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 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. Since then, the Project Team has continued its work. This document presents additional assumptions by topic and includes related policy questions, also by topic.

In order for the community to more readily see all assumptions on a given topic, we have retained previously shared assumptions here, noted by the grayed out background. Within each topic section, related policy questions are also included.

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: ● 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	Considering Annex D of the Final Report, this assumption is aimed to clarifying 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

	contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing 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.	

Overarching Policy Question

1. Is it the Council's view that affirmations of 2007 policy in the SubPro Final Report be treated by the Board in the same way as _new_ policy recommendations? (see, e.g., Rec 6.1).

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	Overarching	Previous experience in the

Assumption	Relevant Output	Rationale & Supporting References
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		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
Work required by the Program is often niche or speciality in nature. a. Number of vendors who can do the work may be limited b. Fewer vendor options typically result in higher costs	Overarching	Previous experience in the New gTLD Program and general vendor management experience by ICANN org.
All contracts will be written by ICANN org, rather than by vendors.	Overarching	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.
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.	Overarching	Standard operating procedures
Where feasible, all evaluation services provided will require at least two vendors to ensure evaluation services can be conducted without conflicts of	Overarching	Prior round experience

Assumption	Relevant Output	Rationale & Supporting References
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.		
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.	Overarching	Prior round experience
Data protection and other legal agreements (where required) and related documents among the parties (vendors, ICANN org, etc.) must be fully executed before vendors can perform services.	Overarching	Standard operating 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.	

Assumption	Relevant Output	Rationale & Supporting References
	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 stakeholders, as the identification of regulated, highly regulated, and potential for cyberbullying is not subject to bright-line definitions.	Recommendation 9.4: The Working Group recommends 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.	
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.	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."	

Information Management & Communication

Assumption	Relevant Output	Rationale & Supporting References
Certain parts of each application are considered public and those portions will be published in an effective and usable manner to the community.	Overarching	It is important that application information that is made publicly available is accessible and usable for the community.
All data collection and processing conducted by ICANN will be in compliance with applicable laws and regulations.	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 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	Topic specific but also overarching/related to sequencing of recommendations. SubPro Final Report, p.309

| | 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. | |

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 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.	Recommendation 3.6: Absent extraordinary circumstances, future reviews and/or policy 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. Recommendation 3.7: If the outputs of any reviews and/or policy development processes has, or could reasonably have, a	Bylaws 4.6(d): After a New gTLD Round has been in operation for one year, the Board shall cause a competition, consumer trust and consumer choice review. 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.

	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.	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.
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.		

Topic-specific Assumptions

Topic 2 | IRT and SPIRT (Predictability)

Assumption	Relevant Output	Rationale & Supporting References
Implementation decisions should skew toward the most simple, clear, precise solution.		In the rationale discussion for Topic 2, Predictability, 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."
The Predictability Framework does not change the roles and responsibilities of: ● the ICANN Board. ● the ICANN organization in relation to implementation of policies. ● the Implementation Review Team in relation to implementation of policies.		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.
The Board retains the ability to adopt Temporary Policies under the provisions of the Bylaws.	Overarching	
The Predictability Framework applies only after approval of the Applicant Guidebook.		
ICANN will need to disclose to applicants how unanticipated developments will be handled, including refund policies.		

ICANN will maintain a change log with subscription capability		
An applicant may voluntarily withdraw an application at any point after submission and before registry agreement execution.		
Recommendation 2.1 requires the formation of a SPIRT.	"ICANN must establish predictable, transparent, and fair processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes. The Working Group recommends that ICANN org use the Predictability Framework detailed in Annex E of this Report as its guidance during implementation to achieve the goal of predictability in mitigating issues. Additionally, the Working Group recommends the formation of a Standing Predictability Implementation Review Team ("SPIRT") (Pronounced "spirit") to serve as the body responsible for reviewing potential issues related to the Program, to conduct analysis utilizing the framework, and to recommend the process/mechanism that should be followed to address the issue (i.e., utilize the Predictability Framework). The GNSO	

	Council shall be responsible for oversight of the SPIRT and may review all recommendations of the SPIRT in accordance with the procedures outlined in the GNSO Operating Procedures and Annexes thereto"	
The refund policy should include factors for determining refunds on an "exceptional basis" based on the circumstances of the issue and how much work has been expended in processing the application.		
ICANN org will design the next round processes to be as predictable as possible, this is our goal. There will always be unanticipated developments and it will not be possible to get to 100%.	Overarching	This is consistent with the rationale in the Final Report, which notes that "Rationale in Final Report: "The recommendations from this Working Group are intended and expected to lessen the likelihood of unaccounted for issues in the future, but this framework is a recognition that despite best efforts, some issues may be missed and circumstances may simply change over time."
The same issue does not need to come before the SPIRT more than once.		
The scope of the Predictability Framework is to identify the proper mechanism for a solution (PDP, Guidance, study, other?). There is no bar to what mechanism the SPIRT could recommend.		
Based on this scope, a		

primary question for handling issues under the Predictability Framework (see Annex E) would therefore be whether the issue raises any policy questions.		
For changes that may have policy implications, the SPIRT'S recommendations are to the GNSO Council only.		
Established GNSO processes take precedence over SPIRT in event of a conflict.		
The SPIRT is organized, chartered, and supported by the GNSO Council.		
Advice affecting program processes or specific applications may be issued at any time via one or more advisory committees.		
The GNSO Council will need to recruit volunteers for SPIRT before the Applicant Guidebook is approved by the Board.		
ICANN org will raise Operational issues for Board consideration prior to notifying SPIRT. Policy related issues identified by ICANN org will be shared with the Board and GNSO Council for consideration prior to sharing with SPIRT.		
Implementation decisions should skew toward the most simple, clear, precise solution. ICANN org and the IRT will define in the AGB what constitutes as simple	Implementation Guidance 2.2 : The Working Group recognizes the challenges in determining the details of the framework and establishing the SPIRT and	

and clear framework as much as possible to avoid areas of ambiguity that may not provide enough detail to address complex issues.	therefore emphasizes that implementation of both elements should focus on simplicity and clarity.	
The GNSO Council will determine when enough work has been undertaken by SPIRT in order to conduct a lean and focused review of its effectiveness. The GNSO Council will also determine what a "lean and focused" review will consist of.	Implementation Guidance 2.4: The SPIRT should be subject to a lean, focused review once it has undertaken enough work to support this review. The review should be supervised by the GNSO Council. The SPIRT should continue to operate during the period that the review takes place	
The Predictability Framework does not change the roles and responsibilities of: ● the ICANN Board. ● the ICANN organization in relation to implementation of policies. ● the Implementation Review Team in relation to implementation of policies.		
Issues and solutions that require new proposals that may have policy implications will be completed through one of the processes under the GNSO Operation Procedures (PDP, ePDP, GNSO Guidance etc)	The Framework is not intended to identify the solution to an issue but rather, to identify the proper mechanism to reach a solution in a consistent and procedurally sound manner. Therefore, this Framework complements the existing GNSO processes and procedures. It is not intended to be a substitute or replacement	

