New gTLDs Policy - Subsequent Rounds <u>Annex:</u> Status of Substantive Policy Areas of Interest to the GAC (as of 25 February 2019)

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1. Subsequent Rounds of New gTLDs: Reviews, Policy Development and Prerequisites

Policy Area	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Policy Development Process	 <u>Response to Sub Pro PDP CC1</u> (29 July 2016) GAC Notes range of ongoing interconnected reviews and policy development processes relevant to new gTLDs Take a comprehensive and measured approach to new gTLD policy in a sequential and coordinated way rather than through too many parallel and overlapping efforts 	Pending ICANN Board consideration of CCT Review Final Recommendations. GAC assessment of outcome may be needed.
	 Cross-community working environment essential to the development of workable policies that maximise benefits to all relevant stakeholders GNSO process to be complemented by the input from other SOs/ACs, and ICANN Board when not appropriately reflected in the outcome Experience suggests conclusion of a PDP on such a wide-ranging set of issues unlikely to be end-point agreed by all stakeholders. GAC will make every effort to participate in agreed post-PDP policy processes. Consider metrics to support both policy development and ongoing implementation as a specific stream of work 	Pending review of <u>CCI</u> recommendations directed at the Sub Pro PDP WG which incorporated them as part of its ongoing review of Public Comments. May need specific GAC follow-up.
	 Comment on CCT Review Team Final Report (11 December 2018) Increased data collection on consumer trust, DNS abuse, domain wholesale and retail pricing, reseller information, WHOIS accuracy [] will allow for more informed decision and policy [] particularly with regard to future standard registry and registrar contract provisions and any subsequent rounds of gTLDs (Final Rec. 1, 8, 11, 13, 17, 18) 	Extent of coordination between Sub Pro PDP, RPM PDP, and CCT Review may need to be clarified beyond the above
		GAC may wish to seek clarifications on amount data and metrics leveraged in by Sub Pro PDP WG deliberations.
Future Releases of New gTLDs (Timing and Prerequisites)	 Response to Sub Pro PDP CC1 (29 July 2016) Reiterated GAC Helsinki Communiqué Advice on this matter Lack of clarity on realization of the expected benefits of new gTLDs (per pre-2012 economic analysis) Development and collection of metrics far from complete ICANN, registries and registrars should commit to gathering appropriate 	The GAC and CCT Review identified prerequisites to subsequent rounds of New gTLDs, including data collection and analysis.
	 data on security and consumer safety issues in a transparent manner Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners. However, competition is only one factor in terms of assessment of costs and benefits. <u>Comment on CCT RT Draft Report</u> (19 May 2017) CCT-RT's contribution is critical in evaluating the overall impact of the new gTLD Program and identifying corrective measures and enhancements 	The GAC may seek clarification as to how these prerequisites are being incorporated into the deliberation and planning of the relevant PDP Working Groups and the ICANN Board
	 <u>Comment on Sub Pro PDP Initial Report</u> (8 October 2018) Reiterates GAC Helsinki & Hyderabad Communiqué and previous input that costs and benefits of new gTLDs should be reviewed before any further rounds, noting it does not seem addressed directly by PDP Further expansion should take into account the CCT Review recommendations identified as prerequisites 	Sub Pro PDP <u>Sub</u> <u>Group A deliberations</u> point to <u>Global</u> <u>Consumer Survey</u> (29 May 2015) and <u>Assesment of</u> <u>Competitive Effects</u>
	 <u>Comment on CCT Review Team Final Report</u> (11 December 2018) the GAC endorses recommendations in the final report that encourage the collection of data to better inform policy making before increasing the number of new gTLDs (Need for data) 	(11 Oct. 2016) linked to CCT Review. GAC may wish to evaluate these reports.

