

New gTLDs: GAC Early Warning

Current Environment and Recent Developments

During the GAC – Board new gTLD discussions it was agreed to implement a GAC Early Warning Process. The Early Warning is a notice from one or more governments to an applicant that the application raises sensitivities or concerns for that government. The notice will be sent from the GAC to the Board. The GAC requested a 60-day period to review applications and send the Early Warning notice.

In the Dakar meeting, the GAC asked for additional review time, particularly in the event that there are more than 500 applications, where ICANN has stated that it plans to evaluate applications in batches.

While it was our initial reaction to urge the GAC to the original 60-day timeframe, there must be some accommodation in the case where the number of applications significantly exceeds 500 in number. As one GAC member aptly put it (paraphrasing): what if there are 10,000 applications? The GAC could not be expected to review all of them in the 60-day window.

ICANN Recommendation

It is recommended that GAC be requested to maintain the 60-day window and provide Early Warnings within that planned timeframe. However, there will be flexibility in the case of a large number of applications – if ICANN receives, say, thousands instead of hundreds of applications.

That is, if there are an extraordinarily large number of applications, an accommodation will be developed where the GAC can request additional time. Similarly, if there are particularly problematic applications, where a government requests more time, a similar accommodation could be requested.

The Board should consider any request from the GAC to vary the time periods once the applications are published.

Rational for Recommendation

It should be remembered that the GAC has agreed to undertake a new and potentially complex task. Governments are being asked to react in a relatively short timeframe. There will be a period of potentially intensive work for GAC members after the close of the application window and posting of new gTLD applications. ICANN will provide additional administrative support as requested by the GAC to

facilitate their work. The Board and GAC should work together to ensure the review of those applications is completed in the proposed time period but that flexibility is provided where necessary.

Applicants should know as soon as possible if there is a governmental concern with their application. There is a significant investment in preparing to launch a new registry and ICANN should provide answers to applicants in a timely manner. That is why the GAC commitment to a 60-day window is so valuable. It provides quick notice to problematic applications and won't delay (what we think will be) the vast majority of non-controversial applications.

However, if there are a much higher number of applications, or if there are problematic applications, it makes sense that an accommodation tailored to that set of circumstances is developed.

We don't know at this time if there will be many, few or no controversial applications. Nor do we know the time required for GAC review of an application. We should not plan for the worst case but make accommodation for contingencies such as individual problematic applications or a larger number of applications than anticipated as they occur.

Allowing for this accommodation after the applications are received should not interfere with timely processing of applications. If ICANN batches applications, that batching order will be made available to the GAC approximately three weeks into the GAC 60-day window. So in the event that more time is requested by the GAC, the GAC has time to shift their focus to those applications assigned to the first batch.