**Adoption of the Policy Development Process on New gTLD Subsequent Procedures Final Report**

Submitted by: Flip Petillion

Seconded by:

WHEREAS

1. On 17 December 2015 the GNSO Council resolved to [initiate](https://gnso.icann.org/en/council/resolutions#201512) a PDP to consider and analyze issues discussed in the Final Issue Report on New gTLD Subsequent Procedures (SubPro PDP) to determine whether changes or adjustments to the existing policy recommendations in the Final Report on the Introduction of New Generic Top-Level Domains from 08 August 2007 are needed.
2. On 21 January 2016 the GNSO Council [approved](https://gnso.icann.org/en/council/resolutions#201601) the Charter for the SubPro PDP and directed ICANN staff to issue a call for volunteers for the SubPro PDP Working Group.
3. After initiating a call for community comment in June of 2016 (Community Comment 1), the SubPro PDP divided its work into four Work Tracks culminating in a second call for community comment (Community Comment 2) in March of 2017, that provided an insight into the work of each of the initial four Work Tracks, and asked a series of questions of the community for further consideration.
4. In November of 2017, a fifth Work Track (WT5) was created solely for the purpose of examining the issues related to Geographic Names as the Top Level. In recognition of the broad interest in the topic and to encourage participation from the ICANN community, it was set up to include four WT5 leaders, one each from the GNSO, ccNSO, GAC and At-Large.
5. The SubPro PDP has followed the prescribed PDP steps as stated in the Bylaws, including the publication of the following Reports for public comment:
   * 1. an [Initial Report](https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en) on 08 July 2018 for public comment.
     2. a [Supplemental Initial Report](https://www.icann.org/public-comments/new-gtld-subsequent-procedures-supp-initial-2018-10-30-en) on 30 October 2018, covering certain issues not included in the Initial Report.
     3. a [Supplemental Initial Report](https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en) on Geographic Names at the Top Level on 5 December 2018.
     4. a [Draft Final Report](https://www.icann.org/public-comments/gnso-new-gtld-subsequent-draft-final-report-2020-08-20-en) on 20 August 2020.
6. On 18 January 2021, the SubPro PDP Working Group submitted its Final Report to the Council for its consideration.
7. On 21 January 2021, the GNSO Council received a high-level briefing of the Final Report by the GNSO Council Liaison to the SubPro PDP Working Group.
8. On 28 January 2021, the GNSO Council Liaison to the SubPro PDP Working Group and its Co-Chairs held a webinar, directed at the GNSO Council, to discuss the Final Report’s 41 Topics, which included hundreds of Affirmations, Recommendations and Implementation Guidance (Collectively referred to as “Outputs”) in more detail.
9. Each of the Outputs in the following topics obtained a Full Consensus designation (Topics 1, 5, 6, 7, 8, 10, 11, 13, 14, 16, 19, 20, 22, 23, 25, 26, 28, 31, 32, 33, 36, 37, 38, 39, and 40).
10. Each of the following topics received an overall designation of Consensus, with all of the Outputs obtaining at least a Consensus designation (Topics 2, 3, 4, 9, 12, 15, 17, 18, 21, 24, 27, 29, 30, 34, and 41).
11. One Topic obtained a Strong Support but Significant Opposition designation (#35); However, within that one Topic, three of the five Outputs obtained a Consensus designation, and two of the five Outputs, Recommendations 35.2 and 35.4, obtained the designation Strong Support but Significant Opposition.
12. While not seeking to affirm that the status quo prevails in any particular instance, the GNSO Council notes that the Working Group operated under the assumption that, in the event the Working Group was unable to reach consensus in recommending an alternate course of action, the “status quo” should remain in place as a default position, with the status quo consisting of the 2007 policy, the final Applicant Guidebook, and any implementation elements that were put into practice in the 2012 application round. The GNSO Council further notes that in some instances, especially as it relates to Topic 23: Closed Generics, there were diverging interpretations within the Working Group of what constitutes the “status quo”.
13. Given the large number of topics and the interdependency of many of the subjects, the SubPro PDP Working Group recommends that all Outputs be considered as one package by the GNSO Council and subsequently the ICANN Board, notwithstanding any Outputs that did not achieve Consensus or Full Consensus.

RESOLVED

1. ~~The GNSO Council adopts the Final Report of the SubPro Working Group and recommends the implementation of each of the Outputs that have obtained either Consensus or Full Consensus designations by the ICANN Board of Directors.~~
2. The GNSO Council approves, and recommends that the ICANN Board adopt, all the Outputs Affirmations, Recommendations and Implementation Guidance that were determined to have received either Full Consensus or Consensus designations as documented in the SubPro PDP Working Group's Final Report.
3. ~~The GNSO Council requests that the ICANN Board take note of Recommendations 35.2 and 35.4, the two Outputs that have obtained Strong Support but Significant Opposition, including the rationale and the minority statements associated with those Outputs.~~
4. Recognizing that nearly a decade has passed since the opening of the 2012 round of new gTLDs, the GNSO Council requests that the ICANN Board consider and direct the implementation of the Outputs adopted by the GNSO Council without waiting for any other proposed or ongoing policy work unspecific to New gTLD Subsequent Procedures to conclude, while acknowledging the importance of such work.
5. Further, the GNSO Council requests that the ICANN Board initiate an Operational Design Phase on the Final Report of the SubPro Working Group and its Outputs as soon as possible, to perform an assessment of GNSO Council recommendations in order to provide the Board with relevant operational information to facilitate the Board’s determination, in accordance with the Bylaws, on the impact of the operational impact of the implementation of the recommendations, including whether the recommendations are in the best interests of the ICANN community or ICANN.
6. The GNSO Council directs ICANN org to convene an Implementation Review Team to work on the implementation of these Outputs. The Implementation Review Team will be tasked with assisting ICANN org in developing the implementation details for the New gTLD Program, evaluating the proposed implementation of the Outputs as approved by the Board, and working with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved Outputs. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.
7. The GNSO Council extends its sincere appreciation to the Co-Chairs, Cheryl Langdon-Orr and Jeffrey Neuman, as well as past Co-Chair Avri Doria, the SubPro PDP Work Track leaders, the SubPro Working Group members and support staff of the SubPro PDP for their tireless efforts these past five years to deliver this Final Report.