

ICANN | GNSO

Generic Names Supporting Organization

Policy Briefing

ICANN52 Edition

The GNSO Background Briefings are produced by ICANN's Policy staff supporting the GNSO. These are drafted specifically in preparation for ICANN meetings to provide the Community with concise background information on all relevant GNSO policy efforts.

*For more information on the GNSO @ ICANN52
see gns0.icann.org/icannmeeting
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Index

Inter-Registrar Transfer Policy Part D Policy Development Process	2
Privacy & Proxy Services Accreditation Issues Policy Development Process.....	4
Translation and Transliteration of Contact Information Policy Development Process ...	7
IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process	9
Next Generation Registration Directory Services Policy Development Process	12
Discussion Group: New gTLD Subsequent Procedures.....	14
Policy & Implementation	16
Data & Metrics for Policy Making Working Group.....	19
Cross Community Working Groups on the Use of Country and Territory Names as TLDs	21
Cross Community Working Group (CWG) on Framework of Principles for Future Cross Community Working Groups	23
GAC-GNSO Consultation Group on GAC Early Engagement in GNSO Policy Development Processes	25

Inter-Registrar Transfer Policy Part D Policy Development Process

What is this about?

The Inter-Registrar Transfer Policy (IRTP) Part D PDP Working Group was chartered by the GNSO Council to answer six questions in relation to the IRTP: 1) whether reporting requirements for registries and dispute providers should be developed; 2) whether to amend the Transfer Dispute Resolution Policy on how to handle disputes when multiple transfers have occurred; 3) whether dispute options for registrants should be developed; 4) whether registrars should be required to make information on transfer dispute resolution options available to registrants; 5) whether additional penalties for IRTP breaches should be introduced, and; 6) whether the universal adoption and implementation of EPP AuthInfo codes has eliminated the need for FOAs.

Why is this important?

ICANN's Compliance Department received a total of 6333 transfer-related complaints between August 2013 and August 2014 alone, making it one of the most common issues of community complaint. However, at the same time, the Transfer Dispute Resolution Policy (TDRP), explicitly designed to handle disputed inter-registrar transfers, is hardly ever invoked by registrars.

What is the current status of this project?

The GNSO Council unanimously [adopted](#) the Final Report on 15 October 2014. Following a [public comment](#) period, the ICANN Board [approved](#) all 18 recommendations contained in the Report. The implementation phase is now underway and staff has sent out a call for volunteers to join the Implementation Review Team.

Expected next steps

The Implementation process will be overseen by staff from ICANN's Global Domains Division and community members are [invited to join](#) to participate in this effort through the Implementation Review Team. In due course staff will share its work plan and start working through its step-by-step implementation process for all 18 recommendations.

Background

The IRTP is a 2004 consensus policy developed through the GNSO's policy development process (PDP) and is currently under review by the GNSO through a series of PDPs. The IRTP provides a straightforward procedure for domain name holders to transfer domain names between registrars. On the recommendation of the IRTP Part C WG, the GNSO Council agreed to combine all the remaining IRTP issues into this final PDP, IRTP Part D, in addition to one issue that was raised by the IRTP Part C WG in its Final Report. The GNSO Council unanimously adopted the request for an Issue Report on IRTP Part D at its meeting on 17 October 2012. The Working Group started its deliberations on 25 February 2013 and submitted its Final Report to the GNSO Council on 15 September 2014.

As part of the IRTP Part D PDP Final Report, the ICANN Board has [adopted](#) 18 Recommendations including¹:

- 1) Reporting requirements be incorporated into the TDRP policy;
- 2) A domain name be returned to the original Registrar of Record if it is found through a TDRP procedure that a non-IRTP compliant domain name transfer has occurred;
- 3) The statute of limitation to launch a TDRP be extended from current 6 months to 12 months from the initial transfer;
- 4) If a request for enforcement is initiated under the TDRP the relevant domain be 'locked' against further transfers;
- 5) No dispute options for registrants be developed and implemented as part of the current TDRP;
- 6) The TDRP be modified to eliminate the First Level (Registry) layer of the TDRP;
- 7) The Form of Authorization (FOA) should not be abandoned, and;
- 8) Following the implementation of all IRTP recommendation, a future review of the IRTP and the TDRP should be initiated, based on relevant data points that the Registries and Registrars should starting collect as soon as possible.

How can I get involved?

Volunteers to join the Implementation Review Team are welcome, especially if they are familiar with the policy recommendations and/or have relevant expertise to assist the implementation efforts – that is why members from the IRTP Part D PDP Working Group are particularly encouraged to participate.

Where can I find more information?

- Call to join Implementation Review Team: <http://forum.icann.org/lists/gnso-irtpd/msg00554.html>
- Final Report: <http://gns0.icann.org/en/group-activities/active/irtp-d>
- ICANN Board Resolution: <https://features.icann.org/gns0-council-policy-recommendations-inter-registrar-transfer-policy-part-d>
- GNSO Council Motion: <http://gns0.icann.org/en/council/resolutions#20141015-1>
- Inter-Registrar Transfer Policy: <http://www.icann.org/en/resources/registrars/transfers/policy-01jun12.htm>

Staff responsible: Lars Hoffmann and Steve Chan

¹ The full set of recommendations can be found in the [Final Report](#)

Privacy & Proxy Services Accreditation Issues Policy Development Process

What is this about?

This PDP was initiated to examine the policy issues related to the provision and accreditation of privacy and proxy services, with a view toward assisting ICANN with its development of such a program. The topic arose within the context of the last round of negotiations between ICANN and the Registrars Stakeholder Group concerning the Registrar Accreditation Agreement (RAA).

The RAA is the contract that governs ICANN's relationship with its accredited registrars. Revised periodically, the newest form of RAA was approved by the ICANN Board in June 2013. Registrars wishing to sell domain names in the new gTLD program will have to sign up for the new 2013 RAA, as will registrars operating under the older 2009 RAA who wish to renew their contracts with ICANN.

