



The Internet Corporation for Assigned Names and Numbers

James Bladel
Chair, GNSO Council

12 April 2016

Re: GNSO Council Response to ICANN Board Letter concerning New gTLD Program Committee Resolutions Concerning Exclusive Registry Access for gTLD Strings Representing Generic Terms

Dear James:

I am writing in response to the GNSO Council letter of 24 November 2015. In that letter, the Council appears to request three items of information regarding the following: 1) information that demonstrates how the Board has interpreted and considered the public interest in relation to its responsibilities under the ICANN Bylaws; 2) information on the research done by ICANN into "the development and implementation of a global public interest framework bounded by ICANN's mission;" and 3) timing and next steps in developing a global public interest framework bounded by ICANN's mission.

The Board supports the Council member statements regarding the importance of a global public interest framework bounded by ICANN's mission and, in light of discussions at ICANN55, I am glad to have the opportunity to further update you on this work.

I. Board interpretation and consideration of the public interest

While, historically at ICANN, there has been no explicit definition of the term "global public interest," the Board has understood the term within the context of [Paragraph 3 of the Articles of Incorporation](#):

"In furtherance of the foregoing purposes, and in recognition of the fact that the Internet is an international network of networks, owned by no single nation, individual or organization, the Corporation shall, except as limited by Article 5 hereof, pursue the charitable and public purposes of lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by (i) coordinating the assignment of Internet technical

parameters as needed to maintain universal connectivity on the Internet; (ii) performing and overseeing functions related to the coordination of the Internet Protocol("IP") address space; (iii) performing and overseeing functions related to the coordination of the Internet domain name system ("DNS"), including the development of policies for determining the circumstances under which new top-level domains are added to the DNS root system; (iv) overseeing operation of the authoritative Internet DNS root server system; and (v) engaging in any other related lawful activity in furtherance of items (i) through (iv)."

II. ICANN research on global public interest framework

As you noted in your letter, Nora Abusitta, Senior Vice President of ICANN's Development and Public Responsibility Programs, has been facilitating this process as set out in ICANN's strategic plan. Recognizing the intense focus on other ongoing dialogues, she and her team have been preparing resources that will be useful for all involved when the time comes to embark upon a deeper exploration of definitions of the public interest within ICANN's remit.

To date, the following materials have been collated:

- The report and related resources from the Strategy Panel on the Public Responsibility Framework which first proposed a definition of public interest with community input in 2014;
- Desk research on ICANN Department current understandings of the term and its application. This was carried out with a view to understand ICANN's internal processes and documentation that relates to this term, given that we will all need to be cognizant of the fiscal, legal, and operational parameters and limitations to any potential definition(s);
- An inventory of ICANN documents that reference either the term 'global public interest' or 'public interest';
- Useful resources: including links to recent sessions where this topic has recently been discussed and relevant online articles.

In response to requests during discussions, these resources were placed on a [community wikispace](#) launched in late December 2015 for ease of access. To facilitate discussion and organization on this topic, [a mailing list was created](#). As per requests, the topic was submitted



as High Interest Session at ICANN55, and took place on Monday 7th March 2016, details and materials of which can be found [here](#).

III. Next steps

Future conversation and work on exploring the public interest within ICANN's remit will require global, multistakeholder, bottom-up discussion and I am glad to see the GNSO Council, along with other groups, is already taking a keen interest in these next steps.

Regards,

A handwritten signature in black ink, which appears to read "Steve Crocker". The signature is fluid and cursive, written in a professional style.

Steve Crocker
Chairman, ICANN Board