Report of Public Comments

Title:	Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4)	
Publication Date:	7 November 2018	
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Comment Period:		**Important Information Links**
Comment	03 July 2018	[Announcement](#)
Comment Close Date:	5 September 2018 Extended to 26 September 2018	[Public Comment](#)
Staff Report Due Date:	5 October 2018 Extended to 6 November 2018	[View Comments Submitted](#)

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Section I: General Overview and Next Steps

This public comment proceeding seeks to obtain input on the Initial Report of the New gTLD Subsequent Procedures Policy Development Process Working Group, which is chartered to evaluate what changes or additions need to be made to existing new gTLD policy recommendations. The document includes materials from the full Working Group and four sub-teams within the Working Group, Work Tracks 1-4. Work Track 5, focused on Geographic Names and the Top-Level, will produce a separate Initial Report.

Section II: Contributors

At the time this report was prepared, a total of seventy-two (72) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Dotgay LLC	Jamie Baxter	DG
National Association of Boards of Pharmacy (NABP)	registry@safe.pharmacy	NABP
UNINETT Norid AS	Hilde Thunem	NORID
KJ Domain Registry	Gihan Dias	KJR
Dot Trademark TLD Holding Company Limited	Jerry Sen	DTTLD
Asia Pacific Top Level Domain Association	Leonid Todorov	APTLD
Council of European National Top-Level Domain Registries (CENTR)	Polina Malaja	CENTR
Finnish Communications Regulatory Authority	Mervi Malinen	FICORA
The Thai Network Information Center Foundation	Photchanan Ratanajaipan	THNIC
ming.Ltd Group	Victor Zhang	MING
NIC.VI	Sean Copeland	NICVI
The Asia Pacific Internet Governance Academy	Sherry Shek	APIGA

Association Française pour le Nommage Internet en Coopération	Marianne GEORGELIN	AFNIC
Registry.si	Barbara Povse	RSI
Namibian Network Information Center (Pty) Ltd	Dr Eberhard W Lisse	NANIC
SaudiNIC	Hesham M. AlHammad	SANIC
Latin American and the Caribbean ccTLD Organization	Miguel Ignacio Estrada	LACTLD
MARQUES	Alessandra Romeo	MAR
NIC Chile	Margarita Valdés	CLNIC
The Swedish Internet Foundation	Elisabeth Ekstrand	IIS
ccNSO Council	Bart Boswinkel	ccNSO
Administradora de Dominios NIC DO	Clara Angela Collado Vilorio	DONIC
ccTLD .PR	Oscar Moreno de Ayala-Diaz	PRNIC
Dominios NIC.py	Administrador de Dominios NIC.py	PYNIC
geoTLD.group	Katrin Ohlmer	GTG
dotBERLIN GmbH & Co. KG	Dirk Krischenowski	DB
Hamburg Top-Level-Domain GmbH	Dirk Krischenowski	HTLD
At-Large Community	ICANN Policy Staff	ALAC
NIC-Panamá	Jenifer Lopez	PANIC
Brand Registry Group	Martin Sutton	BRG
NIC México	José Ernesto Grimaldo Tijerina	MXNIC
Council of Europe	Małgorzata Pęk	COE
Business Constituency	Steve DelBianco	BC
ICANN Organization	Nanig Mehranian	ICANN
XYZ	Grant Carpenter	XYZ
NIC Costa Rica	Rosalía Morales	CRNIC
SIDN	Maarten Simon	SIDN
Registrar Stakeholder Group	Zoe Bonython	RrSG
International Trademark Association	Lori Schulman	INTA
Neustar, Inc.	Donna Austin	NS
Adminstración del Dominio .UY	Mónica Soliño	UYNIC
ICANN Board	Wendy Profit	IB
FairWinds Partners	Lillian Fosteris	FP
Registry Stakeholder Group	Paul Diaz	RySG
LEMARIT	Neli Marcheva and Zornitsa Marcheva	LEM
United States Postal Service	Anne E. Aikman-Scalese	USPS
Valideus	Steve Chan (on behalf of Ashley Roberts)	VAL
Google Registry	Stephanie Duchesneau	GR
MarkMonitor	Brian J. King	MM
AS Domain Registry	Stephen Deerhake	ASNIC
Public Interest Community	Mitch Stoltz	PIC
Intellectual Property Constituency	Brian Scarpelli	IPC
Non-Commercial Stakeholder Group	Rafik Dammak	NCSG
Security and Stability Advisory Committee	Andrew McConachie	SSAC
Government of India	Systems Analyst	IND
Governmental Advisory Committee	Tom Dale	GAC

Individuals:

Name	Affiliation (if provided)	Initials
yadgar		YAD
Roberto Gaetano		RG
John Poole	DomainMondo.com	JP
Christopher Wilkinson		CW
Alexander Schubert		AS

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The New gTLD Subsequent Procedures PDP WG sought community input on approximately forty subjects/topics, which within those topics generated a total of over three hundred preliminary recommendations, options, and questions for input. The PDP WG is appreciative of the level of input received, not just in terms of volume, but the degree of thought and consideration that has gone into the drafting of the comments.

