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# GAC Capacity Building Weekend

Saturday 17 & Sunday 18 September 2022



# New gTLD Subsequent Procedures Policy Update



ICANN75  
18 September 2022

Global Domain and Strategy: Policy Research and Stakeholder Programs

# Agenda

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- History and Framework
  - The Rules of 2012: Applicant Guidebook
  - Timeline of the 2012 Round
  - Lessons Learnt from the 2012 Round
- 2015-2021 Subsequent Procedures PDP Working Group
- The Value of Subsequent Rounds
- GAC Topics of Importance
- SubPro Operational Design Phase Background
- SubPro ODP Organization and Progress
- Policy/Implementation Challenges for the Next Round
- What comes after the ODP?
- Resources

# New gTLDs: History and Framework

# The Past Rounds

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- **The First Round of 2000:** Proof of concept round for possible future introductions. Seven gTLDs were added in this round: .aero, .biz, .coop, .info, .museum, .name, .pro.
- **The Second Round of 2003:** The round of sponsored gTLDs. Seven gTLDs were added in this round: .asia, .cat, .jobs, .mobi, .tel, .travel, .xxx, .post.
- **2005:** ICANN's Generic Names Supporting Organization (GNSO) began a Policy Development Process (PDP) to consider the introduction of new gTLDs, based on the results of rounds conducted in 2000 and 2003.
- **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.

# The New gTLD Program

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

- Community-driven Internet initiative enabling the 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.

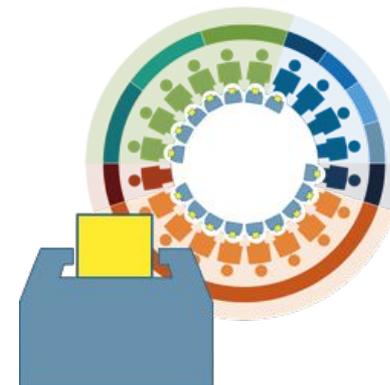


- **New gTLD Program**

- GNSO policy recommendations 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.



# The Rules of 2012: Applicant Guidebook

# Selected Program Details of 2012

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- Application procedures for new gTLDs were established through the New gTLD Applicant Guidebook (AGB).
- The AGB was drafted by ICANN org based on the GNSO PDP Policy Recommendations that resulted from the 2007 PDP on new gTLDs. Note: the 2007 policies are still applicable to future rounds, unless they were modified by the SubPro PDP Working Group.
- The AGB established a number of important program details including:
  - An Applicant Support Program was created, which was expected to increase underserved regions' access to New gTLDs application. Three applicants applied for Applicant Support; one applicant succeeded (.KIDS).

# Selected Program Details of 2012 - continued

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...

- All applications had to pass evaluations for technical and financial capability, in the interest of maintaining security stability of the DNS.
- A self-identified community TLD application in contention with other applications for a given string had the option to participate in the Community Priority Evaluation (CPE) process, conducted by an independent panel. The CPE panel evaluated a community application against criteria set out in the Applicant Guidebook. Community TLD applicants that successfully completed CPE prevailed over other applicants in their contention set.
- ICANN auctions of last resort were used to resolve contention if applicants could not resolve contention amongst themselves or, where appropriate, through CPE. As per the Applicant Guidebook, private resolution of contention sets was encouraged.

# Selected Program Details of 2012 - continued

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...

- The 2012 round allowed for an objection process, which was intended to afford businesses, individuals, governmental entities and communities an opportunity to object to an application on certain grounds. There were 4 types of objections:
  - String Confusion;
  - Legal Rights;
  - Limited Public Interest; and,
  - Community Objections.

## **AGB details especially relevant to the GAC:**

- The Applicant Guidebook allowed for **GAC advice** on new gTLD applications, including via: GAC Early Warnings, which was a notice from members of ICANN's Governmental Advisory Committee (GAC) that an application is seen as potentially sensitive or problematic by one or more governments; and GAC Advice on New gTLDs.

# Selected Program Details of 2012 - continued

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## ... specially relevant to the GAC...