The 2013 RAA negotiations had dealt with a number of high priority topics previously identified by the ICANN community. One of these was the accreditation of providers of privacy and proxy services for domain name registrations. A *privacy service* is one in which a domain name is registered in the registrant's name, but other contact details displayed in the publicly-accessible Whois system are those given by the privacy service provider and not those of the registrant. A *proxy service* is one in which the registered name holder licenses use of the domain to the customer who actually uses the domain, and the contact information displayed in the Whois system is that of the registered name holder. The *Whois system* is a form of Internet data directory service, utilizing a protocol that permits public lookup of a domain name, including certain contact and technical information about the registrant and the domain.

The topic of privacy and proxy services accreditation was not addressed in the 2013 RAA negotiations. The 2013 RAA does, however, contain a temporary specification on the use of privacy and proxy services that will expire either on January 1, 2017 or the implementation by ICANN of a Privacy & Proxy Services Accreditation Program (whichever first occurs).

What is the current status of this project?

- The PDP Working Group was chartered by the GNSO Council in October 2013 and conducted over 60 weekly meetings.
- The WG has published its Initial Report for public comment. The public comment period closes on 7 July 2015.
- The WG will hold a public meeting at ICANN53 to discuss input received to date and to answer community questions about its initial recommendations.

Why is this important?

The 2013 RAA temporary specification that governs registrars' obligations in respect of privacy and proxy services will expire either on 1 January 2017 or ICANN's implementation of a privacy and proxy accreditation program, whichever first occurs. The GNSO had previously commissioned several studies on the Whois system, including one on privacy and proxy abuse,

the results of which were finalized and published in March 2014. Finally, the issue of accrediting privacy and proxy services is being discussed in the broader context of ICANN's ongoing review of the Whois system, including within an Expert Working Group formed in December 2012 that was tasked to look at the fundamental purpose and possible redesign of gTLD registration data services.

This PDP provided an opportunity for the GNSO and other interested community members to assist ICANN with developing its Privacy and Proxy Accreditation Program and informing its broader work on Whois more generally.

Expected next steps

The WG plans to begin reviewing public comments received on its Initial Report around the time of ICANN53. Its initial recommendations span several categories, ranging from registration and termination to Relay and Reveal procedures. The WG intends to produce a Final Report for submission to the GNSO Council in September/October, prior to ICANN54.

Background

In October 2011, the ICANN Board initiated negotiations with the Registrars Stakeholder Group for a new form of RAA, and simultaneously requested an Issue Report from the GNSO on issues not covered by the negotiations and otherwise suited for a PDP. The Final Issue Report was published in March 2012, and recommended that the GNSO commence its PDP as soon as possible after receiving a report that the negotiations were concluded.

In June 2013, the ICANN Board formally approved the new 2013 RAA. In September 2013, ICANN staff published a paper for the GNSO reporting on the conclusion of the RAA negotiations and highlighting issues relating to privacy and proxy services, including their accreditation and Relay/Reveal procedures. Following a number of discussions on the topic, the GNSO Council formally approved the charter for the PDP WG on 31 October 2013. The WG began its work in December 2013.

How can I get involved?

The WG has made preliminary recommendations on several key topics, but several open questions remain, on which the WG seeks community input via the public comment forum. You can also attend the WG's meeting in Buenos Aires on Wednesday afternoon, scheduled from 1500-1700 local time (please see the final Meeting Schedule for confirmation).

Where can I find more information?

- Public comment forum on the WG's Initial Report: <https://www.icann.org/public-comments/ppsai-initial-2015-05-05-en> (includes links to a template for responses, the full Initial Report and Executive Summaries in all 6 official UN languages)
- WG webpage with links to background information: <http://gns0.icann.org/en/group-activities/active/ppsai>
- WG collaborative wiki workspace: <https://community.icann.org/x/9iCfAg>

- 2013 RAA including Privacy & Proxy Specification:
[http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm - privacy-proxy](http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm-privacy-proxy)
- WG open meeting during ICANN53 in Buenos Aires on Wednesday 24 June from 15.00 – 17.00: <http://buenosaires53.icann.org/en/schedule/wed-ppsai>

Staff responsible: Mary Wong and Marika Konings

Translation and Transliteration of Contact Information Policy Development Process

What is this about?

Following the recommendations listed in the Internationalized Registration Data Working Group (IRD-WG)'s [Final Report](#), the GNSO Council requested an Issue Report on the translation and transliteration of contact information in October 2012 – posing the question whether it is desirable to translate or transliterate² contact information³ into one common language or script. In December 2013 this GNSO PDP Working Group was inaugurated to provide an answer to this question as well as to who would carry the financial burden if mandatory translation or transliteration of contact information were recommended.

Why is this important?

The continued internationalization of the domain name system in general and specifically of registration data means that there is an urgent need to allow for standardized query of non-Latin script registration data and to assure its global functionality. The ongoing expansion of the gTLD space and the creation of a large number of internationalized domain names, combined with on going reforms of gTLD Directory Services, such as the [Expert Working Group on New gTLD Directory Services](#), makes the need to establish GNSO policy for the potential translation or transliteration of contact information even more pressing.

What is the current status of this project?

On 15 December 2014 the Working Group published its [Initial Report](#) and after the public comment period closed on 1 February 2015 staff prepared a [Report of Public Comments](#), summarizing the contributions that mostly – but not unanimously – supported the Initial Report's draft recommendations. The WG has reviewed all comments received and is close to concluding its Final Report.

Expected next steps

Once the Final Report is completed it will be passed to the GNSO Council for its review. If the Council adopts the Working Group's recommendations, the Report will go out for public comment once more before the ICANN Board's will consider it.

Background

At its meeting on 13 June 2013, the GNSO Council initiated a PDP on the translation and transliteration of contact information. The GNSO Council approved the [Charter](#) on 20 November 2013. The two main questions covered by the Charter are:

1. Whether it is desirable to translate contact information to a single common language or transliterate contact information to a single common script.

