ICANN|GAC

Governmental Advisory Committee

ICANN
70
VIRTUAL
COMMUNITY FORUM

Subsequent Rounds of New gTLDs

Session # 2, 10 and 15 - GAC Discussions on Subsequent Rounds of New gTLDs

Contents

Session Objective

GAC Topic Leads on Subsequent Rounds of New gTLDs to review high priority issues identified in the GAC Scorecard, and following the 1 March 2021 GAC Discussion in preparation for ICANN70. For each priority topic, sessions will focus on:

- Providing GAC Members/Observers an overview of each priority topic;
- Reviewing final recommendations from PDP WG and GAC positions - identify areas of divergence
- Actively discussing with GAC Members/Observers to gather input for potential GAC Advice for the ICANN Board and/or a future public consultation.

Background

Since its incorporation, ICANN has delivered several expansions of the Top-Level Domain (TLD) names space. The latest and most significant expansion started in 2012, and has seen more than 1000 New gTLDs added to the DNS.

This latest expansion, known as the New gTLD Program or the 2012 round of New gTLDs, was the product of a multi-year process of policy development, in which the GAC participated, with contributions in the form of policy principles, safeguard advice and objections to applications that could cause public policy concerns.

Several processes[1] 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

Since 2016, the New gTLDs Subsequent Procedures (Sub Pro) PDP WG has been deliberating by reviewing and discussing the 2012 program, and soliciting community input on policy recommendations to improve the next round of new gTLDs. Ultimately, the outcome of this PDP WG will be the basis for the policy and rules governing the next gTLD expansion.

Issues

Current status of discussions

At the moment of this briefing, the Sub Pro PDP WG finalized draft recommendations and published the Subsequent Rounds for New gTLDs Draft Final Report, which triggered a public comment period which ended on September 30, 2020. The GAC submitted a collective comment on 29 September 2020. The Sub Pro PDP WG Final Report was submitted to the GNSO Council on 18 January 2021, and was adopted by the GNSO Council on 18 Feb. 2021. It is expected for the GNSO Council to submit recommendations relative to the Sub Pro PDP WG Final Report to the ICANN Board imminently.

ICANN70 is an opportunity for the GAC to review GAC materials on subsequent rounds of new gTLDs, and focus on areas of potential next steps for the GAC and engage in meaningful discussions on priority topics for the GAC.

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[1] See timeline at https://newgtlds.icann.org/en/reviews for an overview of relevant processes and some of their interactions

Several steps with varying time-lines will follow per the Policy Development Process after the GNSO Council consideration and adoption of the PDP Sub Pro final recommendations on February 18, 2021:

i.   GNSO Council Recommendation to ICANN Board;
ii.   ICANN Board may decide to trigger an Operational Design Phase (ODP);
iii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council - opportunity for GAC Consensus Advice to the ICANN Board;
iv.   Public comment on SubPro PDP WG Final Report - opportunity for GAC Consensus Input
v.   ICANN Board vote;
vi.   ICANN org (as directed by the Board) to begin implementation of the policy recommendations (which will likely include a revised Applicant Guidebook).

Upon completion of these successive steps ICANN org would be expected to start a new round of new applications for gTLDs sometime tentatively around 2022, but still to be confirmed.

Leadership Proposal for GAC Action during ICANN70

1. GAC Topic Leads to briefly review each high priority topic identified by GAC leadership as noted in the GAC Scorecard, particularly to identify any areas of divergence between GAC positions and PDP WG final recommendations, and building on the discussions held at the dedicated GAC webinar on 1 March 2021;

2. GAC Members and Observers to review priority topics pertaining to the SubPro PDP WG Final Report, and actively engage in meaningful discussions to update GAC positions on such topics with the aim to potentially prepare GAC Consensus Advice and/or any other input for the ICANN Board (at ICANN70, 71 or Intersessionally as appropriate).

Current Positions

Please refer to the GAC Scorecard (annex B to this briefing) as a key document for this briefing which has only been reviewed by GAC Leadership, for a comprehensive reference of:

a. previous GAC input/advice provided to date;
b. updated status of PDP WG recommendations as per final report;
c. GAC potential next steps relative to Subsequent Rounds of new gTLDs for discussion at ICANN70

The GAC has advised that a new round of applications for gTLDs should be carried out 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*" in the GAC Helsinki Communiqué (30 June 2016) as reiterated in the GAC Kobe Communique (14 March 2019).

More recently, in the GAC Montreal Communique (6 November 2019), the GAC advised the ICANN Board "*not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as 'prerequisites' or as 'high priority'*."

Key Reference Documents

- GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds

- Final Report on the new gTLD Subsequent Procedures PDP WG

- GAC Consensus Input vs Final Recommendation Language

Further Information

- GAC Webinar on the Subsequent Procedures PDP WG Final Report - 1 March 2021
- GAC Consensus Collective Comment on Subsequent Rounds of New gTLDs Final Report - 29 Sep. 2020

- ICANN69 GAC Communique

- GAC Compilation of Individual Input - May 2020
- ICANN68 GAC Communique
- ICANN67 GAC Communique

- GAC Response to ICANN Board Clarification Questions on the GAC Montréal Communiqué Advice (20 Jan 2020)

- 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)

Annex A: Main chronological milestones of SubPro work

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*".

PDP Working Group Milestones 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 Level[2].

- A Working Document - Subpro PDP WG Draft Final Recommendations (ongoing - expected to be submitted for public comment in early July 2020)

- The full Working Group has reviewed the public comments on its Initial Report and Supplemental Initial Report through to ICANN66.

- The Subsequent Rounds of New gTLDs Draft Final Report was published for public comment on 20 August 2020.

- The Subsequent Rounds of New gTLDs Final Report delivered to the GNSO Council on 18 January 2021.

The final report is expected to be submitted to the ICANN Board by the GNSO Council imminently.

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[2] Policy development in the area of geographic names is handled separately in the GAC, who formed an 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.

Annex B: GAC Scorecard on New gTLD Subsequent Rounds

Document Administration

Meeting	ICANN70 Virtual Community Forum, 22-25 March 2021
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Distribution	GAC Members (before meeting) and Public (after meeting)
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GAC Scorecard on New gTLD Subsequent Rounds: Status of Substantive Areas of Interest to the GAC
Only reviewed by GAC Leadership
Last Updated: January 2021
As per [Final Report](#) Submitted to GNSO Council on 18 January 2021

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Color-coding of General Status/Alignment for Each Policy Area of previous GAC input vis-à-vis the PDP Working Group Recommendations to Prioritize GAC Work:

Key to color-coding:	General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority

General Alignment / Low Priority	**Less Alignment / Medium Priority**	**Possibility of No Alignment / High Priority**
GAC views and positions are generally aligned or are adequately reflected in the Final Report recommendations on these issues. .	Final Report recommendations show less alignment of GAC views and positions and the PDP WG has not addressed some GAC concerns in PDP WG Final Recommendations and may diverge on some policy objectives. These issues would require additional engagement from GAC members with GNSO Council/ICANN Board in order to ensure GAC views are fully reflected going forward.	GAC Action is possibly needed on this item. Final Report recommendations show a degree of non alignment with GAC positions. GAC priority views and positions are not reflected in the Final Report recommendations. These issues require additional engagement from GAC members with the GNSO Council/ICANN Board to get GAC views and positions reflected going forward.

