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AT-LARGE ADVISORY COMMITTEE

Statement of the ALAC

On the Community Working Group Report on Implementation of GNSO New gTLD Recommendation Number 6

Introduction
By the Staff of ICANN

Evan Leibovitch, Chair of the At-Large Working Group on New gTLD, originally composed this document.

A first version of the ALAC Statement on the Community Working Group Report on Implementation of GNSO New gTLD Recommendation Number 6 was presented for discussion during an At-Large Community Briefing Call on the Rec6 CWG Report held on 21 October 2010. During this briefing call, a second version of this document was drafted. The second version of the Statement was made available for At-Large community review on 21 October 2010. The third version, the present document, incorporated comments received.

The Chair of the ALAC asked the Staff to start a five-day online vote on the final revision of the ALAC Statement on the Community Working Group Report on Implementation of GNSO New gTLD Recommendation Number 6 on 25 October 2010 and submit it to the public consultation on the Community Working Group Report on Implementation of GNSO New gTLD Recommendation Number 6 on behalf of the ALAC with a note that the document is currently undergoing the internal ratification process. The Staff person responsible for the public consultation will be informed of the final result of the vote on 29th October 2010.

[End of Introduction]

ALAC Statement on the Community Working Group Report on Implementation of GNSO New gTLD Recommendation Number

The At-Large Community urges the Board to fully implement the consensus recommendations of the Rec6 CWG. The work of this working group was the very example of the multi-stakeholder, bottom-up process that ICANN claims to be its foundation. The Board must encourage the ongoing work of the Rec6 CWG. We are confident that, given some reasonable extra time, outstanding issues that have not yet reached consensus may be resolved.

At-Large has always been generally against the very principle of gTLD string objections based on "morality and public order". However, we see the Rec6 CWG recommendations as an effective way to attend to the most pressing needs while addressing our concerns about the existing implementation. We wholeheartedly concur with the recommendations in the report that achieved *Full Consensus* or *Consensus*. Specifically, we wish to emphasize, as strongly as possible, our support for the CWG's consensus calls to:

- Completely eliminate the term "morality and public order";
- Replace the existing resolution dispute mechanism with processes defined by recommendations 3 and 4 from the CWG Report;
- Limit objection criteria to specific principles of international law and treaty;
- Deny national law as a sole criteria for objections based on these criteria;
- Resolve disputes of this nature early in the application process;
- Require individual government objections to be made either through the Community Objections Process or through one of the ALAC and the GAC;
- Enable the GAC and ALAC to submit objections through the Independent Objector;
- Uphold a gTLD creation process that encourages "the true diversity of ideas, cultures and views on the Internet".

We are also committed to achieving consensus on those issues in which no resolution has yet been made, and encourage the continuation of the CWG in these efforts. We believe that additional time in cross-community discussions would resolve them. We strongly urge support of recommendation of 14.1, to create a "Rec6 Community Implementation Support Team" (Rec6 CIST) to provide input to ICANN Implementation Staff as they further refine implementation details.

It is rewarding and noteworthy that these recommendations, in the main, closely resemble statements on the gTLD application process that were part of the Declaration of the At-Large Summit held during the ICANN meeting of March 2009, which stated:

> *We emphatically call for the complete abolition of the class of objections based on morality and public order. We assert that ICANN has no business being in (or delegating) the role of comparing relative morality and conflicting human rights.*

Abolishing the morality and public order class of objection will eliminate the risk to ICANN of bearing responsibility for delegating morality judgment to an inadequate DSRP.

Certain extreme forms of objectionable strings may be addressed through minor modifications to the ''Community'' class of objection. While we fully appreciate the motivation behind this class of objection, we cannot envision any application of it that will result in fewer problems than its abolition.

In addition, we wish to explicitly call attention to an issue that received substantial support but not consensus: that a super-majority of the Board should be required to reject gTLD applications based on these criteria.

If any of the above recommendations are seen to be "inconsistent with existing process", that is a clear indication that the "existing process" contains fundamental flaws that have been identified and must be addressed. ICANN's community has spoken in an unprecedented and unambiguous manner, and the At-Large Advisory Committee is proud of our effort to help such divergent views together to produce clear and workable policy.