Assumptions | Subsequent Procedures Operational Design Phase

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Prepared by ICANN org

The Subsequent Procedures Operational Design Phase (SubPro ODP) Project Team reviewed the 300+ outputs of the SubPro Final Report and collaboratively drafted assumptions across all 41 Topics of the Final Report. An Initial Set of Assumptions was shared and presented for discussion during the ICANN73 SubPro ODP session. Since then, the Project Team has continued its work. This document presents additional assumptions by topic and includes related policy questions, also by topic.

In order for the community to more readily see all assumptions on a given topic, we have retained previously shared assumptions here, noted by the grayed-out background. Within each topic section, related policy questions are also included.

Overarching Assumptions

General

Assumption	Relevant Output	Rationale & Supporting References
Affirmations of 2007 policy recommendations equate to current policy recommendations. Affirmations of 2007 Implementation Guidelines will be treated as Implementation Guidance. [shared @ICANN73]	Affirmation 36.1: The Working Group affirms the following recommendations and implementation guidelines from the 2007 policy: ● 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."… ● Implementation Guideline J: "The base contract should balance market certainty and flexibility for ICANN to accommodate a	Considering Annex D of the Final Report, this assumption is aimed to clarifying what constitutes current policy, even if the output is not indicated as a 'recommendation' Example: Affirmation 36.1 affirms both 2007 recommendations and 2007 implementation guidelines

	rapidly changing marketplace."	
The language used in Affirmation 1.3 is the basis for the purpose of the program.	Affirmation 1.3: The Working Group affirms that the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.	

Operational Readiness (incl. Services, Vendors, Contracts, Security & Stability)

Assumption	Relevant Output	Rationale & Supporting References
Services		
The org will need to provide applicant service/support in multiple languages.	Overarching	Recognizing one of the goals of the program is fostering internationalization in diverse languages and scripts, this is a key aspect of the application service and support as well.
Vendors & Contracts		
All vendors selected for the New gTLD Program will need to be sourced via a public RFP.	Overarching	ICANN org procurement policies require RFP for engagements above a certain threshold. RFPs, however, can also offer transparency and awareness for the selection of services even below the threshold.
Vendors will need to be added throughout the Program a. Vendors may elect to cease providing services to ICANN for the Program during its lifecycle b. ICANN org may elect to terminate a vendor agreement c. Vendor contracts may expire during the Program	Overarching	Previous experience in the New gTLD Program and general vendor management experience by ICANN org have shown these situations to occur and the longer the engagement, the more likely these will become.
All vendors will have to abide by conflict of interest rules	Overarching	ICANN org procurement policies

Assumption	Relevant Output	Rationale & Supporting References
Contracts will be negotiated and paid in US dollars	Overarching	Standard operating procedures
Work required by the Program is often niche or specialty in nature. a. Number of vendors who can do the work may be limited b. Fewer vendor options typically result in higher costs	Overarching	Previous experience in the New gTLD Program and general vendor management experience by ICANN org.
All contracts will be written by ICANN org, rather than by vendors.	Overarching	For long term replaceability of vendors, ICANN org will want to have documents that are reusable for future engagements. This is a derivative assumption of the expected need to replace vendors over time. It is expected that this approach will increase efficiency through re-usability.
For all vendors providing the same services, contracts will be as similar as possible if not exactly similar. For the avoidance of doubt, even though some contracts may require jurisdictional specifics, the language that defines the provided services will be identical.	Overarching	Standard operating procedures
Where feasible, all evaluation services provided will require at least two vendors to ensure evaluation services can be conducted without conflicts of interest with regard to ownership, other contractual relationships, etc. For services with a single vendor providing services, conflicts of interest will be disclosed and assessed in line with conflict of interest rules.	Overarching	Prior round experience
Where evaluation services are provided by more than one vendor, some mechanism will be established to review outputs, ensure quality and consistency. This may be via ICANN org internal review or via the selection of another vendor.	Overarching	Prior round experience

