Appendix C:

ICANN At-Large Scorecard on Subsequent Procedures PDP

At-Large Small Team on Subsequent Procedures

Justine Chew

Holly Raiche   Alan Greenberg

Marita Moll   Christopher Wilkinson

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Introduction to Scorecard

This Appendix C: ICANN AT-LARGE SCORECARD ON SUBSEQUENT PROCEDURES POLICY DEVELOPMENT PROCESS is an appendix to the AT-LARGE WHITEPAPER ON SUBSEQUENT PROCEDURES dated 13 February 2020 ("the Whitepaper").

Purpose of Scorecard

This Scorecard contains the At-Large Community's assessment of topics or areas of policy development undertaken by the GNSO-initiated New gTLD Subsequent Procedures Policy Development Process Work Group ("SubPro PDP WG") since February 2016 and up to Q1, 2020.

In particular, it sets out At-Large's positions on expected draft recommendations relating to policy areas which the SubPro PDP WG is working on and which we believe affect the interests of Internet end-users.

Sources of Reference

This Scorecard has been developed with reference to SubPro PDP WG's deliberations of inputs from sources available to it, including but not limited to:

1. Comments to preliminary recommendations and/or questions presented in:
   a. Initial Report on the New gTLD Subsequent Procedures PDP (Overarching Issues & Work Tracks 1-4) dated 3 July 2018 [https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en]
   b. Supplemental Initial Report on the New gTLD Subsequent Procedures PDP (Overarching Issues & Work Tracks 1-4) dated 30 October 2018 [https://www.icann.org/public-comments/new-gtld-subsequent-procedures-supp-initial-2018-10-30-en]
   c. Work Track 5 on Geographic Names at the Top Level - Supplemental Initial Report of the New gTLD Subsequent Procedures PDP dated 5 December 2018 [https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en]
2. Prerequisite and High Priority Level Recommendations relevant to SubPro PDP WG's work (i.e. Annexure A to the Whitepaper)[1] contained in the Competition, Consumer Choice and Consumer Trust Review Final Report dated 8 September 2018 [https://www.icann.org/en/system/files/files/cct-final-08sep18-en.pdf]
3. ICANN Board Action on Final CCT Recommendations dated 1 March 2019 [https://www.icann.org/en/system/files/files/resolutions-final-cct-recs-scorecard-01mar19-en.pdf]
4. Work Track 5 Final Report to the SubPro PDP WG dated 22 October 2019[2]
5. SubPro PDP WG Summary Working Documents 2019 [https://community.icann.org/display/NGSPP/Summary+Working+Documents]

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[1] [https://community.icann.org/download/attachments/111390697/Annexure%20A%20-%20CCTRT%20Prerequisite%20and%20High%20Priority%20Level%20Recommendations.pdf?version=1&modificationDate=1565047487000&api=v2]

[2][https://community.icann.org/download/attachments/111390697/Work%20Track%205%20Final%20Report%20to%20the%20New%20gTLD%20SubPro%20PDP%20WG%20-%2022%20October%202019%5B1%5D.pdf?version=1&modificationDate=1576497110000&api=v2]

At-Large Areas of Concern

The full list of SubPro areas or topics, with corresponding concern levels to At-Large, is as follows:

PRIORITY	SUBSEQUENT PROCEDURES AREAS / TOPICS	Sub-Areas / Related Areas
	CROSS-CUTTING ISSUES	
High	1. DNS Abuse Mitigation	• **CCT-RT Rec. #14, #15, #16** • Contractual Compliance • Base Registry Agreement
High	2. CCT Recommendations Prerequisite and High Priority Level Recommendations relevant to SubPro PDP WG's remit contained in the Competition, Consumer Choice and Consumer Trust Review Final Report of 8 September 2018	• Consumer Trust • DNS Abuse • Applicant Support Program [2.5.4] • Accountability Mechanism [2.8.2]
	OVERARCHING ISSUES	
High	3. Cost vs Benefit of New gTLD Program – Continuing Subsequent Procedures [2.2.1]	• Metrics & Monitoring [2.2.7]
Medium	4. Predictability [2.2.2] / Clarity of Application Process [2.2.2.2]	• **Predictability Framework [NEW]** ➢ **Standing Predictability Implementation Review Team (SPIRT)**
Medium	5. Application Assessed in Rounds [2.2.3]	• Different TLD Types [2.2.4] • Feedback to Neustar's proposal for a 3-phased application model
Medium	6. Different Types of TLDs [2.2.4]	• Community Applications [2.9.1] • Feedback to Neustar's proposal for a 3-phased application model • Priority for application types
Low	7. Applications Submission Limits [2.2.5]	
Low	8. RSP Pre-Evaluation (Accreditation Programs) [2.2.6]	• Applicant Support Program [2.5.4]
	FOUNDATIONAL ISSUES	
High	9. Registry commitments / Public Interest Commitments & Other Safeguards [Global Public Interest, 2.3.2]	• Mandatory PICs • Voluntary RVCs/PICs – Systems [2.4.3] • GAC Advice – Verified TLDs
Low	10. Applicant Freedom of Expression [2.3.3]	
High	11. Universal Acceptance (UA) [2.3.4]	• Systems [2.4.3]
	PRE-LAUNCH ACTIVITIES	
Low	12. Applicant Guidebook [2.4.1]	• Translations, timing of release vs program communication/outreach
Low	13. Communications [2.4.2]	• Outreach to Middle/Global South candidates – Applicant Support Program [2.5.4]

PRIORITY	SUBSEQUENT PROCEDURES AREAS / TOPICS	Sub-Areas / Related Areas
Low	14. Systems [2.4.3]	• Implementation of PICs submission – Global Public Interest [2.3.2]
	APPLICATION SUBMISSION	
High	15. Applicant Support Program (ASP) [2.5.4]	• Funding source • Outreach – Communication [2.4.2] • Criteria – Metrics • Accreditation Programs [2.2.6] • Application Fees [2.5.1] • Accountability Mechanism [2.8.2]
Medium	16. Application Fees [2.5.1] 17. Variable Fees [2.5.2]	• Cost Recovery Principle • Applicant Support Program [2.5.4]
Low	18. Application Submission Period [2.5.3]	
Low	19. Terms & Conditions [2.5.5]	• Accountability Mechanism [2.8.2] • Name Collisions [2.7.8]
	APPLICATION PROCESSING	
Medium	20. Application Change Requests [S2.4]	• Role of Application Comment [S2.3] • Registry Voluntary Commitments (RVCs) [2.3.2] • Private Resolution of Contention Sets [S2.2]
Medium	21. Application Queueing [2.6.1]	
	APPLICATION EVALUATION/CRITERIA	
High	22. Reserved Names [2.7.1]	• (ISO 4217 Currency Codes)
TBD	23. Geographic Names at the Top Level [WT5, 2.7.1.1]	• Definition of geographic names, geographic indicators etc • Geographic Names Panel • Preventive vs. Curative protections • Translations • Non-AGB Terms
High	24. Closed Generics [2.7.3]	• Generic terms as TLDs • Single registrant eg. .Brand TLDs
High	25. String Similarity [2.7.4]	• String Similarity Review • String Confusion Objection (under Objection [2.8.1] • Accountability Mechanism [2.8.2]
High	26. Internationalized Domain Names (IDN) [2.7.5]	• IDN Variant TLD Implementation • RZ-LGRs • Risk of DNS Abuse, end-user confusion
High	27. Security and Stability [2.7.6]	• Delegation Rates • Banning of emojis as TLDs • DNS Abuse mitigation • Algorithmic checking - Systems [2.4.3]
High	28. Name Collisions [2.7.8]	• NCAP Study 1 (~ Studies 2 and 3)

PRIORITY	SUBSEQUENT PROCEDURES AREAS / TOPICS	Sub-Areas / Related Areas
Medium	29. Registrant Protections [2.7.2]	• EBERO, COI • Applicant background screening
Low	30. Applicant Reviews: Technical/ Operational, Financial and Registry Services [2.7.7]	•
Medium	31. Role of Application Comment [S2.3]	• Community Applications [2.9.1] • Systems [2.4.3] • Application Change Request [S2.4]
	DISPUTE PROCEEDINGS	
High	32. Objections [2.8.1]	• GAC Advice & GAC Early Warning • Community Objections • Public Interest Objections • Independent Objector
High	33. Limited Challenge/Appeal Mechanism (formerly Accountability Mechanism) [2.8.2]	• **Challenge/Appeals Framework [NEW]** ➢ **Against evaluation, determinations, objections**
	STRING CONTENTION RESOLUTION	
High	34. Community Applications [2.9.1]	• Community Priority Evaluation (CPE) • Community Objections distinct from CPE – Objections [2.8.1] • Challenge against evaluation [2.8.2] • Application Assessed in Rounds [2.2.3] (including Neustar's proposal)
High	35. Auctions as Mechanism of Last Resort, Private Resolution of Contention Sets (incl. Private Auctions) [S2.1, S2.2]	• **String Contention Mechanism of Last Resort [NEW]** ➢ **Private resolution** ➢ **Sealed bid auction**
	CONTRACTING	
High	36. Base Registry Agreement [2.10.1]	• DNS Abuse mitigation
None	37. Registrar Non-Discrimination / Registry / Registrar Standardization [2.10.2]	•
None	38. Registrar Support for New gTLDs [2.5]	•
	PRE-DELEGATION	
None	39. Registry System Testing [2.11.1]	•
	POST-DELEGATION	
Medium	40. TLD Rollout [2.12.1]	• "Squatting" or "warehousing" defined
TBD	41. Second Level Rights Protection Mechanisms [2.12.2]	•
High	42. Contractual Compliance [2.12.3]	• DNS Abuse mitigation

Status of Scorecard

This Scorecard is updated from time to time, as and when new information becomes available.

AT-LARGE SCORECARD VERSION TRACKING

Legend: +SubPro_Draft_Rec | Pending | Up for Re-review | Positioning | Settled | High Priority | Medium Priority | Low Priority | No Priority

SUBSEQUENT PROCEDURES AREAS / TOPICS							
CROSS-CUTTING ISSUES	v1	v2	v3	v4	v5	v6	v7
1. DNS Abuse Mitigation	17 Mar						
2. CCT Recommendations	Pending						
OVERARCHING ISSUES	v1	v2	v3	v4	v5	v6	
3. Cost vs Benefit of New gTLD Program – Continuing Subsequent Procedures [2.2.1]	17 Feb	04 Mar					
3(a) Metrics & Monitoring [2.7.2]	Pending						
4. Predictability [2.2.2] / Clarity of Application Process [2.2.2.2]	17 Feb						
5. Application Assessed in Rounds [2.2.3]	-	19 Feb	04 Mar	06 Mar			
6. Different Types of TLDs [2.2.4]	17 Feb	04 Mar	06 Mar				
7. Applications Submission Limits [2.2.5]							
8. Accreditation Programs [2.2.6]							
FOUNDATIONAL ISSUES	v1	v2	v3	v4	v5	v6	
9. Registry commitments / Public Interest Commitments & Other Safeguards -- Global Public Interest [2.3.2]	-	-	4 Feb	Pending			
10. Applicant Freedom of Expression [2.3.3]							
11. Universal Acceptance (UA) [2.3.4]	21 Jan	27 Jan	16 Feb	27 May			
PRE-LAUNCH ACTIVITIES	v1						
12. Applicant Guidebook [2.4.1]							
13. Communications [2.4.2]							
14. Systems [2.4.3]							
APPLICATION SUBMISSION	v1	v2	v3	v4	v5	v6	v7
15. Applicant Support Program (ASP) [2.5.4]	-	01 Jan	13 Jan	16 Jan	27 Jan	22 Apr	5 May
16. Application Fees [2.5.1]	27 Jan	31 Jan					
17. Variable Fees [2.5.2]							
18. Application Submission Period [2.5.3]							
19. Terms & Conditions [2.5.5]							
APPLICATION PROCESSING	v1	v2	v3	v4	v5		
20. Application Change Requests [S2.4]	7 May						
21. Application Queueing [2.6.1]	Pending						

SUBSEQUENT PROCEDURES AREAS / TOPICS							
APPLICATION EVALUATION/CRITERIA	v1	v2	v3	v4	v5		
22. Reserved Names [2.7.1]	11 Feb	8 Jun					
23. Geographic Names at the Top Level [WT5, 2.7.1.1]	-	Pending					
24. Closed Generics [2.7.3]	11 Feb	-	23 Feb	17 Mar			
25. String Similarity [2.7.4]	11 Feb	7 May					
26. Internationalized Domain Names (IDN) [2.7.5]	11 Feb	16 Feb	06 Mar	28 May			
27. Security and Stability [2.7.6]	11 Feb	28 May					
28. Name Collisions [2.7.8]	28 May						
29. Registrant Protections [2.7.2]	11 Feb						
30. Applicant Reviews: Technical/ Operational, Financial and Registry Services [2.7.7]							
31. Role of Application Comment [S2.3]	7 May						
DISPUTE PROCEEDINGS	v1	v2	v3	v4	v5		
32. Objections [2.8.1]	Pending						
32(a). Objections [GAC Advice & GAC Early Warning] [2.8.1]	Pending						
33. Limited Challenge/Appeal Mechanism - Accountability Mechanism [2.8.2]	Pending						
STRING CONTENTION RESOLUTION	v1	v2	v3	v4	v5		
34. Community Applications [2.9.1]	-	02 Mar	04 Mar	10 Jun			
35. Auctions as Mechanism of Last Resort, Private Resolution of Contention Sets (incl. Private Auctions) [S2.1, S2.2]	Pending						
CONTRACTING	v1	v2	v3	v4	v5		
36. Base Registry Agreement [2.10.1]	Pending						
37. Registrar Non-Discrimination / Registry / Registrar Standardization [2.10.2]							
38. Registrar Support for New gTLDs [2.5]							
PRE-DELEGATION							
39. Registry System Testing [2.11.1]							
POST-DELEGATION	v1	v2	v3	v4	v5		
40. TLD Rollout [2.12.1]	Pending						
41. Second Level Rights Protection Mechanisms [2.12.2]							
42. Contractual Compliance [2.12.3]	Pending						

