GAC Discussion on New gTLD Program Next Round

Session 9 and 10

Contents

Session Objective

GAC Members to hold two sessions to discuss matters pertaining to the new gTLD Program Next Round, and assess whether GAC advice should be issued at ICANN79 on GAC priority topics.

The first session will focus on a GAC discussion on Applicant Support, including the delivery of the GNSO Guidance Process for Applicant Support Final Report, followed by briefing to the GAC on the Implementation Review Team (IRT) state of play by ICANN org, including recent developments and next steps. The second session will focus on policy matters including the Implementation Framework for Content-Related Registry Commitments in the New gTLD Program: Next Round, the open/pending issues under discussion by the ICANN Board and an update from GAC members taking part in the GNSO Small Team Plus effort to address these items prior to further review from the Board. GAC members will also discuss potential GAC advice and GAC communiqué language on priority issues pertaining to new gTLDs.

Leadership Proposal for GAC Action

1. GAC Members to consider any action in response to recent Board decisions/actions on GAC priority topics as outlined in the following documentation:

   a. Board Action on ICANN78 GAC Advice (21 January 2024), in response to the ICANN78 Hamburg Communiqué, which includes responses to GAC advice and follow-up to previous GAC advice on:
      – Closed Generic gTLDs;
      – Enabling Inclusive, Informed and Meaningful Participation in ICANN
      – Future gTLDs Policies and Procedures - Cost/Benefit analysis

   b. Overview of Analyses of Costs and Benefits of a Next Round of the New gTLD Program (22 January 2024) compiled by ICANN org in response to the GAC's follow-up advice to its ICANN56 Helsinki Advice noting that "*an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes*

from the recent round.[1]" GAC members to discuss the Cost/Benefit Analysis to determine whether this meets the GAC's expectations.

c. [October 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#) (26 October 2023), intended to facilitate the Board's consideration of the recommendations, affirmations, affirmations with modification, and implementation guidance (collectively Outputs) contained in the "[Final Report on the New gTLD Subsequent Procedures Policy Development Process](#)" (Final Report) that were listed as in Section D "Pending" in the September 2023 Scorecard: Subsequent Procedures (September 2023 Scorecard).

d. [September 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#) (10 September 2023), (September Scorecard) which includes Board decisions on pending SubPro PDP WG Recommendations, issued in September. Please note this scorecard does not replace the March 2023 scorecard, but needs to be reviewed in parallel to the March 2023 Scorecard for a full picture on Board actions.

e. [March 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#) (16 March 2023) (March Scorecard), intended to facilitate the Board's consideration of the recommendations, affirmations, affirmations with modification, and implementation guidance (collectively "Outputs") contained in the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) (Final Report). The scorecard includes Board decisions on:

   – Outputs that the Board adopts;
   – Outputs that the Board adopts;
   – Outputs that the Board adopts with GNSO Council-Approved clarifications; and
   – Recommendations that the Board does not adopt at this time.

2. GAC Members to discuss the Applicant Support Program and next steps in preparation for the next round of new gTLDs.

3. GAC Members to discuss a GAC comment/input on the Draft [Implementation Framework for Content-Related Registry Commitments in the New gTLD Program: Next Round](#) (5 December 2023), to be provided by 31 March 2024.

4. GAC Members receive an update on the Implementation Review Team (IRT), and determine whether a GAC comment on the first Public Comment on the [Proposed Language for Draft Sections of the Next Round Applicant Guidebook](#) is required.

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[1] ICANN56 Helsinki Communiqué: https://gac.icann.org/contentMigrated/icann56-helsinki-communique

Current Status and Recent Developments

1. Recent Developments

On 16 March 2023, the Board resolved to instruct ICANN org to begin the implementation of all Final Report Outputs detailed in Section A of the "Scorecard on Subsequent Procedures PDP" (March Scorecard) and to make available resources required for the successful and timely opening of the next round of new gTLDs. The ICANN Board approved ninety-eight (98) recommendations contained in the Final Report on the New gTLD Subsequent Procedures Policy Development Process, and marked the remaining thirty-eight (38) recommendations as "pending".

