

Implementation Plan

for

**New gTLD Subsequent Procedures (SubPro)
Policy Development Process (PDP)
Recommendations**

May 2023

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Status of this Document

This is a draft Implementation Plan (Plan) for ninety-eight (98) of the outputs (comprising those recommendations, affirmations, and affirmations with modification) contained in the [Final Report on the New gTLD Subsequent Procedure Policy Development Process](#) (Final Report) that were adopted by the ICANN Board. The Plan has been prepared by ICANN org and will be updated as soon as the Board has resolved on the remaining thirty-eight (38) recommendations that are currently designated as ‘pending’¹.

Project Implementation Overview

The implementation process is an ICANN org-driven exercise and, in alignment with the [Board resolution](#) and subsequent [GNSO Council consultation](#), ICANN org will be piloting a “Open + Representative Model” based on the [GNSO’s PDP 3.0 model](#). The goal is to provide a structure that allows for efficient resolution of issues if they occur.

Project	Implement ninety-eight (98) recommendations from the New gTLD Subsequent Procedures (SubPro) Policy Development Process (PDP)
Responsible Entity	ICANN staff - Global Domains & Strategy
Project’s Lead Department	Policy Research & Stakeholder Programs

Deliverables

For implementation purposes, ninety-eight (98) outputs included in this Plan are divided into eight separate modules—in close alignment with the original six modules from the [2012 Applicant Guidebook](#) (AGB)—with the addition of two new modules Applicant Support Program (ASP) and Registry Service Provider (RSP) Pre-Evaluation Process.

¹ For further details please see [Scorecard](#) from the 16 March 2023 Approved Board Resolution.

1	An updated <u>Applicant Guidebook</u>, including new language based on the Board-adopted outputs from the SubPro Final Report	<p>Once the draft has been finalized, the AGB will pass through various steps:</p> <ul style="list-style-type: none"> ● AGB will be issued for public comment ● ICANN org will review comments with IRT ● AGB will be submitted for Board approval ● As noted in Affirmation with Modification 12.3: “The commencement of the application submission period will be at least four (4) months after the issue of the Applicant Guidebook and ICANN will promote the opening of the applicant round.”
2	Applicant Support Program	<p>Expected Program start: at least 18 months prior to the opening of the application window of the Next Round.</p> <p>The same review and public comment process will apply as for the AGB.</p>
3	RSP Pre-Evaluation Process	<p>Expected Pre-Evaluation start: at least 18 months prior to the opening of the application of the Next Round.</p> <p>The same review and public comment process will apply as for the AGB.</p>

Purpose & Role of the Implementation Review Team

On 16 March 2023, the ICANN Board passed a [resolution](#) on the majority of the final recommendations from the New gTLD Subsequent Procedures Policy Development Process (SubPro) Working Group. In its resolution, the Board directed ICANN org to deliver “a working methodology and Implementation Review Team (IRT) work plan and timeline as agreed upon by ICANN org and the GNSO Council”. Consequently, ICANN org is launching IRT to “assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations”² from the SubProPDP. This stream is one of four

² IRT Principles & Guidelines:
<https://www.icann.org/en/system/files/files/irt-principles-guidelines-23aug16-en.pdf>

interdependent implementation streams necessary to be completed before a new round of gTLDs can open.

As noted above in “Deliverables,” the role of the IRT is to assist ICANN org in the Policy Implementation stream, the outcome of which will be an updated Applicant Guidebook, including new language based on the Board-adopted outputs from the Final Report.

Per the [Consensus Policy Implementation Framework \(CPIF\)](#) and the [IRT Principles & Guidelines](#), the IRT members:

- Serve as a resource to implementation staff on policy and technical questions that arise with regard to the Board-approved recommendations of the [Final Report](#).
- Serve as a resource to staff on the background and rationale of the Final Report’s policy recommendations and return to the GNSO Council for additional guidance as required.
- Assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations as detailed in the Final Report.

