

New gTLD Subsequent Procedures Recommendations – Consensus Call

| Topic 1 – Continuing Subsequent Procedures | | |
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| Recommendation | Text/Summary | Position |
| 1.1 | Existing policy contained in the 2012 Applicant Guidebook, that a “systematized manner of applying for gTLDs be developed in the long term,” be maintained | Support |
| 1.2 | The New gTLD Program must continue to be administered “in an ongoing, orderly, timely and predictable way | Support |
| 1.3 | The primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS | No Opinion |
| Topic 2 – Predictability | | |
| 2.1 – 2.6 | <p>ICANN must establish predictable, transparent, and fair processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes. The Working Group recommends that ICANN org use the Predictability Framework detailed in Annex E of this Report as its guidance during implementation to achieve the goal of predictability in mitigating issues</p> <p>Additionally, the Working Group recommends the formation of a Standing Predictability Implementation Review Team (“SPIRT”) (Pronounced “spirit”) to serve as the body responsible for reviewing potential issues related to the Program, to conduct analysis utilizing the framework, and to recommend the process/mechanism that should be followed to address the issue (i.e., utilize the Predictability Framework). The GNSO Council shall be responsible for oversight of the SPIRT and may review all recommendations of the SPIRT in accordance with the procedures outlined in the GNSO Operating Procedures and Annexes thereto.</p> <p>[Plus Implementation Guidance]</p> | Support |
| 2.7 – 2.8 | In the event significant issues arise that require resolution via the Predictability Framework, applicants should be afforded the opportunity to withdraw | Support |

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| | their application from the process and receive an appropriate refund consistent with the standard schedule of refunds. | |
| Topic 3 – Applications Assessed in Rounds (Application Submission Periods) | | |
| 3.1 | Applications must be assessed in rounds. | Support |
| 3.2 – 3.4 | Upon the commencement of the next application submission period, there must be clarity around the timing and/or criteria for initiating subsequent procedures from that point forth. More specifically, prior to the commencement of the next application submission period, ICANN must publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round. A new round may initiate even if steps related to application processing and delegation from previous application rounds have not been fully completed. Where a TLD has already been delegated, no application for that string will be allowed for a string in a subsequent round. It should in general not be possible to apply for a string that is still being processed from a previous application round. | Support |
| 3.5 | Absent extraordinary circumstances application procedures must take place at predictable, regularly occurring intervals without indeterminable periods of review unless the GNSO Council recommends pausing the program and such recommendation is approved by the Board. Such extraordinary circumstances must be subject to the Predictability Framework under Topic 2 of this Report. Unless and until other procedures are recommended by the GNSO Council and approved by the ICANN Board, ICANN must only use “rounds” to administer the New gTLD Program. | Support |
| 3.6 | Absent extraordinary circumstances, future reviews and/or policy development processes, including the next Competition, Consumer Choice & Consumer Trust (CCT) 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. | Oppose. Future rounds of new gTLDs should not proceed until relevant review processes have been completed – these reviews may identify problems that need to be corrected or |

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| | | addressed before the further expansion of the DNS. |
| 3.7 | If the outputs of any reviews and/or policy development processes has, or could reasonably have, a material impact on the manner in which application procedures are conducted, such changes must only apply to the opening of the application procedure subsequent to the adoption of the relevant recommendations by the ICANN Board. | Support |
| Topic 4 – Different TLD Types | | |
| 4.1 | <p>The Working Group recommends differential treatment for certain applications based on either the application type, the string type, or the applicant type. Such differential treatment may apply in one or more of the following elements of the new gTLD Program: Applicant eligibility; Application evaluation process/requirements; Order of processing; String contention; Objections; Contractual provisions.</p> <p>Different application types:</p> <ul style="list-style-type: none"> - Standard - Community-Based (for different application questions, Community Priority Evaluation, and contractual requirements) - Geographic Names (for different application questions) - Specification 13 (.Brand TLDs) (for different application questions and contractual requirements) <p>Different string types:</p> <ul style="list-style-type: none"> - Geographic Names (for different application questions) - IDN TLDs (priority in order of processing) - Variant TLDs - Strings subject to Category 1 Safeguards <p>Different Applicant Types:</p> <ul style="list-style-type: none"> - Intergovernmental organizations or governmental entities (for different contractual requirements) | Support |

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| | - Applicants eligible for Applicant Support | |
| 4.2 – 4.3 | Other than the types listed in Recommendation 4.1, creating additional application types must only be done under exceptional circumstances. Creating additional application types, string types, or applicant types must be done solely when differential treatment is warranted and is NOT intended to validate or invalidate any other differences in applications. To the extent that in the future, the then-current application process and/or base Registry Agreement unduly impedes an otherwise allowable TLD application by application type, string type, or applicant type, there should be a predictable community process by which potential changes can be considered. This process should follow the Predictability Framework discussed under Topic 2. | Support |
| Topic 5 – Application Submission Limits | | |
| 5.1 | In the 2012 application round, no limits were placed on the number of applications in total or from any particular entity. The Working Group is not recommending any changes to this practice and therefore affirms the existing implementation. | Support |
| Topic 6 – Registry Service Provider Pre-Evaluation | | |
| 6.1 | The Working Group affirms Principle C of the 2007 policy, which states: “The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition, the introduction of a new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service provider diversity.” | No Opinion |
| 6.2 | The Working Group recommends establishing a program in which registry service providers (“RSPs”) may receive pre-evaluation by ICANN if they pass the required technical evaluation and testing conducted by ICANN, or their selected third | Support |

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| | party provider. The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes place; Therefore, all criteria for evaluation and testing must be the same. | |
| 6.3 | Participation in the RSP pre-evaluation process must be voluntary and the existence of the process shall not preclude an applicant from providing its own registry services or providing registry services to other new gTLD registry operators, provided that the applicant passes technical evaluation and testing during the standard application process. | Support |
| 6.4 | The RSP pre-evaluation process shall be open to all entities seeking such evaluation, including both new and incumbent RSPs. For the initial RSP pre-evaluation process, both the evaluation criteria and testing requirements shall be the same regardless of whether the RSP applying for evaluation is a new RSP or an incumbent RSP. | Support |
| 6.5 – 6.7 | Pre-evaluation occurs prior to each application round and only applies to that specific round. Reassessment must occur prior to each subsequent application round. With respect to each subsequent round, ICANN org may establish a separate process for reassessments that is more streamlined compared to the evaluation and testing of those entities seeking RSP preevaluation for the first time. It may be appropriate to require an RSP to agree to a more limited set of click-wrap terms and conditions when submitting their application for the pre-evaluation process. Such an agreement would be limited to the terms and conditions of the pre-evaluation program and may not create an ongoing direct contractual relationship between ICANN and the RSP nor be interpreted in any way to make an RSP a “contracted party” as that term is used in the ICANN community. | Support |
| 6.8 | The RSP pre-evaluation program must be funded by those seeking pre-evaluation on a cost-recovery basis. Costs of the program should be established during the implementation phase by the Implementation Review Team in collaboration with ICANN org. | Support |

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| 6.9 | A list of pre-evaluated RSPs must be published on ICANN’s website with all of the other new gTLD materials and must be available to be used by potential applicants with an adequate amount of time to determine if they wish to apply for a gTLD using a pre-evaluated RSP. | Support |
| Topic 7 – Metrics and Monitoring | | |
| 7.1 – 7.2 | <p>Meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared. Metrics collected to understand the impact of New gTLD Program should, broadly speaking, focus on the areas of trust, competition, and choice. The Working Group notes that the Competition, Consumer Trust and Consumer Choice Review’s 2018 Final Report includes a series of recommendations regarding metrics. Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future. The Working Group suggests the following possible metrics for further consideration in the implementation phase:</p> <ul style="list-style-type: none"> • The presence of new gTLDs in lists of highly used websites, such as Alexa 1 Million and Cisco Umbrella 1 Million • Recognition of specific gTLDs in niches, communities, and verticals • Annual growth of new gTLDs as compared to legacy TLDs and previous application rounds, i.e., comparing the growth of TLDs approved in 2012 with TLDs approved in subsequent rounds • Number of new registries and registrars year over year • Locations of new registries and registrars year over year, in an effort to see how subsequent rounds affects diversity in the marketplace • Categories of gTLDs offered and diversity metrics within those categories | Support |
| 7.3 | ICANN org must establish metrics and service level requirements for each phase of the application process including each during the review, evaluation, contracting and transition to delegation stages. ICANN must report on a monthly basis on its performance with respect to these key performance indicators. | Support |

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| 7.4 | ICANN org must further develop its Service Level Agreement (SLA) monitoring to allow for more robust ongoing monitoring of TLD operations. | Support |
| 7.5 – 7.6 | ICANN org must publish anonymized, aggregate SLA monitoring data on a regular basis. ICANN org should publish 1. The thresholds on the five critical registry functions that it has used to determine the triggering of an EBERO event 2. The number of events that have triggered or come close to triggering EBERO since launch of EBERO for the 2012 round. | Support |
| Topic 8 – Conflicts of Interest | | |
| 8.1 | The Working Group believes that provisions in the 2012 round were insufficient to effectively guard against conflicts of interest among dispute resolution service provider panelists, the Independent Objector, and application evaluators. Therefore, the Working Group recommends that ICANN develop a transparent process to prevent conflicts of interest among these parties in subsequent rounds. The Working Group notes that some comments on the draft Final Report suggested drawing on best practice resources for the implementation of this recommendation, such as the International Bar Association’s Guidelines on Conflicts of Interest in International Arbitration. | Support |
| Topic 9 – Registry Voluntary Commitments/Public Interest Commitments | | |
| 9.1 | Mandatory Public Interest Commitments (PICs) currently captured in Specification 11 3(a)-(d) of the Registry Agreement must continue to be included in Registry Agreements for gTLDs in subsequent procedures. Noting that mandatory PICs were not included in the 2007 recommendations, this recommendation puts existing practice into policy. One adjustment to the 2012 implementation is included in the following recommendation (Recommendation 9.2). | Support |
| 9.2 | Provide single-registrant TLDs with exemptions and/or waivers to mandatory PICs included in Specification 11 3(a) and Specification 11 3(b). | Support |

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| 9.3 | The Working Group affirms the framework established by the New gTLD Program Committee (NGPC) to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, ⁴⁶ as established in response to the Governmental Advisory Committee (GAC) Beijing Communiqué. | Support |
| 9.4 – 9.7 | The Working Group recommends establishing a process to determine if an applied-for string falls into one of four groups defined by the NGPC framework for new gTLD strings deemed to be applicable to highly sensitive or regulated industries. This process must be included in the Applicant Guidebook along with information about the ramifications of a string being found to fall into one of the four groups. Applicants may choose to self-identify if they believe that their string falls into one of the four groups. This designation will be confirmed, or not, using the process outlined below in Implementation Guidance 9.6. During the evaluation process, each applied-for string should be evaluated to determine whether it falls into one of the four groups, and therefore is subject to the applicable Safeguards. An evaluation panel should be established for this purpose, the details of which will be determined in the implementation phase. The panel should be composed of experts in regulated industries, who will also be empowered to draw on the input of other experts in relevant fields. The panel evaluating whether a string is applicable to highly sensitive or regulated industries should conduct its evaluation of the string after the Application Comment Period is complete. | Support |
| 9.8 | If an applied-for string is determined to fall into one of the four groups of strings applicable to highly sensitive or regulated industries, the relevant Category 1 Safeguards must be integrated into the Registry Agreement as mandatory Public Interest Commitments. | Support |
| 9.9 | ICANN must allow applicants to submit Registry Voluntary Commitments (RVCs) (previously called voluntary PICs) in subsequent rounds in their applications or to respond to public comments, objections, whether formal or informal, GAC Early Warnings, GAC Consensus Advice, and/or other comments from | Support |