FOUNDATIONAL ISSUES

Topic/Area:	**[11] UNIVERSAL ACCEPTANCE (UA) [2.3.4]**		Priority:	**HIGH**	Settled On:	27.05.2020
Related:	• Internationalized Domain Names (IDNs) [2.7.5] • Systems [2.4.3] • Universal Acceptance Initiative and UASG					
Key Issues:	How to: (1) improve promotion of UA by the ICANN Community and (2) advocate for wider adoption of UA in the Internet community					
Policy Goals:	• Awareness of issues related to Universal Acceptance should be increased • Initiatives related to Universal Acceptance should be supported and promoted, as appropriate					
Assigned CCT-RT Rec's:	None					
References:	• 03. SubPro UA – CPWG Consensus affirmation, 27 May 2020 • 02. SubPro UA – CPWG Consensus affirmation, 10 May 2020 • 01. SubPro UA – CPWG consensus building, 6 May 2020 • Production Document_SubPro Draft Final Recommendations, 28 April 2020 • SubPro PDP WG Foundational Issues_Summary Document, 7 January 2020 • Working Document_SubPro Draft Final Recommendations, 16 February 2020					

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
1. Support for UA initiative	<u>Affirmation (1)</u>: WG welcomes and encourages the work of the UA Initiative and the UASG. <u>Affirmation (2)</u>, per 2012 round: WG affirms 2012 implementation elements addressing UA issues, and in particular, guidance per s.1.2.4 AGB ("Notice concerning Technical Acceptance Issues with New gTLDs"), as well as cl. 1.2 of the RA ("Technical Feasibility of String").	See positions below. See positions below.

2. Support for amending Principle B: *"Some new gTLDs should be IDNs subject to the approval of IDNs being available in the root."* [3]	Recommendation (3): WG recommends revising Principle B to read *"Some new gTLDs should be IDNs. Applicants should be made aware of UA challenges in ASCII and IDN TLDs. They should be given access to all applicable information about UA currently maintained on ICANN's Universal Acceptance Initiative page, through the UASG, as well as future efforts."* Implementation Guidance: ICANN should include more detailed info re UA issues either directly in the AGB or by reference to the AGB to additional resources produced by the UASG or other related efforts. WG's Rationale for all the above: • Affirms importance of efforts related to UA, encourages work through UAI and UASG. • Acknowledged that language in the 2012 AGB and RA raises awareness about potential challenges that applicants and registries may face re: UA. • Belief that ICANN should more clearly and thoroughly illustrate to potential applicants the possible problems that registrants of IDNs in particular may face in usage of those domains, and other work. • IG and Rec seek to ensure that potential applicants have the info needed to make informed <u>decision before submitting application.</u>	See positions below.
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? What else needs to be done and by/with whom?
3. <u>Some</u> say no additional work should be proposed beyond that being done by the UA Initiative and UASG.	<u>There is some pushback on this via PC feeback.</u> For eg. BC and ALAC have indicated ways for pushing the UA agenda further.	No, see positions below.

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[3] GNSO's Final Report on the Introduction of New Generic Top-Level Domains

Main Positions of Concern:	At-Large remains convinced that any expansion of the new gTLD market must actively and effectively facilitate the inclusion of the next billion Internet end-users – those who depend on IDNs and IDN-emails.
	Merely "welcoming and encouraging the work of UAI and UASG" even if "strongly" has no real effect on the goal of promoting Universal Acceptance.
	To this end, SubPro PDP WG must recommend for greater action towards UA-adoption in a number of ways:
	Adoption of UA
	1. ICANN must include a metric on UA adoption by third parties as a measure of success for New gTLD Program because without greater adoption of UA, any expansion of the new gTLD Program would not facilitate inclusion of the next billion Internet end-users.
	Promotion of UA-readiness
	2. ICANN must invest in being itself able and ready to communicate to registrants and end-users in languages/scripts for LGRs that have been released under the IDN Variant TLD Implementation.
	3. ICANN must strongly encourage Registries and Registrars which are owned by the same entity to be UA ready in any new gTLD application since these are the entities best positioned to offer IDN TLDs/SLDs.
	4. The application process must require all Applicants to state: • The level of UA-readiness of their Registry operations (if not .brand TLD applicant), including whether they have policies in place to respond to IDN-email or to introduce IDNs. • The level of readiness, both at Registry and Registrar levels, to accept IDN SL domain name registrations.

APPLICATION SUBMISSION

Topic/Area:	**[15] APPLICANT SUPPORT PROGRAM (ASP)**	Priority:	**HIGH**	Settled On:	05.05.2020
Related:	**Global South/Middle Applicant outreach – *Communication [2.4.2]*** **Nature of support – use of funds, beyond funds, funding source** **Criteria – Metrics** - Accountability Mechanism – appeal against SARP evaluation determination - Contention set resolution involving ASP Applicants - Support – Accreditation Programs [2.2.6] - Application Fees [2.5.1] & Variable Fees [2.5.2]				
Key Issues:	The ASP for the 2012 application round offered USD2mil in financial support but yielded only 3 ASP applicants. Only 1 of the 3 ASP applicants was found to have met the selection criteria, resulting in 2 of the 3 applications being terminated. In hindsight, the selection criteria standard was said to have been set too high, driven primarily by overwhelming caution against risk of 'gaming'. Four other issues which arise are to do with: - Metrics for measuring success of ASP Program; *Appeals process to SARP determinations (which did not exist before);* *If successful ASP applicants should receive priority in contention sets (and under what circumstances); and* *How far should ICANN-funded financial support be contemplated for successful ASP applicants? Should it be limited to just the application process or for eg, should it extend to registry fees for up to a limited period post delegation?*				
Policy Goals:	- Increase "success" of program, using a set of metrics – awareness/outreach, total EOIs, total applicants, total ASP "grantees" etc - Provide financial support and non-financial support/pro-bono services to certain eligible applicants - Ensure that information about the program and participation in the program is accessible to the target audience.				
Assigned CCT-RT Rec's:	- Rec. 32: Revisit the Applicant Financial Support Program (prerequisite for SubPro) - Rec. 29: Set objectives/metrics for applications from the Global South (prerequisite for SubPro) - Rec. 30: Expand and improve outreach into the Global South (prerequisite for ICANN Org) - Rec. 31: ICANN Org to coordinate the pro bono assistance program (prerequisite for ICANN Org)				
References:	06. SubPro Applicant Support – CPWG consensus summary, 22 April 2020 05. SubPro Applicant Support – CPWG consensus summary, 14 April 2020 04. SubPro Applicant Support – CPWG consensus building, 6, April 2020 - Working Document_SubPro ICANN67 Discussion Topics, 1 April 2020				

	• SubPro PDP WG Application Submission_Summary Document, 7 January 2020 • 02. SubPro Applicant Support Update to CPWG, 31 July 2019	
What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	**Is this acceptable? If not What else needs to be done & by/with whom?**
	WG notes CCT-RT Rec 32, "Revisit the Applicant Financial Support Program" has puts forward the following recommendations to support improving ASP in subsequent procedures.	CCT-RT Rec 32 not met satisfactorily: • Actual metrics to measure success of ASP per CCT-RT Rec 29 or success of outreach and awareness to Global South per CCT-RT Rec 30 are not established but instead punted to IRT to develop. • Subject to edits to Recommendation #2 re: CCT-RT Rec 31, ICANN must actively coordinate the pro-bono assistance program.
1. No objection to ASP continuing, successful applicants should enjoy financial support vis application fee reduction	<u>Affirmation (1) with modification:</u> WG affirms Implementation Guidance B from 2007, "Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants that *qualify for applicant support*." <u>WG's Rationale</u> • Supports general approach to application fees taken in 2012 round, and Implementation Guidance B, supports maintaining a reduced application fee for ASP recipients	Yes, since impact is: • Applicants that qualify will enjoy reduced application fee (the Financial Support limb) No further intervention needed.
2. ASP should: a) Be open to applicants regardless of their location as long as they meet program criteria – ie eligibility	<u>Recommendation (2):</u> As per 2012 round, **fee reduction** must be available for select applicants who **meet evaluation criteria** through ASP.	Yes and no, meaning: • Yes, ASP will continue in subsequent procedures & be available to eligible applicants

b) Extend financial support beyond subsidy on application fees	• That ICANN continue to <u>facilitate</u> non-financial assistance including provision of pro-bono assistance to applicants in need.	• No, per CCT-RT Rec 31, <u>ICANN Org must actively encourage and coordinate</u> participation of parties wishing to offer pro-bono assistance as well as communication between those parties and eligible applicants to ensure eligible applicants have effective access to pro-bono assistance, and not be left with just a list of offerors – advocate for this change.
c) Target Global South & "Middle Applicant" (ie still struggling regions which may not be underserved or underdeveloped)	• WG believes **high-level goals and eligibility requirements** for ASP remain appropriate, noting however that since ASP not limited to LD countries in 2012 round, it should continue to be **open to applicants regardless of location as long as they meet other program criteria**.	• Yes, since ASP will be available to applicants which meet eligibility criteria, <u>regardless of location. However, there is still need to press for requirement on demonstration of specific service to beneficiary target region or community</u> - advocate for IRT to ensure requirement that applicant must demonstrate how they would serve beneficiary target region or community, not propose merely a general public interest benefit as an evaluation criterion.
	• Amend Implementation Guidance N to **"ICANN must retain the ASP, which includes fee reduction for eligible applicants and facilitate the provision of pro-bono non-financial assistance to applicants in need."** WG's Rationale • Believes financial assistance should continue to be provided to eligible applicants in order "to serve the global public interest by ensuring worldwide accessibility to, and competition within, the new gTLD Program" per 2012 round. • Believes high-level ASP eligibility requirements from 2012 remain appropriate – applicants must demonstrate financial need, provide public interest	• Yes, amendment is needed to regularize/ update existing Implementation Guidance N of "ICANN <u>may</u> put in place a <u>fee reduction scheme</u> for gTLD applicants from economies classified by the UN as <u>least developed</u>."

	benefit, and possess necessary management and financial capabilities – and for ASP to remain open to applicants regardless of location	
d) Extend financial support towards expenses like application writing fees, related attorney fees, *[ICANN registry-level fees]*	Recommendation (3): Expand scope of financial support to ASP beneficiaries beyond application fee to also cover costs such as application writing fees, attorney fees related to application process. WG's Rationale Recognizes costs of applying for a TLD extend beyond application fee and these additional costs could be uncertain and prohibitive for applicants with limited financial resources.	• Need to push the envelope on financial support to include operational costs, consistent with the ICANN Board's decision made in Nairobi in initiating the ASP which is for ICANN Community to find a way to support applicants that are in need of means to make the application and to operate. **Joint financing of Applicant Support applications** • ICANN Applicant Support must take account of the overall investment costs necessary for the success of the proposed independent Registry, including how these costs will be financed. • The financial evaluation of the application must be undertaken by qualified staff within ICANN Org. The applicant's submitted financial data should be kept confidential, except that in the event of joint financing by third party entities (e.g. regional development banks) such data would have to be shared under conditions of confidentiality and with the applicant's consent. • 'Portfolio applicants' or incumbent Registry/ Registrar entities with 10 or more delegated gTLDs (new and legacy) are ineligible to apply for Applicant Support. • To be eligible for Applicant Support, an applicant for: o A geographic name string, must be incorporated in the jurisdiction corresponding to that geographic name,

		on the basis of prior authorization and regardless of intended use of the string. ○ A non-geographic name string, must not be incorporated in the jurisdiction of considered as tax havens by the OECD. • To implement joint financing, ICANN Org must: (a) Undertake a review of the financing of independent gTLD applications arising from the 2012 Round. And publish the anonymised data arising from that review. This is not to be out-sourced. (b) Conduct a proactive information and promotional activity with possible third party entities to facilitate subsequent approaches from ICANN and applicants for Applicant Support. (c) Establish confidentiality rules and procedures with respect to the sharing of the applicants' information with third party entities, including all of the applicant's financial data.
	Recommendation (4): • ICANN to improve outreach, awareness-raising, application evaluation, and program evaluation elements of the ASP, as proposed in the Implementation Guidance below **Implementation Guidance** • Outreach and awareness-raising activities should be delivered well in advance to application window opening, as longer lead times help to promote more widespread knowledge about the program. Such	• The element of education around the business model for applicants as identified by AM Global Study is missing - advocate for the inclusion of this element business model education (eg. business case studies) to increase the utility of the ASP either within this recommendation or in a separate recommendation.
e) Employ longer lead times to create awareness, draw on regional experts, leverage tools & expertise		• Yes, outreach was very poor for 2012 round.

to evaluate applicant business cases	outreach and education should commence no later than the start of the Communication Period. • A dedicated IRT be established / charged with developing implementation elements of ASP – giving regard to the JAS WG Final Report and 2012 implementation of ASP. • Outreach efforts should not only target the Global South, but also "middle applicants" (those located in struggling regions that are further along in development compared to underserved or underdeveloped regions. Evaluation criteria in ASP must treat "middle applicants" similar to those benefiting LDCs, LLDCs, SIDS per UNDESA list • Support PIRR rec 6.1.b, "Consider researching globally recognized procedures that could be adopted for implementing ASP" • Have dedicated IRT should draw on experts with relevant knowledge, including from targeted regions, to develop appropriate program elements related to outreach, education and application evaluation. Regional experts may be particularly helpful in providing insight on the evaluation of business plans from different parts of the world.	• Work with ICANN Org on definition of "Global South", or agreement on how to describe underserved or underrepresented regions.
f) Consider number of successful applicants as a measure of success – PROGRAM METRICS framework for measuring success	• Dedicated IRT should seek advice from experts in the field to develop framework for analysis of metrics to evaluate success of ASP (egs given) WG's Rationale • Need to exploit opportunities for improvement in outreach, awareness-raising, application evaluation, program evaluation elements of ASP, best done through a dedicated IRT	• This highly necessary yet it has been punted off to IRT; CCT-RT Rec. 29 not met.

