New gTLD Subsequent Procedures PDP Working Group
Constituency Comment 1 Review Tool
26 October 2016

For complete overview of comments received, please see: https://community.icann.org/pages/viewpage.action?pageId=59645660.

Response #	Comment	Who/Where	Related Resources	WG Response
General Comments				
0.R1	In its Helsinki Communiqué the GAC advised the ICANN Board that: 1. The starting point for development of policy on further releases of new gTLDs should first take into consideration the results of all relevant reviews of the new gTLD round and determine which aspects and elements need adjustment. In addition, the following should be addressed: a. Requirements with regard to interoperability, security, stability and resiliency can be met. b. An objective and independent analysis of costs and benefits is conducted beforehand, drawing on experience with and outcomes from the recent round; and c. There is an agreed policy and administrative framework that is supported by all stakeholders. 2. All measures available to the Board should be used to ensure that a comprehensive and measured approach to further releases of new gTLDs is taken in a logical, sequential and coordinated way rather than through parallel and overlapping efforts and/or timeframes that may not be agreed by all relevant interests. In your letter you ask that the GAC consider and clarify the extent to which a range of work across the community should be considered by the PDP WG during its deliberations. The GAC notes that there is currently a range of interconnected reviews and policy development processes relevant to new gTLDs. With regard to those identified in your letter, the GAC notes that: - Work by ICANN and some PDPs and reviews to develop and maintain metrics to support both policy development and ongoing implementation should be considered as a specific stream of work. - While the GAC is addressing some relevant issues through the GAC Working Groups that you list in your letter, input to PDPs and other forums will be coordinated through the GAC membership as a whole. - The GAC's response to the questions from the Subsequent Procedures PDP WG should be seen in the context of the broader policy development landscape. Public policy issues will be addressed by the GAC through all appropriate forums, and the GAC will certainly continue to participate in this PDP. However, it is essential that a comprehensive and measured approach to new gTLD policy be taken in a sequential and coordinated way rather than through too many parallel and overlapping efforts. With regard to existing GAC consensus advice related to new gTLDs, I have separately responded on 18 May 2016 to your request for a historical record of advice or statements relevant to this work. Do not hesitate to come back to us if you have any questions on any of the advice given by the GAC up to now.	GAC Comments	Helsinki Communiqué: https://www.icann.org/en/system/files/correspondence/gac-to-board-30jun16-en.pdf GNSO Council Review of Helsinki Communiqué: https://www.icann.org/en/system/files/correspondence/bladel-to-crocker-11aug16-en.pdf GAC Communiqués from Marrakech (ICANN 55), Dublin (ICANN 54), Los Angeles (ICANN 51), Durban (ICANN 47), Costa Rica (ICANN 43), Singapore (ICANN 41) with earlier GAC advice on New gTLD Principles and Future gTLD Rounds: https://gacweb.icann.org/display/GACADV/GAC+Communiques	The WG thanks the GAC for its comment. While the WG has begun deliberations, it intends to consider inputs from relevant reviews, other PDPs, and other relevant efforts, as dictated by this WG's charter.
0.R2	RySG Principles: 1. Additional new gTLDs in the future. The RySG supports the introduction of new gTLDs in the future. 2. Categorization or differentiation of gTLDs (for example brand, geographical, or supported/community) in ongoing new gTLD mechanisms. TheRySG supports the continuation of the categorization of gTLDs as outlined in the New gTLD Applicant Guidebook and the inclusion of brands in any ongoing mechanisms. 3. Future new gTLDs assessed in "rounds." The strategic goal for future applications should be the implementation of a continuous process on a first-come, first-served basis. However, the RySG appreciates that there may be one or two further 'application rounds' imposed before this goal can be realistically achieved. In this respect, the RySG recommends that a clear commitment is given to a schedule of further application rounds, with shorter timespans between each round, in line with the original target of one year (AGB section 1.1.6). 4. Predictability should be maintained or enhanced without sacrificing flexibility. In the event changes must be introduced into the new gTLD Application process, the disruptive effect to all parties should be minimized. The 2012 round suffered from too many unforeseen post-application rule changes and delays as ICANN struggled to implement the process. These changes and delays took their toll on a number of applicants, and as a result many suffered financial or other losses while some had to eventually withdraw from the process. Predictability for applicants of any future mechanisms should be a high priority. 5. Community engagement in new gTLD application processes. The role of the GAC, the Board and the GNSO in resolving issues that arise during any ongoing mechanisms should be well-understood and documented. 6. Limiting applications in total and/or per entity during an application window. Notwithstanding the ultimate goal of a continuous process, the RySG does not support the notion of placing unnecessary limitations on future applicants. This would be anti-competitive, has the potential to inhibit innovation: and, as such, is antithetical to the purpose of introducing new gTLDs. 7. Narrow work by the Subsequent procedures PDP to focus on issues that must be identified prior to a future round. The subsequent procedures PDP should focus on issues where a change in policy (as set forth in the 2007 Final Report and operationalized in the Applicant Guidebook) is required or where most of the community believes the issue is of such significance that its resolution should gate the initiation of a future application process. ICANN staff should work with implementation teams to address non-policy or less significant implementation issues without delaying the work of the overall PDP. Similarly, issues that may warrant policy revision but need not impede a subsequent application process should be addressed on an ongoing basis through more targeted PDPs.	RySG Comments		The WG thanks the RySG for its comment. The WG will address bullets 1-6 in the course of reviewing the specific subjects. In relation to bullet 7, each of the Work Tracks intends to review the scope of its subjects and determine how best to sequence the subjects, as well as to determine the level of effort required to disposition each subject. The WG is required to consider, at a minimum, the subjects as identified in the charter. If the WG were to narrow the scope of its work, or to identify a set of subjects that would be addressed via a separate effort, it may need to seek to amend its charter through the GNSO Council.
0.R3	If we talk about the concerns that the ccNSO have had with respect to the new gTLDs, I think the main one is about the use of country and territory names as gTLDs. Here's the letter our chair sent back in 2009: http://ccnso.icann.org/about/disspain-to-dengate-thrush-21nov09-en.pdf	ccNSO Comments		The WG thanks the ccNSO for its comment. This subject will be considered during the deliberations of Work Track 2 on the subect of Reserved Names.
0.R4	The Policy Development Process (PDP) Working Group on New Generic Top Level Domains (gTLD) Subsequent Procedures is seeking comments from the Supporting Organizations, Advisory Committees, Stakeholder Groups, and Constituencies as part of its efforts to obtain broad input from the ICANN Community at an early stage of its deliberations. The SSAC thanks the Working Group for this opportunity to provide input. Per its Charter, the Security and Stability Advisory Committee (SSAC) focuses on matters relating to the security and integrity of the Internet's naming and address allocation systems. This includes operational matters (e.g., pertaining to the correct and reliable operation of the root zone publication system), administrative matters (e.g., pertaining to address allocation and Internet number assignment), and registration matters (e.g., pertaining to registry and registrar services). The SSAC engages in threat assessment and risk analysis of the Internet naming and address allocation services to assess where the principal threats to stability and security lie, and advises the ICANN community accordingly. The SSAC has no authority to regulate, enforce, or adjudicate. Several SSAC reports and advisories consider topics or issues related to TLDs. The SSAC invites the Working Group to review the list of our publications as an indexed list and also by category. The SSAC is looking forward to reviewing Working Group documents as the work progresses and also is prepared to answer specific questions as needed for the Working Group's deliberations.	SSAC Comments	https://www.icann.org/groups/ssac/charter https://www.icann.org/groups/ssac/documents https://www.icann.org/groups/ssac/documents-by-category	
Subject 1. Additional New gTLDs in the Future				
Initial Findings/Conclusions: *Existing New gTLD policy states the new gTLD application process should be an ongoing mechanism to accept applications for new gTLDs.* *The WG has not agreed upon a set of arguments or data points that would suggest that the existing policy should be overwritten to cease the provision of new gTLDs in the future.* *There is at a minimum, anecdotal evidence of demand for additional new gTLDs, although data-driven evidence is being sought and may be provided by the CCT-RT.* *The WG welcomes analysis on the effects of the New gTLD Program on competition, diversity, innovation, trust, etc. which may provided by the CCT-RT.* ** The PDP WG expects to consider findings from the CCT-RT, especially as it relates to cost-benefit analyses.* *Anticipated Outcomes:* *Preliminarily, the WG has agreed that there should be additional new gTLDs in the future* *No changes anticipated to existing policy.*				
1.a: The 2007 consensus policy above expressed the commitment to an ongoing mechanism for the introduction of new gTLDs. Are there any facts and/or circumstances that have changed such that you believe this should no longer be the policy? Please explain.				
1a.R1	Please see comments above with regard to the GAC's Helsinki Communiqué. The GAC notes that economic analysis commissioned by ICANN in 2010 concluded that the largest sources of potential benefits are likely to be: additional user benefits that arise from innovative new business models that are very different from those of existing TLD registry operators; development of gTLDs to service communities of interest; and expansion of gTLDs to include IDNs that use an expanded character set and can thus offer new benefits to specific user communities. At the present moment, it is not clear whether any of these have been realised from the recent round.	GAC Comments	An Economic Framework for the Analysis of the Expansion of gTLDs: https://www.icann.org/en/topics/new-gtlds/economic-analysis-of-new-gtlds-16jun10-en.pdf Economic Considerations in the Expansion of gTLDs: https://archive.icann.org/en/topics/new-gtlds/phase-two-economic-considerations-03dec10-en.pdf	The WG welcomes analysis on the effects of the New gTLD Program on competition, diversity, innovation, trust, etc. which may be provided by the CCT-RT.
1a.R2	No. The process was rocky as both applicants and ICANN struggled to implement it but, overall, it was a success. In addition to support for an ongoing mechanism, the 2007 GNSO recommendations urged expediency in the introduction of additional gTLD application opportunities; stating that "The Request for Proposals (RFP) for the first round will include scheduling information for the subsequent rounds to occur within one year." This, coupled with ICANN's announcement in the 2012 Applicant process that a second round would begin "within one year" following the close of the application period for the 2012 round (See, Applicant Guidebook at Section 1.1.6), gave potential applicants the impression that they could skip the 2012 round and still have an opportunity to apply for a new gTLD within a reasonable amount of time. The announcement of an additional round has already been delayed well beyond the 1-year period contemplated by the GNSO and ICANN. We believe that it would be unfair to applicants that may have deferred their applications until processes and costs to apply for and operate a gTLD were more certain or until their business plans for a gTLD were more final to introduce further delay.	RySG Comments	2007 GNSO Final Report on the Introduction of New Top Level Domains: https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm New gTLD Applicant Guidebook: https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf	The WG has not agreed upon a set of arguments or data points that would suggest that the existing policy should be overwritten to cease the provision of new gTLDs in the future.
1a.R3	No. However, we note that there has, in fact, been no ongoing mechanism for which the policy called.	IPC Comments		The WG has not agreed upon a set of arguments or data points that would suggest that the existing policy should be overwritten to cease the provision of new gTLDs in the future.
1.b: Would the absence of an ongoing mechanism have an anti-competitive effect for potential applicants?				
1b.R1	Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners, protecting them from competition, with associated price and service disadvantages for end users. However, competition is only one factor to be considered as part of any independent assessment of costs and benefits.	GAC Comments		Common thread in comments on this topic: not having an ongoing mechanism may have anti-competitive effects.

