

New gTLD Next Round - ALAC Objections

Submitted by the ALAC to the SubPro IRT, May 2025

Applicant Guidebook

The wording in the Applicant Guidebook related to the funding of fees allowing the ALAC to file Objections and potentially Appeals requires minimal changes from that used in the 2012 round. The changes add the funding of Appeals and provide a pointer to a Wiki page which will provide further details of the ALAC and At-Large procedures.

The suggested wording is:

Funding from ICANN for objection filing fees and appeal fees, as well as for advance payment of costs (see subsection x.x.x below), is available to the At-Large Advisory Committee (ALAC). Funding for ALAC objection filing and dispute resolution fees is contingent on publication by ALAC of its approved process for considering and making objections. At a minimum, the process for objecting to a gTLD application will require:

- *bottom-up development of potential objections,*
- *discussion and approval of objections at the Regional At-Large Organization (RALO) level, and*
- *a process for consideration and approval of the objection by the At-Large Advisory Committee.*

The ALAC procedure overview can be found at <https://icann-community.atlassian.net/wiki/x/DwBAD>.

ALAC/At-Large Procedure for Filing Comments & Objections

Pre-Launch Preparation

At least two months before Reveal Day, the ALAC and At-Large will work to ensure that all members understand the process and criteria for filing objections on community or limited public interest grounds. This will be discussed in the ALAC, Regional At-Large Organisations (RALOs) and At-Large Consolidated Policy Working Group (CPWG) calls, with multilingual documents shared across At-Large. RALOs should document how they would approve objection statements as required by this procedure.

Formation of the At-Large gTLD Applications Review Group (gARG)

Each RALO will be represented in the gARG. It is expected that the gARG will be composed of 12 to 15 members from the RALOs. Once informed, RALOs will be requested to propose

2-3 members plus alternates for the At-Large gTLD Applications Review Group (gARG).
Members will:

- Help review gTLD applications and identify those raising community or limited public interest concerns (“Identified Applications”);
- Discuss concerns at RALOs, CPWG, ALAC or special calls for RALOs’ feedback;
- Draft comments on Identified Applications for ALAC approval and submission. The gARG may seek advice from subject matter experts and/or legal experts for such drafting;
- Monitor responses to ALAC comments and recommend whether to escalate to a formal objection; and
- Draft ALAC objection statements, when necessary;
- Monitor responses to ALAC objection and if dismissed, recommend whether to appeal; and
- Draft ALAC Appeal statement, when necessary.

The gARG must be formed no less than one week before Reveal Day.

gARG Membership Requirements

Members should preferably possess legal expertise and strong proficiency in English, and must be free from any actual or perceived conflicts of interest.

- Examples of conflicts of interest include, but are not limited to:
- Being a member of an At-Large Structure that is publicly promoting or supporting a gTLD application,
- Having a substantive financial interest in an applicant that has applied for a gTLD string,
- Employed by, or having a family member employed by, any applicant that has applied for a gTLD string,
- Providing any services (legal or technical) to any applicant that has applied for a gTLD string; and/or
- Having a close family relationship (e.g. spouse, partner, sibling, parent, child) with an individual who has a financial or employment interest in an applicant that has applied for a gTLD string.

Review and Comment Process

After Reveal Day, gARG, RALOs and the CPWG will review and discuss applications raising concerns on community or limited public interest grounds. Such discussions would be guided by a set of questions that need to be answered or scored which could satisfy the criterion for community or limited public interest grounds.

If a gARG member identifies a potential Conflict of Interest (COI) with a specific gTLD application after Reveal Day (such as one affecting an industry they are involved in), they may choose to resign. If they opt to remain, they must disclose the COI to the gARG and the ALAC and recuse themselves from all discussions and drafting related to that gTLD application. Any concerns about an undisclosed COI should be directed to the ALAC Chair who will be empowered to take whatever action he/she decides.

Note that this same process will be used for comments in response to any 30-day Public Comment period that may be opened following a string application change request that results in a material change to an application.

Drafting and Submission of Comments

Once there is consensus that the gTLD poses a legitimate concern, the gARG drafts the initial comment in close consultation with all RALOs and the affected community. The first draft is shared with the ALAC and RALOs for feedback.

Once finalized, the ALAC will vote on whether to submit the comment through the Application Comment System. Comments must be submitted within the 90-day Application Comment Period.

Objection Filing

When the ALAC decides to submit a comment, the ALAC in consultation with the RALOs will decide whether to draft formal objections or not. If so, penholders from the gARG will prepare objection statements. The ALAC and RALOs may hold briefing calls. If 3 or more RALOs approve an objection statement, the ALAC will vote on whether to file the objection before the end of the 90 day Objection Period.

If the ALAC votes in favor of filing an objection, ICANN is notified, and the ALAC coordinates with ICANN to pay the objection filing fees. The gARG pen holders will assist the ALAC in responding to any correspondence related to the objection.

Procedure for Appealing any dismissal of filed Objections

Once a determination on an ALAC Objection has been published, if the Objection was not successful, the ALAC has 15 days to file a Notice of Objection, and a further 15 days in which to file an appeal.

Decisions will be circulated to the gARG and the ALAC within 1 day of the decision being published.

The gARG (or a subset thereof), in conjunction with the ALAC Leadership Team, within the initial 7-day period, must assess whether there are sufficient grounds on which to appeal the unsuccessful determination. This review should consider potential legal or procedural

errors, misapplication of objection criteria, overlooked or new evidence, or inconsistencies with other decisions. Should they decide that an appeal may be warranted, a notice of objection should immediately be filed.

ALAC Members should consult their respective RALOs soliciting their views on a possible appeal.

Upon filing the Notice of Objection, the gARG must draft the Appeal Statement and any supporting documentation for presentation to the ALAC. Given the limited timeframe for filing the appeal, this must be carried out with due haste to allow time for ALAC deliberation and voting. The ALAC should be given no less than 7 days for its deliberation and vote, but preferably early versions of the appeal should be shared with the ALAC. Should the ALAC decide to file the appeal, that should be carried out, in conjunction with whatever process is required to have ICANN cover the filing fees.

If the ALAC ultimately decides not to proceed with the appeal, a formal notice of withdrawal, if required, must be submitted per ICANN's procedures.

Throughout this process, all participants (gARG, ALAC and ALAC Staff) must maintain strict confidentiality.