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| | <p>the GAC. Applicants must be able to submit RVCs at any time prior to the execution of a Registry Agreement; provided, however, that all RVCs submitted after the application submission date shall be considered Application Changes and be subject to the recommendation set forth under topic 20: Application Changes Requests, including, but not limited to, an operational comment period in accordance with ICANN’s standard procedures and timeframes.</p> | |
| 9.10 - 9.11 | <p>RVCs must continue to be included in the applicant’s Registry Agreement. The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes should be updated to equally apply to RVCs.</p> | Support |
| 9.12 | <p>At the time an RVC is made, the applicant must set forth whether such commitment is limited in time, duration and/or scope. Further, an applicant must include its reasons and purposes for making such RVCs such that the commitments can adequately be considered by any entity or panel (e.g., a party providing a relevant public comment (if applicable), an existing objector (if applicable) and/or the GAC (if the RVC was in response to a GAC Early Warning, GAC Consensus Advice, or other comments from the GAC)) to understand if the RVC addresses the underlying concern(s).</p> | Support |
| 9.13 – 9.14 | <p>In support of the principle of transparency, RVCs must be readily accessible and presented in a manner that is usable, as further described in the implementation guidance below. The Working Group notes that the CCT-RT’s Recommendation 2551 has recommended developing an “organized, searchable online database” for RVCs. The Working Group agrees and believes that ICANN org should evaluate this recommendation in the implementation phase and determine the best method for ensuring that RVCs are widely accessible.</p> | Support |
| 9.15 | <p>The Working Group acknowledges ongoing important work in the community on the topic of DNS abuse and believes that a holistic solution is needed to account for DNS abuse in all gTLDs as opposed to dealing with these recommendations with respect to only the introduction of subsequent new gTLDs. In addition, recommending new</p> | Support, With Clarification: This recommendation should include additional guidance proposing that the GNSO Council scope and initiate a |

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| | <p>requirements that would only apply to the new gTLDs added to the root in subsequent rounds could result in singling out those new gTLDs for disparate treatment in contravention of the ICANN Bylaws. Therefore, this PDP Working Group is not making any recommendations with respect to mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs).</p> | <p>PDP or EPDP to develop recommendations for enhanced standardized anti-abuse measures for contracted parties.</p> |
| <p>Topic 10 – Applicant Freedom of Expression</p> | | |
| <p>10.1 – 10.2</p> | <p>The Working Group affirms Principle G from the 2007 policy, which states: “The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.”</p> <p>The Working Group further affirms Recommendation 3: “Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industrial Property (in particular trademark rights), the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (in particular freedom of speech rights).” As the ICANN organization and community incorporate human rights into ICANN’s processes in line with the recommendations of CCWG-Accountability Work Stream 2, they should consider the application of this work to elements of the New gTLD Program. Specifically, the Working Group suggests further consideration of applicant freedom of expression rights in the TLD proposed during pre-application through delegation stages of the process. Applicant freedom of expression should be balanced with other third party rights recognized in the 2012 Applicant Guidebook as modified by this PDP, legitimate interests, the principle of fairness, and “generally accepted legal norms of morality and public order that are recognized under principles of international law.” For example, it may be beneficial to include concrete case studies or examples in guidance to evaluators and dispute resolution service providers to ensure that criteria are correctly and consistently applied in support of the applicable principles and rights.</p> | <p>Support</p> |
| <p>Topic 11 – Universal Acceptance</p> | | |

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| 11.1 | The Working Group welcomes and encourages the work of the Universal Acceptance Initiative and the Universal Acceptance Steering Group. | Support |
| 11.2 | The Working Group affirms 2012 implementation elements addressing Universal Acceptance issues, and in particular, guidance provided in section 1.2.4 of the Applicant Guidebook (“Notice concerning Technical Acceptance Issues with New gTLDs”), as well as clause 1.2 of the Registry Agreement (“Technical Feasibility of String”). | Support |
| 11.3 – 11.4 | Applicants should be made aware of Universal Acceptance challenges in ASCII and IDN TLDs. Applicants must be 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. ICANN should include more detailed information regarding Universal Acceptance issues either directly in the Applicant Guidebook or by reference in the Applicant Guidebook to additional resources produced by the Universal Acceptance Steering Group or other related efforts. | Support |
| Topic 12 – Applicant Guidebook | | |
| 12.1 | The Working Group affirms that an Applicant Guidebook should be utilized for future new gTLD processes as was the case in the implementation of the 2012 application round. The Working Group further affirms that the Applicant Guidebook should continue to be available in the 6 United Nations languages as was the case in the 2012 application round. | Support |
| 12.2 | The Working Group affirms Implementation Guideline A from the 2007 policy, which states: “The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.” | Support |
| 12.3 | With the substitution included in italicized text, the Working Group affirms Implementation Guideline E from the 2007 policy: “The commencement of the application submission period will be at least four (4) months after the issue of the Applicant Guidebook and ICANN will promote the opening of the applicant round.” The term “Request for Proposal” in the original Implementation Guideline has been substituted with “Applicant Guidebook” to reflect the actual name of | Support |

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| | the document used in 2012 and the “application submission period” has been replaced with the “commencement of the application submission period.” | |
| 12.4 – 12.7 | The Working Group recommends focusing on the user when drafting future versions of the Applicant Guidebook (AGB) and prioritizing usability, clarity, and practicality in developing the AGB for future new gTLD processes. The AGB should effectively address the needs of new applicants as well as those already familiar with the application process. It should also effectively serve those who do not speak English as a first language in addition to native English speakers. To promote usability and clarity, write the Applicant Guidebook using Plain Language standards to the extent possible and avoid complex legal terminology when it is not necessary. To ensure that the AGB is a practical resource for users, the core text of the AGB should be focused on the application process. Historical context and policy should be included in appendices or a companion guide, while remaining linked to relevant AGB provisions. The Working Group suggests including step-by-step instructions for applicants with clear guidance about how the process may vary in the case of applications for different categories of TLDs or other variable situations. In service of usability, ICANN org should ensure that the AGB has a robust Table of Contents and Index. The online version should be tagged and searchable, so that users may easily find sections of text that are applicable to them. | Support |
| 12.8 | The English version of the Applicant Guidebook must be issued at least four (4) months prior to the commencement of the applicant submission period. | Support |
| 12.9 | All other translated versions of the Applicant Guidebook, including in the 6 UN languages, must be available no later than two (2) months prior to the commencement of the application submission period. | Support |
| 12.10 | All translations of the final Applicant Guidebook should be available at or as close as possible in time to the point at which the English version is published, but in no event later than two (2) months prior to the commencement of the application submission period. | Support |

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| 12.11 | Application fees for each application must be published in that round's Applicant Guidebook. | Support |
| Topic 13 – Communications | | |
| 13.1 | The Working Group affirms Implementation Guideline C and Implementation Guideline M from the 2007 Final Report: Implementation Guideline C: "ICANN will provide frequent communications with applicants and the public including comment forums which will be used to inform evaluation panels." Implementation Guideline M: "ICANN may establish a capacity building and support mechanism aiming at facilitating effective communication on important and technical Internet governance functions in a way that no longer requires all participants in the conversation to be able to read and write English. | Support |
| 13.2 – 13.7 | <p>The Working Group believes that an effective communications strategy and plan is needed to support the goals of the program referenced in Affirmation 6.1. Accordingly, the Working Group recommends that the New gTLD communications plan must be developed with timeliness, broad outreach and accessibility as key priorities. The communications plan must be targeted to achieve the goals of the New gTLD Program as articulated. The plan must include a Communications Period commensurate in length to achieve those goals. For timeliness, the Working Group believes that</p> <p>for the next subsequent round, the Communications Period should begin at least six (6) months prior to the beginning of the application submission period. Essentially, the communications plan should be commensurate with the time needed to perform elements like the non-exhaustive list below:</p> <ul style="list-style-type: none"> ● Outreach related to Applicant Support ● Establishing and allowing interested parties to engage in the RSP preevaluation process <p>Consistent with the recommendations under Topic 3: Applications Assessed in Rounds, the Working Group believes that a shorter Communications Period (i.e., less than the minimum 6 months stated above) may be needed for subsequent rounds if and when a steady state for application submission periods is established.</p> | Support |

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| | <p>For broad outreach, the Working Group believes that consistent with Recommendation 8.4.b from the Program Implementation Review Report, the program should “Leverage ICANN’s Global Stakeholder Engagement (GSE) team to promote awareness of the New gTLD Program within their regions/constituencies.” The Working Group believes that the GSE team should be leveraged to support the dissemination of program information and support education and overall outreach. The various Supporting Organizations and Advisory Committees are also important partners in sharing information.</p> <p>For accessibility, the Working Group stresses the need for a single, well-designed website dedicated to the New gTLD Program to support the sharing and accessibility of program information, which is consistent with Recommendation 8.4.a from the Program Implementation Review Report. Once on the site, broadly speaking, users should be able to obtain information they are seeking in an effective manner. To that end, the Working Group has suggested specific elements for consideration:</p> <ul style="list-style-type: none">● Continue to maintain an online knowledge database, but ensure that it is robust, is easy to search and navigate, is updated on a timely basis, and emphasizes issues with wide-ranging impact. In addition, to the extent possible, all items in the online knowledge database should reference applicable sections of the Applicant Guidebook to which the items relate.● Create an opt-in based notification system for applicants to receive program updates, updates to the online knowledge database, and application-specific updates. <p>For timeliness and accessibility as it relates to applicant communications, the Working Group believes that robust customer support is needed to address substantive and logistical questions as well as inquiries regarding use of applicant-facing systems. Real-time communication methods are preferred (e.g., telephone, online chat), but the Working Group recognizes that these forms of communication may be costly. Further, the Working Group also recognizes that there may need to be different methods utilized. For instance, technical support for submitting an application may be different than responding to substantive inquiries about completing an application.</p> | |
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| Topic 14 – Systems | | |
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| 14.1 | <p>The Working Group affirms Implementation Guideline O from the 2007 Final Report, which states: “ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.” The Working Group further affirms Implementation Guideline L, which states: “The use of personal data must be limited to the purpose for which it is collected.”</p> | Support |
| 14.2 – 14.7 | <p>The design, development, and deployment of applicant-facing systems must prioritize security, stability, usability, and a positive user experience following industry best practices. In support of security, stability, usability, and a positive user experience, systems should be designed and developed well in advance of the point that they need to be used by applicants, so that there is sufficient time for system testing without causing undue delay. System tests should follow industry best practices and ensure that all tools meet security, stability, and usability requirements and that confidential data will be kept private. In support of improved usability, the Working Group advises that ICANN org should leverage prospective end-users to beta test systems, perhaps by setting up an Operational Test and Evaluation environment. The Working Group notes that if beta testing is conducted, it must be done in an open and transparent manner that does not provide the testers with an unfair advantage in the application process. The Working Group notes however that the mere access to beta testing does not in and of itself constitute such an unfair advantage.</p> <p>In support of improved usability, the Working Group suggests integrating systems to the extent possible and simplifying login management. Specifically, if the use of multiple systems are required, the Working Group encourages enabling users to access different systems using a single login and, as recommended in the Program Implementation Review Report (Recommendation 1.1.b), “Implement a system that would allow applicants the flexibility to associate as many applications as desired to a single user account.”</p> <p>In support of improved usability, the Working</p> | Support |