If policy questions arise, the GNSO liaison is expected to inform the GNSO Council in accordance with existing guidelines; it is not the responsibility of the IRT to resolve such issues. For more information on the IRT’s role, please refer to the IRT Guidelines and the CPIF. Should there be disagreement on the intent and purpose of any of the outputs between ICANN and the IRT, the GNSO Council Liaison, “in consultation with the IRT, is expected to make an assessment as to the level of consensus within the IRT on whether to raise the issue with the GNSO Council [...].”³

Participants and representatives will be equal members of the IRT, with the same ability to take the floor and post to the mailing list, working constructively with ICANN org to assist in the implementation of the recommendations, as detailed in ‘Role of the IRT’ above. Both will also be expected to understand the role and remit of the IRT for the implementation project as described in the [SubPro IRT Statement of Participation \(SOP\)](#) that all IRT members are expected to commit to.

³ Implementation Review Team (IRT) Principles & Guidelines:
<https://www.icann.org/en/system/files/files/irt-principles-guidelines-23aug16-en.pdf>

While participants always speak in their own personal capacity, representatives (or their alternates) are expected to speak on behalf of their constituency, stakeholder group, supporting organization, or advisory committee.

Regarding “Conflict Resolution,” “should [a] disagreement prove irreconcilable...the GNSO Council liaison in consultation with [representatives] from the IRT is expected to make an assessment as to the level of consensus within the IRT on whether to raise the issue with the GNSO Council for consideration, using the standard decision-making methodology outlined in the GNSO Working Group Guidelines”.

This process also applies to cases in which there is agreement between the IRT and GDS staff concerning the need for further guidance from the GNSO Council and/or when issues arise that may require possible policy discussion.

To be clear, the Open + Representative model will not change the ability of any IRT member to raise questions or concerns about the implementation approach taken by ICANN org, as detailed in the Guidelines.

Dependencies

The timeline for drafting the AGB, as noted above, is dependent on the successful delivery of all dependencies listed:

1. Board needs to resolve on [recommendations currently in “pending” status](#).
 - **Timeline:** Still unknown.
2. Completion of GNSO Guidance Process (GGP) for Applicant Support.
 - Current timeline foresees Council approval by **December 2023**.
3. Completion of ongoing community discussion relating to Topic 23: Closed Generics.
 - **Timeline:** Still unknown but could include an EPDP.
4. Completion of Internationalized Domain Names (IDNs) EPDP.
 - **Timeline:** Delivery of the Phase 2 Final Report to GNSO Council by October 2024⁴
 - Once the Final Report is delivered, Council adoption, public comment, and Board consideration to follow - likely to take a combined 4-5 months.

⁴ Updated Timeline: <https://community.icann.org/display/gnsocouncilmeetings/Final+Proposed+Agenda+2023-07-20>

5. Completion of the Name Collision Analysis Project Study 2 Report (NCAP2).
 - **Timeline:** Forecast to be published by ICANN78.
6. Implementation of review recommendations, advice and Work Stream 2 items that pertain to the Next Round of new gTLDs.
 - **Timeline:** N/A; will be absorbed as part of the IRT work and should not impact the overall timeline.

Please note that changes to the IRT timeline can occur at any time due to a variety of unforeseen factors including: The need for more time to propose draft language, misalignment between IRT members on whether proposed policy language aligns with the intent/purpose of an output, a dependency (listed above) not delivered on time, and other external factors. If changes do occur, ICANN org will work with the IRT in order to mitigate extensions to the 15-24 month range; an updated work plan will be posted online as soon as it becomes available.

Implementation Remit and Effort

The Board has directed ICANN org to implement all ninety-eight (98) recommendations from the [Final Report](#). Implementation of thirty-eight (38) remaining outputs (currently in “pending” status, as of the [March 2023 Board Resolution](#)) is delayed until the Board has resolved on these.

<u>Recommendations</u>	
Total number of recommendations	136
Number of recommendations that the Board has adopted	98
Number of recommendations that are currently slated as pending ⁵	38

The Final Report also contained 165 Implementation Guidance items that ICANN org will take into consideration when drafting the updated AGB language.

Implementation Guidance

⁵ See also Dependencies

Total number of outputs (affirmations and implementation guidance) that the Board will acknowledge	165
Note: Implementation guidance is not subject to Board approval, though ICANN org will continue to take these into consideration when drafting policy language.	

The output of this implementation effort will be an updated AGB. As was the case in the [2012 round](#), the updated AGB will be divided into "Modules". An initial overview of the modules for the updated AGB is listed below. This overview reflects ICANN org's current view of structure, noting that the structure (not the content) of the Guidebook may change as the implementation process progresses. ICANN org will inform the IRT in case any changes are considered.

