

New gTLD Program

6 December 2010



Agenda

- “Proposal Final Applicant Guidebook”
- Changes
- Evaluation process and measuring success
- Key Issues

What is a “Proposed Final” Guidebook?

- Allows Board to consider public comments and vote
- Modeled after New gTLD Program Budget Planning
- Comments throughout the week will inform decision
- Guidebook will change,
- Process launch date TBD but the process is ready to launch

Foundation for new gTLDs

White Paper &
Green Paper
(before 1998)

2004 Round

ICANN Board
Policy Approval
Jun 2008

.com .edu
.gov .int .mil
.net .org .arpa

.aero .biz .pro
.coop .info
.museum .name

.asia .cat
.jobs .mobi .tel
.travel .post



2000 Round

New gTLD Program
Policy development
Dec 05 to Sep 07



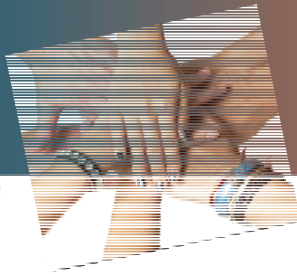
Public Participation & the Draft Applicant Guidebook

Nov 08 - version 1
May 09 - excerpts
Mar 09 - version 2
Oct 09 - version 3
Feb 10 - excerpts
May 10 - version 4

Proposed
Final Applicant
Guidebook
Nov 2010

Board
Approval of
Final
Guidebook

Program
Launch



ICANN Community at Work
IRT **STI** **ZFA** **HSTLD** **TDG**
VI-WG **IDN** **JAS** **Rec6**

Communications
Campaign
With launch dates;
application details

On-going
Status
Reporting

Where are we?

- Policy development & recommendations
- First Guidebook
- Identification of issues
- Community work
- Generation of solutions and answers

Resulted in

A Guidebook with:

- hardened processes,
- new, standardized trademark protections intended to mitigate the value of defensive registrations
- malicious conduct mitigation measures
- that can be launched in a stable manner and
- bring value through innovation

We will continue to listen and improve, in the meantime, we are ready to launch a timely, orderly & predictable process



Applicant Guidebook Proposed Final

*What Changed from
Version 4?*

Guidebook Structure

Module 1

Applicant Requirements; Program Overview

Module 2

Evaluation Procedures, Criteria & Scoring

Module 3

Objection & Dispute Resolution

Module 4

String Contention Resolution

Module 5

Delegation Process; Registry Agreement

Module 1 Changes

- Added information on application batching, delegation rates, dependencies for root scaling
- Eliminated most restrictions on registrar cross-ownership
- Refocused background screening criteria only on business, criminal background, and cybersquatting
- Placeholder for Applicant Support Working Group
- Clarifications to IDN variant section

Module 2 Changes

- Updated string requirements section per anticipated RFC 1123 revisions (no numbers in TLDs)
- Added UNESCO list as reference for continent/region names

Module 3 Changes

- Incorporated protections for Intergovernmental Organizations (IGOs) via Legal Rights Objection
- Eliminated the complete defense to Community Objections in favor of elevated standard for successful objection
- Included several recommendations from the "Rec 6 Working Group" regarding the morality and public order objection

