4.2.1 Cancelling Subsequent Procedures

- *4.2.1.1 Explanation of Subject*

  The *Final Report on Introduction of New Generic Top-Level Domains[1]*, (or 2007 Final Report as it will be referred to in the rest of this Issue Report) states that:

  > *This policy development process has been designed to produce a systemised and ongoing mechanism for applicants to propose new top-level domains. The Request for Proposals (RFP) for the first round will include scheduling information for the subsequent rounds to occur within one year. After the first round of new applications, the application system will be evaluated by ICANN's TLDs Project Office to assess the effectiveness of the application system. Success metrics will be developed and any necessary adjustments made to the process for subsequent rounds.*

  In following the guidance in the 2007 Final Report, the Applicant Guidebook (AGB)[2] provided the text in section 1.1.6 in regards to subsequent application rounds:

  > *ICANN's goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed. The goal is for the next application round to begin within one year of the close of the application submission period for the initial round.*

  > *ICANN has committed to reviewing the effects of the New gTLD Program on the operations of the root zone system after the first application round, and will defer the delegations in a second application round until it is determined that the delegations resulting from the first round did not jeopardize root zone system security or stability.*

  > *It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term.*

  The 2007 Final Report and the AGB both assume that there will be subsequent new gTLD procedures, implying that if the program were to be discontinued, it would be contrary to the existing GNSO policy.

  Reviews of the program were anticipated, and there are several efforts underway to perform those program reviews, or develop possible recommendations, which include:

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[1] The Final Report on the *Introduction of New Generic Top-Level Domains*, approved by the ICANN Board in 2007, can be read here: http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm
[2] Current version of the AGB: http://newgtlds.icann.org/en/applicants/agb

- o ICANN New gTLD Program Reviews[3], which will be looking at several facets of the program, including:
  - Rights Protection Reviews
  - Program Implementation Reviews
  - Security & Stability Reviews
  - Competition, Consumer Trust, and Consumer Choice Data Review
- o Affirmation of Commitment (AoC) reviews related to Competition, Consumer Trust, and Consumer Choice[4]
- o The Security and Stability Advisory Committee (SSAC) will be reviewing previous guidance provided regarding the New gTLD Program and determining if new recommendations are needed.
- o The Governmental Advisory Committee (GAC) has formed working groups on the topics of: a) community applications, b) underserved regions, and c) geographic names.
- o The Cross-Community Working Group on Use of Country/Territory Names as TLDs[5] is analyzing the current status of country and territory names in the ICANN ecosystem and determining the feasibility of creating a framework that could be applied across SOs and ACs.

* Community identification, as part of the public comment period, of additional efforts to review the New gTLD Program are welcome to ensure that their findings can be taken into account by a possible PDP-WG on New gTLD Subsequent Procedures.

- *4.2.1.2 Questions and Concerns Related to Subject*

Expanding the DNS is considered consistent with ICANN's Mission and Core Values[6], in particular Article 1, Section 2,6 of the ICANN Bylaws:

> *Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.*

However multiple views regarding whether new gTLDs are needed and the extent to which they may cause harm to the DNS, consumers, or the global public interest have been articulated throughout the development process to expand the DNS. In the Report from Working Group C on New gTLDs from March of 2000, several concerns were raised, chiefly the potential for user confusion and trademark concerns, where rights holders may feel

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[3] The ICANN New gTLD Program Reviews page can be found here: https://newgtlds.icann.org/en/reviews
[4] The AoC review on Competition, Consumer Trust, and Consumer Choice can be viewed here:
https://www.icann.org/resources/pages/cctcc-2014-09-04-en
[5] See: http://ccnso.icann.org/workinggroups/ccwg-unct.htm
[6] ICANN's Bylaws can be reviewed here: https://www.icann.org/resources/pages/governance/bylaws-en/#I

compelled to protect their marks in an ever increasing number of registries[7]. The report also noted that there were concerns that perceived demand for new gTLDs was illusory.

With two proof of concept rounds complete, one in 2000[8] and another in 2003-2005[9], as well as nearly 800 gTLDs delegated from the 2012 round of the New gTLD Program, the community may be in a better position to gather data in order to assess current conditions to determine the need for the continuation of the program, as well as to examine the effects of the program. As mentioned, the assumption from the 2007 Final Report is that there will be subsequent rounds and cancellation of the New gTLD Program needs to be established via policy development. Factors that may support the cancellation of the program should be weighed against the harm that may be caused by the cancellation of the program, such as potential applicants having assumed that there would be an ongoing program as dictated by existing policy.

Some in the community have stated that consumer adoption of new gTLDs have not met certain expectations, though success or failure was not pre-defined or quantified. It may be useful to explore a more precise definition of success metrics, although this subject will be discussed in greater detail in section 4.2.3 on Competition, Consumer Trust, and Consumer Choice.

The question of whether or not there should be additional New gTLD rounds is a foundational question and should be answered as early as practically possible, to avoid policy work that may end up being unneeded. However, the justification to halt the program may only be determined through deliberations on the number of other subjects identified in this Issue Report, as well as parallel work within the community, such as the AoC reviews on Competition, Consumer Trust, and Consumer Choice.

Finally, as of the writing of this document, it should be noted that the Cross Community Working Group on Enhancing ICANN Accountability (CCWG) has recommended in its 2nd Draft Report (Work Stream 1)[10], that in the proposed ICANN Bylaw amendments that incorporate the Affirmation of Commitments, the following text be added to the Bylaws:

> *Subsequent rounds of new gTLDs should not be opened until the recommendations of the previous Review required by this section have been implemented.*

A PDP-WG should remain informed of any changes that the CCWG recommends that may have an impact on its work.

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[7] The Report (Part One) of the Working Group C (New gTLDs) can be read in its entirety here: http://archive.icann.org/en/dnso/wgc-report-21mar00.htm

[8] The year 2000 proof of concept round can be read about here: http://archive.icann.org/tlds/app-index.htm

[9] The years 2003-2005 proof of concept round can read about here: http://archive.icann.org/tlds/stld-apps-19mar04/

[10] Cross Community Working Group on Enhancing ICANN Accountability (CCWG) 2nd Draft Report (Work Stream 1): https://www.icann.org/en/system/files/files/ccwg-draft-2-proposal-work-stream-1-recs-03aug15-en.pdf

- *4.2.1.3 Relevant Guidance*

  - N/A

- *4.2.1.4 Rationale for Policy Development*

  The 2007 GNSO Final Report and the AGB are consistent in the position that the previous policy development process was intended to establish an ongoing mechanism for potential applicants to apply for gTLDs. As such, a deviation from this position, such as cancelling the program, would warrant policy work. If the decision is made to deviate from existing policy, it should be based on fact-based decision-making.