² 'Translation' is defined as the translation of a text into another language whereas 'transliteration' is the writing of a word using the closest corresponding letters of a different alphabet.

³ Contact information' is a subset of Domain Name Registration Data and thus the information that enables someone using a Domain Name Registration Data Directory Service (such as WHOIS) to contact the domain name registration holder.

2. Who should decide who should bear the burden translating contact information to a single common language or transliterating contact information to a single common script.

The PDP WG has asked the Supporting Organizations and Advisory Committees to provide input on the following questions relating to the two issues identified in the PDP:

- Whether it is desirable to translate contact information to a single common language or transliterate contact information to a single common script.
- What exactly the benefits to the community are of translating or transliterating contact information, especially in light of the costs that may be connected to translation or transliteration?
- Should translation or transliteration of contact information be mandatory for all gTLDs?
- Should translation or transliteration of contact information be mandatory for all registrants or only those based in certain countries and/or using specific non-ASCII scripts?
- What impact will translation or transliteration of contact information have on the WHOIS validation as set out under the 2013 Registrar Accreditation Agreement?
- When should any new policy relating to translation and transliteration of contact information come into effect?
- Who should decide who should bear the burden translating contact information to a single common language or transliterating contact information to a single common script?
- Who does your SG/C believe should bear the cost, bearing in mind, however, the limits in scope set in the Initial Report on this issue?

How can I get involved?

If you would like to join the WG as a member, please contact the GNSO Secretariat (gnso-secs@icann.org).

Where can I find more information?

- Initial Report - <http://gnso.icann.org/en/issues/gtlds/transliteration-contact-initial-15dec14-en.pdf>
- Public Comment Forum - <https://www.icann.org/public-comments/transliteration-contact-initial-2014-12-16-en>
- Issue Report - [Final Issue Report on Translation and Transliteration of Contact Information](#)
- PDP Workspace - <https://community.icann.org/x/FTR-Ag>

Staff responsible: Julie Hedlund and Lars Hoffmann

IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process

What is this about?

This PDP was initiated by the GNSO Council to consider whether existing curative rights protection mechanisms (namely, the Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS) procedure) should be amended, or possibly a new process developed, to address the needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs). This PDP originated in one of the consensus recommendations from the GNSO's prior PDP Working Group on IGO and INGO Protections in All gTLDs (IGO-INGO WG), which was for the GNSO Council to request an Issue Report, as a preceding step to a possible PDP, on the access to and use by IGOs and INGOs to curative rights processes to protect their names and acronyms at the second level in both existing and new gTLDs. In June 2014 the GNSO Council approved the initiation of the PDP and chartered a new PDP Working Group to consider this issue.

Why is this important?

Protecting the names and acronyms of IGOs and INGOs at the top and second levels has been a long-standing issue over the course of the New gTLD Program. There are a number of differences between the GNSO's policy recommendations that were submitted to the Board in Feb 2014 and the Government Advisory Committee's (GAC) advice to the Board on this topic, notably in respect of protections for IGO acronyms. In February 2014, the Board tasked its New gTLD Program Committee (NGPC) to develop a proposal that would take into account both the GNSO's recommendations and GAC advice for the Board's further consideration at a subsequent Board meeting. The NGPC sent a proposal to the GAC in March. In April 2014 the Board resolved to adopt those of the GNSO's recommendations that are not inconsistent with GAC advice received on the topic, and requested additional time to consider the remaining recommendations. It also resolved to facilitate dialogue between the GAC and the GNSO to resolve the remaining differences. These largely pertain to the scope and duration of protection for certain names associated with the international Red Cross movement (an INGO) and for IGO acronyms, including the use of the Trademark Clearinghouse. The NGPC and the GNSO Council have discussed the possibility of the GNSO's amending its remaining recommendations so as to reconcile them with GAC advice, in accordance with the prescribed procedure in the GNSO's PDP Manual.

This new PDP is not dependent on the outcome of those discussions, as it concerns the issue of curative (i.e. occurring after a third party has registered a domain name) remedies for IGOs and INGOs that were identified as eligible for certain second level protections by the original IGO-INGO WG.

What is the current status of this project?

- The WG is meeting weekly to discuss the issues raised in its Charter. The Charter directs the WG to consider whether the UDRP and URS should be amended to resolve the problems faced by IGOs and/or INGOs and if so in what way, or if a separate, narrowly tailored dispute resolution procedure should be developed to apply only to IGOs and/or INGOs.
- In response to its solicitation for input from all GNSO stakeholder groups and constituencies, as well as all ICANN's SO/ACs (including the GAC), responses were received from the following GNSO constituencies: BC, IPC, ISCP, as well as the ALAC, the GAC and a small group of IGO representatives to whom the WG had sent specific questions for their feedback.
- The WG has preliminarily agreed that for various substantive reasons INGOs should not be considered any further in this PDP.
- The WG has also reached preliminary agreement on the issue of standing to file a complaint for IGOs. It is currently discussing issues concerning IGO jurisdictional immunity, including concerns over ensuring adequate due process protections for registrants in any process that may be recommended.

Expected next steps

The WG continues to research and deliberate the issue of sovereign immunity for IGOs, concerning their ability to submit to the jurisdiction of a national court for purposes of an appeal (as is required by the current curative rights processes). Input from the GAC and the IGOs will be expected to be key to the WG's conclusions on this topic. The WG hopes to complete its Initial Report by ICANN54.

Background

In November 2013 the GNSO Council unanimously adopted all the consensus recommendations of its previous IGO-INGO WG, including calling for an Issue Report on IGO and INGO access to and use of the curative rights protections afforded by the UDRP and URS. An Issue Report is the preceding step toward the possible initiation of a PDP by the GNSO Council.

