

Date 2017

Dear [Insert SO/AC/SG/C Chair Name]

We write to you as the Co-Chairs of the GNSO's New gTLD Subsequent Procedures Working Group (WG), which was chartered by the GNSO Council to conduct a Policy Development Process (PDP) to determine what, if any changes may need to be made to the existing *Introduction of New Generic Top-Level Domains* policy recommendations from 8 August 2007. As the original policy recommendations as adopted by the GNSO Council and ICANN Board have "been designed to produce systemized and ongoing mechanisms for applicants to propose new top-level domains", those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council would decide to modify those policy recommendations via a policy development process. We are now writing to seek your input on several overarching questions as part of the Group's first Community Comment process.

1. Background on the New gTLD Subsequent Procedures PDP WG

In June of 2014, the GNSO Council created the New gTLD Subsequent Procedures Discussion Group, which was focused on reflecting upon the experiences gained from the 2012 New gTLD round and identifying a recommended set of subjects that should be further analyzed in an Issue Report. At the ICANN53 meeting, The GNSO Council approved a motion to request that a Preliminary Issue Report be drafted by ICANN staff, basing the report on the set of deliverables developed by the Discussion Group, to further analyze issues identified and help determine if changes or adjustments are needed for subsequent new gTLD procedures. ICANN staff completed the Preliminary Issue Report on New gTLD Subsequent Procedures, which was published for public comment on 31 August 2015, with the comment period closing on 30 October 2015. ICANN staff reviewed public comments received and adjusted the Issue Report accordingly. The Final Issue Report, along with the summary and analysis of public comment received, were submitted to the GNSO Council for its consideration on 4 December 2015 and a PDP on New gTLD Subsequent Procedures was initiated on 17 December 2015. The GNSO Council adopted the PDP WG charter during its 21 January 2016 meeting, with a call for volunteers issued on 27 January 2016.

The PDP WG held its first meeting on 22 February 2016 and is currently meeting on a regular basis. The PDP WG began its deliberations by preliminarily considering a set of 6 subjects that it considers high level and foundational in nature (which the PDP WG called overarching issues). As the GNSO's PDP Manual mandates that each PDP WG reach out at an early stage to all GNSO Stakeholder Groups and Constituencies to seek their input, and encourages WGs to seek input from ICANN's Supporting Organizations and Advisory Committees as well, the PDP WG sent a request to community (i.e., Community Comment 1) on 9 June 2016. The PDP WG appreciates input provided by the community, which it has considered and will integrate into the outcomes and deliverables related to the 6 overarching issues.

The PDP WG has created a set of 4 sub-team Work Tracks (WT) that are addressing the remaining subjects within its Charter. This communication, Community Comment 2, is in relation to these subjects

now under consideration. We are now writing to update you on our activities to date, and to provide your group with an opportunity to assist the PDP WG with its assigned task, in respect of the following questions and issues that stem from our Charter and the initial deliberations of the WG. The PDP WG may provide additional updates and could possibly solicit input from the community again in the future, as the work progresses.

2. Community Comment Request: Survey on the subjects under consideration by the 4 WTs

The subjects that the PDP WG's 4 WTs are considering at this stage are listed below. A brief description of each subject and specific questions on which the PDP WG seeks your input are included as Annex A. Your input is critical in allowing these subjects to be considered fully and to achieve a thoughtful outcome, which could be new policy recommendations, amendment of existing policy recommendations, or more simply, implementation guidance to be considered in the future. The PDP WG recognizes that this survey is extensive and understands that respondents may want to only provide answers to certain questions. The subjects are:

Work Track/Section	Subject
1.1	Accreditation Programs
1.2	Applicant Support
1.3	Clarity of Application Process
1.4	Application Fees
1.5	Variable Fees
1.6	Application Queuing
1.7	Application Submission Period
1.8	Systems
1.9	Communications
1.10	Applicant Guidebook
2.1	Base Registry Agreement
2.2	2nd Level RPM's
2.3	Reserved Names
2.4	Registrant Protections
2.5	IGO / NGO Procedures
2.6	Closed Generics
2.7	Applicant Terms and Conditions
2.9	Registrar Non Discrimination & Registry / Registrar Separation
2.10	Registry / Registrar Standardization

2.11	TLD Rollout
2.12	Contractual Compliance
2.13	Global Public Interest
3.1	Objections
3.2	New gTLD Applicant Freedom of Expression
3.3	Community Applications (Community Priority Evaluations)
3.4	String Similarity (Evaluations)
3.5	Accountability Mechanisms
4.1	Internationalized Domain Names
4.2	Universal Acceptance
4.3	Applicant Reviews
4.4	Name Collisions
4.5	Security and Stability

3. Coordination with other efforts

Finally, the PDP WG is aware of other efforts related to New gTLDs that are underway within the community, particularly the Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT); the PDP WG understands that coordination with other community efforts is needed to promote comprehensive solutions and outcomes. In addition to the CCT-RT, the PDP WG has identified the following initiatives that may have an influence on the outcomes of this WG.

