Internet Corporation for Assigned Names and Numbers
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Date: 25 May 2021

Public Comment: GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration

Dear ICANN Board Members,

The Brand Registry Group (BRG) welcomes the opportunity to provide comments to the ICANN Board in relation to the GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration. The BRG is a trade association for organisations operating a dotBrand registry and organisations intending to apply for a dotBrand in the future.

The BRG and some of our members were also part of the 250-strong participants and observers of the Subsequent Procedures PDP Working Group for its duration of more than five years. Having been part of this community-wide effort, we were pleased to contribute and help deliver the set of recommendations, affirmations and implementation guidance to the GNSO Council in January 2021.

To all the contributors to this effort, the BRG extends its thanks for their commitment to support this multi-stakeholder approach, which gained the endorsement of the GNSO Council with its unanimous adoption of the Final Report.

In summary
*   The BRG asks the Board to respect the work of the community - do not risk failure of ICANN's multi-stakeholder, bottom-up process.

*   The BRG reminds the Board that applicant demand does exist - there are many organisations that want the opportunity to apply; those that decided to observe ICANN's delivery of 2012 round are now ready to apply, new organisations or brands that did not exist before the last round want to apply, and others already operating a TLD want to apply for more. This is especially true for brands across each of these groups.

*   The BRG outlines practical ways forward - ICANN is not reinventing the wheel, it is adapting a robust set of rules and processes established for the 2012 round based on the learnings and experiences. This is a significant advantage on the 2012

round, whereby planning and implementation should be far more efficient and predictable.

- The BRG urges the Board to deliver the next round - ICANN Org has been provided with the path forward to deliver subsequent rounds, supporting the policy of ICANN "that there be subsequent application rounds, and that a systemised manner of applying for gTLDs be developed in the long term" and ICANN's goal "to launch subsequent gTLD application rounds as quickly as possible."

Respect the work of the community

The community worked tirelessly together to produce the robust set of outputs contained in the Final Report. Under ICANN's multi-stakeholder process, compromise was made along the way as working group members and community groups had very different opinions across the set of topics the group was tasked to cover under its Charter. This involved hundreds of meetings, six Public Comment periods and outreach to the community. With all but one of the 40-plus topics achieving full consensus or consensus amongst the working group members, this package was unanimously adopted by the GNSO Council. In view of the extensive and inclusive work already undertaken by the community, including the multiple opportunities for input from the wider community, we urge the Board to avoid extending the timeframe beyond the 40 days set for this Public Comment.

The Board should now be confident to move forward and instruct ICANN Org to begin all the necessary steps to support the Board's decision-making process. Thankfully, a myriad of ICANN Staff, from both policy and operational functions, have been supporting and/or closely following this PDP working group throughout its lifecycle. Furthermore, Board liaisons have also played an effective role in tracking progress, providing feedback, and seeing first-hand the depth and complexities of deliberations and discussions within the working group. With a good awareness amongst the community, the ICANN Board, and ICANN Org of the recommendations, affirmations and implementation guidance that forms the outputs of the group, we trust the Board and ICANN Staff will proceed efficiently to ensure that implementation work begins without delay, respecting the outcomes of the multi-stakeholder community effort.

Applicant demand

From a dotBrand perspective, several hundred brands are now utilising their top-level domain to provide safe, secure and trusted spaces to engage with audiences, customers and deliver services. Many more are continuing to build technologies and strategies that we will see in the coming months and years, whilst others are utilising their TLDs as a secure and efficient way to manage internal systems and processes; something which is largely invisible externally. Where they interact with a dotBrand, consumers benefit knowing they are dealing with authentic brand spaces they can trust.

The BRG wants to make it clear that significant demand exists, however, brands as well as other category applicants planning to apply are unlikely to declare their intentions as this may put their applications at risk, whether by revealing commercial plans to competitors or to those who might then seek to disrupt their application by creating contention.