IGOs and INGOs are currently unable to fully use either the UDRP or URS for a number of reasons. For IGOs, the requirement that a complainant submit to the jurisdiction of a national court is alleged to jeopardize an IGO's status as being immune from national jurisdiction. For both IGOs and INGOs, the fact that the UDRP and URS were designed as protective mechanisms for trademark owners currently means that they cannot utilize these procedures unless they also own trademarks in their names and/or acronyms. Both types of organizations are also concerned about the cost involved in using these procedures, which would mean diverting resources and funds from their primary missions.

How can I get involved?

The Working Group is open to anyone interested in participating. If you want to join the WG either as a Member or as an Observer please contact the GNSO Secretariat to be added to the mailing list (gns.secretariat@gns.icann.org). You can also attend the WG's meeting in Buenos

Aires on Wednesday morning, scheduled from 1000-1130 local time (please see the final Meeting Schedule for confirmation).

Where can I find more information?

- IGO-INGO WG Final Report: <http://gns0.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>
- GNSO Council Recommendations Report to the ICANN Board: <http://gns0.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf>
- Final Issue Report on IGO & INGO Access to Curative Rights Protection Mechanisms: <http://gns0.icann.org/en/drafts/igo-ingo-crp-final-25may14-en.pdf>
- IGO-INGO Curative Rights Protection WG collaborative wiki space: <https://community.icann.org/x/37rhAg>.
- WG open meeting during ICANN53 in Buenos Aires on Wednesday 24 June from 10.00 – 11.30: <http://buenosaires53.icann.org/en/schedule/wed-igo-ingo-crp-access>

Staff responsible: Mary Wong and Steve Chan

Next Generation Registration Directory Services Policy Development Process

What is this about?

Following the publication of the Expert Working Group's [Final Report](#) on Registration Directory Services (RDS), the ICANN Board and GNSO considered how to use this report as input to a GNSO Policy Development Process (PDP) and agreed to [this framework](#) which sets out the proposed approach for the policy development process. The next step is the publication of a Preliminary Issue Report, which is expected to be published prior to the ICANN meeting in Buenos Aires, following the ICANN Board [reaffirming](#) 'its request for a Board-initiated GNSO policy development process to define the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations in the [EWG] [Final Report](#) as an input to, and, if appropriate, as the foundation for a new gTLD policy'.

Why is this important?

Comprehensive 'Whois' policy reform remains the source of long-running discussions within ICANN. Any discussion of 'Whois' – hereafter called gTLD registration directory services – typically includes topics such as purpose, accuracy, availability, privacy, anonymity, cost, policing, intellectual property protection, security and malicious use and abuse. Although ICANN's requirements for domain name registration data collection have undergone some important changes, after more than 12 years of GNSO task forces, working groups, workshops, surveys, and studies the policy is still in need of comprehensive reforms that address the significant number of contentious issues attached to it.

What is the current status of this project & Expected Next Steps?

During its meeting on 26 April 2015, the ICANN Board confirmed its request for a Board-initiated GNSO PDP on this topic. Staff is in the process of preparing the Preliminary Issue Report, which is expected to be published for public comment prior to the ICANN meeting in Buenos Aires.

Background

Pursuant to an [ICANN Board Resolution](#) during a Special Meeting on 8 November 2012, the Board directed the CEO to launch a new effort to redefine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, as a foundation for new gTLD policy and contractual negotiations. Moreover, the Board directed the preparation of an Issue Report on the purpose of collecting and maintaining gTLD registration data, and on solutions to improve accuracy and access to gTLD registration data, as part of a Board-initiated GNSO policy development process. The Board then went on to pass a resolution that led to the creation of the [Expert Working Group](#); the Board referred to this as a 'two-pronged approach' that is based on 'broad and responsive action' in relation to the reform of gTLD Registration Data.

With regard to the PDP, the Board specifically called out two topics in its request: **purpose** and **accuracy**. With regard to purpose, at a minimum the most basic purpose, which is commonly

accepted, is that gTLD registration data allows domain name holders to be contacted. However, who would be granted the right to access the data under what circumstances and contact the holder and by which means, is a set of difficult follow-up questions that need to be answered. In relation to accuracy, there are many data elements in the Whois database required under the Registry Agreements and the Registrar Accreditation Agreements; if only one of these data fields is incorrect, does that mean the Whois information is inaccurate? And how can the accuracy of data be verified and/or measured, especially considering that, if data is not accurate, the purpose of gathering the data might be questionable in the first place.

How can I get involved?

The Preliminary Issue Report will be published for public comment (see <https://www.icann.org/public-comments#open-public>). Everyone is encouraged to provide input to inform the subsequent steps of the PDP.

Where can I find more information?

- Board resolution on Next Steps for the EWG Final Report on Next Generation Registration Directory Services: <https://www.icann.org/resources/board-material/resolutions-2015-04-26-en#1.f>
- Board-GNSO Process WG proposed approach: <https://community.icann.org/download/attachments/49359634/EWG-Process%20Group%20Final%20Framework%202-4-15.pdf?version=1&modificationDate=1428939851000&api=v2>
- EWG Final Report: <https://www.icann.org/en/system/files/files/final-report-06jun14-en.pdf>

Staff responsible: Marika Konings

Discussion Group: New gTLD Subsequent Procedures

What is this about?

This Discussion Group was created to begin evaluating the 2012 round of the New gTLD program and to discuss and reflect upon experiences gained. The Discussion Group is expected to report its findings to the GNSO Council, which will include a list of suggested subjects for a future GNSO issue report that may lead to changes or adjustments for subsequent new gTLD application procedures.

Why is this important?

The Discussion Group plays an important role in identifying issues that arose from the 2012 round of the new gTLD program. The findings of the group, which are expected to be presented to the GNSO Council in the form of a report, will include a number of points and concerns that in turn will be recommended to feed into a future GNSO Issue Report(s). The resultant actions from the GNSO Council review will be pivotal to the development of the subsequent procedures for the New gTLD program. As such, the Discussion Group's outcome will mark the beginning of a process of substantive policy development work on the issue of subsequent new gTLD procedures.

