ICANN 68
VIRTUAL POLICY FORUM

GAC Subsequent Rounds Discussion

Session 4
22 June 2020

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ICANN | GAC
Governmental Advisory Committee

Agenda

- Update on Subsequent Rounds Developments since ICANN67

  - GAC Leads Update - GAC Consultation with Individual Input
  - Subpro PDP WG Co-Chairs Update

- Discussion of Subpro PDP WG ICANN68 topics

- AOB

Update on Subsequent Rounds Since ICANN68

Subpro PDP WG Timeline & Update:

- [Draft final recommendations](#) being reviewed by PDP WG as per revised [Workplan](#), updated on 3 June 2020

- Based on Work plan, PDP WG is **NOT** delivering the final report prior to ICANN68 for public comment.

- Expectation: early July public comment proceeding - assumption: 40-day public comment

- Final Report still expected to be delivered to the GNSO Council in Q4 2020 i.e. prior to end of December for approval

GAC Compilation of Individual Input

- The GAC Compilation of Individual Input references the GAC written consultation undertaken in April 2020 on 5 priority topics related to Subsequent Procedures PDP WG for New gTLDs Draft Final Recommendations.

GAC Consultation Topics:

Topic 1: Public Interest Commitments (PICs)

Topic 2: GAC Early Warnings and GAC Advice

Topic 3: Applicant Support

Topic 4: Community Applications

Topic 5: Closed Generics

- Total number of GAC Members/Observers who provided input: 23
- Compilation of input submitted to GAC membership for review and submitted to SubPro PDP WG leadership and full working group.

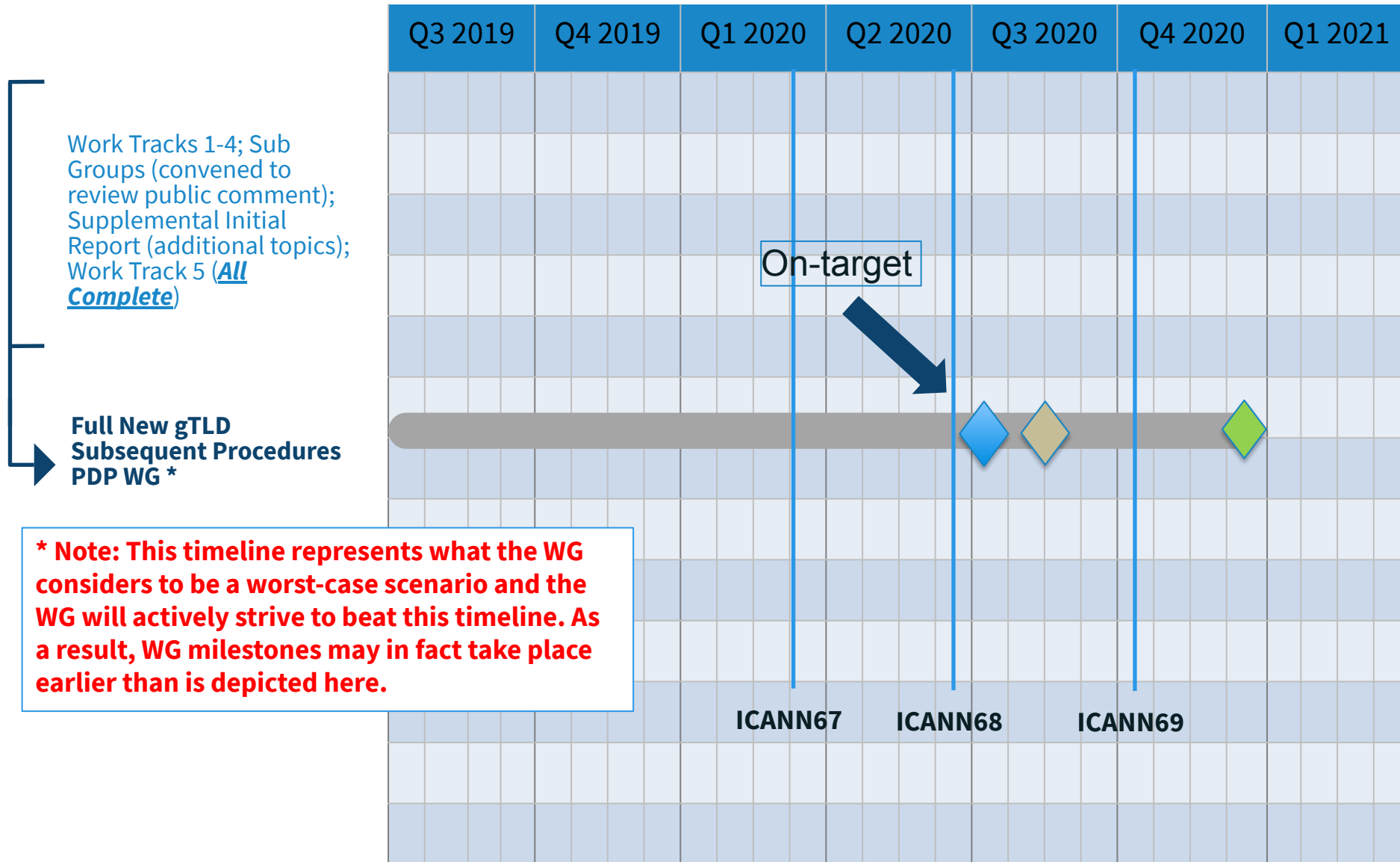# Subpro PDP WG Background and Current Status

What is the PDP about? Why is it important?

- GNSO recommendations from 2007 resulted in the Applicant Guidebook and the 2012 round of the New gTLD Program.

- The New gTLD Subsequent Procedures PDP ("SubPro") is focused on considering the 2012 round policy and **determining what changes might need to be made to the original GNSO recommendations from 2007 and/or implementation**.

- The PDP was **chartered** and began its work in early **2016**
  - Charter available here: https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf

- The PDP has over 40 separate topics identified in its charter and initially broke into Work Tracks (1-5) to tackle work. Sample of topics:
  - Community Applications
  - Applicant Support
  - Geographic Names at the Top Level

Current Status

- The Initial Report was published for public comment on 3 July 2018.

- The WG also worked on a set of 5 topics that needed additional discussion, which were published in late October 2018 for public comment in the form of a Supplemental Initial Report.

- Work Track 5 (geo names at the top-level) published its own Supplemental Initial Report in December of 2018.

- ***The WG has nearly finalized its draft Final Recommendations and is working towards publishing its draft Final Report for public comment shortly after ICANN68.***

SubPro Timeline *

	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021

Work Tracks 1-4; Sub Groups (convened to review public comment); Supplemental Initial Report (additional topics); Work Track 5 (***All Complete***)

On-target

Full New gTLD Subsequent Procedures PDP WG *

* Note: This timeline represents what the WG considers to be a worst-case scenario and the WG will actively strive to beat this timeline. As a result, WG milestones may in fact take place earlier than is depicted here.

ICANN67   **ICANN68**   **ICANN69**

KEY

◆ Publish draft Final Report for public comment

◆ Close of Public Comments

◆ Final Report Delivered to Council

Input from Individual GAC Members

Agenda Item 2

Input from Individual GAC Members

- After ICANN67, the GAC worked intersessionally and sought input from individual GAC members on 5 priority topics:
  - GAC Advice and GAC Early Warnings
  - Public Commitments (PICs)
  - Applicant Support Program
  - Community Applications
  - Closed Generics

- 23 GAC Members and Observers provided their input, which was compiled and shared with SubPro on 4 May 2020.

- **How was the input considered?**
  - The WG considered each of the 5 topics again, taking into account GAC input received
  - The high-level themes from the input were integrated into the draft Final Report language

Changes to 5 Priority Topics Since ICANN67

- GAC Advice and GAC Early Warnings
  - Implementation Guidance(IG): For GAC Consensus Advice received <u>after release</u> of Applicant Guidebook, **allowed for flexibility** in providing Advice, while encouraging Board to consider rationale for Advice and possible detrimental effects.

- Public Commitments (PICs)
  - No significant changes: Approach on DNS Abuse (i.e., that a solution for a gTLDs is needed), maintained.

- Applicant Support Program
  - Added IG: Consider how to allocate financial support if qualified applicants exceeds funding.
  - Added IG: ICANN org must develop a plan to fund the the Applicant Support Program.

Changes to 5 Priority Topics Since ICANN67

◉ Community Applications

  ○ Revised Rec: Continue allowance for clarifying questions but <u>allow dialogue</u> as well.

  ○ Added Rec: Letters of opposition must be considered <u>in balance</u> with documented support.

  ○ Added Rec: Placed some limitations on how the panel may conduct independent research. If the panel may rely on that research in reaching a decision, it must disclose the results of the research to the applicant. The panelists are cautioned against assuming an advocacy role. Research relied upon to reach a decision must be cited in the published outcome.

◉ Closed Generics

  ○ Still no agreement on a recommendation.

  ○ However, considered several options that would seek to evaluate if the closed generic would serve the public interest. The WG considered a framework to aid in that evaluation.

Preview of Working Session on 23 June

Topics

- ◉ Private Resolutions
  - ○ Review background and context of private resolutions (particularly private auctions) in the 2012 round.
  - ○ Consider implications of allowing resolutions like private auctions in future rounds (e.g., will it incentivize frivolous applications?)
  - ○ Consider diverging interests (creative solutions versus reducing incentives for frivolous applications) and determine whether limitations on private resolutions should be introduced.
  - ○ Can the latest proposal be amended to better account for those diverging interests?

Topics

- Predictability Framework
  - Review the purpose of the Framework (e.g., establish a predictable manner to determine the <u>mechanism</u>, not necessarily the solution, to unforeseen issues that arise after program launch).
  - Agree on remit and scope of the Framework, including what the Framework is NOT intended to accomplish
  - Discuss the body that will utilize the Framework (the Standing Predictability Implementation Review Team, or SPIRT).
  - Consider concerns raised and seek to mitigate potential risks.

Questions and Answers

Agenda Item 4

AOB

- **ICANN68 Subpro PDP WG Session** - Tuesday 23 June 2020: 00:30-02:00 UTC
https://icann.zoom.us/j/94411439704

  Topics: Predictability Framework, Mechanisms of Last Resort (Auctions)

- **Subpro PDP WG Meeting -** Thursday 25 June 2020: 20:00 UTC

  Topics: Predictability Framework, Mechanisms of Last Resort (Auctions)