Implementation Plan

New gTLD Subsequent Procedures (SubPro) PDP Recommendations

May 2023

Status of this document

This is a draft Implementation Plan (Plan) for ninety-eight (98) of the recommendations (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 staff and will be updated as soon as the Board has resolved on the remaining 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) 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 implementation plan are divided into eight separate modules—in close alignment with the original six modules from the 2012 Applicant Guidebook—with the addition of two new modules (Applicant Support Program (ASP) and RSP Pre-Evaluation Process (PREP)) which will be on separate work tracks.

1	**An updated Applicant Guidebook, including new language based on the Board-adopted outputs from**	Once the draft has been finalized, the AGB will pass through various steps:

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

	the SubPro Final Report.	• AGB will be issued for public comment • ICANN Org will review comments with IRT • AGB will be approved by Board • As noted in Affirmation w/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 (ASP)**	Expected completion: at least 18 months prior to the launch of the Next Round
3	**RSP Pre-Evaluation Process**	Expected completion: at least 18 months prior to the launch of the Next Round

Overview of Recommendations

Recommendations	
Total number of Recommendations	136
Number of Recommendations that the Board has **adopted**	98
Number of Recommendations that are currently slated as **pending**	38

Implementation Guidance	
Total number of Outputs (Affirmations and Implementation Guidance) that the Board will acknowledge	**165**
Note: Implementation Guidance (IG) is not subject to Board approval, though ICANN will continue to take these into consideration when drafting policy language.	

Purpose & Role of the Implementation Review Team (IRT)

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

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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 an Implementation Review Team (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 New gTLDs Subsequent Procedures (SubPro) Policy Development Process (PDP). This stream is one of four 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 SubPro 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

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

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.

While participants always speak in their own personal capacity, representatives 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 concerns about the implementation approach taken by ICANN org, as detailed in the Guidelines.

Summary Implementation Plan

This Plan includes ninety-eight (98) recommendations from the Final Report and incorporates a phased approach that takes into consideration multiple factors, including internal resource and SME availability and interdependencies with the various work streams. Implementation of the remaining thirty-eight (38) outputs (currently in "pending" status, as of the March 2023 Board Resolution) from the Final Report will be integrated into the implementation work upon, if/when these have been approved by the ICANN Board.

The "Modules" listed below reflect our current understanding of the deliverable's structure, but please note that it may change at any point as the process evolves.

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	New gTLD Program Operations
Module 6	Contracting
Module 7	Post-Contracting
Module 8	Terms & Conditions
Separate Materials	
Module 9	Applicant Support Program
Module 10	RSP Pre-Evaluation Program

Timeline

The Plan currently assumes a two year (24 month) timeline for drafting the AGB, with the support of the IRT. However, this is an estimation based on other policy implementation work and the fact that a significant number of topics have not yet been approved by the Board. In addition, there are also other dependencies such as the ongoing community work on Application Support, Closed Generics, and the IDN EPDP.

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. To ensure that future applicants have the best information available as to when the Applicant Guidebook will be ready, ICANN org will review the timeline with the IRT no less frequently than every three months to assess the likely impact

of dependencies and to continue to explore with the IRT avenues to streamline the work as best as possible.

Milestones	
Call for Volunteers	5 April 2023
First IRT meeting	16 May 2023
Work Plan shared	Mid-May 2023
Work on Module 1 completed & Module 2 started	7 months (after launch of IRT)
Work on Module 2 (Cont.)[4] & Module 3 completed	3-4 months after completion of Module 1
Work on Module 4 completed	3-4 months after completion of Modules 2 & 3
Work on Module 5 completed	3-4 months after completion of Module 4
Work on Module 6 completed	3-4 months after completion of Module 5
Work on Module 7 completed	3-4 months after completion of Module 6
Work on Module 8 completed	3-4 months after completion of Module 7

Dependencies

The timeline for drafting the AGB noted above is dependent on the successful delivery of all dependencies.

These dependencies include (but are not limited to):
1. Board Resolution on all Recommendations currently in "pending" status.
2. Completion of GNSO Guidance Process (GGP) for Applicant Support
3. Completion of ongoing community discussion relating to Topic 23: Closed Generics
4. Completion of Internationalized Domain Names (IDNs) EPDP
5. Completion of the Name Collision Analysis Project Study 2 Report (NCAP2)
6. Implementation of review recommendations, advice and Workstream 2 items that pertain to the Next Round of new gTLDs.

