Annex C – Table of Recommendations, Options and Questions

Explanation of this Annex for Public Comment Respondents

Annex C provides a summary of items on which the Working Group is seeking feedback from the community. Please see the Preamble of this report for context about the items included in this table. It is not necessary to respond to every item in this table. Please respond to the items that you find important. In addition, you are welcome to provide feedback about items included in this paper that are not included in the table below. The first column of this table includes the applicable sub-section of the report included in Section 2 on Deliberations of the Working Group. Also included in this column is information about the source of the material:

- Full WG: Overarching issue that was considered by the full Working Group.
- WT1: Topic considered by Work Track 1, a sub team within the PDP Working Group.
- WT2: Topic considered by Work Track 2, a sub team within the PDP Working Group.
- WT3: Topic considered by Work Track 3, a sub team within the PDP Working Group.
- WT4: Topic considered by Work Track 4, a sub team within the PDP Working Group.

The second column of this table provides additional information about the item on which the Working Group is seeking input:

- Preliminary recommendation: a preliminary recommendation or implementation guideline.
- Option: A potential option for a preliminary recommendation or implementation guideline that has been considered by the Working Group or Work Track. Several alternatives may be provided in this section.
- Question: An item on which the Working Group or Work Track is seeking community input.

Note that each item in the third column includes a reference number. Please include the applicable number with your response for each item.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.1: Continuing Subsequent Procedures (full WG)	Preliminary Recommendation	2.2.1.c.1: The Working Group recommends no changes to the existing policy calling for subsequent application rounds introduced in an ongoing, orderly, timely and predictable manner.
2.2.1: Continuing Subsequent Procedures (full WG)	Question	2.2.1.e.1: The 2007 Final Report noted that success metrics would be developed around the New gTLD Program. What are some specific metrics that the program should be measured against?
2.2.2: Predictability (full WG)	Preliminary Recommendation	2.2.2.c.1: Currently, as a result of consensus recommendations made by the GNSO, the ICANN Board endorsed the GNSO's Policy and Implementation Recommendations, including those related to the Consensus Policy Implementation Framework (CPIF)[255] for governing the implementation phase of GNSO policies. If issues arise during this phase, the GNSO could seek to utilize the GNSO Expedited Policy Development Process or the GNSO Guidance Process, as defined in the ICANN Bylaws. However, there is support in the Working Group for a recommendation that the New gTLD Program, once launched (i.e., after the Implementation Review Team), should be subject to a new **Predictability Framework,** to address issues that arise regarding the introduction of new gTLDs. Among other recommendations, the Working Group believes that as part of the Predictability Framework, a Standing Implementation Review Team (IRT) should be constituted after the publication of the Applicant Guidebook to consider changes in the implementation, execution and/or operations of the new gTLD program after its launch, and the introduction of any further evaluation guidelines not available to applicants when applications were submitted. The Predictability Framework is intended to provide guidance to the Standing IRT in how issues should be resolved, which could include recommending that the GNSO Council initiate GNSO processes provided by the ICANN Bylaws. Please see sub-section d for full text of the Predictability Framework.

[255] For additional detail about policy implementation, please see the Consensus Policy Implementation Framework (CPIF) here: https://www.icann.org/en/system/files/files/gdd-consensus-policy-implementation-framework-31may15-en.pdf

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.2: Predictability (full WG)	Question	2.2.2.e.1: Does the concept of a Predictability Framework make sense to address issues raised post-launch?
2.2.2: Predictability (full WG)	Question	2.2.2.e.2: How should launch be defined? Ideas considered by the WG include Board adoption of the new Applicant Guidebook or the first day in which applications are accepted.
2.2.2: Predictability (full WG)	Question	2.2.2.e.3: A component of the Predictability Framework includes the identification or criteria to determine whether an issue can be handled through existing mechanisms or whether it can/should be handled by a Standing IRT. What are potential criteria that can be applied to help distinguish between types of issues and resolution mechanism?
2.2.2: Predictability (full WG)	Question	2.2.2.e.4: Do you have thoughts on the open questions/details related to the Standing IRT panel discussed in section (f) below? Is there a different structure, process, or body (possibly already existing) that might help provide needed predictability in addressing issues raised post-launch?
2.2.2: Predictability (full WG)	Question	2.2.2.e.5: How do you see the proposed Predictability Framework interacting with the existing GNSO procedures known as the GNSO Input Process, GNSO Guidance Process, and GNSO Expedited PDP?
2.2.2.2: Clarity of Application Process (WT1)	Preliminary Recommendation	2.2.2.2.c.1: When substantive/disruptive changes to the Applicant Guidebook or application processing are necessary and made through the Predictability Framework discussed above, there should be a mechanism that allows impacted applicants the opportunity to either (a) request an appropriate refund or (b) be tracked into a parallel process that deals with the discrete issues directly without impacting the rest of the program.
2.2.2.2: Clarity of Application Process (WT1)	Question	2.2.2.2.e.1: Is ICANN organization capable of scaling to handle application volume and, if not, what would have to happen in order for ICANN organization to scale?

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.3: Applications Assessed in Rounds (full WG)	Preliminary Recommendation	2.2.3.c.1: The Working Group recommends that the next introduction of new gTLDs shall be in the form of a "round." With respect to subsequent introductions of the new gTLDs, although the Working Group does not have any consensus on a specific proposal, it does generally believe that it should be known prior to the launch of the next round either (a) the date in which the next introduction of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the subsequent process. For the purposes of providing an example, prior to the launch of the next round of new gTLDs, ICANN could state something like, "The subsequent introduction of new gTLDs after this round will occur on January 1, 2023 or nine months following the date in which 50% of the applications from the last round have completed Initial Evaluation."
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.1: Conduct one additional "round" followed by an undefined review period to determine how future applications for new gTLDs should be accepted.
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.2: Conduct two or three additional application "rounds" separated by predictable periods for the purpose of major "course corrections," to determine the permanent process for the acceptance of new gTLDs in the future. For illustration purposes only, this could include commencing an application window in Q1 of Year 1, a second application window in Q1 of Year 2, and a final application window in Q1 of Year 3 followed by a lengthy gap to determine the permanent process moving forward after Year 3.
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.3: Conduct all future new gTLD procedures in "rounds" separated by predictable periods for the purpose of course corrections indefinitely. Policy development processes would then be required to make substantial, policy-driven changes to the program and would then only apply to the opening of the application round following the date in which the PDP recommendations were adopted by the ICANN Board.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.4: Conduct one additional "round" followed by the permanent opening up of a first-come, first-served process of new gTLD applications.
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.5: Commence two or three additional application "rounds" separated by predictable periods for the purpose of major course corrections, followed shortly thereafter by the permanent opening up of a first-come, first-served process of accepting new gTLD applications.
2.2.3: Applications Assessed in Rounds (full WG)	Option	2.2.3.d.6: Immediately commence a permanent first-come, first-served process of accepting new gTLD Applications.
2.2.3: Applications Assessed in Rounds (full WG)	Question	2.2.3.e.1: Of the models described above, which model do you believe should be employed, if any? Please explain.
2.2.3: Applications Assessed in Rounds (full WG)	Question	2.2.3.e.2: For the model you have selected, what are some mechanisms that can be employed to mitigate any of the listed (or unlisted) downsides.
2.2.3: Applications Assessed in Rounds (full WG)	Question	2.2.3.e.3: Is there a way to assess the demand for new gTLDs to help us determine whether the subsequent new gTLD process should be a "round" or a "first-come first-served process? (e.g. Do we introduce an Expressions of Interest process?)
2.2.3: Applications Assessed in Rounds (full WG)	Question	2.2.3.e.4: If we were to have a process where a certain date was announced for the next subsequent procedure, what would be the threshold for the community to override that certain date (i.e., Is a different process needed if the number of applications exceeds a certain threshold in a given period of time?)

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.4: Different TLD Types (full WG)	Preliminary Recommendation	2.2.4.c.1: The Working Group recommends that each of the categories recognized by the 2012 Applicant Guidebook, both explicitly and implicitly, continue to be recognized on a going forward basis. These include standard TLDs, community-based TLDs, TLDs for which a governmental entity serves as the registry operator, and geographic TLDs. In addition, the Working Group also recognizes that Specification 13 .Brand TLDs should also be formally established as a category. The ramifications of being designated a specific category are addressed throughout this Initial Report as applicable.
2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.1: The Working Group did not reach agreement on adding any additional categories of gTLDs. What would be the benefit of adding a further category/further categories? Should additional categories of TLDs be established and if so, what categories? Why or why not?
2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.2: To the extent that you believe additional categories should be created, how would applications for those TLDs be treated differently from a standard TLD throughout the application process, evaluation process, string contention process, contracting, post-delegation, etc.
2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.3: If you have recommended additional categories of TLDs, what would be the eligibility requirements for those categories, how would those be enforced and what would be the ramifications of a TLD that qualified for a newly created category failing to continue to meet those qualifications?
2.2.5 Applications Submission Limits (full WG)	Preliminary Recommendation	2.2.5.c.1: Although some members of Working Group supported the notion of putting limits into place, ultimately the Working Group concluded that there were no effective, fair and/or feasible mechanisms to enforce such limits. It therefore concluded that no limits should be imposed on either the number of applications in total or the number of applications from any particular entity.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.1: Work Track 1 recommends using the term “pre-approval” as opposed to “accreditation.” To a number of Work Track members, the term “accreditation” implies having a contract in place with ICANN and other items for which there is no agreement within the Work Track. “Pre-

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
		approval" on the other hand does not have those same implications, but merely connotes applying the same standards, evaluation criteria and testing mechanisms (if any) at a point in time which is earlier than going through the standard process.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.2: The Work Track generally agrees that there should be a registry service provider (RSP) pre-approval process, which must be in place at least three (3) months prior to the opening of the application period.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.3: The RSP pre-approval process shall have technical requirements equal to the Technical and Operational Capabilities Evaluation (as established in section 2.7.7 on Applicant Reviews: Technical/Operational, Financial and Registry Services), but will also consider the RSP's overall breadth of registry operator support.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.4: The RSP pre-approval process should be a voluntary program and the existence of the process will not preclude an applicant from providing its own registry services or providing registry services to other New gTLD Registry Operators.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.5: The RSP pre-approval process should be funded by those seeking pre-approval on a cost-recovery basis.
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.1: Should the pre-approval process take into consideration the number and type of TLDs that an RSP intends to support? Why or why not?
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.2: If so, how would the process take that into consideration? What if the number of applications submitted during the TLD application round exceed the number of TLDs for which the RSP indicated it could support?

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.3: Should RSPs that are pre-approved be required to be periodically reassessed? If so, how would such a process work and how often should such a reassessment be conducted?
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.4: If RSPs that go through the pre-approval process are required to go through a reassessment process, should RSPs/applicants that do not take part in the pre-approval program (e.g., providing registry services for its own registry or other registries) also be required to go through the reassessment process? Do you feel it will lead to inconsistent treatment of RSPs otherwise?
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.5: Existing RSPs: Should existing RSPs be automatically deemed "pre-approved"? Why or why not? If not automatically pre-approved, should existing RSPs have a different process when seeking to become pre-approved? If so, what would the different process be? Are there any exceptions to the above? For example, should a history of failing to meet certain Service Levels be considered when seeking pre-approval? Please explain.
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.6: What is the appropriate amount of time to allow for the submission of an application in order for the new RSP to be reviewed, so it can be added to the list of the approved registrars? What is an appropriate amount of time for that review to conclude?
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.1: Mandatory PICs: The Work Track is considering a recommendation to codify the current implementation of mandatory PICs as policy recommendations.[256] In addition, such mandatory PICs should be revisited to reflect the ongoing discussions between the GAC Public Safety Working Group and Registries as appropriate.

