New gTLD Subsequent Procedures

Work Track 3 | 30 January 2018 | 20:00 UTC

ICANN

Agenda

1 — Welcome & Review/Revise Agenda

2 — Updates to Statements of Interests (SOI)

3 — Plenary Co-Chair Update

4 — Objections:
- Limited Public Interest
- Community
- Independent Objector

5 — Applicant Freedom of Expression

6 — AOB Next Meeting

Objections

Limited Public Interest

Rec. 6 "Morality & Public Order" Restrictions

Objections

Limited Public Interest

- Initial discussions have indicated that the existing policy recommendation and the AGB language remain in good order, functioned as envisioned and are within scope, and will be sufficient for subsequent procedures.

- Regarding standing, concerns were expressed related to the fact that the ALAC's may have financial support to file a LPI objection but may then be unable to meet standing requirements. Seems to be inconsistent. Others argued for no such financial support in the future for LPI (and community) objections.

- The WT discussed the possibility of reconsidering the concept, intent, and scope of the "quick look" mechanism noting that improving the "quick look" could reduce objections reaching the more costly and timely stages of the process (particularly "frivilous" objections).

Objections

"Community" Applications

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"Community" Applications

The WT has begun discussing several aspects of the issue:

-- **how is community defined?**

-- should there be different **sub-types** of communities? Organized by applicant type? Organized by intended use of the TLD? An alternative to creating categories before the round, would be to create a process for forgiving contractual conditions depending on the purpose of the application (and not the identity of the applicant).

-- should communities receive **priority** or other differential treatment?

-- if prioritized, what process should be used for prioritization?

-- if prioritized, what criteria and scoring threshold should be used for prioritization?

In addition, a number **of implementation** concerns were raised, including:

-- lack of transparency and predictability

-- the Panel misinterpreted the applications

-- Panel improperly applied the CPE criteria

-- excessively high scoring threshold in the AGB

-- high number of reconsideration requests

-- cost of applications

-- time to assess applications

-- conflicts of interest among panelists

-- evaluation procedures for applications were developed after 2012 application window opened

-- restrictive word count on community applications

-- lack of clarifying questions or opportunity for dialogue in the CPE process

Objections

Independent Objector

Objections
Independent Objector

Questions preliminarily discussed by the WT:

- Was the intent of the IO met in the 2012 round? Did the IO act within his remit?

- Are changes needed to the **criteria** under which IO could bring an objection?

- How to prevent real or perceived **conflicts of interest**?

- Should there be a structure for penalizing multiple **frivolous** objections?

- Was the IO **cost effective** in the 2012 round?

- Would a **standing panel** yield better results than an individual IO?

- Could changes to the **existing objections** mechanisms serve the need currently filled by the IO?

- Is the IO role **even warranted** in subsequent procedures?

Applicant Freedom of Expression

❖ New GTLD Policy Principle G: *"The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law."*

❖ Implementation guidance should be included in next Applicant Guidebook informing applicants, panelists, and others of the existence of this recommendation and the policy goal of fostering freedom of expression in generic top-level domains.

❖ How to balance protection of applicant free expression rights with government or other pressure to restrict the use of words in TLD?

AOB

Next Meeting:
13 February 15:00 UTC