Name	Geographic Region (SOI)	Affiliation (SOI)	Sections Not Supported	Rationale
Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Kurt Pritz	USA (NA)	RySG	Implementation Guidance 34.11	Lowering the passing threshold without appropriate analysis has a likelihood to result in gaming of the CPE process, resulting in the improper disqualification of bone fide applications. Therefore, a change in the scoring should not be prescribed without an appropriate, in-depth analysis of the inconsistent results in the previous round, analysis that this WG did not undertake. This WG does not have the information necessary to make a recommendation of this specificity. The rationale for this guidance states, "The Working Group believes that ICANN org and the community should be given more flexibility to implement a new scoring mechanism," but then proscribes any flexibility by requiring a lower and prescriptive threshold.
Kurt Pritz	USA (NA)	RySG	Recommendation 34.12, specifically, "... any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment,"	The negotiation of contracts to execute policy is an operational matter that should be left to ICANN staff. In addition to setting an inappropriate precedent, putting operational agreements out for public comment is likely to: substantially retard progress, cause missed deadlines, result in non-value-added contention among ICANN, contracted parties, other bidders and community members, and discourage potential bidders. Let the policy makers provide requirements and objectives; let operations staff fulfill the policy objectives.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Kurt Pritz	USA (NA)	RySG	Recommendation 35.4	Rec 35.4: (1) The specification of second-price and sealed-bid auctions was made without thorough (or cursory) economic analysis of each. Do the outcomes of these auction types meet or match the policy goals of the new gTLD Program? We do not know. When consideration of second-priced auctions occurred, I read several papers on the development of these auction types and realized that the choice of first or second-priced auctions was somewhat beyond me and could have different effects on program outcomes and the decision should be carefully taken. Sealed- bid versus increasing or decreasing-price auctions have even more complex implications on outcomes. Will these choices increase or decrease competition and choice, increase DNS participation, or result in the optimum utilization of the domain space? Again, we don't know. At best, this sort of choice might be appropriate as implementation advice, but not as a policy. (2) The timing of the submission of the sealed bids will serve to reduce participation in the New gTLD Program, discourage participation by newcomers (especially from developing regions), work to the benefit of industry insiders, and dis-serve the goals of fairness and transparency. The primary cause of these negative effects is the difference in time between the submission of sealed bids and the actual auction, which injects unfairness, uncertainty and lack of transparency into the process. a. Discouraging participation: Put yourself in the shoes of a newcomer to TLDs. "Pay $100,000 now and, by the way, take a guess at the value of the TLD to you some months or years from now – history tells us it could be anywhere from $500,000 to $140MM." Being required to make that sort of judgment will discourage all but industry insiders, i. e., those who support this recommendation. The effect of this recommendation on reducing diversity, competition and choice should not be underestimated. b. Fairness: holding an auction months or years from the submission of bids obviates opportunities to value the asset at the time of the bid. The value of the asset and company fortunes change over time and the ability / willingness to bid certain amounts will differ between the time of the bid submission and the auction.
Kurt Pritz	USA (NA)	RySG	Recommendation 12.9	Rec 12.9: All translated versions of the Applicant Guidebook should be available for the full four months prior to the commencement of the application submission period. If a translation is needed, then it is needed for as long a period of time as the English version. Otherwise, it is not needed. By reducing the availability of the translated versions means that we are only paying lip service to the translation effort.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Kurt Pritz	USA (NA)	RySG	Recommendation 17.1, specifically, "and a bid credit, multiplier, or other similar mechanism that applies to a bid submitted by an applicant qualified for Applicant Support who participates in an ICANN Auction of Last Resort," and Recommendation 17.15	Rec 17.1 and 17.15: Determining an appropriate bid credit or multiplier is unworkable, expensive and time consuming. In addition, the application of bid credits is likely to wind up in Reconsideration Requests, IRPs and litigation. Finally, the idea of a bid credit flies in the face of commonly accepted economic theory that states that greater utility of an asset is realized by the party that places the highest value on it and the ability to invest in it.
Kurt Pritz	USA (NA)	RySG	Recommendation 17.18	Rec 17.18: There is not an objective manner for the SARP to determine if gaming was intended. The result of this Recommendation will be a subjective test that is likely to result in Reconsideration Requests, IRPs and litigation.
Kurt Pritz	USA (NA)	RySG	Recommendation 24.5	Rec 24.5: Controlling the usage for the life of a TLD (essentially forever) introduces a needless, costly and difficult to implement complexity into the program. I agree that singular-plural combinations (as identified by the string) should be banned. Keep it simple.
Kurt Pritz	USA (NA)	RySG	Recommendation 24.6	Rec 24.6: Our recommendation should encourage the development and testing of an algorithmic approach. As Recommendation 31.18 states: "ICANN must reduce the risk of inconsistent outcomes in the String Confusion Objection Process." An algorithmic, objective approach is the only way to prevent the errors and litigation of the last round. Some in the WG claimed the problem was too difficult to solve algorithmically but facial recognition (a significantly harder problem) is effective. Early testing of SWORD demonstrated its effectiveness. Algorithms have grown more powerful since then. Condemning the program to subjective human judgments will impose unneeded costs, time and argument. An algorithmic approach would also eliminate or sharply reduce string similarity objections.
Kurt Pritz	USA (NA)	RySG	Implementation Guidance 27.18(iii)	IG 27.18(iii): Merely operating a TLD registry is not adequate proof of financial wherewithal anymore that any number of technical (and non-technical) businesses that are enjoying various degrees of success. This has the whiff of "inside baseball," where existing operators are smoothing their path over newcomers.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Elaine Pruis	USA (NA)	RySG	1. Recommendation 9.10: RVCs must continue to be included in the applicant's Registry Agreement. 2. Implementation Guidance 9.11: The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes should be updated to equally apply to RVCs. 3. Rationale for 9.9: ...."The working group further agreed that there must be a mechanism to transform these application statements into binding contractual commitments." "....The Working Group believes that the recommended approach is broadly supported and addresses the key concerns raised in public comment and Working Group deliberations. " c. New issues raised in deliberations since publication of the Initial Report, if applicable. "....In such cases, it is understood that using an independent third party as an arbiter to determine whether there has been a violation of the commitment would be consistent with ICANN's mission even if ICANN were ultimately required to rely on that third party decision to enforce a pre-arranged contractual remedy, which could include sanctions and/or termination of the Registry Agreement."	For the following reasons: 1. The Subsequent Procedures PDP WG was not provided adequate time to deliberate the ramifications of the ICANN bylaws on the proposed recommendations. The following text impacts parties to a registry contract. All of it premiered in the final report after the public comment period on the draft final report closed. It was not subject to review by anyone outside of the WG. It should not be considered part of a consensus recommendation. *In response to the Draft Final Report, the ICANN Board commented that it was concerned that the current ICANN Bylaws language (which differs from that which existed during the 2012 New gTLD round) could " Implementation Guidance 9.11: The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes should be updated to equally apply to RVCs.enforce any content-related issue regarding PICs or Registry Voluntary Commitments language in ICANN's Bylaws as part of its recommendations or implementation guidancecreate issues for ICANN to enter and (RVCs)." It then asked the Working Group whether it had "considered this specific on the continued use of PICs or the future use of RVCs? Can the PDP WG provide guidance on how to utilize PICs and RVCs without the need for ICANN to assess and pass judgment on content?"* *During subsequent Working Group discussions, the Working Group decided not to alter its recommendations with respect to the PICs or RVCs. The Working Group will respond to the ICANN Board's specific concerns under separate cover. In short:* *a) To the extent that existing PICs are used as PICs (or RVCs) in subsequent rounds, these are specifically "grandfathered" into the current Bylaws mission.* *b) The Working Group also agreed that to the extent that RVCs or PICs address eligibility rules for the registration and/or renewal of domain names, these would not involve the need for ICANN to assess and pass judgement on content (as set forth in the Bylaws).* *c) To the extent that some registries will want to make voluntary commitments in response to public comments, Government Early Warnings, GAC Advice, etc., it is understood by the Working Group that having these commitments reflected in Registry Agreements even if they fall outside of ICANN's core mission is consistent with the Bylaws where neither ICANN itself nor any third party under ICANN's control is required to pass judgment on 'content'. In such cases, it is understood that using an independent third party as an arbiter to determine whether there has been a violation of the commitment would be consistent with ICANN's mission even if ICANN were ultimately required to rely on that third party decision to enforce a pre-arranged contractual remedy, which could include sanctions and/or termination of the Registry Agreement.* *In short, the PDP Working Group stands by its recommendations and implementation guidance which envisage the use of PICs / RVCs to resolve issues that arise through the public comments, objections, Government Early Warnings, GAC Advice or other concerns*

