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 questions as part of the Group’s second 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 the 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, with respect to 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 enabling these subjects to be considered fully and achieving a thoughtful outcome, which could include new policy recommendations, amendments to existing policy recommendations, or 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](http://gnso.icann.org/en/group-activities/active/rds)

●  [PDP IGO-INGO Access to Curative Rights Protection Mechanisms](http://gnso.icann.org/en/group-activities/active/igo-ingo-crp-access)

●  [Non-PDP CWG on the Use of Country and Territory Names as TLDs](http://gnso.icann.org/en/group-activities/active/cwg-uctn)

●  [PDP Review of All Rights Protection Mechanisms in All gTLDs](http://gnso.icann.org/en/group-activities/active/rpm)

●  [CCT-RT](https://community.icann.org/x/145YAw) and the associated [New gTLD Program Reviews](https://newgtlds.icann.org/en/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 determination whether 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** **(Wiki page: <https://community.icann.org/x/KT2AAw>)**

Context: GNSO Recommendation 7 stated, “Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.” To support this policy recommendation the Applicant Guidebook contained a number of questions (24 – 44) designed to help ICANN evaluate the ability of the applicant to operate a TLD registry.

Through the evaluation process it became evident that the answers to the technical questions supplied by the applicants were prepared by a small number of Registry Service Providers (RSP) (ICANN estimated in their Program Implementation Review that 90% of the 1930 applications received share one of 13 technical infrastructures). Despite the answers being the same ICANN was required to evaluate each application individually. On passing the theoretical evaluation, each registry operator was required to undertake Pre-delegation Testing (PDT), resulting in the small number of RSPs being required to undertake the same test for each registry operation.

The working group believes that this is an area where a number of process efficiencies could be gained by providing the applicant with a number of options to respond to the technical component of the application including the ability to select from a list of pre-approved (or accredited) RSPs. This approach would also provide applicants with a level of comfort in their choice of RSP and may also enhance the security and stability of the DNS and possible enhance competition and choice in the RSP market (added by Donna Austin.

 Such a program would be on a voluntary basis and would not preclude the approval of a Registry Operator’s own RSP or the approval of additional new RSPs

1.1.1 -. What do you see are the benefits and risks in implementing such a program? Some of the potential benefits that have been discussed in the working group and might be examined are: (1) avoidance of costly pre-delegation tests, as well as the testing that is required when a registry operator switches from one RSP to another; (2) with the elimination of the barriers described in the first point, an enhanced competitive environment among RSPs that would ultimately benefit registry operators and registrants; (3) possible increases in diversity as new RSPs in developing areas that meet well-defined criteria could more easily enter the competition; (4) most importantly, establishing a more stable, resilient DNS by requiring minimum standards for: redundancy, capacity, diversity, monitoring, , reaction time to threats, reporting and statistical process controls that would require the “right” amount of investment in infrastructure and critical event planning.

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?

1.1.3 Who should be responsible for evaluating whether a RSP meets the requirements for the program?

1.1.4 Should there be any continuing obligations for approved RSPs? Should the requirements be variable based on the types of TLDs the RSP intends to serve?

1.1.5 Should there be an Agreement between an RSP and ICANN? If so, what enforcement mechanisms should be made available to ICANN in the event that such an Agreement or is breached?

1.1.6 - ICANN has been working with existing Registry Operators on a process for the assignment of material subcontractors under the Registry Agreement, which includes the transfer of an RSP for an existing Registry Operator. The WG believes that the development of such a process could have the added benefit of contributing information to this PDP. Do you agree with this assessment? Why or why not?I don’t understand this question--Donna Austin.

1.1.7. What, if anything, are the potential impacts (both positive and negative) of an RSP Program on ICANN-Accredited Registrars? If there are any negative impacts, what are ways in which those impacts can be mitigated?

1.1.8. Should there be a process to “re-approve” RSPs on a continuous basis? If so, how often should an RSP be required to be re-approved and what would the process be for such re-approval?

1.1.9. If there is an RSP Program, how far in advance should such a Program launch prior to the opening of the next application window? Should there be a “cut-off” date for such approval prior to the opening of an application window, such that any RSP seeking to be approved, would have to be done prior to the launch of any Registry Operator that proposes to use such RSP?

