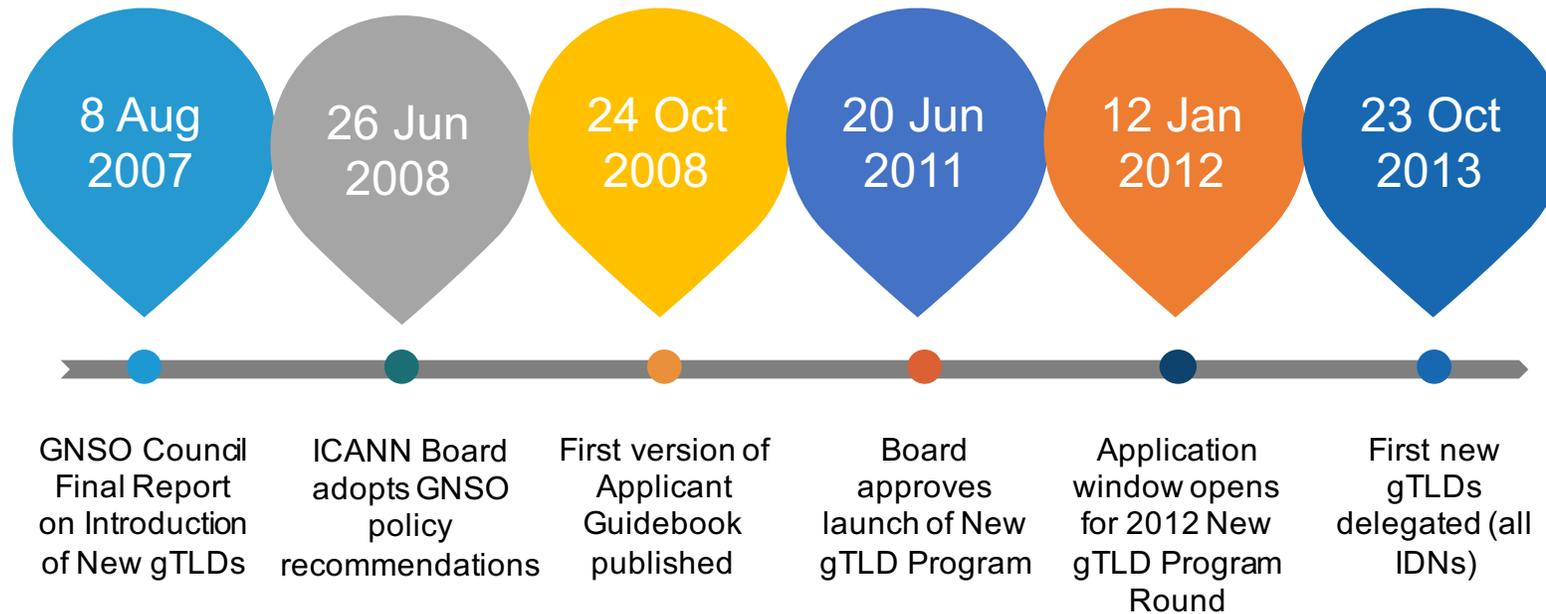




# Update on the GNSO's New gTLD Subsequent Procedures Policy Development Process (PDP)

APAC Space Webinar  
16 June 2016

# Timeline #1: The 2012 New gTLD Program Round

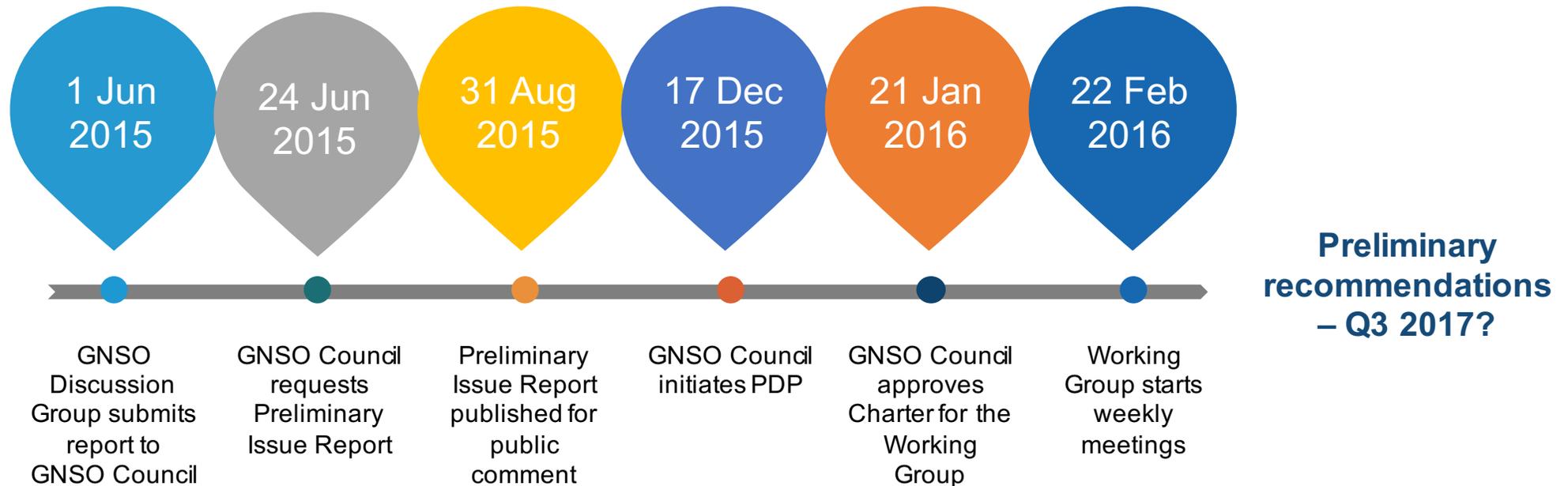


**June 2014:** GNSO Council creates Discussion Group to identify subjects for future issue reports, if any, that might lead to changes or adjustments for subsequent application procedures

## Notes:

- There were 9 versions of the Applicant Guidebook (AGB) – each iteration contained changes based on community input
- On 25 May 2016, the 1000<sup>th</sup> new gTLD for the 2012 New gTLD Program Round was delegated into the root zone

# Timeline #2: Path to the Current PDP on New gTLD Subsequent Procedures



## Notes:

- Discussion Group (DG) developed an Issue Matrix (based on experiences from the 2012 New gTLD Program round) and mapped the issues to the original 2007 GNSO Policy Principles, Recommendations & Implementation Guidance
- DG also developed a draft Charter with suggested groupings for the issues, with potential questions for each issue – intended as starting point for the eventual PDP and basis of the Staff Issue Report

# 2007 GNSO Policy Recommendations: 7 Principles

PRINCIPLES	MISSION & CORE VALUES
<b>A</b>	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.
<b>B</b>	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.
<b>C</b>	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.
<b>D</b>	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
<b>E</b>	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under the terms of ICANN's registry agreement.
<b>F</b>	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.
<b>G</b>	The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

## 19 Recommendations (1/3)

1	<p>ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination.</p> <p>All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.</p>
2	<p>Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.</p>
3	<p>Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).</p>