AGB Modules	
Module 1	New gTLD Program Foundations + other Program Elements
Module 2	Application Submission and Processing
Module 3	Application Evaluation
Module 4	Dispute Resolution
Module 5	Contention Resolution
Module 6	Contracting
Module 7	Post-Contracting
Module 8	Terms & Conditions
Separate Materials	
Module 9	Applicant Support Program
Module 10	RSP Pre-Evaluation Program

Overview of Topic Complexity and Planned Weeks of IRT Discussion

ICANN org has done a high-level estimation of the level of complexity involved to develop draft AGB text and an estimated amount of weeks each topic would be discussed with the IRT, as depicted in the table below:

Module⁶	Topic	Complexity to Develop Text	Planned Weeks with IRT
1. New gTLD Program Foundations	02. Predictability	3	3
1. New gTLD Program Foundations	03. Applications Assessed in Rounds*	2	2
1. New gTLD Program Foundations	04. Different TLD Types	2	2
1. New gTLD Program Foundations	05. Applications Submission Limits*	1	0
1. New gTLD Program Foundations	07. Metrics and Monitoring	2	2
1. New gTLD Program Foundations	08. Conflicts of Interest	2	2
1. New gTLD Program Foundations	09. Registry Voluntary Commitments Public Interest Commitments*	5	4
1. New gTLD Program Foundations	10. Applicant Freedom of Expression	1	2
1. New gTLD Program Foundations	11. Universal Acceptance	1	2
1. New gTLD Program Foundations	12. Applicant Guidebook	1	0
1. New gTLD Program Foundations	13. Communications	5	2
1. New gTLD Program Foundations	14. Systems	3	2
1. New gTLD Program Foundations	18. Terms & Conditions*	1	2
1. New gTLD Program Foundations	20. Application Change Requests	3	3
1. New gTLD Program Foundations	28. Role of Application Comment	4	3

⁶ Although extensive analysis was conducted to allocate topics according to the new module structure in the Applicant Guidebook, the distribution of topics remains flexible and may be adjusted to ensure alignment with systems design.

1. New gTLD Program Foundations	30. GAC Consensus Advice and GAC Early Warning*	2	3
1. New gTLD Program Foundations	32. Limited Challenge/Appeal Mechanism*	5	4
2. Application Submission & Processing	15. Application Fees	5	2
2. Application Submission & Processing	16. Application Submission Period*	1	1
2. Application Submission & Processing	19. Application Queuing*	2	1
3. Application Evaluation	21. Reserved Names	3	3
3. Application Evaluation	22. Registrant Protections*	4	3
3. Application Evaluation	24. String Similarity Evaluations*	3	4
3. Application Evaluation	25. IDNs	5	2
3. Application Evaluation	26. Security and Stability*	3	2
3. Application Evaluation	27. Applicant Reviews: Technical/Operational, Financial and Registry Services	5	4
3. Application Evaluation	29. Name Collisions*	3	1
4. Dispute Resolution	31. Objections*	4	4
4. Dispute Resolution	33. Dispute Resolution Procedures After Delegation	2	4
5. Contention Resolution	34. Community Applications*	5	4
5. Contention Resolution	35. Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets*	5	4
6. Contracting	36. Base Registry Agreement	3	1
6. Contracting	37. Registrar Non-Discrimination / Registry/Registrar Standardization	1	1
6. Contracting	38. Registrar Support for New gTLDs	1	1
7. Post Contracting	39. Registry System Testing	2	1
7. Post Contracting	40. TLD Rollout	1	1
7. Post Contracting	41. Contractual Compliance	1	1
Applicant Support Program	17. Applicant Support*	5	4

NA	01. Continuing Subsequent Procedures	N/A	0
RSP Pre-Evaluation Program	06. Registry Service Provider Pre-Evaluation*	5	4
TOTAL	N/A	N/A	91

*Board has not resolved on all, or any, of the recommendations in this topic; See [16 March 2023 resolution](#) (16 total)

