GNSO Guidance Process (GGP)[1] Initiation Request for Select New gTLD Subsequent Procedures Topics	
1. Name of Council Member/SG/C	This Initiation Request is submitted to the GNSO Council by <mark>TBD</mark>
2. Origin of issue (e.g. board request)	The New gTLD Subsequent Procedures (SubPro) Final Report envisioned some levels of substantive work taking place during the Implementation Review Team (IRT) phase of the work, after ICANN Board adoption of the recommendations. For instance, in Topic 17: Applicant Support[2], Implementation Guidance 17.5, the report suggests the creation of a dedicated IRT and it be charged "with developing implementation elements of the Applicant Support Program. In conducting its work, the Implementation Review Team should revisit the 2011 Final Report of the Joint Applicant Support Working Group as well as the 2012 implementation of the Applicant Support program." This dedicated IRT was to be charged with making substantive decisions on outreach activities and allocation of scarce resources (e.g., when there are more qualified applicants than available funds), among other activities.
	On 12 September 2021, the ICANN Board resolved[3] to initiate an Operational Design Phase (ODP). The ODP was officially launched at the beginning of 2022. The ODP Team, in reviewing the recommendations related to Topic 17, was concerned that the work recommended by SubPro was potentially out of scope of the role envisaged by an IRT, per the PDP Manual and Consensus Policy Implementation Framework (CPIF).
	The Council responded[4], without opining on whether the work presented a scope issue, but rather, committed to providing guidance on select topics where additional substantive work was envisaged by the recommendations and implementation guidance contained in the Final Report (to be referred to as Group 1 in section 3 below).
	The Council has further determined that the provision of guidance is best accomplished via the GNSO Guidance Process (GGP).
	The Council, in consultation with the ODP Team via its liaison, also

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[1] See GNSO Operating Procedures Annex 5 – GNSO Guidance Process Manual, section 3:
https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-5-ggp-manual-24oct19-en.pdf
[2] See page 71 of the Final Report here: https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf
[3] See resolution here: https://www.icann.org/resources/board-material/resolutions-2021-09-12-en#1.a
[4] <mark>Insert link when available.</mark>

	understands that there are a select number of topics and Outputs where additional work may be necessary prior to the official Implementation phase. In these cases, the Council and the ODP Team believe that additional prior guidance will be helpful during an implementation phase (to be referred to as Group 2 in section 3 below).
	To emphasize, Group 1, which is substantive work that SubPro anticipated, is distinctly different than Group 2, which are other areas where additional work may be necessary.
3. Scope of the effort (detailed description of the issue or question that the GGP is expected to address)	**Group 1:**
	The following Outputs are determined to require additional substantive deliberations per the SubPro Final Report. The relevant Outputs from the SubPro Final Report are referenced and are accompanied by specific tasks to be performed by the GGP and represent the specific scope of work for Group 1.
	Implementation Guidance 10.2: 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.
	Tasks:
	• **Task 1 - Provide case studies or develop examples of how applicant freedom of expression can be balanced with other third-party rights as described in the Implementation Guidance.**
	• **Task 2 - If feasible, develop criteria, metrics, or some other measures to be able to help determine if applicant freedom of expression and other third-party rights are adequately balanced.**

Recommendation 17.3: 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 17.5: A dedicated Implementation Review Team should be established and charged with developing implementation elements of the Applicant Support Program. In conducting its work, the Implementation Review Team should revisit the 2011 Final Report of the Joint Applicant Support Working Group as well as the 2012 implementation of the Applicant Support program.

Tasks:
- **Task 3 – Review the 2011 Final Report of the Joint Applicant Support Working Group and the 2012 implementation of the Applicant Support program in detail, to serve as resources for other Applicant Support related questions/tasks.**

Implementation Guidance 17.8: In implementing the Applicant Support Program for subsequent rounds, the dedicated Implementation Review Team should draw on experts with relevant knowledge, including from the targeted regions, to develop appropriate program elements related to outreach, education, business case development, and application evaluation. Regional experts may be particularly helpful in providing insight on the development of business plans from different parts of the world.

