

New gTLD Subsequent Procedures Policy Development Process Working Group



16 July 2018

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Agenda Review/SOLs

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Proposed focus of work during Initial Report public comment period

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Auctions: Mechanism of Last Resort

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Auctions: Mechanism of Last Resort

- ⦿ Work Track 3 discussed whether auctions of last resort continue to be an appropriate method of resolving contention going forward.
- ⦿ Community Comment 2 responses generally supported the idea that existing contention resolution mechanisms are sufficient.
- ⦿ While some Work Track members questioned whether auctions of last resort are in the public interest, no alternatives were proposed.
- ⦿ **Do auctions continue to be an appropriate method for resolving contention? Why or why not?**
- ⦿ **If you do support the use of auctions, are changes needed to the way in which they were conducted by ICANN? Why or Why Not?**
- ⦿ **If you do not support the use of auctions, what alternatives do you propose and why?**
- ⦿ **Are there additional contention resolution methods that could be introduced while still maintaining auctions as a last resort?**

Feedback Received at ICANN62

- ⦿ One participant agreed that these should be maintained; the auctions were fair and provided an equal-opportunity way to solve a contention set.
- ⦿ Other members wanted to get rid of the auctions of last resort: not fair, focused on money rather than principles of community and diversity in the TLD ecosystem. Proposed in lieu of: criteria should be established to award the TLD based on diversity. Examples: applicants first TLD; or applicant was more community focused rather than commercial focused; or applicant was minority supported.
- ⦿ Others were noncommittal on either yes or no: looking for more creative resolutions on a private basis rather than getting to a stage of last resort. Such as allowing two applicants to form a joint venture to operate the TLD together.

Feedback Received at ICANN62

- ⦿ Discussion of perhaps fees being paid and evaluations started there could be a disclosure of contention sets to work on resolution, so people aren't out a huge sum of money.
- ⦿ Good feedback on ways that if we ultimately end up with an auction of last resort to mitigate the differences in the economic and social strata of applicants: RFP process with criteria with limits on pricing, rounds of bidding, etc. In general there could be mechanisms to mitigate these vast differences.
- ⦿ From the chat: Jamie Baxter | dotgay: +1 to those views, suggestions, recommendations and focus of adding diversity into the gTLD ecosystem in Group 1 discussions, instead of using an auction of last resort.
-- How do we take into consideration the situation?

Application Change Requests

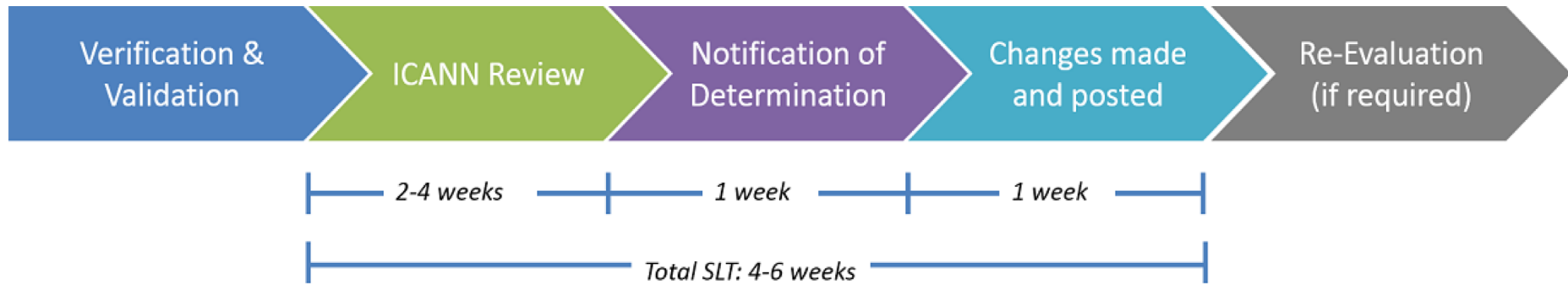
Agenda Item #5

Application Change Requests

- ◉ In the 2012 Round, ICANN used the following criteria when reviewing requests by applicants to make changes to a submitted application:
 - **Explanation** – Is a reasonable explanation provided?
 - **Evidence that original submission was in error** – Are there indicia to support an assertion that the change merely corrects an error?
 - **Other third parties affected** – Does the change affect other third parties materially?
 - **Precedents** – Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?
 - **Fairness to applicants** – Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair?
 - **Materiality** – Would the change affect the evaluation score or require re-evaluation of some or all of the application? Would the change affect string contention or community priority consideration?
 - **Timing** – Does the timing interfere with the evaluation process in some way? ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round. (AGB §1.2.7.)

Application Change Requests, cont.

- The process of handling change requests included the following steps:



- For subsequent procedures:
 - **Under what circumstances should change requests be allowed?**
 - **To what extent should change requests be permitted?**
 - **Are there any changes you would like to see to the existing process or criteria for handling change requests?**

Feedback Received at ICANN62

- ⦿ A lot of input but some went outside of change requests, more to overall changes.
- ⦿ We can break the feedback into: timing, what we are changing, and why we are changing.
- ⦿ Re: when you can make changes was not described.
- ⦿ Suggestions to have a list of what changes you can make - related to what is a required change and what is a voluntary change.
- ⦿ Why make these changes? When are they required.
- ⦿ Applicants should be allowed to change their business model. The evaluation used for the RSEP could be used as a basis for change requests.

Feedback Received at ICANN62

- ⦿ What role do public comments play?
- ⦿ Revisit the issue of joint ventures.
- ⦿ Need to talk about this more.

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Agenda Item #6

Engage with ICANN – Thank You and Questions



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