[256] See Specification 11, Section 1 and 3 a-d of the Registry Agreement.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.2: Voluntary PICs: The Work Track recommends continuing the concept of voluntary Public Interest Commitments and asking applicants to state any voluntary PICs in their application. In addition, the Work Track supports the ability of applicants to commit to additional voluntary PICs in response to public comments, GAC Early Warnings and/or GAC Advice. The Work Track acknowledges that changes to voluntary PICs may result in changing the nature of the application except where expressly otherwise prohibited in the Applicant Guidebook and that this needs further discussion.
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.3: At the time a voluntary PIC is made, the applicant must set forth whether such PIC is limited in time, duration and/or scope such that the PIC can adequately be reviewed by ICANN, an existing objector (if applicable) and/or the GAC (if the voluntary PIC was in response to a GAC Early Warning or GAC Advice).
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.4: To the extent that a Voluntary PIC is accepted, such PIC must be reflected in the applicant's Registry Agreement. A process to change PICs should be established to allow for changes to that PIC to be made but only after being subject to public comment by the ICANN community. To the extent that the PIC was made in response to an objection, GAC Early Warning and/or GAC Advice, any proposed material changes to that PIC must take into account comments made by the applicable objector and/or the applicable GAC member(s) that issued the Early Warning, or in the case of GAC Advice, the GAC itself.
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.1: Does you believe that there are additional Public Interest Commitments that should be mandatory for all registry operators to implement? If so, please specify these commitments in detail.
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.2: Should there be any exemptions and/or waivers granted to registry operators of any of the mandatory Public Interest Commitments? Please explain.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.3: For any voluntary PICs submitted either in response to GAC Early Warnings, public comments, or any other concerns expressed by the community, is the inclusion of those PICs the appropriate way to address those issues? If not, what mechanism do you propose?
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.4: To what extent should the inclusion of voluntary PICs after an application has been submitted be allowed, even if such inclusion results in a change to the nature of the original application?
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.5: If a voluntary PIC does change the nature of an application, to what extent (if any) should there be a reopening of public comment periods, objection periods, etc. offered to the community to address those changes?
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.6: The Work Track seeks to solicit input in regards to comments raised by the Verified TLD Consortium and National Association of Boards of Pharmacy that recommended a registry should be required to operate as a verified TLD if it 1) is linked to regulated or professional sectors; 2) is likely to invoke a level of implied trust from consumers; or 3) has implications for consumer safety and well-being.[257] In order to fully consider the impact and nature of this recommendation, the WG is asking the following questions: • 2.3.2.e.6.1: How would such a registry be recognized to be in line with these three criteria and who would make such a judgement? • 2.3.2.e.6.2: What types of conditions should be placed upon a registry if it is required to operate as a verified TLD?

[257] See CC2 comments in response to question 2.9.1.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.3.3: Applicant Freedom of Expression (WT3)	Preliminary Recommendation	2.3.3.c.1: Work Track 3 discussed the protection of an applicant's freedom of expression rights and how to ensure that evaluators and dispute resolution service providers (DSRPs)[258] performed their roles in such a manner so as to protect these fundamental rights. The Work Track generally believes that the implementation guidelines should be clarified to ensure that dispute resolution service providers and evaluators are aware that freedom of expression rights are to be considered throughout the evaluation and any applicable objection processes as well as any Requests for Reconsideration and/or Independent Review Panel proceedings.[259] To do this, each policy principle should not be evaluated in isolation from the other policy principles, but rather should involve a balancing of legitimate interests where approved policy goals are not completely congruent or otherwise seem in conflict. Applicant freedom of expression is an important policy goal in the new gTLD process and should be fully implemented in accordance with the applicant's freedom of expression rights that exist under law.
2.3.3: Applicant Freedom of Expression (WT3)	Question	2.3.3.e.1: What specific advice or other guidance should dispute resolution service providers that adjudicate objections proceedings and other evaluators be given to ensure that the policy principle of protecting applicant freedom of expression can be effectively implemented in the overall program?
2.3.3: Applicant Freedom of Expression (WT3)	Question	2.3.3.e.2: When considering Legal Rights Objections, what are some concrete guidelines that can be provided to dispute resolution service providers to consider "fair use," "parody," and other forms of freedom of expression rights in its evaluation as to whether an applied for string infringes on the legal rights of others?
2.3.3: Applicant Freedom of Expression (WT3)	Question	2.3.3.e.3: In the evaluation of a string, what criteria can ICANN and/or its evaluators apply to ensure that the refusal of the delegation of a particular string will not infringe an applicant's freedom of expression rights?

[258] Note that "dispute resolution service provider (DRSP)" was the term used in the 2012 Applicant Guidebook for panels that adjudicate objections proceedings.
[259] For additional discussion of the Reconsideration Process and the Independent Review Process, please see section 2.8.2 "Accountability Mechanisms."

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.3.4: Universal Acceptance (WT4)	Preliminary Recommendation	2.3.4.c.1: Amended Principle B: Some new generic top-level domains should be internationalised domain names (IDNs), although applicants should be made aware of Universal Acceptance challenges in ASCII and IDN TLDs and given access to all applicable information about Universal Acceptance currently maintained on ICANN's Universal Acceptance Initiative page,[260] through the Universal Acceptance Steering Group,[261] as well as future efforts.
2.3.4: Universal Acceptance (WT4)	Question	2.3.3.e.1: Work Track 4 is not proposing any additional work beyond that being done by the Universal Acceptance Initiative and the Universal Acceptance Steering Group. Do you believe any additional work needs to be undertaken by the community?
2.4.1: Applicant Guidebook (WT1)	Preliminary Recommendation	2.4.1.c.1: Work Track 1 generally agreed that an Applicant Guidebook (AGB) of some form should continue to be utilized in future waves of applications. The Work Track generally agreed, however, that the Applicant Guidebook should be made more user friendly.
2.4.1: Applicant Guidebook (WT1)	Preliminary Recommendation	2.4.1.c.2: In order to enhance accessibility for ease of understanding, especially for non-native English speakers and those that are less familiar with the ICANN environment, the Work Track believes that the AGB should: • 2.4.1.c.2.1: Be less focused on historical context and to the extent it is included, concentrate this content in appendices if possible. • 2.4.1.c.2.2: Be less about policy, with a stronger focus on the application process.

[260] https://www.icann.org/resources/pages/universal-acceptance-initiative-2014-10-03-en
[261] https://uasg.tech/

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
		• 2.4.1.c.2.3: Be focused on serving as a practical user guide that applicants can utilize in applying for a TLD. For instance, step-by-step instructions, possibly by type of application with a 'choose your own adventure' methodology. • 2.4.1.c.2.4: Have an improved Table of Contents, include an index and the online version should contain links to appropriate sections, definitions, etc. • 2.4.1.c.2.5: The online version could have sections that apply specifically to the type of application being applied for with the ability to only print those related sections. • 2.4.1.c.2.6: In conjunction with the above, the online version should allow for advanced indexing of an omnibus text. A core set of standard provisions may be applicable to everyone, but additional provisions may only be applicable to some. If the text is tagged and searchable, users could more easily locate the parts of the text that are relevant to them. • 2.4.1.c.2.7: Any Agreements/Terms of Use for systems access (including those required to be "clicked-through" should be finalized in advance and included in the Applicant Guidebook with the goal of minimizing obstacles and/or legal burdens on applicants (see section 2.4.3 on Systems).[262]
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.1: Program Information, Education and Outreach: The Work Track believes that for the next round of new gTLDs there should continue to be a minimum of four (4) months from the time in which the final Applicant Guidebook is released and the time until which applications would be finally due.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.2: Program Information, Education and Outreach: There should be a sufficient period of time available prior to the opening of the application submission period to allow for outreach efforts related to Applicant Support and other program elements and execution of the Communication Plan

[262] This refers to Terms and Conditions that must be executed in addition to the applicant Terms and Conditions and the ICANN Registry Agreement. For example, in the 2012 round, applicants or registry operators were required to accept additional terms and conditions to access the Applicant Submission Portal, the Trademark Clearinghouse system, the Customer Support Portal, etc.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
		("Communications Period"). • 2.4.2.c.2.1: The Communications Period for the next round of new gTLDs should be at least six (6) months. • 2.4.2.c.2.2: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, the Communications Period may be shortened to three (3) months.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.3: Program Information, Education and Outreach: Publish all program information on the main icann.org website (as opposed to https://newgtlds.icann.org), along with other related ICANN information and links to improve usability and accessibility.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.4: Program Information, Education and Outreach: Leverage Global Stakeholder Engagement staff to facilitate interaction between regional ICANN organization teams and potential applicants from these regions.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.5: Communications with Applicants: Provide a robust online knowledge base of program information that is easy to search and navigate, updated in a timely manner, and focused on issues with wide-reaching impact. Offer an opt-in notification service that allows applicants to receive updates about the program and their application in real or near real time.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.6: Communications with Applicants: Display and provide updates in a timely manner on expected response times on the website, so that applicants know when they can expect to receive a reply, as well as information about how applicants can escalate inquiries that remain unresolved.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.7: Communications with Applicants: Facilitate communication between applicants and the ICANN organization by offering real-time customer support using a telephone "help line," online chat functionality, and other online communication tools.

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Topic	**Type**	**Text**
2.4.2: Communications (WT1)	Question	2.4.2.e.1: Do you have any suggestions of criteria or metrics for determining success for any aspects of the new gTLD communications strategy?
2.4.2: Communications (WT1)	Question	2.4.2.e.2: The communications period prior to the 2012 round of new gTLDs was approximately six months. Was this period optimal, too long or too short? Please explain.
2.4.2: Communications (WT1)	Question	2.4.2.e.3: If ICANN were to launch new application windows in regular, predictable windows, would a communications period prior to the launch of each window be necessary? If so, would each communications period need to be the same length? Or if the application windows are truly predictable, could those communication periods be shorter for the subsequent windows?
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.1: The ICANN organization should ensure that enough time is provided for development and testing before any system is deployed.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.2: Systems should undergo extensive, robust Quality Assurance (QA), User Interface (UI), and Penetration testing to ensure that they are stable and secure, and that data is properly protected and kept confidential where appropriate.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.3: Applicant-facing systems should be usable and integrated, ideally with a single login.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.4: Once a system is in use, the ICANN organization should be transparent about any system changes that impact applicants or the application process. In the event of any security breach, ICANN should immediately notify all impacted parties.

Preliminary Recommendations, Options, and Questions for Community Input		
Topic	**Type**	**Text**
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.5: The ICANN organization should offer prospective system end-users with the opportunity to beta-test systems while ensuring no unfair advantages are created for individuals who test the tools. It may accomplish this by setting up an Operational Test and Evaluation environment.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.6: As stated in section 2.4.1 above, "Any Agreements/Terms of Use for systems access (including those required to be "clicked-through") should be finalized in advance and included in the Applicant Guidebook with the goal of minimizing obstacles and/or legal burdens on applicants.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.7: Implementation Guidance regarding technical systems: Applicants should be able to enter non-ASCII characters in certain fields.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.8: Implementation Guidance regarding technical systems: Applicants should be able to access live (real time) support using tools such as a phone helpline or online chat to address technical system issues.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.9: Implementation Guidance regarding technical systems: A single applicant should be able to submit and access multiple applications without duplicative data entry and multiple logins.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.10: Implementation Guidance regarding technical systems: Applicants should be able to receive automated confirmation emails from the systems.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.11: Implementation Guidance regarding technical systems: Applicants should be able to receive automated application fee related invoices.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.12: Implementation Guidance regarding technical systems: Applicants should be able to view changes that have been made to an application in the application system.