	for those, nor should the Framework be seen as supplanting the GNSO Council's decision-making authority. In fact, the GNSO processes and procedures are incorporated into the Predictability Framework explicitly. In the event of a conflict, existing GNSO processes and procedures, including the GNSO Input Process, GNSO Guidance Process, and EPDP as contained in the Annexes to the GNSO Operating Procedures take precedence	
Non minor, New or Significant Operational issues will be determined by ICANN org and vetted by the ICANN Board prior to making any changes or raising the issue to SPIRT.		
The GNSO Council is responsible for developing and recommending policies related to gTLDs to the Board. Since the GNSO Council also has authority over SPIRT, any policy level issues identified and mechanisms recommended by the SPIRT to resolve the issue must be considered by the GNSO Council.		
In some cases documenting a change log will be limited based on specific considerations such as security, confidentiality, privacy, etc.	Implementation Guidance 2.5: ICANN org should maintain and publish a change log or similar record to track changes to the New gTLD Program, especially those that arise and are addressed via the Predictability Framework	

	and the SPIRT. The change log should contain a level of detail sufficient for the community to understand the scope and nature of the change without compromising security, the privacy of individuals, or confidentiality obligation owed to applicants or to other third parties. The GNSO Council should be informed of updates to the change log on a regular and timely basis. Interested parties should be able to subscribe to the change log to be informed of changes.	
ICANN org will work with the IRT to define the criteria for the "Code of Conduct". Code of Conduct will be enforced by the GNSO Council since the GNSO Council will be the governing body of SPIRT.	"Annex 3 f: f. Code of Conduct • Members of the SPIRT will be subject to a code of conduct stating that they may not take action that is designed to discriminate against any entity/applicant or group of entities/applicants." Annex E: Topic 2: Predictability Framework	

Topic 3 | Applications Assessed in Rounds

Assumption	Relevant Output	Rationale & Supporting References
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.		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." The 2007 policy

Assumption	Relevant Output	Rationale & Supporting References
		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 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.

Topic 4 | Different TLD Types

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.
Applications may qualify as more than one type and subject to multiple evaluation path flows		As was the case during the 2012 round, ICANN org will receive a variety of applications that may fall under different types or categories of applications. In some cases, an application may fall under multiple "types" in which case they will be subject to multiple evaluation paths.
The New gTLD Program will continue to recognize and accept Intergovernmental organization, governmental entity, and applicant support as applicant types.		
ICANN org will identify and list any requirements pertaining to changes in the Applicant Guidebook or other program documentation as section 4 is silent on whether changes to any of the identified application, applicant, and string types are permitted during the application process or prior to signing the Registry Agreement.		
An applied-for string can be identified by an applicant as a geographic name; however, designation of the string as a geographic name will occur according to the geographic names review		

(panel).		
The Category 1 Safeguards applied in 2012 will continue.		
It is ok for ICANN to create new application, applicant, or string types, but only under exceptional circumstances and subject to the Predictability Framework (4.2) after the IRT's work has concluded.	Recommendation 4.2: Other than the types listed in Recommendation 4.1, creating additional application types must only be done under exceptional circumstances. Creating additional application types, string types, or applicant types must be done solely when differential treatment is warranted and is NOT intended to validate or invalidate any other differences in applications.	
ICANN org will process each application per the specific characteristics of that application.	To the extent that in the future, the then-current application process and/or base agreement unduly impedes an otherwise allowable TLD application by application type, string type, or applicant type, there should be a predictable community process by which potential changes can be considered. This process should follow the Predictability Framework discussed under Topic 2. See also the recommendation under Topic 36: Base Registry Agreement regarding processes for obtaining exemptions to certain provisions of the base Registry Agreement.	

Policy Questions | TLD Types:

Recommendation 4.1: The Working Group recommends differential treatment for certain applications based on either the application type, the string type, or the applicant type. Such differential treatment may apply in one or more of the following elements of the new gTLD Program: Applicant eligibility 20; Application evaluation process/requirements21; Order of processing; String contention22; Objections23; Contractual provisions.

- Different application types:
  - Standard
  - Community-Based (for different application questions, Community Priority Evaluation, and contractual requirements)
  - Geographic Names (for different application questions)
  - Specification 13 (.Brand TLDs) (for different application questions and contractual requirements)

- Different string types:
  - Geographic Names (for different application questions)
  - IDN TLDs (priority in order of processing)
  - Variant TLDs
  - Strings subject to Category 1 Safeguards

- Different Applicant Types:
  - Intergovernmental organizations or governmental entities (for different contractual requirements)
  - Applicants eligible for Applicant Support

Recommendation 4.2

Other than the types listed in Recommendation 4.1, creating additional application types32 must only be done under exceptional circumstances.Creating additional application types, string types, or applicant types must be done solely when differential treatment is warranted and is NOT intended to validate or invalidate any other differences in applications.

Implementation Guidance 4.3

To the extent that in the future, the then-current application process and/or base Registry Agreement unduly impedes an otherwise allowable TLD application by application type, string type, or applicant type, there should be a predictable community process by which potential changes can be considered. This process should follow the Predictability Framework discussed under Topic 2. See also the recommendation under Topic 36: Base Registry Agreement regarding processes for obtaining exemptions to certain provisions of the base Registry Agreement.

Questions on 4.1,4.2, and 4.3:

A. Can the Council provide clarity on what the recommended differences are relative to the 2012 round with respect to the types of TLDs mentioned in Recommendation 4.1?

B. Does the Council agree that the lists of application types and string types listed in 4.1 are not exhaustive and that some other applicant types already exist - wording in Rec 4.2 notwithstanding? Otherwise, for example, applicants requesting a Code of Conduct exemption might be grouped with Spec 13 applicants despite not being exactly the same; similarly, IDNs do not just differ in prioritization, such strings will require different technical reviews.

Topic 6 | RSP Pre-Eval

Assumption	Relevant Output	Rationale & Supporting References
This does not preclude a Registry Operator from employing more than one RSP for different services.		
The "third party provider" referenced in Rec 6.2 is an entity engaged by ICANN to conduct the RSP pre-evaluation, not a third party selected by an RSP seeking pre-evaluation.		
Implementation Guidance 6.7 describes such terms and conditions as "more limited," however, the report does not specify a basis of comparison, i.e., more limited than what. This is assumed to refer to the terms and conditions accepted by the TLD applicant.		
"Recommendation 6.8 states that the RSP pre-evaluation program must be funded by those seeking pre-evaluation, on a cost-recovery basis.		

Where the recommendation says "Costs of the program should be established during the implementation phase by the IRT in collaboration with ICANN org," the reference to "costs" should refer to "fees." That is, the IRT would not be in a position to determine the processing costs of the pre-evaluation process; however, in line with the rationale for this recommendation, ICANN org would share the cost estimates with the IRT to help determine an appropriate fee structure. In addition, the IRT's role would be to provide input and advice on development of the fee structure, rather than having the responsibility to establish it as part of implementation."		
The cost model per Rec 6.8 for the RSP Pre-Evaluation process should not anticipate any external sources of funding.	Recommendation 6.8: The RSP pre-evaluation program must be funded by those seeking pre-evaluation on a cost-recovery basis. Costs of the Program should be established during the implementation phase by the Implementation Review Team in collaboration with ICANN org.	
ICANN org will determine the full lifecycle of RSP pre-approval for each round including approval, monitoring and revocation of approval and the will consider the resulting downstream impacts on the round and applicants		

The Final Report does not make recommendations on methodology for revoking or terminating approval for a pre-evaluated RSP. ICANN org will need to consider and propose an approach as part of the ODP.		
An RSP that applies but does not pass pre-evaluation can still submit or support gTLD applications during the application submission period. In this instance, ICANN would conduct the technical evaluation according to the information submitted and the existing criteria, without reference to the RSP's pre-evaluation submission.		
Recommendation 6.3 states that the existence of the RSP pre-evaluation process "shall not preclude an applicant from providing its own registry services or providing registry services to other new gTLD registry operators, provided that the applicant passes technical evaluation and testing during the standard application process (emphasis added)." The emphasized text in the recommendation envisions a scenario in which a gTLD applicant is not pre-evaluated as an RSP, but submits a gTLD application to provide its own registry services, and may also be listed in other gTLD applications as the registry service provider.		

