ICANN | GNSO
Generic Names Supporting Organization

New gTLD Subsequent Procedures PDP
November 2017 Newsletter

**Note: all upcoming meetings are subject to change. For current scheduling information, please see the GNSO Master Calendar, Working Group scheduling document, and list of upcoming Work Track topics.

CURRENT STATUS AND NEXT STEPS

Overall Working Group

Current Status:

The Working Group is continuing to refine preliminary outcomes for the overarching subjects in the WG's Charter, leveraging input received through Community Comment 1 (CC1). Three streams of work are currently underway, each with a specific focus: different TLD types, predictability/community engagement, and "rounds" for application assessment. In October, the WG concentrated on progressing deliberations on a predictability framework.

The Working Group held two face-to-face working sessions at ICANN60 in Abu Dhabi. The first session sought to gather input and progress deliberations on topic areas under Work Tracks 1 through 4, with a focus on wrapping up discussion of feedback received through Community Comment 2 (CC2). See Work Track sections of the newsletter for additional details about the discussion.

The second session was devoted to laying the groundwork for Work Track 5, which deals with geographic names at the top level. Session details are included below under the Work Track 5 section of the newsletter. Work Track 5 now has a complete leadership team: Annebeth Lange (ccNSO), Christopher Wilkinson (ALAC), and Martin Sutton (GNSO), and Olga Cavalli (GAC). A call for volunteers has been published, with more than 100 members and 50 observers signed up thus far. You can sign up as a member or observer here.

In Abu Dhabi, members of the PDP leadership team held meetings with the ALAC and GAC to provide updates and gather input on specific issues of interest to these Advisory Committees. The ALAC session covered Community Applications, Applicant Support, String Confusion, and Closed Generics. These session recording is now available and a transcript will also be available. The GAC session focused on Community Applications and Applicant Support. The transcript and recording are now available.

Working Group Co-Chair Avri Doria was seated on the ICANN Board at ICANN60. Avri stepped down from her position as co-chair earlier this month in anticipation of her new role on the Board. The Working Group selected Cheryl Langdon-Orr to serve as the new Working Group co-chair alongside Jeff Neuman.

Next Steps:

The full Working Group will finalize documentation reflecting deliberations on the overarching issues. The Working Group plans to complete a first reading on the overarching issues in the coming months. The Work Tracks will develop draft recommendations for changes, if any, to the existing policy or implementation, which will then be reviewed by the full Working Group before publication of Draft Recommendations for public comment.

Work Track 1

Current Status:

In October, the WT focused on Registry Service Provider Programs, Application Fees, Variable Fees, and Applicant Support. A record of deliberations is available in the WT1 working document.

3 October meeting highlights:
- Continued to review responses to CC2 questions about a possible Registry Service Provider (RSP) Approval Program, including the timing for the launch of such a program, parties that should be responsible for evaluations, continuing obligations, and periodic reassessment for approved RSPs.
- Went over additional CC2 comments responding to questions about whether there should be an agreement between RSPs and ICANN, whether the program would impact ICANN Accredited Registrars, how the program should be funded, and whether provisions should be granted to organizations that act as an RSP to an existing delegated TLD.

17 October meeting highlights:
- Reviewed a mind map created by the WT co-leads linking key concepts related to application fees, including cost recovery and cost-plus fee models, the possibility of having a cost floor or cost ceiling, and options for managing fee surplus or shortfall.
- Reviewed the potential rationale for pursuing a variable fee model, in which different applicants pay different fees, and explored different approaches to implementing variable fees.

ICANN60 session:
- Reviewed feedback received in the ALAC and GAC sessions with respect to Applicant Support, including input that outreach activities to prospective Applicant Support recipients must take place in the targeted regions, that more of the outreach activities should take place in-person rather than online, and that applicant support must include more than just financial support as financial barriers were not the biggest obstacle to applying.

