4.2.4 Community Engagement

- *4.2.4.1 Explanation of Subject*

  In many ways, this Community Engagement subject for PDP-WG consideration is very much connected to section 4.2.2 on Predictability, as increasing the level of community participation during the early parts and throughout the development lifecycle should allow for better consideration and integration of issues from the various facets of the community prior to the launch of New gTLD Subsequent Procedures. Without robust community engagement, it is conceivable that New gTLD Program requirements could be altered after program launch, which would be a disservice to all those involved with the program, who should be able to rely on pre-published rules and guidelines.

  It should be noted that early engagement is not an issue that is isolated to the New gTLD Program. Early engagement is integral to all policy development processes to ensure that various viewpoints are shared, considered, and integrated into final recommendations. As such, improvements to the Policy Development Process (PDP)[1][2] now dictate that outreach be conducted prior to the Issue Report, prior to the initiation of the PDP, upon initiation of the PDP, and other areas.

- *4.2.4.2 Questions and Concerns Related to Subject*

  The DG noted that a number of elements of the program changed post-launch. For instance, GAC Early Warnings and GAC Advice were defined in the AGB prior to program launch and appeared to be in regards to single applications, not classes of applications. However, in the Beijing Communiqué[3], the GAC advised the ICANN Board that, "strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws." The GAC proposed specific safeguards that would apply to a broad category of strings related to "consumer protection, sensitive strings, and regulated markets." To resolve the issues identified in the GAC Safeguard Advice, a public comment period was held to collect input, and the New gTLD Program Committee (NGPC) ultimately adopted an implementation framework for GAC Category 1 Safeguard Advice[4]. The integration of the framework could be construed as a significant change to the New gTLD Program. While additional early engagement might not have avoided this change, it may have helped.

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[1] PDP Manual: http://gnso.icann.org/en/council/annex-2-pdp-manual-16dec11-en.pdf
[2] GNSO Working Group Guidelines: http://gnso.icann.org/en/council/annex-1-gnso-wg-guidelines-07apr11-en.pdf
[3] GAC Beijing Communiqué:
https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2
[4] NGPC Resolution adopting implementation framework for GAC Category 1 Safeguard Advice:
http://www.icann.org/en/groups/board/documents/resolutions-new-gtld- annex-2-05feb14-en.pdf

Another example of a change to the program post launch was the identification of the name collisions issue by the SSAC, which is discussed in further detail in section 4.6.3 on Name Collisions. Again, early engagement might not have necessarily helped address the issue prior to launch, though this issue was raised prior to launch.

Identifying these two examples should not create the impression that the GAC and the SSAC did not fully participate in the policy development process. However, the concept of early and consistent engagement throughout the policy development process is a sound principal to follow and additional mechanisms to encourage community engagement could be explored. In some circumstances, an issue raised may warrant resolution via alternative mechanisms (e.g., the 3 new mechanisms developed by the Non-PDP Policy and Implementation Working Group or a cross-community working group if the issue is of mutual interest and better addressed by two or more SO/ACs).

- *4.2.4.3 Relevant Guidance*

    o PDP Manual: http://gnso.icann.org/en/council/annex-2-pdp-manual-16dec11-en.pdf
    o GNSO Working Group Guidelines: http://gnso.icann.org/en/council/annex-1-gnso-wg-guidelines-07apr11-en.pdf
    o GAC-GNSO Consultation Group Recommendations Concerning Early Engagement of the GAC in the GNSO Policy Development Process - Issue Scoping Phase: http://www.gnso.icann.org/en/drafts/gac-cg-issue-scoping-27jan15-en.pdf

- *4.2.3.4 Rationale for Policy Development*

The subject of early engagement was not anticipated by the DG to require any type of policy development specific to New gTLDs. This issue is not isolated to New gTLDs, and as such, steps to increase opportunities for early engagement or outreach have already been implemented. For instance, the GNSO PDP Manual[5] dictates that outreach to Supporting Organizations (SOs), Advisory Committees (ACs), Stakeholder Groups, and Constituencies be conducted at certain intervals to ensure they are aware of the issue being discussed. In addition, many of the SOs and ACs maintain liaisons between their groups to ensure they remain informed and are able to communicate concerns back and forth. Beyond these proactive engagement measures, the PDP process is open and transparent, so any member of the community is welcome to participate. As well, the implementation of New gTLD policy via the AGB, allowed for participation from any aspect of the community, and this is expected to be the case for any subsequent implementation activities.

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[5] GNSO Policy Development Manual: http://gnso.icann.org/en/council/annex-2-pdp-manual-16dec11-en.pdf