New gTLD Subsequent Procedures PDP

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- Original Policy Recommendations: As the original policy recommendations as adopted by the GNSO Council and ICANN Board have "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains", those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council would decide to modify those policy recommendations via a policy development process.

- Issues to Address:
    - Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidance;
    - Developing new policy recommendations;
    - Supplementing or developing new implementation guidance

Overall Questions

- Should there in fact be new gTLD subsequent procedures and if not, what are the justifications for and ramifications of discontinuing the program?
- Predictability: How can changes to the program introduced after launch (e.g., digital archery/prioritization issues, name collision, registry agreement changes, public interest commitments (PICs), etc.) be avoided?
- Competition, Consumer Trust, and Consumer Choice: Did the implementation meet or discourage these goals? – *CCT Review Team?*
- Community Engagement: How can participation from the community be better encouraged and integrated during the policy development process, implementation, and execution?
- TLD Differentiation?   Does a one-size-fits all approach work? Brands, Geos, Communities?
- Application Order: Should there be a Brand round before others?
- Applicant Submission Limits?

Work Stream 1: Process / Support/Outreach:

- <u>Applicant Guidebook (AGB)</u>: Is the AGB the right implementation of the GNSO recommendations for all parties (ROs, RSPs, Escrow Providers)?

- <u>Clarity of Application Process</u>: How can the application process avoid developing processes on an as-needed basis (e.g., clarifying question process, change request process, customer support, etc.)

- <u>Accreditation Programs</u>: As there appears to be a limited set of technical service and Escrow providers, would the program benefit from an accreditation program for third party service providers? If so, would this simplify the application process with a set of pre-qualified providers to choose from?

Work Stream 1: Process / Support/Outreach:

- <u>Systems</u>: How can the systems used to support the New gTLD Program, such as TAS, Centralized Zone Data Service, Portal, etc. be made more robust, user friendly, and better integrated?

- <u>Application Fees</u>: Evaluate accuracy of cost estimates and/or review the methodology to develop the cost model, while adhering to the principle of cost recovery. Examine how payment processing can be improved.

- <u>Variable Fees.</u> Should the New gTLD application fee be variable based on type of application (e.g. open or closed), multiple identical applications, or other factors.

- <u>Application Submission Period</u>: Is 3 months the proper amount of time?

- <u>Support for Applicants From Developing Countries:</u> Evaluate effectiveness of Applicant Support program to assess if the criteria were properly designed, outreach sufficient, monetary support sufficient, etc.

Work Stream 2: Legal / Regulatory

- <u>Reserved Names List and Mechanism for Release</u> – Review work of original reserved names working group; Review whether geographic names requirements are appropriate.

- <u>Base Registry Agreement / Differentiation</u>? Review base agreement, including how and why it was amended after program launch, whether a single base agreement is appropriate, whether PICs are the right way to protect the public interest.

- <u>Registrant Protections:</u> Evaluate protections against failure such as EBERO and the Letter of Credit.

- <u>Registry/Registrar Separation:</u>   Examine vertical integration relaxation and whether current restrictions are appropriate.

Work Stream 2: Legal / Regulatory

- <u>Registrar Non-Discrimination</u>: Are requirements still necessary?

- <u>TLD Rollout</u>: Did ICANN allow enough time in agreement for launch? When should initial fees be due to ICANN.

- <u>2nd Level RPMs</u>: Reserved for RPM PDPs; anything leftover?

- <u>Global Public Interest / GAC Advice / Safeguards</u>: Consider issue identified in GAC Advice on safeguards, PICs, etc.

- <u>IGO / INGO Protections</u>: Any leftover issues from IGO/INGO PDP?

- <u>Closed Generics</u>: Restricted in this last round? What should be allowed in the future?

Work Stream 3: String Contention / Objections & Disputes

- <u>New gTLD Applicant Freedom of Expression</u>: Did GAC Advice, community processes and reserved names impact this goal?

- <u>String Similarity Evaluations</u>: Were contention evaluation results consistent and effective in preventing user confusion? (Look at singular v. plural)

- <u>Objections</u> – Review rules around standing, fees, consolidation, consistency of outcomes? Appeals? Oversight over Process.

Work Stream 3: String Contention / Objections & Disputes

- <u>Role of Independent Objector</u>: Did he accomplish goal? Should we continue to have?

- <u>Accountability Mechanisms:</u> Ombudsman, Reconsideration process and IRPs?

- <u>Community Applications and Community Priority Evaluations</u>: Was approach consistent with recommendations and implementation guidance.

Internationalized Domain Names: Consider how to encourage adoption of gTLDs. Evaluate whether rules around IDNs properly accounted for recommendations from IDN WG. Determine and address policy guidance needed for the implementation of IDN variant TLDs.

Universal Acceptance: Are the current efforts enough or does more need to be done to ensure usability of all top level domains, including internationalized domains.

Work Stream 5: Technical & Operations

- <u>Security and Stability</u>:
    - Were the proper questions asked to minimize the risk to the DNS and ensure that applicants will be able to meet their obligations in the registry agreement?
    - Should there be non-scored questions and if so, how should they be presented?
    - Were the proper criteria established to avoid causing technical instability?
    - Is the impact to the DNS from new gTLDs fully understood?

- <u>Applicant Reviews</u>: Technical/Operational and Financial: Were Financial and Technical criteria designed properly to allow applicants to demonstrate their capabilities while allowing evaluators to validate their capabilities?

Work Stream 5: Technical & Operations

- <u>Accreditation Process</u>: If Workstream 1 decides that there should be an accreditation program from technical service providers, what should that process look like? What questions should be asked? Should accreditation be for all registries or just for certain types of registries? Under what circumstances would there need to be additional technical reviews?

- <u>Name Collision</u>: How should name collisions be incorporated into future new gTLD rounds? What measures may be needed to manage risks for 2012-round gTLDs beyond their 2 year anniversary of delegation, or gTLDs delegated prior to the 2012 round?

More Information

- Final Issue Report on New gTLD Subsequent Procedures - http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf
- WG Charter - http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf
- WG Project Page - http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures
- WG Wiki Page - https://community.icann.org/x/RgV1Aw