GAC Scorecard on New gTLD Subsequent Rounds: Status of Substantive Areas of Interest to the GAC
Only reviewed by GAC Leadership
Last Edited: 20 August 2020

Contents

Color-coding of General Status/Alignment for Each Policy Area of previous GAC input vis-à-vis the PDP Working Group Deliberations to Prioritize GAC Work:

Key to color-coding:	General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority

General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority
GAC positions are generally aligned or are adequate enough to be incorporated by the PDP at this stage. Proactive participation and input may still be appropriate to ensure ultimate alignment of GNSO policy recommendations with GAC objectives	GAC members may need to monitor deliberations and plan to provide further input to PDP WG as there is a possibility that the group may not address some GAC concerns or may diverge on some policy objectives	GAC action is needed on this item. There is a possibility that the group may not address some GAC input. Action to either engage with the Sub Pro PDP WG (to clarify GAC positions, collaborate, review implementation, etc.) or revise GAC positions (to reflect the latest developments and proposals being considered in the PDP)

[SUBSEQUENT ROUNDS FOR NEW GTLDS PDP WG FINAL REPORT](#)

1. GAC Priority Topics Identified and Discussed during ICANN67

Applicant Support and Participation of Underserved Regions	

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Comment](#) on [CCT Review Team Draft Report](#) (19 May 2017): ○ Establish **clear measurable goals and indicators** for applications from the Global South, linked to ICANN strategic objectives. Increase in number of delegated strings from underserved regions should be critical (Draft Rec. 43, Final Rec. 29) ○ **Expand and update work on outreach** to Global South, starting with response to challenges identified to date (Draft Rec. 44, Final Rec. 30) ○ ICANN to **coordinate pro bono assistance** (Draft R,. 45, Final Rec. 30) ○ **Revisit Application Support Program**: reduction of fees, additional support, access to simple information in relevant language (Draft Rec. 46, Final Rec. 32) ○ Not only should the **application fee be reduced for all applicants** but members from **underserved regions should be offered additional support** due to external issues [...] which should not prevent entities in those regions from applying [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ PDP Should consider the CCT Review recommendations in this area [Comment](#) on [CCT Review Team Final Report](#) (11 Dec. 2018) ○ Reiterated comments on Draft Report ○ Establishment of "clear, measurable goals for the Global South, including whether or when applications and even number of delegated strings should be objectives" of any New gTLD Application Round (Final Rec. 29) [GAC Response](#) (20 Jan. 2020) to [ICANN Board Clarification Questions](#) on the [GAC Montreal Communique](#): GAC agree[s] that expanding and improving outreach should be an ongoing effort, and expects the Board to make a judgment, in good faith, as to whether it considers outreach has been expanded and improved enough to justify proceeding with the new round of gTLDs [GAC Compilation of Individual Input](#) (9 May 2020): The individual input by GAC members mostly supported draft final recommendations aligned with previous GAC advice. Some added need for evaluation to assess success.	Confirmed w/ GNSO Support |Final Recommendation - Topic 17| Last discussed 26 March 2020 Working Group Recommendations: ● **Extend scope of the program** beyond only economies classified by the UN as least developed (revision of implementation guidelines) and also consider the "middle applicant" ("*struggling regions that are further along in their development compared to underserved or underdeveloped regions*"). ● **Expand the scope of financial support** to also cover costs such as application writing fees, attorney fees related to the application process. ● **ICANN org to continue facilitating non-financial assistance** including the provision of pro-bono assistance where applicable ● **Outreach and awareness-raising activities** should be delivered well in advance of the application window opening, to help to promote more widespread knowledge about the program. ● **Applicants who are not awarded Applicant Support**, must have the option to transfer to the standard application process. Issues to to be addressed during Implementation (Implementation Review Team): ● **Define "middle applicant"** by drawing from the ongoing work by ICANN org to define and standardize usage of terminology related to underserved and underrepresented regions ● **Draw on expertise including from the targeted regions**, **to develop** appropriate program **outreach, education, and application evaluation.**

Possible Next Steps for the GAC
The GAC (and Underserved Regions Working Group in particular) may wish to review final recommendations to ensure that outcomes are compatible with GAC expectations and actual needs of prospective applicants in these regions.

Closed Generic TLDs

Summary of Previous GAC Input	Status of PDP WG Deliberations

Response to Sub Pro PDP CC2 (22 May 2017)
○ Based on principles of promoting competition and consumer protection, **exclusive registry access should serve the public interest goal** (per Beijing GAC Communiqué Cat. 2 Safeguards Advice)
 	
Comment on Sub Pro PDP Initial Report (8 October 2018)
○ Re-affirms previous advice (Beijing Communiqué, Cat. 2 Safeguards): for strings representing generic terms, exclusive registry access should serve a public interest goal
 	
ICANN67 Communique (16 March 2020)
○ The GAC should conduct further work to identify criteria, examples and use-cases that may serve for assessing the public interest in the context of closed generics.
 	
GAC Compilation of Individual Input (9 May 2020):
○ Majority of GAC members contributing support previously articulated GAC Advice (GAC Beijing Advice): "exclusive registry access should serve a public interest goal".
○ Individual members noted that public interest should be defined.
 	
ICANN68 GAC Communique (27 June 2020):
○ Some GAC members expressed the view that the lack of a formal PDP WG recommendation on the delegation of closed generics would imply that the relevant Board Resolution from the 2012 round would still apply.
	Confirmed w/ GNSO Support |**PDP WG Stage:** No Agreement Final Recommendations - Topic 23 | Last discussed on 14 July 2020
	