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[4] A topic in Module 2 is still 'pending' as the Board has not yet resolved on it. Subject to the time of resolution on this topic it may not be brought to the IRT in the first seven months. The pending topic is: Application Submission Period

Also, 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 a recommendation, a dependency (listed above) not delivered on time, and any other external factors.

Convening the Implementation Review Team (IRT)

The New gTLD Subsequent Procedures Policy IRT is expected to convene in Q2 of 2023, with the first meeting slated for 16 May 2023. For clarity, the IRT will operate in accordance with the IRT Principles and Guidelines as well as the Consensus Policy Implementation Framework (CPIF) as noted above. The IRT will start working via a series of calls, which are expected to be held on a weekly basis, as well as a public email list, and will provide feedback regarding the implementation of the recommendations. More information can be found on the SubPro IRT Community Wiki that will be consistently updated with relevant information.

TIMELINE	DATE
Call for IRT volunteers via email and published online (by staff)	5 April 2023
IRT Call #1: Introduction, discuss Implementation Plan, discuss proposed timeline • *General Call with all IRT members* • *Introduction of Policy Topics and IRT methodology* • *Administrative information provided*	**16 May, 2023**
IRT Call #2: Work Plan Overview/Discussion • *Administrative information continued* • *Overview of IRT Work Plan*	**23 May, 2023**

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 Implementation Review Team to what is already outlined in the CPIF and the IRT Principles & Guidance document.

ICANN org remains committed to completing the IRT within the proposed timeline noted above; 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.
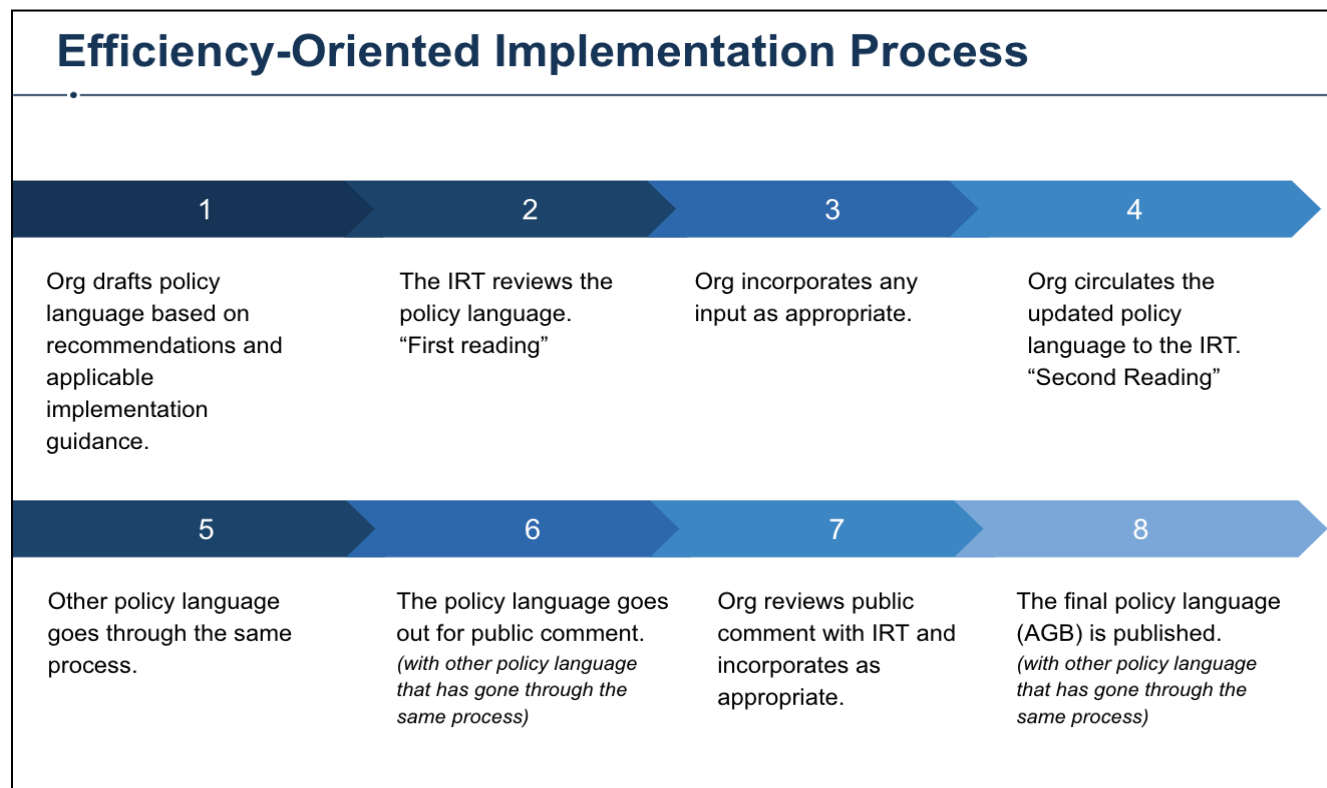
After the topic-specific draft policy language is finalized, ICANN org will provide the text to the IRT for an initial review or a **(First Reading),** asking the IRT to confirm if the draft text is in alignment with the recommendations from the Final Report. Any feedback received will be incorporated into a new version of the draft policy language, which will be re-circulated to the IRT for a second review **(Second Reading)**. Due to the high volume of recommendations and time constraints, review and confirmation of recommendations should be focused on the overall intent and purpose of the recommendations and not on wordsmithing the language.

