

Initial & Overarching Assumptions | Subsequent Procedures Operational Design Phase

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Prepared by ICANN org

The Subsequent Procedures Operational Design Phase (SubPro ODP) Project Team reviewed the 300+ outputs of the [SubPro Final Report](#) and collaboratively drafted 500+ assumptions across all 41 Topics of the Final Report. An [Initial Set of Assumptions](#) was shared and presented for discussion during the [ICANN73 SubPro ODP session](#).

The SubPro Project Team is currently working on drafting a full set of Assumptions and is prioritizing sharing them as they are ready. While some assumptions are still being discussed and refined internally, the Project Team has selected a set of overarching assumptions to share with the Community. Currently, overarching assumptions have been prioritized as ongoing discussions may have an impact on the additional Work Track and Topic level assumptions currently being drafted.

Overarching Assumptions

General

Assumption	Relevant Output	Rationale & Supporting References
Affirmations of 2007 policy recommendations equate to current policy recommendations. Affirmations of 2007 Implementation Guidelines will be treated as Implementation Guidance. [shared @ICANN73]	Affirmation 36.1: The Working Group affirms the following recommendations and implementation guidelines from the 2007 policy: <ul style="list-style-type: none"> ● Principle F: “A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.” ● Recommendation 10: “There must be a base contract provided to applicants at the beginning of the application process.” ... ● Implementation Guideline J: “The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing 	Considering Annex D of the Final Report, this assumption is aimed to clarify what constitutes current policy, even if the output is not indicated as a ‘recommendation’ Example: Affirmation 36.1 affirms both 2007 recommendations and 2007 implementation guidelines

	marketplace.”	
The language used in Affirmation 1.3 is the basis for the purpose of the program.	Affirmation 1.3: The Working Group affirms that the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.	

Operational Readiness (incl. Services, Vendors, Contracts, Security & Stability)

Assumption	Relevant Output	Rationale & Supporting References
Services		
The org will need to provide applicant service/support in multiple languages.	Overarching	Recognizing one of the goals of the program is fostering internationalization in diverse languages and scripts, this is a key aspect of the application service and support as well.
Vendors & Contracts		
All vendors selected for the New gTLD Program will need to be sourced via a public RFP.	Overarching	ICANN org procurement policies require RFP for engagements above a certain threshold. RFPs, however, can also offer transparency and awareness for the selection of services even below the threshold.
Vendors will need to be added throughout the Program a. Vendors may elect to cease providing services to ICANN for the Program during its lifecycle b. ICANN org may elect to terminate a vendor agreement c. Vendor contracts may expire during the Program	Overarching	Previous experience in the New gTLD Program and general vendor management experience by ICANN org have shown these situations to occur and the longer the engagement, the more likely these will become.
All vendors will have to abide by conflict of interest rules	Overarching	ICANN org procurement policies
Contracts will be negotiated and paid in US dollars	Overarching	Standard operating procedures

Assumption	Relevant Output	Rationale & Supporting References
<p>Work required by the Program is often niche or speciality in nature.</p> <p>a. Number of vendors who can do the work may be limited</p> <p>b. Fewer vendor options typically result in higher costs</p>	Overarching	<p>Previous experience in the New gTLD Program and general vendor management experience by ICANN org.</p>
<p>All contracts will be written by ICANN org, rather than by vendors.</p>	Overarching	<p>For long term replaceability of vendors, ICANN org will want to have documents that are reusable for future engagements. This is a derivative assumption of the expected need to replace vendors over time. It is expected that this approach will increase efficiency through re-usability.</p>
<p>For all vendors providing the same services, contracts will be as similar as possible if not exactly similar. For the avoidance of doubt, even though some contracts may require jurisdictional specifics, the language that defines the provided services will be identical.</p>	Overarching	Standard operating procedures
<p>Where feasible, all evaluation services provided will require at least two vendors to ensure evaluation services can be conducted without conflicts of interest with regard to ownership, other contractual relationships, etc. For services with a single vendor providing services, conflicts of interest will be disclosed and assessed in line with conflict of interest rules.</p>	Overarching	Prior round experience
<p>Where evaluation services are provided by more than one vendor, some mechanism will be established to review outputs, ensure quality and consistency. This may be via ICANN org internal review or via the selection of another vendor.</p>	Overarching	Prior round experience
Data protection and other legal	Overarching	Standard operating