	● **The WG has not been able to agree on how to treat closed generic TLD applications in future rounds**. Draft final recommendation reflects this status.
	● In the 2012 round of the New gTLD Program, a decision was made by the ICANN Board to to either (a) "submit a change request to no longer be an exclusive generic TLD", (b) "withdraw their application" or (c) "maintain their plan to operate an exclusive generic TLD," which would operate to defer their application to the next round of the New gTLD Program, subject to rules developed for the next round, to allow time for the GNSO to develop policy advice concerning exclusive generic TLDs.".
	● The PDP WG has had numerous discussions and received extensive comments from the community, but was not able to agree.
	● Public Comments to date indicate there appears to be a fair amount of support to allow closed generics in some capacity, but requiring that the closed generic serve the public interest, perhaps requiring a commitment to a code of conduct, and/or introducing an objection process. However, there are some strongly held views against closed generics altogether. **The WG remains widely divergent on this topic.**
	● **Key challenges in this discussion include:**
	  ○ defining closed generics
	  ○ defining the public interest or public interest goals, and
	  ○ evaluating whether the public interest may be served or harmed by an application.
	  ○ diverging opinions on perceived benefits and harms of closed generics
	● PDP WG members recognize ICANN Board's resolution after the 2012 round noting PDP WG should address this item for the next round.
	● **Individual PDP WG members and/or small groups worked on individual proposals on closed generics.** Discussed lightly by the WG but NOT endorsed by the PDP WG. Will be available for community input via public comment, and will be considered in greater depth by the PDP during public comment process.
	● **Individual PDP WG Member Proposals on Closed Generics:**
	  ○ Three proposals were submitted by individual PDP WG members on potential paths forward on closed generics. All proposals are included in the public comment but are NOT part of the final recommendations since PDP WG is not in agreement.
	  ○ **Proposal 1:**
	    ■ Proposal includes creation of a new category of gTLDs: Public Interest Closed Generic Strings (PICGS) similar to the "community status" of applications in the first round.

	- Purpose for these TLDs to operate within a public interest framework - i.e. not just the interests of an individual organization. - Public Interest Closed Generic Review Panel - a group or committee will be established to evaluate whether each application meets the unique aspects and requirements of a PICG TLD. **Proposal 2:** - Focuses on why closed generics should be allowed, recommending to "permit the delegation of single registrant TLDs for any string (including closed generics TLDs) so long as the application meets all other AGB criteria" **Proposal 3:** - The Implementation Review Team must create a Framework for Evaluating Closed Generic applications to determine whether those applications "serve a legitimate public interest goal." - To serve the public interest: - A Public Interest Panel shall be appointed by the ICANN Board to evaluate whether the application and the proposed use of the Closed Generic TLD serves a legitimate public interest goal. - The TLD must serve a broad base of end users above and beyond the interests of the individual registry operator. - The TLD must serve a demonstrated and legitimate need of that broad base of end users.

Possible Next Steps for the GAC

- The GAC may consider reiterating GAC Advice from the Beijing Communique on Cat. 2 Safeguards, and potentially :
    - review and refine safeguards applicable to closed generics
    - assess proposed mechanisms in the PDP WG such as Application Criteria, Code of Conduct or a new Objection mechanism.
- GAC may wish to review the three proposals submitted by individual PDP WG members to seek potential alignment with previous GAC advice, notably in proposals 1 and 3.

Public Interest Commitments (PICs)

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Comment](#) on [CCT Review Team Draft Report](#) (19 May 2017): the GAC supports ○ Improvement of **definition, accessibility and evaluation** of applicant's Public Interest Commitments (Draft Rec. 37-39, Final Rec. 25) [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ Actual adoption and implementation of the PICs **differed in many respects from GAC advice** (Toronto and Beijing Communiqués), most notably on the issue of safeguards applicable to highly regulated gTLDs (Cat. 1). ○ Before making any final recommendations, the PDP should consider the **GAC's prior safeguard advice** and any recommendations in the **CCT final report** on these issues should be fully considered in the next stage of the PDP's work ○ PICs should be effectively **monitored by ICANN for compliance**, with appropriate sanctions when breached [ICANN66 Communique Advice](#) (6 November 2019) ○ CCT-RT Recommendations to be implemented before a new round is launched per [GAC Montreal Advice](#). [ICANN67 Communique](#) (16 March 2020) ○ concerns with intention to refer DNS Abuse to a separate PDP, in light of GAC Montreal Advice. [GAC Compilation of Individual Input](#) (9 May 2020) ● GAC members mostly converged on noting that DNS abuse mitigation should be included in the SubPro PDP WG recommendations, ● Several GAC members questioned whether ccTLDs should fall within the remit of the Subpro PDP WG (rationale 8). ● A few GAC members mentioned the approach/effort to address DNS abuse should be holistic. ● Some GAC members mentioned the importance of enforceability and enhancing dispute resolution mechanisms.	Confirmed w/ GNSO Support |**PDP WG Stage:** Final Recommendations - Topic 9 | Last discussed 19 March 2020 **On Mandatory Public Interest Commitments** (PICs)(also see [safeguards section](#) on Cat. 1 strings), the WG recommends that: ● WG recommends that singular and plural versions of the same string should not be permitted. ● However, if two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings, the WG recommends that the applicants should be permitted to move forward if they commit to the use stated in the application via a mandatory PIC (rec 24.5). ● *Existing practices confirmed as policy for the future, that is current PICs in RA Specification 11 3(a)-(d) to be maintained in future agreements* ● **Exempting single-registrant TLDs** from compliance with in [RA Spec. 11 3(a) and (b)](#). **On Voluntary PICs**, now Registry Voluntary Commitments (RVCs), the WG recommends: ● Allowing their use by applicants **in response to public comments, GAC Early Warnings, and/or GAC Consensus Advice**, **specifying whether such commitment is limited in time, duration and/or scope** to facilitate review by ICANN org, a possible objector and the GAC ● **Inclusion in the applicant's Registry Agreement,** as well as readily accessible and presented in a manner that is usable ● Transparency: RVCs must be readily accessible and presented in a manner that is usable, in line with GAC positions - alignment with GAC positions. **Consideration of relevant CCT Review recommendations** by the Working Group: ○ ICANN org should evaluate, in the implementation phase, **CCT-RT recommendation 25** to develop an "organized, searchable online database" for Registry Voluntary Commitments - alignment with GAC positions. ○ **No policy recommendations expected with respect to mitigating DNS Abuse:** As [reported](#) to the [GNSO Council (21 May 2020)](#) the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs (and potentially ccTLDs)

Possible Next Steps for the GAC
As a matter of high priority, the GAC may wish to consider the absence of policy recommendations on DNS Abuse. (Refer to Safeguards section due to overlap in content)   - The GAC may also wish to review the recommendation that no additional mandatory PICs are needed, as this may impact the flexibility and ability of the GAC to advise on public policy concerns that may emerge in the future   - GAC and PSWG may consider further work on existing mandatory PICs as identified by the WG.   - GNSO Council in light of WG letter is considering other avenues to address DNS Abuse holistically with community

Global Public Interest

Summary of Previous GAC Input	Status of PDP WG Deliberations
Response to Sub Pro PDP CC2 (22 May 2017) Regarding mechanisms to be employed to serve the public interest, in addition to Public Interest Commitments, the GAC referred **GAC Advice** it believed were **still current**: - Beijing Communiqué on Cat. 1 Safeguards Advice (**Closed Generics**) - Los Angeles Communiqué Advice on PICDRP to ensure that non compliance with Public Interest Commitments is effectively and promptly addressed, and for Cat. 2 TLDs (restricted registration) to provide registrants an avenue to seek redress for discriminatory policies - Singapore Communiqué (2015) Advice to reconsider the PICDRP and develop a 'fast track' process for regulatory authorities, government agencies and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public - Singapore Communiqué (2015) Advice to recognise voluntary adoption of GAC advice on verification and validation of credentials as best practice.	Confirmed w/ GNSO Support See discussion of Safeguards and Public Interest Commitments above.