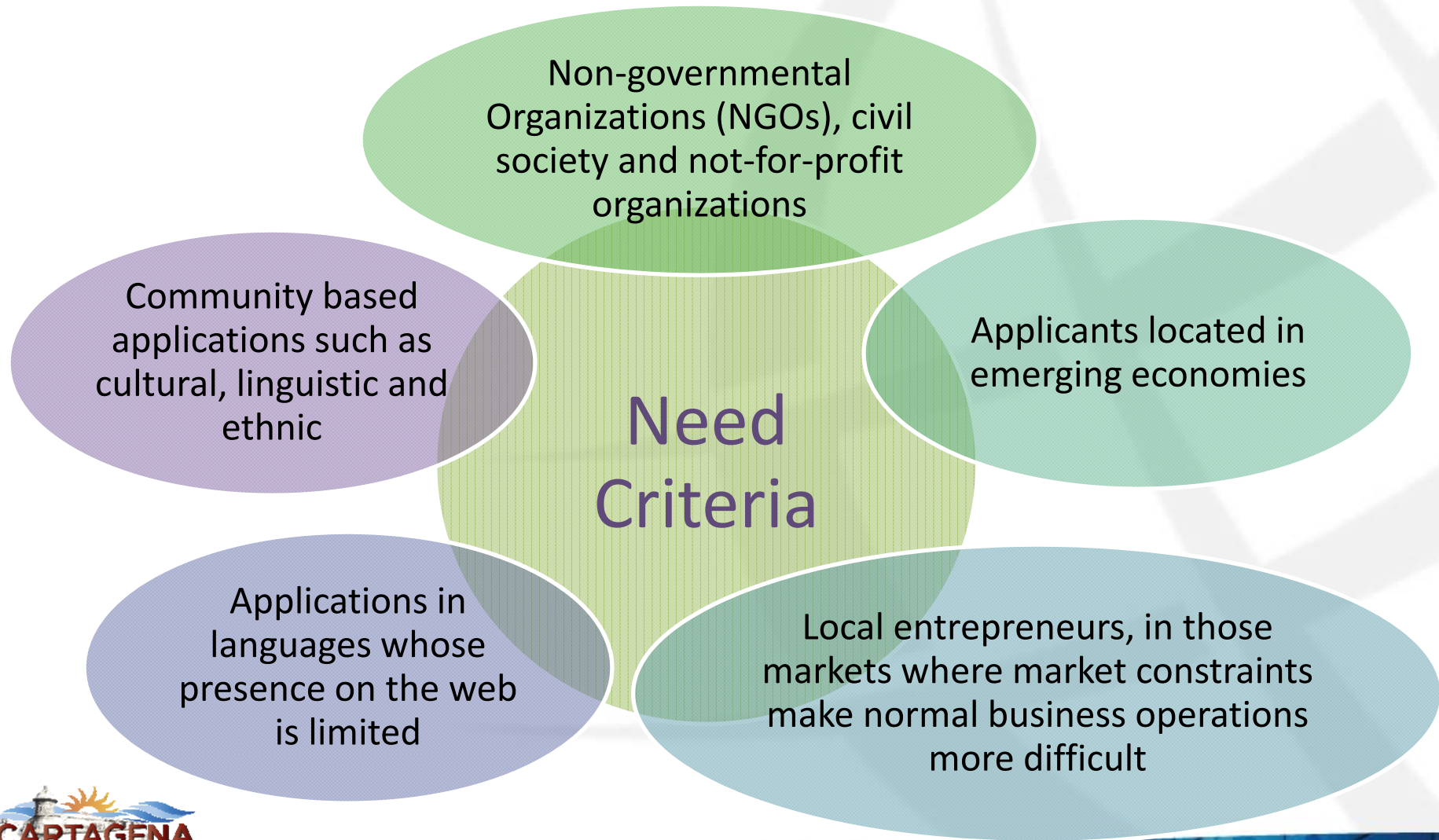
Module 5 Changes

- Added explanation of ICANN Board's role
- Trademark Clearinghouse: substantive review definition
- URS: 14-day response time
- Registry Agreement: Code of Conduct

Applicant Support

Applicants from Developing Economies

WG Discussions: Who Should Receive Support



WG Discussions: Support to be Offered

Cost Reduction
Support

Sponsorship and other
funding support

Modifications to the
financial continued
operation instrument
obligation

Logistical
Support

Technical support for
applicants in operating
or qualifying
to operate a gTLD

Exception to the rules
requiring separation of
the Registry and
Registrar function