What is the current status of the project?

The Discussion Group was created on 25 June 2014. The group has conducted a number of calls and met for a face-to-face session in Los Angeles. The group has made significant progress, developing drafts of an executive summary of activities, categorization of identified issues, and a draft charter. The Discussion Group is finalizing their package of deliverables and will submit to the GNSO Council for their consideration.

Expected next steps

The Discussion Group intends for their package of deliverables to be reviewed and discussed during the ICANN meeting in Buenos Aires, where the GNSO Council will deliberate and may make a decision on possible future policy development activities, which may include a request for an Issue Report.

Background Information on the Issue

In June 2008, the ICANN Board adopted the GNSO's policy recommendations for the introduction of new gTLDs and directed staff to develop an implementation plan for a new gTLD introduction process. In June 2011 the ICANN Board approved an Application Guidebook ("AGB") for new gTLDs and authorized the launch of the New gTLD Program. The AGB provided that it was intended to govern "the first round of what is to be an ongoing process for the introduction of new gTLDs" and that "ICANN's goal [was] to launch subsequent gTLD application rounds as quickly as possible" and promised to base the timing of the subsequent rounds on "experiences gained and changes required after this round is completed" with a "goal...for the new application round to begin within one year of the close of the application submission period for the initial round."

With the application submission period for the initial round closing in June 2012, the GNSO Council believes that it has a continuing interest and role to play in evaluating the experiences of the first round and proposing policy recommendations, if necessary, for changes to subsequent rounds. This Discussion Group was created to begin that evaluation process and possibly identify areas for future GNSO policy development.

The Discussion Group is to review the first round of the new gTLD program and discuss and reflect upon experiences gained. The Discussion Group is expected to report its findings to the GNSO Council, which may include a list of recommended subjects for future GNSO issue reports that may lead to changes or adjustments for subsequent new gTLD application procedures. Issue reports are a required first step in developing new policies.

How can I get involved?

The Discussion Group is open to anyone interested. If you want to join the Working Group please contact the GNSO Secretariat to be added to the mailing list (<mailto:gns0.secretariat@gns0.icann.org>).

Further Information:

- Discussion Group – New gTLD Subsequent Procedures Web page - <http://gns0.icann.org/en/group-activities/active/non-pdp-new-gtld>
- Group Wiki - <https://community.icann.org/display/DGNGSR/Discussion+Group+%28DG%29+-+New+gTLD+Subsequent+Rounds+Home>
- Mailing List Archive - <http://mm.icann.org/pipermail/gns0-newgtld-dg/>
- Open F2F meeting during the ICANN meeting in Buenos Aires on Wednesday 24 June from 11:00 – 12:00 local time (see <http://buenosaires53.icann.org/en/schedule/wed-new-gtld-subsequent-procedures>)

Staff responsible: Steve Chan, Lars Hoffmann

Policy & Implementation

What is this about?

Mainly as a result of discussions stemming from implementation related issues of the new gTLD program, there is increased focus on which topics call for policy and which call for implementation work, including which processes should be used, at what time and how diverging opinions should be acted upon.

Following several discussions by the GNSO Council on this topic, the GNSO Council formed a Working Group which has been tasked to provide concrete recommendations on how to address some of these issues from a GNSO perspective.

Why is this important?

While developing a bright-line rule as to what is policy or implementation may not be possible, the hope is that by developing clear processes and identifying clear roles and responsibilities for the different stakeholders, it will become easier to deal with these issues going forward and allow for broad participation and involvement.

What is the current status of this project?

Following its [review of public comments](#) received on the [Initial Recommendations Report](#), the Working Group has now submitted its [Final Recommendations Report](#) for GNSO Council consideration. In short, the WG is putting forward the following recommendations for adoption:

- In response to charter question 1 (recommendations concerning a set of principles that would underpin any GNSO policy and implementation related discussions, taking into account existing GNSO Operating Procedures), the WG recommends adhering to the principles outlined in section 4 of the Initial Recommendations Report when policy or implementation related issues arise in the implementation phase (**Recommendation #1**).
- The WG proposes three new standardized processes for GNSO deliberations (**Recommendation #2**) regarding such issues as also outlined in the high level overview in Annex B, namely:
 - **GNSO Input Process (GIP)** - to be used for those instances for which the GNSO Council intends to provide non-binding advice, which is expected to typically concern topics that are not gTLD specific and for which no policy recommendations have been developed to date. “Non-binding advice” means advice that has no binding force on the party it is provided to. For example, this process could be used to provide input on the ICANN Strategic Plan or recommendations from an Accountability and Transparency Review Team. It is the expectation that such input would be treated in a similar manner as public comments are currently considered by the entity (e.g. Board, NPOC, or WG) to which the input is provided.
 - **GNSO Guidance Process (GGP)** – to be used in those instances for which the GNSO Council intends to provide guidance that is required to be considered by the ICANN Board, but which is not expected to result in new contractual obligations for contracted

parties. Guidance developed through a GGP means advice that has a binding force on the ICANN Board to consider the guidance and it can only be rejected by a vote of more than two-thirds (2/3) of the Board, if the Board determines that such guidance is not in the best interests of the ICANN community or ICANN. It is expected that this would typically involve clarification of, or advice on existing gTLD policy recommendations. This could be in response to a specific request from the ICANN Board but could also be at the initiative of the GNSO Council to an issue that has been identified. For example, such a process could have been used in relation to the request from the ICANN Board to provide input on the .brand registry agreement, specification 13.

- **GNSO Expedited Policy Development Process** - to be used in those instances in which the GNSO Council intends to develop recommendations that would result in new contractual obligations for contracted parties that meet the criteria for “consensus policies”⁴ as well as the qualifying criteria to initiate an expedited PDP. Those qualifying criteria are (1) to address a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) to provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously, such that extensive, pertinent background information already exists, e.g. (a) in an Issue Report for a possible PDP that was not initiated; (b) as part of a previous PDP that was not completed; or (c) through other projects such as a GGP.