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Elaine Pruis	USA (NA)	RySG	I do not support including the text "including private auctions" in Recommendation 35.2. Recommendation 35.2: Consistent with the Application Change processes set forth under Topic 20: Application Change Requests, the Applicant Guidebook (AGB) must reflect that applicants will be permitted to creatively resolve contention sets in a multitude of manners, including but not limited to business combinations or other forms of joint ventures and private resolutions (including private auctions).	Private resolutions should not include private auctions. Unresolved contention should be settled by ICANN Auction of last resort. Private auctions in the 2012 round were leveraged by some applicants solely for profit, with no intention of winning or operating the TLD. The distribution of private auction funds back to portfolio applicants funded the defeat of single TLD applicants thereby stifling competition, one of the key purposes of the program. The WG was asked to propose a solution that would prevent the gaming and profiteering that happened in the 2012 round. The best way to do this is to forbid private auctions.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Elaine Pruis	USA (NA)	RySG	I do not support Recommendation 35.3: Applications must be submitted with a bona fide ("good faith") intention to operate the gTLD. Applicants must affirmatively attest to a bona fide intention to operate the gTLD clause for all applications that they submit. • Evaluators and ICANN must be able to ask clarifying questions to any applicant it believes may not be submitting an application with a bona fide intention. Evaluators and ICANN shall use, but are not limited to, the "Factors" described below in their consideration of whether an application was submitted absent bona fide intention. These "Factors" will be taken into consideration and weighed against all of other facts and circumstances surrounding the impacted applicants and applications. The existence of any one or all of the "Factors" may not themselves be conclusive of an application made lacking a bona fide use intent.	This recommendation was created when the WG tried to break gridlock over how to address the gaming that occurred in the 2012 round, yet still allow for private auctions. It is bad policy. Proving intent is incredibly difficult, and intentions change. It places ICANN in a position of having to pass subjective judgement over competing applications, using information or factors that change over time.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Elaine Pruis	USA (NA)	RySG	I do not support Recommendation 35.5: Applicants resolving string contention must adhere to the Contention Resolution Transparency Requirements as detailed below. Applicants disclosing relevant information will be subject to the Protections for Disclosing Applicants as detailed below. Specifically: "For Other Forms of Private Resolution: Where contention sets are privately resolved through a mechanism other than a private auction, the following must be disclosed: • The fact that the contention set (or part of a contention set), has been resolved privately (and the namesof the parties involved). • Which applications are being withdrawn (if applicable); • Which applications are being maintained (if applicable); • If there will be a change in ownership of the applicant, or any changes to the officers, Directors, key personnel, etc. along with the corresponding information. • All material information regarding any changes to information contained in the original application(s) (if any)."	The list of disclosures is missing the VALUE of the exchange. If this recommendation is adopted, it should include the same transparency requirements as all other contention resolution methods.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Elaine Pruis	USA (NA)	RySG	E. Topic 23: Closed Generics designation as "No Agreement" properly represents the outcome of the WG discussion. Unfortunately, we failed the task assigned to us - to develop a policy going forward for Closed Generics. There was no agreement within the WG on what the default for closed generic applications would be if we failed to recommend a policy. The 2012 AGB allowed for closed generics, but the 2012 implementation did not. This matter should be addressed in a focused PDP.	
Peter LaMantia	Canada (NA)	BC	35.4	I concur with the comments/positions from Martin, Sophie, Paul and Mike related to dotBrands. It's simply not workable for a dotBrand application in particular. TLD auction bid value decisions must consider the market conditions/dynamics which requires foreknowledge of and number of competing TLD applicants.
Marc Tractenberg	USA (NA)	IPC	Recommendation 3.6 - Full Opposition	Future rounds of new gTLDs should not proceed until relevant review processes have been completed – these reviews may identify problems that need to be corrected or addressed before the further expansion of the DNS.
Marc Tractenberg	USA (NA)	IPC	Recommendation 4.1 - Partial Opposition	I support different treatment for certain applications based on either the application type, the string type, or the applicant type. However, I do not support different treatment of Community-based applications as there is no demonstrated need or benefit from this. First, I don't see why a community-based application should have priority over any other type of application. But regardless, the first round demonstrated the immense challenges involved in determining whether an application met the CPE requirements, resulting in numerous and needless disputes, and the WG has not made any meaningful progress in in this regard which would prevent similar disputes in the next round(s) other than to lower the threshold for CPE
Marc Tractenberg	USA (NA)	IPC	Affirmation 15.1 - Full Opposition	In a cost recovery model .Brand applicants should have deduced fees given the lighter-touch evaluation process for such TLDs compared to open TLDs.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Marc Tractenberg	USA (NA)	IPC	Recommendation 15.7 - Full Opposition	Excess fees should be refunded back to applicants or applied to initiatives which would improve trust in the DNS, particularly around security threats, malware, fraud and intellectual property infringement rather than promoting new gTLDs generally, and not just used to perpetuate the new gTLD program forever. For example, I would support the use of any excess funds to ensure that there is robust monitoring and enforcement of the contractual commitments made by applicants, registry operators, and registrars, including in particular RVCs, PICs, and anti-abuse requirements.
Marc Tractenberg	USA (NA)	IPC	Recommendation 17.1 - Partial Opposition	While I have no opinion on the need for the Applicant Support Program, determining an appropriate bid credit or multiplier is unworkable, expensive and time consuming. In addition, the application of bid credits is likely to wind up in Reconsideration Requests, IRPs and litigation.
Marc Tractenberg	USA (NA)	IPC	Recommendation 17.15, Implementation Guidance, 17.16, Implementation Guidance 17.17 - Partial Opposition	I oppose bid credis because determining an appropriate bid credit or multiplier is unworkable, expensive and time consuming. In addition, the application of bid credits is likely to wind up in Reconsideration Requests, IRPs and litigation. However, if bid credits will be provided then I support mechanisms to prevent gaming that are appropriately limited so as to permit assignment of the TLD when approrpiate.
Marc Tractenberg	USA (NA)	IPC	Recommendation 17.18 - Partial Opposition	The SARP should not determine whether there was gaming because there is not an objective manner for the SARP to determine if gaming was intended. The result of this Recommendation will be a subjective test that is likely to result in Reconsideration Requests, IRPs and litigation.
Marc Tractenberg	USA (NA)	IPC	Recommendation 18.3 - Partial Opposition	Applicants should not be prohibited from utilizing the courts to protect their rights. However, I still support the introduction of the appeals/challenge mechanisms set forth under Topic 32.
Marc Tractenberg	USA (NA)	IPC	Recommendation 21.4 - Full Opposition	There has been no signal that the Public Technical Identifiers entity would need to use or prevent any third party from using .PTI as a potential new gTLD. There are other entities who legitimately may wish to apply for this string, such as owners of brands corresponding to PTI; they should not be unduly prejudiced or prevented from such application/possible operation of such a TLD simply because their brand corresponds to the PTI acronym for Public Technical Identifiers. There does not seem to be any other technical or legal rationale for reserving .PTI, nor would Internet users generally associate a .PTI TLD with Public Technical Identifiers.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Marc Tractenberg	USA (NA)	IPC	Recommendation 24.3 and Implementation Guidance 24.4 - Partial Opposition	I support the portion of the Recommendation that Singular and Plural variants of the same string should be considered in contention and only one such application permitted to proceed; However, I oppose the portion of the Recommendation that seeks to apply an intended meaning test to determine whether strings are similar; the test should be purely based on the appearance of the string, as the goal is to prevent Internet user confusion and misdirection in the visual-oriented DNS format, absent some circumstances that would make such confusion unlikely despite visual similarity of the strings.
Marc Tractenberg	USA (NA)	IPC	Recommendation 24.5 - Partial Opposition	I oppose use of the "Intended Use" test as stated in my opposition to Recommendations 24.3-24.4, but support in the Alternative Should Rec 24.3-24.4 be approved
Marc Tractenberg	USA (NA)	IPC	Recommendation 24.6 - Partial Opposition	Our recommendation should encourage the development and testing of an algorithmic approach. As Recommendation 31.18 states: "ICANN must reduce the risk of inconsistent outcomes in the String Confusion Objection Process." An algorithmic, objective approach is the only way to prevent the errors and litigation of the last round. Some in the WG claimed the problem was too difficult to solve algorithmically but facial recognition (a significantly harder problem) is effective. Early testing of SWORD demonstrated its effectiveness. Algorithms have grown more powerful since then. Condemning the program to subjective human judgments will impose unneeded costs, time and argument. An algorithmic approach would also eliminate or sharply reduce string similarity objections
Marc Tractenberg	USA (NA)	IPC	Affirmation with Modification 34.1 - Full Opposition	I do not believe there is a need for specially defined "community" applications, particularly given the challenges in defining a "community" for purposes of priority evaluation which resulted in numerous disputes and litigation in the first round and is certain to do the same in subsequent rounds
Marc Tractenberg	USA (NA)	IPC	Implementation Guidance 34.11 - Partial Opposition	I do not object to changing from numerical to percentage scoring. However I do oppose lowering the passing threshold without appropriate analysis which will likely result in gaming of the CPE process
Marc Tractenberg	USA (NA)	IPC	Recommendation 35.3 - Full Opposition	There is no way to see into the mind of the applicant and no objective way to measure whether an applicant has a good faith intent to operate the string except in the most extreme examples. The criteria proposed by the WG are unworkable and not a good proxy for measuring good faith intent as there are numerous other reasons each factor could be present other than a lack of intent to operate the string. This will only result in numerous disputes and litigation.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Marc Tractenberg	USA (NA)	IPC	Recommendation 35.4 - Full Opposition	This recommendation appears to be simply a preference by a small group of ICANN insiders. No problem was ever identified and this proposed solution to the non-problem has never been studied to see if it would fix the problem which no one, in over four years, has located. This is simply not fact based policy development and the recommendation should have never made it into this final report in the first place. Unfortunately, the proposed solution without a problem has created significant problems including what appears to be a significant, and unnecessary, barrier to entry for new .brand applicants. In fact, the proposed recommendation seems tailor-made to exclude .brands from the New gTLD Program as it requires .brand applicants to participate in blind bidding, which cannot be increased, with no information about (1) who the other applicants are, (2) how those other applicants intend to use the TLD, and (3) whether or not the other applicants have put forward any Voluntary Registry Commitments to ensure that the TLD will not be used in conjunction with any goods or services that the .Brand applicant trades in. Additionally, it requires blind bids to be put in prior to the completion of prior rights objections, rendering that flawed objections process even more impotent.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Implementation Guidance 2.3	Regarding the SPIRT We are still not fully convinced of the value-added of this additional layer of process and complexity. Specifically regarding the new Implementation Guidance 2.3. we consider that the GAC should be involved in any dialogue concerning how its Advice to the Board should be handled.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Implementation Guidance 12.9 and 12.10	Regarding translations of the AGB We are of the view that translations of the AGB in all other UN languages should be available for the whole period of 4 months prior to the launch, and at most 4 weeks after the English version is published, considering the essential importance of the AGB and the fact that in UN settings 4 weeks is a standard maximum for translations of official documents. Hence Recommendation 12.9. and Implementation Guidance 12.10. should be amended.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 17: Applicant Support	Regarding the Applicant Support Program We disagree with the lack of a recommendation by which the Applicant Support Program should include coverage of ongoing registry fees. We are of the opinion that Applicant Support Program should consider the reduction or elimination of the ongoing ICANN registry fees, at least in part, to expand financial support available to eligible applicants.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 23: Closed Generics	Regarding closed generics We are somewhat dismayed that the SubPro WG didn't come to an agreement on this issue and note with regret that the substantive inputs included in the GAC Consensus input from September 29th 2020 were apparently not considered in detail.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Implementation Guidance 30.2	Regarding the role of GAC Consensus Advice We reaffirm our disagreement with Implementation Guidance 30.2 concerning the timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discentivizing any such Advice being submitted after the finalization and publication of the next Applicant Guidebook.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Recommendation 30.4	Regarding the role of GAC Consensus Advice Regarding Recommendation 30.4, we consider that the Bylaws changes from 2016 did not introduce any modification to the section on GAC Advice which would require a change of the language included in Section 3.1 of the 2012 Applicant Guidebook which states that GAC Consensus Advice "will create a strong presumption for the ICANN Board that the application should not be approved". This language was part of a delicate compromise during the 2012 round preparations and should therefore be maintained. The possibility of maintaining a dialogue with the concerned applicant is not hampered by this language, considering that recommendation 30.7 of the WG establishes ways and means to conduct such a dialogue even in the case of GAC Consensus Advice objecting to an application.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Recommendation 30.6	Regarding the role of GAC Consensus Advice Regarding Recommendation 30.6, we do not object to the PDP WG notion that a GAC Early Warning should be explained, however we wish to note that applications may not always be remedied in the opinion of the Government issuing the GAC Early Warning. Therefore, we propose updated language to Recommendation 30.6 noting "how the applicant may potentially address the GAC member's concerns to the extent feasible". We note that this proposal was already made but is not discussed in the final report.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 34: Community Applications	Regarding community based applications We broadly support the intention to improve the rules applicable to community based applications, but expressly reserve our opinion on the specific changes made on these subject-matter applications, and therefore do not wish that it might be construed as support until a time where we may have been able to conduct an in-depth analysis of these recommendations in order to assess whether enough has been made to overcome the significant and unnecessary hurdles to CBAs existing under the 2012 framework.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 9: RVCs/PICs	Regarding RVCs/PICs, and their enforcement We refer to previous GAC ICANN66 Communique Advice to the ICANN Board, whereby "the GAC advises the Board not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority"."
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Recommendation 9.15	Regarding RVCs/PICs, and their enforcement Furthermore, we reiterate our concerns regarding the absence of policy recommendations on DNS Abuse Mitigation in the Subpro PDP WG Final Report, and note that the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs (and potentially ccTLDs). On this point, we expect swift action from the GNSO Council in triggering such holistic effort, in order that the conditionality expressed in the GAC ICANN 66 Communique is met. In addition, reference to ccTLD's in Recommendation 9.15 should be deleted as they do not fall under ICANN's competence but operate under national legislation. Hence, we cannot support Recommendation 9.15. as it stands.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 9: RVCs/PICs	Regarding RVCs/PICs, and their enforcement We recognize that the PDP WG has taken into account GAC Beijing Advice, by affirming that the framework established by the New gTLD Program Committee (NGPC) to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, creating 10 safeguards of various levels to be implemented among a set of 4 groups. In this context, we would like to point out that the figure of the Registry Voluntary Commitments (RVCs) should not be used in any way to downplay the pressing need to introduce new mandatory PICs to combat abuse and to set safeguards for strings in highly sensitive or regulated sectors, as well as the pressing need to provide a clear compliance, enforcement and sanctions process in relation to PICs and to RVCs as required by Affirmation 41.1.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 9: RVCs/PICs	Regarding RVCs/PICs, and their enforcement Consistent with the GAC Montreal Communiqué, we believe that voluntary and mandatory PICs must be enforceable and that this goal should be achieved with clearly expressed contractual obligations and consequences for failure to meet these obligations. Improved clarity for PICs in terms of obligations and consequences will aid ICANN's contractual compliance program in its enforcement of these provisions that safeguard the public interest. We also recall persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly-regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes (the Public Interest Commitments Dispute Resolution Process or PICDRP).