[SUBSEQUENT ROUNDS FOR NEW GTLDS PDP WG FINAL REPORT](#)

1. **GAC Priority Topics as per [GAC Consensus Input](link) to PDP WG Final Report Public Comment**

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
[Response](link) to [Sub Pro PDP CC1](link) (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](link) to [Sub Pro PDP CC2](link) (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](link) on [Sub Pro PDP Initial Report](link) (8 October 2018) ○ Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues [ICANN68 GAC Communique](link) (27 June 2020): some GAC members raised doubts on the added-value of a SPIRT, and expressed concerns that its creation, if adopted, could add complexity to the current procedure and potential inconsistency with existing roles and responsibilities according to the ICANN Bylaws [...].if established, the new mechanism be lean, inclusive and transparent [GAC Comment on Subpro PDP WG Draft Final Report](link) (29 Sep 2020): GAC appreciates effort of PDP WG to create a predictability framework, but notes that some GAC members are not persuaded of added value of creating the new SPIRT structure, reiterating	Final Recommendations| Topic 2| ● The Sub Pro PDP WG recommends that ICANN establish predictable, transparent, fair **processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes (rec 2.1).** ● To do so, the PDP WG advises ICANN to use a new **Predictability Framework** (Annex E to Subpro PDP WG Final Report): framework for analyzing the type/scope/context of an issue and if already known, the proposed or required Program change, to assist in determining the impact of the change and the process/mechanism that should be followed to address the issue. **The framework is a tool to help the community understand <u>how</u> an issue should be addressed as opposed to determining what the <u>solution</u> to the issue should be; the framework is not a mechanism to develop policy (2.1).** ● **Following ICANN68, PDP WG modified draft recommendation on SPIRT** to address concerns received about the predictability framework, noting it is not intended to be used to develop policy. ● Additionally, the PDP WG recommends creating a new **Standing Predictability Implementation Review Team ("SPIRT")** to serve as the body responsible for: ○ reviewing potential issues related to the Program ○ to conduct analysis utilizing the framework, and ○ to recommend the process/mechanism that should be followed to address the issue (i.e., utilize the Predictability Framework). ● **The GNSO Council shall be responsible for oversight of the SPIRT** and may review all recommendations of the SPIRT in accordance with the procedures outlined in the GNSO Operating Procedures and Annexes (Rec. 2.1). ● The Predictability Framework will be used for issues or proposed program changes in various categories as outlined in the Predictability Framework (Annex E of the Final Report). Final recommendations include updated language clarifying **the role of the framework** (i.e. not to identify a solution but to identify proper mechanism to reach a solution in a consistent and procedurally sound manner) - **complementing the existing GNSO processes and procedures** (not a replacement or substitution of those)(Rec.2.1) ● **The Standing Predictability Implementation Review Team ("SPIRT")** is a new GNSO structure to advise its Council, and with which ICANN org would be required to consult when it considers certain types of changes/modifications

comments raised in the ICANN68 Communique. Some GAC members asked PDP WG to consider what role the GAC could play in SPIRT, vis a visa idea of a GAC liaison. The GAC recommends that any changes made to the new gTLD program should be transparent and shared with community members and that the annual review of the IRT is very important to ensure revisions and adjustments, and will also contribute to increased transparency.

to the New gTLD program after its launch (that is after new applications have been received). The Sub Pro PDP WG recommends it be **advisory in nature (and overseen by the GNSO Council)** and would not impact the ability of the GNSO and other SO/ACs from performing their roles assigned under the ICANN Bylaws (Rec. 2.1).

- Additionally, **the PDP WG took into account feedback received and modified rationale on the SPIRT implementation guidance**:
  - the Working Group recognizes the challenges in determining the details of the framework and establishing the SPIRT and **therefore emphasizes that implementation of both elements should focus on simplicity and clarity** (Implementation Guidance 2.2).
- **Implementation guidance 2.5 agreed by PDP WG post ICANN68**: ICANN Org should maintain and publish a change log or similar record to track changes to the New gTLD Program, especially those that arise and are addressed via the Predictability Framework and the SPIRT.
- Composition of SPIRT: not necessarily a GAC Liaison envisaged or directly mentioned, but "*the SPIRT should be open to all interested parties, but may not necessarily be representative of the ICANN community, as actual participation may depend on interest and relevance of the new gTLD Process. Membership criteria should identify knowledge, experience, responsibilities to their respective organization, rules of engagement, a Statement of Participation, etc.*"

Possible Next Steps for the GAC to Consider

- For context, the proposed SPIRT will report directly to the GNSO Council, so these recommendations are expected to be closely evaluated by the GNSO Council. There is also the expectation that the SPIRT would need to be implemented within existing GNSO processes, in a way that is satisfactory to the GNSO Council, the ICANN Board, and the community, as there is shared a concern with the effect the SPIRT would have on ICANN policy development.

- Review the proposed Predictability Framework, its associated SPIRT and the guidelines for ICANN org, and assess the impact on the GAC's need for "flexibility to respond to emerging issues", the potential GAC interaction with SPIRT (i.e. a GAC liaison to SPIRT) and whether GAC Advice to the GNSO Council/ICANN Board is required to restate the concerns some GAC members have relative to the creation of the SPIRT.

Public Interest Commitments (PICs) & Global Public Interest	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
Comment on CCT Review Team 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) 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. 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 ○ PICs should be effectively **monitored by ICANN for compliance**, with appropriate sanctions when breached ICANN66 Communique Advice (6 November 2019) ○ CCT-RT Recommendations to be implemented before a new round is launched per GAC Montreal Advice. ICANN67 Communique (16 March 2020) ○ concerns with intention to refer DNS Abuse to a separate PDP, in light of GAC Montreal Advice. GAC Compilation of Individual Input (9 May 2020)	Final Recommendations - Topic 9 | **On Mandatory Public Interest Commitments** (PICs)(also see safeguards section on Cat. 1 strings), the WG recommends that: ● That singular and plural versions of the same string should not be permitted (Rec. 24.3) ● However, if two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings, the WG recommends that the applicants should be permitted to move forward if they commit to the use stated in the application via a mandatory PIC (rec 24.5). ● *Existing practices confirmed as policy for the future, that is current mandatory PICs in RA Specification 11 3(a)-(d) to be maintained in future agreements (Rec. 9.1)* ● **Exempting single-registrant TLDs** from compliance with in RA Spec. 11 3(a) and (b) (Rec. 9.2) **On Voluntary PICs**, now Registry Voluntary Commitments (RVCs), the WG recommends: ● Allowing their use by applicants **in response to public comments, GAC Early Warnings, and/or GAC Consensus Advice**, **specifying whether such commitment is limited in time, duration and/or scope** to facilitate review by ICANN org, a possible objector and the GAC (rec. 9.9) ● **RVCs must continue to be Included in the applicant's Registry Agreement (rec. 9.10)** ● Transparency: RVCs must be readily accessible and presented in a manner that is usable, [in line with GAC positions] (rec. 9.13). ● The WG notes that commitments made within PICs/RVCs must be enforceable through contracts entered between registry operators and ICANN and urges the Implementation Review Team to work with ICANN org to implement the recommendations and implementation guidance set in final report consistently with ICANN's current Bylaws. **Consideration of relevant CCT Review recommendations** by the Working Group: ● ICANN org should evaluate, in the implementation phase, **CCT-RT recommendation 25** to develop an "organized, searchable online database" for Registry Voluntary Commitments (rec 9.13 and Implementation Guidance 9.14)) [in line with GAC positions].

- GAC members mostly converged on noting that DNS abuse mitigation should be included in the SubPro PDP WG recommendations,
- Several GAC members questioned whether ccTLDs should fall within the remit of the Subpro PDP WG (rationale 8).
- A few GAC members mentioned the approach/effort to address DNS abuse should be holistic.
- Some GAC members mentioned the importance of enforceability and enhancing dispute resolution mechanisms.

GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):
- The GAC continues to harbour serious concerns regarding the absence of policy recommendations on DNS Abuse Mitigation in the Subpro PDP WG Final Report, and notes that the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs. GAC expects swift action from the GNSO Council in triggering such holistic effort, in order for the conditionality expressed in the GAC ICANN66 Communique to be met.
- The GAC strongly supports the need for safeguards to address concerns around public interest and expects public interest safeguards for any future rounds. Additional mandatory PICs should remain possible in case where unanticipated risks emerge.
- GAC believes that voluntary and mandatory PICs must be effectively enforceable with clearly expressed contractual obligations and consequences for failure to meet these obligations.
- The GAC recalls persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly-regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes (the Public Interest Commitments Dispute Resolution Process - PICDRP).
- The GAC recommends the incorporation of the GAC advised safeguards regarding highly-regulated gTLDs into the PICs so that applicants for new gTLDs are aware of these requirements in advance.

- **No policy recommendations proposed with respect to mitigating DNS Abuse:** As reported to the GNSO Council (21 May 2020) the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs (and potentially ccTLDs)(rec 9.15)

Possible Next Steps for the GAC to Consider

- For context, GAC concerns about enforceability of any and all parts of the contracts are shared by different parts of the community represented in the Sub Pro WG, and the existence of such concerns have been reflected in the Final Report. However, enforceability mechanisms for PICS/RVCs remains an open question since the Final Report does not address them.

- As a matter of high priority, the GAC may wish to consider the absence of policy recommendations on DNS Abuse. (Refer to Safeguards section due to overlap in content). The GAC may wish to follow-up with GNSO Council on a "framework of possible community work and policy development", as previously discussed between GNSO Council and GAC Leadership prior to ICANN68, and as referred to in the ICANN Board decision to extend the CEO's contract (ICANN69 Commmuniqué, and potentially issuing GAC Advice to the GNSO to this effect).

- The GAC may also wish to consider potential GAC Advice to the ICANN Board and/or discussion with the ICANN Board relative to PDP WG recommendation that no additional mandatory PICs are needed (rec. 9.1) - other than the mandatory PICs currently captured in Spec. 11 3(a)-(d) of the Registry Agreement - , as this may impact the flexibility and ability of the GAC to advise on public policy concerns that may emerge in the future
- The GAC may wish to align with At-Large positions (as noted in the ALAC Minority Statement to the SubPro PDP WG) as follows: GAC might want to reaffirm that any and all Registry Commitments incorporated in the Registry Agreement must be clear and enforceable, whether such commitments are:
    - PICs (mandatory)
    - RVCs [voluntary commitments] that are negotiated due to GAC Advice or Early Warnings, or Application Comment/Objection
    - RVCs that are voluntarily proffered by the applicant

The GAC may wish to support ALAC views from the ALAC Minority Report to SubPro PDP WG, noting that:

- Where an RVC is determined or ruled to be unenforceable, "*the ICANN Board must take action to remedy such unenforceability in 2 ways: (1) where feasible, to preserve the original intention of a PIC or RVC which led to that provision in the first place, and (2) if that provision that has been rendered unenforceable matches or is similar to provisions in other contracts, to enter into negotiations with relevant contracted parties to preserve that the original intention of such a provision in an agreeable manner.*"

- "*The significance of PICs and RVCs, in particular, is that they are often added to the contract to address public interest concerns [...] such commitments should be expressed as explicitly and clearly as possible with ICANN Contract Compliance and ICANN Legal reviewing each of these provisions for enforceability, prior to any contract finalization for approval by the ICANN Board. If ICANN Contract Compliance or ICANN Legal finds any provision of a contract to be unenforceable, that provision needs to be rewritten for greater clarity and specificity to facilitate its enforceability.*"

Applicant Support and Participation of Underserved Regions

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
Comment on CCT Review Team 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 R,. 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 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 Dec. 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) GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on the GAC Montreal Communique: GAC agree[s] that expanding and improving outreach should be an ongoing effort, and expects the Board to make a judgment, in good faith, as to whether it considers outreach has been expanded and improved enough to justify proceeding with the new round of gTLDs GAC Compilation of Individual Input (9 May 2020): The individual input by GAC members mostly supported draft final recommendations aligned with previous GAC advice. Some added need for evaluation to assess success. GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020): ● GAC support recs expanding scope of financial support of ASP beyond only economies classified by the UN as least developed, but to consider and define"middle applicant". ● The GAC urges consideration on how ASP can include reduction/elimination of ongoing ICANN	Final Recommendation - Topic 17 | Working Group Recommendations: ● **Extend scope of the program** beyond only economies classified by the UN as least developed (revision of implementation guidelines) and also consider "*struggling regions that are further along in their development compared to underserved or underdeveloped regions*" *(Rec. 17.1).* ● **Expand the scope of financial support** to also cover costs such as application writing fees, attorney fees related to the application process (Rec. 17.2). ● **ICANN org to continue facilitating non-financial assistance** including the provision of pro-bono assistance where applicable(Rec. 17.1) ● **Outreach and awareness-raising activities** should be delivered well in advance of the application window opening, to help to promote more widespread knowledge about the program (Rationale Rec.16.1). ● **Applicants who are not awarded Applicant Support**, must have the option to transfer to the standard application process (Rec. 17.18). ● The Final Report does **not** include a recommendation for the Applicant Support Program to support the **reduction or elimination of ongoing registry fees -** contrary to GAC positions - for eligible candidates.The Working Group's Initial Report included a preliminary recommendation that the Applicant Support Program should include coverage of such fees. The Working Group has removed this element in the final recommendations, noting that different perspectives were expressed on the topic in public comment on the Initial Report and in Working Group discussions. As a compromise, a proposal was put forward in the WG that ICANN should cover registry fees for a limited period of time. The Working Group did not come to any agreement on this proposal. Issues to to be addressed during Implementation (Implementation Review Team): ● **Draw on expertise including from the targeted regions**, **to develop** appropriate program **outreach, education, and application evaluation.**

registry fees, at least in part, to expand financial support available to eligible applicants (as was present in initial report then removed in final report).
- The GAC supports the intention of the recommendations to continue and to expand the applicant support program, and supports a meaningful evaluation of the program to assess its success.

Possible Next Steps for the GAC to Consider

- For context, in general terms the Sub Pro WG membership is supportive of efforts to improve the level of participation of underserved regions in subsequent TLD application rounds, albeit some parts of the community (e.g. ALAC) consider that further steps could be taken (see below).

- The GAC (and Underserved Regions Working Group in particular) may wish to review final recommendations to assess whether they meet GAC expectations and actual needs of prospective applicants in these regions. The GAC may wish to consider recommending/advising GNSO Council and/or ICANN Board to consider including the reduction or elimination of the ongoing registry fees , at least in part, to expand financial support available to eligible applicants (as this is not included in the final report, while it was present in the initial report).

- In this context, the GAC may wish to recommend/advise GNSO Council and/or ICANN Board to consider , the compromise proposal brought forward within the PDP WG (but not endorsed) that ICANN should cover registry fees for a limited period of time, perhaps suggesting a specific time frame for this purpose. Keeping in mind that ICANN Org has previously expressed that it is still exploring all possible funding opportunities within ICANN's current remit and bylaws.