1.1.10. If there is a list of pre-approved RSPs, should there be any grandfathering of existing RSPs in any RSP Program? If yes, how would such grandfathering work? If not, could ICANN use existing performance to satisfy any technical requirements and/or tests used in the approval process?

#### **1.2 Applicant Support (Wiki page: https://community.icann.org/x/NT2AAw)**

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

1. Broadening support to IDNs or other criteria
2. Allowing Applicant Support program to also include 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 Applicant Support programs could be extended or benefit related regions?

1.2.2 - The Applicant Support Program for the 2012 round was mainly focused on financial support and application submission. Should funding be extended to other areas of the process or for ongoing operations? Are there other support mechanisms 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 Applicant Support “success” metrics that should be evaluated or 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 the understanding of gTLDs as a viable business option was limited; could better awareness be one measure of success?

#### **1.3 Clarity of Application Process (Wiki page: https://community.icann.org/x/JT2AAw)**

1.3.1 - The WG noted that there were a number of changes to the gTLD program after the release of the Applicant guidebook, including the processes for change requests, customer support, application prioritization, the legal agreement, etc. Many have argued that those changes impacted their TLD applications. How should changes to the Applicant Guidebook and/or the new gTLD Program be handled in subsequent application windows?

#### **1.4 Application Fees (Wiki page: <https://community.icann.org/x/LT2AAw>)**

I think it would be helpful to provide context, for example, the 2012 round was based on cost recovery and resulted in excess fees etc. Donna Austin

1.4.1 - The 2012 round of the New gTLD Program was governed by the principle of cost recovery. Should another mechanism be considered?

1.4.2 - Noting that a considerable surplus remainsfrom the 2012 round, do you believe $185K was a reasonable fee? Is it still a reasonable fee? Should the basic structure of the application fee (e.g., approximately one third of the fee was allocated for the cost recovery of historical development costs, operations, and contingency fee) be reassessed? As the 2012 round is still ongoing, is it too early to make this assessment? Do you have suggestions on how to reduce the likelihood of a sizeable surplus or shortfall?

1.4.3 - With cost recovery in mind, should there be a floor (minimum) or ceiling (maximum) threshold we should not go below/above? If so, do you have suggestions for criteria to establish those amounts? What are the implications of having a strict cost recovery fee?

1.4.4 - If there is a floor, how will the difference between the actual costs and floor costs be justified or utilized?

1.4.5 - 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 (Wiki page: https://community.icann.org/x/Oz2AAw)**

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 there seems to be support within the WG for continuing that approach provided the variance between the different types of applications is not significantly different - do you agree?

1.5.2. The WG believes costing information on the different types of applications should be attained and evaluated once the different types of applications are defined. What are the implications on the different costs and how will they impact future budgeting efforts?

#### **1.6 Application Submission Period (Wiki page: https://community.icann.org/x/Mz2AAw)**

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 (Wiki page: https://community.icann.org/x/MT2AAw)**

1.7.1 - There appears to be support for an evaluation ordering process similar to the prioritization draw from the 2012 round, 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, 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. If you think they should be prioritized, do you have suggestions how to determine the prioritization?

#### **1.8 Systems (Wiki page:** [**https://community.icann.org/x/Kz2AAw**](https://community.icann.org/x/Kz2AAw)**)**

1.8.1 - The WG considers this subject to be mainly implementation focused, but nevertheless, has identified areas for improvement. For instance, security and stability should be improved, more robust user testing (e.g., potential applicants) should be incorporated, systems should be better integrated, adequate time for system development should be afforded, etc. Do you have suggestions on additional areas for improvement?

1.8.2 - The WG also noted that the systems should be capable of sending automated invoices to organizations who require an invoice to pay any fees related to their application. Do you agree that this is necessary?

#### **1.9 Communications (Wiki page:** [**https://community.icann.org/x/Lz2AAw**](https://community.icann.org/x/Lz2AAw)**)**

1.9.1 - The WG considers this subject to be mainly implementation focused, but nevertheless, has identified areas for improvement. For instance, the knowledge base could be made more timely and searchable, applicant advisories could be better communicated (e.g., create some sort of subscription service), program information should be consolidated into a single site, ICANN’s Global Stakeholder Engagement team could be leveraged to promote global awareness, etc. Do you have suggestions on additional areas for improvement?

