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2.7.1 Reserved Names

Background documentation

- Community Comment 2 - Section 2.2
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.1
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkJ5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- Existing policy is appropriate to maintain:
 - Recommendation 5: “Strings must not be a Reserved Word.”
 - Recommendation 2: “Strings must not be confusingly similar to an existing top-level domain.”

Referenced Links (for 15 August Meeting):

<https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html>
<https://newgtlds.icann.org/en/applicants/agb/evaluation-procedures-04jun12-en.pdf>

Public comment summary

High-level Agreements

- Comments generally supported reserving the names for Public Technical Identifiers (i.e., PTI, PUBLICTECHNICALIDENTIFIERS, PUBLICTECHNICALIDENTIFIER).
- Comments generally supported reserving Special-Use Domain Names through the procedure described in IETF RFC 6761.
- Comments generally support updating 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. [Add a footnote that discussions are ongoing.]

Outstanding Items - New Ideas/Concerns/Divergence

General requirements for reserved names:

- Valideus/Neustar support maintaining existing reservations.
- RySG/BRG: New Idea - Reserve only those names where there are security and stability risks.
- RySG: New Idea - If ICANN knows a label will not be delegated it should not be possible to apply for that label. Similarly if a name is not reserved, it should not be added to the list after ICANN receives/processes applications absent a material change in circumstances.

Updating Schedule 5 to include the measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes:

- Suggestions for additional work in relation to release of letter-letter ASCII combinations at the second level:
 - BRG/RrSG/INTA/FairWinds Partners/RySG: No additional work is needed.
 - ALAC: Concern - Consider and implement measures to prevent end user confusion.
- GAC/Government of India: Do not support release of this strings.
- Additional suggested changes:
 - RySG/Valideus: New Idea - Update schedule 5 to reflect consent that ICANN has given to 2012 registries to the release of letter/number, number/letter and number/number domains, and letter/letter domains which do not match a country code.
 - Valideus: Concern - Five letter/letter two-character ASCII labels remain reserved because they are IGO acronyms. It should be possible for a registry to release these names with the consent of the IGO in question, but no mechanism exists to allow this. [NOTE: Check to see if this is covered in IGO/INGO PDP]

[Remove reservation of two-character letter-number combinations:

- Norwegian ccTLD Registry/Roberto Gaetano/APTLD/CENTR/Finnish Communications Regulatory Authority/NIC.VI/Afnic/Namibian Network Information Center (Pty) Ltd./Participants of the Asia Pacific Internet Governance Academy (APIGA)/The Latin American and the Caribbean ccTLD Organization (LACTLD)/NIC Chile/The Swedish Internet Foundation/ccNSO Council/NIC DO/ccTLD .PR/NIC.py/geoTLD.group/dotBERLIN GmbH & Co. KG/Hamburg Top-Level-Domain GmbH/NIC-Panamá/NIC Mexico/NIC Costa Rica/SIDN/Administración del Dominio .UY/Registry .MX/AS Domain Registry/Government of India - submitted by IN Registry - Oppose this recommendation. Primary reason is risk of confusion with ccTLDs; two-character ASCII TLD space should be reserved exclusively for ccTLDs. Some responses also raised concerns about potential security risks.
- BRG/INTA/RySG/Valideus/RrSG/: Support this idea. BRG notes the need for measures to avoid user confusion. RySG notes the need to further review technical considerations.
- ALAC: Concern - potential for end-user confusion.

- INTA/Valideus: New Idea - If the working group reaches the conclusion that there is a risk of confusion, suggest only reserving combinations involving a zero (0) or one (1) in a position which corresponds to the letters “O” and “L” in an existing ccTLD string (for example “n0”, for the country code for Norway).
- RySG: New Idea - Require applicant for these TLDs to acknowledge potential UA challenges and require applicants to pay for both halves of possible string confusion objections panel fees coming from ccTLD operators.

Voluntary reservation of up to 100 strings at the second level for the operation or the promotion of the TLD:

- Neustar/some members of RySG: New Idea - Amend limit in general to promote innovation.
- Amend limit for specific categories:
 - Jaime Baxter (dotgay LLC): New Idea: - add flexibility for TLDs where there will be community or public benefit. Any exceptions should have some form of endorsement, for example from the community supporting the application.
 - geoTLD.group/dotBERLIN GmbH & Co. KG/Hamburg Top-Level-Domain GmbH: New Idea - Increase limit to 1000 for geoTLDs.
 - BRG/RySGINTA/FairWinds Partners: Lift limit for Brands under Spec 13
 - Neustar/Valideus: Specification Lift limit for Brands under Spec 13 and Specification 9 exempt TLDs
- IPC/LEMARIT: Divergence - Leave limit as-is.
- Neustar: New Idea - If limit remains change it from cumulative (over the life of the TLD) to rolling.
- IPC: Concerns - Caution must be taken if these names are released to be registered by a party other than the registry.

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Ability to reserve an unlimited number of second level domain names and release those names at the RO's discretion through ICANN-accredited registrars:

- RySG/Neustar/geoTLD group/dotBERLIN GmbH & Co. KG/Hamburg Top-Level-Domain GmbH - Oppose any limit on these reservations.
- Support for some form of limit:
 - Jamie Baxter (dotgay LLC): New Idea - supports limit with exceptions to allow for innovate and benefit to communities and end users.
 - LEMARIT: Limit of 5000 reserved names including their IDN variants.
 - Yadgar: Suggests that there should be a limit, but does not provide a specific number.
- INTA/Valideus/IPC: Concerns - Raise concern that if names are being released from reservation after Sunrise period, RPMs may be circumvented.
- RrSG: Concern/New Idea - In many cases, the rights to the name are being sold direct to a customer with an expectation that the registrar will help manage/resolve the domain. This is counter to the allocation of domain names via the registrar (Spec 9).

Consideration of any potential limit depends on the procedure that will be used to release the names. If the RO is going to reserve an excessive number of domains, this should be disclosed to registrars prior to them signing a contract to offer the TLD. When names are released they should be allocated through the registrar channel. All second-level reserved names should be set forth in a list submitted to ICANN and posted on ICANN's Website along with its required Start Up plan. Changes to the list should not be allowed in the middle of a launch process (eg., Sunrise).

Sunrise process for second-level domain names removed from a reserved names list and released by a registry operator:

- IPC/LEMARIT/BC: New Idea - Support a sunrise period for subsequent releases of reserved names.
- RrSG: New Idea - Such a process should only be required if a commercially feasible approach is developed.
- INTA/Valideus: New Idea - Recognize that a second sunrise may not be feasible, but support measures to allow trademark owners, with a trademark recorded in the TMCH, to have a right of first refusal if a matching domain is released from reservation after the sunrise has ended.
- RySG: Does not support such a process.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

For reference - SSAC Advice on Reserved Names from SAC090: SAC090 SSAC Advisory on the Stability of the Domain Namespace:

Recommendation 1: The SSAC recommends that the ICANN Board of Directors take appropriate steps to establish definitive and unambiguous criteria for determining whether or not a syntactically valid domain name label could be a top-level domain name in the global DNS.

Recommendation 2: The SSAC recommends that the scope of the work presented in Recommendation 1 include at least the following issues and questions:

1) In the Applicant Guidebook for the most recent round of new generic Top Level Domain (gTLD) applications,²⁰ ICANN cited or created several lists of strings that could not be applied-for new gTLD names, such as the “reserved names” listed in Section 2.2.1.2.1, the “ineligible strings” listed in Section 2.2.1.2.3, the two-character ISO 3166 codes proscribed by reference in Section 2.2.1.3.2 Part III, and the geographic names proscribed by reference in Section 2.2.1.4. More recently, the IETF has placed a small number of potential gTLD strings into a Special-Use Domain Names Registry.²¹ As described in RFC 676122, a string that is

placed into this registry is expected to be processed in a defined “special” way that is different from the normal process of DNS resolution.

Should ICANN formalize in policy the status of the names on these lists? If so:

- i) How should ICANN respond to changes that other parties may make to lists that are recognized by ICANN but are outside the scope of ICANN’s direct influence?
- ii) How should ICANN respond to a change in a recognized list that occurs during a round of new gTLD applications?
- 2) The IETF is an example of a group outside of ICANN that maintains a list of “special use” names.²³ What should ICANN’s response be to groups outside of ICANN that assert standing for their list of special names?
- 3) Some names that are not on any formal list are regularly presented to the global DNS for resolution as TLDs. These so-called “private use” names are independently selected by individuals and organizations that intend for them to be resolved only within a defined private context. As such they are harmlessly discarded by the global DNS—until they collide with a delegated use of the same name as a new ICANN-recognized gTLD.

Should ICANN formalize in policy the status of “private use” names? If so:

- i) How should ICANN deal with private use names such as .corp, .home, and .mail that already are known to collide on a large scale with formal applications for the same names as new ICANN-recognized gTLDs?
- ii) How should ICANN discover and respond to future collisions between private use names and proposed new ICANN-recognized gTLDs?

Recommendation 3: Pursuant to its finding that lack of adequate coordination among the activities of different groups contributes to domain namespace instability, the SSAC recommends that the ICANN Board of Directors establish effective means of collaboration on these issues with relevant groups outside of ICANN, including the IETF.

Recommendation 4: The SSAC recommends that ICANN complete this work before making any decision to add new TLD names to the global DNS.

See: <https://www.icann.org/en/system/files/files/sac-090-en.pdf>

Suggested next steps

2.7.2 Registrant Protections

Background documentation

- Community Comment 2 - Section 2.3
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.2
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- Principle D remains applicable: “A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.”
- The New gTLD Program must continue to incorporate measures into the application process and program implementation that provide protection for registrants.

Public comment summary

High-level Agreements

- Comments generally supported or did not oppose maintaining existing registrant protections, including the EBERO and associated triggers for an EBERO event and critical registry functions.
- Comments generally supported providing TLDs under specification 9 and specification 13 with an exemption from EBERO requirements.
- Comments supported improving the background screening process to be more accommodating, meaningful, and flexible for different regions of the world and in different circumstances.

Outstanding Items - New Ideas/Concerns/Divergence

General comments about registrant protections:

- ALAC: There might be special circumstances that require adjusting the evaluation process to accommodate applicants for underserved regions and perhaps brand TLDs, but standards for applicants should remain high. ICANN should do a better job of applying those standards during the application process than was done during the 2012 round. There are certainly instances when applicants that failed to meet the registrant

protection standards were nonetheless allowed to proceed, casting the shadow of impropriety on the entire process.

- General comments on exemptions from registrant protections:
 - Marques: A brand applying for a single entity (Closed Brand) registry exclusively for their own purposes should have its own application path including a number of exemptions to registrant protections. They should not be required to submit information on their Board Directors if they are publicly quoted, should not have to submit an operating budget, should not have to connect with the Trademark Clearinghouse, and should be exempted from providing a Letter of Credit.
 - RrSG: As a general matter, there should be no exemptions, as they may result in gaming. Exemptions should only be granted on a case by case basis.

General comments on EBERO:

- BRG: Divergence - EBERO is not appropriate for some models of registries, particularly dotBrand TLDs, where the registry operator is the registrant, or its affiliates and trademark licensees.
- RySG: New Idea - Requiring BOTH the EBERO and COI is unnecessarily burdensome. Either the community should determine which is the least burdensome and most likely to accomplish the consumer protection goal, or allow each RO to choose the protection it prefers (EBERO or COI).
- Valideus: The relationship between an EBERO event and the invocation of the COI should be clarified. The COIs from the 2012 round gave ICANN much broader ability to draw on them than was envisaged in the AGB.

