AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Public Interest Commitment ALAC Review – Follow Up

Introduction

Evan Leibovitch, Secretariat of the North American Regional At-Large Organization (NARALO) and Chair of the At-Large New gTLDs Working Group, composed an initial draft of this Statement after discussion of the topic within At-Large and on the Mailing Lists. This Statement is a follow-up of the ALAC Statement on the Public Interest Commitments, which is currently under review by the Board New gTLD Process Committee (NGPC).

On 13 November 2014, this Statement was posted on the At-Large Public Interest Commitment ALAC Review – Followup Workspace.

Due to the urgency of reinforcing the ALAC position on the Public Interest Commitments, Alan Greenberg, Chair of the ALAC, requested that Staff open an ALAC ratification vote on the proposed Statement on 13 November 2014 and close on 18 November 2014.

On 19 November 2014, Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 13 votes in favor, 0 vote against, and 0 abstention. You may review the result independently under: https://www.bigpulse.com/pollresults?code=4391Db3vu5YFdydTn8yATdDN

ALAC Statement on the Public Interest Commitment ALAC Review – Follow Up

The New gTLD Working Group of the ICANN At-Large Advisory Committee (NGWG) has undergone a lengthy review process related to concerns within the community about the use of Public Interest Commitments (PICs) in new gTLDs.

Greatest amongst those concerns are the lack of public oversight, the temporary and arbitrary nature of the "optional" PICs, and an unsure and adversarial enforcement process that created significant obstacles for reporting of breaches.

To that end, the NGWG engaged in a lengthy consultation process with the community, which included a formal Public Comment Process (PCP). The results of this PCP were reviewed by the NGWG at the ICANN51 meeting along with other input.

The analysis from the review to date, combined with additional discussions during ICANN51, were as follows:

- Outside of the domain industry itself, there is absolutely no support for the PIC mechanisms in their current form;

- The primary defence of the PIC mechanisms, from within the domain industry, does not stem from satisfaction with the PIC regime itself, but rather that the process is too far along to change;

- The heightened protection measures announced by ICANN President and CEO Fadi Chehadé at the start of ICANN51 does not address the deficiencies with PICs, but only indicated additional staff resources to police the (insufficient) mechanisms;

- Almost all of the constituencies within ICANN involved with end-users and registrants -- governments, business and civil society -- shared the ALAC's concerns on this issue. Such support has taken many forms and degrees, from repeated GAC (Governmental Advisory Committee) statements to Business Constituency letters of concern submitted to the Public Comment Process to numerous private comments of support;

- Representations from some members of the ICANN Board that the GAC was unconcerned on the matter, expressed at the ALAC-Board meeting during ICANN50, were explicitly contradicted by the GAC Communiqué issued at that meeting (and again at ICANN51);

- Within the At-Large Community, the timing issue - why revisit the issue now? - was met by a response that the need for remedial action is completely due to the lack of prior consultation. We are not aware of any multi-stakeholder input -- or any community input at all – having been solicited in the creation of the PICs. We reject the notion that since the only remedy available is after-the-fact, it is beyond the control of the ICANN community; no opportunity was given to fix it while in development;

- The ALAC and others have been critical of the PIC mechanism from the moment it was released, but criticism has generally been ignored. Only the drastic action of formal ALAC Advice, calling for a freeze, has attracted attention;

- How ICANN handles public facing issues such as PICs is a significant factor in its ability (or inability) to generate public trust;

- During the WG consultation process we noted, however, that while there is widespread dissatisfaction

with PICs as a way to safeguard the public interest, support for Policy Advisory Boards (PABs) as a remedy is far less common. Many concerns were expressed about the potential cost of PABs, the lack of registry participation, and enforcement. Thus, the thrust of the NGWG going forward, may be shifting to making the PICs more robust, permanent, accessible, and more easily enforceable, rather than advancing PABs as an alternative.

As a result of the above analysis, the NGWG prepared a [statement](#) which was endorsed unanimously by ALAC and read during the Public Forum at ICANN51, calling for a freeze on the most sensitive gTLDs (as defined by the GAC) pending a review of the methods to instill public trust in these especially-trust-sensitive TLDs.