Possible Next Steps for the GAC
See above.

GAC Early Warnings and GAC Advice

Summary of Previous GAC Input	Status of PDP WG Deliberations

Response to Sub Pro PDP CC2 (22 May 2017)
○ GAC Early Warning provided **earliest possible notice of potential public policy concern** and served the interests of both applicants and the GAC
○ GAC Advised for **commitments** in response to Early Warning to be made **contractually binding** (Toronto)
○ The GAC is interested in participating in any **discussions to improve** the Early Warning arrangements so that the legitimate concerns of governments, applicants and the wider community are met.
 	
Comment on Sub Pro PDP Initial Report (8 October 2018)
○ GAC Early Warning and GAC Advice were **useful instruments** to identify applications that raise public policy concerns and should be an integral part of any future rounds.
○ GAC is Open to **increasing transparency and fairness** of these, including giving applicants an opportunity for direct dialogue with the GAC.
○ However, the **GAC does not consider that the PDP should make recommendations on GAC activities** which are carried out in accordance with the ICANN Bylaws and the GAC's internal procedures
 	
ICANN67 Communique (16 March 2020)
○ Further GAC discussion needed on draft recommendations regarding the **scope of the rationale of GAC Advice**; and the **limitation of GAC Advice issued after the application period to individual strings only** "based on the merits and details of the applications for that string, not on groups or classes of applications."
 	
GAC Compilation of Individual Input on Subpro PDP WG recommendations (May 2020):
○ Most supported previous GAC positions supporting retention of the "will create a strong presumption for the ICANN Board that the application should not be approved".
○ Converged on not limiting scope of GAC advice.
○ A few agreed on the need for alignment with ICANN Bylaws.
○ **GAC Consultation took place prior to updated PDP WG recommendation language**, so may be to some extent outdated since substantive changes were made to the draft recommendations (see Status of PDP WG deliberations column).
	Confirmed with GNSO Support |**PDP WG Deliberation Stage:** Final Recommendations - Topic 30| Last discussed: 7 May 2020
	● WG recommendations contrast with GAC advice and GAC members input in relation to the expectation that GAC Advice "*will create a strong presumption for the ICANN Board that the application should not be approved*." **as future versions of the AGB would omit this language** to increase the Board's flexibility to facilitate a solution that both accepts GAC Advice and allows for delegation of a string if GAC concerns are addressed.
	● Possible impact of WG Recommendations and Implementation Guidance on issuance of **GAC Advice** in future rounds:
	  ○ GAC Advice is recommended to **be limited to the scope set out in the applicable Bylaws provisions** (see Section 12.2.a.i) and elaborate on **any interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues,** and if based on public policy considerations, **well-founded merits-based public policy reasons must be articulated**.
	  ○ Regarding **Advice on categories of TLDs**: issuance by the GAC should happen **before the Applicant Guidebook is published**
	  ○ PDP WG Implementation Guidance: If GAC Advice on categories is issued after the finalization and publication of the AGB, and whether the GAC Advice applies to categories, groups or classes of applications or string types, or to a particular string, **the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws**.
	● Possible impact of WG Recommendations on issuance of **GAC Early Warning** in future rounds:
	  ○ Required to **include a rationale and how the applicant may address the concerns**
	  ○ Application Guidebook to define the **time period during which GAC Early Warnings can be issued**, if beyond the application comment period
	● Applicants to be allowed to change their application, including through PICs, to address GAC Early Warnings and GAC Advice
	● Per WG Recommendations, GAC members would be strongly encouraged to make themselves available during a specified time period for direct dialogue with relevant applicants "*to determine if a mutually acceptable solution can be found*" in responding to Early Warning or Advice

Possible Next Steps for the GAC

● The GAC may wish to update GAC Advice/Positions as the updated final recommendations would establish new requirements on GAC Early Warnings and GAC Consensus Advice in future rounds and diverge from previous GAC positions. In particular the GAC may wish to:
    ○ Consider whether the GAC accepts having to provide rationale for its advice;
    ○ Whether the omission of the language on "strong presumption" is acceptable.

Community Based Applications

Summary of Previous GAC Input	Status of PDP WG Deliberations

Comment on CCT Review Team Draft Report (19 May 2017):
○ Conduct a **thorough review of procedures and objectives** for Community-based applications (Draft Rec. 48, Final Rec. 34)
 	
Response to Sub Pro PDP CC2 (22 May 2017)
○ Where a **community which is impacted** by a new gTLD application has expressed a collective and clear opinion, that **opinion should be duly taken into account** as part of the application. (Beijing Communiqué)
○ **Take better account of community views,** regardless of whether those communities have utilised the ICANN formal community process or not (Durban Communique 2013)
○ The GAC proposes the establishment of an **appeal mechanism for community applications**
○ The GAC has recently referred to the PDP Working Group for consideration the recommendations of a report on community applications commissioned by the Council of Europe.
 	
Comment on Sub Pro PDP Initial Report (8 October 2018)
○ Supports proposal in the Initial Report
○ The study by the Council of Europe should be considered
 	
Comment on CCT Review Team Final Report (11 Dec. 2018)
○ a **thorough review** of procedures and objectives related Community-Based Applications **be conducted prior to the launch of any future round of New gTLD Application** (Final Rec. 34)
 	
ICANN67 Communique (16 March 2020)
○ **evaluators** should have necessary **expertise and additional resources** at their disposal to gather information about a CPE application and any opposition to it
○ improved **transparency and predictability,** for greater **consistency** in the CPE process,
○ establishment of an **appeals mechanism**
○ consideration to be given to providing **support for non-profit** community-based applications.
 	
