

## Supplemental Report on the new gTLD Subsequent Procedures Policy Development Process (Additional Topics)

### Status of This Document

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This is a Supplemental Report to the Initial Report of the GNSO New gTLD Subsequent Procedures (SubPro) Working Group, which covers five (5) additional topics that required additional deliberations, and is being posted for public comment.

### Preamble

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The objective of this Supplemental Report to the Initial Report is to document the Working Group's deliberations on additional issues identified and preliminary recommendations, potential options for recommendations, as well as specific questions for which the Working Group is seeking input. These topics were considered by members of the SubPro Working Group as a whole.

This Supplemental Report is structured similarly to the Initial Report, especially in that it does not contain a "Statement of level of consensus for the recommendations presented in the Initial Report." As with the Initial

This Final Report may be translated into different languages; please note that only the English version is authoritative.

Report, the Co-Chairs continue to believe that it is pre-mature to measure the level of consensus of the Working Group members, and that doing so could have the unintended consequence of locking Working Group members into positions of support or opposition prior to soliciting public comment from the community on those recommendations. To form such definitive positions at this early of a stage could have the adverse effect of being less open to modifications to those positions as a result of community input.

After a comprehensive review of public comments received on this report, the Working Group will deliberate further on the preliminary recommendations contained herein. Once that is completed, the Co-Chairs will conduct a formal consensus call on all recommendations before the Working Group integrates these additional issues into its Final Report.

Therefore, comments on any preliminary recommendations, options and/or questions presented are welcomed and encouraged. In addition, in some cases the Working Group was unable to reach preliminary recommendations. The community, therefore, should not limit itself to commenting on only the preliminary recommendations, options, and questions specifically identified in the Initial Report, but on any other items that may not have been adequately addressed. For example, if there is an option you believe the Working Group should consider, but that option is not presented or even discussed in the Initial Report, please let us know that new option in detail, along with any background, context and supporting documents.

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# 1 Executive Summary

## 1.1 Introduction

On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group. The Working Group (WG) was tasked with calling upon the community's collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007.

As the original policy recommendations adopted by the GNSO Council and ICANN Board have "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains", those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council decides to modify those policy recommendations via a policy development process. The Working Group is chartered to develop new policy principles, recommendations, and implementation guidance or to clarify, amend, or replace existing such elements.

A Call for Volunteers to the Working Group ("WG") was issued on 27 January 2016. The WG held its first meeting on 22 February 2016 and has met regularly since that time. With over 250 members and observers in the SubPro Working Group, and dozens of issues to address regarding the 2012 New gTLD Program, the SubPro Co-Chairs divided up the work into a set of "Overarching Issues" and five Work Tracks. Each of the five work tracks covered a number of related issues with the help of one or more Co-Leaders. The WG issues its first Initial Report, containing the output of the Working Group on the Overarching Issues as well as preliminary recommendations and questions for community feedback from Work Tracks 1-4, on 3 July 2018. This Supplemental Report contains additional issues that were deemed to warrant additional deliberations by the WG.

## 1.2 Preliminary Recommendations

As noted in the Preamble, this Supplemental Report does not contain a "Statement of level of consensus for the recommendations presented in the Initial Report. In addition, in some circumstances, the WG did not reach agreement on preliminary recommendations and instead, have provided options for consideration and/or questions to seek input for further deliberations. Similar to the Initial Report, rather than including the set of preliminary recommendations, options, and questions in the Executive Summary, they will be made available in a table in Annex [??].

Please see Annex [??] for the consolidated table of preliminary recommendations, options, and questions.

### 1.3 Deliberations and Community Input

The WG reached out to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as GNSO Stakeholder Groups (SGs) and Constituencies (Cs) with a request for input at the start of its deliberations, which included a specific request for historical statements or Advice relating to new gTLDs<sup>1</sup>. All responses received were reviewed by the WG and incorporated into deliberations for each of its Charter questions. The WG also sought to identify other community efforts that either might serve as a dependency to its work or simply an input to be considered. These efforts included the Competition, Consumer Trust & Consumer Choice (CCT) Review Team and the PDP on the Review of All Rights Protection Mechanisms in All gTLDs, among others.

The WG also sought input via called Community Comment 1 (CC1)<sup>2</sup> and Community Comment 2 (CC2)<sup>3</sup>. At ICANN62, the WG engaged the community on the specific topics contained in this Supplemental Report.

### 1.4 Conclusions and Next Steps

This Supplemental Report will be posted for public comment for approximately 40 Days. After the WG reviews public comments received on this report, it will complete this section documenting any conclusions based on the overall findings of the report and integrate into a singular Final Report.

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<sup>1</sup> See outreach and inputs received on the Wiki here: <https://community.icann.org/x/2R6OAw>

<sup>2</sup> See Community Comment 1 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/3B6OAw>

<sup>3</sup> See Community Comment 2 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/Gq7DAw>

## 2 Deliberations of the Working Group

Insert sections from the excerpts reviewed by Working Group...