Recommendation 6.5 requires that pre-evaluation occur prior to each application round and only applies to that specific round. Thus, a "Round n" pre-evaluated status could be used for "Round n" gTLD applications, but could not be used for "Round n+1" gTLD applications.		
A list of pre-evaluated RSPs will be published 6 months in advance of the opening of the application submission window.	A list of pre-evaluation RSPs must be published on ICANN's website with all of the other new gTLD materials and must be available to be used by potential applicants with an adequate amount of time to determine if they wish to apply for a gTLD using a pre-evaluated RSP.	
Applicants will be allowed to provide their own registry services for their applications or other applicants.	Participation in the RSP pre-evaluation process must be voluntary and the existence of the process shall not preclude an applicant from providing its own registry services or providing registry services to other new gTLD registry operators, provided that the applicant passes technical evaluation and testing during the standard application process. Recommendation 6.3	
Both new and incumbent RSPs will be able to use the RSP Pre-Evaluation process and criteria shall be the same for both.	The RSP pre-evaluation process shall be open to all entities seeking such evaluation, including both new and incumbent RSPs. For the initial RSP pre-evaluation process, both the evaluation criteria and testing requirements	Recommendation 6.4

	shall be the same regardless of whether the RSP applying for evaluation is a new RSP or an incumbent RSP.	
The RSP Pre-Eval program must be funded on a cost-recovery basis.	The RSP pre-evaluation program must be funded by those seeking pre-evaluation on a costrecovery basis. Costs of the program should be established during the implementation phase by the Implementation Review Team in collaboration with ICANN org. Recommendation 6.8	
All criteria must be established prior to testing and/or evaluation.	The Working Group recommends establishing a program in which registry service providers ("RSPs") may receive pre-evaluation by ICANN if they pass the required technical evaluation and testing conducted by ICANN, or their selected third party provider. The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes place; Therefore, all criteria for evaluation and testing must be the same. Recommendation 6.2	

Topic 7 | Metrics & Monitoring

Assumption	Relevant Output	Rationale & Supporting References
Recommendation 7.3 requires the identification of service-level requirements for each phase of application processing, and the publication of monthly data on performance against these requirements.	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.	
Recommendation 7.5 requires publication of SLAM data on a regular basis.	ICANN org must publish anonymized, aggregate SLA monitoring data on a regular basis.	
ICANN org will work with the IRT to develop the Impact Metrics and Service-Level Requirements.	From the Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group agreed that fostering consumer choice, consumer trust, and market differentiation must continue to be 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, although the Working Group has put	

	forward some suggested metrics for further consideration as implementation guidance. The Working Group 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.	
The recommendations on metrics and monitoring do not require contracted parties to submit data to ICANN for fulfillment of the recommended metrics. ICANN will rely on voluntary submission of data from registries and registrars and hence the data are likely to be incomplete.	From the Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group 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.	
The rationale for Recommendation 7.1 notes that ICANN org may need to open negotiations	From the Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group	Terms included in the Registry Agreement and RAA cannot be required without negotiation with

with the contracted parties to require data submission in the terms of the RAA and Registry Agreement. This may require a policy recommendation.	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.	contracted parties unless they are the result of a policy recommendation. Should negotiation to include such terms fail, a policy recommendation would be required to include the terms in the agreements.
Implementation Guidance 7.6 recommends that the published SLAM data should include (a) the thresholds that have been applied in the monitoring, and (b) the number of events that have triggered or nearly triggered an EBERO event since launch of EBERO for the 2012 round (emphasis added). We read this to mean that the required publication of data in Recommendation 7.5 should also include certain past-looking data.	ICANN org should publish 1. The thresholds on the five critical registry functions that it has used to determine the triggering of an EBERO event 2. The number of events that have triggered or come close to triggering EBERO since launch of EBERO for the 2012 round.	
ICANN org will identify and design relevant baseline metrics that take into account the relevant CCT recommendations during	"Metrics collected to understand the impact of New gTLD Program should, broadly speaking, focus on the areas of trust,	

the operational design phase.	competition, and choice. The Working Group 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. The Working Group suggests the following possible metrics for further consideration in the implementation phase: The presence of new gTLDs in lists of highly used websites, such as Alexa 1 Million and Cisco Umbrella 1 Million Recognition of specific gTLDs in niches, communities, and verticals Annual growth of new gTLDs as compared to legacy TLDs and previous application rounds, i.e., comparing the growth of TLDs approved in 2012 with TLDs approved in subsequent rounds Number of new registries and registrars year over year Locations of new registries and registrars year over year, in an effort to see how subsequent rounds affects diversity in the marketplace	

	Categories of gTLDs offered and diversity metrics within those categories"	
During implementation, ICANN org will determine the appropriate "meaningful" metrics and data required that are not limited to CC-T recommendations to evaluate the impact of the New gTLD Program. ICANN org will confer with the IRT when such metrics are identified.	"Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group agreed that fostering consumer choice, consumer trust, and market differentiation must continue to be 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, although the Working Group has put forward some suggested metrics for further consideration as implementation guidance. The Working Group believes that an Implementation Review Team should determine the appropriate metrics, and the data39 required, to measure such metrics on a regular basis to help evaluate the New gTLD	

	Program."	
Metrics designed by ICANN org and the IRT will comply with relevant privacy laws. Collection of data to measure metrics will be designed in a way that take into account data protection and privacy concerns.	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 compliance with applicable data protection law.	
ICANN org will identify initial Service Level Agreements (SLA) requirements for each phase of application processing during the Operational Design Phase. These SLA requirements will be refined during the implementation phase.	"Recommendation 7.3: 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."	
ICANN org will identify potential areas in the Subsequent procedures program that require further development and refinement of the SLA monitoring systems. This review will take place once the program has been running for a period of at least six months to allow for more robust monitoring of TLD operations.	"Recommendation 7.4: ICANN org must further develop its Service Level Agreement (SLA) monitoring to allow for more robust ongoing monitoring of TLD operations."	
ICANN org will publish anonymized, aggregate SLA monitoring data quarterly to the extent feasible	"Recommendation 7.5: ICANN org must publish anonymized, aggregate SLA monitoring data on a regular basis."	

During implementation, ICANN org may identify additional phases in the new gTLD program that require monitoring and metrics outside of the ones identified in the final report. ICANN org will confer with the IRT if and when such phases are identified.	"Recommendation 7.3: 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."	
ICANN org will consider ongoing metrics similar to EBERO thresholds to monitor the New gTLD Program, and ensure that the IRT is kept informed about this.	Implementation Guidance 7.6: ICANN org should publish 1. The thresholds on the five critical registry functions that it has used to determine the triggering of an EBERO event 2. The number of events that have triggered or come close to triggering EBERO since launch of EBERO for the 2012 round.	

