

# 2020-06-04 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Thursday, 04 June 2020 at 20:00 UTC for 90 minutes.**

For other places see: <https://tinyurl.com/y8qkoehj>

## PROPOSED AGENDA

1. Review Agenda/Updates to Statements of Interest
  2. Discussion of Final Report Topics:
    - a. Review "Can't Live With" comments on packages 1-3 -- comment from Anne Aikman-Scalese on Package 2, 2.10.2 Registrar Non-Discrimination / Registry/Registrar Standardization, page 19:<https://docs.google.com/document/d/1Hh8Wj3lwXvi91Am1k4Zoooct2zmPOmVe1pLmjQLuQuo/edit?usp=sharing> [[docs.google.com](https://docs.google.com)]
    - b. Global Public Interest (2.3.2 Registry commitments / Public Interest Commitments):
      - i. Review Category 1/Verified TLDs (see also Objections): <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxlheMm4XhhOwkRt7om52aQU/edit?usp=sharing> [[docs.google.com](https://docs.google.com)], page 141; see also the ICANN46 Beijing Communique' at: <https://gac.icann.org/content/Migrated/icann46-beijing-communicue> [[gac.icann.org](https://gac.icann.org)]
      - ii. GAC Input, page 143 and attached
      - iii. DNS Abuse, page 136 and 140
      - iv. Applicant Support (multipliers at auction) page 6 in 2.1 Auctions: Mechanisms of Last Resort & 2.2 Private Resolution of Contention Sets (Including Private Auction)
- time permitting
3. AOB

## BACKGROUND DOCUMENTS

[GAC Written Consultation\\_ Input Received- Updated 9 May\[1\].pdf](#)

[GAC Written Consultation\\_ Draft Recommendations of GNSO Subsequent Proc....\[1\].pdf](#)

## RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

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

## PARTICIPATION

[Attendance](#)

**Apologies:** Avri Doria, Vaibhav Aggarwal

## Notes/ Action Items

**Actions:**

Package 2, 2.10.2 Registrar Non-Discrimination / Registry/Registrar Standardization, page 19:

ACTION ITEM: Change the text to: "Registries must use only ICANN accredited registrars in registering domain names, and may not discriminate among such accredited registrars unless an exemption to the Registry Code of Conduct is granted [as stated therein][add citation to the exemption]"

2.3.4 Universal Acceptance

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

ACTION ITEM: The WG agreed to include the revised text in brackets.

#### Category 1/Verified TLDs

ACTION ITEM: Develop a description of the framework.

#### **Notes:**

1. Updates to Statements of Interest: No updates provided.

2. Discussion of Final Report Topics:

a. Review "Can't Live With" comments on packages 1-3 -- comment from Anne Aikman-Scalese on Package 2, 2.10.2 Registrar Non-Discrimination / Registry/Registrar Standardization, page 19: <https://docs.google.com/document/d/1Hh8Wj3lwXvi91Am1k4Zoooct2zmPOmVe1pLmjQLuQuo/edit?usp=sharing>

["Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars, *unless an exemption to the Registry Code of Conduct is granted, **provided, however, that no such exemptions shall be granted without public comment and further provided that exemption requests seeking approval of the use of unaccredited registrars will not be granted.***"]

-- AAS2.1 - Anne Aikman-Scalese suggested adding the text in bold. Rationale: "The language appears to permit registries to obtain exemptions from the Code of Conduct to allow them to use unaccredited registrars. I don't recall this being the thrust of exemptions that were granted in the 2012 round. I believe the exemptions granted in the 2012 round related to issues other than accreditation. Are there currently unaccredited registrars issuing domain name registrations?"

-- The intent is clear but the language of the sentence could be clearer.

-- Move the comma: Registries must use only ICANN accredited registrars in registering domain names, and may not discriminate among such accredited registrars unless an exemption to the Registry Code of Conduct is granted [as stated therein][add citation to the exemption].

**ACTION ITEM: Change the text to: "Registries must use only ICANN accredited registrars in registering domain names, and may not discriminate among such accredited registrars unless an exemption to the Registry Code of Conduct is granted [as stated therein] [add citation to the exemption]"**

#### 2.3.4 Universal Acceptance

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

-- JC3.8 - Justine Chew proposed adding text regarding deliberations. Rationale: "There were comments by the ALAC and the BC to the Initial Report that, while have not materialized into standalone recommendations, remain important to include in the Final Report. The basis for these can be derived from an earlier version of deliberations on the topic."