1.9.2 - Metrics to understand the level of success for communications were not established - do you have suggestions on what success looks like? In particular, lack of awareness around the Applicant Support Program was highlighted as an area of weakness.

#### **1.10 Applicant Guidebook (Wiki page: https://community.icann.org/x/Iz2AAw)**

1.10.1 - The Applicant Guidebook served as the roadmap for applicants, but also all other participants to the program. As such, there is a mixture of historical and practical information that is relevant to only certain parties. Do you think it makes sense to partition the Applicant Guidebook into different audience driven sections or type of application?

# Work Track 2 - Legal, Regulatory, and Contractual Requirements

**2.1 Base Registry Agreement (https://community.icann.org/x/Pz2AAw)**
2.1.1 - The question of whether or not a single registry agreement is suitable is tied into the subject of different TLD categories. Through our discussions in the working group, we have seen support for a single registry agreement with exemptions that would allow for TLDs with a different operation models such as Specification 13 for Brand TLDs or Specification 12 for Community TLDs. We have also seen support for different registry agreements per TLD category with a common base. Which of these models do you think would be most effective for recognizing the different operational requirements of different TLDs? Which of these models do you think would be most efficient in terms of development and implementation? Do you think there are any alternative options that could effectively facilitate different operational requirements ?
2.1.2 -

2.1.3 - While not strictly related to the registry agreement, should further restrictions pertaining to registry pricing, sunrise periods, landrush, or other registry activities be developed? If so, do you have suggestions on attributes of these restrictions? Should they be incorporated into the base agreement or is another enforcement mechanism preferred?

2.1.4 - Should representations made in submitted applications be incorporated into signed Registry Agreements?

#### **2.2 2nd Level RPM's (Wiki page: https://community.icann.org/x/ST2AAw)**2.2.2 - The second-evel Rights Protection Mechanisms (RPMs) (e.g., TMCH, URS, etc.) are being discussed in the [PDP Review of All Rights Protection Mechanisms in All gTLDs. The New gTLD Subsequent Procedures PDP is coordinating with the RPMs PDP to ensure that the two groups avoid duplication of work or development of conflicting outcomes. From initial discussions with the RPMs PDP WG, it is considered that the New gTLD Subsequent Procedures PDP should be responsible for PICDRP and RRDRP, as these are dispute resolution procedures that are not based on trademark rights.](http://gnso.icann.org/en/group-activities/active/rpm) [Do you believe that there are is anything, other than the PICDRP and RRDRP, that the New gTLD PDP should address that is not already being considered by the RPMs PDP?](http://gnso.icann.org/en/group-activities/active/rpm)

#### **2.3 Reserved Names (Wiki page: <https://community.icann.org/x/PT2AAw>****)**

2.3.1 - Do you believe any changes are needed to the String Requirements as defined in section 2.2.1.3.2 of the Applicant Guidebook? If so, why should it be changed and in what way?

2.3.2 - Do you believe any changes are needed to the list of Reserved Names as defined in section 2.2.1.2.1 of the Applicant Guidebook? If so, why should it be changed and in what way? Should the work of the IETF (e.g., RFC 6761) be considered or incorporated? If so, how?

2.3.3 - Do you believe any changes are needed to the Geographic Names requirements as defined in section 2.2.1.4 of the Applicant Guidebook? For instance, should Country or Territory Names be allowed within the New gTLD Program (e.g., section 2.2.1.4.1 of the Applicant Guidebook)? Are any changes needed to the definitions and/or documentation requirements around Geographic Names requiring government support (e.g., 2.2.1.4.2 of the Applicant Guidebook)?

2.3.4 - Strings Ineligible for Delegation (e.g., section 2.2.1.2.3 of the Applicant Guidebook) only prevent exact matches. Are any changes needed to the list of names or the implementation?

2.3.5 - Do you believe any changes are needed to the composition of the Reserved Names list as referenced in Specification 5 of the base agreement? For instance, are changes needed related to the registry operator’s ability to withhold names from registration? Are changes needed related to the release processes for reserved names?