GAC Consultation on Subpro PDP WG recommendations (May 2020):
○ Some GAC members agreed in principle with the draft recommendations, while expressing concerns about the Community Priority Evaluation Process (CPE) specifically due to lack of clear definition of "community".
○ GAC members converged on the need for further clarification of the CPE Process per ICANN67 Communique and recalled the GAC consensus positions from the ICANN67 Communique on CPEs.
	Confirmed w/ GNSO Support | **PDP WG Stage:** Final Recommendations - Topic 34 | **Last discussed**: 19 March 2020
	● The PDP WG supports the overall approach used in the 2012 round for community-based applications, including the **continued prioritization of applications in contention sets that have passed Community Priority Evaluation**.
	
	● The WG believes its work is in line with the CCT-RT recommendation 34.
	
	● With a view to making the Community Priority Evaluation (CPE) processes efficient, transparent and predictable as possible, the WG recommends:
	  ○ **Amended CPE Guidelines (still in progress, with the WG actively seeking suggestions for improvement during the public comment proceeding) should be considered a part of the policy adopted by the PDP WG.**
	  ○ **ICANN org to consider efficiency improvements, costs and timing.**
	  ○ **All CPE procedures and dispute provider rules must be published before the application submission**
	
	● Regarding the improvement of information gathering by CPE evaluators:
	  ○ in addition to clarifying questions to CPE applicants, written dialogue should be enabled
	  ○ clarifying questions or similar methods should also be available to engage those who submit letters of opposition to community-based applications
	
	● **Regarding the definition of "Community", the WG does not appear to be seeking to establish a broader definition instead relying on the existing criteria for the CPE review.**

Possible Next Steps for the GAC
● Consider the WG outcome in considering CCT Review Recommendation 34 and consider providing specific input on expectations in connection with the "thorough review" the GAC has called for.

2. Subsequent Rounds of New gTLDs: Reviews, Policy Development and Prerequisites

Policy Development Process

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Response](#) to [Sub Pro PDP CC1](#) (29 July 2016) ○ GAC Notes range of **ongoing interconnected reviews and policy development processes** relevant to new gTLDs ○ Take a **comprehensive and measured approach** to new gTLD policy in a **sequential and coordinated** way rather than through too many parallel and overlapping efforts ○ **Cross-community working environment essential** to the development of workable policies that maximise benefits to all relevant stakeholders ○ GNSO process to be complemented by the input from other SOs/ACs, and ICANN Board when not appropriately reflected in the outcome ○ Experience suggests conclusion of a **PDP on such a wide-ranging set of issues unlikely to be end-point** agreed by all stakeholders. GAC will make every effort to participate in agreed post-PDP policy processes. ○ Consider **metrics** to support both policy development and ongoing implementation as a specific stream of work [Comment](#) on [CCT Review Team Final Report](#) (11 December 2018) ○ **Increased data collection** on **consumer trust**, **DNS abuse**, domain **wholesale and retail pricing**, **reseller information**, **WHOIS accuracy** [...] will allow for more informed decision and policy [...] particularly with regard to future standard registry and registrar contract provisions and any subsequent rounds of gTLDs (Final Rec. 1, 8, 11, 13, 17, 18)	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** [Final Recommendation](#) Topic 1, 3 & 7| Last discussed 6 Feb. 2020 ● According to the [GNSO Review of the GAC Kobe Communiqué](#) (18 April 2019), all CCT Review recommendations directed at the PDP either by the Review Team (in the course of its work) or by the ICANN Board [resolution](#) (1 March 2019) were considered in the course of the PDP WG's deliberations ● The PDP WG flagged a review of GAC Advice contained in the Montréal Communiqué and understands that **it is required to consider all CCT-RT recommendations directed to it** via the 01 March 2019 [ICANN Board resolution](#) at it, **but is not required to agree with all outcomes and suggested solutions**. ● The PDP WG final report **will describe the manner in which all relevant CCT-RT recommendations were considered and how they were or were not integrated into any final recommendations**. Specific CCT-RT recs were not addressed in this context, but as an overarching response to the Montreal Communique Advice, which might be inconsistent with GAC expectations. **The WG will describe its consideration of the CCT-RT recommendations in its Final Report in each relevant section** (a summary of where each CCT-RT rec is discussed is included in Annex C) ● PDP WG discussed whether the program should only utilize "rounds", and recommends a "**systematized manner of applying for gTLDs be developed in the long term**" ● The PDP WG took note of GAC Advice contained in the Montréal Communiqué, **that future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented**. ● The PDP WG recommends meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared.**Metrics collected to understand the impact of New gTLD Program should focus on areas of trust, competition and choice.** ● ICANN org must establish metrics and service level requirements for each phase of the application process (review, evaluation, contracting and transition to delegation stages). ICANN must report on a monthly basis on its performance with respect to these key performance indicators. ● Of the recommendations flagged by the GAC in the CCT-RT recommendations regarding increased data collection, **only Rec. 17 of the CCT-RT was directly assigned to the Subpro PDP WG by the ICANN Board and is not yet being addressed in final report**, "ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.'

Possible Next Steps for the GAC
● GAC may wish to provide input on the CCT-RT Recs not addressed per [communication to GNSO Council](#) and subsequent discussion at [GNSO Council Meeting (21 May 2020)](#)

Future Releases of New gTLDs (Timing and Prerequisites)

