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Issue	Applicable text (please quote directly)	Number and name of applicable report section	Cannot live with rationale	Proposed changes (taking into account whether others would be able to live with them)
1.	b. <u>Rationale for Affirmation xx (rationale 2)</u> A major theme that was repeatedly raised throughout the life cycle of this PDP was the need for predictability for all parties involved. The desire for an “orderly, timely and predictable” New gTLD Program is universally supported.	2.2.1 Continuing Subsequent Procedures pg 25	<p>It is important to recognize that the need for predictability be balanced for all parties involved and should not necessarily default in favour of or against applicants. The universal support for the affirmation is, arguably, predicated on this understanding.</p> <p>For eg, in Section 2.2.3 Applications Assessed in Round, we expressly mentioned, “Rounds enhance the predictability for applicants (e.g., preparation), the ICANN community and other third-party observers to the program (e.g., public comments, objections)”</p>	A major theme that was repeatedly raised throughout the life cycle of this PDP was the need for <u>balanced</u> predictability for all parties involved. <u>It is on this basis that the</u> desire for an “orderly, timely and predictable” New gTLD Program is universally supported.
2.	b. <u>Rationale for Affirmation xx (rationale 3)</u> The Working Group agreed that fostering consumer choice, consumer trust, and market differentiation	2.2.1 Continuing Subsequent Procedures pg 25	The word “be” is omitted in the sentence.	The Working Group agreed that fostering consumer choice, consumer trust, and market differentiation should continue to <u>be</u> primary focal points for the New gTLD Program.

	should continue to primary focal points for the New gTLD Program.			
3.	<p>a. <u>Implementation Guidance xx (rationale 2)</u> It should not be possible to apply for a string that is still being processed from a previous application round, specifically:</p> <ul style="list-style-type: none"> • If a TLD has already been delegated, no application for that string will be allowed for a string in a subsequent round. • • If all applications for a particular string have been Withdrawn, meaning the string has not been delegated, new applications for the string will be allowed in a subsequent round. 	<p>2.2.3 Applications Assessed in Rounds pg 26-27</p>	<p>The phrasing and/or formatting of this Implementation Guidance is confusing and problematic insofar as the affirmative is mixed with the negative. It starts off with, “It should not be possible to apply for a string that is still being processed from a previous application round, specifically:...” and,</p> <ul style="list-style-type: none"> • the 1st bullet deals with delegated strings - doesn’t delegation constitute the end of processing? Are delegated strings still be considered as being processed? • by the 3rd bullet, it provides for circumstances where a new application will be allowed. • the 4th bullet deals with a delegated TLD for which an RA has been terminated but no reassigned to a different RO – again would this still be considered as being processed? • the 6th and last bullet refers to a TLD that is “Not Approved” - at what point does a string be referred to as a TLD? Are we using “string” and “TLD” interchangeably here? 	<p>Replace with,</p> <p>“Where a TLD has already been delegated, no application for that string will be allowed for a string in a subsequent round.</p> <p>It should <u>in general</u> not be possible to apply for a string that is still being processed from a previous application round, i.e.</p> <ul style="list-style-type: none"> • If there is an application that has a status of “Active”, “Applicant Support”, “In Contracting”, “On-hold” or “In PDT”, a new application for that string will not be allowed in a subsequent round. <p><u>However,</u></p> <ul style="list-style-type: none"> • If all applications for a particular string have been Withdrawn, meaning the string has not been delegated, new applications for the string will be allowed in a subsequent round. • If a Registry Operator has terminated its Registry Agreement and (i) the TLD has not been reassigned to a different Registry Operator, and (ii) in the case of a Specification 13 Brand TLD, it is more than 2 years following the Expiration Date (See

