

App and Eval Recommendations

Jonathan Zuck

“Global South” Defined

The **Global South** is made up of Africa, Latin America, the Caribbean and developing Asia including the Middle East

43: Metrics

Set objectives for applications from the global south

- SubProc: too limiting
- GAC: should be targeted more broadly

43: Metrics

Recommendation: Set objectives/metrics for the global south

To: SubProc/GNSO

Details:

The subsequent procedures working group to establish clear goals for the global south including whether or when applications and even number of delegated strings should be objectives. It is possible that Short term objectives should be around second level participation.

44: Expanded Outreach

Expand outreach into global south

- ALAC: other factors
- GAC: better targeted
- ICANN: How different?

44: Expanded Outreach

Refine and Expand outreach into global south

Details: Outreach to the global south requires a more comprehensive program of conference participation, thought leader engagement and traditional media. The work of AMGlobal should be built upon to identify targets, outlets and venues for better outreach. This outreach should include cost projections, potential business models and resources for further information. Further, it is recommended that the outreach program begin significantly earlier so as to facilitate internal decision making.

45: Pro Bono Assistance

ICANN to “Manage” the pro bono assistance program.

- Develop on-line system for support

45: Pro Bono Assistance

ICANN to “Coordinate” the pro bono assistance program.

46: Applicant Financial Support Program

Revisit the Applicant Financial Support Program

- ALAC: Define terms, clarify scope
- GAC: Expand scope

46: Applicant Financial Support Program

Expand the Applicant Financial Support Program

Details: The total cost of getting a new gTLD string far exceeds the \$185k application fee. Beyond efforts to reduce the application fee for all applicants, efforts should be made to reduce the overall cost of application, evaluation and conflict resolution, including additional subsidies and dedicated support for applicants from the Global South

47-50: GAC, Communities, Objections, Similarities

- All fully supported
- Cum Laude: Implementation Details
- ICANN org: What's our role?

GAC Advice - Com Laude & Valideus

The GAC's processes for filing formal advice – including objections to specific applications – and its rationale need to become more transparent and accountable. If there is to be a presumption that the Board will accept that advice, this should not be done blindly, without the Board first having reviewed, clarified, and agreed with the supporting rationale.

A formal Government Objection process (currently available under the Formal Objection mechanism managed by ICANN's DRSPs) should be considered as the appropriate venue for individual GAC members to file objections to specific applications. Errors of fact made by GAC members should be open to challenge.

A clearer process should be applied to the identification of regulated and safeguard TLDs. Issues of definition and scope for such categories of TLDs, as well as whether terms identified by the GAC as falling under these lists are non-exhaustive or not, cannot be repeated in a future round, let alone under the unpredictable timelines that became a feature of the first round.

The determination of such lists by the GAC should be transparently reasoned and founded on clearly established guidelines for applicants. It is imperative that this area of new gTLD policy is settled in advance of a future round, dictated by existing laws related to TLD strings, rather than by who is applying for those strings. The GAC should not be used as a vehicle for applicants to gain a competitive advantage over others.

Objections: Com Laude & Valideus

We support these recommendations, and support the CCTRT giving them prerequisite priority. We accept that a balance is necessary between subjecting DRSPs to strict rules on the one hand, while giving them room for operational flexibility on the other. However, a number of applicants experienced shortcomings in the service provided by DRSPs which cannot be repeated in a future round. This applies in particular to the lack of transparency over the International Chamber of Commerce (ICC) timelines for releasing decisions. It also applies to the unfortunate number of inconsistencies in decisions made by the International Centre of Dispute Resolution's (ICDR) on String Confusion cases.

In future, Objections should be put through a compliance review that actually does ensure that the Objection has been timely filed, in its entirety, to both the DRSP and the applicant; and that the Objection is properly stated (so that at least the Objection ground, and the targeted new gTLD application, are both made clear).

We believe there would be a benefit to ICANN appointing a single DRSP agent to manage Formal Objections and exercise contractual oversight over DRSPs. In addition, consideration should be given to the implementation of an appeal mechanism to address the substantive review of clearly inconsistent Expert decisions.

The role of – and criteria for – each Formal Objection ground (Legal Rights, Community, String Confusion and Limited Public Interest) should be reviewed in light of the first round. Clearer criteria should be provided to guide Experts where required, in particular, for String Confusion and Community Objections. Thresholds for qualifying as a community should be more clearly defined, for the benefit of communities as both objectors, and as applicants (who may apply for Community Priority Evaluation).