4	<p>Strings must not cause any technical instability.</p>
5	<p>Strings must not be a Reserved Word.</p>

## 19 Recommendations (2/3)

6	Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).
7	Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.
8	Applicants must be able to demonstrate their financial and organisational operational capability.
9	There must be a clear and pre-published application process using objective and measurable criteria.
10	There must be a base contract provided to applicants at the beginning of the application process.
11	[Replaced with Recommendation 20 and Implementation Guideline P and inserted into Term of Reference 3 Allocation Methods section]

## 19 Recommendations (3/3)

12	Dispute resolution and challenge processes must be established prior to the start of the process.
13	Applications must initially be assessed in rounds until the scale of demand is clear.
14	The initial registry agreement term must be of a commercially reasonable length.
15	There must be renewal expectancy.
16	Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.
17	A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.
18	If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed.
19	Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.
20	An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.

# Implementation Guidelines (1/5)

	<b>MISSION &amp; CORE VALUES</b>
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.
IG B	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.
IG C	ICANN will provide frequent communications with applicants and the public including comment forums.
IG D	A first come first served processing schedule within the application round will be implemented and will continue for an ongoing process, if necessary. Applications will be time and date stamped on receipt.
IG E	The application submission date will be at least four months after the issue of the Request for Proposal and ICANN will promote the opening of the application round.
IG F	If there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.

