UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures

GLOBAL PUBLIC INTEREST

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31 July 2019

SNAPSHOT OF KEY ELEMENTS
Global Public Interest

ALAC STATEMENTS have touched on:

- Mandatory Public Interest Commitments (PICs)
- Voluntary PICs, timing of Voluntary PICs
- Exemption / Waiver for PICs
- Requirements for RO to operate TLD as verified TLD under certain circumstances
- Unclear, adversarial enforcement process with significant obstacles for reporting of breaches of PICs
- CCT-RT draft report recommendations for more and better data to assess effect of new gTLDs on consumer trust or consumer choice, and whether objectives of New gTLD Program have been achieved

RELATED SubPro Areas/Topics include:

- Public Interest Commitments (PICs)
- DNS Abuse, Safeguards for personal info
- GAC Early Warnings, GAC Advice, Safeguards
- Contractual Compliance

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- Rec. 12: Meeting user expectations on SL domain use, registrations for sensitive/regulated industries; safety & security of user personal & sensitive info (prerequisite for SubPro)
- *Rec. 15: Amendments to RAA & RA to prevent systemic DNS security abuse (prerequisite for SubPro)*
- Rec. 14: Pro-active anti-abuse measures (high priority for SubPro)
- *Rec. 16: Support ongoing data collection efforts (eg DAAR) (high priority for SubPro)*
- *Rec. 23: Gather data on new gTLDs operating in highly-regulated sectors to include 5 elements (high priority for SubPro & ICANN Org)*
- Rec. 25: Voluntary commitments must include intended goal, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; organized, searchable (high priority for SubPro & ICANN Org)

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Global Public Interest (GPI) as at 31 Jul 2019

- SubPro WG undertook deliberations on public comments to Initial Report on topic of GPI on 11 & 17 Jun, 8 & 11 Jul 2019

Mandatory PICs

ALAC STATEMENTS support:

- Codifying current practice as policy recommendation and revisit such PICs to reflect discussions between GAC Public Safety WG and Registries as appropriate

SUBPRO WG Deliberations:

High Level Agreement
- Codify current implementation of mandatory PICs as policy recommendations. No additional mandatory PICs needed.

Concerns
- If mandatory PICs are to be codified as policy recommendations, SubPro WG should indicate (i) What the categories of strings are; (ii) The process and criteria for applied-for strings to be put into those categories, including who makes the decision, implications on the evaluation and string contention processes; (iii) What the contractual obligations are for each of the categories

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Global Public Interest (GPI) as at 31 Jul 2019

Voluntary PICs

ALAC STATEMENTS support:

- Continuing voluntary PICs as proven instrument in ensuring responsible operation of some TLDs

- Requiring applicant to set forth nature of PIC – limitations in time, duration, scope – and to allow adequate review for objections, GAC Early Warnings/Advice

- If PIC accepted, must be reflected in RA, have process to allow for changes in PICs but only after public comment, and if PIC made in response to objection, GAC Early Warnings, GAC Advice, any proposed material changes to that PIC must address objection, GAC Early Warnings, GAC Advice

- Allowing inclusion of voluntary PICs after application submitted only to the extent those PICs are introduced to address objection, GAC Early Warning, GAC Advice – and if the PIC changes nature of an application then have short subsequent objection period

SUBPRO WG Deliberations:

High Level Agreement

- Continue concept of voluntary PICs in subsequent procedures, allow applicants to commit additional voluntary PICs in response to public comments, GAC EW and/or GAC Advice, even if changes nature of original application.

- At the time a voluntary PIC is made, the applicant must set forth whether such PIC is limited in time, duration and/or scope such that the PIC can adequately be reviewed by ICANN(?), an existing objector (if applicable) and/or the GAC (if the voluntary PIC was in response to a GAC Early Warning or GAC Advice). This includes all types of applications.

- Voluntary PICs should be reflected in the applicant's Registry Agreement; PICs can only be changed after public comment; proposed material changes must take into account comments made by the applicable objector and/or the applicable GAC member(s) that issued the Early Warning, or in the case of GAC Advice, the GAC itself.

- Voluntary PICs are an appropriate way to address issues raised in GAC Early Warnings and public comments, or otherwise flagged by the community.

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Exemptions / Waivers

ALAC STATEMENTS support:

- Exemptions/waivers only if alternative, equally rigorous ways to achieve commitments

SUBPRO WG Deliberations:

High Level Agreement

- Support providing single-registrant TLDs with exemptions and/or waivers to mandatory PICs included in Specification 11 3(a) and Specification 11 3(b).

Verified TLDs

ALAC STATEMENTS support:

- Requiring RO to operate a verified TLD if it (1) is linked to regulated / professional sectors (2) is likely to invoke level of implied trust from consumers (3) has implications for consumer safety and well-being –
    - o Should use panel with skills in field of consumer trust
    - o SubPro WG should identify / study options to establish recommendations.

- Need for restrictions on registrants and use of DN to improve public trust in new gTLDs

SUBPRO WG Deliberations:

- No High Level Agreement recorded

- Noted CCT Rec. #12 to create incentives and/or eliminate current disincentives that encourage gTLD registries to meet user expectations regarding (1) the relationship of content of a gTLD to its name; (2) restrictions as to who can register a domain name in certain gTLDs based upon implied messages of trust conveyed by the name of its gTLDs (particularly in sensitive or regulated industries; and (3) the safety and security of users' personal and sensitive information (including health and financial information)

Enforcement

ALAC STATEMENTS states:

- "Greatest amongst those concerns are the lack of public oversight, the temporary and arbitrary nature of the 'optional' PICs, and an unsure and adversarial enforcement process that created significant obstacles for reporting of breaches"
  --- AL-ALAC-ST-1114-02-00-EN, 19 Nov 2014 on PIC in CC2 comment

SUBPRO WG Deliberations:

- Not found, unclear where this appears as was a CC2 comment

- Perhaps revisit under Contractual Compliance?

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Global Public Interest (GPI) as at 31Jul 2019

CCT-RT Recommendations

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

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SUBPRO WG Deliberations:

Outstanding Items

- Rec. #12 #14, #23 are listed under "Outstanding Items"

- Rec #15, #16, #23 are marked as related to DNS Abuse, to be referred to another section