NEW gTLD SUBSEQUENT PROCEDURES PDP WHITEPAPER

OBJECTIVES of this Whitepaper

To serve as the basis reference for:

- **Highlighting the minimum/prerequisite End-User interests and perspectives for the policy development process for Subsequent Procedures; and**
- **Exploring alignment with other ICANN Constituencies for more impactful influence to the policy development process for Subsequent Procedures.**

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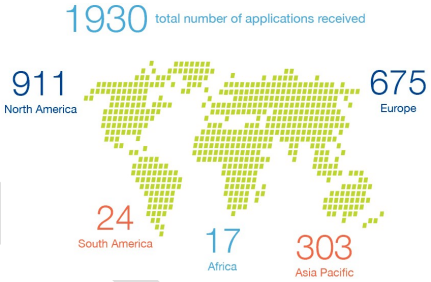
BACKGROUND

ICANN first began expanding the TLD name space by conducting trial rounds in 2000 for TLDs[1] and 2003 for sponsored TLDs[2], and another round in late 2009 for IDN ccTLDs.



The last and most significant expansion round, which is referred to as the New gTLD Program, was conducted in 2012. That 2012 round attracted 1,930 applications for new gTLDs which has resulted in 1,232 new gTLDs being introduced between Oct 2013 and Jul 2018.[3]

This New gTLD Program was conducted after a multi-year PDP, policy implementation and community discussions, based on the 2012 Applicant Guidebook (AGB) - the 4th iteration of the document in which some aspects were the result of intervention by the ICANN Board and GAC.[4]

Since 2015, pursuant to ICANN commitments in the Affirmation of Commitments (now ICANN Bylaws per the IANA Stewardship Transition), several ICANN processes have been undertaken to review the program for policy adjustments:

- Issue scoping: GNSO non-PDP Discussion Group (1 Jun 2015)
- ICANN Org reports: New gTLD Program Implementation Review (29 Jan 2016); Rights Protection Mechanisms Review (11 Sep 2015); Preliminary Issues Report on New gTLD Subsequent Procedures (31 Aug 2015)
- Studies by Independent Third Parties: Trademark Clearing House (23 Feb 2017); Root Stability (8 Mar 2017); Safeguards against DNS Abuse (9 Aug 2017)

Other processes which provide wider policy implications and relate directly to any further expansion of gTLDs are:

- The GNSO New gTLD Subsequent Procedures PDP (ongoing since Jan 2016), incorporating Work Track 5 on Geographic Names at the Top Level (ongoing since Oct 2017) ("**SubPro PDP WG**")
- The Competition, Consumer Trust and Consumer Choice Review Final Report, 8 Sep 2018 which yielded, *inter alia*, 13 prerequisite and 11 high level recommendations for the attention of the ICANN Board, ICANN Org, the GNSO, the SubPro PDP WG and/or the RPM PDP WG[5]
- The GSNO Review of All Rights Protection Mechanisms in All gTLDs PDP (ongoing since Feb 2016) ("**RPM PDP WG**") to review the effectiveness of mechanisms such as the Universal Dispute Resolution Procedure (UDRP), Uniform Rapid Suspension (URS) and the Trademark Clearing House (TMCH)

[1] The 2000 New TLD Program led to .biz, .info, .name, .pro, .coop and .museum being delegated.
[2] The 2003 Sponsored TLD Program led to .asia, .cat, .jobs, .mobi, .tel and .travel being delegated.
[3] See: https://newgtlds.icann.org/en/program-status/statistics
[4] Namely, the GAC Principles regarding New gTLDs (27 Mar 2007); the GAC Early Warnings mechanism (20 Nov 2012; and GAC Safeguard Advice (11 Apr 2003).
[5] See: separate Appendix A

The At-Large Advisory Committee (ALAC) has consistently commented on various aspects of the New gTLD Program, either through advice to the ICANN Board and/or statements in response to ICANN Public Comment proceedings/calls, going back to 2008.[6]

In more recent times, the ALAC/At-Large's active participation in development of policy for Subsequent Procedures can be established by inputs through:

- AL-ALAC-ST-0517-04-01-EN: ALAC Statement on the GNSO Community Comment 2 (CC2) on New gTLD Subsequent Procedures PDP, 30 May 2017
- AL-ALAC-ST-0926-02-01-EN: ALAC Statement on the Initial Report on the New gTLD Subsequent Procedures PDP (Overarching Issues & Work Tracks 1-4), 3 Oct 2018
- AL-ALAC-ST-1218-06-02-EN: ALAC Statement on Supplemental Initial Report on the New gTLD Subsequent Procedures PDP (Overarching Issues & Work Tracks 1-4), 9 Jan 2019
- AL-ALAC-ST-0119-02-01-EN: ALAC Statement on Work Track 5 on Geographic Names at the Top Level – Supplemental Initial Report of the New gTLD Subsequent Procedures PDP, 28 Jan 2019