EBERO exemption for single registrant TLDs (including those under Specification 13):

- ICANN Org: The definition of .Brand TLDs in Specification 13 includes Affiliates of the Registry Operator. WG should clarify whether the EBERO exemption applies only to single registrant TLDs, or if it is extended to all Registry Operators with Specification 13, some of whom may not be single registrants.
- Valideus: Exemption from EBERO requirements should include an exemption from having to obtain a COI, and should apply to registries which have an exemption from Specification 9 of the registry agreement.
- SSAC: The implications of exempting any TLD from EBERO requirements should be considered carefully. For example, it is possible for domains in other TLDs to rely on nameservers in a single-registrant gTLD. If any gTLD is exempted from EBERO requirements, there must first be some assurance that no other domain outside the exempted gTLD can ever rely upon the exempted gTLD for resolution.

Proposal to extend the background screening exemption currently given to publicly traded companies to include exemption for officers, directors, material shareholders, etc. of these companies.

- Support from RySG, Fairwinds Partners, BC, BRG, Neustar, Valideus.

- ICANN Org: Consider providing ICANN Org flexibility to address any such issues that might arise with applicants (as was done in the 2012 round).
- SSAC: Divergence - Publicly traded companies must not be exempted from the financial evaluation. The barrier to be publicly traded is very low in some jurisdictions (such as ""penny stocks"" in the United States), and such companies do not ""undergo extensive ... screenings."" For example, in the USA, not all public companies are subject to the Securities and Exchange Commission's reporting requirements. Exemptions should not be extended to, ""officers, directors, material shareholders, etc. of these companies,"" all of whom should be subject to background screening.
- IPC: Divergence - Does not support any exemptions. Background checks ""provide more transparency in the application process and prevent disingenuous registrations.""
- ALAC: Does not support any exemptions to background checks.

Proposal to make the background screening more accommodating, meaningful, and flexible for different regions of the world and in different circumstances.

- BRG: Existing screening process is a reasonable baseline. Any changes should not reduce effectiveness of the process.
- BC: Include a thorough review of prior complaints and breaches involving DNS activities by the applicant and its executives.
- RySG: Supports maintaining the background screening process substantially in the same form.

Timing of background screening:

- ICANN Org: Given the large number of change requests on Question 11 from the 2012 round, consideration should be given to whether background screening should be performed during Initial Evaluation or at Contracting.

Proposed additional questions for the background screening: 1. Have you had a contract with ICANN terminated or are being terminated for compliance issues? 2. Have you or your company been part of an entity found in breach of contract with ICANN?

- BC/ALAC: Support for adding these questions.
- RySG/Neustar: Oppose adding these questions. Prior contractual compliance issues with ICANN are not necessarily indicative of the applicant's ability to operate a Registry and should not be grounds for disqualification; the risks that these questions are seeking to uncover are addressed by other screening mechanisms. (Neustar) Breach of an RA or RRA may happen for a number of reasons and should not be grounds, de facto, for disqualification. There are already other mechanisms in place to discover any potential risks that are the underlying intent behind the questions. (RySG)

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

- None

Suggested next steps

2.7.3 Closed Generics

Background documentation

- Community Comment 2 - Section 2.4
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.3
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DgSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- The GNSO Council has charged the PDP WG with analyzing the impact of Closed Generics and considering future policy. The WG generally agrees that some form of policy guidance should be drafted on this topic if it is possible to reach consensus on the path forward. At this stage, however, there continue to be different and strongly-held views on the specific policy goals.

Public comment summary

High-level Agreements

- None at this stage.

Outstanding Items - New Ideas/Concerns/Divergence

Board Input: Because difficult questions on how to define the public interest and public interest goals have been pending for several years, the Board re-emphasizes that it remains critical for the Subsequent Procedure group to further flesh out these concepts in all proposed options for addressing closed generics.

Option 1: Formalize GNSO policy, making it consistent with the existing base Registry Agreement that Closed Generics should not be allowed.

- Public Interest Community/XYZ/Christopher Wilkinson/Vanda Scartezini - Expressed support for this option (opposes closed generics).
 - XYZ: Support - Closed generics create unfair monopolies on generic terms that will benefit only existing large industry players at the expense of all others. This is against competition and choice to the space. Closed Generics go against

internationally recognized trademark principles which do not allow exclusive rights in generic names without acquired distinctiveness.

- Public Interest Community: Support - Allows a single company to "own" the generic description of a business or industry. The concept runs contrary to basic principles of trademark law. A business may not claim exclusive use of the generic term for a product or service unless it can demonstrate through compelling evidence that the public has come to associate the term with a specific brand. By design, it would be next to impossible for common words like the proposed Closed Generics to be dedicated to the exclusive use of a single company under trademark law. The world clearly told the ICANN Board and ICANN Community in 2013 that Closed Generics should be barred, the ICANN Board did that, and experience has shown that this bar was a positive step for fair competition and openness of gTLDs. Comment cites Michele Neylon's 5 Reasons Why Closed Generic New gTLDs Should Be Opposed in CircleID, noting agreement from Microsoft. [See full comment for details].
- Christopher Wilkinson/Vanda Scartezini: The Board decision from the last round is sufficient basis to prohibit closed generics. A closed TLD is ok if the applicant already holds a global right to the name. Otherwise the total privatisation of generic words is not acceptable. Generic TLDs have to be open.
- BRG/INTA/RySG/Neustar/IPC/: Expressed opposition to this option.
 - INTA: Divergence - Opposes formalizing a no Closed Generics GNSO policy because the definition of a Closed Generic as defined in Specification 11.3.d of the Registry Agreement is overly broad and potentially captures brand owners and captures TLDs that would not be used for a purpose that would otherwise be considered descriptive. Therefore, a prohibition on "closed generics," as currently drafted, potentially harms brand owners and consumers. It is difficult to determine what is "generic" and terms and words over time may acquire distinctiveness or lose it. Requiring public availability of second level names within a TLD reflecting a generic industry term can add to the cost of maintaining a portfolio of defensive registrations by those within the industry.
 - RySG: Divergence - Existing objection procedures provide adequate protections for consumers, brands, and the public. gTLDs are not required to "index" the internet and do not serve this function. There are no security or stability concerns that should force ICANN to intercede. "Closed generics" allow registry operators to use the DNS in innovative and experimental ways, promoting competition. Forbidding closed generics creates a protectionist-like rubric around a status quo to the benefit only of those who follow the same classic model. Furthermore, the RySG doesn't believe there is any GNSO Policy against closed generics. ROs should be permitted to operate under the business model of their choosing, so long as the security and stability of the internet are not compromised.
 - BC: This option may do more harm than good by not allowing those domains that may be quite beneficial to the internet community.

Option 2: Allow Closed Generics but require that applicants demonstrate that the Closed Generic serves a public interest goal in the application. Potential objections process could be similar to community-based objections.

- ALAC/IPC/INTA: Expressed support for this option.
 - INTA: Support/New Idea - Recognizes the difficulty in evaluating whether the operation of a particular Closed Generic serves the public interest. INTA suggests focusing instead on a challenge/objection process, whereby a party who thinks the particular closed generic is against the public interest could object. The applicant would have the option (but not the obligation) of trying to head this off in advance by giving assurances in the application which could be incorporated as contractual commitments. Applicant could also offer contractual commitments in response to an objection.
- RySG/Neustar/BRG: Expressed opposition to this option.
 - RySG: Divergence/New Idea: ROs must be given the freedom to innovate in order to build a competitive DNS that fosters global growth and interconnectedness. Under this proposal (i) each RO must have already engaged in extensive R&D and testing, without the certainty that they have a TLD to use; (ii) each RO must be willing to publicly disclose without protection what may be confidential business information (or, possibly trade secrets); and (iii) ICANN determines which innovative ideas are worth exploring. Suggested alternative: provide the opportunity to use a TLD for beta testing for a period of time (instead of trying work within multiple limited registration periods) before the RO opens the TLD up to an open or open-restricted TLD.
 - Neustar: Proposal requires applicants to disclose business plans and possible proprietary information, to be assessed publicly against some nebulous criteria of "public interest".

Option 3: 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. An objections process for Closed Generics could be modelled on community objections.

- Neustar (qualified support)/MarkMonitor/IPC/ALAC/Participants of the Asia Pacific Internet Governance Academy (APIGA)/RySG ("cautious" support): Expressed support or lack of opposition to this option.
 - Neustar: Does not oppose provided option does not exceed the scope of ICANN's remit.
 - Participants of the Asia Pacific Internet Governance Academy: New Idea - Suggest establishing criteria to assess if the application concerns the matter of public safety, public security, intellectual property protection, etc. Suggest establishing a standing committee to periodically review the terms of the code of conduct, vote on each applied-for TLD, and establish a reporting mechanism for code of conduct violations.

- RySG: New Idea - The Code of Conduct should ensure that the operator of a "closed generic" space observes the security and stability recommendations of SSAC.
- INTA: Concern - proposed process could be overly burdensome on a registry operator, and it may be unworkable to have a different code of conduct for these operators. Benefits are unclear compared to the incorporation of contractual commitments through PICs.

Option 4: Allow Closed Generics with no additional conditions. Establish an objections process modelled on community objections.

- IPC/BC/INTA/The United States Postal Service: Expressed support for this option.
 - INTA: Unless a clearer definition for a "Closed Generic" is developed, INTA believes this solution may be the most workable.
 - The United States Postal Service: If closed generics are allowed, an objection process should be established.
- Neustar/RySG/ALAC: Expressed opposition to this option.
 - Neustar: Does not support additional objection process.
 - RySG: Code of conduct provides the necessary oversight. Current objections process and post-delegation dispute resolution options are sufficient. Community members can also submit compliance complaints. An additional objection procedure is unlikely to significantly increase protections and may implicate complaints about content or standard Registry Operations.

Public Interest test for Options 2 and 3:

- Neustar/RySG/IPC: Agree that the proper test is whether application harms the public interest rather than if it serves the public interest.
 - Neustar: Standard should be demonstrable likelihood of material detriment.
 - RySG: Harm should be more than theoretical.
 - IPC: What is laid out as criteria of not serving the public interest must be in line with ICANN's bylaws. Assessment should be case-by-case and should be overwhelmingly apparent of not serving the public interest.

Implementation of code of conduct under Option 3:

- INTA/Neustar/RySG/IPC: If this option is selected, favor a separate code of conduct rather than adding provisions to the existing code of conduct.

Other positions regarding closed generics not tied to specific proposals above:

- Support for closed generics:
 - Mike Rodenbaugh: Expressed support for closed generics without expressing preference for a specific option. The Board decision was made in complete 'top-down' fashion without real community input and contrary to the GNSO policy and AGB which *allowed* closed generics. No public interest has ever been identified for treating TLDs different than generic .com domains, for example.