The details of each of these processes can be found in Annex C (GNSO Input Process), Annex D and E (GNSO Guidance Process) and Annex F and G (GNSO Expedited Policy Development Process) of the Final Report.

- The WG also recommends to add a provision to the GNSO Operating Procedures that clarifies that parallel efforts on similar / identical topics should be avoided. As the manager of the process, the GNSO Council is expected to resolve which process would be the most appropriate to use (recommendation #3).
- In its deliberations on three implementation related charter questions, the WG reviewed the Consensus Policy Implementation Framework that has been developed by the ICANN Global Domains Division (GDD) to support predictability, accountability, transparency, and efficiency in the Consensus Policy implementation process (see Annex J of the Initial Recommendations Report). As a result, the WG recommends that the Policy Development Process Manual be modified to require the creation of an Implementation Review Team following the adoption of PDP recommendations by the ICANN Board, but allow the GNSO Council the flexibility to not create an IRT in exceptional circumstances (e.g. if another IRT is already in place that could deal with the PDP recommendations). (Recommendation #4) and the adoption of the implementation review team principles as outlined in Annex L are followed as part of the creation as well as operation of IRTs (Recommendation #5).

⁴ For further information about ‘consensus policies’, please see <http://gns0.icann.org/en/basics/consensus-policy/about>.

Expected next steps

The GNSO Council is expected to consider the Final Recommendations Report for adoption during its meeting in Buenos Aires (see <http://buenosaires53.icann.org/en/schedule/wed-gnso-council>).

Background

Following several discussions by the GNSO on this topic, the GNSO Council formed a Working Group which has been tasked to provide concrete recommendations on how to address some of these issues from a GNSO perspective. The WG started its deliberations in August 2013 and has been tasked to provide the GNSO Council with recommendations on:

1. A set of principles that would underpin any GNSO policy and implementation related discussions, taking into account existing GNSO Operating Procedures.
2. A process for developing gTLD policy, perhaps in the form of "Policy Guidance", including criteria for when it would be appropriate to use such a process (for developing policy other than "Consensus Policy") instead of a GNSO Policy Development Process;
3. A framework for implementation related discussions associated with GNSO Policy Recommendations;
4. Criteria to be used to determine when an action should be addressed by a policy process and when it should be considered implementation, and;
5. Further guidance on how GNSO Implementation Review Teams, as defined in the PDP Manual, are expected to function and operate.

How can I get involved

As the recommendations will require changes to the ICANN Bylaws, a public comment forum is anticipated prior to ICANN Board consideration. Anyone can provide their input on the proposed changes to the ICANN Bylaws in due time (see <http://www.icann.org/en/news/public-comment>).

Where can I find more information?

- Policy & Implementation Final Recommendations Report - <http://gns0.icann.org/en/drafts/policy-implementation-recommendations-01jun15-en.pdf>
- Working Group workspace – <https://community.icann.org/x/y1V-Ag>

Staff responsible: Marika Konings, Mary Wong

Data & Metrics for Policy Making Working Group

What is this about?

The Working Group (WG) is exploring opportunities to review standard methodologies of reporting and metrics that could better inform fact-based policy development and decision making; including how the community can collaborate with Contracted Parties and other service providers in the sharing of metrics and data.

Why is this important?

The effort is expected to investigate more formal processes for requests of data, metrics and other reporting needs from the GNSO that may aid in GNSO policy development efforts. Areas the WG will explore:

- Evaluate previous PDP and non-PDP efforts and how metrics could have enhanced the WG process (*Complete*)
- Establish a baseline of current practices & capabilities to problem reporting (*Complete*)
- Review existing GNSO work product templates, like charters, issue reports, and final reports for possible enhancements to inform the PDP and non-PDP process (*Started*)
- Evaluate external data sources, such as abuse statistics or DNS industry related data from 3rd parties and/or Contracted Parties, that may benefit the policy process and define a possible framework in how it may be accessed (*Complete*)

What is the current status of the project?

The WG has worked to inject a data-driven approach to elements of the PDP process, by for instance, modifying the templates for the Issue Report, Charter, and Final Report to ensure that data-driven questions are asked throughout the entire process, including post implementation. When data and/or metrics needs are identified, the WG has completed a draft framework/process flow for data and metrics requests from internal ICANN (e.g., contractual compliance, registrar services, etc.), Contracted Parties, and third parties that helps answer questions related to the data source, cost of acquiring data, and ensuring confidentiality of supplied data.

Expected next steps

- Complete Initial Report & Conduct Public Comment

Background Information on the Issue

The 2010 Registration Abuse Policies Working Group (RAPWG) identified the Meta Issue: Uniformity of Reporting which it described as “need for more uniformity in the mechanisms to initiate, track, and analyze policy-violation reports.” The RAPWG recommended in its Final Report that “the GNSO and the larger ICANN community in general, create and support uniform problem-reporting and report-tracking processes.”

The GNSO Council recommended the creation of an Issue Report to further research metrics and reporting needs in hopes to improve the policy development process. The report created by ICANN Staff outlined accomplishments regarding reporting and metrics by the Contractual Compliance function and it also reviewed other reporting sources that may be of relevance.

The GNSO Council subsequently adopted the recommendation to form this non-PDP Working Group tasked with exploring opportunities for developing reporting and metrics processes and/or appropriate standardized methodologies that could better inform fact-based policy development and decision making. The GNSO resolution states:

Resolved,

The GNSO Council does not initiate a Policy Development Process at this stage but will review at the completion of the ICANN Contractual Compliance three-year plan expected for 31 December 2013 whether additional action is required; *(Completed 4 Sep 2014, <http://gns0.icann.org/en/council/resolutions#20140904-1>)*

The GNSO Council further approves the creation of a drafting team to develop a charter for a non-PDP Working Group to consider additional methods for collecting necessary metrics and reporting from Contracted Parties and other external resources to aid the investigation.

