

CC2 - Additional Questions - Additional Questions

Community Comment 2			
Public Comment Review Tool			
Additional Questions			
#	Comment	Contributor	WG Response
1. The topics above, and the corresponding questions, are all related to the scope of work as determined in this WG’s charter. Do you feel that all topics must be fully resolved before any subsequent new gTLD procedures can take place? If not, do you believe that there is a critical path of issues that MUST be considered and addressed? Alternatively, do you believe that there are certain challenging issues where an existing solution may be present (e.g., in the Applicant Guidebook), which can serve as an interim solution, while debate can continue in parallel with the launch of subsequent new gTLD procedures?			
1	The near completion of the first round with very little “hiccups” is testimony to the fact that the process, for the most part, worked. There are a number of issues (pricing, RSP certification) that should be resolved prior to opening the next round. But there are many issues which can be addressed in parallel or indeed be adopted as the process moves forward. In so much as a policy decision does not limit the ability of a registry operator to go about their business but rather define needed refinements to an operational process; it can be done after the fact.	CIRA	
2	[Do you feel that all topics must be fully resolved before any subsequent new gTLD procedures can take place?] Perhaps not all, but the most controversial ones. [If not, do you believe that there is a critical path of issues that MUST be considered and addressed?] As you will understand by our previous answers, we think that the rules in the Applicant Guidebook on geographical names should be left as they are today until, if possible, finding a framework acceptable to all stakeholders. This is especially important for treatment of country and territory names, 2.2.1.4.1 in the AGB. As long as we haven’t found a compromise acceptable for all, this should stand. Treatment of geographical names is difficult and controversial. Therefore, this should not stop registration of “true” generic terms, so that those should have to wait until the problem with geographical names is solved – if possible.	NORID	
3	Focus on the critical path and critical issues then allow for the subsequent rounds to proceed.	BC	
4	The BRG does not believe that all the topics and related issues all need to be resolved prior to a new application window. Items that are considered by the community to be on a critical path should be addressed as a priority, allowing lower priority issues to be prioritised separately and incorporated into an ongoing improvements program.	BRG	
5	[Do you feel that all topics must be fully resolved before any subsequent new gTLD procedures can take place?] YES, YES, YES. [Alternatively, do you believe that there are certain challenging issues where an existing solution may be present (e.g., in the Applicant Guidebook), which can serve as an interim solution, while debate can continue in parallel with the launch of subsequent new gTLD procedures?] No interim solutions—ICANN has created one big mess in the global DNS. Revamp the whole program. GNSO needs a reality check and everyone needs to slow down and reassess by looking at the wreckage the GNSO and ICANN wrought with the 2012 round.	John Poole	

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6	<p>Identify a narrower set of issues that require policy change and are sufficiently critical so as to gate a future application process.</p> <p>As a general comment, we are concerned by the expansive work plan that the Working Group has adopted. Under the proposed work plan nearly all aspects of the 2012 Program are reopened and treated as gating issues for the introduction of new gTLDs, regardless of whether they posed problems in the prior round or are matters of policy. This overly broad approach could stand in the way of the timely introduction of new gTLDs, a priority identified in the existing 2007 Generic Names Supporting Organization (“GNSO”) Policy for the Introduction of New gTLDs (“2007 Policy”). ICANN staff and community volunteers have limited resources and should focus on key issues faced during the 2012 Round, rather attempting to revisit all aspects of the round as part of a single policy process. The scope of the community comment questionnaire evidences the cost to the community of the latter approach, with countless participants in ICANN encouraged to review and respond to over 100 substantive questions. A leaner approach would not prevent the community from addressing additional non-gating issues on an ongoing basis either through the GNSO Policy Development Process (“PDP”) or through iterative process improvements for matters of implementation.</p> <p>Another approach to addressing the expansive work plan would be to ensure that the Working Group prioritizes its recommendations. For all identified issues the Working Group should determine whether they should gate the introduction of gTLDs, or whether associated recommendations could be introduced iteratively after an initial application period had opened to balance the</p>	Google	
<p>2. Many in the community have noted the length of time from the close of the application submission period (i.e., June of 2012) to the informal projections for the beginning of subsequent new gTLD procedures (e.g., 2020). Do you have any suggestions on how to shorten that timeline, either now in the event of future rounds or other procedures?</p>			
1	<p>New rounds EVERY Two years Based on “current” policies/Applicant Guidebooks etc. To reduce risk of feeling one “has to apply” this</p>	Jannik Skou	
2	<p>As stated before, we would suggest a continuously open application period (at least for brand TLDs if not across the board) where a TLD can be applied for at any time, and is then placed on-hold to see if a rival application is submitted within 3 (6 or so, as per community consensus) months. This would allow time for rival applications to be put forward if necessary and remove the need to wait for 8 years before a TLD can be applied for.</p>	Demys	
3	<p>The community can (is) become mired in detail that is unnecessary for the continued launch of the program. And, where specific policy decisions may not apply to specific applicant types, these issues need not be resolved prior to an applicant window being opened for those applicant types (notably brands and/or geo-tlds).</p>	CIRA	
4	<p>We think categories would solve some of the problem. To allow the less controversial names, “true” generics, IDNs and leave the more controversial names, such as for example geographic names, until we find a solution all can agree on.</p> <p>We would like to add that we miss a Work Track 5 for geographic TLDs. There is so much discussion going on in the 4 Work Tracks already established that is of minor interest for pure ccTLDs (and maybe also for governments). When discussions of what to do to solve the controversial issue on what to do with country & territory names and other geographical names are drowning in discussions on all other issues important for GNSO, we fail to get the necessary attention and participation of ccTLDs and governments in these Work Tracks – and in the New gTLD Subsequent Procedures Working Group. We think it would be easier if the issue of geographic names was isolated in one work track especially designed for this.</p>	NORID	
5	<p>Focus on the critical path and critical issues then allow for the subsequent rounds to proceed.</p>	BC	
6	<p>In conjunction with any implementation improvements by ICANN, consideration should be given to those issues that will prolong the post-application process if they remain unresolved. If resolved prior to subsequent new gTLD procedures, this should help minimise delays in the post-application phase.</p>	BRG	
7	<p>No, why would anyone looking at the new gTLDs now failing want to shorten the timeline?</p>	John Poole	

