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ICANN73 GAC Discussion on Subsequent Rounds of New gTLDs

8 March 2022

Agenda

1. Introduction - GAC Chair
2. Recent Developments - GAC Topic Leads
3. Operational Design Phase (ODP) - ICANN Org
4. Closed Generics - GAC Chair, GAC Topic Leads
5. GAC Input/Discussion on Potential GAC Advice
6. AOB

Recent Developments

- The GAC submitted a [collective comment](#) for the Board to consider prior to ICANN71 (1 June 2021).
- ICANN org [launched](#) an Operational Design Phase (ODP) relative to the [Sub Pro PDP WG Final Report](#) (December 2021).
- It is envisaged that the ODP will last approximately 10 months, followed by 3 additional months for the ICANN Board's consideration on the Final Report Outputs.
- Details are outlined in the New gTLDs Subsequent Procedures ODP [Scoping Document](#).
- This ODP will provide the Board with an understanding of the operational impacts of accepting the recommendations, including potential obstacles, expected costs, and the timeline to implementation.
- The GAC Chair received a [letter](#) from the ICANN Board Chair (6 March 2022) relative to Closed Generics and a potential GAC/GNSO collaboration on the topic.

Recent Developments

- The SubPro ODP is comprised of 9 different Work Tracks, including:
 - Project governance
 - Policy development/implementation materials
 - Operational readiness
 - Systems and tools
 - Vendors
 - Communications and outreach,
 - Resources/staffing/logistics,
 - Finance, and
Overarching.
- More information can be found on the [SubPro ODP page](#).
- GAC Support and GAC Topic Leads are monitoring the SubPro ODP Work;
- An informal GAC group on SubPro was created to keep interested GAC members in the loop regarding relevant developments and where GAC members may share views on items regarding Subsequent Rounds of New gTLDs.

Next Steps and Operational Design Phase

Now that the ICANN Board has triggered an Operational Design Phase, next steps with varying timelines include:

- i. ICANN org to conduct ODP and deliver Operational Design Assessment (ODA) to the ICANN Board for consideration
- ii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council - opportunity for GAC Consensus Advice to the ICANN Board;
- iii. ICANN Board vote;
- iv. 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 2023-2024, to be confirmed

Subsequent Rounds of New gTLDs

Global Domains and Strategy @ Governmental Advisory Committee



ICANN73
8 March 2022

Agenda

- 1. Value of the Next Round**
- 2. Organization of Work, Methods, and Timeline**
- 3. Initial Assumptions**
- 4. Communications**

The Value of the Next Round

- **The ability for users to access the Internet in their chosen local languages** (non-ASCII characters and scripts), private sectors, governments, and civil societies have the ability to better serve their communities and take advantage of significant business opportunities.
- The increase in non-traditional and IDN gTLDs will **accelerate Universal Acceptance (UA) adoption**.
- It will allow for prospective registry operators to apply for new gTLDs creating **new options and choices for consumers** in the market.
- **Businesses will be able to more precisely target their market** through registration of domains whose TLD is dedicated to their business industry.
- **New opportunities for investment and brand strategy**. As noted in a [letter](#) sent to the Board in April 2021, the Brand Registry Group's (BRG) conveyed strong interest in proceeding toward subsequent rounds of new gTLDs.
- **New business model opportunities and a platform for innovation**.

Organization of Work, Methods & Timeline

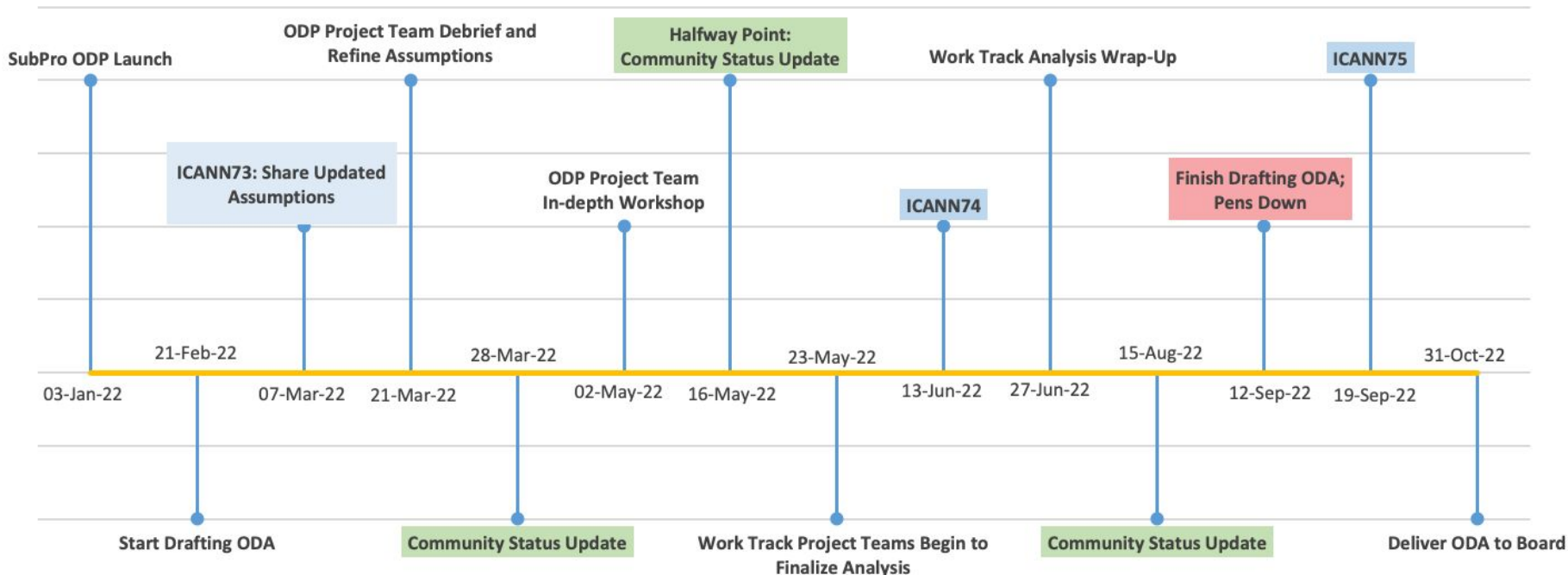
Agenda Item 1

SubPro Work Tracks and Topics

Updated: 2 March 2022

<p>Work Track 1</p> <p>Project Governance</p> <p>Overall Governance</p> <ul style="list-style-type: none"> Project Management Reporting SteerCo Support Board Caucus Support ODP Planning Assumptions Continuing SubPro (1) Program Success Metrics Risk Mitigation 	<p>Work Track 2</p> <p>Policy Dev & Impl. Materials</p> <p>Policy Support</p> <p>Policy Implementation</p> <ul style="list-style-type: none"> Predictability (2) TLD types (4) RSP Pre-Eval (6) Metrics/Monitoring (7) COIs (8) PIC/RVCs (9) Applicant Freedom of Expression (10) UA (11) App. Guidebook (12) Terms & Conditions(18) Change Requests (20) 	<ul style="list-style-type: none"> Reserved Names (21) Registrant Protections (22) Closed Generics (23) String Similarity (24) Applicant Reviews (27) App Comments (28) GAC Advice/EW (30) Objections (31) Appeals Mech. (32) Dispute Resolution (33) Community Apps (34) Auctions (35) Registrar Non-Discrimination (37) Registrar Support for New gTLDs (38) Ry System Testing (39) Compliance (41) 	<p>Work Track 3</p> <p>Operational Readiness</p> <p>Functional Capacity Building</p> <ul style="list-style-type: none"> Preparation of day-to-day procedures Re-engineering existing operations to manage more parties Training of ops staff Apps Assessed in Rounds (3) Application Queuing (19) TLD Rollout (40) 	<p>Work Track 4</p> <p>Systems and Tools</p> <p>System Strategy and Planning</p> <ul style="list-style-type: none"> System Development and Maintenance Applicant Comments Application Submission Limits (5) Systems (14)
<p>Work Track 5</p> <p>Vendors</p> <p>Vendor Strategy and Planning</p> <ul style="list-style-type: none"> Procurement (RFI & RFP processes) Vendor Management Contract Management 	<p>Work Track 6</p> <p>Comms and Outreach</p> <p>Comms Strategy and Planning</p> <ul style="list-style-type: none"> Awareness Campaigns Define Audience Website page Narrative Communications (13) Application Submission Period (16) 	<p>Work Track 7</p> <p>Resources, Staffing & Logistics</p> <p>Resourcing Strategy and Planning</p> <ul style="list-style-type: none"> Cost and time estimates Recruitment of new staff and backfill Training Planning and obtaining resources needed to support staff 	<p>Work Track 8</p> <p>Finance</p> <p>Financial Strategy and Planning</p> <p>Management of program financial resources</p> <ul style="list-style-type: none"> Cost model Application Fees (15) Refunds Request for initial funding 	<p>Work Track 9</p> <p>Overarching</p> <p>Issues that impact SubPro but are not part of the Final Report or simultaneously cross multiple worktracks</p> <ul style="list-style-type: none"> Applicant Support (17) IDN tables (LGR) (25) Security and Stability (26) Name Collision (NCAP) (29) New Base RA (36) Global Public Interest Framework

High-Level Timeline



LEGEND	ICANN Meeting	Community Status Updates	ODA Draft Done
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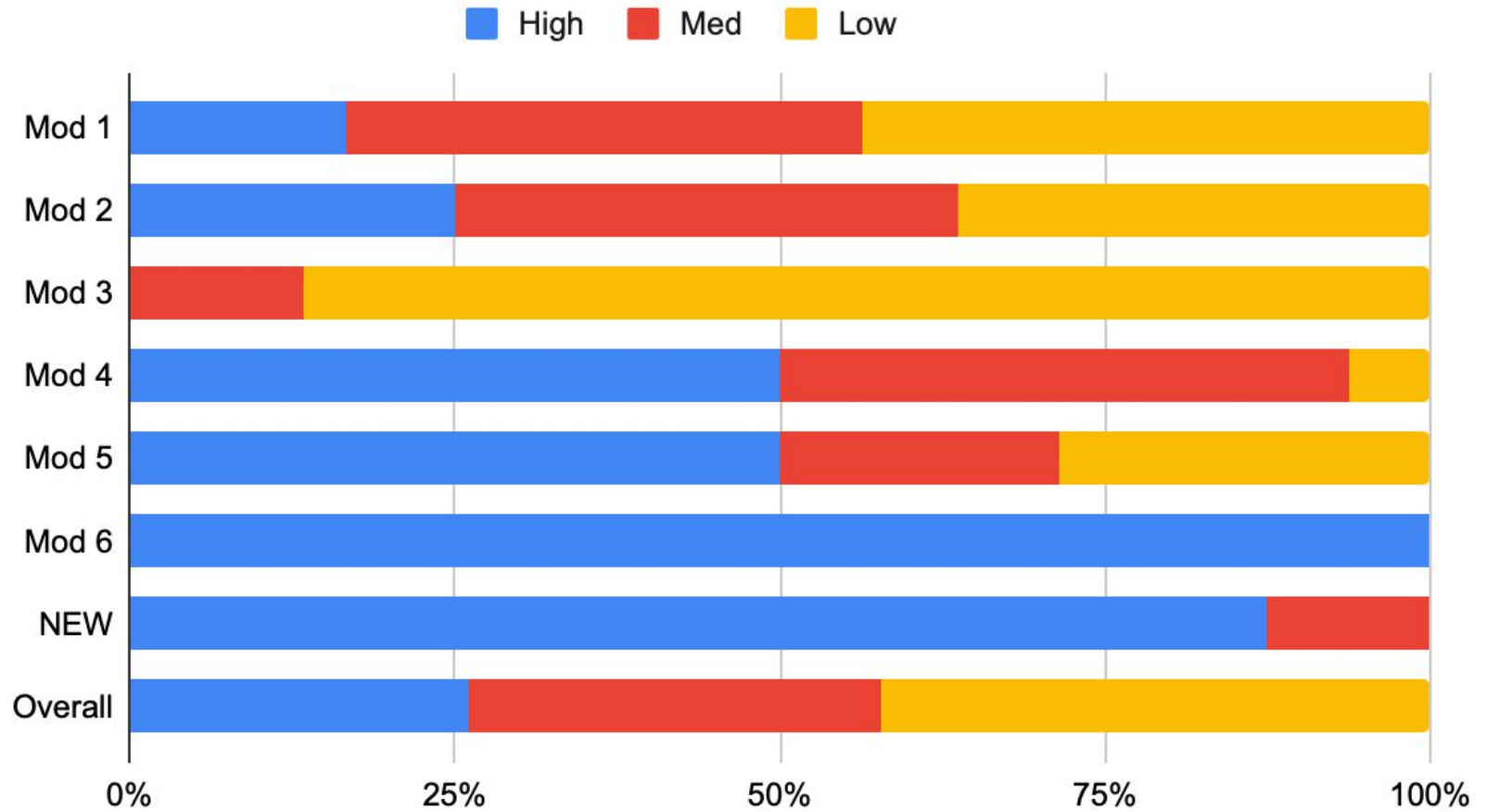
Resolved (2021.09.12.01), ... The Board requests regular updates on the progress of the work and delivery of the Operational Design Assessment (ODA), the expected output of the ODP, within ten months from the date of initiation, provided that there are no unforeseen matters that could affect the timeline, of which any such matters are to be communicated to the Board immediately upon identification.

Ongoing Activities:

Work Track + Project Team Analysis, Meeting with liaison, Monthly status report, Legal Review, Comms.

Revising the Applicant Guidebook

Level of Effort Required to Update AGB



Initial Assumptions

Agenda Item 4

Evolution of Planning Assumptions

Assumptions Hierarchy

High Level Planning Assumptions:

Overarching. Apply to all aspects of the project.

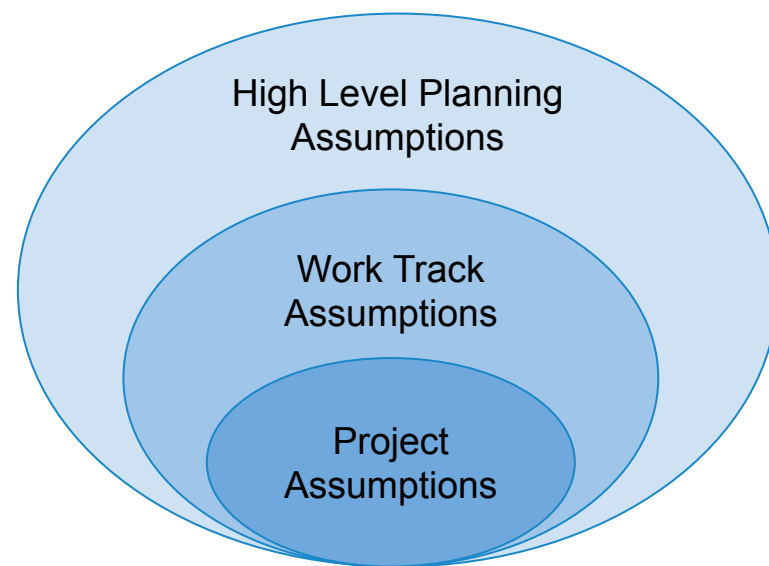
Work Track Assumptions: Assumptions that impact all projects and activities within a Work Track. These will be developed by the Work Track teams.

Project Assumptions: Assumptions that are limited to a project. To be identified by the project teams.

All assumptions will be centralized and published for visibility to the community. They will be reviewed and updated periodically.

Note: high-level planning assumptions are posted on the [pre-planning workspace](#).

Sub Pro Assumptions



The purpose of sharing the assumptions with the community is to help them understand the decisions made by ICANN in planning and in developing the ODP assessment for the Board.

Examples of some of the current assumptions

- The application fee will be calculated according to the same three components as in 2012 (historical development costs, expected application processing costs, and risk costs).
- We will not develop specific proposed solutions for Closed Generics as part of the ODP until the GAC/GNSO Council process has been completed.
- IDNs will be an integral part of the next round.
- ICANN will honor the principle of conservatism when adding new gTLDs to the root zone and will focus on the rate of change for the root zone rather than the total number of delegated strings. ICANN will delegate TLDs at a rate such that the overall amount of TLDs in the root zone does not increase by more than 5 percent per month.

Communications

Agenda Item 3

Follow Our Work

- SubPro ODP web page at icann.org/subpro-odp
- Mail List
 - Email: subpro-odp@icann.org
 - Archive: <https://mm.icann.org/pipermail/subpro-odp/>
- Communication and Meetings:
 - Board
 - GNSO Council Liaison
 - Community groups, upon request
- Regional engagement activities

Appendix

Application Fees (Topic 15)

Assumption	Relevant Output	Rationale & Supporting References
<p>The application fee will be calculated according to the same three components as in 2012 (historical development costs, expected application processing costs, and risk costs).</p>		<p>Affirmation 15.1 and Affirmation with Modification 15.3 and 15.4 reaffirm the approach used in the 2012 round.</p>

Closed Generics (Topic 23)

Assumption	Relevant Output	Rationale & Supporting References
The org will not develop specific proposed solutions for Closed Generics as part of the ODP until the GAC/GNSO Council process has been completed.	No outputs in the final report.	The Board is currently waiting on the completion of the GAC-GNSO process prior to making a decision on this recommendation.

IDNs (Topic 25)

Assumption	Relevant Output	Rationale & Supporting References
IDNs will be an integral part of the next round.	Affirmation with Modification 25.1: With the change in italicized text, the Working Group affirms Principle B from the 2007 policy: “Internationalised domain name (IDNs) new generic top-level domains should continue to be an integral part of the New gTLD Program.” Principle B originally stated, “Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.”	Diversification of the gTLD space is a key priority for ICANN, and ensuring there are IDN applicants is essential in achieving ICANN’s goals of increasing diversity.

Security and Stability (Topic 26)

Assumption	Relevant Output	Rationale & Supporting References
<p>ICANN will honor the principle of conservatism when adding new gTLDs to the root zone and will focus on the rate of change for the root zone rather than the total number of delegated strings. ICANN will delegate TLDs at a rate such that the overall amount of TLDs in the root zone does not increase by more than 5 percent per month</p>	<p>Recommendation 26.2: ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone.</p> <p>Recommendation 26.3: ICANN must focus on the rate of change for the root zone over smaller periods of time (e.g., monthly) rather than the total number of delegated strings for a given calendar year.</p> <p>Implementation Guidance 26.4: The number of TLDs delegated in the root zone should not increase by more than approximately 5 percent per month, with the understanding that there may be minor variations from time-to-time.</p>	<p>To ensure security and stability, ICANN must ensure that TLDs are added at a consistent and conservative rate, and that rate of change must be monitored over a smaller period of time. In line with the principle of conservatism and monitoring the rate of increase of TLDs in the root, ICANN should not allow the amount of TLDs in the root zone to increase by more than 5 percent per month.</p> <p>RSSAC031: The rate of change is more important than absolute magnitude. Based on historical trends since 2014 and our operational experiences, the RSSAC strongly recommends that the number of TLDs delegated in the root zone should not increase by more than about 5% per month, with the understanding that there may be minor variations from time-to-time. The Appendix provides some data and context for this recommendation.</p> <p>https://www.icann.org/en/system/files/files/rssac-031-02feb18-en.pdf</p> <p>The recommendations in topic 26 seem to come directly from this and SAC100: https://www.icann.org/en/system/files/files/sac-100-en.pdf</p>

Closed Generics - GAC/GNSO Small Group

Manal Ismail, GAC Chair

Luisa Paez, Canada

Jorge Cancio, Switzerland

Closed Generics

GAC Position - as per GAC collective comment (1 June 2021):

- GAC Members support the proposed suspension of Closed Generic TLD applications until policy recommendations and/or a framework on the delegation of closed generics, which serve a public interest are developed by consensus (as per the ALAC minority statement and ALAC Advice to the ICANN Board).
- 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.
- The burden of demonstrating the public interest benefit of a closed generic string should rest with the applicant and be subject to comments during the review process.
- As no agreement has been found within the PDP WG, the GAC encourages the Board to take the necessary steps for starting outcome-oriented community discussions to identify criteria as to how to assess “public interest” within closed generic TLDs.

Closed Generics

Recent Developments:

- As part of the ODP work, ICANN org identified several policy issues for the ICANN Board to address, including Closed Generics, due to lack of agreement and recommendations on Closed Generics in the SubPro PDP WG Final Report.
- [GAC Advice from 2013](#) states that *“for strings representing generic terms, exclusive registry access should serve a public interest goal”*.
- Due to lack of WG policy recommendations, the ICANN Board explored possibility of a Board facilitated collaboration between the GNSO and GAC to develop a framework for closed generics.
- Idea is to create a small group with subject matter experts from both groups to collaborate on a compromise framework taking into account the GNSO position of allowing closed generics, and the GAC position of serving public interest goals.

Closed Generics

- **In December 2021**, the ICANN Board informally reached out to the GAC Chair and GNSO Chair for initial reactions on this potential way forward.
- **The GAC Chair consulted with GAC Topic Leads** for their reactions, and agreed to move forward with this proposed approach in principle.
- **6 March 2022:** [Formal outreach](#) from the ICANN Board to launch this process.
- A specific framing/scoping document is expected to be shared, outlining roles and responsibilities the process and expected timing.
- Should the GAC and GNSO reach agreement on a framework, the broader community will be invited to provide feedback.
- Following community input, the proposed framework – if agreed upon – can be considered through the appropriate GNSO policy development process.
- If the dialogue does not result in a mutually agreed framework, the Board will need to consider appropriate next steps.

For Discussion:

- Initial comments/reactions from GAC Members?
- Areas which should be addressed?
- What would a compromise solution on closed generics look like from a GAC standpoint?

GAC Discussion on Potential GAC Advice

Luisa Paez, Canada
Jorge Cancio, Switzerland

GAC Topic Lead Question for GAC Member Consideration and Discussion:

Has your government considered topics it wishes to identify for GAC Advice to the ICANN Board relative to Subsequent Rounds of gTLDs?

- Do GAC Members wish to develop GAC Advice to the Board on public policy issues relative to the SubPro PDP WG Final Outputs?
- If so, volunteer pen holders?

Questions?

GAC Priority Topics

Luisa Paez, Canada
Jorge Cancio, Switzerland

GAC Input/Discussion

- Priority Topics Identified by the GAC Collective [comment](#) (1 June 2021):
 - Predictability;
 - Registry Voluntary Commitments/Public Interest Commitments;
 - Applicant Support;
 - Closed Generics;
 - Name Collisions;
 - GAC Consensus Advice and GAC Early Warnings;
 - Community Applications;
 - Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets

Overarching Comments From GAC Comment

- The GAC supports the multistakeholder process, and does not object to the introduction of new gTLDs .
- The GAC asks the Board to **ensure that all the necessary steps and reviews take place before a new round of gTLDs**, inter alia, the CCT-RT review and SSR2 recommendations.
- 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 deemed that such future effort should be holistic and must apply to both **existing** and **new** gTLDs.

Overarching Comments from GAC Comment

- The GAC expects swift action from the GNSO Council in triggering such **holistic effort**, to meet ICANN66 Communique language.
- GAC ICANN70 Communique:

“DNS Abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of New gTLDs. The GAC supports the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse. The GAC also emphasized the importance of taking measures to ensure that Registries, Registrars and Privacy/Proxy Services providers comply with the provisions in the contracts with ICANN, including audits. The GAC welcomes the recently-launched DNS Abuse Institute and encourages community efforts to cooperatively tackle DNS Abuse in a holistic manner.”

Overarching Comments from GAC Comment

- The GAC does not intend nor wish to unnecessarily delay the process to prepare for a future round of new domain names.
- GAC considers that DNS abuse needs to be addressed and sees value in the SSAC's comment on SubPro that:

“waiting until efforts to mitigate DNS abuse can be equally applied to all existing and new gTLDs, effectively cedes the ground to malicious actors who can depend upon a long policy development process to hinder meaningful anti-abuse measures.”

- The GAC urges the Board and the ICANN community to collectively and meaningfully address this situation.

Overarching Comments from GAC Comment

- The GAC is looking forward to receiving an “*objective and independent analysis of costs and benefits [...], drawing on experience with and outcomes from the*” 2012 round of new gTLDs
- Such objective and independent analysis would allow the GAC to offer further advice ahead of a launch of a new round of gTLDs.
- GAC calls upon the ICANN Board to provide a comprehensive overview and periodic updates of all issues that need to be addressed before the next round of new gTLDs.

Predictability:

- Some GAC members continue to have doubts on the SPIRT:
 - Concerns about its added-value, its implementation and the added layer it may create regarding GAC consensus advice.
- GAC seeks clarification on role it will play, and emphasizes importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities

RVCs/PICs:

- GAC continues to harbour serious concerns regarding the absence of policy recommendations on DNS Abuse Mitigation . Notes that the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs.
- The GAC notes that any future voluntary/mandatory PICs need to be enforceable through clear contractual obligations, and consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties.

Applicant Support:

- GAC members note the importance of fostering gTLD applications from a diverse array of applicants, which could, inter alia, include regional and local authorities, from all regions and that every effort be made to increase the number of applications from underrepresented regions.
- The GAC reiterates its support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support.

Closed Generics:

- The GAC is mindful that the issue of closed generics has generated considerable debate and diverse views.
- GAC Members support the proposed suspension of Closed Generic TLD applications until policy recommendations and/or a framework on the delegation of closed generics, which serve a public interest are developed by consensus, as per the ALAC minority statement and subsequent ALAC Advice to the ICANN Board.

Name Collisions:

- GAC notes the importance of ensuring an effective framework for measuring & tackling name collision in further rounds of new gTLDs
- Taking into account the work on name collisions carried out so far by the Name Collision Analysis Project (NCAP).
- GAC draws attention to the SSR2 recommendation 17
- GAC supports the proposed setting of a framework to characterize the nature and frequency of name collisions and resulting concerns, allowing the appropriate handling of sensitive data and security threats.

GAC Consensus Advice and GAC Early Warnings:

- GAC does not support the PDP WG recommended limitation on 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 AGB.
- Rec. 30.4: diverse views within the GAC on the “strong presumption” language.
- Some GAC Members believe that Section 3.1 of the 2012 AGB which states that GAC Consensus Advice “*will create a strong presumption for the ICANN Board that the application should not be approved,*” should be maintained
- Such members consider that this language was part of a delicate compromise during the 2012 round preparations and further consider that it is consistent with past and present Bylaws provisions.

Community Applications:

- The GAC supported the proposals in the Sub Pro PDP WG Initial Report for procedures to deal with community-based applications, as consistent with previous GAC advice.
- The GAC notes that consideration should be given to providing support for non-profit community-based applications, which is not included in the final recommendations.

Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets:

- Rec. 35.3: in an attempt to reduce potential gaming, the PDP WG included the need for applications to be submitted with a “bona fide” intention to operate a TLD
- The GAC reiterates concerns on the implementation, and notes that punitive measures for non compliance or submission of a “bona fide” intention are not sufficiently defined.
- Auctions of Last resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications, and private auctions should be strongly disincentivized.