- Received feedback from several session participants that if Applicant Support candidates fail to qualify for support, the candidates should still have the opportunity to apply as standard applicants.
- Considered implications of auctions on applicants who qualify for applicant support and whether a separate category should be considered
- Discussed application fees, including the potential uses of excess fees collected in subsequent procedures.
- It became clear at ICANN60 that providing support (financial, technical, administrative and other types of support) to applicants from underdeveloped regions is of utmost importance to a number of groups within the ICANN community.

Next Steps:

WT1 has a meeting scheduled for 21 November (topics: Variable and Fixed Costs Discussion & Application Submission Process).

Work Track 2

Current Status:

In October, the WT focused on Closed Generics (applications for "dictionary terms" as TLDs for use by a single entity), Application Terms and Conditions, and incorporating the Global Public Interest into the new gTLD process. A record of deliberations is available in the WT2 working document.

5 October meeting highlights:
- Reviewed GAC Advice on the issue of Closed Generics, and in particular GAC Advice stating: "For strings representing generic terms, exclusive registry access should serve a public interest goal." The group discussed the notion that GAC Advice did not ban closed generics, but rather advised that such TLDs should serve a public interest goal.
- Considered approaches to policy that could allow closed generics while remaining consistent with GAC Advice, including policy that allows closed generics if it can be demonstrated that a TLD serves a public interest goal.
- Debated potential underlying goals for policy related to closed generics, as well as the impact of these goals on the way that the term "closed generics" could be defined.

12 October meeting highlights:
- Reviewed comments on Application Terms and Conditions from CC2 including input on Section 3, Section 6, and Section 14 of the Terms and Conditions.
- Discussed themes emerging from input received so far on this topic. For example, the WT may want to consider recommending clarifications to the text of Section 3 and adding links to relevant documents. For Section 14, there seems to be input from a number of sources emphasizing the importance of predictability and the need for a change management framework.

19 October meeting highlights:

- Reviewed comments from CC2 that addressed whether Public Interest Commitments (PICs) have served their intended purpose and whether other mechanisms should be employed to serve the public interest.
- Discussed benefits and downsides of using mandatory and/or voluntary PICs as a mechanism to serve the public interest, highlighting specific examples from the 2012 round of New gTLDs.
- Introduced responses from ICANN Compliance provided in response to questions from the WT on PIC complaints filed.
- Discussed the notion of Applicants being able to change their applications by adding PICs to address concerns raised by the public and/or governments.

ICANN60 session:
- Discussed the Global Public Interest, summarizing discussions to date and CC2 comments received on this topic.
- Focused on mechanisms to account for the Global Public Interest without engaging in the exercise of trying to define the meaning of "Global Public Interest."
- Reviewed feedback from ICANN Org's Contractual Compliance Department on complaints regarding alleged failures by Registries to follow their voluntary and/or mandatory Public Interest Commitments.
- Discussed whether PICs should be used in subsequent procedures to protect the public interest, with general agreement that some sort of mechanism like PICs is appropriate.

Next Steps:

WT2 has a meeting scheduled for 21 November (topics: Registry / Registrar Standardization, Registrar Non Discrimination & Registry / Registrar Separation).

Work Track 3

Current Status:

In October, the WT focused on String Similarity, Applicant Freedom of Expression, Accountability Mechanisms, and Community Applications. A record of deliberations is available in the WT3 working document.

10 October meeting highlights:
- Reviewed CC2 feedback on String Similarity, including input on whether there should be a mechanism to allow for a change of applied-for TLD when it is determined to be in contention, whether contention resolution mechanisms from the 2012 round met community needs, and whether private auctions resulted in harm.
- Discussed possible implementation of a mechanism to allow for a change of applied-for TLD when it is determined to be in contention, identifying risks and exploring potential measures to mitigate these risks.

17 October meeting highlights:
- Reviewed CC2 feedback on Applicant Freedom of Expression, including input on whether the new gTLD Program successfully balanced the rights of applicants and rights holders. CC2 requested specific examples of instances where either an applicant's

freedom of expression or a person or entity's legal rights were infringed. No specific examples were provided in the responses.

- Went over CC2 input on Accountability Mechanisms, including comments about whether existing accountability mechanisms are adequate to address issues in the New gTLD Program.
- Discussed whether there should be an appeals mechanism for the application process in the New gTLD Program and fleshed out possible benefits and risks of such a mechanism.

