Your name: Susan Payne

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| **Issue** | **Applicable text (please quote directly)** | **Number and name of applicable report section** | **Cannot live with rationale** | **Proposed changes (taking into account whether others would be able to live with them)** |
|  | The Working Group considered that if numbers were only transferable between applications with the same owner, there may not be a risk of a secondary market forming. The Working Group did not come to a conclusion about whether to move forward with this potential recommendation. | 2.6.1 Application Queuing; section c. *New issues raised in deliberations since publication of the Initial Report, if applicable* | Whilst it is understood that creating an aftermarket for prioritization numbers is undesirable, this concern does not apply to the applications of a single applicant. There seems to be no demonstrable reason to prevent an applicant from making their own choice as to how to prioritise as between their own applications. Since we have not made a recommendation that a single applicant may not apply for more than one TLDs then, to the extent that opposition to transfer of priority between applications of the same owner are based on a fundamental objection to multiple applications, this would seem to be irrelevant. | Recommend that priority numbers be transferable between the applications of the same owner. |
|  | The Working Group notes that in the 2012 round of the New gTLD Program, a decision was made by the ICANN Board to effectively ban exclusive use / generic applications. It is the understanding of the Working Group that the ICANN Board intended that its decision to effectively ban Closed Generics applied only to the 2012 round and that it wanted the GNSO to engage in policy discussions regarding the treatment of such strings in subsequent rounds. Although the Working Group has had numerous discussions about this topic, and received extensive comments from the community, including members of the Governmental Advisory Committee, the Working Group was not able to agree as to how to treat these applications in subsequent rounds.  | 2.7.3 Closed Generics, section a | There was no “ban” by the Board. Jeff’s suggested alternative wording is a more appropriate reflection of the facts. | The Working Group notes that in the 2012 round of the New gTLD Program, a decision was made by the ICANN Board to require applicants for exclusive generic strings to either (a) “submit a change request to no longer be an exclusive generic TLD”, (b) “withdraw their application” or (c) “maintain their plan to operate an exclusive generic TLD,” which would operate to defer their application to the next round of the New gTLD Program, subject to rules developed for the next round, to allow time for the GNSO to develop policy advice concerning exclusive generic TLD.” ~~effectively ban exclusive use / generic applications.~~ All applicants in 2012 chose either options (a) or (b).  It is the understanding of the Working Group that the ICANN Board intended that its decision to ~~effectively ban~~ not allow Closed Generics to proceed in the 2012 round applied only to the 2012 round and that it wanted the GNSO to engage in policy discussions regarding the treatment of such strings in subsequent rounds. Although the Working Group has had numerous discussions about this topic, and received extensive comments from the community, including members of the Governmental Advisory Committee, the Working Group was not able to agree as to how to treat these applications in subsequent rounds.  |
|  | On 21 June 2015, the ICANN Board passed a resolution that effectively banned Exclusive Generic / Closed Generic TLDs in the 2012 round. | 2.7.3 Closed Generics, section b | See above | On 21 June 2015, the ICANN Board passed a resolution that ~~effectively banned~~ prevented Exclusive Generic / Closed Generic TLDs proceeding in the 2012 round. |
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