TITLE: **Acknowledgment of GNSO Policy Development Process – Protection of IGO-INGO Identifiers in All gTLDs**

Procedural Considerations – Addressing GNSO Policy Recommendations and GAC Advice on Protections for IGOs-INGOs

GNSO Policy Recommendations

- The GNSO unanimously adopted consensus policy recommendations in the Final Report on the IGO-INGO PDP. The policy recommendations concern all gTLDs, and have been transmitted to the Board for consideration pursuant to the ICANN Bylaws, which require the Board to "meet to discuss" the GNSO policy recommendations "as soon as feasible, but preferably not later than the second meeting after receipt of the Board Report from the Staff Manager."

- In the event that the Board determines that the policy recommended by a GNSO Supermajority Vote is not in the best interests of the ICANN community or ICANN (the Corporation), the Board is required to articulate the reasons for its determination and submit the rationale to the GNSO Council for discussion with the Board as soon as feasible.

GAC Advice to the Board

- The GAC has also issued advice to the Board on protections for IGOs in the context of the New gTLD Program - most recently in its Buenos Aires Communiqué. The ICANN Bylaws permit the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the polices. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable

solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

- Because the advice issued by the GAC on protections for IGOs relates to the New gTLD Program, as permitted by its Charter, the ICANN Board New gTLD Program Committee (NGPC) is considering the advice. The NGPC has not yet finalized is proposal to address the GAC's advice relating to protections for IGOs but is actively working on the issue, and has been working on the issue for several months.

- In general, the GNSO recommendations are largely consistent with the advice submitted by the GAC to the ICANN Board. However, there are specific GNSO policy recommendations that differ from the GAC's advice.

The NGPC has spent a considerable amount of time working through implementation issues of the GAC's advice on protections for IGOs. Given that the GNSO Policy Recommendations relate to the same topic actively considered by the NGPC as part of its work to address GAC advice on the New gTLD Program, it is appropriate for the NGPC to develop a proposal that takes into consideration the GNSO policy recommendations and the GAC advice. The proposal can serve as a recommendation to be considered by the Board. ICANN's agreements with gTLD registry operators require compliance with various specifically stated procedures and also with "consensus policies." Sponsors and registry operators of sponsored TLDs may be required to comply with consensus policies in some instances. Some of the protections for IGOs-INGOs may be imposed as consensus policies, and as such, it is appropriate for the Board ultimately to make a determination on the matter, taking into account the GAC advice and GNSO recommendations.