
New gTLD Subsequent Procedures Policy Development Process

Session 20

Contents

Background	2
Issues	3
Leadership Proposal for GAC Consideration and Action	4
Relevant Developments	5
Current Positions	7
Key Reference Documents	8
Further Information	9

Session Objective

- Receive updates: 1) Progress of Subsequent Procedures for new gTLD PDP WG & timeline from Co-Chairs and 2) Highlight issues of importance and consideration for GAC
- Report on how the GAC has organized itself: GAC Focal Group on Subsequent Rounds of gTLDs has focused on building capacity of members given the complexity of issues
- Determine next steps for the GAC relative to subsequent rounds of new gTLDs: How best to organize the GAC, including confirming focus of the Focal Group, and possibly restructuring GAC Scorecard document etc.

Background

Since its incorporation, [ICANN has delivered several expansions of the TLD names space](#) in 2001-2002¹ and 2003² 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)

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 processes³ 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:

- The [Consumer Trust, Consumer Choice and Competition Review](#) whose [Final Recommendations](#) (8 September 2018) are in the process of being implemented, amid intense debates, per the ICANN Board's [decision](#) (1 March 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](#)

¹ .biz, .info, .name, .pro, .aero, .coop and .museum

² .asia, .cat, .jobs, .mobi, .tel, .travel

³ See timeline at <https://newatlds.icann.org/en/reviews> for an overview of relevant processes and some of their interactions

Since 2016, the New gTLD Sub. Pro. PDP Working Group has been deliberating and soliciting Community input on possible new policy recommendations on several occasions and in numerous areas.

Issues

Based on recent developments within the Subsequent Procedures PDP WG, final recommendations are expected to be finalized in March 2020, and submitted to the GNSO Council by the Subsequent Procedures PDP WG in April 2020.

Several steps with varying time-lines would follow per the Policy Development Process after the PDP Sub Pro submits final recommendations:

- i. GNSO Council consideration and adoption of the PDP recommendations in the Final Report;
- ii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council
- iii. ICANN org (as directed by the Board) to begin implementation of the policy recommendations (which will likely include a revised Applicant Guidebook).

Once these steps are completed, noting the timeline is subject to change throughout the various upcoming stages, ICANN org would then proceed to prepare and accept to receive new applications as of 2022.

In the meantime, the many interconnected and complex processes involved in shaping policy for future rounds of New gTLDs, and the wide-ranging nature of policy aspects being discussed may require GAC attention 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, reiterated as part of the [ICANN64 GAC Communiqué](#)).

Leadership Proposal for GAC Consideration and Action

1. **GAC Input on How Best to Organize Internal and Substantive GAC Discussions on Next Rounds of New gTLDs:** Since ICANN65, the main objective of the GAC Focal group has been to build the capacity of the Focal Group members by addressing high interest topics for the GAC. Based on a [GAC Focal Group Work Plan](#), the Focal Group conducted bi-weekly calls to review some key issues identified from the Preliminary GAC Scorecard, with the understanding that a meaningful discussion within the GAC needs to take place. To support these calls, Issue Briefs on the following topics were developed: 1) [GAC Early Warning & Advice, Closed Generics](#), 2) [Public Interest Commitments \(PICs\) & Global Public Interest](#), and 3) [Applicant Support Program](#). In addition, GAC Support Staff prepared a draft on previous [GAC Agreed Language/Input on Topics in Assumptions Document](#): to map out GAC considerations on “[ICANN Org’s Readiness to Support Future Rounds of New gTLDs](#)”, also referred to as “ICANN Org’s Assumptions Document”.
2. **GAC Input on the Review of the [Preliminary GAC Scorecard](#) to Prioritize & Guide the Work of the GAC:** The Preliminary GAC scorecard is an evergreen document that needs to be reviewed by the GAC. The objective of the document is to highlight previous GAC contributions and policy concerns related to the Sub Pro PDP WG and latest status of the issues to inform where the GAC should further engage in deliberations of the Sub Pro PDP WG. Some key issues include:
 - a. The role of **GAC Early Warning & GAC Advice** in the evaluation of New gTLD applications, GAC members should note that the expected outcome of the policy discussions in the Sub Pro PDP WG are not consistent with GAC positions and interests. In particular, the WG seems to be leaning towards removing the “strong presumption” that when subject to GAC Advice an application would not proceed. For further discussion, please refer to the issue brief on [GAC Early Warning & Advice](#).
 - b. How to achieve flexibility for **responding to public policy issues emerging during applications** evaluation while maintaining a level of predictability for applicants;
 - c. How the [CCT Review recommendations](#) related to **GAC Safeguards** (regulated sectors, registration restrictions, DNS Abuse) will be considered for future rounds;
 - d. What **new security-related requirements** should be introduced for applicants as well as for service providers for which an accreditation program is contemplated;
 - e. Whether procedures and objectives of **Community Based Applications** have been thoroughly reviewed (identified as prerequisite to new rounds by the CCT Review) and appropriate conclusions drawn for future rounds;
 - f. How to improve the **Applicant Support Program** to benefit Underserved Regions and meet the needs of prospective applicants in these regions;
 - g. What specific process rules and application criteria should be considered for each of the **Categories of TLDs** likely to be recognized⁴ in future rounds.