Operational Readiness

Operational Readiness

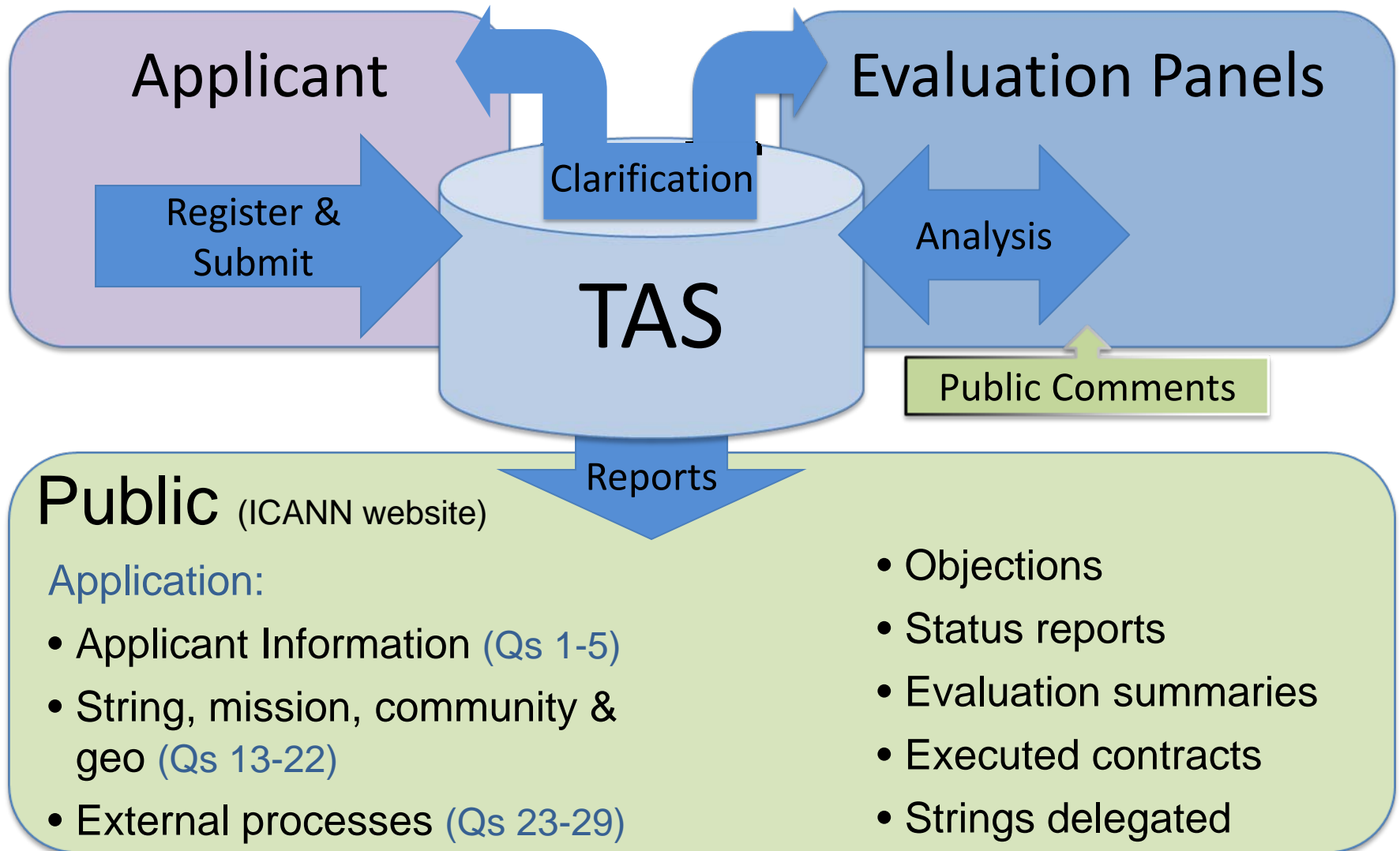
Evaluation & Delegation

- Procedures / processes
- TLD Application System
- Evaluation Panels
- Customer Service
- VeriSign & NTIA
- Measurements of Success

Operations & Services

- Contractual Compliance
- IANA
- Registry Liaison
- Other services

Overview of Information Flow



Overview of Information Flow

	Application						Stat	Pub Com	Obj	Eval Sum	Exec Cont	Del Strg
	1 - 5	6 - 12	13 - 22	23 - 29	30 - 44	45 - 50						
Evaluat'n Panels	X		X	X	X	X	X	X	X	X		
DRSPs	X		X	X				X				
Applicant	X	X	X	X	X	X	X	X	X	X	X	X
Public	X		X	X			X	X	X	X	X	X

Application:

- Qs 1–5:** Applicant Information
- Qs 6-12:** Contact & shareholder, background, and evaluation fee details
- Qs 13-22:** String, mission/purpose, community, geographic, and registry srvcs details
- Qs 23-29:** Tech & operational capabilities (external processes)
- Qs 30-44:** Tech & operational capabilities (internal processes)
- Qs 45-50:** Financial capabilities

Future: Measuring Success

Policy

- Introduction of New gTLDs timely, orderly & predictable
- Competition in the provision of Registry services
- Additional consumer choice
- Market differentiation
- Geographical and service-provider diversity

Affirmation of Commitments

- Promote competition
- Consumer trust
- Consumer choice
- Effectiveness of:
 - (a) the application and evaluation process
 - (b) safeguards put in place to mitigate issues involved in the introduction or expansion

Elements of success measures

Policy Implementation

Map policy to implementation

Identify effectiveness

Transparency and accountability

Now

Operations Effectiveness

Evaluation timelines

Customer service

Financial

Overall program satisfaction

Post-Launch

Market Impact

Competition

Consumer choice

Consumer trust

Effectiveness of safeguards

Innovation

~ Every 2 - 4 Years

Key Issues

Overarching Issues

Root Impact

- Is there an impact to the root server system stability with an expanded number of gTLDs?

Economic Studies

- What are the projected benefits & costs of new gTLDs?
- Market Place Survey and Empirical Study

Trademark Protection

- How to address the legitimate concerns of trademark owners (top and second levels)?

Malicious Conduct

- How to ensure that new gTLDs don't act as an amplifier for malicious behavior on the Internet?

Overall Approach

- Consult with commenters
- Seek expert assistance to address issues
 - Partner with ICANN community experts
 - Commission other third party experts
- Publish relevant studies and reports
- Share and actively discuss resolution and proposed implementation approaches

Overarching Issues - Path Forward

- Implement current proposed solutions
- Monitor effectiveness and impact over time
- Share findings with ICAAN Community
- Adjust/Improve for future rounds, as applicable