Per-module Overview of Topics, Complexity, Public Comments, & IRT Weeks

Module	# of Topics	# of Topics not (fully) Resolved	Accumulative Complexity	Accumulative IRT Weeks
1. New gTLD Program Foundations	16	5	37	34
<u>PUBLIC COMMENT (40 days) + 2 weeks staff review + 3 week comment review with IRT⁷</u>				
2. Application Submission & Processing	3	2	3	4
<u>PUBLIC COMMENT (40 days) + 2 weeks staff review + 3 week comment review with IRT</u>				
3. Application Evaluation	7	4	4	19
4. Dispute Resolution	3	2	4	12
<u>PUBLIC COMMENT (40 days) + 2 weeks staff review + 3 week comment review with IRT</u>				
5. Contention Resolution	2	2	5	8
6. Contracting	3	0	2	3
<u>PUBLIC COMMENT (40 days) + 2 weeks staff review + 3 week comment review with IRT</u>				
7. Post Contracting	3	0	1	3
8. ASP	1	1	5	4
9. RSP	1	1	5	4
TOTAL	39**	17	N/A	91

**The Final Report contains 40 topics, but we currently do not foresee any work regarding Topic 1: Continuing Subsequent Procedures.

⁷ **Note on Public Comment Periods:** Each of the four (4) public comment periods will occur in parallel with ongoing IRT work and are subject to final agreement between ICANN org and IRT members. ASP and RSP have not been considered in these four public comment periods as they are likely to go out for public comment separately.

Public Comment

Rather than wait for a completed AGB to submit for public comment, policy language will be posted for public comment once the IRT has reviewed a critical mass of draft AGB text. Once the public comment closes, ICANN org will produce a staff summary report, and review comments with the IRT and incorporate feedback as appropriate.

ICANN org will inform the IRT in case the review and incorporation of public comments has an impact on the rate at which staff is able to share new draft AGB language with the IRT so that staff and the IRT can decide on the best way to mitigate any timing implications.

Once the AGB is drafted in its entirety, the document as a whole will also be published for public comment. Staff will produce a summary report and review comments with the IRT. Once this is completed, the AGB will be forwarded to the Board for its consideration.

Pipeline of Topics Until ICANN78

Note: This comprehensive timeline outlines the topics that will be addressed leading up to ICANN78, and is contingent on ICANN Org making effective progress in language drafting and the IRT carrying out effective language review. All timelines in this Implementation Plan are subject to IRT approval.

Topics from Module 1 are the priority for this phase of the IRT but other topics may be brought to the IRT if/when ready. The order below is also subject to change, however, ICANN org is committed to providing the IRT with an up-to-date pipeline of what topics to expect next. The pipeline foresees eight topics to be discussed with the IRT in the time until ICANN78.

<p>1. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none">● Topic 2: <u>Predictability</u><ul style="list-style-type: none">○ Level of Complexity: 3○ Anticipated IRT meetings: 3

<p>2. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none"> ● Topic 10: <u>Applicant Freedom of Expression</u> <ul style="list-style-type: none"> ○ Level of Complexity: 2 ○ Anticipated IRT meetings: 2
<p>3. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none"> ● Topic 7: <u>Metrics and Monitoring</u> <ul style="list-style-type: none"> ○ Level of Complexity: 2 ○ Anticipated IRT meetings: 2
<p>4. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none"> ● Topic 8: <u>Conflicts of Interest</u> <ul style="list-style-type: none"> ○ Level of Complexity: 2 ○ Anticipated IRT meetings: 2
<p>5. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none"> ● Topic 3: <u>Applications Assessed in Rounds</u> <ul style="list-style-type: none"> ○ Level of Complexity: 2 ○ Anticipated IRT meetings: 2
<p>6. Module 1: New gTLD Program Foundations</p> <ul style="list-style-type: none"> ● Topic 4: <u>Different TLD Types</u> ● Level of complexity: 2 ● IRT meetings: 2
<p>7. Module 3: Application Evaluation</p> <ul style="list-style-type: none"> ● Topic 21: <u>Reserved Names</u> <ul style="list-style-type: none"> ○ Level of Complexity: 3 ○ Anticipated IRT meetings: 3

8. Module 1: New gTLD Program Foundations

- **Topic 20: Application Change Requests**
 - **Level of Complexity: 3**
 - **Anticipated IRT meetings: 3**

Timeline

The completion of the drafting of the AGB is an ICANN org priority and staff is committed to providing the IRT with draft language as expeditiously as feasible. It should be noted that to finalize the Applicant Guidebook, all applicable dependencies have to be completed first. Any outcome of those will then have to be approved via the appropriate mechanisms, which may include some or all of the following: public comment, approval by the GNSO Council, approval by the ICANN Board. Only then can ICANN org work with the IRT on how to transpose the outcomes of these dependencies in Applicant Guidebook language. These dependencies include the Board's consideration of the 'pending' recommendations, including any Bylaws amendment processes that may occur,⁸ the completion of the GNSO Guidance Process on Application Support, the dialogue and, if applicable, subsequent policy work on Closed Generics, the IDN EPDP, and the release of the NCAP 2 Study.

