

# New gTLD Subsequent Procedures PDP Working Group

11 December 2017



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AOB

# Welcome, Review of the Agenda, and SOIs

Agenda Item 1

# Work Track Updates

Agenda Item 2

# Overarching Issue: Application Types

## Agenda Item 3

# Status Quo – Different Types in 2012

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- ⊙ Standard Application – if not a community-based application
- ⊙ Community-Based Application – a gTLD operated for the benefit of a clearly delineated community
  - **Additional questions** asked at application submission
  - Requires **endorsement** from the representative community
  - Responses to community-based questions **ONLY evaluated if in string contention and elected Community Priority Evaluation**
  - **Contractual obligations** to ensure adherence to community-based registration restrictions

# Status Quo – Different Types in 2012, cont.

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- ⊙ Geographic Name – Definition provided in 2.2.1.4.2 of the AGB
  - **Additional documentation** required at application submission (though all applications were reviewed by panel, even if not designated as geographic name)
  - If a geographic name, **documentation and support/non-objection verified** by panel
  
- ⊙ Specification 13 (.Brand) – approved by NGPC in Mar 2014
  - Applicable if TLD is trademarked, is a single registrant model, and not a generic string as defined in Spec 11 - **modifies Registry Agreement**
  - Since there are no registrants, **exemption from Specification 9**

# Work Track Related Efforts

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- ⦿ WT2 – Closed Generics
  - Deliberations have focused on the pros and cons of allowing Closed Generics
  - WT has also discussed possible means for allowing Closed Generic TLDs where they are consistent with the public interest
  
- ⦿ WT3 – Community Applications
  - Under deliberation while also reviewing CC2 input
  - Developed a **strawbunny definition of “community”**
  - Consulting with the **GAC and ALAC** to seek their input
  
- ⦿ WT5 – Geographic Names
  - ALAC, ccNSO, GAC, and GNSO all selected co-leads for WT5
  - Held first meeting on 15 Nov and working on Terms of Reference



# Current Application Types - Attributes

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- ⦿ Standard Application – N/A
- ⦿ Community-Based Application – Application submission requirements; eligibility requirements; additional evaluation elements; registration restrictions; limited pool of potential registrants; contractual requirements
- ⦿ Geographic names – Application submission requirements; eligibility requirements; additional evaluation elements
- ⦿ Specification 13 (.Brand) – Eligibility requirements; contractual requirements

# Null Hypothesis

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- ⦿ What would happen if we **changed nothing** and did not create any new types?
- ⦿ If we only had standard, community, geographic names, and .Brands, in the future, **what impact would that have on the potential new types?**
- ⦿ *If we don't reach consensus to recommend change, things remain the same!*

# Do these types have unique needs?

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- ⦿ Are any of the requirements similar to those that we saw from the existing types?
- ⦿ Are there requirements that are unique to the preliminary types?
- ⦿ How can these needs be accommodated in the process?

# Preliminary List of Types (beyond existing)

1

## IGO

Intergovernmental Organizations

5

## Exclusive Use

Keyword Registry limited to one registrant and affiliates

2

## Validated Registry

Restricted registries where registrations must meet qualification criteria that must be verified

6

## Closed Generics

A “generic string” that is operated in an exclusive manner

3

## Not-for-profit, non-profit, NGOs

Organizations generally considered to exist to serve the public benefit

7

## Open TLD with minimal registration requirements

A targeted TLD that minimal registration requirements

4

## Highly regulated / Sensitive TLDs

Sensitive strings or strings related to highly regulated industries

8

## Governmental Organizations

A governmental organization applicant that is likely to have specific contractual requirements

# Future Application Types – Potential Attributes

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- ⊙ Specific application submission **eligibility requirements**
- ⊙ Additional **evaluation elements**
- ⊙ **Registration restrictions** (in RA)
- ⊙ **Limited** potential **pool of registrants**
- ⊙ **Limited** need for **Registrars** (WT2)
- ⊙ Potentially **limited funding** available (WT1)
- ⊙ Operated as a **cost center**
- ⊙ May justify **lower financial or technical requirements** (WT4)
- ⊙ May justify a more **limited** set or no **registrant protections** (WT2)