How can I get involved?

The Working Group is open to anyone interested. If you want to join the Working Group please contact the GNSO Secretariat to be added to the mailing list (<mailto:gns0.secretariat@gns0.icann.org>).

Further Information:

- Data & Metrics for Policy Making Web Page - <http://gns0.icann.org/en/group-activities/active/dmpm>
- DMPM Charter - <http://gns0.icann.org/en/issues/dmpm-charter-23jan14-en.pdf>
- Uniformity of Reporting Final Issue Report - <http://gns0.icann.org/en/issues/uofr-final-31mar13-en.pdf>
- Open F2F meeting during the ICANN meeting in Buenos Aires on Thursday 25 June from 7:00 – 8:00 local time (see <http://buenosaires53.icann.org/en/schedule/thu-dmpm>)

Staff responsible: Steve Chan, Lars Hoffmann

Cross Community Working Groups on the Use of Country and Territory Names as TLDs

What is this about?

Following in the footsteps of the Study Group on the Use of Names for Countries and Territories as TLDs, the purpose of this CWG is to further review the issues pertaining to the use of country and territory names under different policies (new gTLD, IDN ccTLD, RFC 1591). If feasible the CWG will develop a definitional framework that could then be used across these. Furthermore, this CWG will 1) review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures; 2) provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs; and 3) should such a framework be deemed feasible, provide detailed advice as to its content.

Why is this important?

The treatment of country and territory names as Top Level Domains is a topic that has been discussed by the ccNSO, GAC, GNSO, ALAC and the ICANN Board for a number of years; recently the GAC has also launched a Working Group on geographic names with a potentially overlapping remit. Issues regarding the treatment of representations of country and territory names have arisen in a wide range of ICANN policy processes, including the IDN fast track, IDN ccPDP, and the development of the new gTLD Applicant Guidebook (AGB). References to country and territory names and their use are also present in guidelines such as the GAC's 'Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains' and 'Principles regarding new gTLDs'. Similarly, references are made in foundation documents, such as RFC1591 and administrative procedures such as those followed by IANA in the delegation and redelegation of ccTLDs (in accordance with ISO3166---1).

What is the current status of this project?

The CWG held regular biweekly meetings since its inauguration on 10 June 2014 and met face to face during all ICANN meetings since. The Cross Community Working Group has discussed relevant issues that arose from the Study Group on the Use of Names for Countries and Territories as TLDs and has produced a straw man options paper that will form the basis of the Group's forthcoming Initial Report. So far the Group has focused on agreeing on important definitions and discussed the issue of two-letter codes.

Expected next steps

Staff is preparing a progress report to be presented in – or shortly after – ICANN 53 where members will meet face-to-face and also interact with the GAC to coordinate efforts and avoid future conflicting policy or advice emerging from this CWG and the GAC's WG on geographic names. In addition, CWG members will start tackling the issue of three-letter codes as top level domains and is expected to move on subsequently to discussing country and territory names as TLDs. The CWG expects to deliver its Initial Report in time for ICANN 55.

Background

The ccNSO Council established a Study Group on the use of Country and Territory Names on 8 December 2010. The Study Group was tasked with developing an overview of:

- How names of countries and territories are currently used within ICANN, be it in the form of policies, guidelines and/or procedures.
- The types of strings, relating to the names of countries and territories that currently used, or proposed to be used, as TLDs.
- The issues that arise (or may arise) when current policies, guidelines and procedures are applied to these representations of country and territory names.

The Study Group was comprised of representatives from across the ICANN stakeholder community and conducted its work between May 2011 and June 2013. The Study Group advised the ccNSO Council to set up a cross community working group, with participants from ALAC, ccNSO, GAC and GNSO to further review the current status of representations of country and territory names, and provide detailed advice on the feasibility and content of a consistent and uniform definitional framework that could be applied across the respective SO's and AC's. The ccNSO Council was also advised to request the ICANN Board to extend the current rule in the new gTLD Applicant Guidebook regarding the exclusion of all country and territory names in all languages, for consecutive rounds of new gTLD applications, until such a time that the ccWG developed the framework.

How can I get involved?

If you are interested in joining the WG as a GNSO participant, please email the GNSO Secretariat at gns.secretariat@icann.org to be added to the mailing list.

Where can I find more information?

- More information on the CWG, including its charter can be found at: <http://ccnso.icann.org/workinggroups/ccwg-unct.htm> and <https://community.icann.org/x/X7XhAg>
- The Working Group builds on the work of its predecessor, the Study Group on the Use of Names for Countries and Territories as TLDs; its Final Report is available at <http://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf> [PDF, 717 KB]
- CWG Open meeting in Buenos Aires on Monday 22 June from 13.00 – 14.30 (see <http://buenosaires53.icann.org/en/schedule/mon-ctn>)

Staff responsible: Lars Hoffmann (GNSO), Bart Boswinkel (ccNSO)

Cross Community Working Group (CWG) on Framework of Principles for Future Cross Community Working Groups

What is this about?

With the increasing reliance on Cross Community Working Group, the ICANN community has recognized that there is an increasing number of issues that cut across and affect more than one of ICANN's Supporting Organizations and Advisory Committees. CWGs have been created previously (e.g. the Joint DNS Security & Stability Analysis Working Group (DSSA) involving At Large, ccNSO, GNSO, NRO, and SSAC, and the Joint IDN Working Group (JIG) involving the ccNSO and GNSO), but to date there have been no agreed guidelines on their use or outcomes. Many ICANN community members have highlighted the need for a set of uniform principles to guide the formation and operations of these cross-community working groups. This CWG has been chartered by the ccNSO and GNSO Councils to develop a framework of operating principles that would allow for the effective and efficient functioning of future CWGs.

Why is this important?