Given the breadth of areas in which the PDP WG sought feedback, it is not practical to capture every theme of agreement, opposition, or new ideas. As such, this public comment summary and analysis will seek to identify areas where a substantial amount of input was received, but in that regard, should not be considered an exhaustive record of feedback; the summary and analysis may be better considered as a sampling of high interest areas, which means that not all topics are included in this document. The identification of any topics within this report, or the omission of any topic, is not intended to make a value judgement on the importance of any particular topic or comments made. The PDP WG is committed to reviewing each and every single comment and it is their responsibility to determine the level of impact, if any, on any final recommendations and/or Final Report.

For an exhaustive view of the public comment received, organized per topic and further per recommendation/option/question, please consult the PDP WG's working documents here:

Sub Group A: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-IDFEwfh4rKi4A/edit?usp=sharing
Sub Group B: https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing
Sub Group C: https://docs.google.com/spreadsheets/d/1MQmo1B6zBqGXYFRF2pKZXPhGmz0JfZhIaMxKIdVsT1g/edit?usp=sharing

Some high interest topics and major trends/themes in the public comment

The PDP WG received a number of general comments, not aimed at any particular topic, with many focused on the overall improvement of the program around consistency, transparency, and predictability.

Others were focused on process within the PDP, around how it has operated, as well as how it is taking related or dependent efforts into account.

2.2.1: Continuing Subsequent Procedures

There was substantial support to continue the existing policy of subsequent application rounds introduced in an ongoing, orderly, timely and predictable manner, with some suggestions for the development of success metrics around the program.

2.2.2: Predictability

There was a fair amount of support for the PDP WG's proposed Predictability Framework, with some suggestions to improve it, especially in regards to the Standing Implementation Review Team component.

2.2.2.2: Clarity of Application Process

Related to the concept of predictability, there was broad support for allowing applicants to receive a refund or proceed through a parallel track if a substantive/or disruptive changes are made to the Applicant Guidebook or application process.

2.2.3: Applications Assessed in Rounds

There was broad support for at least the next introduction of new gTLDs to take place in the form of a "round," with many suggesting that there needs to be well-defined criteria for determining when subsequent procedures can begin. However, there were a number of different views on how new gTLDs should be introduced subsequent to the next "round."

2.2.4: Different TLD Types

There was broad support to recognize the categories from the 2012 Applicant Guidebook, both explicitly and implicitly utilized, on a going forward basis. These categories include standard, community-based TLDs, TLDs with a governmental entity as the registry operator, geographic TLDs, and Specification 13 .Brand TLDs. There was some limited support to add additional types of TLDs.

2.2.5 Applications Submission Limits

There was broad support for the PDP WG's preliminary conclusion that there is no effective, fair and/or feasible mechanisms to enforce limits on the total number of applications or from any particular entity.

2.2.6: Accreditation Programs

There was broad support for the PDP WG's proposal for a pre-approval program for back-end registry service providers (RSPs), with some believing that the efficiency gains could/should allow gTLDs to be more accessible to the broader range of applicants. There were a number of comments about how far in advance of opening of the application acceptance window the pre-approval program would be needed. Many also had comments about the technical criteria to be utilized within the pre-approval program.

There were also a number of comments about whether pre-approved RSPs should periodically be reassessed and also around whether existing RSPs should be automatically deemed pre-approved (e.g., grandfathered).

2.3.2: Global Public Interest

There was general support to codify the system of mandatory public interest commitments (PICs) as a mechanism to address public interest concerns. There was also general support for voluntary PICs as well, to help address public interest concerns raised both prior to and during the application acceptance process.

2.5.1: Application Fees

There was broad support for the New gTLD Program to be self-funding and that the application fee should be based on the principle of revenue neutrality. There was also recognition of the possible need for an application fee floor, when the revenue neutral principle results in a fee that is "too low," and could invite speculative TLD applications.

2.5.2: Variable Fees

There was a divergence of opinions on whether there should essentially be a uniform fee for all applicants, with some additional payments in select cases, as was the case in 2012. Some believed that there should be lower fees for certain categories, perhaps in the event that the cost incurred for processing a particular TLD type is substantially lower.