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2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.13: Implementation Guidance regarding technical systems: Applicants should be able to upload application documents in the application system.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.14: Implementation Guidance regarding technical systems: Applicants should be able to update information/documentation in multiple fields without having to copy and paste information into the relevant fields.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.15: Implementation Guidance regarding technical systems: Applicants should be able to specify additional contacts to receive communication about the application and/or access the application and be able to specify different levels of access for these additional points of contact. The systems should provide means for portfolio applicants to provide answers to questions and then have them disseminated across all applications being supported.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.16: Implementation Guidance regarding technical systems: The systems should provide clearly defined contacts within the ICANN organization for particular types of questions.
2.5.1: Application Fees (WT1)	Preliminary Recommendation	2.5.1.c.1: Work Track 1 is considering proposing that the New gTLD Program continue to be self-funding where existing ICANN activities are not used to cross-subsidize the new gTLD application, evaluation, pre-delegation and delegation processes.
2.5.1: Application Fees (WT1)	Preliminary Recommendation	2.5.1.c.2: In addition, the Work Track generally believes that the application fee amount should continue to be based on the “revenue neutral” principal, though the accuracy should be improved to the greatest extent possible. Although the 2012 New gTLD Applicant Guidebook remained silent on what should happen with any excess fees obtained through the application process, the Work Track is leaning towards recommending that absent the use of an application fee floor (described in 3

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		below) excess fees should be refunded back to applicants.[263] If a deficit arises, the Work Track considered several options (see deliberations below), but there seemed to be support for ICANN recovering the majority of funds in future TLD application windows.
2.5.1: Application Fees (WT1)	Preliminary Recommendation	2.5.1.c.3: The Work Track also is considering proposing that if in the event that the estimated application fee, based on the "revenue neutral" principal, falls below a predetermined threshold amount (i.e., the application fee floor), the actual application fee will be set at that higher application fee floor instead. The purpose of an application fee floor, as more fully discussed below, would be to deter speculation, warehousing of TLDs, and mitigating against the use of TLDs for abusive or malicious purposes,[264] that could more easily proliferate with a low application fee amount.
2.5.1: Application Fees (WT1)	Preliminary Recommendation	2.5.1.c.4: The application fee floor is a predetermined value that is the minimum application fee. By definition, an application fee floor will not meet the revenue neutral principle as the floor amount will be greater than the application fees creating an excess. In the event that an application fee floor is used to determine the application fee, excess fees received by ICANN if the application fee floor is invoked should be used to benefit the following categories: • Support general outreach and awareness for the New gTLD Program (e.g., Universal Awareness and Universal Acceptance initiatives) • Support the gTLD long-term program needs such as system upgrades, fixed assets, etc. • Application Support Program • Top-up any shortfall in the segregated fund as described below.

[263] A distinction needs to be made between excess fees generated by application fees ("Applicant Fees") and any fees received by ICANN as a result of string contention ("Auction Fees"). This section only deals with the former and not with any fees received by ICANN as a result of string contention.
[264] The behaviors listed are considered undesirable by some, as they signify applying for a TLD for reasons other than utilizing it. While terms like warehousing and squatting are not formally defined, they are generally understood to encompass things like applying for a TLD for speculative purposes or applying for a TLD to receive income from private auctions.

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2.5.1: Application Fees (WT1)	Preliminary Recommendation	2.5.1.c.5: To help alleviate the burden of an overall shortfall, a separate segregated fund should be set up that can be used to absorb any shortfalls and topped-up in a later round. The amount of the contingency should be a predetermined value that is reviewed periodically to ensure its adequacy.
2.5.1: Application Fees (WT1)	Question	2.5.1.e.1: To the extent that warehousing/squatting of TLDs has taken place and may occur in the future, what other restrictions/methodologies, beyond pricing, might prevent such behavior?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.2: What happens if the revenue-cost neutral amount results in a refund that is greater than the application fee floor value? Should it be only the difference between the cost floor and the amount refunded? Should there be any minimum dollar value for this to come into effect? i.e. the amount of the refund is a small amount, and if so, should this excess be distributed differently, i.e. Universal Awareness, Applicant Support, other?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.3: What are the considerations/implications if we move to continuous rounds, in this case limited to how it relates to ensuring the program is run in a revenue neutral manner?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.4: Are there policy, economic, or other principles or factors that might help guide the establishment of the floor amount?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.5: Under the circumstance where the application fee is set at the floor amount, do you have additional suggestions or strategy on the disbursement of excess funds?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.6: Are we acknowledging and accepting of ICANN being a so-called “registry of registries” (i.e., does the community envision ICANN approving a few thousand / hundreds of thousands / millions of gTLDs to be added to the root? Should there be a cap?)

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2.5.1: Application Fees (WT1)	Question	2.5.1.e.7: Is there a way in which the application fee can be structured such that it can encourage competition and innovation?
2.5.1: Application Fees (WT1)	Question	2.5.1.e.8: How do we address the timely disbursement of excess funds? Can this happen prior to the "end" of the evaluation process for all applications? If yes, please explain. If not, what is the length of time applicants should expect a refund after the evaluation process is complete?
2.5.1: Variable Fees (WT1)	Preliminary Recommendation	2.5.2.c.1: Though Work Track 1 discussed a number of different possible alternative approaches, there was no agreement on any alternatives to the 2012 round; namely that all applications should incur the same base application fee amount regardless of the type of application or the number of applications that the same applicant submits.[265] This would not preclude the possibility of additional fees in certain circumstances, as was the case in the 2012 round of the program (e.g., objections, Registry Service Evaluation Process, etc.).
2.5.1: Variable Fees (WT1)	Option	2.5.2.d.1: Different application fees for different types of applications is only warranted if the cost incurred for processing those different types is significant (for discussion purposes, 20% was used).
2.5.1: Variable Fees (WT1)	Option	2.5.2.d.2: Fees imposed for changing the type of application should be higher than applying for the desired TLD type originally (for discussion purposes, the applicant must pay 125% of the difference between the different application types in terms of fees plus any other related processing fees.)
2.5.1: Variable Fees (WT1)	Question	2.5.2.d.1: If the number of applications exceed capacity limits and projected processing costs (assuming these are limiting factors) should there be an option to increase capacity and costs to meet service expectations? If so, how should capacity vs. increased costs and/or limits be set? What is an

[265] It should be noted that although some applicants may receive Applicant Support in the form of reductions of their application fees, those are not considered "Variable Fees" for the purpose of this Initial Report.

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		acceptable increase and how would the actual percentage be determined?
2.5.1: Variable Fees (WT1)	Question	2.5.2.d.2: Should there be any exception to the rule that all applicants pay the same application fee regardless of the type of application? What exceptions might apply? Why or why not?
2.5.1: Variable Fees (WT1)	Question	2.5.2.d.3: If different types of applications result in different costs, what value (e.g., amount, percentage, other) would justify having different fees? How could we seek to prevent gaming of the different costs?
2.5.1: Variable Fees (WT1)	Question	2.5.2.d.4: If fees are imposed for changing the type of application, again what is an acceptable percentage and how should the percentage be determined?
2.5.3: Application Submission Period (WT1)	Preliminary Recommendation	2.5.3.c.1: For the next round of new TLD applications, applicants should have a minimum of three (3) months from the time in which the application systems open until the time in which applications would become due ("application submission period"). This recommendation would apply if the next application opportunity is structured as a round.
2.5.3: Application Submission Period (WT1)	Option	2.5.3.d.1: In section 2.4.2 on Communications, Work Track 1 has recommended that the Communications Period for the next round of new gTLDs should be at least six (6) months. One possible recommendation is that no more than two (2) months of the Communications Period for the next round of new gTLDs should overlap with the application submissions period, leaving at least one (1) month after the closing of the Communications Period and before the closing of the applications submission period.
2.5.3: Application Submission Period	Option	2.5.3.d.2: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, steps related to application processing and delegation

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(WT1)		should be able to occur in parallel with the opening of subsequent application windows.
2.5.3: Application Submission Period (WT1)	Option	2.5.3.d.3: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, the Applications submission period may be shortened to two (2) months.
2.5.3: Application Submission Period (WT1)	Question	2.5.3.e.1: For the next round, is having the applicant submission period set at three (3) months sufficient?
2.5.3: Application Submission Period (WT1)	Question	2.5.3.e.2: Is the concept of a fixed period of time for accepting applications the right approach? Why or why not? Does this help facilitate a predictable schedule for submission and objections/comments?
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.1: In the 2012 round, although anyone could apply, applicants that operated in a developing economy were given priority in the Applicant Support Program (ASP).[266] The Work Track generally agreed that Applicant Support should continue to be open to applicants regardless of their location so long as they meet the other criteria.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.2: Geographic outreach areas should not only target the Global South,[267] but also consider the "middle applicant" which are struggling regions that are further along in their development compared to underserved or underdeveloped regions.

[266] See https://archive.icann.org/en/topics/new-gtlds/draft-applicant-support-criteria-10dec11-en.pdf.
[267] While there does not seem to be an internationally agreed definition for the term Global South, see here: https://en.wikipedia.org/wiki/Global_South

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2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.3: Applicants who do not meet the requirements of the ASP should be provided with a limited period of time (that does not unreasonably delay the program) to pay the additional application fee amount and transfer to the relevant application process associated with their application.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.4: ICANN should improve the awareness of the ASP by engaging with other ICANN communities and other suitable partners that include, but not limited to, focus on technology and communication industries, especially in underserved regions, while improving awareness through extensive promotional activities.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.5: ICANN should employ a multifaceted approach based on pre-application support, including longer lead times to create awareness, encouraging participation of insightful experts who understand relevant regional issues and potential ramifications on the related business plans, along with the tools and expertise on how to evaluate the business case, such as developing a market for a TLD.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.6: Support should continue to extend beyond simply financial. ICANN's approach should include mentorship on the management, operational and technical aspects of running a registry such as existing registries/registrars within the region to develop in-house expertise to help ensure a viable business for the long term.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.7: Additionally, financial support should go beyond the application fee, such as including application writing fees, related attorney fees, and ICANN registry-level fees.
2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.8: ICANN should evaluate additional funding partners, including through multilateral and bilateral organizations, to help support the ASP.

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2.5.4: Applicant Support (WT1)	Preliminary Recommendation	2.5.4.c.9: ICANN should consider whether additional funding is required for the next round opening of the Applicant Support Program.
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.1: Work Track 1 generally agreed that the Applicant Support Program (ASP) should be open to applicants regardless of their location (see recommendations 2.5.4.c.1 and 2.5.4.c.2 above). How will eligibility criteria need to be adjusted to accommodate that expansion of the program?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.2: Metrics: What does success look like? Is it the sheer number of applications and/or those approved? Or a comparison of the number that considered applying vs. the number that actually completed the application process (e.g., developed its business plan, established financial sustainability, secured its sources of funds, ensured accuracy of information?) • 2.5.4.e.2.1: What are realistic expectations for the ASP, where there may be critical domain name industry infrastructure absent or where operating a registry may simply not be a priority for the potential applicants?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.3: If there are more applicants than funds, what evaluation criteria should be used to determine how to disperse the funds: by region, number of points earned in the evaluation process, type of application, communities represented, other?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.4: Did the ASP provide the right tools to potential program participants? If not, what was missing?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.5: How can we best ensure the availability of local consulting resources?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.6: How can we improve the learning curve – what ideas are there beyond mentorship?

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Topic	**Type**	**Text**
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.7: How do we penalize applicants who may try to game the system?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.8: Are there any considerations related to string contention resolution and auctions to take into account?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.9: Should there be a dedicated round for applicants from developing countries?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.10: What should the source of funding be for the ASP? Should those funds be considered an extra component of the application fee? Should ICANN use a portion of any excess fees it generates through this next round of new gTLDs to fund subsequent Application Support periods?
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.11: Are there any particular locales or groups that should be the focus of outreach for the ASP (e.g., indigenous tribes on various continents)?
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	2.5.5.c.1: Work Track 2 believes that there should continue to be a Terms and Conditions document separate and apart from the Registry Agreement. Although the majority of the Terms and Conditions contained in the 2012 round were generally acceptable, the Work Track is considering proposing the following changes.
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: • 2.5.5.c.2: Unless required under specific law or the ICANN Bylaws, ICANN should only be permitted to reject an application if done so in accordance with the Terms and Conditions of the Applicant Guidebook.