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| | <p>Group suggests that specific data entry fields in applicant-facing systems should accept both ASCII and non-ASCII characters. In addition, systems should accept standard nomenclature and terminology for services being proposed by the applicant, including associated characters.</p> <p>[Additional Implementation Guidance re feature enhancements]</p> | |
| 14.8 – 14.10 | <p>The principles of predictability and transparency must be observed in the deployment and operation of applicant-facing systems. To ensure predictability and minimize obstacles and legal burdens for applicants, any Agreements or Terms of Use associated with systems access (including those required to be “clicked-through”) should be finalized in advance of the Applicant Guidebook’s publication and published with the Applicant Guidebook. In service of transparency, once the systems are in use, ICANN should communicate any system changes that may impact applicants or the application process. Processes described under Topic 2: Predictability should be followed.</p> | Support |
| 14.11 | <p>With respect to its operation and administration of the systems, ICANN must retain the ability to act in emergency situations, including those where immediate action is necessary to remedy any service interruption, interference, service obstruction or other imminent threat to the systems, provided that ICANN gives notice to all impacted users of the affected system(s) as soon as reasonably practicable after such action has been taken. If such action involves any downtime to the system(s), ICANN shall provide updates to impacted users as to the root cause of the downtime, the impact of the downtime event on users of the system(s), and when normal service can be restored.</p> | Support |
| Topic 15 – Application Fees | | |
| 15.1 – 15.2 | <p>Subject to Implementation Guidance 15.2 below, the Working Group affirms that as was the case in the 2012 round, all applications in subsequent procedures should pay the same base application fee regardless of the type of application or the number of applications that the same applicant submits. This would not preclude the possibility of additional fees in certain circumstances, as was the case in the 2012 round of the program (e.g., Community Priority Evaluation, Registry Service Evaluation Process,</p> | Support |

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| | <p>etc.). The Working Group notes that as was the case in the 2012 round, successful candidates for the Applicant Support Program will be eligible for a reduced application fee.</p> <p>Fees for the technical and operational evaluation for the core registry services should be charged to an applicant if they are using a registry service provider that is not pre-evaluated (“Technical Evaluation Fee”). The Technical Evaluation Fee should be the same regardless of whether the evaluation occurs as part of the pre-evaluation process or as part of the application process. For example, if the Technical Evaluation Fee portion of the overall application fee is \$US25,000, that portion of the application fee should only be charged to those applicants that do not select a pre-evaluated registry service provider.</p> | |
| 15.3 | <p>With the addition of the italicized text, the Working Group affirms Implementation Guideline B from 2007: “Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants <i>that qualify for applicant support.</i>” The Working Group believes, however, that for subsequent procedures the only historical costs that should be part of the cost structure in determining application fees are those actual costs directly related to the implementation of the New gTLD Program.</p> | Support |
| 15.4 – 15.6 | <p>The Working Group affirms the principle of cost recovery reflected in the 2012 Applicant Guidebook: “The gTLD evaluation fee is set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded and revenue neutral and is not subsidized by existing contributions from ICANN funding sources, including generic TLD registries and registrars, ccTLD contributions and RIR contributions.” For the next application round and each subsequent round, an assessment must take place prior to each round to estimate the application fee that would be necessary to achieve cost recovery. In the event that the estimated application fee, based on the revenue neutral principle, falls below a predetermined threshold amount (i.e., the application fee floor), the actual application fee should be set at that higher application fee floor</p> | Support |

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| | <p>instead. The development of the application fee must be fully transparent with all cost assumptions explained and documented.</p> <p>In managing funds for the New gTLD Program, ICANN must have a plan in place for managing any excess fees collected or budget shortfalls experienced. The plan for the management and disbursement of excess fees, if applicable, must be communicated in advance of accepting applications and collecting fees for subsequent procedures. The implementation guidance below describes in more detail how this should be accomplished.</p> <p>Although ICANN must operate the new gTLD Program on a cost recovery basis (subject to any floors as set forth in this report) ICANN org may set aside a certain small percentage of excess fees (to the extent there are excess fees) to apply towards covering the costs of maintaining the capability to assemble future subsequent rounds of new gTLDs with minimum delay and to ensure that the new gTLD Program is able to continue into the future.</p> <p>Examples of such costs include retaining staff with program expertise and maintaining requisite systems. Any excess fees set aside by ICANN for this purpose should be explicitly recorded and justified.</p> <p>If excess fees are collected in subsequent procedures and the cost recovery model is followed (i.e., the application fee floor is not implemented) any excess fees should be returned to applicants where possible in the form of a refund or a credit towards future fees, where applicable. ICANN may establish a schedule for the disbursement of refunds upon the achievement of specified milestones.</p> | |
| 15.7 – 15.8 | <p>In the event that an application fee floor is used to determine the application fee, excess fees received by ICANN must be used to benefit the New gTLD Program and not any other ICANN program or purpose; that includes one or more of the following elements of the New gTLD Program:</p> <ul style="list-style-type: none"> (a) a global communication and awareness campaign about the introduction and availability of new gTLDs; (b) long-term program needs such as system upgrades, fixed assets, etc.; (c) Applicant Support Program; | <p>Oppose 15.7 – We strongly prefer that excess fees be refunded back to applicants or applied to initiatives which would improve <u>trust</u> in the DNS, particularly around security threats, malware, fraud and intellectual</p> |

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| | <p>(d) top-up of any shortfall in the segregated fund as described below; or (e) other purpose(s) that benefits the New gTLD Program.</p> <p>To help alleviate the potential burden of an overall budget shortfall, a separate segregated fund should be set up that can be used to absorb any shortfalls and topped-up in a later round. The amount of the contingency should be a predetermined value that is reviewed periodically to ensure its adequacy.</p> | <p>property infringement rather than promoting new gTLDs generally. In this vein, we would support the use of any excess funds to ensure that there is robust monitoring and enforcement of the contractual commitments made by applicants, registry operators, and registrars, including in particular RVCs, PICs, and anti-abuse requirements.</p> <p>Support 15.8</p> |
| <p>Topic 16 – Applications Submission Period</p> | | |
| <p>16.1</p> | <p>The Working Group recommends that for the next application window and subsequent application windows, absent “extenuating or extraordinary” circumstances, the application submission period must be a minimum of 12 and a maximum of 15 weeks in length.</p> | <p>Support</p> |
| <p>Topic 17 – Applicant Support</p> | | |
| <p>17.1</p> | <p>Fee reduction must be available for select applicants who meet evaluation criteria through the Applicant Support Program. The Working Group further recommends new types of financial support for subsequent procedures that were not part of the Program in 2012, specifically, coverage of additional application fees (see Recommendation 17.2) and a bid credit, multiplier, or other similar mechanism that applies to a bid submitted by an applicant qualified for Applicant Support who participates in an ICANN Auction of Last Resort (see Recommendation 17.15 and Implementation Guidance 17.16 and 17.17). In addition, the Working Group recommends that ICANN facilitate non-financial assistance including the provision of pro-bono assistance to applicants in need. Further, ICANN must conduct outreach and awareness-raising activities during the Communications Period to both potential applicants and prospective pro-bono service providers.</p> | <p>Support</p> |

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| 17.2 | The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process. | Support |
| 17.3 – 17.10 | The Working Group recommends that ICANN improve outreach, awareness-raising, application evaluation, and program evaluation elements of the Applicant Support Program, as well as usability of the Program, as proposed in the implementation guidance below. [Implementation Guidance Omitted] | Support |
| 17.11 | The Working Group supports Recommendation 6.1.a in the Program Implementation Review Report, which states: “Consider leveraging the same procedural practices used for other panels, including the publication of process documents and documentation of rationale | Support |
| 17.12 – 17.14 | ICANN org must develop a plan for funding the Applicant Support Program, as detailed in the Implementation Guidelines below. ICANN org should evaluate whether it can provide funds (as they did in 2012) or whether additional funding is needed for the Applicant Support Program in subsequent rounds. The amount of funding available to applicants should be determined and communicated before the commencement of the application round. ICANN org should seek funding partners to help financially support the Applicant Support Program, as appropriate. | Support |
| 17.15 – 17.17 | If an applicant qualifies for Applicant Support and is part of a contention set that is resolved through an ICANN Auction of Last Resort, a bid credit, multiplier, or other similar mechanism must apply to the bid submitted by that applicant. Research should be conducted in the implementation phase to determine the exact nature and amount of the bid credit, multiplier, or other mechanism. Research should also be completed to determine a maximum value associated with the bid credit, multiplier, or other mechanism. If the applicant getting Applicant Support prevails in an auction, there should be restrictions placed on the applicant from assigning the Registry Agreement, and/or from any Change of Control for a period of no less than three (3) years. This restriction seeks to prevent gaming of the Applicant Support Program whereby an applicant transfers its ownership of a | Support |

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| | <p>registry to a third party in exchange for any form of financial gain. However, assignments that become necessary for the following reasons shall be permitted:</p> <ul style="list-style-type: none"> ● Assignments due to the TLD being unable to meet its financial obligations and unable to secure financing or restructure operations to carry out operations in the short-term ● Assignments due to death or retirement of a majority shareholder ● Assignments due to EBERO ● Assignments to affiliates or subsidiaries ● Assignments required by competition authorities | |
| 17.18 | <p>Unless the Support Applicant Review Panel (SARP) reasonably believes there was willful gaming, applicants who are not awarded Applicant Support (whether “Qualified” or “Disqualified”) must have the option to pay the balance of the full standard application fee and transfer to the standard application process. Applicants must be given a limited period of time to provide any additional information that would be necessary to convert the application into one that would meet the standard criteria (e.g., showing how the applicant for financial and other support could acquire the requisite financial backing and other support services to pass the applicable evaluation criteria). That said, this limited period of time should not cause unreasonable delay to the other elements of the New gTLD Program or to any other applicants for a string in which its application may be in a contention set.</p> | Support |
| 17.19 | <p>The Financial Assistance Handbook or its successor, subject to the changes included in the above recommendations, must be incorporated into the Applicant Guidebook for subsequent rounds.</p> | Support |
| Topic 18 – Terms & Conditions | | |
| 18.1 – 18.2 | <p>Unless required by specific laws, ICANN Board members’ fiduciary duties, or the ICANN Bylaws, ICANN must only reject an application if done so in accordance with the provisions of the Applicant Guidebook. In the event an application is rejected, ICANN org must cite with specificity the reason in accordance with the Applicant Guidebook, or if applicable, the specific law and/or ICANN Bylaws for not allowing an application to proceed. ICANN should not publish the specific</p> | Support |