Summary of Previous GAC Input	**Status of PDP WG Deliberations**
Response to Sub Pro PDP CC1 (29 July 2016) ○ Reiterated GAC Helsinki Communiqué Advice on this matter ○ Lack of clarity on realization of the **expected benefits of new gTLDs** (per pre-2012 economic analysis) ○ **Development and collection of metrics** far from complete ○ ICANN, registries and registrars should commit to **gathering appropriate data on security and consumer safety** issues in a transparent manner ○ Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners. However, competition is only one factor in terms of **assessment of costs and benefits.** Comment on CCT Review Team Draft Report (19 May 2017) ○ CCT-RT's contribution is critical in **evaluating the overall impact of the new gTLD Program** and identifying corrective measures and enhancements Comment on Sub Pro PDP Initial Report (8 October 2018) ○ Reiterates GAC Helsinki & Hyderabad Communiqué and previous input that **costs and benefits of new gTLDs should be reviewed before any further rounds**, noting it does not seem addressed directly by PDP ○ Further expansion should take into account the **CCT Review recommendations identified as prerequisites** Comment on CCT Review Team Final Report (11 December 2018) ○ the GAC endorses recommendations in the final report that encourage the **collection of data** to better inform policy making **before increasing the number of new gTLDs** (Need for data) GAC Advice Montreal Communique (9 November 2019) ○ Advised not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the CCT Review that were identified as "prerequisites" or as "high priority". GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on GAC Montreal Communique which clarified its positions on "pre-requisites" and "high priority" CCT RT Recs, clarifying that the Board should remain respectful of the advice received from its advisory committees and on topics which encompass high priority/pre-requisite CCT RT recs which were not adopted by the Board the GAC asked for clarification from the Board on how it intends to proceed and when it will make its decision.	Confirmed w/ GNSO Support | **PDP WG Deliberation Stage:** Final Recommendations - Topic 1, 3 & 7 | Last discussed 6 February 2020 **Status:** ● The PDP WG final recommendations note that an "**orderly, timely and predictable New gTLD Program is universally supported**". ● The PDP WG recommends that prior to the commencement of the next Application Submission Period, **ICANN shall publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening** up of the next subsequent round. ● The Sub Pro PDP WG has not conducted cost/benefit analysis of further releases of new gTLDs. This is based in part on the fact that "*It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term*" (New gTLD Applicant Guidebook, section 1.1.6). ● The PDP WG recommends that a "**systematized manner of applying for gTLDs be developed in the long term**" be maintained as per the 2012 Applicant Guidebook. ● In terms of data collection, the Sub Pro PDP WG created a section on metrics (topic 7) referred to above in Policy Development section draft final recommendations note that "*metrics collected to understand the impact of New gTLD Program should [...] focus on the areas of trust, competition, and choice. Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future*" ● More specifically the PDP WG recommends that "*to review metrics, data must be collected at a logical time to create a basis against which future data can be compared.*" ● **No objections within PDP WG to the New gTLD Program continuing, nor to the collection of data and metrics for assessing the impact of the program.** ● The PDP sought to try and identify metrics for success but ultimately determined that this exercise is more appropriately completed during the implementation phase, in accordance with Board-approved recommendations of the CCT-RT. ● The Working Group believes that an Implementation Review Team should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program (see Policy Development section above

ICANN68 GAC Communique (27 June 2020): ○ While supporting a new round of new gTLDs in principle, some GAC members recalled the importance of a cost/benefit analysis being conducted prior to the next round.	and topic 7 of the final report)

Possible Next Steps for the GAC
● Determine whether the status of work in the Sub Pro PDP requires revisiting GAC's expectations, in particular in the GAC Montreal Communique, where GAC's advice was not to proceed with a new round of gTLDs until the complete implementation of recommendations in the CCT-RT that were identified as "prerequisites" or as "high priority" is achievable.

3. New gTLD Applications Process

<table>
<tr><td colspan="2" style="background-color:#fdf5e3">**Clarity and Predictability of Application Process**</td></tr>
<tr><td>**Summary of Previous GAC Input**</td><td>**Status of PDP WG Deliberations**</td></tr>
<tr>
<td>

Response to Sub Pro PDP CC1 (29 July 2016)
- **"Continuous delegation"** could provide long-term certainty, reduce opportunities for gaming the system and enable more efficient allocation of resources by ICANN, the community and applicants.
- Need for process flexibility to respond to emerging issues
- Need mechanism to alert, allow application by and giving a say to parties interested in name applied for
- GAC Appreciates **importance of predictability** at the pre-application, application and ongoing post-application stages, However, this should **not** be the **prime or only consideration**
- The GAC needs a degree of **flexibility to respond to emerging issues** at the global level, as dealt with in ICANN processes, since national laws may not be sufficient to address them. The need for such flexibility continues after the conclusion of a GNSO PDP

Response to Sub Pro PDP CC2 (22 May 2017)
- The GAC supports any **reasonable measures that streamline application procedures** (thereby reducing compliance costs) but that also enable **due consideration of public policy issues** raised by GAC
- Reiterates response to Sub Pro PDP CC1 regarding flexibility to respond to emerging issues, including after conclusion of PDP

Comment on Sub Pro PDP Initial Report (8 October 2018)
- Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues

ICANN68 GAC Communique (27 June 2020): some GAC members raised doubts on the added-value of a SPIRT, and expressed concerns that its creation, if adopted, could add complexity to the current procedure and potential inconsistency with existing roles and responsibilities according to the ICANN Bylaws [...].if established, the new mechanism be lean, inclusive and transparent

</td>
<td>

Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** Final Recommendations| Topic 2| Last Discussed**:** 13 August 2020

- The Sub Pro PDP WG recommends that ICANN establish predictable, transparent, fair **processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes.**
- To do so, the PDP WG advises ICANN to use a new **Predictability Framework** (Annex E to Subpro PDP WG Final Report): framework for analyzing the type/scope/context of an issue and if already known, the proposed or required Program change, to assist in determining the impact of the change and the process/mechanism that should be followed to address the issue. **The framework is a tool to help the community understand how an issue should be addressed as opposed to determining what the solution to the issue should be; the framework is not a mechanism to develop policy.**
- **Following ICANN68, PDP WG modified draft recommendation on SPIRT** to address concerns received about the predictability framework, noting it is not intended to be used to develop policy.
- Additionally, the PDP WG recommends creating a new **Standing Predictability Implementation Review Team ("SPIRT")** to serve as the body responsible for:
    - reviewing potential issues related to the Program
    - to conduct analysis utilizing the framework, and
    - to recommend the process/mechanism that should be followed to address the issue (i.e., utilize the Predictability Framework).
- **The GNSO Council shall be responsible for oversight of the SPIRT** and may review all recommendations of the SPIRT in accordance with the procedures outlined in the GNSO Operating Procedures and Annexes.
- The Predictability Framework will be used for issues or proposed program changes in various categories as outlined in the Predictability Framework
- **The Standing Predictability Implementation Review Team ("SPIRT")** is a new GNSO structure to advise its Council, and with which ICANN org would be required to consult when it considers certain types of changes/modifications to the New gTLD program after its launch (that is after new applications have been received). The Sub Pro PDP WG recommends it be **advisory in nature (and overseen by the GNSO Council)** and would not impact the ability of the GNSO and other SO/ACs from performing their roles assigned under the ICANN Bylaws.
- Additionally, **the PDP WG took into account feedback received and modified rationale on the SPIRT implementation guidance**:
    - the Working Group recognizes the challenges in determining the details of the framework and establishing the SPIRT and **therefore emphasizes that implementation of both elements should focus on**

</td>
</tr>
</table>

	simplicity and clarity. ● **Implementation guidance suggested by PDP WG post ICANN68**: ICANN Org should maintain and publish a change log or similar record to track changes to the New gTLD Program, especially those that arise and are addressed via the Predictability Framework and the SPIRT.