Root Impact - Status

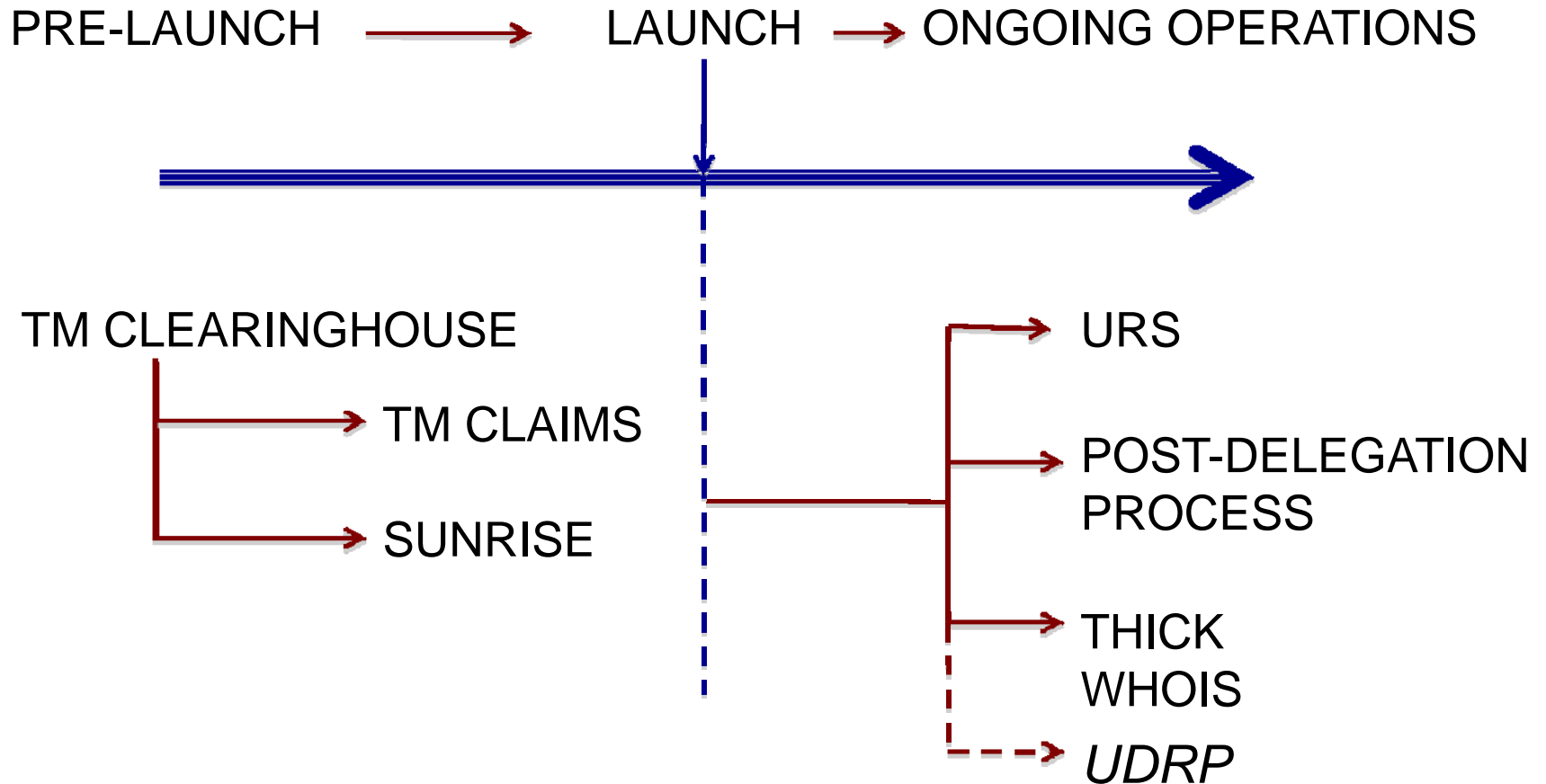
- Positive continuing implementation of IDNs, IPV6, DNSSEC
- Annual delegation rate will not exceed 1,000 per year, no matter how many applications are received
- Discussions have not identified significant issues with rate-limited addition of New gTLDs to the root
- On-going monitoring of system behavior

Economic Study Status - Phase II Report

- Uses past as prologue to analyze:
 - Competition in generic space
 - Benefits of restricted gTLDs, IDNs, community gTLDs
 - Frequency of defensive registrations
 - Effectiveness of past trademark protection mechanisms
 - Effects on ease of navigation, establishment of .brand as trusted site, domain name scarcity
- Acknowledges difficulty of judging future developments

Rights Protection - Status

REGISTRY LIFECYCLE



Mitigating Malicious Conduct - Status

- Enhanced requirements and background checks
- Requirement for DNSSEC deployment
- No wildcarding/remove glue records
- Requirement for thick WHOIS
- Anti-abuse contact and documented policy
- Expedited Registry Security Request process
- Elective TLD security verification program
- High Security TLD (HSTLD)
- Zone File Access (ZFA)
- **Registry code of conduct**

What more can be done?

- Policy development
 - Amend Whois requirements
 - Require registrant verification
 - Proxy / Privacy service
- Implement internationalised Whois
- Implement root zone monitoring
- With availability of real data: measure and change

Come to New gTLD Overarching Issues meeting at 15:30

Other Discussed Issues & Activities

- *Vertical Integration*
- *Recommendation 6*

Vertical Integration - Key Activities

- Community discussion and comments
- Expert economic advice
- Numerous proposed approaches to Registry-Registrar cross-ownership
- Consensus view requested by Board to GNSO
- Vertical Integration WG formed

Vertical Integration - Status

- Board voted to allow cross-ownership between registries and registrars
- Detailed data protections included
 - Registry code of conduct
 - Additional compliance and enforcement mechanisms

Vertical Integration - Rationale

- As detailed in Board resolution:
 - Considered economic analysis, legal advice and advice from the community
 - GNSO VI working group's report included a number of proposals but did not reach consensus on which to recommend
 - Current set of agreements negotiated individually, no formal policy exists
 - Historical prohibitions not a compelling basis for principled decision-making