**ACTION ITEM: The WG agreed to include the revised text in brackets.**

b. Global Public Interest (2.3.2 Registry commitments / Public Interest Commitments):

1) Review Category 1/Verified TLDs (see also Objections): <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxlheMm4XhhOwkRt7om52aQU/edit?usp=sharing>, page 141; see also the ICANN46 Beijing Communique' at: <https://gac.icann.org/content/Migrated/icann46-beijing-communique>; See also the Board Resolution at: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>

#### Discussion:

-- Wasn't a good definition of what would be allowed in these types of strings, except that they are verified.

-- We need to decide what to do with this: 1) affirm what was done (in registry agreements) and 2) decide what strings in the next round would fit in this category; 3) not adopt but explain why we aren't adopting it.

-- Related to the discussion with verified TLDs -- a few from the 2012 round -- that do the validation up front. There was concern for applications for translations (.pharmacy) that a consumer would assume that there were the same amount of restrictions in the translated string, which might not be the case. If we define Category 1 and keep it in the program that could resolve some of the concerns.

-- If we decide these apply to regulated strings we need some kind of mechanism so that applicants know that they could fall into one of these categories.

-- If we are going to protect strings we should look at the implementation of it in the Board resolution annex.

-- Question: Sounds like we are being asked to affirm a 2012 implementation, one of which is the GAC advice on Category 1/Verified TLDs?

Answer: Not asking us to affirm these categories/strings.

-- We may need to affirm this NGPC framework implementation in some logical way because they highlight public interest and safety concerns.

-- If we do affirm, do we want to provide the same types of headings (from the NGPC implementation document)?

-- If we do affirm, how do we define the categories and what restrictions do we impose on them?

-- How do we rationalise that with the conclusion we've already reached not to create more categories?

-- We would be affirming the "framework".

-- What the Board implemented differed from the GAC Advice, so not sure we should affirm the Board's implementation.

-- We can say that there were these types of strings that were highly regulated in the last round that had to agree to these PICs, so if you are classified as one of these you may have to agree to contractual provisions through PICs and be subject to the PICDRP.

-- Identify the kinds of strings in the last round, these were the kinds of PICs that were applied to these kinds of strings, so applicant beware. Just look at how it turned out.

-- Question: Would we say if you are classified as one of these by the GAC these PICs would apply? Answer: We wouldn't say if we affirm or not the GAC's ability to issue consensus advice, but to alert applicants that this is what happened in the last round. Since we don't know who will apply for what strings, not sure we can go beyond that.

-- If you don't specify that all sensitive strings will get these safeguards (x, y, z) and some will get these (a, b, c) etc. then the GAC could go back to their Beijing Communique'.

-- Focus on descriptions and rationale for safeguards, and use examples from this list based on this framework. And explain the process that follows if an applied-for string gets called out for treatment under this framework.

-- The GAC did not call these out as an exhaustive list, although that is how they were treated. The GAC intended this to cover any strings in the category types. We can't rule out that there might be other types in future, but we already know that these types are a problem from the GAC perspective and would lead to this type of advice again. I think we have to try to address it contractually up front.

-- Affirm framework by focusing on descriptions and rationale for safeguards, and use examples from this list. Based on this framework then explain the process that follows if an applied-for string gets called out for treatment under this framework, including a "safeguard evaluation".

-- Could allow an applicant to self-declare as one of the regulated strings and the contractual requirements will apply; if you don't self-declare you will come under scrutiny by the community/GAC and safeguards may still apply.

-- Warning/advisory should be part of the policy solution.

-- Could we have a strawman document?

**ACTION ITEM: Develop a description of the framework.**

c) DNS Abuse, page 136 and 140

-- Sent a letter to the Council suggesting that there should be a holistic approach; haven't heard back from the Council (see rationale 8 on page 140).

-- GAC did ask us to address it.

d) Applicant Support (multipliers at auction) page 6 in 2.1 Auctions: Mechanisms of Last Resort & 2.2 Private Resolution of Contention Sets (Including Private Auction) -- time permitting

-- Start on the next call.