2. New gTLD Applications Process

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Clarity and Predictability of Application Process	 Response to Sub Pro PDP CC1 (29 July 2016) "Continuous delegation" could provide long-term certainty, reduce opportunities for gaming the system and enable more efficient allocation of resources by ICANN, the community and applicants. Need for process flexibility to respond to emerging issues Need mechanism to alert, allow application by and giving a say to parties interested in name applied for GAC Appreciates importance of predictability at the pre-application, application and ongoing post-application stages, However, this should not be the prime or only consideration The GAC needs a degree of flexibility to respond to emerging issues at the global level, as dealt with in ICANN processes, since national laws may not be sufficient to address them. The need for such flexibility continues after the conclusion of a GNSO PDP Response to Sub Pro PDP CC2 (22 May 2017) The GAC supports any reasonable measures that streamline application procedures (thereby reducing compliance costs) but that also enable due consideration of public policy issues raised by GAC Reiterates response to Sub Pro PDP CC1 regarding flexibility to respond to emerging issues, including after conclusion of PDP Comment on Sub Pro PDP Initial Report (8 October 2018) Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues. 	The Sub Pro PDP WG Sub Group A signals it could use suggestions on how to achieve the flexibility called for by the GAC. GAC may wish to provide additional input. GAC May wish to consider how it would approach and prepare for both the policy implementation phase (once PDP is complete and before new round of application is launchd) and for the operation phase of a next round (administration of the Program) consistent with the Sub Pro PDP's proposed Predictability Framework (p.16) which seems to enjoy a 'fair amount' of support)
Application Procedures	 Response to Sub Pro PDP CC2 (22 May 2017) Critical assessment should be made on whether Applicant Guidebook or single place on ICANN's website should be prefered in future If Applicant Guidebook is retained, partitioning in different audience-driven sections or by type of application has merit Comment on Supplemental Initial Report (19 December 2018) Concurs that better guidance provided by ICANN would be helpful regarding possible changes in applications once submitted and their consequences in terms of publication and evaluation Care is required so as not to allow changes that could undermine the role of Application comments A change to the likely operator of the new gTLD would constitute a material change and require notification (AGB 1.2.7) and possibly re-evaluation as a well as public comments for competition and other concerns. 	Pending deliberations of the Sub Pro PDP WG based on the <u>Sub</u> <u>Group A triage of</u> public <u>comments</u> received on this topic.
Freedom of Expression	 Comment on Sub Pro PDP Initial Report (8 October 2018) No clear evidence of infringement of an applicant's freedom of expression rights in the recent gTLD round Freedom of expression, especially from commercial players, is important but not absolute. As in any fundamental rights analysis all affected rights have to be considered, including, inter alia, intellectual property rights, applicable national laws on protection of certain terms etc. Procedures have to be inclusive of all parties whose interests and rights are affected by a specific string application, and all need to be given a fair say in the process 	Pending deliberations of Sub Pro PDP WG on public <u>comments</u> received on this topic.

2. New gTLD Applications Process (continued)

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
TLD Categories (or Types)	 Response to Sub Pro PDP CC1 (29 July 2016) Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories Limited geographic and category diversity of 2012 application should inform discussions GAC 2007 Principles and Durban Communiqué suggest certain types of TLDs which may deserve a differential treatment, including sensitive strings and highly regulated sectors Differential treatment may require different tracks for application and different procedures, rules and criteria. To be confirmed with data gathering. Response to Sub Pro PDP CC2 (22 May 2017) Reiterates GAC Nairobi Communiqué Advice in relation to possible variable fee structure per type of application Comment on Sub Pro PDP Initial Report (8 October 2018) Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories and addressing fees 	Pending deliberations of Sub Pro PDP WG based on the <u>Sub</u> <u>Group A</u> triage of public <u>comments</u> received on this topic. There seem to be <u>'board support'</u> to recognize de facto categories of the 2012 round: standard, community-based, governmental entity operated, geographic, and .brand TLD Not clear whether the Fee component of GAC advice is addressed in Sub Pro PDP <u>Sub Group B</u> deliberations.
Community Based Applications	 Comment on CCT RI Draft Report (19 May 2017): Conduct a thorough review of procedures and objectives for Community-based applications (Draft Rec. 48, Final Rec. 34) Response to Sub Pro PDP CC2 (22 May 2017) Where a community which is impacted by a new gTLD application has expressed a collective and clear opinion, that opinion should be duly taken into account as part of the application. (Beijing Communiqué) Take better account of community views, regardless of whether those communities have utilised the ICANN formal community process or not (Durban Communique 2013) The GAC proposes the establishment of an appeal mechanism for community applications The GAC has recently referred to the PDP Working Group for consideration the recommendations of a report on community applications commissioned by the Council of Europe. Comment on Sub Pro PDP Initial Report (8 October 2018) Supports proposal in the Initial Report The study of this matter by the Council of Europe should be considered Comment on CCT Review Team Final Report (11 December 2018) a thorough review of procedures and objectives related Community-Based Applications be conducted prior to the launch of any future round of New gTLD Application (Final Rec. 34) 	 Pending deliberations of Sub Pro PDP WG based on the <u>Sub</u> <u>Group C</u> triage of <u>comments</u> received including CCT Review Final Rec. 34 Pending ICANN Board and Sub Pro PDP consideration of <u>CCI</u> <u>Review Final Rec</u> 34 for a thorough review of this mechanism identified as a prerequisite to future rounds (and directed at the Sub Pro PDP WG)
Community Engagement	 Response to Sub Pro PDP CC1 (29 July 2016) Ensure/empower participation from all relevant stakeholders from affected communities (as applicants or to have a fair say when legitimate interests affected by TLD applications) 	Pending deliberations of Sub Pro PDP WG based on the <u>Sub</u> <u>Group A</u> triage of <u>comments</u> received in relation to the New gTLD Communications Strategy (2.4.2)