<http://icann.org/en/minutes/resolutions-05nov10-en.htm>

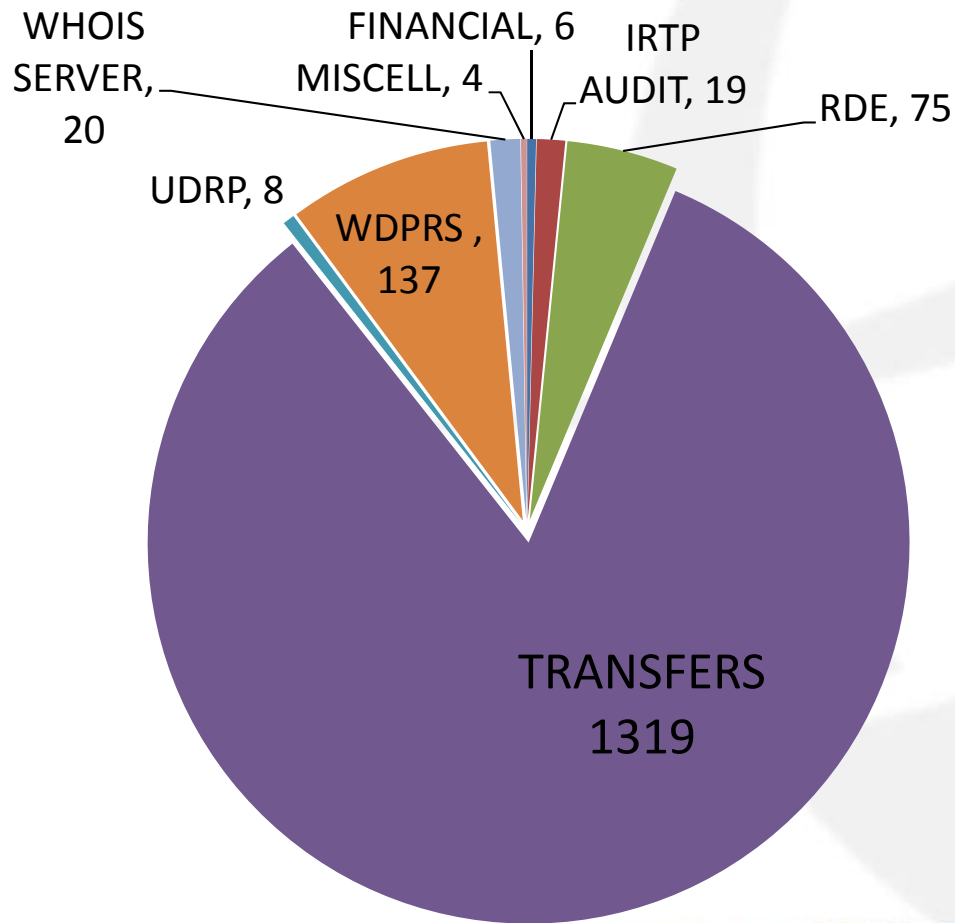
Enforcement Mechanisms

- Code of Conduct prohibiting any misuse of data or other abusive conduct arising out of registry-registrar cross-ownership
- Robust auditing requirements
- Graduated sanctions up to and including contractual termination and punitive damages
- ICANN's right to refer competition issues to appropriate government competition authorities

