AT-LARGE CAPACITY BUILDING WEBINAR 2020:
New gTLD Rounds and Subsequent Procedures

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Agenda – Subsequent Procedures 101

- **A bit of history leading to the New gTLD Program**

- **How does the New gTLD Program impact end-users?**

- **What are Subsequent Procedures ("SubPro")?**

- **Why should SubPro matter to end-users?**

- **What's next with SubPro – a new round of gTLDs?**

Before the New gTLD Program Launch

.com .edu .gov
.int .mil .net
.org .arpa

**Before 1998
(predating
ICANN)**

.aero .biz .coop
.info .museum
.name .pro

**Year 2000
Trial Round for
TLDs**
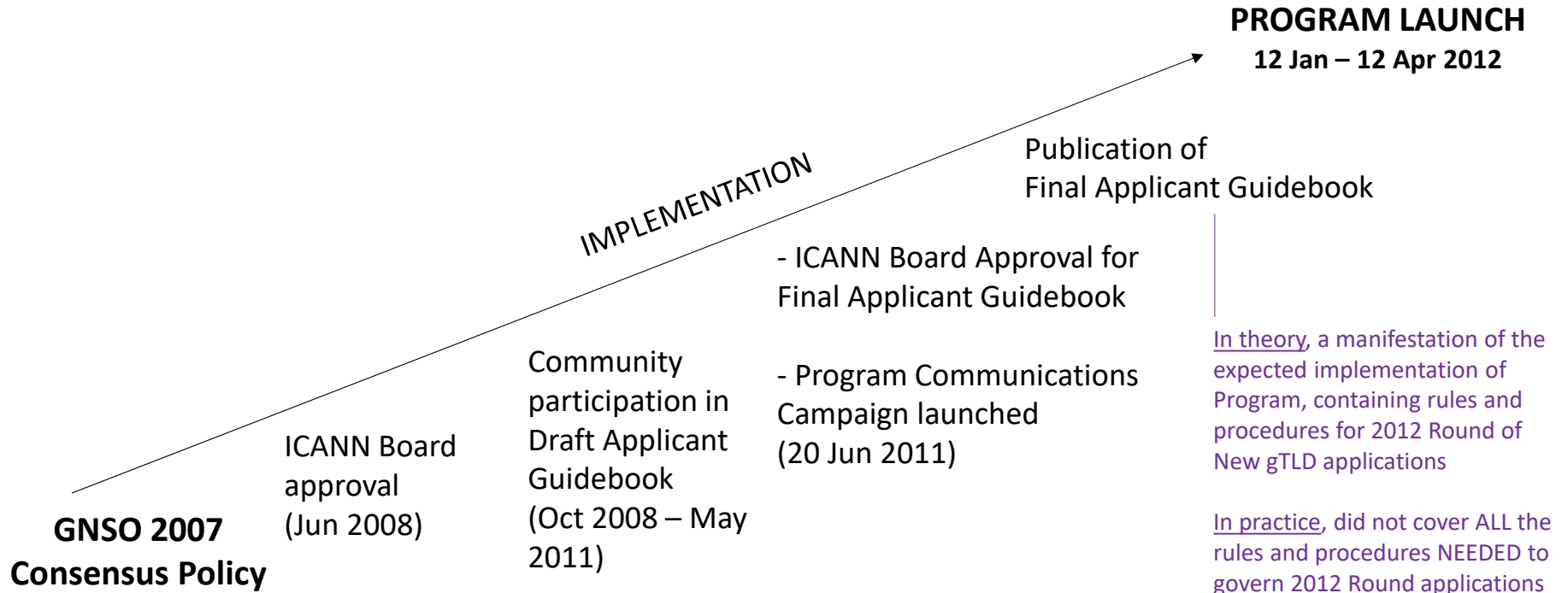
.asia .cat .xxx
.jobs .mobi .tel
.travel .post

**Year 2003
Round for
Sponsored TLDs**

New gTLD Program?
An ICANN initiative to introduce
unlimited generic top-level
domain names or extensions
(both ASCII and IDN) into the
domain name space