Topic 8 | Conflicts of Interests (COI)

Assumption	Relevant Output	Rationale & Supporting References
ICANN org will develop a process to reduce conflicts of interest among dispute resolution service provider panelists, Independent Objectors, and application evaluators.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists,	

	and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
ICANN org will used Code of Conduct Guidelines used in the 2012 round as a starting document, updating with relevant output from the PDP WG Final Report outputs.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
ICANN org will develop enhancements to the code of conduct mechanisms in a transparent manner. The rationale for 8.1 does not identify any specific issues with the priority round process.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
The rationale for 8.1 does not identify any specific issues with the priority round process.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from	

	conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	

Policy Questions | Conflicts of Interest:

Recommendation 8.1:

"ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy."

Questions on 8.1

A. Does the Council have additional input on the Working Group's position that provisions in the 2012 round were insufficient to effectively guard against conflicts of interest among dispute resolution service provider panelists, the Independent Objector, and application evaluators, as detailed in the Rationale for Recommendation 8.1?

Topic 9 | Registry Voluntary Commitments/Public Interest Commitments

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 as noted in the NGPC Framework.	Recommendation 9.4: The Working Group recommends establishing a process to determine if an applied-for string falls into one of four groups defined by the NGPC framework for	Policy requires a process to be established.

Assumption	Relevant Output	Rationale & Supporting References
	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.	
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.	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.	The current NGPC Framework will be utilized as a supporting document/reference for this recommendation.
The application system will be designed to collect all information in a standardized method whenever possible.		
Specification 11.3 (except for 11.3(d) which has been confirmed as an error) will now become policy based on the addition of "puts existing practice into policy"		

Assumption	Relevant Output	Rationale & Supporting References
in the recommendation.		
Recommendation 9.4 requires a process for determining if an applied-for string falls into one of the four groups of the NGPC framework for highly sensitive strings and regulated industries. This determination is made on the string only and not other factors of the application.	The Working Group recommends 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. Recommendation 9.4	
Recommendation 9.4 requires a process for determining if an applied-for string falls into one of the four groups of the NGPC framework for highly sensitive strings and regulated industries; however, the implementation guidance for using self-identification and an evaluation panel is a recommendation rather than a requirement.	The Working Group recommends 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. Recommendation 9.4	
ICANN will develop a process to review proposed RVCs to determine if and how they can be enforced by ICANN's contractual		

Assumption	Relevant Output	Rationale & Supporting References
compliance.		
IG 9.11 provides that the existing PICDRP "and associated processes" should be updated to apply to RVCs. Footnote 49 defines "associated processes" as "all existing processes relevant to what were formerly known as voluntary PICs." ICANN org assumes that the only two of such processes are those to submit a PICs and the PICDRP itself.	The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes291 should be updated to equally apply to RVCs.	
The word "voluntary" in Registry Voluntary Commitments means that it is voluntary for the applicant to submit such commitments. Once included in the Registry Agreement, compliance with the commitment is not voluntary.		
The capability for an operational comment period must be continuously available, as applicants can work with ICANN org at the appropriate points to submit new proposed RVCs at any point up to execution of the Registry Agreement.		
The rationale for Recommendation 9.12 notes that if an applicant proposes to limit a proposed RVC in time, duration, or scope, these limitations should be included in the initial proposed RVC for transparency. In the event	"At the time an RVC is made, the applicant must set forth whether such commitment is limited in time, duration and/or scope. Further, an applicant must include its reasons and	

Assumption	Relevant Output	Rationale & Supporting References
that no limitations are specified at the time of submission, it is possible for the applicant to submit a replacement RVC, subject to all other requirements for RVCs	purposes for making such RVCs such that the commitments can adequately be considered by any entity or panel (e.g., a party providing a relevant public comment (if applicable), an existing objector (if applicable) and/or the GAC (if the RVC was in response to a GAC Early Warning, GAC Consensus Advice, or other comments from the GAC)) to understand if the RVC addresses the underlying concern(s)." Recommendation 9.12	
The NGPC framework established in response to Beijing GAC Advice will be used to apply additional Safeguards to high-sensitive/regulated industries.	"The Working Group affirms the framework established by the New gTLD Program Committee (NGPC) to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, as established in response to the Governmental Advisory Committee (GAC) Beijing Communiqué. This framework includes ten (10) Safeguards of different levels implemented amongst a set of four groups with ascending levels of requirements: Regulated Sectors/Open Entry Requirements in	

Assumption	Relevant Output	Rationale & Supporting References
	Multiple Jurisdictions: Category 1 Safeguards 1-3 applicable	
	Highly-Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions: Category 1 Safeguards 1-8 applicable	
	Potential for Cyber Bullying/Harassment: Category 1 Safeguards 1-9 applicable	
	Inherently Governmental Functions: Category 1 Safeguards 1-8 and 10 applicable	
	Strings that fall into these categories require the adoption of the relevant Category 1 Safeguards as contractually binding requirements in Specification 11 of the Registry Agreement (i.e., as mandatory Public Interest Commitments, or PICs). The Working Group affirms:	
	The four groups described in the NGPC's scorecard;	
	The four groups' varying levels of required Category 1 Safeguards; and	

Assumption	Relevant Output	Rationale & Supporting References
	The integration of the relevant Category 1 Safeguards into the Registry Agreement, by way of PICs" Affirmation 9.3	
The Evaluation Panel tasked with evaluating the safeguard elements will conduct its evaluation after the Application Comment Period is complete and at no other time.	The panel evaluating whether a string is applicable to highly sensitive or regulated industries should conduct its evaluation of the string after the Application Comment Period is complete. Implementation Guidance 9.7	
Any RVCs submitted after application submission will be considered an Application Change and subject to recs under Topic 20.	ICANN must allow applicants to submit Registry Voluntary Commitments (RVCs) (previously called voluntary PICs) in subsequent rounds in their applications or to respond to public comments, objections, whether formal or informal, GAC Early Warnings, GAC Consensus Advice, and/or other comments from the GAC. Applicants must be able to submit RVCs at any time prior to the execution of a Registry Agreement; provided, however, that all RVCs submitted after the application submission date shall be considered Application Changes and be subject to the	

Assumption	Relevant Output	Rationale & Supporting References
	recommendation set forth under topic 20: Application Changes Requests, including, but not limited to, an operational comment period in accordance with ICANN's standard procedures and timeframes. Recommendation 9.9	

Policy Questions | PICs/RVCs:

Recommendation 9.9

"ICANN must allow applicants to submit Registry Voluntary Commitments (RVCs) (previously called voluntary PICs) in subsequent rounds in their applications or to respond to public comment, objections, whether formal or informal, GAC Early Warnings, GAC Consensus Advice, and/or other comments from the GAC. Applicants must be able to submit RVCs at any time prior to the execution of a Registry Agreement; provided, however, that all RVCs submitted after the application submission date shall be considered Application Changes and be subject to the recommendation set Application Changes Requests, including, but not limited to, an operational comment period in accordance with ICANN's standard procedures and timeframes."

Questions on 9.9

    A. Does the Council agree that there should be no other reasons than those listed in 9.9 because of which an applicant can submit a revised RVC?

    B. Does the Council agree that an applicant can amend an RVC?

    C. If the Council's answer is 'yes' to question 9.9 B, then the ODP team notes that allowing the change up until the execution of a Registry Agreement could lead to less predictability for stakeholders and added operational complexity for ICANN org, both of which may lead to additional processing time. This also provides an opportunity for applicants to resolve a contention set via the introduction or revision of the RVC, then submit another change request to revert back to its original RVC afterwards as a way to "cheat the system." Does the Council have any concerns about the reduced predictability and transparency under such a scenario?

