2.2.1 Continuing Subsequent Procedures

Background documentation
- Community Comment 1 - Wiki page (https://community.icann.org/x/3B6OAw)
- Initial Report - Section 2.2.1 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)
- Sub Group A public comment analysis: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish
- *ICANN should maintain the existing policy calling for subsequent application procedures.*
- *The New gTLD Program should be introduced in an ongoing, orderly, timely and predictable manner.*
- *The primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS. As such, the WG believes the following metrics are indicators of success:*
  - *TBD*

Public comment summary

2.2.1.c.1: The Working Group recommends no changes to the existing policy calling for subsequent application rounds introduced in an ongoing, orderly, timely and predictable manner.

Themes/trends:
- Support from most commenters
- Predictability is needed for when to expect the next procedure to begin.

New Ideas/Concepts for Deliberations
- BC/GAC: Concerns - ICANN must complete any previously committed reviews of the New gTLD Program prior to opening subsequent rounds, including a cost benefit analysis of new gTLDs. Should also take into account CCT-RT Final Report.
- Christopher Wilkinson/John Poole: Divergence - Does not see need for additional new gTLDs

2.2.1.e.1: The 2007 Final Report noted that success metrics would be developed around the New gTLD Program. What are some specific metrics that the program should be measured against?

Themes/trends:
- Support from most commenters
- Predictability is needed for when to expect the next procedure to begin.

New Ideas/Concepts for Deliberations

- ALAC: New Idea - Provides a number of specific metrics to track, as it relates to end-user confusion, DNS Abuse/complaints, Diversity, etc. See full comment for details: https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000035.html
- BRG: New Idea - Success may be dependent upon the type/business model of a TLD. "Metrics should be adapted to recognise these different business models, focusing on usage (e.g. web-traffic) and the positive aspects for Internet users (e.g. no abuse, confusion, fraud). Rather than using the term "success metrics" it may be appropriate to simply call this "New gTLD Metrics" to provide a view of the changing metrics as more new gTLDs are introduced in the future (e.g. volume of applications vs previous rounds, types of applications vs previous rounds; average time from application to delegation; % of applications aborted pre/post delegation, etc.)."
- BC: New Idea - Suggested metrics to measure against, many around regional/geographical outreach. See full comment for details: https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000041.html
- RySG: New Idea - Suggested metrics to measure against, around 2nd-level domain usage and growth, location of registries, types of registries, etc. See full comment for details: https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000052.html
- "Domain Name Marketplace Indicators": https://www.icann.org/resources/pages/metrics-gdd-2015-01-30-en

> **Commented [1]:** Interesting: what does "diversity" mean here? Diversity as to regions represented among the registries, groups and communities served, ...? Tx!

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

- None

Parking lot

- None

Suggested next steps

- Document the high level principles of what the New gTLD Program is seeking to achieve [strawman above in policy goals]
- Consider and document what success looks like within those principles

2.2.2 Predictability / 2.2.2.2 Clarity of Application Process

Note: This section has been replaced with a new working document here:
https://docs.google.com/document/d/12_x8zYR9r6zXqfA7dmoosSPH12NmcyJ-2FEjecGrBh4/edit?usp=sharing

Background documentation

- Community Comment 1 - Wiki page (https://community.icann.org/x/3B6OAw)
- Initial Report - Section 2.2.2 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)

Policy Goals / What the WG is Seeking to Accomplish

- *To the extent that issues arise, after the application acceptance window commences, that may result in changes to the program and its supporting processes, those issues must be resolved in a manner that is as predictable, transparent, and as fair as possible to the overall affected parties.*
- *To promote the predictable resolution of issues, the community should rely on a Predictability Framework, specific to the New gTLD Program, that guides the selection of mitigation mechanisms.*
- *In the event significant issues arise that require resolution via the Predictability Framework, applicants should be afforded the opportunity to withdraw their application from the process and receive an appropriate refund.*

Public comment summary

2.2.2 Predictability

2.2.2.c.1: Currently, as a result of consensus recommendations made by the GNSO, the ICANN Board endorsed the GNSO's Policy and Implementation Recommendations, including those related to the Consensus Policy Implementation Framework (CPIF) for governing the implementation phase of GNSO policies. If issues arise during this phase, the GNSO could seek to utilize the GNSO Expedited Policy Development Process or the GNSO Guidance Process, as defined in the ICANN Bylaws. However, there is support in the Working Group for a recommendation that the New gTLD Program, once launched (i.e., after the Implementation Review Team), should be subject to a new Predictability Framework, to address issues that arise regarding the introduction of new gTLDs.

Among other recommendations, the Working Group believes that as part of the Predictability Framework, a Standing Implementation Review Team (IRT) should be constituted after the publication of the Applicant Guidebook to consider changes in the implementation, execution and/or operations of the new gTLD program after its launch, and the introduction of any further evaluation guidelines not available to applicants when applications were submitted. The Predictability Framework is intended to provide

5

guidance to the Standing IRT in how issues should be resolved, which could include recommending that the GNSO Council initiate GNSO processes provided by the ICANN Bylaws. Please see sub section (d) for full text of the Predictability Framework.

Themes/trends:
- Support from most commenters
- BC/RySG/IPC/ALAC (in response to e.1): New Idea - The Standing IRT must be representative of the community, but must also allow for the appointment of experts where needed.