- An Early Warning was NOT a formal objection, nor did it directly lead to a process that resulted in rejection of the application. The applicant could withdraw upon receipt of an Early Warning or proceed with its application.
- The GAC issued several instances of Consensus Advice on New gTLDs, starting with the Beijing Communique (April 2013), which encompassed nearly 500 applications.
- Public Interest Commitments (PICs) were created during the processing of applications, as a contractual mechanism between ICANN and Registry Operators, among other things, to implement various GAC advice related to public policy issues that emerged once applications were revealed.

# Timeline of the 2012 Round

# Timeline of the 2012 Round

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- **January 2012:** Third round opening the gTLD market for all interested applicants. A total of 1,930 applications were submitted during the application period of the New gTLD Program. The first 4 TLDs, which were IDNs, were contracted in June/July 2012.
- **November 2012:** GAC issued Early Warning notices on 242 applications seen as potentially sensitive or problematic by one or more governments.
- **December 2012:** ICANN held a prioritization draw to determine the order in which applications would be processed during Initial Evaluation and subsequent phases of the program.
- **March 2013:** ICANN released the first set of Initial Evaluation results to applicants and the public.

# Timeline of the 2012 Round (cont'd)

- **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 timing in the 2012 round was affected by the unanticipated form of GAC Advice issued.

# Timeline of the 2012 Round (cont'd)

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- **October 2013**: the first new gTLDs were delegated.
- As of **31 August 2022**, a total of **1241** gTLDs were delegated. Out of **84** self-identified community applications, **56** Community-based TLDs were delegated, as well as **53** Geographic TLDs, and **97** Internationalized Domain Names (IDNs), **57** of which are in Chinese, followed by **9** in Japanese, **3** in Korean, **13** in Arabic, **8** in Cyrillic, **3** in Neo-Brahmi, and **4** are in other scripts.
  - *Please note: Delegated gTLD totals are not adjusted for TLDs that subsequently terminated their Registry Agreements and/or were removed from the root zone. For more details, please see the [Registry Agreement Termination Information Page](#)*

# Lessons Learned from the 2012 Round

# Role of the GAC in Objections Procedures

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- [GAC Principles regarding New gTLDs](#), Principle 3.2, stated: “If individual GAC members or other governments express formal concerns about any issues related to new gTLDs, the ICANN Board should fully consider those concerns and clearly explain how it will address them.”
- [AGB](#), Module 3, defined the process through which the GAC could provide advice on new gTLDs to the ICANN Board.
- GAC issued advice through multiple Communiqués.

# GAC Early Warnings

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GAC Early Warnings enabled individual governments within the GAC to notify an applicant that its application was seen as potentially sensitive or problematic by one or more governments, meaning that it “**could be the subject of GAC Advice on New gTLDs**” → the applicant could decide to work with the concerned government(s) or withdraw the application within 21 days for an 80% refund of the application fees.

- Early Warnings were issued for **187** applications, but **517** applications were subject to GAC advice (20 November 2012)
- Early warnings were issued using a standard form, sometimes including rationale and even possible remediation steps.

# GAC Advice

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**GAC Advice** process was “intended to address applications that [were] identified by governments to be problematic”.

**Section 3.1 of the AGB** described 3 possible forms of **GAC Advice**:

- [...] it is the **consensus** of the GAC that **a particular application should not proceed**. This will create a strong presumption for the ICANN Board that the application should not be approved.
- [...] **there are concerns** about a particular application “dot-example.” The ICANN Board is expected to enter into a dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision.
- [...] **an application should not proceed unless remediated**. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook [...], that is implemented by the applicant.

# GAC Advice (cont'd)

GAC issued its first advice in its 11 April 2013 [Beijing Communiqué](#); more Communiqués followed. According to the Program Implementation Report, the GAC issued:

- **Specific** advice on 26 applications;
- Advice on **broad categories** of strings affecting 491 applications and 212 strings:
  - *Category 1*: “Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws”. Safeguards were proposed that would apply to strings related to “consumer protection, sensitive strings and regulated markets”.
  - *Category 2*:
    - Part 1: For Category I strings, “the registration restrictions should be appropriate for the types of risks associated with the TLD” and “[t]he registry operator should administer access in these kinds of registries in a transparent way that does not give undue preference to any registrars or registrants [...] and shall not subject registrars or registrants to an undue disadvantage”.
    - Part 2: “For strings representing generic terms, exclusive registry access should serve a public interest goal”.
  - Advice on topics affecting **all applications**.

