

11 November 2024

RE: CONTENTION SETS

Tripti Sinha  
Chair, ICANN Board

Dear Tripti,

The Council is in receipt of the [letter](#) from the Board regarding the holistic approach to contention resolution in the Next Round and has had the opportunity to discuss the proposed approach, discussing it as well with the GNSO's appointed Board members (Becky Burr and Chris Buckridge). It is clear that the Board's suggested approach to string contention is balancing a number of different factors, such as relevant SubPro Recommendations, ALAC Advice, GAC Advice, as well as auction expert guidance.

The Council recognizes that there are a number of components to the Board's proposed approach to contention resolution, many of which are currently being discussed in the context of the SubPro Implementation Review Team (IRT). Some groups within GNSO had concerns with this approach, and would like to caution the Board against undue interference into business dealings between private parties or accepting GAC advice that could alter GNSO recommendations. While we encourage continued dialogue on these broader concerns, this letter will focus on the reversal of the Board's adoption of Recommendation 20.6 regarding joint ventures.

The reversal of an ICANN Board adopted GNSO recommendation (and the lack of available tools to do so) has been a hypothetical scenario for several months, but it has now become a reality with Recommendation 20.6. The Council does have some procedural reservations to the Board's intended action and the general view on Council is that Board-adopted Recommendations should not be modified or reversed without GNSO input on the proposed alternative, nor should the actions by the Board to reverse Recommendation 20.6 set a precedent for future action by the Board. Despite these reservations, the Council will not seek to impede the Board's reversal of its adoption of Recommendation 20.6. However, the Council does believe that the mechanism by which the Board can reverse its adoption of a GNSO policy recommendation needs to be developed and documented in consultation with the GNSO Council and the community, including the adoption of guardrails where necessary. The Council anticipates at least initiating the discussion for the proposed mechanism at its Strategic Planning Session in January 2025; the GNSO's appointed Board members have been invited to this event and will hopefully be in attendance.

The Council appreciates the Board's continued attention and dedication to considering complex issues and providing necessary direction to allow the Next Round of the New gTLD Program to launch on a timely basis.

Best regards,  
Greg DiBiase, GNSO Chair