	• Believes main factor in low uptake due to limited time to conduct outreach between finalization of ASP details – application window launch • Notes AM Global Report – importance of timely and effective outreach and communications re New gTLD Program to better reach potential applicants in Global South and emerging markets – conclusion can be applied to ASP • Considered ALAC Advice to Board of 2011 emphasizing importance of outreach in implementing ASP • Notes CCT-RT Rec 30, "Expand and improve outreach into the Global South." • Believes "middle applicants" are an important potential target of ASP because better positioned to operate a TLD or in a market more ready for expansion but may still require some assistance – IRT to define "middle applicant" • Agrees with PIRR that globally recognized procedures eg from World Bank, could potentially be adapted for use in ASP – IRT to identify such procedures in implementation phase • Important for dedicated IRT to consult relevant experts in implementing ASP to allow best practices, leveraging knowledge on target regions • Dedicated IRT should work with experts to develop metrics to evaluate success of ASP • WG notes CCT-RT Rec 29, "Set objectives/metrics for application from the Global South."	
	Recommendation (5): Support PIRR rec 6.1.a, "Consider leveraging the same procedural practices used for other panels, incl.	Yes, since impact: • Assists with transparency and predictability for applicants and community.

	publication of process documents and documentation of rationale."	• Documentation of rationale particularly assist with appeals process.
	WG's Rationale Agrees with PIRR conclusion that lessons learned from implementation of other evaluation panels, where applicable, to SARP.	No further intervention needed.
3. Source of ASP funding	Recommendation (6): ICANN Org must develop plan for funding ASP, as proposed in IG below Implementation Guidance • ICANN Org should evaluate whether it can provide funds (per 2012) or whether additional funding is needed for the ASP in subsequent rounds • ICANN Org should seek funding partners to help financially support the ASP as appropriate WG's Rationale • Need for clear plan for funding ASP • ICANN needs to evaluate extent to which funds will be provided from ICANN Org budget and if additional funding is needed, additional funding sources	Need more concrete steps • Advocate for ICANN Org to actively inform, encourage and liaise with National banks and aid agencies worldwide to participate in sponsoring applicants or ASP funding.
4. No automatic termination of applications which do not meet ASP criteria	Recommendation (7): • Unless the SARP reasonably believes there was willful gaming, applicants who are not awarded Applicant Support (whether "Qualified" or "Disqualified") must have the option to pay balance of full standard application fee and transfer to standard application process. • Applicants must have limited period of time to provide any additional information necessary to	Yes, we advocated strongly for this. Unsuccessful ASP applicants should be allowed to choose either withdraw or transfer to standard application regime, with reasonable time given to pay balance application fee amount if choose to transfer. Mirrors, in part, our comments of • Allowing applicants whose applications do not meet requirements of ASP to choose whether to

convert theirs to a standard application, without causing unreasonable delay to other elements or other applicants eg in a contention set. WG's Rationale • A number of groups raised in PC concerns that candidates who were good match for the ASP may have been deterred to apply in 2012 because of "automatic termination if do not pass ASP evaluation" limitation • Because of low update in 2012, beneficial to adjust rules to invite more prospective candidates in target groups – allowing opportunity to transfer to standard application is important equation to attract eligible applicants • Re concerns on there being no penalties / mechanism to prevent gaming, no geographic limitations may lead to increased ASP applications, impact costs to process applications and to fund applicants, that SARP be tasked to weed out wilful gaming • Additional measures, like quick look mechanism, to help reduce gaming risk – further consideration needed in implementation phase	withdraw or transfer those applications to standard application regime, with reasonable time give to pay balance application fee amount if choose to transfer • Provided no wilful gaming determined by Support Application Review Panel (SARP) during evaluation – wilful gamers should be penalized via ban for specified period • i.e. No automatic termination of applications which do not meet ASP criteria Monitor during implementation: • Expanding SARP's evaluation methodology to include determination of wilful gaming • Development of broad agreement on penalty to be applied to applicants found to be wilful gamers.
Recommendation (8): The Financial Assistance Handbook or its successor, subject to changes included in the above recommendations, must be incorporated into the AGB for subsequent rounds. WG's Rationale • In service of transparency and predictability, the Financial Assistance Handbook should be published as part of the AGB	Yes, since impact: • Updating of Financial Assistance Handbook. • Incorporation of Financial Assistance Handbook into AGB means has to be ready prior to and becomes part of AGB. No further intervention needed.

5. SARP evaluations ought to be appealable	SARP evaluations to be part of new Accountability Framework	Yes, but need to monitor cost of filing, losing appeals.
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? If not, what else needs to be done and by/with whom?
6. No consensus for priority to successful ASP applicant in string contention	Any recommendation on priority for successful ASP applicant in string contention	• We commented, "Applicants who are subject to string contention resolution procedures and auctions are expected to have the financial wherewithal to see through the resolution procedure or participate in an auction as a last resort. Applicants who qualify for ASP are by default disadvantaged in this regard given their need to obtain Application Support in the first place. One this basis, propose that <u>an applicant who qualifies for ASP should be given priority in any string contention set, and not be subjected to any further string contention resolution process.</u>" • "In advocating for greater participation in New gTLD Program – to meet need for diversity, competition, choice etc – priority in string contention ought to be given to successful ASP applicants." • A denial of outright priority in string contention to a successful ASP applicant demands inclusion of provisions to help level the playing field for successful ASP applicants to effectively compete in an auction of last resort against applicants that are better resourced and not in need of application or operational support.
7. Dedicated Application Round for ASP potential applicants	• Any recommendation for separate application windows based on types of applications	• We commented, "Some support for dedicated round for applicants from developing countries and which proposes to benefit communities in developing countries or indigenous communities." • Some support = no consensus

		• To be revisited under "Applications Assessed in Rounds" topic
PENDING ISSUES:	SubPro PDP WG reaction	What else needs to be done and by/with whom?
8. Priority to successful applicants – Method for selecting recipients if applicants exceeds funds allocated	WG did not come to a conclusion on whether to depart from 2012 approach in establishing priority between application if there were more qualified applicants than funds available – therefore did not recommend departure	• If expecting uptake to improve then more consideration ought to be given to having established approach • We had suggested: ▪ Using points earn during evaluation to determine dispersion of funds if there are more applicants than funds ▪ Using "quota per region" approach
9. Dealing with risk of gaming – Effect of Transfer on timing of ASP process	• WG noted recommendation to allow unsuccessful ASP candidates to transfer to a standard application raises questions about timing of the ASP process relative to timing of overall application evaluation process • WG considered a proposal to address concerns about gaming associated with transfer but found that under that proposal, ASP applicant had no information to gain, and is therefore not in a position to game the system.	No further intervention needed
Main Positions of Concern:	**On CCT-RT Recommendations** • CCT-RT Rec 32 not met satisfactorily: o Actual metrics to measure success of ASP per CCT-RT Rec 29 or success of outreach and awareness to Global South per CCT-RT Rec 30 are not addressed by way of policy but instead 'delegated' to implementation o Subject to edits to Recommendation #2 re: CCT-RT Rec 31, ICANN must actively coordinate the pro-bono assistance program. **On SubPro Recommendations** • Need to push the envelope on financial support to include operational costs, consistent with the ICANN Board's decision made in Nairobi in initiating the ASP which is for ICANN Community to find a way to support applicants that are in need of means to make the application and to operate.	

- Need to advocate for inclusion of business model education (eg. business case studies) to increase the utility of the ASP either within this recommendation or in a separate recommendation.
- Need more concrete steps to secure funding for ASP - advocate for ICANN Org to actively inform, encourage and liaise with National banks and aid agencies worldwide to participate in sponsoring applicants or ASP funding.
- In advocating for greater participation in New gTLD Program – to meet need for diversity, competition, choice etc – an applicant who qualifies for ASP should be given priority in any string contention set, and not be subjected to any further string contention resolution process, especially an auction which such an application would be inherently disadvantaged in this regard given their need to obtain Application Support in the first place.
  o A denial of outright priority in string contention to a successful ASP applicant demands inclusion of provisions to help level the playing field for successful ASP applicants to effectively compete in an auction of last resort against applicants that are better resourced and not in need of application or operational support – eg allowing benefit of multiplier in auction bids for successful ASP applicants.
- If expecting uptake in applications for ASP then more consideration must be given for an established approach or method for further selection of recipients if the number of applicants who qualify exceeds funds allocated.
- At-Large to monitor during implementation:
  (i) Expanding SARP's evaluation methodology to include determination of wilful gaming
  (ii) Development of broad agreement on penalty to be applied to applicants found to be wilful gamers.

APPLICATION PROCESSING

Topic/Area:	**[20] APPLICATION CHANGE REQUEST [S2.4]**	Priority:	**MEDIUM**	Settled On:	07.05.2020

Related:	• Role of Application Comment [S2.3] • Community Applications [2.9.1] • Voluntary Registry Commitments (RVCs) [2.3.2] • Private Resolution of Contention Sets [S2.2]
Key Issues:	What Implementing Guidance should be provided for change requests intended to resolve (i) string contention and/or (ii) application comments: What should be allowed and how to hand such requests?
Policy Goals:	The framework for considering and responding to change requests should be clear, consistent, fair and predictable.
Assigned CCT-RT Rec's:	None
References:	• 04. SubPro Role of Application Comment & Application Change Request – CPWG updated consensus summary, 7 May 2020 • 03. SubPro Role of Application Comment & Application Change Request – CPWG consensus summary, 27 April 2020 • 02. SubPro Role of Application Comment & Application Change Request – CPWG consensus building, 14 April 2020 • Working Document_SubPro Draft Final Recommendations, 11 April 2020 • SubPro WG Application Processing_Summary Document, 7 January 2020 • 01A. SubPro Applicant Change Request, 6 August 2019

What has SubPro PDP WG concluded?	**What will SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
10. To maintain high-level, criteria-based change request process employed in 2012 with operational improvements. • ICANN Org to provide guidance on changes likely	Recommendation (1): WG supports maintaining a high-level, criteria-based change request process, as was employed in the 2012 round. Implementation Guidance: • ICANN org should provide guidance on both changes that will likely be approved and changes that will likely no be approved.	Acceptable. No further intervention needed. • Just to note that consideration be on case-by-case basis and on the merits of each case, using existing 7 criteria with 2 minor tweaks:

to be approved and likely to not be approved
• ICANN Org to state types of changes required to be posted for public comments or otherwise
• AGB to state types of changes requiring re-evaluation of some/all parts of the application or otherwise
	• ICANN Org should document the types of changes which are required to be posted for public comment and which are not required to be posted for public comment. **(those not be limited to an explicit "Do Not Require" list @https://newgtlds.icann.org/en/applicants/global-support/change-requests)**
	
	• Additional Registry Voluntary Commitments should require public comment.
	
	• Community Members should have the option of being notified if an applicant submits an application change request that requires a public comment period to be opened at the commencement of that public comment period.
	
	• ICANN should identify in the AGB the types of changes that will require a re-evaluation of some or all of the application and which do not require any re-evaluation.
	
	WG's Rationale
	
	• Agreed on importance to have a framework for considering and responding to change requests that is clear, consistent, fair and predictable. Generally agreed that the criteria-based framework developed to address change requests in the 2012 round met these objectives, and that a similar approach continues to be appropriate for subsequent procedures.
	• WG considered it might be helpful to provide additional specific information to applicants about the way different types of change requests will be handled in order to increase predictability and clarity.
	• Specifically, WG believes that ICANN Org should provide additional guidance on:
	  ❑ types of requests that will be accepted or rejected,
	  ❑ those that will or will not be subject to public comment, and
	  ❑ those which or will not require evaluation.
	
	and to introduce mechanism to inform community when an application change request triggers public comment.
		▪ #1: Reasonable explanation – can be supplemented by letter of support from non-applicant interested stakeholder
		▪ #7: Timing – interference with evaluation process should carry least weight

11. To allow application changes to support formation of JVs; ICANN Org may determine if re-evaluation needed in order to ensure new entity still meets program requirements; applicant to be responsible for any additional costs and accept reasonable delays	Recommendation (2): • WG recommends allowing application changes to support the settling of contention sets through business combinations or other forms of joint ventures. • In the event of such a combination or joint venture, ICANN Org may require that re-evaluation is needed to ensure that the new combined venture or entity still meets the requirements of the program. The applicant should be responsible for additional, material costs incurred by ICANN due to re-evaluation and the application could be subject to delays. WG's Rationale • WG believes there may be benefits to supporting applicants seeking means other than an auction of last resort to resolve a contention set. In particular, WG sees merit in allowing applicants in a contention set to form a joint venture and make corresponding changes to the application, even if this may cause delays and require re-evaluation, in order to reduce need for auction of last resort. • Note: Accordingly, that AGB Module 6 "Terms and Conditions" – "Applicant may not resell, assign, or transfer any of applicant's rights or obligations in connection with the application" will need to be reconsidered.	We support allowing application changes to resolve string contention through business combinations or by creating JV with conditions. Where proposed resolution through Application Change Requests is submitted early • In the interest of transparency and predictability, SubPro PDP WG should clarify if Applicant Change Requests are allowed immediately after close of the Application Period and all applications (applied-for strings and applicants) are revealed. • If yes, consider allowing applicants which have applied for strings which match exactly or in their belief run the risk of being confusingly similar an opportunity to delay their Initial Reviews pending decision on an Applicant Change Request on the basis of contemplating business combination or forming a JV etc. • This may help avoid need for re-evaluation, also save time and costs by just evaluating the merged entity/JV etc.

