



History – What Came Before the New gTLD Subsequent Procedures PDP

Avri Doria - ICANN 55 - 10 March 2016

- ⦿ In the beginning there were only country-code TLDs and eight gTLDs
 - ⦿ ICANN authority
 - ⦿ .arpa
 - ⦿ .com
 - ⦿ .net
 - ⦿ .org
 - ⦿ Outside ICANN
 - ⦿ .edu
 - ⦿ .gov
 - ⦿ .int
 - ⦿ .mil

Round of 2000

- ⦿ In July 2000, “the ICANN Board of Directors adopted a policy for the introduction of new top-level domains (TLDs) in a measured and responsible manner. It is anticipated that this policy will lead to new TLDs coming into operation early in the year 2001. The policy involves a process in which those interested in operating or sponsoring new TLDs may apply to ICANN. After reviewing the applications, ICANN will select applications that will enter a negotiation process with ICANN.” <http://archive.icann.org/en/tlds/tld-application-process.htm>
- ⦿ .aero (for the air-transport industry) (sTLD)
- ⦿ .biz (for businesses)
- ⦿ .coop (for cooperatives) (sTLD)
- ⦿ .info (for all uses)
- ⦿ .museum (for museums) (sTLD)
- ⦿ .name (for individuals)
- ⦿ .pro (for professionals)

Supported TLD Round (sTLD) 2004

- ⊙ “The proposed sTLD must address the needs and interests of a clearly defined community (the Sponsored TLD Community), which can benefit from the establishment of a TLD operating in a policy formulation environment in which the community would participate. Applicants must demonstrate that the Sponsored TLD Community is:
 - ⊙ Precisely defined, so it can readily be determined which persons or entities make up that community; and
 - ⊙ Comprised of persons that have needs and interests in common but which are differentiated from those of the general global Internet community.”
<https://archive.icann.org/en/tlds/stld-apps-19mar04/PostAppA.pd>
- ⊙ List of sTLDs
 - ⊙ [.asia](#) - sponsored by [DotAsia](#) Organisation
 - ⊙ [.cat](#) - sponsored by Fundació [puntCAT](#)
 - ⊙ [.jobs](#) - sponsored by [Society of Human Resource Management](#)
 - ⊙ [.mobi](#) - sponsored by [dotMobi](#)
 - ⊙ [.post](#) - sponsored by [Universal Postal Union](#)
 - ⊙ [.tel](#) - sponsored by [TelNic](#) Ltd.
 - ⊙ [.travel](#) - sponsored by [Tralliance](#) Corporation
 - ⊙ [.xxx](#) - sponsored by [International Foundation for Online Responsibility](#)

Round of 2012 (aka New gTLDs)

- ⊙ Introduction of New Generic Top-Level Domains August 2007
- ⊙ Part A
 - ⊙ Principles
 - ⊙ Recommendations
 - ⊙ Implementations guidelines
 - ⊙ Background
 - ⊙ Whether to introduce
 - ⊙ Selection criteria
 - ⊙ Allocation criteria
 - ⊙ Contractual conditions
- ⊙ Part B
 - ⊙ Process
 - ⊙ Report from Subgroups
 - ⊙ Internationalized Domain Names
 - ⊙ Reserved names
 - ⊙ GAC Public Policy Recommendations

7 Principles

PRINCIPLES	MISSION & CORE VALUES
A	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.
B	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.
C	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.
D	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
E	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under the terms of ICANN's registry agreement.
F	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.
G	The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

19 Recommendations (1/3)

1	<p>ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination.</p> <p>All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.</p>
2	<p>Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.</p>
3	<p>Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).</p>
4	<p>Strings must not cause any technical instability.</p>
5	<p>Strings must not be a Reserved Word.</p>

19 Recommendations (2/3)

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| 6* | Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.
Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). |
| 7 | Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. |
| 8 | Applicants must be able to demonstrate their financial and organisational operational capability. |
| 9 | There must be a clear and pre-published application process using objective and measurable criteria. |
| 10 | There must be a base contract provided to applicants at the beginning of the application process. |
| 11 | [Replaced with Recommendation 20 and Implementation Guideline P and inserted into Term of Reference 3 Allocation Methods section] |

19 Recommendations (3/3)

12	Dispute resolution and challenge processes must be established prior to the start of the process.
13	Applications must initially be assessed in rounds until the scale of demand is clear.
14	The initial registry agreement term must be of a commercially reasonable length.
15	There must be renewal expectancy.
16	Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.
17	A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.
18	If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed.
19	Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.
20	An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.

Implementation Guidelines (1/5)

	MISSION & CORE VALUES
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.
IG B	Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants.
IG C	ICANN will provide frequent communications with applicants and the public including comment forums.
IG D	A first come first served processing schedule within the application round will be implemented and will continue for an ongoing process, if necessary. Applications will be time and date stamped on receipt.
IG E	The application submission date will be at least four months after the issue of the Request for Proposal and ICANN will promote the opening of the application round.
IG F	If there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe ii) 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 a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.

Implementation Guidelines (2/5)

IG G	<p>Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exceptions:</p> <ul style="list-style-type: none">(i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application; and(ii) a formal objection process is initiated. <p>Under these exceptions, Staff Evaluators will devise criteria and procedures to investigate the claim.</p> <p>Under exception (ii), an expert panel will apply the process, guidelines, and definitions set forth in IG P.</p>
IG H	External dispute providers will give decisions on objections.
IG I	An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process.
IG J	The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place.

Implementation Guidelines (3/5)

IG K	ICANN should take a consistent approach to the establishment of registry fees.
IG L	The use of personal data must be limited to the purpose for which it is collected.
IG M	ICANN may establish a capacity building and support mechanism aiming at facilitating effective communication on important and technical Internet governance functions in a way that no longer requires all participants in the conversation to be able to read and write English.
IG N	ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.
IG O	ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.

Implementation Guidelines (4/5)

IG P* The following process, definitions and guidelines refer to Recommendation 20.

Process

Opposition must be objection based.

Determination will be made by a dispute resolution panel constituted for the purpose.

The objector must provide verifiable evidence that it is an established institution of the community (perhaps like the RSTEP pool of panelists from which a small panel would be constituted for each objection).

Guidelines

The task of the panel is the determination of substantial opposition.

- a) substantial
- b) significant portion
- c) community
- d) explicitly targeting
- e) implicitly targeting
- f) established institution

The following ICANN organizations are defined as established institutions: GAC, ALAC, GNSO, ccNSO, ASO.

- g) formal existence
- h) detriment

Implementation Guidelines (5/5)

IG Q	ICANN staff will provide an automatic reply to all those who submit public comments that will explain the objection procedure.	
IG R	Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated.	

Application Guide Book (AGB)

- 9 revisions
- <https://newgtlds.icann.org/en/about/historical-documentation>
 - Rev 1 – 2008
 - Rev 9 – 2012 - Final
- Many FAQ, addenda, explanatory memos and other materials produced since the release of the AGB
<https://newgtlds.icann.org/en/about/program/materials>