- Google: Expressed general support for allowing closed generics without stating a preference for specific options listed.
- Mix opposition and support:
 - RrSG: The majority of registrars oppose allowing closed generics, but a few supported allowing them if they provided a tangible benefit to end users and provided tightly bound restrictions.
- Specific conditions under which closed generics should be allowed/prohibited:
 - ALAC: Closed generics should be prohibited unless coupled with a Public Interest Application. Closed generics allow an applicant to have a potentially unfair influence over registration priority in a generic term, such as “app.” Additionally, closed generics lead to a slippery slope that could enable significant security risks for those particular strings, particularly for dotless domains as the SSAC found. Closed generics can exist – but they may introduce unintended security and stability issues which the SSAC should weigh in on. Thus, to completely eliminate this competitive and security threat, ICANN must prohibit their use.
 - IPC: Stated that it supports allowing closed generics where (1) a substantial public interest is served; and (2) unintended security and stability issues are not introduced (which the SSAC may identify). Noted that is impossible to fully evaluate alleged harms without first seeing their effect. By allowing Closed Generics in the public interest, a positive outlook can be observed and then it may be assessed whether or not there are drawbacks.
 - GAC: Closed generics should serve a public interest goal.

Additional proposals:

- Neustar: New Idea - Any new policy providing a mechanism for Closed Generics should be available to existing Registry Operators as well as future applicants.
- Marques: If the ICANN community decides that Closed Generics should be allowed – because application itself is not anti-competitive or is otherwise in the public interest – then the applicant should be required to submit a Public Interest Commitment that the use of the TLD will not be used in an anti-competitive manner.

Definition of Closed Generics:

- RySG: Supports the current definition of closed generics.
- INTA: The current definition is overly broad. Certain strings including words or terms that denominate a general class of goods or services, when used in association with unrelated goods or services, would potentially qualify as non-generic terms or .BRANDS under Specification 13 Paragraph 5.1 of the Registry Agreement. For example, the term “Internet” in association with a global computer network is generic, but in association with “food” is a strong trademark. Therefore, a prohibition on “closed generics,” as currently drafted, potentially harms brand owners and the consumers.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

- None

Suggested next steps

2.7.4 String Similarity

Background documentation

- Community Comment 2 - Section 3.4
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.4
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- Recommendation 2 states that “Strings must not be confusingly similar to an existing top-level domain.” This continues to be an appropriate policy objective.

CCT-RT Recommendations on this topic

Recommendation 35: The Subsequent Procedures PDP should consider adopting new policies to avoid the potential for inconsistent results in string confusion objections. In particular, the PDP should consider the following possibilities:

- 1) Determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated
- 2) Avoiding disparities in similar disputes by ensuring that all similar cases of plural versus singular strings are examined by the same expert panelist
- 3) Introducing a post dispute resolution panel review mechanism

Public comment summary

High-level Agreements

- Comments generally support 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:
 - 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.

- 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 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.
- Using a dictionary to determine the singular and plural version of the string for the specific language.
- Comments support eliminating the use of the SWORD tool in subsequent procedures.
- Comments generally support the idea that it should not be possible to apply for a string that is still being processed from a previous application opportunity.

Outstanding Items - New Ideas/Concerns/Divergence

General concerns regarding guidance on singulars/plurals:

- ICANN Org: Concerns - Request clarification concerning the requirement to use a dictionary to determine singular/plural form of a word which limits the singular/plural determination to a single language, and not script, and concerns about the differing ways that languages form plurals; consider whether the contention set should be expanded to the languages of the users rather than the language identified by the applicant; consider whether to expand the confusability assessment to other forms of inflection beyond pluralization; consider how the rules in this preliminary recommendation may be applied to labels that are not words in a language; consider sub-categorizing different forms of string similarity evaluation; consider string similarity in the context of IDN variant TLDs, vis-a-vis string contention.
- SSAC: The SSAC believes that a clear and consistent set of rules for ‘confusing similarity’ should be developed, in accordance with the Conservatism Principle, and the resulting rules should be applied in subsequent rounds of new gTLDs. This may not be as simple or straightforward as the above referenced preliminary recommendations state. For example, singular and plural noun forms are represented differently by different languages, and not all languages have two distinct modes of grammatical number; some have four, and others have none at all. Depending on the language and the noun, singular and plural forms may or may not be visually confusable. In English, for example, “language” and “languages” are visually similar; “mouse” and “mice” are not. In Arabic, sound plurals (which are created simply by adding a suffix to the singular form) are visually similar; broken plurals (which change the internal structure of the singular) are not. Beyond visual similarity, trying to determine confusability based on the meaning of words is fundamentally misguided, as domain names are not semantically words in

any language. [See full comment for quote From RFC 5894, "Internationalized Domain Names for Applications (IDNA): Background, Explanation, and Rationale"]

- NCSG: String evaluation should be consistent and effective in avoiding confusion and loss of confidence in the DNS. Resolution mechanisms should be fair and efficient. There should be longer periods for applicants to submit String Confusion Objections based on the String Similarity Review given the possibility of receiving delayed reviews caused by unique factors such as the high volume of unique strings. The AGB perceives similar strings as the ones who present the possibility of user confusion in case more than one of the strings is delegated into the root zone. "Discussions on types of string similarity that we might need to push back on is of high importance to NCSG, given that consumer "confusion" is presumed when the prohibition of plurals and singulars of the same word in the same script are discussed with regards to 4 preliminary recommendations. Thus NCSG would like to make the case that this presumption not be the baseline for a decision regarding plurals and singulars and for further mechanisms to be introduced in order to guarantee fairness in due process."

Prohibition on plurals and singulars of the same word in the same language:

- INTA: New Idea - Where applicants are brands which co-exist in the real world, applying for a .Brand, it should not be assumed that one is a plural of another. Context and the nature of the TLDs should be taken into account. The mere addition of the letter "s" to an English word should not be assumed to indicate that it is a plural.

SWORD Tool:

- ALAC: If the SWORD Tool is eliminated, a replacement solution is needed.

Prohibition on applying for a string that is still being processed from a previous application opportunity.

- Some RrSG members: Divergence - It should be possible for a subsequent application to be submitted in case the first application was denied or withdrawn.
- INTA: New Idea - To support this, ICANN should publish a list of pending applications or implement a process that will not permit an additional application for the same string to be made.

Include synonyms (for example .DOCTOR and .PHYSICIAN) in the String Similarity Review?
Different standard for strings in a highly-regulated sector or verified TLDs?

- NABP/ALAC: Support
 - NABP: Synonyms should be included in the String Similarity Review where the string or synonym is associated with a highly-regulated sector or is a verified TLD.
 - ALAC: Standards should be different in the context of a highly regulated sector as a matter of consumer protection. While string confusion is a concern everywhere, areas of potential consumer harm need to be addressed first.

- RrSG/INTA/Neustar/RySG/Valideus: Divergence
 - RrSG: Where the TLDs are highly regulated there would be sufficient differences. This is more of a business decision. Synonyms can mean "nearly the same as another word" and the difference between the two can make important relevance issues across differing markets.
 - INTA: While .DOCTOR and .PHYSICIAN and related synonyms would be confusing in a trademark context, the strings themselves are not. The gTLDs are indexes, and the user typing each respective .TLD would know they are different and no typo would result in accessing the other.
 - Neustar: The example provided in the Preliminary Recommendation itself illustrates that while strings may be synonyms their independent meanings can be considerably different – for example a Doctor of Philosophy would be unlikely to be interested in a .physician TLD but may have an interest in a .doctor TLD.
- Valideus: New Idea - Suggests establishing a new objection right is given to Verified / Validated TLDs which can be used to allege that allowing a synonym (or foreign translation) of an existing Verified TLD would likely confuse end users and potentially cause harm.

Treatment of homonyms:

- The Thai Network Information Center Foundation: New Idea - Suggest considering homonyms in string similarity rules, because homonyms can cause end-user confusion. Example from 2012 round: an application for .thai phonetically clashed with existing .ไทย (Thai IDN ccTLD). The application was not approved following ICANN Board ruling.

Coordination between ccNSO and GNSO:

- ccNSO: New Idea - Suggests designing a common approach, i.e. at a minimum ensure that there is mutual understanding of the need for and different methods for evaluation of confusing similarity. Suggests creating a small working group as a first step to analyse the current state of affairs and existing requirements.

String contention resolution:

- ~~Auctions of last resort:~~
 - ~~ALAC/GAC: Opposes auctions of last resort.~~
 - ~~ALAC: Auctions of last resort are not appropriate because they will always favour applicants with deeper pockets, not to mention being open to abuse if not conducted openly.~~
 - ~~GAC: Auctions of last resort should not be used to resolve contention between commercial and non-commercial applications.~~
 - ~~RySG: Supports auctions of last resort.~~
 - ~~INTA: Supports auctions of last resort if they are the only option.~~
 - ~~INTA: New Idea – As with trademarks, priority as between two brands owners could be given to the senior user. As between non-brand owners, first come first/first serve may be a reasonable solution for rolling application periods or~~

arbitration. Allowing applicants flexibility to amend applications—for example that for a small additional fee they could adopt an alternative string, could also reduce the need to resolve contention.

- ~~GPE:~~
 - ~~ALAC/RySG/IPC: Supports GPE~~
 - ~~INTA: Does not support GPE~~

Rules to disincentivize “gaming” of private auctions:

- ~~ALAC: Concern—The community does not yet know enough about possible abuses of private auctions and auctions of last resort from the 2012 round. Even the legality of auctions is in question. A study should be conducted or ICANN should look into more equitable methods of contention resolution, such as a draw.~~
- ~~RySG: Concerns—The WG should further consider resolution of contention sets. These include auctions of last resort, private auctions and other alternatives. Some believe that the WG should consider legality of private auctions. It is difficult to assess opportunities and risks of last resort auctions prior to completion of the CCWG Auction Proceeds. The RySG identifies known issues that have been discussed in the SubPro PDP, but believes that comments from CC2 need to be further considered. There has not been sufficient data gathered/analyzed to support deliberations on this topic.~~
- ~~IPC: Supports study abusive behavior and/or gaming that may have occurred in the 2012 round, as well as further resolution mechanisms outside of auctions.~~
- ~~GAC: As to private auctions, incentives should be created to strongly disincentivise private auctions.~~

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

- None

Suggested next steps

2.7.5 IDNs

Background documentation

- Community Comment 2 - Section 4.1
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.5
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DgSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>
- **Note: The GNSO Council has convened a scoping team to examine the policy implications from the IDN Variant TLD Implementation and Final Proposed Draft Version 4.0 of the IDN Implementation Guidelines. After examining the policy implications, the group will accordingly suggest to the GNSO Council a mechanism to address (e.g., SubPro, new PDP/EPDP, other) the relevant issues.**

Policy Goals / What the WG is Seeking to Accomplish

- Principle B remains applicable, though it can be modified slightly to acknowledge that IDNs are already a part of the new gTLD space: “Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.”

Public comment summary

High-level Agreements

- 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).
- 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.
- 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.
- 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.

- 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.
- 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.