		• And withdrawals of application and corresponding refunds should be allowed. Where proposed resolution through Application Change Requests is submitted post Initial Evaluation • In the event a re-evaluation is needed, then additional costs and delays due to such re-evaluation must not unreasonable.
PENDING ISSUES:	SubPro PDP WG reaction	What else needs to be done and by/with whom?
12. **Pending Issue #1** - On allowing change to applied-for string where original string is in a contention set, WG considered public comments to Supplemental Initial Report etc to this issue.	WG did not come to conclusion and therefore did not include any recommendation on this issue. There was both support and opposition: Support • Effective measure for eliminating contention while avoiding need for auction • Subject to caveats eg. (i) if new string does not create a new contention set or result in application entering into another existing contention set; and (ii) new string should be closely connected to original string Opposition • Encourage gaming, allowing applicants to cherry-pick uncontended strings, providing unfair advantage over those who followed standard application process • Makes it difficult for public / ICANN community to monitor applications and raise objections where appropriate	In principle, we support allowing application changes to resolve string contention by limited ability to select different string, subject to: • Only for resolving string contention and no other circumstances • ==New string must be closely related to original string - *Clarifying question to SubPro PDP WG: Who decides on "closely related"?*== • New string does not create or expand an existing contention set • Will triggers a new public comment period, and be open to Objections process

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• Necessitates repeat of string similarity evaluation, causing delays and disruptions to all (other) applications, impacting program timelines and costs.

WG considered a more limited proposal that would allow .Brand TLDs to change applied-for string as a result of a contention set where (a) change adds descriptive word to string, (b) descriptive word is in the description of goods and services of TM registration, (c) such change does not create a new contention set or expand an existing contention set, and (d) change triggers a new public comment period and opportunity for objection.

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• New string must pass fresh string similarity tests, name collision risk assessment
• And in the case of .brand TLDs, (a) change merely adds descriptive word to string and (b) such descriptive word refers to the description of goods and services

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Main Positions of Concern:

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On SubPro Recommendations

• Recommendation (1): Acceptable. No further intervention needed. Just to note possible adjustments to 2 of existing 7 criteria.
• Recommendation (2): We support allowing application changes to resolve string contention through business combinations or by creating JV. Care should be given to avoiding having Applicant incur re-evaluation costs if their Application Change Request submission preceded Initial Evaluation (Applicant Review) but where re-evaluation is needed, then additional costs and delays due to such re-evaluation must not unreasonable.

On Pending Issue #1

• In principle, we support allowing application changes to resolve string contention by limited ability to select different string subject to rigorous conditions being met. These conditions are as reflected above.
  o With respect to condition of "New string must be closely related to original string" - ***Clarifying question to SubPro PDP WG: Who decides on "closely related"?***

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APPLICATION EVALUATION/CRITERIA

Topic/Area:	**[22] RESERVED NAMES [2.7.1]**		Priority:	**HIGH**	Settled On:	
Related:						
Key Issues:	Rules for handling Reserved Names at both Top Level and Second Level					
Policy Goals:	Existing policy is appropriate to maintain at the top level: • Recommendation 5: "Strings must not be a Reserved Word" • Recommendation 2: "Strings must not be confusingly similar to an existing top-level domain"					
Assigned CCT-RT Rec's:	None					
References:	• 06. SubPro Reserved Names – CPWG consensus summary, 8 June 202 • Production Document_SubPro Draft Final Recommendations, 8 June 2020 • 05. SubPro Reserved Names – CPWG consensus summary, 10 May 2020 • 04. SubPro Reserved Names – CPWG consensus building, 6 May 2020 • SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020 • 03. SubPro Reserved Names, Closed Generics & Registrant Protection, 20 August 2019					

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?

13. <u>RN at the Top Level</u>: General requirements
 	
14. <u>RN at the Top Level</u>: IGO / INGO
	Affirmation (1):
	• WG affirms the following recommendations from 2007 policy:
	   ○ Recommendation 5: "Strings must not be a Reserved Word."
	   ○ Recommendation 2: "Strings must not be confusingly similar to an existing top-level domain."
	• WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round per AGB s.2.2.1.2.
		Acceptable. No further intervention needed.

15. <u>RN at the Top Level</u>: Red Cross / Red Crescent Names	• WG supports continuing to reserve as unavailable for registration those strings that are currently considered Reserved Names at the second level as of the publication date of this report and as required by future Consensus Policy. WG's Rationale • Believes that the general framework created by the 2007 policy and subsequent implementation with respect to unavailable/reserved names at the top and second levels remains appropriate for subsequent procedures. • So, affirms Recommendation 5 from the 2007 policy, which prohibits the use of "Reserved Word(s)", as well as Recommendation 2 which prohibits strings at the top level that are confusingly similar to existing TLDs • Affirms that strings that were unavailable at the top level in the 2012 round should remain unavailable and that strings at the second level that are currently unavailable should remain unavailable. • In developing this affirmation, the Working Group considered the GAC Principles on New gTLDs and noted that the final version of the 2012 Applicant Guidebook took into account the GAC Principles, including provisions regarding unavailable/reserved names.	
16. <u>RN at the Top Level</u>: High level agreement for reserving Special-Use Domain Names identified though IETF RFC 6761	<u>Affirmation (2):</u> WG acknowledges the reservation at the top level of Special-Use Domain Names through the procedure described in IETF RFC 6761 [4] WG's Rationale • WG supports work by the Internet Engineering Task Force with respect to Special-Use Domain Names, including documentation	Acceptable. It is understood that "Special-Use Domain Names" as established by IETF RFC 6761 are strings not allowed as TLDs, they go into the "Top-Level Reserved Names List".

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[4] See https://tools.ietf.org/html/rfc6761

	on how to establish when reserving such a name is appropriate, and the procedure for doing so as described in RFC 6761. • Taking into account the limited and judicious usage of the RFC 6761 process, WG recommends that ICANN reserves names in the New gTLD Program established as Special-Use Domain Names using the procedure described under RFC 6761.	
17. <u>RN at the Top Level</u>: High level agreement for reserving PTI	**Recommendation (3):** WG recommends reserving as unavailable for delegation at the top level the acronym associated with Public Technical Identifiers, "PTI". <u>WG's Rationale</u> • Considered that Public Technical Identifiers (PTI) was incorporated in August 2016 as an affiliate of ICANN with the primary responsibility of operating the IANA functions. Terms associated with PTI are not included in the list of unavailable/reserved names from the 2012 round because PTI had not yet been established at the time the list was developed. • Therefore, recommends that for subsequent procedures, string "PTI" should be reserved and unavailable for delegation at the top level.	• Full support for including "PTI" in the Top-Level Reserved Names List, which makes it unavailable for application. • However, PTI is a core service that the Internet relies on. The impact of someone masquerading as PTI is immensely higher than for some, if not all, the other names on the Top-Level Reserved Names List. So we should consider also reserving "PUBLICTECHNICALIDENTIFIER", and "PUBLICTECHNICALIDENTIFIERS" because of risk involved in misuse of those terms – whether the reservation is by way of addition to the Top-Level Reserved Names List or another appropriate method also calls for consideration. If the risk for "PUBLICTECHNICALIDENTIFIER", and "PUBLICTECHNICALIDENTIFIERS" are acknowledged then maybe need to revisit risks for similar names in the Top-Level Reserved Names List.

18. <u>RN at the Second Level</u>: High level agreement for updating Schedule 5 re two-char letter-letter ASCII Labels	**Recommendation (4):**
	 WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 Nov 2016 *(noting that discussions on this topic are ongoing, and this recommendation is subject to the outcomes of related discussions).*
	
	 <u>WG's Rationale</u>
	 ▪ Spec 5, Section 2 of the New gTLD RA requires ROs to reserve two-char ASCII labels within the TLD at the second level – WG notes developments regarding the registration of two-char domain names and recommends that ICANN update Spec 5, Sec 2 to reflect these authorizations and the "Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes.
	   ▪ Specifically, as of 1 Dec 2014, ICANN authorized all new gTLD registries to release all digit/digit, digit/letter, and letter/digit two-char ASCII labels for registration to third parties and activation in the DNS at the second level. [5]
	   ▪ Further, effective 13 Dec 2016, ICANN authorized all new gTLD registries to release for registration to third parties and activation in the DNS at the second level all two-char letter/letter ASCII labels not previously authorized by ICANN for release and not otherwise required to be reserved, subject to implementing "Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes. [6]
		Acceptable. No further intervention since this is really housekeeping.

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[5] https://www.icann.org/en/system/files/files/spec5-amend-two-char-01dec14-en.pdf
[6] https://www.icann.org/en/system/files/files/two-character-ltr-ltr-authorization-release-13dec16-en.html

	• Reviewed relevant GAC Advice in relation to this issue as well as ICANN Org's documentation <u>explaining how implementation is consistent with GAC Advice</u> [7] [8] • Understands that conversations regarding implementation continue to take place, and that Spec 5 could be updated, as necessary, to reflect any further developments. • In developing recommendations regarding reserved names, WG reviewed & discussed relevant SSAC Advice, and specifically rec's contained in **SAC090**.	
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? What else needs to be done and by/with whom?
19. <u>RN at the Top Level</u>: Removal of two-char letter-number combinations from reservation	**New Issue (1): 2 Character letter-number combinations at top level** • In IR, WG asked after the possibility of removing the reservation of two-character letter-number combinations at the top level • In 2012 Round, digits were disallowed entirely, so any possible move forward would be subject to removal of this restriction. • PC raised concerns about potential confusion with ccTLD. • WG considered possibility of addressing this potential confusion as to conduct an analysis as part of the string similarity review but did not come to a conclusion so, no recommendation to eliminate this reservation of 2-char letter-number combinations at TL.	• No further intervention necessary. • Impact is two-char letter-number combinations at TL remain unavailable. • So long as these are unavailable, they remain "protected", and limits end user confusion concerns.
20. <mark><u>RN at the Top Level</u>: ISO 4217 Currency Codes</mark>	**New Issue (2): ISO 4217 alpha-3 currency codes** • WG discussed proposal to reserve at the top level currency codes included in the International Organization for Standardization (ISO) 4217 list until there is a clear agreement with the international Central Banks (e.g. through IMF or BSI) as to whether these codes could be delegated and to which entities, not excluding themselves.	No consensus reached as the proposed position of "*Reserve until such time that there is clear agreement with the International Central Banks (eg through IMF or BIS) as to whether these codes could be delegated and to which entities, not excluding themselves.*"

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[7] https://www.icann.org/en/system/files/files/summary-documents-two-character-ascii-labels-22jan19-en.pdf
[8] See also ICANN Board resolution: https://www.icann.org/resources/board-material/resolutions-2016-11-08-en#2.a

	• WG did not come to agreement on any clear justification to recommend preventative measures for these codes because:
	  ❑ No clear risk or threat was identified in discussion
	  ❑ To the extent that an applicant applied for a string matching a currency code with the intent to use the TLD in association with the currency, there's opportunity for concerned parties to raise objections
	  ❑ GAC members could take action through GAC Early Warning or GAC Advice
	• So, believe existing measures are sufficient to address potential concerns about confusion or misuse.
		Status of Deliberations
		Varying opinions re: protection for these 3-char strings:
		  ❑ Concerns of risk of confusion for end-users, thus requiring them to be protected and possibly unavailable for application
		  ❑ Given the possibility of name/string association/recognition by end-user, consumer trust goal requires that their availability for application be limited to trusted parties eg. one endorsed by the relevant government
		  ❑ No risk of confusion for end-users, if risks were perceived as unacceptable, then GAC/a GAC member could issue Advice/Early Warning or file an LPI Objection to either prevent the application from proceeding or allowing it to proceed but with some recommended safeguards in place.
		  ❑ Since GAC has not yet issued Advice on the availability of these codes as TLD, then why should At-Large be concerned at all.
		
		Take up question with GAC – what does GAC think?

Main Positions of Concern:	**On SubPro Recommendations:** • Affirmation (1), Affirmation (2), and Recommendation (4) are acceptable. • Recommendation (3) is acceptable insofar as the recommendation is for reserving as unavailable for delegation at the top level the acronym associated with Public Technical Identifiers, "PTI". However, we suggest that consideration be given also to reserving "PUBLICTECHNICALIDENTIFIER", and "PUBLICTECHNICALIDENTIFIERS" because of risk involved in misuse of those terms given that PTI is a core service that the Internet relies. **Other Considerations** • No consensus was reached as yet on the treatment of ISO 4217 Currency Codes. There remain differing opinions on the need for their reservation as unavailable, or availability for application be limited to trusted parties, or curative protections in the form of objections. At-Large would like to know what GAC's position on this issue is, if any.

