

11 October 2017

Dear GNSO Councilors,

In follow-up to my presentation to you on 20 September 2017, it was brought to my attention there may be some confusion about the purpose of engaging the GNSO Council on the development of a Community gTLD Change Request Process (the “Process”). I hope that this letter will provide clarity.

Currently there is no process for a community Registry Operator to request a change to the Community Registration Policies specified in Specification 12 of its Registry Agreement. While the Applicant Guidebook did not address such a process, ICANN provided the implementation details¹ on how to make this type of change prior to the execution of the Registry Agreement. In fact, fTLD Registry Services (operator of the .BANK and .INSURANCE gTLDs) used this process to make changes to .INSURANCE prior to the execution of the Registry Agreement. However, when fTLD sought to make changes to .BANK and .INSURANCE in 2016, ICANN staff denied the proposed changes despite Section 2.19 of our Registry Agreements that empowers fTLD to “operate the TLD in a manner that allows the TLD community to discuss and participate in the development and **modification** of policies and practices for the TLD.” Emphasis added.

In a good faith effort to find a mutually agreeable solution, ICANN and fTLD collaboratively engaged on a path forward for a community-developed change process. As a result, the Community gTLD Change Request Process Working Group (the “WG”)² was formed comprising community Registry Operators and other stakeholders to develop a process that would specify the necessary criteria to enable community Registry Operators to amend their Specification 12. I subsequently became Chair of this WG. The Process³ is the outcome of many WG calls and communications between January and July 2017; numerous consultations with the Registry Stakeholder Group between April and June 2017; and several engagements with the ICANN organization between October 2016 and September 2017. The most recent meeting with ICANN resulted in its written input⁴ on the Process.

Since its inception and throughout its work, the WG understood that the public comment process would be the primary mechanism used to seek input on the Process from the broader community. However, more recently, the ICANN organization requested we engage with the GNSO Council to make you aware of the Process and that it is being done with the understanding that it is an implementation detail.

As stated in the 20 September 2017 presentation, the purpose of the Process is two-fold:

- to enable community Registry Operators to amend Specification 12 to be responsive to their defined community; and
- to provide safeguards to applicants that were eliminated from consideration after a Community Priority Evaluation (CPE) or Community Objection Proceeding (COP)

The Process does not serve to undo a Registry Operator’s commitments to its defined community.

¹ See <https://newgtlds.icann.org/en/applicants/global-support/change-requests>

² The working group included representatives from the following gTLDs: .BANK, .INSURANCE, .NGO, .ONG, .RADIO and .政务 as well as other interested stakeholders

³ See the WG’s submission of the Process at <https://www.icann.org/en/system/files/correspondence/schwartz-to-atallah-19jul17-en.pdf>

⁴ See ICANN’s input on the Process at <https://www.icann.org/en/system/files/correspondence/weinstein-to-schwartz-22sep17-en.pdf>

Members of the WG believe the Process should be considered implementation for the following reasons:

- It is not inconsistent with the GNSO's Final Report for the introduction of new gTLDs;
- It is not inconsistent with the ICANN Board's resolution to adopt the GNSO's recommendations for the introduction of new gTLDs;
- The Process is anticipated to impact a limited number (e.g., 2%) of new gTLDs; and
- The Process is the result of significant community engagement demonstrating support for it.

On behalf of the WG and all who helped develop the Process, we thank you in advance for your consideration. If the Council has no objection, the WG will continue to finalize this Process through continued engagement with the ICANN organization and the community by way of a public comment process.

I am happy to answer any follow-up questions Councilors may have.

Sincerely,
Craig Schwartz
Chair, Community gTLD Change Request Process Working Group