Outstanding Items - New Ideas/Concerns/Divergence

Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) to generate IDN variants

- RySG: New Idea - In cases where label scripts are not supported by "RZ-LGR-n", the PDP Working Group, in coordination with ICANN, should create an alternative procedure until the script is supported by "RZ-LGR-n". Regardless, the RZ-LGR should be used for all TLDs regardless of script, not just for validating IDNs. Further, the guidance should note that the RZ-LGR were developed to meet the unique requirements of the root and should not automatically be extended to second-level labels unless through a consensus policy.
- ICANN Org: New Idea - ICANN org would like to make the PDP Working Group aware of the questions being raised by the RZ-LGR Study group (e.g., role of DNS Stability panel after using RZ-LGR filter, dealing with scripts not integrated in RZ-LGR at the time of the application, etc.) at <https://www.icann.org/public-comments/technical-rz-lgr-2018-08-02-en>. The PDP Working Group might want to consider these questions as well as their answers, and how to integrate recommendations from the RZ-LGR Study group into its ongoing deliberations on this topic. Additionally, the preliminary recommendation suggests the RZ-LGR will be used for determining the valid IDN TLD labels as well as their variant labels. **The PDP Working Group might want to consider clarifying that the RZ-LGR will also be used for determining the disposition of the variant labels (whether a variant label is blocked or allocatable).**
- Automation:
 - RySG: Concerns - RZ-LGR is compliant with IDNA2008 per design. The RySG has the following questions - Who is going to be responsible for operationalizing the automation of the RZ-LGR? How can future applicants, and other users of the RZ-LGR be assured that the validation and calculation of the operationalized RZ-LGR follow the specifications? Who would manage that - would it be ICANN org, a third-party PDT provider?
 - ICANN Org: New Idea - While checking against IDNA2008 and RZ-LGR can be automated, some manual process may be required if there are additional technical requirements. **It should be noted that this is a topic in the Study on**

Technical Use of Root Zone Label Generation Rules, which is currently underway.

- ALAC: The ALAC opines that under the current IDN regime, this manual validation/invalidation is unlikely to occur.
- RySG: RFC 5893, in its section 4, describes some script/language combinations that might have issues with the then-applicable RFC 3454 framework, now defined in RFC 8264 (PRECIS). If those are allowed by RZ-LGR-n, we believe those to be possible candidates for manual analysis.
- Pre-Delegation Testing:
 - ICANN Org - New Idea - It should be noted that the IDNA2008 standard poses some constraints and itself suggests that it is a baseline measure (necessary but may not be sufficient) and therefore additional constraints should be imposed by the registries. For example, some additional constraints are identified by the IDN Guidelines for the second level labels. Pre-Delegation Testing (PDT) allows for checking for the constraints put by IDNA2008 and additional guidelines (e.g., by reviewing the proposed IDN tables for the second level labels), which is needed to ensure secure and stable implementation of the IDNs.
 - ALAC: Concerns/Divergence - **Pre-Delegation Testing (PDT) covers the testing of different aspects that could potentially impact the stability and manageability of registry operations, such as DNS, WHOIS, EPP, IDN, Data Escrow and Documentation. IDN variants introduce added complexity to registry operations, even where compliant with IDNA2008 or LGRs. Consequently the ALAC believes it may be prudent to continue with PDT practices.**

Allocation of IDN variant TLDs

- RySG: New Idea - RySG recommends that the text be clarified to state that variant IDN TLDs need to be operated by the same backend registry service provider, not just that they have the same registry operator, not only in the initial delegation/launch but further as a consideration when business transactions impact particular IDN TLDs.
- ICANN Org - New Idea - ICANN org would like to make the PDP Working Group aware of the detailed analysis on IDN Variant TLDs posted at <https://www.icann.org/public-comments/managing-idn-variant-tlds-2018-07-25-en> and the ten recommendations suggested for adoption. ICANN org encourages the PDP Working Group to consider and provide feedback on these recommendations, including any proposed solutions for implementing IDN variant TLDs in subsequent procedures. From that analysis, it is recommended that: "IDN variant TLDs {t1, t1v1, ...} must be allocated to the same entity. The registry service providers must be the same for IDN variant TLDs. "
- IPC: New Idea - IDN TLDs which are variants of registered trademarks should be subject to Legal Rights Objections.

Bundling of 2nd-level IDN variants

- Leave it up to the TLD operator

- ALAC: The ALAC believes that IDN variant-related policies such as “bundling” are best handled at the TLD-level provided that if both variants are registered, they need to be under the control of the same registrant.

The ALAC opines that given the fact that there is a manageability constraint when dealing with IDN labels at the top and second levels, it may be prudent to entrust related policies (including bundling) to the respective registry operators. The current policy process under way for IDN Variant TLD Implementation will also be guiding this policy.

- RySG: suggests that the bundling policy at the second level is left to each registry operator, so the best solution, in the view of the target market, can be chosen. In this fashion, the registry operator can adopt the best variant definition for a particular language community and its definition of "sameness", which reflects community judgement of confusability. Simple confusability – visually, phonetically, or otherwise – does not make something a variant.

RySG suggests that the bundling policy is left to each registry operator, so the best solution on the view of the target market can be chosen. When the next procedure comes close to beginning, RySG intends to discuss with registrars, possibly in the CPH TechOps group, per-market best practices in order to have homogenous customer experience in each market, while being compliant with consensus policies and IDN Guidelines.

- RrSG: The RrSG welcomes standardization but is concerned that this could limit creativity/innovation and creates a "moving target" that will likely need to be modified, if adopted. It may be better to leave this up to the TLD operator.
- ICANN Org: "Same label under IDN variant TLDs s1.{t1, t1v1, ...} must be registered to the same entity. Second-level variant labels under IDN variant TLDs {s1, s1v1, ...}.{t1, t1v1, ...} must be registered to the same entity. Second-level IDN tables offered under IDN variant TLDs must be harmonized. IDN variant label allocatable or activated under IDN variant TLDs may not necessarily be the same. Existing policies and associated procedures for TLDs must be updated to accommodate the recommendations for IDN variant TLDs. All remaining existing TLD policies must apply to IDN variant TLDs, unless otherwise identified."
- LEMARIT: New Idea - Once domain name is effectively allocated all its variants should be blocked, the activation of the variants should be up to the registrants. This leads to more consumer protection and limited confusion.
- SSAC: Concerns - The problem of “synchronization” of TLDs has been studied previously and it is clear that there are no generally applicable technical approaches that work consistently in the DNS. Informally, the goal of TLD bundling is for domain names that are identical below the level of the bundled TLDs to behave “the same” in all of the contexts in which users might encounter them. As documented by the Registry Services Technical Evaluation Panel (RSTEP) study of the Public Interest Registry (PIR) proposal to bundle .NGO and .ONG, it is not possible to achieve this goal through purely technical

means within the DNS. The RSTEP review concluded that PIR did not intend to market the .NGO/.ONG bundle to registrants as if it achieved this goal, and approved the proposal on that basis with the following warning:

“There is no indication that PIR will market the service as causing a pair of names from a bundle to “be the same,” to “act the same,” or other phrases that would cause more significant security and stability issues. However it would be prudent to expect that registrars will perceive both names in the bundle to be “the same” because most EPP transactions on one name will automatically apply to the other. That is likely to pervade their thinking, both in terms of provisioning and engineering. This in turn is likely to trickle down into customer communications, perhaps in an even more garbled form, that reach registrants and the general public. It will require great care by all parties to make sure that wrong or misleading expectations are not set over “sameness” or at least kept to a minimum.”

The SSAC advises the new gTLD Subsequent Procedures PDP WG to observe the findings of this RSTEP review in any resolution of Question 2.7.5.e.2.

Additional inputs on 1-Unicode character gTLDs

- ALAC: Concerns (Qualified support) - Additional inputs from the CJK communities would be useful to confirm if they see any language-related risks in 1-letter IDN labels (beyond the technical risks identified by SSAC/JIG).
- Making the definition more precise:
 - ICANN Org: New Idea - To inform the PDP Working Group’s continued deliberations on this topic, it should be noted that the use of “1-Unicode character” is ambiguous in capturing what is intended. SSAC notes in SAC052 that “The term “single character” is easier to define for some scripts than for others. In particular, it does not correspond to “one Unicode code point,” as glyphs that would be recognized by users as “single characters” can arise from sequences of one or more Unicode code points.” As such, the PDP Working Group might want to consider aligning its recommendation with SAC052. Further, it should be noted that ideographs may be used in many scripts. It may be useful to list the scripts in scope or the process to determine if a particular script is in scope for considering ideographic characters. It would also be useful if the PDP Working Group can explicitly point to relevant SSAC documents and also any particular sections which should be applicable to determine any additional constraints (e.g., the proposed guidelines in Section 6, item 6 of SAC052).
 - SSAC: Concerns - The SSAC expresses the following concern: For ideographic scripts such as Han, not only can a single character represent a complete “word” or idea, but in some cases different single characters can represent the same “word” or idea. Were ICANN to delegate each such different single character as a TLD label (whether to the same or to a different registrant), users would likely be

subject to confusion based on varying deployments of the single character, defined by registry policy. The problem of “synchronization” of TLDs has been studied previously and it is clear that there are no unified technical approaches that work consistently in the DNS. To the extent that two or more different single characters that have the same meaning (variants) may be delegated, a context-free single-character TLD could represent a higher degree of confusability than an equivalent multi-character TLD with at least one non-confusable character.

- ALAC: New Idea - Among extant scripts, it is largely the Chinese family of scripts (Chinese-Japanese-Korean) that are considered as ideograms. Further work on this aspect may only be needed if the respective language communities raise it explicitly.
- RySG: New Idea - i) scripts of the ISO 15924 standard, provided a single character in such script represents an idea, they have Unicode representation, are allowed in IDNA and in RZ-LGR-n. Specifically, the scripts 286, 500, 501 and 502 (Hangul, Han, Simplified Han, Traditional Han) should be allowed, or ii) single characters (i.e. a single code point) whose Unicode Script Property is Hangul or Han, and is allowed in IDNA.

Coordination with IDN Variant Management Framework

- Consider as input
 - ALAC: New Idea - As the finalization of the IDN Variant TLD Implementation Framework is under way, it is recommended that the Work Track should consider its recommendations as inputs.
 - SSAC: New Idea - In responding to 2.7.5.e.4, the SSAC believes the Work Track should take into account the IDN Variant Management Framework that has been requested by the Board and is currently under development.
 - ICANN Org: - “Existing policies and associated procedures for TLDs must be updated to accommodate the recommendations for IDN variant TLDs. All remaining existing TLD policies must apply to IDN variant TLDs, unless otherwise identified.”
- RySG: New Idea - While RySG supports the concept of an harmonized framework among IDN ccTLDs and IDN gTLDs, we believe there are enough IDN studies at this point to inform new IDN gTLDs procedures.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to/ other sections

Parking lot

- None

Suggested next steps

2.7.6 Security and Stability

2.7.6.1 Root Scaling

Background documentation

- Community Comment 2 - Section 4.5.2
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.6
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
 - Based on an ICANN organization paper titled “Delegation Rate Scenarios for New gTLDs”¹⁴⁴, ICANN predicted that it would only be able to process a maximum of 1,000 delegations per annum¹⁴⁵. This number served as the basis for analysis by the technical community prior to the 2012 new gTLD round. The technical community determined that 1,000 delegations per year would not pose a security and stability threat. It is important to note that the technical community did not seek to determine a specific maximum delegation rate on the basis of security of stability.¹⁴⁶ Based on this analysis, the ICANN organization committed to delegate no more than 1,000 gTLDs per year.

¹⁴⁴ See paper here:
<https://archive.icann.org/en/topics/new-gtlds/anticipated-delegation-rate-model25feb10-en.pdf>

¹⁴⁵ The specific evaluation processing number identified was actually 924 per annum, but the number was rounded to 1,000 for practical purposes.