Assumption	Relevant Output	Rationale & Supporting References
Data protection and other legal agreements (where required) and related documents among the parties (vendors, ICANN org, etc.) must be fully executed before vendors can perform services.	Overarching	Standard operating procedures
Existing Procurement systems will be used for RFPs.	Overarching	
Registry Agreement		
A new form of the registry agreement (RA) will be developed for the next round. It will incorporate changes as required by the Final Report.	Overarching	The Final Report requires changes to the registry agreement for the next round.
Question: To what extent should exploration/discussions about potential accommodations to the registry base agreement, to foster more diverse/innovative business models, be considered before or during the application process?		Topic specific (36 Base Registry Agreement) but also overarching/related to several assumptions/topics. SubPro Final Report, p.183-184
Application System		
There is no limit to the total number of applications that can be submitted in a round.	Affirmation 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.	
The application system is not required to track the number of applications from each entity for the purpose of enforcing a limit.		
Security & Stability		
ICANN will not allow emoji at any level in top-level domain names, but the policy does not have jurisdiction over already registered second-level domain names.	Recommendation 26.9: In connection to the affirmation of Recommendation 4 from the 2007 policy, Emoji in domain names, at any level, must not be allowed.	ICANN, in support of security and stability, must not allow emoji in top-level domain names. This also ties to recommendations from the SSAC in SAC095, which the Board has already accepted.

Community Engagement, Advice, Evolving Issues

Assumption	Relevant Output	Rationale & Supporting References
There is open advice from the At-Large, Governmental, and Security & Stability Advisory Committees related to SubPro that will need to be considered and/or implemented at various points prior to the opening of the next round. WT9 will monitor this advice and provide updates to WT Leads, Board Caucus on a regular basis.	Overarching	SubPro-related advice should be considered by the Board and implemented, as applicable, prior to the opening of the next round.
New issues will inevitably arise throughout the course of the ODP and implementation of the next round and beyond. Resources will be allocated to manage new issues as they arise throughout the course of the ODP/implementation.	Overarching	ICANN should be prepared and have a mechanism for handling new issues that arise throughout the course of preparing for and implementing the next round of new gTLDs, including interactions within the proposed Predictability Framework.
ICANN will consult with PTI, Root Zone Maintainer, root operators and the larger technical community in implementing these recommendations.	Implementation Guidance 26.7: 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.	QUESTION: What does it mean to "consult" with? In what way? Would there be representatives from the technical community on the IRT?

Applicant Guidebook

Assumption	Relevant Output	Rationale & Supporting References
The AGB will be updated between rounds to incorporate additional clarifications.		ICANN org strives to improve processes over time. Updates to processes will reflect lessons learned from each round and experience gained from applicant experiences.
Recommendation 9.4 will create	Recommendation 9.4: The	

challenges to predictability for stakeholders, as the identification of regulated, highly regulated, and potential for cyberbullying is not subject to bright-line definitions.	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.	
Objection processes will be detailed in AGB and take into account the outputs of the All Rights Protection Mechanisms in All gTLDs PDP Working Group (RPM PDP WG) where applicable.	Affirmation with Modification 31.2: Recommendation 12 from 2007 states: "Dispute resolution and challenge processes must be established prior to the start of the process." 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, *the details of which must be published in the Applicant Guidebook.*"	

Information Management & Communication

Assumption	Relevant Output	Rationale & Supporting References
Certain parts of each application are considered public, and those portions will be published in an effective and usable manner to the community.	Overarching	It is important that application information that is made publicly available is accessible and usable for the community.
All data collection and processing conducted by ICANN will be in compliance with applicable laws and regulations.	From the Rationale for Recommendation 7.1 and Implementation Guidance 7.2: The Working Group expects that data collection	

	and processing conducted by ICANN org will be in compliance with applicable data protection law.	
Sequencing of SubPro recommendations: Implementation of Recommendation 41.2 would be prioritized after the new gTLD applications are processed and before new gTLD contracts are signed and new gTLDs are delegated	Recommendation 41.2: ICANN's Contractual Compliance Department should publish more detailed data on the activities of the department and the nature of the complaints handled; provided however, that ICANN should not publish specific information about any compliance action against a registry operator unless the alleged violation amounts to a clear breach of contract. To date, ICANN compliance provides summary statistics on the number of cases opened, generalized type of case, and whether and how long it takes to close. More information must be published on: (a) the context of the compliance action and whether it was closed due to action taken by the registry operator, or whether it was closed due to a finding that the registry operator was never out of compliance, and (b) standards and/or thresholds ICANN applies in assessing, and accepting each complaint for further action.	Topic specific but also overarching/related to sequencing of recommendations.\n\nSubPro Final Report, p.309