New Ideas/Concepts for Deliberations
- ICANN Org: Concerns/New Ideas
  - Suggests collaboration with the community to identify which processes must be defined prior to program launch, which would hopefully reduce the usage of the Predictability Framework.
  - Asks what the threshold might be for raising an issue that must be considered under the Predictability Framework. Without a threshold, the Framework could become a forum for re-raising policy or implementation issues.
  - Suggestion to include procedures for transparency and avoidance of conflicts of interest.
  - Suggestion that it should be made clear if ICANN Org should utilize the Predictability Framework in determining when to consult with the Standing IRT.
- Neustar: Concerns - The Predictability Framework introduces a layer of bureaucracy that could result in delays and a lack of predictability
- NCSG: Divergence: Belief that IRTs, including the proposed Standing IRT, have disproportionate representation from registries and registrars. Concerned that the Standing IRT would bypass normal policy development.
- Electronic Frontier Foundation, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) & Public Knowledge (part of "Comments of the Public Interest Community" also opposed: "There are two problems with this proposal:
  a) It is not what implementation review teams do, and
  b) It is unfair to the public.
  While implementation review teams are technically open, in reality, they operate small groups run by ICANN staff working with the few people in the Community (normally registries and registrars) who can work through the technical details of deploying the policy. Few member of the public follow implementation review teams closely, and for good reason. if they do their jobs properly, these teams merely create the technical template for implementation of policies created in the open and public PDP process by the Community. Increasingly, however, implementation review teams are re-interpreting and changing policy decisions made by the Community. This is an over-extension of implementation review teams widely opposed and contrary to the multistakeholder model. * * * * Such a concept we strongly oppose. It is a violation of ICANN processes, and hides from the public the policy making process (buried within a technical proceeding). Further, it hands policy interpretation to a narrow subgroup—

those who are implementing for their own use and in their own interests. This cannot be a good idea."

2.2.2.e.1: Does the concept of a Predictability Framework make sense to address issues raised post-launch?

Themes/trends:
- Support from some commenters

New Ideas/Concepts for Deliberations
- BC: Concerns - Request for additional details
- Public Interest Community/NCSG: Concerns/Opposition - Concerned about representation on the Standing IRT and the potential for it to change or develop policy.

Opposition:
- NCSG: Divergence: Belief that IRTs, including the proposed Standing IRT, have disproportionate representation from registries and registrars. Concerned that the Standing IRT would bypass normal policy development.
- Electronic Frontier Foundation, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) & Public Knowledge (part of "Comments of the Public Interest Community" also strongly opposed. See above.

2.2.2.e.2: How should launch be defined? Ideas considered by the WG include Board adoption of the new Applicant Guidebook or the first day in which applications are accepted.

Themes/trends:
- ALAC/BRG: Response to question - The day on which applications are accepted.
- BRG/BC/RySG: Response to question - Board adoption of AGB

New Ideas/Concepts for Deliberations
- None

2.2.2.e.3: A component of the Predictability Framework includes the identification or criteria to determine whether an issue can be handled through existing mechanisms or whether it can/should be handled by a Standing IRT. What are potential criteria that can be applied to help distinguish between types of issues and resolution mechanism?

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- BRG: Response to question - Case by case basis and where possible, use existing mechanisms

- ALAC: Response to question - Provides sample criteria for the Standing IRT to use based on whether issue is a one-off occurrence, urgency of issue, extent of effect on affected parties. Urges review of the Policy and Implementation WG Initial Report, p. 25.
- BC: Response to question - Standing IRT determination could be based on extent of effect on policies and processes.
- RySG: Response to question - Only those issues that have broad impact should be subject to GNSO processes. If impact is only on applicants, may not need to go to GNSO community, unless issue is in conflict with AGB.

Opposition:
- NCSG: Divergence: Belief that IRTs, including the proposed Standing IRT, exceed the authority and scope given to IRTs and will be engaged in ongoing policy review, evaluation and making. Concerned that the Standing IRT would bypass normal policy development.
- Electronic Frontier Foundation, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) & Public Knowledge (part of "Comments of the Public Interest Community" also strongly opposed. See above.
-

2.2.2.e.4: Do you have thoughts on the open questions/details related to the Standing IRT panel discussed in section (f) below? Is there a different structure, process, or body (possibly already existing) that might help provide needed predictability in addressing issues raised post-launch?

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- ALAC: Concerns - Because many details were not provided in the Initial Report, additional public consideration is needed once details are developed
- RySG: Concerns - The Standing IRT may lack expertise and experience, which could be a result of seeking to ensure community representation.

2.2.2.e.5: How do you see the proposed Predictability Framework interacting with the existing GNSO procedures known as the GNSO Input Process, GNSO Guidance Process, and GNSO Expedited PDP?

Themes/trends:
- ALAC/BC/IPC: Response to question - Sees the Predictability Framework as complementary and that the GNSO would govern mechanisms for fundamental/possible policy impact changes. The GNSO Council is responsible for considering issues referred to it by the Standing IRT.

New Ideas/Concepts for Deliberations

- ALAC: Response to question - Believes additional consideration is needed about whether all operational changes should be subject to public comment. Fundamental/possible policy impact changes must always go through a GNSO procedure.
- RySG: Concerns - Applicants may not be represented in the GNSO, believes it might not be appropriate to use GNSO processes. Believes that EPDP is not an appropriate solution as it is not scalable and timely enough.

