



# New gTLDs: Getting to the Next Round

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(15 min)

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# Overview of Current Work

## Karen Lentz, ICANN



# Reviewing the New gTLD Program

## Program Reviews

- ICANN supports studies and analysis to inform multistakeholder assessment of the Program's progress toward its goals
- Enables ICANN to capture multiple stakeholder experiences in the launch and operation of the Program and apply those lessons learned moving forward

## Policy Development

- GNSO is responsible for recommending substantive policies relating to gTLDs
- Now conducting work on possible policy changes:
  - New gTLD Subsequent Procedures PDP will evaluate the experiences of the 2012 round and propose policy recommendations, if necessary, for changes to subsequent processes.
  - Reviewing Rights Protection Mechanisms (in All gTLDs) PDP will to review and determine whether modifications to existing RPMs are needed.





# New gTLD Overall Issues

## Jeff Neuman, Valideus USA

- Original Policy Recommendations: As the original policy recommendations as 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 would decide to modify those policy recommendations via a policy development process.
- Issues to Address:
  - Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidance;
  - Developing new policy recommendations;
  - Supplementing or developing new implementation guidance

# Impressions of the 2012 Round?

*“At the end of the first application round, when all the applications have been dealt with, will the gTLD program look more like an exercise in wasted resources than an important cyberspace innovation?”*

-- Looking Back on the First Round of New gTLD Applications: Implications for the Future of Domain Name Regulation by Jacqueline D. Lipton, [https://www.cigionline.org/sites/default/files/gcig\\_no31web.pdf](https://www.cigionline.org/sites/default/files/gcig_no31web.pdf)



# Overall Questions

- Should there in fact be new gTLD subsequent procedures and if not, what are the justifications for and ramifications of discontinuing the program?
- Predictability: How can changes to the program introduced after launch (e.g., digital archery/prioritization issues, name collision, registry agreement changes, public interest commitments (PICs), etc.) be avoided?
- Competition, Consumer Trust, and Consumer Choice: Did the implementation meet or discourage these goals? – *CCT Review Team*.
- Community Engagement: How can participation from the community be better encouraged and integrated during the policy development process, implementation, and execution?
- TLD Differentiation? Brands, Geos, Communities – Does one size fit all?
- Application Order: Should there be a Brand round before others?

# Should there be Additional New gTLDs?

## Yes

- In 1999 the community came to consensus that there should be new gTLDs to stimulate competition
- Having new gTLDs would stimulate innovation
- Expectation that there will be new gTLDs so didn't apply in the first round
- Could be viewed as anti-competitive not to go forward; could be a competitive disadvantage if there is not a new round for those who did not apply in the first round.
- Additional brands could help propel the current level of registrations and/or success
- To promote more diversity in new gTLDs
- To further enhance consumer choice, consumer trust, and competition

VS

## No

- New gTLDs has been a playground for rampant fraud and abuse for trademark holders and others.
- Too many TLDs are failing.
- Numbers of Registrations show failure of new gTLDs.
- Issue of future demand given the second level domains that are available
- We don't have a success bar to say whether a given metric is/is not a success
- Domains bought for speculative purposes not use
- Applicants gamed the system to get around background checks

# Should we Add New gTLDs in “Rounds”?

## Rounds (Pros)

- Predictability of cycles
- More cost effective if evaluation procedures are extensive and repetitive
- Rights holders (including Registries) do not have to be on their toes continuously, watching for new applications.
- Identical applications - contention sets -- are easier to manage. Also arguably more fair to have contention sets rather than first come, first served.
- Global rules and board actions can address all new applicants prior to a round. So rounds allow for consistency in rules.
- Rounds tee up the applications for auctions better than a continuing open application window.
- Rounds allow for subsequent reviews and a cycle of improvement.

## Rounds (Cons)

- Artificial time barriers
- Adding latency, increasing time to market
- Creates artificial demand and artificial scarcity
- Timing between rounds may lead up to artificial pent up demand

## Brainstorm Ideas



# Work Streams

# Work Stream 1: Process / Support/Outreach:

- Applicant Guidebook (AGB): Is the AGB the right implementation of the GNSO recommendations for all parties (ROs, RSPs, Escrow Providers)?
- Clarity of Application Process: How can the application process avoid developing processes on an as-needed basis (e.g., clarifying question process, change request process, customer support, etc.)
- Accreditation Programs: As there appears to be a limited set of technical service and Escrow providers, would the program benefit from an accreditation program for third party service providers? If so, would this simplify the application process with a set of pre-qualified providers to choose from?
- Systems: How can the systems used to support the New gTLD Program, such as TAS, Centralized Zone Data Service, Portal, etc. be made more robust, user friendly, and better integrated?
- Application Fees: Evaluate accuracy of cost estimates and/or review the methodology to develop the cost model.
- Support for Applicants From Developing Countries

# Work Stream 2: Legal / Regulatory

- Reserved Names List and Mechanism for Release
- Base Registry Agreement / Differentiation?
- PICs? Is this the rights way to implement restrictions?
- Registrant Protections
- Contractual Compliance
- Registry/Registrar Separation
- Registrar Non-Discrimination
- TLD Rollout
- 2<sup>nd</sup> Level RPMs – [[Rights Protection Mechanisms PDP](#)]
- Global Public Interest / GAC Advice / Safeguards
- IGO / INGO Protections
- Closed Generics

# Work Stream 3: String Contention / Objections & Disputes

- Freedom of Expression vs. GAC Advice, community processes and reserved names
- String Similarity Evaluations (effective? Fair? Efficient?)
- Objections – Review rules around standing, fees, consolidation, consistency of outcomes? Appeals?  
Oversight over Process/
- Role of Independent Objector
- Accountability Mechanisms
- Community Applications and Community Priority Evaluations



# Work Stream 4: Internationalized Domain Names

Internationalized Domain Names and Universal Acceptance: Consider how to encourage adoption of gTLDs. Evaluate whether rules around IDNs properly accounted for recommendations from IDN WG. Determine and address policy guidance needed for the implementation of IDN variant TLDs.

# Work Stream 5: Technical & Operations

- Security and Stability: Were the proper questions asked to minimize the risk to the DNS and ensure that applicants will be able to meet their obligations in the registry agreement?
- Should there be non-scored questions and if so, how should they be presented?
- Were the proper criteria established to avoid causing technical instability?
- Applicant Reviews: Technical/Operational and Financial: Were Financial and Technical criteria designed properly to allow applicants to demonstrate their capabilities while allowing evaluators to validate their capabilities?
- Name Collision: What measures may be needed to manage risks for 2012-round gTLDs beyond their 2 year anniversary of delegation, or gTLDs delegated prior to the 2012 round?



# What are the Key Issues That Must be Resolved Prior to Additional New gTLDs?



# What is the Path Forward?



# Questions