

I C A N N
POLICY FORUM

62

PANAMA CITY

25–28 June 2018



New gTLD Subsequent Procedures Policy Development Process Working Group

Co-Chairs Jeff Neuman and Cheryl Langon-Orr



ICANN62
25 June 2018

Agenda

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Topics that Need
Further Discussion

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Wrap-Up

Topics That Need Further Discussion

Agenda Item #1

1. Auctions: Methods of Last Resort

- ⦿ Work Track 3 discussed whether auctions of last resort continue to be an appropriate method of resolving contention going forward.
- ⦿ Community Comment 2 responses generally supported the idea that existing contention resolution mechanisms are sufficient.
- ⦿ While some Work Track members questioned whether auctions of last resort are in the public interest, no alternatives were proposed.
- ⦿ **Do auctions continue to be an appropriate method for resolving contention? Why or why not?**
- ⦿ **If you do support the use of auctions, are changes needed to the way in which they were conducted by ICANN? Why or Why Not?**
- ⦿ **If you do not support the use of auctions, what alternatives do you propose and why?**
- ⦿ **Are there additional contention resolution methods that could be introduced while still maintaining auctions as a last resort?**

2. Auctions: The Use of Private Auctions

- ⦿ A number of companies emerged offering “private auction models” to applicants where rather than the proceeds going to ICANN, they were split amongst the “losers” in the contention set.
- ⦿ Although the specific details about how much each string went for, or about how much each “loser” made, some public companies have reported millions of US Dollars in income due to “lost” private auctions.
- ⦿ Some community members are concerned that if private auctions are allowed, there will be large numbers of speculators applying for strings hoping to be in a contention set just to “lose” private auctions to make millions of dollars.
- ⦿ **Do you believe this concern is legitimate? If these concerns are, then should something be done to address these concerns?**
- ⦿ **Can anything be done? If so, what?**
- ⦿ **Should this Working Group investigate this issue further?**

3. Role of Application Comment

- ⦿ In the 2012 round, ICANN opened a public comment period at the time applications were publicly posted on ICANN's website and the community could review and submit comments on posted application materials. Could also be used by governments (e.g., GAC Early Warning)

 - ⦿ Comments were available to evaluation panels performing Initial Evaluation reviews. Evaluators performed due diligence on comments and took them into consideration.
 - Where scoring was impacted, clarification from applicant was sought.
 - Statements concerning consideration of application comments that impacted the evaluation decision were included in evaluators summary reports.

 - ⦿ May have a very limited role in objections

 - ⦿ May be taken into account during CPE

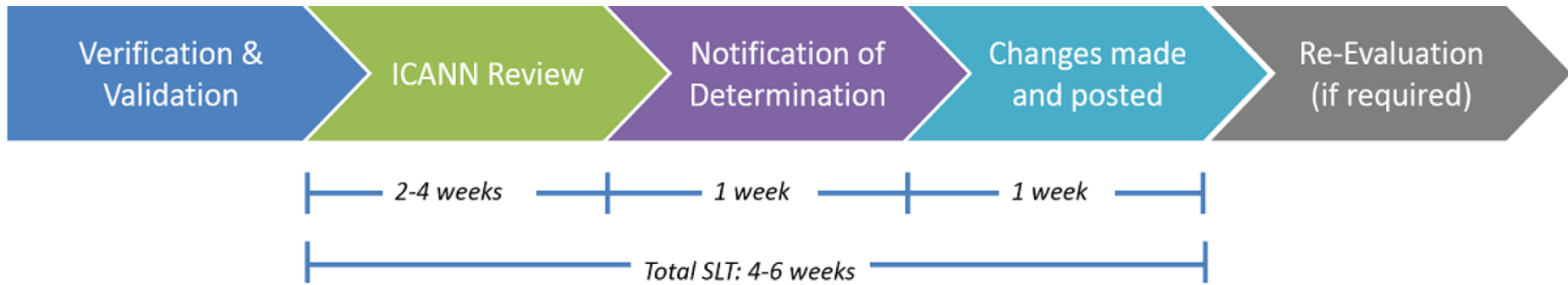
 - ⦿ **Do you think any changes are needed to the way the application comment process is conducted or used? Please explain.**
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4. Change Requests

- In the 2012 Round, ICANN used the following criteria when reviewing requests by applicants to make changes to a submitted application:
 - **Explanation** – Is a reasonable explanation provided?
 - **Evidence that original submission was in error** – Are there indicia to support an assertion that the change merely corrects an error?
 - **Other third parties affected** – Does the change affect other third parties materially?
 - **Precedents** – Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?
 - **Fairness to applicants** – Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair?
 - **Materiality** – Would the change affect the evaluation score or require re-evaluation of some or all of the application? Would the change affect string contention or community priority consideration?
 - **Timing** – Does the timing interfere with the evaluation process in some way? ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round. (AGB §1.2.7.)

4. Change Requests, cont.

- The process of handling change requests included the following steps:



- For subsequent procedures:
 - **Under what circumstances should change requests be allowed?**
 - **To what extent should change requests be permitted?**
 - **Are there any changes you would like to see to the existing process or criteria for handling change requests?**

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5. Support for your new gTLD

- ⦿ Some have noted that in some instances, a new gTLD has been unable to find registrars interested in making their gTLD available.
- ⦿ **What kind of solutions might there be to help registries in this situation?**

Wrap-Up

Agenda Item #3

Engage with ICANN – Thank You and Questions



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