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8	<p>Allow non-policy issues to be driven through a parallel implementation review track. Related to the questions of scope and timing, it is unclear how a number of questions posed by the Working Group could require policy development. For example, questions related to systems improvement (Q 1.8.1-1.8.2) and ICANN communications strategies and success metrics (Q 1.9.1-1.9.2) appear to be tactical and unrelated to policies put in place for the prior round. We believe that a better approach is to allow these issues to be handled through the ICANN-driven implementation review track, provided that ICANN offers opportunities for community consultation, input, and comment. These work efforts should be parallelized to ensure timely progress toward a future application process.</p>	Google	
3. Do you feel that there are additional issues or subjects that the WG should be considering?			
1	<p>The PDP did not have any specific questions around the structure of variable fees and how these may be changed. We would like to suggest that the ICANN minimum transaction fees be tiered to reflect the size of the registry operator (which may be a direct reflection of their individual business model, i.e. geo, brand). Rather than having a single minimum fee currently based on a 50,000 transaction volume, an alternate possible tiered structure could be as follows: [** please see original comment for chart at: http://mm.icann.org/pipermail/comments-subsequent-procedures-22mar17/attachments/20170518/d2d16420/PubliccommentsforSubsequentProceduresFinal-0001.pdf **] By offering an operational model that recognizes smaller operators, and lessens the financial burden on those operators, ICANN creates an environment that encourages applications from smaller geos and brands that would otherwise not apply. Ultimately any addition of a new applicant to the process will provide ICANN with additional funding and potentially reduce overall program costs for all. This also recognizes those applicants who may not see a financial ROI but absolutely recognize the branding opportunity and potential in having their own gTLD and ultimately making the internet a better place for consumers. In the absence of being able to establish a tiered model for applications, ICANN should at least dramatically reduce the application fee to reflect the current reality.</p>	CIRA	
2	<p>Yes, see my CCT-RT comment and my questions to ICANN. If you want a copy of the answers when received from ICANN, let me know.</p>	John Poole	
4. Do you have any suggestions for data points, analysis, studies, etc. that might benefit the work of this PDP in any of its areas of work?			
1	<p>There is some overlap between issues raised in these CC2 questions and the recommendations of the Draft Report of the CCT-RT. The GAC would like to draw to the attention of the PDP Working Group that a submission by the GAC on the CCT-RT Draft Report has been made to the Public Comment process, and asks that this be taken into consideration in further policy development.</p>	GAC	
2	<p>Yes, see my CCT-RT comment and my questions to ICANN. If you want a copy of the answers when received from ICANN, let me know.</p>	John Poole	
General Comments or Otherwise not Attributable to a Specific Question Asked			
1	<p>Consider how new gTLDs can improve competition and innovation in the Domain Name System holistically. An additional benefit of an iterative approach to making improvements to new gTLD policies and operational requirements is that it would encourage the community to think holistically about how requirements could be tailored to support the goals of the New gTLD Program, namely fostering increased competition, innovation, and utility in the Domain Name System. Google Registry has found that restrictions such as fixed annual registration terms and billing cycles, presumptive renewals, and the requirement to use a registrar even for closed TLDs have a limiting effect on our attempts to innovate using our gTLD portfolio. Since these requirements are not specific to the 2012 Round they are not accounted for in the Working Group's inventory of issues. Endeavoring to consolidate all issues related to the 2012 Round into a single, gating PDP makes it less likely that other issues related to gTLD operations will be appropriately prioritized relative to issues that are specific to the 2012 Program.</p>	Google	

