

# Preliminary Issue Report on New gTLD Subsequent Procedures

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## STATUS OF THIS DOCUMENT

This is the Preliminary Issue Report in response to the GNSO Council resolution requesting that at a minimum, the subjects identified by the New gTLD Subsequent Procedures Discussion Group be analyzed to help determine if they may lead to changes or adjustments to the existing policy recommendations as determined in the Final Report on the Introduction of New Generic Top-Level Domains. In accordance with the PDP Rules, this new Preliminary Issue Report will be published for public comment for at least thirty (30) days, and is to be followed by a Final Issue Report to be published after the closure of the public comment forum.

## SUMMARY

This new Preliminary Issue Report on New gTLD Subsequent Procedures is posted for public comment and submitted to the GNSO Council in response to the Council's request, and pursuant to the Resolution during the GNSO Council meeting on 24 June, 2015.



# 1. Executive Summary

## 1.1 Background

In 2005, the Generic Names Supporting Organization (GNSO) began a Policy Development Process (PDP) to consider the introduction of new gTLDs. The two-year PDP process resulted in a set of 19 GNSO policy recommendations for implementing new gTLDs. In order to implement the policy recommendations of the GNSO, and to take into consideration subsequent additional GNSO policy recommendations and implementation recommendations from the community (including the GNSO, GAC, ccNSO, ALAC, SSAC and the ICANN Board through the New gTLD Program Committee (NGPC<sup>1</sup>)), a number of draft Applicant Guidebooks (AGBs) were developed by ICANN staff in consultation with the community.

In June 2011, ICANN's Board of Directors approved the final AGB and authorized the launch of the New gTLD Program, although subsequent revised versions of the Final Applicant Guidebook were released by ICANN staff, including the ultimate final New gTLD Applicant Guidebook dated June 4, 2012, a few months after the application window closed, to include information in support of the anticipated objection filing period.

The New gTLD Program application window opened on 12 January 2012 and a total of 1930 complete applications were received. The first set of Initial Evaluation results were released on 22 March 2013, followed by the first set of new gTLD delegations on 21 October 2013.

All applications have now completed the evaluation process and as of the writing of this Preliminary Issue Report, there are over 700 gTLDs delegated and approximately 600 applications still proceeding through the remaining steps of the program. Though the 2012 round is ongoing, efforts to examine the round have already begun, which included the creation of the GNSO New gTLD Subsequent Procedures Discussion Group (DG). This Discussion Group was created by the GNSO Council to discuss the experiences gained by the first round of new gTLD applications and identify subjects for future issue reports, if any, that might lead to changes or adjustments for subsequent application procedures.

The DG prepared a set of final deliverables, which included a set of subjects that it anticipated should be analyzed in detail in the context

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<sup>1</sup> The ICANN Board resolved to establish the New gTLD Program Committee (NGPC) in 10 April 2012: <https://www.icann.org/en/groups/board/documents/resolutions-10apr12-en.htm>

of an Issue Report. On 24 June, 2015 the GNSO Council passed a resolution requesting the drafting of this Preliminary Issue Report on New gTLD Subsequent Procedures.

In accordance with the PDP Rules, this Preliminary Issue Report is hereby published for public comment. Following review of the public comments received, the Staff Manager will update the Issue Report as appropriate and submit a summary of the comments received together with the Final Issue Report.

## 1.2 Discussion of the Issue

A potential New gTLD Subsequent Procedures PDP Working Group may be tasked with determining what, if any changes may be needed in regards to the existing GNSO's *Final Report on Introduction of New Generic Top-Level Domains*. As the original policy recommendations as adopted by the GNSO Council and the ICANN Board have "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains," those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council would decide to modify those policy recommendations via a policy development process.

The work of the PDP is expected to follow the efforts of the New gTLD Subsequent Procedures Discussion Group (DG), which identified a set of subjects for a future PDP to be considered in their deliberations, which the DG saw as possibly being addressed in the following ways:

- Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidelines;
- Developing new policy recommendations, and/or;
- Supplementing or developing new implementation guidance

There are a number of review efforts underway or planned within the community, that may have an impact on the work of the PDP and may help inform the PDP WG's deliberations. Therefore, a PDP would not be expected to be limited to the subjects identified in this Issue Report, and should take into account the findings from parallel efforts external to the PDP.

As part of its deliberations, the DG suggested that a PDP should consider at a minimum, the subjects identified below. These subjects have been organized in suggested groupings that may facilitate

establishing a work plan as well as possible sub-teams to undertake the work. The list of subjects is a starting point, and a suggested method of organization, but it is not intended to be exhaustive or impose constraints on how the PDP operates or the issues it discusses, provided that the issues are directly related to new gTLD subsequent procedures. The WG may need to supplement or subtract from this list, or reorganize it, to meet the needs of the WG as it moves deeper into the substantive policy discussions, keeping the GNSO Council up to date on a regular basis with regards to any changes that are made.

The provisional groupings suggested by the DG and this Issue Report are enumerated directly below, which each contain a set of discrete subjects that have been researched and analyzed for the purposes of this Issue Report, and are likely to warrant additional discussion and possibly the development of recommendations by the PDP:

1. Overall Process / Support / Outreach Issues
2. Legal / Regulatory Issues
3. String Contention / Objections & Disputes
4. Internationalized Domain Names
5. Technical and Operations

Each of the subjects in these groupings is discussed in further detail in Section 4 of this Preliminary Issue Report.

### 1.3 Staff Recommendation

ICANN staff has confirmed that the proposed issue is within the scope of the GNSO's Policy Development Process and the GNSO (see section 5). The final deliverables of the New gTLD Subsequent Procedures Discussion Group (DG) provided a recommended minimum set of subjects, which served as the basis for analysis within the scope of this Issue Report and is expected to be the focus of the PDP as well.

A successful outcome of the PDP is critical to addressing the number of issues identified by the DG, by the ICANN Board<sup>2</sup>, and any other issues identified during deliberations. With experiences gained from the 2012 application round of the New gTLD Program, the PDP may be positioned to improve and expand upon the policies that currently govern the New gTLD Program. ICANN staff therefore recommends that the PDP proceed by considering carefully the recommended

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<sup>2</sup> Suggested areas for possible policy work in Annex A to the ICANN Board resolution on Planning for Future gTLD Application Rounds: <https://www.icann.org/en/system/files/files/resolutions-annex-a-17nov14-en.pdf>

subjects of the DG, taking into account related efforts to review the New gTLD Program, and working constructively towards new or modified policy recommendations for New gTLD subsequent procedures.

This Preliminary Issue Report has been published for public comment to allow for community input on information that may be missing from the Preliminary Issue Report, or necessary corrections or updates to information in the Preliminary Issue Report.