**→ New gTLD Program
policy development**

**Dec 2005 –
Sep 2007**

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New gTLD Program - the 2012 Round

PROGRAM LAUNCH
12 Jan – 12 Apr 2012

IMPLEMENTATION

Publication of
Final Applicant Guidebook

- ICANN Board Approval for
Final Applicant Guidebook

- Program Communications
Campaign launched
(20 Jun 2011)

Community
participation in
Draft Applicant
Guidebook
(Oct 2008 – May
2011)

ICANN Board
approval
(Jun 2008)

**GNSO 2007
Consensus Policy**

In theory, a manifestation of the
expected implementation of
Program, containing rules and
procedures for 2012 Round of
New gTLD applications

In practice, did not cover ALL the
rules and procedures NEEDED to
govern 2012 Round applications

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How does the New gTLD Program impact end-users?

- Much use of the Internet still depend on utilizing domain names
  - websites, email, web applications, online media, online communities, e-commerce platforms, etc

- 'Core business' of ICANN is managing the Domain Name System
  - New gTLD Program aims at enabling expansion of the Domain Name System…
  - …to enhance innovation, competition and consumer choice…
  - …with safeguards to help support a secure, stable and resilient Domain Name System.

- Framework for who gets which applied-for string to operate as a TLD
  - …under applicable terms & conditions for such operation & use (including at SL, if any)…
  - …which in turn impacts on end-users' access, trust of domain names - service providers – services, medium etc
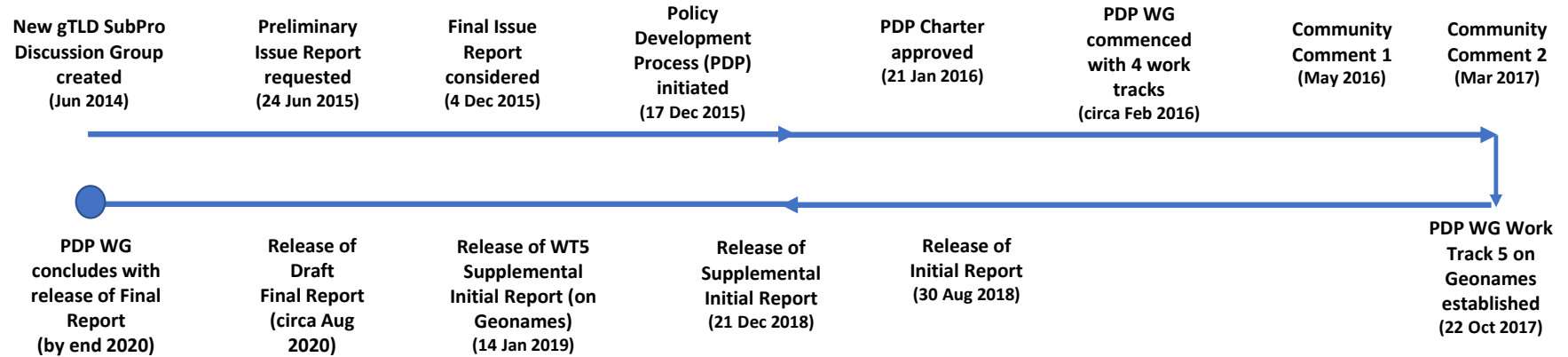
What are Subsequent Procedures?