## Implementation Guidelines (2/5)

IG G	<p>Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exceptions:</p> <ul style="list-style-type: none"><li>(i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application; and</li><li>(ii) a formal objection process is initiated.</li></ul> <p>Under these exceptions, Staff Evaluators will devise criteria and procedures to investigate the claim.</p> <p>Under exception (ii), an expert panel will apply the process, guidelines, and definitions set forth in IG P.</p>
IG H	<p>External dispute providers will give decisions on objections.</p>
IG I	<p>An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process.</p>
IG J	<p>The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place.</p>

## Implementation Guidelines (3/5)

IG K	ICANN should take a consistent approach to the establishment of registry fees.	
IG L	The use of personal data must be limited to the purpose for which it is collected.	
IG M	ICANN may establish a capacity building and support mechanism aiming at facilitating effective communication on important and technical Internet governance functions in a way that no longer requires all participants in the conversation to be able to read and write English.	
IG N	ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.	
IG O	ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.	

IG P	<p>The following process, definitions and guidelines refer to Recommendation 20.</p> <p><b>Process</b> Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The objector must provide verifiable evidence that it is an established institution of the community (perhaps like the RSTEP pool of panelists from which a small panel would be constituted for each objection).</p> <p><b>Guidelines</b> The task of the panel is the determination of substantial opposition.</p> <ul style="list-style-type: none"><li>a) substantial</li><li>b) significant portion</li><li>c) community</li><li>d) explicitly targeting</li><li>e) implicitly targeting<ul style="list-style-type: none"><li>f) established institution</li></ul></li><li>g) formal existence</li><li>h) detriment</li></ul> <p>The following ICANN organizations are defined as established institutions: GAC, ALAC, GNSO, ccNSO, ASO.</p>
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IG Q	ICANN staff will provide an automatic reply to all those who submit public comments that will explain the objection procedure.	
IG R	Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated.	

# What is the Purpose of the New gtLD Subsequent Procedures PDP?

- ⦿ PDP will determine what, if any, changes may need to be made to the existing *Introduction of New Generic Top-Level Domains* policy recommendations from 2007
  - ⦿ *Original policy recommendations as adopted by the GNSO Council and ICANN Board were “designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains”*
  - ⦿ *They will remain in place for subsequent application processes unless the GNSO Council adopts changes as a result of this PDP*
- ⦿ Potential changes may include:
  - ⦿ *Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidance;*
  - ⦿ *Developing new policy recommendations;*
  - ⦿ *Supplementing or developing new implementation guidance*

# Status of work and the methodology adopted by the PDP Working Group

1

## What is the WG currently working on?

A total of 38 subjects in the WG's charter and 6 have been identified as high-level, overarching subjects. Preliminary discussions have taken place and community input has been sought on these subjects

2

## When will the other 32 subjects be addressed?

WG expects to divide into a series of sub teams to conduct preliminary discussions and again, seek community input on the remaining subjects

3

## How will the WG conduct its work?

WG will conduct preliminary discussions, seek input from community, integrate work from other efforts, and only then will it reach conclusions