Roles & Responsibilities

Assumption	Relevant Output	Rationale & Supporting References
The Board decides what is a dependency or prerequisite for when a round may occur.	Overarching	
The Bylaws require a	Recommendation 3.6: Absent	Bylaws 4.6(d):

Competition, Consumer Trust, and Consumer Choice review following each round, including identifying any recommendations considered prerequisites to a new round. These become prerequisites only if the Board explicitly accepts these recommendations as such.	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. Recommendation 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.	After a New gTLD Round has been in operation for one year, the Board shall cause a competition, consumer trust and consumer choice review. For each of its recommendations, the CCT Review Team should indicate whether the recommendation, if accepted by the Board, must be implemented before opening subsequent rounds of new generic top-level domain applications periods. The Board has not yet accepted or rejected the GAC's advice in its ICANN66 communique "Not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority."" The Board will need to formally act on this advice.
The GNSO may, at any time, undertake a PDP to consider updates to the Subsequent Procedures recommendations; however, it is not a requirement that they do so between each round.		

Topic-specific Assumptions

Topic 2 | IRT and SPIRT (Predictability)

Assumption	Relevant Output	Rationale & Supporting References
Implementation decisions should skew toward the most simple, clear, precise solution.		In the rationale discussion for Topic 2, Predictability, the Final Report states that "As the IRT considers implementation details, it should keep in mind that the solution should be as clear, simple, and precise as possible."
The Predictability Framework does not change the roles and responsibilities of: • the ICANN Board. • the ICANN organization in relation to implementation of policies. • the Implementation Review Team in relation to implementation of policies.		The roles and responsibilities of the ICANN Board, Community, and Org are defined in the Bylaws and other procedural documentation. We don't read anything in the Final Report that suggests a change to these roles.
The Board retains the ability to adopt Temporary Policies under the provisions of the Bylaws.	Overarching	
The Predictability Framework applies only after approval of the Applicant Guidebook.		
ICANN will need to disclose to applicants how unanticipated developments will be handled, including refund policies.		
ICANN will maintain a change log with subscription		

capability		
An applicant may voluntarily withdraw an application at any point after submission and before registry agreement execution.		
Recommendation 2.1 requires the formation of a SPIRT.	"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. 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"	
The refund policy should include factors for determining refunds on an "exceptional basis" based on the circumstances of the issue and how much work has been expended in processing the application.		
ICANN org will design the next round processes to be as predictable as possible, this is our goal. There will always be unanticipated developments and it will not be possible to get to 100%.	Overarching	This is consistent with the rationale in the Final Report, which notes that "Rationale in Final Report: "The recommendations from this Working Group are intended and expected to lessen the likelihood of unaccounted for issues in the future, but this framework is a recognition that despite best efforts, some issues may be missed and circumstances may simply change over time."
The same issue does not need to come before the SPIRT more than once.		
The scope of the Predictability Framework is to identify the proper mechanism for a solution (PDP, Guidance, study, other?). There is no bar to what mechanism the SPIRT could recommend.		
Based on this scope, a primary question for handling issues under the Predictability Framework (see Annex E) would therefore be whether the issue raises any policy questions.		

For changes that may have policy implications, the SPIRT'S recommendations are to the GNSO Council only.		
Established GNSO processes take precedence over SPIRT in event of a conflict.		
The SPIRT is organized, chartered, and supported by the GNSO Council.		
Advice affecting program processes or specific applications may be issued at any time via one or more advisory committees.		
The GNSO Council will need to recruit volunteers for SPIRT before the Applicant Guidebook is approved by the Board.		
ICANN org will raise Operational issues for Board consideration prior to notifying SPIRT. Policy related issues identified by ICANN org will be shared with the Board and GNSO Council for consideration prior to sharing with SPIRT.		
Implementation decisions should skew toward the most simple, clear, precise solution. ICANN org and the IRT will define in the AGB what constitutes as simple and clear framework as much as possible to avoid areas of ambiguity that may not provide enough detail to address complex issues.	Implementation Guidance 2.2 : The Working Group recognizes the challenges in determining the details of the framework and establishing the SPIRT and therefore emphasizes that implementation of both elements should focus on simplicity and clarity.	
The GNSO Council will determine when enough work has been undertaken by SPIRT in order to conduct a lean and focused	Implementation Guidance 2.4: The SPIRT should be subject to a lean, focused review once it has undertaken enough work to	

