UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures

RESERVED NAMES, CLOSED GENERICS & REGISTRANT PROTECTIONS (v02)

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16 August 2019

SNAPSHOT OF KEY ELEMENTS
Reserved Names, Closed Generics & Registrant Protections

ALAC STATEMENTS touch on:

- Reserved Names: Avoidance of end user confusion as paramount consideration to any proposal to alter list of Reserved Names
- Closed Generics: Prohibition on use of Closed Generics, or at the very least, not coupled with a Public Interest Application or subject to a Code of Conduct
- Registrant Protections: Maintaining the original intent of EBERO, COI, Data Escrow requirements, Registry Performance Specs in Spec 10 of RA – Registry Agreement & have high standards for applicants

RELATED SubPro Areas/Topics include:

- Reserved Names: SAC090 SSAC Advisory on the Stability of the Domain Namespace
- Reserved Names at the Top Level:
  - Geographic Names: subject to WT5 input
  - IGO/INGO: subject to IGO/INGO CCWG input
  - Red Cross / Red Crescent Names: separate PDP

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- None

❖ SubPro WG deliberation on public comments to Initial Report on topic of Reserved Names commenced on 15 Aug 2019, and will continue on 19 Aug 2019, along with Registrant Protections. Deliberations on the topics of Closed Generics is targeted for 22 Aug 2019.

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Reserved Names as at 16 Aug 2019

ALAC STATEMENTS support:

- Avoidance of end user confusion as paramount consideration – all practicable, reasonable measures must be considered and implemented to safeguard this end user protection principle
  - Eg. avoid impact on end users due to resemblance between ASCII letters resulting from proposal to remove reservation of 2-character strings at top level with one ASCII letter and one number (e.g .O2 or .3M)
- Special Use Domain Names should be added to AGB Reserved Names at TL section to prevent applications for such strings
- No change needed to Spec 5 Provision 3.2 RO's right to reserve up to 100 domain names at all level

SUBPRO WG Deliberations:

High Level Agreement – Reserved Names at Top Level

- General support for reserving the names for Public Technical Identifiers (i.e., PTI, PUBLICTECHNICALIDENTIFIERS, PUBLICTECHNICALIDENTIFIER) as unavailable for delegation
- General support for reserving Special-Use Domain Name through IETF RFC 6761 procedure

High Level Agreement – Reserved Names at Second Level

- General support for updating Schedule 5 to include measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by ICANN Board on 8 Nov 2016. – ongoing discussions between several GAC members and ICANN Board

Parking Lot

- For reference: SSAC Advice on Reserved Names from SAC090: SAC090 SSAC Advisory on the Stability of the Domain Namespace; See: https://www.icann.org/en/system/files/files/sac-090-en.pdf

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SUBPRO WG Deliberations:

Outstanding Items – Reserved Names at Top Level

- General requirements for reserved names
- ISO4217 Currency Codes Proposal – *"Reserve until such time there is clear agreement with the International Central Banks (eg. through IMG or Bank for International Settlements) as to whether these codes could be delegated and if so, to which entities, not excluding themselves"*
- Geographic Names – subject to input from WT5
- IGO / INGO – subject to IGO-INGO Access to Curative Rights Protection Mechanism PDP recommendations
- Red Cross / Red Crescent Names – subject to proposed consensus policy on protections for certain Red Crescent Names in all gTLD
- Removal of reservation of 2-char letter-number combinations

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Reserved Names as at 16 Aug 2019

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SUBPRO WG Deliberations:

Outstanding Items – Reserved Names at Second Level

- Voluntary reservation of up to 100 strings for operation / promotion of TLD – to add some flexibility to increase number?
- Ability to reserve an unlimited number of SL domain names for release at RO's discretion through ICANN-accredited Rrs
- Need for a 'Sunrise' process for SL domain names removed from a reserved names list and released by a RO?

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Closed Generics as at 7 Aug 2019

ALAC STATEMENTS advocate:

- Prohibition to use of closed generics if not coupled with a Public Interest Application due to:

  (1) potentially unfair influence over registration priority in a generic term and

  (2) enabling significant security risks for particular strings, particularly for dotless domains per SSAC advice
- If were to be allowed, then closed generics should be coupled with Public Interest Application and subject to a Code of Conduct

SUBPRO WG Deliberations:

High Level Agreement

- None at this stage

Outstanding Items

- Deliberation on the 4 options of:
  - #1 No Closed Generics
  - #2 Closed Generics with Public Interest Application
  - #3 Closed Generics with Code of Conduct
  - #4 Allow Closed Generics

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Registrant Protections as at 7 Aug 2019

ALAC STATEMENTS advocate:

- EBERO and/or COI is to protect consumers, not prop up failing ROs, therefore ICANN must observe original intent of EBERO and allow it to function under that scope
    - Data Escrow requirements and Registry Performance Specifications in Spec 10 RA should also remain
- ICANN should also subject publicly traded companies and affiliates to background checks to prevent "gaming"
- Yes to additional check questions: (1) termination for compliance issues and (2) company being a part of an entity found in breach of contract with ICANN
- ICANN Org should undertake applicant background screening twice: (1) at time of application (to identify unsuitable applicants) and (2) at time of contract signing (to identify material changes)
- Standard for applicants should remain high, noting special circumstances requiring adjustment in evaluation process to accommodate applicants for underserved regions and brand TLD perhaps

SUBPRO WG Deliberations:

<u>High Level Agreement</u>

- General support for maintaining existing registrant protections, including EBERO and associated triggers for EBERO event and critical registry functions
- General support for providing TLDs under Spec 9 and Spec 13 with an exemption from EBERO requirements (single registrant)
- General support for background screening process to be more accommodating, meaningful and flexible for different regions of the world and in different circumstances