*"

"*Like .corp and .home, the TLD .mail also exhibits prevalent, widespread use at a level materially greater than all other applied-for TLDs. (…) As such, we believe .mail's prevalent internal use is also likely irreversible and recommend reservation similar to .corp and .home and similarly recommend ICANN not delegate that TLD at this time.*"

3.2 Objections and Dispute Resolution

Suggestions:

Dispute Resolution Service Providers (DRSP) additional rules and fees structure:

Appropriate clarification on rules, additional rules and fee structure (to be posted by DRSPs on their respective websites) should be provided for the next round; in that regard, transparency and fairness aspects need to be improved.

Extension of government objection funding to intergovernmental organizations (IGOs):

Similarly to governmental entities that have had the opportunity to request that ICANN fund objections against new gTLD applications, we suggest that ICANN staff work with the community in order to set up similar mechanisms for the provision of similar funding to IGOs, particularly bearing in mind that they perform important missions in the public interest with public funds.

3.2.a Explore a potential review mechanism for the next round

Indeed, based on our experience as well as the disparity of rulings issued for similar situations, we strongly encourage ICANN to explore the possibility for an affordable appeals/review mechanism for the next round.

3.2.b Consider opportunities for improvement in administering the IO processes (e.g., withdrawal of IO objection if another objection to the same application on the same ground was filed, how comments made in the public sphere were considered prior to the filing of an objection)

For instance, in order to improve the administration of Independent Objector processes, it would have been very beneficial to invite the Independent Objector to engage with applicants during the dedicated Webinar ICANN hosted in January 2013 (quoting : "*To address these areas of interest, ICANN hosted a* **webinar** *(footnote190) to provide clarification on the DRSPs' processes, procedures, and fees.*").

Lastly, we take this opportunity to recall that, based on the ICANN 54 Dublin GAC communiqué (and following on previous communiqués issued by the GAC regarding protection for IGOs), the GAC advises the Board "*to facilitate the timely conclusion of discussions of the "small group" and the NGPC In an effort to resolve the issue of IGO protections*"; in this should be resolved in a timely manner, in the public interest.