    D. Does the Council agree that if an RVC is utilized to address GAC Advice, prevailing objections, it will be up to the applicant and the objector or the GAC to mutually agree that the RVC addresses the original concern and to communicate to ICANN how the

RVC addresses the original objection or GAC advice?

E. Does the Council agree with ICANN org's interpretation that in such a scenario, when no mutual agreement is reached, the application will not be able to proceed. If not, what is the way forward for the applicant according to the Council?

Recommendation 9.10

RVCs must continue to be included in the applicant's Registry Agreement.

Question on 9.10

A. Does the Council agree that this means that RVCs must continue to be in the Registry Agreement after contract renewal or assignment and cannot be modified or removed from the Registry Agreement in the future.

Recommendation 9.12

"At the time an RVC is made, the applicant must set forth whether such commitment is limited in time, duration and/or scope. Further, an applicant must include its reasons and purposes for making such RVCs such that the commitments can adequately be considered by any entity or panel (e.g., a party providing a relevant public comment (if applicable), an existing objector (if applicable) and/or the GAC (if the RVC was in response to a GAC Early Warning, GAC Consensus Advice, or other comments from the GAC)) to understand if the RVC addresses the underlying concern(s)."

Questions on 9.12

A. Is it expected that the RO cannot terminate a RVC mid-operation unless that was explicitly set forth at the time the RVC was made?
B. Are there any scenarios under which an RVC can be changed?

Recommendation 9.2: Provide single-registrant TLDs with exemptions and/or waivers to mandatory PICs included in Specification 11 3(a) and Specification 11 3(b).

Questions on 9.2:

A. Can the Council provide guidance on the following: Recommendation 9.2 requires providing single-registrant TLDs with exemptions to Specification 11.3(a) and (b). Single registrant TLD is not defined among the TLD types under topic 4. Single registrant TLD does not appear to be defined in the report. Should this be considered an "additional application type" under Recommendation 4.2? What criteria are expected to be used to determine when this exemption applies?

B. ICANN org notes that Spec 13 and CoC exemptions are not only single registrant scenarios, as both include affiliates, too. Does this the Council agree that 9.2 applies to those type of TLD operators, too.

C. Can the Council provide guidance on the following: The rationale for Recommendation 9.2 notes that security threat monitoring should not apply for single-registrant TLDs because the threat profile is much lower compared to TLDs that sell second-level domains. Given that single-registrant TLD is not defined, how can the level of risk be known?

Topic 15 | Application Fees

Assumption	Relevant Output	Rationale & Supporting References
The application fee will be calculated according to the same three components as in 2012 (historical development costs, expected application processing costs, and risk costs).		Affirmation 15.1 and Affirmation with Modification 15.3 and 15.4 reaffirm the approach used in the 2012 round.

Topic 17 | Applicant Support

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	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

Assumption	Relevant Output	Rationale & Supporting References
	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.	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.

Policy Questions | Application Change Request:

Recommendation 20.8:

"The Working Group recommends allowing .Brand TLDs to change the applied-for string as a result of a contention set where (a) the change adds descriptive word to the string, (b) the descriptive word is in the description of goods and services of the Trademark Registration, (c) such a change does not create a new contention set or expand an existing contention set, (d) the change triggers a new operational comment period and opportunity for objection and, (e) the new string complies with all New gTLD Program requirements"

Questions on 20.8:

A. Does the Council agree that the intent of 20.8 is that only one single descriptive word - and not multiple descriptive words - can be added to the string? For example, .delta-faucets would be acceptable, whereas .delta-kitchen-faucets would not be acceptable.

B. Does the Council agree that the descriptive word must be in the language of the relevant trademark registration and cannot be a translation or transliteration thereof? For example, if said company had its trademark registered only in Germany, .delta-wasserhahn* would be acceptable, whereas .delta-faucet would not be. Similarly, if Delta had a trademark registration in German and English, then both those examples would be acceptable.

*wasserhahn being the German translation of faucet.

Topic 20 | Change Requests

Assumption	Relevant Output	Rationale & Supporting References
ICANN org will implement a mailing list or other 'opt in' mechanism for notification purposes regarding when an application change request triggers an operational comment period.	Community members should have the option of being notified if an applicant submits an application change request that requires an operational comment period to be opened at the commencement of that operational comment period.	
Additional costs and delays will be incurred if re-evaluation is necessary due to joint ventures or combination of applications - in case these settle contention sets.	The Working Group 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 must be responsible for additional, material costs incurred by ICANN due to re-evaluation and the application could be subject to delays.	
Applicants will have the option to delay evaluation of their own application in order to submit a change request on the basis of	ICANN org should explore the possibility of allowing applicants to request that the evaluation of their own application is	

business combination or other form of joint venture. Such a pause should not exceed a 60 calendar day limit.	delayed by 60-90 days so that they can submit an applicant change request on the basis of business combination or other form of joint venture. This request would need to be made prior to Initial Evaluation of the application.	
Implementing Recommendation 20.8 will require amending Specification 13 of the RA. The descriptive word, as detailed in (b), will have to be in the language and script of the relevant Trademark Registration. Example: if i am lufthansa and my trademark is in german, and it mentions the word 'fluglinie' then i am NOT able to add the word 'airline' to my trademark, unless 'airline' is also mentioned in the german description of goods and services of the trademark registration.	The Working Group recommends allowing .Brand TLDs to change the applied-for string as a result of a contention set where (a) the change adds descriptive word to the string, (b) the descriptive word is in the description of goods and services of the Trademark Registration, (c) such a change does not create a new contention set or expand an existing contention set, (d) the change triggers a new operational comment period and opportunity for objection and, (e) the new string complies with all New gTLD Program requirements. When the .Brand applicant changes the applied-for string, the new string will also be considered a .Brand. The Working Group recognizes that an exception or a modification to Specification 13 will be needed to implement this recommendation. The Working Group further recognizes that in order to	

	implement this recommendation, applications seeking to change their applied-for string will need to be evaluated for eligibility as a .Brand before the string change request can be accepted. This may occur either by ICANN specifically evaluating those individual applications during Initial Evaluation or by evaluating all applicants that elect to be .Brands during Initial Evaluation.	

Topic 21 | Reserved Names

Assumption	Relevant Output	Rationale & Supporting References
Special-use Domain names as noted in IETF RFC 6761 will continue to be reserved.	The Working Group acknowledges the reservation at the top level of Special-Use Domain Names through the procedure described in IETF RFC 6761. Recommendation 21.4	
The list of reserved strings in the AGB will be increased to include "PTI".	The Working Group recommends reserving as unavailable for delegation at the top level the acronym associated with Public Technical Identifiers, "PTI". Recommendation 21.6	
Per the Board's adoption of Country Codes in 2016 [see https://www.icann.org/resources/board-material/resolutions-2016-11-08-en#2.a] ,	The Working Group recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved	

Spec 5 of the RA will be updated.	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 November 2016. Recommendation 21.6	

Topic 22 | Registrant Protections

Assumption	Relevant Output	Rationale & Supporting References
EBERO and associated triggers for EBERO as well as Registrant Protections noted in Spec. 6 of the RA will continue to be used.	The Working Group affirms existing registrant protections used in the 2012 round, including the Emergency Back-end Registry Operator (EBERO) and associated triggers for an EBERO event and critical registry functions. In addition, as described under Topic 27: Applicant Reviews: Technical/Operational, Financial and Registry Services, the substantive technical and operational evaluation is being maintained and therefore, protections against registry failure, including registry continuity, registry transition, and failover testing continue to be important registrant protections. The Working Group also supports the registrant protections contained in Specification 6 of the Registry Agreement.	