1b.R2	Yes. The current uncertainty regarding whether and when a future application process will be opened creates a closed market for the operation of gTLDs. Unpredictability regarding application processes, or long gaps between application windows, may have similar stifling impacts on competition by limiting the number of new entrants to the market. New entrants could improve competition by increasing market dispersion or by introducing new and innovative product offerings.	RySG Comments		Common thread in comments on this topic: not having an ongoing mechanism may have anti-competitive effects.
1b.R3	Given ICANN's "monopoly" control over entry into the new gTLD marketplace, we believe that a failure to maintain an ongoing mechanism of some sort could potentially lead to anti-competitive effects. Brand owner concerns remain about the impact of additional new gTLDs on consumer confusion and on trade mark protection, and these must be addressed during the PDP. Nevertheless, potential applicants, including potential .brand applicants, may have chosen not to apply during the 2012 application round on the understanding, from the language of the Applicant Guidebook, that there would be subsequent procedures: "ICANN's goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed. The goal is for the next application round to begin within one year of the close of the application submission period for the initial round."	IPC Comments	New gTLD Applicant Guidebook: https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf	Common thread in comments on this topic: not having an ongoing mechanism may have anti-competitive effects. The WG looks forward to the results of the (RPM) PDP which will address the impact of additional new gTLDs on consumer confusion and trademark protection.
1.c: Are ongoing mechanisms for the introduction of additional new gTLDs necessary to achieving sufficient diversity (e.g., choice and trust) in terms of domain extensions? Please explain.				
1c.R1	This question requires further clarification of what "sufficient diversity" means in this context. There are a number of possible elements of diversity, including innovative new business models; geographic diversity; equitable treatment of underserved regions; and communities of interest (as opposed to commercially driven initiatives). These should be addressed in the work of both the PDP and the CCT Review as appropriate. The final issues report (especially section 4.2.3.) includes relevant information on the limited diversity in terms of geographic diversity of the applicants, as well as the distribution between "standard" and other types of application types, which might be an element to consider when discussing the possible need of establishing a differentiation between different types of applications.	GAC Comments	Final Issue Report on New gTLD Subsequent Procedures: https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf	It may be valuable for the WG to further clarify and unpack the meaning of diversity in this context and include a section on diversity factors/requirements in the Draft Report. For example, registrant diversity is one form of diversity and diversity of usage is another.
1c.R2	Yes. We believe that the widespread participation in the 2012 round made a broader, more diverse set of prospective applicants aware of the potential benefits to launching a new gTLD. By preserving an ongoing mechanism, these parties, including communities, brands and geographic TLD operators, could more readily participate increasing overall choice for registrants and, potentially, inviting new and innovative uses of the DNS. We note that in the recently published ICANN gTLD Marketplace Health Index (Beta), ICANN uses the 4 distribution of ICANN-accredited registries by region and the number of jurisdictions with at least one registry operator as indicators of competition and industry diversity. However, given low participation in the 2012 round of applicant in certain regions, very limited improvements can be made to current statistics without an ongoing mechanism. We are also aware that as a result of the 2012 round, there are potential applicants that are anxious to implement their own TLDs. This is especially true for brandTLDs, which could suffer greatly if their competitors have TLDs and they do not—including for brands that did not exist at the time of the 2012 round. This is also true for geoTLDs and genericTLDs where demand exists that is not met by the current choices.	RySG Comments	ICANN gTLD Marketplace Health Index (Beta): https://www.icann.org/en/system/files/files/gtld-marketplace-health-index-beta-19jul16-en.pdf	Discussions in sub team 1 regarding communication and outreach will be closely linked to this point.
1c.R3	We offer no substantive comment on this, other than to refer you to our response to 1.b above. That said, we do believe that a streamlined approach for .brands has the potential to quickly enhance consumer trust in the domain name space.	IPC Comments		Further discussion about the link between diversity, trust, and expansion of .brands may be needed.
1.d: Is it too early in the review cycle of the previous round to determine the full range of benefits of the 2012 round of new gTLDs? Should that impact the decision to introduce additional new gTLDs and/or the timing of ongoing mechanisms for new gTLDs?				
1d.R1	Please see general comments above. The PDP should be conscious that evidence from the recent round is still being gathered, and note that development and agreement of (let alone collection of) relevant metrics appear to be spread across several processes and far from complete.	GAC Comments		While it may be too early to evaluate the full range of benefits and challenges, there is currently no indication that policy around ongoing mechanisms needs to be changed.
1d.R2	It is early to determine the full range of benefits of the current round, but that doesn't mean that studies of their impact should not be commenced, nor that the introduction of additional new gTLDs should be delayed further. The CCT-RT has already begun to assess the impact of new gTLDs on competition, choice, and consumer trust and ICANN's proposed marketplace health indicators will also track progress on indicators related to the impact of new gTLDs. However, based upon prior commitments to an ongoing process it is clear that these studies were not intended to gate the commencement of a future application process. Further, we believe that initial indicators, particularly the widespread participation in the 2012 round and the growth in second level registrations in new gTLDs, suggests that there is no reason to change course from the original intention of introducing an ongoing application process. We would also note that multiple TLDs have gone through the application, objection, GAC advice, evaluation, re-evaluation, IRP, private auction, ICANN-auction, pre-delegation testing, delegation, TMCH sunrise, landrush/premium auctions, specialty periods, general availability, renewal cycles, and EBERO. Each anticipated phase of a TLD lifecycle has been experienced by one or more applicants. As a result, ICANN and the community has considerable information available to make operational and process improvements in the implementation of ongoing mechanisms.	RySG Comments	ICANN gTLD Marketplace Health Index (Beta): https://www.icann.org/en/system/files/files/gtld-marketplace-health-index-beta-19jul16-en.pdf	While it may be too early to evaluate the full range of benefits and challenges, there is currently no indication that policy around ongoing mechanisms needs to be changed.
1d.R3	While it may be too early in the review cycle to fully determine the full range of benefits (and harms) of the 2012 round, we refer you to our responses to 1.b and 1.c above. We also note that it is too early in the *life cycle* of the "previous" round to make such determinations, since the "previous" round is still ongoing in many respects, and should properly be viewed as the "current" round at this time. While these timing issues cannot be ignored in considering how and when to introduce additional new gTLDs, these are factors to consider and not absolute bars to moving forward.	IPC Comments		While it may be too early to evaluate the full range of benefits and challenges, there is currently no indication that policy around ongoing mechanisms needs to be changed.
1.e: What additional considerations should be taken into account before deciding on ongoing mechanisms for new gTLDs (e.g., to cancel ongoing mechanisms for new gTLDs via policy changes)?				
1e.R1	The GAC suggests that there needs to be a commitment by ICANN, registries and registrars to gather the most appropriate data on security and consumer safety issues and ensure that this is fully transparent.	GAC Comments		The WG welcomes analysis on security and consumer safety issues, which may be provided by the CCT-RT.
1e.R2	We do not believe that there are any outstanding factors that need to be considered in determining whether an ongoing mechanism is warranted.	RySG Comments		
1e.R3	It is prudent not only to diagnose the problems and errors discovered through the 2012 round, but also to anticipate the problems which may occur in the next "ongoing mechanism" (whether round(s) or other procedures) in order to fix those in advance, thus providing additional certainty to applicants.	IPC Comments		Balance is needed between issues that are reasonably forseeable and those that could theoretically occur.
1.f: Any other Issues related to this overarching subject?				
1f.R1	No comments at this stage.	GAC Comments		
1f.R2	No.	RySG Comments		
1f.R3	We believe that an accreditation process for backend providers would greatly streamline the application process as well as the application review process.	IPC Comments		The issue of accreditation will be addressed in sub team 1 discussions.
Subject 2. Categorization or differentiation of gTLDs (for example brand, geographical, or supported/community) in ongoing new gTLD				
Initial FIndings/Conclusions: *Categories were considered in the original policy development process, but were deemed to be too challenging to identify, differentiate, and implement with only hypothetical scenarios to consider.* *No existing policy recommendations exist in regards to categories of gTLDs.* *The 2012 round of the New gTLD Program provides real world examples of possible categories.* *Specification 13 provides evidence that different requirements may be necessary based on the usage and purpose of TLDs.* *Categorization or differentiation of gTLDs is anticipated to have effects on other mechanisms within the New gTLD Program (e.g., application requirements, evaluation, base agreement, post-delegation activities, etc.)* *Categories should not be established just for the sake of creating them - there should be a tangible difference in the application process, Registry Agreement, or other factor that creates a need to carve out a category.* *Different categories of TLDs may have differing levels of complexity, some of which could be taken into account for determining if certain categories could be carved out for a discrete application window.* *Anticipated Outcomes:* *Preliminarily, the WG has agreed at a high level that there are likely benefits to maintaining the existing categories as defined in the AGB and possibly establishing additional categories of TLDs.* *If additional categories are identified, the WG agrees that it should create, in the overarching issues process, the set of candidate categories to discuss in the Work Track Sub Teams -- such as the AGB plus de facto ones.* *However, the WG has not agreed on:* *- The specifics of the categories.* *- The related changes to the application process that would likely be necessary and perhaps unique to certain categories.* *- Any enforcement mechanisms that may be needed as a result of establishing different paths to obtaining a new gTLD.* *- With so many downstream effects, the substantive work on developing the parameters for categories will be pushed further out in the schedule.*			
2.a: Should subsequent procedures be structured to account for different categories of gTLDs? **Note: Several possible categories have been suggested by PDP WG members, including: Open Registries; Geographic; Brand (Specification 13); Intergovernmental Organization; Community; Validated -Restricted Registries with qualification criteria that must be verified; Not-for-profit or non-profit gTLDs, NGOs; Highly Regulated or 'Sensitive' TLDs; Exclusive Use Registries (Keyword Registry limited to one registrant & affiliates) or closed generics; TLD with applicant self-validated restrictions and enforcement via Charter Eligibility Dispute Resolution Policy.**		See also comments on categorization in the First At-Large Summit (ATLAS) Declaration: https://atlarge.icann.org/advice_statements/9261	