2. New gTLD Applications Process (continued)

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Applicant Support and Participation of Underserved Regions	 Comment on CCT RT Draft Report (19 May 2017): Establish clear measurable goals and indicators for applications from the Global South, linked to ICANN strategic objectives. Increase in number of delegated strings from underserved regions should be critical (Draft Rec. 43, Final Rec. 29) Expand and update work on outreach to Global South, starting with response to challenges identified to date (Draft Rec. 44, Final Rec. 30) ICANN to coordinate pro bono assistance (Draft Rec. 45, Final Rec. 30) Revisit Application Support Program: reduction of fees, additional support, access to simple information in relevant language (Draft Rec. 46, Final Rec. 32) Not only should the application fee be reduced for all applicants but members from underserved regions should be offered additional support due to external issues [] which should not prevent entities in those regions from applying 	Pending deliberations of Sub Pro PDP WG based on <u>Sub Group</u> <u>B</u> traige of <u>comments</u> received which did not represent a ' <u>high</u> volume of input' Pending ICANN Board, ICANN org and Sub Pro PDP consideration of the <u>CCT Review Final Rec.</u> 29, 30 and 32, all identified as prerequisites to launching new rounds.
 Please see submission on CCT-RT <u>Comment on Sub Pro PDP Initial Rep</u> PDP Should consider the CCT Rev <u>Comment on CCT Review Team Find</u> Reiterated comments on Draft Re Establishment of "clear, measural including whether or when applic 	 Response to Sub Pro PDP CC2 (22 May 2017) Please see submission on CCT-RT Draft Report Comment on Sub Pro PDP Initial Report (8 October 2018) PDP Should consider the CCT Review recommendations in this area Comment on CCT Review Team Final Report (11 December 2018) Reiterated comments on Draft Report Establishment of "clear, measurable goals for the Global South, including whether or when applications and even number of delegated strings should be objectives" of any New gTLD Application Round (Final Rec. 29) 	The GAC Underserved Regions WG may wish to follow and contribute to deliberations in this area as to ensure outcomes compatible with GAC expectations and actual needs of prospective applicants in these regions.

3. New gTLD Applications Requirements

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Applicant Evaluation and Accreditation Programs	 <u>Comment on Sub Pro PDP Initial Report</u> (8 October 2018) Applicant evaluation and Registry Service Provider pre-approval process should include consideration of potential security threats Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application 	The GAC PSWG may wish to follow and contribute to deliberations of Sub Pro PDP WG in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice ¹
Closed Generic TLDs	 Response to Sub Pro PDP CC2 (22 May 2017) Based on principles of promoting competition and consumer protection, exclusive registry access should serve public interest goal (per Beijing GAC Communiqué Cat. 2 Safeguards Advice) Comment on Sub Pro PDP Initial Report (8 October 2018) Re-affirms previous advice (Beijing Communiqué, Cat. 2 Safeguards): for strings representing generic terms, exclusive registry access should serve a public interest goal 	Pending further deliberations of Sub Pro PDP WG, in the context of wide-ranging opinions on a topic recognized as one of the most controversial in the PDP WG. The GAC may be interested to review and refine safeguards applicable to such TLDs and contribute its views on the fitness of the mechanisms being considered to achieve the intended goals (Application Criteria, Code of Conduct or new Objection mechanism)
Reserved Names	 Comment on Sub Pro PDP Initial Report (8 October 2018) Existing reservations of names at the top level substantially reflect the GAC Principles Regarding New gTLDs. The GAC would expect that any changes should be consistent with these Principles The GAC wishes to draw the attention of the PDP to its most recent advice on certain 2-character codes at the second level (GAC Panama Communiqué) 	Pending further deliberations of Sub Pro PDP WG based on <u>Sub Group B</u> triage of <u>comments</u> received amid intense debate around letter-digit and digit-letter two-characters domains, including potential SSR concerns.