And in terms of input towards the wider policy implications and which relate directly to any further expansion of gTLDs, the ALAC/At-Large has submitted:

- AL-ALAC-ST-1114-02-00-EN: ALAC Statement on the Public Interest Commitment ALAC Review – Follow up, 19 Nov 2014
- AL-ALAC-ST-1216-01-01-EN: ALAC Statement on the Phase II Assessment of the Competitive Effects associated with the New gTLD Program, 13 Dec 2016
- AL-ALAC-ST-0517-03-01-EN: ALAC Statement on the Competition, Consumer Trust and Consumer Choice Review Team Draft Report of Recommendations for New gTLDs, 25 May 2017
- AL-ALAC-ST-0118-05-00-EN: ALAC Statement on Competition, Consumer Trust, and Consumer Choice Review Team – New Sections to Draft Report of Recommendations, 15 Jan 2018
- AL-ALAC-ST-1218-02-01-EN: ALAC Statement on Competition, Consumer Trust, and Consumer Choice Review Team (CCT) Final Report & Recommendations, 17 Dec 2018

[6] See: separate Appendix B, compiled in response to a request for input to New gTLD Subsequent Procedures, 20 Jun 2016

ISSUES

Of major concern to At-Large as at July 2019 are several important, inter-related set of circumstances, developments and interventions. These include:

- The ICANN Board's decision of 1 Mar 2019 in respect of the recommendations in the Competition, Consumer Trust and Consumer Choice Review Final Report, 8 Sep 2018, which *inter alia* touches on:
    - Measures to improve outreach to, the quantity and quality of applications from the Global South (and "middle applicants"), as well as metrics to quantify success of the same
    - Revisiting the Applicant Support Program
    - Review of procedures and objectives for community-based applications, including Community Priority Evaluation (CPE)
    - Revisiting the Objection Procedures, including avoidance of potential for inconsistent results in String Confusion Objections, as well as the review of objectives and accessibility of Community Objections
    - The ongoing review by the RPM PDP WG of the effectiveness of mechanisms such as the Universal Dispute Resolution Procedure (UDRP), Uniform Rapid Suspension (URS) and the Trademark Clearing House (TMCH) and any recommendations that the WG should make in respect of modifications to and/or the interoperability of the URS with the UDRP
- Determining the actual costs-versus-benefits of the New gTLD Program and further expansion of the same (including estimated demand for new gTLDs)
- The unreasonable timetable that SubPro PDP WG is binding itself to in pushing for the completion of its Final Report while still having to grapple with many issues which remain either unresolved or unsatisfactorily resolved. This concern has since been alleviated somewhat with updates to the SubPro PDP WG workplan tabled in February 2020.
- The tabling by ICANN GDD at ICANN65 of Assumptions to ICANN Org's Readiness to Support Future Rounds of New gTLDs (albeit for community input)
- The ICANN Board's decision of 2 Feb 2019 in respect of the issue of Names Collision and the pursuit of the Names Collision Analysis Project (NCAP) Study 1 (and Studies 2 and 3, if any)
- GAC Communiques, in particular but not limited to, their ICANN65 Marrakech Communique and ICANN66 Montreal Communique.

Related also are concerns about the attention that resulted from:

- Neustar's Proposal for 3-Phased New gTLD Application Model to which At-Large provided feedback vide At-Large's feedback on Neustar's comment to the overarching topic 2.2.3 of Applications Assessed in Rounds (6 Feb 2019)

Development of Scorecard based on Current Positions and Status of Adoption

- Based on the above, does At-Large/CPWG wish to submit to ALAC a fresh statement and if yes, to whom should statement(s) be addressed?
- If yes, what are the At-Large Key Areas of Interest in SubPro that we want to emphasize or re-emphasize in our statement(s)?
- Some proposed areas to consider, as at 11 February 2020, include the following high priority and medium priority topics[7]. Reference should be made to **Appendix C - Scorecard** (which although updated from time to time) serving as the definitive guide in this respect.

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[7] NOTE: This list is updated from time to time, and serves as a guidance at time of writing this Whitepaper.