The Board further directed ICANN org to deliver a comprehensive implementation plan to the Board no later than 1 August 2023, containing a work plan, relevant information for the Infrastructure Development stream, timelines and anticipated resource requirements to announce the opening of the next round of new gTLDs. ICANN org delivered the implementation plan for opening the next round of applications for new generic top-level domains (gTLDs), and on its resolution approved on 27 July 2023, the Board acknowledged receipt of the plan and directed ICANN org to provide the Board with periodic updates on its progress on program implementation, as well as to continue to prepare information for the Board Finance Committee on periodic requests for implementation funding as implementation work progresses through identified milestones.

The Board engaged with the GNSO Council on items marked as "pending", and following this interaction the GNSO Council transmitted to the Board the New gTLD Subsequent Procedures Pending Recommendations - GNSO Council Clarifying Statement (Clarifying Statement) on 5 September 2023, developed by the GNSO Council SubPro Small Team to address the Board's concerns on the pending Outputs. The GNSO Council noted the Clarifying Statement should be read as complementary to recommendations as stated in the Final Report and should be considered jointly with the Outputs for the purpose of implementation and operation of the New gTLD Program Next Round.

Following the ICANN77 GAC Communiqué and GAC concerns shared pertaining to Topic 30 of the Final Report of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP Final Report), GAC Advice and GAC Early Warnings, the GAC and Board engaged in a discussion on 28 July 2023. The GAC and Board further engaged on this matter at the Board GAC Interaction Group (BGIG) meeting on 20 September 2023.

In September 2023, the ICANN Board published several documents of interest to the GAC pertaining to new gTLDs. Relevant sections of these documents are summarized below for GAC membership ease of reference.

On 10 September 2023, the ICANN Board published the September 2023 Scorecard: Subsequent Procedures PDP, i.e. an updated Board Scorecard on the SubPro PDP WG recommendations marked as "pending" in the Board Resolution on 16 March 2023.

The Board also published on 10 September 2023 the [Board Scorecard on ICANN77 GAC Advice](#), outlining Board decisions following the issuance of GAC advice at ICANN77.

On 21 September 2023, the Board published the [Board Scorecard on ICANN77 GAC Issues of Importance](#), outlining its comments and decisions on the GAC ICANN77 Issues of Importance following the Board-GAC Interaction on this topic.

The Board published on 26 October 2023 the [October 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#), outlining Board decisions on pending recommendations from the SubPro PDP WG Final Report. As such, the Board directed the ICANN Interim President and CEO, or her designee(s), to initiate and facilitate a Board-level community consultation before starting the implementation process of Registry Voluntary Commitments / Public Interest Commitments. The purpose of this consultation is to ensure that the [framework](#) for implementing these recommendations remains consistent with the ICANN Bylaws. The Board encourages this consultation to be completed no later than ICANN79 so as to not impact the overall implementation timeline for the next round of new gTLDs. This community consultation is expected to inform and aid the work of ICANN org with the SubPro Implementation Review Team on developing the Applicant Guidebook. GAC members are currently reviewing this framework and working on developing GAC input to the community consultation process.

2. Policy Issues of Interest to the GAC Pertaining to the Next Round of New gTLDs

GAC members may wish to review in detail the [October 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#), and the [Board Action on ICANN78 GAC Advice](#) (21 January 2024), in response to the ICANN78 Hamburg Communiqué to determine whether GAC action should be taken at ICANN79, either through a dialogue with the ICANN Board at the GAC/Board bilateral meeting and/or via the issuance of GAC advice to the Board.

In particular, GAC members may wish to consider whether the [Overview of Analyses of Costs and Benefits of a Next Round of the New gTLD Program](#) (22 January 2024) compiled by ICANN org in response to the GAC's follow-up advice to its ICANN56 Helsinki Advice meets the GAC's expectations, and consider a response to the ICANN Board.

