

## Initial Report on the new gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4)

### 1 Executive Summary

#### 1.1 Introduction

On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group. The Working Group (WG) was tasked with calling upon the community's collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007.

As the original policy recommendations adopted by the GNSO Council and ICANN Board have “been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains”, those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council decides to modify those policy recommendations via a policy development process. The Working Group is chartered to develop new policy principles, recommendations, and implementation guidance or to clarify, amend, or replace existing such elements.

A Call for Volunteers to the Working Group was issued on 27 January 2016. The Working Group held its first meeting on 22 February 2016 and has met regularly since that time. With over 250 members and observers in the SubPro Working Group, and dozens of issues to address regarding the 2012 New gTLD Program, the SubPro Co-Chairs divided up the work into a set of “Overarching Issues” and five Work Tracks. Each of the five work tracks covered a number of related issues with the help of one or more Co-Leaders. This first Initial Report contains the output of the Working Group on the Overarching Issues as well as preliminary recommendations and questions for community feedback from Work Tracks 1-4.

## 1.2 Preliminary Recommendations

As noted in the Preamble, this Initial Report does not contain a “Statement of level of consensus for the recommendations presented in the Initial Report. In addition, in some circumstances, the Working Group and/or Work Tracks did not reach agreement on preliminary recommendations and instead, have provided options for consideration and/or questions to seek input for further deliberations. Given the broad scope of this Working Group and the extensive list of topics contained in its Charter, the set of preliminary recommendations, options, and questions are also substantial. As a result, the Working Group will copy all of the preliminary recommendations, options, and questions in a table and make them available in Annex C. The purpose of doing so is twofold: 1) the Working Group wanted to avoid this Executive Summary from becoming too long and repetitive and 2) the Working Group wanted to consolidate the areas where it is seeking input to facilitate community input.

*Please see Annex C for the consolidated table of preliminary recommendations, options, and questions.*

## 1.3 Deliberations and Community Input

The Working Group reached out to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as GNSO Stakeholder Groups (SGs) and Constituencies (Cs) with a request for input at the start of its deliberations, which included a specific request for historical statements or Advice relating to new gTLDs<sup>1</sup>. All responses received were reviewed by the Working Group and incorporated into deliberations for each of its Charter questions. The Working Group also sought to identify other community efforts that either might serve as a dependency to its work or simply an input to be considered. These efforts included the Competition, Consumer Trust & Consumer Choice (CCT) Review Team and the PDP on the Review of All Rights Protection Mechanisms in All gTLDs, among others.

Initially, the Working Group as a whole considered a set of six (6) overarching issues that have an impact on many of the topics contained in the Working Group’s Charter. Specific to these overarching issues, the Working Group prepared a set of questions and sought input from all SOs, ACs, SGs, and Cs. This outreach, called Community Comment 1 (CC1)<sup>2</sup>, and the resulting responses were taken into account in the Working Group’s deliberations.

The Working Group determined that the best way to address the approximately 35 remaining topics was to divide the work into four (4) Work Tracks (WTs). Each of these Work Tracks had two co-leads to guide the deliberations. The Work Tracks prepared a second set of questions, called Community Comment 2 (CC2)<sup>3</sup>, on the subjects within their respective remit. CC2 was issued directly to all SO/AC/SG/Cs, but also published for public comment. The resulting responses were taken into account in the Working Group’s deliberations.

At ICANN meetings, the Working Group engaged in direct outreach with the Governmental Advisory Committee (GAC) and the At-Large Advisory Committee (ALAC) with a focus on

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<sup>1</sup> See outreach and inputs received on the Wiki here: <https://community.icann.org/x/2R6OAw>

<sup>2</sup> See Community Comment 1 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/3B6OAw>

<sup>3</sup> See Community Comment 2 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/Gq7DAw>

topics known to be of particular interest to these groups (e.g., community-based applications, Applicant Support, etc.). These outreach efforts aided the Work Tracks' deliberations, particularly by helping to ensure that viewpoints from community members outside of the Working Group are also considered.

As noted in the Preamble, in early 2018, the Working Group established a Work Track 5 (WT5), dedicated to the singular topic of geographic names at the top-level. Work Track 5 will develop and publish its own Initial Report, wholly separate from this one. As such, there will be little to no discussion on geographic names at the top-level within this Initial Report. Rather, a second Initial Report addressing Geographic Names at the top level will be published separately at a later date by the Working Group. Given that Work Track 5 is still in the midst of their discussions, it is possible that some of the preliminary recommendations contained herein may need to be modified once Work Track 5 has completed its report.

## 1.4 Conclusions and Next Steps

This Initial Report will be posted for public comment for approximately 60 Days. After the Working Group reviews public comments received on this report, it will complete this section documenting any conclusions based on the overall findings of the report.