

ICANN



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Internet Corporation for Assigned Names and Numbers

GNSO new TLDs Committee

Draft Final Report

Introduction of New Generic Top-Level Domains

Introductory Note from the ICANN Staff

This is an abbreviated version of the full report, which can be found at: <http://www.icann.org/topics/gtld-strategy-area.html>. The original, and this abbreviated version, are working documents without any official status.

As noted above, the original version of this document is the English text. The process of gaining agreement on the contents of the original text was all conducted in English. Where a difference of interpretation exists or is perceived to exist between this document and the original text, the original shall prevail.

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GLOSSARY & DEFINITIONS

Commercial & Business Users Constituency	CBUC http://www.bizconst.org/
Consensus Policy	A defined term in all ICANN registry contracts usually found in Article 3 (Covenants). See, for example, http://www.icann.org/tlds/agreements/biz/registry-agmt-08dec06.htm
Country Code Names Supporting Organization	ccNSO http://ccnso.icann.org/
Domain Names	The term domain name has multiple related meanings: A name that identifies a computer or computers on the internet. These names appear as a component of a Web site's URL , e.g. www.wikipedia.org . This type of domain name is also called a hostname . The product that Domain name registrars provide to their customers. These names are often called registered domain names . Names used for other purposes in the Domain Name System (DNS) , for example the special name which follows the @ sign in an email address , or the Top-level domains like .com, or the names used by the Session Initiation Protocol (VoIP) , or DomainKeys . http://en.wikipedia.org/wiki/Domain_names
Domain Name System	On the Internet , the domain name system (DNS) stores and associates many types of information with domain names ; most importantly, it translates domain names (computer hostnames) to IP addresses . It also lists mail exchange servers accepting e-mail for each domain. In providing a worldwide keyword -based redirection service, DNS is an essential component of contemporary Internet use. http://en.wikipedia.org/wiki/Domain_name_system
Governmental Advisory Committee	GAC http://gac.icann.org/web/index.shtml http://gac.icann.org/web/index.shtml
Intellectual Property Constituency	IPC http://www.ipconstituency.org/
Internet Service & Connection Providers Constituency	ISPCP
Internationalized Domain Names Working Group	IDN-WG
Nominating Committee	NomCom
Non-Commercial Users Constituency	NCUC http://www.ncdnhc.org/

Policy Development Process	PDP See http://www.icann.org/general/archive-bylaws/bylaws-28feb06.htm#AnnexA
Protecting the Rights of Others Working Group	PRO-WG See the mailing list archive at http://forum.icann.org/lists/gnso-pro-wg/
Registrar Constituency	RC http://www.icann-registrars.org/
Registry Constituency	RyC http://www.gtlldregistries.org/
Request for Comment A full list of all Requests for Comment http://www.rfc-editor.org/rfcxx00.html Specific references used in this report are shown in the next column. This document uses language, for example, "should", "must" and "may", consistent with RFC2119.	RFC ftp://ftp.rfc-editor.org/in-notes/rfc2119.txt ftp://ftp.rfc-editor.org/in-notes/rfc2606.txt
Reserved Names	All ICANN's registry agreements have Reserved Names provisions. See, for example, the .aero agreement http://www.icann.org/tlds/agreements/sponsored/sponsorship-agmt-att11-20aug01.htm
Reserved Names Working Group	RN-WG See the mailing list archive at http://forum.icann.org/lists/gnso-rn-wg/
Root server	A root nameserver is a DNS server that answers requests for the root namespace domain, and redirects requests for a particular top-level domain to that TLD's nameservers. Although any local implementation of DNS can implement its own private root nameservers, the term "root nameserver" is generally used to describe the thirteen well-known root nameservers that implement the root namespace domain for the Internet's official global implementation of the Domain Name System. All domain names on the Internet can be regarded as ending in a full stop character e.g. "en.wikipedia.org.". This final dot is generally implied rather than explicit, as modern DNS software does not actually require that the final dot be included when attempting to translate a domain name to an IP address. The empty string after the final dot is called the root domain , and all other domains (i.e. .com, .org, .net, etc.) are contained within the root domain. http://en.wikipedia.org/wiki/Root_server