Additionally, GAC members may wish to review the [Implementation Framework for Content-Related Registry Commitments](#) in the New gTLD Program: Next Round to determine whether a GAC collective input is to be submitted by 31 March 2024. GAC volunteer pen holders include the USA and UK.

3. GNSO Guidance Process (GGP) on Applicant Support

On 25 August 2022 the GNSO Council [approved](#) the GGP Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the SubPro Final Report. The working group was subsequently formed and began its work in November 2022, following its [work plan and timeline](#).

GAC Members appointed to the GGP on Applicant Support effort include: Argentina, United Kingdom and Universal Postal Union.

Its tasks include reviewing historical information about applicant support, identifying subject matter experts, developing data/metrics and measures of success, and creating methodology for allocating financial support where there is inadequate funding for all qualified applicants. Upon completion of its tasks, the working group produced a [GNSO Guidance Recommendation(s) Initial Report](#), which was subject to Public Comment.

The GAC submitted a [comment](#) on 25 September 2023 on behalf of the committee which states the GAC's support of the development of a foundational applicant support program for the next round of new gTLDs that will increase the number and geographical distribution of applications from underrepresented or underserved regions in all potential future rounds. Such an outcome will be important for the continued global credibility of ICANN. The GAC further noted its support of proposals to substantially reduce or eliminate the application fees and ongoing ICANN registry fees that will sufficiently cover all such applications in the next round, noting that without a substantial reduction in, or provision of financial support for the expected application costs and ongoing operational fees, many potential applicants in underrepresented or underserved regions will simply be unable to apply - owing to the historically limited availability of capital for ICT/digital initiatives. The GAC asserted that non-financial support such as awareness raising, capacity development services and training is also a critical element of an applicant support program. Assisting in the provision of back-end services may also be appropriate in some cases. The committee offered a number of specific suggestions for how certain recommendations set forth in the Initial Report can be improved to more effectively establish the foundation for a robust and resilient applicant support program.

Following the review of Public Comment submissions and additional deliberations, the working group produced a Final [Report](#) for the consideration of the GNSO Council and subsequently for consideration by the ICANN Board. The [Final Report](#) was submitted to the GNSO Council on 8 December 2023 and adopted by the GNSO Council on 22 December 2023. As such, the [GNSO Council Recommendations Report](#) regarding the adoption of the Final Report was submitted to the ICANN Board for consideration on 8 January 2024.

The Final Report of the GGP is also used by the Implementation Review Team (IRT) sub-track working on developing the Applicant Support Program Handbook. More information is provided in the next section of the briefing on this matter.

4. Implementation Review Team (IRT)

The Subsequent Procedures **Implementation Review Team (IRT)** commenced its work in May 2023 and is expected to draft the next applicant guidebook in preparation for the next round of new gTLDs. The GAC appointed a representative and an alternate to participate in the process, provide input to the IRT and report back to the broader committee on areas of importance to the GAC. GAC

members appointed to the IRT are: Canada (Representative) and UK (Alternate). ICANN org presented an updated Implementation Plan in October 2023 for the Implementation Review Team's input, including the ninety-eight recommendations from the SubPro PDP WG Final Report and incorporates a phased approach taking into account multiple factors, including internal resource and SME availability and interdependencies on the various streams. Implementation of the thirty-eight outputs currently in "pending" status as per the March 2023 Board Resolution will be integrated into the implementation work if/when these have been approved by the ICANN Board. The implementation plan currently assumes a 15-24 month timeline for drafting the Applicant Guidebook, with the support of the IRT.