Tasks:
- **Task 4 – Working with ICANN org staff as appropriate, identify experts with expertise to aid in tasks 5, 6, and 7.**

Implementation Guidance 17.9: The dedicated Implementation Review Team should seek advice from experts in the field to develop an appropriate framework for analysis of metrics to evaluate the success of the Applicant Support Program. The Working Group identified a non-exhaustive list of potential data points to support further discussion in the implementation phase. The Working Group anticipates that the dedicated IRT will consider how these and other potential metrics may be prioritized:
- Awareness and Education:
  - number of outreach events and follow up communications with potential applicants

- o level of awareness about the New gTLD Program/Applicant Support Program
- o number of enquiries about the program/level of interest expressed/number that considered applying
- o number of applicants
    - first-time applicants versus repeat applicants
    - applicants submitting a single application versus portfolio applicants
    - applications based on pre-existing trademarks
- o diversity and distribution of the applicant pool: geographic diversity, languages, scripts
- Other Elements of Program Implementation:
    - o number of ICANN staff members and contractors supporting the Applicant Support Program
    - o number of service providers offering pro-bono assistance and value of assistance offered/provided
    - o number of applicants accessing/using pro-bono assistance
    - o number of approved applicants for financial assistance
    - o number of applicants who received bid credits, multiplier, other and were successful in auction
    - o the value of the bid credits, multiplier, other
    - o number of applicants who withdrew from auction
    - o number of applicants who entered in to a business combination or other forms of joint ventures
    - o length of time before any change of ownership occurred
- Success of Launched gTLD:
    - o The number of registrants of domain names registered in "regional" TLDs (e.g., TLDs focusing mainly on a local, limited market), keeping in mind that there are other barriers for registrants in developing countries to access domain names, such as inability to access online payment services and a lack of local registrars.
    - o The number of domain names registered in "regional" new gTLDs compared to the number of Internet users in such regions. These numbers could be compared with the same numbers for Internet users and "regional" new gTLDs in

developed regions such as Europe and North America.

Tasks:
- **Task 5 – Analyze the set of suggested metrics in Implementation Guidance 17.9 and propose which ones should be prioritized. The set of prioritized metrics is NOT limited to what is identified in 17.9**
- **Task 6 – In identifying the suggested set of metrics, propose how they can be measured, as well as what represents success.**
- **Task 7 – Consider, and to the extent feasible, suggest how the "outreach, education, business case development, and application evaluation" elements of the Applicant Support Program may be impacted by the identified metrics and measures of success. For example, based on the success metrics for Awareness and Education, this may impact the approach for performing outreach and education.**

Implementation Guidance 17.10: The dedicated Implementation Review Team should consider how to allocate financial support in the case that available funding cannot provide fee reductions to all applicants that meet the scoring requirement threshold.

Tasks:
- **Task 8 - Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants.**

Implementation Guidance 28.10: 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.

Tasks:
- **Task 9 – Review the 2012 Applicant Guidebook and New gTLD Program Implementation Review Report and identify any deficiencies in clarity for how public comments are utilized by evaluators and panels. To the extent deficiencies are identified,**

recommend how those deficiencies can be mitigated through better guidance.

Recommendation 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.

Tasks:
- **Task 10 – Recommend criteria for identifying and determining what constitutes a frivolous and/or abusive objection for each of the four objection types, to employed during the "quick look" mechanisms.**

Implementation Guidance 34.11: The Working Group urges the Implementation Review Team to consider 1. Changing the passing score for achieving community priority status from a numerical score to a percentage of the total number of possible points and 2. Lowering the threshold for achieving community-based status from the 87.5% of the total available evaluation points (14 out of 16 points) as was the case in the 2012 round to 75-80% of the total available points.

Tasks:
- **Task 11 – Recommend whether or not the threshold for passing Community Priority Evaluation should be materially changed (e.g., from 87.5% to 75-80%). If recommending a material change, provide an impact analysis and detailed rationale for the change.**

Group 2:

The following Outputs are determined to require additional guidance to support the implementation of the relevant Outputs in the SubPro Final Report. The relevant Outputs from the SubPro Final Report are referenced and are accompanied by specific tasks to be performed by the GGP and represent the specific scope of work for Group 2.