2a.R1	The GAC advised in its Communiqué from the Nairobi meeting (March 2010) as follows: Finally, the GAC reiterates the importance of fully exploring the potential benefits of further categories (or track differentiation) that could simplify rather than add complexity to the management of the new TLD program and in that way help to accelerate the new gTLD program. In particular, the GAC believes that: *i. This could create greater flexibility in the application procedures to address the needs of a diversity of categories or types of string - including common nouns (e.g., "music"), cultural/linguistic communities, brand names and geographical strings - would likely make application processes more predictable and create greater efficiencies for ICANN, both in ASCII and IDN spaces;* *ii. Taking into account that applicants and users of new TLDs of a high public interest for a specific community, such as city TLDs or country-region and other geographical TLDs, may expect the legal framework of the territory in which the community is located to be applicable to the TLD, ICANN should allow for ways to respect the specific legal framework under which the respective community is operating in the TLD regime. This will also help ICANN, the applicants and national or local public authorities to avoid the risk of large scale legal challenges.* *iii. Instead of the currently proposed single-fee requirement, a cost-based structure of fees appropriate to each category of TLD would a) prevent cross subsidisation and b) better reflect the project scale, logistical requirements and financial position of local community and developing country stakeholders who should not be disenfranchised from the new TLD round.* These issues remain relevant to future new gTLD processes.	GAC Comments	Nairobi Communiqué: https://gacweb.icann.org/download/attachments/27131983/GAC_37_Nairobi_Communique.pdf?version=1&modificationDate=1312226773000&api=v2 GAC Sub Group Report on the Protection of Geographic Names in the New gTLDs Process: https://gacweb.icann.org/download/attachments/35455403/Geo%20names%20in%20new%20gTLDs%20Updated%20%20V3%20%2029%20august%202014%5B4%5D.pdf?version=1&modificationDate=141154950 4000&api=v2 Community Input on the Report: https://gacweb.icann.org/display/gacweb/Community+Input+-+The+protection+of+Geographic+Names+in+the+New+gTLDs+process	There is preliminary agreement within the Working Group that categories currently listed in the Applicant Guidebook should continue to be used. Differerent perspectives have been raised within the working group regarding additional categories. There is not yet consensus as to whether additional categories should be included.
2a.R2	There are different views within the RySG about whether additional categories of TLDs should be defined therefore this response provides the responses for and against new categories. Despite the differences of opinion, we do reiterate that the RySG does support the continuation of the categorization of gTLDs as outlined in the New gTLD Applicant Guidebook and the inclusion of brands in any ongoing mechanisms. AGAINST: No--future application processes should be as open as possible to preserve the benefits brought by the 2012 round. Limiting applications and types could have a negative effect on future application processes' potential to foster innovation and broaden consumer choice. Likewise, excessive segmentation of the application pool will stymie the progress of the working group by encouraging separate policy analysis for each class of registry operator or applicant. In the event that the next round does result in 10,000 applications, or 15,000 as some have suggested, categories will result in added burdens for evaluators to decide what goes where. Contention resolution becomes even more complicated if a single string can fit into a number of categories. The administration of the registry agreement also becomes challenging. It is not clear that any claimed benefits of new categories will outweigh the potential costs. IN FAVOUR: It is possible that other categories, beyond .brands, could be strongly defined and lessons learnt applied to the extent that certain tailoring would be meaningful and worthwhile prior to the next application window. A one-size-fits-all approach did not work well in the latest round, consequently restrictions and obligations were imposed that were not appropriate or relevant to certain types of applicants. It would be careless of ICANN to disregard this, given the lessons learnt during this round, only to repeat again. Any ongoing mechanism should be able to cater for categories that can be well-defined based on the range of application types seen in the last round, where there is significant volume and where there is reasonable argument to amend/remove certain provisions, obligations or processes that are not relevant to that category.	RySG Comments		There is preliminary agreement within the Working Group that categories currently listed in the Applicant Guidebook should continue to be used. Differerent perspectives have been raised within the working group regarding additional categories. There is not yet consensus as to whether additional categories should be included.
2a.R3	As mentioned above, we see some benefit in a streamlined process for .brand (Specification 13) applicants, since brands provide protection for consumers and do not raise many of the concerns of open gTLDs. We also believe that ICANN should consider a more substantial approach to subsidizing applications from underserved jurisdictions, which would be a highly appropriate use of the auction proceeds which ICANN is currently holding from the 2012 round.	IPC Comments		There is preliminary agreement within the Working Group that categories currently listed in the Applicant Guidebook should continue to be used. Differerent perspectives have been raised within the working group regarding additional categories. There is not yet consensus as to whether additional categories should be included. The new gTLD Auction Proceeds Drafting Team is developing the charter for a new CCWG that will address the issue of auctor proceeds.
2.b: Are additional categories missing from the list? If so, what categories should be added?				
2b.R1	The list appears to be a good basis for further analysis of this concept. The 2007 GAC Principles on new GTLDs already include a series of specific types or characteristics of TLDs (terms with national, cultural, geographic and religious significance; country, territory or place names and descriptions; IGO names and acronyms; etc.); and subsequent GAC Advice, such as i.e. the 2013 Durban Communiqué, has put emphasis on certain types of TLDs (generic; geographic names; community based; sensitive strings; highly regulated sectors), which may well deserve a differentiated treatment.	GAC Comments	2007 GAC Principles on new gTLDS: https://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf 2013 Durban Communiqué: https://gacweb.icann.org/download/attachments/28278854/Final_GAC_Communique_Durban_20130718.pdf?version=1&modificationDate=1375798225000&api=v2	The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2b.R2	No.	RySG Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2b.R3	None noted at this time.	IPC Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2.c: Do all categories identified by the PDP WG members belong in the list?				
2c.R1	No comments at this stage.	GAC Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2c.R2	No, the list has few mistakes, different forms of legal bodies have not and should not be treated as a distinct category of TLDs. Similarly, ICANN did not distinguish in the 2012 round between "not-for-profit" TLDs. It is also possible that a TLD may fall into more than one of the proposed classifications; for example at least one of the current GEO TLDs also is not-for-profit. We do not believe that regulated and highly-regulated TLDs should be treated as a separate category of TLDs from the application process as these categories were solely derived from GAC Advice and not self-designation by the applicant.	RySG Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2c.R3	Yes. There is no reason to narrow this list. Having this list does not necessarily mean that each type of TLD will have its own special process.	IPC Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2.d: If categories are recognized, in what areas of the application, evaluation, contention resolution and/or contracting processes would the introduction of categories have a likely impact?				
2d.R1	The appropriate treatment of different types of TLD applications may require different tracks for the applications and/or different procedures, rules and criteria for their handling. This need is highlighted for instance by the unforeseen consequences for community applicants of recourse by competing applicants to other accountability mechanisms; and the specific challenges faced by some community applicants in auctions when in competition with commercial applicants. These issues should be further explored based also on the data still to be gathered.	GAC Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2d.R2	The impact of a category depends on the nature of the category, how it is identified, and any benefits or special procedures made available to those applicants. By way of example, contention resolution was relevant for community applicants that successfully completed CPE, but is less relevant for other TLD types. We don't believe that it is useful to link TLD types to application phases in this manner, nor to excessively fixate on application categories in general.	RySG Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2d.R3	We believe that financial review would be affected since open, unrestricted TLDs, for example, would have more impact on consumers who build businesses on them than completely closed TLDs such as .brands. More generally, a number of aspects of the application requirements and the base registry contract were of little practical relevance to, or even were unduly onerous for, a .brand application and would merit review, which may well lead to the elimination or streamlining of these processes. The original process was largely "one size fits all," other than the community process. More attention to fitting the process to specific types is encouraged.	IPC Comments		The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
2.e: If different categories of gTLD are defined, should all types be offered in each application window? Is it acceptable for an application window to open for only one or a limited subset of categories of gTLDs (e.g. a .Brands only application window)				