"New generic Top-Level Domain Program Subsequent Procedures"

- **Rules & procedures governing <u>next round of New gTLD applications</u>**

  - Determine what string can be applied for, who can apply, how to apply, what fees are payable/refundable, terms & conditions, additional requirements for certain types of TLDs etc

  - An update which 'attempts at' addressing issues, policy goal achievement deficiencies, lacunae, unintended consequences, etc, identified from the 2012 Round

- **DO NOT apply to legacy TLDs or ccTLDs or delegated New gTLDs or those still unresolved from the 2012 Round**

SubPro policy development process

A long and winding road

| New gTLD SubPro Discussion Group created (Jun 2014) | Preliminary Issue Report requested (24 Jun 2015) | Final Issue Report considered (4 Dec 2015) | Policy Development Process (PDP) initiated (17 Dec 2015) | PDP Charter approved (21 Jan 2016) | PDP WG commenced with 4 work tracks (circa Feb 2016) | Community Comment 1 (May 2016) | Community Comment 2 (Mar 2017) |

| PDP WG concludes with release of Final Report (by end 2020) | Release of Draft Final Report (circa Aug 2020) | Release of WT5 Supplemental Initial Report (on Geonames) (14 Jan 2019) | Release of Supplemental Initial Report (21 Dec 2018) | Release of Initial Report (30 Aug 2018) | PDP WG Work Track 5 on Geonames established (22 Oct 2017) |

- **SubPro PDP WG**
  Chartered in early 2016, has existed for more than 4 years!
- **A GNSO PDP?**
  Yes! Because GNSO Council is responsible for developing and recommending substantive policies relating to gTLDs per the Bylaws.
- **What about ccNSO?**
  Only responsible for ccTLDs.
- **What about Work Track 5 on Geonames?**
  Work Track 5 is a sub-team of SubPro PDP WG, although it has co-leads from ALAC, ccNSO, GAC & GNSO.

Why has SubPro PDP WG taken so long to conclude?

OVERARCHING	FOUNDATIONAL ISSUES	PRE-LAUNCH ACTIVITIES	APPLICATION SUBMISSION	APPLICATION PROCESSING	APPLICATION EVALUATION	DISPUTE RESOLUTION	STRING CONTENTION RESOLUTION	CONTRACTING, PRE-DELEGATION & POST-DELEGATION
Continuing Subsequent Pro.	Registry Commitments	AGB - Applicant Guidebook	Applicant Support Program	App. Change Request	Reserved Names	GAC Advice & Early Warning	Community Applications	Base Registry Agreement
Predictability	Universal Acceptance	Communications	Fees	Application Queueing	Geographic Names	Objections	Auctions, Private Resolutions	Registrar Non-Discrimination
App's Assessed in Rounds	Applicant Freedom of Exp.	Systems	Application Submission Period		Closed Generics	Limited Challenge / Appeal Mech.		Registrar Support
Different TLD Types			Terms & Conditions		String Similarity	Dispute Resolution post Delegation		Registry System Testing
Application Submission Limits					IDNs - Int. Domain Names			TLD Rollout
RSP Pre-Evaluation					Security & Stability			Second Level RPMs
					Name Collisions			Contractual Compliance
					Registrant Protections			
					Applicant Reviews			
					Role of App. Comment			

- SubPro PDP WG has had to discuss over 40 topics across over 10 areas of the Program ranging from pre-application, during application right through to contracting, pre-delegation and post-delegation.
- Plus consideration of input from 2 Community Comment and 3 Public Comment processes

Why should SubPro matter to end-users?