Assumption	Relevant Output	Rationale & Supporting References
agreements (where required) and related documents among the parties (vendors, ICANN org, etc.) must be fully executed before vendors can perform services.		procedures
Existing Procurement systems will be used for RFPs.	Overarching	
Registry Agreement		
A new form of the registry agreement (RA) will be developed for the next round. It will incorporate changes as required by the Final Report.	Overarching	The Final Report requires changes to the registry agreement for the next round.
Question: To what extent should exploration/discussions about potential accommodations to the registry base agreement, to foster more diverse/innovative business models, be considered before or during the application process?		Topic specific (36 Base Registry Agreement) but also overarching/related to several assumptions/topics. SubPro Final Report, p.183-184
Application System		
There is no limit to the total number of applications that can be submitted in a round.	Affirmation 5.1: In the 2012 application round, no limits were placed on the number of applications in total or from any particular entity. The Working Group is not recommending any changes to this practice and therefore affirms the existing Implementation.	
The application system is not required to track the number of applications from each entity for the purpose of enforcing a limit.		
Security & Stability		
ICANN will not allow emoji at any level in top-level domain names, but the policy does not have jurisdiction over already registered second-level domain names.	Recommendation 26.9: In connection to the affirmation of Recommendation 4 from the 2007 policy, Emoji in domain names, at any level, must not be allowed.	ICANN, in support of security and stability, must not allow emoji in top-level domain names. This also ties to recommendations from the SSAC in SAC095 , which the Board has already accepted.

Community Engagement, Advice, Evolving Issues

Assumption	Relevant Output	Rationale & Supporting References
There is open advice from the At-Large, Governmental, and Security & Stability Advisory Committees related to SubPro that will need to be considered and/or implemented at various points prior to the opening of the next round. WT9 will monitor this advice and provide updates to WT Leads, Board Caucus on a regular basis.	Overarching	SubPro-related advice should be considered by the Board and implemented, as applicable, prior to the opening of the next round.
New issues will inevitably arise throughout the course of the ODP and implementation of the next round and beyond. Resources will be allocated to manage new issues as they arise throughout the course of the ODP/implementation.	Overarching	ICANN should be prepared and have a mechanism for handling new issues that arise throughout the course of preparing for and implementing the next round of new gTLDs, including interactions within the proposed Predictability Framework.
ICANN will consult with PTI, Root Zone Maintainer, root operators and the larger technical community in implementing these recommendations.	Implementation Guidance 26.7: ICANN org should consult with PTI, the Root Zone Maintainer, the root operators via RSSAC, and the larger DNS technical community on the implementation of these recommendations.	QUESTION: What does it mean to “consult” with? In what way? Would there be representatives from the technical community on the IRT?

Applicant Guidebook

Assumption	Relevant Output	Rationale & Supporting References
The AGB will be updated between rounds to incorporate additional clarifications.		ICANN org strives to improve processes over time. Updates to processes will reflect lessons learned from each round and experience gained from applicant experiences.
Recommendation 9.4 will create challenges to predictability for	Recommendation 9.4: The Working Group recommends	