 - ¹⁴⁶ See Impact on Root Server Operations and Provisioning Due to New gTLDs here:
<http://newgtlds.icann.org/en/about/historical-documentation/root-scaling-27jun12-en.pdf>
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DgSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

Delegation Rates

- The New gTLD Program should be introduced in an ongoing, orderly, timely and predictable manner.
- The primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.
- New gTLDs should be delegated into the root zone in a manner that minimises the risk of harming the operational stability, security and global interoperability of the Internet.

Other Elements

- TBD

Public comment summary

High-level Agreements

Delegation Rates

- In delegating new gTLDs, the Working Group agrees with the RSSAC, that trouble free access to the root zone is one of the very few things that are critical for all Internet users, and therefore, ICANN should honor the principle of conservatism when adding new gTLDs to the root zone.
- That said, the Working Group generally supports raising the delegation limit from no more than 1000 TLDs per year, subject to the recommendations below.
- As recommended by both the [SSAC](#) and [RSSAC](#), ICANN should focus on the rate of change for the root zone, rather than the total number of delegated strings for a given calendar year. Instead, it would be better to think in terms of changes over smaller periods of time (e.g., monthly).
- ICANN should continue developing the monitoring and early warning capability with respect to root zone scaling. This investigation should be completed prior to increasing the number of delegations in the root zone.
- The WG supports the following additional recommendations of the [RSSAC](#), namely:
 - The rate of change is more important than absolute magnitude. Based on historical trends and our operational experiences, the RSSAC strongly recommends that the number of TLDs delegated in the root zone should not increase by more than about 5% per month, with the understanding that there may be minor variations from time-to-time.
 - While there are many DNS zones larger than 10,000 - 25,000 records, the root zone is uniquely a shared resource upon which all Internet users rely. For this reason, the RSSAC believes it will continue to be important to limit the rate of addition of new gTLDs.
- The WG supports the recommendations proposed by the [SSAC](#), namely:
 - ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities.
 - ICANN should investigate and catalog the long term obligations of maintaining a larger root zone.

- In accordance with the comments received from ICANN's Office of the Chief Technology Officer (OCTO), the Working Group recommends that OCTO consult with PTI, Verisign, the root operators via RSSAC, and the larger DNS technical community on these recommendations.

Outstanding Items - New Ideas/Concerns/Divergence

Delegation Rates

Early warning systems

- ICANN Org: New Idea - ICANN Office of the Chief Technology Officer is researching the design of an "early warning system" that could monitor several aspects of the root server system. It is possible, though not assured, that such a system could monitor for possible signs of stress on various aspects of the root server system that could result from increased size of the root zone. It is important to emphasize that this research is in a very early, exploratory stage, and the design of any possible "early warning system", as well as its capabilities, are still unknown. ICANN org would like to also remind the PDP Working Group of our comments on this topic in the 24 January 2018 letter from Akram Atallah and David Conrad to the Chairs of this PDP Working Group.
- RySG: New Idea - Supports SSAC-100 that states:
The SSAC recommendations are:
 - Recommendation (1) : ICANN should continue developing the monitoring and early warning capability with respect to root zone scaling.
 - Recommendation (2): ICANN should focus on the rate of change for the root zone, rather than the total number of delegated strings for a given calendar year.
 - Recommendation (3): ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities.
 - Recommendation (4): ICANN should investigate and catalog the long term obligations of maintaining a larger root zone.
 - The RSSAC recommendations are available at <https://www.icann.org/en/system/files/files/rssac-031-02feb18-en.pdf>

Other comments about delegation limits

- Alexander Schubert: New Idea - I suggest an application fee of 500,000 USD in the next round: If that should yield to only 100 or less applications; no problem as the following round would come up within a few month then (short application stack, speedy processing).
- ALAC: New Idea - Any cap set on the number of (new) gTLDs in the root should initially be determined by what the root-zone system can handle technically.
- SSAC: Concerns - In such an environment, item 2.5.1.e.6 becomes important. How many more TLDs will be introduced? And can ICANN scale its operations to handle that many TLDs? This poses several security and stability issues. One issue is not so much

whether the root zone can accommodate additional entries (see 2.7.6.c.2), but whether the ICANN organization's operations can scale. The following is excerpted from SAC100.

- Recommendation (4): ICANN should investigate and catalog the long term obligations of maintaining a larger root zone.
- A larger root zone may increase the complexity and cost of activities that operate on the entirety of the root zone. ICANN should investigate how increasing the size of the root zone will impact activities such as the DNSSEC Key Signing Key (KSK) rollover, IANA root zone change requests, TLD transfers, contract negotiations, the operations of the root zone maintainer, and any other administrative overhead. The ongoing management of these activities should be investigated prior to increasing the number of delegations in the root zone.
- The SSAC is pleased to see a preliminary recommendation from the working group calling for the ICANN organization to further develop root zone monitoring functionality and early warning systems, as it previously recommended. The SSAC also previously stated that the working group recommendations should include an acceptable rate of change to the root zone instead of a yearly delegation limit, and that obligations to new gTLD registries should be structured so that their addition to the root zone can be delayed in case of DNS service instabilities.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Referred from Application Fees (also included in Application Submission Limits)

Parking lot

CCT-RT Recommendations, summarized briefly:

- 14: Registry Agreements should possibly include provisions that incentivize registries to adopt proactive anti-abuse measures.
- 16: Further study the relationship between specific registry operators, registrars and technical DNS abuse by commissioning ongoing data collection and regular publication of this data. Where abuse is identified, ICANN Org should develop a plan to respond.

Suggested next steps

5% Growth Curve Example

Month	Year 1	Year 2	Year 3
Month 1	100	180	323
Month 2	105	189	339
Month 3	110	198	356
Month 4	116	208	373
Month 5	122	218	392
Month 6	128	229	412
Month 7	134	241	432
Month 8	141	253	454
Month 9	148	265	476
Month 10	155	279	500
Month 11	163	293	525
Month 12	171	307	552
Yearly Total	1591	2858	5133
Cumulative Total	1591	4449	9582

Month 1:	100	
Month 2:	105	
Month 3:	110	
Month 4:	116	
Month 5:	122	
Month 6:	128	
Month 7:	134	
Month 8:	141	
Month 9:	148	
Month 10:	155	
Month 11:	163	
Month 12:	171	1,591 TLDs Year 1
Month 13:	180	
Month 14:	189	
Month 15:	198	
Month 16:	208	
Month 17:	218	
Month 18:	229	
Month 19:	241	
Month 20:	253	
Month 21:	265	
Month 22:	279	
Month 23:	293	
Month 24:	307	2,858 TLDs Year 2
Month 25:	323	
Month 26:	339	
Month 27:	356	
Month 28:	373	
Month 29:	392	
Month 30:	412	
Month 31:	432	
Month 32:	454	
Month 33:	476	
Month 34:	500	
Month 35:	525	
Month 36:	552	5,133 TLDs in Year 3

9582 TLDs in 3 Years

2.7.6.2 Security and Stability

Background documentation

- Community Comment 2 - Section 4.5.2
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.6
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- The WG supports the SSAC position that emoji in domain names, at any level, should not be allowed.

Public comment summary

High-level Agreements

- 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.

Outstanding Items - New Ideas/Concerns/Divergence

Algorithmic string review

- BC: New Idea - In case of rejection, there should be an option to request a manual review of the string. Also, there should be defined timelines for the manual review process to enable the applicant to make plans accordingly.
- RySG: New Idea - The RySG notes that RZ- LGR, while it is evolving and adding new scripts periodically, will only be able to process certain scripts for checking. (For example, Han script has not been incorporated yet. Therefore, while RZ-LGR should be the ideal algorithmic tool to validate applied-for TLDs, ICANN will need to provide

alternate methods to validate applied-for labels using other scripts not supported by the RZ-LGR. [Related to IDNs?]

- ICANN Org: New Idea - This preliminary recommendation suggests algorithmic checking of TLDs against root zone LGRs and ASCII string requirements. From a system development perspective, [automation could be built into the application system to check applied-for gTLDs against specific lists, such as the Reserved Names list, ISO-3166 list, and the Root Zone LGR. Some level of algorithmic checking of applied-for gTLDs is also possible. The availability of deterministic list of labels and whether the RZ-LGR is defined for the scripts of these labels would determine the complexity of the implementation of algorithmic checks.](#)

Emoji

- RySG: New Idea - RySG agrees with WT4 and SSAC in not allowing new emoji labels at any level, although not interfering with already registered emoji SLDs in gTLDs. We would support reviewing this decision if/when IETF IDNAs standards allow them, if that ever happens.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

CCT-RT Recommendations, summarized briefly:

- 14: Registry Agreements should possibly include provisions that incentivize registries to adopt proactive anti-abuse measures.
- 16: Further study the relationship between specific registry operators, registrars and technical DNS abuse by commissioning ongoing data collection and regular publication of this data. Where abuse is identified, ICANN Org should develop a plan to respond.

Suggested next steps

2.7.7 Applicant Reviews: Technical/Operational, Financial and Registry Services

Background documentation

- Community Comment 2 - Section 4.3
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.7
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkLj5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

Goals described in the Principles and Recommendations from the 2007 policy remain applicable, with several possible adjustments noted below for Recommendations 7 and 8:

- Principle D: “A set of technical criteria must be used for assessing a new gTLD registry applicant to minimize the risk of harming the operational stability, security and global interoperability of the Internet.”
- Principle E: “A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN’s registry agreement.”
- Recommendation 1: “ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedures for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.”
- Recommendation 7: “Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.” [Note that the WG is considering additional text clarifying this recommendation]

- Recommendation 8: “Applicants must be able to demonstrate their financial and organizational operational capability.” [Note that the WG is considering an adjustment to the language to provide additional detail related to the evaluation of applications as part of a single registry family, where applicable]
- Recommendation 9: “There must be a clear and pre-published application process using objective and measurable criteria.”
- Recommendation 18: “If an applicant offers an IDN service, then ICANN’s IDN guidelines must be followed.”

Public comment summary

High-level Agreements

- ICANN should publish (during the procedure) any Clarifying Questions (CQ) and CQ responses for public questions to the extent possible.
- For all evaluations: Restrict scoring to a pass/fail scale (0-1 points only).
- 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.
- 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.
 - 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.
 - 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.
 - Retain the same questions (except Q30b - Security Policy).
 - 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.)

- 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.”
- 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.
 - For Financial Evaluation: To provide further clarity on the proposed financial evaluation model, the following are sample questions of how financials would be evaluated:
 - Q45: “Identify whether this financial information is shared with another application(s)” (not scored).
 - 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).
 - 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).
 - No other financial questions.
 - 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 would become part of a single registry family.”

Outstanding Items - New Ideas/Concerns/Divergence

Publication (during the procedure) of Clarifying Questions (CQ) and CQ responses for public questions to the extent possible.

- ICANN Org: New Idea - In the 2012 round, technical evaluation was performed in tandem with the financial evaluation as the two are inter-related (i.e., Is the proposed technical infrastructure adequate to support the estimated registration volume provided in the financial portion of the application?). As such, clarifying questions for public parts of the application could reference information in confidential parts of the application. This may no longer be a consideration as the preliminary recommendation 2.7.7.c.13

suggests that the responses to the revised financial questions be publicly posted. However, should the PDP Working Group alter preliminary recommendation 2.7.7.c.13 based on community input from the public comment period, the PDP Working Group may want to consider this potential implication. Additional consideration: If “during the procedure” implies that questions and responses are issued to the applicant, applicants with larger priority numbers will have an advantage of having the “answers” available to them, making the evaluation less meaningful. Applicants that have smaller priority numbers will be disadvantaged.