# GAC Advice (cont'd)

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- AGB Section 3.1 stated, “The receipt of GAC Advice [would] not toll the processing of any application”, but GAC Operating Principle 48 stated, “The ICANN Board shall consider any advice from the GAC prior to taking action”.  
→ **Applications affected by application-specific and Category 1 and 2 Advice were not allowed to proceed until the GAC Advice was addressed.**
- This allowed the ICANN Board to:
  - Solicit public comment on how the Board might implement the advice,
  - Solicit applicant responses,
  - Consider the comments and responses received,
  - Discuss with the GAC and consult with the community on implementation plans to address the advise
- This process prevented ICANN and applicants from making commitments based on unknown circumstances.

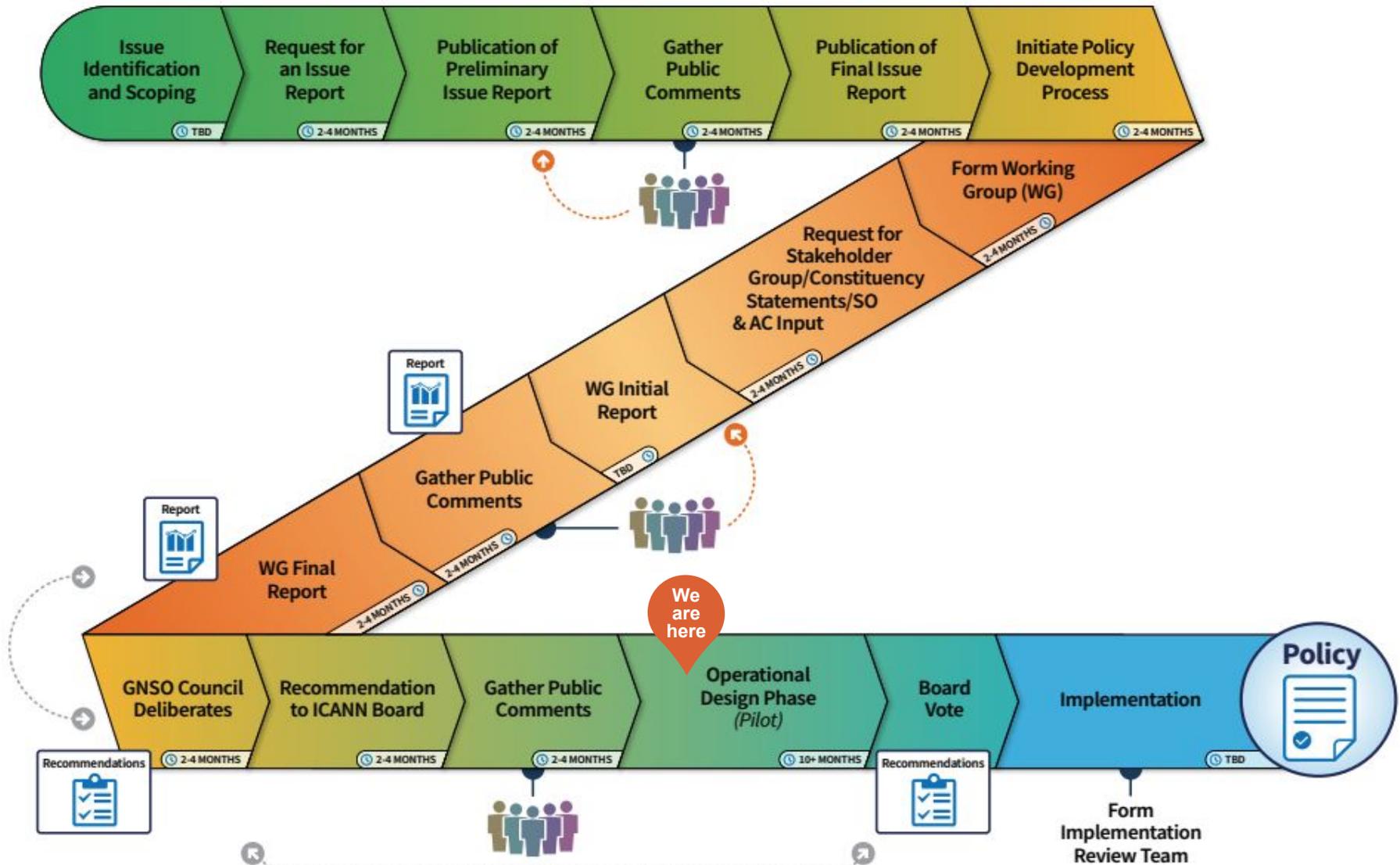
# 2015-2021 SubPro Policy Development Process (PDP)

