

Refer to Laureen's Model Issue Paper -

https://docs.google.com/document/d/1rswTUNmvB_Lkt2RDwU2OuNx13pptdP_TpgCZ3V77UBk/edit?usp=sharing

**CCT-RT DISCUSSION PAPER WORKSHEET (LAUREEN'S TEMPLATE ADOPTED ON PLENARY
DRAFT #17)**

Scroll down for prior work

HIGH LEVEL QUESTION: *[These are the discussion paper topics]*

OWNER: *[primary drafter]*

SUB-QUESTIONS: *[what foundation questions need to be answered to fully address the high-level question; these should be as specific as possible]*

FINDINGS: *[a list of relevant findings and supporting data; the presentation of the findings needs to correspond to the numbered subquestions]*

CAUSES:

PRIORITY TO ADDRESS: *[ex. Prior to Subsequent Procedures, Mid-term, Long-term
This is an important area for community input]*

RECOMMENDATIONS: *[recommendations to ICANN. For each, specify: 1. Target of recommendation (i.e. Staff, Board, SubProc PDP); 2. Nature of recommendation; 3. Implementation details, exceptional costs, etc.]*

REVIEW: *[how the effectiveness of these recommendations will be reviewed; e.g. data source recommended for review and recommended timeframe for review]*

#5. How was **Specification 11** implemented by new gTLD registry operators?

CCT-RT HYPOTHESIS WORKSHEET

HYPOTHESIS:

Effectiveness of contractual provisions???

Specification 11 is divided in the CCT worksheets in two separate Hypothesis: the first one is at the Registry operator level. (the second one, Hypothesis #6, at the user level). At the level of Registry Operator, specification 11 established safeguards, to be accepted by applicants as precondition for signing their contracts with ICANN. The CCT-RT is about to discuss the effectiveness of those provisions established by GAC Advice.

OWNER:

Laureen (lead), Carlos, Calvin

HIGH LEVEL QUESTION:

Specification 11 has delimited some relevant "categories" of TLDs, in terms of their public interest impact. Is this grouping appropriate?¹ Has this been an adequate process to implement safeguards and PICs? Should those considerations be officially added to the applicant's process so as to add predictability in subsequent rounds? Will they impact new applications?

FINDINGS:

Specification 11 is the direct result of advice from the Governmental Advisory Committee of ICANN (GAC), which identified

- strings that reflected **highly regulated or restricted industries (Category 1)**² and
- strings made up of generic terms where the applicant intended to **operate an exclusive access registry (Category 2)**³. The majority did not intend to make exclusive access a condition, so this is a less relevant issue.

¹ See list in the annex

² In the Beijing Communiqué, the GAC advised the ICANN Board that "strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws." The GAC proposed specific safeguards that would apply to a broad category of strings related to "consumer protection, sensitive strings, and regulated markets." Applications for these strings were not eligible to proceed in the New gTLD Program until the Advice was addressed by the NGPC.

On 5 February 2014, the ICANN Board's New gTLD Program Committee (NGPC) adopted an [implementation framework](#) [PDF, 61 KB] for GAC Category 1 Safeguard Advice. Effective 12 February 2014, applicants subject to GAC Category 1 Advice are proceeding in the New gTLD Program once other eligibility criteria have been met.

The implementation framework classifies Category 1 strings as requiring one of three levels of safeguards:

- Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions
- Highly Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions
- Special Safeguards Required.

³ ICANN solicited responses from 186 applicants for the strings identified by the GAC regarding whether they planned to operate the applied-for TLDs as exclusive access registries (defined as a registry restricted to a single person or entity and/or that person's or entity's Affiliates" (as defined in Section 2.9c of the Registry Agreement)).

Of the 186 responses ([view the responses](#)):

- 139 indicated that the applied-for TLDs will **not** be operated as exclusive access TLDs.
- 12 indicated that the applied-for TLDs will be operated as exclusive access registries.
- 35 indicated that their applications currently state that the applied-for TLDs will be operated as exclusive access registries, but the applicants will not operate them as exclusive access registries.

Each category presented different implementation and policy concerns. The GAC offered safeguard advice to protect public interests in these strings. That advice manifested as the Public Interest Commitments, which ICANN eventually adopted and implemented through Specification 11 into the registry agreement for all registry operators. ***Nevertheless it is the GACs position that in the end the responsibility was delegated from Registry Operators to the RRA document. In that way, the Operators have delegated downward the responsibility and upward the assurance process, avoiding their own responsibility.***⁴

CAUSES:

(refer to relevant hypothesis worksheets on causes)

1. *Outreach program was begun too late in the process
see Outreach too late worksheet*
2. *Outreach program used the wrong media
see Outreach media worksheet*

PRIORITY TO ADDRESS:

*(ex. Prior to Subsequent Procedures, Mid-term, Long-term
This is an important area for community input)*

RECOMMENDATIONS:

(recommendations to ICANN. For each, specify:

1. *Target of recommendation (ie Staff, Board, SubProc PDP)*
2. *Nature of recommendation*
3. *Implementation details, exceptional costs, etc.)*

(ex:

1. *Begin Outreach 6 months prior to accepting applications*
 - a. *Staff recommendation*
 - b. *Likely 20% increase in outreach cost*
2. *Use more radio advertising for outreach*
 - a. *Staff recommendation*
 - b. *Likely 30% increase in outreach cost)*

REVIEW:

(how the effectiveness of these recommendations will be reviewed)

1. *Data source recommended for review*
2. *Recommended timeframe for review)*

(ex:

1. *Repeat applicant cohort survey, look for 40% increase in awareness*
2. *Review in one year to make changes if an increase is not observed.)*

⁴ Advice Effectiveness Review 2. based on the ICANN 46 (Beijing) communique.

Research Analysis Workseet
(intended to feed into the hypothesis worksheet)

TITLE

OWNER

DESCRIPTION

(short description of the product, article, survey, economic analysis, including the underlying methodology)

TOP LEVEL QUESTIONS ADDRESSED

(a list of high level questions addressed by the research. If none, drop it ie:

1. *Did the new Gtld program enhance competition among registries?*
2. *Did the safeguards help to prevent DNS abuse*
3. *Did the application process serve the developing world*

HYPOTHESES ADDRESSED

(for each hypothesis, include the description of the hypothesis and the findings of the research ie

1. The new gTLD outreach program used the wrong vehicles for outreach
 - a. Support
 - b. The program used online advertising
 - c. The developing world still primarily uses radio for news