



UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures
Consensus Building on Recommendations

**CONTINUING SUBSEQUENT
PROCEDURES,
METRICS & MONITORING (v02)**

Justine Chew
15 June 2020

Reminder of Key Issues in SubPro

Continuing Subsequent Procedures

- Do we really need another round of new gTLDs?
- What's the cost vs benefit of expanding the DNS space?
How are we measuring this?
- If new round proceeds, then prerequisite and high priority recommendations of the CCT-RT must be implemented first



COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- To do with Metrics!!

- **What is the New gTLD Subsequent Procedures (“SubPro”)?**
 - ❖ The set of rules and mechanisms applicable to the next round for New gTLDs, i.e. they DO NOT apply to legacy TLDs, ccTLDs, or delegated new gTLDs or those still unresolved from the 2012 application round
 - ❖ “An update” to the 2012 Round rules and mechanisms

SubPro Recommendations * as at 8 Jun 2020

SubPro PDP WG on “Continuing Subsequent Procedures”

For At-Large Consensus Building

Affirmation #1

- WG recommends that the existing policy contained in the 2012 Applicant Guidebook, that a “systemized manner of applying for gTLDs be developed in the long term,” be maintained

WG Rationale

- Following existing policy - there will be a “systemized manner of applying for gTLDs to be developed in the long term.”
- CCT-RT Final Report “on balance the expansion of the DNS marketplace has demonstrated increased competition and consumer choice”.
- Varying opinions about market being saturated vs interested potential applicants, including dot Brands – did not offer compelling reason to override policy.
- Noted support from some parties was contingent on the basis of other elements being completed prior to the eventual launch of next round – eg cost-benefit analysis per GAC but says **dependencies outside WG remit, should be decided elsewhere like at the Board level.**
 - CCT-RT had commissioned studies - economic analyses on marketplace competition and end-user/registrant surveys – partly addresses call for cost-benefit analysis

WG Rationale (Cont’d)

- **GAC Montreal Communique, “future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented”** – “WG understands that it is required to consider all CCT-RT recommendations directed to it via the 01 March 2019 ICANN Board resolution, but is not necessarily required to agree with all outcomes and suggested solutions. Accordingly, final report will describe manner in which all relevant CCT-RT recommendations were considered and how they were or were not integrated into any final recommendations.”

Impact

- No compelling reason to not develop systematized way for applying for new gTLDs
- Re: prerequisite and high priority recommendations of the CCT-RT, considered but not obligated to agree with all of them. To extent it did, addressed them in relevant topics.

Additional intervention

- **Do we want to pushback and if yes, how?**

* From SubPro PDP WG, not limited to recommendations, but also affirmations and implementation guidance

SubPro WG Rationale for Affirmation #1

Affirmation #1

- WG recommends that the existing policy contained in the 2012 Applicant Guidebook, that a “systematized manner of applying for gTLDs be developed in the long term,” be maintained

WG Rationale

- The existing policy for New gTLDs states that there will be a “systemized manner of applying for gTLDs to be developed in the long term.” In affirming the continuation of this policy WG applied the consistent approach outlined in Section xx [the introduction] of this report.
- WG took note of the Competition, Consumer Choice & Consumer Trust Review Team (CCT-RT) Final Report, which states that “on balance the expansion of the DNS marketplace has demonstrated increased competition and consumer choice”. While it recognizes that some parties believe the New gTLD market to already be saturated others have indicated that they are aware of interested potential applicants, including dot Brands. Overall, WG did not agree that a compelling reason was identified to override existing policy.
- WG also took note that support from some parties was contingent on the basis of other elements being completed prior to the eventual launch of subsequent New gTLDs (e.g., previous commitments for review of the New gTLD Program, including a costs and benefits analysis as advised by the GAC in its Helsinki Communiqué). WG agreed that determining what dependencies might need to be completed prior to program launch is outside of its remit and should be decided elsewhere (e.g., ICANN Board).
- In addition, WG believes that the number of studies commissioned on behalf of the CCT-RT, including economic analyses on marketplace competition and end-user/registrar surveys, and which ultimately fed into the CCT-RT’s determination of increased competition and consumer choice, address at least in part the GAC’s request for a costs and benefits analysis.
- WG took note of the GAC Advice contained in the Montréal Communiqué, which states that future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented. WG understands that it is required to consider all CCT-RT recommendations directed to it via the 01 March 2019 ICANN Board resolution, but is not necessarily required to agree with all outcomes and suggested solutions. Accordingly, this report will describe the manner in which all relevant CCT-RT recommendations were considered and how they were or were not integrated into any final recommendations.

SubPro Recommendations as at 8 Jun 2020

SubPro PDP WG on “Continuing Subsequent Procedures”

For At-Large Consensus Building

Affirmation #2

- WG affirms Principle A from the 2007 policy and recommends that the New gTLD Program must continue to be administered “in an ongoing, orderly, timely and predictable manner”.

WG Rationale

- A major theme that was repeatedly raised throughout the life cycle of this PDP was the need for balanced predictability for all parties involved. It is on this basis that the desire for an “orderly, timely and predictable” New gTLD Program is universally supported.

Affirmation #3

- WG affirms that the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.

WG Rationale

- Agreed that fostering consumer choice, consumer trust, and market differentiation should continue to be primary focal points for the New gTLD Program

Impact

- Self explanatory

Additional intervention

- These are very high level affirmations, not objectionable per se, but the devil is in the details.

SubPro Recommendations as at 8 Jun 2020

SubPro PDP WG on “Metrics & Monitoring”

For At-Large Consensus Building

Recommendation #1

- Meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared.

