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## New gTLDs Subsequent Procedures Policy Development

### Block 8 - GAC New gTLDs Policy

#### Sessions: 8.2, 11.1 - New gTLDs Subsequent Procedures

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**Note:** This briefing focuses on the engagement of the GAC on matters being debated in the GNSO Policy Development Process referenced above. As the GAC has noted in the past, that New gTLD Policy is also the subject of attention in other processes such as the CCT Review and the GNSO's Review of All Rights Protection Mechanisms in All gTLDs PDP (RPM PDP).

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## Background

Since its incorporation, ICANN has delivered several expansions of the TLD names space in 2001-2002<sup>1</sup> and 2003<sup>2</sup> for gTLDs and in 2009 for IDN ccTLDs. The latest and most significant expansion started in 2012, and has seen more than 1000 New gTLDs added to the DNS.

This latest expansion came to be known as the [New gTLD Program](#). In fact it is the product of a multi-year process of policy development, policy implementation and community discussions, in which the GAC continuously participated, with notable contributions such as:

- [The GAC Principles regarding New gTLDs](#) (27 March 2007)
- The [GAC Early Warnings](#) (20 Nov. 2012) and [Safeguard Advice](#) (11 April 2003)
- Continuous [GAC Input](#) and GAC Advice throughout the development, implementation and roll out of the New gTLD Program (2007-2016)

To this day, some elements of the roll out of the New gTLD Program are still being discussed, mostly in relation to disputed outcomes, including the use of [2-character country codes at the Second Level](#), [the protection of IGO identifiers](#), the delegation of Geographic Names at the top level (e.g. [.AMAZON TLD](#)), among other topics<sup>3</sup>.

Since 2015, in line with prior commitments by ICANN in the [Affirmation of Commitments](#) (now replaced by [ICANN's New Bylaws](#) stemming from the [IANA Stewardship Transition](#)) and in response to [GAC Advice](#), several ICANN processes have been initiated to review the outcome of the New gTLD Program for possible adjustments of policy.

Substantial analysis work was conducted in this context, including:

- Issue scoping discussions in a [GNSO non-PDP Discussion Group](#) (24 June 2015)
- Reports by the ICANN Organisation: [New gTLD Program Implementation Review](#) (29 Jan. 2016), [Rights Protection Mechanisms Review](#) (11 Sep. 2015), [Issue Report for potential New Policy Development](#) (4 Sep. 2015)
- Studies by independent Third-Parties on the [Trademark Clearing House](#) (23 Feb. 2017), [Root Stability](#) (8 Mar. 2017) and [Safeguards against DNS Abuse](#) (9 Aug. 2017)

Several processes<sup>4</sup> that have been supporting deliberations on these findings and wider policy issues related to further expansion of gTLDs have been of interest to the GAC, in particular:

<sup>1</sup> .biz, .info, .name, .pro, .aero, .coop and .museum

<sup>2</sup> .asia, .cat, .jobs, .mobi, .tel, .travel

<sup>3</sup> The New gTLD Subsequent Procedures PDP WG has recently compiled a list of application that are still pending to some variable extent: <https://mm.icann.org/pipermail/gns0-newatld-wg/2019-February/001444.html>

<sup>4</sup> See timeline at <https://newatlds.icann.org/en/reviews> for an overview of relevant processes and some of their interactions

- The [Consumer Trust, Consumer Choice and Competition Review](#) which recently issued its Final Recommendation (8 September 2018)
- The GNSO's [Review of All Rights Protection Mechanisms in All gTLDs PDP](#) tasked to assess the effectiveness of instruments such as the UDRP, URS and TMCH and suggest new policy recommendations in these areas
- The GNSO's [New gTLD Subsequent Procedures PDP](#) (Sub Pro PDP), and within it, the specific [Work Track 5 on Geographic Names at the Top Level](#)

Since 2016, the New gTLD Sub. Pro. PDP Working Group has been deliberating and soliciting Community input on possible new policy recommendations in the following areas (listed according to the latest structure of the working group, as adopted in September 2018):

- Overarching Issues & prerequisites for new rounds ([PDP WG Sub Group A](#))
- Application submission, processing & evaluation/criteria ([PDP WG Sub Group B](#))
- Dispute Proceedings, String Contention resolution, contracting, pre-delegation testing, post-delegation compliance ([PDP WG Sub Group C](#)).

## Issues

Recent community [discussions](#) (ICANN63 Barcelona) have signaled an appetite, readiness and ongoing preparation for the potential opening of a new round of New gTLD applications as quickly as possible after policy development is completed.

