04 April 2024

GNSO Council Review of San Juan GAC Communiqué

TO: Tripti Sinha

Chair, ICANN Board of Directors

CC: Nicolas Caballero, GAC Chair

Dear Tripti,

On behalf of the GNSO Council, we are hereby transmitting to you the GNSO Council's *informal* review of the San Juan GAC Communiqué in advance of the Board's meeting with the GAC on 08 April. The GNSO Council will be considering the review for adoption at its 18 April meeting, after which the attached review document will be formally transmitted to the Board.

The GNSO Council's review of each GAC Communiqué is an effort to provide feedback to you, in your capacity as members of the ICANN Board, as you consider issues referenced in the Communiqué that we believe relate to policies governing generic Top-Level Domains. Our intent is to inform you and the broader community of gTLD policy activities, either existing or planned, that may directly or indirectly relate to advice provided by the GAC. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will enhance co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Kindly,

Greg DiBiase, GNSO Chair

ICANN|GNSO
Generic Names Supporting Organization

GNSO COUNCIL REVIEW OF GAC ADVICE CONTAINED IN THE ICANN79 GAC COMMUNIQUE

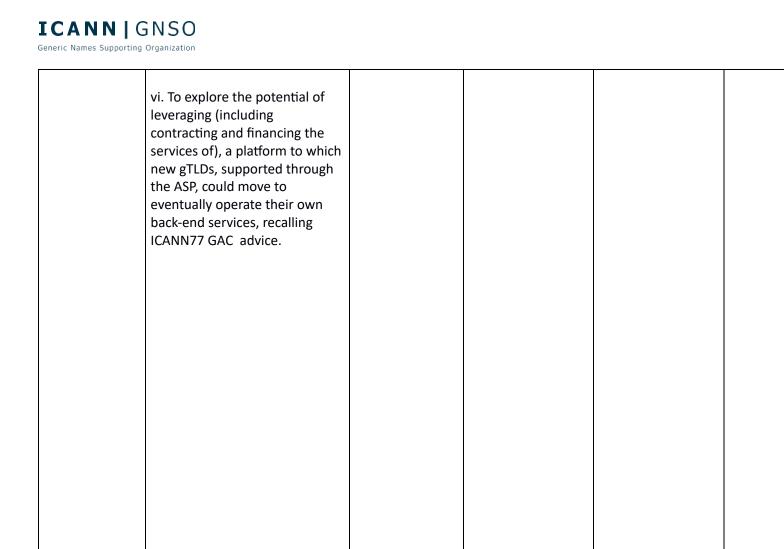| GAC Advice - Topic	GAC Advice Details	Does the advice concern an issue that can be considered within the remit[1] of the GNSO (yes/no)	*If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?*		*How has this issue been/is being/will be dealt with by the GNSO.*

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[1] As per the ICANN Bylaws: 'There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

| 1. Applicant Support Program (ASP) | a. The GAC advises the Board:

i. To ensure the Applicant Support Program (ASP) focuses on facilitating global diversification of the new gTLD application program, bearing in mind historical community calls for a 'remedial round'5, recalling ICANN77 GAC advice.

ii. To publish a comprehensive ASP communications and outreach strategy and associated implementation plan for review and comment by the community with itemized costs, detailed scope and clear metrics of success identified, to complement the overview of the broader communications plan for the next round of new gTLDs included in the Implementation Plan. This ASP communications and outreach strategy must include details on building awareness of Universal Acceptance and Internationalized Domain Names and should leverage community connections to ensure underserved regions are reached. | yes | SubPro Small Team Plus

In addition, the SubPro PDP Recommendations relating to Applicant Support are in the process of implementation by ICANN Org supported by a cross-community Implementation Review Team ("IRT"). | | Add language that this is an issue of importance to the GNSO Council as well….

Small Team Plus has drafted the supplemental rec for 17.2.

The GNSO Council recommends expanding the scope of Applicant Support provided to Applicant Support Program beneficiaries beyond the application fee to provide access to an array of resources useful for the capacity building, planning, application, evaluation, pre-delegation and post-delegation phases of the lifecycle of the application. For the avoidance of doubt, this recommendation does not obligate ICANN to provide support for all phases of the lifecycle of the application process as well as the registry.

This supplemental recommendation 17.2 was reviewed and discussed during ICANN79 by the |

	iii. To specify how the reported fund for the ASP will specifically be used to support applicants – whether through offsetting reduced application fees for applicants, funding additional means of support, or a mix of both – and undertake an assessment of the appropriate budget to support the program and the associated communications and outreach strategy in the context of inflation trends since the the launch of the last ASP, which was funded with 2 million USD during the 2012 new gTLDs application round. iv. To develop a holistic approach to the ASP by strongly considering implementation of the ALAC's ASP incubator proposal, recalling the GAC's ICANN78 text. v. To consider substantially reducing or eliminating ongoing ICANN registry fees for successful applicants for at least five years, and consider further flexibility thereafter according to applicant needs, recalling ICANN77 GAC advice.				GNSO Council and at a community session. It will be, along with other supplemental recommendations developed by the Small Team Plus, on the agenda for voting at the Council meeting on 18 April. For more information on the work of the IRT: https://community.icann.org/display/SPIR

	vi. To explore the potential of leveraging (including contracting and financing the services of), a platform to which new gTLDs, supported through the ASP, could move to eventually operate their own back-end services, recalling ICANN77 GAC advice.				

| 2. Urgent Requests for Disclosure of Registration Data | To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC. | yes? no. | Relates to the implementation of Board-adopted GNSO policy recommendations of the **EPDP Temporary Specification for gTLD Registration Data – Phase 1** Currently, this specific issue is with ICANN Org to implement and it is supported by the IRT.

[DO we want to say that if anything is recommended / proposed by Org that would constitute a change to the policy recommendation, the GNSO Council should be notified and consulted] | | EPDP Recommendation #18 states:

The EPDP Team recommends that criteria for a Reasonable Request for Lawful Disclosure and the requirements for acknowledging receipt of a request and response to such request will be defined as part of the implementation of these policy recommendations but will include at a minimum:
…
● Timeline & Criteria for Registrar and Registry Operator Responses:
…
● A separate timeline of [less than X business days] will be considered for the response to 'Urgent' Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure [time frame to be finalized and criteria set for |

					Urgent requests during implementation]. The EPDP Team recommends that the above be implemented and further work on defining these criteria commences as needed and as soon as possible.