Continuing concern:
- NCSG and (separate comments) "Public Interest Community" including Electronic Frontier Foundation, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) & Public Knowledge.
- Note Neuman rule: if we don't have consensus to change, we don't. There is absolutely no consensus on bypassing the GNSO process for creating new policies as unexpected issues arise in the New gTLD process. It seems to fall to those who are unhappy with existing policy and implementation procedures to suggest alternatives -- within the framework of our existing bylaws and policy frameworks. We don't have authority to re-create the PDP process…

Other Comments

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- Christopher Wilkinson: Concerns - Does not believe the Predictability Framework takes into account end-users and other third parties impacted by new gTLDs. Questions authority of Standing IRT. Unsure whose responsibility it is to create the Standing IRT, as well as resources and budget.

2.2.2.2 Clarity of Application Process

2.2.2.2.c.1: When substantive/disruptive changes to the Applicant Guidebook or application processing are necessary and made through the Predictability Framework discussed above, there should be a mechanism that allows impacted applicants the opportunity to either (a) request an appropriate refund or (b) be tracked into a parallel process that deals with the discrete issues directly without impacting the rest of the program.

Themes/trends:
- Support from most commenters

New Ideas/Concepts for Deliberations

- INTA: New Idea/Concerns - Suggestion that the refund should be the majority of the fee. When an applicant withdraws due to changes, should not be overly disadvantaged. Parallel track should have clear path to resolution and timelines.
- Valideus: Concerns - Parallel process should be scoped in advance of the next round.

2.2.2.2.e.1: Is ICANN organization capable of scaling to handle application volume and, if not, what would have to happen in order for ICANN organization to scale?

Themes/trends:
- Agreement from most commenters
- BC/RrSG: Concerns: Whether ICANN would be able to scale for a large number of applications (e.g., 10,000).

New Ideas/Concepts for Deliberations
- ICANN Org: Concerns: Adequate time is needed between AGB approval and program launch
- ALAC: New Idea - ICANN should perform a study to better understand ability to scale
- BRG: New Idea - Smaller, distinct rounds would improve scalability

Other Comments

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- Council of Europe: New Idea/Concerns - A number of concerns and suggested remedies relating to predictability and transparency. See comment worksheet or full comment for details.
- Christopher Wilkinson: Concerns - Concern that is very unlikely to be the case that all applications are subject to the same guidelines. Different categories of applications will manifest quite different characteristics. [Refer to TLD Types?]

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)
- None

Referrals to other sections
- None

Parking lot
- None

- If the WG agrees that a Predictability Framework should be recommended, it will need to consider details including, but not limited to the elements identified in the Initial Report and public comments (e.g., composition of the Standing IRT, scope of responsibilities of Standing IRT members, decision-making, appointment of outside experts, etc.)

2.2.3 Applications Assessed in Rounds

Background documentation
- Community Comment 1 - Wiki page (https://community.icann.org/x/3B6OAw)
- Initial Report - Section 2.2.3 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)
- Sub Group A public comment analysis: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish
- *Given the period of time between the 2012 round of the New gTLD Program and the eventual launch of the next application procedure, the scale of demand is unclear. Accordingly, at a minimum, the next application procedure should be processed in the form of a round.*
- *Upon the conclusion of the next application procedure, there must be clarity around the timing and/or criteria for initiating subsequent procedures from that point forth.*
- *When it becomes operationally feasible, application procedures should occur on a regular and recurring basis, subject to any ICANN Board or GNSO Council recommendation that additional policy work should be conducted prior to the next subsequent procedure.*
-
- *Ongoing rounds and Specific Reviews can take place concurrently but the results of reviews would take effect when the next subsequent round begins. [to be revised]*
- *Rounds enhance the predictability for applicants (e.g., preparation) and observers to the program (e.g., public comments, objections).*

Public comment summary

General Comments

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- ALAC: Less concerned about FCFS versus rounds (though against immediate FCFS) and more concerned about method for evaluation, which should be batches. Requests that comment be taken into account for 2.2.3.c.1, Options 2.2.3.d.1 to 2.2.3.d.6, as well as Q.2.2.3.e.1
- BRG: New Idea - Smaller, distinct rounds opened for specific categories, in parallel to ongoing policy work, would alleviate pressure of single open round.

2.2.3.c.1: The Working Group recommends that the next introduction of new gTLDs shall be in the form of a "round." With respect to subsequent introductions of the new gTLDs,

although the Working Group does not have any consensus on a specific proposal, it does generally believe that it should be known prior to the launch of the next round either (a) the date in which the next introduction of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the subsequent process. For the purposes of providing an example, prior to the launch of the next round of new gTLDs, ICANN could state something like, "The subsequent introduction of new gTLDs after this round will occur on January 1, 2023 or nine months following the date in which 50% of the applications from the last round have completed Initial Evaluation."

Themes/trends:
- Support from most commenters
- Fairwinds/Valideus/BRG/ICANN org: Support for a specific date or period of time
- Valideus/RySG: Support for criteria, perhaps based on volume
- EFF & Public Interest Community -- "There should be years between each round of New gTLDs to be fair to everyone, including the public and the watchers who serve as volunteers in this process. Full and fair public review is a part of the legitimacy of the New gTLD process."

New Ideas/Concepts for Deliberations
- INTA: New Idea - Allow for new companies to apply for .Brand outside of normal window
- ICANN org: Concerns - If there is a milestone, like 50% of applications completing Initial Evaluation, should be specific what this means.

2.2.3.d.1: Conduct one additional "round" followed by an undefined review period to determine how future applications for new gTLDs should be accepted.