- [PDP on gTLD Registration Data Services](#)
- [PDP IGO-INGO Access to Curative Rights Protection Mechanisms](#)
- [Non-PDP CWG on the Use of Country and Territory Names as TLDs](#)
- [PDP Review of All Rights Protection Mechanisms in All gTLDs](#)
- [CCT-RT and the associated New gTLD Program Reviews](#)
- The Governmental Advisory Committee (GAC) working groups on the topics of: a) public safety, b) underserved regions, and c) geographic names.
- Security and Stability Advisory Committee (SSAC) reviews of guidance provided regarding the New gTLD Program and determining if new recommendations are needed.

We ask that you consider and clarify the extent to which the above-identified efforts, or any additional efforts within the community, should be considered by this PDP WG during its deliberations.

Thank you for the [Insert Constituency Name] consideration of this request. We look forward to any comments and any input that you and the organization you Chair are able to provide to our WG. If possible, please forward your comments and input to us by Date so that we may fully consider it in our further deliberations.

Best regards,

Avri Doria and Jeff Neuman (WG Co-Chairs)

Annex A - Work Track Subjects

Work Track 1 - Overall Process, Support, and Outreach

1.1 Accreditation Programs

1.1.1 - The WG believes that a Registry Service Provider (RSP) accreditation, or pre-approval, may enhance the security and stability of the DNS, provide efficiency gains in the application submission and evaluation process, and possibly enhance competition and choice. Do you agree with these anticipated benefits? Are there risks to developing such a program?

1.1.2 - If a RSP program is established for new gTLDs, do you have any suggestions for some of the details of the program? For instance, how would the scalability of the RSP be measured across a variable numbers of registries? Who should be responsible for evaluating whether a RSP meets the requirements for the program? What are the high-level requirements for "accreditation?" Should the requirements be variable based on the types of TLDs the RSP intends to serve?

1.1.3 - Should the transfer of RSP for an existing registry operator be considered within scope for this Policy Development Process?

1.2 Applicant Support

1.2.1 - Some have suggested it could be beneficial to expand the scope of the Applicant Support (AS) program. Suggestions ~~to date~~ include:

1. Broadening support to IDNs or other criteria
2. ~~Allowing Focusing AS to also include on~~ the "middle applicant" - defined as developed but struggling regions, as opposed to underserved or under developed regions. **Note: by including the "middle applicant," this is NOT intended to be at the exclusion of those from underserved or under developed regions.** The "middle applicant" provides a balance between opportunities while considering different priorities.

Do you find value in the above suggestions? Do you feel there are other areas in which the AS programs could extend?

1.2.2 - The AS Program for the 2012 round was mostly limited to financial support, and only for application submission. Should funding be extended to other areas of the process or ongoing operations? Are there other mechanisms of support that should be explored?

1.2.3 - The WG has noted that even in the presence of a well-funded, well communicated, comprehensive program, potential applicants may still not believe applying for a gTLD is in their best interests. Are there additional metrics for "success" that should be considered? For instance, a study on New gTLDs and the Global South, performed by amGlobal Consulting, found that awareness of the New gTLD Program and understanding of gTLDs as a viable business option was limited; could better awareness be one measure of success?

1.3 Clarity of Application Process

1.3.1 - The WG noted that a number of program elements, such as change requests, customer support, application prioritization, among others, seemed to be developed after the launch of the program. Do you agree with this assessment? If so, do you have suggestions for preventing this from occurring in subsequent procedures?

1.4 Application Fees

1.4.1 - The 2012 round of the New gTLD Program was governed by the principle of ~~Given that fees are to be for cost recovery.~~ Should another mechanism be considered?

1.4.2 - Noting that a considerable surplus remains unspent from the 2012 round, ~~and given the surplus from the last round,~~ do you believe \$185K was a reasonable fee amount? Is it still a reasonable fee? Should the basic structure of the application fee (e.g., approximately one third of the fee is allocated for each of development/historical costs, operations, and contingency fee) be reassessed? As the 2012 round is still ongoing, is it too early to make this assessment?

1.4.3 - With cost recovery in mind, should there be a floor (minimum) or ceiling (maximum) threshold we should not ~~go below/above~~ ~~cross~~? If so, do you have suggestions for criteria to establish those amounts?