# Attributes Matrix (1/3)

Category	Specific Application Submission Requirements?	Additional Evaluation Elements?	Registration Restrictions?	Limited Registrant Pool?
Open Registries				
Geographic	✓	✓		
Brand			✓	✓
IGO	✓	✓		
Community	✓	✓	✓	✓
Validated			✓	✓
NGO				
Regulated/Sensitive			✓	✓
Exclusive Use			✓	✓
Closed Generic			✓	✓
Open w/ Target Audience				
Govt Organization				

# Attributes Matrix (2/3)

Category	Limited Need for Registrar Services? (WT2)	Limited Funding Available? (WT1)	Cost Center?
Open Registries			
Geographic			
Brand	✓		✓
IGO			
Community			
Validated	✓		
NGO		✓	
Regulated/Sensitive	✓		
Exclusive Use	✓		✓
Closed Generic	✓		✓
Open w/ Target Audience			
Govt Organization			

# Attributes Matrix (3/3)

Category	May Justify Lower Financial Requirements (WT4)	May Justify Lower Technical Requirements (WT4)	May Justify More Limited Registrant Protections (WT4)
Open Registries			
Geographic			
Brand	✓	✓	✓
IGO			
Community			
Validated			
NGO			
Regulated/Sensitive			
Exclusive Use	✓	✓	✓
Closed Generic	✓	✓	✓
Open w/ Target Audience			
Govt Organization			



Overall Pros for Categories	Overall Cons for Categories
Some TLDs have very different operating models. Category-based approach can better accommodate these and may allow applicants to more easily, effectively, and economically pursue their mission.	It is time consuming develop policy using an approach with many categories.
Lack of categories creates a complicated patchwork of exemptions and other manipulations to get around unnecessary limitations. Categories provide more precision and structure for applicants.	It is complex and challenging to implement categories cleanly: complex and difficult application and evaluation process; expensive, complicated contractual compliance environment
Implementation can be improved in the future procedures, building on lessons learned from previous rounds (for example, with CPE).	Categories from the 2012 round were problematic. Variances in CPE results (community) and the difficulty with .AFRICA (geographic) demonstrate problems.
There is a public interest benefit to leveraging categories and evaluation panels to pick the most appropriate registry provider, rather than resolving through auction.	Avoiding categories and creating a fair flexible alternative model using an exemption process to certain contractual conditions allows adaptation to new business models.
Could allow for different application processes for different categories (for example, first come first serve for brands and rounds for other applications or a fast-track for certain types).	Reducing requirements for some applicants may disadvantage other applicants.
De facto categories already exist through different contract types. It is better to make these distinctions explicit.	Categories may be subject to gaming, for example a .brand could permit others to use the TLD or a non-profit could be set up for the purposes of winning priority.
May promote diversity in the TLD space by granting priority to certain types of applicants.	In the case of contention, by prioritizing certain types of applicants over "first movers", creativity may be discouraged.
Could support a differentiated cost structure, which some community members favor.	

# Homework!

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- ⦿ Do you believe it is critical to carve out exceptions for some of the identified types? Let's discuss on the list.
- ⦿ Help us to identify the **pros/cons** for specific proposed types
- ⦿ Help us to identify the **critical exceptions** for specific proposed types
- ⦿ *Again, If we don't reach consensus to recommend change, things remain the same!*

# Next Steps: Predictability Framework

Agenda Item 4

# More Homework!

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- ⦿ The Predictability Framework is intended to **balance** ICANN Org's ability to **operate in an effective manner** while **ensuring the community is properly consulted** when **issues arise**
- ⦿ How can we seek assurance that the Predictability Framework will be just that – *predictable*?
- ⦿ Suggestion: Develop a set of use cases to apply against the framework
- ⦿ Help us to identify some use cases. Let's discuss this on the list as well.

# AOB

## Agenda Item 5