review of its effectiveness. The GNSO Council will also determine what a "lean and focused" review will consist of.	support this review. The review should be supervised by the GNSO Council. The SPIRT should continue to operate during the period that the review takes place	
The Predictability Framework does not change the roles and responsibilities of: ● the ICANN Board. ● the ICANN organization in relation to implementation of policies. ● the Implementation Review Team in relation to implementation of policies.		
Issues and solutions that require new proposals that may have policy implications will be completed through one of the processes under the GNSO Operation Procedures (PDP, EPDP, GNSO Guidance etc)	The Framework is not intended to identify the solution to an issue but rather, to identify the proper mechanism to reach a solution in a consistent and procedurally sound manner. Therefore, this Framework complements the existing GNSO processes and procedures. It is not intended to be a substitute or replacement for those, nor should the Framework be seen as supplanting the GNSO Council's decision-making authority. In fact, the GNSO processes and procedures are incorporated into the Predictability Framework explicitly. In the event of a conflict, existing GNSO processes and procedures, including the GNSO Input Process, GNSO Guidance	

	Process, and EPDP as contained in the Annexes to the GNSO Operating Procedures take precedence	
Non minor, New or Significant Operational issues will be determined by ICANN org and vetted by the ICANN Board prior to making any changes or raising the issue to SPIRT.		
The GNSO Council is responsible for developing and recommending policies related to gTLDs to the Board. Since the GNSO Council also has authority over SPIRT, any policy level issues identified and mechanisms recommended by the SPIRT to resolve the issue must be considered by the GNSO Council.		
In some cases, documenting a change log will be limited based on specific considerations such as security, confidentiality, privacy, etc.	Implementation Guidance 2.5: ICANN org should maintain and publish a change log or similar record to track changes to the New gTLD Program, especially those that arise and are addressed via the Predictability Framework and the SPIRT. The change log should contain a level of detail sufficient for the community to understand the scope and nature of the change without compromising security, the privacy of individuals, or confidentiality obligation owed to applicants or to other third parties. The GNSO Council should be informed of updates to the change log on a regular and timely basis. Interested	

	parties should be able to subscribe to the change log to be informed of changes.	
ICANN org will work with the IRT to define the criteria for the "Code of Conduct". Code of Conduct will be enforced by the GNSO Council since the GNSO Council will be the governing body of SPIRT.	"Annex 3 f: f. Code of Conduct • Members of the SPIRT will be subject to a code of conduct stating that they may not take action that is designed to discriminate against any entity/applicant or group of entities/applicants." Annex E: Topic 2: Predictability Framework	

Topic 3 | Applications Assessed in Rounds

Assumption	Relevant Output	Rationale & Supporting References
Applications must be assessed in rounds unless or until the GNSO Council revises this policy recommendation to allow for a different methodology of application submission and assessment.		The PDP WG's rationale for this requirement is that "rounds enhance the predictability for applicants, the ICANN community, and other third-party observers to the program." The 2007 policy recommendations required that applications be assessed in rounds, "until the scale of demand is clear." The SubPro PDP Working Group considered and affirmed this recommendation, in Topic 3, Applications Assessed in Rounds, noting that "Given the period of time between the 2012 round of the New gTLD Program and the eventual launch of the next application procedure, the scale of demand is unclear. Accordingly, at a minimum, the next application

Assumption	Relevant Output	Rationale & Supporting References
		procedure should be processed in the form of a round." Per these recommendations, there is no policy basis for a different methodology.
It is not necessary for org to close out all applications from a round before a new round can be opened.		In consideration of Final Report outputs for topic #3, and specifically IG 3.3.
It is up to the org to develop a round closure and/or transition procedure as needed in line with these recommendations.		It may not be feasible for org to maintain and support numerous simultaneous rounds. Recommendation 3.2 allows for the establishment of criteria for opening future rounds which may include the need to close prior rounds.

Topic 4 | Different TLD Types

Assumption	Relevant Output	Rationale & Supporting References
The priority order of processing for IDN strings should continue in future rounds.		Given the outputs 4.1 and 19.3, IDN applications should continue to receive priority.

