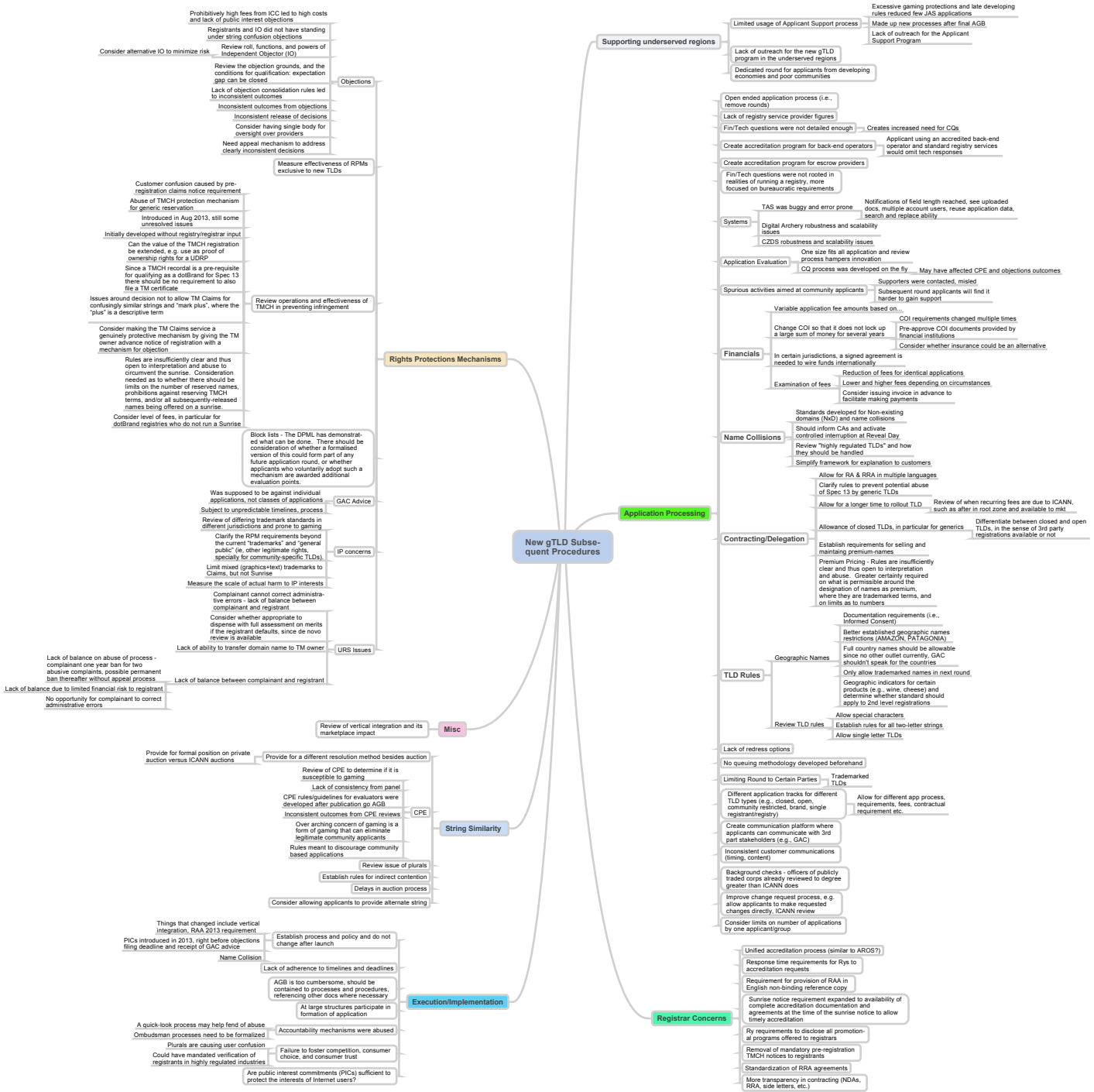
New gTLD Subse-quent Procedures
Rights Protections Mechanisms
Objections
Prohibitively high fees from ICC led to high costs and lack of public interest objections
Registrants and IO did not have standing under string confusion objections
Review roll, functions, and powers of Independent Objector (IO)
Consider alternative IO to minimize risk
Review the objection grounds, and the conditions for qualification: expectation gap can be closed
Lack of objection consolidation rules led to inconsistent outcomes
Inconsistent outcomes from objections
Inconsistent release of decisions
Consider having single body for oversight over providers
Need appeal mechanism to address clearly inconsistent decisions
Measure effectiveness of RPMs exclusive to new TLDs
Review operations and effectiveness of TMCH in preventing infringement
Customer confusion caused by pre-registration claims notice requirement
Abuse of TMCH protection mechanism for generic reservation
Introduced in Aug 2013, still some unresolved issues
Initially developed without registry/registrar input
Can the value of the TMCH registration be extended, e.g. use as proof of ownership rights for a UDRP
Since a TMCH recordal is a pre-requisite for qualifying as a dotBrand for Spec 13 there should be no requirement to also file a TM certificate
Issues around decision not to allow TM Claims for confusingly similar strings and "mark plus", where the "plus" is a descriptive term
Consider making the TM Claims service a genuinely protective mechanism by giving the TM owner advance notice of registration with a mechanism for objection
Rules are insufficiently clear and thus open to interpretation and abuse to circumvent the sunrise. Consideration needed as to whether there should be limits on the number of reserved names, prohibitions against reserving TMCH terms, and/or all subsequently-released names being offered on a sunrise.
Consider level of fees, in particular for dotBrand registries who do not run a Sunrise
Block lists - The DPML has demonstrated what can be done. There should be consideration of whether a formalised version of this could form part of any future application round, or whether applicants who voluntarily adopt such a mechanism are awarded additional evaluation points.
GAC Advice
Was supposed to be against individual applications, not classes of applications
Subject to unpredictable timelines, process
IP concerns
Review of differing trademark standards in different jurisdictions and prone to gaming