TBD [TOPICS/OUTPUTS AND CORRESPONDING QUESTIONS ARE DEPENDENT UPON INPUT FROM THE ODP TEAM. PLEASE IGNORE GROUP 2 FOR NOW.]

Commented [SC1]: Potential areas:

Implementation Guidance 9.6: During the evaluation process, 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.

Implementation Guidance 26.5: 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."

Implementation Guidance 26.8: 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.

Implementation Guidance 29.5: 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.

4. Proposed WG mechanism (e.g., WG, DT, individual volunteers)	This GGP will operate as a Steering Group with oversight over sub-teams that may be created on each task or overall issue. The Steering Group, provided it possesses adequate expertise, may perform the task(s) itself. However, if the task(s) are better performed by Subject Matter Experts (SMEs), the Steering Group will be accountable and responsible for the work to be performed by the SMEs. The Steering Group will serve in the roles as described for both Group 1 and Group 2.
5. Method of operation, if different from GNSO Working Group Guidelines	This Steering Group will follow the method of operation as detailed in the GNSO Working Group Guidelines, with the additional provisions below. **Steering Group Structure:** The Steering Group will employ a "Representative + Observers" model, consisting of Members and Observers. The "Representative + Observers" model is chosen to enable the Steering Group to conduct and conclude its work, and oversight activities, in an efficient/effective manner while allowing for inclusive community participation. As this GGP builds on the existing SubPro work and is intended to conclude in an expeditious manner, Members must either possess a level of expertise in previous deliberations and/or knowledge that may have been lacking during those initial deliberations. The table below indicates the maximum number of Members and Alternates that groups may appoint. {table below}

Group	Member (up to)	Alternates (up to)
RySG	2	1

RrSG	2	1
CSG	2	1
NCSG	2	1
ASO	2	1
ccNSO	2	1
ALAC	2	1
GAC	2	1
SSAC	2	1
RSSAC	2	1

Members are expected to participate during the course of deliberations as applicable, or provide oversight to the work of SMEs. Members will be responsible for participating in GGP consensus calls. Members are expected to represent the view of their appointing organization, and may be called on to provide the official position of their appointing organization.

As described in Section 4, the Steering Group has the flexibility/discretion to rely on **Subject Matter Experts** (SMEs) in specific fields to aid in deliberations for certain tasks. These SMEs will not be considered as Members as captured in the table above. The SMEs may perform some, the majority of, or all of the relevant work, but remain subject to the oversight of the Steering Group; in addition, any recommendations from the SMEs are ultimately subject to Steering Group consensus call.

As this GGP is seeking to provide guidance to aid in the implementation of SubPro recommendations, the Steering Group should seek the participation of one or more **ICANN Org Liaison** (e.g., from the Global Domains & Strategy (GDS) department).

Leadership Structure:

One (1) Chair

The GNSO Council will appoint one (1) qualified, independent Chair (neutral, not counted as from the Steering Group membership) for the Steering Group.

6. Decision-making methodology for GGP mechanism, if different from GNSO Working Group Guidelines	The GNSO Working Group Guidelines apply in full and Consensus designations are therefore the responsibility of the Steering Group Chair and are to be made in accordance with the consensus levels described in Section 3.6 of the Working Group Guidelines. Notably, due to the "Representative + Observers" model of this Steering Group, consensus calls or decisions are limited to Members who may consult as appropriate with their respective appointing organizations. However, for the purpose of assessing consensus, groups that do not fulfil their maximum membership allowance should not be disadvantaged. The Steering Group Chair shall ensure that all perspectives are appropriately taken into account in assessing Consensus designations on the final guidance and/or recommendations. For consensus building purposes, the Steering Group Chair, Members, and GNSO Council Liaison are expected to review the Consensus Playbook which provides practical tools and best practices to bridge differences, break deadlocks, and find common ground within ICANN processes; potential training related to the Consensus Playbook may be provided for Steering Group Leadership, Members, and the GNSO Council Liaison.
7. Desired completion date and rationale for this date	The Steering Group is expected to deliver its work plan to the GNSO Council as its first deliverable, which should be consistent with the expectations of the WG. However, the duration of this WG should not exceed the date by which the ICANN Board makes a decision on the Outputs from the New gTLD Subsequent Procedures Final Report.

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