



## Governmental Advisory Committee

Singapore, 18 June 2011.

Mr. Peter Dengate Thrush  
Chairman of the Board of Directors  
ICANN

RE: GAC communication on new gTLDs and Applicant Guidebook

Dear Mr. Dengate Thrush,

The GAC recognises that the most recent version of the Draft Applicant guidebook includes several changes which address some of the GAC's outstanding concerns but notes that there remain several substantive issues which require resolution before the launch of the new gTLD application process. These include:

- competition concerns, in particular those resulting from changes to registry-registrar cross-ownership rules;
- the demonstration of use requirement for trademark holders wishing to avail themselves of the propose trademark protection mechanisms; and
- removal of references in the gTLD Guidebook that attempt to specify that future GAC early warnings and advice must contain particular information or take a specified form, as these references are inconsistent with the GAC operating principles and the ICANN Bylaws.

The GAC would advise the Board that these issues involve important public policy objectives and, until resolved, also risk gTLD applications being made that conflict with applicable law. The GAC is of the view that the potential for this conflict with applicable law would operate to the detriment of gTLD applicants. Accordingly, the gTLD Guidebook should be amended to reflect these outstanding concerns.

The GAC draws the Board's attention to previous advice :

- ✦ on appropriate and timely support that should be provided to developing countries in implementing the new gTLD process;
- ✦ on appropriate protections that should be offered to the Olympic, Olympiad and Red Crescent/Red Cross names

▲ contained in the 26 May letter conveying the GAC's comments on the April 15 version of the Applicant Guidebook.

The GAC awaits the ICANN Board's response to this advice, and an explanation of how the advice will be considered before any decision on new gTLD Applicant Guidebook.

The GAC advises the Board that where the gTLD Guidebook attempts to specify that future GAC advice must contain particular information or take a specified form, these references should be deleted as they are inconsistent with GAC operating principles and the Bylaws.

To this end, and notwithstanding the GAC's wish to avoid any further delay in the new gTLD process, the GAC would advise the Board to ensure that all remaining public policy concerns are properly addressed and adequately respected before the new gTLD application procedure is finalised.

The GAC regards the ICANN Board's willingness and ability to respond to the GAC's views and to provide a rationale for its decisions is an important demonstration of the effectiveness of the ICANN multistakeholder model.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Dryden', with a stylized, cursive style.

Heather Dryden  
Chair, Governmental Advisory Committee  
Senior Advisor to the Government of Canada