Topic 6 | RSP Pre-Eval

Assumption	Relevant Output	Rationale & Supporting References
This does not preclude a Registry Operator from employing more than one		

RSP for different services.		
The "third party provider" referenced in Rec 6.2 is an entity engaged by ICANN to conduct the RSP pre-evaluation, not a third party selected by an RSP seeking pre-evaluation.		
Implementation Guidance 6.7 describes such terms and conditions as "more limited," however, the report does not specify a basis of comparison, i.e., more limited than what. This is assumed to refer to the terms and conditions accepted by the TLD applicant.		
"Recommendation 6.8 states that the RSP pre-evaluation program must be funded by those seeking pre-evaluation, on a cost-recovery basis. Where the recommendation says, "Costs of the program should be established during the implementation phase by the IRT in collaboration with ICANN org," the reference to "costs" should refer to "fees." That is, the IRT would not be in a position to determine the processing costs of the pre-evaluation process; however, in line with the rationale for this recommendation, ICANN org would share the cost estimates with the IRT to help determine an appropriate fee structure. In addition, the IRT's role would be to provide input and advice on development of the fee structure, rather than having the responsibility to establish it		

as part of implementation."		
The cost model per Rec 6.8 for the RSP Pre-Evaluation process should not anticipate any external sources of funding.	Recommendation 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.	
ICANN org will determine the full lifecycle of RSP pre-approval for each round including approval, monitoring and revocation of approval and they will consider the resulting downstream impacts on the round and applicants		
The Final Report does not make recommendations on methodology for revoking or terminating approval for a pre-evaluated RSP. ICANN org will need to consider and propose an approach as part of the ODP.		
An RSP that applies but does not pass pre-evaluation can still submit or support gTLD applications during the application submission period. In this instance, ICANN would conduct the technical evaluation according to the information submitted and the existing criteria, without reference to the RSP's pre-evaluation submission.		
Recommendation 6.3 states that the existence of the RSP pre-evaluation 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 (emphasis added)." The emphasized text in the recommendation envisions a scenario in which a gTLD applicant is not pre-evaluated as an RSP but submits a gTLD application to provide its own registry services and may also be listed in other gTLD applications as the registry service provider.		
Recommendation 6.5 requires that pre-evaluation occur prior to each application round and only applies to that specific round. Thus, a "Round n" pre-evaluated status could be used for "Round n" gTLD applications but could not be used for "Round n+1" gTLD applications.		
A list of pre-evaluated RSPs will be published 6 months in advance of the opening of the application submission window.	A list of pre-evaluation 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.	
Applicants will be allowed to provide their own registry services for their applications or other applicants.	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. Recommendation 6.3	
Both new and incumbent RSPs will be able to use the RSP Pre-Evaluation process and criteria shall be the same for both.	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.	Recommendation 6.4
The RSP Pre-Eval program must be funded on a cost-recovery basis.	The RSP pre-evaluation program must be funded by those seeking pre-evaluation on a costrecovery basis. Costs of the program should be established during the implementation phase by the Implementation Review Team in collaboration with ICANN org. Recommendation 6.8	
All criteria must be established prior to testing and/or evaluation.	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 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. Recommendation 6.2	

Topic 8 | Conflicts of Interests (COI)

Assumption	Relevant Output	Rationale & Supporting References
ICANN org will develop a process to reduce conflicts of interest among dispute resolution service provider panelists, Independent Objectors, and application evaluators.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
ICANN org will used Code of Conduct Guidelines used in the 2012 round as a starting document, updating with relevant output from the PDP WG Final Report outputs.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists,	

	and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
ICANN org will develop enhancements to the code of conduct mechanisms in a transparent manner. The rationale for 8.1 does not identify any specific issues with the priority round process.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	
The rationale for 8.1 does not identify any specific issues with the priority round process.	ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy. Recommendation 8.1	

Topic 9 | Registry Voluntary Commitments/Public Interest Commitments

Assumption	Relevant Output	Rationale & Supporting References
The org will develop a process to include a newly developed process to determine if an applied-for string falls into 1 of 4 groups as noted in the NGPC Framework.	Recommendation 9.4: 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.	Policy requires a process to be established.
The AGB will be updated to address the criteria for the newly proposed evaluation panel to determine which of the four categories (as outlined in the NGPC Framework) an applied-for string falls under.	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 current NGPC Framework will be utilized as a supporting document/reference for this recommendation.
The application system will be designed to collect all information in a standardized method whenever possible.		