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2	<p>Abandon the concept of application rounds in favor of a continuous process.</p> <p>In Google Registry’s prior public comments on the Preliminary Issue Report on New gTLD Subsequent Procedures we recommended that ICANN transition from a rounds-based approach to the allocation of gTLDs toward a continuous application process, as is used for other categories of internet identifiers. We continue to believe that this approach offers several advantages compared to discrete rounds. These include minimizing the burdens of de-contention, establishing a steady state for ICANN staffing and resource management, and improving business predictability for applicants.</p> <p>We acknowledge that an additional, discrete application round may be required to address demand built up since the 2012 round. However, we believe that establishing a future date at which application procedures would transition to a continuous, first-come, first-served method would alleviate several of the issues presented by the Working Group in the longer term. For example, issues related to string contention, community priority, and new gTLD auctions, would not exist under a continuous first-come, first-served allocation mechanism.</p>	Google	
3	<p>Introduce incentives around TLDs that support user expectations and trust.</p> <p>The report by the Competition and Consumer Trust (“CCT”) Review Team found that registration restrictions for TLDs as part of the 2012 Round aligned with user and registrant expectations and evoked trust. Conversely, apart from Community Priority Evaluation (“CPE”), the structure of the 2012 Program disincentivized registries from operating restricted TLDs. Regardless of model, registries were required to pay substantial fixed fees to ICANN, creating incentives for registries to target a broad registrant base through open, unrestricted registration models in order to recoup operational costs. Given that CPE in its current form is all-or-nothing, both for the applicant seeking community status and other contending applicants, we believe that a high bar is necessary for this particular process. However, this high bar fails to account for alternative models that allow a greater connection between a TLD and users’ expectations about the types of content or registrants within that TLD. Given this environment, it is perhaps unsurprising that relatively few of the new gTLDs offer registration models that differ significantly from major legacy gTLDs. We support the recommendation put forward by the CCT Review Team to create additional incentives for restricted TLDs that align with user expectations for the meaning of the TLD.</p>	Google	
4	<p>Summary of the ALAC Response to Work Track 1 Questions: Overall Process, Support, and Outreach</p> <p>While the ALAC and wider At-Large Community see very few benefits from the further expansion of new gTLDs in the domain system (1.1.1), we believe some benefits could be eked out by the proposed Registry Service Provider (RSP) programme to develop and enhance the technical and knowledge capacity of RSPs, especially for underdeveloped economies. Our support for any new gTLD round is contingent on access to strings that might be of interest to pre-defined communities along with a primary focus on change to a rebooted Applicant Support Programme. Special attention should be directed at the eligibility criteria or in supporting potential applicants to be able to meet appropriate eligibility standards as in 1.2.1. The Applicant Support Programme could be improved through greater communication (1.2.3) and ICANN must be sensitive to the lack of resources related to Internet connectivity in least developed countries where basic infrastructure, reliability and affordability continue to be a challenge (1.2.4). Improvements to the Applicant Support Programme will enable more potential applicants in relevant regions, to succeed (1.2.5). The ALAC hopes that the Guidebook would have been improved from lessons learned in the first round and that it will not require changes mid-stream. Such changes would not only create further confusion but also mistrust in ICANN's management of the whole process (1.3). Although a "one fee fits all" is a reasonable standard (based presumably on cost recovery (1.4)), it is assumed that the Applicant Support Programme will provide for other fee levels to meet the needs of eligible applicants (1.5). Regardless of the application process itself, there are issues raised by the CCT-RT that must be addressed as a priority to ascertain the benefit or harm caused to the internet user by further gTLD expansion (1.6). We refer issues relating to stability and security systems to the section of the SSAC #94 report where they discuss String Similarity and the confusion caused by the EPSRP guidelines (1.8) In order to reinforce priority for applicants seeking information about support (1.7), we believe that more effective opportunities for RALO outreach with the support of GSE, would help build stronger communication with potential applicants about the RSP and Applicant Support programmes (1.9) and we do not recommend the fragmentation of the Guidebook (1.10)</p>	ALAC	