¹ In particular Annex 1 of <u>GAC Hyderabad Communiqué</u>, and follow-up exchange with ICANN Board and ICANN Org. For more information: <u>https://gac.icann.org/activity/dns-abuse-mitigation</u> (section Ongoing Work > Effectiveness of DNS Abuse Safeguards in Registries and Registrars Contracts)

4. New gTLD Applications Requirements - Safeguards and Public Interest Commitments

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse)	 Comment on CCT RI Draft Report (19 May 2017): the GAC supports: Incentives for registries to meet user expectations regarding content, registrants in TLD, safety of personal data (Draft Rec. 14, Final Rec. 12) Further gathering of data related to WHOIS Accuracy and related complaints (Draft Rec. 17-18, Final Rec. 18) Regular gathering, analysis by ICANN of data pertaining to abuse rates in new gTLDs (Draft Rec. 19, Final Rec. 16) Review of Registry Security Framework (Draft Rec. 20, Final Rec. 19) Assessing whether mechanisms to report and handle complaints have led to more focused efforts to combat abuse and improving awareness of Registries points of contact to report abuse (Draft Rec. 21-22, Final Rec. 20) Collection of additional information in complaints to assess effectiveness of highly regulated strings Cat. 1 safeguards (Draft Rec. 23-24, Final Rec. 21) More data and information required for an objective assessment of the effectiveness of safeguards for highly regulated strings (Draft Rec. 25-30, Final Rec. 23) Survey registrant and ICANN compliance on enforcement of Safeguards related to New gTLDs with Inherent Governmental Functions and Cyberbullying (Draft. Rec 31-32, Final Rec. 24) Additional collection of data to assess effects of restricted registration policies on TLD trustworthiness, DNS Abuse, competition, and costs of compliance (Draft Rec. 33-36, Final Rec. 13) Comment on CCT Review Team Final Report (11 December 2018) Considering the conclusion that "The new gTLD safeguards alone do not prevent DNS Security abuse in the DNS", consider more proactive measures to identify and combat DNS abuse, including incentives (contractually and/or financially) by ICANN to encourage contracted parties to adopt proactive anti-abuse measures (Final Rec. 14) Incentivize registries to meet expectations about who can register domains in sensitiv	Pending consideration by ICANN Board and Sub Pro PDP of CCT Review Final Recommendations on Consumer Trust (12, 13) and Safeguards (14-25). It should be noted that while most of the recommendations referenced in GAC comments on this topics are identified as High Priority (to be implemented within 18 months) none were prerequisites to future rounds of New gTLD applications. While a sizable number of these recommendations were directed at ICANN org, for those directed at the Sub Pro PDP, It is not clear how and when they will be considered. CCT Review Final Rec. 15 ² was identified as a prerequisite but was not referenced in GAC Comments. The GAC may wish to track the consideration and implementation of these improvements of its 2013 New gTLD Safeguards framework

² CCT Review Recommendation 15: ICANN Org should, in its discussions with registrars and registries, negotiate amendments to the Registrar Accreditation Agreement and Registry Agreements to include provisions aimed at preventing systemic use of specific registrars or registries for DNS Security Abuse. With a view to implementing this recommendation as early as possible, and provided this can be done, then this could be brought into effect by a contractual amendment through the bilateral review of the Agreements. In particular, ICANN should establish thresholds of abuse at which compliance inquiries are automatically triggered, with a higher threshold at which registrars and registries are presumed to be in default of their agreements. If the community determines that ICANN org itself is ill-suited or unable to enforce such provisions, a DNS Abuse Dispute Resolution Policy (DADRP) should be considered as an additional means to enforce policies and deter against DNS Security Abuse. Furthermore, defining and identifying DNS Security Abuse is inherently complex and would benefit from analysis by the community, and thus we specifically recommend that the ICANN Board prioritize and support community work in this area to enhance safeguards and trust due to the negative impact of DNS Security Abuse on consumers and other users of the Internet.