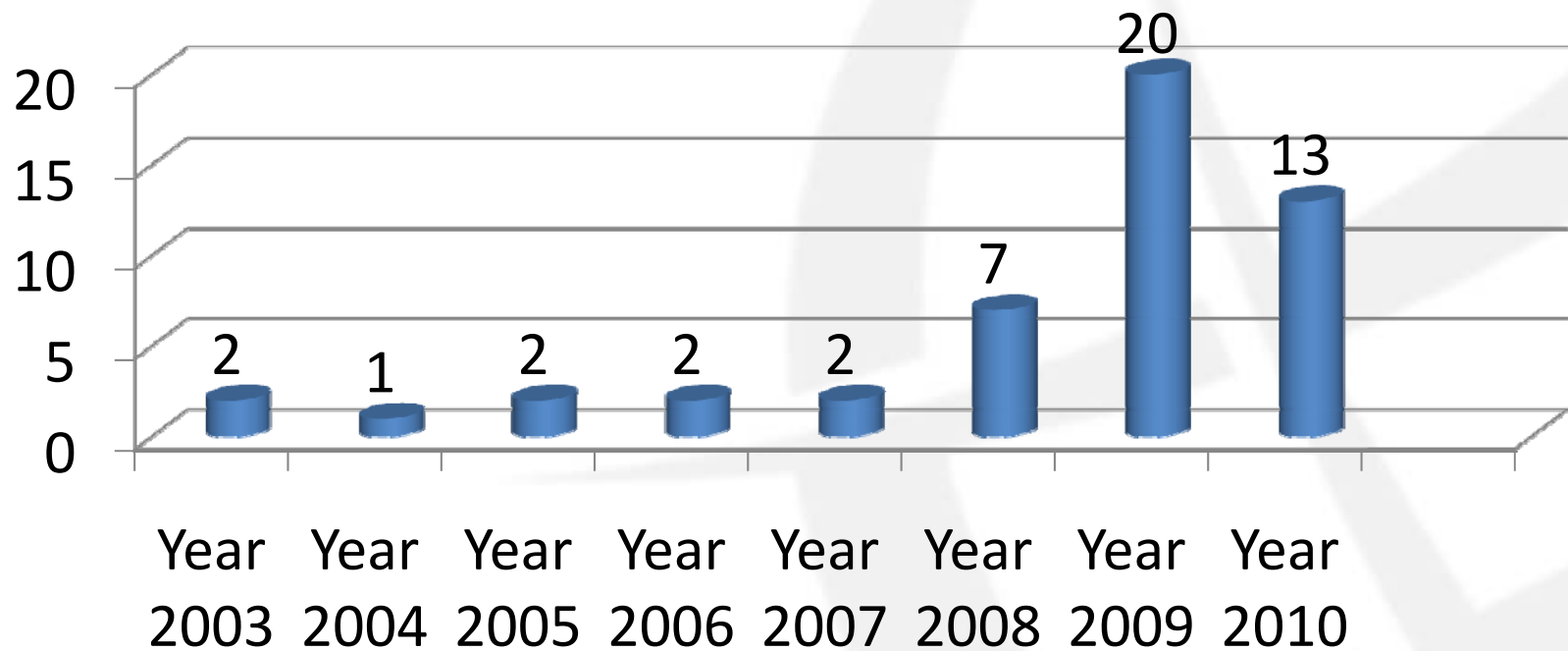
A Word About Compliance....

Compliance Notice Summary August - November 2010

Total Enforcement Notices Transmitted - 1,588



57 Registrars Terminated or Non-renewed from 2003-2010



Morality & Public Order (GNSO Rec. 6)

- Recommendation 6 Community Working Group (Rec6 CWG) formed by GAC + ALAC
- Purpose:
 - Implementation guidance for addressing culturally objectionable and/or sensitive strings, while protecting internationally recognized expression rights
 - Not to revisit established policy

Rec6 CWG Recommendations Implemented

- [Limited public interest] – name of objection is bracketed for discussion
- Referenced additional treaties
- Changed all references to “principles of international law”
- Note encouraging applicants to pre-identify possible sensitivities with strings
- Mechanisms for government notifications regarding national laws (does not constitute a formal objection)
- Panel decision is regarding the string itself and may also use additional context (e.g., purpose stated in application)
- Detail on “quick look” test

Rec6 CWG - Remaining areas for discussion

- Board role
 - Approval of results
- Scope of standards
 - Broaden areas for discrimination objection
 - Broaden areas of objection for GAC & ALaC
- Standing to object
 - Standing for ALAC and GAC for community objections

Do Not Miss

Monday (15:30 - 17:30) - **Overarching Issues**

(17:30 - 19:00) - **New gTLD Rec 6 consultation**

Tuesday (16:00 - 17:30) - **New gTLD Basics**

Wednesday (17:00 - 18:30) - **Getting Ready**

Thursday (9:00 - 10:00) - **Assisting gTLD Applicants
from Developing Economies**

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timely, orderly & predictable process

Questions

Thank You