- BC: New Idea - Suggests that it may be helpful to provide financial models and/or tools. Suggests that the system should be able to evaluate applications where the applicant creates a new entity that may not have full multi-year financials.

Improve clarity of application questions based on evaluation of data from the 2012 round.

- RySG: Supports the recommendation but cautions against making substantive changes to the questions that would make subsequent procedures incompatible with the 2012 round.

Technical/Operational: For Technical and Operational Evaluation: Do not require a full IT/Operations security policy from applicants.

- BRG/Neustar/RySG: Support.
- Divergence: RrSG - technical and operations evaluations should still be required, especially for applicants that are using an RSP to support dozens of TLDs.
- Divergence: SSAC - For Technical and Operational Evaluations, a full IT/Operations security policy from applicants must be required. The goal of the technical evaluation is for the applicant to demonstrate its expertise and assure the secure and stable operation of the registry.
- Divergence: GAC - Applicant evaluation and RSP pre-approval process should include consideration of potential security threats.
- ICANN Org: Does not have issues/concerns with this preliminary recommendation from a technical or operational perspective but encourages the WG to consider ICANN’s mission to “ensure the stable and secure operation of the Internet’s unique identifier systems.”

4. Financial

a) If COI is required, it should only be required at the time of executing a Registry Agreement:

- Some members of RySG: Divergence - believe COI is a valuable mechanism to check for “good” financial operations.
- ICANN Org: New Idea - Requests that the WG provide guidance on the challenges associated with the use of Standby Letters of Credit (as discussed in the ICANN Program Implementation Review Report).

- b) Proposed revision of requirements for Financial Evaluation:
- BRG/FairWinds Partners/RySG: Support.
 - FairWinds Partners: In particular, supports self-certification for single registrant TLDs where domain name sales will not be funding TLD operations.
 - Valideus: Support (a). For (b), does not object to, but does not believe ICANN can do it. For (c), .brands should be evaluated differently. For (d), mostly agree, with exception for self-certification. Support (e).
 - NCSG: Divergence - Regarding self-certification if the applicant and/or its Officer are bound by law in its jurisdiction to represent its financials accurately: Notes that regardless of local law, the applicant has an obligation to prove to the ICANN evaluators that it has the wherewithal to ensure long-term survivability of the registry. States that it is unfair to waive these showings by the largest companies and require them by the smallest. This will result in higher costs for new entrants, smaller entrants, and entrants from the Global South vs. applicants in the US and Europe.
 - SSAC: Divergence: Publicly traded companies must not be exempted from the financial evaluation. The barrier to be publicly traded is very low in some jurisdictions (such as "penny stocks" in the United States), and such companies do not "undergo extensive ... screenings." For example, in the USA, not all public companies are subject to the Securities and Exchange Commission's reporting requirements. Exemptions should not be extended to, "officers, directors, material shareholders, etc. of these companies," all of whom should be subject to background screening. No applicant should be allowed to self-certify that it has the financial means to support its proposed business model. None of the proposed reasons to allow self-certification provide surety. There is great variance in requirements from jurisdiction to jurisdiction and they provide no reasonable baseline that can replace due diligence during ICANN's evaluation process.
 - ICANN Org: New Idea - The suggested third-party certification could be an appropriate mechanism to "demonstrate" that the applicant meets these goals, it is unclear how self-certification would allow the applicant to "demonstrate" meeting these goals as self-certification by definition does not require the applicant to make any demonstrations.
 - RySG: In addition to agreeing in general with the proposal, additional input from members on financial requirements: Some RySG members support replacing the current financial submission by an affidavit with requirements similar to the business planning questions, like having an obligation to represent financial information truthfully. Other members of the RySG have concerns about this approach.
- c) Application of subsection (d) to affiliates of publicly-traded corporations:
- RySG and FairWinds Partners support extending the exemption to affiliates as defined in the Registry Agreement.
 - Valideus: Generally support with the exception of inclusion of ROs in good standing as being permitted various exemptions. Suggest simplifying the model single registrant applicants (Spec 13 or COCE): - Identify whether this financial information is shared with another application(s) (not scored). - Financial statements from the applicant or its affiliate (parent company) (audited, certified

by officer with professional duty in applicant jurisdiction to represent financial information correctly or independently certified if not publicly-listed) (0-1 scoring) (certification posted). - A self-certified declaration from the relevant authority within the applicant organisation (or its affiliate) that they are able to allocate sufficient funds to operate the registry in line with its goals (for e.g. 3 years), which should include an estimation of operating costs for the registry for the first (e.g. 3 years) of the TLD.

d) Feedback on financial evaluation models:

- RySG: Divergence on “Straw Cookie Monster” proposal addressing a scenario where there are already many commercial TLDs operating and a number of delegated but yet unlaunched ones. - Some members of the RySG do not support the Heavy-Weight financial model, believing there are too many different usage and business models to accommodate each and every model in a standardized process. Other members of the RySG believe that market forces should govern here. For example, if there is an accepted model or pre-approved financial model then they suggest we retain the evaluation as it is whilst leaving an opening to accommodate more complex models that do not have a rich history of performance behind them.

e) Should ICANN provide a list of parties that could help applicants establish a proposed business model?

- RySG: Agreement/Concern - ICANN should be allowed but not required to maintain a list. If created, carefully craft terms of use to shield ICANN from liability.
- Some members of RrSG: Agreement - It should be possible to create a list while limiting ICANN’s liability. Suggests that those willing to assist could contact interested applicants.
- Divergence: Some members of RrSG/Neustar/LEMARIT:
 - RrSG members: Concerns about liability issues.
 - Neustar/LEMARIT: ICANN should not endorse or appear to endorse contractors offering services to applicants.

5. Registry Services

a) Allow for a set of pre-approved services that don’t require registry services evaluation:

- Support from BRG, RySG, and Neustar. In addition:
 - Neustar suggests including Registration Validation per Applicable Law to the list of pre-approved services.
 - RySG recommends that all approved RSEPs are included. Once a Registry Service has been shown not to cause security/stability concerns, that identical service should not need to be re-evaluated, either for current or future TLDs (though variations may require review).
- Divergence from NSCG: In this section, the WG has buried rights to extend content control and excessive intellectual property protection into the evaluation

and registry agreement. “The Globally Protect Marks List is viewed by NCSG and many others in the ICANN Community as a bastardization of the Policy Development Process. The NCSG -- and the GNSO -- and the ICANN Board flatly rejected the proposal of the Intellectual Property Constituency that certain strings be considered so sacred that they would be protected across all New gTLDs regardless of the meaning and context of that gTLD. We rejected that idea as an ICANN Community because it is completely inconsistent with trademark law as we know it. . . . That a few registries were able to slip in these widely-disputed and highly-controversial proposals via the Voluntary Public Interest Commitments and later the RSEP technical modification process does not make them technical, financial or operational commitments in any way, shape or form. These are in fact clear violations of the ICANN Bylaws and the limits that ICANN set to itself and the Community when it entered the transition from US government control.”

- ICANN Org: Question - ICANN org understands this preliminary recommendation and related footnote 156 to mean that if an applicant chooses to offer one of the pre-approved registry services the applicant would still need to go through an evaluation process to ensure that the applicant is capable of providing that pre-approved service. It would be helpful if the PDP Working Group can confirm if this understanding is correct. If it is correct, ICANN org understands that this evaluation is not the RSEP (which is only used for evaluating registry services that are not approved as per preliminary recommendation 2.7.7.c.16), but rather is another form of evaluation that is limited to assessing the applicant’s ability to perform the pre-approved registry service. It would be helpful if the PDP Working Group could also confirm if this understanding is correct.

b) RSEP should only be used to assess services that are not pre-approved. Criteria used to evaluate those registry services should be consistent with the criteria applied to existing registries that propose new registry services; applications proposing non-pre-approved services should not be required to pay a higher application fee, unless an RSTEP is required.

- Supported by RySG, BRG, and Neustar.
- ICANN Org: New Idea - Regarding the suggestion to use the RSEP process to assess services that are not pre-approved, the PDP Working Group might want to consider allowing for revisions to the RSEP workflow to fit within the program processes and timelines (i.e., using priority number to order evaluation, using clarifying questions to address issues).

c) Proposed draft language for Registry Services Evaluation:

- Support from Neustar, BRG.
- IPC: Support - Favor requiring disclosure of additional services at application time.
- At least one RySG member: Support - The evaluators should review and assess all proposed services as part of the overall evaluation of the application. The evaluation should take into consideration not just the service itself, but the proposed implementation of that service.

- RySG: New Idea/Concern - At least one RySG member suggests only tweaking the language "(IDN Languages, GPML, BTAPPA)" to follow recommendation 2.7.7.c.16 above to include all registry services with an available RSEP template at that time, while at least one other RySG member believes that while many registries choose to offer previously-approved registry services such as IDN languages, GPML and BTAPPA, the individual implementation of those services by different Registry Operators can vary significantly. For this reason, those services must still undergo a proper evaluation. At least one RySG members believes that it does not make sense to offer applicants the ability to use the RSEP at the time of evaluation, and applicants should not have the ability to defer the evaluation of certain services until after launch. New gTLD applications are evaluated by third-party evaluators that ICANN contracts specifically for this purpose, whereas RSEPs are evaluated by members of ICANN organization. The RSEP process is not designed to evaluate proposed registry services from applicants. We do not recommend splitting out the new gTLD application evaluation process in this way, as it has the potential to create logistical issues and/or unequal treatment of applications. Further, the RSEP evaluates newly proposed registry services against a Registry Operator's Registry Agreement. Making the RSEP available to approved new gTLD applicants at the time of contracting would require a significant change to the underlying RSEP policy, which we do not recommend at this time.
- Divergence from United States Postal Service, NCSG, Public Interest Community.
 - United States Postal Service: New services should be disclosed at the time of application so they can be subject to public comment.
 - Public Interest Community and NCSG: GPML should not be included in the list of approved registry services. It is contrary to the multistakeholder process and the policy development process. This issue should not be buried in the section of the report on Applicant Reviews.

Pros and Cons of proposal to not allow any services to be proposed at the time of application and instead require all such services to be requested after contracting.

- RySG: The biggest pro is streamlining the application process, making it faster and less costly. RySG doesn't see a con, but is aware of restrictions to doing so from other parts of the community. While RySG supports this option, we don't see it as a requirement for the program to succeed and is ok with not proceeding with it as a consensus compromise.
- New services should be disclosed at the time of application and subject to public comment.

Should we be concerned that applications without additional registry services are "subsidizing" applications that do propose new registry services?

- RySG: Not a concern in practice. The burden is not significant.
- IPC: There is no subsidy as the goal of the program is innovation. Don't "fast track" applications that don't propose new services.