	Affirmation 22.1	

Policy Questions | Registrant Protection:

<u>Recommendation 22.7</u>

"TLDs that have exemptions from the Code of Conduct (Specification 9), including .Brand TLDs qualified for Specification 13, must also receive an exemption from Continued Operations Instrument (COI) requirements or requirements for the successor to the COI."

<u>Question on 22.7:</u>

A. This Recommendation is based on the rationale that an EBERO event would not be necessary "in business models where there are no registrants in need of such protections in the event of a TLD failure." ICANN org notes a concern that the inclusion of Specification 9 exemption or Specification 13 in a Registry Agreement does not ensure there are no registrants or other end users in need of protection. For example, a car manufacturer with a Specification 13 may allow individual/independent car dealerships and/or their customers to use registrations in that TLD.

B. ICANN org notes the potentially significant impact on end users should any gTLD fail without failover or continuity mechanisms in place. Is the Council comfortable that the broader risks, i.e., that such a failure might not reflect only on the specific brand/gTLD but also potentially undermines confidence in the stability of the DNS and the Internet, has been fully considered in the context of this recommendation? In this context, the Council may wish to provide further guidance on whether EBERO protections would be appropriate in some instances of TLDs with a Specification 9 exemption or Specification 13.

Topic 23 | Closed Generics

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.		

Topic 25 | IDNs

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

Topic 26 | Security and Stability

Assumption	Relevant Output	Rationale & Supporting References
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	Recommendation 26.2: ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone. 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. 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.	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. 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. 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. https://www.icann.org/en/system/files/files/rssac-031-02f

Assumption	Relevant Output	Rationale & Supporting References
		eb18-en.pdf The recommendations in topic 26 seem to come directly from this and SAC100: https://www.icann.org/en/system/files/files/sac-100-en.pdf
ICANN will work with the community on monitoring the root and detect root zone scaling issues	ICANN should continue to work with the community on mechanisms to monitor the root and develop procedures to ensure that any root zone scaling issues are detected in a timely manner.	ICANN, as part of its commitment to maintaining the security and stability of the DNS, should work with the community on developing procedures to detect issues related to scaling in the root zone, such as a Root Zone Early Warning System, as proposed by the Office of the CTO.
ICANN will catalog obligations for root zone operators in maintaining a larger root zone	ICANN should investigate and catalog the long term obligations for root zone operators of maintaining a larger root zone.	ICANN already maintains obligations for root zone operators.
Rate control will take into account any ccTLDs that are added to the root, too	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 org should monitor the rate of ccTLDs being added to the root in considering the acceptable rate of change of the root .
ICANN will determine criteria for when adding TLDs to the root may cause a "service instability" and should be delayed. ICANN will update its obligations to registries accordingly.	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	ICANN should have a mechanism to delay additions to the root zone to prevent potential security or stability issues.

Assumption	Relevant Output	Rationale & Supporting References
	instability."	
Output 26.6 does not imply any new obligations for the RSOs.	"ICANN should investigate and catalog the long term obligations for root zone operators of maintaining a larger root zone."	The rate of change of the root zone does not change the obligations to the root zone operators.
ICANN org will create a model of growth once it is clear how many applications are submitted in the next and the following round (i.e., two more rounds as of now). Once ICANN org has created the model, ICANN org will consider IG 26.6.	"ICANN should investigate and catalog the long term obligations for root zone operators of maintaining a larger root zone."	

Topic 27 | Applicant Reviews

Assumption	Relevant Output	Rationale & Supporting References
Question 30b on "security policy" will be removed from the Technical/Operational questions asked to applicants.	While affording the improvements to clarity that will result from Recommendation 27.3, ICANN org should retain the same substantive framework for the technical and operational questions utilized in the 2012 round of the New gTLD Program. The exception to this affirmation is Q30b - Security Policy. Affirmation 27.7	
Applicants will not be required to provide their full security policy; however the AGB will be updated to include new text re: Q30b "Security Policy" and	A mechanism(s) should be established to meet the spirit of the goals embodied within Q30b - Security Policy without requiring applicants to	

applicants will be required to explain how the new mechanism meets the goals noted.	provide their full security policy. The Applicant Guidebook should clearly explain how the mechanism meets these goals and may draw on explanatory text included in the Attachment to Module 2: Evaluation Questions and Criteria from the 2012 Applicant Guidebook. Implementation Guidance 27.8	
ICANN will allow applicants to self-certify if they meet the criteria, and if not, 3rd party certification will be required.	If any of the following conditions are met, an applicant should be allowed to self certify that it is able to meet the goals as described in Implementation Guidance 27.17. This self-certification will serve as evidence that the applicant has the financial wherewithal to support its application for the TLD. If the applicant is a publicly traded corporation, or an affiliate as defined in the current Registry Agreement, listed and in good standing on any of the world's largest 25 stock exchanges (as listed by the World Federation of Exchanges) If the applicant and/or its officers are bound by law in its jurisdiction to represent financials accurately and the applicant is is good standing in that jurisdiction; or	

	If the applicant is a current registry operator or an affiliate (as defined in the current Registry Agreement) of a current registry operator that is not in default on any of its financial obligations under its applicable Registry Agreements, and has not previously triggered the utilization of its Continued Operations Instrument. If the applicant is unable to meet the requirements for self-certification, the applicant must provide credible third-party certification of its ability to meet the goals as described in Implementation Guidance 27.17. Implementation Guidance 27.18	
If the initial assessment determines that the proposed registry services might raise significant stability or security issues, the application will be subject to extended review by the Registry Services Technical Evaluation Panel (RSTEP). Applicants will be subject to additional fees under this circumstance.	Any additional optional registry services not included on the pre-approved list must be reviewed in a timely manner to determine if they might raise significant stability or security issues. Criteria used to evaluate those non-pre-approved registry services must be consistent with the criteria applied to existing registries that propose new registry services and should not result in additional fees. However, if that initial assessment determines that the proposed registry services might raise significant	

	stability or security issues, the application will be subject to extended review by the Registry Services Technical Evaluation Panel (RSTEP). Applicants will be subject to additional fees under this circumstance. Recommendation 27.22	
During Evaluation, ICANN Org will use different criteria [for different types of registry] for determining financial capability of maintaining a TLD based registry.	The evaluation should determine whether an applicant will be able to withstand missing revenue goals, exceeding expenses, funding shortfalls, or the inability to manage multiple TLDs in the case of registries that are dependent upon the sale of registrations. This evaluation must recognize and take into account the different ways to operate a registry, including instances where there is no reliance on the sale of third party registrations to generate revenue for the registry. Therefore, determining the financial wherewithal of an applicant to sustain the maintenance of a TLD may require different criteria for different types of registries; criteria should not be established in a "one-size-fits-all" manner. Implementation Guidance 27.17	

Policy Questions | Applicant Reviews: Technical and Operational, Financial and Registry Services:

Implementation Guidance 27.8: A mechanism(s) should be established to meet the spirit of the goals embodied within Q30b - Security Policy without requiring applicants to provide their full security policy. The Applicant Guidebook should clearly explain how the mechanism meets these goals and may draw on explanatory text included in the Attachment to Module 2: Evaluation Questions and Criteria from the 2012 Applicant Guidebook.

Question on 27.8:

A. Does the Council agree that, because there is no additional guidance on meeting the spirit of the goals embodied within Q30b, it is up to ICANN org to develop this as part of designing the evaluation process?