4. New gTLD Applications Requirements - Safeguards and Public Interest Commitments (Continued)

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
Public Interest Commitments (PICs)	 Comment on CCI RI Draft Report (19 May 2017): the GAC supports Improvement of definition, accessibility and evaluation of applicant's Public Interest Commitments (Draft Rec. 37-39, Final Rec. 25) Comment on Sub Pro PDP Initial Report (8 October 2018) Actual adoption and implementation of the PICs differed in many respects from GAC advice (Toronto and Beijing Communiqués), most notably on the issue of safeguards applicable to highly regulated gTLDs (Cat. 1). Before making any final recommendations, the PDP should consider the GAC's prior safeguard advice and any recommendations in the CCT final report on these issues should be fully considered in the next stage of the PDP's work Verified [TLD] Consortium and the National Association of Boards of Pharmacy recommendations on applications for strings linked to highly regulated sectors should be supported. PICs should be effectively monitored by ICANN for compliance, with appropriate sanctions when breached 	 Pending deliberations of Sub Pro PDP WG based on <u>Sub Group</u> A triage of public <u>comments</u> received on this topic. Pending consideration by ICANN Board and Sub Pro PDP of CCT Review Final Recommendation 25 directed at Sub Pro PDP and identified as prerequisite to subsequent rounds. The GAC may wish to engage in these deliberations as this matter has gathered significant interest and their outcome are likely to affect the GAC's handling of public policy concerns in future rounds, and particularly the flexibility the GAC is seeking to address these (see discussion of predictability of application process above).
Global Public Interest	 Response to Sub Pro PDP CC2 (22 May 2017) Regarding mechanisms to be employed to serve the public interest, in addition to Public Interest Commitments, the GAC referred GAC Advice it believed were still current: Beijing Communiqué on Cat. 1 Safeguards Advice (Closed Generics) Los Angeles Communiqué Advice on PICDRP to ensure that non compliance with Public Interest Commitments is effectively and promptly addressed, and for Cat. 2 TLDs (restricted registration) to provide registrants an avenue to seek redress for discriminatory policies Singapore Communiqué (2015) Advice to reconsider the PICDRP and develop a 'fast track' process for regulatory authorities, government agencies and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public Singapore Communiqué (2015) Advice to recognise voluntary adoption of GAC advice on verification and validation of credentials as best practice. 	See discussion of Safeguards and Public Interest Commitments above.

5. New gTLD Applications Evaluation, Objections and String Contention

Area of GAC interest	Summary of Previous GAC Input to relevant processes and consultations (please refer to full text when in need of precise language)	Status & Possible Next Steps
GAC Early Warnings	 Response to Sub Pro PDP CC2 (22 May 2017) GAC Early Warning provided earliest possible notice of potential public policy concern and served interests of both applicants and the GAC GAC Advised for commitments in response to Early Warning to be made contractually binding (Toronto) The GAC is interested in participating in any discussions to improve the Early Warning arrangements so that the legitimate concerns of governments, applicants and the wider community are met. Comment on Sub Pro PDP Initial Report (8 October 2018) GAC Early Warning and and GAC Advice were useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. GAC is Open to increasing transparency and fairness of these, including giving applicants an opportunity for direct dialogue with the GAC. However, the GAC does not consider that the PDP should make recommendations on GAC activities which are carried out in accordance with the ICANN Bylaws and the GAC's internal procedures 	Pending deliberations of Sub Pro PDP WG based on Sub Group C triage of comments received on Initial Report and on Supplemental Report The GAC may wish to engage in these deliberations as there is significant interest in the role of the GAC and support to impose requirements on GAC actions in future rounds,
String Similarity	 Response to Sub Pro PDP CC2 (22 May 2017) Reference to the GAC Hyderabad Communiqué Advice regarding the proposed guidelines on the second IDN ccTLD string similarity review process Reference to GAC Prague Communiqué advice "to create a mechanism of appeal that will allow challenging the decisions on confusability"in relations to applied-for IDN ccTLDs Comment on Sub Pro PDP Initial Report (8 October 2018) Reaffirms previous advice (GAC Beijing and Singapore Communiqué) that singular and plural versions of the same string as a TLD could lead to consumer harm 	Pending further deliberations of Sub Pro PDP WG based on <u>Sub Group B</u> triage of <u>comments</u> received
Auctions Procedures	 Comment on Sub Pro PDP Initial Report (8 October 2018) Auctions of last resort should not be used in contentions between commercial and non-commercial applications Private auctions should be strongly disincentivised Comment on Supplemental Initial Report (19 December 2018) Reiterates comments made on the Initial Report 	Pending deliberations of Sub Pro PDP WG on comments received on Supplemental <u>Report</u> which exposed the <u>divergence of</u> <u>views</u> existing in the community