# Policy Development Process Summarized

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- **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)

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- 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 GNSO Council [initiated](#) the PDP WG on 17 December 2015 .
- The PDP was [chartered](#) and began its work in early 2016.
- The Initial Report on the new gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4) was [published](#) on 3 July 2018, and opened for [public comment](#) the same day.
- The GAC submitted its [comments](#) on the 8 October 2018.
- The Draft Final Report was opened for [public comment](#) on 20 August 2020, and [published](#) on 21 September 2020.
- Comments [were submitted](#) by the Board (row 54), GAC (row 56), and ICANN Org (row 57).
- The Final Report was [published](#) on 20 January 2021.

# SubPro Policy Development Process (PDP)

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## Actions taken after the Final Report was delivered to the GNSO Council:

- **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

# The Value of Subsequent Rounds

# The Value of the Next Round

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- 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 support for languages and scripts in the DNS, will accelerate Universal Acceptance (UA).
- It will allow for prospective registry operators to apply for new gTLDs creating new options and choice 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 to innovation.

# GAC Topics of Importance

# GAC Topics of Importance

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**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

# GAC Topics of Importance (cont'd)

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## **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)

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## **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)

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## **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)

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## **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.

# SubPro Operational Design Phase (ODP) Background

# SubPro ODP Background and Scoping Details

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What is the **purpose** of the SubPro ODP?

- To facilitate the Board's determination whether the Outputs contained in the Final Report are in the best interest of the ICANN community or ICANN, in accordance with the ICANN Bylaws.
- To build out an existing piece of the Consensus Policy Implementation Framework, describing the preparation for the Board to take action on policy recommendations.
- To provide additional visibility into ICANN Org's work leading up to Board consideration of consensus policy recommendations.

What is the **scope** of the ODP?

- The questions framing the ODP as well as a project timeline are contained in the Board-approved [Scoping Document](#).
- Specifically, the ODP will assess the potential risks, anticipated costs, resource requirements, timelines, dependencies, interaction with the Global Public Interest Framework that is currently being piloted, and other matters related to implementation of the Outputs included in the Final Report.

# SubPro ODP Background and Scoping Details

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What is the **budget** for the ODP?

- In its Resolution, the Board recognized that the ODP is a significant undertaking and will require a considerable amount of ICANN Org resources to execute, thereby creating the need for a range of US\$7-\$9M in spending to fund the necessary resources.
- The ODP for the Subsequent Procedures Final Report will be an integral part of the preparation work for the next round of subsequent procedures for new gTLDs and will be incurred regardless. As such, the costs incurred during the ODP phase are considered part of the development costs for the next round.

What is the **timeline** for the ODP?

- When initiating the ODP, the Board had asked for the work of the ODP to be completed within 10 months of its post-ramp up initiation. Due to the unexpected resource requirements for the Whois Disclosure Design Paper, the delivery of the SubPro Operational Design Assessment (ODA) to the Board is now planned for 12 December 2022.

# SubPro ODP Community Engagement

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How has the **community been involved** in the ODP?