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Recommendation 41.2	Regarding contractual compliance (Recommendation 41.2.) We are strongly convinced, as outlined in Affirmation 41.1, that a clear compliance and sanctions process must be set out in the base contract. We believe, however, that the current existing contractual compliance, enforcement and sanctions processes should be concretely strengthened, in particular by the introduction of financial penalties for non-compliance. The measure proposed by the recommendation 41.2 to publish more detailed data is, in our view, insufficient to ensure clear compliance as required by the Affirmation 41.1.
Jorge Cancio, on behalf of Swiss Federal Office of Communications	Switzerland (EU)	GAC	Topic 35: Auctions (Staff note: appears to apply to Affirmation with Modification 35.1, Recommendation 35.3, Recommendation 35.4, and Recommendation 35.5)	Regarding mechanisms of last resort (Recommendation 35 etc.) While we acknowledges that, in an attempt to reduce potential gaming, the PDP WG recommendations include the need for applications to be submitted with a "bona fide" intention to operate a TLD, we recommended further discussion on how this intention will be ensured and implemented and note that punitive measures for non compliance or submission of a bona fide intention continue to be missing.

We express concerns on whether the bona fide intention and Contention Resolution Transparency Requirements sufficiently answer the ICANN Board concerns relative to the permission of private resolutions (including auctions) as a mechanism to resolve string contention.

Regarding Auctions of Last resort, we are of the opinion that they should not be used in contentions between commercial and non-commercial applications and that private auctions should be more strongly disincentivized.

Furthermore, we insist in recommending reconsidering in depth the process of drawing lots as a solution for resolving string contention. |

Name	Geographic Region (SOI)	Affiliation (SOI)	Sections Not Supported	Rationale
Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Christopher Wilkinson	Belgium (EU)	At-Large		DISSENTING The Working Group members have been asked to indicate their agreement or otherwise, with the Report's many Recommendations. However, in this case, that is not possible because the principal points to which I would wish to respond are those that are NOT included among the Recommendations. These include on the one hand major contextual issues such as the conditions of competition, and several practical issues where the best that the authors of the Report can say is that since there was no agreement in the Working Group, consequently there is NO Recommendation, irrespective of the importance of the issue. 1. The 2012 AGB 'Default' The WG's Charter apparently presumed that in the absence of 'consensus', the terms and conditions of the 2012 AGB would prevail. This has had a grossly restricting effect on the scope to make necessary corrections and improvements to ICANN's policies. Indeed in a few cases, GNSO participants have even attempted to re-instate a 2007 GNSO 'Policy', ignoring corrections that had to be imposed during the implementation of the previous round. This '2012 Default' has had deleterious consequences: - the WG has lost any sense of neutrality or objectivity in its work. Long standing incumbents have felt no need to justify or rationalist their positions; it has been enough to block any inconvenient new arguments, claim 'no consensus' and simply revert to the 2012 Default. No agreement - GNSO work up to 2007 and 2012 was undertaken by an ICANN community that was far more narrowly constituted than it is today. Thus the Default had the effect of neutralizing new contributions. Today the 'Empowered Community', is more broadly constituted, but in practice, the 'Default' policy effectively protected established GNSO interests from a decade of progress in the ICANN community, including the 2016 Transition. So to speak "If you don't like something, no problem, just block it and the WG will be obliged to revert to the 2012 AGB." - Certain facilities and options for Applicants contained in the 2012 AGB policies are particularly egregious. Notably regarding multiple 'portfolio' applications, reverse-Vertical Integration by Registrars and weak protection of geographical names. Problems arising from these policy failures have nevertheless been carried forward today, consequent on the 2012 Default policy. Thus, there are NO Recommendations in the Report that address these issues. No agreement 1. The conditions of competition ICANN is uniquely responsible for maintaining and improving the conditions of competition in the DNS markets world-wide. This is denied by some. I have even heard it argued that on the one hand ICANN participants can do what they like as long as they are not taken to court, and on the other hand that national competition authorities are sufficient protection (notably in the US.). These arguments are false. DNS markets are global, only a few large entities (principally the US and the EU) have the competence and resources

