



April 14, 2014

**Donuts Comment:
Proposal for the Use of Mandatory Policy Advisory Boards for Regulated Industry Sector and
Consumer-Trust-Sensitive New gTLD Strings**

Donuts opposes implementation of Policy Advisory Boards (PABs) at this point in the New gTLD Program in response to the Governmental Advisory Committee's (GAC) advice on Consumer Protection, Sensitive Strings, and Regulated Markets—referred to as "Category 1 advice."

PAB concept already considered and rejected

It is unclear to Donuts why public comment is necessary at this point on this proposal, as the New gTLD Program Committee (NGPC) of the ICANN Board of Directors already has implemented its response to the Category 1 advice, and thus rejected the PAB proposal. Donuts respectfully points out that in his letter of 20 February 2014 to those proposing PABs, NGPC Chair Cherine Chalaby stated that the NGPC's acceptance of the GAC Category 1 Advice and adoption of the implementation framework constituted its final actions on the GAC's Advice. The NGPC underscored that the PAB proposal already had been considered alongside other community input on the GAC Advice and had been rejected by the NGPC.

Indeed, Donuts notes that it already is party to registry agreements with ICANN for certain new gTLDs—subject to Category 1 advice. As ICANN cannot retroactively apply PABs to already operating registries, even if ICANN were inclined to change course on the implementation on GAC advice, it would create a bifurcated situation whereby registries would be subject to conflicting rules.

Adherence to the Multistakeholder Model

The PAB idea would be a significant policy change to the operations of certain registries. Such a proposal requires community-wide consideration and must be subject to policy development through the Generic Names Support Organization (GNSO) to ensure that all stakeholders and interests are represented and to ensure that its outcome is binding on all applicable registries. It would be an affront on the multi-stakeholder model to change policy in the proposed manner. The promoters of the idea, including ALAC, are free to work within the model to try to change the policy. By doing so, the proposal would be subject to a transparent airing of its benefits and detriments—through the model that most of the ICANN community supports and is fighting to preserve.

As such, and without commenting on the substance of the proposal, Donuts urges ICANN to close further public comment and refer the matter to the GNSO.