APPLICATION EVALUATION/CRITERIA

Topic/Area:	**[25] STRING SIMILARITY [2.7.4]**	Priority:	**HIGH**	Settled On:	07.05.2020

Related:	• String Similarity Review • String Confusion Objection (under Objections [2.8.1]) • Accountability Mechanism [2.8.2]
Key Issues:	More guidance in treatment of singular vs plural versions of same words in same language/script vis a vis application, review in order to reduce risk of consumer confusion
Policy Goals:	Recommendation 2 "Strings must not be confusingly similar to an existing top-level domain" continues to be an appropriate policy objective
Assigned CCT-RT Rec's:	Rec. 35: Consider new policies to avoid potential inconsistent results in string confusion objections; in particular: 1) Determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated 2) Avoiding disparities in similar disputes by ensuring that all similar cases of plural vs singular strings are examined by the same expert panellist …..
References:	• 03. SubPro String Similarity – CPWG consensus summary, 6 May 2020 • 02. SubPro String Similarity – CPWG consensus building, 20 April 2020 • Working Document_SubPro Draft Final Recommendations, 20 April 2020 • SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020 • 01. SubPro String Similarity, 16 August 2019

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
21. More guidance on the standard of confusing similarity in singular vs plural words; insufficient clarity in 2012 round	Affirmation (1) • WG affirms Recommendation 2 from the 2007 policy, "Strings must not be confusingly similar to an existing top-level domain or a Reserved Name."	• Acceptable. No further intervention needed for now. o Expands scope of String Similarity Review to reduce risk of foreseeable consumer

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- Subject to the following recommendation, WG affirms standard used in the String Similarity Review from 2012 to determine whether an applied-for string is "similar" to any existing TLD, any other applied-for string, reserved names, and in the case of 2-char IDNs, any single-char or 2-char ASCII string.
  - Per s. 2.2.1 of the 2012 AGB, "similar" means "strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the RZ.
- In 2012 round, the String Similarity Panel was tasked with identifying "visual string similarities that would create a probability of user confusion." WG affirms the visual standard for determining similarity and recommends that the Panel additionally consider as part of the standard whether strings are intended to be used as the singular and plural version of the same word.

WG's Rationale

- Believes that existing policy and implementation related to the String Similarity Review remain appropriate, so affirms Recommendation 2 from 2007 and the existing evaluation standard described in the AGB, as amended herein.

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confusion due to plurals and singulars of the same word within the same language/script being allowed
  - Addresses CCT Rec #35 (1) Determine through initial string review process, singular and plural versions of same string which should not be delegated.
- But may need to circle back **with SSAC** on their comment re: a clear and consistent set of rules for 'confusing similarity' to be developed in accordance with the Conservatism Principle?

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Recommendation (2)

- WG recommends updating the standards of both (a) confusing similarity to an existing top-level domain or a Reserved Name, and (b) similarity for purposes of determining string contention, to address singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round.

- Specifically, WG recommends prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion.
  - For eg, the TLDs .EXAMPLE and .EXAMPLES may not both be delegated because they are considered confusingly similar.

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- This expands the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language/script basis.
  - ❖ An application for a single/plural variation of an existing TLD or Reserved Name will not be permitted if the intended use of the applied-for string is the single/plural version of the existing TLD or Reserved Name.
    - o For eg, if there is an existing TLD .SPRINGS that is used in connection with elastic objects and a new application for .SPRING that is also intended to be used in connection with elastic objects, .SPRING will not be permitted.

  - ❖ Applications will not automatically be placed in the same contention set because they appear visually to be a single and plural of one another but have different intended uses.
    - o For eg, .SPRING and .SPRINGS could both be allowed if one refers to the "season" and the other refers to elastic objects, because they are not singular and plural versions of the same word.
    - o However, if both are intended to be used in connection with the elastic objects, then they will be placed into the same contention set.
    - o Similarly, if an existing TLD .SPRING is used in connection with the season and a new application for .SPRINGS is intended to be used in connection with elastic objects, the new application will not be automatically disqualified.
    - o A mandatory PIC could be a means for a Registry to commit to the use stated in the application and a method for enforcing adherence to this commitment.
- WG recommends using a dictionary to determine the singular and plural version of the string for the specific language.

- Suggest to mention "Use of mandatory PICs" in the recommendation itself, rather than just in the rationale, to give more prominence. (see red text).

WG's Rationale

- Neither GNSO policy from 2007 nor the 2012 Applicant Guidebook defined a specific rule regarding singulars and plurals of the same string, and in the 2012 application evaluation process, the String Similarity Evaluation Panel did not find singular and plural versions of strings to be visually confusingly similar. The GAC, the ALAC, The ICANN Board, and the Final Issue Report on New gTLD Subsequent Procedures have raised that existing guidance does not address the issue of singulars and plurals of the same word and that additional guidelines may be needed.

- WG's recommendation to prohibit singulars and plurals of the same word within the same language/script and to expand the scope of the String Similarity Review to include singulars/plurals provides a clear, consistent standard for subsequent procedures that will provide greater predictability for applicants.

- The recommendation that singular/plural versions of the same string should be considered confusingly similar only applies when both strings are intended to be used in connection with the same meaning of the word.

- In the case where two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings, both strings may be permitted to proceed.

- In such cases there needs to be a means for the registries to commit to the use stated in the application and a method for enforcing adherence to this commitment. The WG believes that a mandatory PIC will serve this need.

- WG notes that Recommendation 35 from the Competition, Consumer Trust, and Consumer Choice Review Team states: "The Subsequent Procedures PDP should consider adopting new policies to avoid the

	potential for inconsistent results in string confusion objections, in particular:
	
	  o 1) Determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated
	
	  o 2) Avoiding disparities in similar disputes by ensuring that all similar cases of plural versus singular strings are examined by the same expert panelist	

22. Eliminating SWORD tool	Recommendation (3) Eliminate the use of the SWORD tool in subsequent procedures. WG's Rationale • WG agreed that there was insufficient correlation between the results of the SWORD Tool and the outcomes of the String Similarity Review, indicating that that tool, as implemented, was not a helpful resource for evaluators and especially for applicants, where the SWORD results could be counter productive. • Given the limited utility of SWORD Tool to provide consistent and predictable results, the Working Group believes that it should not be used in subsequent procedures. • WG leaves open the possibility that in the implementation phase, an alternate tool may be leveraged to address the issues experienced in the 2012 round.	Acceptable. No further intervention needed immediately. To monitor implementation on feasible replacement tool.
23. Timing of review vs objection	Recommendation (4) The deadline for filing a String Confusion Objection must be no less than thirty (30) days after the release of the String Similarity Evaluation results. This recommendation is consistent with PIRR recommendation 2.3.a, "Review the relative timing of the String Similarity evaluation and the Objections process."	Acceptable, helps ensure that String Confusion Objection period runs for 30 days. No further intervention needed

	WG's Rationale	
	• WG notes that the delay of releasing String Similarity results during the 2012 round caused those wishing to file a String Confusion objection to only have two weeks to file the String Confusion Objection, which many viewed as too short. Therefore, the Working Group recommends that there be at least thirty (30) days between the publication of the String Similarity Evaluation results and the deadline for filing a String Confusion Objection.	
24. <mark>Non-possibility to apply for string "still in system" – No longer appears under this topic</mark>		• To confirm under "Application Assessed in Rounds" topic re: disallowing application for a string that is still being processed from a previous application opportunity, to avoid creating unintended contention set – a recommendation to disallow fresh applications for any string that is still being processed from a previous application opportunity, otherwise may lead to unintended contention set. • Consequentially, need a way to terminate any application that has little chance of succeeding and which are not withdrawn in subsequent procedures. • Monitor implementation
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? What else needs to be done and by/with whom?

25. Unanswered Issues	Any concrete steps forward with the following:	
	Cross-language complications	
	• Where an applicant may suggest a particular language of a label when applying for a TLD and operating that TLD, but the user might not relate to the label in the same language.	
	o How should it be handled if there are two strings which belong to two different languages from the applicant point of view, but they represent singular/plural form of the same word in a particular language?	
	o What should be the primary consideration in developing rules -- the intent of the applicant or possible confusion by the user?	
	• Maybe the only way to address potential concerns about end user confusion in the application process is to look at the intent of the applicant, because the TLD has not yet been launched. But the user may still ultimately be confused by the end result if the sole focus is on the intent of the applicant.	
	Singular v Plural forms in different languages	
	• "It may not be possible for rules regarding string similarity to be as simple or straightforward as the above referenced preliminary recommendations state. For example, singular and plural noun forms are represented differently by different languages." – SSAC	
	• Would suggestion to use a dictionary to determine singular/plural versions of a word to achieve primary goal of developing policy on this topic is to prevent clear cases where the applied-for TLD is a singular or plural of an existing TLD. Leave edge cases to be handled through additional contract language.	
	Inflectional morphology - different forms of inflection beyond pluralization	

- For example, in addition to inflection associated with singular/plural forms of a word, nouns in some languages inflect for gender
- Applies to verbs also - verb conjugation being a form of inflection; as eg, "decide" and "decides" are different forms of the verb inflected for agreement with singular and plural subject.
  - o Does it make sense that the "s" would differentiate between two forms of a noun and not two forms of a verb for the purposes of defining confusing similarity?
  - o If a grammatical category like singular or plural is confusingly similar, why not also consider other grammatical categories confusingly similar like masculine and feminine or different tenses?
  - o Is there a way to make the framework for determining confusing similarity manageable so that it is predictable to the applicant?
- WG received feedback from ICANN org that from a linguistics perspective, inflection on a per-language basis is fairly well understood and bounded. Inflections are given in many dictionaries, which makes it possible to apply rules about inflection consistently

Semantics

- "Beyond visual similarity, trying to determine confusability based on the meaning of words is fundamentally misguided, as domain names are not semantically words in any language." – SSAC
- WG considered an alternate point of view that the SSAC's statement may be true from a purely technical perspective, but many of the gTLDs now delegated have semantic intent.

IDN ccTLD

- WG conducted a comparison between the gTLD String Similarity Review and the review for string similarity that takes place as part of the IDN ccTLD Fast Track Process to determine if any additional harmonization between the two processes may be appropriate.

	• WG noted that both reviews focus on a similar standard for visual similarity. In addition, both processes compare requested/applied-for TLDs against existing TLDs, reserved names, and other applied-for strings (ccTLDs or gTLDs). • There is within the ccTLD process, the possibility for a second review of the DNS Stability Panel's initial review. • An external and independent Extended Process Similarity Review Panel ("EPSRP") too conducts a second review. • Then, there will be new challenge mechanisms in SubPro.	
PENDING ISSUES:	No consensus, no conclusions	What else needs to be done and by/with whom?
26. <u>Synonyms in String Similarity Review</u>	**Synonyms** • WG considered whether synonyms should be included in the String Similarity Review for those strings associated with highly-regulated sectors and those representing verified TLDs. The example of .DOCTOR and .PHYSICIAN was raised in discussion. Public comments expressed diverging perspectives on this issue. • The Working Group further considered whether exact translations of these strings should be included in the String Similarity Review, but did not conclude the discussion with any recommendations	Maybe Revisit with GAC especially in context of Verified TLDs / standard for strings in highly-regulated sectors
27. <u>Treatment of homonyms</u>	**Homonyms** • WG considered a proposal put forward in public comment that homonyms should be included in the String Similarity review. From one perspective, homonyms may cause user confusion, for example in the 2012 round an application for .thai phonetically clashed with existing .ไทย (Thai IDN ccTLD) • Some WG members felt that there is possibility of end-user confusion if two TLD strings are spelled differently but pronounced the same. • Other WG members did not feel that there was a clear problem to address through policy with respect to homonyms. It was raised that even if the WG agreed that there was a well-defined problem that	

	needed to be solved, it might not be possible to develop clear rules on homonyms that could be fairly enforced. • Some WG members raised that even within a language, there may be different pronunciations of a word. Across languages, it is even more difficult to determine whether words are pronounced the same. • The WG did not conclude the discussion with any recommendations	

Main Positions of Concern:	**On CCT-RT Recommendation**
	
	• CCT-RT Rec 35, first 2 parts met:
	  o Affirmation (1) and Recommendation (2) addresses CCT Rec #35 (1) Determine through initial string review process, singular and plural versions of same string which should not be delegated
	  o Recommendation (2) also addresses (through inclusion in String Similarity Review) CCT Rec #35 (2) Avoid disparities in similar disputes, ensure similar cases of plural versus singular strings are examined by same expert panelist
	
	On SubPro Recommendations
	
	• May need to circle back with SSAC on their comment re: a clear and consistent set of rules for 'confusing similarity' to be developed in accordance with the Conservatism Principle re Affirmation (1).
	• Include "Use of mandatory PICs" to secure RO commitments in the event where strings applied-for appear visually to be a single and plural of one another but have different intended uses in Recommendation (2) itself, rather than just in the rationale, to give more prominence.
	• To monitor under implementation, any feasible alternatives to the SWORD tool.
	
	Other Considerations
	
	• To confirm disallowing application for a string that is still being processed from a previous application opportunity, to avoid creating unintended contention set – a recommendation to disallow fresh applications for any string that is still being processed from a previous application opportunity, otherwise may lead to unintended contention set.
	• Consequentially, to follow up with a way to terminate any application that has little chance of succeeding and which are not withdrawn in subsequent procedures.
	• **Synonyms -** maybe Revisit with GAC especially in context of Verified TLDs / standard for strings in highly-regulated sectors.

