Draft Public Comment: NCSG Response to Proposed Next Round Base gTLD Registry Agreement (Spec 14 & Variant TLDs).

Subject: NCSG Comments on Proposed Next Round Base gTLD Registry Agreement, Specification 14, and Variant TLD Management

I. Introduction

The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the proposed updates to the Base Registry Agreement (RA) for the Next Round of gTLDs. As the voice for non-commercial users, civil society, and academia within ICANN, the NCSG's primary focus is to ensure that the evolution of the Domain Name System (DNS) remains transparent, competitive, and serves the global public interest.

II. Comments on Specification 14 (Special Purpose TLDs)

Specification 14 provides exemptions from certain Code of Conduct requirements (Specification 9) for specific TLDs, such as "Registry TLDs" (often .brand) or certain community-based TLDs. The NCSG offers the following observations:

1. **Narrow Tailoring of Exemptions:** While we recognize the utility of Specification 14 for specific operational models, the NCSG cautions against the overly broad application of these exemptions. Any registry granted Spec 14 status must demonstrate that its restricted registration policies do not infringe upon the freedom of expression or the rights of non-commercial users to access the DNS.
2. **Anti-Competitive Behavior and Public Interest:** We are concerned that Spec 14 could be used to create "closed gardens" that lack the transparency required of standard gTLDs. The NCSG urges ICANN to ensure that the criteria for Spec 14 remain rigorous, preventing commercial entities from bypassing public interest commitments under the guise of "special purpose" operations.
3. **Transparency in "Special Registration Programs":** Any registry operating under Spec 14 should be required to maintain a high level of transparency regarding who is permitted to register names. This is vital for researchers and civil society to monitor potential abuses or the exclusion of non-commercial content within those spaces.

III. Comments on Variant TLD Management

The integration of Variant TLDs into the Base RA is a significant step toward a truly multilingual internet. The NCSG supports the implementation of the "same entity" rule (requiring the same registry operator for a TLD and its variants) for security and stability reasons, but adds:

1. **Consistency for Users:** From a non-commercial perspective, it is essential that variants behave predictably. Users in different regions using different scripts should not face "navigation traps" or inconsistent experiences.

2. **Equitable Access:** The NCSG emphasizes that the management of variant TLDs should not result in prohibitive costs for non-commercial or community-based applicants, particularly those from the Global South and speakers of small minority languages. We advocate for fee structures and administrative requirements that facilitate, rather than hinder, the deployment of IDN variants for non-commercial scripts.

IV. Human Rights and Public Interest Considerations

The NCSG reminds the ICANN Board and the Global Domains Division (GDD) that the Registry Agreement is the primary tool for ensuring registries uphold their public interest commitments.

- **Review Mechanisms:** We propose that the Base RA include stronger periodic review mechanisms to assess how Specification 14 designations affect the broader DNS ecosystem over time.
- **Freedom of Expression:** We remain vigilant against any language in the Registry Agreement that would allow registries to arbitrarily censor or delete domain names based on non-technical content, especially under the "discretionary" powers often granted in specialized registry models.

V. Conclusion

The NCSG supports the move toward the Next Round but insists that the Base Registry Agreement must protect the rights of the individual and non-commercial user. Specification 14 must not become a loophole for avoiding accountability, and Variant TLD management must be handled with a focus on global inclusion and user clarity.

We look forward to continued engagement in the policy development process.