Assumption	Relevant Output	Rationale & Supporting References
Specification 11.3 (except for 11.3(d) which has been confirmed as an error) will now become policy based on the addition of "puts existing practice into policy" in the recommendation.		
Recommendation 9.4 requires a process for determining if an applied-for string falls into one of the four groups of the NGPC framework for highly sensitive strings and regulated industries. This determination is made on the string only and not other factors of the application.	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. Recommendation 9.4	
Recommendation 9.4 requires a process for determining if an applied-for string falls into one of the four groups of the NGPC framework for highly sensitive strings and regulated industries; however, the implementation guidance for using self-identification and an evaluation panel is a recommendation rather than a requirement.	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. Recommendation 9.4	
ICANN will develop a process to review proposed		

Assumption	Relevant Output	Rationale & Supporting References
RVCs to determine if and how they can be enforced by ICANN's contractual compliance.		
IG 9.11 provides that the existing PICDRP "and associated processes" should be updated to apply to RVCs. Footnote 49 defines "associated processes" as "all existing processes relevant to what were formerly known as voluntary PICs." ICANN org assumes that the only two of such processes are those to submit a PICs and the PICDRP itself.	The Public Interest Commitment Dispute Resolution Process (PICDRP) and associated processes291 should be updated to equally apply to RVCs.	
The word "voluntary" in Registry Voluntary Commitments means that it is voluntary for the applicant to submit such commitments. Once included in the Registry Agreement, compliance with the commitment is not voluntary.		
The capability for an operational comment period must be continuously available, as applicants can work with ICANN org at the appropriate points to submit new proposed RVCs at any point up to execution of the Registry Agreement.		
The rationale for Recommendation 9.12 notes that if an applicant proposes to limit a proposed RVC in time, duration, or scope, these limitations should be included in the initial proposed RVC for transparency. In the event that no limitations are	"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	

Assumption	Relevant Output	Rationale & Supporting References
specified at the time of submission, it is possible for the applicant to submit a replacement RVC, subject to all other requirements for RVCs	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)." Recommendation 9.12	
The NGPC framework established in response to Beijing GAC Advice will be used to apply additional Safeguards to high-sensitive/regulated industries.	"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, as established in response to the Governmental Advisory Committee (GAC) Beijing Communiqué. This framework includes ten (10) Safeguards of different levels implemented amongst a set of four groups with ascending levels of requirements: Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions:	

Assumption	Relevant Output	Rationale & Supporting References
	Category 1 Safeguards 1-3 applicable	
	Highly-Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions: Category 1 Safeguards 1-8 applicable	
	Potential for Cyber Bullying/Harassment: Category 1 Safeguards 1-9 applicable	
	Inherently Governmental Functions: Category 1 Safeguards 1-8 and 10 applicable	
	Strings that fall into these categories require the adoption of the relevant Category 1 Safeguards as contractually binding requirements in Specification 11 of the Registry Agreement (i.e., as mandatory Public Interest Commitments, or PICs). The Working Group affirms:	
	The four groups described in the NGPC's scorecard;	
	The four groups' varying levels of required Category 1 Safeguards; and	
	The integration of the relevant Category 1	

Assumption	Relevant Output	Rationale & Supporting References
	Safeguards into the Registry Agreement, by way of PICs" Affirmation 9.3	
The Evaluation Panel tasked with evaluating the safeguard elements will conduct its evaluation after the Application Comment Period is complete and at no other time.	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. Implementation Guidance 9.7	
Any RVCs submitted after application submission will be considered an Application Change and subject to recs under Topic 20.	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 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,	

Assumption	Relevant Output	Rationale & Supporting References
	an operational comment period in accordance with ICANN's standard procedures and timeframes. Recommendation 9.9	

Topic 15 | Application Fees

Assumption	Relevant Output	Rationale & Supporting References
The application fee will be calculated according to the same three components as in 2012 (historical development costs, expected application processing costs, and risk costs).		Affirmation 15.1 and Affirmation with Modification 15.3 and 15.4 reaffirm the approach used in the 2012 round.