Possible Next Steps for the GAC

- Review the proposed Predictability Framework, its associated SPIRT and the guidelines for ICANN org, and **assess the impact on GAC need for "flexibility to respond to emerging issues"**
- **Consider how the GAC would approach and prepare for both the policy implementation phase** (once policy development is complete and before the new round of application is launched) **and for the operational phase of a next round** (administration of the Program) under the envisioned Predictability Framework.
- GAC to consider providing further input on future GAC role in SPIRT if created, i.e. idea of GAC liaison was discussed by GAC members on PDP WG meeting 2 July 2020.

Application Procedures

Summary of Previous GAC Input	Status of PDP WG Deliberations
Response to Sub Pro PDP CC2 (22 May 2017) ○ **Critical assessment should be made** on whether **Applicant Guidebook** or single place on ICANN's website should be preferred in future ○ If Applicant Guidebook is retained, partitioning in different **audience-driven** sections **or by type of application** has merit Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 2018) ○ Concurs that better guidance provided by ICANN would be helpful regarding **possible changes in applications once submitted** and their consequences in terms of publication and evaluation. ○ Care is required so as not to allow changes that could undermine the role of Application comments ○ A change to the likely operator of the new gTLD would constitute a **material change** and require notification (AGB 1.2.7) and possibly re-evaluation as well as public comments for competition and other concerns.	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** Final Recommendations - Topic 1, 3, 12| Last discussed on: 6 February 2020 **Status:** ● **The Applicant Guidebook is expected to be retained and made available in the 6 UN Languages.** ● All translations of the final Applicant Guidebook should be available at or as close as practicable in time to the point at which the English version is published. ● The PDP WG recommends that ICANN org provide better guidance to the Applicant. ● The Working Group recommends focusing on the user when drafting future versions of the Applicant Guidebook and prioritizing **usability, clarity**, and **practicality** in developing the AGB for subsequent procedures. The AGB should effectively address the needs of new applicants as well as those already familiar with the application process. It should also effectively serve those who do not speak English as a first language in addition to native English speakers.

Possible Next Steps for the GAC

- Consider providing specific implementation guidance to ICANN once policy development is complete and ICANN begin implementation work, including editing the New gTLD Applicant Guidebook

Freedom of Expression

Summary of Previous GAC Input	Status of PDP WG Deliberations
Comment on Sub Pro PDP Initial Report (8 October 2018) ○ **No clear evidence of infringement** of an applicant's freedom of expression rights in the recent gTLD round ○ Freedom of expression, especially from commercial players, is **important but not absolute**. ○ As in any fundamental rights **analysis all affected rights have to be considered**, including, inter alia, intellectual property rights, applicable national laws on protection of certain terms etc. ○ Procedures have to be inclusive of all parties whose interests and rights are affected by a specific string application, and all need to be given a fair say in the process	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage: Final Recommendation** - Topic 10 | Last discussed on**:** 2 April 2020 **Status:** ● **The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law** ● WG notes that as ICANN incorporates **human rights** into ICANN's processes in line with the recommendations of Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression. ● The Working Group understands the challenges of ensuring that freedom of expression is incorporated into the implementation and operation of the new gTLD program, and recommends a proactive approach to ensuring that these rights are taken into account in the development of program rules, processes, and materials. ● While the Working Group did not agree to specific recommendations in this regard, **it encourages ICANN org to give additional consideration to this issue in the implementation phase** PDP WG updated language to cross reference the Framework of Interpretation (FOI) for the human rights core value as part of the CCWG Accountability WS2 recommendations adopted by the ICANN Board in Nov. 2019

Possible Next Steps for the GAC
● The GAC may wish to monitor WG draft final recommendations, in particular might be of interest to the HRIL WG due to mention of human rights and WS2 implementation.

TLD Categories (or Types)

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Response](#) to [Sub Pro PDP CC1](#) (29 July 2016) ○ Reiterates GAC Nairobi Communiqué Advice calling for **further exploration of categories** ○ **Limited geographic and category diversity** of 2012 application should inform discussions ○ GAC 2007 Principles and Durban Communiqué suggest **certain types of TLDs which may deserve a differential treatment**, including sensitive strings and highly regulated sectors ○ Differential treatment may require **different tracks for application** and **different procedures, rules and criteria**. To be confirmed with data gathering. [Response](#) to [Sub Pro PDP CC2](#) (22 May 2017) ○ Reiterates GAC Nairobi Communiqué Advice in relation to possible **variable fee structure per type of application** [Comment](#) on the [Statistical Analysis of DNS Abuse in New gTLDs](#) (19 September 2017) ○ There is still significant scope for the **development and enhancement of current mitigation measures and safeguards**, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD,Community gTLD, Geographic gTLD and Brand gTLD) ○ Fisk levels also varies **depending on the strictness of the registration policy** (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories and addressing fees	Confirmed w/ GNSO Support | **PDP WG Deliberation** **Stage:** Final Recommendation, Topic 4 Last discussed on**:** 23 April 2020 **Status:** ● PDP WG considered GAC Advice in Nairobi Communique, relative to exploring the benefits of further categories. ● Working Group concluded that it is challenging to implement additional categories in a simple, effective, and predictable manner. ● PDP WG notes that the **establishment of additional types should be done under exceptional circumstances only and should be done via community processes.** ● PDP WG **includes new "Strings subject to Category 1Safeguards" in string types**. See [Safeguards](#) section. ● PDP WG recommends **maintaining existing categories and to not create additional categories**, with the exception of formally adopting the .Brand category. ● The PDP WG recommends maintaining the **single base fee** charged in the 2012 application round, **with the exception of:** 　○ Applicant Support 　○ Applicants electing to use a pre-approved registry service provider

Possible Next Steps for the GAC

- The GAC may wish to provide GAC advice on additional categories which should be considered and why they should be given a different treatment.
- Allowing for a variable fee structure may need to be pursued specifically

Community Engagement

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Response](#) to [Sub Pro PDP CC1](#) (29 July 2016) ● **Ensure/empower participation** from all relevant stakeholders from **affected communities** (as applicants or to have a fair say when legitimate interests affected by TLD applications)	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** Final Recommendations - Topic 13 | **PDP WG Last discussed this topic on:** 23 Jan 2020 **Status:** ● The PDP WG agreed that **the New gTLD Program's communications plan should serve the goals of raising awareness about the New gTLD Program to as many potential applicants as possible around the world** and making sure that potential applicants know about the program in time to apply. To serve this objective, the WG determined that the focus should be on **timeliness, broad outreach, and accessibility**. ● As a result, the PDP WG focused on specific suggestions that would further those high-level goals. ● Public comment received was largely supportive of the Working Group's preliminary outcomes and accordingly, they have been carried forth as Implementation Guidance in this report
Possible Next Steps for the GAC	
● Consider monitoring and contributing specific input on the New gTLD Communication Strategy as well as other areas of WG deliberations such [Comments](#) and [Objections](#) on Applications.	