In his letter from Maarten Botterman to Cole Quinn (21 May 2021), ICANN's Chair pointed out that demand does not always translate into applications, delegations or continued operations of new gTLDs. This appears to ignore the fact that a substantial

number did apply in the last round and strong indications exist that would see a similar volume apply in the next round. It is also realistic to assume changing circumstances, or as a consequence of delays and awkward practices (subsequently removed from the program) in the last round, can affect the progress of an applicant and registry operator. Some have subsequently withdrawn from operating their TLD but the mechanisms in place have proven to be robust and, particularly where dotBrand registries are concerned, have not caused any adverse impact.

We do urge the Board to commit to the next round so that applicant demand can be addressed and encourage new entrants.

Practical way forward
We are not starting with a blank slate. While some changes are required from the 2012 guidebook, the majority of the 2012 approach remains intact which should make execution efficient and timely. For the purposes of assessing the anticipated costs and resources, systems and processes required (all of which, we understand, would be considered during an ODP in order to inform the Board) ICANN Org is itself the best-placed to do this, having the extensive experiences of the 2012 round to draw on.

To support education, awareness and outreach efforts, the BRG recommends the Board instructs ICANN Org to issue an early draft revised version of the Applicant Guidebook (AGB) based on the 2012 final version. This could highlight areas that will be subject to changes and also illustrate that the bulk of the AGB remains the same for the for future rounds. Publishing this information early during the implementation phase, and in the existing language versions, will help new entrants, especially organisations in underserved regions, to assess the requirements, build their business case and secure relevant approvals and budgets. We understand that some content will change as a result of the recommendations and implementation guidance contained in the Final Report, but our assessment indicates that the many of these are simple edits, rather than substantive re-writes of the guidebook. Where substantive changes are needed, these can be clearly marked to ensure new applicants can anticipate and track adjustments being made during the implementation phase.

We appreciate that issues relating to gTLDs and new applications will continue to be raised amongst the ICANN community. We encourage the Board to keep in mind that this was an open PDP where all were welcome to participate in the process. In fact, many did, including ALAC and GAC members, among others. Stated challenges with the DNS in general, such as DNS abuse, should not be conflated with the next round timeline. Such issues have existed for decades and will unfortunately continue. Efforts to address DNS abuse must work in parallel and will continue into the future. In fact, subsequent rounds with many brand applicants offers a part of the solution to combat DNS abuse because dotBrand Registries are trusted and secure spaces where phishers and fraudsters are excluded as second level registrants. The last round also saw the introduction of highly restricted registries, with eligibility requirements and validation processes, which also deter DNS abuse.

The BRG also urges the Board to avoid duplicating previous efforts. In the [letter from Maarten Botterman to Cole Quinn](#), the ICANN Chair stated "we will need to apply lessons learned from the previous round, many of which are documented in the 2016 Program Implementation Review, and appropriate resources for implementing and conducting subsequent rounds must be put in place." The Program Implementation Review document has already been reviewed and considered during the extensive work of Subsequent Procedures and referenced in deliberations and rationale through-

out the lifecycle of the PDP efforts and outputs. The lessons learnt by ICANN Staff have been complimented by all the community and Working Group inputs to provide a robust set of outputs, approved unanimously by the GNSO Council.

Delivering the next round
With the experience of operating a large-scale application process in 2012, together with the, relatively speaking, limited changes of substance that have been recommended in the Final Report, we have confidence that the ICANN Board, CEO and Staff can proceed efficiently to deliver the next round of applications and provide access to new entrants. Opening a new round will level the playing field for all brands seeking to apply, including those from regions which were not well-represented in the 2012 round, which in turn will drive increased investment and focus on innovation to creating safe and secure spaces for internet users.

Moving this effort forward efficiently will provide the global community greater confidence that ICANN is able to deliver the next round and respect and support the multistakeholder process. The BRG looks forward to seeing this progress without delay and will continue its support through the implementation work to deliver opportunities for new entrants.

Yours faithfully,

Cole Quinn
President
Brand Registry Group, Inc