<p>stakeholders, as the identification of regulated, highly regulated, and potential for cyberbullying is not subject to bright-line definitions.</p>	<p>establishing a process to determine if an applied-for string falls into one of four groups defined by the NGPC framework for new gTLD strings deemed to be applicable to highly sensitive or regulated industries. This process must be included in the Applicant Guidebook along with information about the ramifications of a string being found to fall into one of the four groups.</p>	
<p>Objection processes will be detailed in AGB and take into account the outputs of the All Rights Protection Mechanisms in All gTLDs PDP Working Group (RPM PDP WG) where applicable.</p>	<p>Affirmation with Modification 31.2: Recommendation 12 from 2007 states: “Dispute resolution and challenge processes must be established prior to the start of the process.” Consistent with Implementation Guidance 31.12 below, the Working Group affirms Recommendation 12 with the following modification in italicized text: “Dispute resolution and challenge processes must be established prior to the start of the process, the details of which must be published in the Applicant Guidebook.”</p>	

Information Management & Communication

Assumption	Relevant Output	Rationale & Supporting References
<p>Certain parts of each application are considered public and those portions will be published in an effective and usable manner to the community.</p>	<p>Overarching</p>	<p>It is important that application information that is made publicly available is accessible and usable for the community.</p>
<p>All data collection and processing conducted by ICANN will be in compliance with applicable laws and regulations.</p>	<p>From the Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group expects that data collection and processing conducted by ICANN org will be in</p>	

	compliance with applicable data protection law.	
Sequencing of SubPro recommendations: Implementation of Recommendation 41.2 would be prioritized after the new gTLD applications are processed and before new gTLD contracts are signed and new gTLDs are delegated	Recommendation 41.2: ICANN’s Contractual Compliance Department should publish more detailed data on the activities of the department and the nature of the complaints handled; provided however, that ICANN should not publish specific information about any compliance action against a registry operator unless the alleged violation amounts to a clear breach of contract. To date, ICANN compliance provides summary statistics on the number of cases opened, generalized type of case, and whether and how long it takes to close. More information must be published on: (a) the context of the compliance action and whether it was closed due to action taken by the registry operator, or whether it was closed due to a finding that the registry operator was never out of compliance, and (b) standards and/or thresholds ICANN applies in assessing, and accepting each complaint for further action.	Topic specific but also overarching/related to sequencing of recommendations. SubPro Final Report, p.309

Roles & Responsibilities

Assumption	Relevant Output	Rationale & Supporting References
The Board decides what is a dependency or prerequisite for when a round may occur.	Overarching	
The Bylaws require a Competition, Consumer Trust, and Consumer	Recommendation 3.6: Absent extraordinary circumstances, future reviews and/or policy	Bylaws 4.6(d): After a New gTLD Round has been in operation for

<p>Choice review following each round, including identifying any recommendations considered prerequisites to a new round. These become prerequisites only if the Board explicitly accepts these recommendations as such.</p>	<p>development processes, including the next Competition, Consumer Choice & Consumer Trust (CCT) Review, should take place concurrently with subsequent application rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds.</p> <p>Recommendation 3.7: If the outputs of any reviews and/or policy development processes has, or could reasonably have, a material impact on the manner in which application procedures are conducted, such changes must only apply to the opening of the application procedure subsequent to the adoption of the relevant recommendations by the ICANN Board.</p>	<p>one year, the Board shall cause a competition, consumer trust and consumer choice review.</p> <p>For each of its recommendations, the CCT Review Team should indicate whether the recommendation, if accepted by the Board, must be implemented before opening subsequent rounds of new generic top-level domain applications periods.</p> <p>The Board has not yet accepted or rejected the GAC's advice in its ICANN66 communique "Not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority." The Board will need to formally act on this advice.</p>
<p>The GNSO may, at any time, undertake a PDP to consider updates to the Subsequent Procedures recommendations; however, it is not a requirement that they do so between each round.</p>		

Topic-specific Assumptions Shared @ICANN73

IRT and SPIRT (Predictability) (Topic 2)

Assumption	Relevant Output	Rationale & Supporting References
Implementation decisions should skew toward the		In the rationale discussion for Topic 2, Predictability,