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Martin Sutton	UK (EU)	RySG	Recommendation 35.4	Appreciating all of the discussions and community input that have led us to this point, which include many compromises, there is one specific recommendation I am unable to support. This is Recommendation 35.4, which recommends the use of sealed bids; something which remains a major concern, especially for dotBrand applicants, and will discourage applications. Please refer to the comments submitted during the Public Comments for the draft Final Report for specific details.
Annebeth Lange	Norway (EU)	ccNSO	All sections supported	
Paul McGrady	USA (NA)	IPC	Recommendation 35.4	Like Kurt and Martin, I too cannot support the proposed Recommendation 35.4 requiring sealed bids. Policy making within PDPs is supposed to be fact based. This recommendation appears to be simply a preference by a small group of ICANN insiders. No problem was ever identified and this proposed solution to the non-problem has never been studied to see if it would fix the problem which no one, in over four years, has located. This is simply not fact based policy development and the recommendation should have never made it into this final report in the first place. Unfortunately, the proposed solution without a problem has created significant problems including what appears to be a significant, and unnecessary, barrier to entry for new .brand applicants. In fact, the proposed recommendation seems tailor-made to exclude .brands from the New gTLD Program as it requires .brand applicants to participate in blind bidding, which cannot be increased, with no information about (1) who the other applicants are, (2) how those other applicants intend to use the TLD, and (3) whether or not the other applicants have put forward any Voluntary Registry Commitments to ensure that the TLD will not be used in conjunction with any goods or services that the .Brand applicant trades in. Additionally, it requires blind bids to be put in prior to the completion of prior rights objections, rendering that flawed objections process even more impotent. As a result, I ask that all of Recommendation 35.4 be marked as "No Consensus" which will allow the default 2012 ascending bids mechanism to remain in place.
Paul McGrady	USA (NA)	IPC	Topic 9: RVCs/PICs	On a happier note, I am very pleased with the Work Track 5/Geo Term outcomes as well as the outcomes on PICs/RVCs and wanted to put in a special affirmation of those.
Paul McGrady	USA (NA)	IPC	Topic 21.1: Geographic Names at the Top-Level	On a happier note, I am very pleased with the Work Track 5/Geo Term outcomes as well as the outcomes on PICs/RVCs and wanted to put in a special affirmation of those.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Sophie Hey	UK (EU)	IPC	Recommendation 35.4	I do not support 35.4 on the timing of submitting a sealed bid for Auctions of Last Resort. I have a number of concerns about asking applicants to submit their valuation of a string so early in the process, without being able to take into consideration the outcome of objection processes (particularly GAC Advice and Legal Rights Objections); who the other applicants for the string are; and the alternative business models for the string (for example, proposed rights protection mechanisms, eligibility restrictions). These concerns are exacerbated for dotBrand applicants as brand owners will be required to Essentially provide a valuation of the brand to ICANN; This valuation being irrelevant if objections or negotiations are successful (ie they have provided sensitive business information for no reason); Not being able to provide a bid based on who else has applied for the string and the level of risk to their brand associated with the other applicants and/or their business model; Having to secure internal approval for significant additional funding for their application right from the start of the process.
Mike Rodenbaugh	USA (NA)	IPC	Recommendation 35.4	I also oppose 35.4, and support Paul McGrady's and Sophie's comments about it. No problem was ever identified to support such a drastic and foolish change to the program.
Gertrude Levine, on behalf of the National Association of Boards of Pharmacy	USA (NA)	RySG	Responding on behalf of the National Association of Boards of Pharmacy, I support all of the recommendations put forth in the Final Report of the Subsequent Procedures PDP.	That said, however, I have concerns that some of the recommendations, including but not limited to Recommendation 9.1, should be made stronger to ensure public safety. I will explain and file these concerns in a separate minority report.
Jamie Baxter	USA (NA)	N/A	All sections supported	
Jim Prendergast	USA (NA)	N/A	Recommendation 9.10	Most of the work on this topic was initiated AFTER the final public comments were received. The ICANN Board raised very serious concerns about the potential conflict between Registry Voluntary Commitments and the ICANN bylaws. The group was hurried in its work on this critical area because of an arbitrary deadline. The impacts to contracted parties are not fully known since this recommendation was never put out for public comment as drafted. Critical to this recommendation, is the Working Group's failure to respond directly to the specific concerns with this section raised by the Board. We have kicked the can down the road by saying we will respond with a letter when we should have taken additional time to respond to the Board as part of this recommendation.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jim Prendergast	USA (NA)	N/A	Recommendation 23.1	I agree with the conclusion of the report that states "the Working Group was not able to agree on 'policy advice concerning exclusive generic TLDs'" but I do think that there needs to be further policy work on this topic. The Board resolution directed the GNSO Council to "develop policy advice" on closed Generics. We as Sub Pro have not done so. It may have been a case of one too many critical topics for a WG of this scope to handle. Complicating this is outstanding GAC advice which is not going away. To address the ambiguity around this topic that was properly described in the report, the GNSO Council should launch a narrowly focused PDP to respond to the Board with recommendations.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jim Prendergast	USA (NA)	N/A	Recommendation 35.2 Recommendation 35.3 Recommendation 35.5	The recommendations as written are a good faith effort by leadership to try and craft a compromise solution that addresses the concerns of a wide variety of interests. Despite several comments from the community opposing private auctions, a small but vocal group within the WG protested the ban on private auctions that was in a previous leadership proposal and it is now included in the proposal. To mitigate the concerns expressed about private auctions, a series of Bona Fide requirements were developed, and a sealed bid auction was proposed for ICANN Auctions of Last Resort. Some additional disclosure requirements were also included. The phrase "It's a good deal when everyone is a little unhappy" comes to mind but in this case, it is not about being happy or unhappy, it is about developing sound policy recommendations and this proposal fails that test. The inclusion of private auctions poses institutional risks to ICANN. Knowing that the process will repeat itself and tens of millions will change hands outside of ICANN oversight, despite ICANN being responsible for the execution of this program, will only open ICANN up to external criticism that it is not exercising appropriate oversight. As we saw with the proposed .ORG transaction, when money and ICANN are in play, the spotlight will shine brightly on ICANN. That will continue going forward. The proposal attempts to address the concerns about gaming raised by the ICANN Board using Bona Fide commitments. Despite great effort and even greater complexity, it does not effectively stop the practice. Comments from the community make this abundantly clear but those were summarily dismissed as "having already been discussed." If this proposal does move forward, I would urge the IRT and the ICANN Board to consider the following changes: Private auctions should be prohibited, and contention sets should be settled by an ICANN Auction of Last Resort as conducted in the 2012 round. There should be a period for contention resolution without auctions and if successful, appropriate disclosures should be made to ICANN. This eliminates the complexity inherent in this proposal and places ICANN in the proper oversight position. If ICANN or the IRT deems that private auctions will be allowed, they should be overseen by ICANN, not by a private provider and a web of NDAs. Lack of information really hampered this working group. Coincidentally, the only auction provider who agreed to speak with the group suggested the ICANN Auction of Last resort implemented using the Vickrey method as the best method for settling contention sets. If either of these processes had been in place for the 2012 round, this working group and the larger community would have had the data it needed to do a proper assessment of what worked and what did not. In addition, having ICANN oversee both processes will ensure integrity and transparency, and allows ICANN to appropriately exercise its authority over the delegation of new gTLDs.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Rubens Kuhl, on behalf of NIC.br	Brazil (LAC)	RySG	9.15	- In 9.15, DNS Abuse, we say "Potentially ccTLDs". I wonder whether this exceeds the scope of a GNSO WG, even considering that the language is speculative. To be clear, this is not about substance; a community-wide DNS-Abuse effort might eventually be joined by ccTLDs so the phrase is not incorrect.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jessica Hooper	USA (NA)	RySG	Topic 9: Registry Voluntary Commitments / Public Interest Commitments	c. New issues raised in deliberations since publication of the Initial Report, if applicable: In response to the Draft Final Report, the ICANN Board commented that it was concerned that the current ICANN Bylaws language (which differs from that which existed during the 2012 New gTLD round) could "create issues for ICANN to enter and enforce any content-related issue regarding PICs or Registry Voluntary Commitments (RVCs)." It then asked the Working Group whether it had "considered this specific language in ICANN's Bylaws as part of its recommendations or implementation guidance on the continued use of PICs or the future use of RVCs? Can the PDP WG provide guidance on how to utilize PICs and RVCs without the need for ICANN to assess and pass judgment on content?" During subsequent Working Group discussions, the Working Group decided not to alter its recommendations with respect to the PICs or RVCs. The Working Group will respond to the ICANN Board's specific concerns under separate cover. In short: a) To the extent that existing PICs are used as PICs (or RVCs) in subsequent rounds, these are specifically "grandfathered" into the current Bylaws mission. b) The Working Group also agreed that to the extent that RVCs or PICs address eligibility rules for the registration and/or renewal of domain names, these would not involve the need for ICANN to assess and pass judgement on content (as set forth in the Bylaws). c) To the extent that some registries will want to make voluntary commitments in response to public comments, Government Early Warnings, GAC Advice, etc., it is understood by the Working Group that having these commitments reflected in Registry Agreements even if they fall outside of ICANN's core mission is consistent with the Bylaws where neither ICANN itself nor any third party under ICANN's control is required to pass judgment on 'content'. In such cases, it is understood that using an independent third party as an arbiter to determine whether there has been a violation of the commitment would be consistent with ICANN's mission even if ICANN were ultimately required to rely on that third party decision to enforce a pre-arranged contractual remedy, which could include sanctions and/or termination of the Registry Agreement. In short, the PDP Working Group stands by its recommendations and implementation guidance which envisage the use of PICs / RVCs to resolve issues that arise through the public comments, objections, Government Early Warnings, GAC Advice or other concerns expressed by the community. The commitments must be enforceable through contracts entered into between registry operators and ICANN. The Working Group therefore urges the IRT to work with ICANN org to implement the recommendations and implementation guidance set forth herein in a manner consistent with ICANN's current Bylaws." **Response – This section of Topic 9 was developed after the public comment period closed on the Final Report. This text has a direct impact on the Registry Agreement yet wasn't reviewed**