## 3 Conclusions and Next Steps

### 3.1 Preliminary Conclusions

As noted in the Preamble, the WG did not seek to take formal consensus calls on any preliminary recommendations contained in this report.

### 3.2 Next Steps

After a comprehensive review of public comments received on this report, the Working Group will deliberate further on the preliminary recommendations contained herein. It is possible that as a result of the deliberations, there may be additional supplemental reports released by the Working Group seeking additional public comments. Once all of that is completed, the Co-Chairs will conduct a formal consensus call on all recommendations before the Working Group issues its Final Report.

## 4 Background

### 4.1 Process Background

On 25 June 2014, the GNSO Council created the New gTLD Subsequent Procedures Discussion Group. On 1 June 2015, the Discussion Group delivered its final deliverables with the GNSO Council.

- In response to the deliverables of the Discussion Group, on 24 June 2015, the GNSO Council resolved to request an Issue Report. In the Final Issue Report, ICANN staff recommended that the GNSO Council commence a PDP on New gTLD Subsequent Procedures.
- On 4 December 2015, ICANN staff published a Final Issue Report for the GNSO Council to consider the commencement of a Working Group.
- On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group.
- On 21 January 2016, the GNSO Council resolved to adopt the charter of the Working Group.
- On 27 January 2016, a Call for Volunteers was issued for the Working Group and the WG held its first meeting on 22 February 2016.
- On 3 July 2018, the WG published its Initial Report for public comment<sup>4</sup>.

### 4.2 Issue Background

The New gTLD Subsequent Procedures PDP Working Group was tasked with determining what, if any changes may be needed in regards to the existing GNSO's *Final Report on*

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<sup>4</sup> See public comment proceeding here: <https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en>



*Introduction of New Generic Top-Level Domains*<sup>5</sup>. As the original policy recommendations as adopted by the GNSO Council and the ICANN Board have “been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains,” those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council would decide to modify those policy recommendations via a policy development process. The work of the PDP follows the efforts of the New gTLD Subsequent Procedures Discussion Group (DG), which identified a set of subjects for this PDP to consider in their deliberations. The DG anticipated that the WG might complete its work by:

- Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidelines;
- Developing new policy principles, recommendations, and implementation guidelines

#### 4.2.1 Related Work by the GNSO and the Community

Several efforts within the community have connections to the work of this WG, which include but are not limited to:

- Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT)
- The Security and Stability Advisory Committee (SSAC) reviews of previous guidance provided regarding the New gTLD Program and their determination if new advice may be needed.
- The Governmental Advisory Committee (GAC) has several working groups, focusing on community applications, underserved regions, and geographic names.
- The Cross Community Working Group on the Use of Country and Territory Names (which concluded its work)
- PDP on the Review of All Rights Protection Mechanisms in All gTLDs
- PDP on Protections of IGO and INGO Identifiers in All gTLDs

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<sup>5</sup> See the Final Report – Introduction of New Generic Top-Level Domains here: <https://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

## 5 Approach Taken by the Working Group

### 5.1 Working Methodology

The New gTLD Subsequent Procedures PDP WG began its deliberations on 22 February 2016. It conducted its work primarily through weekly conference calls, in addition to email exchanges on its mailing list, with further discussions taking place during scheduled sessions at ICANN Public Meetings. All the WG's meetings are documented on its Wiki (<https://community.icann.org/x/RgV1Aw>). The Wiki also includes mailing list archives (<http://mm.icann.org/pipermail/gnso-newgtld-wg/>), draft documents, background materials and input received from ICANN's SO/ACs and the GNSO's Stakeholder Groups and Constituencies. The WG worked collectively to review a set of overarching issues and also divided into five (5) work tracks to review the remainder of the items in its Charter. The overarching issues and the outputs from Work Tracks 1-4 formed the basis for the WG's Initial Report, published on 3 July 2018. Work Track 5, on geographic names at the top-level, will publish a separate Initial Report.

The WG worked at the plenary level to address a set of five (5) additional topics that it determined needed additional consideration. Those topics form the basis for this Supplemental Report.

#### 5.1.1 WG Membership

For brevity of this report, the members of the New gTLD Subsequent Procedures full WG can be found on the WG's Wiki<sup>6</sup> or a snapshot in time can be found in section 5.1.1 of this WG's Initial Report.

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<sup>6</sup> For Work Track membership see (WT1: <https://community.icann.org/x/tw2bAw>; WT2: <https://community.icann.org/x/uw2bAw>; WT3: <https://community.icann.org/x/vw2bAw>; and WT4: <https://community.icann.org/x/ww2bAw>)

## 6 Community Input

### 6.1 Summary of Input

For brevity of this report and to avoid providing duplicative information, please consult section 6 of this WG's Initial Report.

## 7 Annex A - Charter

[PASTE WG Charter HERE]