2e.R1	No comments at this stage.	GAC Comments	N/A
2e.R2	This is another area where there were differences of opinion within the RySG: In case of the 'window/rounds' model: All kinds of approved categories should be offered at the same time to avoid unnecessary gaming when companies try to manipulate their applications in another format only because the window is open, and to grant equal access to the possibility of application processing. Though this should not lead to longer time between the application windows in case where 'window' model is going to be used. In case of the continuous application process: The "application windows" should not exist, as the subsequent procedures should allow a rolling application period (as is the case for second-level domain names). We also discourage the introduction of restrictions on which applicants can participate in future application processes in general. We would discourage windows that gave priority to one category of applicants over another. Alternative view: It could prove more flexible and possibly more practical to manage operationally, if 'windows' opened up for specific categories. For instance, using the three main categories identified in the last round (commercial, brands and GEOS), there could be an application window assigned to each category during a year. This could simplify the post application processes, particularly the objection process, GAC early warning, contention sets and the contracting process, as well as spread the demand on resources, both within GDD and the community. This approach could also work as an interim measure prior to establishing a continuous application process.	RySG Comments	The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories, including questions related to process.
2e.R3	We note that this question reverts to the old approach of "each application window" as opposed to the more inclusive "ongoing mechanism" found earlier in the document. Whilst not specifically advocating at this stage for a special early entry for .brands, very few of the .brand applications were subject to the challenging issues encountered in the 2012 round which this PDP might be expected to seek to review and revise, for example string contention, singular/plural, GAC advice, RPMs issues etc. If the required policy work to create a streamlined process for .brands were to be completed whilst other aspects of the PDP working group's work remained ongoing there may be no good reasons to hold up those .brand applications which are uncontroversial.	IPC Comments	The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories, including questions related to process.
2.f: Any other issues related to this overarching subject:		Resources related to specific categories of new gTLDs (submitted following WG Request for Advice Relating to the 2012 New gTLD Round): - ccNSO Letter to the Board on Meaningful Representations of Country and Territory Names in the gTLD Space: goo.gl/d8k9KU - ALAC Statement on the Use of Country and Territory Names as Top-Level Domains: goo.gl/7yMrAz - ALAC Correspondence on the Study Group on Sensitive New gTLDs: goo.gl/03zxmZ - ALAC Statement on the Community Expertise in Community Priority Evaluation: goo.gl/BHyhqx - ALAC Statement on the Preferential Treatment for Community Applications in String Contention: goo.gl/J4vuAW - ALAC Statement on the Public Interest Commitments: goo.gl/jTLjS1 and Follow-up Statement on the Public Interest Commitments: goo.gl/T3H3vz - Proposal for the Use of Mandatory Policy Advisory Boards for Regulated Industry Sector and Consumer-Trust-Sensitive New gTLD Strings: goo.gl/vCiufB	
2f.R1	Not at this stage.	GAC Comments	N/A
2f.R2	No.	RySG Comments	N/A
2f.R3	We believe that the prior rights dispute mechanisms at the top level set forth in the 2012 Applicant Guidebook were inadequate and needs to be fixed in advance of the opening of any ongoing application mechanism. We also note significant ongoing concerns regarding processes relating to community applications, in particular the CEP. These need to be fixed before further community applications are considered.	IPC Comments	The WG will take into account feedback received in CC1 responses as it examines the potential scope and impact of possible categories.
Subject 3. Future new gTLDs assessed in "rounds."			
Initial Findings/Conclusions: *Rounds are the gTLD allocation method identified in the GNSO's 2007 Final Report (recommendation 13).* *Evaluation, objections, string contention, and other New gTLD Program mechanisms were designed for the concept of rounds and if another mechanism were determined, these mechanisms would need to be reevaluated.* *Rounds may have an impact on demand and market behavior.* *Rounds are a somewhat unique mechanism in the ICANN environment for the allocation of contracts and resources, though gTLD strings are a unique and scarce resource as opposed to say, a RAA.* *A round does not necessarily have to mean an application acceptance window followed by a review cycle; It could mean for instance, an ongoing steady state cycle of annual "windows" (e.g., three months of application acceptance, remaining 9 months to complete evaluation, repeat each year).* *Anticipated Outcomes:* *The WG agreed that there should be an ongoing process that is clearly defined, with the understanding that there may be one or two rounds.* *The WG further agreed that following these preliminary rounds the process will go to a steady state of first come, first served.*			
3.a: Should we continue to assess applications for new gTLDs in "rounds." If not, how could you structure an alternative application window for accepting and assessing applications while at the same time taking into consideration public comments, objections, evaluation, contention resolution, etc.?			
3a.R1	This will depend in part on the evaluations made of relevant aspects of the recent round. While the GAC has not yet considered the merits of all options, it should be noted for the sake of discussion that one alternative to "rounds" is a permanent process of ICANN accepting applications for new gTLDs within an agreed policy and operational framework: in effect, "continuous delegation." This could provide long-term certainty for applicants, reduce opportunities for gaming the system and enable more efficient allocation of resources by ICANN, the community and applicants. There are several aspects of this to be worked through should it be explored further, including: - A capacity for timely adjustment to the framework to respond to emerging issues, including public policy issues. - A possible mechanism to ensure that when there is an application for a certain string, communities or other stakeholders that have an interest in the same string are (a) alerted to the application and (b) have an opportunity to apply for the string within a specified window, and/or (c) have some say on determining what uses the string will be put to should it be delegated. - An objective analysis of relative resource demands on ICANN, the community and applicants.	GAC Comments	In initial discussions, the WG converged on the position that there should be an ongoing process that is clearly defined, with the understanding that there may be one or two rounds. The WG further agreed that following these preliminary rounds the process will go to a steady state of first come, first served. Continued conversation on this topic will take into account CC1 input and any other data made available through relevant reviews.
3a.R2	No. Allowing for subsequent procedures that contemplate a "rolling" first-come, first-served open period allows all applicants—now and future—the opportunity to apply when they want to. A continuous process will prevent bottlenecks in application processing and allow applicants to apply for a gTLD when it is right for their business, rather than when a short window allows. While we support a "rolling period," we understand that there has to be a way to deal with contention for the same string if there is pent-up demand since the 2012 round. A hybrid approach might be considered by the Working Group (e.g. a short window followed by an immediate rolling period).	RySG Comments	In initial discussions, the WG converged on the position that there should be an ongoing process that is clearly defined, with the understanding that there may be one or two rounds. The WG further agreed that following these preliminary rounds the process will go to a steady state of first come, first served. Continued conversation on this topic will take into account CC1 input and any other data made available through relevant reviews.