By current estimates [presented](#) to the GAC in Barcelona<sup>5</sup>, completion of policy development by the GNSO's Sub Pro PDP WG could be expected as soon as mid-2019. The PDP Leadership further indicated that ICANN could be ready to accept new applications in the second half of 2020.

In the meantime, the many interconnected processes involved in shaping policy for future rounds of New gTLDs, and the wide-ranging nature of policy aspects being discussed provides the GAC with an opportunity to ensure a "comprehensive and measured approach to further releases of new gTLDs". In fact, the GAC has [advised](#) that it should be done in a "logical, sequential and coordinated way" that takes into account the results of "all relevant reviews", requirements of "interoperability, security, stability and resiliency", "independent analysis of costs and benefits", and while proposing "an agreed policy and administrative framework that is supported by all stakeholders" ([GAC Helsinki Communiqué](#), 30 June 2016).

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<sup>5</sup> Presentation by Jeff Neuman, co-chair of the New gTLD Subsequent Procedures PDP WG (21 October 2018)

## Leadership Proposal for GAC Action

1. In Barcelona, the GAC agreed to **consider establishing a Working Group to coordinate GAC engagement in the work of the New gTLD Subsequent Procedures PDP<sup>6</sup>**. During ICANN64, the GAC will discuss whether an **informal email-list based focal group<sup>7</sup>** is acceptable and can lead to effective intersessional work of the GAC on this matter.
2. **Regarding Timing of and Process for initiating a new round** of New gTLD applications, the GAC will consider:
  - a. To what extent the criteria established in the [Helsinki GAC Advice](#) are anticipated to being met in view of the initiation of new rounds of applications
  - b. Whether [impact assessment](#) of the new gTLD Program is adequate and adequately taken into account in policy development
  - c. Whether [CCT Review recommendations](#) identified as prerequisites to future rounds have been considered in a satisfactory manner by both the ICANN Board and the New gTLD Subsequent Procedure PDP WG

In preparation for the GAC/ICANN Board meeting during ICANN64 in Kobe, the GAC Leadership requested whether the ICANN Board could “*share its current consideration or perspective on the extent to which the various criteria established in the Helsinki GAC Advice (accepted by the Board) will be addressed prior to initiation of any new rounds of applications?*”.

Some elements of response may be found in a recent ICANN Board Chairman [blog](#) (20 February 2019) discussed below in more details.

3. **Regarding public policy concerns highlighted in previous GAC contributions** (see [Current Positions](#) below and [Status Table in Annex](#)), the GAC should engage further in ongoing deliberations of the Sub Pro PDP WG, in particular in relation to specific issues, including:
  - a. How to achieve flexibility for **responding to public policy issues emerging during applications** evaluation while maintaining a level of predictability for applicants
  - b. Whether improvements can be made around **GAC Early Warnings**, as suggested by the GAC, without affecting its ability to address emerging public policy concerns in future rounds,
  - c. How **Public Interest Commitments** can be made more consistent with the GAC's original intent, in line with [CCT Review recommendations](#) which

<sup>6</sup> per Minutes of the relevant GAC plenary session during the ICANN63 Meeting in Barcelona (see section 2e of minutes at: <https://gac.icann.org/content/Migrated/icann63-barcelona-meeting-minutes>)

<sup>7</sup> This proposal is put forward by the GAC Leadership, as a compromise after consideration of input from GAC topic leads on this matter (Argentina, Canada, Iran, Switzerland, United States).

- called for several improvements as prerequisites to future rounds (Recommendation 25)
- d. To what extent options being considered for **Closed Generic TLDs** would ensure that they serve a public interest goal (consistent with previous GAC Advice)
  - e. How the [CCT Review recommendations](#) related to **GAC Safeguards** (regulated sectors, registration restrictions, DNS Abuse) will be considered for future rounds
  - f. What **new security-related requirements** should be introduced for applicants as well as for service providers for which an accreditation program is contemplated
  - g. Whether procedures and objectives of **Community Based Applications** have been thoroughly reviewed (identified as prerequisite to new rounds by the CCT Review)
  - h. How to improve the **Applicant Support Program** to benefit Underserved Regions and meet the needs of prospective applicants in these regions
  - i. What specific process rules and application criteria should be considered for each of the **Categories of TLDs** likely to be recognized<sup>8</sup> in future rounds

## Recent Developments

### Timing of the Next Round(s) of Application for New gTLDs (Community Discussion)

During the two Public Forums of the ICANN63 meeting in Barcelona ([22 October](#) and [25 October 2018](#)), members of the ICANN Board responded to emerging calls from parts of the Community for accepting applications for new gTLD as soon as possible.

