4.2.6 Clarity of Application Process

- *4.2.6.1 Explanation of Subject*

  The 2007 Final Report recommended that the New gTLD application process provide clarity and certainty to potential applicants, with Recommendation 1 stating:

  > *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.*

  And Recommendation 9 stating:

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

  The AGB, through the implementation of the GNSO New gTLD policy, sought to provide the clarity and certainty as called for in the recommendations. The themes of predictability and the AGB are explained in further detail in sections 4.2.2 on Predictability and 4.2.5 on the Applicant Guidebook, respectively.

- *4.2.6.2 Questions and Concerns Related to Subject*

  From the discussions of the DG, it appeared that there was general agreement that the AGB, developed iteratively and with ample community participation, was the proper vehicle for the implementation of the GNSO New gTLD policy recommendations. However, in translating the AGB into operational processes and procedures, the DG felt that transparency of development was lost to some degree.

  In June 2011, the ICANN Board approved the AGB and program launch, with the application submission period opening approximately seven months later in January of 2012, which served as a relatively short period of time to operationalize the finalized requirements in the AGB. Once the application submission process began, the number of applications received exceeded much of the community's estimates, making operationalization of remaining program elements more difficult. According to members of the DG, elements of the program appeared to be developed on an as-needed basis, citing examples such as the processes governing clarifying questions, change requests, customer support, application prioritization, among others.

DG Members noted other issues around the application submission process, though they were not necessarily regarding clarity of process, but more in regards to the lack of efficiency. These members cited the need to create multiple accounts when submitting over 50 applications and the treatment of every application as unique as particular concerns, with the latter issue creating inefficiencies during application submission and subsequent steps in the evaluation process. The inefficiencies in application submission and evaluation will be discussed in further detail in sections 4.2.8 on Accreditation Programs and 4.2.9 on Systems.

- *4.2.6.3 Relevant Guidance*

    o Recommendation 1
    o Recommendation 9

- 4.2.6.4 Rationale for policy development:

The DG did not anticipate policy development in regards to Clarity of the Application Process. However, a potential PDP-WG on New gTLD Subsequent Procedures may want to consider providing implementation guidance for consideration by ICANN if and when it seeks to operationalize New gTLD Subsequent Procedures.