4. New gTLD Applications Requirements

Applicant Evaluation and Accreditation Programs

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ Applicant evaluation and **Registry Service Provider pre-approval process** should include consideration of potential **security threats** ○ Such consideration should include **using tools such as ICANN's DAAR** to identify any potential security risks (and affiliated data) associated with an application	Confirmed w/ GNSO Support | **PDP WG Deliberation Stage:** Final Recommendations - Topic 6 | **Last discussed:** 10 Feb. 2020 **Status:** ● Accreditation Programs renamed RSP Pre-Evaluation by PDP WG. ● PDP WG recommends establishing a program in which Registry Service Providers ("RSPs") may receive pre-evaluation by ICANN if they pass the required technical evaluation by ICANN or their selected third party provider. ● The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes place ● PDP WG recommends that all criteria for evaluation and testing must be the same. ● The WG is unsure of how to integrate data such as DAAR, which provides data for an already delegated TLD, into the evaluation process.

Possible Next Steps for the GAC

- The GAC and PSWG particularly may wish to consider GAC advice/comment in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice[1]
- The GAC may want to consider providing specific guidance on how tools like DAAR can benefit the evaluation process.

---

[1] In particular Annex 1 of [GAC Hyderabad Communiqué](#), and follow-up exchange with ICANN Board and ICANN Org. For more information: https://gac.icann.org/activity/dns-abuse-mitigation (section Ongoing Work > Effectiveness of DNS Abuse Safeguards in Registries and Registrars Contracts)

Reserved Names

Summary of Previous GAC Input	Status of PDP WG Deliberations
Comment on Sub Pro PDP Initial Report (8 October 2018) ○ Existing reservations of names at the top level substantially reflect the **GAC Principles Regarding New gTLDs**. ○ The GAC would expect that **any changes should be consistent** with these Principles ○ The GAC wishes to draw the attention of the PDP to its most recent **advice on certain 2-character codes** at the second level (GAC Panama Communiqué)	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage::** Final Recommendations - Topic 21 |Last discussed on 23 April 2020 ● Reserved Names ["Unavailable Names," referred to in 2012 AGB as "Reserved Names"] at the Top Level : the PDP WG affirms Recommendation 2 from the 2007 policy, which states "Strings must not be confusingly similar to an existing top-level domain or a Reserved Name" ● PDP WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round. ● The Working Group supports continuing to reserve as unavailable for registration those strings that are on the then-current schedule of Reserved Names at the second level. The schedule may only change through the then-current process for making such changes. ● PDP WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016

5. New gTLD Applications Requirements - Safeguards and Public Interest Commitments

<table>
<tr><td style="background-color:#f4cccc">**Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse)**</td></tr>
</table>

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Comment](#) on [CCT Review Team Draft Report](#) (19 May 2017): the GAC supports: ○ **Incentives for registries to meet user expectations** regarding content, registrants in TLD, safety of personal data (Draft Rec. 14, Final Rec. 12) ○ Further **gathering of data related to WHOIS Accuracy** and related complaints (Draft Rec. 17-18, Final Rec. 18) ○ Regular gathering, analysis by ICANN of **data pertaining to abuse rates** in new gTLDs (Draft Rec. 19, Final Rec. 16) ○ Review of Registry **Security Framework** (Draft Rec. 20, Final Rec. 19) ○ Assessing whether mechanisms to report and handle **complaints** have led to more focused efforts to combat abuse and improving awareness of **Registries points of contact** to report abuse (Draft Rec. 21-22, Final Rec. 20) ○ Collection of **additional information in complaints** to assess effectiveness of highly regulated strings Cat. 1 safeguards (Draft Rec. 23-24, Final Rec. 21) ○ More data and information required for an **objective assessment of the effectiveness of safeguards** for highly regulated strings (Draft Rec. 25-30, Final Rec. 23) ○ Survey registrant and ICANN compliance on enforcement of Safeguards related to **New gTLDs with Inherent Governmenta**l Functions and **Cyberbullying** (Draft. Rec 31-32, Final Rec. 24) ○ Additional collection of data to assess **effects of restricted registration policies on TLD trustworthiness, DNS Abuse, competition, and costs** of compliance(Draft Rec. 33-36, Final Rec. 13) [Comment](#) on the [Statistical Analysis of DNS Abuse in New gTLDs](#) (19 September 2017) ○ There is still significant scope for the **development and enhancement of current mitigation measures and safeguards**, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD,Community gTLD, Geographic gTLD and Brand gTLD) ○ Risk levels also varies **depending on the strictness of the registration policy** (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ **Verified [TLD]** Consortium and the National Association of Boards of Pharmacy recommendations on applications for strings linked to highly regulated sectors should be supported. [Comment](#) on [CCT Review Team Final Report](#) (11 December 2018) ○ Considering the conclusion that "The new gTLD safeguards alone do not prevent DNS Security abuse in the DNS'', consider more **proactive measures to identify and combat DNS abuse**, including incentives (contractually and/or	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** Final Recommendations - Topic 26| Last Discussed: 25 June 2020 **Status:** ● As indicated in the [Policy Development Process section](#) of this scorecard, the **PDP WG believes that all CCT Review recommendations directed at the PDP are being considered** in the course of the PDP WG's deliberations ● Per the PDP WG's [working document](#), **4 of the [CCT Review recommendations](#) identified as important by the GAC** in the area of safeguards (see Left) are being considered by the PDP (Rec. 12, 14, 16, 23). All of these are **identified as requiring more consideration** in PDP WG deliberations ● It should be noted that CCT Review [Final Recommendations](#) have been [considered](#) by the ICANN Board (1 March 2019). The Board's actions are currently subject to further community discussion, as tracked by the GAC in another [dedicated scorecard](#). ● The WG affirms the framework established by the **New gTLD Program Committee (NGPC)** to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, as established in response to the **GAC Beijing Communique** ● This framework created 10 safeguards of various levels to be implemented among a set of 4 groups. ● The WG recommends establishing a process to determine if an applied-for string falls into one of four groups. **This process must be included in the Applicant Guidebook** along with information about the ramifications of a string being found to fall into one of the four groups. ● **PDP WG members recommend that a panel should make the ultimate determination of whether it is one of the 4 categories** due to the operational nature of this role, and that a panel might be most effective - to be evaluated in implementation phase.