1.4.4 - Should the WG seek to establish more clarity in how a surplus or shortages of funds is handled? If so, do you have any suggestions for establishing that clarity?

1.5 Variable Fees

1.5.1 - Should the New gTLD application fee be variable based on such factors as application type (e.g., open or closed registries), multiple identical applications, or other factors? ~~The 2012 round was largely based on "one fee fits all" and t~~ There seems to be support ~~within the WG for continuing that approach~~ "one fee fits all", do you agree?

1.6 Application Submission Period

1.6.1 - While the length of time between announcing when the application submission period will begin can be left variable, is three months an appropriate length of time to accept applications? Is the concept of a fixed period of time for accepting applications the right approach? Will the submission period impact applicant support? If we have a few next 'rounds' followed by continuous application periods, how should the application submission period be handled in the lead-up rounds?

1.7 Application Queuing

1.7.1 - There appears to be support for ~~an evaluation ordering process similar to the prioritization draw from the 2012 round, the lottery system~~ instead of first come, first served. However, if rounds are not used, would this method still be appropriate? Would ~~a prioritization draw, or similar method, lottery~~ work for a continuous application period or would first come first service be more appropriate?

1.7.2 - Should certain subgroups of applicants/application types be prioritized over others? For instance, from the 2012 prioritization draw, IDNs were moved to the front of the queue for application processing.

1.8 Systems

1.9 Communications

1.10 Applicant Guidebook

Work Track 2 - Legal, Regulatory, and Contractual Requirements

2.1 Base Registry Agreement

2.2 2nd Level RPM's

2.3 Reserved Names

2.4 Registrant Protections

2.5 IGO / NGO Procedures

2.6 Closed Generics

2.7 Applicant Terms and Conditions

2.8 Registrar Non Discrimination & Registry / Registrar Separation

2.9 Registry / Registrar Standardization

2.10 TLD Rollout

2.11 Contractual Compliance

2.13 Global Public Interest

Work Track 3 - String Contention Objections and Disputes

3.1 Objections

3.1.1 - Do you think that the policy recommendations (Recommendations 2, 3, 6, and 20) require any modifications? If so, what would you suggest?

3.1.2 - Do you believe that those recommendations (which led to the establishment of the String Confusion, Legal Rights, Limited Public Interest, and Community Objections grounds) were implemented effectively and in the spirit of the original policy recommendations?

3.1.3 - Do you believe there were any issues with standing requirements as defined in the Applicant Guidebook (AGB), or as carried out by the providers?

3.1.4 - Do you believe there is evidence of decisions that were inconsistent with other similar objections, the original policy recommendations, or the AGB?

3.1.5~~1~~ - Are you aware of any instances ~~Please provide any evidence you are aware of~~ where any party or parties attempted to 'game' the Objections procedures in the 2012 round? If so, please provide examples and any evidence you may have available.

3.1.6~~2~~ - Do you believe that the use of an Independent Objector is warranted in future rounds? If not, then why? If yes, then would you propose any restrictions or modifications be placed on the IO in future rounds?

3.1.7~~3~~ - Do you believe that parties ~~to~~ disputes should be able to choose between 1 and 3 member panels and should the costs of objections reflect that choice?

3.1.8 - Many community members have highlighted the high costs of objections. Do you believe that the costs of objections created a negative impact on their usage? If so, do you have suggestion for improving this issue? Are there issues beyond cost that might impact access, by various parties, to objections?

3.2 New gTLD Applicant Freedom of Expression

3.3 Community Applications (Community Priority Evaluations)

3.3.1 - ~~There is a given the general sentiment understanding that the~~ CPE process did not provide consistency and predictability in the 2012 round. Do you believe this was the case and if so, do you have examples or evidence of these issues?

3.3.2 - Do you believe that the implementation and delivery of CPE was true to the policy recommendations and implementation guidance provided by the GNSO? If no, do you have suggested improvements to either the policy/implementation guidance or implementation?

3.3.3 - CPE was the one instance in the New gTLD Program where there an element of a comparative evaluation and such, there are inherently winners and losers created. ~~Do~~ do you believe there is a need for community priority, or a similar mechanism, in subsequent procedures?

3.3.4~~2~~ - Should "community" simply be an additional category that will be in string contention sets on equal footing as a 'brand' or 'open generic' applications?

3.3.5 - Were the rights of communities (e.g., freedom of expression, freedom of association, freedom of religion, and principle of non-discrimination) infringed by the New gTLD Program?

3.3.6 - Besides CPE, are there other aspects of the New gTLD Program related to communities that should be considered in a more holistic fashion?