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| | reason for the rejection of an application where that reason is based on confidential information submitted by the applicant (but may post a generalized categorical reasoning for the rejection). This implementation guidance does not prevent the applicant from disclosing information about its own application. | |
| 18.3 | In subsequent rounds, the Terms of Use must only contain a covenant not to sue if, and only if, the appeals/challenge mechanisms set forth under Topic 32 of this report are introduced into the program (in addition to the accountability mechanisms set forth in the current ICANN Bylaws). | Support |
| 18.4 – 18.5 | Applicants must be allowed some type of refund if they decide to withdraw an application because substantive changes are made to the Applicant Guidebook or program processes and such changes have, or are reasonably likely to have, a material impact on applicants. If the risk of name collisions will be determined after applications are submitted, ICANN should provide a full refund to applicants in cases where a new gTLD is applied for but later is not approved because of risk of name collision. | Support |
| 18.6 – 18.7 | Access to confidential parts of the application should be appropriately limited, as detailed in the following implementation guidance. Confidentiality provisions in the Terms and Conditions should limit access to confidential parts of the application to those individuals and entities that need to access that information, including those within ICANN org as well as any third parties conducting application evaluations or providing dispute or appeals services, if applicable. | Support |
| Topic 19 – Application Queueing | | |
| 19.1 – 19.2 | The Working Group supports the approach ultimately taken to application queuing during the 2012 round, in which ICANN conducted drawings to randomize the order of processing applications within an application window, and therefore affirms the use of a “prioritization draw” for subsequent procedures. The Working Group acknowledges that there may be possible adjustments or alternatives to the logistics of the prioritization draw used in the 2012 round that either would | Support |

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| | improve on existing processes or be necessitated under applicable law. The Working Group supports such improvements. Procedures related to application queuing should be simplified and streamlined to the extent possible. For example, applicants could be provided the opportunity to pay the optional fee for participating in the drawing along with payment for the application. Another suggestion is to explore ways to assign a prioritization number during the application process without the need for a distinctly separate drawing event. | |
| 19.3 | All applications must be processed on a rolling basis, based on assigned priority numbers. However, if the volume of Internationalized Domain Names (IDN) applications received equals or exceeds 125, applications will be assigned priority numbers consistent with the formula in the Final Report. | Support |
| 19.4 | Any processes put into place for application queuing should be clear, predictable, finalized and published in the Applicant Guidebook. The recommendation to establish processes in advance is consistent with Recommendation 1.2.a in the Program Implementation Review Report, which states: "Assign priority numbers to applications prior to commencement of application processing." | Support |
| Topic 20 – Application Change Requests | | |
| 20.1 – 20.3 | The Working Group supports maintaining a high-level, criteria-based change request process, as was employed in the 2012 application round. ICANN org should provide guidance on both changes that will likely be approved and changes that will likely not be approved. ICANN org should identify in the Applicant Guidebook the types of changes that will require a re-evaluation of some or all of the application and which do not require any re-evaluation. | Support |
| 20.4 – 20.5 | ICANN org must document the types of changes which are required to be posted for an operational comment period and which are not required to be posted for an operational comment period. The following is a non-exhaustive list of changes that must require an operational comment period: | Support |

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| | <ul style="list-style-type: none"> ● The addition of Registry Voluntary Commitments in response to public comments, objections, whether formal or informal, GAC Consensus Advice, GAC Early Warnings, or other comments from the GAC ● Changes to Registry Voluntary Commitments in response to public comments, objections, whether formal or informal, GAC Consensus Advice, GAC Early Warnings, or other comments from the GAC ● Changes associated with the formation of joint ventures established to resolve string contention (see Recommendation 20.6 below) ● Changes to the applied-for string (see Recommendation 20.8 below) <p>Community members should have the option of being notified if an applicant submits an application change request that requires an operational comment period to be opened at the commencement of that operational comment period.</p> | |
| 20.6 – 20.7 | <p>The Working Group recommends allowing application changes to support the settling of contention sets through business combinations or other forms of joint ventures. In the event of such a combination or joint venture, ICANN org may require that re-evaluation is needed to ensure that the new combined venture or entity still meets the requirements of the program. The applicant must be responsible for additional, material costs incurred by ICANN due to re-evaluation and the application could be subject to delays. ICANN org should explore the possibility of allowing applicants to request that the evaluation of their own application is delayed by 60-90 days so that they can submit an applicant change request on the basis of business combination or other form of joint venture. This request would need to be made prior to Initial Evaluation of the application.</p> | Support |
| 20.8 | <p>The Working Group recommends allowing .Brand TLDs to change the applied-for string as a result of a contention set where (a) the change adds descriptive word to the string, (b) the descriptive word is in the description of goods and services of the Trademark Registration, (c) such a change does not create a new contention set or expand an existing contention set, (d) the change triggers a new operational comment period and opportunity for objection and, (e) the new string complies with all New gTLD Program requirements. When the .Brand applicant changes the applied-for string, the new string will also be considered a .Brand. The</p> | Support |

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| | Working Group recognizes that an exception or a modification to Specification 13 will be needed to implement this recommendation. The Working Group further recognizes that in order to implement this recommendation, applications seeking to change their applied-for string will need to be evaluated for eligibility as a .Brand before the string change request can be accepted. This may occur either by ICANN specifically evaluating those individual applications during Initial Evaluation or by evaluating all applicants that elect to be .Brands during Initial Evaluation. | |
| Topic 21 – Reserved Names | | |
| 21.1 | The Working Group affirms Recommendation 5 from the 2007 policy, which states: “Strings must not be a Reserved Word.” | Support |
| 21.2 | The Working Group supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round. | Support |
| 21.3 | The Working Group acknowledges the reservation at the top level of Special-Use Domain Names through the procedure described in IETF RFC 6761. | Support |
| 21.4 | The Working Group recommends reserving as unavailable for delegation at the top level the acronym associated with Public Technical Identifiers, “PTI”. | Oppose – There has been no signal that the Public Technical Identifiers entity would need to use or prevent any third party from using .PTI as a potential new gTLD. There are other entities who legitimately may wish to apply for this string, such as owners of brands corresponding to PTI; they should not be unduly prejudiced or prevented from such application/possible operation of such a TLD |

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| | | simply because their brand corresponds to the PTI acronym for Public Technical Identifiers. There does not seem to be any other technical or legal rationale for reserving .PTI, nor would Internet users generally associate a .PTI TLD with Public Technical Identifiers. |
| 21.5 | The Working Group supports continuing to reserve as unavailable for registration those strings that are on the then-current schedule of Reserved Names at the second level. The schedule may only change through the then-current process for making such changes. | Support |
| 21.6 | The Working Group recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016. | Support |
| Topic 22 – Registrant Protections | | |
| 22.1 | The Working Group affirms existing registrant protections used in the 2012 round, including the Emergency Back-end Registry Operator (EBERO) ¹⁴⁰ and associated triggers for an EBERO event and critical registry functions. In addition, as described under Topic 27: Applicant Reviews: Technical/Operational, Financial and Registry Services, the substantive technical and operational evaluation is being maintained and therefore, protections against registry failure, including registry continuity, registry transition, and failover testing continue to be important registrant protections. The Working Group also supports the registrant protections contained in Specification 6 of the Registry Agreement. | Support |
| 22.2 – 22.3 | Background screenings should be conducted during Initial Evaluation, as was the case in the 2012 round. If there is a change in the application that requires additional or repeat background screening (for example, a change in applying entity or change to | Support |

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| | major shareholders, officers, or directors of the applying entity) this additional background screening should occur prior to execution of the Registry Agreement. Deferring the re-screening until just prior to execution of the Registry Agreement represents a change to the process from 2012. | |
| 22.4 | The Working Group supports Recommendation 2.2.b. in the Program Implementation Review Report, which states: “Consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases (e.g., newly formed entities, publicly traded companies, companies in jurisdictions that do not provide readily available information).” | Support |
| 22.5 – 22.6 | The Working Group supports Recommendation 7.1.a. in the Program Implementation Review Report, which states: “Explore whether there are more effective and efficient ways to fund emergency back-end registry operator in the event of a TLD failure [other than requiring Continuing Operations Instruments].” To the extent that it is determined that a Continued Operations Instrument will be required, it should not be part of the financial evaluation. It should only be required at the time of executing the Registry Agreement. | Support |
| 22.7 | TLDs that have exemptions from the Code of Conduct (Specification 9), including .Brand TLDs qualified for Specification 13, must also receive an exemption from Continued Operations Instrument (COI) requirements or requirements for the successor to the COI. | Support |
| Topic 23 – Closed Generics | | |
| 23.1 | The Working Group was not able to agree on “policy advice concerning exclusive generic TLDs.” In the absence of agreement on any policy, the Working Group debated, and was unable to come to agreement on, whether the status quo meant that either (i) Closed Generics would be allowed (as there were no provisions in the final Applicant Guidebook that prohibited them), (ii) Closed Generics would not be allowed (noting that none were delegated in the 2012 round), or (iii) Closed Generics | N/A – We have supported the position that Closed Generics should be allowed subject to a specific Objection procedure plus a requirement for an additional PIC for Closed Generic |

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| | would be allowed if they serve a public interest goal (in accordance with the GAC Consensus Advice that was accepted by the Board). | applications that were allowed obliging the Registry Operator not to use its exclusive access to the TLD in an anti-competitive manner. |
| Topic 24 – String Similarity Evaluations | | |
| 24.1 | The Working Group affirms Recommendation 2 from the 2007 policy, which states “Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.” | Support |
| 24.2 | Subject to the recommendations below, the Working Group affirms the standard used in the String Similarity Review from the 2012 round to determine whether an applied-for string is “similar” to any existing TLD, any other applied-for strings, Reserved Names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. According to Section 2.2.1 of the 2012 Applicant Guidebook, “similar” means “strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.” In the 2012 round, the String Similarity Panel was tasked with identifying “visual string similarities that would create a probability of user confusion.” ¹⁵⁵ The Working Group affirms the visual standard for determining similarity with the updates included in the recommendations below. | Support |
| 24.3 – 24.4 | The Working Group recommends updating the standards of both (a) confusing similarity to an existing top-level domain or a Reserved Name, and (b) similarity for purposes of determining string contention, to address singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the Working Group recommends prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .EXAMPLE and .EXAMPLES may not both be delegated because they are considered confusingly similar. This expands the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language/script basis. | Support in Part/Oppose in Part – we Support the portion of the Recommendation that Singular and Plural variants of the same string should be considered in contention and only one such application permitted to proceed; however, we Oppose the portion of the |