Rather than wait for a completed Applicant Guidebook (AGB) to submit for public comment,

policy language for each topic will be posted for public comment as it is finalized on an ongoing basis. ICANN org will review all comments received with the IRT and incorporate the feedback as necessary. After completing all topics, the final policy language, collated in the AGB, will be published for public comment in its entirety before its distribution.

Regarding the timing of IRT meetings, it is initially expected that meeting cadence will be at irregular intervals. However, in order to align with the Board's desire to launch the next round by May 2026 (36 months from the launch of the IRT) once materials are drafted and are ready for review, ICANN Org will revisit meeting sequences and timelines. It is anticipated that IRT meetings will be held on a weekly basis with the goal to discuss each topic we bring to the IRT for two consecutive meetings.

Subject to requirements, the IRT may form sub-groups to provide timely feedback on draft policy language that is shared by ICANN org and allow for more flexibility and focused discussions during each call.

Efficiency-Oriented Implementation Process

1	2	3	4
Org drafts policy language based on recommendations and applicable implementation guidance.	The IRT reviews the policy language. "First reading"	Org incorporates any input as appropriate.	Org circulates the updated policy language to the IRT. "Second Reading"

5	6	7	8
Other policy language goes through the same process.	The policy language goes out for public comment. *(with other policy language that has gone through the same process)*	Org reviews public comment with IRT and incorporates as appropriate.	The final policy language (AGB) is published. *(with other policy language that has gone through the same process)*

See below for a high-level timeline of the first grouping of topics.

Outputs (Recommendations, Affirmations, Implementation Guidance) & Timeline

I.   First Group of Policy Topics: Module 1: New gTLD Program Foundations

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.

TIMELINE	SESSION #

Module 1: New gTLD Program Foundations
 	
    ● **Topic 2: <u>Predictability</u>**
        ○ **(Reading 1)**
	Meeting 3

Module 1: New gTLD Program Foundations
 	
    ● **Discuss AGB changes to Topic 2: <u>Predictability</u> and Finalize Topic**
        ○ **(Reading 2)**
	Meeting 4

Module 1: New gTLD Program Foundations
 	
    ● **Topic 10: <u>Applicant Freedom of Expression</u>**
        ○ **(Reading 1)**
	Meeting 5

Module 1: New gTLD Program Foundations ● **Discuss AGB changes to Topic 10: <u>Applicant Freedom of Expression</u> and Finalize Topic**	**Meeting 6**

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○ **(Reading 2)**	
Module 1: New gTLD Program Foundations ● **Topic 4: <u>Different TLD Types</u>** ○ **(Reading 1)**	**Meeting 7**
Module 1: New gTLD Program Foundations ● **Discuss AGB changes to Topic 4: <u>Different TLD Types</u> and Finalize Topic** ○ **(Reading 2)**	**Meeting 8**
Module 1: New gTLD Program Foundations ● **Topic 8: Conflicts of Interest** ○ **(Reading 1)**	**Meeting 9**
Module 1: New gTLD Program Foundations ● **Discuss AGB changes to Topic 8: <u>Conflicts of Interest</u> and Finalize Topic** ○ **(Reading 2)**	**Meeting 10**
Module 1: New gTLD Program Foundations ● **Topic 3: Applications Assessed in Rounds** ○ **(Reading 1)**	**Meeting 11**