Closed Generic TLDs

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations

[Response](#) to [Sub Pro PDP CC2](#) (22 May 2017)
○ Based on principles of promoting competition and consumer protection, **exclusive registry access should serve the 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
 	
[ICANN67 Communique](#) (16 March 2020)
○ The GAC should conduct further work to identify criteria, examples and use-cases that may serve for assessing the public interest in the context of closed generics.
 	
[GAC Compilation of Individual Input](#) (9 May 2020):
○ Majority of GAC members contributing support previously articulated GAC Advice (GAC Beijing Advice): "*exclusive registry access should serve a public interest goal*".
○ Individual members noted that public interest should be defined.
 	
[ICANN68 GAC Communique](#) (27 June 2020):
○ Some GAC members expressed the view that the lack of a formal PDP WG recommendation on the delegation of closed generics would imply that the relevant Board Resolution from the 2012 round would still apply.
 	
[GAC Comment on Subpro PDP WG Draft Final Report](#) (29 Sep 2020):
○ the GAC continues to support the advice contained in the GAC Beijing Communique whereby "*exclusive registry access should serve the public interest goal*" and that adequate means and processes are defined to ensure that public interest goals are met.
○ GAC encourages further discussions to identify criteria as to how to assess "public interest" within closed generic TLDs.
○ The GAC reviewed three proposals submitted by individual/small groups of PDP WG members: Regarding these proposals, the GAC does not support "The Case for Delegating Closed Generics", allowing all closed generics being delegated. The GAC notes that the "Proposal for Public Interest Closed Generic gTLDs", which includes a new category of new gTLDs - Public Interest Closed
	No Agreement | Final Recommendations - Topic 23
	
	● **The WG has not been able to agree on how to treat closed generic TLD applications in future rounds**. The Final Report reflects this status (No Agreement 23.1).
	● In the 2012 round of the New gTLD Program, a [decision](#) was made by the ICANN Board to to either (a) "submit a change request to no longer be an exclusive generic TLD", (b) "withdraw their application" or (c) "maintain their plan to operate an exclusive generic TLD," which would operate to defer their application to the next round of the New gTLD Program, subject to rules developed for the next round, to allow time for the GNSO to develop policy advice concerning exclusive generic TLDs."(No Agreement 23.1)
	● The PDP WG has had numerous discussions and received extensive comments from the community, **but was not able to agree.**
	● **Key challenges in this discussion have included:**
	   ○ defining closed generics
	   ○ defining the public interest or public interest goals, and
	   ○ evaluating whether the public interest may be served or harmed by an application.
	   ○ diverging opinions on perceived benefits and harms of closed generics
	● PDP WG members recognize [ICANN Board's resolution](#) after the 2012 round noting that the PDP WG attempted to draft recommendations but no agreement was reached (Rationale for No Agreement 23.1).
	● **Individual PDP WG Member Proposals on Closed Generics** (Topic 23, section C. New issues raised in deliberations since publication of the Initial Report)**:**
	Three proposals were submitted by individual PDP WG members on potential paths forward on closed generics. All proposals are included in the public comment but are NOT part of the final recommendations (since PDP WG could not reach an agreement).
	Proposal 1 (A Proposal for Public Interest Closed Generic gTLDs):
	■ Includes creation of a new category of gTLDs: **Public Interest Closed Generic Strings (PICGS)** similar to the "community status" of applications in the first round.
	■ Purpose for these TLDs **to operate within a public interest framework** - i.e. not just the interests of an individual organization.
	■ A **Public Interest Closed Generic Review Panel** - a group or committee will be established **to evaluate whether each application meets the unique aspects and requirements of a PICG TLD**.
	Proposal 2 (The Case for Delegating Closed Generics):
	■ Focuses on why **closed generics should be allowed**, recommending **to "permit the delegation of single registrant TLDs for any string** (including closed generics TLDs) so long as the application meets all other AGB criteria"

Generic Strings (PICGS) - is aimed to operate within a public interest framework directly in response to the GAC Beijing Advice, and notes that the suggestion of a public interest closed generic review panel and creation of public interest closed generic would require further community work, in order to minimize added complexity and avoid undue overlap with community status applications. The GAC encourages the continued consideration of this proposal together with the "Closed Generics Proposal", both proposals having found explicit support in the GAC.

○ Regarding the "Closed Generics Proposal" the GAC finds value in the notion of creating a Framework for Evaluating Closed Generic applications to determine whether those applications serve a legitimate public interest goal.

Proposal 3 (Closed Generics Proposal):

■ The Implementation Review Team must **create a Framework for Evaluating Closed Generic applications to determine whether those applications "serve a legitimate public interest goal**."

■ To serve the public interest:

  ● A Public Interest Panel shall be **appointed by the ICANN Board** to evaluate whether the application and the proposed use of the Closed Generic TLD serves a legitimate public interest goal.

  ● The **TLD must serve a broad base of end users** above and beyond the interests of the individual registry operator.

  ● The **TLD must serve a demonstrated and legitimate need** of that broad base of end users.

Final recommendations note this disagreement and lack of policy recommendations on the delegation or non delegation of closed generics.

Possible Next Steps for the GAC to Consider

● For context, GAC advice that any closed-generic domain should serve the global public interest is supported by different members of the Sub Pro WG as the 'starting point' for this issue, while other members of the WG question such assumptions.

● GAC may wish to consider submitting advice to the ICANN Board recalling/reiterating GAC advice that closed generics should serve a public interest goal, and noting areas of agreement within the three proposals submitted by individual PDP WG members to seek potential alignment with previous GAC advice, notably in proposals 1 and 3.

● GAC may consider that due to No Agreement in rec 23.1 in absence of a SubPro PDP WG recommendation, as per At-Large statement:

  ○ advocate that in the present absence of consensus policy recommendations on how to address Closed Generics, there be a suspension of any processing or acceptance of any applications for Closed Generics until such a time recommendations on how to address applications for Closed Generics which serve a global public interest are developed by the GNSO/ICANN Board, in keeping with the GAC Advice in the ICANN46 Communique, and GAC consensus input provided to the PDP WG during the public comment process.

● The GAC may advise the GNSO/ICANN Board to provide continued consideration of "A Proposal for Public Interest Closed Generic gTLDs" together with the "Closed Generics Proposal", both proposals having found explicit support in the GAC.

