



The Internet Corporation for Assigned Names and Numbers

December 7, 2012

Ms. Heather Dryden
Chair, Governmental Advisory Committee

Re: GAC Communique from ICANN 45 Meeting in Toronto, Canada

Dear Heather,

Thank you for providing the Board with the most recent GAC Communiqué from the ICANN meeting in Toronto, Canada (the "Toronto Communiqué"). This Communiqué included several items of GAC Advice to the Board. Consistent with our shared desire to make the new GAC Advice Register effective, I would like to acknowledge receipt of some of these items and would be grateful for clarification on others, as detailed below. The following also provides a preliminary view of the plan for providing a substantive response to each of the items of advice.

1. [GAC Request for written briefing](https://gacweb.icann.org/pages/viewpage.action?pageId=14254190), posted at <https://gacweb.icann.org/pages/viewpage.action?pageId=14254190>:

“The GAC requests written briefing from the ICANN Board on:

- the extent to which applicants will be able to modify their applications as a result of early warnings.
- how ICANN will ensure that any commitments made by applicants, in their applications or as a result of any subsequent changes, will be overseen and enforced by ICANN.”

The request for a written briefing on the extent to which applicants will be able to modify their applications as a result of early warnings is acknowledged. The request that the written briefing address whether and how ICANN might oversee and enforce any commitments made by applicants in their applications or as a result of any subsequent changes is also acknowledged. Please note that the Board has not yet considered whether to, or how to enforce commitments made by applicants that go beyond the requirements contained in the New gTLD Applicant Guidebook. The GAC should receive the requested written briefing by 11 January 2013.

2. [Advice items 1 & 2: New gTLDs - GAC Member Early Warnings](https://gacweb.icann.org/display/GACADV/2012-10-17-EW), posted at <https://gacweb.icann.org/display/GACADV/2012-10-17-EW> and <https://gacweb.icann.org/display/GACADV/2012-10-17-EW1>:

“The GAC advises the ICANN Board:

- that it is necessary for all of these statements of commitment and objectives to be transformed into binding contractual commitments, subject to compliance oversight by ICANN.
- The GAC expects that applicants would not be penalised where the standard provisions of a contract are amended in order to meet specific obligations entered into in order to meet governmental concerns.

The first and second items of advice are acknowledged. The GAC should receive a formal written response by 11 January 2013.



December 7, 2012

Page Two

With respect to the second item of advice, the Board does not intend to impose any penalty on applicants where the standard provisions of a contract are amended in order to meet specific obligations entered into in order to meet governmental concerns. Additional time may be necessary to execute non-standard registry agreements. The Board will address this point as part of formal written response on 11 January 2013. If the GAC has further clarification for the Board and can provide it sufficiently in advance, we will take that into account.

3. [Advice Item 3: New gTLDs - IGO Protections at the second level](https://gacweb.icann.org/display/GACADV/2012-10-17-IGO), posted at <https://gacweb.icann.org/display/GACADV/2012-10-17-IGO>:

“While the GAC continues its deliberations on the protection of the names and acronyms of Intergovernmental Organizations (IGOs) against inappropriate third-party registration.

The GAC advises the ICANN Board that:

- in the public interest, implementation of such protection at the second level must be accomplished prior to the delegation of any new gTLDs, and in future rounds of gTLDs at the second and top level.

The third item of advice is acknowledged. The GAC should receive a formal written response by 11 January 2013.

Thank you again for providing the GAC’s input in the Toronto Communiqué. I look forward to working with you as we move forward in addressing the GAC’s advice and requests for information.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Crocker".

Stephen D. Crocker
Chair, ICANN Board