# What are the other concurrent efforts that may impact this PDP?

Competition, Consumer Trust & Consumer Choice Review Team

CWG on Use of Country and Territory Names

GNSO PDP on Review of All RPMs in all gTLDs

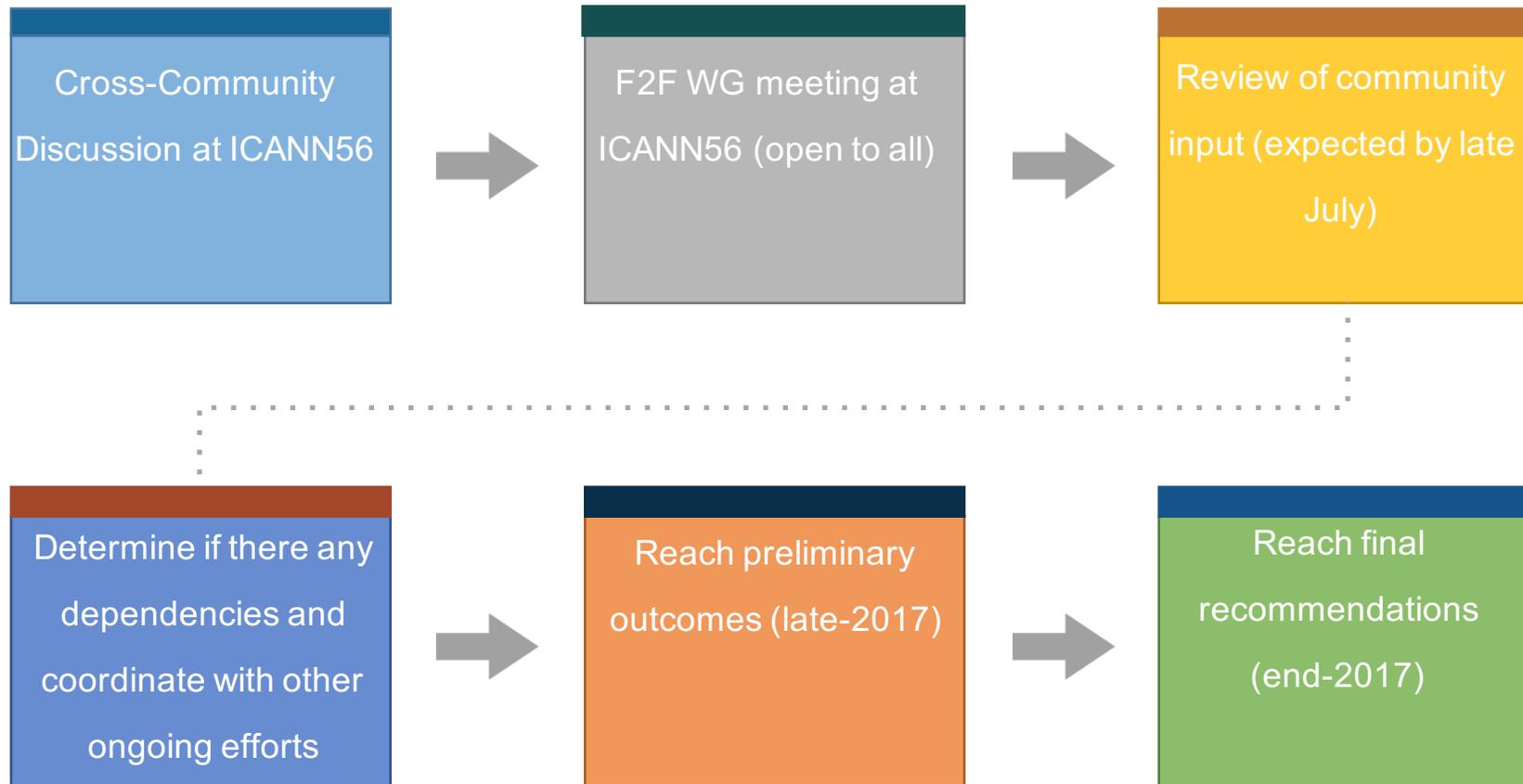
Work in the GAC, ALAC, SSAC, etc.

Completion of work on protection for IGO-INGO names and acronyms

# The 6 Overarching Questions for which the WG is seeking community comment

- Additional gTLDs in the Future: Should there in fact be new gTLD subsequent procedures and if not, what are the justifications for and ramifications of discontinuing the program?
- TLD Differentiation: e.g. Brands, Geos, Communities – Does one size fit all? How to account for different categories?
- Assessing Future gTLDs in “Rounds” depending on Scale of Demand: What are the metrics, methods and implications?
- Predictability: Does community agree with WG’s assessment that this does not require policy development work? Regardless, are there unforeseen circumstances that would require policy work?
- Community Engagement: Does community agree with WG’s assessment that this does not require policy development work?
- Limiting applications in total and/or per entity during an application window: Not foreseen in 2007 policy – what requirements and assessment/enforcement mechanisms might be needed?
- Others: How can the WG better enable community engagement during the PDP?