- A **GNSO Council liaison** was appointed - that person being the first point of contact between the Board, the Org, and the Council in case a Policy question arises during the ODP that pertains to the substance or intent of a given recommendation.
- Monthly meetings are held with the GNSO Council liaison, during which policy questions are sent to the Council via the liaison and other relevant information is shared.
- A compilation of [ODP Policy Questions and GNSO Council Answers](#) was published on 13 September 2022.
- All [SubPro ODP correspondence](#) is publicly archived.

# SubPro ODP Community Engagement (cont'd)

- 28 September 2021: [Webinar - New gTLD Subsequent Procedures Operational Design Phase](#)
- 28 February 2022: [Initial Assumptions SubPro ODP](#) 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.
- 7 March 2022: ICANN73 session - [New gTLD Subsequent Procedures: Operational Design Phase](#)
- 23 March 2022: [Initial & Overarching Assumptions SubPro ODP v.2](#) posted
- 28 March 2022: [Community Status Update](#) published
- 29 April 2022: [Assumptions SubPro ODP v.3](#) posted
- 11 April 2022: Published a [blog](#) introducing the Policy Development and Implementation Materials Work Track

# SubPro ODP Community Engagement (cont'd)

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- 19 April 2022: Supported Board's publication of [blog](#) on Supporting ICANN Community Progress: The Issue of Closed Generics
- 16 May 2022: [Community Status Update](#) published
- 25 May 2022: [Assumptions SubPro ODP v.4](#) posted
- 26 May 2022: Published a [blog](#) on ICANN SubPro ODP Update: Focusing on the Operational Readiness Work Track
- 13 June 2022: ICANN74 session - [New gTLD Subsequent Procedures - Working Together](#)
- 13 June 2022: ICANN74 session - [GAC Discussion on Subsequent Rounds of new gTLDs](#)
- 15 August 2022: [Assumptions SubPro ODP v.5](#) posted
- 15 August 2022: [Community Status Update](#) published

# SubPro ODP Stakeholder Activities

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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