3.4 String Similarity (Evaluations)

3.4.1 - ~~There was a perception that that~~ ~~What can be done to improve~~ consistency and predictability of the ~~with regard to~~ string similarity needs to be improved ~~in future rounds~~? Do you have examples or evidence of issues? If so, do you have suggested changes to the policy recommendations or implementation that may lead to improvement? For instance, should the standard of string confusion that the evaluation panel used be updated or refined in any way?

3.4.2 - Should the approach for string similarity in gTLDs be harmonized with how they are handled in ccTLDs?

3.4.3 - The WG, as well as the wider community, have noted issues specifically related to singles and plurals. Do you have suggestions on how develop guidance on singles and plurals that will lead to predictable outcomes?

3.4.4 - Do you believe that there should be some sort of mechanism to allow for a change of applied-for TLD when it is determined to be in contention with one or more other strings? If so, do you suggestions on a workable mechanism?

3.4.5 - Do you feel that the contention resolution mechanisms from the 2012 round (i.e., CPE and last-resort auctions) met the needs of the program in a sufficient manner?

3.5 Accountability Mechanisms

3.5.1 - Do you believe that the existing accountability mechanisms (Request for Reconsideration, Independent Review Process, and the Ombudsman) are adequate avenues to address issues encountered in the New gTLD Program?

3.5.2 - Should there be appeal mechanisms introduced into the program? If yes, for what areas of the program (e.g., evaluations, objections, CPE)? Do you have suggestions for high level requirements (e.g., if the appeal should limited to procedural and/or substantive issues, who conducts the review, who is the final arbiter, safeguards against abuse, etc.)

Work Track 4 - Internationalized Domains Names and Technical & Operations

4.1 Internationalized Domain Names

4.1.1 - Do you agree or disagree with allowing 1-char IDN TLDs, in specific combinations of scripts and languages where a single character can mean a whole idea or a whole word (ideograms and logograms)?

4.1.2 - Do you have any general guidance or would like to flag an issue requiring policy work for subsequent procedures regarding IDNs?

4.1.3 - How do you envision the policy and process to allow IDN Variant TLDs to be delegated and operated? Possible options include but are not limited to bundling (allowing but requiring procedures similar to .ngo/.org/.ong where only the same registrant can register a name across TLDs, disallowing (as it was in the 2012-round) or allowing without restrictions. **Must there be a solution established prior to launching subsequent procedures?**

4.1.4 - **Should the process be coordinated and/or harmonized with ccTLDs? If so, to what extent?**

4.2 Universal Acceptance (UA)

4.2.1 - Do you see any UA issue that would warrant policy **development** work, **noting that there is different from the extensive** coordination work already being done by the **Universal Acceptance Steering Group?**

4.3 Application Evaluation

4.3.1 Technical Evaluation

4.3.1.1 - Do you believe that technical capability should be demonstrated at application time, or could be demonstrated at, or just before, contract-signing time?

4.3.1.2 - Do you believe that technical evaluation should be done per application, per cluster of similar technical infrastructure of a single applicant entity/group, or per cluster of similar infrastructure among all applicants in a procedure (e.g, consolidate as much as possible)?

4.3.1.2.1 - If consolidated, should the aggregate requirements of applied-for TLDs and currently operated TLDs be taken in consideration for evaluation?

4.3.2 Financial Evaluation

4.3.2.1 - Do you believe that financial capability should be demonstrated at application time, or could be demonstrated at, or just before, contract-signing time?

4.3.2.2 - Do you believe that financial evaluation should be done per application or per possible registry family considering all applied-for strings are won?

4.3.3 General Questions

4.3.1.1 - What suggestions do you have for improving the application evaluation process that you would like the community to consider?

4.4 Name Collision

4.4.1 - What general guidance for namespace collisions would you like the community to consider for subsequent procedures, and why?

4.4.2 - Were there non-applied for strings that would fall into a high risk category ~~that you would, and then would be suggested to~~ not be allowed ~~for the time being~~ in subsequent procedures? If yes, which ones ~~and why?~~ **Should a Name Collision based evaluation be incorporated into the process for subsequent procedures?**

~~4.4.3~~ - What data sources could/should be used for analyzing namespace collisions for subsequent procedures?

~~4.4.34~~ - Based on data from the first round, can the controlled interruption period be reduced in future rounds?

~~4.4.45~~ - Should any measures be suggested or requested from TLDs that already ended or will end their emergency readiness after two years of delegation? **Are any measures needed for gTLDs delegated prior to the 2012 round?**

4.5 Security and Stability

4.5.1 Considering that, different from the 2012-round, we now have Top-Level Label Generation Rules available for most, if not all, scripts and languages, does the per-label security and stability review still makes sense?

4.5.2 Considering the already published CDAR study and comments to that study, do you have any comments regarding root zone scaling?