3a.R3	We believe that "rounds" have the potential to create false demand as they can create fear that a future round may not come promptly in the future (such fear is duly based on the actual history of ICANN's various new gTLD efforts). On the presumption that there will be subsequent new gTLD application procedures, we believe that it is important to create an application process, and timing, that provides greater certainty, especially for the development of new brands and their corresponding .brands. IPC Member Paul McGrady states it this way in his treatise: "It would be beneficial to brand owners for ICANN to normalize the schedule for future rounds as quickly as practical. It is conceivable that multinational brand launches could be scheduled around the application period of future rounds in order to ensure that a new "mega-brand" could, in fact, be expressed in a new gTLD. It is likely that counsel will need to "clear" new brands against the list of pre-existing TLDs in order to ensure that the brand will not encounter string preclusion. A brand owner who invests millions to launch a new mega-brand could be quite unhappy to learn later that its new brand is incapable of being expressed as a new gTLD registry because a pre-existing TLD precludes the new brand from being expressed as a .brand gTLD." 1-3 McGrady on Domain Names § 3.02 Having said this, we can envisage significant challenges were ICANN to move to a continuously open, transparent, first-come first-served application process, including administrative burdens on potential applicants, ICANN staff and all other members of the community who would wish to review and comment on applications, as well as significant technical challenges in dealing with the anticipated demand to be first, were such an application process to open. We believe that a suitable balance would best be achieved by having a series of discrete open application windows followed by discrete closed evaluation windows, before the application window opens back up. A potential timing of 3 months for an application window, followed by a 3 month evaluation window seems practical, although the timing of the windows could be longer and would be a matter for discussion. Such a series of rolling application windows would give certainty of timing for all members of the community, helping to reduce the artificial demand created by an individual round where there is no certainty on when the next one will be. It would remove some of the administrative burden on applicants that a first-come first-served application process would likely cause and certainly would reduce the technical risks. Further, this would allow ICANN some time to react to application volumes and to gear up resources for the next cycle if demand in a previous cycle proves high. It would also be respectful of the resource constraints of the wider ICANN community, some of whom might have difficulty reviewing applications on an ongoing basis if the application window were a permanently-open one. An open question in establishing a continuous process is how to deal with multiple potential applicants for a single gTLD. In the current round, these are grouped into "contention sets." A true "first come, first served" process would eliminate contention sets, which would lead to a number of consequences that need to be identified and evaluated. Alternatively, an ongoing process that held applications (similar to some Sunrise periods) for a period of time could be considered, which would provide an opportunity for additional applicants to apply for the same string (particularly if applications are public record). This would, of course, lead to different consequences that would also need to be identified and evaluated. Whilst the IPC would favor moving to such a process as quickly as possible, given the length of time that there will have been since the 2012 round before new applications open, it might be necessary first to have another application round. If so, the intention to move to a rolling open phase and the timing should be committed-to at the outset.	IPC Comments		In initial discussions, the WG converged on the position that there should be an ongoing process that is clearly defined, with the understanding that there may be one or two rounds. The WG further agreed that following these preliminary rounds the process will go to a steady state of first come, first served. Continued conversation on this topic will take into account input from CC1 and any other data made available through relevant reviews.
3.b: How would the assessment of applications in a method other than in "rounds" impact rights holders, if at all?				
3b.R1	No comments at this stage.	GAC Comments		
3b.R2	We believe that a continuous process would have a slight positive impact on brands. Even in a rolling process, a defined period would be applied to each application during which rights holders could object to a string that they believed infringed on their legal rights (e.g. via the Legal Rights Objection). Brand protection costs associated with participation in applicable sunrise periods would be steadier and more predictable where the number of new gTLDs grew steadily with demand rather than mushrooming suddenly due to a short application window.	RySG Comments		
3b.R3	If the applications in an ongoing application mechanism such as the rolling open process referred to above, were published for opposition, brand owners whose business models do not require a gTLD registry would have the ability to oppose the application without having to spend the money to block an abusive application and/or compete against that application in an auction process. In this regard, the ability to oppose an application should be clarified and potentially expanded. As mentioned in 3.a above, the ongoing application mechanism would allow for greater certainty in clearing new brands.	IPC Comments		
3.c: Does restricting applications to "rounds" or other cyclical application models lead to more consistent treatment of applicants?				
3c.R1	Not necessarily. An ongoing process of accepting applications within an agreed framework could presumably treat applicants equally consistently.	GAC Comments		
3c.R2	We do not believe that there is a relationship between the type of process (continuous vs. discrete) and consistent treatment. Having standard rules that are applied across the board by evaluators will lead to consistent treatment. One requirement of transitioning to a continuous process will be ensuring that panels and other bodies engaged in evaluation, objection, and other procedures can execute against objective policies and procedures over time.	RySG Comments		
3c.R3	As mentioned above "rounds", as we currently understand and experience them, have the potential to create false demand since they encourage the filing of applications by brands purely for defensive purposes. Rounds may also encourage other applicants to rush to apply due to lack of certainty over when or if a future opportunity will arise. On the other hand, rounds (for better or worse) do create contention sets, which can lead to more consistent treatment of applicants. It may be worth considering "open" filings for rounds, rather than the "Black Box plus Reveal" approach taken in the current round.	IPC Comments		
3.d: Should "rounds" or other cyclical application models be used to facilitate reviews and process improvement?				
3d.R1	No comments at this stage.	GAC Comments		
3d.R2	No. If things are not working, it is possible to fix them during a continuous process through the GNSO policy development process, while allowing other applications to proceed without delay.	RySG Comments		
3d.R3	Reviews and process improvements should not be used as a justification for preferring rounds or other cyclical application models. Reviews and process improvements can also take place in an ongoing application process.	IPC Comments		
3.e Do "rounds" lead to greater predictability for applicants and other interested parties?				
3e.R1	No comments at this stage.	GAC Comments		
3e.R2	We believe that rounds have a serious negative impact on business predictability for applicants. In particular, because a round-based model requires a fairly elaborate process to resolve contention, both the timing and probability of a given application is unknown at the time of submission. Similarly, when more than one applicant applies for a particular string, other interested parties may be uncertain of how to respond without knowing which applicant will prevail and may end up wasting resources objecting to or tracking an application that was unlikely to prevail in the contention process. In contrast, a continuous process allows businesses to make business-driven decision about whether it makes sense to apply for a gTLD, without the pressure to apply preemptively for fear of being locked out of the market. Consequently, it allows businesses to develop their applications more organically and robustly prior to submission, as applications can be linked to developed business plans.	RySG Comments		
3e.R3	Not necessarily. They are likely to lead to less predictability in many respects, as discussed above, as compared to an ongoing application mechanism such as the rolling open process proposed above.	IPC Comments		
3.f: Do "rounds" add latency to the evaluation and approval of an application, leading to longer times to market?				
3f.R1	No comments at this stage.	GAC Comments		
3f.R2	Yes, moving to a continuous process would dramatically lessen the vast time and resources spent on contention during the 2012 round. More than four years from the closure of the 2012 round, several strings remain in contention and their timeline for launch is unclear.	RySG Comments		
3f.R3	We do not have sufficient data to determine this since there has never been an ongoing application mechanism against which to compare it. However, pooling applications into arbitrary groups would appear, at least facially, to lead to bottlenecks and resultant delays.	IPC Comments		
3.g: Do "rounds" create artificial demand and/or artificial scarcity?				
3g.R1	No comments at this stage.	GAC Comments		
3g.R2	Yes. Having a "window" leads to a scramble to apply for any-and-all potentially lucrative string or to secure your brand name for fear of being indefinitely locked out of the market. A continuous application procedure is fairer because it allows businesses to make the determination of whether to apply once they have fleshed out their use cases and business plans for the TLD.	RySG Comments		
3g.R3	Yes; please see above.	IPC Comments		
3.h: Does time between "rounds" lead to pent up demand?				
3h.R1	No comments at this stage.	GAC Comments		
3h.R2	Yes, the unexpectedly high demand seen in the 2012 round evidences the pent up demand generated by opening up otherwise closed processes for short, discrete periods.	RySG Comments		
3h.R3	We do not have sufficient data to determine this since there has never been an ongoing application mechanism against which to compare it. However, it is conceivable that artificially inhibiting applications through "rounds" could lead to pent up demand, as suggested in 3.c above.	IPC Comments		
3.i: What is an ideal interval between "rounds?" Please explain.				
3i.R1	No comments at this stage.	GAC Comments		
3i.R2	We reiterate that the strategic goal for future applications should be the implementation of a continuous process on a first-come, first-served basis. However, the RySG appreciates that there may be one or two further 'application rounds' imposed before this goal can be realistically achieved. In this respect, the RySG recommends that a clear commitment is given to a schedule of further application rounds, with shorter timespans between each round, in line with the original target of one year (AGB section 1.1.6).	RySG Comments		
3i.R3	See answer to 3.a above.	IPC Comments		
3.j: Any other issues related to this overarching subject:			See also discussion of rounds in ALAC Comments on the Preliminary Issue Report on New gTLD Subsequent Procedures: https://atlarge.icann.org/advice_statements/9715	
3j.R1	No comments at this stage.	GAC Comments		
3j.R2	No.	RySG Comments		
3j.R3	In order for an ongoing application mechanism to function appropriately and predictably, reasonable and appropriate timeframes for each of the "public comments, objections, evaluation, contention resolution" etc., would need to be determined and then strictly adhered to in advance of the opening of the application mechanism, with little to no exceptions being made.	IPC Comments		
Subject 4. Predictability should be maintained or enhanced without sacrificing flexibility. In the event changes must be introduced into the new gTLD Application process, the disruptive effect to all parties should be minimized.				

