GNSO Final Report on Introduction of New Generic Top-Level Domains (August 8, 2007)

http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_ftn34

Principles

A.   New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.

B.   Some new generic top-level domains should be internationalized domain names (IDNs) subject to the approval of IDNs being available in the root.

C.   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. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.

D.   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.

E.   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 meets its obligations under the terms of ICANN's registry agreement.

F.   A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.

G.   The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

Recommendations

1.   ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.

2.   Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.

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. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).

4.   Strings must not cause any technical instability.

5.   Strings must not be a Reserved Word.

6.   Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS)

7. Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.

8. Applicants must be able to demonstrate their financial and organisational operational capability.

9. There must be a clear and pre-published application process using objective and measurable criteria.

10. There must be a base contract provided to applicants at the beginning of the application process.

11. [REPLACED WITH RECOMMENDATION 20]

12. Dispute resolution and challenge processes must be established prior to the start of the process.

13. Applications must initially be assessed in rounds until the scale of demand is clear.

14. The initial registry agreement term must be of a commercially reasonable length.

15. There must be renewal expectancy.

16. Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.

17. A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.

18. If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed.

19. Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.

20. An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.