

29 January 2025

Greg DiBiase
Chair, GNSO Council

RE: Contention Sets

Dear Greg,

Thank you for your letter of [11 November 2024](#) in response to the Board's proposed approach to contention resolution in the Next Round of the New gTLD Program. The Board acknowledges the uniqueness of the approach and appreciates the Council's thoughtful input. The Board also takes note that some in the GNSO Council have concerns with the proposed approach.

As you may be aware, the Board took a resolution on this matter at [ICANN81](#). In the resolution, the Board resolved to:

[direct] the Interim President and CEO, or her designee(s), to prohibit all forms of private resolution of contention sets in the Next Round, including prohibiting the formation of joint ventures among applicants after the submission of their applications. The Board finds that that allowing joint ventures, as previously approved in SubPro Recommendation 20.6, is no longer in the best interests of the ICANN community or ICANN, as per Bylaws Annex A, Section 9(a); and by this action the Board confirms that it is no longer directing the Interim President and CEO to implement Recommendation 20.6 as directed in Board resolution 2023.03.16.04. The rationale of this resolution includes the Board Statement for why this recommendation is not in the best interests of the ICANN community or ICANN org. The Board directs the Interim President and CEO, or her designee(s), to submit the Board Statement to the GNSO Council and coordinate with the GNSO Council a time to discuss the Board Statement.

The Board notes the GNSO Council's concerns regarding the procedural aspects of the unadoption of Recommendation 20.6 and the sentiment that a "mechanism by which the Board can reverse its adoption of a GNSO policy recommendation needs to be developed and documented in consultation with the GNSO Council and the community, including the adoption of guardrails where necessary." The Board shares this sentiment and looks forward to working with the GNSO Council on this matter as well as to the results of the discussion that are planned for the Strategic Planning Session in January 2025.

The Board would like to thank the GNSO Council members for their time and effort in considering this issue and looks forward to continued collaboration with the GNSO Council.

Sincerely,



Tripti Sinha,
Chair, ICANN Board of Directors