Due to the complexity of some topics in the Final Report, and the dependencies, the Plan currently anticipates that drafting of the AGB will be completed within a range of 15-24 months.

In this context, it should be noted that, to ensure visibility of and accountability for the progress of the AGB drafting, this workplan will be revisited by ICANN org and the IRT on a regular basis, including providing up-to-date timing estimates. Any changes to the timeline must be appropriately publicized. If the rate of progress may put into question the upper limit of the envisaged time range, ICANN org and the IRT - in consultation with the GNSO Council - shall explore mechanisms to increase the work rate so that the upper range of 24 months is not extended further.

⁸ See Section 25.1 of the Bylaws on how to amend ICANN's Bylaws and Section 25.2 on how to amend its fundamental Bylaws: <https://www.icann.org/resources/pages/governance/bylaws-en/#article25>.

Methodology

On 16 March 2023, during ICANN76, “the Board directed the ICANN Interim President and CEO, or her designee(s), to deliver the Implementation Plan to the Board no later than 1 August 2023. The timely delivery of the Implementation Plan requires the satisfactory completion of...four deliverables by the last day of the ICANN77 Public Meeting (15 June 2023),” including:

A working methodology and IRT work plan and timeline as agreed upon by ICANN org and the GNSO Council.

In response to the Board's request for a well-defined methodology for drafting the Applicant Guidebook language in conjunction with the IRT, a streamlined approach was deemed necessary. This approach restricts the roles of both ICANN org and the IRT to what is already outlined in the CPIF and the IRT Principles & Guidance document.

ICANN org is committed to completing the drafting of the AGB within the proposed time range noted above (15-24 months); however, given the complexity of the subject matter, it may be necessary to make adjustments to the methodology and timeline in order to ensure that all policy language aligns with the recommendations' intent and purpose. In such cases, ICANN org will work diligently to make any necessary changes while striving for efficiency.

As visualized by the “Efficiency-Oriented Implementation Process” below, ICANN org will be tasked with drafting policy language based on the recommendation text while taking into consideration any applicable implementation guidance. IRT meetings will only be scheduled once ICANN org has draft language ready to share with the IRT and ICANN org is committing to submit new topics to the IRT every 2-4 weeks with the caveat that the initial three to four months will likely have a larger gap between new topics and that the gap will be subsequently reduced.

ICANN org will submit topics to the IRT prior to an IRT meeting and IRT members are expected to have read all relevant materials (as per the [Statement of Participation](#)). Once materials have been submitted, the working methodology is as follows:

Prior to First Meeting: IRT reviews proposed text and provides comments where appropriate.

First Reading: During the first meeting after the materials were submitted, ICANN will provide clarifications and rationale, if needed. The IRT will review comments submitted prior to the call and offer additional comments as appropriate. The document will remain open for further comments after the call for at least three days.