Implementation Guidance 27.20:

The following is a tentative but exhaustive set of financial questions:

● "Identify whether this financial information is shared with another application(s)" (not scored).

● "Provide financial statements (audited and self-certified by an officer where applicable or audited and independently certified if unable to meet the requirements for self-certification)" (0-1 scoring) (certification posted).

● "Provide a declaration, self-certified by an officer where applicable or independently certified if unable to meet the requirements for self-certification, that the applicant will be able to withstand missing revenue goals, exceeding expenses, funding shortfalls, and will have the ability to manage multiple TLDs where the registries are dependent upon the sale of registrations" (0-1 scoring) (publicly posted).

Question on 27.20:

A. Can the Council provide clarity on how "tentative but exhaustive," is defined as noted in IG 27.20?

Topic 28 | Application Comments

Assumption	Relevant Output	Rationale & Supporting References
The comment period of the next round will mirror the process of the 2012 round.	Section 1.1.2.3 of the 2012 Applicant Guidebook states "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 community to review and submit comments on posted application materials." The Working Group affirms that as was the case in the 2012 round, community members must have the opportunity to comment during the Application Comment Period on applications submitted. Comments must be published online as they were in the 2012 round so that they are available for all interested parties to review. Affirmation 28.1	
Commentators have to disclose whether they are employed by, are under contract with, have a financial interest in, or are submitting the comment on behalf of an applicant.	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 filed on behalf of that applicant. Implementation Guidance 28.5	
Usability is a guiding principle when designing the application comment system. Note that comments may or may not directly be a part of the application system.	Systems supporting application comment must emphasize usability for those submitting comments and those reviewing the comments submitted. This recommendation is consistent with Program Implementation Review Report Recommendation 1.3.a, which states: "Explore implementing additional functionality that will	

	improve the usability of the Application Comment Forum." Recommendation 28.6	
Searchability of comments should be improved and full text searches should be possible.	The 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. One example is an ability to search comments for substantive text within the comment itself. In the 2012 new gTLD round a search could be done on categories of comments, but not a search of the actual text within the comment itself.	Implementation Guidance 28.7
Commentators should be able to include attachments. ICANN will investigate whether there are any commercially reasonable mechanisms to search attachments.	The 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. Implementation Guidance 28.8	
Applicants will have a response period in order to respond to comments on their applications that were submitted during the 60-day comment period.	Applicants must 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. Recommendation 28.11	
Applicants should also be allowed to respond to	Applicants should be given a fixed amount of time to	

comments submitted regarding their applications.	respond to the public comments on their application prior to the consideration of those comments in the evaluation process. Implementation Guidance 28.12	
The clarifying question process in response to a comment that may reduce the score of an evaluator will be repeated in the next round.	As was the case in the 2012 round, when an 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. Affirmation 28.2	

Policy Questions | Role of Application Comment:

Implementation Guidance 28.5

"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 filed on behalf of that applicant."

Questions on 28.5:

    A. Does the Council have any input on how the information obtained through the questions detailed in 28.5 would be used during the evaluation?

Topic 29 | Name Collision (NCAP)

Assumption	Relevant Output	Rationale & Supporting References
The Name Collision Occurrence Management Framework will continue to be used as-is, unless the Board approves a new framework. In the case that the Board approves a new	"Recommendation 29.1: 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	As the current authoritative framework, the Name Collision Occurrence Management Framework (https://www.icann.org/en/system/files/files/name-collision-framework-30jul14-en.pdf)

framework, this framework will be in place prior to the opening of the next round.	evaluation process as well as during the transition to delegation phase. Affirmation 29.2: The Working Group affirms continued use of the New gTLD Collision Occurrence Management framework unless and until the ICANN Board adopts a new mitigation framework. This includes not changing the controlled interruption duration and the required readiness for human-life threatening conditions for currently delegated gTLDs and future new gTLDs."	will continue to be used in the next round, unless the Board approves a new framework. Any mitigation framework should be in place prior to the start of the next round.
ICANN org will ensure to consider any outcomes of the ongoing Name Collision Analysis Project (NCAP) studies in implementation of the next round, as the outcomes of those studies may have an effect on components of the next round (e.g., DNS Stability Evaluation, NCMF).		As the ongoing Name Collision Analysis Project (NCAP) may produce findings related to current procedures for mitigating name collision (i.e., the Name Collision Occurrence Management Framework), ICANN org will need to consider any findings as it develops procedures for the next round.
All applied-for strings will be subject to a DNS Stability Evaluation that considers the level of name collision risk for that string.	Implementation Guidance 29.4: To the extent possible, all applied-for strings should be subject to a DNS Stability evaluation to determine whether they represent a name collision risk.	As part of the effort to mitigate name collisions, name collision risk should be considered for all strings as part of DNS Stability Evaluation.
ICANN will expand the list of ineligible names to include strings that have been identified as high-risk for name collisions	Implementation Guidance 29.3: To the extent possible, ICANN should seek to identify high-risk strings in advance of opening the Application Submission	Out of security and stability concerns, strings that have been identified as high-risk for name collision should not be applied for.

	Period, which should constitute a "Do Not Apply" list. ICANN should also seek to identify aggravated risk strings in advance of the next application window opening and whether it would require a specific name collision mitigation framework.	
ICANN org will ensure that any name collision risk criteria/tests developed by the ICANN community will be made available to applicants for their consideration as to whether they should move forward with their application.	The ICANN community should develop name collision risk criteria and a test to provide information to an applicant for any given string after the application window closes so that the applicant can determine if they should move forward with evaluation.	The ICANN community may develop risk criteria/tests that could be helpful to applicants as they assess whether they should move forward with their application, as some strings could incur more collisions than others, which may affect whether a string can be delegated.

Topic 30 | GAC Advice/EW

Assumption	Relevant Output	Rationale & Supporting References
If the GAC issues Consensus Advice after the finalization and publication of the next Applicant Guidebook, the ICANN Board will engage in the Board-GAC Consultation process to address its concerns.	To the extent that the GAC provides GAC Consensus Advice (as defined in the ICANN Bylaws) in the future on categories of TLDs, the GAC should provide this Advice prior to the finalization and publication of the next Applicant Guidebook. In the event that GAC Consensus Advice is issued after the finalization and publication of the Applicant Guidebook and whether the GAC Consensus Advice applies to categories, groups or classes of applications or string types, or to a particular string, the ICANN	Implementation Guidance 30.2

	Board should take into account the circumstances resulting in such timing and the possible detrimental effect of such timing in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws.

Implementation Guidance 30.2 | |
| The GAC EW and Application Comment periods should be concurrent, but the GAC EW period could be even longer. The period will be defined in the AGB. | The Working Group recommends that GAC Early Warnings are issued during a period that is concurrent with the Application Comment Period. To the extent that there is a longer period given for the GAC to provide Early Warnings (above and beyond the Application Comment Period), the Applicant Guidebook must define a specific time period during which GAC Early Warnings can be issued. | Recommendation 30.5 |
| If the GAC member believes that an application shouldn't proceed, they should provide a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns. | Government(s) issuing Early Warning(s) must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns. Recommendation 30.6 | |

Topic 31 | Objections

Policy Questions:

Affirmation with Modification 31.3:

For full text see Final Report pp.145-147

Question on 31.3:

    A. Does the Council agree with the assumption that, once notified, the dispute resolution provider is not involved in any communication between the objecting party and applicant during the cooling off period?