Implementation Guidance

- Metrics collected to understand the impact of New gTLD Program should, broadly speaking, **focus on the areas of trust, competition, and choice.**
- WG notes that the CCT-RT 2018 Final Report includes a series of recommendations regarding metrics.
- Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future.

WG Rationale

- Areas around which measures of success should be established, data collected, and effectiveness measured – PDP briefly sought to try and identify metrics for success but ultimately believes that an IRT should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program.
- WG recognizes possible need for ICANN Org-CP negotiation to include certain data collection obligations in subsq Ry and Rr Agreements to measure metrics

Impact

- Responsibility for development of metrics to measure impact of Program falls to IRT

Additional intervention

- **Does this sufficiently meet At-Large’s call for metrics? What else needs to be specified?**

On Metrics: *“The ALAC believes that metrics should be developed and used both to gauge the extent to which Internet end users have benefitted from the introduction and use of New gTLDs and to highlight areas in which improvements to the introduction can be improved for the benefit of end users.”* Including

- *For end user confusion – customer surveys*
- *Is the name legally secure, alive and active*
- *Diversity – registrars per capita, levels of DNS market penetration, consumer choice, consumer support indices at country level*
- *Consumer complaints – received vs resolved, timeframe and outcome resulting from ICANN compliance action*
- *Industry statistics –*
 - *Relation between specific ROs, Rrs and DNS abuse*
 - *Collection of data about, publicize chain of parties responsible for domain registration*

SubPro WG Rationale for Recommendation #1

Affirmation #1

- Meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared.

Implementation Guidance

- Metrics collected to understand the impact of New gTLD Program should, broadly speaking, **focus on the areas of trust, competition, and choice**.
- WG notes that the Competition, Consumer Trust and Consumer Choice Review's 2018 Final Report includes a series of recommendations regarding metrics.
- Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future.

WG Rationale

- Agreed that fostering consumer choice, consumer trust, and market differentiation must continue to primary focal points for the New gTLD Program, and therefore areas around which measures of success should be established, data collected, and effectiveness measured.
- The PDP briefly sought to try and identify metrics for success but ultimately determined that this exercise is more appropriately completed during the implementation phase, in accordance with Board-approved recommendations of the CCT-RT. WG believes that an implementation review team should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program.
- WG recognizes that certain metrics may require the collection of additional data from the contracted parties which may not already be collected under the current Registry and Registrar Agreements. The Working Group therefore recognizes that ICANN Org may need to enter into discussions with the Contracted Parties during implementation to determine what, if any, data may be needed in the future to measure these metrics on an ongoing basis, and to include the collection and use of such data in any subsequent Registry and Registrar Agreements, provided that such collection and use is in accordance with applicable law

SubPro Recommendations as at 8 Jun 2020

SubPro PDP WG on “Metrics & Monitoring”

For At-Large Consensus Building

Recommendation #2

- ICANN org must establish metrics and service level requirements for each phase of the application process including each during the review, evaluation, contracting and transition to delegation stages. ICANN must report on a monthly basis on its performance with respect to these key performance indicators.

WG Rationale

- Predictability is a key factor supporting the success of applicants as they proceed through contracting and delegation phases of the New gTLD Program.
- Registries will be better positioned to successfully implement business plans if they have a clear understanding of how long steps of the contracting and delegation process will take.
- Therefore, WG recommends that the ICANN Org publish and adhere to specific timeframes and deadlines throughout these processes to ensure predictability for registries and allow them to plan effectively.

Recommendation #3

- ICANN org must further develop its Service Level Agreement (SLA) monitoring to allow for more robust ongoing monitoring of TLD operations.
- ICANN org must publish anonymized, aggregate SLA monitoring data on a regular basis.

WG Rationale

- From a transparency perspective and to support future policy development, the ongoing publication of similar data will benefit the ICANN community and the New gTLD Program.
- Could be beneficial to publish anonymized responses given in relation to failures in order to provide context for the statistics, for eg., if there was an error in the monitoring process.
- WG encourages further consideration of this issue during the implementation phase.

Impact

- Rec #2: High level policy recommendation on metrics and service levels for application process – review, evaluation, contracting, transition to delegation – ICANN Org to report KPIs on monthly basis
- Rec #3: High level policy recommendations to do with better monitoring and reporting of Service Levels by Rosin aggregate (as basis for stop gaps against RO failures)
- Details left to ICANN Org?

Additional intervention

- **What else needs to be specified?**

SubPro WG Rationale for Recommendation #3

Recommendation #3

- ICANN org must further develop its Service Level Agreement (SLA) monitoring to allow for more robust ongoing monitoring of TLD operations.
- ICANN org must publish anonymized, aggregate SLA monitoring data on a regular basis.

WG Rationale

- WG agreed with ICANN org's recommendation that in order to streamline RST by removing certain tests, ICANN should be relying on ongoing monitoring of TLD operations against existing contractual requirements.
- In a public comment to the WG's Initial Report, the SSAC noted that, "In general, it is preferable to discover major failures before delegation instead of after the TLD is in operation. Past performance is not a guarantee of future performance." However, WG believes that expanded operational testing in conjunction with more robust ongoing monitoring will better ensure that registries are able to meet SLAs.
- To support the development of recommendations on this topic and related topics, WG requested that ICANN org provide WG with statistics resulting from SLA monitoring and data on EBERO thresholds reached.
- WG believes that from a transparency perspective and to support future policy development, the ongoing publication of similar data will benefit the ICANN community and the New gTLD Program.
- WG noted that it could be beneficial to publish anonymized responses given in relation to failures in order to provide context for the statistics, for example if there was an error in the monitoring process.
- WG encourages further consideration of this issue during the implementation phase.