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Topic	**Type**	**Text**
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: • 2.5.5.c.3: In the event an application is rejected, the ICANN organization should be required to cite the reason in accordance with the Applicant Guidebook, or if applicable, the specific law and/or ICANN Bylaw for not allowing an application to proceed.
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	2.5.5.c.4: Section 6 currently gives ICANN a broad disclaimer of representations and warranties, but also contains a covenant by the applicant that it will not sue ICANN for any breach of the Terms and Conditions by ICANN. In general, the Work Track was not comfortable with the breadth of this covenant to not sue and Work Track members disagreed with the covenant not to sue as a concept. However, if the covenant not to sue ICANN is maintained, there **must** be a challenge/appeal mechanism established above and beyond the general accountability provisions in the ICANN Bylaws that allows for substantive review of the decision. This mechanism should look into whether ICANN (or its designees/contractors) acted inconsistently (or failed to act consistently) with the Applicant Guidebook (see section 2.8.2 on Accountability Mechanisms for further detail).
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	2.5.5.c.5: Section 14 allows ICANN to make reasonable updates to the Applicant Guidebook at its discretion. The Work Track generally agrees that to the extent that substantive changes are made to the Applicant Guidebook or program processes, applicants should be allowed some type of recourse, including if applicable, the right to withdraw an application from ICANN's consideration in exchange for a refund. A framework for ICANN to make transparent changes to the Applicant Guidebook as well as available recourse to change applications or withdraw for applicants should be laid out.
2.5.5: Terms and Conditions (WT2)	Question	2.5.5.e.1: Are there any other changes that should be made to the Applicant Terms and Conditions that balances ICANN's need to minimize its liability as a non-profit organization with an applicant's right to a fair, equitable and transparent application process?

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2.5.5: Terms and Conditions (WT2)	Question	2.5.5.e.2: Under what circumstances (including those arising relative to the sections referenced above) should an applicant be entitled to a full refund?
2.5.5: Terms and Conditions (WT2)	Question	2.5.5.e.3: Some in the Work Track have noted that even if a limited challenge/appeals process is established (see preliminary recommendation 2 above), they believe the covenant to not sue the ICANN organization (i.e., Section 6 of the Terms and Conditions) should be removed. Others have noted the importance of the covenant not to sue, based on the ICANN organization's non-profit status. Do you believe that the covenant not to sue should be removed whether or not an appeal process as proposed in section 2.8.2 on Accountability Mechanisms is instituted in the next round? Why or why not?
2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.1: ICANN should not attempt to create a "skills-based" system like "digital archery" to determine the processing order of applications.
2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.2: ICANN should apply again for an appropriate license to conduct drawings to randomize the order of processing applications.
2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.3: If ICANN is able to secure such a license, applications should be prioritized for Initial Evaluation using a prioritization draw method similar to the method ultimately adopted in the 2012 round. Namely: • Applicants who wish to have their application prioritized may choose to buy a ticket to participate in the "draw." • Applicants who choose not to buy a ticket will participate in a later draw to be held after the prioritized applicants. • Assignment of a priority number is for the processing of the application and does not necessarily reflect when the TLD will be delegated.

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2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.4: If an applicant has more than one application, they may choose which of their applications to assign to each priority number received within their portfolio of applications.
2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.5: To the extent that it is consistent with applicable law to do so, ICANN should include in the application amount the cost of participating in the drawing or otherwise assign a prioritization number during the application process without the need for a distinctly separate event.
2.6.1: Application Queuing (WT2)	Preliminary Recommendation	2.6.1.c.6: All applications submitted in the next round (regardless whether delegated or not) must have priority over applications submitted in any subsequent rounds/application windows even if the evaluation periods overlap.
2.6.1: Application Queuing (WT2)	Question	2.6.1.e.1: If there is a first-come, first-served process used after the next application window, how could ICANN implement such a process?
2.6.1: Application Queuing (WT2)	Question	2.6.1.e.2: In subsequent procedures, should IDNs and/or other types of strings receive priority in processing? Is there evidence that prioritization of IDN applications met stated goals in the 2012 round (served the public interest and increased DNS diversity, accessibility and participation)?[268]
2.6.1: Application Queuing (WT2)	Question	2.6.1.e.3: If ICANN is unable to obtain a license to randomize the processing order of applications, what are some other mechanisms that ICANN could adopt to process applications (other than through a first-come, first-served process)?

[268] According to the paper produced by the ICANN Organization *Use of a Drawing for Prioritizing New gTLD Applications*, "Advance release of IDNs promotes DNS diversity, makes the Internet more accessible, increases avenues of participation and serves the public interest." See https://www.icann.org/resources/pages/drawing-prioritization-2012-10-10-en.

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2.6.1: Application Queuing (WT2)	Question	2.6.1.e.4: Some members have suggested that the processing of certain types of applications should be prioritized over others. Some have argued that .Brands should be given priority, while others have claimed that community-based applications or those from the Global South should be prioritized. Do you believe that certain types of applications should be prioritized for processing? Please explain.
2.7.1: Reserved Names (WT2)	Preliminary Recommendation	2.7.1.c.1: Reservation at the top level: Keep all existing reservations, but add: • 2.7.1.c.1.1: The names for Public Technical Identifiers (i.e., PTI, PUBLICTECHNICALIDENTIFIERS, PUBLICTECHNICALIDENTIFIER). • 2.7.1.c.1.2: Special-Use Domain Names through the procedure described in IETF RFC 6761.[269]
2.7.1: Reserved Names (WT2)	Preliminary Recommendation	2.7.1.c.2: Reservations at the second level: Keep all existing reservations, but update Schedule 5 to include the measures for *Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes* adopted by the ICANN Board on 8 November 2016.[270]
2.7.1: Reserved Names (WT2)	Preliminary Recommendation	2.7.1.c.3: The Work Track is also considering a proposal to remove the reservation of two-character strings at the top level that consist of one ASCII letter and one number (e.g., .O2 or .3M), but acknowledges that technical considerations may need to be taken into account on whether to lift the reservation requirements for those strings. In addition, some have expressed concern over two characters consisting of a number and an ASCII letter where the number closely resembles a letter (e.g., a "zero" looking like the letter "O" or the letter "L" in lowercase looking like the number "one").[271]

[269] See the list of special use domains here: https://www.iana.org/assignments/special-use-domain-names/special-use-domain-names.xhtml
[270] See Board Resolution here: https://features.icann.org/two-character-domain-names-new-gtld-namespace
[271] For example, ".no" the ccTLD for Norway looking like "n0" using the number "zero" or ".nl" for the ccTLD of the Netherlands looking like ".n1" using the number "one."

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2.7.1: Reserved Names (WT2)	Question	2.7.1.e.1: The base Registry Agreement allows registry operators to voluntarily reserve (and activate) up to 100 strings at the second level which the registry deems necessary for the operation or the promotion of the TLD. Should this number of names be increased or decreased? Please explain. Are there any circumstances in which exceptions to limits should be approved? Please explain.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.2: If there are no technical obstacles to the use of 2-character strings at the top level consisting of one letter and one digit (or digits more generally), should the reservation of those strings be removed? Why or why not? Do you believe that any additional analysis is needed to ensure that these types of strings will not pose harm or risk to security and stability? Please explain.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3: In addition to the reservation of up to 100 domains at the second level, registry operators were allowed to reserve an unlimited amount of second level domain names and release those names at their discretion provided that they released those names through ICANN-accredited registrars. • 2.7.1.e.3.1: Should there be any limit to the number of names reserved by a registry operator? Why or why not? • 2.7.1.e.3.2: Should the answer to the above question be dependent on the type of TLD for which the names are reserved (e.g., .Brand TLD, geographic TLD, community-based TLD and/or open)? Please explain. • 2.7.1.e.3.3: During the 2012 round, there was no requirement to implement a Sunrise process for second-level domain names removed from a reserved names list and released by a registry operator if the release occurred after the general Sunrise period for the TLD. Should there be a requirement to implement a Sunrise for names released from the reserved names list regardless of when those names are released? Please explain.

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Topic	**Type**	**Text**
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.4: Some in the community object to the *Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes*, adopted by the ICANN Board on 8 November 2016. Is additional work needed in this regard?
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.1: Maintain the existing EBERO mechanism including triggers for an EBERO event and the critical registry functions that EBEROs provide as well as each of the other protections identified above.
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.2: Single registrant TLDs (including those under Specification 13) should be exempt from EBERO requirements.
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.3: Continue to allow publicly traded companies to be exempt from background screening requirements as they undergo extensive similar screenings, and extend the exemption to officers, directors, material shareholders, etc. of these companies.
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.4: Improve the background screening process to be more accommodating, meaningful, and flexible for different regions of the world, for example entities in jurisdictions that do not provide readily available information.[272]
2.7.2: Registrant Protections (WT2)	Question	2.7.2.e.1: The deliberations section below discusses several alternate methods to fund the EBERO program. Please provide any feedback you have on the proposed methods and/or any other methods to fund EBERO in subsequent procedures.

[272] The *Program Implementation Review Report* contained a similar recommendation; "Consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases (e.g., newly formed entities, publicly traded companies, companies in jurisdictions that do not provide readily available information."

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2.7.2: Registrant Protections (WT2)	Question	2.7.2.e.2: Should specific types of TLDs be exempt from certain registrant protections? If yes, which ones should be exempt? Should exemptions extend to TLDs under Specification 9, which have a single registrant? TLDs under Specification 13, for which registrants are limited to the registry operator, affiliates, and trademark licensees? If you believe exemptions should apply, under what conditions and why? If not, why not?
2.7.2: Registrant Protections (WT2)	Question	2.7.2.e.3: ICANN's *Program Implementation Review Report* stated that it may be helpful to consider adjusting background screening requirements to allow for meaningful review in different circumstances. Examples cited include newly formed entities and companies in jurisdictions that do not provide readily available information. Please provide feedback on ICANN's suggestion along with any suggestions to make applicant background screenings more relevant and meaningful.
2.7.2: Registrant Protections (WT2)	Question	2.7.2.e.4: Should publicly traded companies be exempt from background screening requirements? If so, should the officers, directors, and material shareholders of the companies also be exempt? Should affiliates of publicly traded companies be exempt?
2.7.2: Registrant Protections (WT2)	Question	2.7.2.e.5: The Work Track is considering a proposal to include additional questions (see directly below) to support the background screening process. Should these questions be added? Why or why not? • Have you had a contract with ICANN terminated or are being terminated for compliance issues? • Have you or your company been part of an entity found in breach of contract with ICANN?
2.7.3: Closed Generics (WT2)	Preliminary Recommendation	2.7.3.c.1: The subject of Closed Generics has proved to be one of the most controversial issues tackled by Work Track 2 with strong arguments made by both those in favor of allowing Closed Generics in subsequent rounds and those opposing Closed Generics and in favor of keeping the current ban. Because this PDP was charged not only by the GNSO Council to analyze the impact of Closed Generics and consider future policy, a number of options emerged as potential paths forward with respect to Closed Generics, though the Work Track was not able to settle on any one of them.