Because they facilitate further expansion of the Program – next round(s) of applications – more New
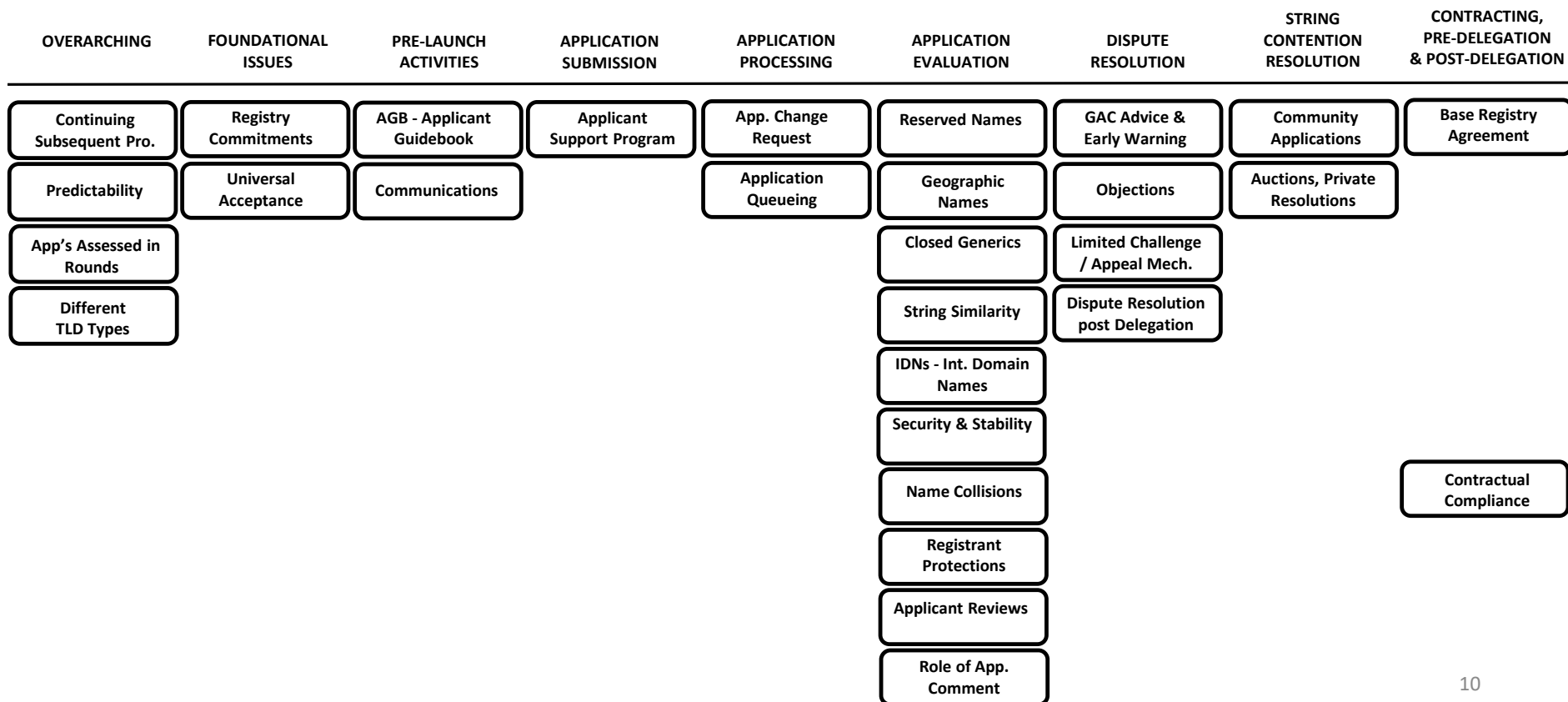
Want

- Competition, consumer choice – new entrants, single/niche/Community TLD applicants

- Trustworthy TLDs & operators, registrars & registrants

- More IDNs - TLDs in non ASCII scripts

- Registry Commitments as contractual obligations

- Accessible preventive/curative protections

- Protection for registrants against RO failure

- Some regard to strings with geographic meaning

- Metrics to understand impact

Don't Want

- Concentration of players

- TLDs that are against public interest or facilitate abuse

- TLDs that are confusingly similar

- TLDs that don't resolve in expected manner

- Highly sensitive TLDs without safeguards

- Gaming of system

- Negative impact to stability & security of DNS

- Unfair/open-ended ways to resolve contention sets

Where end-user Wants and Don't Wants arise mostly in SubPro

OVERARCHING	FOUNDATIONAL ISSUES	PRE-LAUNCH ACTIVITIES	APPLICATION SUBMISSION	APPLICATION PROCESSING	APPLICATION EVALUATION	DISPUTE RESOLUTION	STRING CONTENTION RESOLUTION	CONTRACTING, PRE-DELEGATION & POST-DELEGATION
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App's Assessed in Rounds					Closed Generics	Limited Challenge / Appeal Mech.		
Different TLD Types					String Similarity	Dispute Resolution post Delegation		
					IDNs - Int. Domain Names			
					Security & Stability			
					Name Collisions			Contractual Compliance
					Registrant Protections			
					Applicant Reviews			
					Role of App. Comment			