Implementation Guidance 31.6:
"Information about fees that were charged by dispute resolution service providers in previously filed formal objections should be accessible for future review."

Questions on 31.6:

    A. Does the Council have further guidance on to whom, by whom, for what purpose the information "should be accessible for review"?

    B. Does the Council agree that the "previously filed formal objections" will not include objections from previous rounds nor any other type of objections administered by the dispute resolution provider in the past - but only apply to objections filed during each respective round of new gTLDs?

Implementation Guidance 31.12

"All criteria and/or processes to be used by panelists for the filing of, response to, and evaluation of each formal objection should be included in the Applicant Guidebook."

Question on 31.12:

    A. The ODP team believes that the provider documentation is the best source for applicants, not the AGB: Implementing 31.12 will require ICANN to contract with the dispute resolution vendors prior to finalizing the AGB to collaboratively create and finalize such criteria and/or process, in advance of the commencement of the application submission window. The ODP team notes that this will likely result in significantly higher costs for the program and may have additional resourcing impacts, too. Updating this information would also mean updating the AGB, which would invoke the Predictability Framework, leading to timing implications. For the ease of participants in any objection process, dispute resolution providers are the best source of information, as long as all relevant information is available in a timely manner. Does the Council agree that this would meet the intention of 31.12?

Topic 33 | Dispute Resolution Procedures After Delegation

Policy Questions:

Recommendation 33.2:

"For the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP), clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available."

Question on 33.2:

A. Does the Council agree that publishing all relevant guidance on the scope will be sufficient to implement this recommendation?

B. If not, can the Council provide guidance on any particular deficiencies or areas that the org should consider in developing "clearer, more detailed, and better-defined" in the context of this recommendation?

Topic 34 | Community Apps

Assumption	Relevant Output	Rationale & Supporting References
Applicants who have passed CPE will be prioritized, as was done during the 2012 round.	The Working Group affirms the continued prioritization of applications in contention sets that have passed Community Priority Evaluation (CPE). The Working Group further affirm Implementation Guideline H* from the 2007 policy, with one small modification: "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: (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 (ii) a formal objection process is initiated. Under exception (ii), an expert panel will	

	apply the process, guidelines, and definitions set forth in IG P." This modified text removes the following sentence under (ii) in order to be consistent with 2012 implementation: "Under these exceptions, Staff Evaluators will devise criteria and procedures to investigate the claim."	
An expert panel rather than staff evaluators will apply the process, guidelines and definitions regarding CPE evaluation.	The Working Group affirms the continued prioritization of applications in contention sets that have passed Community Priority Evaluation (CPE). The Working Group further affirm Implementation Guideline H* from the 2007 policy, with one small modification: "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: (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 (ii) a formal objection process is initiated. Under exception (ii), an expert panel will apply the process, guidelines, and definitions set forth in IG P." This modified text removes the following sentence under (ii) in order to be consistent with 2012 implementation: "Under these exceptions, Staff Evaluators will devise	

	criteria and procedures to investigate the claim."	
ICANN Org will interpret "Members" to refer to participants of organizations or communities that do not have an actual membership structure or system, and communities which are not economic in nature will not be disadvantaged over those that are.	"In the 2012 Applicant Guidebook, the following text is included under definitions for Criterion 1-A Delineation, " "Delineation" relates to the membership of a community, where a clear and straightforward membership definition scores high, while an unclear, dispersed or unbound definition scores low." The corresponding Evaluation Guidelines from the 2012 round include a non-exhaustive list of "elements of straight-forward member definitions." This list should continue to include elements applicable to economic communities with a formal membership structure, but it should also include elements applicable to communities that are not economic in nature, including linguistic and cultural communities, that have clear and straight-forward membership definition. The term "member" in this context should be interpreted broadly enough to include communities that do not have "card carrying" members. Further, the Evaluation Guidelines should include provisions that allow communities which are not economic in nature (and which therefore may not have clear and straight-forward membership structure) with an equal opportunity to	

	score a full 2 points on the Delineation Criterion, as well as an opportunity to score a single point if some but not all elements of this criterion are met."	
When assessing CPEs, ICANN org will take into account relevant community-related experts as well as awareness and recognition of community members.	In the 2012 Applicant Guidebook, in order to succeed in a Community Priority Evaluation, Criterion 1-A stated that a community should have the requisite "awareness and recognition" among its members ("Delineation"). The Working Group recommends that this criterion must take into consideration the views of the relevant community-related experts, especially in cases where recognition of the community is not measurable (eg., where such recognition is prevented by national law).	
ICANN org will follow the standard procedures on developing evaluation and selection criteria for selecting a CPE provider	The process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community. In addition, any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment.	
For each round, CPE requirements will include that the represented community be in existence prior to the opening of the	"In the 2012 Applicant Guidebook, the following text is included under Definitions for CPE Criterion 1-A Delineation: "Notably, as	

application window.	"community" is used throughout the application, there should be: . . . (b) some understanding of the community's existence prior to September 2007 (when the new gTLD policy recommendations were completed). . ." and " "Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007." The corresponding section of the CPE Evaluation Guidelines states, "The following questions must be scored when evaluating the application: . . Has the community been active since at least September 2007?" For subsequent procedures, references to "September 2007" should be changed to "the beginning of the then current application submission period.""	
ICANN org will require that an organization that represents a community should be treated on equal footing with one that administers a community.	"In the 2012 Applicant Guidebook, the following text is included under Definitions for CPE Criterion 1-A Delineation: " "Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities." The interpretation in the Evaluation Guidelines of the term "mainly" should make clear that it is possible for more than one entity to administer and/or represent	

	a community. The Guidelines should further make clear that an organization that represents a community should be treated on equal footing with one that administers a community."	
To support predictability, the CPE guidelines, or as amended, should be considered a part of the policy adopted by the Working Group.		
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.		
ICANN will propose a definition for "non-negligible" and the IRT will sign off.	The 2012 Applicant Guidebook includes the following text regarding scoring for CPE Criterion 4-B Opposition: "Opposition: 2= No opposition of relevance; 1= Relevant opposition from one group of non negligible size; 0= Relevant opposition from two or more groups of non-negligible size." In listing considerations for determining whether an organization is of "non-negligible size," the Evaluation Guidelines	

	should include text indicating that the determination of what is non-negligible must be relative to the size of the community that that applicant is proporting to serve.	

Topic 37 | Registrar Non-Discrimination

Assumption	Relevant Output	Rationale & Supporting References
Recommendation 19 in the 2007 policy will be updated in accordance with Recommendation 37.1.	Recommendation 19 in the 2007 policy states: "Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars." The Working Group recommends updating Recommendation 19 to state: "Registries must use only ICANN accredited registrars in registering domain names, and may not discriminate among such accredited registrars unless an exemption to the Registry Code of Conduct is granted as stated therein, provided, however, that no such exemptions shall be granted without public comment." Recommendation 37.1	note: so a registrar can decide which TLDs it carries; a Ry cannot decide which Rr carries their TLD as long as they are ICANN accredited? internal question: do we have any issues about this? Russ Weinstein

Topic 38 | Registrar Support for New gTLDs

Assumption	Relevant Output	Rationale & Supporting References
There will be no changes to practices that it is up to each individual registrar to determine which gTLDs it carries.	The Working Group affirms existing practice that it is up to a registrar to determine which gTLDs it carries. Affirmation 38.1	QUESTION: if we want to promote IDNs, is there a way to incentivize them?

End of document.

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