⁴ 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

Relevant Developments

Status of Policy Development in the 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 included:

- 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](#).
- a [Supplemental Initial Report of its Work Track 5](#) (5 December 2018) dedicated to address the use of Geographic Names at the Top Level⁵.

The full Working Group has met twice weekly for 90 minutes to complete substantive review of public comments on its [Initial Report](#) and [Supplemental Initial Report](#) through to ICANN66. Through this review, the Working Group is determining how to take into account the comments received and what changes, if any, need to be made to the recommendations contained in the Final Report.

To support the review of public comments, the Working Group is using a series of summary documents that provide an overview of the comments received on each topic as well the level of agreement in the Working Group:

- [Overarching Issues](#): including topics Continuing Subsequent Procedures, Predictability, Applications Assessed in Rounds, Different TLD Types, Application Submission Limits, Accreditation Programs (RSP Pre-Approval), Competition, Consumer Trust and Consumer Choice, Global Public Interest, Applicant Freedom of Expression, and Universal Acceptance.
- [Pre-Launch Activities](#): including topics Applicant Guidebook, Communications, and Systems.
- [Application Submission](#): including topics Application Fees, Variable Fees, Application Submission Period, Applicant Support, Terms and Conditions, Application Queuing, and Application Change Requests.

basis. These categories include standard, community-based TLDs, TLDs with a governmental entity as the registry operator, geographic TLDs, and Specification 13 Brand TLDs"

⁵ 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](#).

- [Application Evaluation/Criteria](#): including topics Reserved Names, IGO/INGO Protections, Registrant Protections, Closed Generics, String Similarity, IDNs, Security and Stability, Applicant Reviews, Role of Application Comment, and Name Collisions.

The Working Group has completed its review of topics under [Overarching Issues](#), [Pre-Launch Activities](#), and [Application Submission](#) and at the time of this briefing was finishing its review of topics related to Application Evaluation/Criteria. Please see the WG [Work Plan](#) for details.

The PDP working group's next steps are based on focusing on an upcoming new iteration on draft recommendations, which might include further deliberations as required for specific topics. The PDP working group aims to take into account all the preceding work and input received and propose a set of draft final recommendations, along with rationale on any new substantive deliberations since the Initial Report.

GAC Focal Group on Next Rounds of New gTLDs

In Kobe ICANN64, the GAC agreed to initiate a focal group geared towards facilitating internal coordination efforts within the GAC, with a main objective to first build capacity and expertise given the breadth of topics, as well as to flag issues of interest to the GAC in order to ensure timely input into the final deliberations of the New gTLD Subsequent Procedures PDP WG. At this stage, the GAC Focal Group on new gTLD Subsequent Procedures is not intended to speak on behalf of the GAC; the group will submit input to the GAC for consideration and discussion.

After Kobe ICANN64, GAC Support staff developed the [preliminary GAC scorecard](#) to help prioritize and guide the work of the GAC Focal Group. It is an evergreen document that needs to be reviewed by the GAC. It includes a section that attempts to cross-check previous GAC input vis-a-vis the current discussions of the PDP Working Group to get a general sense of how aligned they are with GAC views.