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Jessica Hooper	USA (NA)	RySG	Topic 23: Closed Generics	a. Recommendations and/or implementation guidelines "It was the expectation of the ICANN Board that the GNSO would "develop policy advice concerning exclusive generic TLDs.""144 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 on "policy advice concerning exclusive generic TLDs." **Response – I agree with how the Final Report captures the discussions on this topic. However, there is still GAC Advice open on this topic and policy should be drafted to address those community concerns. A separate PDP should be explored for a concentrated and focused deliberation on this topic.**
Jessica Hooper	USA (NA)	RySG	Recommendation 35.2	Response – All unresolved contention between applied-for strings should be settled in an ICANN Auction of Last Resort. Private Auctions should not be included as an option for private resolutions.
Jessica Hooper	USA (NA)	RySG	Recommendation 35.3	Response – The bona fide intent factors are subjective and unenforceable. These factors were formulated by the WG to address gaming concerns. With private auctions still a viable resolution, these factors are irrelevant.
Jessica Hooper	USA (NA)	RySG	Recommendation 35.5	Recommendation 35.5: Applicants resolving string contention must adhere to the Contention Resolution Transparency Requirements as detailed below. Applicants disclosing relevant information will be subject to the Protections for Disclosing Applicants as detailed below. Contention Resolution Transparency Requirements Specifically - For Other Forms of Private Resolution: Where contention sets are privately resolved through a mechanism other than a private auction, the following must be disclosed…" **Response – All private resolutions, auction or otherwise, should require the value of the transaction to be disclosed.**

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Anne Aikman-Scalese	USA (NA)	IPC	Topic 2: Predictability Framework - SUPPORT	Topic 2: Predictability Framework. Given that the SPIRT cannot make policy and is subject in all proceedings to GNSO Council mechanisms for handling issues, I strongly support the proposed Predictability Framework. I believe that open participation following the same rules as IRT representation on the SPIRT is critical. Public comment confirmed that the community supports a "Standing IRT". Although Leadership took the view that GNSO Council might vary the structure of the SPIRT to limit its numbers, full participation by the wider community is critical to the success of this new Framework and invitations should be issued to all members of the Sub Pro Working Group and the Sub Pro IRT as codified in Annex E to the Final Report, Item 1.c. under the heading "SPIRT Chartering, SPIRT Recruitment". As stated in Topic 2 d. of the Final Report, "The Working Group therefore agreed that the SPIRT is needed to utilize the Predictability Framework and accordingly has provided detailed guidance in Annex E regarding the establishment of the structure." (Emphasis mine.)

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Anne Aikman-Scalese	USA (NA)	IPC	Topic 9: Registry Voluntary Commitments/Public Interest Commitments - SUPPORT	Topic 9: Registry Voluntary Commitments/Public Interest Commitments. I strongly support the system of PICS and RVCs adopted in the Final Report. I subscribe to the IPC informal position submitted to the Sub Pro list on this topic (and pasted below) which underlines why such PICs and RVCs are not outside ICANN's powers under the ByLaws. I support enforcement of mandatory PICs within ICANN and enforcement of RVCs by an independent third party Dispute Resolution Provider. In this manner, ICANN can avoid even the appearance of content regulation. An important part of the Recommendations is that RVCs are always subject to public comment. I would not support a system of RVCs which are not subject to public comment. All PICs and RVCs should be included in the applicable Registry Agreement. IPC Informal Position on PICs/RVCs as submitted to the Sub Pro list pursuant to Leadership's request for input: "1. ICANN can enter into and enforce PICS in service of its Mission. 1.1 (d) B (iv) "(iv) ICANN shall have the ability to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission." 2. ICANN is not "imposing" rules and restrictions on parties by acceptance of PICs and RVCs. RVCs don't constitute "regulation" of any type, much less content regulation. (refer to history of Accountability Workstream 1). The ByLaws provision re "imposing" rules and restrictions in 1.1 (c) states as follows: . (c) ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet's unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority. This language makes it clear that ICANN does not intend to act as a government regulator. It does not prohibit adoption and enforcement of PICs. The ByLaws clearly state that all previously-adopted PICs are in force and may be renewed going forward. See 1.1 (d) which states as follows: (d) For the avoidance of doubt and notwithstanding the foregoing: (i) the foregoing prohibitions are not intended to limit ICANN's authority or ability to adopt or implement policies or procedures that take into account the use of domain names as natural-language identifiers; (ii) Notwithstanding any provision of the Bylaws to the contrary, the terms and conditions of the documents listed in subsections (A) through (C) below, and ICANN's performance of its obligations or duties thereunder, may not be challenged by any party in any proceeding against, or process involving, ICANN (including a request for reconsideration or an independent review process pursuant to Article 4) on the basis that such terms and conditions conflict with, or are in violation of, ICANN's Mission or otherwise exceed the scope of