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
Response to Sub Pro PDP CC2 (22 May 2017)	Final Recommendations - Topic 30	
○ GAC Early Warning provided **earliest possible notice of potential public policy concern** and served the interests of both applicants and the GAC	● WG Recommendations and Implementation Guidance on issuance of **GAC Advice** in future rounds notes GAC Advice is recommended to **be limited to the scope set out in the applicable Bylaws provisions** (see Section 12.2.a.i) and elaborate on **any interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues (Rec.30.3).**
○ 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)	**Following public comment and GAC consensus input:**
○ GAC Early Warning and GAC Advice were **useful instruments** to identify applications that raise public policy concerns and should be an integral part of any future rounds.	● **Rec 30.3:** WG recommendation language noting that well-founded merits-based public policy reasons must be articulated was **removed by PDP WG** aligned with GAC consensus input.
○ GAC is Open to **increasing transparency and fairness** of these, including giving applicants an opportunity for direct dialogue with the GAC.	● Rec 30.2: PDP diverges from GAC consensus input and notes that **GAC Advice on categories of TLDs, groups or classes of applications, or string types, or to a particular string,** should be issued by the GAC **before the Applicant Guidebook is published,** If GAC Advice on categories is issued **after** the finalization and publication of the AGB, and whether the GAC Advice applies to **categories, groups or classes of applications or string types**, or to a particular string, **the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect** in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws.
○ 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	
ICANN67 Communique (16 March 2020)	
○ Further GAC discussion needed on draft recommendations regarding the **scope of the rationale of GAC Advice**; and the **limitation of GAC Advice issued after the application period to individual strings only** "based on the merits and details of the applications for that string, not on groups or classes of applications."	
GAC Compilation of Individual Input on Subpro PDP WG recommendations (May 2020):	● Rec 30.6: PDP WG notes that **GAC members issuing Early Warnings must include a written explanation describing why the Early Warning** was submitted and how the applicant may address the concern, against GAC positions.
○ Most supported previous GAC positions supporting retention of the "will create a strong presumption for the ICANN Board that the application should not be approved".	● Regarding 30.6, GAC consensus comment included proposed compromise language to note that applications may not always be able to be remedied in the opinion of the Government(s) issuing a GAC Early Warning. Therefore, the GAC proposed updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible". The recommendation language remains however unchanged, and no explanation was presented for not taking into account GAC suggested edits.
○ Converged on not limiting scope of GAC advice.	
○ A few agreed on the need for alignment with ICANN Bylaws.	
○ **GAC Consultation took place prior to updated PDP WG recommendation language**, so may be to some extent outdated since substantive changes were made to the draft recommendations (see Status of PDP WG deliberations column).	
GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):	● Rec. 30.4: WG recommendations diverge with the opinion of a number of GAC members since PDP WG rec 30.4 notes that future versions of the AGB should omit this language: GAC Advice "*will create a strong presumption for the ICANN Board that the*"
○ GAC Early Warnings and GAC Advice are useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. GAC remains open to increasing transparency and fairness of these, including giving	

applicants an opportunity for direct dialogue with the GAC.

- 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.

GAC does not support:
- PDP WG recommendations limiting the scope of GAC advice (30.3).
- Implementation Guidance 30.2) regarding the timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discentivizing any such Advice being submitted after the finalization and publication of the next Applicant Guidebook.

The GAC agrees with the PDP WG notion that a GAC Early Warning should be explained; However, the GAC proposes updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible".

- Recommendation 30.4, some GAC Members continue to consider that the Bylaws changes from 2016 did not introduce any modification to the section on GAC Advice which would require a change of the language included in Section 3.1 of the 2012 Applicant Guidebook which states that GAC Consensus Advice *"will create a strong presumption for the ICANN Board that the application should not be approved"*.

application should not be approved". **The SubPro WG** motivates this deletion with the objective of increasing the Board's flexibility to facilitate a solution that both accepts GAC Advice and allows for delegation of a string if GAC concerns are addressed. This remains a sensitive issue for many GAC members.

Possible Next Steps for the GAC to Consider

- For context, different members of the Sub Pro WG (which might be prospective applicants) have expressed their views that the Applicant Guidebook needs to provide a clear and predictable framework regarding the role and use of GAC early warnings and GAC advice.

- The GAC may wish to provide GAC Advice to the GNSO and/or ICANN Board as the updated final recommendations - albeit taking into account some GAC positions - would still establish new requirements on GAC Early Warnings and GAC Consensus Advice in future rounds which diverge from GAC positions.

In particular the GAC may wish to consider to:

- Re-affirm that some GAC members strongly support the retention of the "Strong presumption" language which is recommended for removal by the PDP WG in the future AGB (Rec. 30.4)
- Re-affirm GAC opposition to Rec. 30.2 which notes the limited timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discentivizing any such Advice being submitted after the finalization and publication of the next Applicant Guidebook. PDP WG rationale noted that this is in keeping with issues of predictability for applicants
- Re-affirm GAC proposed compromise language relative to Rec. 30.6 where GAC consensus comment included proposed compromise language to note that applications may not always be able to be remedied in the opinion of the Government(s) issuing a GAC Early Warning. Therefore, the GAC proposed updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible". The recommendation language remains unchanged, and no explanation was presented for not taking into account GAC suggested edits.
- The GAC can also consider working with the GAC Board Interaction Group (BGIG) for on-going exchanges on the implications of the Sub Pro Final recommendations, and how the Board-GAC relationship can be best understood and communicated in Applicant Guidebooks.

Community Based Applications

Summary of Previous GAC Input	**Final PDP WG Deliberations and Recommendations**

[Comment](#) on [CCT Review Team 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](#) by the Council of Europe should be considered
 	
[Comment](#) on [CCT Review Team Final Report](#) (11 Dec. 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)
 	
[ICANN67 Communique](#) (16 March 2020)
○ **evaluators** should have necessary **expertise and additional resources** at their disposal to gather information about a CPE application and any opposition to it
○ improved **transparency and predictability,** for greater **consistency** in the CPE process,
○ establishment of an **appeals mechanism**
○ consideration to be given to providing **support for non-profit** community-based applications.
 	
[GAC Consultation on Subpro PDP WG recommendations (May 2020)](#):
○ Some GAC members agreed in principle with the draft recommendations, while expressing concerns about the Community Priority Evaluation Process (CPE) specifically due to lack of clear definition of "community".
○ GAC members converged on the need for further clarification of the CPE Process per [ICANN67 Communique](#) and recalled the GAC consensus positions from the [ICANN67 Communique](#) on CPEs.
 	
[GAC Comment on Subpro PDP WG Draft Final Report](#) (29 Sep 2020):
○ PDP WG final recommendations include measures for improved transparency and predictability, aligned with concerns expressed by the GAC regarding the need for greater consistency in the CPE process, and the
	Final Recommendations - Topic 34 |
	
	● The PDP WG supports the overall approach used in the 2012 round for community-based applications, including the **continued prioritization of applications in contention sets that have passed Community Priority Evaluation (Affirmation 34.1)**.
	● The WG believes its work is in line with the CCT-RT recommendation 34.
	● With a view to making the Community Priority Evaluation (CPE) processes efficient, transparent and predictable as possible, the WG recommends (Rec. 34.13-31.15):
	  ○ **Amended CPE Guidelines should be considered a part of the policy adopted by the PDP WG.**
	  ○ **ICANN org to consider efficiency improvements, costs and timing.**
	  ○ **All CPE procedures and dispute provider rules must be published before the application submission**
	● Regarding the improvement of information gathering by CPE evaluators:
	  ○ in addition to clarifying questions to CPE applicants, written dialogue should be enabled (Rec. 34.17)
	  ○ clarifying questions or similar methods should also be available to engage those who submit letters of opposition to community-based applications (Rec. 34.18)
	● **Regarding the definition of "Community", the WG does not appear to be seeking to establish a broader definition instead relying on the existing criteria for the CPE review.**
	● Implementation Guidelines 34.2 - 34.9 added which address various GAC comments regarding recognition of communities beyond economic communities with a formal membership structure, such as marginalized groups, such as linguistic, cultural, ethnic minority groupings, "traditional knowledge" and "Indigenous Communities", and to civil-society advocacy groups, defined as CHR (Community Human Rights based).
	● Further delineations included in such implementation guidelines for the AGB, namely for "Organized", "community" - i.e. there should be some understanding of the community's existence prior to the beginning of the current application submission period

establishment of an appeals mechanism for the New gTLD Program. ○ The GAC supports the recommendations to improve the community priority evaluation process, particularly with regard to predictability and transparency. ○ As CPE Guidelines are still being considered by the PDP WG, the GAC encourages the GNSO to improve the CPE process in order to address important shortcoming/uncertainties such as effectiveness, predictability, transparency and independent appeal mechanism. ○ The definition of "community" would deserve clarification as well as the criteria to be qualified as such. The GAC encourages the consideration of measures to ensure more grassroot participation and expertise, in evaluation panels, in order to improve their understanding about how different "communities" are recognized, organized, administered or developed.	(Rec. 34.5).

