At-Large's Subsequent Procedures Scorecard: Applications Assessed in Rounds

CPWG SubPro Small Team

At-Large Consolidated Policy Working Group (CPWG) Call
Wednesday, 19 February 2020, 13:00 UTC

OVERARCHING ISSUES

Topic/Area:	[6] APPLICATIONS ASSESSED IN ROUNDS [2.2.3]	Priority:	MEDIUM	Settled On:	
Related:	• Continuing Subsequent Procedures [2.2.1] • Different gTLDs Types [2.2.4] • Feedback to Neustar's proposal for a 3-phased application model				
Key Issues:	Assuming that there will be a next round of applications for new gTLDs (which looks to be recommended): • When does the round commence and end or how would either be triggered? • What are the prerequisites or limitations in allowing new applications?				
Policy Goals:	(Captured under first column below)				
Assigned CCT-RT Rec's:	None				
References:	• Working Document_SubPro Draft Final Recommendations, 16 February 2020 • SubPro WG Overarching Issues_Summary Document, 7 January 2020 • At-Large feedback on Neustar's Proposal for 3-Phased New gTLD Application Model, 6 February 2019 • 01. SubPro WT1-4 IR – Neustar proposal ppt, 5 January 2019				

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? If not, why so?	What else needs to be done and by/with whom?
1. Change needed to Rec #13 from 2007 policy in order to maintain assessment in rounds independent to demand	Affirmation (with modification): WG affirms recommendation 13 from the 2007 policy which states, "Applications must initially be assessed in rounds until the scale of demand is clear." However, WG believes that "initially" and "until the scale of demand is clear" should	Yes, we argued that regardless of demand and regardless of whether applications are accepted by way of rounds or not, applications must be assessed in rounds or placed in clear batches for processing. Otherwise, we cannot effectively deal with the	

	be removed from the sentence and it should just read "Applications must be assessed in rounds."	necessary evaluations – string similarity, string contention.	
2. Clarity needed around timing and/or criteria for initiating subsequent procedures at close of or after next round.	Recommendation: Upon commencement of next Application Submission Period, there must be clarity around the timing and/or criteria for initiating subsequent procedures from that point forth. More specifically, prior to commencement of the next Application Submission Period, ICANN shall publish either (a) The date in which the next subsequent round will take place; or (b) The specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round. Implementation Guidance: A new round may initiate even if steps related to application processing and delegation from previous application rounds have not been completed.	Yes, support in principle although no real desire to see expansion of Program.	
3. Barring of new applications for a string which application is still being processed from a previous round.	Implementation Guidance: It should NOT be possible to apply for a string that is still being processed from a previous application round. The scenarios:	Yes, absolutely. One of the weaknesses of the 2012 round was that only the application period was definitive. While we can understand initial application processing might	

	• If a TLD has already been delegated, no application for that string will be allowed for a string in a subsequent round. • If there is an application that is "Active", "Applicant Support", "In Contracting", "On-hold" or "In PDT", a new application for that string will not be allowed in a subsequent round. • If all applications for a particular string have been Withdrawn, new applications for the string will be allowed in a subsequent round. • If a Registry Operator has terminated its Registry Agreement and (i) the TLD has not been reassigned to a different Registry Operator, and (ii) in the case of a Specification 13 Brand TLD, it is more than 2 years following the Expiration Date (See RA Section 4.5(a)), then applications will be allowed to be submitted during a subsequent round. • If all applications for a given string have a status of "will not proceed", an application for the TLD will only be allowed if: o All appeals and/or accountability mechanisms have proceeded through	take time and is subject to volume, and that evaluations will take more time and are subject to challenges (objections, appeals), we must prevent a recurrence of applications which remain in the system indefinitely – those which have no chance of proceeding but are not withdrawn. Defining "proper" rounds will also affect when an undelegated string next becomes available again for application, where no application in a current round having succeeded. Scenarios now incorporate allowance of appeals.	

	final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or o All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability mechanism with respect to the string. • If a TLD has a status of "Not Approved", an application for the TLD will only be allowed if: o All appeals and/or accountability mechanisms have proceeded through final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or o All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability		

	mechanism with respect to the string; and o The ICANN Board has not approved new policies or procedures that would allow one or more of the applicants from the prior round to cure the reasons for which it was placed in the "Not Approved" category, but has approved new policies or procedures that would allow an applicant to apply for the string in any subsequent round.		
4. When it becomes operationally feasible, application procedures should take place at predictable, regularly occurring intervals without indeterminable periods of review.	Recommendation: Application procedures must take place at predictable, regularly occurring intervals without indeterminable periods of review unless the GNSO Council recommends pausing the program and such recommendation is approved by the Board. Unless and until other procedures are recommended by the GNSO Council and approved by the ICANN Board, ICANN must only use "rounds" as part of the New gTLD Program.	Agreement limited to that ICANN must only use "rounds" as part of the New gTLD Program. In principle, indeterminable periods of review is not something to support or object to subject to whether we prefer to err on the side of caution until we are reasonably confident that at all major concerns have been identified and addressed through learning from previous round(s)?	Check with GAC as to their position on this
5. Alignment with CCT Review needed but not at expense of subsequent round	Recommendation: Absent extraordinary circumstances, future reviews and/or PDP, including the	Should we not opt to err on the side of caution until we are reasonably confident that at all major concerns	Check with GAC as to their position on this

	next CCT Review, should take place concurrently with subsequent application rounds. In other words, future reviews and/or PDP must not stop or delay subsequent new gTLD rounds.	have been identified and addressed through learning from previous round(s)? Reviews should take place as needed, not as prescribed.	
6. No retrospective application of outcomes of reviews or PDPs	Recommendation: If the outputs of any reviews and/or PDP has, or could reasonably have, a material impact on manner in which application procedures are conducted, such changes must only apply to the opening of the application procedure subsequent to the adoption of the relevant recommendations by the ICANN Board.	Yes, this is fair.	
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? If not, why so?	What else needs to be done and by/with whom?
7.			
PENDING ISSUES:	SubPro PDP WG reaction	Anything missing?	What else needs to be done and by/with whom?
Position:			