Area #1: Overarching Topics

Continuing Subsequent Procedures

◦ **Metrics to measure:**

  ◦ **Success/failure of key Program components**

  ◦ **Overall impact of Program in fostering consumer choice, consumer trust and competition/market differentiation**

◦ **Ongoing community opportunity to address consensus policy goal achievement deficiencies, lacunae, unintended consequences**

Predictability Framework

◦ **Participation to immediately address unforeseen gaps in policy & implementation during application round**

◦ **Ensure balance in interest of all stakeholders**

Predictability should not only be taken to solely benefit applicants and should not be to the detriment of or against the Community's POVs

Area #2: Foundational Issues

Registry Commitments

◦ **Registry Commitments as contractual obligations**

◦ **Highly sensitive TLDs must have safeguards**

◦ **Effective monitoring of commitments**

◦ **Awareness on avenues for remedy**

◦ **Effective addressing of violations**

◦ **Mitigating DNS abuse**

- A contractual commitment which lacks clarity or actual benefit is ineffectual.
- A contractual commitment which relates to something outside of ICANN's mission may be ineffectual.

Universal Acceptance

◦ **Metric on UA adoption – expansion of Program to effectively include next billion end-users depends on greater UA adoption**

◦ **Investment in UA-readiness in ICANN, contracted Registry Operators, accredited Registrars Application**

  ◦ **Communicate with IDN email, introduce IDNs**

  ◦ **Accept IDN Second-Level domain name registrations**

What is Universal Acceptance (UA)?
UA is a fundamental requirement for a truly multilingual and digitally inclusive Internet. UA ensures that all domain names, including long new TLDs and IDNs, and email addresses are treated equally and can be used by all Internet-enabled applications, devices & systems

Areas #3: Pre-Launch Activities & #4: Application Submission

Applicant Guidebook

◦ **Completeness, clarity, accessibility**

Communications

◦ **Reaching out to encourage new entrants, single/niche/Community TLD applicants**

  ◦ **Opportunity to apply for TLD**

  ◦ **What support is available vs needed**

Adequate and effective communication must be about helping new applicants get to the same level of knowledge as existing players!

Applicant Support

◦ **Supporting less well-resourced applicants / new entrants to apply for TLD which serve target communities**

◦ **Types of support:**

  ◦ **Financial, non-financial**

  ◦ **Application, operation**

◦ **Criteria to identify deserving applicants – prevent gaming of system**

Helping eligible and deserving applicants succeed also boosts their chances to serve target communities

Area #5: Application Evaluation

Geographic Names

◦ **Continual protection for key Geographic Names**

   ◦ **Non-availability of country/territory names**

   ◦ **Availability of others through better preventive**
   protection (support or non-opposition)

◦ **Some regard to strings with geographic meaning**

◦ **Prevent or mitigate misuse of geoname**

What is Prevention Protection?
A geoname string that is subject to preventive
protection means that an applicant for such a
string MAY BE required to obtain support or non-
opposition from the relevant government or
public authority to proceed.

Internationalized Domain Names

◦ **More IDNs - TLDs in non ASCII scripts**

◦ **Bundling of IDN Variants of TLDs**

   ◦ **Restrict to same Registry Operator**

   ◦ **Availability to Registry Operator**

Internationalized Domain Names (IDNs) are key
to connecting the next billion end-user to the
Internet. We need Registry Operators who are
prepared to invest in offering IDNs and IDN
variants, and we should make it reasonably
conducive for them to operate IDNs and their
IDN variants.

Area #6: Dispute Resolution

Objections & Limited Appeal Mechanism

◦ **Monitoring of applications**

◦ **Limited Public Interest Objection & Community Objection**

  ◦ **Standing to object**

  ◦ **Standing to appeal**

  ◦ **Accessibility – ease of use, cost, remedies**

Need for a representative way to monitor and object to problematic applications for meaningful and/or sensitive strings.