Themes/trends:
- No support from any commenters

New Ideas/Concepts for Deliberations
- BRG/INTA: Concerns - about the undefined nature of reviews, which leads to uncertainty
- BC/ICANN org: Concerns - about how Specific Reviews would be properly accounted for
- RySG: Divergence - Two viewpoints: 1) Support for one or two rounds and then a continuous process (FCFS or regular windows), and 2) Scale of demand unknown, so too early to answer question. Suggests one round followed by undefined review period. Refers back to this response for Options 2.2.3.d.2 to 2.2.3.d.6, 2.2.3.e.1.
- ALAC - references General Comment
- NCSG - rounds now and going forward to allow the Communities opportunity to review and respond.

2.2.3.d.2: Conduct two or three additional application "rounds" separated by predictable periods for the purpose of major "course corrections," to determine the permanent process for the acceptance of new gTLDs in the future. For illustration purposes only,

Commented [4]: please replace with 'a particular year'

Commented [5]: No agreement on these details, so probably best to have a different example statement. Tx!

Commented [6]: who is the "public interest community". I think if this comment is to be included it ought to actually identify who made the comment.

Commented [7]: It does Susan - there is a list of signatures and affiliations...

Commented [8]: @Susan, you can find the comment from the Public Interest Community. The EFF is a signatory to the comment I believe, and is not separate: https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000062.html

Commented [9]: ah thanks for the clarification. So, will the report identify who the groups are who made comments? Hopefully so, because some will be clear to non-WG participants (eg SGs and Cs), and others, like this one and probably some others, will not be understood by non-participants

this could include commencing an application window in Q1 of Year 1, a second application window in Q1 of Year 2, and a final application window in Q1 of Year 3 followed by a lengthy gap to determine the permanent process moving forward after Year 3.

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- INTA: Concerns - While supportive of the option, concerns about the lengthy gap after the final initial window. Review could be an ongoing exercise.

2.2.3.d.3: Conduct all future new gTLD procedures in "rounds" separated by predictable periods for the purpose of course corrections indefinitely. Policy development processes would then be required to make substantial, policy-driven changes to the program and would then only apply to the opening of the application round following the date in which the PDP recommendations were adopted by the ICANN Board.

Themes/trends:
- Support from some commenters

New Ideas/Concepts for Deliberations
- None

2.2.3.d.4: Conduct one additional "round" followed by the permanent opening up of a first-come, first-served process of new gTLD applications.

Themes/trends:
- BRG/INTA: Divergence - Believes it to be too ambitious for ICANN. Concerns about burden on ICANN, governments, brand owners from FCFS.

New Ideas/Concepts for Deliberations
- Google: Agreement

2.2.3.d.5: Commence two or three additional application "rounds" separated by predictable periods for the purpose of major course corrections, followed shortly thereafter by the permanent opening up of a first-come, first-served process of accepting new gTLD applications.

Themes/trends:
- Support from some commenters

New Ideas/Concepts for Deliberations
- INTA: Concerns - about burden on ICANN, governments, brand owners from FCFS.

2.2.3.d.6: Immediately commence a permanent first-come, first-served process of accepting new gTLD Applications.

Themes/trends:
- BRG/INTA: Divergence - Believes it to be too ambitious for ICANN.

New Ideas/Concepts for Deliberations
- None

2.2.3.e.1: Of the models described above, which model do you believe should be employed, if any? Please explain.

Themes/trends:

Taking answers to this question AND from response to the options above:

- 2.2.3.d.1: *Support* from XYZ; *Opposition* from: RySG, BRG, BC, INTA
- 2.2.3.d.2: *Support* from XYZ, INTA
- 2.2.3.d.3: *Support* from XYZ, BRG, BC, (presumably from) RySG, (presumably from) Public Interest Community, NCSG, RrSG (qualified), MARQUES
- 2.2.3.d.4: *Support* from RrSG, Google; *Opposition* from XYZ, Public Interest Community, NCSG, BRG, INTA
- 2.2.3.d.5: *Support* from BRG, INTA (qualified); *Opposition* from XYZ, Public Interest Community, NCSG
- 2.2.3.d.6: *Opposition* from XYZ, Public Interest Community, NCSG, BRG, INTA, ALAC

New Ideas/Concepts for Deliberations
- See above for thoughts from ALAC and RySG

2.2.3.e.2: For the model you have selected, what are some mechanisms that can be employed to mitigate any of the listed (or unlisted) downsides.

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- RySG: New Idea - clearly define the number of rounds prior to continuous process (i.e., FCFS)
- INTA - provides rationale for support for 2.2.3.d.2 - having three rounds allows relief of pent-up demand, gives reassurance to potential applicants so there may be less of a rush to apply.

2.2.3.e.3: Is there a way to assess the demand for new gTLDs to help us determine whether the subsequent new gTLD process should be a "round" or a "first-come first-served process? (e.g. Do we introduce an Expressions of Interest process?)

Themes/trends:
- BC/RrSG/INTA: Opposition to an expression of interest process (for the ALAC, it sees potential benefit when the market matures), does not believe companies will announce their intent to apply.

New Ideas/Concepts for Deliberations
- ALAC: New Idea - Gauge demand through simpler market surveys, like ICANN roadshows, other outreach efforts. Build awareness and gauge interest at the same time.
- RySG: Divergence - Does not believe demand should be a factor in determining when to implement continuous process (i.e., FCFS). Limited rounds should be to resolve issues prior to continuous process.

