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AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Proposed Amendments to Base New gTLD Registry Agreement

Introduction

Alan Greenberg, ALAC member of the North America Regional At-Large Organization (NARALO) and the ALAC Chair, developed an initial draft of the ALAC Statement.

On 11 July 2016, the first draft of the Statement was posted on the [At-Large Proposed Amendments to Base New gTLD Registry Agreement Workspace](#).

On that same date, Alan Greenberg, Chair of the ALAC, sent a Call for Comments on the Statement to the At-Large Community via the [ALAC Work Mailing List](#).

On 20 July 2016, a version incorporating the comments received was posted on the aforementioned workspace and the Chair requested that Staff open an ALAC ratification vote.

In the interest of time, the Chair requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification.

Once ratified, this Statement will be resubmitted incorporating updated ratification information in the introduction section.

ALAC Statement on the Proposed Amendments to Base New gTLD Registry Agreement

The ALAC welcomes the opportunity to comment on the proposed amendments to the Base New gTLD Registry Agreement. While the ALAC is in agreement with the majority of the changes, there are strong concerns with several of the changes, and an equally strong concern regarding the overall process followed.

Fee Reduction Waiver at ICANN's Sole Discretion

Fee reductions may well be warranted in some situations, but they could significantly impact ICANN's revenue and have other significant effects as well. Such reductions must be subject to an ICANN Public Comment consultation and the non-contracted party comments addressing the public interest taken into account when making any decisions on such reductions.

ICANN Notification of Registration Fee Changes

ICANN must not remove the requirement to have registries report registration fee changes to ICANN and ICANN must track and publish such changes. Low registration fees have been linked to a variety of abuses including spam and phishing. With such fees tracked and published ICANN or others can potentially correlate them to reported abuses allowing ICANN to fulfill its essential role of ensuring the public interested associated with stewardship of the generic TLD namespace.

Dotless Domains

The reference to the prohibition on "dotless domains" immediately followed by the reference to the RSEP being used to gain permission to alter what a registry may do could be taken as implying that the use of dotless domains might be sanctioned through an RSEP. Any such implication must be removed.

Registry Agreement Modification Process

The ALAC understands that the process to amend the Registry Base Agreement is contractually an ICANN-Registry issue. However, the concept of this amendment process being initiated and carried out in secret for two years is counter to the ICANN principle of transparency. The original New gTLD Registry Agreement was crafted through a public process, and any amendment should be carried out in a similar fashion. The overall ICANN community should have been aware of the process from the start and been given periodic updates on the issues being presented by both sides. This is comparable to how the last RAA amendment was carried out, even if that process too was too "in camera". While the ALAC disputes the opinion of some parties that not all stakeholders should be present at the negotiating table, not even making the existence of discussions or the list of issues to be addressed public is not acceptable.