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Anne Aikman-Scalese	USA (NA)	IPC	Recommendation 12.9 - Oppose	Rather than the two months period specified for AGB versions other than English, the Applicant Guidebook should be available in all 6 UN languages at the same time, i.e. four(4) months prior to the commencement of the opening of the window for applications.
Anne Aikman-Scalese	USA (NA)	IPC	Topic 23 - Closed Generics	I agree that the WG members did not reach Consensus on this topic. I disagree with WG members who maintain that the "status quo" is no prohibition on Closed Generics. After the 2012 implementation, applicants for Closed Generics were permitted to convert to open registries or to withdraw applications with refunds pursuant to Board Resolution. I support the proposal made by Greg Shatan in the December 10, 2020 WG call (at 1 hour 7 minutes into the call) to allow applications for Closed Generics but to "suspend" such applications subject to further policy work in the appropriate forum, e.g. EPDP. In this regard, it would be helpful for the ICANN Board to specify whether it intends to accept standing GAC Advice to the effect that a "Closed Generic" should serve a public interest goal. Such guidance would assist the GNSO Council in constructing a Charter for an EPDP. Here it is important to note that a finding that a particular Closed TLD "serves a public interest goal" does not need to be equal to a finding that a particular Closed TLD is "in the Global Public Interest". The two standards are distinguishable and elements to establish the status of serving a public interest goal are ascertainable. Specific questions for evaluation of this status are suggested beginning on page 104 of the December 22 version of the Final Report. It should also be noted that if this Closed Generic topic is not resolved by adoption of policy prior to the opening of the next application window, it is certain there will be applications for Closed Generics by applicants who will be relying on the new policy contained in Implementation Guidance 3.4 that prohibits subsequent applications for the same string if any prior application for that string remains unresolved. This means that a future application for a Closed Generic could effectively block a subsequent round application for an Open Generic TLD for the same string. Such a result would violate the Principle of Applicant Freedom of Expression which has been affirmed by the Working Group as discussed in Topic 10.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Anne Aikman-Scalese	USA (NA)	IPC	Topic 29 – Name Collisions	I strongly support Recommendation 29.1 stating that ICANN "must" have ready a mechanism to evaluate the risk of name collisions. The portion of the recommendation that specifies the timing as "in the evaluation process as well as during the transition to the delegation phase" is ill-advised as the mechanism should be developed before the application window opens. Such a "gating mechanism" will assist applicants in knowing whether or not to go to the trouble and expense of preparing full blown application. I DO NOT SUPPORT Affirmation 29.2 which affirms continued use of the current Name Collision Occurrence Management framework in relation to a new round of gTLDs "unless and until the ICANN Board adopts a new mitigation framework". The harm from name collisions is not limited to "human-life threatening conditions". Pursuant to SSAC Advice, the Board should properly assess name collision risk before adding TLDs to the root. Accordingly, the Board should await the outcome of the NCAP work and SSAC Advice on questions posed by the Board on this topic and should adopt a new Name Collision Occurrence Management Framework before accepting applications for the next round of new gTLDs. This will avoid unnecessary expense and work for applicants and for ICANN staff which could proliferate AFTER the application window opens if the appropriate name collision work is not done prior to that time.
Anne Aikman-Scalese	USA (NA)	IPC	Topic 34 – Community Applications - SUPPORT	I strongly support the recommendations and implementation guidelines adopted by the Working Group on this Topic. Special thanks to the ALAC, in particular to ALAC rep Justine Chew, and to Jamie Baxter for their contributions to these improvements.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Susan Payne	UK (EU)	IPC	Recommendation 35.4	Regarding Recommendation 35.4, in connection with the Implementation phase, applications designated as Specification 13 Brand applications should not be subject to the "Last Resort Sealed Bid" process unless the brand applicant retains all rights to file a Legal Rights Objection and to negotiate for Registry Voluntary Commitments in relation to the winning bidder. This is due to the fact that after String Similarity Evaluation, no other information regarding the applications may be shared prior to submitting the sealed bid. For trademark holders/brand owners, the intended use and actual use of the TLD is very important, as are possible restrictions via RVCs to limit the potential injury to brands which may be posed by the ownership and operation of the TLD by a third party other than the brand owner. Forcing brand applicants to file Objections and submit sealed bids without full information regarding the application that matches the brand encourages litigation (with its corresponding expense for all parties and delays in delegation). A number of other WG members have already voiced their opposition to recommendation 35.4 regarding the use of second price sealed bids for ICANN Auctions of Last Resort, to which I add my objections. I do not believe that any problem has been identified for which a second price, sealed bid process would provide a solution and, like Kurt, I am concerned that the WG, without the benefit of expertise in this complex field, is making a recommendation favouring a specific type of auction operation without there having been any real assessment of the impact. If there are to be second price sealed bid auctions, however, I am strongly opposed to the timing for the submission of those bids reflected in recommendation 35.4. Requiring applicants to submit a bid so early in the process and without the benefit of all relevant information is unfair, does not allow applicants to properly assess the appropriate level of their bid, and does not allow for changing circumstances with the passage of time between bid and auction. The submission of bids before applicants know whether any of the other contention set applicants will fail evaluation, a LRO or other Objection process, or otherwise withdraw, means that bids are based, potentially, on a false understanding of the number of applicants in the contention set. The identity of the other applicants in the contention set is also directly relevant information for an applicant in determining what they should bid. This is particularly so where an applicant is a dotBrand. From the brand owner applicant's perspective this is not a commodity and there is not, necessarily, a single price they are willing to pay since there are numerous risk-based factors that have to be weighed-up, including the identity of the other applicants, their past history (positive or negative) in this space, the type of business model they are proposing, the existence, or lack, of measures they propose to apply to safeguard against confusion with the brand, and so on. Furthermore, this appears to have been proposed as the solution to a theoretical rather than an actual problem, i.e. collusion and bid rigging, there being no evidence presented that this actually occurred.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	6. RSP Pre-Evaluation, 10. Applicant Freedom of Expression, 16. Application Submission Period, 18. Terms and Conditions, 37. Registrar Non-Discrimination, 38. Registrar Support for New gTLDs and 39. Registry System Testing	Firstly, the ALAC is not expressing any opinion on the WG's recommendations or implementation guidance in respect of the topics of 6. RSP Pre-Evaluation, 10. Applicant Freedom of Expression, 16. Application Submission Period, 18. Terms and Conditions, 37. Registrar Non-Discrimination, 38. Registrar Support for New gTLDs and 39. Registry System Testing.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 9 Registry Voluntary Commitments / Public Interest Commitments	The ALAC 's support for Affirmation 9.3, Recommendations 9.1, 9.4, 9.8, and Implementation Guidance 9.5, 9.6 and 9.7 (in respect of PICs), as well as Recommendations 9.9, 9.10, 9.11 and 9.12 (in respect of RVCs) is contingent upon achieving the following results: ☐ Any and all Registry Commitments incorporated in a Registry Agreement must be clear and enforceable, whether such commitments are: o PICs(i.e.mandatoryperconsensuspolicy); o RVCsthatarenegotiatedduetoGACAdvice,GACEarlyWarning, anApplicationCommentor Objection and taken to fall within ICANN's Mission; or o RVCsthatarevoluntarilyprofferedbyanapplicant. ☐ Clarity of Registry Commitments, especially RVCs, ought to be achieved by ICANN Legal and Contractual Compliance, and approved by ICANN Board to ensure prima facie enforceability, subject only to Accountability Mechanisms, PICDRP, litigation, arbitration o The dispute resolution mechanism for RVCs as agreed between ICANN and applicant must continue to be inserted in its Registry Agreement ☐ Where an RVC is determined or ruled to be unenforceable, the ICANN Board must take action to remedy such outcome by preserving (where feasible) the original intent of the PIC or RVC and arresting any reasonably foreseeably impact of such determination or ruling of unenforceability on the enforceability of an identical or similar provision in other contracts. ☐ For completeness, Affirmation 41.1 and Recommendation 41.2 (under Topic 41: Contractual Compliance) are to apply equally to PICs and RVCs, in particular compelling Contractual Compliance to introduce/publish standards and threshold to assess registry practices, including guidelines on how each threshold is derived and applied to determine compliance or non- compliance of a PIC or an RVC through act or omission by a registry whether leading to sanctions and/or Registry Agreement termination or not. With respect to Recommendation 9.15, while the ALAC agrees with the principle that combatting DNS abuse should be subject to community consensus policy that would apply to all TLDs and not just future batches of New gTLDs, we disagree with the approach taken by the Subsequent Procedures PDP Working Group. We reiterate that there is a need for Subsequent Procedures PDP WG recommendations to compel incremental improvements to DNS abuse mitigation policy.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 23: Closed Generics	While the ALAC notes how "No Agreement 23.1" was derived, we believe, as a matter of good practice, ICANN must suspend any processing or acceptance of any applications for Closed Generics until such time the GNSO provides consensus policy recommendations on how to address applications for Closed Generics which serve a global public interest. This is consistent with GAC advice to the ICANN Board, "For strings representing generic terms, exclusive registry access should serve a public interest goal" as contained in its ICANN46 Beijing Communique.
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 17: Applicant Support	While the ALAC supports the recommendations for the Applicant Support Program (ASP), we do have grave concerns over omissions to those recommendations, in particular: ☐ On the lack of clear objectives for the Applicant Support Program (ASP), which in turn prevents its proper evaluation, as highlighted in recommendations #29 and #32 of the Competition, Consumer Choice & Consumer Trust Final Report 2018. ☐ On the lack of policy guidance for implementation on ASP beyond just recommending the establishment of a Dedicated Implementation Review Team for the ASP that is charged with developing implementation elements of ASP by revisiting 2011 Final Report of Joint Applicant Support WG, 2012 implementation of ASP Given this, we seek assurances for ALAC/At-Large participation in Dedicated IRT given that the ALAC was co-charterer for the JAS WG, and that community input is essential, especially in light of this Dedicated IRT's wide scope (including implementation of the Bid Credits for AS qualifiers in auctions as the contention resolution mechanism of last resort).

Name	Geographic Region (SOI)	Affiliation (SOI)	Sections Not Supported	Rationale
Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 21.1: Geographic Names at the Top Level	The ALAC's dissent to the Work Track 5 Final Report is limited to omissions to recommend: • For stronger preventive protection of Non-Capital City Names strings, in requiring letters of support/non-objection irrespective of applicant's declared use of TLD provided where city meets specified criteria (has 100k inhabitants, international airport per IATA), and to clearly extend this preventive protection to qualified non-capital city names in ASCII, native script, in current and historical forms (eg. Kolkata/Calcutta); • A Notification Tool exclusively to participating GAC Members for informing them of any application for strings matching their conditional-submissions of names with geographical meaning; and • Also, as part of Topic 14: Systems, an opt-in update system for interested parties to automatically keep them informed on application(s) for specified string(s).
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 31: Objections	Again, while the ALAC supports the recommendations on Objections, we are concerned over the omission to ensure the ALAC has automatic standing for Community Objections in order for each such objection it files be considered on its merit, without risk of dismissal on 'lack of standing', which risk remains an impediment to the ALAC's acting in the best interest of individual end-users.
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Topic 34: Community Applications (Implementation Guidance 34.4, Recommendation 34.12)	The ALAC's supports for the recommendations on Community Applications is qualified in respect of specific omissions: ☐ In Implementation Guidance 34.4 – to address impediment to proving both "awareness and recognition of the community members" for CPE Criterion 1-A; while allowance has been made in respect of "recognition" to compel consideration the views of the relevant community-related experts, especially in cases where recognition of the community is not measurable, no similar allowance has been made in respect of measuring "awareness" where such measurement could also be prevented or impaired. ☐ In Recommendation 34.12 – to include shortlisting and final selection of CPE Provider to be also subject to community input which is reasonable because of the need to supervise ICANN Org's selection of the most suitable CPE Provider.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Recommendation 35.2	The ALAC maintains its opposition to Recommendation 35.2 – specifically, that private auctions are allowed, on the basis of: o Concernaboutattemptsto"game" applicationprocessthroughuseofprivateauctions o Allowingshufflingoffunds,i.e. theabilityforalosertoapplyproceedsfrom1privateauction to another, only really benefits incumbent RO / multiple-string applicants; disadvantages single-TLD/niche applicants o No good reason for not mandating ICANN only auctions such that auction proceeds can be directed for uses in public interest – CCWG on Auction Proceeds
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Recommendation 35.3	The ALAC maintains its opposition to Recommendation 35.3 – use of bona fide intent affirmation being presumably limited to applicants who participate in auctions or private resolution mechanisms, because: o Ifatall,thisaffirmationshouldapplytoallapplications, notjustthosethatfallintocontention sets o Factors for establishing lack of bona fide intent are too subjective, and without penalty, ultimately just mere "window dressing"
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Recommendation 35.4	The ALAC maintains its opposition to Recommendation 35.4 – use of second-price, sealed bid auction compromise, while this compromise is superior to status quo, it remains inferior to a Vickrey auction solution in deterring speculative applications
Justine Chew, on behalf of ALAC	Malaysia (APAC)	ALAC	Recommendation 35.5	The ALAC maintains its opposition to Recommendation 35.5 – specifically, that private auctions are allowed and the protections for disclosing applicants under the Contention Resolution Transparency Requirements framework. o Full transparency of terms of any private resolution is absolutely necessary to gain data for program evaluation, all terms ought to be disclosed to ICANN but some may be subject to a non-disclosure commitment by ICANN Org where necessary, in order for all data to be captured to inform future policy work (through aggregate, anonymized data)