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		These options are presented in (d) below. The Work Track notes that there may be additional options that are not included in this list and welcomes suggested alternatives.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.1: **No Closed Generics:** Formalize GNSO policy, making it consistent with the existing base Registry Agreement that Closed Generics should not be allowed.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.2: **Closed Generics with Public Interest Application:** As stated above, GAC Advice to the ICANN Board was not that all Closed Generics should be banned, but rather that they should be allowed if they serve a public interest goal. Thus, this option would allow Closed Generics but require that applicants demonstrate that the Closed Generic serves a public interest goal in the application. This would require the applicant to reveal details about the goals of the registry. Under this option, Work Track 2 discussed the potential of an objections process similar to that of community-based objections challenging whether an application served a public interest goal. The Work Track recognized how difficult it would be to define the criteria against which such an application would be evaluated.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.3: **Closed Generics with Code of Conduct:** This option would allow Closed Generics but require the applicant to commit to a code of conduct that addresses the concerns expressed by those not in favor of Closed Generics. This would not necessarily require the applicant to reveal details about the goals of the registry, but it would commit the applicant to comply with the Code of Conduct which could include annual self-audits. It also would establish an objections process for Closed Generics that is modelled on community objections.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.4: **Allow Closed Generics:** This option would allow Closed Generics with no additional conditions but establish an objections process for Closed Generics that is modelled on community objections.

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2.7.3: Closed Generics (WT2)	Question	2.7.3.e.1: What are the benefits and drawbacks of the above outlined options?
2.7.3: Closed Generics (WT2)	Question	2.7.3.e.2: Work Track 2 noted that it may be difficult to develop criteria to evaluate whether an application is in the public interest. For options 2 and 3 above, it may be more feasible to evaluate if an application does not serve the public interest. How could it be evaluated that a Closed Generic application does not serve the public interest? Please explain.
2.7.3: Closed Generics (WT2)	Question	2.7.3.e.3: For option 2.7.3.d.4 above, how should a Code of Conduct for Closed Generics serving the public interest be implemented? The Work Track sees that adding this to the existing Code of Conduct may not make the most sense since the current Code of Conduct deals only with issues surrounding affiliated registries and registrars as opposed to Public Interest Commitments. The Work Track also believes that this could be in a separate Specification if Closed Generics are seen as a separate TLD category. Would it be better to modify the current Code of Conduct or have a separate Code of Conduct for Closed Generics? Please explain.
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.1: Work Track 3 recommends adding detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the Work Track recommends: ● 2.7.4.c.1.1: Prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .CAR and .CARS could not both be delegated because they would be considered confusingly similar. ● 2.7.4.c.1.2: Expanding the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language basis. If there is an application for the singular version of a word and an application for a plural version of the same word in the same language during the same application window, these applications would be placed in a

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		contention set, because they are confusingly similar. An application for a single/plural variation of an existing TLD would not be permitted. ○ Applications should not be automatically disqualified because of a single letter difference with an existing TLD. For example, .NEW and .NEWS should both be allowed, because they are not singular and plural versions of the same word. ● 2.7.4.c.1.3: Using a dictionary to determine the singular and plural version of the string for the specific language.
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.2: In addition, the Work Track recommends eliminating use of the SWORD Tool in subsequent procedures.
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.3: The Work Track also recommends that it should not be possible to apply for a string that is still being processed from a previous application opportunity.
2.7.4: String Similarity (WT3)	Question	2.7.4.e.1: Are Community Priority Evaluation and auctions of last resort appropriate methods of resolving contention in subsequent procedures? Please explain.
2.7.4: String Similarity (WT3)	Question	2.7.4.e.2: Do you think rules should be established to disincentivize “gaming” or abuse of private auctions? Why or why not? If you support such rules, do you have suggestions about how these rules should be structured or implemented?
2.7.4: String Similarity (WT3)	Question	2.7.4.e.3: Should synonyms (for example .DOCTOR and .PHYSICIAN) be included in the String Similarity Review? Why or why not? Do you think the String Similarity Review standard should be different when a string or synonym is associated with a highly-regulated sector or is a verified TLD? Please explain.

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2.7.5: IDNs (WT4)	Preliminary Recommendation	2.7.5.c.1: General agreement in Work Track 4 that IDNs should continue to be an integral part of the program going forward (as indicated in Principle B of the original Final Report on New gTLDs).
2.7.5: IDNs (WT4)	Preliminary Recommendation	2.7.5.c.2: General agreement that compliance with Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) should be required for the generation of IDN TLDs and valid variants labels.
2.7.5: IDNs (WT4)	Preliminary Recommendation	2.7.5.c.3: General agreement that 1-Unicode character gTLDs may be allowed for script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SSAC and Joint ccNSO-GNSO IDN Workgroup (JIG) reports. Please see relevant question in section (f) below.
2.7.5: IDNs (WT4)	Preliminary Recommendation	2.7.5.c.4: Implementation Guidance: General agreement that to the extent possible, compliance with IDNA2008 (RFCs 5890-5895) or its successor(s) and applicable Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) be automated for future applicants.
2.7.5: IDNs (WT4)	Preliminary Recommendation	2.7.5.c.5: Implementation Guidance: General agreement that if an applicant is compliant with IDNA2008 (RFCs 5890-5895) or its successor(s) and applicable LGRs for the scripts it intends to support, Pre-Delegation Testing should be unnecessary for the relevant scripts.
2.7.5: IDNs (WT4)	Preliminary Recommendation	The Work Track discussed variants[273] of IDN TLDs and is aware that the community will be tasked with establishing a harmonized framework (i.e., in gTLDs and ccTLDs) for the allocation of IDN variant TLDs of IDN TLDs. There is general agreement on the following:

[273] An IDN variant is a very specific condition defined in IDN RFCs, Guidelines and LGRs that only exists in some scripts and languages, like Traditional Chinese and Simplified Chinese, and should not be confused with translations or transliterations of strings.

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		2.7.5.c.6: IDN gTLDs deemed to be variants of already existing or applied for TLDs will be allowed provided: (1) they have the same registry operator implementing, by force of written agreement, a policy of cross-variant TLD bundling and (2) The applicable RZ-LGR is already available at the time of application submission.
2.7.5: IDNs (WT4)	Option	2.7.5.d.1: Question 2.7.5.e.2 below regarding "bundling" asks whether the unification of implementation policies with respect to how variants are handled in gTLDs are matters for this PDP to consider or whether those matters should be handled through an Implementation Review Team or by each individual registry operator.
2.7.5: IDNs (WT4)	Question	2.7.5.e.1: For the recommendation regarding 1-Unicode character gTLDs above, can the more general "ideograph (or ideogram)" be made more precise and predictable by identifying the specific scripts where the recommendation would apply? Please see script names in ISO 15924.
2.7.5: IDNs (WT4)	Question	2.7.5.e.2: Should the policy of bundling second-level domains across variant TLDs be unified for all future new gTLDs or could it be TLD-specific? If unified, should it be prescribed in the Working Group final report or chosen at implementation? If TLD-specific, could it be any policy that adequately protects registrants, or would it need to be chosen from a menu of possible bundling implementations? Currently known bundling strategies[274] include PIR's .ong/.ngo, Chinese Domain Name Consortium guidance and Latin-script supporting ccTLDs such as .br and .ca.
2.7.5: IDNs (WT4)	Question	2.7.5.e.3: Are there any known specific scripts that would require manual validation or invalidation of a proposed IDN TLD?

[274] https://tools.ietf.org/html/draft-ietf-regext-bundling-registration-02 provides more definitions and descriptions of bundling strategies.

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2.7.5: IDNs (WT4)	Question	2.7.5.e.4: For IDN variant TLDs, how should the Work Track take into account the Board requested and yet to be developed IDN Variant Management Framework?
2.7.6: Security and Stability (WT4)	Preliminary Recommendation	2.7.6.c.1: In the 2012-round, some applicants ended up applying for reserved or otherwise ineligible strings, causing them to later withdraw or be rejected[275]. Towards preventing that and streamlining application processing, the Work Track suggests the following as Implementation Guidance: The application submission system should do all feasible algorithmic checking of TLDs, including against RZ-LGRs and ASCII string requirements, to better ensure that only valid ASCII and IDN TLDs can be submitted. A proposed TLD might be algorithmically found to be valid, algorithmically found to be invalid, or verifying its validity may not be possible using algorithmic checking. Only in the latter case, when a proposed TLD doesn't fit all the conditions for automatic checking, a manual review should occur to validate or invalidate the TLD.
2.7.6: Security and Stability (WT4)	Preliminary Recommendation	2.7.6.c.2: For root zone scaling, the Work Track generally supports raising the delegation limit, but also agrees that ICANN should further develop root zone monitoring functionality and early warning systems as recommended by the SSAC, the RSSAC and the technical community.
2.7.6: Security and Stability (WT4)	Question	2.7.6.e.1: To what extent will discussions about the *Continuous Data-Driven Analysis of Root Stability (CDAR) Report*,[276] and the analysis on delegation rates, impact Working Group discussions on this topic? How about the input sought and received from the SSAC, RSSAC, and the ICANN organization discussed below in section (f), under the heading **Root Zone Scaling?**
2.7.6: Security and Stability (WT4)	Question	2.7.6.e.2: The SSAC strongly discourages allowing emoji in domain names at any level and the Work Track is supportive of this position. Do you have any views on this issue?

[275] Like .IDN, .AND, .ARE and .EST, see http://domainincite.com/10351-google-junks-three-of-its-new-gtld-applications
[276] See report here: https://www.icann.org/en/system/files/files/cdar-root-stability-final-08mar17-en.pdf

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2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.1: For all evaluations: In pursuit of transparency, publish (during the procedure) any Clarifying Questions (CQ) and CQ responses for public questions to the extent possible.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.2: For all evaluations: Restrict scoring to a pass/fail scale (0-1 points only).
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.3: For all evaluations: An analysis of CQs, guidance to the Applicant Guidebook, Knowledge Articles, Supplemental Notes, etc. from the 2012 round need to be sufficiently analyzed with the goal of improving the clarity of all questions asked of applicants (and the answers expected of evaluators) such that the need for the issuance of Clarifying Questions is lessened.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.4: For Technical and Operational Evaluation: If an RSP pre-approval program is established (as described in section 2.2.6), a new technical evaluation will not be required for applicants that have either selected a "pre-approved" RSP in its application submission or if it commits to only using a pre-approved RSP during the transition to delegation phase.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.5: For Technical and Operational Evaluation: Consolidate the technical evaluation across applications as much as feasible, even when not using a pre-approved RSP. For example, if there are multiple applications using the same non-pre-approved RSP, that RSP would only have to be evaluated once as opposed to being evaluated for each individual application.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.6: For Technical and Operational Evaluation: For applicants that outsource technical or operational services to third parties, applicants should specify which services are being performed by them and which are being performed by the third parties when answering questions.