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5	<p>Summary of ALAC Response to Work Track 2 Questions: Legal, Regulatory, and Contractual Requirements</p> <p>The ALAC largely supports proposals made under Track 2. The ALAC supports the continued use of one Registry Agreement for all applicants, with exceptions for applicants only as necessary. This should ensure that, as much as possible, there is a level playing field for applicants, as well as easier understanding of the requirements that all new gTLD operators must meet. We also support that, again as much as possible, all relevant sections of the application are incorporated into the Registry Agreement. This should make any commitments made by applicants enforceable by ICANN under the Registry Agreement. The Applicant Guidebook also has various restrictions on the use of Reserved Names, ineligible strings, twocharacter ISO 3166 codes and geographic names. The Guidebook should include all of those and any subsequent restrictions on names and/of strings that are clearly spelled out for all applicants.</p>	ALAC	
6	<p>Summary of ALAC Responses to the Work Track 3 Questions: String Contention Objections and Disputes</p> <p>The recommendation on string confusion is one that must be enhanced. Problems related to singular and plural versions of related strings must be addressed, and for strings that are inherently confusing in their own right, delegation could be considered (3.1.1). The implementation of the recommendations relating to string confusion was problematic, especially the potential for different rules for the same pairs of strings. A recent report looking at defensive registrations implied that legal rights protections were not sufficient. The entire issue of community applications and objections needs careful consideration and review (3.1.2). While an independent objector (IO) is warranted, allegations of lack of objectivity identified in the first round must be addressed, to ensure that the IO is beyond reproach (3.1.6). With regards to GAC Advice procedures, we recommend that their advice in relation to gTLDs includes rationales (3.1.11). With regards to policy/implementation guidance or implementation, no change is required if the only benefit of community TLD is in relation to objections and priority. However the ALAC supports other advantages such as preferential pricing (but at the application and operation levels) and if that is adopted, all community applications should be examined (3.3.1). The ALAC would agree that the CPE process did not provide consistency and predictability in the 2012 round and suggest .kids and .gay as two such examples (3.3.2). However, the CPE is still considered a reasonable process if properly implemented and when the criteria is not set purely to limit gaming (3.3.3). As noted in 3.1.1, for consistency and predictability, singular and plural needs to be considered, and mitigation policies should be a factor as well (3.4.1). User confusion must be considered as a high priority (3.4.3). We agree that the approach to string similarity in gTLDs should be harmonised with ccTLDs (3.4.2). Private auctions should not be held as they could lead to speculative applications (3.4.6). We believe that along with the new review mechanisms which will be implemented as a result of the ICANN Accountability measure, existing accountability mechanisms will be adequate avenues to address issues encountered in the new gTLD programme (3.5.1).</p>	ALAC	
7	<p>The ALAC agree to allow single character IDN TLDs (4.1.1.) but we also recommend the consideration of additional policy safeguards such as community and local government support, and cultural-linguistic research (4.1.2). These additional safeguards must be harmonised with ccTLDs (4.1.4). With regards to the delegation and operation of IDN variant TLDs we believe that this is a complex issues when considered from an end-user perspective. Suggestions have been made with regards to their stability and resilience, and how this might best be approached to include end-user communities and other relevant stakeholders (4.1.3). The UAI is important to the promotion of equal and consistent domain name acceptance. As a civil society initiative, it contributes valuable information and guidance to the policy development process within ICANN (4.2). We do not feel a need to differentiate between ASCII and IDN in terms of technical capacity of the applicant (4.3.1.1). We agree that technical evaluation should consolidate as much as possible (4.3.1.2) without any new and invasive evaluation of existing TLD operators (both gTLD and ccTLD) (4.3.1.2.1). Operational results (2012) 23 show that templates demanded (and received) for the round were unrealistic (4.3.2.1) when the only demonstration needed should be proof of ability to maintain basic TLD operations and infrastructure (4.3.2.2). It is unclear why there was a requirement for financial plans when there was no penalty for wrong planning (4.3.2.3). As no new risks or failure modalities are expected with regards to name collisions, existing policy safeguards may be sufficient (4.4.1). In general, a per-label security and stability review may not be required (4.5.1). While it is generally felt that the diversity of the root system can handle the additional load caused by "normal" new TLDs, special TLDs may require additional measures to maintain stability (4.5.2).</p>	ALAC	

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8	3. The introduction of new top-level domain names is important for a number of reasons. Firstly, it represents an answer to a long-standing demand from potential applicants for additional new top-level domains. Secondly, it aids consumer choice through the potential to promote competition in the provision of registry services, , market differentiation, and geographical and service-provider diversity. These are all factors which should be taken into consideration by this community.	NCSG	
9	[Regarding Work Track 3] Since I only support complete revision of the new gTLDs program in accordance with the 2008 recommendations of the US DOJ Antitrust Division (see my answers hereinabove, the subject of this work track would need to be completely revised and is irrelevant).	John Poole	
10	Continuing the theme of standardisation, the RRSG would encourage ICANN to ensure in future rounds of nTLDs that there is a base Registry-Registrar-Agreement utilized by all registries. This would also reduce operational costs, for both registries and registrars and would create a fair and transparent contractual basis for new TLDs to be registered and managed.	RrSG	