2.2.3.e.4: If we were to have a process where a certain date was announced for the next subsequent procedure, what would be the threshold for the community to override that certain date (i.e., Is a different process needed if the number of applications exceeds a certain threshold in a given period of time?)

Themes/trends:
- None

New Ideas/Concepts for Deliberations
- ALAC: New Idea - Number of applications exceeds expected number for a round, negatively impact resources and/or negatively impacts security and stability per SSAC.
- Neustar: New Idea - Three Phase window, with .Brand in phase 1, Geo in phase 2, and generic and community in phase 3. See comment for details: https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000049.html
- RySG: Divergence - Does not believe that a set date should be dependent upon or revised on number of applications.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

- None

Parking lot
- None

Suggested next steps
- None

2.2.4 Different TLD Types

- Community Comment 1 - Wiki page (https://community.icann.org/x/3B6OAw)
- Initial Report - Section 2.2.4 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)
- Sub Group A public comment analysis: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish

- *The WG recognizes that there may be circumstances where it makes sense to have differential treatment for an application based on either the type of string, the type of applicant, or the registry focus. Such differential treatment may apply in one or more of the following elements of the new gTLD Program:*
    - *Applicant eligibility*
    - *Application evaluation process/requirements*
    - *Order of processing*
    - *String contention*
    - *Objections*
    - *Contractual provisions*
- *Other than the types below, the WG believes that creating additional TLD types[1] should be done under exceptional circumstances only and should be done via community processes.*
    - *Community-based*
    - *Geographic names*
    - *Specification 13 (.Brand TLDs)*
    - *Intergovernmental organizations or governmental entities*
    - *IDNs? (Order of Processing / TLD Variants)*
    - *Applicant Support (Global South and other entities that are eligible)*
    - *Category 1 - GAC Safeguards*

Public comment summary

High-level Agreements

- Support from most commenters to maintain existing categories and to not create additional categories

Outstanding Items - New Ideas/Concerns/Divergence

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[1] Add footnote about "categories" versus "types" and application types versus TLD types - review transcript

Deleted: *disparate*

Deleted: *T*

Deleted: *this differentialdisparate treatment should be the exception, but is warranted for a limited number of application types, including:*

Deleted: *G*

Deleted: *entity*

Commented [10]: No one objected to idea of Global South as a possible additional category -- if only for priority of processing (ala IDNs)

Commented [11]: It may or may not be tied to applicant support... although some will need that.

Support for additional categories:

- Government of India/GAC: Concerns/New Idea - Belief that TLD categories can **help simplify the application process, or introduce flexibility where it might be needed** (e.g., common nouns, cultural/linguistic communities, brand, geographical). Believes that country, territory TLDs should integrate ways for applicants to respect the specific legal framework the registry operator will operate under.
- geoTLD.group/dotBERLIN GmbH & Co. KG/Hamburg Top-Level-Domain GmbH: New Idea - **In the future,** determine if there is a need in for new categories.
- BC: New Idea - Tentative suggestion that a new category for **global south actors**, operating through trade, sector associations, or other mechanisms, might make sense.
- National Association of Boards of Pharmacy: New Idea - Supports adding **verified TLDs**, to protect consumer safety where consumers are defined as end users. Believes verified TLDs should get priority like communities in CPE. Synonym or exact translation of existing verified TLD should not be allowed to proceed or allow existing TLD to file a String Confusion Objection.
- Council of Europe: New Idea - Supports **not-for-profit or non-profit TLDs, with lower application fees**. Notes that these organizations, principally serving the GPI, might be communities.
- Google: New Idea - Incentivize **TLDs that align with user expectations** (e.g., sliding scale for registry fees that account for prospective registrant pool).

Requirements/treatment for additional categories:

- INTA: New Idea - Believes that a **first step** should be considering **whether a potential TLD type requires different treatment or contractual provisions**.
- National Association of Boards of Pharmacy: New Idea - Believes **verified TLDs** should **get priority like communities in CPE**. **Synonym or exact translation of existing verified TLD should not be allowed to proceed** or allow existing TLD to file a String Confusion Objection. **Verification of eligibility, adherence of standards, autonomy to take back a name, ongoing verification needed for verified TLDs - include as a specification in RA**. Failure to adhere would result breach notice to termination.
- BC/RrSG: New Idea - Asks about the different treatment for **.Brand applications. Suggests possible fast 0track.**
- Google: New Idea - **Incentivize TLDs** that align with user expectations **(e.g., sliding scale for registry fees that account for prospective registrant pool)**.
- INTA: New Idea - Suggests that if the WG allows **string contention** to be resolved in some bases by selecting an **alternative string**, should **allow a "mark +"** to meet requirements for Spec 13, even if string is not identical to mark.

Additional considerations:

- ICANN org: Concerns - Request that the Final Report **could explicitly state the requirements of each TLD type**; that the PDP Working Group could provide its views on whether the **applicants must declare the TLD type when submitting the application**, and whether **changes to TLD types are permitted during the application process, prior to signing the Registry Agreement**.

Commented [12]: Should this be referred to WT5?

Commented [13]: Note support of NCSG and BC for Global South applications as a category.

Commented [14]: Great idea from CoE. As per concerns raised in chat, we want to be careful about which non-profits receive the differential treatment. I'm sure CoE provided guidance...

Commented [15]: Applicable to application queuing, move to referrals section?