# SubPro ODP Organization and Progress

# SubPro Work Tracks and Topics (ODP)

Updated: 05 MAY 2022

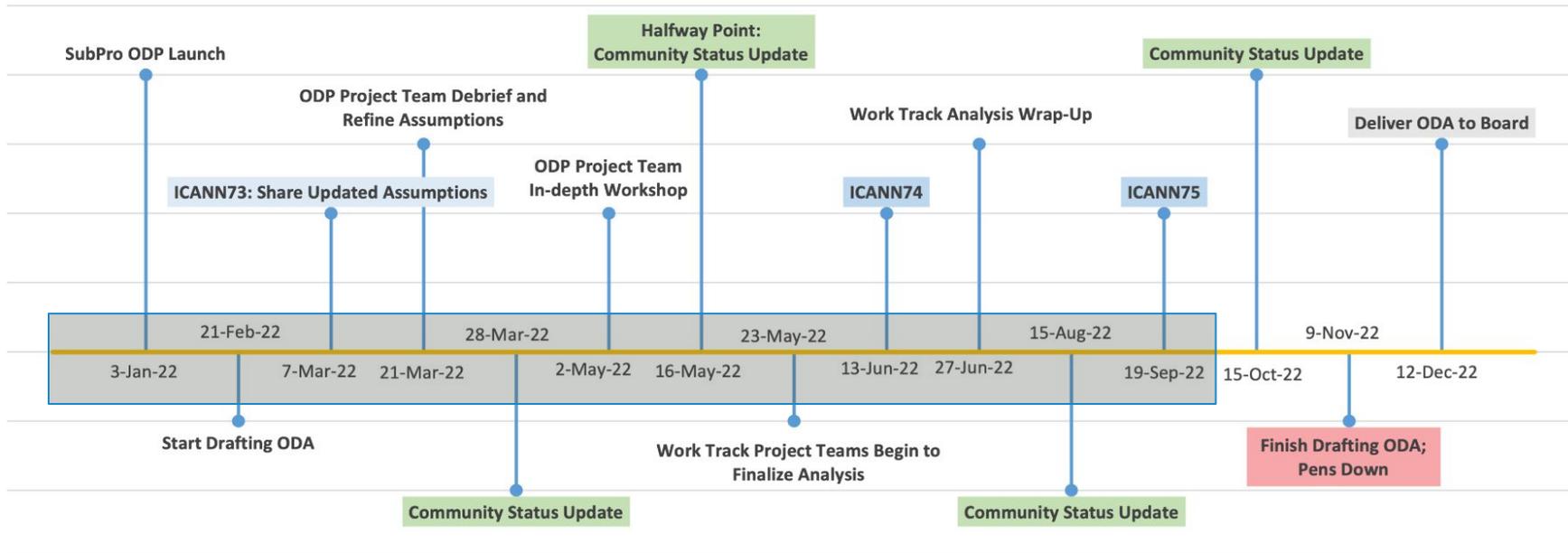
Work Track 1	Work Track 2	Work Track 3	Work Track 4	
<b>Project Governance</b>	<b>Policy Dev &amp; Impl. Materials</b>	<b>Operational Readiness</b>	<b>Systems and Tools</b>	
<b>Overall Governance</b> <ul style="list-style-type: none"> <li>Project Management</li> <li>Reporting</li> <li>SteerCo Support</li> <li>Board Caucus Support</li> <li>Risk Assessment</li> <li>ODP</li> <li>Planning Assumptions</li> <li><u>Continuing SubPro (1)</u></li> <li><u>Metrics/Monitoring (7)</u></li> </ul>	<b>Policy Support</b> <b>Policy Implementation</b> <ul style="list-style-type: none"> <li><u>Predictability (2)</u></li> <li><u>TLD types (4)</u></li> <li><u>RSP Pre-Eval (6)</u></li> <li><u>COIs (8)</u></li> <li><u>PIC/RVCs (9)</u></li> <li><u>Applicant Freedom of Expression (10)</u></li> <li><u>UA (11)</u></li> <li><u>App. Guidebook (12)</u></li> <li><u>Terms &amp; Conditions(18)</u></li> <li><u>Change Requests (20)</u></li> <li><u>Reserved Names (21)</u></li> </ul>	<b>Functional Capacity Building</b> <ul style="list-style-type: none"> <li>Preparation of day-to-day procedures</li> <li>Re-engineering existing operations to manage more parties</li> <li>Training of ops staff</li> <li><u>Apps Assessed in Rounds (3)</u></li> <li><u>Application Queuing (19)</u></li> <li><u>TLD Rollout (40)</u></li> </ul>	<b>System Strategy and Planning</b> <ul style="list-style-type: none"> <li>System Development and Maintenance</li> <li>Applicant Comments</li> <li><u>Application Submission Limits (5)</u></li> <li><u>Systems (14)</u></li> </ul>	
Work Track 5	Work Track 6	Work Track 7	Work Track 8	Work Track 9
<b>Vendors</b>	<b>Comms and Outreach</b>	<b>Resources, Staffing &amp; Logistics</b>	<b>Finance</b>	<b>Overarching</b>
<b>Vendor Strategy and Planning</b> <ul style="list-style-type: none"> <li>Procurement (RFI &amp; RFP processes)</li> <li>Vendor Management</li> <li>Contract Management</li> </ul>	<b>Comms Strategy and Planning</b> <ul style="list-style-type: none"> <li>Awareness Campaigns</li> <li>Define Audience</li> <li>Website page</li> <li>Narrative</li> <li><u>Communications (13)</u></li> <li><u>Application Submission Period (16)</u></li> </ul>	<b>Resourcing Strategy and Planning</b> <ul style="list-style-type: none"> <li>Cost and time estimates</li> <li>Recruitment of new staff and backfill</li> <li>Training</li> <li>Planning and obtaining resources needed to support staff</li> </ul>	<b>Financial Strategy and Planning</b> <b>Management of program financial resources</b> <ul style="list-style-type: none"> <li>Cost model</li> <li>Refunds</li> <li>Request for initial funding</li> <li><u>Application Fees (15)</u></li> </ul>	<b>Issues that impact SubPro but are not part of the Final Report or simultaneously cross multiple worktracks</b> <ul style="list-style-type: none"> <li>Global Public Interest Framework</li> <li>IDN EPDP</li> <li><u>Applicant Support (17)</u></li> <li><u>Security and Stability (26)</u></li> <li><u>Name Collision (NCAP) (29)</u></li> <li><u>New Base RA (36)</u></li> </ul>