4.a: Was the round of 2012 sufficiently predictable given external factors, while balancing the need to be flexible? Please explain.

4a.R1	The GAC appreciates the importance of predictability at the pre-application, application and ongoing post-application stages, especially during the 2012 round – the first of its kind, a fact that may have justified a number of adjustments during the implementation phase. However, this should not be the prime or only consideration. It is difficult for the GAC (or anyone else) to assess whether the round was "sufficiently predictable." The GAC responded to and advised on emerging issues on their merits. Such a large-scale exercise, with what turned out to be few useful precedents, was always going to require flexibility and adjustment.	GAC Comments	See, for example, GAC Letter to ICANN Board on Processing of Applications for New gTLDs: https://gacweb.icann.org/download/attachments/28278837/GAC%20Letter%20to%20Steve%20Crocker_New%20gTLD%20Appliation%20Processing_20120617.pdf?version=1&modificationDate=1341945307000&api=v2
4a.R2	No. The timeline was highly unpredictable, and the process saw several last moment changes, which did not follow from the GNSO policy recommendations and were not reflected in the applicant guidebook (e.g. Strawman, Spec 11, Name Collisions, and the unilateral amendment provisions in the ICANN Registry Agreement). Apparent inconsistencies in objection and community priority determinations further contributed to applicant uncertainty. Now that the 2012 round is over and we can glean lessons from it, we will know how to fix it in a future, always open subsequent procedure.	RySG Comments	
4a.R3	No. There were significant variations from the program as published in the Applicant Guidebook vs. how it was actually implemented by staff. For example, the midstream prohibition against closed generics, the announcement of and corresponding demise of digital archery as a prioritization methodology, the requirement to develop "on the fly" a process to address rights protections on the release of name collision names, and the ongoing challenges with creating a process for the treatment of country names and codes at the second level, etc.	IPC Comments	

4.b: Do the changes implemented as a result of the establishment of Cross Community Working Groups and the adoption of the principles and processes from the Policy and Implementation Working Group suffice to maintain predictability of the application process while at the same time provide for the needed flexibility to address changes of circumstances?

