From: Silvia Vivanco
Date: Monday, April 8, 2019
To: ICANN Board Ops
Subject: New gTLD Subsequent Procedures

Dear Board support staff,

On behalf of AFRALO's Chair Mohamed El Bashir, kindly find attached the AFRALO/AFRICANN Statement "New gTLD Subsequent Procedure: Proposal of Neustar regarding the upcoming round of New gTLDs" which was discussed and approved at the ICANN 64 meeting in Kobe, Japan.

Please be so kind to forward it to the ICANN Board for its consideration

Thank you!

Kind regards,

Silvia

Silvia Vivanco
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Internet Corporation for Assigned Names and Numbers (ICANN)

AFRALO / AfrICANN joint meeting

ICANN64, Kobe, Japan
Wednesday, 13 March 2019

Statement

Topic: New gTLD Subsequent Procedure: Proposal of Neustar regarding the upcoming round of New gTLDs

We, the African ICANN Community members participating in the ICANN64 Community Forum and attending the Joint AFRALO-AfrICANN meeting on Wednesday 13 March 2019, discussed the Neustar Proposal regarding the upcoming round of new generic Top Level Domains (gTLDs) and would like to make the following comments:

- We believe that, to be seriously considered by the community, Neustar's proposal must go through the new gTLD subsequent procedure Policy Development Process (PDP) working group process:
  - be subject to a deep and effective discussion at the plenary level of the Working Group (WG);
  - be formalized in recommendation in the WG report;
  - and go through an official public comment process.

- We find the Neustar proposal premature since it is not yet decided when another application round/window will be open nor what kind of round/window (successive rounds or a single open round) would be appropriate. Their proposal of a phased round followed immediately by an open round gave us the impression that decisions are already made.

- There is no definitive data or studies of sufficient detail to establish whether the 2012 round of New gTLDs actually resulted in improving consumer choice, competition and trust, fostering innovation in the DNS industry or reducing domain name confusion, Domain Name System (DNS) abuse, etc.

- We believe that the new gTLD program still has many issues that need to be addressed before considering opening new application rounds. The definition of the "community" and the evaluation system of a community application (CPE) is an example of such issues.

- The new gTLD subsequent Procedure PDP Work Track 5 (WT5) is still debating the treatment of geographic names that can be reserved or at least subject to preventive measures. On the other

hand, there is no determination as to what constitutes a generic string and not a geographic name other than what is in the 2012 Applicant Guide Book (AGB). All this makes difficult the demarcation between .brands, geographic and generic names.

- In the event the next application rounds were contemplated and an effective demarcation between TLD categories was adopted (assuming there is community consensus and ICANN Board approval), and if a phased approach is considered, we think that:
  - o Applications of the first phases could undergo initial evaluation but should not be delegated (or contracted for) until all the applications for all categories have been evaluated initially, undergone comments/objections, and for which contentions have been identified and resolved.
  - o The community-based applications should not be combined together with generic TLDs applications.
  - o Although brand strings are typically used as closed TLDs and therefore carry little or no risk of domain abuse, Dot Brand applications should not be prioritized since brand owners or trademark holders already enjoy the presumption of a 'strong' claim to a string matching their brand name under trademark laws.
  - o Community TLDs and applications supported by the Applicant Support Program (ASP) should have the priority in case of string contention.

The precise dates for each phase in the Neustar proposal, although stated as "for illustrative purposes only", give the feeling of pressure on the community and the ICANN Board of Directors, pushing them to override the prescribed PDP process and timeline. We strongly oppose any attempt to go beyond the Working Group Charter to engage in an activity that interferes with or impedes an objective consideration by the ICANN Board of the final report of the new gTLD Subsequent Procedure PDP Working Group.