# Operational Design Phase Progress

SubPro ODP Stages	Description	% Complete
<b>Policy Analysis</b>	Review and analysis of the 300+ policy outputs in the Final Report. The assumptions and policy questions come out of this work.	<b>89%</b>
<b>Process Development</b>	Development of a high-level business process design using the 2012 AGB processes as a baseline for developing the application processes for the next round.	<b>75%</b>
<b>Operational Assessment</b>	An assessment of the impact to ICANN to implement the proposed business process design. This includes timelines and costs for systems, staffing and outsourcing. It also includes an explanation of the risks associated with implementation.	<b>63%</b>
<b>ODA Drafting</b>	The development, drafting, and finalization of the ODA.	<b>13%</b>

# SubPro ODP High-Level Timeline

## Sub Pro Operational Design Phase (ODP) Summary Timeline - Estimated with Six-Week Adjustment



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.

# Policy/Implementation Challenges for the Next Round

# Auctions

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- Two of the five outputs within the topic of auctions (i.e., ‘ICANN Auctions of Last Resort’ and ‘Private Auctions’) did not receive consensus-level support, meaning that they were not approved by the GNSO Council.
- Specifically, there was no consensus on: (a) whether the auctions of last resort should be done as a sealed bid auction where bids are submitted towards the beginning of the process; and (b) whether private auctions should be allowed to resolve contention sets. Thus, no recommendation on these issues has been put before the Board.
- In its 2020 comment on the Draft Final Report, the Board expressed concern that if policies/procedures related to private resolution remain unchanged, applicants may submit applications with no intent to run the registry; intending instead to collect funds in private auctions or other types of private resolution to benefit financially or to leverage those funds to improve their positioning in other contention sets.

# Closed Generics

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- There was no specific policy or separate category with additional rules on the idea of ‘Closed Generic’ applications, evaluations, and delegations during the 2007 Introduction of New gTLD Domains PDP.
- 2013 GAC Advice stated: “for strings representing generic terms, exclusive registry access should serve a public interest goal.”
- The SubPro PDP Working Group chartered to develop policy on ‘closed generics’ did not reach consensus on any ‘closed generics’ recommendations, as documented in Final Report; there is no policy recommendation to consider at this moment.
- The Board has reached out to GNSO Council and GAC to engage in a dialogue with the goal to develop a framework on Closed Generics that could become the basis for future policy work on the issue.
- GAC and Council have extended the dialogue to include the ALAC and we expect the dialogue to get underway later this year.

## Public Interest Commitments (PICs)/Registry Voluntary Commitments (RVCs)

- The language of the Bylaws specifically limits ICANN's negotiating and contracting power to PICs that are "in service of its Mission."
- In its 2020 comment on the Draft Final Report, the Board has asked the PDP WG to consider the conformity of the then-proposed recs on PICs/RVCs with the ICANN Bylaws.

## Community Priority Evaluations (CPE)

- Anecdotal evidence suggests that during the last round, a lower than expected number of CPE applications were successful.
- Every outcome of the CPE process was challenged by the losing party/ies, leading to a significant number of legal proceedings.
- It is still unclear what the ultimate goal for CPE is and thus what objectively assessable criteria should be in place to discern whether an applicant passes the CPE process.

# What comes after the ODP?

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

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We are here!

# Resources

# New gTLD SubPro ODP Resources

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**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](#)

**Latest SubPro ODP Blog:**

- [Introducing the Work Tracks](#)

**Community Engagement Options:**

- New gTLD SubPro ODP Questions: Please email [subpro-odp@icann.org](mailto: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](#)
- For updates:
  - SubPro ODP Webpage <https://www.icann.org/subpro-odp>