Module 1: New gTLD Program Foundations ● **Discuss AGB changes to Topic 3: <u>Applications Assessed in Rounds</u> and Finalize Topic** ○ **(Reading 2)**	**Meeting 12**
● **Topic 7: <u>Metrics and Monitoring</u>** ○ **(Reading 1)**	**Meeting 13**

● **Discuss AGB changes to Topic 7: <u>Metrics and Monitoring</u> and Finalize Topic** ○ **(Reading 2)**	**Meeting 14**
● **Topic 33: <u>Dispute Resolution Procedures</u>** ○ **(Reading 1)**	**Meeting 15**
● **Discuss AGB changes to Topic 33: <u>Dispute Resolution Procedures</u> and Continue Discussions** ○ **(Reading 2)**	**Meeting 16**
● **Discuss AGB changes to Topic 33: <u>Dispute Resolution Procedures</u> and Continue Discussions**	**Meeting 17**

○ **(Reading 3)**	
● **Discuss AGB changes to Topic 33: Dispute Resolution Procedures and Continue Discussions** ○ **(Reading 4)**	**Meeting 18**
● **Discuss AGB changes to Topic 33: Dispute Resolution Procedures and Continue Discussions** ○ **(Reading 5)**	**Meeting 19**
TOPICS YET TO BE SCHEDULED DURING INITIAL 7 MONTHS	
● Topic 21: Reserved Names ● Topic 30: GAC Consensus Advice and GAC Early Warning ● Topic 25: Internationalized Domain Names (IDNs) ● Topic 35: Auctions - Mechanisms of Last Resort / Private Resolution of Contention Sets ● Topic 37: Registrar Non-Discrimination / Registry/Registrar Standardization	**Meetings 20 - 30**

High-Level Topic Overview of Recommendations: (Q1 2024 through Q2 2025)

As noted in the Operational Design Assessment (ODA), the timeline for the opening of the next round application submission period includes separate timelines for the Applicant Support Program (ASP) and the RSP Pre-Evaluation Program. Both of these efforts are component programs of the larger New gTLD Program and are expected to launch operations

approximately 18 months before the application submission period opens, in order to allow time for evaluations of their respective applicants. To adhere to this timeline, teams have been meeting regularly to examine the topics and devise appropriate procedures. It is anticipated that the First Readings with the IRT for both topics will take place no later than Q1 2024.

While a detailed timeline has not yet been determined, the topics listed below are set to be discussed, and language will be drafted from Q1 2024 through Q2 2025. As the IRT progresses and topics are addressed, further information regarding the timeline will be provided.

- Topic 1: Continuing Subsequent Procedures
- Topic 5: Applications Submission Limits
- Topic 38: Registrar Support for New gTLDs
- Topic 40: TLD Rollout
- Topic 12: Applicant Guidebook
- Topic 14: Systems
- Topic 28: Role of Application Comment
- Topic 41: Contractual Compliance
- Topic 39: Registry System Testing
- Topic 36: Base Registry Agreement
- Topic 20: Application Change Requests
- Topic 15: Application Fees
- Topic 13: Communications
- Topic 18: Terms & Conditions
- Topic 19: Application Queuing
- Topic 26: Security and Stability
- Topic 34: Community Applications
- Topic 16: Application Submission Period
- Topic 29: Name Collisions
- Topic 9: Registry Voluntary Commitments/Public Interest Commitments
- Topic 6: Registry Service Provider Pre-Evaluation
- Topic 11: Universal Acceptance
- Topic 17: Applicant Support
- Topic 22: Registrant Protections
- Topic 24: String Similarity Evaluations
- Topic 27: Applicant Reviews: Technical/Operational, Financial and Registry Services

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- Topic 31: Objections
- Topic 32: Limited Challenge/Appeal Mechanism

Please see Scorecard from the 16 March 2023 Approved Board Resolution for the full text of recommendations.

Ongoing Vendor Engagement:

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 has begun engaging vendors to assist with **Auctions** and **Community Priority Evaluation (CPE).** Additional vendor engagement will 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.

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