# What are the expected next steps for the Working Group?



# Proposed Work Stream 1: Process / Support/Outreach

- Applicant Guidebook (AGB): Is the AGB the right implementation of the GNSO recommendations for all parties (ROs, RSPs, Escrow Providers)?
- Clarity of Application Process: How can the application process avoid developing processes on an as-needed basis (e.g., clarifying question process, change request process, customer support, etc.)
- Applications Processing? Rounds? FCFS?
- Accreditation Programs: As there appears to be a limited set of technical service and Escrow providers, would the program benefit from an accreditation program for third party service providers? If so, would this simplify the application process with a set of pre-qualified providers to choose from?
- Systems: How can the systems used to support the New gTLD Program, such as TAS, Centralized Zone Data Service, Portal, etc. be made more robust, user friendly, and better integrated?
- Application Fees: Evaluate accuracy of cost estimates and/or review the methodology to develop the cost model.
- Support for Applicants From Developing Countries

## Proposed Work Stream 2: Legal / Regulatory

- Reserved Names List and Mechanism for Release
- Base Registry Agreement / Differentiation?
- PICs? Is this the rights way to implement restrictions?
- Registrant Protections
- Contractual Compliance
- Registry/Registrar Separation
- Registrar Non-Discrimination
- TLD Rollout
- 2<sup>nd</sup> Level RPCs
- Global Public Interest / GAC Advice / Safeguards
- IGO / INGO Protections
- Closed Generics

## Proposed Work Stream 3: String Contention / Objections & Disputes

- Freedom of Expression vs. GAC Advice, community processes and reserved names
- String Similarity Evaluations (Effective? Fair? Efficient?)
- Objections – Review rules around standing, fees, consolidation, consistency of outcomes? Appeals? Oversight over Process/
- Role of Independent Objector
- Accountability Mechanisms
- Community Applications and Community Priority Evaluations

# Proposed Work Stream 4: Internationalized Domain Names

- Internationalized Domain Names and Universal Acceptance: Consider how to encourage adoption of gTLDs. Evaluate whether rules around IDNs properly accounted for recommendations from IDN WG. Determine and address policy guidance needed for the implementation of IDN variant TLDs.

## Proposed Work Stream 5: Technical & Operations

- Security and Stability: Were the proper questions asked to minimize the risk to the DNS and ensure that applicants will be able to meet their obligations in the registry agreement?
- Should there be non-scored questions and if so, how should they be presented?
- Were the proper criteria established to avoid causing technical instability?
- Applicant Reviews: Technical/Operational and Financial: Were Financial and Technical criteria designed properly to allow applicants to demonstrate their capabilities while allowing evaluators to validate their capabilities?
- Name Collision: What measures may be needed to manage risks for 2012-round gTLDs beyond their 2 year anniversary of delegation, or gTLDs delegated prior to the 2012 round?

# What will happen at ICANN56?

## Other Information

WG Co-Chairs: Steve Coates, Avri Doria, Jeff Neuman

GNSO Council liaison: Paul McGrady

Community liaison with the PDP Working Group on Review of All RPMs in All gTLDs: TBD

Policy staff support: Steve Chan, Julie Hedlund

## Open Sessions

An open community dialogue session on Tuesday to discuss the subjects that the WG has considered to date, other efforts related to new gTLDs, and a selection of topics that are of broad community interest.

WG open meeting on Wednesday.



## How to Prepare

Review the WG's Charter:

<https://community.icann.org/x/KAp1Aw>

Review the Draft Work Plan to see preliminary

timelines: <https://community.icann.org/x/NAp1Aw>

# Background Information and Relevant Links

## For this PDP:

- ⦿ Report from the New gTLD Discussion Group - <http://gnso.icann.org/en/issues/new-gtlds/deliverables-subsequent-procedures-01jun15-en.pdf>
- ⦿ Final Issue Report on New gTLD Subsequent Procedures - <http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf>
- ⦿ WG Charter - <http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>
- ⦿ WG Project Page - <http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>
- ⦿ WG Wiki Page - <https://community.icann.org/x/RgV1Aw>

## For general information on the GNSO and other policy developments that will be discussed at ICANN56:

- ⦿ <http://gnso.icann.org/en/icannmeeting> (page includes regular PDP Updates and Background Briefing Papers)

# Please engage with the GNSO!



## Thank You!

### Reach us at:

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