<p>most simple, clear, precise solution.</p>		<p>the Final Report states that “As the IRT considers implementation details, it should keep in mind that the solution should be as clear, simple, and precise as possible.”</p>
<p>The Predictability Framework does not change the roles and responsibilities of:</p> <ul style="list-style-type: none"> ● the ICANN Board. ● the ICANN organization in relation to implementation of policies. ● the Implementation Review Team in relation to implementation of policies. 		<p>The roles and responsibilities of the ICANN Board, Community, and Org are defined in the Bylaws and other procedural documentation. We don’t read anything in the Final Report that suggests a change to these roles.</p>

Applications Assessed in Rounds (Topic 3)

Assumption	Relevant Output	Rationale & Supporting References
<p>Applications must be assessed in rounds unless or until the GNSO Council revises this policy recommendation to allow for a different methodology of application submission and assessment.</p>		<p>The PDP WG’s rationale for this requirement is that “rounds enhance the predictability for applicants, the ICANN community, and other third-party observers to the program.”</p> <p>The 2007 policy recommendations required that applications be assessed in rounds, “until the scale of demand is clear.” The SubPro PDP Working Group considered and affirmed this recommendation, in Topic 3, Applications Assessed in Rounds, noting that “Given the period of time between the 2012 round of the New gTLD Program and the eventual launch of the next</p>

Assumption	Relevant Output	Rationale & Supporting References
		application procedure, the scale of demand is unclear. Accordingly, at a minimum, the next application procedure should be processed in the form of a round.” Per these recommendations, there is no policy basis for a different methodology.
It is not necessary for org to close out all applications from a round before a new round can be opened.		In consideration of Final Report outputs for topic #3, and specifically IG 3.3.
It is up to the org to develop a round closure and/or transition procedure as needed in line with these recommendations.		It may not be feasible for org to maintain and support numerous simultaneous rounds. Recommendation 3.2 allows for the establishment of criteria for opening future rounds which may include the need to close prior rounds.

Different TLD Types (Topic 4)

Assumption	Relevant Output	Rationale & Supporting References
The priority order of processing for IDN strings should continue in future rounds.		Given the outputs 4.1 and 19.3, IDN applications should continue to receive priority.

Registry Voluntary Commitments/Public Interest Commitments (Topic 9)

Assumption	Relevant Output	Rationale & Supporting References
The org will develop a process to include a newly developed process to determine if an applied-for string falls into 1 of 4 groups	Recommendation 9.4: The Working Group recommends establishing a process to determine if an	Policy requires a process to be established.

Assumption	Relevant Output	Rationale & Supporting References
<p>as noted in the NGPC Framework.</p>	<p>applied-for string falls into one of four groups defined by the NGPC framework for new gTLD strings deemed to be applicable to highly sensitive or regulated industries. This process must be included in the Applicant Guidebook along with information about the ramifications of a string being found to fall into one of the four groups.</p>	
<p>The AGB will be updated to address the criteria for the newly proposed evaluation panel to determine which of the four categories (as outlined in the NGPC Framework) an applied-for string falls under.</p>	<p>Implementation Guidance 9.6: During the evaluation process, each applied-for string should be evaluated to determine whether it falls into one of the four groups, and therefore is subject to the applicable Safeguards. An evaluation panel should be established for this purpose, the details of which will be determined in the implementation phase. The panel should be composed of experts in regulated industries, who will also be empowered to draw on the input of other experts in relevant fields.</p>	<p>The current NGPC Framework will be utilized as a supporting document/reference for this recommendation.</p>

Application Fees (Topic 15)

Assumption	Relevant Output	Rationale & Supporting References
<p>The application fee will be calculated according to the same three components as in 2012 (historical</p>		<p>Affirmation 15.1 and Affirmation with Modification 15.3 and 15.4 reaffirm the approach used in the 2012</p>

development costs, expected application processing costs, and risk costs).		round.
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Applicant Support (Topic 17)