APPLICATION EVALUATION/CRITERIA

Topic/Area:	**[26] INTERNATIONALIZED DOMAIN NAMES (IDN) [2.7.5]**		Priority:	**HIGH**	Settled On:	28.05.2020

Related:	- IDN Variant TLD Implementation - Root Zone Label Generation Rules (RZ-LGRs) **Risk of DNS Abuse** **TO NOTE: GNSO Council has convened scoping team to examine policy implications from IDN Varian TLD Implementation and Final Proposed Draft Version 4.0 of the IDN Implementation Guidelines – after examination, team will accordingly suggest to GNSO Council a mechanism (eg SubPro, new PDP/EPDP, other) to address issues**
Key Issues:	Promotion of IDNs and treatment of IDN variants
Policy Goals:	Principle B remains applicable, though can be modified slightly to acknowledge IDNs already in the new gTLD space: "Some new gTLDs should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root."
Assigned CCT-RT Rec's:	None
References:	02. SubPro IDN – CPWG consensus building, 10 May 2020 - SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020 01. SubPro IDNs, 26 August 2019

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	What else needs to be done and by/with whom?
28. IDNs should continue to be an integral part of the program going forward	<u>Affirmation (1) with modification</u>: WG affirms Principle B from 2007 policy with amendment, "Internationalised domain name (IDNs) new generic top-level domains should continue to be an integral part of the New gTLD Program." Principle B originally stated, "Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root."	Yes.

	WG's Rationale Continued support for IDNs being available in the New gTLD Program. The modification here is merely grammatical to note that IDNs already exist in the DNS.	
29. Compliance with RZ-LGRs should be required for generation of IDN TLDs and valid variant labels. 30. RZ-LGRs limited to generating IDN variants 31. Whether compliance with IDNA2008 and applicable RZ-LGRs removes need for PDT 32. Automation of compliance with IDNA2008 and applicable RZ-LGRs desirable 33. Coordination with IDN Variant Management Framework	Recommendation (2): Compliance with Root Zone Label Generation Rules (RZ-LGR) must be required for the generation of IDN TLDs and variants labels, including the determination of whether the label is blocked or allocatable. Implementation Guidance • To the extent possible, compliance with IDNA2008 (RFCs 5890-5895) or its successor(s) and applicable Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) should be automated for future applicants. The Working Group recognizes that some instances of manual analysis may be required. • If a script is not yet integrated into the RZ-LGR, applicants should be able to apply for a string in that script, and it should be processed up to but not including contracting WG's Rationale • Understanding that label generation rules provide a consistent and predictable set of permissible code points for IDN TLDs, as well as a mechanism to determine whether there are variant labels (and if so, what they are). • Evaluating all TLDs using Root Zone Label Generation Rules (RZ-LGR) allows for a consistent approach and one that complies with community-driven and community-vetted outcomes. • Further to the purpose of consistency and efficiency, WG welcomes any automation of the RZ-LGR in the evaluation processes, although it recognizes that automation may not be feasible in some circumstances.	Yes.

	• Fully supportive of requiring IDN TLDs to comply with RZ-LGR, it's cognizant that this may impact potential applicants who want to apply for an application in a script that is not yet integrated into the RZ-LGR. • Belief that applicants should be provided the opportunity to apply for a string in a script that is not yet integrated into the RZ-LGR, although it should of course not be delegated until it is compliant – burden in this case is on the applicant, who may have to wait for an indeterminate amount of time but is not aware of any other serious concerns	
34. 1-Unicode character gTLDs permissible for script/language combinations in specific circumstances 35. Making definition of 1-Unicode character gTLDs more precise	Recommendation (3): 1-Unicode character gTLDs may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SSAC and Joint ccNSO-GNSO IDN Workgroup (JIG) reports. WG's Rationale • Belief that 1-Unicode character gTLDs should be allowed for limited script/language combinations where a character is an ideograph (or ideogram), in support of choice and innovation, but recognizes that care should be taken in doing so. • Belief that it is appropriate to limit 1-Unicode character gTLDs to only certain scripts and languages, though it does not believe it has the relevant expertise to make this determination. • Would welcome the identification of the limited set of scripts and languages (e.g., during implementation), which will substantially increase the predictability of what will likely still remain a case-by-case, manual process. This conservative approach is consistent with both the SSAC and Joint ccNSO-GNSO IDN Workgroup (JIG) reports.	Yes.
36. Same-entity rule for IDNs and their respective variants	Recommendation (4): IDN gTLDs deemed to be variants of already existing or applied for TLDs will be allowed provided they have the same registry operator [and back-end registry service provider,] implementing by force of written agreement a policy of cross-variant TLD bundling.	IDN-WG Co-Chair Edmon Chung proposed text change to address concern – "The recommendation seems to expect that an IDN Variant TLD go through the same

	WG's Rationale • In support of security and stability, and in light of the fact that IDN variants are considered to essentially be identical, WG believes that IDN variant TLDs must be owned and operated by the same Registry Operator. To the extent that the TLD were to change hands at any point after delegation, the IDN variants TLDs must remain bundled together. Accordingly, IDN variant TLDs should be linked contractually.	"application process" when in fact any IDN Variant TLD should only be "activated" not "applied for" by the same Registry Operator. This is consistent with how the 2012 round was envisioned and handled. Allowing IDN Variant TLDs to be "applied for" is problematic for the concept of IDN Variants."
37. <u>Bundling of SL IDN variants</u>	<u>Recommendation (5)</u>: • A given second-level label under any allocated IDN variant TLD must only be allocated to the same entity/registrant, or else withheld for possible allocation only to that entity (e.g., s1 under {t1, t1v1, …}, e.g., s1.t1 and s1.t1v1). • For second-level IDN variant labels that arise from a registration based on a second-level IDN table, all allocatable IDN variant labels in the set must only be allocated to the same entity or withheld for possible allocation only to that entity (e.g., all allocatable second-level labels {s1, s1v1, …} under all allocated variant TLD labels {t1, t1v1, …}). <u>WG's Rationale</u> • For similar reasons as indicated in rationale 4 (i.e., security and stability, that IDN variants should be considered as identical), WG believes that second-level IDN variants should only be allocated (or reserved for allocation) to the same registrant. • This applies both when it is a certain second-level label under multiple variant IDN TLDs (e.g., s1 under {t1, t1v1, …}, e.g., s1.t1 and s1.t1v1) and variants at the second-level derived from the registry operator's approved IDN table (e.g., all allocatable second-level labels {s1, s1v1, …} under all allocated variant TLD labels {t1, t1v1, …}).	Yes.

Main Positions of Concern:	No major concerns expressed by IDN WG to affirmation / recommendations and implementation guidance, except for Recommendation (4) where increased clarity is required to ward off potential confusion over activation of IDN gTLDs deemed to be variants of already existing or applied for TLDs, as opposed to "availability for application". String confusion at SL One issue which may require further consideration under the IDN Variant Management Framework 4.0 is the issue of string confusion with respect to IDN scripts. Reliance on the IDN Variant Management Framework 4.0 is required as a community-coordinated approach to mitigating harm to end-users. Such harm has been seen arising from SLD confusion involving IDN characters which may only be familiar to native users of a script, and exploited maliciously; the eg of "easyjet.com" where the "j" was replaced with the Lithuanian Ogonek. ICANN's publishing of variant tables (and confusables) whose use in TLDs is restricted could act as a resource for any bad actor looking for ways to create SLDs which will confuse users, so care must be taken to address foreseeable harm to end-users.

APPLICATION EVALUATION/CRITERIA

Topic/Area:	**[27] SECURITY AND STABILITY [2.7.6]**		Priority:	**HIGH**	Settled On:	28.05.2020

Related:	**Delegation Rates** - Emojis - DNS Abuse mitigation - Systems [2.4.3] – algorithmic checking of TLDs against RZ-LGRs and ASCII string requirements
Key Issues:	- What is a safe rate of delegation of new gTLDs into the root zone? - Banning of emojis as TLDs
Policy Goals:	In respect of Delegation Rates: - The New gTLD Program should be introduced in an ongoing, orderly, timely and predictable manner - Primary purpose of new gTLDs are to foster diversity, encourage competition and enhance utility of DNS - New gTLDs should be delegated into the root zone in a manner that minimises risk of harming operational stability, security and global interoperability of the Internet
Assigned CCT-RT Rec's:	None
References:	01. SubPro Security & Stability – CPWG consensus building, 24 May 2020 - Working Document_SubPro Draft Final Recommendations, 24 May 2020 - SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
	Affirmation (1): WG affirms Principle A from the 2007 policy, which states: "New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way."	Yes.

	WG affirms Recommendation 4 from the 2007 policy, which states: "Strings must not cause any technical instability."	
38. Be conservative in adding new gTLDs to RZ 39. Focus on rate of change in RZ 40. Early warning systems to monitor delegation rates desirable – SAC100 41. Support RSSAC & SSAC recommendations 42. Role for and action by CTO	<u>Recommendation (2):</u> • ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone. • ICANN must focus on the rate of change for the root zone over smaller periods of time (e.g., monthly) rather than the total number of delegated strings for a given calendar year. <u>Implementation Guidance</u> • The number of TLDs delegated in the root zone should not increase by more than approximately 5 percent per month, with the understanding that there may be minor variations from time-to-time. • ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities. Objective criteria should be developed to determine what could be classified as a "service instability." • ICANN should investigate and catalog the long term obligations for root zone operators of maintaining a larger root zone. • OCTO should consult with PTI, the RZ Manager, the root operators via RSSAC, and the larger DNS technical community on the implementation of these recommendations. • ICANN should continue developing the monitoring and early warning capability with respect to root zone scaling. <u>WG's Rationale</u> • In delegating new gTLDs, WG agrees with the RSSAC that "trouble free access to the root zone is one of the very few things that are critical for all Internet users," and therefore, ICANN should honor the principle of conservatism when adding new gTLDs to the root zone.	Yes.

- WG supports both the RSSAC and SSAC advice that an overall cap of 1,000 annually is not the appropriate measure of stability, rather, it is the rate of delegation (adding names to the root). – RSSAC031 & SAC100
- WG recommends that further work be done on establishment of an appropriate rate of delegation from a technical standpoint. Although WG discussed operational and community concerns about the ability to evaluate new gTLDs it noted that the recommendations in this section relate only to the technical concerns of rating or capping the adding new gTLDs to the root zone, from a Security and Stability risk assessed perspective.
- WG supports the recommendations proposed by the SSAC that ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities.
- WG also agrees with the SSAC recommendation that ICANN should investigate and catalog the long term obligations of maintaining a larger root zone. In addition, WG recommends that OCTO consult with PTI, the Root Zone Manager, the root operators via RSSAC, and the larger DNS technical community on these recommendations.
- With respect to an early warning system, WG notes the ICANN Org comments that the ICANN OCTO is researching the design of an "early warning system" that could monitor several aspects of the root server system.
- ICANN Org noted that It is possible, though not assured, that such a system could monitor for possible signs of stress on various aspects of the root server system that could result from increased size of the root zone

WG notes that ICANN Org emphasized that this research is in a very early, exploratory stage, and the design of any possible "early warning system", as well as its capabilities, are still unknown.

43. With respect to Emojis in DNs	Recommendation (3):	Yes.
	In connection to affirmation of 2007 policy's Recommendation 4, Emoji in domain names, at any level, must not be allowed.	
	Implementation Guidance	
	• The application submission system should do all feasible algorithmic checking of TLDs, including against RZ-LGRs and ASCII string requirements, to better ensure that only valid ASCII and IDN TLDs can be submitted. • A proposed TLD might be algorithmically found to be valid, algorithmically found to be invalid, or verifying its validity may not be possible using algorithmic checking. • Only in the latter case, when a proposed TLD doesn't fit all the conditions for automatic checking, a manual review should occur to validate or invalidate the TLD.	
	WG's Rationale	
	• WG supports the SSAC position that emoji in domain names at any level should not be allowed - WG noted that recommendations relating to already registered emoji SLDs would not be in its jurisdiction. • WG agreed that the application submission system should do all feasible algorithmic checking of TLDs – ▪ ICANN Org agreed that from a system development perspective, automation could be built into the application system to check applied-for gTLDs against specific lists, such as the Reserved Names list, ISO-3166 list, and the Root Zone LGR. ▪ ICANN Org noted that some level of algorithmic checking of applied-for gTLDs is also possible, though the availability of a deterministic list of labels and whether the RZ-LGR is defined for	

	the scripts of these labels would determine the complexity of the implementation of algorithmic checks.	
Main Positions of Concern:	None. All in order.	

APPLICATION EVALUATION/CRITERIA

Topic/Area:	**[28] NAME COLLISIONS [2.7.8]**	Priority:	**HIGH**	Settled On:	28.05.2020
Related:	• **NCAP Study 1,** Study 2 and Study 3 • SAC090				
Key Issues:	How to deal with risk or occurrence of name collisions in subsequent procedures?				
Policy Goals:	2007 policy, Recommendation 4: "Strings must not cause any technical instability."				
Assigned CCT-RT Rec's:	None				
References:	• 02. SubPro Security & Stability – CPWG consensus building, 27 May 2020 • Working Document_SubPro Draft Final Recommendations, 26 May 2020 • SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020 • 01. SubPro Name Collisions, 11 September 2019				

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
	Affirmation (1): WG affirms Recommendation 4 of the 2007 policy, which states: "Strings must not cause any technical instability." WG's Rationale • WG agreed that the policy goal continues to be what it was in 2007, which is that any string must not cause any technical instability. • This still remains an appropriate objective, and therefore affirms Recommendation 4 from the 2007 policy.	See position below.

