Report of Public Comments

GNSO New gTLD Subsequent Procedures Draft Final Report

Publication Date:	21 October 2020
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Comment Period:	
Comment Open	20 August 2020
Comment Close	30 September 2020
Staff Report Due Date	21 October 2020

Important Information Links

[Announcement](#)
[Public Comment](#)
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Section I: General Overview and Next Steps

The objective of this Public Comment period was to share the Working Group's draft Final Report and present draft final recommendations, implementation guidance, and other outputs on topics within the Working Group's charter. Given that some substantial changes have been made compared to the contents of the Initial Report and Supplemental Initial Reports, this draft Final Report was published for an additional Public Comment period to give the community another opportunity to provide input in accordance with Section 12 of the GNSO Policy Development Process Manual. After completing its review and consideration of the comments received, the Working Group will adjust the draft Final Report as applicable.

Section II: Contributors

At the time this report was prepared, a total of fifty-one (51) 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
CENTR	Peter Van Roste	CENTR
NORID AS	Annebeth B. Lange	NORID
NonCommercial Stakeholder Group (NCSG)	Kathy Kleiman/Bruna Martins dos Santos/Raphael Beauregard-Lacroix	NCSG
National Association of Boards of Pharmacy (NABP)	Gertrude Levine	NABP
Minds + Machines Group Limited	Sheri Falcon	M+M
Swiss Government OFCOM	Jorge Cancio	SWISS GOVT
Internet Architecture Board	Wes Hardaker	IAB
Afnic	Marianne Georgelin	AFNIC
GoDaddy Registry	Raymond Zylstra	GODADDY
gTLDs Registries Stakeholder Group (RySG)	Samantha Demetriou	RYSG
dotBERLIN GmbH & Co. KG	Dirk Krischenowski	BERLIN
Hamburg Top-Level-Domain GmbH	Dirk Krischenowski	HAMBURG
WIPO	Brian Beckham	WIPO

Brand Registry Group, Inc	Martin Sutton	BRG
GeoTLD Group	Nacho Amadoz	GEOTLD
Internet DotTrademark Organisation Limited	Jerry Sen	IDOL
The Galway Strategy Group	Jim Prendergast	GSG
Dotzon GmbH	Katrin Ohlmer	DOTZON
Intellectual Property Constituency (IPC)	Paul McGrady	IPC
PETILLION Law Firm	Flip Petillion	PLF
ccNSO Council	Nick Wenban-Smith	CCNSO
GAC-France	Vincent Gouillart	GAC FR
Nameshop	Sivasubramanian Muthusamy	NAMESHOP
Business Constituency (BC)	Steve DelBianco	BC
International Trademark Association (INTA)	Lori Schulman	INTA
ARTICLE 19	Ephraim Percy Kenyanito	ART19
GMO Brights Consulting Inc.	Michael Flemming	GMO
Registars Stakeholder Group (RrSG)	Zoe Bonython	RRSG
Global Brand Owner and Consumer Protection Coalition (GBOC)	Brian Winterfeldt	GBOC
InfoNetworks LLC	Michael Palage	INFONET
Internet Governance Project, Georgia Institute of Technology	Milton Mueller	IGP
ICANN Board	Maarten Botterman	BOARD
ALAC	ICANN staff support	ALAC
GAC	ICANN staff support	GAC
ICANN org	Theresa Swinehart	ORG
fTLD Registry Services, LLC	Craig Schwartz	FTLD

Individuals:

Name	Affiliation (if provided)	Initials
Alexander Schubert		AS
Ramtin	Noticed	R
Naeem Uddin Hadi	NextGen@ICANN	NUH
Clement Genty	Arts & Metiers ParisTech	CG
Anthony Lee	TWNIC	AL
Jamie Baxter		JB
Thomas Barrett	EnCirca, Inc	TB
Kun (Kevin) Liu	Fuxi Institution	KKL
LiGuo Zhou	Tencent Group	LZ
Wei Wang	Fuxi Institution	WW
Yi Zhang	Fuxi Institution	YZ
Xiaodong Lee	Fuxi Institution	XL
Kun Liu	Fuxi Institution	KL
Christa Taylor		CT
Paul Foody		PF

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 Policy Development Process (PDP) Working Group sought community input on approximately forty topics. Within those topics the Working Group has drafted over two hundred outputs, of which there are five types: (a) Affirmation, (b) Affirmation with Modification, (c) Recommendation, (d) Implementation Guidance, and/or (e) No Agreement. The types of outputs are described on page four of the draft Final Report. The Working Group is appreciative of the level of input received on the outputs, 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 Working Group sought feedback, it is not practical to capture every theme of feedback provided on this report. The Working Group 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 outputs and/or Final Report.