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)
- None

Referrals to other sections
- Government of India/GAC: Concerns/New Idea - Suggests that TLD categories could be taken into account for a variable fee structure. [Refer to Variable Fees] Suggests that multiple applications for IDN variants should be lower in cost [Refer to IDNs]
- Council of Europe: New Idea - Scope of communities serving the GPI should be narrowed. CPE should be limited to communities serving GPI goals. [Refer to Community Applications]
- INTA: Divergence - Questions whether geographic TLDs should be a different category, since there is no contractual difference. [Refer to Work Track 5]
- National Association of Boards of Pharmacy: New Idea - Believes verified TLDs should get priority like communities in CPE. Synonym or exact translation of existing verified TLD should not be allowed to proceed or allow existing TLD to file a String Confusion Objection. [Refer to String Similarity/Objections]
- ming.Ltd Group: New Idea - Make it easier for Brand owners to apply for IDN TLDs of their brands [Refer to IDNs]
- FairWind Partners: New Idea - Suggests that Emergency Back-end Registry Operator (EBERO) and Continuing Operations Instrument (COI) may be unnecessary. [Refer to Registrant Protections]

Parking lot
- None

Suggested next steps
- None

Commented [16]: No contractual difference, but there is a difference with certain geographic TLDs needing consent or non-objection. Where WT 5 comes out with differential treatment for different types of applications, they are a category.

2.2.5 Applications Submission Limits

Background documentation

- Community Comment 1 - Wiki page (https://community.icann.org/x/3B6OAw)
- Initial Report - Section 2.2.5 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)
- Sub Group A public comment analysis: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish

- *If limits are set, there must be a clear rationale for establishing these limits.*
- *It must be operationally feasible to implement any policy that is developed. In this case, it must be feasible to enforce any limits that are set.*
- *If any limits are imposed on the overall number of applications or the number of applications a particular entity may submit, the policy must be fair to all applicants.*
- *Policy should support competition and consumer choice.*

Public comment summary

High-level Agreements

- Support from most commenters that no limits should be placed in the overall number of applications or the number of applications particular entity may submit.

Outstanding Items - New Ideas/Concerns/Divergence

- Public Interest Community/Christopher Wilkinson: Divergence - Place limits on the number of applications per company and in cooperation with other companies
- Public Interest Community: New Idea - **ICANN should allow no more than 2 dozen applications for each company**, including its parent company, subsidiaries, and affiliates to increase fairness and allow for adequate oversight and public review.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- ACTION ITEM: Ask Public Interest Community the origin of the number reference in the following quotation: "We recommend that ICANN allow no more than 2 dozen applications for each company, including its parent company, subsidiaries, and affiliates." [COMPLETE - revisit if there is support to place application limits]

Referrals to other sections

-

Parking lot
- None

Suggested next steps
- None

2.2.6 Accreditation Programs (**e.g., RSP Pre-Approval**)

Background documentation
- Community Comment 2 - Section 1.1 (https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf)
- Initial Report - Section 2.2.6 (https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf)
- Sub Group A public comment analysis: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish
- *Where operationally feasible and appropriate, efficiencies should be realized in the technical evaluation of registry services without compromising the goals of the program, such as diversity, competition, and security of the DNS.*
- *Where a single RSP provides registry services for multiple TLD applications, duplicative evaluation and testing should be reduced.*
- *To the extent that there is testing as part of the Pre-Approval Program,* Testing must be consistent, objective and to the extent possible, predictable.
- *The RSP Pre-Approval Program processes and structures should treat incumbent RSPs and prospective RSPs in an equitable manner. Note from Jeff: This was a comment from Google, and supported in comments by Mark Monitor and Lemarit, but seems like one that had support when discussed previously. Should this be here?*

Public comment summary

High-level Agreements
- Support from most commenters for the use of the term "Pre-Approval Program" and establishment of such a program. Some concerns and a response in opposition are discussed below.
- Support expressed for the idea that the process should have technical requirements equal to the Technical and Operational Capabilities Evaluation.
- Some commenters also supported the consideration of an RSP's overall breadth of registry operator support, while others believed that the measurement of overall breadth of registry operator support would be difficult to assess.
- Most of the commenters that supported the notion of an RSP Pre-approval program support expressed for the idea that the RSP pre-approval process should be a voluntary program and the existence of the process will not preclude an applicant from providing its own registry services or providing registry services to other New gTLD Registry Operators. The Business Constituency was the only one to recommend that the program be mandatory.
- Support from most commenters for a program that is funded by those seeking pre-approval on a cost-recovery basis.

- While there were different perspectives expressed about whether periodic reassessment should be required for Pre-Approved RSPs, there was some support for the idea that if required, the requirement should be extended to RSPs that are not Pre-Approved as well.
- *ICANN Org Seeks confirmation that only difference between a pre-approved RSP and one that is approved during application evaluation is the timing of when the approval takes place; All criteria for evaluation and RST [RSP?] testing are the same. Comment from Jeff: Does this have high level agreement? If so, keep here.*

Outstanding Items - New Ideas/Concerns/Divergence

Use of Terminology for the Program:
- LEMARIT: New Idea - Term used to describe the program can be selected once scope of the program is decided.
- Christopher Wilkinson: Concerns - raised concerns about not using the term "accreditation" - "Finally, it is rather odd that the WT determined that accreditation of RSPs was not required, whereas- to the best of my knowledge – ICANN does accredit escrow service providers, albeit they are a rather less critical function than the RSP."