Clarify the RPM requirements beyond the current "trademarks" and "general public" (ie, other legitimate rights, specially for community-specific TLDs).
Limit mixed (graphics+text) trademarks to Claims, but not Sunrise
Measure the scale of actual harm to IP interests
URS Issues
Complainant cannot correct administrative errors - lack of balance between complainant and registrant
Consider whether appropriate to dispense with full assessment on merits if the registrant defaults, since de novo review is available
Lack of ability to transfer domain name to TM owner
Lack of balance between complainant and registrant
Lack of balance on abuse of process - complainant one year ban for two abusive complaints, possible permanent ban thereafter without appeal process
Lack of balance due to limited financial risk to registrant
No opportunity for complainant to correct administrative errors
Misc
Review of vertical integration and its marketplace impact
String Similarity
Provide for formal position on private auction versus ICANN auctions
Provide for a different resolution method besides auction
CPE
Review of CPE to determine if it is susceptible to gaming
Lack of consistency from panel
CPE rules/guidelines for evaluators were developed after publication go AGB
Inconsistent outcomes from CPE reviews
Over arching concern of gaming is a form of gaming that can eliminate legitimate community applicants
Rules meant to discourage community based applications
Review issue of plurals
Establish rules for indirect contention
Delays in auction process
Consider allowing applicants to provide alternate string
Execution/Implementation
Things that changed include vertical integration, RAA 2013 requirement
Establish process and policy and do not change after launch
PICs introduced in 2013, right before objections filing deadline and receipt of GAC advice
Name Collision
Lack of adherence to timelines and deadlines
AGB is too cumbersome, should be contained to processes and procedures, referencing other docs where necessary
At large structures participate in formation of application
Accountability mechanisms were abused
A quick-look process may help fend of abuse
Ombudsman processes need to be formalized
Failure to foster competition, consumer choice, and consumer trust
Plurals are causing user confusion
Could have mandated verification of registrants in highly regulated industries
Are public interest commitments (PICs) sufficient to protect the interests of Internet users?