Suggestions for additional registry services that could be pre-approved:

- Neustar: Registration Validation per Applicable Law
- RySG: Already concluded RSEP instances
- RrSG: Support for pre-approved services for launch TLDs, but not existing TLDs. For existing, this could have impact on registrars and all services should be reviewed. Suggests specific service - sync function.
- NCSG: Divergence - no additional registry services that should be considered "pre-approved"

Perspectives on whether the proposed registry services language changes the 2012 implementation of asking for disclosure of services versus disclosure being required.

- RrSG: Knowing what registry services are planned helps registrars determine if TLD should be supported. Registry services need to be shared during RSEP process.
- RySG: Registry services should still be declared by applicants if known at that point in time, and that no alternative wording is required for consensus calls on this topic. Disclosure of registry services in advance is not required.
- IPC: Language of Question 23 required disclosure of new services. That requirement should not be changed since it is essential to evaluation.

Potential drawbacks of consolidating registry evaluations:

- LEMARIT: No drawbacks -- multiple TLD applications provided absolutely similar answers on some questions.
- RySG: Strongly supports batched evaluations for identical or nearly-identical applications by an RO (and its Affiliates). Potential risks: (i) how will evaluators determine if applications are substantively identical (further noting how difficult the definition of "substantive" will be) - having to pull out some that are flagged as having substantive changes could slow down overall evaluations; and (ii) whatever process is used to queue applications will be impacted by batching and the IRT should take that into consideration.

Other Topics

Additional fees associated with evaluations:

- MARQUES: Supports a base application fee which all applicants should pay for standard evaluation with supplementary / top up fees paid for more detailed evaluation. This would result in a lower fee for a Single Applicant/Closed Brand Registry, where the evaluators do not need to review a business plan.
- INTA: Supports reduced fee for .brand applicants.

Appropriate Working Group to address the Globally Protected Marks list:

- Public Interest Community: Initial Report includes a broad and unjustified enforcement mechanism for the Globally Protected Marks list. This type of protection applied to a string of letters, divorced from the context of specific goods, services, and geographic

territories of use, was roundly rejected by the GNSO and ICANN Board, but slid into the Individual Commitments of the so-called Voluntary Public Interest Commitments of the first round (and later technical modifications). These issues belong in the Review of All Rights Protections Mechanisms PDP WG. GPML must not be grandfathered in. GPML must be eliminated completely.

Additional Comments:

- ICANN Board: The Board is interested in recommendations for a mechanism that can be used when there are issues that block an application moving forward.
- MarkMonitor: Supports efficiencies that don't sacrifice evaluation, especially for multiple submissions from a single applicant and applications with shared infrastructure. Agree that evaluation should not be one-size-fits-all, especially for .brand, where notarized state statements could be sufficient. Supports fast-track approval for standard RSEPs.
- Google: Supports consolidating review of applications where appropriate.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to/ other sections

Referred from RSP Pre-Approval:

- RrSG: (2.2.6.c.1) The RrSG agrees that an "accreditation" program is not desirable. The RrSG understands the need for a RSP "pre-approval process" and wanting to improve launch efficiencies. We believe, however, that when the new Pre-Approval process is developed, it should take into consideration interoperability with ICANN-accredited registrars, including operational efficiencies and constraints. For example, when the backend for an existing TLD changes, costs and overhead are incurred by each Registrar that provides registration/support for the TLD. We therefore would appreciate additional standardization of certain operational requirements. [May apply to 2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization and 2.7.7: Applicant Reviews (if requirements are changed for all applicants)]
- GAC: (General Comment) The GAC believes the Applicant evaluation and RSP pre-approval process should include consideration of potential security threats. Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application. [May be applicable to 2.7.6 Security and Stability and 2.7.7 Applicant Reviews]
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Parking lot

- None

Suggested next steps

2.3 Role of Application Comment

Background documentation

- Supplemental Initial Report - Section 2.3
(<https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures/supplemental-report-01nov18-en.pdf>)
- Supplemental Initial Report public comment analysis:
https://docs.google.com/spreadsheets/d/1Ea-CjtL-heQjEwTsr7MYC_8gFEvmhY8XBCWTvoan6g/edit?usp=sharing

Policy Goals / What the WG is Seeking to Accomplish

- The Working Group supports continuing the guidance in Implementation Guideline C, particularly around the provision of comment forums.
Implementation Guideline C: ICANN will provide frequent communications with applicants and the public including comment forums.

Public comment summary

High-level Agreements

- Implementation Guidance: The system used to collect application comment should better ensure that the email and name used for an account are verified in some manner.
- Implementation Guidance: The system used to collect application comment should support a filtering and/or sorting mechanism to better review a high volume of comments. The system should also allow for the inclusion of attachments.
- ICANN should be more explicit in the Applicant Guidebook on how public comments are to be utilized or taken into account by the relevant evaluators, panels, etc. and to what extent different types of comments will or will not impact scoring. In addition, to the extent that public comments are to be taken into account by the evaluators, panels, etc., applicants must have an opportunity to respond to those comments.
- Applicants should continue to be given the opportunity through Clarifying Questions to respond to comments that might impact scoring.
- Applicants should be given a certain amount of time to respond to the public comments prior to the consideration of those comments.

Outstanding Items - New Ideas/Concerns/Divergence

Application Comment System Usability and Attachments

- ICANN Org: Concerns - ICANN org would like to make the PDP Working Group aware that the Application Comment tool already provides these features. In order to submit a

comment, users must first create an account by providing name, email address, and optionally affiliation. The system sends an email to the email address provided and affirmative confirmation from the email address must be received by the system before an account is created. The Application Comment tool also allows sorting of all of the columns of information (i.e., applicant, string, application ID, name of person who submitted the comment, subject of the comment, evaluation panel or objection ground the comment is directed to, and date of submission). A search by application status, applicant, string, evaluation panel or objection ground the comment is directed to, and name of person who submitted the comment can also be performed.

- ICANN Org: Concerns - ICANN org would like to note that attachments are not searchable and sortable, which appears to conflict with the intent of the preliminary recommendation to make viewing of comments easier. Allowing for attachments would also mean more information that the evaluation and objection panels would need to review, impacting application processing costs and timelines. The PDP Working Group might want to take this into consideration as it continues discussions on this topic.

How Application Comments are taken into account and impact on scoring

- ICANN Org: Concerns - Preliminary recommendation 2.3.c.2 states that “ICANN should be more explicit in the Applicant Guidebook on how public comments are to be utilized or taken into account by the relevant evaluators, panels, etc. and to what extent different types of comments will or will not impact scoring.”

It would be helpful if the PDP Working Group could clarify what is meant by being “more explicit” in how different types of comments will or will not impact scoring. In the 2012 round, it was the job of the evaluation and objection panels to review and determine the relevance of the comments, as well as whether they impact evaluation scores or the objection. Section 1.1.2.3 of the Applicant Guidebook states: “Evaluators will perform due diligence on the application comments (i.e., determine their relevance to the evaluation, verify the accuracy of claims, analyze meaningfulness of references cited) and take the information provided in these comments into consideration.” As it relates to objections, this section of the Application Guidebook states: “These comments will be available to any may be subsequently considered by an expert panel during a dispute resolution proceeding.” Is it the view of the PDP Working Group that new rules and guidelines should be developed to govern the review and determinations of application comments? If yes, what should those new rules and guidelines be?

Preliminary recommendation 2.3.c.2 also states: “[T]o the extent that public comments are to be taken into account by the evaluators, panels, etc., applicants must have an opportunity to respond to those comments.” Section 1.1.2.3 of the Applicant Guidebook states: “In cases where consideration of the comments has impacted the scoring of the application, the evaluators will seek clarification from the applicant.” Accordingly, evaluation panels (except for Community Priority Evaluation (CPE) which has its own

processes and procedures) issued clarification questions if a comment is determined to have a potential impact to the score of the application.

Given this, it would be helpful if the PDP Working Group could clarify the new requirement being recommended (i.e., is the new recommendation that clarifying question opportunities be extended to CPE applications if an application comment impacts scoring of the application?) Applicants were allowed to submit changes to their applications to address the clarifying questions. Is it envisioned that CPE applicants would be afforded the same opportunity? If so, considerations should be given to the objective of the CPE process and whether that objective can be achieved if CPE applicants are given opportunities to amend their applications. Considerations should also be given to the impact to other related processes (i.e., community objection, GAC advice), and how interested stakeholders can participate/engage meaningfully in the processes.

- BRG/RySG: Concerns - However, more detailed information and definitions are required in terms of the types of comments, how they would be interpreted by the evaluators and their impact on the application scoring is needed to fully assess the impact of this proposal. We would not support a recommendation that leaves ICANN discretion to define new actions to be taken against applications on the basis of public comments as part of the implementation process.

Change in the length of time for application comment in relation to Community Priority Evaluation (CPE)

- Support for a longer comment period for community applications, as was the case in 2012 (BRG, RySG, NCSG, BC)
- Support for an equal length comment period for all applications (ALAC, IPC, dotgay LLC)
- Dotgay LLC: New Idea - We further believe that “letters of opposition” should be considered a form of public comment and should adhere to the same submission deadlines. It is unclear why in the 2012 round ICANN allowed community organizations additional time to register their comments (in this case opposition) against Community Applications, even accepting such comments years after the public comment period was closed. This has merely introduced a new gaming opportunity for competitive interests to pursue late in the application review process, providing them additional time to isolate and influence a community organization(s) against a Community Application.

If community opposition exists against a Community Application, and the opposition does not intend to participate in a Community Objection, then it should be required that the expressed opposition be registered during the public comment period in the form of a letter of opposition. This will add to the transparency and legitimacy of the opposition going into Community Priority Evaluations, and lessen the ability and impact of gaming from competitive interests.

Responding to comments that might impact scoring through Clarifying Questions

- NCSG: New Idea - The NCSG believes that if applicants are allowed to respond to comment, commenters should be allowed another round of comments (question 2.3.e.2)
- Dotgay LLC: New Idea/Divergence - *We disagree with the assertion that applicants were given the chance to respond to comments that might impact scoring, especially in Community Priority Evaluations. In our experience, no Clarifying Questions were issued despite a point in Criteria #4 being withheld because of a single letter of opposition, which we categorically believe fits the definition of a public comment and was logged in the public forum years after the public comment period had technically closed.*

We believe that without concluding that letters of opposition are a form of public comment, and without setting clear parameters for accepting public comment, it will be impossible for evaluators to understand their requirement to issue Clarifying Questions when scoring could be impacted in CPE. Letters of opposition must be included in the definition of public comments, and they must follow all applicable rules and submission deadlines for public comments as we have previously stated in 2.3.e.1 above.

Applicants given time to respond to the public comments prior to the consideration of those comments.

- ALAC: New Idea - The ALAC thinks it is appropriate to allow applicants an additional but limited period of 7 days after the close of a 60-day public comment period strictly to enable applicants to respond to late comments if they so choose. In other words, the additional 7 days is meant to allow applicants reasonable time to respond to comments that are submitted 7 days or less before the close of a 60-day public comment period.
- NCSG: New Idea - Last but not least, the broader community should be allowed to respond, critique and comment on the applicant's response. It is very important to have this public response period, following applicant's and something past experience shows it is critical for the future applicant guidebook to include.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

- None

Suggested next steps

2.7.8 Name Collisions

Background documentation

- Community Comment 2 - Section 4.4
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/cc2-subsequent-procedures-22mar17-en.pdf>)
- Initial Report - Section 2.7.8
(<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-initial-overarching-issues-work-tracks-1-4-03jul18-en.pdf>)
- Sub Group B public comment analysis:
<https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-ij7jxNkJ5EWZL-NA95M/edit?usp=sharing>

Policy Goals / What the WG is Seeking to Accomplish

- Recommendation 4 of the 2007 policy stated: “Strings must not cause any technical instability.” This remains an appropriate objective.
- Policy in relation to this subject should promote predictability for applicants and other parties to the extent possible.