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2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.7: For Technical and Operational Evaluation: Do not require a full IT/Operations security policy from applicants.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.8: For Technical and Operational Evaluation: Retain the same questions (except Q30b - Security Policy).
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.9: For Technical and Operational Evaluation: "Applicants must be able to demonstrate their technical and operational capability to run a registry operation for the purpose that the applicant sets out, either by submitting it to evaluation at application time or agreeing to use a previously approved** technical infrastructure." ***(Could mean in the same procedure or previous procedures if an RSP program exists.)*
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.10: For Technical and Operational Evaluation: "The Technical and Operational Evaluation may be aggregated and/or consolidated to the maximum extent possible that generate process efficiencies, including instances both where multiple applications are submitted by the same applicant and multiple applications from different applicants share a common technical infrastructure."
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.11: For Financial Evaluation: To the extent that it is determined that a Continued Operations Instrument will be required, it should not be part of the Financial Evaluation, but rather should only be required at the time of executing a Registry Agreement.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.12: For Financial Evaluation: Substitute the 2012 AGB evaluation of an applicant's proposed business models and financial strength with the following:

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		f. An applicant must identify whether the financials in its application apply to all of its applications, a subset of them or a single one (where that applicant (and/or its affiliates have multiple applications). g. ICANN won't provide financial models or tools, but it will define goals and publish lists of RSPs, organizations (like RySG and BRG) and consultants. h. The goals of a financial evaluation are for the applicant to demonstrate financial wherewithal and assure long-term survivability of the registry. Therefore, the evaluation should look at whether an applicant could withstand not achieving revenue goals, exceeding expenses, funding shortfalls, or inability to manage multiple TLDs in the case of registries that are dependent upon the sale of registrations. However, there should also be a recognition that there will be proposed applications that will not be reliant on the sale of third party registrations and thus should not be subject to the same type of evaluation criteria. In other words, although the goals of the financial evaluation are to determine the financial wherewithal of an applicant to sustain the maintenance of a TLD, the criteria may be different for different types of registries. Criteria should not be established in a "one-size-fits-all" manner. i. If any of the following conditions are met, an applicant should be allowed to self-certify that it has the financial means to support its proposed business model associated with the TLD: iv. If the applicant is a company traded on an applicable national public market; v. If the applicant and/or its Officers are bound by law in its jurisdiction to represent financials accurately; vi. If the applicant is a current Registry Operator that is not in default on any of its financial obligations under its applicable Registry Agreements, and has

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		not previously triggered the utilization of its Continued Operations Instrument. j. The applicant is required to provide credible 3rd-party certification of those goals if self-certification above is not used or achievable.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.13: For Financial Evaluation: To provide further clarity on the proposed financial evaluation model, the following are sample questions of how financials would be evaluated: e. Q45: "Identify whether this financial information is shared with another application(s)" (not scored). f. Q46: "Financial statements (audited, certified by officer with professional duty in applicant jurisdiction to represent financial information correctly or independently certified if not publicly-listed or current RO in good standing)" (0-1 scoring) (certification posted). g. Q47: "Declaration, certified by officer with professional duty in applicant jurisdiction to represent financial information correctly, independently certified if not publicly-listed or current RO in good standing, of financial planning meeting long-term survivability of registry considering stress conditions, such as not achieving revenue goals, exceeding expenses, funding shortfalls or spreading thin within current plus applied-for TLDs." (0-1 scoring) (publicly posted). h. No other financial questions.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	The Work Track proposes the following draft language for consideration, which would amend recommendation 8 from the 2007 Final Report: 2.7.7.c.14: For Financial Evaluation: "Applicants must be able to demonstrate their financial and organizational operational capability in tandem for all currently-owned and applied-for TLDs that

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		would become part of a single registry family."[277]
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.15: For Registry Services Evaluation: Allow for a set of pre-approved services that don't require registry services evaluation as part of the new TLD application.; that set should include at least: d. Base contract required services (EPP, DNS publishing etc.) e. IDN services following IDN Guidelines f. BTAPPA ("Bulk Transfer After Partial Portfolio Acquisition")[278]
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	2.7.7.c.16: For Registry Services Evaluation: Since the content of *Registry Agreement Amendment Templates for Commonly Requested Registry Services* (https://www.icann.org/resources/pages/registry-agreement-amendment-templates-2018-01-29-en) satisfies the criteria above, referring to it instead of exhaustively enumerating the list is preferred. Applicants would inform which of the pre-approved services they want to be initially allowed in the registry agreement for that TLD. 4. The Registry Services Evaluation Process should only be used to assess services that are not pre-approved. 5. Criteria used to evaluate those non-pre-approved registry services should be consistent with the criteria applied to existing registries that propose new registry services. To the extent

[277] A registry family is a group of registries that has the exact same operations and processes in place and are under common ownership and/or have a parent/subsidiary relationship organizational structure.
[278] It is important to note that this is NOT intended to say that evaluators should not evaluate an applicant's ability to perform these services; rather to say that these services should not be considered "additional registry services" and that those services do not cause security, stability or competition concerns.

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		possible, this may mean having the same personnel that currently reviews registry services for existing registries be the same personnel that reviews new registry services proposed by applicants. 6. In order to not hinder innovation, applications proposing non-pre-approved services should not be required to pay a higher application fee, unless it is deemed as possibly creating a security or stability risk requiring an RSTEP (Registry Services Technical Evaluation Panel[279]). In addition, in order to encourage the proposal of innovative uses of TLDs, those proposing new non-approved registry services should not, to the extent possible, be unreasonably delayed in being evaluated.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	The Work Track proposes the following draft language for consideration for Registry Services Evaluation: 2.7.7.c.17: "Applicants will be encouraged but not required to specify additional registry services that are critical to the operation and business plan of the registry. The list of previously approved registry services (IDN Languages, GPML, BTAPPA) will be included by reference in the Applicant Guidebook and Registry Agreement. If the applicant includes additional registry services, the applicant must specify whether it wants it evaluated through RSEP at evaluation time, contracting time, or after contract signing, acknowledging that exceptional processing could incur additional application fees. If the applicant has not included additional registry services, RSEP will only be available after contract signing."

[279] While the possible RSTEP fee was not discussed in Work Track deliberations, it was added to the Initial Report for the sake of completeness.

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2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.1: While a financial evaluation model reached general agreement, Work Track 4 is seeking feedback on an option with more complex evaluations that was proposed that would be specific to a scenario where there are already many commercial TLDs operating and a number of delegated but yet unlaunched ones. Please see the reasoning for this proposal on the Work Track Wiki[280] and of the model in the "Proposal - Straw Cookie-Monster"[281] section of the document.
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.2: If it is recommended that a registry only be evaluated once despite submitting multiple applications, what are some potential drawbacks of consolidating those evaluations? How can those issues be mitigated?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.3: Which financial model seems preferable and why?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.4: Some in the Work Track have suggested that ICANN provide a list of persons or entities that could assist applicants in establishing a proposed business model. Should ICANN be allowed or even required to maintain such a list?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.5: The requirement to submit financial statements (especially with respect to non-public applicants that generally do not disclose financial information) was one of the main reasons applicants failed their initial evaluations in 2012. Although changes to financial evaluations are

[280] See relevant Wiki space here: https://community.icann.org/download/attachments/74587507/WT4-Christa-Financial-Evaluation%20.pdf?version=1&modificationDate=1515643713000&api=v2

[281] See models at the URL below. "Minimalist Model" was called "Straw Mushin," "Reduced Model" was called "Straw Bee," "Light-Weight Model" was called "Straw Beetle" and "Heavy-Weight Model" was called "Straw Cookie Monster" during discussions. https://community.icann.org/display/NGSPP/2018-01-11+New+gTLD+Subsequent+Procedures+PDP+Work+Track+4?preview=/74587507/77530200/WT4%20Straw%20Models.pdf

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		potentially being recommended, the Work Track is not suggesting changes to the requirement to submit financial statements. Are there any potential alternate ways in which an applicant's financial stability can be measured without the submission of financial statements? If so, what are they?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.6: In Financial Evaluation, subsection 2.d, an exemption for public-traded companies is suggested. The Work Track hasn't considered whether to include affiliates in that exemption; should it be changed to also allow exemption in such cases?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.7: An alternative to the Registry Services Evaluation was to not allow any services to be proposed at the time of application and instead to require all such services to be requested after contracting. What would be the pros and cons of that alternative?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.8: Not adding cost and time to applications that propose new services likely increases cost and processing time for those applications that do not propose any additional registry services. In other words, it has been argued that applications without additional services being proposed are "subsidizing" applications which do propose new services. Do you see this as an issue?
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.9: Are there any other registry services that should be considered as "pre-approved"? This could include services such as protected marks lists, registry locks, and other services previously approved by ICANN for other registries that have already gone through the RSEP process (https://www.icann.org/resources/pages/rsep-2014-02-19-en). Please explain.
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.10: There are some who took the proposed registry services language as changing the 2012 implementation of asking for disclosure of services versus disclosure being required, while others argued it does not, keeping this aspect unchanged. Do you agree with one of those interpretations of

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		the recommendation contained in (c) above? Please explain and, to the extent possible, please provide alternative wording.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.1: Include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well during the transition to delegation phase.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.2: Use data-driven methodologies using trusted research-accessible data sources like *Day in the Life of the Internet* (DITL)[282] and *Operational Research Data from Internet Namespace Logs* (ORDINAL)[283].
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.3: Efforts should be undertaken to create a "Do Not Apply" list of TLD strings that pose a substantial name collision risk whereby application for such strings would not be allowed to be submitted.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.4: In addition, a second list of TLDs should be created (if possible) of strings that may not pose as high of a name collision risk as the "Do Not Apply" list, but for which there would be a strong presumption that a specific mitigation framework would be required.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.5: Allow every application, other than those on the "do not apply" list, to file a name collision mitigation framework with their application.

[282] DITL was a key element of this study on name collisions: https://www.icann.org/en/system/files/files/name-collision-02aug13-en.pdf
[283] See information regarding ORDINAL here: https://impactcybertrust.org/dataset_view?idDataset=794

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2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.6: During the evaluation period, a test should be developed to evaluate the name collision risk for every applied-for string, putting them into 3 baskets: high risk, aggravated risk, and low risk. Provide clear guidance to applicants in advance for what constitutes high risk, aggravated risk, and low risk.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.7: High risk strings would not be allowed to proceed and would be eligible for some form of a refund.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.8: Aggravated risk strings would require a non-standard mitigation framework to move forward in the process; the proposed framework would be evaluated by an RSTEP panel.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.9: Low risk strings would start controlled interruption as soon as such finding is reached, recommended to be done by ICANN org for a minimum period of 90 days (but likely more considering the typical timeline for evaluation, contracting and delegation).
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.10: If controlled interruption (CI) for a specific label is found to cause disruption, ICANN org could decide to disable CI for that label while the disruption is fixed, provided that the minimum CI period still applied to that string.
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.1: Is there a dependency between the findings from this Working Group and the Name Collisions Analysis Project (NCAP)? If there is, how should the PDP Working Group and NCAP Work Party collaborate in order to move forward? Or, should the PDP Working Group defer all name collision recommendations to NCAP?

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2.7.8: Name Collisions (WT4)	Question	2.7.8.e.2: In the event that the NCAP work is not completed prior to the next application round, should the default be that the same name collision mitigation frameworks in place today be applied to those TLDs approved for the next round?
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.3: The Work Track generally agreed to keep the controlled interruption period at 90 days due to lack of consensus in changing it. Some evidence indicated a 60-day period would be enough. Though no evidence was provided to require a longer period, other Work Track members argued for a longer 120 days. What length do you suggest and why? Note that the preliminary recommendation to have ICANN org conduct CI as early as possible would likely mitigate potential delays to applicants in launching their TLD. Are there concerns with ICANN org being responsible for CI?
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.4: During the first 2 years following delegation of a new gTLD string, registry operators were required to implement a readiness program ensuring that certain actions be taken within a couple of hours in the event that a collision was found which presented a substantial risk to life. The 2-year readiness for possible collisions was kept as determined in the *Name Collision Management Framework*, but some in the Work Track felt that the service level for 2012 was too demanding. What would be a reasonable response time?
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.5: If ICANN were initially required to initially delegate strings to its own controlled interruption platform and then later delegate the TLD to the registry, would that unreasonably increase the changes to the root zone?
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.6: What threat vectors for name collisions in legacy gTLDs should the Working Group consider, and what mitigation controls (if any) can be used to address such threats?