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| | <ul style="list-style-type: none"> • An application for a single/plural variation of an existing TLD or Reserved Name will not be permitted if the intended use of the applied-for string is the single/plural version of the existing TLD or Reserved Name. For example, if there is an existing TLD .SPRINGS that is used in connection with elastic objects and a new application for .SPRING that is also intended to be used in connection with elastic objects, .SPRING will not be permitted. • If there is an application for the singular version of a word and an application for a plural version of the same word in the same language/script during the same application window, these applications will be placed in a contention set, because they are confusingly similar. • Applications will not automatically be placed in the same contention set because they appear visually to be a single and plural of one another but have different intended uses. For example, .SPRING and .SPRINGS could both be allowed if one refers to the season and the other refers to elastic objects, because they are not singular and plural versions of the same word. However, if both are intended to be used in connection with the elastic object, then they will be placed into the same contention set. Similarly, if an existing TLD .SPRING is used in connection with the season and a new application for .SPRINGS is intended to be used in connection with elastic objects, the new application will not be automatically disqualified. <p>The Working Group recommends using a dictionary to determine the singular and plural version of the string for the specific language. The Working Group recognizes that singulars and plurals may not visually resemble each other in multiple languages and scripts globally. Nonetheless, if by using a dictionary, two strings are determined to be the singular or plural of each other, and their intended use is substantially similar, then both should not be eligible for delegation.</p> <p>All applicants should be required to respond to an application question asking the applicant to explain the scope of intended use of the TLD, including any ways the applicant does not intend to use the TLD. If two or more applicants in the same round apply for strings that appear visually to be a single and plural of one another, and it is not clear to evaluators based on the applications whether the intended use is the same or different and therefore</p> | <p>Recommendation that seeks to apply an intended meaning test to determine whether strings are similar; the test should be purely based on the appearance of the string, as the goal is to prevent Internet user confusion and misdirection in the visual-oriented DNS format, absent some circumstances that would make such confusion unlikely despite visual similarity of the strings.</p> |
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| | whether one string is a singular or plural of another, ICANN should issue a Clarifying Question. | |
| 24.5 | If two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings, the applications will only be able to proceed if each of the applicants agrees to the inclusion of a mandatory Public Interest Commitment (PIC) in its Registry Agreement. The mandatory PIC must include a commitment by the registry to use the TLD in line with the intended use presented in the application, and must also include a commitment by the registry that it will require registrants to use domains under the TLD in line with the intended use stated in the application. | Oppose re “Intended Use” per Above, but Support in the Alternative Should Rec 24.3-24.4 be approved |
| 24.6 | Eliminate the use of the SWORD tool in subsequent procedures. | Support |
| 24.7 | The deadline for filing a String Confusion Objection must be no less than thirty (30) days after the release of the String Similarity Evaluation results. This recommendation is consistent with Program Implementation Review Report Recommendation 2.3.a. | Support |
| Topic 25 – Internationalized Domain Names (IDNs) | | |
| 25.1 | With the change in italicized text, the Working Group affirms Principle B from the 2007 policy: “Internationalised domain name (IDNs) new generic top-level domains <i>should continue to be an integral part of the New gTLD Program.</i> ” Principle B originally stated, “Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.” | Support |
| 25.2 – 25.3 | Compliance with Root Zone Label Generation Rules (RZLGR168, RZ-LGR-2, and any future RZ-LGR rules sets) must be required for the generation of TLDs and variants labels, including the determination of whether the label is blocked or allocatable. IDN TLDs must comply with IDNA2008 (RFCs 5890-5895) or its successor(s). To the extent possible, and consistent with Implementation Guidance 26.10, algorithmic checking of TLDs should be utilized. If a script is not yet integrated into the RZ-LGR, applicants should be able to apply for a string in that script, and it should be processed up to but not including contracting. Applicants under such circumstances should be warned of the possibility that the applied-for string may never be delegated and they will be responsible for any additional evaluation costs. | Support |

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| 25.4 | Single character gTLDs may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SSAC171 and Joint ccNSO-GNSO IDN Workgroup (JIG)172 reports. | Support |
| 25.5 | IDN gTLDs identified as variant TLDs of already existing or applied for gTLDs will be allowed only if labels are allocated to the same entity and, when delegated, only if they have the same back-end registry service provider. This policy must be captured in relevant Registry Agreements. | Support |
| 25.6 | A given second-level label under any allocated variant TLD must only be allocated to the same entity/registrant, or else withheld for possible allocation only to that entity. | Support |
| 25.7 | For second-level variant labels that arise from a registration based on a second-level IDN table, all allocatable variant labels in the set must only be allocated to the same entity or withheld for possible allocation only to that entity. | Support |
| 25.8 | Second-level labels derived from Recommendation 25.6 or Recommendation 25.7 are not required to act, behave, or be perceived as identical. | Support |
| Topic 26 – Security and Stability | | |
| 26.1 | The Working Group affirms Recommendation 4 from the 2007 policy, which states: “Strings must not cause any technical instability.” | Support |
| 26.2 | ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone. | Support |
| 26.3 – 26.8 | ICANN must focus on the rate of change for the root zone over smaller periods of time (e.g., monthly) rather than the total number of delegated strings for a given calendar year. The number of TLDs delegated in the root zone | Support |

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| | <p>should not increase by more than approximately 5 percent per month, with the understanding that there may be minor variations from time-to-time.</p> <p>ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities. Objective criteria should be developed to determine what could be classified as a “service instability.”</p> <p>ICANN should investigate and catalog the long term obligations for root zone operators of maintaining a larger root zone.</p> <p>ICANN org should consult with PTI, the Root Zone Maintainer, the root operators via RSSAC, and the larger DNS technical community on the implementation of these recommendations.</p> <p>ICANN should continue to work with the community on mechanisms to monitor the root and develop procedures to ensure that any root zone scaling issues are detected in a timely manner.</p> | |
| 26.9 - 26.10 | <p>In connection to the affirmation of Recommendation 4 from the 2007 policy, Emoji in domain names, at any level, must not be allowed. The application submission system should do all feasible algorithmic checking of TLDs, including against RZ-LGRs and ASCII string requirements, to better ensure that only valid ASCII and IDN TLDs can be submitted. A proposed TLD might be algorithmically found to be valid, algorithmically found to be invalid, or verifying its validity may not be possible using algorithmic checking. Only in the latter case, when a proposed TLD doesn’t fit all the conditions for automatic checking, a manual review should occur to validate or invalidate the TLD.</p> | Support |
| Topic 27 – Applicant Reviews: Technical & Operational, Financial and Registry Services | | |
| 27.1 | The Working Group affirms several Principles and Recommendations from the 2007 policy relative to Applicant Reviews: | Support |

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| | <ul style="list-style-type: none"> ● Principle D: “A set of technical criteria must be used for assessing a new gTLD registry applicant to minimize the risk of harming the operational stability, security and global interoperability of the Internet.” ● Principle E: “A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN’s registry agreement.” ● Recommendation 1: “ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedures for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.” ● Recommendation 9: “There must be a clear and pre-published application process using objective and measurable criteria.” ● Recommendation 18 (with slight modification): “If an applicant offers an IDN service, then ICANN’s then current IDN guidelines must be followed.” | |
| 27.2 | Evaluation scores on all questions should be limited to a pass/fail scale (0-1 points only). | Support |
| 27.3 – 27.4 | All application evaluation questions and any accompanying guidance must be written such that it maximizes predictability and minimizes the likelihood of Clarifying Questions (CQs). In order to meet the objectives of the relevant recommendation, ICANN org should at a minimum, conduct a detailed analysis of CQs and CQ responses, additional guidance to the Applicant Guidebook, Knowledge Articles, and Supplemental Notes from the 2012 round of the New gTLD Program to better understand the basis for applicants’ providing unanticipated responses to the 2012 questions and therefore, how to improve the clarity of questions in the future. This implementation guidance is consistent with Recommendations 2.6.b and 2.7.b from ICANN org’s Program Implementation Review Report. | Support |

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| 27.5 | ICANN org must publish CQs and CQ responses related to public questions. ICANN org may redact certain parts of the CQ and CQ response if there is nonpublic information directly contained in these materials or if publication in full is likely to allow the inference of nonpublic or confidential information. | Support |
| 27.6 | The Working Group affirms Recommendation 7 from the 2007 policy with the following proposed additional text in italics: “Applicants must be able to demonstrate their technical <i>and operational</i> capability to run a registry operation for the purpose that the applicant sets out, <i>either by submitting it to evaluation at application time or agreeing to use an RSP that has successfully completed preevaluation as part of the RSP pre-evaluation program.</i> ” | Support |
| 27.7 – 27.8 | While affording the improvements to clarity that will result from Recommendation 27.3, ICANN org should retain the same substantive framework for the technical and operational questions utilized in the 2012 round of the New gTLD Program. The exception to this affirmation is Q30b – Security Policy. A mechanism(s) should be established to meet the spirit of the goals embodied within Q30b – Security Policy without requiring applicants to provide their full security policy. The Applicant Guidebook should clearly explain how the mechanism meets these goals and may draw on explanatory text included in the Attachment to Module 2: Evaluation Questions and Criteria from the 2012 Applicant Guidebook. | Support |
| 27.9 – 27.10 | <p>The technical and operational evaluation must be done in an efficient manner as described in the implementation guidance below.</p> <p>ICANN org or its designee should aggregate and/or consolidate the technical and operational evaluation across applications to the extent feasible where the applications, for all intents and purposes, share identical responses to the relevant questions, particularly as it relates to the proposed registry services. This is intended to apply even when an applicant indicates that it will not use a pre-evaluated RSP. For example, if an applicant submits multiple applications or multiple applications are submitted from different applicants that share a common technical infrastructure, the technical and operational</p> | Support |

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| | evaluation may only need to be performed once for the first application processed and then applied to subsequent applications. Additional evaluation would only need to occur for subsequent applications if a new service is being proposed or the application includes a new element that requires additional evaluation of services. | |
| 27.11 – 27.12 | Consistent with Implementation Guidance 39.6 under Topic 39: Registry System Testing, the technical and operational evaluation must emphasize evaluation of elements that are specific to the application and/or applied-for TLD and should avoid evaluating elements that have already been thoroughly considered either as part of the RSP pre-evaluation program or previously in connection with another application and/or applied-for TLD. Applications should have a streamlined technical and operational evaluation if the applicant has either selected a preevaluated RSP in its application submission or if it commits to only using a preevaluated RSP during the evaluation phase, and actually selects its chosen preevaluated RSP during the transition to delegation phase. | Support |
| 27.13 | When responding to questions, applicants must identify which services are being outsourced to be performed by third parties. | Support |
| 27.14 | The technical and operational evaluation must also consider the total number of TLDs and expected registrations for an applicant’s given RSP. | Support |
| 27.15 – 27.18 | The Working Group recommends that the financial evaluation must focus on ensuring that an applicant is able to demonstrate financial wherewithal and assure long-term survivability of the registry, thus reducing the security and stability risk to the DNS. The Working Group believes that the following implementation guidance will simplify the process but still allow for meaningful assurance of an applicant’s financial capabilities, while duly taking into account how the applicant will operate its registry. As part of the financial evaluation, ICANN should not evaluate proposed business models, nor provide sample business models and/or tools for applicants to demonstrate financial wherewithal. The Applicant | Support |