EXECUTIVE SUMMARY

1. The section sets out the principles¹, policy recommendations and implementation guidelines the GNSO Council's Committee on the introduction of new top-level domains has developed through its policy development process. The development of all elements of the Committee's work has been done in close consultation with an ICANN staff team who have provided advice on policy, operational and legal matters for the Committee. This version of the draft *Final Report* reflects the updated work of the Committee at its 23 & 24 February 2007 Los Angeles meetings².
2. The *Report* is now structured around four main areas. This includes an explanation of the principles that have guided the work; a comprehensive set of draft recommendations which have majority Committee support; a set of implementation guidelines and a detailed record of the Committee's work which can be found in Annexes One and Two of the *Report*. Annex Three is a list of reference material on which the Committee have relied.
3. The Committee is expected to discuss its recommendations in a public forum at the 26 – 30 March 2007 ICANN meeting in Lisbon, Portugal. At the same time, a number of face-to-face consultations will take place with a variety of organisations and working groups including the Governmental Advisory Committee (GAC), the Country Code Names Supporting Organization (ccNSO), the Internationalised Names Working Group (IDN-WG), the Reserved Names Working Group (RN-WG) and the Protecting the Rights of Others Working Group (PRO-WG).

¹ In this document, the use of the terms "must", "must not", "should" and "should not", are used in the same way as RFC 2119 (<http://www.ietf.org/rfc/rfc2119>)

² The MP3 recordings of the meetings can be found at <http://forum.icann.org/lists/gtld-council/msg00352.html>

4. The major changes captured in this version of the *Report* are to re-emphasise the Committee's key principles that reflect ICANN's Mission and Core Values; clarification of the Committee's draft policy recommendations and the further explanation of the Committee's implementation guidelines which are designed to assist ICANN staff to implement the policy recommendations in a transparent and cohesive manner.
5. The *Report* sets out the key findings from a multi-phase, multi-stakeholder policy development process that has taken place during 2006 and which will continue through 2007. The Committee has been guided by the GNSO's policy development process requirements which are part of ICANN's ByLaws³.
6. In each of the sections below the Committee's recommendations are discussed in more detail with an explanation of the rationale for the decisions. The recommendations have been the subject of numerous public comment periods and intensive discussion across a range of stakeholders including ICANN's GNSO Constituencies, ICANN Supporting Organisations and Advisory Committees and members of the broader Internet-using public that is interested in ICANN's work⁴. In particular, detailed work has been conducted through the Internationalised Domain Names Working Group (IDN-WG)⁵ and the Reserved Names Working Group (RN-WG)⁶ to comprehensively examine important elements of new TLDs. A working group to examine the protection of the rights of others (PRO-WG) has been formed and work has begun on its Statement of Work⁷.

³ <http://www.icann.org/general/archive-bylaws/bylaws-28feb06.htm#AnnexA>.

⁴ A full list of the working materials of the new TLDs Committee can be found at <http://gns0.icann.org/issues/new-gtlds/>.

⁵ The mailing list archive for the IDN-WG is found at <http://forum.icann.org/lists/gns0-idn-wg/>. A full set of resources which the WG is using is found at <http://gns0.icann.org/issues/idn-tlds/>.

⁶ The mailing list archive for the RN-WG is found at <http://forum.icann.org/lists/gns0-rn-wg/>

⁷ <http://gns0.icann.org/mailling-lists/archives/council/msg03197.html>

7. The GNSO Committee has conducted five separate face-to-face consultations, in Washington DC, Wellington, Brussels, Amsterdam and Los Angeles to discuss each of the Terms of Reference in the context of ICANN's Bylaws, Mission and Core Values.