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Topic	**Type**	**Text**
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.7: Regarding the "do not apply" and "exercise care" lists, how should technical standards for these categories be established? Should experts other than those involved in NCAP be consulted?
2.7.8: Name Collisions (WT4)	Question	2.7.8.e.8: As applicants are preliminarily recommended above to be allowed to propose name collision mitigation plans, who should be evaluating the mitigation frameworks put forth by applicants? Should RSTEP be utilized as preliminarily recommended above or some other mechanism/entity?
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.1: A transparent process for ensuring that panelists, evaluators, and Independent Objectors are free from conflicts of interest must be developed as a supplement to the existing Code of Conduct Guidelines for Panelists and Conflict of Interest Guidelines for Panelists.[284]
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.2: For all types of objections, the parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.3: ICANN must publish, for each type of objection, all supplemental rules as well as all criteria to be used by panelists for the filing of, response to, and evaluation of each objection. Such guidance for decision making by panelists must be more detailed than what was available prior to the 2012 round.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.4: Extension of the "quick look" mechanism, which currently applies to only the Limited Public Interest Objection, to all objection types. The "quick look" is designed to identify and eliminate frivolous and/or abusive objections.

[284] See Applicant Guidebook Module 2, section 2.4.3.

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2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.5: Provide applicants with the opportunity to amend an application or add Public Interest Commitments in response to concerns raised in an objection.
2.8.1: Objections (WT3)	Option	2.8.1.d.1: GAC Advice must include clearly articulated rationale, including the national or international law upon which it is based.
2.8.1: Objections (WT3)	Option	2.8.1.d.2: Future GAC Advice, and Board action thereupon, for categories of gTLDs should be issued prior to the finalization of the next Applicant Guidebook. Any GAC Advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the application, not on groups or classes of applications.
2.8.1: Objections (WT3)	Option	2.8.1.d.3: Individual governments should not be allowed to use the GAC Advice mechanism absent full consensus support by the GAC. The objecting government should instead file a string objection utilizing the existing ICANN procedures (Community Objections/String Confusion Objections/Legal Rights Objections/Limited Public Interest Objections).
2.8.1: Objections (WT3)	Option	2.8.1.d.4: The application process should define a specific time period during which GAC Early Warnings can be issued and require that the government(s) issuing such warning(s) include both a written rationale/basis and specific action requested of the applicant. The applicant should have an opportunity to engage in direct dialogue in response to such warning and amend the application during a specified time period. Another option might be the inclusion of Public Interest Commitments (PICs) to address any outstanding concerns about the application.

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2.8.1: Objections (WT3)	Question	2.8.1.e.1: Role of the GAC: Some have stated that Section 3.1 of the Applicant Guidebook creates a "veto right" for the GAC to any new gTLD application or string. Is there any validity to this statement? Please explain.
2.8.1: Objections (WT3)	Question	2.8.1.e.2: Role of the GAC: Given the changes to the ICANN Bylaws with respect to the Board's consideration of GAC Advice,[285] is it still necessary to maintain the presumption that if the GAC provides Advice against a string (or an application) that such string or application should not proceed?
2.8.1: Objections (WT3)	Question	2.8.1.e.3: Role of the GAC: Does the presumption that a "string will not proceed" limit ICANN's ability to facilitate a solution that both accepts GAC Advice but also allows for the delegation of a string if the underlying concerns that gave rise to the objection were addressed? Does that presumption unfairly prejudice other legitimate interests?
2.8.1: Objections (WT3)	Question	2.8.1.e.4: Role of the Independent Objector: In the 2012 round, all funding for the Independent Objector came from ICANN. Should this continue to be the case? Should there be a limit to the number of objections filed by the Independent Objector?
2.8.1: Objections (WT3)	Question	2.8.1.e.5: Role of the Independent Objector: In the 2012 round, the IO was permitted to file an objection to an application where an objection had already been filed on the same ground only in extraordinary circumstances. Should this extraordinary circumstances exception remain? If so, why and what constitutes extraordinary circumstances?

[285] To better understand the changes referenced, see section 12.2(a)(x) and (xi) of the ICANN Bylaws from February 2016 and onwards versus those from 2014, specifically Article XI, section 2, 1(j) and (k).

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2.8.1: Objections (WT3)	Question	2.8.1.e.6: Role of the Independent Objector: Should the Independent Objector be limited to only filing objections based on the two grounds enumerated in the Applicant Guidebook?
2.8.1: Objections (WT3)	Question	2.8.1.e.7: Role of the Independent Objector: In the 2012 round, there was only one Independent Objector appointed by ICANN. For future rounds, should there be additional Independent Objectors appointed? If so, how would such Independent Objectors divide up their work? Should it be by various subject matter experts?
2.8.1: Objections (WT3)	Question	2.8.1.e.8: Some members of the ICANN community believe that some objections were filed with the specific intent to delay the processing of applications for a particular string. Do you believe that this was the case? If so, please provide specific details and what you believe can be done to address this issue.
2.8.1: Objections (WT3)	Question	2.8.1.e.9: How can the "quick look" mechanism be improved to eliminate frivolous objections?
2.8.1: Objections (WT3)	Question	2.8.1.e.10: ICANN agreed to fund any objections filed by the ALAC in the 2012 round. Should this continue to be the case moving forward? Please explain. If this does continue, should any limits be placed on such funding, and if so what limits? Should ICANN continue to fund the ALAC or any party to file objections on behalf of others?
2.8.1: Objections (WT3)	Question	2.8.1.e.11: Should applicants have the opportunity to take remediation measures in response to objections about the application under certain circumstances? If so, under what circumstances? Should this apply to all types of objections or only certain types?

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2.8.1: Objections (WT3)	Question	2.8.1.e.12: Who should be responsible for administering a transparent process for ensuring that panelists, evaluators, and independent objectors are free from conflicts of interest?
2.8.1: Objections (WT3)	Question	2.8.1.e.13: Community Objections: In 2012, some applicants for community TLDs were also objectors to other applications by other parties for the same strings. Should the same entity be allowed to apply for a TLD as community and also file a Community Objection for the same string? If so, why? If not, why not?
2.8.1: Objections (WT3)	Question	2.8.1.e.14: Community Objections: Many Work Track members and commenters believe that the costs involved in filing Community Objections were unpredictable and too high. What can be done to lower the fees and make them more predictable while at the same time ensuring that the evaluations are both fair and comprehensive?
2.8.1: Objections (WT3)	Question	2.8.1.e.15: Community Objections: In the Work Track, there was a proposal to allow those filing a Community Objection to specify Public Interest Commitments (PICs) they want to apply to the string. If the objector prevails, these PICs become mandatory for any applicant that wins the contention set. What is your view of this proposal?
2.8.1: Objections (WT3)	Question	2.8.1.e.16: String Confusion Objections: The RySG put forward a proposal to allow a single String Confusion Objection to be filed against all applicants for a particular string, rather than requiring a unique objection to be filed against each application. Under the proposal: • An objector could file a single objection that would extend to all applications for an identical string. • Given that an objection that encompassed several applications would still require greater work to process and review, the string confusion panel could introduce a tiered pricing

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		structure for these sets. Each applicant for that identical string would still prepare a response to the objection. • The same panel would review all documentation associated with the objection. Each response would be reviewed on its own merits to determine whether it was confusingly similar. • The panel would issue a single determination that identified which applications would be in contention. Any outcome that resulted in an indirect contention would be explained as part of the response. Do you support this proposal? Why or why not? Would this approach be an effective way to reduce the risk of inconsistent outcomes?
2.8.1: Objections (WT3)	Question	2.8.1.e.17: String Confusion Objections: Some Work Track members have proposed that there should be grounds for a String Confusion Objection if an applied-for string is an exact translation of existing string that is in a highly regulated sector, and the applied-for string would not employ the same safeguards as the existing string. Do you support this proposal? Please explain.
2.8.1: Objections (WT3)	Question	2.8.1.e.18: Legal Rights Objections: Should the standard for the Legal Rights Objection remain the same as in the 2012 round?[286] Please explain.

[286] Section 3.5.2 of the Applicant Guidebook states that ". . .a DRSP panel of experts presiding over a legal rights objection will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark ("mark") or IGO name or acronym (as identified in the treaty establishing the organization), or unjustifiably impairs the distinctive

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2.8.1: Objections (WT3)	Question	2.8.1.e.19: A Work Track member submitted a strawman redline edit of AGB section 3.2.2.2.[287] What is your view of these proposed edits and why?
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.1: ICANN should create a new substantive appeal mechanism specific to the New gTLD Program. Such an appeals process will not only look into whether ICANN violated the Bylaws by making (or not making) a certain decision, but will also evaluate whether the original action or action was done in accordance with the Applicant Guidebook.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.2: The process must be transparent and ensure that panelists, evaluators, and independent objectors are free from conflicts of interest.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.3: post-delegation dispute resolution procedures: The parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.4: post-delegation dispute resolution procedures: Clearer, more detailed, and better-defined guidance on scope and adjudication process of proceedings and the role of all parties must be available to participants and panelists prior to the initiation of any post-delegation dispute resolution procedures.

character or the reputation of the objector's mark or IGO name or acronym, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark or IGO name or acronym." Please see full text of this section for details about the standard.

[287] The proposal is available here: https://community.icann.org/download/attachments/63157176/7.2.5%20Legal%20Rights%20Objection%20-%20Strawman%20Edits.pdf?version=1&modificationDate=1486402474000&api=v2.

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2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.1: Limited Appeals Process: What are the types of actions or inactions that should be subject to this new limited appeals process? Should it include both *substantive* and *procedural* appeals? Should all decisions made by ICANN, evaluators, dispute panels, etc. be subject to such an Appeals process. Please explain.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.2: Limited Appeals Process: Who should have standing to file an appeal? Does this depend on the particular action or inaction?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.3: Limited Appeals Process: What measures can be employed to ensure that frivolous appeals are not filed? What would be considered a frivolous appeal?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.4: Limited Appeals Process: If there is an appeals process, how can we ensure that we do not have a system which allows multiple appeals?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.5: Limited Appeals Process: Who should bear the costs of an appeal? Should it be a "loser-pays" model?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.6: Limited Appeals Process: What are the possible remedies for a successful appellant?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.7: Limited Appeals Process: Who would be the arbiter of such an appeal?

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2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.8: Limited Appeals Process: In utilizing a limited appeal process, what should be the impact, if any, on an applicant's ability to pursue any accountability mechanisms made available in the ICANN Bylaws?
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.9: Limited Appeals Process: Do you have any additional input regarding the details of such a mechanism?
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.1: The Community Priority Evaluation (CPE) process must be more transparent and predictable.
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.2: CPE evaluations should be completed in a shorter period of time.
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.3: All evaluation procedures should be developed BEFORE the application process opens and made easily and readily available.
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.4: The CPE process should include a process for evaluators to ask clarifying questions and where appropriate engage in a dialogue with the applicant during the CPE process.
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.5: Less restrictive word count for communities to engage in clarifying and providing information.
2.9.1: Community Applications (WT3)	Question	2.9.1.e.1: During its deliberations, a number of Work Track 3 members expressed that they believed the "definition" of community, available in section 1.2.3.1 of the Applicant Guidebook, was deficient. A number of attempts were made by the Work Track to better define the term

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		"community," but no definition could be universally agreed upon.[288] Do you believe the current definition of "community" in the AGB is sufficiently clear and flexible to represent the intentions of existing policy about community applications and the various types of communities that may seek priority in the new gTLD program? If not, how would you define "community" for the purposes of community-based applications in the New gTLD Program? What attributes are appropriate? Do you have specific examples where demonstrable community support should or should not award priority for a string? Do you believe examples are useful in developing an understanding of the purpose and goals of any community-based application treatment?
2.9.1: Community Applications (WT3)	Question	2.9.1.e.2: Should community-based applications receive any differential treatment beyond the ability to participate in CPE, in the event of string contention?
2.9.1: Community Applications (WT3)	Question	2.9.1.e.3: Could/should alternative benefits be considered when scoring below the threshold to award the string (e.g., support in auction proceedings)?
2.9.1: Community Applications (WT3)	Question	2.9.1.e.4: What specific changes to the CPE criteria or the weight/scoring of those criteria should be considered, if the mechanism is maintained?
2.9.1: Community Applications (WT3)	Question	2.9.1.e.5: In the 2012 new gTLD round, it was determined that community-based applications should have preference over non-community-based applications for the same string. Some have argued that this preference should continue, others have claimed that this preference is no longer

[288] One of those attempts can be found here: https://docs.google.com/document/d/1yKuFzTgIel53nxM9tOWgoH6evMTk4wdxVreVH2m1t0o/edit#heading=h.wjdbjqxzhb4

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		needed. Should the New gTLD Program continue to incorporate the general concept of preferential treatment for "community applications" going forward? Is the concept of awarding priority for community-based applications feasible, given that winners and losers are created?
2.9.1: Community Applications (WT3)	Question	The Work Track also considered a report on CPE prepared by the Council of Europe,[289] which noted the need to refine the definition of community and re-assess the criteria and guidance for CPE in the AGB and CPE Guidelines. Although this paper has not been officially endorsed by the European Commission or the GAC, there are a number of recommendations in this report on community-based applications. The Work Track is seeking feedback from the community on this report and more specifically which recommendations are supported, not supported or which require further exploration. • 2.9.1.e.6: Do you agree with the Council of Europe Report,[290] which in summary states, "Any failure to follow a decision-making process which is fair, reasonable, transparent and proportionate endangers freedom of expression and association, and risks being discriminatory." Did the CPE process endanger freedom of expression and association? Why or why not?
2.9.1: Community Applications (WT3)	Question	2.9.1.e.7: In regards to recommendation 2.9.1.c.1 in section c above, what does, "more transparent and predictable," mean to you? For what aspects of CPE would this apply in particular?