Interest groups, service providers and advisors to prospective applicants argued that:

- The 2012 round of new gTLDs was generally quite successful, consistent with recent industry showcases<sup>9</sup>, with many TLD providing “trusted and authenticated spaces” (in particular Brand TLDs<sup>10</sup>)
- There is significant interest among prospective brand and geographic applicants, whose applications could be accepted first, as part of “smaller distinct application rounds”, before considering generic and community TLDs.

<sup>8</sup> According to the [report of Public Comments](#) on the Sub Pro PDP WG's Initial Report, there is currently “board support to recognize the categories from the 2012 Applicant Guidebook, both explicitly and implicitly utilized, on a going forward basis. These categories include standard, community-based TLDs, TLDs with a governmental entity as the registry operator, geographic TLDs, and Specification 13 Brand TLDs”

<sup>9</sup> See the ICANN61 Cross Community Session [A Walk in the Shoes of a New gTLD Registry Operator](#) (12 March 2018), ICANN63 High Interest Topic Session on [Innovation in Top-Level Domains](#) (25 October 2018) and ICANN63 [GeoTLDs CITIES Conference](#) (24 October 2018)

<sup>10</sup> See in particular the [Brand Registry Group's letter to the ICANN Board on 15 May 2018](#)

- It has already been 6 years since the closure of the previous round of applications, despite ICANN's past commitment to launching subsequent rounds within 1 year<sup>11</sup>

In response, the ICANN Board Chairman and other ICANN Board members indicated:

- The Board would be ready to *"react and respond very quickly"* when the *"GNSO completes its PDP"* while restating that the ICANN Board *"is not a top-down decision-maker"*
- The Board is involved in preparation work, including with the ICANN Org, regarding *"software and investments"* and more generally *"trying to get as much of the groundwork prepared as possible"*
- Thus far, the GNSO WG has not recommended a fast-track application round.

In a [blog](#) (20 February 2019), the ICANN Board Chairman recalled that the Board *"has made it clear that no new date for a next round of new gTLDs will be set until the community has completed the various reviews related to the previous round"*. He further indicated that *"The reviews are expected to come to an end within the next 12 months"* and that the Board would review status and ICANN org suggestions as to preparatory work during its meetings in Kobe.

### **Status of Policy Development in the New gTLD Subsequent Procedures PDP WG**

The GNSO's New gTLD Subsequent Procedures PDP was [initiated](#) on 17 December 2015 to determine "whether changes or adjustments to the existing policy recommendations [...] are needed" in relation to original policies that the Working Group [charter](#) recognizes as "designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains".

Deliberations of the Working Group so far have produced;

- a [first round of community consultations](#) on overarching issues (Summer 2016)
- a [second round of community consultations](#) on a wide range of more specific topics (March-May 2017). It received 25 [submissions](#).
- an [Initial Report](#) (3 July 2018) documenting the Working Group's deliberations, preliminary recommendations, potential options, as well as specific questions to the ICANN Community. It received 72 [submissions](#) in a period of 3 months.
- a [Supplemental Initial Report](#) (30 October 2018) addressed a more limited set of additional issues including Auctions, Application Comments, Changes to Applications and proposal to improve Registrar support of New gTLDs. It received 14 [submissions](#).

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<sup>11</sup> In fact, on 7 February 2012 the ICANN Board [resolved](#) that "ICANN is committed to opening a second application window for the New gTLD Program as expeditiously as possible".

- a [Supplemental Initial Report of its Work Track 5](#) (5 December 2018) dedicated to the address the use of Geographic Names at the Top Level<sup>12</sup>.

After the publication of its Initial Report, the Working Group [restructured its work](#), moving from its original 4 Work Tracks (1 to 4), to 3 Sub Groups (A to C), in order to triage the public comments it received for eventual deliberation in Full working Group setting. In the meantime, due to its specific cross-community structure and purpose, the Work Track 5 was retained to continue deliberation on the specific issue of Geographic Names as TLDs.

Currently the Working Group expects to deliver a Final Report during the second semester of 2019 (per latest [scenario and estimates](#) presented to the GNSO Council on 21 February 2019).

The coordination between the respective outputs of this PDP, that of the expected ICANN Board consideration of the CCT Review Recommendations, as well as the product of the other related processes (such as the GNSO's [Review of All Rights Protection Mechanisms in All gTLDs PDP](#)), remains to be clarified.

It is also unclear at this stage how the Working Group will address policy areas for which consensus cannot be reached, in particular when defaulting to existing policy from the 2012 application round is not agreeable either.