PRINCIPLES

1. This set of principles relates to the introduction of new top-level domains. The full listing of existing top-level domains, for example, .com, .org and .info, can be found on ICANN's website⁸. There are also two letter country code top-level domains such as .de, .cc and .at⁹. The addition of new gTLDs will be done in accordance with ICANN's primary mission which is to ensure the security and stability of the Domain Name System (DNS) and, in particular, the Internet's root server system¹⁰.
2. The principles are a combination of Committee priorities and ICANN staff implementation principles which have been developed in tandem with the Committee¹¹.

Principle 1	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.
Principle 2	Some new generic top-level domains may be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root. ¹²
Principle 3	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats and that the new TLD process promotes competition, consumer choice and geographical and service-provider diversity.
Principle 4	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
Principle 5	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN's registry agreement.
Principle 6	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.

Table 0-1: new gTLDs principles

⁸ <http://www.icann.org/registries/listing.html>

⁹ <http://www.iana.org/root-whois/index.html>

¹⁰ The root server system is explained here <http://en.wikipedia.org/wiki/Rootserver>

¹¹ The Governmental Advisory Committee (GAC) is also developing a set of public policy principles that relate to the introduction of new top-level domains. These principles are not yet complete.

¹² Internationalised Domain Names guidelines are found at <http://www.icann.org/topics/idn/implementation-guidelines.htm> and the results of the current technical trials are found at <http://www.icann.org/announcements/announcement-4-07mar07.htm>

RECOMMENDATIONS¹³

1. This set of recommendations is the result of widespread consultation with a variety of interested stakeholders, ICANN Supporting Organizations and interested observers. A full record of the Committee's work can be found on the GNSO's website¹⁴.
2. The recommendations have majority support from a range of GNSO Committee representatives and have been subjected to detailed discussion through a series of ICANN meetings in addition to five face-to-face meetings of the Committee. In addition, detailed meetings have taken place between Committee members and ICANN staff on a wide range of implementation issues. The sections below relating to each Term of Reference show how the Committee has reached its decisions.

¹³ In the Recommendations, the use of the terms "must", "must not", "should" and "should not", are used in the same way as RFC 2119 (<http://www.ietf.org/rfc/rfc2119>)

¹⁴ <http://gnso.icann.org/issues/new-gTlds/>

Recommendation 1	ICANN must implement a process that allows the introduction of new top-level domains.
Recommendation 2	Strings must not be confusingly similar ¹⁵ to an existing top-level domain.
Recommendation 3	Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law.
Recommendation 4	Strings must not cause any technical instability.
Recommendation 5	Strings must not be a Reserved Word.
Recommendation 6	Strings must not be contrary to generally accepted legal norms relating to morality and public order.
Recommendation 7	Applicants must be able to demonstrate their technical capability to run a registry operation.
Recommendation 8	Applicants must be able to demonstrate their financial and organisational operational capability.
Recommendation 9	There must be a clear and pre-published application process using objective and measurable criteria.
Recommendation 10	There must be a base contract provided to applicants at the beginning of the application process.
Recommendation 11	Staff Evaluators will be used to make preliminary determinations about applications as part of a process which includes the use of expert panels to make decisions.
Recommendation 12	Dispute resolution and challenge processes must be established prior to the start of the process.
Recommendation 13	Applications must initially be assessed in rounds until the scale of demand is clear and there is a reduction to zero of applications for the same string.
Recommendation 14A	<p>If there is contention for strings, applicants may:</p> <ul style="list-style-type: none"> i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.
Recommendation 14B	<p>Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exception:</p> <ul style="list-style-type: none"> i) the claim relates to a string that is also subject to

¹⁵ See UDRP rules, in particular, 4a -- <http://www.icann.org/udrp/udrp-policy-24oct99.htm>.

