New gTLD Program Update
&
Consideration of an Expressions of Interest Round

New gTLD Workshop

8 March, 2010

Agenda

- Open issues & the Applicant Guidebook

    What's been done

    Getting to closure

- EOI/Pre-Registration overview followed by

- EOI/Pre-Registration panel discussion

Resolution of Open Issues

- Trademark & community protections

- Mitigating malicious conduct

- Root zone scaling

- Economic analysis

- IDN 3-character requirement

- IDN variants

- Registry agreement
  - Vertical integration
  - Process for future amendments

What we are not going to discuss today

- Who can apply?
- DNS stability check
- Geographical names
- Technical criteria
- Financial criteria
- Registry services review
- Extended evaluation
- Objection filing
- Morality & Public Order standards & standing
- Community objection, standards, standing

- Evaluation times
- Fees
- Dispute resolution fees
- The other fees
- Revenue neutral fees
- Legal rights objection standards & standing
- String confusion objection standard
- Auctions
- String similarity
- Algorithm

nor are we talking about…

- Community priority
- Auctions
- Price controls
- Renewal pricing
- Confidentiality
- Contention sets: indirect & direct
- Thick Whois
- Evaluation panels
- Dispute resolution providers

- Objection consolidation
- Panel size
- Evaluation times
- Financial instrument
- Nexus
- Country names list
- Sub-region names list
- Reserved name
- Role of public comment
- Refunds
- Evaluator selection

What's Been Published

- Trademark & community protection models

- Mitigating malicious conduct solution papers

- IDN 3-character & variant management proposals

- Registry amendment process memorandum

- Registry benchmarking study

- Comment analyses
  - Guidebook version 3
  - EOI model
  - STI (GNSO) report on trademark protections
  - IDN working group report

Resolution of Open Issues

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Trademark Protection
Session on Monday (16:00 to 17:30 @ Tsavo A)

- Solutions for this set of issues are (virtually complete?):

  - GNSO completed its deliverable to consider Trademark Clearinghouse and URS mechanisms

  - STI reached unanimous consensus in most areas, rough consensus in others

  - New versions of Trademark Clearinghouse and URS are posted based on STI work

  - New version of Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) posted based on public comment and discussion
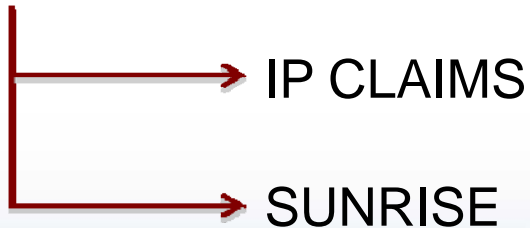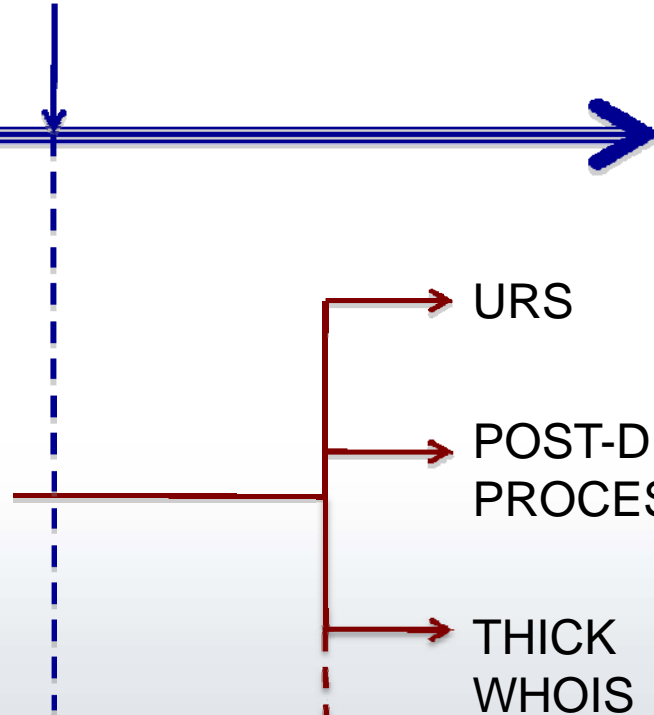
http://www.icann.org/en/announcements/announcement-4-15feb10-en.htm

Proposed RPMs

REGISTRY LIFECYCLE

PRE-LAUNCH ⟶ LAUNCH ⟶ ONGOING OPERATIONS

IP CLEARINGHOUSE

      ⟶ IP CLAIMS

      ⟶ SUNRISE

⟶ URS

⟶ POST-DELEGATION PROCESS

⟶ THICK WHOIS

⟶ *UDRP*

PROPOSED RPMs

Mitigating Malicious Conduct
Session on Thursday (2:00 to 3:30 @ Tsavo A)

- Set of seven modifications completed for draft version 3 of Applicant Guidebook

- Remaining areas being completed by advisory groups working two issues:

  - Zone file access
    - a tool used to combat abuses.
    - working group proposed solutions to centralise access to zone file information

  - High Security Top-Level Domain
    - Outlines a voluntary, structured approach to security of domain names registered in participating TLDs

http://www.icann.org/en/announcements/announcement-4-15feb10-en.htm

Economic Study

- Economists retained to undertake additional study

- Three phase study – second phase (after Nairobi) will:
    - perform empirical analysis to estimate cost of defensive registrations,
    - develop metric to assess overall expected benefits / costs
    - develop a process to assess whether net economic consumer harm might result from individual applications.