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Greg Shatan	USA (NA)	ALAC/IPC	Topic 9: Registry Voluntary Commitments / Public Interest Commitments	I strongly support PICs and RVCs. However, it should be clear that PICS/RVCs, by definition, DO NOT and CANNOT violate Section 1.1 (c) of the ICANN ByLaws, which reads: ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet's unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority. Simply put, a PIC/RVC is a mutually agreed term in a contract and thus is not the imposition of a rule or restriction by ICANN. This was a heavily discussed provision during the IANA transition and I participated directly in those discussions. If ICANN believes that ICANN cannot agree to a PIC/RVC because it violates the Bylaws, ICANN should not agree to these PICS//RVCs in the first place. Once a PIC/RVC is agreed to and in place, registries need to comply and ICANN needs to enforce it as it would with any other contract term..

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Greg Shatan	USA (NA)	ALAC/IPC	Topic 23: Closed Generics	I agree with Justine Chew's statement (on behalf of ALAC) and with Anne Aikman Scalese's statement on this Recommendation, which reads as follows: I agree that the WG members did not reach Consensus on this topic. I disagree with WG members who maintain that the "status quo" is no prohibition on Closed Generics. After the 2012 implementation, applicants for Closed Generics were permitted to convert to open registries or to withdraw applications with refunds pursuant to Board Resolution. I support the proposal made by Greg Shatan in the December 10, 2020 WG call (at 1 hour 7 minutes into the call) to allow applications for Closed Generics but to "suspend" such applications subject to further policy work in the appropriate forum, e.g. EPDP. In this regard, it would be helpful for the ICANN Board to specify whether it intends to accept standing GAC Advice to the effect that a "Closed Generic" should serve a public interest goal. Such guidance would assist the GNSO Council in constructing a Charter for an EPDP. Here it is important to note that a finding that a particular Closed TLD "serves a public interest goal" does not need to be equal to a finding that a particular Closed TLD is "in the Global Public Interest". The two standards are distinguishable and elements to establish the status of serving a public interest goal are ascertainable. Specific questions for evaluation of this status are suggested beginning on page 104 of the December 22 version of the Final Report. It should also be noted that if this Closed Generic topic is not resolved by adoption of policy prior to the opening of the next application window, it is certain there will be applications for Closed Generics by applicants who will be relying on the new policy contained in Implementation Guidance 3.4 that prohibits subsequent applications for the same string if any prior application for that string remains unresolved. This means that a future application for a Closed Generic could effectively block a subsequent round application for an Open Generic TLD for the same string. Such a result would violate the Principle of Applicant Freedom of Expression which has been affirmed by the Working Group as discussed in Topic 10.
Greg Shatan	USA (NA)	ALAC/IPC	Topic 34: Community Applications/CPE	I support this with some reservations. On the one hand, I have some concerns about gaming and on the other hand, I have some concerns about how difficult it was for actual bona fide communities to satisfy these requirements.
Greg Shatan	USA (NA)	ALAC/IPC	Recommendation 35.4	None given.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Christa Taylor	Canada (NA)	N/A	Recommendation 17.3 (Staff note -- this appears to be a typo, as the text is quoted from 17.4)	"…outreach and education should commence no later than the start of the Communications Period". The Communication Period is not sufficient for applicant support applicants who require additional languages other than English. The translation of the AGB is "-2 months" before the Application Submission begins, which does not provide sufficient time for potential AS applicants to gain the requisite knowledge, assess, prepare and secure the resources required if they are requiring another language. I believe we initially had a minimum of four-months and would suggest this be the minimum amount of time after the translation of the AGB or have the AGB published in the additional languages a lot sooner.
Christa Taylor	Canada (NA)	N/A	Recommendation 17.17 and 35.2	Protection mechanisms to protect and prevent the use of joint ventures to game the bidding credit system are needed to protect the applicants, the AS program and auction applicants.
Christa Taylor	Canada (NA)	N/A	Recommendation 35.3	Bona fide intent is better reflected in the amount of funds used/received in auction over the volume of applications (see prior comments with suggestions).
Christa Taylor	Canada (NA)	N/A	Recommendation 35.4	Submitting all bids at once is unfair and puts an undue amount of work on applicants both large and small who need time to arrange financing, evaluate all potential outcomes and potentially increases the probability of default if the applicant has multiple applications as an applicant may unexpectedly win application they expected to lose and unable to fund future bids already submitted. As mentioned by others, dotBrands and auctions create additional risks to all applicants within that contention set.
Christa Taylor	Canada (NA)	N/A	Recommendation 35.5	"…within 72 hours of resolution" needs to reflect a more reasonable time frame. Again, I'm suggesting five business days as the 72-hour requirement on an auction that occurs on a Thursday/Friday almost guarantees that the condition cannot be met without additional resources and costs. Let's be kind and support applicant winners who are excited about their new venture instead of having them worry about losing their investment by not being able to fulfil a requirement they have no control over during a weekend.
Christa Taylor	Canada (NA)	N/A	Rescind: Recommendation 17.15	'…a bid credit, multiplier, or other similar mechanism must apply to the bid submitted by that applicant'. I find it difficult to form an opinion as it's too generic and I'm unable to assess the impacts to AS applicants, standard applicants, revenue neutrality, financing, etc.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Phil Buckingham	UK (EU)	N/A	Recommendation 35.4	Like many in the community , I found it extremely unacceptable that over $1 billion profit was made from resolving 234 contention sets, including $234,000 for ICANN in its last resort takes all auction in Round 1. I am now in agreement that Topic 35 and its recommendations and implementation guidelines addresses the complex issues and problems around contention set resolutions. However , whilst I agree with the ICANN Auction Last Resort models using the second price auction method, I cannot see how it would work in the (unlikely) event of (two or more) Spec 13 closed brands finding themselves in a contention set Valuing a TLD at the best of times is extremely difficult , made more so , in a sealed bid very early in the application process , without any prior knowledge of other applicants in a contention set.
Phil Buckingham	UK (EU)	N/A	Topic 2: Predictability Framework	Spirt Chartering Whilst I am in total agreement with all the points raised under Spirt Chartering , I feel it does not go far enough and doesn't integrate with the workings of the ICANN.org Round 2 Team. I would most certainly like to serve on this SPIRT team. If not work full time in the ICANN.org team. As a Segway , further implementation advice needs to be given, as to the setting up of a new division, self funded, ring fenced within ICANN.org. Within that division/ cost centre needs to be the appointment of four key F/T employees to head up this new BOLD division. They would be collectively be responsible for the Budget , Operations , Legal and Delegation for the next Round. My suggestion , recommendation would be they would all have a permanent seat on the SPIRT team. I trust this is food for thought as many of us move on to the Operational and Implementation phase of Round 2.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Donna Austin, on behalf of GoDaddy Registry	USA (NA)	RySG	Recommendation 24.3	GoDaddy Registry Supports Recommendation 24.3, but does not support the inclusion of the third dot point in this recommendation (see italics text below) as we believe it is inconsistent with the intent of the recommendation, which is to mitigate the risk of user confusion, absent consideration of the meaning of the string/s. Recommendation 24.3: The Working Group recommends updating the standards of both (a) confusing similarity to an existing top-level domain or a Reserved Name, and (b) similarity for purposes of determining string contention, to address singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the Working Group recommends prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .EXAMPLE156 and .EXAMPLES may not both be delegated because they are considered confusingly similar. This expands the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language/script basis. • An application for a single/plural variation of an existing TLD or Reserved Name will not be permitted if the intended use of the applied-for string is the single/plural version of the existing TLD or Reserved Name. For example, if there is an existing TLD .SPRINGS that is used in connection with elastic objects and a new application for .SPRING that is also intended to be used in connection with elastic objects, .SPRING will not be permitted. • If there is an application for the singular version of a word and an application for a plural version of the same word in the same language/script during the same application window, these applications will be placed in a contention set, because they are confusingly similar. • *Applications will not automatically be placed in the same contention set because they appear visually to be a single and plural of one another but have different intended uses. For example, .SPRING and .SPRINGS could both be allowed if one refers to the season and the other refers to elastic objects, because they are not singular and plural versions of the same word. However, if both are intended to be used in connection with the elastic object, then they will be placed into the same contention set. Similarly, if an existing TLD .SPRING is used in connection with the season and a new application for .SPRINGS is intended to be used in connection with elastic objects, the new application will not be automatically disqualified.*