[289] See Council of Europe report here: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806b5a14
[290] Ibid

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2.9.1: Community Applications (WT3)	Question	2.9.1.e.8: Some in the Work Track have noted specific concerns about the way the CPE provider performed evaluations, particularly around the validation of letters of support/opposition. To what extent should the evaluators be able to deviate from pre-published guidance and guidelines? For instance, should the evaluators have the flexibility to perform elements of the evaluation in a procedurally different way?
2.10.1: Base Registry Agreement (WT2)	Preliminary Recommendation	2.10.1.c.1: Work Track 2 continues to support the original policy recommendations and implementation guidelines upon which the 2012 round was based. However, a clearer, structured, and efficient method for obtaining exemptions to certain requirements of the RA, which allows ICANN to consider unique aspects of registry operators, TLD strings, as well as the ability to accommodate a rapidly changing marketplace is needed.
2.10.1: Base Registry Agreement (WT2)	Question	2.10.1.e.1: If ICANN were to have a "clearer, structured, and efficient methods for obtaining exemptions to certain requirements of the RA," how can such a process be structured to consider unique aspects of registry operators and TLD strings, while at the same time balancing ICANN's commitment to registry operators that it treat each registry operator equitably?[291] • 2.10.1.e.1.1: At a high level, there was a suggestion that for exemptions or exceptions, the proposer could provide the specific problematic provisions, the underlying policy justifications for those provisions, and the reasons why the relief is not contrary to those justifications. Does this seem like a reasonable approach? Why or why not?

[291] See Section 3.2 of the RA which states: "ICANN shall not apply standards, policies, procedures or practices arbitrarily, unjustifiably, or inequitably and shall not single out Registry Operator for disparate treatment unless justified by substantial and reasonable cause."

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2.10.1: Base Registry Agreement (WT2)	Question	The *Public Interest Commitment (PIC) Standing Panel Evaluation Report* dated March 17, 2017[292] in the case of Adobe Systems Incorporated et al. v. Top Level Spectrum, Inc., d/b/a/ Fegistry, LLC et al., states the following: *Second, the Panel notes that PIC (3)(a) of Specification 11 imposes no obligation on Respondent as the Registry Operator itself to avoid fraudulent and deceptive practices. Third, the Panel finds that Respondent's Registry Operator Agreement contains no covenant by the Respondent to not engage in fraudulent and deceptive practices.*[293] 2.10.1.e.2: Should this Work Track recommend that ICANN include a covenant in the RA that the registry operator not engage in fraudulent and deceptive practices? Please explain.
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	Preliminary Recommendation	2.10.2.c.1: Recommendation 19 should be revised to be made current with the current environment: Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars, *unless an exemption to the Registry Code of Conduct is granted.*
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	Question	2.10.2.e.1: In response to feedback from CC2, Work Track 2 members have suggested that .Brand registries as well as any registry operator granted an exemption from the Code of Conduct (as set forth in Specification 9 of the Registry Agreement), should not only be able to limit the number of registrars that they have to use, but should also have the ability to receive a complete exemption from using any ICANN-accredited registrars at all in the operation of their TLD by making them equally exempt from section 2.9 of the Registry Agreement. In connection with the above proposal,

[292] See Exhibit A of https://www.icann.org/uploads/compliance_notice/attachment/911/serad-to-westerdal-16mar17.pdf.
[293] See https://www.icann.org/uploads/compliance_notice/attachment/911/serad-to-westerdal-16mar17.pdf P. 17.

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		the Work Track is soliciting feedback on the following: • 2.10.2.e.1.1: Should a complete exemption be available to these registries? Please explain. • 2.10.2.e.1.2: If complete exemptions are granted, are there any obligations that should be imposed on .Brand registries to ensure that any obligations or registrant protections normally found in Registrar Accreditation Agreements that should be included in .Brand Registry Agreements if they elect to not use any ICANN-accredited registrars? • 2.10.2.e.1.3: Work Track members have suggested that input from the Registrars Stakeholder Group as well as the Brand Registry Group on this topic, would benefit further deliberations and any final recommendations. The Work Track makes note that feedback from all parties will be fully considered and contribute to further developments.
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	Question	2.10.2.e.2: Are there any other additional situations where exemptions to the Code of Conduct should be available?
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	Question	2.10.2.e.3: There are provisions in the Registrar Stakeholder Group Charter[294] that some feel disfavor those who have been granted exemptions to the Code of Conduct. In the preliminary recommendation above, would it be better to phrase it as, "unless the Registry Code of Conduct does not apply" rather than, "unless an exemption to the Registry Code of Conduct is granted"?
2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.1: Registry System Testing (RST) should be split between overall registry service provider (RSP) matters and specific application/TLD testing.

[294] Charter here: http://icannregistrars.org/wp-content/uploads/2016/02/rrsg-charter-30may14-en-1.pdf

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2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.2: Remove a better part or all self-certification assessments.
2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.3: Rely on Service Level Agreement (SLA) monitoring for most if not all overall registry service provider testing.
2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.4: Limit Internationalized Domain Name (IDN) testing to specific TLD policies; do not perform an IDN table review in Registry System Testing.
2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.5: Include additional operational tests to assess readiness for Domain Name System Security Extensions (DNSSEC) contingencies (key roll-over, zone re-signing).
2.11.1: Registry System Testing (WT4)	Preliminary Recommendation	2.11.1.c.6: Possible language: "Applicants must be able demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out, either by submitting it to evaluation at application time or agreeing to use a previously approved* technical infrastructure." * Could mean in the same procedure or previous procedures if an RSP program exists.
2.11.1: Registry System Testing	Question	2.11.1.e.1: ICANN's Technical Services group provided some recommendations[295] to Work Track 4 on what it believed were improvements that could be made to improve its testing procedures to

[295] See full response here: https://community.icann.org/download/attachments/58735969/Response%20to%20WT4%20re%20RST%20improvements.pdf?version=2&modificationDate=1502939084000&api=v2

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(WT4)		attempt to detect operational issues that its Service Level Monitoring system has uncovered with some registry service providers. Although the Work Track discussed this letter in some detail, the Work Track has not reached any consensus on whether those recommendations should be accepted. Therefore, we would like feedback from the community on whether any of the recommendations should be adopted by the Work Track in the final report. More specifically, we seek feedback on recommendation numbers 1 (PDT Operational Tests), 2 (Monitoring), 3 (Third-party certifications), 4 (Audits), 6 (Frequency of tests), 7 (Removal of testing IDN tables) and 8 (Consideration of number of TLDs). Some of the other recommendations, including number 4 (RSP pre-approval) are discussed in Section 2.2.6 on Accreditation Programs (e.g., RSP Pre-Approval).
2.12.1: TLD Rollout (WT2)	Preliminary Recommendation	2.12.1.c.1: The ICANN organization should be responsible for meeting specific deadlines in the contracting and delegation processes.
2.12.1: TLD Rollout (WT2)	Preliminary Recommendation	2.12.1.c.2: Work Track 2 supports the timeframes set forth in the Applicant Guidebook and the base Registry Agreement; namely (i) that successful applicants continue to have nine (9) months following the date of being notified that it successfully completed the evaluation process to enter into a Registry Agreement, and (ii) that Registry Operators must complete all testing procedures for delegation of the TLD into the root zone within twelve (12) months of the Effective Date of the Registry Agreement. In addition, extensions to those timeframes should continue to be available according to the same terms and conditions as they were allowed during the 2012 round.
2.12.1: TLD Rollout (WT2)	Question	2.12.1.e.1: One of the reasons the delegation deadline was put into place was to prevent the

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		incidence of squatting/warehousing.[296] Is this reason still applicable and/or relevant? Are other measures needed? If so, what measures and how will these measures address the issue?
2.12.1: TLD Rollout (WT2)	Question	2.12.1.e.2: For the 2012 round, registry operators were required to complete the delegation process within twelve (12) months from the Effective Date of the Agreement.[297] This was the only requirement regarding use of the TLD. Other than delegation (which includes the maintenance of a required NIC.TLD page and a WHOIS.NIC.TLD page), no other use of a TLD is required. Is the definition of use of a TLD from the 2012 round still appropriate or are adjustments needed? If you believe that adjustments are needed, what adjustments are necessary and why?
2.12.3: Contractual Compliance (WT2)	Preliminary Recommendation	2.12.3.c.1: The Work Track believes that the foundational elements of the Contractual Compliance program put into place by ICANN as well as the relevant provisions in the base Registry Agreement have satisfied the requirements set forth in Recommendation 17. That said, members of the Work Track believe that ICANN's Contractual Compliance department should publish more detailed data on the activities of the department and the nature of the complaints handled.
2.12.3: Contractual Compliance (WT2)	Question	2.12.3.e.1: The Work Track noted that with the exception of a generic representation and warranty in Section 1.3(a)(i) of the Registry Agreement,[298] Specification 12 (for Communities) and voluntary Public Interest Commitments in Specification 11 of the Registry Agreement (if any), there were no

[296] See the comments of the IPC, "...does not support the warehousing of TLD strings and supports a timeframe after applicant grant by which the TLD string must be operational" here: https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm
[297] See section 4.3 (b) of the Registry Agreement.
[298] Section 1.3(a)(i) states that Registry Operator represents and warrants to ICANN as follows: "(i) all material information provided and statements made in the registry TLD application, and statements made in writing during the negotiation of this Agreement, were true and correct in all material respects at the time made, and such information or statements continue to be true and correct in all material respects as of the Effective Date except as otherwise previously disclosed in writing by Registry Operator to ICANN;"

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		mechanisms in place to specifically include other application statements made by Registry Operators in their applications for the TLDs. Should other statements, such as representations and/or commitments, made by applicants be included in the Registry Operator's Agreements? If so, please explain why you think these statements should be included? Would adherence to such statements be enforced by ICANN Contractual Compliance?
2.12.3: Contractual Compliance (WT2)	Question	2.12.3.e.2: A concern was raised in the CC2 comment from INTA about operational practices, specifically, "arbitrary and abusive pricing for premium domains targeting trademarks; use of reserved names to circumvent Sunrise; and operating launch programs that differed materially from what was approved by ICANN." What evidence is there to support this assertion? If this was happening, what are some proposed mechanisms for addressing these issues? How will the proposed mechanisms effectively address these issues?