	<p>another application and the claim to support a community is being used to gain priority for the application</p> <p>Under this exception, Staff Evaluators will devise criteria and procedures to investigate the claim.</p>
Recommendation 14C	An application will be rejected or otherwise deferred if it is determined, based on public comments or otherwise, that there is substantial opposition to it from among significant established institutions of the economic sector, or cultural or language community, to which it is targeted or which it is intended to support. Staff Evaluators will develop criteria and procedures for making this determination.
Recommendation 15	The initial registry agreement term must be of a commercially reasonable length.
Recommendation 16	There must be renewal expectancy.
Recommendation 17	Registries must apply existing Consensus Policies ¹⁶ and adopt new Consensus Polices as they are approved.
Recommendation 18	A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.
Recommendation 19	If an applicant offers an IDN service, then ICANN's IDN guidelines ¹⁷ must be followed.
Recommendation 20	Registries must use ICANN accredited registrars.

Table 0-1: new gTLDs recommendations

IMPLEMENTATION GUIDELINES

1. This set of implementation guidelines is the result of detailed discussion, particularly with respect to the *ICANN Staff Discussion Points*¹⁸ document which was prepared to facilitate consultation with the GNSO Committee prior to the 2006 Sao Paulo meeting and used again at the February 2007 Los Angeles meeting.
2. Since that meeting, the ICANN staff has met weekly to discuss ongoing implementation planning and have had further consultations with members

¹⁶ Consensus Policies has a particular meaning within the ICANN environment. Refer to <http://www.icann.org/general/consensus-policies.htm> for the full list of ICANN's Consensus Policies.

¹⁷ <http://www.icann.org/general/idn-guidelines-22feb06.htm>

¹⁸ <http://gns0.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06.pdf>

of the Committee. Many additional implementation comments were received from the Committee and observers at the Los Angeles meeting. These have been incorporated into a list of questions for the implementation team

3. The draft Implementation Flowchart was developed through discussion at the Los Angeles meeting and as part of the ongoing internal implementation discussions which have focused on ensuring that draft recommendations proposed by the Committee are implementable in an efficient and transparent manner¹⁹.

Implementation Guideline 1	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.
Implementation Guideline 2	Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants.
Implementation Guideline 3	ICANN will provide frequent communications with applicants and the public including comment forums which will be used to inform evaluation panels.
Implementation Guideline 4	A first come first served processing schedule within the application round will be implemented and will continue for an ongoing process, if necessary. Applications will be time and date stamped on receipt.
Implementation Guideline 5	The application submission date will be at least four months after the issue of the Request for Proposal and ICANN will promote the opening of the application round.
Implementation Guideline 6	ICANN will provide for the ability to settle

¹⁹ Consistent with ICANN's commitments to accountability and transparency found at <http://www.icann.org/announcements/announcement-26jan07b.htm>

	conflicts between applicants (such as string contention) at any time. A defined mechanism and a certain period for resolution of identified conflicts will be provided.
Implementation Guideline 7	Evaluation panels established by ICANN will be used to make decisions relating to technical criteria consistent with ICANN's mission.
Implementation Guideline 8	External dispute providers will give decisions on complaints.
Implementation Guideline 9	An applicant granted a TLD string must use it within an appropriate timeframe.
Implementation Guideline 10	The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place.
Implementation Guideline 11	ICANN should take a consistent approach to the establishment of registry fees.
Implementation Guideline 12	The use of personal data is limited to the purpose for which it is collected.
Implementation Guideline 12B	Procedures related to Recommendations 14B and 14C could be based on ICANN's existing procedures to examine sponsored TLD applications.
Implementation Guideline 13 (NCUC suggestions)	<p>ICANN may establish a capacity building and support mechanism aiming at facilitating effective communication on important and technical Internet governance functions in a way which no longer requires all participants in the conversation to be able to read and write English.</p> <p>ICANN may put in place a fee reduction scheme for gTLD applicants from developing economies, and make the financial and the operational threshold for market entry easier for those from less developed economies.</p> <p>ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.</p>

