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ICANN81 GAC Discussion on New gTLD Program Next Round

Sunday, 10 November 2024
13:15 - 14:30 local time

Agenda

1. Introduction - Nigel Hickson (1 min.)
2. Overview of Strategic Objective #3 - Nigel Hickson (5 min.)
3. GAC questions, concerns and discussion arising from Session 1 on New gTLDs (20 mins.)
4. GAC Discussion on Pending Items from the IRT (30 mins.)
 - a. Follow-up on Contention Sets
 - b. Community Applications
 - c. Singular/Plural Strings
 - d. Application Fees
 - e. Others?
5. Items for potential GAC advice or inclusion in GAC Communiqué (15 mins.)
6. AOB (5 min.)

2. Overview of GAC Strategic Objective #3

Nigel Hickson, UK

Future Rounds of New gTLDs (Strategic Objective #3) 1/2

GAC Leadership Caretaker: **Nigel Hickson (UK)**

- **On Track 3.1. Role of GAC Consensus Advice and GAC Early Warnings in the processing of future New gTLD applications**
 - Necessary instruments for governments to identify and screen applications that raise public policy concerns.
 - Not yet in focus of the implementation process
- **On Track 3.2. Public Interest and Voluntary Commitments by New gTLD Registry Operators**
 - The GAC expects that PICs and RVCs will continue to serve as tools for addressing GAC concerns pertaining to new gTLD applications during the next round.
 - GAC and Board agree on fundamental need for these to be enforceable
 - In light of its bylaws, ICANN is not in a position to enforce content restrictions
 - Fundamental Bylaws Amendments to explicitly enable the enforcement of content-related restrictions were considered carefully by Board and Community. They were not judged to be justified at this stage
 - Rules to apply for PICs and RVCs are being discussed in the New gTLD Program Next Round Implementation Review Team (IRT) and expected to be published in the forthcoming applicant guidebook.

Future Rounds of New gTLDs (Strategic Objective #3) 2/2

GAC Leadership Caretaker: **Nigel Hickson (UK)**

- **On Track 3.3. Closed Generic gTLDs**
 - The GAC Advised the ICANN Board to ensure that the forthcoming Applicant Guidebook clearly states that Closed Generic gTLD applications will not be considered (GAC Hamburg Communiqué, 30 October 2023)
 - Following a facilitated dialogue which did not reach a mutually agreed upon framework, the ICANN Board determined that closed generic gTLD applications will not be permitted in this Round and not until such time as there is an approved methodology and criteria to evaluate whether or not a proposed closed domain is in the public interest
- **On Track 3.4. Support of New gTLDs Applications from Underserved Regions**
 - To be discussed in detail during ICANN81 GAC Plenary Sessions 7 and 8 (Sunday)
- **3.5. Documentation to enable GAC and governments' engagement with future rounds of New gTLDs (Key Messages, GAC Advice implementation tracking, GAC Guidance document)**
 - Still too early in the implementation process
 - Deliverables to be expected in 2025
 - For further discussion

2. GAC Questions and Discussion regarding items from Session 1

Nigel Hickson, UK

GAC Questions/Discussion on Items from Session 1

- GAC Members to review information provided on the IRT and ASP Outreach and Engagement
- Any comments?
- Concerns?
- Questions?

3. GAC Discussion on Policy Topics from IRT

Nigel Hickson, UK
Rida Tahir, Canada

Follow-up on Contention Sets - Nigel Hickson

- A Board-GAC Consultation Call was held on [3 September 2024](#).
- The Board, in its resolution of [6 June 2024](#), had initiated the Bylaws-mandated Board-GAC Consultation process to find a mutually acceptable solution regarding GAC Advice Item 4.a.i from the [GAC ICANN77 Washington, D.C. Communiqué](#), which advised the Board to:
 - ✓ *“To take steps to avoid the use of auctions of last resort in contentions between commercial and non-commercial applications; alternative means for the resolution of such contention sets, such as drawing lots, may be explored.”*
- This advice is directly related to GAC Advice Item 2.a.ii from the [ICANN80 Kigali Communiqué](#), in which the GAC advised the Board to:
 - ✓ *“To urgently initiate a focused community-wide discussion (including with the GAC and ALAC) on the resolution of contention sets, with a view to finding alternatives to private auctions and ICANN auctions of last resort, before the ICANN Board takes any action in a manner that may be inconsistent with the ICANN77 Washington D.C. Communiqué GAC Consensus Advice.”*

Follow-up on Contention Sets

- This [community-wide discussion](#) was held on 13 and 14 August 2024, and the Board considered the results of that discussion as well as the results of the 3 September 2024 Consultation Call at its workshop in Los Angeles on 6-8 September 2024. As communicated in the [13 September 2024](#) letter to the GNSO Council and the [16 September 2024 blog](#), during the Los Angeles workshop, the Board focused its discussion on how to move forward on three items:
 - ✓ (1) the extent to which applicants should be able to organize private agreements to resolve contention;
 - ✓ (2) whether, and if so, how to provide less well-resourced applicants a chance to obtain a desired string if they are in a contention set; and
 - ✓ (3) whether to rely on ICANN auctions using the ascending-clock second-price methodology to resolve contention or to adopt an alternate methodology such as Vickrey auction, or even a raffle.

