

Public Comment Review - Issues Referred to the Full WG

In the initial review of public comment received to the SubPro Initial Report, several issues have been identified that the co-chairs are suggesting be considered by the full WG. Each issue quoted from public comment shows the contributor's name in brackets at the end of the quote and has a link to the source documentation. The leadership team has sorted comments by topic to assist with review (see headings in bold).

Issues referred to the Full SubPro WG to date are:

Metrics

- “The ALAC believes that metrics should be developed and used both to gauge the extent to which Internet end users have benefitted from the introduction and use of New gTLDs and to highlight areas in which improvements to the introduction can be improved for the benefit of end users.” (ALAC) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000035.html>

Data Gathering

- Recommendation 17: ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations. (CCT-RT Final Report) - <https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf>
- **[Currently in section 2.3.2: Global Public Interest]** Recommendation 23: ICANN should gather data on new gTLDs operating in highly regulated sectors to include the following elements:
 - a) a survey to determine 1) the steps registry operators are taking to establish working relationships with relevant government or industry bodies; 2) the volume of complaints received by registrants from government and regulatory bodies and their standard practices to respond to those complaints;
 - b) a review of a sample of domain websites within the highly regulated sector category to assess whether contact information to file complaints is sufficiently easy to find;
 - c) an inquiry to ICANN Contractual Compliance and registrars/resellers of highly regulated domains seeking sufficiently detailed information to determine the volume and the subject matter of complaints regarding domains in highly regulated industries;
 - d) an inquiry to registry operators to obtain data to compare rates of abuse between those highly regulated gTLDs that have voluntarily agreed to verify and validate credentials to those highly regulated gTLDs that have not; and

e) an audit to assess whether restrictions regarding possessing necessary credentials are being enforced by auditing registrars and resellers offering the highly regulated TLDs (i.e., can an individual or entity without the proper credentials buy a highly regulated domain?).

To the extent that current ICANN data collection initiatives and compliance audits could contribute to these efforts, we recommend that ICANN assess the most efficient way to proceed to avoid duplication of effort and leverage current work. (CCT-RT Final Report) - <https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf>

Ability for ICANN org to make suggested improvements during Implementation phase

- “...Although the Initial Report is quite substantial, ICANN org recognizes that due to the large number of program processes, procedures, and issues, it may not be possible for the PDP Working Group to cover all topics in its discussions. ICANN org assumes that if the PDP Working Group does not discuss a topic that it would not preclude ICANN org from suggesting implementation improvements during the policy implementation phase. It would be helpful if the PDP Working Group could confirm this assumption.” (ICANN org) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000037.html>

Suggestion to be more clear when recommendations seek to codify implementation of 2012 round of the New gTLD Program

- “In reviewing the Initial Report, ICANN org also notes that some of the preliminary recommendations seem to reflect the actual implementation in the 2012 round. ICANN org assumes that in such cases, the preliminary recommendations are to codify the implementation in the 2012 round for subsequent procedures. For clarity during the policy implementation phase, it would be helpful if the Final Report could clearly state which policy recommendations, implementation guidance, sections of the 2012 Applicant Guidebook, or processes implemented in the 2012 round should stay the same, and which ones the PDP Working Group is recommending changes.” (ICANN org) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000037.html>

Suggestion to be more clear when recommendations have effects beyond just subsequent new gTLD procedures. Suggestion to provide clarity on applied-for strings that did not proceed.

- “Additionally, given that the PDP Working Group’s charter recognizes that “changes to the New gTLD Program may result in significant differences between registries from the

2012 round and future rounds,” ICANN org assumes that the output of the PDP Working Group would only be applicable to subsequent procedures for gTLDs. For clarity during the policy implementation phase, it would be helpful if the PDP Working Group could confirm this in the Final Report. It would also be helpful if the PDP Working Group could provide guidance regarding any what if any considerations should be given to strings that were applied-for but did not proceed in the 2012 round (e.g., IDN variants identified in applications submitted during the 2012 round, applications that received GAC advice, etc.).” (ICANN org) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000037.html>

Incentivizing certain models

- “Incentivize restricted models: Restricted TLDs that align with user expectations present a major opportunity for increasing innovation and utility. However, given the high upfront cost to operate a TLD registry operators face competing incentives to operate as fully open to maximize financial return. Incentives for these TLDs, such as a sliding scale for registry fees that accounted for the prospective registrant pool, could encourage a more diverse set of TLD business models.” (Google) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000058.html>
- **[Currently in section 2.3.2: Global Public Interest]** Recommendation 12: Create incentives and/or eliminate current disincentives that encourage gTLD registries to meet user expectations regarding (1) the relationship of content of a gTLD to its name; (2) restrictions as to who can register a domain name in certain gTLDs based upon implied messages of trust conveyed by the name of its gTLDs (particularly in sensitive or regulated industries; and (3) the safety and security of users’ personal and sensitive information (including health and financial information). These incentives could relate to applicants who choose to make public interest commitments in their applications that relate to these expectations. Ensure that applicants for any subsequent rounds are aware of these public expectations by inserting information about the results of the ICANN surveys in the Applicant Guide Books. (CCT-RT Final Report) - <https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf>
- “5. Setting up a host of "procedural changes" that amount to a capture of the New gTLD Process by large incumbent portfolio applicants and some of the largest companies in the world. This set of self-interested procedural initiatives defy the original goals of the New gTLD process: to break the artificial scarcity of the original Generic Top Level Domains and open domain names to a worldwide population - and to encourage countries, communities, tribes and groups around the world to join the gTLD space. These laudatory goals will not be achieved by many of the policies being proposed which appear design to support the drafters - largely incumbent registries who benefited greatly from the first round of new gTLDs and seek to benefit again in subsequent rounds.” (Public Interest Community) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q3/000062.html>

Concerns about SubPro not properly taking into account dependent activities, and therefore moving too quickly

- “The SSAC welcomes this opportunity to provide input on the Initial Report of the new gTLD Subsequent Procedures Policy Development Process (PDP) Working Group (WG).¹ The SSAC previously provided input to this PDP WG in December 2017 on the subject of root scaling. Foremost, the SSAC is concerned that the new gTLD Subsequent Procedures PDP WG is moving too quickly. Specifically, they are not awaiting the completion of requisite dependent activities meant to serve as input to their work before consuming considerable resources from the community with these reviews. In particular, the Competition, Consumer Trust, and Consumer Choice Review (CCT) Final Report includes substantial recommendations related to improving security, stability, and resiliency related safeguards. These recommendations need to be taken into account before requesting input on a subsequent round of TLDs, based on the review team’s conclusion that the current safeguards have not been sufficiently effective. Moreover, the current (2012) round has still not finished and there remain unresolved issues whose solutions must inform contractual, policy, and technical aspects of subsequent rounds. Attempting to get ahead of those efforts unnecessarily consumes considerable resources and creates a needless risk of making decisions without critical information. The ICANN Board Organizational Effectiveness Committee or other appropriate ICANN organization function should ensure that interdependence and optimal ordering is managed effectively here.” (SSAC) - <https://mm.icann.org/pipermail/comments-gtld-subsequent-procedures-initial-03jul18/2018q4/000067.html>