financially) by ICANN to encourage contracted parties to adopt proactive anti-abuse measures (Final Rec. 14)
- ○ Incentivize registries to meet **expectations about who can register domains in sensitive or regulated industries** and gathering data about complaints and rates of abuse in these gTLDs that often convey an implied level of trust (Final Rec. 12, 23)
- ○ Endorses recommendation for an **audit of highly regulated gTLDs** to assess whether restrictions regarding possessing necessary credentials are being enforced (Final Rec. 23)
- ○ ICANN Contractual Compliance to publish **more details as to the nature of the complaints** they are receiving and what safeguards they are aligned with, to enhance future policy making and contractual safeguards (Final Rec. 20, 21)

Possible Next Steps for the GAC

(Refer to PICs section since content overlaps. Given the importance of this policy area for the GAC, and given the reduced scope of consideration of CCT Review Recommendations in the PDP WG (compared to GAC expectations), the GAC May wish to:

- track developments in relation to the Board consideration of the CCT Review recommendations, and possibly engage via other channels in complement to the PDP WG where appropriate.
- The GAC may wish to also monitor upcoming draft final recommendations on topics not yet addressed, of interest to the GAC:
    - ○ Consideration of existing safeguards and related CCT recommendations
- GAC may wish to provide input on Regulated and Highly-Regulated Strings Framework by PDP WG.

6. New gTLD Applications Evaluation, Objections and String Contention

String Similarity/String Confusion

Summary of Previous GAC Input	Status of PDP WG Deliberations
[Response](#) to [Sub Pro PDP CC2](#) (22 May 2017) ○ Reference to the GAC Hyderabad Communiqué **Advice regarding** the proposed guidelines on the second **IDN ccTLD string similarity review** process ○ Reference to GAC Prague Communiqué advice "to create a **mechanism of appeal** that will allow challenging the decisions on confusability"in relations to applied-for IDN ccTLDs [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) ○ Reaffirms previous advice (GAC Beijing and Singapore Communiqué) that **singular and plural** versions of the same string as a TLD could lead to consumer harm	Confirmed w/ GNSO Support |**PDP WG Deliberation Stage:** Final Recommendation - Topic 24 **Status:** Last discussed on 9 April 2020 ● Draft final recommendations include detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round ● PDP WG recommends the standard used in the String Similarity Review from the 2012 round to determine an applied-for string is "similar" to any existing TLD, any other applied-for strings, reserved names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. ● PDP Recommends prohibiting plurals/singulars of the same word within the same language/script to reduce consumer confusion. ● The Working Group notes that recommendation 2.3.b from the Program Implementation Review Report states: "Consider any additional policy guidance provided to ICANN on the topic of string similarity." The Working Group anticipates that ICANN org will leverage the above recommendations in the development of String Similarity review processes for subsequent procedures.
Possible Next Steps for the GAC	

Auctions Procedures

Summary of Previous GAC Input	Status of PDP WG Deliberations

[Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018)
 	
○ **Auctions of last resort** should not be used in contentions between commercial and non-commercial applications
○ **Private auctions** should be strongly disincentivised
 	
[Comment](#) on [Sub Pro PDP Supplemental Initial Report](#) (19 Dec. 2018)
 	
○ Reiterates comments made on the Initial Report
 	
[ICANN68 GAC Communique](#)(27 June 2020)
 	
● GAC Members expressed concerns on why other options are not being further considered by the WG.
	Confirmed w/ GNSO Support | **PDP WG Deliberation Stage: Final Recommendations** Topic 35 | Last discussed on 17 August 2020
	
	● The AGB must reflect that applicants will be permitted to creatively resolve contention sets in a multitude of manners, including but not limited to business combinations or other forms of joint ventures and private resolutions (including private auctions) - see topic 20 Application Change Requests.
	● **PDP WG recommends that if there is contention for strings, applicants may**:
	  ○ resolve contention between them within a **pre-established timeframe** *in accordance with the AGB and supporting documents*
	  ○ If there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application.
	  ○ If there is no such claim, and no mutual agreement, *contention will be resolved through an ICANN Auction of Last Resort* and;
	  ○ the ICANN Board *may use expert panels to make Community Priority Evaluation determinations*
	● **Applications must be submitted with a bona fide (good faith) intention to operate the gTLD**, i.e. applicants shall <u>not</u> submit applications for the purpose of financially benefiting from the resolution of contention sets.
	● All contention sets resolved through private resolution shall adhere to the **transparency requirements set forth in the Contention Resolution Transparency Requirements** in the relevant recommendation.
	● The WG has included a non-exhaustive list of potential "Factors" intended to help identify when an application may have been submitted without a bona fide intent to operate the gTLD. Those potential "Factors" are assumed to serve as the basis for enforcement of the bona fide use clause.
	● Consideration of whether an application was submitted with a bona fide intention to operate the gTLD must be determined by considering all of the facts and circumstances surrounding the impacted Applicants and Applications.
	● **The PDP WG recommends that auctions of last resort must take place using the second-price auction method**, in which bidders submit a sealed-bid auction rather than the ascending clock auction used in 2012.
	● **ICANN Auctions of Last Resort shall only take place after all other evaluation procedures, objections**, etc., similar to the 2012 round.
	● ICANN Auctions of Last Resort cannot occur if one or more of the applications in the contention set is involved in an active appeal or ICANN Accountability mechanism or is in a new public comment period or reevaluation due to private resolution.
	● Once application submission period closes, applicants in contention sets will be informed of # of other applications in contentions set but no other information will be revealed.
	● Any applicants who wish to compete for their applied for string must submit a sealed bid for each relevant application.
	● **All applications are evaluated and subject to other application procedures, including Initial/Extended evaluation, Objections, GAC Early Warnings/Advice, CPE)**
	● Ensure AGB reflects applicants permitted to creatively resolve contention sets including but not limited to private resolutions (auctions)
	● Increase transparency and accountability in contention resolution to improve the perception of ICANN and the new gTLD program.

Possible Next Steps for the GAC
● Update GAC positions for the public comment proceeding from the WG to press on and bolster existing support by some members of the WG for specific consideration of non-commercial applications in auctions, or alternatives thereof. ● Consider refining expectations and making proposals in terms of incentives for the avoidance of private auctions. ● GAC should review the final recommendations of Cross-Community WG on Auction Proceeds to inform thinking