

The Internet Corporation for Assigned Names and Numbers (ICANN)
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USA

Wednesday April 9, 2014

To Whom It May Concern:

Issue: At-Large Advisory Committee Proposal for the Use of Mandatory Policy Advisory Boards for Regulated Industry Sector and Consumer-Trust-Sensitive New gTLD Strings.

The New TLD Applicant Group (NTAG) writes to express its concerns regarding the At Large Advisory Committee (ALAC) Proposal for the Use of Mandatory Policy Advisory Boards for Regulated Industry Sector and Consumer-Trust-Sensitive New gTLD Strings (Proposal).

We note that the Proposal is seeking to address the Governmental Advisory Committee's (GAC) Category 1 Advice on Consumer Protection, Sensitive Strings, and Regulated Markets (Category 1 Advice), which has already been accepted and resolved by the New gTLD Program Committee (NGPC) working in conjunction with the GAC. In consultation with the GAC, the NGPC proposed *and* approved a process to address the Category 1 Advice through a number of mandatory Public Interest Commitments (PICs) for all strings listed in the GAC Beijing Communiqué. Further, applicants retain the ability to voluntarily build upon them with complementary commitments and/or oversight mechanisms.

Moreover, we underscore that in the 20 February 2014 letter to the sponsors of the Proposal, Cherine Chalaby, Chair of the NGPC, affirmed that the NGPC's acceptance of the GAC Advice and adoption of the implementation framework constituted its final actions on the GAC Advice. The NGPC also stated that the Proposal had already been considered with other community input on the best path forward for implementing GAC Advice and all other proposed options had been rejected by the NGPC.

We further note that when the ALAC brought this issue before the ICANN Board during its meeting on 25 March 2014 during the ICANN 49 Public Meeting in Singapore, the Board stressed that the Proposal was late because it sought to address issues that had already been resolved by the NGPC and that the Proposal would need to be embraced by the Generic Names Supporting Organization (GNSO) if it was to be considered by the ICANN Board. Board member Chris Disspain further affirmed that ICANN's Compliance Department would enforce all PICs through the Registry Agreement. The NTAG agrees with this assessment.

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The New gTLD Applicant Group

NTAG members also stress that a number of new gTLD applicants subject to the Category 1 Advice have already executed their Registry Agreements with ICANN. Through the current channel, the Proposal could not be incorporated into existing Registry Agreements for this subset of applicants. Any effort to implement the Proposal for only those applicants that have yet to execute a Registry Agreement with ICANN would be prejudicial and create unacceptable inequities in the implementation of Category 1 Advice across subsets of applicants.

The NTAG reminds ICANN that, in arriving at and eventually approving the accepted framework, a wide array of actors from within the GNSO submitted comments on the GAC Advice, the majority of which supported the proposal to handle the advice through the use of mandatory PICs. To reopen this issue would undermine the numerous actors who voiced support for this proposal.

On the basis of these concerns we strongly urge ICANN to close further public comment on this matter.

Sincerely,

The New TLD Applicant Group

NTAG

The New gTLD Applicant Group

About the NTAG

The New TLD Applicant Group (NTAG) is an interest group formed under Article III.D. of the Charter of the gTLD Registries Stakeholder Group (RySG), which is a recognized entity within the Generic Names Supporting Organization (GNSO) of the Internet Corporation for Assigned Names and Numbers (ICANN).

The NTAG represents 98 new gTLD applicants as of April 2014. Together, NTAG members submitted over half of all new gTLD applications received by ICANN (994 total, representing US\$ 184M in application fees).

The primary role of the NTAG is to represent the interests of entities that applied for a new gTLD(s) in ICANN's 2012 gTLD round. The NTAG represents the views of its members to the RySG, the GNSO Council, the ICANN Board of Directors, and other influential bodies.

The guiding principles for the NTAG are fairness, openness, and transparency in all NTAG policies, practices, and operations. The service standards for leadership positions include impartiality, accountability, and conflicts of interest declarations. The behavioral expectations of all NTAG members include adhering to ICANN Bylaws and Policies and the RySG Charter; supporting the consensus model; treating others with dignity, respect, courtesy, and civility; listening attentively to understand others; acting with honesty, sincerity, and integrity; and maintaining community good standing.