Topic 17 | Applicant Support

Assumption	Relevant Output	Rationale & Supporting References
Fee reduction will be available to eligible applicants. The Applicant Guidebook will contain a list of enforceable eligibility criteria for the Applicant Support Program.	Recommendation 17.1: The Working Group recommends that as was the case in the 2012 round, fee reduction must be available for select applicants who meet evaluation criteria through the Applicant Support Program…The Working Group believes that the high level goals and eligibility requirements for the Applicant Support Program remain appropriate. The	This also relates to Output 15.3 (Application Fees): "Application fees may differ for applicants that qualify for applicant support." Continuing/expanding the Applicant Support Program goes hand-in-hand with ICANN's commitment to making IDN/UA the focus of the next round. Global engagement cannot be achieved without providing additional opportunities for assistance (both financial

Assumption	Relevant Output	Rationale & Supporting References
	Working Group notes, however, that the Applicant Support Program was not limited to least developed countries in the 2012 round and believes that the Program should continue to be open to applicants regardless of their location as long as they meet other program criteria.	and non-financial) to those who need it. It is important that ICANN develops the criteria/framework for the Applicant Support Program prior to opening of the application round so that eligibility and evaluation criteria can be detailed in the Applicant Guidebook, as was the case with other evaluation panels/procedures in the previous round.

Topic 21 | Reserved Names

Assumption	Relevant Output	Rationale & Supporting References
Special-use Domain names as noted in IETF RFC 6761 will continue to be reserved.	The Working Group acknowledges the reservation at the top level of Special-Use Domain Names through the procedure described in IETF RFC 6761. Recommendation 21.4	
The list of reserved strings in the AGB will be increased to include "PTI".	The Working Group recommends reserving as unavailable for delegation at the top level the acronym associated with Public Technical Identifiers, "PTI". Recommendation 21.6	
Per the Board's adoption of Country Codes in 2016 [see https://www.icann.org/resources/board-material/resolutions-2016-11-08-en#2.a], Spec 5 of the RA will be updated.	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. Recommendation 21.6	

Topic 22 | Registrant Protections

Assumption	Relevant Output	Rationale & Supporting References
EBERO and associated triggers for EBERO as well as Registrant Protections noted in Spec. 6 of the RA will continue to be used.	The Working Group affirms existing registrant protections used in the 2012 round, including the Emergency Back-end Registry Operator (EBERO) 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. Affirmation 22.1	

Topic 23 | Closed Generics

Assumption	Relevant Output	Rationale & Supporting References
The org will not develop specific proposed solutions for Closed Generics as part of the ODP until the GAC/GNSO Council process has been completed.	No outputs in the final report.	The Board is currently waiting on the completion of the GAC-GNSO process prior to making a decision on this recommendation.

Topic 25 | IDNs

Assumption	Relevant Output	Rationale & Supporting References
IDNs will be an integral part of the next round.	Affirmation with Modification 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 should continue to be an integral part of the New gTLD Program." 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."	Diversification of the gTLD space is a key priority for ICANN, and ensuring there are IDN applicants is essential in achieving ICANN's goals of increasing diversity.
Compliance with Root Zone Label Generation Rules will be required for IDN TLDs and variants and IDN TLDs must also be compliant with IDNA2008	Recommendation 25.2: Compliance with Root Zone Label Generation Rules (RZLGR , 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	The RZ-LGR is the authority for generation of IDN labels and should be followed in developing of procedures for IDNs in the next round

	successor(s). To the extent possible, and consistent with Implementation Guidance 26.10, algorithmic checking of TLDs should be utilized.	

Topic 26 | Security and Stability

Assumption	Relevant Output	Rationale & Supporting References
ICANN will honor the principle of conservatism when adding new gTLDs to the root zone and will focus on the rate of change for the root zone rather than the total number of delegated strings. ICANN will delegate TLDs at a rate such that the overall amount of TLDs in the root zone does not increase by more than 5 percent per month	Recommendation 26.2: ICANN must honor and review the principle of conservatism when adding new gTLDs to the root zone. Recommendation 26.3: 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. Implementation Guidance 26.4: The number of TLDs delegated in the root zone should not increase by more than approximately 5 percent per month, with the understanding that there may be minor variations from time-to-time.	To ensure security and stability, ICANN must ensure that TLDs are added at a consistent and conservative rate, and that rate of change must be monitored over a smaller period of time. In line with the principle of conservatism and monitoring the rate of increase of TLDs in the root, ICANN should not allow the amount of TLDs in the root zone to increase by more than 5 percent per month. RSSAC031: The rate of change is more important than absolute magnitude. Based on historical trends since 2014 and our operational experiences, the RSSAC strongly recommends that the number of TLDs delegated in the root zone should not increase by more than about 5% per month, with the understanding that there may be minor variations from time-to-time. The Appendix provides some data and context for this recommendation. https://www.icann.org/en/system/files/files/rssac-031-02feb18-en.pdf The recommendations in topic 26 seem to come