PICDRP – Dispute Resolution Procedure Post Delegation

◦ **Awareness on availability of PICDRP**

◦ **Accessibility of PICDRP – ease of use, cost, remedies**

PICDRP – Public Interest Commitment Dispute Resolution Procedure
Through the PICDRP, ICANN allows for submission of an initial complaint that a Registry may not be complying with any of its Registry Commitments described in its Registry Agreement.

But is PICDRP well known? Is it really accessible to anyone?

Area #7: String Contention Resolution

Community Applications

◦ **Competition, consumer choice – new entrants, single/niche/Community TLD applicants**

◦ **Not only favor economic sectors; must also support grassroots, cultural, linguistic, minority groups**

◦ **Balanced/Fair/transparent resolution of contention sets – Community Priority Evaluation**

Community Applications aren't meant to favour economic groupings. We shouldn't make it any harder for grassroots, cultural, linguistic, minority groups to prevail and be given priority.

Auctions, Private Resolution

◦ **Fair/transparent ways to resolve contention sets**

◦ **Prevent gaming of system enabling participation just to lose for financial gain**

◦ **Disclosure of resolutions as basis for policy-making**

Private resolution alternatives, including private auctions, have raised potential 'gaming' concerns. While we don't know if it will happen in the next round of applications, it is certain reasonable to expect so. And while we may not want to disallow private resolution altogether, we certainly need data to examine if decisive intervention is warranted.

What's Next with SubPro?

- **In Aug 2020: Release of Draft Final Report for public comment**

- **By Dec 2020: Review of public comment → Final Report**

  - **Release of Final Report winds up the PDP WG**

- **Final Report goes to GNSO Council for adoption**

  - **If adopted, Final Report is submitted to ICANN Board for consideration**

- **With Board approval, Final Report forwarded to ICANN Org for implementation**

  - **Implementation Review Team**

- **And eventually, the next round of New gTLD applications called**

And with this …..

Conclusion followed by

- ## Pop Quiz First

Pop Quiz Q1: How many 'unlimited' or 'open' New gTLD application rounds has ICANN conducted so far?
A. None
B. One
C. Two
D. Three
E. Four

Pop Quiz Q2: Which Supporting Organization or Advisory Committee manages the Subsequent Procedures policy development process?
A. ALAC
B. ASO
C. ccNSO
D. GAC
E. GNSO

Pop Quiz Q3: What is/are the stated aim(s) of the New gTLD Program?
A. Enabling open expansion of the Domain Name System
B. Enhancing innovation, competition and consumer choice in the Domain Name space
C. Safeguarding and supporting a secure, stable and resilient Domain Name System
D. All of the above
E. None of the above

Pop Quiz Q4: In general, Subsequent Procedures will not apply to which of the following?
A. Legacy Top-Level Domains
B. Country-code Top-Level Domains
C. Already delegated Top-Level Domains
D. Unresolved 2012 Round applications
E. All of the above

Pop Quiz Q5: The SubPro Work Track 5 is often described as cross-community but only because it has nominated co-leads from which groups with strong interests in Geographic terms as Domain Names at the Top-Level?
A. ALAC and GAC only
B. ccNSO and GNSO only
C. ASO and GNSO only
D. ALAC, ccNSO, GAC and GNSO
E. ALAC, GAC, RSSAC and SSAC

Pop Quiz Q6: Which of the following topics or areas are out-of-scope for SubPro PDP WG?

1. Appeals against Limited Public Interest Objections
2. Community Priority Evaluation
3. Fee Refunds
4. Geographic Names as Top-Level Domains
5. Requests for Reconsideration
6. Treatment of .CORP, .HOME and .MAIL as Top-Level Domains

A. 1 only
B. 2, 3 & 4 only
C. 5 & 6 only
D. All of the above
E. None of the above

- ## Then Q&A