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| | <p>Guidebook should provide applicants with a list of resources to get information on RSPs, Stakeholder Groups and associations from which applicants can get information.</p> <p>The evaluation should determine whether an applicant will be able to withstand missing revenue goals, exceeding expenses, funding shortfalls, or the inability to manage multiple TLDs in the case of registries that are dependent upon the sale of registrations. This evaluation must recognize and take into account the different ways to operate a registry, including instances where there is no reliance on the sale of third party registrations to generate revenue for the registry. Therefore, determining the financial wherewithal of an applicant to sustain the maintenance of a TLD may require different criteria for different types of registries; criteria should not be established in a “one-size-fits-all” manner.</p> <p>If any of the following conditions are met, an applicant should be allowed to self-certify that it is able to meet the goals as described in Implementation Guidance 27.17. This self-certification will serve as evidence that the applicant has the financial wherewithal to support its application for the TLD.</p> <ul style="list-style-type: none"> i. If the applicant is a publicly traded corporation, or an affiliate as defined in the current Registry Agreement, listed and in good standing on any of the world’s largest 25 stock exchanges (as listed by the World Federation of Exchanges); ii. If the applicant and/or its officers are bound by law in its jurisdiction to represent financials accurately and the applicant is in good standing in that jurisdiction; or, iii. If the applicant is a current registry operator or an affiliate (as defined in the current Registry Agreement) of a current registry operator that is not in default on any of its financial obligations under its applicable Registry Agreements, and has not previously triggered the utilization of its Continued Operations Instrument. <p>If the applicant is unable to meet the requirements for self-certification, the applicant must provide credible third-party certification of its ability to meet the goals as described in Implementation Guidance 27.17.</p> | |
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| 27.19 – 27.20 | <p>The Working Group affirms Recommendation 8 from the 2007 policy with the following proposed additional text in italics: “Applicants must be able to demonstrate their financial and organizational operational capability <i>in tandem for all currently-owned and applied-for TLDs that would become part of a single registry family.</i>” Therefore, applicants must identify whether the financial statements in its application apply to all of its applications, a subset of them or a single application (where that applicant and/or its affiliates have multiple applications).</p> <p>The following is a tentative but exhaustive set of financial questions:</p> <ul style="list-style-type: none"> ● “Identify whether this financial information is shared with another application(s)” (not scored). ● “Provide financial statements (audited and self-certified by an officer where applicable or audited and independently certified if unable to meet the requirements for self-certification)” (0-1 scoring) (certification posted). ● “Provide a declaration, self-certified by an officer where applicable or independently certified if unable to meet the requirements for self-certification, that the applicant will be able to withstand missing revenue goals, exceeding expenses, funding shortfalls, and will have the ability to manage multiple TLDs where the registries are dependent upon the sale of registrations” (0-1 scoring) (publicly posted). | Support |
| 27.21 | <p>A certain set of optional pre-approved additional registry services will not require registry services evaluation and those selected by the applicant at the time application submission will automatically be included in the applicant’s Exhibit A upon contract execution. That list will include those that are included in the base Registry Agreement and on the Fast Track RSEP Process and Standard Authorization Language page as of the drafting of this report and as updated from time to time.</p> | Support |
| 27.22 – 27.23 | <p>Any additional optional registry services not included on the pre-approved list must be reviewed in a timely manner to determine if they might raise</p> | Support |

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| | <p>significant stability or security issues. Criteria used to evaluate those non-pre-approved registry services must be consistent with the criteria applied to existing registries that propose new registry services and should not result in additional fees. However, if that initial assessment determines that the proposed registry services might raise significant stability or security issues, the application will be subject to extended review by the Registry Services Technical Evaluation Panel (RSTEP). Applicants will be subject to additional fees under this circumstance. The Registry Services Evaluation Policy (RSEP) Process Workflow should be amended to fit within the new gTLD processes and timelines (e.g., using priority number to order evaluation, using Clarifying Questions to address issues).</p> | |
| Topic 28 – Role of Application Comment | | |
| 28.1 | <p>Section 1.1.2.3 of the 2012 Applicant Guidebook states “ICANN will open a comment period (the Application Comment Period) at the time applications are publicly posted on ICANN’s website . . . This period will allow time for the community to review and submit comments on posted application materials.” The Working Group affirms that as was the case in the 2012 round, community members must have the opportunity to comment during the Application Comment Period on applications submitted. Comments must be published online as they were in the 2012 round so that they are available for all interested parties to review.</p> | Support |
| 28.2 | <p>As was the case in the 2012 round, when an application comment might cause an evaluator to reduce scoring, ICANN must issue a Clarifying Question to the applicant and give the applicant an opportunity to respond to the comment.</p> | Support |
| 28.3 – 28.5 | <p>For purposes of transparency and to reduce the possibility of gaming, there must be clear and accurate information available about the identity of a person commenting on an application as described in the implementation guidance below.</p> <p>The system used to collect application comment should continue to require that affirmative confirmation be received for email addresses prior to use in submission of comments. To the extent possible, ICANN org should seek to verify the identity of the person submitting the comment.</p> | Support |

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| | In addition, each commenter should be asked whether they are employed by, are under contract with, have a financial interest in, or are submitting the comment on behalf of an applicant. If so, they must reveal that relationship and whether their comment is being filed on behalf of that applicant. | |
| 28.6 – 28.8 | Systems supporting application comment must emphasize usability for those submitting comments and those reviewing the comments submitted. The system used to collect application comment should better support filtering and sorting of comments to help those reviewing comments find relevant responses, particularly when there is a large number of entries. One example is an ability to search comments for substantive text within the comment itself. The system used to collect application comment should allow those submitting comments to include attachments. ICANN should investigate whether there are any commercially reasonable mechanisms to search attachments. | Support |
| 28.9 – 28.10 | The New gTLD Program must be clear and transparent about the role of application comment in the evaluation of applications. The Implementation Review Team should develop guidelines about how public comments are to be utilized or taken into account by the relevant evaluators and panels, and these guidelines should be included in the Applicant Guidebook. The Applicant Guidebook should also be clear to what extent different types of comments will or will not impact scoring. | Support |
| 28.11 – 28.12 | Applicants must have a clear, consistent, and fair opportunity to respond to the public comments on their application prior to the consideration of those comments in the evaluation process. Applicants should be given a fixed amount of time to respond to the public comments on their application prior to the consideration of those comments in the evaluation process. | Support |
| 28.13 | ICANN must create a mechanism for third-parties to submit information related to confidential portions of the application, which may not be appropriate to submit through public comment. At a minimum, ICANN must confirm receipt and that the information is being reviewed. The applicant must be fully | Support |

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| | informed of the submitted information and be able to respond through the same mechanism. | |
| 28.14 | A single Application Comment Period must apply to both standard and community-based applications. To the extent that third-parties submit expressions of support for or opposition to a community-based application, these comments must be submitted during the Application Comment Period if they are to be considered during Community Priority Evaluation. | Support |
| Topic 29 – Name Collisions | | |
| 29.1 | ICANN must have ready prior to the opening of the Application Submission Period a mechanism to evaluate the risk of name collisions in the New gTLD evaluation process as well as during the transition to delegation phase. | Support |
| 29.2 – 29.6 | The Working Group affirms continued use of the New gTLD Collision Occurrence Management framework unless and until the ICANN Board adopts a new mitigation framework. This includes not changing the controlled interruption duration and the required readiness for human-life threatening conditions for currently delegated gTLDs and future new gTLDs. To the extent possible, ICANN should seek to identify high-risk strings in advance of opening the Application Submission Period, which should constitute a “Do Not Apply” list. ICANN should also seek to identify aggravated risk strings in advance of the next application window opening and whether it would require a specific name collision mitigation framework. To the extent possible, all applied-for strings should be subject to a DNS Stability evaluation to determine whether they represent a name collision risk. The ICANN community should develop name collision risk criteria and a test to provide information to an applicant for any given string after the application window closes so that the applicant can determine if they should move forward with evaluation. If controlled interruption (CI) for a specific label (usually a 2nd-level domain) is found to cause disruption, ICANN may decide to allow CI to be disabled for that label while the disruption is fixed, provided that the minimum CI period is still applied to that label. | Support |

| Topic 30 – GAC Consensus Advice and Early Warnings | | |
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| 30.1 – 30.2 | <p>The Working Group acknowledges the ability of the GAC to issue GAC Consensus Advice in accordance with the ICANN Bylaws. In addition, subject to the recommendations below, the Working Group supports the 2012 implementation of GAC Early Warnings. To the extent that the GAC provides GAC Consensus Advice (as defined in the ICANN Bylaws) in the future on categories of TLDs, the GAC should provide this Advice prior to the finalization and publication of the next Applicant Guidebook. In the event that GAC Consensus Advice is issued after the finalization and publication of the Applicant Guidebook and whether the GAC Consensus Advice applies to categories, groups or classes of applications or string types, or to a particular string, the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect of such timing in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws.</p> | Support |
| 30.3 | <p>As stated in the ICANN Bylaws, GAC Consensus Advice must include a clearly articulated rationale. The Working Group recommends that GAC Consensus Advice be limited to the scope set out in the applicable Bylaws provisions and elaborate on any “interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.”</p> | Support |
| 30.4 | <p>Section 3.1 of the 2012 Applicant Guidebook states that GAC Consensus Advice “will create a strong presumption for the ICANN Board that the application should not be approved.” Noting that this language does not have a basis in the current version of the ICANN Bylaws, the Working Group recommends omitting this language in future versions of the Applicant Guidebook to bring the Applicant Guidebook in line with the Bylaws language. The Working Group further notes that the language may have the unintended consequence of hampering the ability of the Board to facilitate a solution that mitigates concerns and is mutually acceptable to the applicant and the GAC as described in the relevant Bylaws language. Such a solution could allow an application to proceed. In place of the omitted language, the Working Group</p> | Support |

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| | recommends including in the Applicant Guidebook a reference to applicable Bylaws provisions that describe the voting threshold for the ICANN Board to reject GAC Consensus Advice. | |
| 30.5 | The Working Group recommends that GAC Early Warnings are issued during a period that is concurrent with the Application Comment Period. To the extent that there is a longer period given for the GAC to provide Early Warnings (above and beyond the Application Comment Period), the Applicant Guidebook must define a specific time period during which GAC Early Warnings can be issued. | Support |
| 30.6 | Government(s) issuing Early Warning(s) must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns. | Support |
| 30.7 | Applicants must be allowed to change their applications, including the addition or modification of Registry Voluntary Commitments (RVCs, formerly voluntary PICs), to address GAC Early Warnings, GAC Consensus Advice, and/or other comments from the GAC. Relevant GAC members are strongly encouraged to make themselves available during a specified period of time for direct dialogue with applicants impacted by GAC Early Warnings, GAC Consensus Advice, or comments to determine if a mutually acceptable solution can be found. | Support |
| Topic 31 - Objections | | |
| 31.1 | Subject to the recommendations/implementation guidance below, the Working Group affirms the following recommendations and implementation guidance from 2007: <ul style="list-style-type: none"> ● Recommendation 6: "Strings must not be contrary to generally accepted legal norms relating to morality and public order that are enforceable under generally accepted and internationally recognized principles of law. Examples of such limitations that are internationally recognized include, but are not limited to, restrictions defined in the Paris Convention for the Protection of Industrial Property (in particular restrictions on the use of some strings as trademarks), and the Universal Declaration of Human Rights (in particular, limitations to freedom of speech rights)." | Support |