Possible Next Steps for the GAC to Consider

The GAC may wish to assess whether its expectations are met by the final recommendations regarding community based applications. It may also consider supporting [ALAC minority statement](#) to SubPro PDP WG noting dissent on omissions from the PDP WG Final Report:

- *"Implementation Guidance 34.4 – to address impediment to proving both 'awareness and recognition of the community members' for CPE Criterion 1-A; while allowance has been made in respect of 'recognition' to compel consideration the views of the relevant community-related experts, especially in cases where recognition of the community is not measurable, no similar allowance has been made in respect of measuring 'awareness' where such measurement could also be prevented or impaired."*

- Recommendation 34.12: *"falls short by not also stipulating that the shortlisting and selection of CPE provider(s) by ICANN Org be subject to community input as a proactive measure for the community to help ICANN Org select the most suitable CPE Provider for subsequent procedures."*

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
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 Sub Pro PDP Supplemental Initial Report (19 Dec. 2018) ○ Reiterates comments made on the Initial Report ICANN68 GAC Communique (27 June 2020) ● GAC Members expressed concerns on why other options are not being further considered by the WG. GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020): GAC acknowledges that in an attempt to reduce potential gaming, rec. 35.3 includes the need for applications to be submitted with a "bona fide" intention to operate a TLD. GAC recommends further discussion on how this intention will be ensured and implemented, noting that punitive measures for non compliance or non submission of a "bona fide" intention are not sufficiently defined. Regarding Auctions of Last resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications, and reiterates that private auctions should be strongly disincentivized.	**Final Recommendations** Topic 35 | ● **Affirmation 35.1: PDP WG recommends that if there is contention for strings, applicants may**: ○ resolve contention between them within a **pre-established timeframe *in accordance with the AGB and supporting documents (rec…)*** ○ If there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. ○ If there is no such claim, and no mutual agreement, *contention will be resolved through an ICANN Auction of Last Resort* and; ○ the ICANN Board *may use expert panels to make Community Priority Evaluation determinations* ● Rec. 35.2: ○ The AGB must reflect that applicants will be permitted to creatively resolve contention sets in a multitude of manners, including but not limited to business combinations or other forms of joint ventures and private resolutions (including private auctions) - see topic 20 Application Change Requests. ○ All contention sets resolved through private resolution shall adhere to the **transparency requirements set forth in the Contention Resolution Transparency Requirements** in the relevant recommendation. ● **Rec. 35.3:** ○ **Applications must be submitted with a bona fide (good faith) intention to operate the gTLD**, i.e. applicants shall <u>not</u> submit applications for the purpose of financially benefiting from the resolution of contention sets ○ The WG has included a non-exhaustive list of potential "Factors" intended to help identify when an application may have been submitted without a bona fide intent to operate the gTLD. Those potential "Factors" are assumed to serve as the basis for enforcement of the bona fide use clause. ○ Consideration of whether an application was submitted with a bona fide intention to operate the gTLD must be determined by considering all of the facts and circumstances surrounding the impacted Applicants and Applications. ● **Rec. 35.4:** ○ **The PDP WG recommends that auctions of last resort must take place using the second-price auction method**, in which bidders submit a sealed-bid auction rather than the ascending clock auction used in 2012. ○ **ICANN Auctions of Last Resort shall only take place after all other evaluation procedures, objections**, etc., similar to the 2012 round. ○ ICANN Auctions of Last Resort cannot occur if one or more of the applications in the contention set is involved in an active appeal or ICANN Accountability mechanism

or is in a new public comment period or reevaluation due
to private resolution.
- Once application submission period closes, applicants in
contention sets will be informed of # of other applications
in contentions set but no other information will be
revealed.
- Any applicants who wish to compete for their applied for
string must submit a sealed bid for each relevant
application.
- **All applications are evaluated and subject to other
application procedures, including Initial/Extended
evaluation, Objections, GAC Early Warnings/Advice,
CPE)**

Possible Next Steps for the GAC to Consider

- For context, auction and private resolutions procedures are both technically complex and have
opposing/different viewpoints across members of the Sub Pro WG. The GAC and some members of the Sub Pro
WG share the ICANN Board's high level concerns with gaming and abuse of auctions in future rounds. However,
to date there is no consensus in the WG on the proportionate safeguards to address government, civil society,
and private sector interests on this complex issue.

- GAC may consider refining expectations and making proposals in terms of incentives for the avoidance of
private auctions and submit this as GAC Advice to the GNSO Council and or ICANN Board, inter alia, reiterating
the importance of punitive measures for bona fide intention clauses, and seek further language disincentivizing
auctions of last resort, and supporting the ALAC Minority Statement language on this item:
    - *"Recommendation 35.3 implies that use of a bona fide intent affirmation is limited to applicants who
    participate in auctions or private resolution mechanisms. If at all, this affirmation should apply to all
    applications, not just those that fall into contention sets. In any case, the factors for establishing a
    lack of bona fide intent are too subjective, and without deterrence through penalty, are ultimately
    just a mere attempt at 'window dressing' "*

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

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<td align="center">Summary of Previous GAC Input</td>
<td align="center">Final PDP WG Deliberations and Recommendations</td>
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Response to Sub Pro PDP CC1 (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
- **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

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)

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Final Recommendation Topic 1, 3 & 7 |

- According to the GNSO Review of the GAC Kobe Communiqué (18 April 2019), all CCT Review recommendations directed at the PDP either by the Review Team (in the course of its work) or by the ICANN Board resolution (1 March 2019) were considered in the course of the PDP WG's deliberations (Annex C)

- The PDP WG flagged a review of GAC Advice contained in the Montréal Communiqué and understands that **it is required to consider all CCT-RT recommendations directed to it** via the 01 March 2019 ICANN Board resolution at it, **but is not required to agree with all outcomes and suggested solutions**.

- Annex C: Specific CCT-RT recs were not addressed in this context, but as an overarching response to the Montreal Communique Advice, which is inconsistent with GAC expectations. **The WG describes its consideration of the CCT-RT recommendations in its Final Report in each relevant section** (a summary of where each CCT-RT rec is discussed is included in Annex C)

- PDP WG discussed whether the program should only utilize "rounds", and recommends a "**systematized manner of applying for gTLDs be developed in the long term**" (Affirmation 1.1)

- The PDP WG took note of GAC Advice contained in the Montréal Communiqué, **that future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented**.

- The PDP WG recommends meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared. **Metrics collected to understand the impact of New gTLD Program should focus on areas of trust, competition and choice (Rec. 7.1).**

- ICANN org must establish metrics and service level requirements for each phase of the application process (review, evaluation, contracting and transition to delegation stages). ICANN must report on a monthly basis on its performance with respect to these key performance indicators (Rec. 7.3).

- Of the recommendations flagged by the GAC in the CCT-RT recommendations regarding increased data collection, **only Rec. 17 of the CCT-RT was directly assigned to the Subpro PDP WG by the ICANN Board and is not addressed in final report**, "ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.'

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<tr><td colspan="2" align="center">Possible Next Steps for the GAC to Consider</td></tr>
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- GAC may wish to provide input on the CCT-RT Recs not addressed, notably on DNS Abuse (CCT-RT 14, 15 and 16) since the WG believes that the scope of the PDP WG focuses solely on new TLDs introduced in subsequent rounds, it believes that the topic is more appropriately addressed by a group able to develop policy for existing TLDs as well as new gTLDs, and the subsequent GNSO Council Discussion noting a more holistic approach should be triggered on DNS Abuse Mitigation.