Each SO and AC within ICANN is responsible for different aspects of policy development and advice, and operates under different mandates and remits. There has, however, been an increase in the number of issues that affect or interest more than one SO/AC. Up to now, cross community working groups have been formed on a relatively ad-hoc basis, without a framework of consistent operating principles that take into account the differences between each SO/AC. In order to facilitate the successful functioning of CWGs, the ccNSO and GNSO believe that it would be beneficial to attempt to develop such a framework in collaboration with other SO/ACs.

What is the current status of this project?

The CWG's charter was approved by the ccNSO and GNSO Councils in March 2014. It has reviewed past cross community efforts to generate "lessons learned" which aided in the development of a proposed framework of principles. The draft framework identifies key principles and process steps that should be considered during each phase of the CWG life cycle (i.e., initiation, formation, operation, decision-making and closure, and post-closure of the CWG).

Expected next steps

In Buenos Aires, the CWG is expected to discuss the draft framework, which is intended to serve as a non-prescriptive set of guidelines for the formation, operation and termination of future CWGs.

Background

In March 2012 the GNSO Council approved an initial set of operating principles for CWGs that it sent to other SOs and ACs for feedback. Detailed comments and suggestions were received from the ccNSO suggesting additions and clarifications to the initial principles in June 2013. In October 2013, a Drafting Team to be co-chaired by the ccNSO and GNSO was approved by the GNSO Council. The DT was tasked to develop a charter for a WG that will take up the initial work already done, and develop a finalized framework governing the formation, chartering,

operation, decision-making and termination of CWGs that would be workable across all SO/ACs. The charter was approved by the ccNSO and GNSO Councils at their respective Council meetings in Singapore, in March 2014.

How can I get involved?

If you are interested in joining the CWG, please email the GNSO Secretariat at gns.secretariat@icann.org to be added to the mailing list. Membership limits per SO/AC are set out in the CWG charter (see <https://community.icann.org/x/pgfPAQ>). The CWG will also be holding a community session during the Buenos Aires meeting, on Wednesday 24 June from 8:00 - 9:00 local time (check the Meeting Schedule for confirmation).

Where can I find more information?

- Background information: <http://gns.icann.org/en/group-activities/active/cross-community>
- CWG Workspace: <https://community.icann.org/x/rQbPAQ>
- Open F2F CWG meeting during the ICANN meeting in Buenos Aires on Wednesday 24 June from 8:00 – 9:00 local time (see <http://buenosaires53.icann.org/en/schedule/wed-framework-cwg-principles>)

Staff responsible: Mary Wong (GNSO), Steve Chan (GNSO) and Bart Boswinkel (ccNSO)

GAC-GNSO Consultation Group on GAC Early Engagement in GNSO Policy Development Processes

What is this about?

The Governmental Advisory Committee (GAC) and the Generic Names Supporting Organization (GNSO) jointly established a consultation group to explore ways for the GAC to engage early in the GNSO Policy Development Process (PDP) and to improve overall cooperation between the two bodies (for example, by exploring the option of a liaison). The consultation group commenced its work in December 2013.

Why is this important?

The launch of this GAC-GNSO Consultation Group on Early Engagement is the result of discussions between the two entities at the ICANN meeting in Buenos Aires as well as previous ICANN meetings, reflecting a joint desire to explore and enhance ways of early engagement in relation to GNSO policy development activities. The issue was also specifically called-out by both Accountability and Transparency Review Teams (ATRT).

ICANN receives input from governments through the GAC. The GAC's key role is to provide advice to ICANN on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. The GAC usually meets three times a year in conjunction with ICANN Public Meetings, where it discusses issues with the ICANN Board and other ICANN Supporting Organizations, Advisory Committees and other groups. The GAC may also discuss issues between times with the Board either through face-to-face meetings or by teleconference.

The GNSO is responsible for developing policies for generic Top-Level Domains (e.g., .com, .org, .biz). The GNSO strives to keep gTLDs operating in a fair, orderly fashion across one global Internet, while promoting innovation and competition. The GNSO uses the GNSO Policy Development Process (PDP) to develop policy recommendations which, following approval, are submitted to the ICANN Board for its consideration.

What is the current status of this project?

The Consultation Group comprises approximately equal numbers of representatives from each of the GAC and the GNSO to a total number of approximately 12 active members. The work is divided into two work streams, the first concentrating on Mechanisms for day to day co-operation and the second on the detail options for GAC engagement in the GNSO policy development process (PDP). Due to workload and other priorities, the Consultation Group reduced its meetings after Singapore but is expected to restart its work following the ICANN meeting in Buenos Aires. In the meantime, it has been agreed to continue the GNSO Liaison to the GAC pilot project for FY16. Furthermore, the GNSO Council and GAC, on the recommendation of the CG, adopted a set of recommendations in relation to issue scoping, which includes amongst others, the formation of a GAC Quick Look Committee to provide an early indication of whether or not an issue subject to GNSO policy development is expected to raise public policy concerns.

Expected next steps

The GNSO Council and GAC will meet in Buenos Aires to discuss the current status and next steps. The CG is expected to continue its deliberations on early engagement opportunities for the other stages of the PDP as well as day-to-day co-operation following the BA meeting.

How can I get involved?

You can follow review the conversations on the mailing list (see <http://mm.icann.org/pipermail/gac-gnso-cg/>) or review the materials on the wiki (see <https://community.icann.org/x/phPRAg>).

Where can I find more information?

- Consultation Group Wiki: <https://community.icann.org/x/phPRAg>
- Mailing List Archives: <http://mm.icann.org/pipermail/gac-gnso-cg/>
- Consultation Group Charter: <https://community.icann.org/x/PyLRAg>
- Joint GNSO - GAC meeting during the ICANN meeting in Singapore on Sunday 21 June from 15.30 – 17.00 - <http://buenosaires53.icann.org/en/schedule/sun-gac-afternoon>

Staff responsible: Marika Konings (GNSO), Olof Nordling (GAC)