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Donna Austin, on behalf of GoDaddy Registry	USA (NA)	RySG	Recommendation 24.5	GoDaddy Registry does not support Recommendation 24.5 We believe the recommendation is inconsistent with Recommendation 24.3, namely that " ... the Working Group recommends prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion." We agree that string similarity should be related to the possibility of user confusion, which will only be exacerbated if similar strings are allowed on the basis that they have different meanings. We do not believe that a PIC in the Registry Agreement will overcome that confusion, nor do we understand how such a PIC would be enforced. Recommendation 24.5: If two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings,353 the applications will only be able to proceed if each of the applicants agrees to the inclusion of a mandatory Public Interest Commitment (PIC) in its Registry Agreement. The mandatory PIC must include a commitment by the registry to use the TLD in line with the intended use presented in the application, and must also include a commitment by the registry that it will require registrants to use domains under the TLD in line with the intended use stated in the application.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Donna Austin, on behalf of GoDaddy Registry	USA (NA)	RySG	Topic 35: Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets: Recommendation 35.4	GoDaddy Registry does not support recommendation 35.4 While in principle that the ICANN Auction of Last Resort must be conducted using the second-price auction method; we do not support the rules and procedural steps as they do not provide an opportunity for applicants to resubmit their sealed bids in the event that ICANN Auctions of Last Resort do not take place in a timely manner, ie within one year of submitting the sealed bid. The earliest of the ICANN Auctions of Last Resort from the 2012 New gTLD Program took place on 4 June 2014, some two years after the closure of the 2012 application window; and the last recorded Auction of Last Resort took place in June 2016. It will be a difficult exercise, and perhaps an impossible exercise for those applicants with limited industry knowledge, for applicants to decide the value over and above the application fee that they would be willing to pay for a TLD at the time they become aware they are in a contention set. It will be a considerably more difficult exercise if the applicant also needs to factor into the equation the possibility that the Auction of Last Resort will not occur for another four years. We could support the recommendation if the following paragraph already contained in the Recommendation 35.4 *At the end of the String Similarity Evaluation period, applicants in contention sets will be informed of the number of other applications in their contention set, but no other information regarding the other applications will be shared. All applicants must submit a sealed bid for each relevant application ("Last Resort Sealed Bids"). Any applicant that does not submit a sealed bid at this time will be deemed to submit a bid of zero.* Was augmented with the following: *Upon each anniversary of the date the sealed bid was submitted, applicants that continue to remain in a contention set and submitted a sealed bid, will be provided an opportunity to change their sealed bid amount. While the amount will remain confidential the application will be updated to reflect that the initial sealed bid was changed on x date. It's important that we take into account the possibility that the Last Resort Auctions will not be conducted in a timely manner and as such provide applicants with the opportunity to reconsider their sealed bids, particularly as the circumstances and landscape under which they submitted their original bid will have changed and more recent information will be available about the market to help applicants make more informed decisions. It is very unlikely that the value of something today will be the same in one or two or three or four years from now.*
Brian Winterfeldt	USA (NA)	IPC	1.3: No Opinion	No Opinion

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Brian Winterfeldt	USA (NA)	IPC	3.6: Oppose	Oppose: Future rounds of new gTLDs should not proceed until relevant review processes have been completed – these reviews may identify problems that need to be corrected or addressed before the further expansion of the DNS.
Brian Winterfeldt	USA (NA)	IPC	6.1: No Opinion	No Opinion
Brian Winterfeldt	USA (NA)	IPC	9.15: Support, With Clarification	Support, With Clarification: This recommendation should include additional guidance proposing that the GNSO Council scope and initiate a PDP or EPDP to develop recommendations for enhanced standardized anti- abuse measures for contracted parties.
Brian Winterfeldt	USA (NA)	IPC	15.7: Oppose	Oppose: We strongly prefer that excess fees be refunded back to applicants or applied to initiatives which would improve trust in the DNS, particularly around security threats, malware, fraud and intellectual property infringement rather than promoting new gTLDs generally. In this vein, we would support the use of any excess funds to ensure that there is robust monitoring and enforcement of the contractual commitments made by applicants, registry operators, and registrars, including in particular RVCs, PICs, and anti-abuse requirements.
Brian Winterfeldt	USA (NA)	IPC	21.4: Oppose	Oppose: There has been no signal that the Public Technical Identifiers entity would need to use or prevent any third party from using .PTI as a potential new gTLD. There are other entities who legitimately may wish to apply for this string, such as owners of brands corresponding to PTI; they should not be unduly prejudiced or prevented from such application/possible operation of such a TLD simply because their brand corresponds to the PTI acronym for Public Technical Identifiers. There does not seem to be any other technical or legal rationale for reserving .PTI, nor would Internet users generally associate a .PTI TLD with Public Technical Identifiers.
Brian Winterfeldt	USA (NA)	IPC	24.3 – 24.4: Support in Part/Oppose in Part	Support in Part/Oppose in Part – we Support the portion of the Recommendation that Singular and Plural variants of the same string should be considered in contention and only one such application permitted to proceed; however, we Oppose the portion of the Recommendation that seeks to apply an intended meaning test to determine whether strings are similar; the test should be purely based on the appearance of the string, as the goal is to prevent Internet user confusion and misdirection in the visual-oriented DNS format, absent some circumstances that would make such confusion unlikely despite visual similarity of the strings.
Brian Winterfeldt	USA (NA)	IPC	24.5: Oppose re "Intended Use" per Above, but Support in the Alternative Should Rec 24.3- 24.4 be approved	Oppose re "Intended Use" per Above, but Support in the Alternative Should Rec 24.3- 24.4 be approved

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Brian Winterfeldt	USA (NA)	IPC	34.1 – 34.11: No Opinion	In general we do not believe there is a need for specially defined "community" applications, particularly given the challenges in defining a "community" for purposes of priority evaluation; to the extent the WG agrees that there should remain a "community application" subject to priority status, we take no view on the criteria applicable to these types of TLD applications.
Brian Winterfeldt	USA (NA)	IPC	35.4: Support subject to Carve-Out for .Brand Applicants (exempting such applicants from the sealed-bid requirements)	Support subject to Carve-Out for .Brand Applicants (exempting such applicants from the sealed-bid requirements)

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Kathy Kleiman	USA (NA)	NCUC	Recommendation 9.9 and Recommendation 9.10	I must rise, however, in opposition to Recommendations 9.9 and 9.10 in Topic 9 on RVCs and private PICs. I strongly oppose the inclusion of both recommendations in our report to Council, and respectfully submit that they have neither Consensus nor Strong Support across the WG or Community. Specifically, private PICs (now RVCs) and the PICDRP were never created by the GNSO or a PDP; they were imposed by a former ICANN CEO hoping to create a mechanism for addressing calls from the GAC for a place in the ICANN-New gTLD Registry Agreement to address Early Warnings and GAC Advice (the GAC was seeking ways to limit access to a gTLD (for sensitive and highly-sensitive strings) and ways to open gTLDs (for those creating exclusive access to generic TLDs in dozens of businesses and industries)). Happily, the use of private PICs/RVCs for GAC Advice and GAC Early Warnings is now embodied in our Recommendation 30.7. Ditto for the idea of using a private PICs/RVC to settle a formal objection. Recommendation 31.16 creates the opportunity for an applicant "to amend an application or add Registry Voluntary Commitments (RVC)s" to end an objection; the recommendation then requires the change to proceed through the Application Change Request process and into public comment for all to see, review and comment on. Excellent. This leaves Recommendations 9.9 and 9.10 for the "kitchen sink" – the range of private and potentially abusive commitments that a registry might make in its own interests or on behalf of special interests adopt in potential violation of a) the scope and mission of ICANN, b) our Human Rights Core Value, c) fundamental rights for registrants, including Freedom of Expression and due process, c) and respect for the GNSO, our PDPs and the policies we arrive at through our consensus processes. Recommendations 9.9 and 9.10 continue the process of undermining ICANN processes, policies and bylaws started in 2013 and 2014. Some private PICs were appalling and abusive then; it will undermine ICANN's integrity and independence to go forward in a similar manner now. ICANN cannot act outside its scope and mission, nor can ICANN authorize someone else to act on its behalf outside its scope and mission. These two recommendations are outside our scope and mandate, and respectfully, outside the agreement of this WG.

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Kavouss Arasteh	Switzerland (EU)	GAC	Recs not supported by consensus	
Topics with no Objections	1 3.1-3.5, 3.7 4.2, 4.3 5, 6, 7, 8 10, 11 12.1-12.8, 12.11 13 14 16 18.1, 18.2, 18.4-18.7 19 20 21 22 24.1, 24.2, 24.7 25 26 27.1 - 27.17, 27.19 - 27.23 28 29 (except Anne) 30 (except Jorge) 31 (See ALAC Comment though) 32 33 36-40 41.1 42.2 (Jorge not strong enough)			
Topics with Comments but no necessarily objections				