4b.R1	A cross-community working environment is essential to the development of policies that are both workable and maximise benefits to all relevant stakeholders. The GAC is committed to participating in cross-community processes to the extent that its resources permit. Cross-community work also means the involvement of all relevant SOs and ACs, performing their roles as defined in the ICANN framework. The GNSO PDP processes provides for early and continuing engagement of other SO/AC participants. However, it remains a GNSO process, which needs to be complemented by the input from other SOs and ACs, including input to the Board when prior feedback from such constituencies has not been appropriately reflected in the results of the PDP process.	GAC Comments	
4b.R2	Yes, we believe that these frameworks should allow for gradual improvements to be made to new gTLD application processes without having to gate the initiation of a subsequent application process.	RySG Comments	
4b.R3	We don't know since those items were not in place in the 2012 round and they have not been applied to any future application process.	IPC Comments	

4.c: What are the impacts on applicants, users and related parties from a process that lacks predictability?

4c.R1	It would seem appropriate to ask the applicants, both successful and unsuccessful, e.g. those who submitted community based applications.	GAC Comments	
4c.R2	We restate Principle 4: The 2012 round suffered from too many unforeseen post-application rule changes and delays as ICANN struggled to implement the process. These changes and delays took their toll on a number of applicants, and as a result many suffered financial or other losses while some had to eventually withdraw from the process. For example, .green, a community applicant with a clearly defined mission was forced to abandon its application as resources were exhausted due to significant delays and complications with the application process. Predictability for applicants of any future mechanisms should be a high priority.	RySG Comments	
4c.R3	Real businesses are frustrated at long delays, aborted investments, and inexplicable changes of direction by ICANN. While businesses bear the costs of such unpredictable actions and outcomes, ICANN also bears the cost to its own credibility and reputation, which were at an extremely low point during the early days of the 2012 application process. The lack of predictability also creates an ongoing skepticism and distrust by applicants, users and others – not least, potential applicants.	IPC Comments	

4.d: Any other issues related to this overarching subject:

			See also discussion of predictability in ALAC Comments on the Preliminary Issue Report on New gTLD Subsequent Procedures: https://atlarge.icann.org/advice_statements/9715
4d.R1	Many gTLD policy issues require resolution at the global rather than the national level. For many purposes, in practice this means resolution within ICANN processes to ensure consistency, as application of national laws country-by-country may not be sufficient. The GAC – and others – need a degree of flexibility to respond to emerging issues in this global space which is operated by ICANN and the community according to contractual arrangements and community-developed policies and procedures. The need for such flexibility continues after the conclusion of a GNSO PDP.	GAC Comments	
4d.R2	No.	RySG Comments	
4d.R3	N/A	IPC Comments	

Subject 5. Community engagement in new gTLD application processes.

5.a: Are there circumstances in which the application window should be frozen while unforeseen policy issues are considered and resolved? If so, should there be a threshold or standard that must be reached before considering freezing an application window?

5a.R1	No comment at this stage.	GAC Comments	
5a.R2	Unlikely. It would be better to continue to evaluate and accept applications to keep from disenfranchising potential applicants. This would also throw more unpredictability into the mix.	RySG Comments	
5a.R3	First, this question presupposes "windows," which should not be assumed. Second, policy questions arise with some regularity, and can be dealt with in the context of an ongoing process. The lightweight policy processes developed by the Policy & Implementation Working Group should help deal with these in a timely and orderly fashion. We can foresee no reason to freeze the application process for a policy issue. Any threshold to do so would have to be incredibly high – essentially cataclysmic. However, there may be operational issues of a severity sufficient to freeze a round; for example, financial failure by ICANN, disaster and recovery, or external force majeure.	IPC Comments	

5.b: If the Board is faced with questions that cannot be addressed by the policy recommendations they were sent, must the Board bring the issue back to the GNSO and PDP process (e.g., the GNSO Expedited PDP or GNSO Guidance Process)?

5b.R1	The GAC would expect the Board to have regard to all available evidence and advice, including advice from the GAC. Reverting to applicable GNSO and PDP processes appears to be one of a range of options the Board could consider. Others might include seeking expert advice on specialised issues. Experience from the recent round suggests that conclusion of a PDP on such a wide-ranging set of issues is unlikely to be an end-point agreed by all stakeholders in practice. The GAC will make every effort to participate in any agreed post-PDP policy processes.	GAC Comments	
5b.R2	Generally yes, particularly if the matters at hand could contradict established policy. We also reiterate that the role of the GAC, the Board and the GNSO in resolving issues that arise during any ongoing mechanisms should be well-understood and documented.	RySG Comments	
5b.R3	Yes, but such a question should not trigger an "all stop" for applications already filed. The new policy can be developed and implemented on a date certain effecting only applications after that date – at least in a continuous process. This is how the development and adoption of consensus policy works.	IPC Comments	

5.c: Should a standard be established to discriminate between issues that must be solved during an open application window and those that can be postponed until a subsequent application window? Please give an example.

5c.R1	No comment at this stage.	GAC Comments	
5c.R2	We believe that the subsequent procedures PDP should narrow it's work to focus on issues where a change in policy (as set forth in the 2007 Final Report and operationalized in the Applicant Guidebook) is required and where most of the community believes the issue is of such significance that it should block the initiation of a future application process. As examples, we believe that last-hour policy changes to the program (e.g. Name Collision, closed generic restrictions, Specification 13) may merit revisiting so that they can be properly reflected in the applicable policy. Issues that are not matters of policy but warrant improvement should not be the focus of the group; ICANN staff should work with narrow implementation teams to address these issues without delaying the work of the overall PDP. Similarly, issues that may warrant policy revision but need not impede a subsequent application process should be addressed on an ongoing basis through the policy development process, without unjustifiably blocking future applicants that are willing to proceed within the current framework.	RySG Comments	2007 GNSO Final Report on the Introduction of New Top Level Domains: https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm New gTLD Applicant Guidebook: https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf
5c.R3	Policy issues, no. Operational issues, yes. Our examples are mentioned above, e.g., financial crisis for ICANN.	IPC Comments	

5.d: Any other issues related to this overarching subject.

5d.R1	Procedures for implementing new expansions should ensure and enable participation from all relevant stakeholders from the affected communities, both empowering them to take part as applicants – especially from underserved regions - and to have a fair say when their legitimate interests are affected by TLD applications.	GAC Comments	
5d.R2	No.	RySG Comments	

5d.R3	Stakeholders need to participate fully as policy is developed, rather than leaving the work to others and depending on ex post facto opportunities to make changes.	IPC Comments		

Subject 6. Limiting applications in total and/or per entity during an application window.

Initial Findings/Conclusions:
There are no policy recommendations from the GNSO's 2007 Final Report that establishes limits on the number of applications a single applicant can submit.
The scope of the application limits was expanded to consider a limit on the total number of applications during the application window, which could be total accepted, total strings allowed, total delegations, etc.
Limiting the number of applications that an entity can submit may be considered anti-competitive.
However, limiting the number of applications that an entity can submit, could allow for a more even playing field, possibly spreading the allocation of a scarce resource over a wider pool of applicants.
Applying an application limit for an entity was determined to be extremely difficult to implement and enforce.
Applying any sort of limit may have unforeseen consequences.

Anticipated Outcomes:
Preliminarily, the WG has agreed that the establishing application limits are seemingly anti-competitive and possibly contrary to the original principles of competition.
In addition, enforcing any sort of limit is seen as unrealistic to implement.
Therefore, no policy recommendations are envisioned.

6.a: Should a limit for the total number of applications for an application window and/or from a single entity be established? If so, what should be the limiting factor (e.g., total application, total number of strings, etc.) and why?

6a.R1	No comments at this stage.	GAC Comments		
6a.R2	We reiterate that the RySG does not support the notion of placing unnecessary limitations on future applicants. This would be anti-competitive and has the potential to inhibit innovation: and as such is antithetical to the purpose of introducing new gTLDs.	RySG Comments		
6a.R3	No. Please see our response to 1.b above.	IPC Comments		

6.b: If a limit for the total number of applications for an application window and/or from a single entity is established, how would the appropriate amount of applications be set to establish this limit?