General Considerations for Program Implementation:
- GAC: New Idea - RSP Program should consider security threats and use tools such as ICANN's DAAR to identify any potential security risks for an application. Question from Jeff: How exactly would DAAR be used for this purpose? DAAR looks at current activity within a particular string, not at the likelihood of security threats in future applications.
- RrSG: New Idea - Program should take into consideration interoperability with ICANN-accredited registrars and there should be additional standardization of certain operational requirements. Note from Jeff: In discussion with Registrars at GDD Summit, they indicated that this comment was meant for all RSPs and not just those in the Pre-Approval Program. So to the extent that in general we adopt this requirement, it would be adopted for all RSPs.
- NCSG: New Idea - The program should be clear and transparent. Supports public cataloging of receipts against RSPs, and investigation and response taken to the complaints, as well as a process for rejecting approved RSPs. Comment from Jeff: Generally there are no compliance actions against an RSP, but rather against Registry Operators. How would this information be used?
-

Timing of Program Launch (draft recommendations suggest launching program 3 months before next application window opens):
- NCSG: Divergence/New Idea - Suggests that 3 months is too short, suggests 1 year.
- BC: New Idea - Suggests 6 months.
- ICANN Org: New Idea - Suggests launching earlier so that at the 3-month mark there will be Pre-Approved RSPs available from which prospective applicants can select.

- RySG: New Idea/Concern: As much time as possible, but establishment of the program should not be a prerequisite to the opening of the next application window.
- LEMARIT: New Idea: 4 months prior to the opening of the application period if an 8 months prior announcement is made.

Alternatives to a Pre-Approval Program:
- LEMARIT: New Idea/Concerns/Divergence - Does not fully support the suggested Pre-Approval Program. Raises concerns that such a program could have unforseen consequences. Suggests establishing a "stream" in the application process for applicants with more than one application, with ICANN providing a certificate that gives a right to exclude some of the elements from the test after the registry operator has passed three tests. See comment for details.

Evaluation Standards:
- BRG: New Idea - Criteria must be set at the appropriate levels and administered in a manner which does not introduce risks to security and stability or create a barrier to new entrants or competition.
-
- ICANN Org: New Idea/Concerns: Suggests including registry-level RST and registry services as part of the RSP pre-approval process and providing RSPs with the flexibility to be pre-approved for the registry functions of their choosing. Requests clarification on the meaning of "RSP's overall breadth of registry operator support" in the draft recommendation.
- BC: Concerns - Asks whether the proposed evaluation standard would impact the ability of a large company that has never provided technical services for a registry to apply and provide their own RSP.
- NCSG: New Idea - Supports clear and transparent process including the use of an evaluation checklist that is published.

Voluntary Program:
- ICANN Org: New Idea - Program could give applicants flexibility to specify if they want to perform a service offered by the pre-approved RSP in a modified manner.
- NCSG: Concerns - "Regarding point 2.2.6.c.4 The request here is contradictory and should be made clear and consistent." [staff note: 2.2.6.c.4 reads "The RSP pre-approval process should be a voluntary program and the existence of the process will not preclude an applicant from providing its own registry services or providing registry services to other New gTLD Registry Operators."]
- BC: Divergence - Believes process should be mandatory for all RSPs.

Funding and Program Costs (draft recommendations propose that the program is funded by those seeking pre-approval on a cost-recovery basis):
- Neustar: Concerns - More detail is required to understand the costs associated with undertaking the pre-approval process.
- LEMARIT: Concerns - Entry fee should be reasonably low and not limit competition.

Deleted: ICANN Org: Concerns - Seeks confirmation that only difference between a pre-approved RSP and one that is approved during application evaluation is the timing of when the approval takes place; All criteria for evaluation and RST testing are the same…

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- RYSG: Concerns - The is not enough information about costs of establishing the program. Cost-recovery by the RSPs alone may be cost prohibitive and therefore make the program unworkable.

Factoring in the Number of TLDs the RSP Intends to Support:
- BRG: New Idea - Leverage qualifying criteria and pre-delegation testing used in 2012 round, the output of any subsequent reviews, and lessons learnt. Understand different models and consider if different thresholds may be applied. Growth in number of registries the RSP supports or growth within those registries should trigger reassessment.
- RrSG: New Idea - Testing needs to be emphasized; use requirements must be addressed, and standardization between backends is needed. If an RSP is planning to support a significant increase in TLDs, that should be reviewed.
- Neustar: New Idea/Concerns - Difficult for a pre-approval process to assess scalability. Suggests re-testing the RSP if it reaches 'threshold' levels related to either the number of TLDs or domains under management, or on an annual basis. At the conclusion of an application process and prior to commencing evaluation, the RSP could be asked to confirm its ability to support the number of applications.
- Valideus: New Idea/Concerns - All applicants/RSPs should be treated equally. Therefore, if scaling is included as a requirement of RSP pre-approval then it should also be added as a requirement when assessing the applications/technical evaluation of any applicants using non pre-approved RSPs.
- RySG: Divergence - The pre-approval process is limited in scope to a technical review of competence. It is not designed to ascertain if the RSP is fit-for-purpose. Scale and scalability is explicitly not tested and not guaranteed.
- RySG: Concerns - It is difficult to assess the ability of an RSP to scale across a number of TLDs or domains under management. This is not currently done and there is no evidence that there is a problem. PDP WG should defer to discussions between RySG and GDD on this topic.
- NCSG: Divergence/New Idea - Does not agree that the RSPs "overall breadth of registry operator support" should be taken into account. ICANN should establish a single process for pre-approval of all back-end Registry Services Providers, and perhaps an expedited review or re-approval process. Evaluation should take into account complaints registries have made to ICANN about RSPs.
- LEMARIT: Divergence - Does not support taking into account the "RSP's overall breadth of registry operator support"/the number of TLDs the RSP intends to support. The same rules and conditions should apply to all.