#### **2.4 Registrant Protections (Wiki page: <https://community.icann.org/x/QT2AAw>****)**

2.4.1 - Are there any circumstances in which registrant protections (e.g., EBERO, Continued Operations Instrument (COI), Data Escrow, Registry Performance Specifications in Specification 10 of the base registry agreement, etc.), or some subset, are unneeded? For instance, some registries operate in a closed manner, meaning there are essentially no meaningful registrants to protect, noting that some protections also protect end users, not just registrants

2.4.2 - Do you have any suggestions on how to streamline or otherwise improve registrant or DNS protection mechanisms like the EBERO, COI, or background screening?

2.4.3 Through our discussion of the Registrant Protections, we found that the EBERO process is an essential mechanism for protecting registrants. The issue of funding the EBERO process is one that requires more consideration. The current COI model is one that has proven to be difficult for many registries and ICANN. Would it be worthwhile to seek proposals from EBEROs, based upon the data that has been compiled from the few years new gTLDs have been in operation, that could tell us if a fixed annual fee could be paid to them to cover any eventual occurrence of the EBERO process?

#### **2.5 IGO / NGO Procedures (Wiki page: <https://community.icann.org/x/Tz2AAw>****)**

2.5.1 - This PDP is not anticipating extensive deliberations on IGO/INGOs as there are already ongoing efforts within the community. The PDP does expect that it may be a consumer of these efforts and may need to recommend the incorporation of any additional or changes to existing/temporary protections. Do you believe that there are any IGO/INGO/New gTLD related topics that are not already within the scope of the other community efforts?

#### **2.6 Closed Generics (Wiki page: <https://community.icann.org/x/UT2AAw>****)**

2.6.1 Should closed generics, or exclusive use by the registry, be allowed? Is exclusive access contrary to competition and consumer choice? Why or why not?

2.6.2 Do you have suggestions on how to define “generic” in the context on new gTLDs? Is it easier to define circumstances under which a registry could be operated in a “closed” manner?

2.6.3 Should a registry be allowed to establish registration policies that in essence, may render a registry exclusive use (e,g., prohibitively high registration costs, extremely difficult to achieve registrant eligibility requirements, etc.)?

#### **2.7 Applicant Terms and Conditions**

2.7.1 Do you believe that any significant changes are needed in the Terms & Conditions in Module 6 of the Applicant Guidebook? If so, what are those changes and what is the basis or rationale for needing to to do so?

#### **2.8 Registrar Non Discrimination & Registry / Registrar Separation (Wiki page: <https://community.icann.org/x/RT2AAw>****)**

2.8.1 On 9 May 2014, the GNSO Council confirmed that Specification 13 was contrary to the GNSO’s Recommendation 19, but did not object to adoption of Specification 13 in its entirety. The WG expects to adjust the policy recommendation to make it consistent with the current environment. Do you agree with this approach?

2.8.2 Are there other well-defined groups or types of applicants that might warrant an exception to the requirement to use ICANN accredited registrars?

#### **2.9 Registry / Registrar Standardization (Wiki page: <https://community.icann.org/x/Sz2AAw>****)**

2.9.1 With the population of registry operators expected to grow in any subsequent procedures, can the challenges for registrars associated with variability of Registry-Registrar Agreements (RRA) be reduced?

#### **2.10 TLD Rollout (Wiki page: <https://community.icann.org/x/Rz2AAw>****)**

2.10.1 The Applicant Guidebook specified timelines by which applicants had to complete the contracting (9 months) and delegation (12 months) steps of the process. Are these timeframes reasonable? Do you agree with the principle that TLDs should be utilized rather “squatted?”

#### **2.11 Contractual Compliance (Wiki page: <https://community.icann.org/x/Qz2AAw>****)**

2.11.1 Noting that the role of Contractual Compliance is to enforce the registry agreement and any changes to that role are beyond the scope of this PDP, the WG is not anticipating policy development related to this topic. The WG expects that any new contractual requirements would made enforceable by inclusion in the base agreement. Do you agree with this approach?

#### **2.12 Global Public Interest (Wiki page: <https://community.icann.org/x/TT2AAw>****)**

2.12.1 The Final Issue Report suggested that in considering the public interest, that the WG think about concerns raised in GAC Advice on safeguards, the integration of Public Interest Commitments (PICs), and other questions around contractual commitments. Do you have any suggestions on how to improve the way in which existing public interest protections are integrated into the program? Do you have suggestions on additional public interest protections that may be needed?

2.12.2 Do you believe that the public interest is adequately defined in the sphere of ICANN? Is there specific definition that the WG might be able to leverage in establishing or adjust protections?