Table 0-1: new gTLDs implementation guidelines

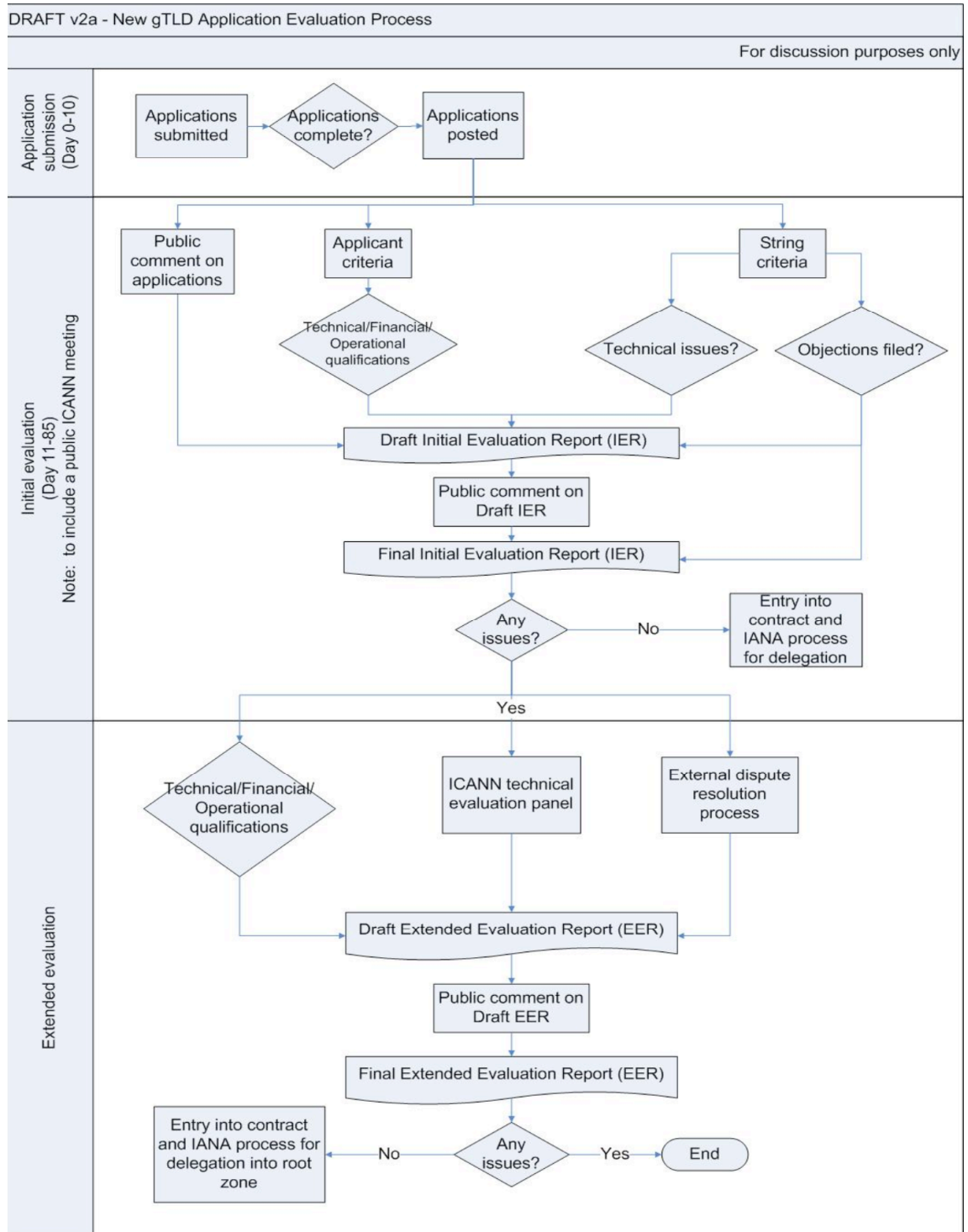


Table 0-1: DRAFT new TLDs Implementation Plan