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| | <ul style="list-style-type: none"> ● Recommendation 20: “An application will be rejected if it is determined, based on public comments or otherwise, that there is substantial opposition to it from among significant established institutions of the economic sector, or cultural or language community, to which it is targeted or which it is intended to support.” ● Implementation Guideline H: “External dispute providers will give decisions on objections.” ● Implementation Guideline P (IG P, including subheadings on process and guidelines, refers specifically to the Community Objection): “The following process, definitions and guidelines refer to Recommendation 20. [omitted] ● Implementation Guideline Q: “ICANN staff will provide an automatic reply to all those who submit public comments that will explain the objection procedure.” | |
| 31.2 | <p>Recommendation 12 from 2007 states: “Dispute resolution and challenge processes must be established prior to the start of the process.”</p> <p>Consistent with Implementation Guidance 31.12 below, the Working Group affirms Recommendation 12 with the following modification in italicized text: “Dispute resolution and challenge processes must be established prior to the start of the process, <i>the details of which must be published in the Applicant Guidebook.</i>”</p> | Support |
| 31.3 | <p>Implementation Guideline R from 2007 states: “Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated.” The Working Group modifies this Implementation Guideline to read: “Once a response to the formal objection has been filed by the applicant(s), there may be a cooling off period for negotiation or compromise by agreement of both parties if the parties formally notify the dispute resolution provider that they would like to initiate a cooling off period.”</p> | Support |
| 31.4 – 31.7 | <p>The Working Group affirms the overall approach to the public objection and dispute resolution process described in Section 3.2 of the 2012 Applicant Guidebook, subject to the recommendations below. The Working Group further affirms</p> | Support |

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| | <p>that parties with standing should continue to be able to file formal objections with designated third-party dispute resolution providers on specific applications based on the following grounds: (i) String Confusion Objection (ii) Existing Legal Rights Objection (iii) Limited Public Interest Objection (iv) Community Objection.</p> <p>Where possible, costs associated with filing a formal objection should be reduced while maintaining the quality and integrity of the objections process. Information about fees that were charged by dispute resolution service providers in previously filed formal objections should be accessible for future review. Consideration should be given to whether there were barriers to filing a formal objection in the 2012 round, and if so, whether those barriers can and should be reduced in subsequent procedures. Specifically, the Working Group suggests further consideration of the time required to file a formal objection, the expertise required, and limited awareness of the opportunity to file.</p> | |
| 31.8 – 31.9 | <p>The Working Group affirms that the role of the Independent Objector (IO) should exist in subsequent procedures, subject to the changes introduced from other recommendations, and the implementation guidance below. The Working Group further affirms that the IO should be given the opportunity to file only Community and/or Limited Public Interest objections when doing so serves the best interests of the public who use the global Internet. A mechanism should be established (e.g., standing panel of multiple IO panelists) that mitigates the possible conflict of interest issues that may arise from having a single panelist serving as the IO.</p> | Support |
| 31.10 | <p>For all types of formal objections, the parties to a proceeding must be given the opportunity to mutually agree upon a single panelist or a three-person panel, bearing the costs accordingly. Following the model of the Limited Public Interest Objection in the 2012 round, absent agreement from all parties to have a three-expert panel, the default will be a one-expert panel.</p> | Support |

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| 31.11 – 31.14 | <p>ICANN must provide transparency and clarity in the processes used to handle the filing and processing of formal objections, including the resources and supplemental guidance used by dispute resolution provider panelists to arrive at a decision, expert panelist selection criteria and processes, and filing deadlines. The following implementation guidance provides additional direction in this regard.</p> <p>All criteria and/or processes to be used by panelists for the filing of, response to, and evaluation of each formal objection should be included in the Applicant Guidebook. Information about fees and refunds for the dispute resolution processes should be readily available prior to the commencement/opening of the application submission period. Prior to the launch of the application submission period, to the extent that dispute resolution panelists draw on other guidance, processes and/or sources of information to assist them with processing and making decisions, such information should be made publicly available and easily found, either on their respective websites or preferably, in a central location.</p> | Support |
| 31.15 | The “quick look” mechanism, which applied to only the Limited Public Interest Objection in the 2012 round, must be developed by the Implementation Review Team for all formal objection types. The “quick look” is designed to identify and eliminate frivolous and/or abusive objections. | Support |
| 31.16 | Applicants must have the opportunity to amend an application or add Registry Voluntary Commitments (RVCs) in response to concerns raised in a formal objection. All these amendments and RVCs submitted after the application submission date shall be considered Application Changes and be subject to the recommendations set forth under Topic 20: Application Change Requests including, but not limited to, an operational comment period in accordance with ICANN’s standard procedures and timeframes. | Support |
| 31.17 | To the extent that RVCs are used to resolve a formal objection either (a) as a settlement between the objector(s) and the applicant(s) or (b) as a remedy ordered by an applicable dispute panelist, those RVCs must be included in the applicable | Support |

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| | applicant(s) Registry Agreement(s) as binding contractual commitments enforceable by ICANN through the PICDRP. | |
| 31.18 – 31.19 | <p>ICANN must reduce the risk of inconsistent outcomes in the String Confusion Objection Process, especially where an objector seeks to object to multiple applications for the same string. The following implementation guidance provides additional direction in this regard.</p> <p>ICANN should allow a single String Confusion Objection to be filed against all applicants for a particular string, rather than requiring a unique objection to be filed against each application. Specifically:</p> <ul style="list-style-type: none"> ○ An objector may file a single objection that extends to all applications for an identical string. ○ Given that an objection that encompasses several applications would require more work to process and review, the string confusion dispute resolution service provider (DSRP) could introduce a tiered pricing structure for these sets. Each applicant for that identical string should still prepare a response to the objection. ○ The same panel should review all documentation associated with the objection. Each response should be reviewed on its own merits. ○ The panel should issue a single determination that identifies which applications should be in contention. Any outcome that results in indirect contention should be explained as part of the DRSP’s determination. | Support |
| Topic 32 – Limited Challenge / Appeal Mechanism | | |
| 32.1 | The Working Group recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that appear to be inconsistent with the Applicant Guidebook. The new substantive challenge/appeal mechanism is not a substitute or replacement for the accountability mechanisms in the ICANN Bylaws that may be invoked to determine whether ICANN staff or Board violated the Bylaws by making or not making a certain decision. Implementation of this mechanism must not conflict with, be inconsistent with, | Support |

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| | <p>or impinge access to accountability mechanisms under the ICANN Bylaws. The Working Group recommends that the limited challenge/appeal mechanism applies to the following types of evaluations and formal objections decisions:</p> <p>Evaluation Challenges</p> <ol style="list-style-type: none"> 1. Background Screening 2. String Similarity 3. DNS Stability 4. Geographic Names 5. Technical / Operational Evaluation 6. Financial Evaluation 7. Registry Services Evaluation 8. Community Priority Evaluation 9. Applicant Support 10. RSP Pre-Evaluation <p>Appeals of Formal Objections Decisions</p> <ol style="list-style-type: none"> 1. String Confusion Objection 2. Legal Rights Objection 3. Limited Public Interest Objection 4. Community Objection 5. Conflict of Interest of Panelists | |
| 32.2 – 32.9 | <p>In support of transparency, clear procedures and rules must be established for challenge/appeal processes as described in the implementation guidance below.</p> <p>Parties with standing to file a challenge/appeal should vary depending on the process being challenged/appealed. The Working Group’s guidance on this issue is summarized in Annex F. The type of decision that may be challenged/appealed should vary depending on the process being challenged/appealed. The Working Group’s guidance on this issue is summarized in Annex F. The Working Group’s guidance on the arbiter for each type of challenge/appeal is summarized in Annex F. In the case of challenges</p> | Support |

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| | <p>to evaluation decisions, the arbiter should typically be from the entity that conducted the original evaluation, but the person(s) responsible for making the ultimate decision in the appeal must be different from those that were responsible for the evaluation. In the case of an appeal of a formal objection decision, the arbiter will typically be a panelist or multiple panelists from the entity that handled the original formal objection, but will not be the same panelist(s) that provided the original formal objection decision. The Working Group recognizes that ICANN itself may be an evaluator for any of the application evaluation components. This would not change the types of challenges allowed as set forth in Annex F. The arbiter of a challenge where ICANN itself was the evaluator should be a person or persons within ICANN that were not involved in the ultimate evaluation decision. If possible, the Working Group also recommends that the challenge process should be done under the supervision of the ICANN Ombudsman. For all types of appeals to formal objections, the parties to a proceeding must be given the opportunity to mutually agree upon a single panelist or a three-person panel, bearing the costs accordingly. Following the model of the Limited Public Interest Objection in the 2012 round, absent agreement from all parties to have a three-expert panel, the default will be a one expert panel. All challenges and appeals except for the conflict of interest appeals should be reviewed under the “clearly erroneous” standard. Conflict of interests should be reviewed under a “de novo” standard. The Working Group’s guidance on the party bearing the cost of a challenge/appeal is summarized in Annex F. Regarding appeals filed by the Independent Objector and ALAC, the Working Group notes that in the 2012 round, ICANN designated a budget for the IO. The Working Group believes that this should continue to be the case in subsequent procedures, and that ALAC should similarly have a budget provided by ICANN. The IO and ALAC should pay for any costs related to the appeal out of the budget provided. The Working Group’s guidance on the remedy for a successful challenge/appeal is summarized in Annex F.</p> | |
| 32.10 – 32.13 | The limited challenge/appeal process must be designed in a manner that does not cause excessive, unnecessary costs or delays in the application process, as described in the implementation guidance below. | Support |

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| | A designated time frame should be established in which challenges and appeals may be filed. The Working Group’s guidance on the time frame for filing appeals is summarized in Annex F. The limited challenge/appeal mechanism should include a “quick look” step at the beginning of the process to identify and eliminate frivolous challenges/appeals. A party should be limited to a single round of challenge/appeal for an issue. With the exception of challenges to conflict of interest determinations, parties should only be permitted to challenge/appeal the final decision on an evaluation or objection and should not be permitted to file “interlocutory” appeals as the process progresses. Parties should be able to appeal a conflict of interest determination prior to the objection panel hearing the formal objection. | |
| Topic 33 – Dispute Resolution Procedures After Delegation | | |
| 33.1 | The Working Group affirms that the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP) should remain available to those harmed by a new gTLD registry operator’s conduct, subject to the recommendation below. | Support |
| 33.2 | For the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP), clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available. | Support |
| Topic 34 – Community Applications | | |
| 34.1 – 34.11 | The Working Group affirms the continued prioritization of applications in contention sets that have passed Community Priority Evaluation (CPE). The Working Group further affirms Implementation Guideline H* from the 2007 policy, with one small modification: “Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exceptions: (i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application; and (ii) a formal objection process is initiated. Under exception (ii), an expert | In general we do not believe there is a need for specially defined “community” applications, particularly given the challenges in defining a “community” for purposes of priority evaluation; to the extent the WG agrees that there should remain a “community |