Periodic Reassessment:
- BRG: New Idea - If an RSP grows in terms of the number of registries it supports and/or the result of significant growth within those registries, changes should trigger reassessment.

- NCSG: New Idea - Supports public cataloging of receipts against RSPs, and investigation and response taken to the complaints, as well as a process for rejecting approved RSPs.
- RrSG: New Idea - Reassessment should be tied to the type/characteristic of gTLDs offered to ensure technical requirements for the TLD are being met.
- ICANN Org: Concerns - Any periodic reassessments would have to be incorporated into the Registry Agreements as obligations on registry operators since there is no contractual relationship between the RSP and ICANN org.
- Valideus: Divergence/New Idea - No need for periodic reassessment of RSPs, since 2012-round registries were not periodically reassessed. Ongoing technical competence should be monitored through the contractual SLAs with each registry operator.
- BC: Divergence/New Idea - Suggests use of ongoing audits.
- Neustar: Divergence/New Idea- Suggests continuing to monitor the Registry Operators against SLAs and maintaining information about the supporting RSP.
- RySG & LEMARIT: Divergence/New Idea - Support for having pre-approval valid for a fixed period of time or until breach occurs; suggestion for automatic renewal process.

Extending Periodic Reassessment to RSPs Not Pre-Approved:
- BC: Concerns - May want to consider auditing the registry and not their service provider. If not, then require the RSPs to enter into a contract with ICANN.org.
- ICANN Org: Concerns - If periodic reassessment is incorporated into the Registry Agreements as obligations on registry operators, WG may want to make this requirement applicable to all registry operators.
- LEMARIT: Divergence - Reassessment doesn't make sense for RSPs without Pre-Approval, as the reassessment only regards the pre-approval status and not the general capability to service as an RSP.

Grandfatheringof Existing RSPs: Should all active RSPs be deemed automatically approved and therefore exempt from Pre-approval process?

- d.
- RySG: New Idea - An RSP that has been operating at least one of its TLDs for at least 3 years in GA and has not had any breach (or 80% SLA violation) in any of its TLDs during the last 5 years would be effectively (automatically) pre-approved.
- ICANN Org: Concerns - Suggests assessing whether the changes and new requirements in preliminary recommendations and Registry System Testing section of the Initial Report would necessitate existing RSPs to go through the new RSP pre-approval process.
-
- SSAC: Divergence/Concerns - Existing providers should not be deemed "pre-approved," and must receive fresh evaluation in the new round. The next gTLD contract may contain provisions that differ from the current ones, and existing operation is not synonymous with the ability to handle upcoming requirements. Back-end providers may provide templated answers, but those answers will sometimes be customized per application depending upon the technical and business plans provided in individual

applications. It is necessary to determine when an application departs from a provider's template, and which application questions need specific evaluation.
- LEMARIT: Divergence - Does not support. All RSPs should be treated equally, requirements may be different compared to the 2012 round.
- Google: Divergence - Does not support processes that favor incumbent RSPs.

Application Window for RSP Pre-Approval:
- BC: New Idea - Supports 6 month window.
- Valideus: New Idea - 30 day application window, with all pre-approvals being completed no later than 30 days prior to the opening of the gTLD application window. ICANN should be asked to provide a guide based upon benchmarks from the 2012-round evaluations.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)
- None

Referrals to other sections
- RrSG: (2.2.6.c.1) The RrSG agrees that an "accreditation" program is not desirable. The RrSG understands the need for a RSP "pre-approval process" and wanting to improve launch efficiencies. We believe, however, that when the new Pre-Approval process is developed, it should take into consideration interoperability with ICANN-accredited registrars, including operational efficiencies and constraints. For example, when the backend for an existing TLD changes, costs and overhead are incurred by each Registrar that provides registration/support for the TLD. We therefore would appreciate additional standardization of certain operational requirements. [May apply to 2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization and 2.7.7: Applicant Reviews (if requirements are changed for all applicants)]
- BC: (2.2.6.c.2) Ongoing audits of ability to provide registry services should be conducted and issues discovered should be measured and tracked. [May relate to 2.11.1 Registry System Testing.]
- GAC: (General Comment) The GAC believes the Applicant evaluation and RSP pre-approval process should include consideration of potential security threats. Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application. [May be applicable to 2.7.6 Security and Stability and 2.7.7 Applicant Reviews]
- To the extent that the Working Group adopts the notion that all RSPs are evaluated in the same manner using the same processes (except the Pre-approval process happens earlier in time, then all evaluation requirements should be referred to applicable sections (eg., 2.7.6 Security & Stability and 2.7.7 Applicant Reviews)

Parking lot
- None

The WG may want to further discuss areas where there was no clear theme in the responses and may want to consider how this may impact draft recommendations:

- A mix of reactions to the proposal that the process should be in place 3 months before the next application window opens. While some commenters supported this idea, others thought that the period should be longer or provided other suggestions.
- A mix of support, concerns, and opposition were expressed about whether the program should take into account the number of TLDs an RSP intends to support.
- Some comments oppose requirements for periodic reassessment of Pre-Approved RSPs, while some support this idea.
- No consistent theme in comments about whether existing RSPs should be automatically Pre-Approved.