Public comment summary

High-level Agreements

- None.

Outstanding Items - New Ideas/Concerns/Divergence

SSAC feedback on this topic:

- Provides an overview of NCAP. Notes that it is up to the ICANN Community and ICANN Board to determine any dependency between NCAP and the next round of new gTLD applications and notes that: a) If delegation takes place before the risks are understood (i.e. Study 2 is complete) then it is highly likely there will be significant problems in some unspecified TLDs. b) If application begins before the risks are understood then when the names are known it is possible that the data collection will be compromised through such mechanisms or gaming or preparatory use, and the NCAP will be unable to produce a result.
- Reiterates advice included in SAC090:
 - Recommendation 1: The SSAC recommends that the ICANN Board of Directors take appropriate steps to establish definitive and unambiguous criteria for determining whether or not a syntactically valid domain name label could be a top-level domain name in the global DNS.

- Recommendation 2: The SSAC recommends that the scope of the work presented in Recommendation 1 include at least the following issues and questions: [see full text of comments for issues and questions]
- Recommendation 3: Pursuant to its finding that lack of adequate coordination among the activities of different groups contributes to domain namespace instability, the SSAC recommends that the ICANN Board of Directors establish effective means of collaboration on these issues with relevant groups outside of ICANN, including the IETF.
- Recommendation 4: The SSAC recommends that ICANN complete this work before making any decision to add new TLD names to the global DNS.

Comment applying to all draft recommendations included in the Initial Report:

- Neustar: Agreement/Concern - Supports predictability for applicants but raises concern that recommendations “raise more questions than they answer.” How would risk be measured? What level of risk would determine which category a TLD falls into? Who would make such a determination?
- BRG: Supports all recommendations with no further comment.

Comment applying to all draft recommendations and questions in the Initial Report:

- ALAC: Divergence - The process needs to wait for the SSAC to complete its work and to be subject to their recommendations. The next round should not proceed before that is in. This applies to all recommendations in this section, as well as questions for input below.

Include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well during the transition to delegation phase (rec 2.7.8.c.1):

- RySG: supports mechanism to evaluate the risk of name collisions. At least one RySG member doesn't believe that the PDP WG has enough data or expertise to recommend a mechanism, and advises that an expert group be convened to answer questions. At least one RySG member believes that the WG has sufficiently leveraged input and data to develop the recommendations.
- Valideus: Support existing mechanisms until it is replaced. Pending efforts should not delay subsequent procedures, since there is no evidence that measures are unsuccessful.
- IPC: Defer to study result if available by launch of the next round. Consider options if this is not the case.

Use data-driven methodologies using trusted research-accessible data sources like Day in the Life of the Internet (DITL) and Operational Research Data from Internet Namespace Logs (ORDINAL) (rec 2.7.8.c.2):

- RySG: Questions - What evaluation mechanism would be used? How would the mechanism be defined and measured? What methodology and quantitative study was used to determine risk? Due to the transparent nature of ICANN, this would require the

use of data-driven Methodologies that utilize trusted and open research-grade data source.

- IPC: Defer to NCAP.

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 (rec 2.7.8.c.3):

- RySG: Agreement/Concern: In the absence of a study of the effectiveness of APD or CI from ICANN, how can we be confident that the legacy mitigation frameworks worked effectively and are appropriate for subsequent procedures? RySG needs to review the answer to this question before providing a fulsome response. With the response and absent additional questions, the RySG believes an expedited analysis may be a welcome safety-net. RySG supports allowing applicants to file a collision mitigation framework, but warns about the subjectivity of too many "tiers."
- IPC: Defer to NCAP. Name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff.

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 (rec 2.7.8.c.4):

- RySG: Questions - How would a "not as high" risk be calculated? How do we know that measurement for risk is the correct one? In the absence of an analysis on the previous effectiveness of APD or Controlled Interruption how can we be certain that applying those mitigation frameworks will even work? How do we avoid a "shades of grey" situation where anyone can put a name on the list? What will being put on the "not as high" list do a potential applicant's reputation? How would we avoid error, subjectivity, and gaming/abuse?
- IPC: Defer to NCAP.

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 (rec 2.7.8.c.5):

- RySG: Agreement/Concern: In the absence of a study of the effectiveness of APD or CI from ICANN, how can we be confident that the legacy mitigation frameworks worked effectively and are appropriate for subsequent procedures? RySG needs to review the answer to this question before providing a fulsome response. With the response and absent additional questions, the RySG believes an expedited analysis may be a welcome safety-net. RySG supports allowing applicants to file a collision mitigation framework, but warns about the subjectivity of too many "tiers." Regarding technical standards to establish categories, there are two perspectives in the RySG:
 - Viewpoint 1: Consult authoritative groups e.g. SSAC, NCAP, RSSAC, etc
 - Viewpoint 2: Such consultations have already occurred and that those opinions are already factored into the initial report of the PDP WG.

- IPC: Defer to NCAP. Name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff.

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.c.6):

- RySG: Questions - What are the exact measurements that will place the TLD in a risk category? What data will be used to evaluate the risk? How often are the risk assessments performed? Can the risk assessment be gamed by issuing superfluous DNS requests? Some applied-for string might be totally new but those would be assumed as not having any collision risk at all.
 -
- IPC: Defer to NCAP.

High risk strings would not be allowed to proceed and would be eligible for some form of a refund (2.7.8.c.7):

- RySG: Qualified Agreement - Supports full refund except for incurred banking fees.
- IPC: Qualified Agreement - Screening should occur before full fee is paid; if this is not possible, support for refund.

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.c.8):

- RySG: Questions - Why does the classification of “aggravated risk” require a different and customized mitigation framework? Mitigation framework should be robust enough to be applied to “low risk” TLDs. Once this is in place the RySG supports both the approach and RSTEP as making this assessment. On who should evaluate the mitigation frameworks:
 - Viewpoint 1: Consult authoritative groups e.g. SSAC, NCAP, RSSAC, etc
 - Viewpoint 2: ICANN community organizations do not have resources, capabilities and methods to be involved operationally in the evaluation process.
- IPC: Defer to NCAP. Name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff.

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.c.9):

- ICANN Org: Agreement/New Idea: No concerns from a technical perspective, but raises operational considerations. This preliminary recommendation would require ICANN org to delegate the string to itself in order to put the string into the root zone for the purposes of performing Controlled Interruption, essentially creating potentially a large number of “temporary” records in the root zone. These “temporary” records could in fact be in the root zone for a number of years while the applicants progress through relevant program

processes such as dispute resolution (if the application received an objection), contention resolution (if the application is in a contention set), contracting, and Registry System Testing. In practical terms, ICANN org would be reflected as the registrant in the WHOIS record for a large number of gTLDs, which does not pose a technical issue, but might cause user confusion particularly when ICANN has no role to play with the gTLD once Controlled Interruption is completed.

- Neustar: Divergence - Controlled interruption should be performed by the Registry Operator to ensure all issues are visible to the Registry and can be resolved by the Registry Operator as appropriate. Neustar supports the Registry Operator being able to commence controlled interruption as soon as possible.
- RySG: Divergence - Under ICANN's bylaws section 2.2, it is not clear why ICANN staff are an appropriate operator of CI.
 - From one viewpoint, qualified parties such as RSSAC or SSAC should address concerns around the scalability and rate of changes induced by CI controls.
 - At least one member disagrees with the assertion regarding the appropriate operator of the CI, stating that GNSO Policy and should be defined by the GNSO. ICANN has latitude to operate CI if determined by policy and to address operational concerns. SSAC, RSSAC and RZERC are useful but the ultimate responsibility is with ICANN Org.
- Additional comments - length of Controlled Interruption Period:
 - RrSG/Neustar: Support 90 day period.
 - At least one RySG member: Technical questions surrounding the length of CI should be addressed by the NCAP, SSAC, and RSSAC.

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.c.10):

- RySG: Agreement - Policies should be aligned for addressing name collisions outside of the CI period with the perpetual reporting of name collision policies of the previous round of new gTLDs.

Dependency between the findings from this Working Group and the Name Collisions Analysis Project (NCAP)?

- ICANN Board: there may be an opportunity to combine work being done by SSAC on the collision risk with the work being done in the PDP.
- Neustar: Supports the current name collision mitigation frameworks. Next round should not be delayed due to NCAP.
- The United States Postal Service: WG should defer to NCAP. If individual applicants have proposals for name collision mitigation, they should be evaluated by independent third party.
- RySG: Agrees that there are dependencies and recognizes the value of NCAP's work. Some members believe that the PDP may make comments and suggestions about CI, but parties such as NCAP, RSSAC, or SSAC should assess and design appropriate

mitigations. The next application round should wait for the NCAP to finish its work. Some members suggest that the WG should liaise with the NCAP to determine the best way for the work of the NCAP to inform the PDP WG without unduly delaying it. Some members support neither perspective.

If 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?

- RrSG/Neustar: Agreement.
- Some RySG members: A formal study that quantifies and measures the efficacy of the previous controlled interruption framework should be conducted before modifying or replacing the system. Without these baseline measurements, assessing the risks of an alternative CI framework is not possible and as such the next application round should be appropriately scheduled based on the NCAP's assessment of the aforementioned study.
- Some RySG members: No. ICANN should, at a minimum, release the studies its done on the names collision frameworks so that the community can judge if the same frameworks should be applied. If ICANN cannot do that, ICANN should conduct a prompt, formal study that quantifies and measures the efficacy of the previous controlled interruption framework should be conducted before modifying or replacing the system, without delaying the next round. Without these baseline measurements, assessing the risks of an alternative CI framework is not possible.
- ALAC: Divergence. Wait for SSAC recommendations.

Readiness program to respond to name collisions that pose a substantial risk to life - is two year period appropriate?

- RySG: This should be assessed by qualified parties, such as SSAC.

Threat vectors for name collisions to consider in legacy gTLDs and mitigation controls:

- RySG: Viewpoint 1 - The internet grew around legacy gTLDs and names collisions were necessarily avoided whereas new gTLDs face names collisions based on existing strings that didn't anticipate new gTLDs, therefore there is no overlap that will be useful.
Viewpoint 2 - The larger dependence of users on services located in legacy gTLDs make those issues much more of a problem than collisions in new, unused namespaces.

General comments:

- ICANN Org: In response to the text in sub-section b. of this section of the Initial Report, ICANN Org clarifies that in response to the directive in Board Resolution 2010.12.10.22, ICANN org developed a mechanism in the form of an advisory notice to be incorporated in the New gTLD Applicant Guidebook (Applicant Guidebook) warning potential applicants about the issues raised in SAC045.

- XYZ: In the 2012 round, industry powers used name collisions to raise fear, uncertainty, and doubt. ICANN should not rely on resources, data, or research from parties with a vested financial interest in the topic.

Follow-up / Referrals to other sections / parking lot / suggested next steps

Follow-up (with stakeholder groups)

- None

Referrals to other sections

Parking lot

- None

Suggested next steps