Follow-up on Contention Sets

- Considering the GAC's advice and other diverse input received from across the ICANN Community, the Board decided to take a holistic approach to contention resolution in the Next Round.
- As a result, the Board aligned on a path forward as follows:
 - ✓ 1. No private resolution
 - ✓ 2. Ability to submit alternate strings
 - ✓ 3. Continue to use the 2012 ascending-clock second price auction method
- The GAC submitted a letter to the Board noting further discussion was needed prior to responding to path proposed.

GAC discussion on Board proposal.

Other Topics from IRT

- a. Community Applications
- b. Singular/Plural Strings
- c. Application Fees

Community Priority Evaluations - Rida Tahir

- ICANN managed a process known as Community Priority Evaluation (CPE) for community-based applications applying to run a generic top-level domain in the 2012 round and plans to do so again in the Next Round.
- CPE is a method to resolve contention (as those judged to be Community applications effectively win) and was optional for a community applicant that found itself in contention.
- CPE was conducted by a panel appointed by ICANN and had separate evaluation criteria from other contention resolution mechanisms.
- An applicant found to meet the criteria prevailed in the community priority evaluation and could proceed to the next stage of their application process and would essentially “knock out” other applications in the contention set.

Community Priority Evaluations (continued)

- The panel scored the community-based applications against four criteria:
 1. Community Establishment
 2. Nexus between Proposed String and Community
 3. Registration Policies, and
 4. Community Endorsement
- Additional information regarding the scoring criteria can be found in Section 4.2.3 of the [2012 AGB](#) and in the [panel guidelines](#)
- 5 applicants earned a passing score in the 2012 round

Community Priority Evaluations (continued)

- The New gTLD Subsequent Procedures Final Report indicated that the evaluation was too stringent, did not allow diverse permutations of communities to qualify, and that the evaluation results were inconsistent by allowing some communities to gain priority and others not.
- ICANN org is planning some of the following changes to CPE based on SubPro Final Report Outputs and lessons learned:
 - Changes to the criteria (see subsequent slides)
 - Expanded” clarifying question process
 - Addition of a limited challenge mechanism
 - Requirements for transparency and limits to scope of panel research
 - Use of a panel with more “community experts”
 - Publication of Evaluation Guidelines prior to opening of the next round
 - Other changes to contention may also help to lessen the need for CPE more generally

Singular/Plural Strings - Rida Tahir

- An issue of concern during 2012 application round and also in this new gTLD round
- Essentially addresses an important aspect of “string confusion”
- Important for all citizens that DNS does not lead to confusion, or encourage fraud, would all of us notice difference between “.wine” and “.wines” if both were top-level domains?
- At same time ICANN (especially Community) want to maximise innovation and choice (and some singular and plural strings are quite different and not necessarily confusing)

Singular/Plural (continued)

- After much debate in the IRT and in a “smaller group” set up an agreement has been reached; the outline of which is as follows:
 - That challenge on string similarity (for single / plural names) can be made by anyone (either in or outside ICANN Community) up to 30 days after string confirmation day (when names applied for are released);
 - Challenge can be made in relation to two “similar” names applied for (ie in this Round) or where a name applied for is considered “similar” to a names already delegated (or blocked)
 - “Challenger” has to identify where in a recognised dictionary the names are singular / plural of each other;
 - If ICANN considers that the “challenge” meets criteria then either (if the two strings have been applied for) the names will go into a contention set or (if name applied for is similar to existing name) it will be denied.

Application Fees - Rida Tahir

- The Application Fee is for applicants for new generic top-level domains;
- For this Application Round (yes there will be further ones) has been set at \$227 000; this excludes successful applications under Applicant Support Program
- The cost was determined following program-related decisions made during the recent ICANN Board of Directors workshop, held 6–8 September in Los Angeles.
- It reflects the GNSO Final Report recommendations confirm that the fee is *“set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded and revenue-neutral and is not subsidized by existing contributions from ICANN funding sources, including generic TLD registries and registrars, ccTLD contributions and RIR contributions.”*

Application Fees (continued)

- The evaluation fee covers most Reviews and Evaluations; though devil is in detail;
- The figure of \$227 000 is (because it is based on cost recovery) is based on an assumption of around 1500 (paid for) applications being made; potentially there could be refunds to applicants if application numbers exceeded this;
- Finalization of the Application Fee will be determined by what is in Applicant Guidebook (which in itself is subject to consultation);
- See Blog here which is really informative:
<https://www.icann.org/en/blogs/details/icann-sets-expected-evaluation-fee-for-new-gtld-applications-in-the-next-round-25-09-2024-en>

GAC Discussion on Potential Communiqué Language

Nigel Hickson, UK

GAC Discussion on Potential Communiqué Language

- Do GAC Members wish to include language in the GAC Communiqué either under “Issues on any aspect on New gTLDs?”

GAC Discussion

AOB

Nigel Hickson, UK