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# Work Track 3 - String Contention Objections and Disputes

#### **3.1 Objections (Wiki page: https://community.icann.org/x/Vz2AAw)**

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 - Are you aware of any instances 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 - 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 - 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** **(Wiki page: https://community.icann.org/x/Uz2AAw)**

3.2.1 Noting that the 2007 Final Report on new gTLDs tried to balance the rights of applicants (e.g., Principle G) and rights holders (Recommendation 3), do you believe that the program was successful in doing so? If not, do you have examples of where either an applicant’s freedom of expression or a person or entity’s legal rights were infringed?

#### **3.3 Community Applications (Community Priority Evaluations) (Wiki page: https://community.icann.org/x/Wz2AAw)**

3.3.1 - There is a general sentiment 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 was an element of a comparative evaluation and as such, there were inherently winners and losers created. Do you believe there is a need for community priority, or a similar mechanism, in subsequent procedures?

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) (Wiki page: https://community.icann.org/x/VT2AAw)**

3.4.1 - There was a perception that consistency and predictability of the string similarity evaluation needs to be improved. 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 and the wider community have noted issues specifically related to singles and plurals. Do you have suggestions on how to 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 have 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 (Wiki page: https://community.icann.org/x/WT2AAw)**

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 (Wiki page: https://community.icann.org/x/XT2AAw)**

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 or ideographs)?

4.1.2 - Do you have any general guidance or would you 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) (Wiki page: https://community.icann.org/x/XT2AAw)**

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

**4.3 Application Evaluation (Wiki page: https://community.icann.org/x/YT2AAw)**

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

Preface: Most in the community can agree financial stability of a gTLD operator is necessary to ensure the security, stability, and resiliency of the Internet. Experiences from the 2012 round as it pertains to the financial evaluations (questions 45-50), the quantity of clarifying questions, lack of insight into the appropriateness and rationale of a company’s financial plans have shown many inefficiencies in the application process.

4.3.2.1 Having financial safeguards in place, is it necessary for ICANN to seek detailed financial information as it pertains to an applicant’s proposed business model, projected revenue, and operating expenses?

4.3.2.2 - Can financial capability be demonstrated with less detail?

4.3.2.3 - In the prior round, detailed business plans were provided, yet it is unclear how they have been used or the benefits they have provided. What was the expected benefit of registries providing this information?

4.3.2.4 - For brands and geographic applications supported by governments, is an understanding and submission of their business model necessary?

4.3.2.5 - It seems that it’s not within ICANN’s direct mission and scope to “promote” or “market” gTLD expansion. Thus, is it within ICANN’s mission to evaluate details of a proposed business model if financial capability is sufficiently demonstrated? Should ICANN replace the financial models with a checkbox that they have sufficient capabilities to support their application? 4.3.2.6 - Do you believe that financial capability should be demonstrated at application time, or could it be demonstrated at, or just before, contract-signing time?

4.3.2.7 - 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 (Wiki page: https://community.icann.org/x/Yz2AAw)**

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 suggest not be allowed in subsequent procedures? If yes, which ones and why? Should a Name Collision based evaluation be incorporated into the process for subsequent procedures? What data sources could/should be used for analyzing namespace collisions for subsequent procedures?

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

4.4.4 - 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 (Wiki page: https://community.icann.org/x/Xz2AAw)**

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?

# Miscellaneous Questions

1. The topics above, and the corresponding questions, are all related to the scope of work as determined in this WG’s charter. Do you feel that all topics must be fully resolved before any subsequent new gTLD procedures can take place? If not, do you believe that there is a critical path of issues that MUST be considered and addressed? Alternatively, do you believe that there are certain challenging issues where an existing solution may be present (e.g., in the Applicant Guidebook), which can serve as an interim solution, while debate can continue in parallel with the launch of subsequent new gTLD procedures?
2. Many in the community have noted the length of time from the close of the application submission period (i.e., June of 2012) to the informal projections for the beginning of subsequent new gTLD procedures (e.g., 2020). Do you have any suggestions on how to contract that timeline?
3. Do you feel that there are additional issues or subjects that the WG should be considering?
4. Do you have any suggestions for data points, analysis, studies, etc. that might benefit the work of this PDP in any of its areas of work?