Since ICANN78, the IRT has met approximately 22 times, and will meet in-person at ICANN79 three times. Topics discussed to date include the following topics:

- Topic 2 Predictability
- Topic 8 Conflict of Interest
- Topic 11 Universal Acceptance
- Topic 10 Applicant Freedom of Expression
- Topic 12 Applicant Support
- Topic 21 Reserved names
- Topic 21a Geographic Names
- Topic 24 String Similarity

On 1 February 2024, the IRT posted a first public comment proceeding in a series of proceedings that will seek input from the ICANN community on proposed language for the Applicant Guidebook (AGB) for the New gTLD Program: Next Round. The Due Date for comments is 19 March 2024. The GAC will discuss during the new gTLD sessions at ICANN79 the prospect for submitting a GAC collective comment.

In this first proceeding, ICANN org published the following draft sections of the AGB:

- Predictability Framework (based on the outputs from Topic 2 of the Final Report);
- Code of Conduct and Conflict of Interest Guidelines (based on the outputs from Topic 8 of the Final Report);
- Conflicts of Interest Process for Vendors and Subcontractors (based on the outputs from Topic 8 of the Final Report);
- Applicant Freedom of Expression (based on the outputs from Topic 10 of the Final Report);
- Universal Acceptance (based on the outputs from Topic 11 of the Final Report);
- Reserved and Blocked Names (based on outputs from Topic 21 of the Final Report);
- Geographic Names

Specifically, ICANN org is looking for input from the community on whether the proposed language is consistent with the relevant Subsequent Procedures (SubPro) Final Report outputs. It should be

noted that the proposed language has been developed in collaboration with the [Subsequent Procedures Implementation Review Team](#).

Additionally, a sub-track of the IRT is responsible for developing the **Applicant Support Program Handbook**. This sub-track released a draft ASP Handbook for public comment with comments due by 2 April 2024. GAC members are expected to discuss the possibility of submitting a collective GAC response to this proceeding. The ASP Handbook offers a step-by-step guide to applying for support and includes information on application deadlines, criteria, processes, and evaluation. The handbook is part of ICANN's effort to implement the policy recommendations on Topic 17: Applicant Support of the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) while taking into account the Board's pending consideration of guidance provided by the [GNSO Guidance Process (GGP) for Applicant Support](#).

Before this Public Comment proceeding, ICANN org worked with the Subsequent Procedures (SubPro) ASP Implementation Review Team Sub-Track to refine the draft ASP Handbook in line with Applicant Support policy recommendations and pending GGP ASP guidance.

More information from the IRT, as well as meeting recordings, and other material is available [here](#).

Key Reference Documents

- [Draft New gTLD Program: Next Round Applicant Support Handbook](#) (12 February 2024)

- [Board Action on ICANN78 GAC Advice](#) (21 January 2024)

- [Overview of Analyses of Costs and Benefits of a Next Round of the New gTLD Program](#) (22 January 2024)

- [GNSO Guidance Process (GGP) for Applicant Support Guidance Recommendation Final Report](#) (8 December 2023)

- [Implementation Framework for Content-Related Registry Commitments in the New gTLD Program: Next Round](#) (5 December 2023)

- [ICANN78 GAC Hamburg Communiqué](#) (30 October 2023)

- [October 2023 Board Scorecard: Subsequent Procedures (SubPro PDP)](#) (26 October 2023)

- [September 2023 Board Scorecard: Subsequent Procedures](#) - 10 September 2023

- [Board Scorecard on ICANN77 GAC Advice](#) (10 September 2023)

- [Board Scorecard on ICANN77 GAC Issues of Importance](#) (21 September 2023)

- [Scorecard: Subsequent Procedures (SubPro PDP)](#) - 16 March 2023

- [ICANN77 GAC Communiqué](#) - 20 June 2023

- [New gTLD Subsequent Procedures Operational Design Assessment](#) - 12 December 2022

- [GAC Consensus Collective Comment](#) (1 June 2021) on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration.

- [Final Report on the new gTLD Subsequent Procedures PDP WG](#) - 1 February 2021

Further Information

- GAC Policy Background Document on Subsequent Rounds of New gTLDs: https://gac.icann.org/briefing-materials/public/gac-policy-background-new-gtlds-subsequent-rounds.pdf

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