44. Need for mechanism to evaluate risk of name collision	<u>Recommendation (2)</u>: ICANN must have ready prior to the opening of the Application Submission Period a mechanism to evaluate the risk of name collisions in the New gTLD evaluation process as well as during the transition to delegation phase. <u>WG's Rationale</u> • WG agreed that ICANN must include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well during the transition to delegation phase is still relevant, with the addition of the requirement for such a mechanism to be ready prior to the next application period. • WG agreed that the requirement for a mechanism would promote predictability for applicants and other parties. • In response to concerns raised in comments, WG agreed that it did not have to recommend what the mechanism is.	See position below.
45. Recognition of existing framework and use of Controlled Interruptions 46. "Do Not Apply" list	<u>Affirmation (3)</u>: • WG affirms continued use of the New gTLD Collision Occurrence Management framework unless and until the ICANN Board adopts a new mitigation framework – • Includes not changing the controlled interruption duration and the required readiness for human-life threatening conditions for currently delegated gTLDs and future new gTLDs. <u>WG's Rationale</u> • With respect to NCAP – WG agreed that it is up to the ICANN community and ICANN Board of Directors to determine any dependencies between the NCAP and the next round of new gTLD applications	See position below.

- Board letter 1 Nov 2019, "Board has not sought to establish a new dependency on completion of the PDP work based on commissioning NCAP Study 1 upon completion of Study 1, the Board can determine in consultation with the community whether additional NCAP work is necessary and, if so, which elements should be a dependency for any of the other future milestones …"
- WG notes that ICANN org, in cooperation with the NCAP Discussion Group, has since completed its Study 1, leveraging an outside consultant. The consultant who produced the Study 1 report made conclusions relating to Studies 2 and 3.
- Given that WG did not agree on a new mitigation framework, WG affirms continued use of the New gTLD Collision Occurrence Management framework unless and until the ICANN Board adopts a new mitigation framework.

Implementation Guidance

- ICANN should develop a mechanism or test to determine the name collision risk for any given string - suggest putting them into three categories: high risk, aggravated risk, and low risk.
- High-risk strings should not be allowed to be applied for (if possible) or delegated, and aggravated risk strings should require the inclusion of a specific name collision mitigation framework.
- To the extent possible, ICANN should seek to identify high-risk strings in advance of opening the Application Submission Period, which should constitute a "Do Not Apply" list.
- ICANN should also seek to identify aggravated strings in advance, which would be expected to require a specific name collision mitigation framework. However, all applied-for strings should be subject to a DNS Stability evaluation to determine whether they represent a high, aggravated, or low risk of name collision.
- If controlled interruption (CI) for a specific label (usually a 2nd-level domain) is found to cause disruption, ICANN may decide to allow CI to

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<td>be disabled for that label while the disruption is fixed, provided that the minimum CI period is still applied to that label.

WG's Rationale

WG agreed that ICANN should develop a mechanism or test to determine name collision risk for any given string in manner stated in IG
WG did not see the need to formulate guidance to address these concerns at this time – although agreed that SSAC's advice in SAC090 may provide guidance concerning the development of a risk mechanism or test.
Including "Do Not Apply" list as Implementation Guidance since high-risk strings are likely to cause technical instability by definition, so these should not be able to be delegated.
The approach wrt CI received consensus support of WT4.</td>
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<td>Main Positions of Concern:</td>
<td colspan="2">One school of thought suggests that there is no dependency between the work of SSAC on name collision and the completion of SubPro PDP WG's work

ALAC have so far opted not to wade into the "dependency" debate, but instead to defer to SSAC's work on name collisions in responding to SubPro PDP WG's initial recommendations, including a reference to SAC090.

In particular we have drawn a hard line at delegation, if not the launching of the application window, until the NCAP study(ies) are completed and recommendations are addressed in implementation, retrospectively for the new round, if the recommendations come in after the application window is launched.</td>
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APPLICATION EVALUATION/CRITERIA

Topic/Area:	[31] ROLE OF APPLICATION COMMENT [S2.3]		Priority:	MEDIUM	Settled On:	07.05.2020

Related:	• Community Applications [2.9.1] • Systems [2.4.3] • Application Change Request [S2.4]
Key Issues:	• To what extent can the Application Comment process be improved? • Who should the Application Comment System benefit? • What is the impact of received comments on a corresponding application in respect of standard applications vs. Community-based applications? • Should resolution of comments include allowance for application changes?
Policy Goals:	• Support continuing guidance in Implementation Guideline C, particularly around provision of comment forums.
Assigned CCT-RT Rec's:	None
References:	• 04. SubPro Role of Application Comment & Application Change Request – CPWG updated consensus summary, 7 May 2020 • 03. SubPro Role of Application Comment & Application Change Request – CPWG consensus summary, 27 April 2020 • 02. SubPro Role of Application Comment & Application Change Request – CPWG consensus building, 14 April 2020 • Working Document_SubPro Draft Final Recommendations, 11 April 2020 • SubPro WG Application Evaluation/Criteria_Summary Document, 7 January 2020

What has SubPro PDP WG concluded?	**What will SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
47. Applicants should continue to be given the opportunity through Clarifying Questions to respond to comments that might impact scoring	Affirmation (1): • WG affirms Implementation Guideline C from 2007, "ICANN Will provide frequent communications with applicants and the public including comment forums." • Sec. 1.1.2.3 of AGB, "ICANN will open a comment period (the Application Comment Period) at the time applications are publicly posted on ICANN's website …This period will allow time for the	• Acceptable in principle. General support for need and continued use of Application Comment but more attention needed for system to be user-friendly for commenters, applicants and reviewers.

48. Applicants should be given a certain amount of time to respond to the public comments prior to the consideration of those comments.	community to review and submit comments on posted application materials." WG affirms that as was the case in the 2012 round, community members must have the opportunity to comment through the Application Comment Period on applications submitted. Comments must continue to be published online as they were in the 2012 round so that they are available for all interested parties to review. • As was the case in the 2012 round, when application comment might cause an evaluator to reduce scoring, ICANN must issue a Clarifying Question to the applicant and give the applicant an opportunity to respond to the comment. WG's Rationale • Agreed on importance for ICANN to maintain lines of communication with applicants and public through Application Comment, thus affirms Implementation Guideline C. • Also, where application comments might impact application scoring, the applicant should have opportunity to respond through Clarifying Questions (per 2012 round) to ensure evaluators take into account different perspectives and information before making adjustments to a score.	See also point 4.
49. Implementation Guidance: The system used to collect application comment should better ensure that the email and name used for an account are verified in some manner.	Recommendation (2): For purposes of transparency and to reduce possibility of gaming, there should be clear and accurate information available about the identity of a person commenting on an application as described in the IG below. Implementation Guidance: • The system used to collect application comment should continue to require that affirmative confirmation be received for email addresses	• Acceptable in principle. • This is useful to weed out frivolous comments and to identify comments by any party who holds a conflict of interest, whether perceived, potential or actual. • On "definitions of conflicts of interest" suggest that second IG will take this into account.

	prior to use in submission of comments. To the extent possible, ICANN org should seek to verify the identity of the person submitting the comment.
	• In addition, each commenter should be asked whether they are employed by, are under contract with, have a financial interest in, or are submitting the comment on behalf of an applicant. If so, they must reveal that relationship and whether their comment is being filled on behalf of that applicant.
	
	WG's Rationale
	Recognizing that evaluation panelists perform due diligence in considering application comment, in light of challenge in confirming the true identity of all commenters, WG encourages ICANN to seek opportunities to verify identify of commenters in meaningful way to reduce risk of gaming and to require commenters to disclose relationship with a commenter for transparency.
		• Additional query – what is the consequences of a commenter not disclosing a relationship with an applicant in violation of this request?
		  o Would the commenter be barred and their comment marked "Disregarded" (or something to that effect)?
		  o Should some burden be placed on each applicant as a meaningful way to reduce risk of gaming / increase transparency, especially when a comment purports to cast "doubt" on a competing application?

50. Implementation Guidance: The system used to collect application comment should support a filtering and/or sorting mechanism to better review a high volume of comments. The system should also allow for the inclusion of attachments.	Recommendation #3: Systems supporting application comment should emphasize usability for those submitting comments and those reviewing comments submitted. This is consistent with PIRR rec. 1.3.a, "Explore implementing additional functionality that will improve the usability of the Application Comment Forum." Implementation Guidance: • System used to collect application comment should better support filtering and sorting of comments to help those reviewing comments find relevant responses, particularly when there is a large number of entries. Eg. an ability to search comments for substantive text within the comment itself. In the 2012 round, a search can be done on categories of comments, but not a search of the actual text within the comment itself.	• Acceptable in principle. • Needed as more attention required for system to be user-friendly for submission, review, searchability of comments as well as responses to comments. Usability improvements should not favour applicants over reviewers.

	• System used to collect application comment should allow those submitting comments to include attachments. ICANN should investigate whether there are any commercially reasonable mechanisms to search attachments. WG's Rationale Concerns about usability challenges with Public Comment Forum, needing ways to improve it – meaningfully sorting large volumes of comments, including attachments with submissions. ICANN should explore tools to allow these, in light of usage by reviewers and evaluators also.	
51. ICANN should be more explicit in the Applicant Guidebook on how public comments are to be utilized or taken into account by the relevant evaluators, panels, etc. and to what extent different types of comments will or will not impact scoring. In addition, to the extent that public comments are to be taken into account by the evaluators, panels, etc., applicants must have an opportunity to respond to those comments. Note: Preliminary recommendation 2.3.c.2 states that "ICANN should be more explicit in the Applicant Guidebook on how public	Recommendation #4: The New gTLD Program should be clear and transparent about the role of application comment in the evaluation of applications. Implementation Guidance: • The IRT should develop guidelines about how public comments are to be utilized or taken into account by the relevant evaluators and panels, and these guidelines should be included in the AGB. • The AGB should also be clear to what extent different types of comments will or will not impact scoring. In addition, to the extent that public comments are to be taken into account by evaluators and panels, applicants must have an opportunity to respond to those comments. WG's Rationale Lack of clarity in 2012 round about use of application comments in application evaluation process to be rectified – guidelines needed and to be included in AGB for greater transparency and accountability in evaluation process.	• Yes, acceptable in principle. • But the guidelines developed by IRT must be guided by or subject to community input. **RE: New Issue & Omission #1 - whether the public comment period for applications opting for CPE should be longer than for standard applications** Of particular concern to At-Large is how public comments which impact scoring for Community Priority Evaluation (CPE) will be handled – At-Large likely <u>proposing</u> changes to the CPE Criteria & Guidelines, inter alia, that: • The call for submission of comments or documentation of support or in opposition to all

comments are to be utilized or taken into account by the relevant evaluators, panels, etc. and to what extent different types of comments will or will not impact scoring."		applications be incorporated into the Application Comment system, and strictly during the Application Comment Period only. There must be no separate call for Letters of Support or Letters of Opposition made by or on behalf of CPE panelists wrt Community-based applications.
		• CPE panel must be informed of:
		  o The identity of commenters who have submitted comments in opposition (or Letters of Opposition), and
		  o The commenter's relationship to an opposing applicant (if declared, or if discoverable by ICANN Org)

	Recommendation (5): Applicants should have a clear, consistent, and fair opportunity to respond to the public comments on their application prior to the consideration of those comments in the evaluation process. Implementation Guidance: Applicants should be given a fixed amount of time to respond to the public comments on their application prior to the consideration of those comments in the evaluation process. WG's Rationale • WG believe evaluators should as far as possible, have full picture of the different perspectives on an application including arguments or evidence from applicant.	• Yes, acceptable in principle. • But the IG should allude to allowance for reasonable time after close of public comment period to address late submissions of comments during the public comment period – eg if a comment is submitted within the last week of the public comment period. **RE: New Issue & Omission #2 -** **whether the community should** **have opportunity to comment**

	• If applicant proposes changes to its application in response to public comments, additional processes apply, including additional public comment period, where applicable.	**following window for applicant's response to (original) comments** Question: Should commenters then be allowed to reply to applicant's response? And end process there? Or should commenters be made to rely on the objections process? Answer: Stop at response by Applicant. Ensure Applicant have reasonable time/opportunity to respond to comments that are filed late (like in the last week of Application Comment Period)
	Recommendation #6: ICANN must create a mechanism for third-parties to submit information related to confidential portions of the application, which may not be appropriate to submit through public comment. At a minimum, ICANN must confirm receipt and that the information is being reviewed. WG's Rationale Third parties may want to submit information pertaining to confidential portions of an application also on a confidential basis – information for background screening; ICANN should allow this.	Acceptable. No further intervention needed.
NEW/PENDING ISSUES:	SubPro PDP WG reaction	What else needs to be done and by/with whom?
52. **New Issue & Omission #1** - On whether the public comment period for applications opting for CPE	WG discussed whether public comment period for Community-based applications opting for CPE should be longer than for standard applications (as was the case in 2012 round) or if the period should be equal for all applications. No agreement, therefore no recommendation.	See intervention under Recommendation (4)

should be longer than for standard applications		
53. **New Issue & Omission #2** - On whether the community should have opportunity to comment following window for applicant's response to (original) comments.	With reference to IG for Recommendation (5), WG discussed this question but did not come to a conclusion. Notes this may be an item for consideration in implementation phase.	See intervention under Recommendation (5)