	<ul style="list-style-type: none"> • If a Registry Operator has terminated its Registry Agreement and (i) the TLD has not been reassigned to a different Registry Operator, and (ii) in the case of a Specification 13 Brand TLD, it is more than 2 years following the Expiration Date (See RA Section 4.5(a)), then applications will be allowed to be submitted during a subsequent round. • • If a TLD has a status of “Not Approved”, an application for the TLD will only be allowed if <i>(see far right column for remaining text)</i> 			<p>RA Section 4.5(a)), then applications will be allowed to be submitted during a subsequent round. [Not sure where to place this para]</p> <ul style="list-style-type: none"> • If all applications for a given string have a status of “Will Not Proceed”, an application for the TLD will only be allowed if: <ul style="list-style-type: none"> ○ All appeals and/or accountability mechanisms have proceeded through final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or ○ All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability mechanism with respect to the string. • If a TLD has all applications for a given string have a status of “Not Approved”, an application for the TLD string will only be allowed if: <ul style="list-style-type: none"> ○ All appeals and/or accountability mechanisms have proceeded through final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or
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				<ul style="list-style-type: none"> ○ All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability mechanism with respect to the string; and ○ The ICANN Board has not approved new policies or procedures that would allow one or more of the applicants from the prior round to cure the reasons for which it was placed in the “Not Approved” category, but has approved new policies or procedures that would allow an applicant to apply for the string in any subsequent round. In the event that there are new policies or procedures put into place which would allow the application of strings which were “Not Approved” in a prior round, the ICANN Board must make a determination as to whether the applicants in the prior round have any preferential rights for those strings at the time such policies or procedures are put into place.”
4.	a. (The 1 st) <u>Recommendation xx</u> (see rationale 3) Application procedures must take place at predictable, regularly	2.2.3 Applications Assessed in Rounds pg 27	Re: “... ICANN must only use “rounds” as part of the New gTLD Program.” What does “ <u>as part of</u> the New gTLD Program” mean?	Replace “as part of” with “to administer”?

	<p>occurring intervals without indeterminable periods of review unless the GNSO Council recommends pausing the program and such recommendation is approved by the Board. Unless and until other procedures are recommended by the GNSO Council and approved by the ICANN Board, ICANN must only use “rounds” as part of the New gTLD Program.</p>			
5.	<p>a. (The 2nd) <u>Recommendation xx (see rationale 3)</u>: Absent extraordinary circumstances, future reviews and/or policy development processes, including the next CCT Review, should take place concurrently with subsequent application</p>	<p>2.2.3 Applications Assessed in Rounds pg 27</p>	<p>No harm spelling out CCT even though earlier reference made to “Competition, Consumer Choice & Consumer Trust Review Team (CCT-RT) Final Report”.</p>	<p>Absent extraordinary circumstances, future reviews and/or policy development processes, including the next <u>Competition, Consumer Choice & Consumer Trust (CCT)</u> Review, should take place concurrently with subsequent application rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds.</p>

	rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds.			
6.	Last paragraph of section c. New issue	2.2.6 RSP Evaluation pg 35	This last paragraph seems to lack a conclusion.	Perhaps add, "Ultimately, the Working Group did not think a recommendation was necessary."
7.	a. <u>Recommendation xx</u> : Principle B from the 2007 policy states: "Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root." The Working Group recommends revising Principle B to read: "Some new generic top-level domains should be internationalised domain names (IDNs), although applicants	2.3.4 Universal Acceptance pg 37	The word "be" is omitted in the last sentence.	Applicants must <u>be</u> given access to all applicable information about Universal Acceptance currently maintained on ICANN's Universal Acceptance Initiative page, through the Universal Acceptance Steering Group, as well as future efforts.

	should be made aware of Universal Acceptance challenges in ASCII and IDN TLDs. Applicants must given access to all applicable information about Universal Acceptance currently maintained on ICANN's Universal Acceptance Initiative page, through the Universal Acceptance Steering Group, as well as future efforts."			
8.	c. New issues	2.3.4 Universal Acceptance pg 37-38	<p>There were comments by the ALAC and the BC to the Initial Report that, while have not materialized into standalone recommendations, remain important to include in the Final Report.</p> <p>The basis for these can be derived from an earlier version of deliberations on the topic</p>	<p>Add,</p> <p>"While some commenters thought that no additional work should be proposed beyond that being done through the Universal Acceptance Initiative and by the Universal Acceptance Steering Group, others believe that more can and should be done to further the adoption of Universal Acceptance (UA) Since the primary obstacle to the successful expansion of the domain namespace remains the rejection of these new gTLDs by legacy code, the community and ICANN Org need to involve themselves in more active outreach efforts to explain to third parties the benefits of increasing Internet inclusivity and diversity in UA to reach Internet end-users. At the same</p>

				<p>time, ICANN should, at a minimum, require registries and registrars that are owned by the same entity, to be UA ready as part of their application for a new gTLD. This means that their systems should be ready for IDN registrations, ready to handle IDNs and non-IDN new gTLD consistently on nameservers and other machines, be able to manage any Email Address Internationalization (EAI), and to send and receive emails from these types of addresses. ICANN should also require registries and registrars to take affirmative action to ensure UA-readiness in their downstream supply-chains.”</p>
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