

ICANN 59

NEW gTLDS AND
PUBLIC INTEREST ISSUES

New gTLDs and the Public Interest

Principles for Introduction

- must be introduced in an orderly, timely and predictable way
- should be internationalised domain names (IDNs) and has potential to promote **competition in registry services, add to consumer choice and trust** (*language used in the AoC for introduction of new gTLDs*)
- In assessing, should be agreed technical criteria, capability criteria and operational criteria
- string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law

New gTLDs and the Public Interest

Introduction of new gTLDs:

2008: Board approval for introduction

2011: Applicant Guidebook approved

2011: Consumer Trust, Consumer Choice and Competition WG chartered (*Sept – advice to Board 2/2012*)

2012: Applications open (Jan-June)

2013: First new gTLDs delegated (23/10)

2015: GNSO Council approval for Subsequent Procedures WG

New gTLDs and the Public Interest

1930 total number of applications received

911
North America

675
Europe

24
South America

17
Africa

303
Asia Pacific



New gTLDs and the Public Interest

Public Interest Commitments (PICS)

Issue: The statements made in an application as to the proposed gTLD's mission/purpose are not incorporated into the ICANN/Registry contract.

GAC Communiqué Toronto October 2012 (after applications for new gTLDs had closed)

'... that it is necessary for statements of commitment and objectives to be transformed into binding contractual commitments, subject to compliance and oversight by ICANN.'

New gTLDs and the Public Interest

Specification 11 (PIC) Registry agreement

- 5 Feb 2013: Released for comment – comment due 26 Feb
- Applicants given 28 days to submit PICs
- PICs open for public comment

(Of the 1930 applicants, 499 submitted a PIC)

New gTLDs and the Public Interest

Specification 11

1. Only use ICANN accredited registrar party to the 2013 RAA (or subsequent RAAs)
(as at 31/7/17 required under revised RAA)
- 2 Will operate the registry ... in compliance commitments... in application.... And the PICDRP
- 3 Will comply with the following commitments... and the PICDRP...
- 4 (and can include statements that PIC can be revoked in changed circumstances anyway)

New gTLDs and the Public Interest

- Total Number of Applicants: 1930
- Total number of PICs submitted: 499 (there are now 513 on the ICANN Website)
- 255 of the PICS are by subsidiaries of DONUTS

New gTLDs and the Public Interest

PICS of Donuts' subsidiaries:

- Will only use Registrars parties to the 2013 RAA (but not subsequent RAA)
- Listed commitments:
 - Will be open, non-discriminatory registration
 - Protection for geographic names
 - Rights Protection mechanisms
 - Anti-Abuse Policy

New gTLDs and the Public Interest

For anyone harmed by a registry's non-compliance with their PIC: PICDRP – which provides for

- Report to ICANN
- Preliminary Review by ICANN
- Forward to Registry Operator- 30 days to resolve dispute
- If not resolved, further review by ICANN
- Conference of parties
- Depending on outcome (or not)
- ICANN Standing Panel → compliance action

New gTLDs and the Public Interest

Public Advisory Board proposed Jan 2014 –
released for public comment in Feb 2014

Targetted at regulated industries and other
consumer trust sensitive areas

Proposal – certain new gTLD strings (especially
those with restricted registrant access) for
Category One areas particularly establish a PAB to
develop registrant eligibility criteria and registry
policies that would be incorporated into PICs

New gTLDs and the Public Interest

Public Interest Issue: **'confusingly similar'** strings

In the applicant Guidebook: (strings so similar that they create a probability of user confusion... The visual similarity check....)

ALAC Statement to the Board Sept 2013:

The ALAC advises the Board to revisit the issue of new TLD strings, which are singular and plural versions of the same word, and ensure that ICANN does not delegate strings that are virtually certain to create confusion among Internet users and therefore result in loss of faith in the DNS.

New gTLDs and the Public Interest

Confusingly similar strings – Outcomes

- .sport is confusingly similar to .sports;
- .tour is confusingly similar to .tours;
- .car is not confusingly similar to .cars;
- .hotel is not confusingly similar to .hotels;
- .tv is not confusingly similar to .tvs;
- .pet is not confusingly similar to .pets;
- .shop is not confusingly similar to the Chinese string for .shop;
- .shop is confusingly similar to the Chinese string for .onlineshopping; and.
- .com is both confusingly similar to .cam and not confusingly similar to .cam.

New gTLDs and the Public Interest

GAC Beijing Statement April 2013

Safeguards for new gTLDs

- WHOIS verification and checks
- Mitigating abuse activity
- Security checks
- Documentation – on Whois and security checks and consequences for breach
- Complaint Handling mechanism

New gTLDs and the Public Interest

GAC Beijing Statement April 2013

Category 1: Strings linked to highly regulated or professional sectors. Requirements should by

- Compliance with applicable laws
- Reasonable and appropriate security measures for the collection and maintenance of health and financial data
- Establish working relationship with the relevant industry or self-regulatory bodies for the sector

Category 2: Restricted rather than open registration for generic terms

New gTLDs and the Public Interest

Community Names: Definition

A community-based gTLD is a gTLD that is operated for the benefit of a clearly delineated community. An applicant designating its application as community-based must be prepared to substantiate its status as representative of the community it names in the application.

About 75% of the ‘community names’ applicants were refused – as noted, some applications with demonstrable support, appropriate safeguards and strong emphasis on community service were not submitted as ‘community applications’ – and therefore the applicant was decided by the auction process.

GAC Communique – London Oct 2014: expressed ‘... concerns about the consistency of the Community Evaluation Process following a number of applications.’