

2020-03-05 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Thursday, 05 March 2020 at 20:00 UTC for 90 minutes**.

For other places see: <https://tinyurl.com/vukqzop>



PROPOSED AGENDA

1. Review Agenda/Statements of Interest
2. Review draft final recommendations – see the Working Document here: <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxlheMm4XhhOwkRt7om52aQU/edit?usp=sharing>:
 - a. 2.12.1 TLD Rollout (page 54)
 - b. 2.12.3 Contractual Compliance (page 56)
3. AOB

BACKGROUND DOCUMENTS



RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

GNSO transcripts are located on the [GNSO Calendar](#)



PARTICIPATION

[Attendance](#)

Apologies: none



Notes/ Action Items

1. Updates to Statements of Interest: Jamie Baxter updated his Statement of Interest: <https://community.icann.org/display/gnsosoi/Jamie+Baxter+SOI>

2. Review draft final recommendations – see the Working Document here: <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxlheMm4XhhOwkRt7om52aQU/edit?usp=sharing>:

- a. 2.12.1 TLD Rollout (page 54)

Recommendation xx (rationale 2): ICANN org should establish metrics and service level requirements for each phase of the application process including each during the review, evaluation, contracting and transition to delegation stages. ICANN should report on a monthly basis on its performance with respect to these key performance indicators.

-- Staff comment: This recommendation is reaching beyond this section, since it talks about the reviews and evaluation. It might be worth considering if this recommendation should be narrowed to the Transition to Delegation or if this recommendation belongs elsewhere, as an overarching goal of the Program.

-- Included in the deliberations section is the discussion of the proposal from Alexander Schubert on blocking. But no agreement by the WG to include the proposal as a recommendation.

Rationale for Affirmations xx-xx (rationale 1): Although some members of the Working Group were in favor of trying to further define what it means to "use" a TLD, The Working Group ultimately affirms the existing definition for "use" of a gTLD (namely, delegation into the root and meeting all other contractual commitments with respect to required content. It believes that as was the case in the 2012 round, there should be a specified timeframe in which the gTLD should be used. Further the Working Group believes that the timeframes for gTLD rollout from the 2012 round continue to be appropriate in subsequent rounds. The Working Group acknowledges that the provision of extensions to applicants can result in programmatic delays and additional costs and that the lack of a time limit for launch of a gTLD also carries operational costs. The Working Group nonetheless believes that maintaining the existing rules strikes the right balance between establishing appropriate requirements while providing applicants with flexibility when extra time is needed to roll out a gTLD.

Discussion:

-- Question: In terms of priorities could we have a provision that priority should be given to new entrants that are not already representatives of registries from the initial round? Answer: We discussed the suggestion of priorities in applications assessed in rounds and did not agree to such a recommendation.

-- Question: Can we document a concern with the lack of a recommendation on prioritizing new entrants? Answer: That is already documented in the discussion on application queuing.

b. 2.12.3 Contractual Compliance (page 56)

Recommendation xx: ICANN's Contractual Compliance Department should publish more detailed data on the activities of the department and the nature of the complaints handled; provided however, that ICANN should not publish specific information about any compliance action against a Registry Operator unless the alleged violation amounts to a clear breach of contract. To date, ICANN compliance provides summary statistics on the number of cases opened, generalized type of case, and whether and how long it takes to close. More information must be published on the context of the compliance action and whether it was closed due to action taken by the Registry Operator, or whether it was closed due to a finding that the Registry Operator was in compliance from the beginning.

And

"The Working Group believes that by providing additional data about the activities of ICANN's Contractual Compliance department and the nature of complaints handled, ICANN can better support the community in evaluating the functioning of the New gTLD Program and developing policy on this topic in the future."

Discussion:

-- Staff comment: In reviewing the current Compliance reporting, it has a fair amount of detail (e.g., complaint type) and also indicates whether the registry (or registrar) was able to demonstrate compliance. Further clarity may still be needed? - <https://features.icann.org/compliance/dashboard/2020/0120/report>

-- Staff comment: Update to be more specific based on any adjustments to the recommendation above regarding data.

-- Concerned when we say that Compliance should publish more detailed data we should provide more information about what detailed data we want. We should be explicit about what data we want published.

-- Hard to be specific depending on what the Compliance activity might be.

-- Suggest taking out "more" in "should publish more detailed data".

-- There are a lot of statistics in the Compliance dashboard, but you don't see the context about the complaint, why it was filed, and what was done about it.

-- There were ICANN self-generated cases and lack of grounds.

-- So we need to identify what it is that we want to be included in the compliance reports - whether or not already there. Because probably there is more data now than when the WT looked at this, but we also don't want to lose data later that is currently shared because we don't specify it as being a requirement.

-- Asking for insights to be provided based on the data.

b. Deliberations and rationale for recommendations and/or implementation guidelines

-- Suggestion to include for additional context: "...believes that by providing additional information and insights gathered from the data on the activities..."

c. New issues raised in deliberations since publication of the Initial Report, if applicable.

Discussion:

-- Talking about an abusive targeted price by a registrar -- a pattern of abusive behavior -- we aren't trying to regulate pricing, but activity.

-- We did ask for evidence of the pattern in the Initial Report and from INTA in its survey, but we didn't get evidence of the pattern of discriminatory pricing.

-- Thought we had anecdotal evidence.