Assumption	Relevant Output	Rationale & Supporting References
		directly from this and SAC100: https://www.icann.org/en/system/files/files/sac-100-en.pdf

Topic 27 | Applicant Reviews

Assumption	Relevant Output	Rationale & Supporting References
Question 30b on "security policy" will be removed from the Technical/Operational questions asked to applicants.	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. Affirmation 27.7	
Applicants will not be required to provide their full security policy; however, the AGB will be updated to include new text re: Q30b "Security Policy" and applicants will be required to explain how the new mechanism meets the goals noted.	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. Implementation Guidance 27.8	
ICANN will allow applicants to self-certify if they meet the criteria, and if not, 3rd party certification will be required.	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. 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) If the applicant and/or its officers are bound by law in its jurisdiction to represent financials accurately and the applicant is good standing in that jurisdiction; or 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. 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. Implementation Guidance 27.18	
If the 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.	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 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. Recommendation 27.22	
During Evaluation, ICANN Org will use different criteria [for different types of registries] for determining financial capability of maintaining a TLD based registry.	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. Implementation Guidance 27.17	

Topic 28 | Application Comments

Assumption	Relevant Output	Rationale & Supporting References
The comment period of the next round will mirror the process of the 2012 round.	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. Affirmation 28.1	
Commentators have to disclose whether they are employed by, are under contract with, have a financial interest in, or are submitting the comment on behalf of an applicant.	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. Implementation Guidance 28.5	
Usability is a guiding principle when designing the application comment system. Note that comments may or may not directly be a part of the application system.	Systems supporting application comment must emphasize usability for those submitting comments and those reviewing the comments submitted. This recommendation is consistent with Program Implementation Review Report Recommendation 1.3.a, which states: "Explore implementing additional functionality that will improve the usability of the Application Comment	

	Forum." Recommendation 28.6	
Searchability of comments should be improved and full text searches should be possible.	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. In the 2012 new gTLD round a search could be done on categories of comments, but not a search of the actual text within the comment itself.	Implementation Guidance 28.7
Commentators should be able to include attachments. ICANN will investigate whether there are any commercially reasonable mechanisms to search attachments.	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. Implementation Guidance 28.8	
Applicants will have a response period in order to respond to comments on their applications that were submitted during the 60-day comment period.	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. Recommendation 28.11	
Applicants should also be allowed to respond to comments submitted regarding their applications.	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.	

	Implementation Guidance 28.12	
The clarifying question process in response to a comment that may reduce the score of an evaluator will be repeated in the next round.	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. Affirmation 28.2	

Topic 30 | GAC Advice/EW

Assumption	Relevant Output	Rationale & Supporting References
If the GAC issues Consensus Advice after the finalization and publication of the next Applicant Guidebook, the ICANN Board will engage in the Board-GAC Consultation process to address its concerns.	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.	Implementation Guidance 30.2

	Implementation Guidance 30.2	
The GAC EW and Application Comment periods should be concurrent, but the GAC EW period could be even longer. The period will be defined in the AGB.	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.	Recommendation 30.5
If the GAC member believes that an application shouldn't proceed, they should provide a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns.	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. Recommendation 30.6	

Topic 37 | Registrar Non-Discrimination

Assumption	Relevant Output	Rationale & Supporting References
Recommendation 19 in the 2007 policy will be updated in accordance with Recommendation 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	note: so a registrar can decide which TLDs it carries; a Ry cannot decide which Rr carries their TLD as long as they are ICANN accredited? internal question: do we have any issues about this? Russ Weinstein

	accredited registrars 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." Recommendation 37.1	

Topic 38 | Registrar Support for New gTLDs

Assumption	Relevant Output	Rationale & Supporting References
There will be no changes to practices that it is up to each individual registrar to determine which gTLDs it carries.	The Working Group affirms existing practice that it is up to a registrar to determine which gTLDs it carries. Affirmation 38.1	QUESTION: if we want to promote IDNs, is there a way to incentivize them?

End of document.

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