ICANN60 session:
- Discussed underlying public interest objectives that should be taken into account when refining the concept of community applications.
- Reviewed a proposed straw definition of the term "community" for use in the context of the New gTLD Program.
- Debated the potential definition of community and considered programmatic implications of different definitions.
- Conducted a straw poll about whether community applications should continue to receive priority in subsequent procedures, with a general sense that participants supported community priority.

Next Steps:

WT3 has meetings scheduled for 14 November and 28 November and will be continuing on with discussions on Community Applications.

Work Track 4

Current Status:

In October, the WT focused on Name Collisions and Applicant Reviews related to Registry Services. A record of deliberations is available in the WT4 working document.

5 October meeting highlights:
- Reviewed information from ICANN Org's Global Domains Division regarding reported name collisions from the 2012 round and discussed themes from the data.
- All 2012-round gTLDs were required to pass a controlled interruption period and be able to respond within two hours for life-threatening reports for first 2 years of delegation. The WT discussed whether the two-year period should be changed for 2012-round gTLDs.
- Discussed whether gTLDs in subsequent procedures should be subject to such 2-year readiness for life-threatening collisions.

12 October meeting highlights:
- Reviewed a series of "straw person" proposals regarding the evaluation of registry services in applicant reviews.
- Discussed similarities and differences between the proposals and raised clarifying questions to help "straw person" authors further clarify language.

ICANN60 session:

- Reviewed the methodology used for financial evaluation of applicants in the in the 2012 New gTLD application round and challenges identified with this approach.
- Introduced a series of "straw" proposals providing potential alternate approaches to financial evaluation.
- Discussed pros, cons, and additional considerations to take into account when evaluating the proposals.

Next Steps:

WT4 has meetings scheduled for 16 November and 30 November.

Work Track 5

Current Status:

Work Track 5 had a session at ICANN60 to set the stage for Work Track activities that will begin 15 November. In the session, the Work Track leads:

- Provided background on the topic of geographic names at the top level and context for the launch of Work Track 5.
- Gave an overview of the GNSO Policy Development Process, highlighting how Work Track 5 fits into the overall process and discussing opportunities for community input throughout the process.
- Offered an overview of the Terms of Reference for Work Track 5, soliciting input on key elements: Problem Statement, Goals & Objectives, and Scope.
- Reviewed Rules of Engagement, Deliverables, and Reporting requirements to be included in the Terms of Reference.
- Discussed next steps in preparation for regular Work Track meetings that will begin 15 November.

Next Steps:

WT5 has a meeting scheduled for 15 November.

WHAT IS THIS ABOUT?

In June 2014, the GNSO Council established a Discussion Group that was intended to evaluate the experiences of the 2012 round gTLD Program and to identify possible areas for future GNSO policy development. The Discussion Group's deliverables served as the basis for the GNSO Council's request for a Preliminary Issue Report in June of 2015.

Following the publication of the Final Issue Report, the GNSO Council adopted the charter for the PDP Working Group, which began its work in February 2016. The Working Group initially concentrated on a set of overarching issues, and has since established four separate Work Tracks to consider specific topic areas: Work Track 1 - Overall Process/Support/Outreach, Work Track 2 - Legal/Regulatory, Work Track 3: String Contention/Objections & Disputes, Work Track 4: Internationalized Domain Names/Technical & Operations.

WHY IS THIS IMPORTANT?

The Discussion Group identified a number of subjects that may require further analysis and possible formulation of policy language. There are existing policy recommendations adopted by the GNSO Council and ICANN Board, which will remain in place unless the PDP WG determines that changes are needed.

> **To join this effort, please email the GNSO Secretariat: gnso-secs@icann.org**
> **All are welcome!**

MORE INFORMATION
- PDP Working Group Workspace Wiki: https://community.icann.org/x/RgV1Aw
- PDP Working Group Charter: https://community.icann.org/x/KAp1Aw
- PDP Working Group Active Project Page: https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures