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ICANN74 GAC Discussion on Subsequent Rounds of New gTLDs

13 June 2022

Agenda

1. Introduction - GAC Chair
2. Recent Developments, Closed Generics & Next Steps - GAC Topic Leads (15 minutes)
3. Background on SubPro and New gTLDs & Operational Design Phase (ODP) - Karen Lentz (ICANN Org) (40 minutes)
4. Background on GAC/GNSO Facilitated Process - Mary Wong (ICANN Org) (10 minutes)
5. GAC Input/Discussion (All) (10 minutes)
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) on [Sub Pro PDP WG Final Report](#). More information to be shared by ICANN org in next agenda item;
- 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 the SubPro PDP WG Final Report on this topic;
- **GAC/GNSO Dialogue on Closed Generics:** the ICANN Board explored possibility of a Board facilitated collaboration between GNSO/GAC to develop a framework.
- Discussion yet to begin, timing & process to be confirmed;
- Topic will be addressed during GAC/GNSO Council bilateral later in the day;
- GAC [responded favourably](#) to the ICANN Board's request to take part in a facilitated dialogue on the issue of closed generics.
- **GNSO Council** tasked a small team to review the ICANN org Framing Paper on closed generics and provide recommendations for the Council.

GAC Response to ICANN Board on Closed Generics (22 April 2022)

- **GAC agreed with proposed parameters for dialogue:** discussion should focus on a compromise to allow closed generics only if they serve a public interest goal;
- **GAC agreed with proposed process:** noted importance of community input being sought once the GNSO/GAC dialogue concludes - and that if a framework is achieved it would be then move through an appropriate policy development process;
- **Timeline of Problem Statement/Briefing Paper:** GAC is looking forward to reviewing the definition of the problem and scope of the dialogue - set to be delivered by the facilitator in collaboration with ICANN org;
- **Process/Methodology:** GAC encouraged ICANN org to refer to the 2017 IGO and Red Cross Identifiers “[Process Outline](#)” for the upcoming dialogue.
- **Balanced Participation:** GAC stressed importance of a balanced number of participants from GAC and GNSO Council for a constructive dialogue.

GAC Response to ICANN Board on Closed Generics (22 April 2022)

- **ALAC Participation:** GAC noted that ALAC participation would be encouraged due to ALAC's implication in SubPro related matters. GAC and GNSO Council to discuss ALAC's participation in the facilitated dialogue.
- **Facilitator** - GAC submitted potential characteristics:
 - Well-respected member of the ICANN community, with a track-record of respectfully and tactfully building consensus, and independent from commercial interests.
 - Good understanding of the closed generics issue and its history, but not having been directly involved in SubPro PDP WG discussions to bring a fresh perspective to the process.
 - Willing and able to proactively help different parties find a mutually acceptable solution.

GNSO Council Small Team on Closed Generics

- **GNSO Council Small Team** submitted a report for GNSO Council review (11 June). Recommendations subject to GNSO Council review. Once review is done, GAC and Board will be informed by GNSO Council on any decision.
- **GAC may wish to discuss the Small Team report during the GAC/GNSO bilateral.**
- Preliminary recommendations:
 - **ALAC Participation:** Small team favorable to one ALAC representative with an alternate, taking part in process;
 - **Facilitator** - *“The facilitator should be well-respected, independent, have a track-record of respectfully and tactfully building consensus, and is someone who does not stand to financially benefit from the outcome of the discussions.”*
 - **Dialogue:** guidance on the conditions, parameters, and methodology for the dialogue, which will be subject to mutual agreement with the GAC.

Next Steps

- Should the GAC and GNSO reach agreement on a framework on closed generics, 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.
- GAC Members may consider issuing GAC Advice on closed generics or any of the other SubPro related topics at any given time during the ODP and Board consideration of the SubPro final report.

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).

Please note: GAC may issue Consensus Advice on any of the SubPro topics of interest, throughout the following timeline.

Upon completion of these successive steps ICANN org would be expected to start a new round of new applications for gTLDs, timing to be confirmed.

ICANN Org Presentation on Subsequent Rounds of New gTLDs and ODP

Karen Lentz, ICANN org
Lars Hoffmann, ICANN org

Discussion on Subsequent Rounds of New gTLDs

Presentation by the Global Domains and Strategy Team to
ICANN's Governmental Advisory Committee



ICANN74
13 June 2022

Agenda

1

New gTLD Program
Background

2

SubPro Policy
Development
Process (PDP)

3

SubPro ODP
Activity

4

GAC Topics of
Importance

5

What comes after
ODP?

6

New gTLD SubPro
ODP Resources
&
AOB

New gTLD Program Background

What is the New gTLD Program

Largest-ever expansion
of the Domain Name System

Innovation

Introduction of
Internationalized Domain
Names (IDNs)

Global Restructuring

Managed by ICANN with
multistakeholder input

Security & Stability

What is the New gTLD Program? How is it related to SubPro?

- **What is the New gTLD Program?**

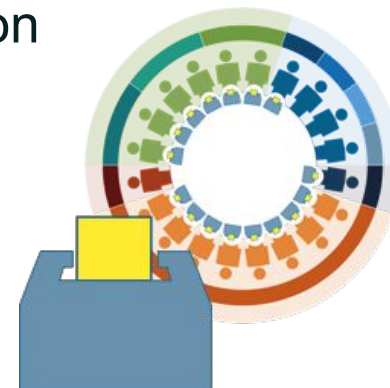
- Community-driven Internet initiative that is enabling the largest expansion of the Domain Name System via the introduction of new generic top-level domains (gTLDs).
- Managed by ICANN, which means it has taken shape through the multistakeholder model.
- Among other goals, the program aims to enhance innovation, competition, and consumer choice.



- **New gTLD Program** - a GNSO policy recommendation accepted by the Board that resulted in the 2012 application round.

- **SubPro means “Subsequent Procedures”**

- Became the term to describe future New gTLD Program plans beyond the 2012 round.



New gTLD Program Background

- **2005** ICANN's Generic Names Supporting Organization (GNSO) began a PDP to consider the introduction of new gTLDs.
- **August 2007** GNSO releases final overarching recommendations for introducing new gTLDs. One such recommendation provided that ICANN should introduce New gTLDs in rounds until the scale of demand is clear.
- **June 2011** GNSO recommendations from 2007 resulted in the ICANN Board adopting the Applicant Guidebook and authorizing the launch of the New gTLD Program.
- **January 2012** Round opening of the gTLD namespace for all interested applicants. A total of 1,930 applications were submitted during the application period of the New gTLD Program.

New gTLD Program Background (cont'd)

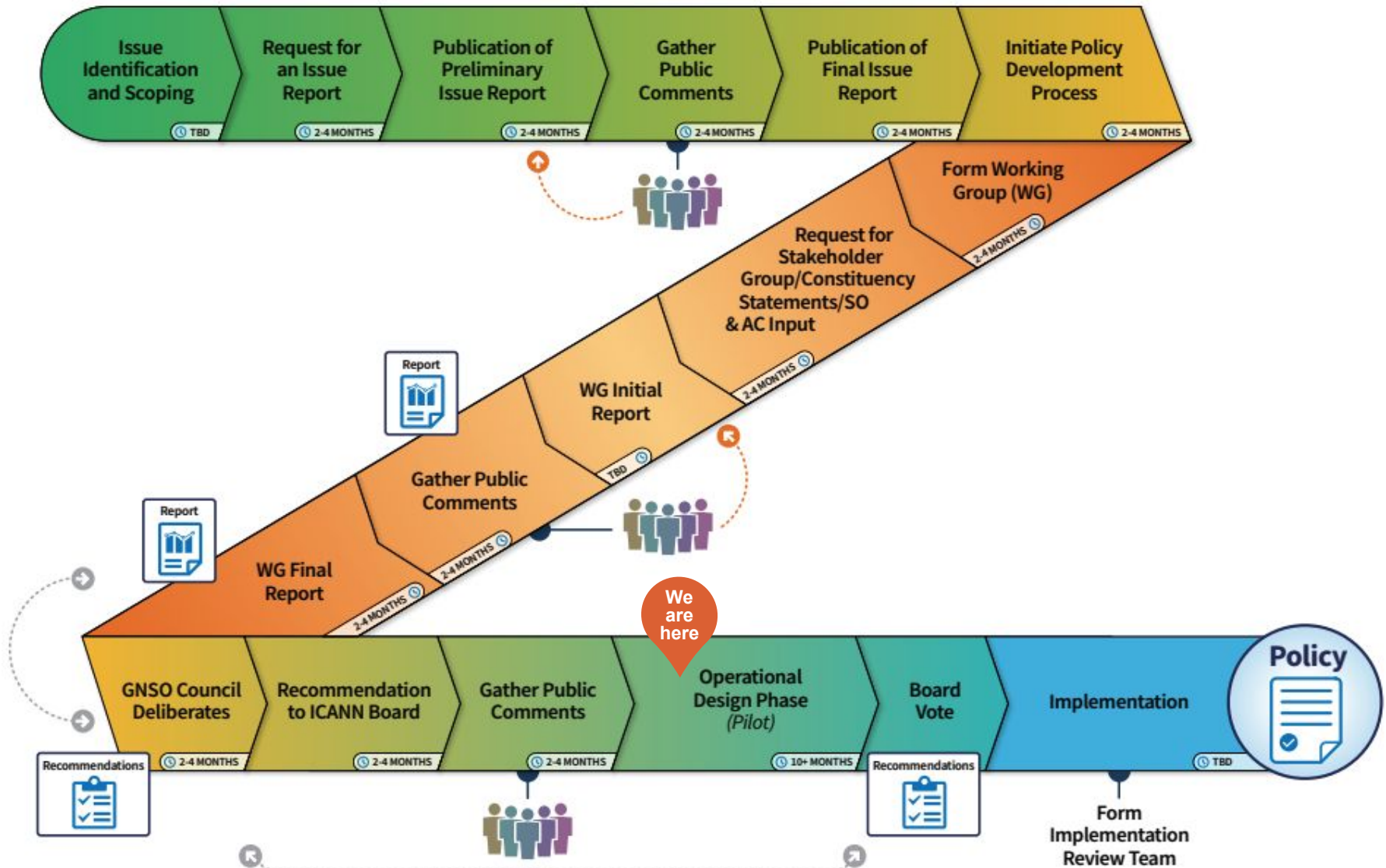
- **November 2012** GAC issued [Early Warning](#) notices on 242 applications seen as potentially sensitive or problematic by one or more governments.
- **April 2013** GAC issued its first [Advice](#) on new gTLD applications in its Beijing [Communiqué](#). Additional communiqués have since been shared with the Board, which included further Advice on the new gTLDs.
 - The AGB contemplated that the advice would be on specific applications. In some cases, the GAC issued advice on specific applications, but the GAC also issued advice applicable to all strings and categories of strings.
 - Implementation of the advice by ICANN org required more time than originally anticipated.
 - Due to the large volume of applications (~500) subject to GAC Advice, some applications were delayed.
 - Overall, it's important to note that the timing of the 2012 round was affected by the unanticipated form of GAC Advice issued.
- **October 2013** The first new gTLDs were delegated.

SubPro Policy Development Process (PDP)

Policy Development Process Summarized

- **Issues identified, then scoped**
- **Generic Names Supporting Organization (GNSO) Council** determines if proceeding, initiates a policy development process
- **Community volunteers, supporting organizations, advisory committees, and the ICANN** organization work together to:
 - Develop a charter, form working group
 - Discuss the issues and develop reports
 - Hold Public Comment proceeding opportunities for review and community input
- **Final report** delivered to the GNSO Council to review and consider adoption of the recommended policies
- **GNSO Council votes** to adopt report, submits to the ICANN Board
- **ICANN Board:**
 - Deliberates on the report, consults with the community at large
 - May request an Operational Design Phase (ODP) by ICANN Org
 - Ultimately votes to approve or not approve the recommendations
 - If approved, instructs ICANN CEO to implement the recommendations

GNSO Policy Development Process



**Standard Policy Development Process (PDP). Some steps omitted, for brevity and timing notations are estimates.*

SubPro Policy Development Process (PDP)

- The New gTLD Subsequent Procedures PDP focused on considering the 2007 policy and determining whether to recommend changes to the original GNSO recommendations and/or implementation.
- The PDP was [chartered](#) and began its work in early 2016.

Actions taken to date:

- **18 February 2021** GNSO Council approves [New Generic Top-Level Domain \(gTLD\) Subsequent Procedures Policy Development Process Final Report](#) containing 300+ outputs as put forth by the SubPro PDP WG.
- **24 March 2021** GNSO Council transmits its [Recommendations Report](#) to the ICANN Board, following approval of the Final Recommendations.
- ICANN Board is considering the Final Report outputs (e.g., affirmations, recommendations, implementation guidance).
- **12 September 2021** ICANN Board directs ICANN CEO to undertake a SubPro ODP to provide the Board with additional analysis to inform its decision.
- **3 January 2022** ICANN org initiates the New gTLD SubPro ODP

SubPro ODP Activity

SubPro ODP Activity

- 23 March 2022: [Initial & Overarching Assumptions](#) posted
 - ICANN org posted a list of assumptions that the ICANN org SubPro ODP team developed. The list included overarching and topic-specific assumptions. Development of assumptions is ongoing and additional lists are posted as they become available.
- 28 March 2022: [Community Status Report](#) posted
 - This report is the first [Community Status Report](#) for the SubPro ODP.
- 11 April 2022: Published a [blog](#) introducing the Policy Development and Implementation Materials Work Track
- 19 April 2022: Supported Board's publication of [blog](#) on Supporting ICANN Community Progress: The Issue of Closed Generics
- 2 May 2022: Published [Assumptions Subsequent Procedures ODP v3](#)
- 16 May 2022: 2nd [Community Status Report](#) posted
- 26 May 2022: Published [Assumptions Subsequent Procedures ODP v4](#)
- 26 May 2022: Published a [blog](#) on ICANN SubPro ODP Update: Focusing on the Operational Readiness Work Track

SubPro ODP Stakeholder Activities

Since ICANN73 the org has provided ongoing support to project stakeholders.

- Board & Board Caucus
 - Supported SubPro ODP discussions during Board workshops and Board Caucus meetings
- GNSO Council Liaison
 - Met with GNSO Council Liaison and shared policy-related questions developed by the SubPro ODP team
- ICANN SubPro Project Steering Committee
 - Supported project steering committee discussions
- Work Track Leads
 - Held several half-day workshops with SubPro Work Track leads to discuss final report topics, outputs, and overall methodology

About the SubPro ODP

Key Elements

- Assesses resource and operational impacts contained in the GNSO Council's Final Report
- Provides relevant information on operational impacts of implementing recommendations, to help determine whether they are in the best interests of the ICANN community or ICANN.
- Results in an Operational Design Assessment (ODA) that includes an estimated budget and resources requirements as well as an implementation timeline, to help inform the Board's deliberation.
- The ODP requires significant resource commitment from the org and, as a transparent process, is open to community feedback and input.

Benefits of the New gTLD SubPro ODP

Provides a proposed operational process design and implementation timeline that:

- Outlines the design, build, and delivery according to the recommendations
- Increases visibility into projected timing of implementation activities
- Answers key questions not typically addressed until implementation
- Identifies potential roadblocks to implementation
 - Allows ICANN org the ability to test assumptions
- Streamlines future work
 - Operational data will be available when work begins for ICANN org and the Implementation Review Team

Enables better engagement, collaboration and problem solving among:

- Community
- Board
- ICANN org

Offers the Board an understanding of:

- Global operational impact of accepting recommendations
- Potential obstacles
- Impacts to policy, processes, and expected timing

SubPro Work Tracks and Topics (ODP)