- Third phase might be to develop mechanisms to enhance benefits of new gTLDs

A Few Preliminary Questions Posed by Economists

A survey is being undertaken to provide direction to the study.

- It is difficult to ascertain the benefits of new gTLDs. Benefit can be realised through innovation, which is not easy to predict

- Can accomplish much through existing DNS structure but we may not want to preclude innovation that is possible through new gTLDs.

- Identify benefits due to competition and to serving communities.

- What is market power of individual TLDs? Is it of importance or effect?

- What is the effect (cost / benefit) of new gTLDs on navigation?

- Undertaking DNS data collection to inform work.

Root Zone Scaling

- Root zone scaling study completed; reports anticipated from SSAC and RSSAC
  - Delegation rate is of paramount importance

- Models created and published for different delegation rate scenarios for application volumes:
  - below expected
  - expected
  - above expected
  - significantly above expected

http://www.icann.org/en/announcements/announcement-03mar10-en.htm

Delegation projections

IDNs

- IDN will be available at the opening of the new gTLD program

- Implementation based on Working Group recommendations

- Relaxes the 3-character rule for gTLD strings in some cases
  - two-character strings available unless likely to cause confusion
  - No one-character TLD strings, pending additional policy work

- Provides an interim solution for variant management pending a final technical solution

www.icann.org/en/announcements/announcement-2-03dec09-en.htm

Vertical Integration

- New model to be proposed based on:
  - Debates in Seoul
  - Consultation held in January 2010
  - Ongoing study

- Additionally, the Board and community members will be discussing the issue in Nairobi

- GNSO PDP on vertical integration is proceeding in parallel – neither process is expected to delay the other

Registry Agreement: Amendment Process

- Process for future amendments to new gTLD registry agreements still under discussion

- Explanatory memo outlines several possible models, including a model proposed by the GNSO's Registry Stakeholder Group

  - based on periodic good faith discussions, with amendments binding only if each registry operator individually agrees.

- Comment sought on RySG proposal and other possible models

http://www.icann.org/en/topics/new-gtlds/registry-agreement-amendment-process-15feb10-en.pdf

Participate in ICANN: Ten Open Comment Fora

Trademark & Community Protections

- Registry Restrictions Dispute Resolution Procedure (RRDRP)
- Trademark Post Delegation Dispute Resolution Procedure (Trademark PPDRP)
- Trademark Clearinghouse
- Uniform Rapid Suspension (URS)

Malicious Conduct

- Zone File Access Concept Paper
- High Security Top-Level Domain (HSTLD) - Draft Program Development Snapshot

Registry Operations & Agreement

- Process for gTLD Registry Agreement Amendment
- Benchmarking of Registry Operations

IDN Issues

- 3-character restriction
- Variant management

Expression of Interest & Pre-Registration Process (EOI)

Panelists

- Dr. Bruce Tonkin - *Moderator*, ICANN Board

- Avri Doria (NCSG)

- Bertrand de La Chapelle (Government of France)

- Zahid Jamil (DNDRC)

- Dr. Olivier Crepin-Leblond (At-Large)

- Richard Tindal (Independent/New gTLD Applicant)

- Antony Van Couvering (Minds & Machines)

EOI / pre-registration process

- To serve the public <u>interest</u> by facilitating the launch of the New gTLD Program in a secure, stable, well-organised and efficient manner

- Benefits
  - Ascertain number of first round applications
  - Identifying instances of possible string contention
  - Identifying areas of potential objection
  - Informing the economic benefits / risks discussion
  - Identifying unanticipated issues, providing flexibility
  - Hasten the launch of the new gTLD program by answering or raising issues before the decision to launch is made

EOI Model

- Published two public comment periods and analysis

- Published draft model

- Explanatory memorandum posted to inform discussion at this meeting:
    - Objectives of the EOI
    - Proposed EOI model
    - Outline of costs
    - Prerequisites and timeline

Key elements of the proposed model

- Mandatory for eligibility in the first gTLD round.
  - Voluntary EOI: substantial cost / no value

- A deposit of US $55,000 required.
  - Discourage speculation / tied to gTLD fee structure

- Non-refundable, unless round not launched
  - Bright line rule / settle issues before launching

- Participant and string information will be made public
  - Transparency / inform operational readiness & objections

- A fully executed communications plan, to promote global awareness
  - Will not work to disadvantage various groups

Pre-requisites to EOI

- Publish version 4 of Guidebook

- Resolution required for:
  - Trademark RPMs settled
  - Three-character issue
  - Vertical integration

- Full communications plan (≥ 4 months) executed

- Operationally ready to conduct process

Questions for Panel and Audience

- What are the expected benefits of the EOI/Pre-registration program, how does it serve the *public interest*?

- What is the best way to ensure *an inclusive, global and fair process*?

- *S*hould the EOI be *mandatory*? Why?

- What *information* colleted during the EOI submission should be made *public*?

- How can *"gaming"* be avoided in this process?
  - i.e., if parties lodging submissions for the purposes of transferring the entry for value.

Thank You

Asante