Main Positions of Concern:	**On SubPro Recommendations** All appear acceptable in principle, with some additional interventions under this topic and "Community Applications" topic, in particular Community Priority Evaluation (CPE): • Additional query to Recommendation (2) – what is the consequences of a commenter not disclosing a relationship with an applicant in violation of this request? • With respect to Recommendation (3) and New Issue & Omission #1, of particular concern to At-Large is how public comments which impact scoring for Community Priority Evaluation (CPE) will be handled. • Additional intervention to Recommendation (5) – Implementation Guidance should allude to allowance for reasonable time after close of public comment period to address late submissions of comments during the public comment period – eg if a comment is submitted within the last week of the public comment period. o Related to Recommendation (5), i.e. New Issue & Omission #2 - whether the community should have opportunity to comment following window for applicant's response to (original) comments, answer is: Stop at response by Applicant. Ensure Applicant have reasonable time/opportunity to respond to comments that are filed late (like in the last week of Application Comment Period)

STRING CONTENTION RESOLUTION

Topic/Area:	**[34] COMMUNITY APPLICATIONS [2.9.1]**	Priority:	**HIGH**	Settled On:	
Related:	• **Community Priority Evaluations (CPE)** • Community Objections distinct from Community Priority Evaluations • Appeals – Accountability Mechanism [2.8.2] • Application Assessed in Rounds [2.2.3] (including Neustar's proposal) – **Priority for next round**				
Key Issues:	• Many of the processes and rules applicable to evaluating community applications through Community Priority Evaluations (CPE) were introduced after the 2012 Program was launched, in some cases, with insufficient notice to or understanding by both applicants and the Community, thereby making it not only difficult, but also unfair to applicants and concerned parties/objectors • Third party service provider appointed to undertake CPE process • Lack of clear details to CPE process led to incidences of determinations without given rationales, inconsistent decisions, eg. Definition of "community" • There was no appeal process for CPE determinations, so no opportunity to test the correctness or inconsistencies in determinations				
Policy Goals:	• Processes and rules related to Community Applications should be clear and transparent • Implementation of processes and rules should be consistent and predictable • In respect evaluation determinations, any research relied on for the decision should be cited and a link provided				
Assigned CCT-RT Rec's:	• Rec. 34: Review of procedures & objectives for community-based applications, improvements made before new round is launched (prerequisite for SubPro)				
References:	• 06. SubPro Community Applications – CPWG consensus building, 10 June 2020 • Working Document_SubPro Draft Final Recommendations, 9 June 2020 • 05. SubPro Community Applications – CPWG consensus building, 2 June 2020 • Working Document_SubPro Draft Final Recommendations, 3 June 2020 • 04. SubPro Community Applications – CPWG consensus building, 20 May 2020 • 03. SubPro CPE – CPWG consensus building, 20 April 2020 • SubPro PDP WG String Contention Resolution_Summary Document, 7 January 2020 • 01. SubPro Community Applications Update to CPWG, 5 Oct 2019				

What has SubPro PDP WG concluded?	**What will/might SubPro PDP WG recommend?**	Is this acceptable? What else needs to be done and by/with whom?
54. Continued use of CPE as a string contention resolution mechanism for Community-based applications	Affirmation (1): • WG affirms the following concept derived from Implementation Guideline F from 2007: "If there is contention for strings...a claim to support a community by one party will be a reason to award priority to that application." • WG affirms Implementation Guideline H from 2007, which states: "External dispute providers will give decisions on complaints." WG's Rationale Support for the overall approach used in the 2012 round for community-based applications, as well as the continued prioritization of applications in contention sets that have passed Community Priority Evaluation. Therefore, WG affirms the concept derived from Implementation Guideline F as well as the text of Implementation Guideline H from 2007.	Yes, ALAC has supported and continues, broadly, to support the use of CPE to resolve string contention sets involving Community-based applications, acknowledging that it is an option for Community-based applicants which must be made available at a reasonable and predictable cost.
55. Lack of transparency and predictability with CPE process caused problems - that CPE process must be more transparent and predictable 56. CPE procedures being published post AGB release reinforced lack of transparency and predictability. Therefore, CPE	Recommendation (2): The Community Priority Evaluation (CPE) process must be as efficient, transparent and predictable as possible. WG's Rationale • WG believes that the 2012 CPE process lacked the appropriate level of transparency and predictability. • WG believes that transparency and predictability are essential objectives in the implementation of CPE and recommends that ICANN org seek opportunities to improve the evaluation process to ensure that evaluation criteria and the application of these criteria are transparent and predictable to all parties.	Yes. At-Large has considered the key challenges from the implementation of CPE in the 2012 round and has as at 11 June 2020, proposed a number of reforms for handling Community-based applications and CPE in subsequent procedures. These proposed reforms are detailed in 2 documents: ▪ "**At-Large Interventions on Community Applications & Community Priority Evaluation (CPE)**"; and

procedures must accompany AGB when AGB is published.	• WG has provided specific suggestions in this regard through Implementation Guidance. • In further support of transparency and predictability WG has recommended that evaluation procedures (including any supplemental dispute provider rules) are widely available before the opening of the application submission period. Recommendation (3): All CPE procedures (including any supplemental dispute provider rules) must be developed and published before the opening of the application submission period and must be readily and publicly available. WG's Rationale • Believes that the CPE process was too costly for applicants, considering that the actual cost incurred by applicants was essentially double compared to what was predicted in AGB. • Further believes that the process took too long to complete. • Believes that drawing on lessons learned from the 2012 round, the CPE process should be able to realize efficiencies in both costs and time in subsequent rounds.	▪ "**Revised Community Priority Evaluation Guidelines – A Proposal by At-Large**" which is our proposed revision of the CPE Guidelines of 27 Sep 2013.
57. CPE panellists/evaluators should be allowed and encouraged to obtain clarifications from applicants and opposers as needed.	Recommendation (4): • Evaluators must continue to be able to send clarifying questions to CPE applicants but further, must be able to engage in written dialogue with them as well. • Evaluators must be able to issue clarifying questions, or utilize similar methods to address potential issues, to those who submit letters of opposition to community-based applications.	Yes.

WG's Rationale

- In the 2012 application round, evaluators could submit clarifying questions (CQs) to CPE applicants through ICANN org. WG believes, however, that evaluators should have additional resources at their disposal to gather information about a CPE application and any opposition to that application.
- In developing recommendations on this topic, WG reviewed relevant GAC Advice included in the Beijing Communiqué (ICANN46), Durban Communiqué (ICANN47), Singapore Communiqué (ICANN49), Los Angeles Communiqué (ICANN51), Buenos Aires Communiqué (ICANN53), and Dublin Communiqué (ICANN54).
- WG further reviewed relevant At-Large Statements on Community Expertise in CPE and Preferential Treatment for Community Applications in String Contention.
- WG has not identified any conflicts between WG's recommendations and the Advice provided by the GAC and ALAC.
- Believes that its recommendations for improved transparency and predictability are aligned with concerns expressed by the GAC that greater consistency is needed in the CPE process.
- Further notes that it is recommending the establishment of a limited challenge/appeals mechanism for the New gTLD Program that would enable applicants and other parties to challenge or appeal decisions made in the application process, including the results of CPE (under "Accountability Mechanisms" topic) – WG believes that this mechanism has the potential to support more consistent outcomes in CPE for subsequent procedures.
- Notes that CCT-RT Recommendation 34, "A thorough review of the procedures and objectives for community-based applications should be carried out and improvements made to address and correct the concerns raised before a new gTLD application process is launched. Revisions or adjustments should be clearly reflected in an updated version of the 2012 AGB." is directed at SubPro PDP WG, and passed to it by ICANN Board.

	• WG has extensively discussed this in the CPE process and put forward the above recommendations to address concerns raised about CPE in the 2012 round, believes that the work it has completed is in line with that CCT recommendation.	
58. Imbalance in evaluator's use of documents of support vs opposition.	Recommendation (5): Letters of opposition to a community-based application, if any, must be considered in balance with documented support for the application. WG's Rationale • WG believes that the 2012 CPE Guidelines were not sufficiently clear in defining "relevance" under Criterion 4-B Opposition, which may have resulted in panelists evaluating letters of opposition in isolation without also considering the level of support for an application. • WG therefore recommends amending the Guidelines to make clear that any letters of opposition should be considered in balance with documented support for an application.	Yes. At-Large has in fact proposed for clearer guidelines to prevent this imbalance.
59. Clarity and consistency in determinations of CPE - If there was research relied on for the decision, it should be cited and a link should be provided	Recommendation (6): • If the Community Priority Evaluation Panel conducts independent research while evaluating an application, limitations on this research and additional requirements must apply. • WG recommends including the following text in the Applicant Guidebook: "The Community Priority Evaluation Panel may perform independent research deemed necessary to ~~verify the community status of the applicant~~[evaluate the application] (the "Limited Research"), provided, however, that the evaluator shall disclose the results of such Limited Research to the applicant and the applicant shall be provided 30 days to respond before the evaluation decision is rendered. When conducting any such Limited Research, panelists are	Yes.

	cautioned not to assume an advocacy role either for or against ~~such community status~~[the applicant or application].” WG's Rationale AGB s. 4.2.3 states: "The [Community Priority Evaluation Panel] may also perform independent research, if deemed necessary to reach informed scoring decisions." To reduce the risk of introducing inaccurate information and bias into the evaluation process and to support transparency, the Working Group has provided alternate language to include in the Applicant Guidebook for subsequent procedures	
60. CPE determinations should be appealable	The recommendation for this is captured within the section/topic on Limited Challenge/Appeal Mechanism.	Yes. To monitor work of the IRT and provide inputs through IRT (if possible); in particular monitor cost of filing, losing appeals
What has SubPro PDP WG concluded?	**What SubPro PDP WG will likely omit?**	Is this acceptable? What else needs to be done and by/with whom?
61. In order to maintain independence in evaluation outcomes, best for CPE to be conducted by third-party professional entity, subject to determinations being appealable	Any reference to CPE evaluation team to include representatives from grassroots community organization or ICANN community volunteers to serve as panel members or advisors.	Our first preference is for grassroots community participation in panel(s). As a secondary measure, we have proposed allowing a broader, more flexible interpretation of "community" and also to provide for in the revised CPE Guidelines, consultation with relevant International Organizations specialized in the specific/relevant fields or a relevant subject matter or community expert with regional or international standing especially if a

		panel does not have community expertise.
PENDING ISSUES:	SubPro PDP WG reaction	What else needs to be done and by/with whom?
62. Any preferential treatment for community applications <u>beyond ability to participate in CPE</u>, in event of string contention?	No consensus to accord such preferential treatment	NB. ALAC's comment to provide experts to assist Community Applicants from underserved regions in preparing applications (eg. ASP applicants) or first-time applicants has been noted, likely to be addressed in other sections including Application Support Program.
63. Priority in application round?	No consensus	See Applications Assessed in Rounds

Position:	**On CCT recommendation #34**
	• WG said it notes that CCT-RT Recommendation 34 is directed at SubPro PDP WG, and passed to it by ICANN Board and that WG has extensively discussed this in the CPE process and put forward the above recommendations to address concerns raised about CPE in the 2012 round, and so believes that the work it has completed is in line with that CCT recommendation. The SubPro recommendations are at a policy level and does not include a comfortable level of specificity.
	On SubPro recommendations
	• ALAC has supported and continues, broadly, to support the use of CPE to resolve string contention sets involving Community-based applications, acknowledging that it is an option for Community-based applicants which must be made available at a reasonable and predictable cost.
	• The SubPro recommendations are in principle not objectionable to At-Large, although there is broad agreement for a number of improvements to be implemented before the next round of applications begins. The improvements proposed by At-Large deal with the following areas:
	(1) A need for greater community participation in ICANN's engagement of a CPE service provider/panellists, namely in 4 aspects:

- (i) the development of criteria by which ICANN Org is to evaluate and select candidates;
- (ii) the shortlisting of identified candidates;
- (iii) the final selection process; and
- (iv) the terms for inclusion into the contract between ICANN Org and the selected candidate;

(2) Changes to the CPE Process including access to recourse, namely in 3 aspects:

- (i) introducing a mechanism for handling conflict of interest of the part of panellist(s);
- (ii) elimination of a supplementary call for documented support or opposition by the CPE service provider/panellist; and
- (iii) introducing a limited challenge/appeal mechanism to challenge the evaluation determination by the panel/panellist;

(3) Changes to the CPE Criteria and Guidelines, key of which include:

- (i) allowing a broader, more flexible interpretation of "community" so as to not disadvantage Minority communities, marginalized groups, linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities" (eg. First Nation, Native American tribal communities, Roma community), even loosely organized but reasonably well-known groups or segments of society and civil-society advocacy groups (Community Human Rights based - CHR), as well as consultation with relevant International Organizations specialized in the specific/relevant fields or a relevant subject matter or community expert with regional or international standing especially if a panel does not have community expertise;
- (ii) adjusting Criteria, Sub-criteria and scoring guidelines such that scoring for every Criterion as well as Sub-criterion will be wholly independent of each other to eliminate carrying over of any bias across Criteria and Sub-criteria;
- (iii) greater flexibility and clarity in applying Criteria and Sub-criteria;
- (iv) preventing imbalance in considering opposition versus support; and
- (v) lowering the threshold to prevail in CPE.

(4) Greater awareness in the availability and use of Dispute Resolution Procedures

Details of the above can be found in 2 documents:

(i) "**At-Large Interventions on Community Applications & Community Priority Evaluation (CPE)**"; and
(ii) "**Revised Community Priority Evaluation Guidelines – A Proposal by At-Large**" which is our proposed revision of the CPE Guidelines of 27 Sep 2013.