### **GAC Participation in Ongoing Policy Development**

Currently, [membership](#) of the GNSO Sub. Pro. PDP WG includes 9 GAC-affiliated participants registered as members and 6 as observers, together representing 9 GAC Members<sup>13</sup>. No participants are currently listed as taking part in the deliberations of Sub Groups. In contrast, the membership of Work Track 5 (tasked with the specific consideration of geographic names), includes XX GAC-affiliated participants in Work Track 5 representing X GAC Members.

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<sup>12</sup> Policy development in the area of geographic names is handled separately in the GAC, who formed a internal Working Group for this purpose. Please refer to appropriate resources on the GAC Website for the GAC's Geographic Names Working Group and its [activities related to Work Track 5 of the GNSO Subsequent Procedures PDP](#).

<sup>13</sup> Argentina, Canada, Cambodia, Dominican Republic, India, Pakistan, Switzerland, Turkmenistan, and United States



## Current Positions

Please refer to the summary table in [Annex: Status of Substantive Areas of Interest to the GAC](#) for a detailed overview of GAC input provided on matters pertaining to possible subsequent rounds of new gTLDs to date, specifically through the following submissions:

- [GAC Response](#) to Sub. Pro. PDP Community Consultation 1 (29 July 2016)
- [GAC Comment](#) on the CCT Review Team Draft Report (19 May 2017)
- [GAC Response](#) to Sub. Pro. PDP Community Consultation 2 (22 May 2017)
- [GAC Comment](#) on the Initial Report of the Sub. Pro. PDP (8 October 2018)
- [GAC Comment](#) on CCT Review Team Final Report (11 December 2018)
- [GAC Comment](#) on the Supplemental Initial Report of the GNSO Sub. Pro. PDP (19 December 2018)

The summary table in Annex also incorporates information on the status of deliberations on these matters. It also highlight areas for potential further GAC engagement.

For additional substantive and historical perspective, GAC Members may wish to review:

- [Contributions and correspondence](#) the GAC provided to ICANN Board, ICANN Organization and Community in the course of the New gTLD Program (2007-2015)
- GAC Advice provided to the ICANN Board in relation to New gTLD Policy and Future Rounds of New gTLDs:
  - [GAC Principles Regarding New gTLDs](#) (28 March 2007)
  - GAC [Nairobi Communiqué](#) on New gTLDs (10 March 2010)
  - GAC [Toronto Communiqué](#) on Early Warnings and Applicant Commitment (17 October 2012)
  - GAC [Beijing Communiqué](#) (11 April 2013)
  - GAC [Los Angeles Communiqué](#) Advice on [Reviews of First Round of New gTLDs and Preparation for Subsequent Rounds](#) (15 October 2014)
  - GAC [Singapore Communiqué](#) Advice on [Safeguards Advice Applicable to all new gTLDs and Category 1 and Category 2 strings](#) (11 February 2015)
  - GAC [Buenos Aires Communiqué](#) Advice on [gTLD Safeguards](#) (24 June 2015)
  - GAC [Dublin Communiqué](#) Advice on [Future gTLD Rounds](#) (21 October 2015)
  - GAC [Marrakech Communiqué](#) Advice on [Future gTLDs Rounds Public Policy Issues](#) (9 March 2016)
  - GAC [Helsinki Communiqué](#) Advice on [Future gTLDs Policies and Procedures](#) (30 June 2016)
  - GAC [Hyderabad Communiqué](#) Advice reiterating the Helsinki Advice (8 November 2016)



## Further Information

GAC Resources:

<https://gac.icann.org/activity/new-gtlds-subsequent-rounds>

<https://gac.icann.org/activity/new-gtlds-subsequent-rounds-geographics-names-as-tlds-wt5>

<https://gac.icann.org/activity/new-gtlds-cct-review>

<https://gac.icann.org/activity/new-gtlds-safeguards>

<https://gac.icann.org/activity/new-gtlds-gac-archives-contribution-to-policy-development-implementation>

Related ICANN64 Sessions and Briefings:

[Agenda item 2.1 Two-Characters Country Codes at the 2nd Level](#)

[Agenda Item 11.2 Competition, Consumer Trust and Consumer Choice \(CCT\) Review](#)

ICANN Organization Resources:

<https://newgtlds.icann.org/>

<https://newgtlds.icann.org/en/reviews>

Resources for Relevant Processes:

<https://gns0.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>

<https://www.icann.org/resources/reviews/specific-reviews/cct>

<https://gns0.icann.org/en/group-activities/active/rpm>

<https://gns0.icann.org/en/group-activities/active/igo-ingo-crp-access>

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