For an exhaustive view of the Public Comment received, organized per topic, please consult the Working Group's Public Comment review working documents here:

- [General Comments and Overarching Issues](#) (Topics 1-8)
- [Foundational Issues](#) (Topics 9-11)
- [Pre-Launch Activities](#) (Topics 12-14)
- [Application Submission](#) (Topics 15-18)
- [Application Processing](#) (Topics 19-20)
- [Application Evaluation/Criteria](#) (Topics 21-29)
- [Dispute Proceedings](#) (Topics 30-33)
- [String Contention Resolution](#) (Topics 34-35)
- [Contracting](#) (Topics 36-38)
- [Pre-Delegation](#) (Topic 39)
- [Post-Delegation](#) (Topics 40-41)

The Working Group will use these documents to support its analysis all of the input received.

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 Working Group received a substantial amount of input on its draft outputs and intends to review each comment to determine what effect it may have, if any, on final outputs and the Final Report.

This Report of Public Comments does not seek to draw any conclusions from the Public Comment as that is the sole remit of the PDP Working Group, and the Working Group has only begun its review of comments at this stage. Working Group members will have to assess the arguments brought forward and integrate them into their Final Report as appropriate.

Given that there have been numerous opportunities for the community to comment on the PDP's work over the last four years, respondents were asked to focus their input during this Public Comment period on new information or positions that that the Working Group has not previously considered along with an explanation and/or supporting documentation describing why the Working Group's proposed outcome should be different. In conducting the initial organization of comments to produce the Public Comment review working documents, staff took note of the distribution of substantive comments across the different topics included in the draft Final Report. This initial examination will help the Working Group organize its work plan for analyzing the inputs received and discussing any potential changes.

Staff notes that for a number of topics included within the draft Final Report, a significant set of groups and individuals expressed support for, acceptance of, or no opinion on the draft outputs and only a limited set of new ideas and concerns was raised. Examples of such topics include:

- Topic 4: Different TLD Types
- Topic 5: Application Submission Limits
- Topic 8: Conflicts of Interest
- Topic 10: Applicant Freedom of Expression
- Topic 11: Universal Acceptance
- Topic 12: Applicant Guidebook
- Topic 13: Communications
- Topic 14: Systems
- Topic 16: Application Submission Period
- Topic 19: Application Queuing
- Topic 22: Registrant Protections
- Topic 26: Security and Stability
- Topic 28: Role of Application Comment
- Topic 29: Name Collisions
- Topic 32: Limited Challenge / Appeal Mechanism
- Topic 33: Dispute Resolution Procedures After Delegation
- Topic 37: Registrar Non-Discrimination & Registry/Registrar Standardization
- Topic 38: Registrar Support for New gTLDs
- Topic 39: Registry System Testing
- Topic 40: TLD Rollout

This may provide an initial indication that a greater share of the Working Group's attention should be devoted to the remaining topics for which a more substantial set of new ideas and concerns has been provided, for example: Topic 2: Predictability, Topic 9: Registry Voluntary Commitments/Public Interest Commitments, Topic 17: Applicant Support, Topic 20: Application Change Requests, Topic 23: Closed Generics, Topic 32: Limited Challenge/Appeals Mechanism, Topic 34: Community Applications, and Topic 35: Auctions: Mechanism of Last Resort / Private Resolution of Contention Sets. For the avoidance of doubt, the Working Group will carefully consider all comments on all topics, including comments and questions that ICANN org and Board have submitted raising new considerations for the Working Group to take into account on some of the above listed topics.

More information about the Working Group's review of comments and the finalization of work products can be found on the Working Group's [wiki](#).