CCT-RT HYPOTHESIS WORKSHEET

Sub-team: Carlton (lead), Jamie and Laureen

HYPOTHESIS:

The new procedures are effective in enforcing safeguards.

OWNER: Carlton

HIGH LEVEL QUESTION:

What are they and what were their specific objectives?
What is the evidence of violations of gTLD norms or new commitments?
Were appropriate procedures for resolution raised and were they effective for resolution?
Are there shortcomings and could changes in these procedures strengthen compliance?

FINDINGS:

1. *Staff identified nine (9) safeguards in a March 2016 Report, a few of which required new procedures for implementation and maintenance*
2. *The following procedures are now added to the processes policing the gTLD space and aligned with the consensus policies which undergird them to ensure security, stability and consumer confidence of the DNS:*
3. *ICANN Board raised a New gTLD Program Committee (NGPC) which developed processes to handle Advice from GAC for Safeguards Applicable to All new gTLDs, Category 1 (refer Consumer Protection, Sensitive Strings and Regulated Markets) & Category 2 (refer Restricted and Exclusive Access) Safeguard Advice*
   a. *All outlined in Beijing GAC Advice Annex 1*
   b. *Six elements of Safeguards applicable to all new gTLDS subject to contractual oversight*
   c. *Board adopted an implementation framework that committed ICANN to certain actions*
4. *Category 1 Safeguards morphed into Public Interest Commitments under Spec 11 of New gTLD Registry Agreement and subject to contractual oversight*
   a. *Almost 10% of applications attracted GAC Category 2 Advice Scrutiny*
   b. *Of the 186 scrutinized, 184 were cleared to proceed and 2 required change requests*
5. *Expedited Registry Security Request Process (ERSR) to address systemic threats to registry security*
   a. *Process pre-dates the new gTLD program, is not included in extant RA and procedure is confidential. Use information is restricted*
6. *Procedure for establishing a High Security Zone Verification Process*
   a. *This was never adopted nor formally addressed by policy development initiatives*
7. *Public Interest Commitments Dispute Resolution Procedure (PICDRP) for addressing reports of non-compliance by registries to their Spec 11 commitments*
   a. *Complainants are required to file using a form*
   b. *ICANN is required to execute an initial assessment and establish standing of complainant*

   ICANN Compliance Reports would provide a picture of how the new contractual obligations are faring and even comparative data over the period 2013-2016

CAUSES:

PRIORITY TO ADDRESS:

1. Efficacy of ICANN Compliance Reporting for metrics introduced by Safeguards per Spec 11
2. Review of PICDRP filings and analysis of the outcomes
3. Assessment of PICDRP by independent evaluator, especially with respect to weaknesses identified by the ALAC even after the revision of the original

RECOMMENDATIONS:
1. Board to revisit the question of efficacy of ICANN Compliance reporting pertaining new gTLD commitments and status inre resolution of issues flagged in reports.

REVIEW:
1. Before any new gTLD program launch, do triage of safeguards in all categories and report their effectiveness

Research Analysis Worksheet
(Intended to feed into the hypothesis worksheet)

Staff Research – see Karen Lenz's Report

See ICANN Compliance Reports