

#### 4.2.7 Applications Assessed in Rounds

- 4.2.7.1 *Explanation of Subject*

The 2007 Final Report recommended that applications be assessed in rounds, as the format better allowed for evaluation of the performance of the program. Recommendation 13 states that:

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

Per the recommendation, the New gTLD Program is assessing applications in the format of a round. There was a fixed application submission period after which no additional applications were accepted.

- 4.2.7.2 *Questions and Concerns Related to Subject*

Some members of the DG stated that their preference was that the New gTLD Program operate in a perpetually open manner, rather than in distinct rounds. Recommendation 13 asserts that a mechanism other than rounds can only be considered once the scale of demand is clear. However, scale of demand was not defined and perhaps even if it was, a single round may not provide adequate data to come to any meaningful conclusions. As a result, a potential PDP-WG on New gTLD Subsequent Procedures may want to consider defining what scale of demand means and how the criteria could be met. In addition, factors other than demand may be helpful in determining if an alternative application acceptance mechanism is warranted. In the explanatory language for Recommendation 13, it states:

*This recommendation may be amended, after an evaluation period and report that may suggest modifications to this system. The development of objective "success metrics" is a necessary part of the evaluation process that could take place within the new TLDs Project Office.*

If another method for accepting and assessing applications is indeed pondered, the impact on other areas of the program must be fully considered. A different mechanism, such as a perpetually open program, may impact applicant behavior and would likely require the rethinking of many existing program elements, such as objections and string contention, which were designed with fixed periods in mind. As an example, objections could be particularly problematic, as potential objectors would need to be constantly aware of the program at all times in order to potentially protect their interests or rights. In addition, a perpetually open program could increase program costs, as for example, evaluators and other service providers would need to be retained at all times as well.

These examples are in regards to existing elements of the 2012 New gTLD Program round. If substantive changes are made to program elements, they would need to be taken into consideration in deciding if an alternative application acceptance mechanism is warranted.

Some specific concerns identified by the DG regarding rounds include:

- Potential applicants must decide whether they want to commit to applying, not knowing exactly when the next round will occur.
- In particular for applicants in contention sets, they may have to wait for other applicants to clear certain phases of the program.
- It can cause a rush of activities around certain milestones, potentially resulting in strains on applicants, service providers, ICANN staff, and ultimately result in missed deadlines, confusion, and overall inefficiency.

- *4.2.7.3 Relevant Guidance*

- Recommendation 13:

- *4.2.7.4 Rationale for Policy Development*

The 2007 Final Report acknowledged that Recommendation 13 could be modified, provided there is data and evidence that supports an alternative mechanism. A potential PDP-WG on New gTLD Subsequent Procedures may want to consider these suggested actions/questions to help determine if a change is warranted:

- Define, capture data, and analyze metrics to understand “scale of demand”
- Define, capture data, and analyze metrics other than “scale of demand” that may help in determining if an alternative application acceptance mechanism should be considered
- Determine if any other New gTLD Program reviews may benefit deliberations on this subject.

If a potential PDP-WG reaches the conclusion that an alternative application acceptance mechanism is needed, policy development would likely be needed, which may include modifying the existing recommendation.