Updated: 05 MAY 2022

Work Track 1	Work Track 2	Work Track 3	Work Track 4
Project Governance	Policy Dev & Impl. Materials	Operational Readiness	Systems and Tools
Overall Governance <ul style="list-style-type: none"> Project Management Reporting SteerCo Support Board Caucus Support Risk Assessment ODP Planning Assumptions Continuing SubPro (1) Metrics/Monitoring (7) 	Policy Support Policy Implementation <ul style="list-style-type: none"> Predictability (2) TLD types (4) RSP Pre-Eval (6) COIs (8) PIC/RVCs (9) Applicant Freedom of Expression (10) UA (11) App. Guidebook (12) Terms & Conditions(18) Change Requests (20) Reserved Names (21) 	<ul style="list-style-type: none"> Geographic Names (21.1) Registrant Protections (22) Closed Generics (23) String Similarity (24) IDNs (25) 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) 	Functional Capacity Building <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)
Work Track 5	Work Track 6	Work Track 7	Work Track 8
Vendors	Comms and Outreach	Resources, Staffing & Logistics	Finance
Vendor Strategy and Planning <ul style="list-style-type: none"> Procurement (RFI & RFP processes) Vendor Management Contract Management 	Comms Strategy and Planning <ul style="list-style-type: none"> Awareness Campaigns Define Audience Website page Narrative Communications (13) Application Submission Period (16) 	Resourcing Strategy and Planning <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 	Financial Strategy and Planning Management of program financial resources <ul style="list-style-type: none"> Cost model Refunds Request for initial funding Application Fees (15)
Work Track 9			
Overarching	Issues that impact SubPro but are not part of the Final Report or simultaneously cross multiple worktracks <ul style="list-style-type: none"> Global Public Interest Framework IDN EPDP Applicant Support (17) Security and Stability (26) Name Collision (NCAP) (29) New Base RA (36) 		

New gTLD SubPro ODP Stages of Work

This is a significant undertaking for which the Board approved a budget up to US\$9 million outside of ICANN's operational budget.



Internal Project Organization: ICANN org internal infrastructure ramp-up to support this effort

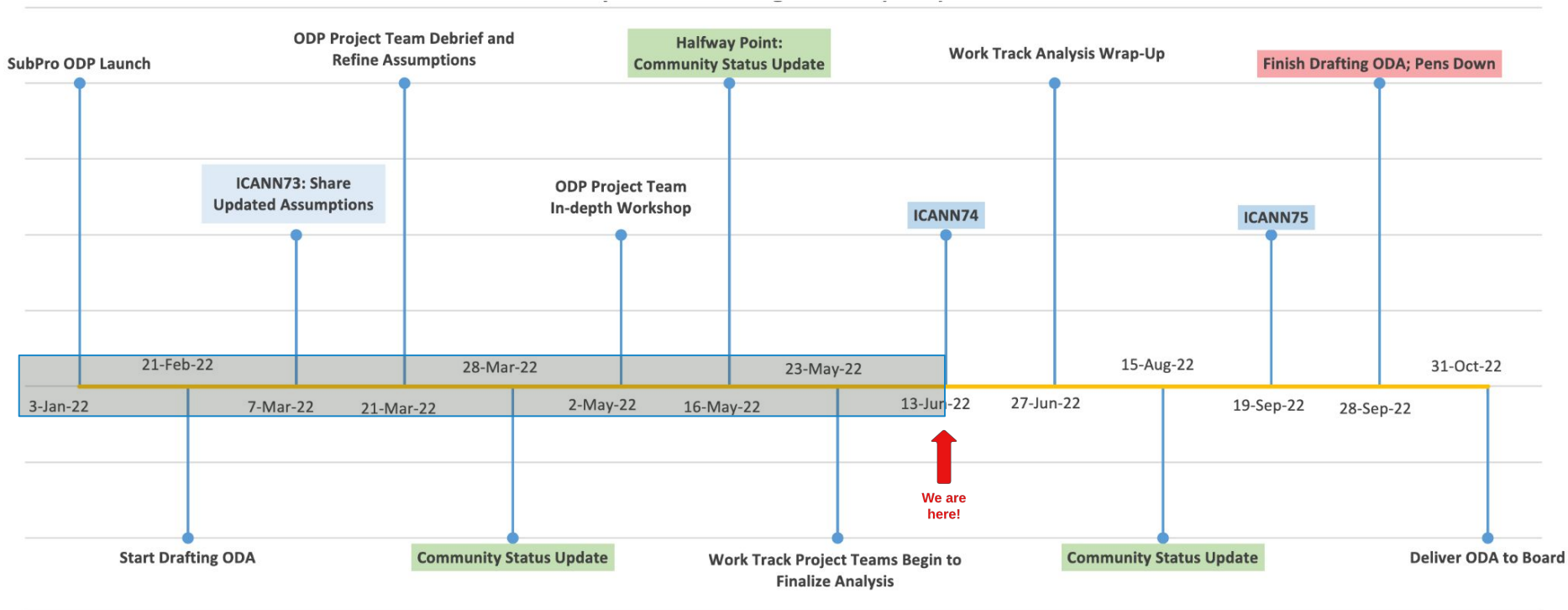
Operational Design Phase (ODP): ODP execution stage to deliver the *Operational Design Assessment (ODA)*, based on the Board-determined scope

Board Consideration: Board's determination on the Final Report Outputs.

The New gTLD SubPro ODP provides a critical assessment ahead of the Board's decision to ensure that the risks, costs, and resource needs are identified when the Board considers whether the recommendations are in the best interests of the ICANN community and ICANN.

SubPro ODP High-Level Timeline

Subsequent Procedures ODP 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.

GAC Topics of Importance

GAC Topics of Importance

Based on GAC collective comment, GAC members expressed continued interest/concern and have provided [input](#) to the ICANN Board on the following topics, which are also part of the SubPro ODP work:

- Predictability: Topic 2 in Final Report
- Registry Voluntary Commitments (RVCs)/ Public Interest Commitments (PICs): Topic 9 in Final Report
- Applicant Support: Topic 17 in Final Report
- Closed Generics: Topic 23 in Final Report
- Name Collisions: Topic 29 in Final Report
- GAC Consensus Advice and GAC Early Warnings: Topic 30 in Final Report
- Community Applications: Topic 34 in Final Report
- Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets: Topic 35 in Final Report

SubPro ODP Supplemental Details

- **Delivery of the ODA is expected by the Board within 10 months from the date of initiation.**
 - If unforeseen matters could affect the timeline, ICANN org will communicate to the Board immediately upon identification.
- **The ODP is not a new process**
- **GNSO Council Liaison to the New gTLD SubPro ODP, Jeff Neuman, appointed Dec 2021**
- **What is expected after the ODA is published and delivered to the ICANN Board:**
 - Meetings and conversations between the Board and GNSO Council will continue.
 - The Board will consider its next steps on the recommendations.

What comes after ODP?

What comes after ODP?

Once the Board considers the Operational Design Assessment (ODA), there are a number of things that need to occur before the launch of the next round application window.

- ICANN Board vote on the PDP WG Final Report;
- If the policy recommendations are approved by the Board, ICANN org (as directed by the Board) will begin implementation of the recommendations (which will likely include a revised Applicant Guidebook);
- ICANN Org will work closely with an Implementation Review Team (IRT) to ensure that implementation takes place in line with the Working Group's intent;
- Upon completion of these successive steps ICANN org would be expected to start a new round of new applications for gTLDs.

What comes after ODP?

Once the Board considers the Operational Design Assessment (ODA), there are a number of things that need to occur before the launch of the next round application window.

New gTLD Program Subsequent Procedures Milestones

		Stage 1: Policy Development	Stage 2: Implementation & Design and	Stage 3: Operation
ICANN	Community	<ul style="list-style-type: none"> • Launch Working Group • WG finalizes report • GNSO approves report 	<ul style="list-style-type: none"> • Form IRT 	<ul style="list-style-type: none"> • Application System Beta Testing • Form SPIRT
	Board	<ul style="list-style-type: none"> • Request ODP from org 	<ul style="list-style-type: none"> • Consider ODA, Approve Final Report • Approve Readiness Operations • Approve Final AGB 	<ul style="list-style-type: none"> • Approve Opening of the next round
	Organization	<ul style="list-style-type: none"> • Launch Steering Committee • ODP Preparation • Start ODP 	<ul style="list-style-type: none"> • AGB Development • Finalize AGB • Deliver ODA to Board • Comms SubPro Outreach • Process Design 	<ul style="list-style-type: none"> • Open App Window • Begin Application Processing • Begin ongoing operation • Operational review(s) • Build Capacity & Operationalize • Next Round Outreach • Launch RSP Pre-approval



New gTLD SubPro ODP Resources & AOB

New gTLD SubPro ODP Resources

General ODP Site Page: <https://www.icann.org/odp>

- ODP [Frequently Asked Questions](#)

New gTLD SubPro ODP Site Page: <https://www.icann.org/subpro-odp>

- New gTLD SubPro [Scoping Document](#)
- [Board Resolution](#)

Webinars and ICANN Meeting Sessions:

- [Webinar](#): 28 September 2021;
New gTLD SubPro ODP
- [ICANN73 Session](#): 7 March 2022;
New gTLD Subsequent Procedures: Operational Design Phase

Community Engagement Options:

New gTLD SubPro ODP Questions: Please email subpro-odp@icann.org

Mail list archive: <https://mm.icann.org/pipermail/subpro-odp/>

Interactions with GNSO Council Liaison:

- See SubPro ODP Community Wiki: [Policy Questions + Assumptions Shared](#)



Appendix

GAC Topics of Importance (cont'd)

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 existing/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.

GAC Topics of Importance (cont'd)

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.

GAC Topics of Importance (cont'd)

Name Collisions:

- GAC highlights the importance of ensuring an effective framework for measuring and tackling name collision in further rounds, taking into account the work on name collisions carried out by the Name Collision Analysis Project (NCAP).
- 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 considers an early warning mechanism an essential element future rounds.
- 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.
- 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.

GAC Topics of Importance (cont'd)

Community Applications:

- GAC supported the proposals in the SubPro PDP WG Initial Report for procedures to deal with community-based applications.
- 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 WG included the need for applications to be submitted with a “bona fide” intention to operate a TLD.
- 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, 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.

The ICANN Multistakeholder Community

ICANN follows a bottom-up, multistakeholder model in which individuals, non-commercial stakeholder groups, industry, and governments play important roles in its community-based, consensus-driven, policymaking approach.



 [Learn More ▶](#)

<https://www.icann.org/community>

Path to the Next Round

Policy Development

ICANN Community:
Bottom-up process →
Policy Recommendations



Design, Implementation, Readiness

ICANN Organization:
Planning and preparing to
operate a round pending
the Board's determination.



