Legal/Regulatory

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Agenda

1. Welcome & Admin
2. SOIs
3. Prioritization/ Grouping/ Dependencies
4. Base Agreement (High level discussion)
5. AOB

Prioritization/Grouping/Dependencies

Priority/Group	Topic	Dependencies/Relevant Issues	Policy	Days to complete	Start Date	Finish Date
A	Base Registry Agreement	•To be discussed in part in context of 2nd level RPMs. •Some level of dependency on categories discussed in Different TLD Types. •To be completed in Phase 2 (begins May 1, 2017).	X	120	1-Nov-16	28-Apr-17
A	2nd Level RPM's	•Need to liaise with RPM PDP WG in order to not duplicate work. •Based upon initial feedback, we should concentrate mainly on PICDRP and RRDRP •To be completed in Phase 2 (begins May 1, 2017).	X	101	2-Sep-16	2-Mar-17
B	Reserved Names	•Should consider work of CCWG on Use of Country/ Territory Names as TLDs before any conclusion. •Should consider working in collaboration with WT3 for Reserved Names in terms of Objections.	X	120	15-Aug-16	10-Feb-17
B	Registrant Protections		X	70	29-Aug-16	7-Dec-16
B	IGO / NGO Procedures	•Relevant PDP for Protection of IGO and INGO Identifiers in All gTLDs and PDP on Curative Right Protections for IGO/INGOs. •Somewhat relevant to Reserved Names.		40	3-Oct-16	29-Nov-16

Prioritization/Grouping/Dependencies

Priority/Group	Topic	Dependencies/Relevant Issues	Policy	Days to complete	Start Date	Finish Date
C	Closed Generics	•May be applicable to Global Public Interest as well.	X	70	3-Oct-16	19-Jan-17
C	Registrar Non Discrimination & Registry / Registrar Separation	•To be completed in Phase 2 (begins May 1, 2017). •Registrar Non Discrimination and Registry / Registrar Standardization are similar and could be combined. •Dependency on the CCT.	X	50	1-Nov-16	20-Jan-17
C	Registry / Registrar Standardization	•To be completed in Phase 2 (begins May 1, 2017). •Registrar Non Discrimination and Registry / Registrar Standardization are similar and could be combined. •Any community support for standardization of requirements should be considered in context of the Registry Agreement	X	50	1-Nov-16	20-Jan-17
D	TLD Rollout		X	40	12-Sep-16	4-Nov-16
D	Contractual Compliance	•Rather than a Contractual Compliance recommendation, best to provide recommendations to relevant topics such as application submission and evaluation processes.		40	17-Oct-16	13-Dec-16
D	Global Public Interest	•Development and implementation of a global public interest framework is part of ICANN's Strategic Plan and the work related should be taken into account. •To be completed in Phase 2 (begins May 1, 2017).	X	70	1-Nov-16	17-Feb-17
E	Draft requests for constituencies			28	2-Sep-16	12-Oct-16
E	Seek Input from SO / AC			35	13-Oct-16	2-Dec-16

Topics/Question for Work Track 2

Base agreement: Perform comprehensive review of the base agreement, including investigating how and why it was amended after program launch, whether a single base agreement is appropriate, whether Public Interest Commitments (PICs) are the right mechanism to protect the public interest, etc. Should the Article 7.7 review process be amended to allow for customized reviews by different registry types.
Second-Level Rights Protection Mechanisms: Proposing recommendations directly related to RPMs is beyond the remit of this PDP. There is an anticipated PDP on the "current state of all rights protection mechanisms (RPMs) implemented for both existing and new gTLDs, including but not limited to the UDRP and the URS...".Duplication or conflicting work between the New gTLD Subsequent Procedures PDP and the PDP on RPMs must be avoided. If topics related to RPMs are uncovered and discussed in the deliberations of this PDP, those topics should be relayed to the PDP on RPMs for resolution. To assure effective coordination between the two groups, a community liaison, who is a member of both Groups, is to be appointed jointly by both Groups and confirmed by the GNSO Council.

Reserved Names: Review the composition of the reserved names list to determine if additions, modifications, or subtractions are needed (e.g., single letter, two letters, special characters, etc.). Evaluate if the implementation matched expectations (e.g., recommendations of the Reserved Names Working Group). Review whether geographic names requirements are appropriate.
Registrant Protections. The original PDP assumed there would always be registrants and they would need protecting from the consequences of Registry failure, although it may not make sense to impose registrant protection obligations such as EBERO and the LOC when there are no registrants to protect, such as in a closed registry. Should more relevant rules be established for certain specific cases?
IGO/INGO Protections: The PDP for Protection of IGO and INGO Identifiers in All gTLDs and PDP for IGO-INGO Access to Curative Rights Protection Mechanisms are expected to address a number of issues. While no additional work is envisioned, if there are any remaining or new issues for discussion, they could be deliberated in the context of this PDP.

Topics/Question for Work Track 2

Closed Generics: Should there be restrictions around exclusive use of generics TLDs?
Registrar Non-Discrimination: Are registrar requirements for registries still appropriate?
Registry/Registrar Standardization: Consider whether the registry/registrar relationship should have additional standardization and regulation.

TLD Rollout: Was adequate time allowed for rollout of TLD? When should recurring fees due to ICANN begin?
Contractual Compliance: While no specific issues were identified, contractual compliance as it relates to New gTLDs may be considered in scope for discussion, though the role of contractual compliance (i.e., enforcing agreements) would not be considered within scope.
Global Public Interest: Existing policy advice does not define the application of "Public Interest" analysis as a guideline for evaluation determinations. Consider issues identified in GAC Advice on safeguards, public interest commitments (PICs), and associated questions of contractual commitment and enforcement. It may be useful to consider the global public interest in the context of ICANN's limited technical coordination role, mission and core values and how it applies specifically to the New gTLD Program.

Base Agreement (High level discussion)

What are the high level questions? Questions that we can dive into without dependency upon other WT discussions, reviews, or PDP WG.

- Does a single base agreement make sense for all types of registries?
- Do we as a group support the notion for having separate agreements for separate categories?
- How can changes to the base agreement be prevented after program launch?
- Should the base agreement be available in different languages?

AOB

Terms of Conditions for Applying for a TLD: Are the Terms and Conditions for described in the Applicant Guidebook enforceable? Is this a policy aspect or an implementation of ICANN? In the event of tackling this subject, what recommendations could be made from a policy standpoint? Is this in the scope of the PDP WG? Does this belong in WT2?