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Future Releases of New gTLDs (Timing and Prerequisites)	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
[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 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**. [Comment](#) on [CCT Review Team Draft Report](#) (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 [Comment](#) on [Sub Pro PDP Initial Report](#) (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** [Comment](#) on [CCT Review Team Final Report](#) (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) GAC Advice [Montreal Communique](#) (6 November 2019) ○ Advised not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the CCT Review that were identified as "prerequisites" or as "high priority". GAC [Response](#) (20 Jan. 2020) to [ICANN Board Clarification Questions](#) on GAC Montreal Communique which clarified its positions on "pre-requisites" and "high priority" CCT RT Recs, clarifying that the Board should remain respectful of the advice received from its advisory committees and on topics which encompass high priority/pre-requisite CCT RT recs which were not adopted by the Board the GAC asked	Final Recommendations - Topic 1, 3 & 7 | ● The PDP WG final recommendations note that an "**orderly, timely and predictable New gTLD Program is universally supported" (Affirmation 1,1).** ● The PDP WG recommends that prior to the commencement of the next Application Submission Period, **ICANN shall publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening** up of the next subsequent round (Rec. 3.2). ● The Sub Pro PDP WG has not conducted cost/benefit analysis of further releases of new gTLDs. This is based in part on the fact that "***It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term***" ([New gTLD Applicant Guidebook](#), section 1.1.6). ● The PDP WG recommends that a **"systematized manner of applying for gTLDs be developed in the long term"** be maintained as per the 2012 Applicant Guidebook (Affirmation 1.1). ● In terms of data collection, the Sub Pro PDP WG created a section on metrics (topic 7) referred to above in [Policy Development section](#) draft final recommendations note that "*metrics collected to understand the impact of New gTLD Program should [...] focus on the areas of trust, competition, and choice. Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future*"(Implementation Guidance 7.2) ● More specifically the PDP WG recommends that "*to review metrics, data must be collected at a logical time to create a basis against which future data can be compared.*"(Rec. 7.1) ● **No objections within PDP WG to the New gTLD Program continuing, nor to the collection of data and metrics for assessing the impact of the program.** ● The PDP sought to try and identify metrics for success but ultimately determined that this exercise is more appropriately completed during the implementation phase, in accordance with Board-approved recommendations of the CCT-RT. ● The Working Group believes that an Implementation Review Team should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program (see [Policy Development](#) section above and topic 7 of the final report)

for clarification from the Board on how it intends to
proceed and when it will make its decision.

ICANN68 GAC Communique (27 June 2020):

- ○ While supporting a new round of new gTLDs in
  principle, some GAC members recalled the
  importance of a cost/benefit analysis being
  conducted prior to the next round.

Possible Next Steps for the GAC to Consider

- Determine whether PDP WG final recommendations meet GAC's expectations, in particular in the GAC
  Montreal Communique, where GAC's advice was not to proceed with a new round of gTLDs until the complete
  implementation of recommendations in the CCT-RT that were identified as "prerequisites" or as "high priority" is
  achievable.

- The GAC may wish to address advice to the ICANN Board in keeping with the GAC Montreal Communique,
  reiterating the importance of completing implementation of recommendations in the CCT-RT identified as
  "prerequisites" or as "high priority".

3. New gTLD Applications Process

Application Procedures	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
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 preferred in future ○ If Applicant Guidebook is retained, partitioning in different **audience-driven** sections **or by type of application** has merit Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 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 well as public comments for competition and other concerns.	Final Recommendations - Topic 1, 3, 12| ● **The Applicant Guidebook is expected to be retained and made available in the 6 UN Languages (Affirmation 12.1).** ● The English version of the Applicant Guidebook must be issued at least four (4) months prior to the commencement of the applicant submission period (Rec. 12.8) ● All other translated versions of the Applicant Guidebook, including in the 6 UN languages, must be available no later than two (2) months prior to the commencement of the application submission period (Rec. 12.9) ● The PDP WG recommends that ICANN org provide better guidance to the Applicant (Rec. 12.4). ● The Working Group recommends focusing on the user when drafting future versions of the Applicant Guidebook and prioritizing **usability, clarity**, and **practicality** in developing the AGB for subsequent procedures. The AGB should effectively address the needs of new applicants as well as those already familiar with the application process. It should also effectively serve those who do not speak English as a first language in addition to native English speakers (Rec. 12.4). ● Application fees for each application must be published in that round's Applicant Guidebook (Rec. 12.11).
Possible Next Steps for the GAC (potential GAC inputs to GNSO Council and/or ICANN Board)	
GAC to consider whether 2 months is sufficient for the translated versions of the AGB to be received prior to the commencement of the applicant submission period.	

Freedom of Expression

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
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	**Final Recommendation** - Topic 10 | ● **The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law (Affirmation 10.1)** ● WG notes that as ICANN incorporates **human rights** into ICANN's processes in line with the recommendations of Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression (Implementation Guidance 10.2). ● The Working Group understands the challenges of ensuring that freedom of expression is incorporated into the implementation and operation of the new gTLD program, and recommends a proactive approach to ensuring that these rights are taken into account in the development of program rules, processes, and materials (Rationale Rec. 10.1 and Implementation Guidance 10.2). ● While the Working Group did not agree to specific recommendations in this regard, **it encourages ICANN org to give additional consideration to this issue in the implementation phase** (Rationale Rec. 10.1 and Implementation Guidance 10.2). PDP WG updated language to cross reference the Framework of Interpretation (FOI) for the human rights core value as part of the CCWG Accountability WS2 recommendations adopted by the ICANN Board in Nov. 2019
Possible Next Steps for the GAC to Consider	
● The GAC HRIL WG may wish to review final recommendations (10.2) to ensure alignment with GAC HRIL WG positions, due to mention of human rights and WS2 implementation.	

TLD Categories (or Types)

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations

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 the Statistical Analysis of DNS Abuse in New gTLDs
(19 September 2017)
○ There is still significant scope for the **development and enhancement of current mitigation measures and safeguards**, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD,Community gTLD, Geographic gTLD and Brand gTLD)
○ Fisk levels also varies **depending on the strictness of the registration policy** (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names)
 	
Comment on Sub Pro PDP Initial Report (8 October 2018)
○ Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories and addressing fees
	Final Recommendation, Topic 4
	
	● WG recommends differential treatment for certain applications based on either the application type, the string type, or the applicant type (Rec.4.1).
	● Such differential treatment may apply in one or more of the following elements of the new gTLD Program: Applicant eligibility; Application evaluation process/requirements; Order of processing; String contention; Objections; Contractual provisions (Rec. 4.1).
	● PDP WG considered GAC Advice in Nairobi Communique, relative to exploring the benefits of further categories.
	● Working Group concluded that it is challenging to implement additional categories in a simple, effective, and predictable manner.
	● PDP WG notes that the **establishment of additional types should be done under exceptional circumstances only and should be done via community processes (Rec. 4.1)**.
	● PDP WG **includes new "Strings subject to Category 1Safeguards" in string types**. See Safeguards section (Rec. 4.1).
	● PDP WG recommends **maintaining existing categories and to not create additional categories**, with the exception of formally adopting the .Brand category (Rec. 4.1).
	● Rec. 15.1: The PDP WG recommends maintaining the **single base fee** charged in the 2012 application round, **with the exception of:**
	  ○ Applicant Support
	  ○ Applicants electing to use a pre-approved registry service provider

Possible Next Steps for the GAC to Consider	
● The GAC may wish to consider whether its expectations are met on this topic by the Final Recommendations.	