2.5.3: Application Submission Period

There was broad agreement that a three-month application submission window is sufficient, with some noting that additional time might be needed for certain geographic regions, and that the timing might be dependent on an effective communications plan.

2.5.4: Applicant Support

The PDP WG posed a number of preliminary recommendations that are intended to make incremental improvements to the Applicant Support Program; while there was not a high volume of input on any particular facet, there was a fair level of agreement with many of the PDP WG's proposed changes.

2.5.5: Terms and Conditions

There was broad support for the PDP WG's suggested changes to Sections 3, 6 and 14 of the 2012 Terms and Conditions.

2.7.1: Reserved Names

There were a number of comments to allow registry operators to voluntarily reserve more than the currently allowed 100 strings, especially as it relates to geoTLDs, communities, Brands, and single registrant TLDs.

There was a high volume of comments in opposition to the PDP WG's suggestion to remove the restrictions against letter-digit and digit-letter combinations, though some did support the removal of restrictions. Question 2.7.1.e.2 received more feedback, in terms of volume, than any other element in the Initial Report.

2.7.2: Registrant Protections

There was a fair amount of support to exempt single registrant TLDs (including those under Specification 13) from EBERO requirements. There was also support to exempt publicly traded companies from background screening requirements, since they are already subject to extensive screening.

2.7.3: Closed Generics

The PDP WG did not agree to preliminary recommendations on closed generics, indicative of the wide-ranging opinions on the topic. The PDP WG presented four different options, ranging from no closed generics at all, to closed generics with public interest commitments or a code of conduct, to no additional conditions (but establish a new objections procedure) and each of the options received support and opposition from various parties.

2.7.4: String Similarity

There was broad support for the PDP WG's proposal to consider singular and plural versions of the same dictionary word to be confusingly similar.

2.8.1: Objections

There was broad support for improving the process to better ensure that objection panelists, evaluators, and the Independent Objector are free from conflicts of interests. There was also support for requiring ICANN to publish supplemental rules and criteria used by panelists handling objections.

There was support for allowing parties to agree to a panel size (i.e., single or three-person panel) and bear the resulting costs, the extension of a "quick look" mechanism to identify and eliminate frivolous and/or abusive objections, and allow applicants to amend their application and/or add a public interest commitment in response to concerns raised in an objection.

There was support to require any GAC Advice or Early Warnings to include rationale, including the national or international law upon which it is based. There was a broad range of input on the role of the GAC within the New gTLD Program.

There were a number of divergent views on the role and remit of the Independent Objector.

There was support for amending the String Confusion Objection process so that a single objection would be filed against all applications for a particular string. There were divergent views about allowing an applied-for string that is an exact translation of an existing string that is in a highly regulated sector, to serve as grounds for a String Confusion Objection.

This section of the Initial Report received a substantial amount of input overall.

2.8.2: Accountability Mechanisms

There was broad support for the PDP WG's proposed limited appeals mechanism, which would allow challenges to outcomes within the New gTLD Program on a substantive basis, not just procedural. Respondents provided suggestions on the areas of the program that should be eligible for appeal, who should have standing, and how to prevent abuse of the mechanism.

2.9.1: Community Applications

The PDP WG posed a number of preliminary recommendations that are intended to make incremental improvements related to the mechanisms around community-based applications; while there was not a high volume of input on any particular facet, there was a fair level of agreement with many of the PDP WG's proposed changes.

Section IV: Analysis of Comments

> *General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.*

The PDP WG received a substantial amount of input on its recommendations, options and questions and intends to review each comment to determine what effect it may have, if any, on final recommendations and the Final Report. For the areas of the Initial Report where the PDP WG was able to achieve preliminary recommendations, there was generally a fair amount of support from commenters.

Where the PDP WG was unable to achieve preliminary recommendations, the topics were generally the most contentious during deliberations. These topics also garnered divergent views from commenters, which will provide valuable input for the PDP WG to consider as it seeks to reach final recommendations.

This summary and analysis does not seek to draw any conclusions from the public comment as that is the sole remit of the PDP WG. WG members will have to assess the arguments brought forward and integrate them into their Final Report as appropriate.

As noted in Section III, the PDP WG will consider each and every comment and complete its public comment working documents, available below. The PDP WG will consider whether the comment expresses concerns, divergence, agreement, and/or new ideas and accordingly, determine what effect the comment will have.

Sub Group A: https://docs.google.com/spreadsheets/d/15zDdzlBwLCz5m2sNXui6N6pporbUq-lDFEwfh4rKi4A/edit?usp=sharing
Sub Group B: https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing
Sub Group C: https://docs.google.com/spreadsheets/d/1MQmo1B6zBqGXYFRF2pKZXPhGmz0JfZhIaMxKIdVsT1g/edit?usp=sharing