Supporting underserved regions
Limited usage of Applicant Support process
Excessive gaming protections and late developing rules reduced few JAS applications
Made up new processes after final AGB
Lack of outreach for the Applicant Support Program
Lack of outreach for the new gTLD program in the underserved regions
Dedicated round for applicants from developing economies and poor communities
Application Processing
Open ended application process (i.e., remove rounds)
Lack of registry service provider figures
Fin/Tech questions were not detailed enough
Creates increased need for CQs
Create accreditation program for back-end operators
Applicant using an accredited back-end operator and standard registry services would omit tech responses
Create accreditation program for escrow providers
Fin/Tech questions were not rooted in realities of running a registry, more focused on bureaucratic requirements
Systems
TAS was buggy and error prone
Notifications of field length reached, see uploaded docs, multiple account users, reuse application data, search and replace ability
Digital Archery robustness and scalability issues
CZDS robustness and scalability issues
Application Evaluation
One size fits all application and review process hampers innovation
CQ process was developed on the fly
May have affected CPE and objections outcomes
Spurious activities aimed at community applicants
Supporters were contacted, misled
Subsequent round applicants will find it harder to gain support
Financials
Variable application fee amounts based on...
Change COI so that it does not lock up a large sum of money for several years
COI requirements changed multiple times
Pre-approve COI documents provided by financial institutions
Consider whether insurance could be an alternative
In certain jurisdictions, a signed agreement is needed to wire funds internationally
Examination of fees
Reduction of fees for identical applications
Lower and higher fees depending on circumstances
Consider issuing invoice in advance to facilitate making payments
Name Collisions
Standards developed for Non-existing domains (NxD) and name collisions
Should inform CAs and activate controlled interruption at Reveal Day
Review "highly regulated TLDs" and how they should be handled
Simplify framework for explanation to customers
Contracting/Delegation
Allow for RA & RRA in multiple languages
Clarify rules to prevent potential abuse of Spec 13 by generic TLDs
Allow for a longer time to rollout TLD
Review of when recurring fees are due to ICANN, such as after in root zone and available to mkt
Allowance of closed TLDs, in particular for generics
Differentiate between closed and open TLDs, in the sense of 3rd party registrations available or not
Establish requirements for selling and maintaining premium-names
Premium Pricing - Rules are insufficiently clear and thus open to interpretation and abuse. Greater certainty required on what is permissible around the designation of names as premium, where they are trademarked terms, and on limits as to numbers
TLD Rules
Geographic Names
Documentation requirements (i.e., Informed Consent)
Better established geographic names restrictions (AMAZON, PATAGONIA)
Full country names should be allowable since no other outlet currently, GAC shouldn't speak for the countries
Only allow trademarked names in next round
Geographic indicators for certain products (e.g., wine, cheese) and determine whether standard should apply to 2nd level registrations
Review TLD rules
Allow special characters
Establish rules for all two-letter strings
Allow single letter TLDs
Lack of redress options
No queuing methodology developed beforehand
Limiting Round to Certain Parties
Trademarked TLDs
Different application tracks for different TLD types (e.g., closed, open, community restricted, brand, single registrant/registry)
Allow for different app process, requirements, fees, contractual requirement etc.
Create communication platform where applicants can communicate with 3rd part stakeholders (e.g., GAC)
Inconsistent customer communications (timing, content)
Background checks - officers of publicly traded corps already reviewed to degree greater than ICANN does
Improve change request process, e.g. allow applicants to make requested changes directly, ICANN review
Consider limits on number of applications by one applicant/group
Registrar Concerns
Unified accreditation process (similar to AROS?)
Response time requirements for Rys to accreditation requests
Requirement for provision of RAA in English non-binding reference copy
Sunrise notice requirement expanded to availability of complete accreditation documentation and agreements at the time of the sunrise notice to allow timely accreditation
Ry requirements to disclose all promotion-al programs offered to registrars
Removal of mandatory pre-registration TMCH notices to registrants
Standardization of RRA agreements
More transparency in contracting (NDAs, RRA, side letters, etc.)