

Friday, July 14, 2023

Mr. Sebastien Ducos
GNSO Council

Dear Sebastien,

The Brand Registry Group (BRG) respectfully submits these comments to the GNSO Council for its consideration as part of its ongoing Subsequent Procedures (SubPro) policy development work.

During the March ICANN76 meeting in Cancun, there was an abundance of optimism in the air regarding the pendency of the next round of new gTLDs. However, at the recently concluded ICANN77 meeting in Washington, DC, there was a much more tempered atmosphere regarding the commencement of the next round -- which is of concern to the BRG and its members. The BRG recognizes the complexity of the outstanding issues that the GNSO Council and the ICANN Board are currently trying to reconcile. However, the BRG believes that the GNSO Council and ICANN Board may be conflating some policy issues which could better be resolved if they were decoupled, specifically, with regard to the issues of closed generics and IDNs.

The issue of closed generics has resulted in an ongoing policy debate within the ICANN community that has lasted well over a decade. The most recent attempt to reach a consensus position was the facilitated dialogue group which has proposed the Draft Framework for Closed Generic gTLDs (Draft Framework). This group should be commended for its diligent work and its attempts to explore new consensus-building methods to solve this complex problem. However, the BRG respectfully submits that this framework is unlikely to result in any policy development process (PDP) that will result in any predictable and implementable policy advice.

Therefore, the BRG strongly supports the statement made by Councilor Paul McGrady during the ICANN77 GNSO Council meeting. Specifically, the need for a "place holder" (aka safety valve) to prevent the issue of closed generics from blocking commencement of the next round of new gTLDs. The BRG respects the comments of Councilor Anne Aikman-Scalese regarding predictability for future applicants. However, the BRG believes that any safety valve would provide sufficient predictability, much more than afforded such applicants in the 2012 round.

Turning to the issue of the IDN expedited PDP, the BRG commends the progress this working group accomplished at ICANN77 under the leadership of its Chair Donna Austin and Vice-Chair Justine Chew. The BRG is cautiously optimistic that a planned future face-to-face meeting of this working group in 2023 might further expedite the tentative 2026

delivery date. However, the BRG believes that the GNSO Council and the ICANN Board may have improperly coupled the top-level and second-level IDN policy work into a single issue which, until resolved by policy, would block commencement of the next gTLD round.

The BRG respectfully submits that the intent of the expedited PDP working group is to bifurcate this work. Because any policy advice regarding second-level domain names will be contractually imposed on all existing and future Registry Operators, this issue should not act as a gating function for the commencement of the next round. Instead, the GNSO Council and the Board should focus on the IDN policy work at the top-level, in order to complete that work as efficiently as possible. Among our membership, potential IDN applicants prefer to submit applications much prior to 2026, even if some technical details remain to be resolved by forthcoming policy.

Should you have any questions please do not hesitate to contact me.

Best regards,



Crews Gore
President
Brand Registry Group