After Marrakech ICANN65, based on the preliminary GAC scorecard, the GAC Focal Group developed an evergreen internal [Work Plan](#) to build capacity and common understanding of GAC priority issues to prepare for the ICANN66 Montreal meeting. One of the objectives of the Work Plan is to help GAC members navigate & easily access Sub Pro PDP WG deliberations, the status of issues and PDP WG documentation. Based on the Work Plan, the GAC Focal Group on Subsequent Rounds of new gTLDs has been conducting bi-weekly calls to build capacity and review Issue Briefs of high priority topics to assist GAC focal group members better understand the issues and the latest status in the different and parallel processes. Since ICANN65, and at the time of this briefing, the GAC Focal Group has done a preliminary review of the following topics mainly focused on building capacity with the understanding that a meaningful discussion needs to take place:

- [GAC Early Warning & Advice](#);
- [Closed Generics](#);
- [Public Interest Commitments \(PICs\) & Global Public Interest](#);
- [Applicant Support Program](#)
- [CCT Review Rec 30 & 31 Jointly with USRWG](#)

ICANN Org Implementation Preparation for Next Rounds of New gTLDs

On the 7th of June 2019, ICANN Org published its current working assumptions used by ICANN org in planning for policy implementation and operational readiness for a subsequent round of new gTLDs, via its [ICANN Org's Readiness to Support Future Rounds of New gTLDs](#) document . The goal in making these assumptions explicit is to surface any areas of misalignment and allow an informed discussion on any assumptions that should be added or adjusted to drive the work going forward. It is important to note that these planning assumptions were informed by the work of the PDP WG and are not solely based on their work as the outcome of the PDP WG have yet to be finalized. ICANN org has shared these assumptions with the Board and incorporated the Board's input. ICANN org sought to share these assumptions with the community and provide an opportunity for feedback. The GAC acknowledged ICANN Org's request for input via this [correspondence](#), noting the GAC is still reviewing the assumptions by [recalling previous advice](#) on this matter to potentially be shared as input to the document, once it is considered and substantially discussed by the whole GAC.

Current Positions

Please refer to the summary document: [Preliminary GAC Scorecard of the 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 [Preliminary GAC Scorecard](#) also incorporates information on the status of deliberations on these matters. It also highlights areas for potential further GAC engagement that still needs to be reviewed by the GAC.

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

- [Contributions and correspondence](#) the GAC provided to the 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 Helsinki Advice (8 November 2016)
- GAC [Kobe Communiqué](#) Follow-up on Previous ICANN Board resolution and scorecard of Board Action on the Advice in the GAC [Helsinki Communiqué](#) (14 March 2019)

Key Reference Documents

- [Preliminary GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds.](#)
- GAC Focal Group on Subsequent Rounds [Work Plan](#)
- GAC Focal Group Issue Draft Briefs:
 - [GAC Advice & Early Warnings](#)
 - [Closed Generics](#)
 - [Global Public Interest & Public Interest Commitments](#)
 - [Applicant Support](#)
 - [CCT Review Rec 30 & 31 Jointly with USRWG](#)
 - GAC Scorecard of Board Action on CCT Review Final Recommendations (6 June 2019) annexed to the Briefing on the CCT Review for [Session 11.1 on ICANN Reviews Update](#)
- ICANN Board [resolution](#) and [scorecard](#) of Board Action on the CCT Review Final Recommendations (1 March 2019)
- [CCT Review Final Recommendations](#) (8 September 2018)
- GAC [Helsinki Communiqué](#) Advice on [Future gTLDs Policies and Procedures](#) (30 June 2016)

Further Information

New gTLD Subsequent Procedures PDP [Initial Report](#) and [Supplemental Initial Report](#)

New gTLD Subsequent Procedures PDP [Work Plan 2019](#)

New gTLD Subsequent Procedures PDP [Summary Working Documents](#)

[ICANN65 GAC Session 11.1 on ICANN Reviews Update](#) incl. CCT Review Recommendations

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	New gTLDs Subsequent Procedures PDP Discussion
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 3: 29 October 2019