Assumption	Relevant Output	Rationale & Supporting References
Fee reduction will be available to eligible applicants. The Applicant Guidebook will contain a list of enforceable eligibility criteria for the Applicant Support Program.	Recommendation 17.1: The Working Group recommends that as was the case in the 2012 round, fee reduction must be available for select applicants who meet evaluation criteria through the Applicant Support Program...The Working Group believes that the high level goals and eligibility requirements for the Applicant Support Program remain appropriate. The Working Group notes, however, that the Applicant Support Program was not limited to least developed countries in the 2012 round and believes that the Program should continue to be open to applicants regardless of their location as long as they meet other program criteria.	This also relates to Output 15.3 (Application Fees): "Application fees may differ for applicants that qualify for applicant support." Continuing/expanding the Applicant Support Program goes hand-in-hand with ICANN's commitment to making IDN/UA the focus of the next round. Global engagement cannot be achieved without providing additional opportunities for assistance (both financial and non-financial) to those who need it. It is important that ICANN develops the criteria/framework for the Applicant Support Program prior to opening of the application round so that eligibility and evaluation criteria can be detailed in the Applicant Guidebook, as was the case with other evaluation panels/procedures in the previous round.

Closed Generics (Topic 23)

Assumption	Relevant Output	Rationale & Supporting References
The org will not develop specific proposed solutions for Closed Generics as part of the ODP until the GAC/GNSO Council	No outputs in the final report.	The Board is currently waiting on the completion of the GAC-GNSO process prior to making a decision on this recommendation.

process has been completed.		
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IDNs (Topic 25)

Assumption	Relevant Output	Rationale & Supporting References
IDNs will be an integral part of the next round.	Affirmation with Modification 25.1: With the change in italicized text, the Working Group affirms Principle B from the 2007 policy: “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.”	Diversification of the gTLD space is a key priority for ICANN, and ensuring there are IDN applicants is essential in achieving ICANN’s goals of increasing diversity.
Compliance with Root Zone Label Generation Rules will be required for IDN TLDs and variants and IDN TLDs must also be compliant with IDNA2008	Recommendation 25.2: Compliance with Root Zone Label Generation Rules (RZLGR , RZ-LGR-2, and any future RZ-LGR rules sets) must be required for the generation of TLDs and variants labels, including the determination of whether the label is blocked or allocatable. IDN TLDs must comply with IDNA2008 (RFCs 5890- 5895) or its successor(s). To the extent possible, and consistent with Implementation Guidance 26.10, algorithmic checking of TLDs should be utilized.	The RZ-LGR is the authority for generation of IDN labels and should be followed in developing of procedures for IDNs in the next round

Security and Stability (Topic 26)

Assumption	Relevant Output	Rationale & Supporting References
<p>ICANN will honor the principle of conservatism when adding new gTLDs to the root zone and will focus on the rate of change for the root zone rather than the total number of delegated strings. ICANN will delegate TLDs at a rate such that the overall amount of TLDs in the root zone does not increase by more than 5 percent per month</p>	<p>Recommendation 26.2: ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone.</p> <p>Recommendation 26.3: 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.</p> <p>Implementation Guidance 26.4: 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.</p>	<p>To ensure security and stability, ICANN must ensure that TLDs are added at a consistent and conservative rate, and that rate of change must be monitored over a smaller period of time.</p> <p>In line with the principle of conservatism and monitoring the rate of increase of TLDs in the root, ICANN should not allow the amount of TLDs in the root zone to increase by more than 5 percent per month.</p> <p>RSSAC031: The rate of change is more important than absolute magnitude. Based on historical trends since 2014 and our operational experiences, the RSSAC strongly recommends that the number of TLDs delegated in the root zone should not increase by more than about 5% per month, with the understanding that there may be minor variations from time-to-time. The Appendix provides some data and context for this recommendation.</p> <p>https://www.icann.org/en/system/files/files/rssac-031-02feb18-en.pdf</p> <p>The recommendations in topic 26 seem to come directly from this and SAC100:</p> <p>https://www.icann.org/en/system/files/files/sac-100-en.pdf</p>

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