Community Engagement	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
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)	Final Recommendations - Topic 13 | ● The PDP WG agreed that **the New gTLD Program's communications plan should serve the goals of raising awareness about the New gTLD Program to as many potential applicants as possible around the world** and making sure that potential applicants know about the program in time to apply. ● To serve this objective, the WG determined that the focus should be on **timeliness, broad outreach, and accessibility (Rec 13.2)**. ● The WG believes that an effective **communications strategy and plan is needed** to support the goals of the program ● WG recommends that the New gTLD communications plan must be developed with timeliness, broad outreach and accessibility as key priorities. ● The communications plan must be targeted to achieve the goals of the New gTLD Program as articulated and must include a Communications Period commensurate in length to achieve those goals. ● For timeliness, WG believes that for the subsequent round, the Communications Period should begin at least six (6) months prior to the beginning of the application submission period (Implementation Guidance 13.3). ● For accessibility, the Working Group stresses the need for a single, well-designed website dedicated to the New gTLD Program to support the sharing and accessibility of program information (rec. 13.6)
Possible Next Steps for the GAC to Consider	
● The GAC may wish to consider monitoring how the New gTLD Communication Strategy is implemented by the IRT.	

4. New gTLD Applications Requirements

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<tr><td colspan="2" style="background-color:#fdf2cc">Applicant Evaluation and Accreditation Programs</td></tr>
<tr><td>Summary of Previous GAC Input</td><td>Final PDP WG Deliberations and Recommendations</td></tr>
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[Comment](#) on [Sub Pro PDP Initial Report](#) (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

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Final Recommendations - Topic 6 |

- Accreditation Programs renamed RSP Pre-Evaluation by PDP WG (Rec. 6.2).
- PDP WG recommends establishing a program in which Registry Service Providers ("RSPs") may receive pre-evaluation by ICANN if they pass the required technical evaluation by ICANN or their selected third party provider (Rec. 6.2).
- The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes place
- PDP WG recommends that all criteria for evaluation and testing must be the same.
- The WG did not integrate data such as DAAR- which provides data for an already delegated TLD - into the evaluation process within recommendations, i.e. the pre-approval program would not be backwards looking, but look at an RSP's current state and capability.

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<tr><td colspan="2" style="text-align:center">Possible Next Steps for the GAC (potential GAC inputs to GNSO Council and/or ICANN Board)</td></tr>
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- The GAC and PSWG particularly may wish to consider GAC advice/comment in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice. In particular, it may consider recommending that applicant evaluation and RSP pre-approval process should include considerations of potential security threats.[1]

- The GAC may want to consider providing specific guidance within the implementation phase on how tools like DAAR can benefit the evaluation process.

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

Reserved Names	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
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)	Final Recommendations - Topic 21 | ● Reserved Names ["Unavailable Names," referred to in 2012 AGB as "Reserved Names"] at the Top Level : the PDP WG affirms Recommendation 2 from the 2007 policy, which states "Strings must not be confusingly similar to an existing top-level domain or a Reserved Name" (Rec. 21.1) ● PDP WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round (Rec. 21.2) ● The Working Group supports continuing to reserve as unavailable for registration those strings that are on the then-current schedule of Reserved Names at the second level. The schedule may only change through the then-current process for making such changes (Affirmation 21.5) ● PDP WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016 (Rec. 21.6)
Possible Next Steps for the GAC to Consider	

5. New gTLD Applications Requirements - Safeguards

Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse)

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
Comment on CCT Review Team 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 the Statistical Analysis of DNS Abuse in New gTLDs (19 September 2017) ○ There is still significant scope for the **development and enhancement of current mitigation measures and safeguards**, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD,Community gTLD, Geographic gTLD and Brand gTLD) ○ Risk levels also varies **depending on the strictness of the registration policy** (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) Comment on Sub Pro PDP Initial Report (8 October 2018) ○ **Verified [TLD]** Consortium and the National Association of Boards of Pharmacy recommendations on applications for strings linked to highly regulated sectors should be supported. 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**	Final Recommendations - Topic 26 | ● As indicated in the Policy Development Process section of this scorecard, the **PDP WG believes that all CCT Review recommendations directed at the PDP are being considered** in the course of the PDP WG's deliberations ● Per the PDP WG's working document, **4 of the CCT Review recommendations identified as important by the GAC** in the area of safeguards (see Left) are being considered by the PDP (Rec. 12, 14, 16, 23). All of these are **identified as requiring more consideration** in PDP WG deliberations ● It should be noted that CCT Review Final Recommendations have been considered by the ICANN Board (1 March 2019). The Board's actions are currently subject to further community discussion, as tracked by the GAC in another dedicated scorecard. ● The WG affirms the framework established by the **New gTLD Program Committee (NGPC) to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, as established in response to the GAC Beijing Communique** ● This framework created 10 safeguards of various levels to be implemented among a set of 4 groups. ● The WG recommends establishing a process to determine if an applied-for string falls into one of four groups. **This process must be included in the Applicant Guidebook** along with information about the ramifications of a string being found to fall into one of the four groups (rec 9.3) ● **PDP WG recommends that a panel should make the ultimate determination of whether it is one of the 4 categories** due to the operational nature of this role, and that a panel might be most effective - to be evaluated in implementation phase (rec 9.4).

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 sensitive or regulated industries** and gathering data about complaints and rates of abuse in these gTLDs that often convey an implied level of trust (Final Rec. 12, 23)
- Endorses recommendation for an **audit of highly regulated gTLDs** to assess whether restrictions regarding possessing necessary credentials are being enforced (Final Rec. 23)
- ICANN Contractual Compliance to publish **more details as to the nature of the complaints** they are receiving and what safeguards they are aligned with, to enhance future policy making and contractual safeguards (Final Rec. 20, 21)

Possible Next Steps for the GAC to Consider

- For context, 'Safeguards' are supported by many members of the Sub Pro WG, especially to mitigate consumer harm from abuse of trust in the DNS, and the SubProWG accepted the Boards implementation of GAC's safeguard advice.

- (Refer to PICs section since content overlaps). Given the importance of this policy area for the GAC, and given the reduced scope of consideration of CCT Review Recommendations in the PDP WG (compared to GAC expectations), the GAC may wish to:

  - track developments in relation to the Board consideration of the CCT Review recommendations, and possibly engage via other channels in complement to the PDP WG where appropriate.
  - The GAC may wish to consider advice to the GNSO/ICANN Board relative to final recommendations on topics not yet addressed, of interest to the GAC:
    - ➢ Consideration of existing safeguards and related CCT recommendations
  - GAC may wish to provide input to GNSO/ICANN Board on Regulated and Highly-Regulated Strings Framework by PDP WG.

6. New gTLD Applications Evaluation, Objections and String Contention

String Similarity/String Confusion	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
[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	Confirmed w/ GNSO Support	Final Recommendation - Topic 24 ● Draft final recommendations include detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round ● PDP WG recommends the standard used in the String Similarity Review from the 2012 round to determine an applied-for string is "similar" to any existing TLD, any other applied-for strings, reserved names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. ● PDP Recommends prohibiting plurals/singulars of the same word within the same language/script to reduce consumer confusion. ● The Working Group notes that recommendation 2.3.b from the Program Implementation Review Report states: "Consider any additional policy guidance provided to ICANN on the topic of string similarity." The Working Group anticipates that ICANN org will leverage the above recommendations in the development of String Similarity review processes for subsequent procedures.
Possible Next Steps for the GAC to Consider	