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| | <p>panel will apply the process, guidelines, and definitions set forth in IG P.” This modified text removes the following sentence under (ii) in order to be consistent with 2012 implementation: “Under these exceptions, Staff Evaluators will devise criteria and procedures to investigate the claim.”</p> <p>[Implementation Guidance, 34.2 – 34.11, omitted]</p> | <p>application” subject to priority status, we take no view on the criteria applicable to these types of TLD applications</p> |
| 34.12 | <p>The process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community. In addition, any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment.</p> | <p>Support, Subject to Comments Above</p> |
| 34.13 – 34.15 | <p>The Community Priority Evaluation (CPE) process must be efficient, transparent and predictable. To support predictability, the CPE guidelines, or as amended, should be considered a part of the policy adopted by the Working Group. ICANN org should examine ways to make the CPE process more efficient in terms of costs and timing.</p> | <p>Support, Subject to Comments Above</p> |
| 34.16 | <p>All Community Priority Evaluation procedures (including any supplemental dispute provider rules) must be developed and published before the opening of the application submission period and must be readily and publicly available.</p> | <p>Support, Subject to Comments Above</p> |
| 34.17 | <p>Evaluators must continue to be able to send Clarifying Questions to CPE applicants but further, must be able to engage in written dialogue with them as well.</p> | <p>Support, Subject to Comments Above</p> |
| 34.18 | <p>Evaluators must be able to issue Clarifying Questions, or utilize similar methods to address potential issues, to those who submit letters of opposition to community-based applications.</p> | <p>Support, Subject to Comments Above</p> |
| 34.19 – 34.20 | <p>Letters of opposition to a community-based application, if any, must be considered in balance with documented support for the application. The 2012 Applicant Guidebook includes the following text regarding scoring for CPE Criterion 4-B Opposition: “Opposition: 2= No opposition of relevance; 1= Relevant opposition from one group of</p> | <p>Support, Subject to Comments Above</p> |

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| | non-negligible size; 0= Relevant opposition from two or more groups of non-negligible size.” In listing considerations for determining whether an organization is of “non-negligible size,” the Evaluation Guidelines should include text indicating that the determination of what is non-negligible must be relative to the size of the community that that applicant is purporting to serve. | |
| 34.21 – 34.22 | If the Community Priority Evaluation Panel conducts independent research while evaluating an application, limitations on this research and additional requirements must apply. The Working Group recommends including the following text in the Applicant Guidebook: “The Community Priority Evaluation Panel may perform independent research deemed necessary to evaluate the application (the “Limited Research”), provided, however, that the evaluator shall disclose the results of such Limited Research to the applicant and the applicant shall have an opportunity to respond. The applicant shall be provided 30 days to respond before the evaluation decision is rendered. When conducting any such Limited Research, panelists are cautioned not to assume an advocacy role either for or against the applicant or application.” To support transparency, if the Community Priority Evaluation Panel relied on research for the decision it should be cited and a link to the information provided. | Support, Subject to Comments Above |
| Topic 35 - Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets | | |
| 35.1 | Implementation Guideline F from 2007 states: “If there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.” The Working Group affirms this Implementation Guideline with the following changes in italicized text: “If there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe <i>in accordance with the Applicant Guidebook and supporting documents</i> ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that | Support |

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| | <p>application. If there is no such claim, and no mutual agreement, <i>contention will be resolved through an ICANN Auction of Last Resort and; iii) Expert panels may be used to make Community Priority Evaluation determinations.</i>"</p> <p>The revision to part i) specifies that any private resolution of contention must be in accordance with the Application Guidebook and supporting documents, including the Application Change request process and Terms and Conditions. Adjustments in the text of ii) and iii) describe in greater specificity program elements as they were implemented in the 2012 round, which will carry over into subsequent rounds.</p> | |
| 35.2 | <p>Consistent with the Application Change processes set forth under Topic 20: Application Change Requests, the Applicant Guidebook (AGB) must reflect that applicants will be permitted to creatively resolve contention sets in a multitude of manners, including but not limited to business combinations or other forms of joint ventures and private resolutions (including private auctions).</p> <ul style="list-style-type: none"> • All private resolutions reached by means of forming business combinations or other joint ventures resulting in the withdrawal of one or more applications are subject to the Application Change processes set forth under Topic 20: Application Change Requests. • Any materially modified application resulting from a private resolution will be subject to a new operational comment period on the changes as well as a new period to file objections; provided however, objections during this new period must be of the type that arise due to the changing circumstances of the application and not merely the type of objection that could have been filed against the surviving application or the withdrawn applications in the contention set during the initial objection filing period. • All contention sets resolved through private resolution shall adhere to the transparency requirements set forth in the Contention Resolution Transparency Requirements in the relevant recommendation. | Support |
| 35.3 | <p>Applications must be submitted with a bona fide ("good faith") intention to operate the gTLD. Applicants must affirmatively attest to a bona fide intention to operate the gTLD clause for all applications that they submit. [Additional explanation and factors to establish bona fide intent omitted]</p> | Support |

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| 35.4 | ICANN Auctions of Last Resort must be conducted using the second-price auction method, consistent with following rules and procedural steps [rules and procedural steps omitted] | Support Subject to Carve-Out for .Brand Applicants (exempting such applicants from the sealed-bid requirements) |
| 35.5 | Applicants resolving string contention must adhere to the Contention Resolution Transparency Requirements as detailed below. Applicants disclosing relevant information will be subject to the Protections for Disclosing Applicants as detailed below [Contention Resolution Transparency Requirements omitted] | Support |
| Topic 36 – Base Registry Agreement | | |
| 36.1 | <p>The Working Group affirms the following recommendations and implementation guidelines from the 2007 policy:</p> <ul style="list-style-type: none"> ● Principle F: “A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.” ● Recommendation 10: “There must be a base contract provided to applicants at the beginning of the application process.” ● Recommendation 14: “The initial registry agreement term must be of a commercially reasonable length.” ● Recommendation 15: “There must be a renewal expectancy.” ● Recommendation 16: “Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.” ● Implementation Guideline J: “The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing marketplace.” ● Implementation Guideline K: “ICANN should take a consistent approach to the establishment of registry fees.” | Support |
| 36.2 | The Working Group affirms the current practice of maintaining a single base Registry Agreement with “Specifications.” | Support |
| 36.3 | There must be a clearer, structured, and efficient method to apply for, negotiate, and obtain exemptions to certain provisions of the base Registry Agreement, subject to public notice and comment. A clear rationale must be included | Support |

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| | with any exemption request. This allows ICANN org to consider unique aspects of registry operators and TLD strings, as well as provides ICANN org the ability to accommodate a rapidly changing marketplace. The Working Group notes that consensus policy must not be the subject of individual Registry Agreement negotiations. | |
| 36.4 | ICANN must add a contractual provision stating that the registry operator will not engage in fraudulent or deceptive practices. In the event that ICANN receives an order from a court that a registry has engaged in fraudulent or deceptive practices, ICANN may issue a notice of breach for such practices and allow the registry to cure such breach in accordance with the Registry Agreement. Further, in the event that there is a credible allegation by any third party of fraudulent or deceptive practices, other than as set forth in above, ICANN may, at its discretion, either commence dispute resolution actions under the Registry Agreement (Currently Article 5 of the Registry Agreement), or appoint a panel under the PICDRP. For the purposes of a credible claim of fraudulent or deceptive practices the reporter (as defined by the PICDRP) must only specifically state the grounds of the alleged non-compliance, but not that it personally has been harmed as a result of the registry operator’s act or omission. | Support |
| Topic 37 - Registrar Non-Discrimination & Registry/Registrar Standardization | | |
| 37.1 | Recommendation 19 in the 2007 policy states: “Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.” The Working Group recommends updating Recommendation 19 to state: “Registries must use only ICANN accredited registrars in registering domain names, and may not discriminate among such accredited registrars <i>unless an exemption to the Registry Code of Conduct is granted as stated therein, provided, however, that no such exemptions shall be granted without public comment.</i> ” | Support |
| Topic 38 - Registrar Support for New gTLDs | | |
| 38.1 | The Working Group affirms existing practice that it is up to a registrar to determine which gTLDs it carries. | Support |

| Topic 39 – Registry System Testing | | |
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| 39.1 – 39.3 | ICANN must develop a set of Registry System tests designed to demonstrate the technical capabilities of the registry operator. ICANN should include operational tests to assess readiness for Domain Name System Security Extensions (DNSSEC) contingencies (key roll-over, zone re-signing). ICANN should only rely on self-certifications in cases where such testing could be detrimental or disruptive to test operationally (e.g., load testing). This guidance is consistent with Recommendation 5.2.b from ICANN org’s Program Implementation Review Report. | Support |
| 39.4 – 39.6 | Registry System Testing (RST) must be efficient. The testing of Internationalized Domain Name (IDN) tables should be removed if the applicant is using reference Label Generation Rules published by ICANN. To the extent an applicant is proposing tables that are reference Label Generation Rules, the tables should be reviewed during the evaluation process and the evaluator should utilize IDN tools available at the time of review. To the extent practical, RST should not repeat testing that has already taken place during the testing of the RSP (including during RSP pre-evaluation) and should instead emphasize testing of elements that are specific to the application and/or applied-for TLD. This guidance is consistent with Recommendation 5.2.a and 5.2.c from ICANN org’s Program Implementation Review Report. | Support |
| Topic 40 – TLD Rollout | | |
| 40.1 | The Working Group affirms Implementation Guideline I from 2007, which states: “An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process.” | Support |
| 40.2 | The Working Group supports maintaining the timeframes set forth in the 2012 Applicant Guidebook and base Registry Agreement; namely (i) that successful applicants continue to have nine (9) months following the date of being notified that it successfully completed the evaluation process to enter into a Registry Agreement, and (ii) that registry operators must complete all testing procedures for delegation of the TLD into the root zone within twelve (12) months of the Effective Date of the Registry | Support |

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| | Agreement. In addition, extensions to those time frames should continue to be available according to the same terms and conditions as they were allowed during the 2012 round. | |
| Annex H – Geographic Names at the Top Level | | |
| 1 | Consistent with Section 2.2.1.3.2 String Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, continue to reserve all two-character letter-letter ASCII combinations at the top level for existing and future country codes. | Support |
| 2 | <p>Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.1 Treatment of Country and Territory Names, with the following clarification regarding section 2.2.1.4.1.vi: Permutations and transpositions of the following strings are reserved and unavailable for delegation:</p> <ul style="list-style-type: none"> ● long-form name listed in the ISO 3166-1 standard. ● short-form name listed in the ISO 3166-1 standard. ● short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency. ● separable component of a country name designated on the “Separable Country Names List.” <p>Strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard are available for delegation, unless the strings resulting from permutations and transpositions are themselves on that list.</p> | Support |
| 3 | <p>Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.2 Geographic Names Requiring Government Support, with the following update regarding section 2.2.1.4.2.4: The “Composition of macro geographical (continental) regions, geographical subregions, and selected economic and other groupings” list is more appropriately called the “Standard country or area codes for statistical use (M49).” The current link for this resource is https://unstats.un.org/unsd/methodology/m49.</p> | Support |