

**Governmental Advisory Committee
Chair**



Mr. Peter Dengate Thrush
Chairman of the Board
ICANN

Ottawa, November 22, 2010

Re: Interim GAC Comments Related to New gTLDs

Dear Peter,

In light of the ICANN Board Resolutions adopted on October 28, 2010 and November 5, 2010 with regard to new gTLDs, the GAC believes this is an opportune time to restate its purpose in providing advice and recommendations. First and foremost, the GAC's purpose in providing the recommended improvements to specific elements in the new gTLD implementation proposals identified in the collection of GAC comments to date have been intended to meet the overriding goal of ensuring that the introduction of new gTLDs is in the global public interest. As such, the GAC trusts that the Board will consider all of its input on the new gTLD program as advice, consistent with Article XI, Section 2.1 in the ICANN By Laws.

The GAC expects the Board to provide the ICANN community a thorough and reasoned explanation of all decisions taken, the rationale thereof and sources of data and information on which ICANN relied no later than two weeks prior to the Cartagena meeting. The GAC believes that doing so will demonstrate ICANN's responsiveness to the global community, consistent with its commitments under the *Affirmation of Commitments*. Equally importantly, doing so will also facilitate the necessary determinations on whether all of the outstanding issues that have been identified have been satisfactorily resolved.

In anticipation that ICANN will provide responses to the GAC's most recent comments reflected in its June 23, 2010 Brussels Communique and its August 4, 2010 and September 23, 2010 letters prior to the Cartagena meeting, the GAC is prepared for exchanges with the ICANN Board on the subjects raised in these letters. Among the outstanding issues raised in the GAC's previous comments, the GAC particularly wishes to discuss further the Board's statements that the Bylaw provisions pertaining to GAC advice may not extend to "operational matters" (September 22, 2009 letter to the GAC) and that "governments pay fees for other services, enter into agreements, and pursue conflict resolution" (August 5, 2010 letter to the GAC).

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To facilitate and accelerate the discussion process during the Cartagena meeting, the GAC would like to raise the following additional issues that will further inform the GAC-Board exchange:

- **Universal Resolvability of the DNS:** Due to uncertainties regarding the effectiveness of ICANN's review and objection procedures, a country may feel compelled to block a new gTLD at the national level that it considers either objectionable or that raises national sensitivities. To date, there do not appear to be controversial top level domains that have resulted in significant or sustained blocking by countries. The GAC believes it is imperative that the impact on the continued security, stability and universal resolvability of the domain name system of the potential blocking at the national level of new gTLD strings that are considered to be either objectionable or that raise national sensitivities be assessed prior to introducing new gTLDs. In this regard, the GAC is pleased to inform the Board that it intends to seek advice from the technical community on this important issue;

and

- **Controversial Strings and the Effectiveness of the Proposed Review Process:** The GAC notes the work undertaken by the cross constituency Recommendation 6 Working Group which was set up to address the concerns raised by the GAC and the ALAC during the Brussels meeting and in whose deliberations three GAC members participated. The GAC will be interested in the Board's views of the recommendations contained in the report of the Group. The GAC believes it is necessary that further discussion and development of string review processes to identify those proposed strings that are: contrary to national law, policy or regulation (for example, several governments restrict the registration of certain terms in their ccTLDs); and/or that refer to religions, ethnicity, languages, or other cultural identifiers that might raise national sensitivities. The GAC believes the integration of prior reviews into the implementation of new gTLDs can serve as an "early warning" to applicants, providing an opportunity to amend or modify the proposed string prior to proceeding further in the application process. The prior reviews would also provide opportunities to determine whether the applicant is the sole appropriate manager or relevant authority for that particular string, or whether the proposed string is either too broad to effectively identify a single entity as the relevant authority or appropriate manager, or is sufficiently contentious that an appropriate manager cannot be identified and/or agreed.

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Finally, the GAC has taken note that a draft "final" Applicant Guidebook has recently been posted for public comments. In view of the limited time available for a comprehensive review of the new text prior to the Cartagena meeting, and in the absence to date of the ICANN staff assessment of the current draft Guidebook's consistency with previous GAC advice, the GAC will make best efforts to provide at least preliminary comments during the Cartagena meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read "HDryden", is written over a horizontal line.

Heather Dryden
Interim Chair of the Governmental Advisory Committee
Senior Advisor to the Government of Canada