6b.R1	No comments at this stage.	GAC Comments		
6b.R2	There is no rational basis for such a limit. And it creates the reason for attempts of unfair play (multiple companies indirectly controlled by the same entity).	RySG Comments		
6b.R3	N/A	IPC Comments		

6.c: If a limit for the total number of applications for an application window and/or from a single entity is established, what mechanism(s) could be used to enforce lim

6c.R1	No comments at this stage.	GAC Comments		
6c.R2	There is no rational basis for such a limit.	RySG Comments		
6c.R3	N/A	IPC Comments		

6.d: How would a limit on the total number of applications for an application window and/or from a single entity impact fees?

6d.R1	No comments at this stage.	GAC Comments		
6d.R2	Regardless of the number of applications, ICANN's standard is to look at the financial stability of the company, including all applied-for and currently-owned TLDs. There is no rational basis to change this.	RySG Comments		
6d.R3	Fees would have to increase as ICANN may have to defend itself against an antitrust claim. (However, we note that the current round fees appear to have included a very significant allocation for legal defense, so perhaps it is more accurate to say that fees may not decrease as they otherwise should.)	IPC Comments		

6.e: Would limits to the total number of applications for an application window and/or from a single entity be considered anti-competitive? Please explain.

6e.R1	No comments at this stage.	GAC Comments		
6e.R2	Potentially. We believe that limitations of this nature could prevent registries from succeeding through diverse business models.	RySG Comments		
6e.R3	Please see our response to 1.b above.	IPC Comments		

6.f: Do limits to the total number of applications for an application window and/or from a single entity favor "insiders?

6f.R1	No comments at this stage.	GAC Comments		
6f.R2	It is unclear whether application limits would favor insiders. We believe that an open, unrestricted, and continuous process would be the generally beneficial to "insiders" and new applicants alike.	RySG Comments		
6f.R3	If there is a closed window process similar to the 2012 window, it would definitely favor "insiders." More broadly, any process that is complex and subject to rules that can be gamed will favor "insiders."	IPC Comments		

6.g: Any other issues related to this overarching subject:

6g.R1	No comments at this stage.	GAC Comments		
6g.R2	No.	RySG Comments		
6g.R3	ICANN should avoid setting arbitrary limits to market entry.	IPC Comments		

Open Questions

1. Are there further overarching issues or considerations that should be discussed in the New gTLDs Subsequent Procedures PDP WG?

OQ1.R1	Based upon the depth of work outlined during the Helsinki meeting, we believe that the working group should tailor its efforts to only the most significant policy issues that must be addressed before a future application process can open and defer other issues to staff to develop implementation guidance or to other policy efforts that need not gate the PDP. Otherwise, we believe that the process will be stymied, both in terms of time and the ability to reach community consensus.	RySG Comments		
OQ1.R2	The IPC has no further overarching issues or considerations to provide at this time, but may do so as the process progresses.	IPC Comments		

2. Are there additional steps the PDP WG should take during the PDP process to better enable community engagement?

OQ2.R1	No comments at this moment of time.	RySG Comments		
OQ2.R2	The IPC has no additional steps to propose to better enable community engagement at this time, but may do so as the process progresses	IPC Comments		

Additional Resources

AR.R1	In SAC082: SSAC Response to the Request for Advice Relating to the 2012 New Generic Top Level Domain (gTLD) Round (https://www.icann.org/en/system/files/files/sac-082-en.pdf) SSAC refers to earlier reports and advice relevant to discussion of domain collision issues, including SAC045: Invalid Top Level Domain Queries at the Root Level of the Domain Name System (https://www.icann.org/en/system/files/files/sac-045-en.pdf), SAC062: SSAC Advisory Concerning the Mitigation of Name Collision Risk (https://www.icann.org/en/system/files/files/sac-062-en.pdf), and SAC066: SSAC Comment Concerning JAS Phase One Report on Mitigating the Risk of DNS Namespace Collisions (https://www.icann.org/en/system/files/files/sac-066-en.pdf).	SSAC Response to the Request for Advice Relating to the 2012 New gTLD Round		
AR.R2	RSSAC provided links to two resources in their response (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59647675/RSSAC%20Response%20to%20New%20gTLD%20Subsequent%20Procedures%20Outreach.pdf).

"On 25 November 2010, Jun Murai, then RSSAC Chair, sent comments via email to the ICANN Board of Directors on behalf of the RSSAC. These comments outlined a series of steps and commitments that RSSAC, on behalf of the root server operators, would take to define the parameters of desired root zone system service." (https://www.icann.org/en/system/files/files/murai-to-board-25nov10-en.pdf)

"The RSSAC also agreed to further technical studies and performance monitoring to ensure the stability and robustness of the root name server system. The culmination of this effort resulted in the publication of RSSAC002: Advisory on Measurements of the Root Server System." (https://www.icann.org/resources/pages/rssac-publications-2014-05-12-en.) | RSSAC Response to the Request for Advice Relating to the 2012 New gTLD Round | | |
| AR.R3 | NCUC Provided the following historical documents for consideration (summary document at https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648234/Retrospective%20summary%20of%20NCUC%20comments%20on%20new%20gTLDs.doc):

30 Mar 2013 letter to Steve Crocker from NCUC Chair on GNSO motion on Red Cross and IOC name protections: Urges board not to approve GNSO motion because public comments were ignored. (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648231/NCUC-Boardletteron%20IOC-RC-clean.pdf)

27 Feb 2012 NCUC comment on defensive registrations: The current framework for the protection of trademarks in the domain name space is more than adequate. Calls for additional protection at the top and second level are unjustifiable. (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648228/Defensive%20Registrations-Feb2012.pdf)

Feb 2011 NCSG comment on USG proposal on GAC veto of TLDs: Opposes US proposal to eliminate limited public interest objection in favor of a right to veto a TLD "for any reason." (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648229/NCSG%20Statement%20on%20USG%20Proposal%20on%20new%20gTLDs.pdf)

Dec 2008 NCUC statement of Draft Applicant Guidebook: Invokes principle G (freedom of expression) and notes that the "Morality and Public Order" provisions of the Draft Applicant Guidebook amount to content regulation. (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648230/NCUC%20Statement%20on%20new%20gTLDs-final-12-2008.pdf)

20 Jul 2007 NCUC statement with dissenting on Recommendation 6: NCUC supports most of the recommendations in the GNSO's Final Report, but not #6, which exceeds the scope of ICANN's mission. It asks ICANN to create rules and adjudicate disputes about permissible expression and enables it to censor expression in domain names that would be lawful in some countries. (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648232/NCUC-Dissenting%20View%20on%20Rec6-Jul7-2007.pdf)

12 Jun 2007 NCUC comment on the GNSO New TLD Committee's Draft Final Report on the Introduction of New Generic Top Level Domains: Goes through each of the recommendations of the New TLD Committee final report and expresses support or opposition. Emphasis is on protecting free expression rights. (https://community.icann.org/display/NGSPP/Historical+Record+of+Statements+and+Advice+to+the+2012+round+of+the+New+gTLD+Program?preview=/59645657/59648233/PDP-Dec05-NCUC-CONST-STMT-JUNE2007.pdf) | NCUC Response to the Request for Advice Relating to the 2012 New gTLD Round | | |

| AR.R4 | A full historical record of GAC advice and statements on this topic is available at https://gacweb.icann.org/display/GACADV/New+gTLDs | GAC Response to the Request for Advice Relating to the 2012 New gTLD Round | | |
| AR.R5 | A full historical record of ALAC statements on new gTLDs is available at https://docs.google.com/spreadsheets/d/1BoDtmXT5GYpeuk5UoSKCQ3MVWldSbh4X86mbCMR4JhA/edit#gid=305222389. Topics include IDNs, PICs, objection procedures, geographic names and other subjects that may be addressed in the PDP but were not the focus of specific questions in CC1. | ALAC Response to the Request for Advice Relating to the 2012 New gTLD Round | | |