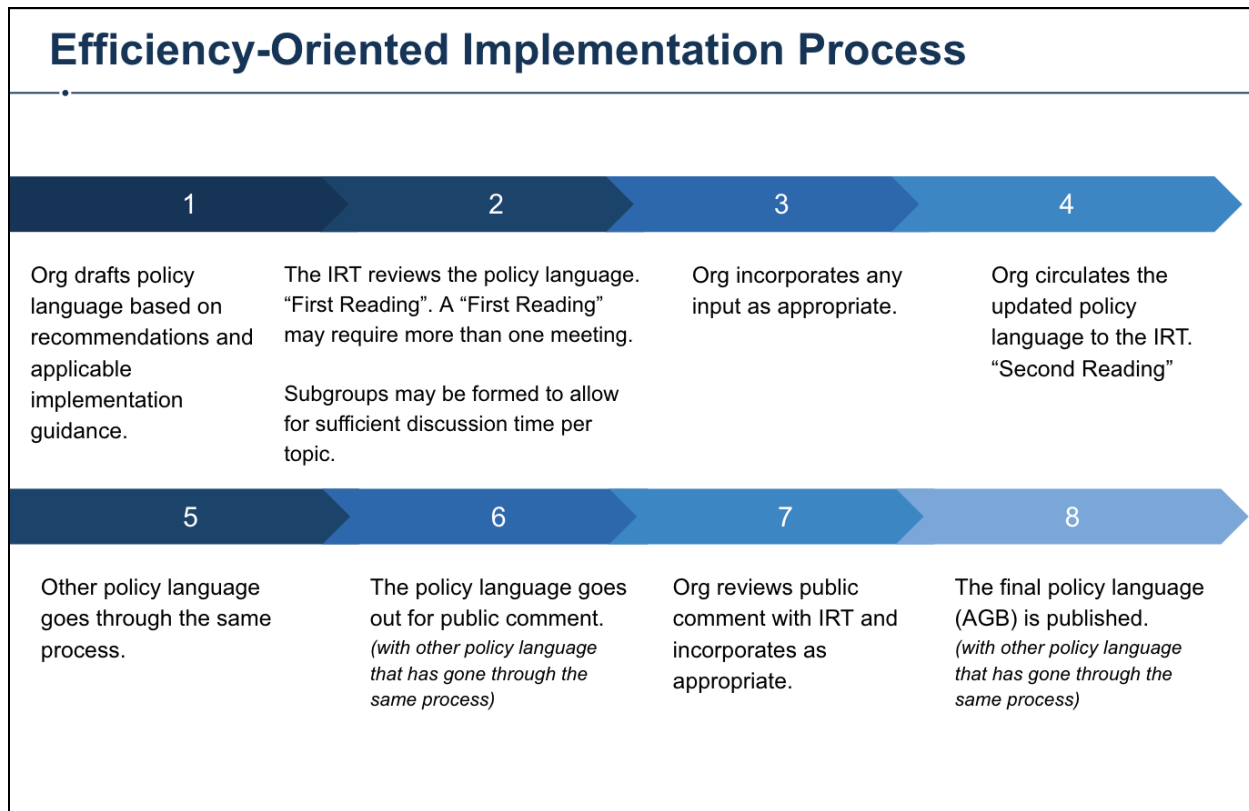
Continuation of First Reading: If needed, and most likely subject to the topic's complexity, multiple First Reading meetings may be required to ensure alignment among the IRT members regarding their feedback. The First Reading is complete once the IRT agrees that all comments have been appropriately added to the draft text, or else voiced on the calls or mailing list.

Prior to Second Reading: ICANN org will review all comments and produce a redline and a clean version of the updated text.

Second Reading: During the Second Reading, ICANN org and the IRT will review the clean version of the updated text, ICANN org will provide rationale where appropriate. Once the Second Reading is completed, the topic is ready for public comment.⁹

Subgroup Formation: In situations where the Second Reading of a Topic X is unfinished before ICANN org is ready to share a new Topic Y with the IRT, an IRT subgroup should be formed to continue discussing Topic X. Simultaneously, the IRT will begin the First Reading of Topic Y. In case more than two such subgroups need to be created, ICANN org and the IRT must agree that there is sufficient resources and time available to productively support these parallel work efforts.

⁹ Once a critical mass of topics have completed the Second Reading, ICANN org will post draft AGB text for public comment. See 'public comment' section below in this document. This does not impact the anticipated public comment proceedings of the entire draft AGB, once completed.



Vendor Engagement for Policy Implementation

As noted in the [New gTLD Subsequent Procedures Operational Design Assessment](#) (SubPro ODA):

“The process for growing ICANN org’s capabilities through vendors and third parties to support the New gTLD Program will take part in three phases: exploratory, selection, and long-term management.”

ICANN org has begun engaging vendors to assist with **Auctions** and **Community Priority Evaluation (CPE)**. Additional vendor engagement for the Policy Implementation stream may continue as the program planning and design progresses.

- **Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets**
 - Current Phase: Selection.

- ICANN Org is currently selecting a vendor to conduct research on auction mechanisms that can help applicants with limited financial resources (such as bid credits and multipliers) and prevent gaming of auctions for private benefit. The contract with the selected vendor is expected to be finalized in the coming weeks.

- **Community Priority Evaluation (CPE)**
 - Current Phase: Exploratory
 - ICANN org has compiled a list of potential vendors who could assist with the evaluation process for CPE, including the definition of "community" and the development of criteria. A formal outreach process will be initiated in the upcoming weeks to engage them.