Operation

Application window
opens, gTLD
applications submitted
and evaluated

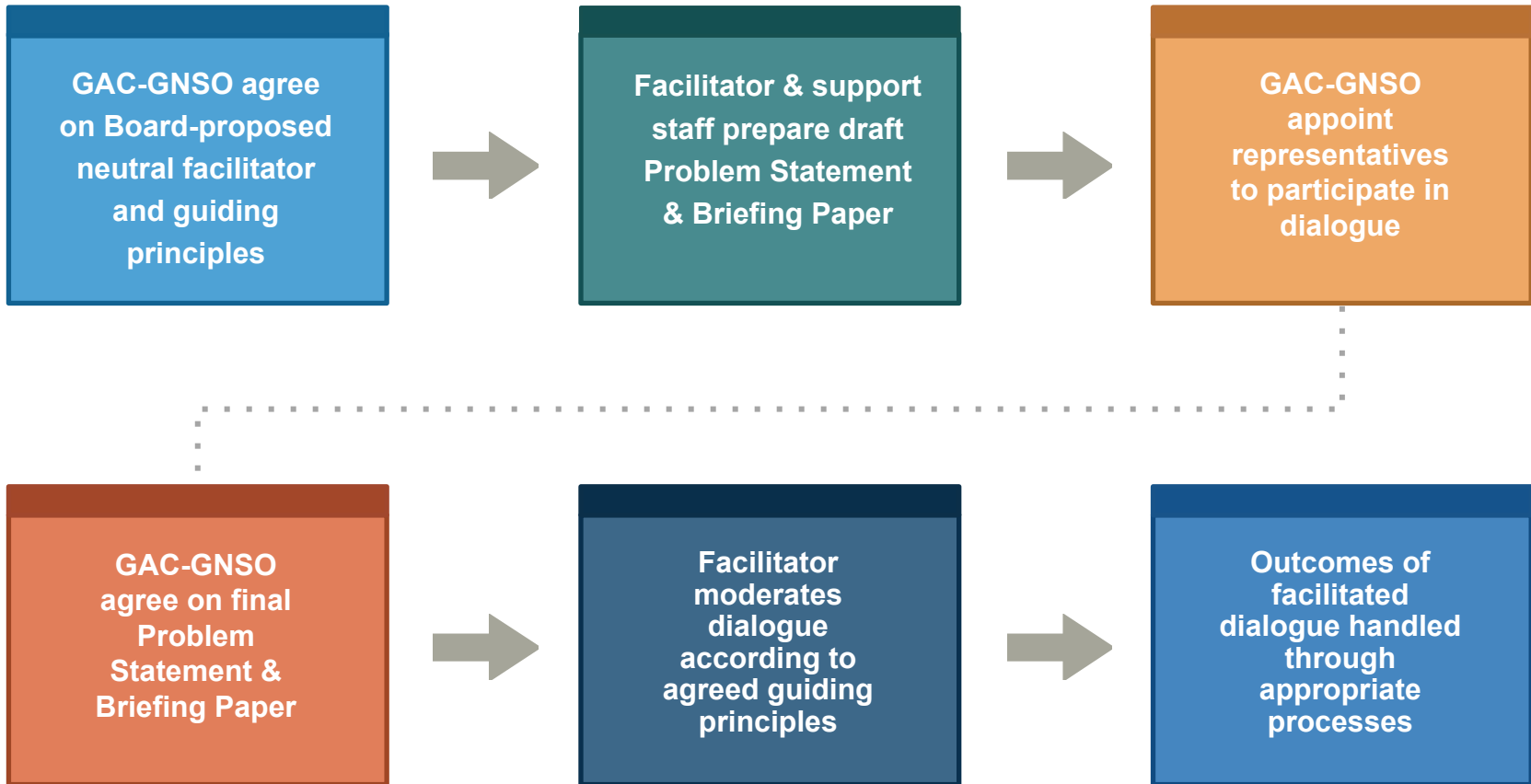
Key Milestones

- **24 March 2021:** GNSO Council transmitted its [Recommendations Report](#) to the ICANN Board.
- **12 September 2021:** ICANN Board directed the ICANN organization to undertake a Subsequent Procedures (SubPro) Operational Design Phase (ODP).
- **3 January 2022:** ICANN org initiated the New gTLD [SubPro ODP](#).

ICANN org Background on GAC/GNSO Facilitated Dialogue

Mary Wong, ICANN org

GAC-GNSO Facilitated Dialogue: Suggested Process



Note: Dialogue will be recorded, and transcripts published for transparency

Managing Outcomes of the Facilitated Dialogue

- If the outcome is a mutual understanding that there is a specific policy issue to be worked on and its scope:
 - Board requests GNSO Council to initiate appropriate GNSO process to conduct the work
 - *This could be an expedited or “regular” Policy Development Process*
 - If policy work results in specific policy recommendations that are approved by the GNSO Council, the approved recommendations will go through the usual Bylaws-mandated process for Board consideration
 - *This includes a mandatory Public Comment proceeding and GAC notification (with opportunity for the GAC to provide timely advice)*
- Timeline for Board action (if any) depends on outcomes of facilitated dialogue and results of subsequent policy work

GAC Discussion

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.

GAC Comments by Topic

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.