

# New gTLD Subsequent Procedures Operational Design Phase Scoping Document

## I. Introduction

On 18 February 2021, the Generic Name Support Organization (GNSO) Council voted to approve the [New Generic Top Level Domain \(gTLD\) Subsequent Procedures Policy Development Process Final Report](#) (the “Final Report”). The Final Report contains Affirmations, Recommendations, and Implementation Guidance (collectively referred to as “Outputs”). On 24 March 2021, the GNSO Council transmitted its [Recommendations Report](#) to the ICANN Board, following the GNSO Council’s approval of the Final Recommendations, and the Board is now considering the Outputs contained in the Final Report.

In order to facilitate the Board’s review and consideration of the Outputs, the Board is requesting that ICANN organization conduct an [Operational Design Phase](#), with the purpose to facilitate the Board’s determination whether the Outputs contained in the Final Report are in the best interest of the ICANN community or ICANN. The Board has directed the President and CEO to take the steps needed to organize the resources required to begin work on the Operational Design Phase, and to advise the Board when the work of the Operational Design Phase is initiated within the organization.

The Board requests delivery of the Operational Design Assessment, the expected output of the Operational Design Phase, within ten months from the date of initiation, provided that there are no unforeseen matters that could affect the timeline, of which any such matters are to be communicated to the Board immediately upon identification.

This document provides the Parameters (see Section II below), and Scope (see Section III below) within which the Operational Design Phase should be conducted.

## II. Parameters

ICANN org is expected to conduct its Operational Design Phase based on the following parameters:

- The Operational Design Phase is performed from the perspective of preparing the ICANN Board to make a decision regarding the Outputs and makes no judgment on the Board's determination whether to approve the Final Report.
- The Operational Design Phase will be organized by work area and includes operational design analysis based on the Outputs as well as any additional anticipated aspects required to implement and operate the recommended processes.
- In cases where ICANN org needs to rely on assumptions<sup>1</sup> to complete its analysis, the assumptions will be explicitly stated in the Operational Design Assessment to provide transparency for the Board and community; and to assist in understanding the overall assessment.
- Implementation may be dependent on other community or ICANN org efforts outside of the specific Output-related implementation work. Such efforts will be clearly identified, documented, and explained, including how the Operational Design Assessment does or does not address the identified dependencies.
- Initiating and conducting an Operational Design Phase is not a minor undertaking and will require significant ICANN org resources to execute and deliver the information within the specified timeframe.
- Some questions may only be addressed after the Operational Design Phase is completed and, should the GNSO Council's Final Report be adopted, once implementation of such Outputs has begun.
- The analysis in response to the questions posed in Section 8, Risks will be as transparent as possible, without augmenting risk to the ICANN community or ICANN.

### III. Scope

ICANN org is tasked with developing a high-level operational implementation model. ICANN org is expected to conduct its Operational Design Phase assessment of the Outputs guided by the scope as specified below, but may include additional analysis as it deems necessary. This document focuses on the immediate next round, however also considers elements for subsequent rounds for purposes of scalability. The immediate next round is defined as the New gTLD application round following the 2012 round, while subsequent rounds are defined as those rounds following the immediate next round.

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<sup>1</sup> As part of ICANN org's readiness to support future rounds of new gTLDs, org has defined a set of [planning assumptions](#) for use in its preliminary planning work. These existing planning assumptions will continue to be applied and updated in a transparent manner.

**1. Governance**

1.1. ICANN Board and Org Governance Structure

1.1.1. What is the ICANN org and Board governance structure for managing and overseeing implementation of the Outputs if they are approved by the ICANN Board?

1.2. Implementation Review Team (IRT)

1.2.1. In addition to the [Consensus Policy Implementation Framework](#) (CPIF), what additional best practices or mechanisms can be used to manage an IRT of this complexity to maximize productivity, effectiveness, and efficiency?

1.3. Predictability Framework and the Standing Predictability Implementation Review Team (SPIRT)

1.3.1. What are the proposed criteria for an issue to become a candidate for the Predictability Framework?

1.3.2. What is the proposed process flow for the Predictability Framework?

1.3.3. What are the roles and responsibilities of various parties (GNSO Council, ICANN org, applicants, objectors, other Supporting Organizations/Advisory Committees, ICANN Board) in relation to the predictability framework?

1.3.4. What mechanisms are proposed to reconcile disparate decisions, should they occur, between any combination of the parties (e.g., SPIRT, GNSO Council, ICANN Board, ICANN org) under the Predictability Framework?

1.4. GAC Consensus Advice for New gTLDs

1.4.1. What are the proposed criteria and processes for handling GAC Consensus Advice?

**2. Processing and Operations: Application, New Registry Operator, and Other Related Support**

2.1. Application Submission and Processing

2.1.1. What is the proposed length of the application window?

2.1.2. What are the proposed application submission requirements?

2.1.2.1. What materials are required from the prospective applicants?

- 2.1.2.2. What impact could economic and trade sanctions have on application processing of implementing the Outputs?
- 2.1.3. What is the proposed overall application submission and processing flow/lifecycle?
  - 2.1.3.1. What application system user types are anticipated, what is the level of authority proposed for each type, and how is each level of authority established?
  - 2.1.3.2. How will the overall application process flow/life cycle vary by (1) application type (e.g., Standard, Community, Geographic Names, .Brand/Specification 13), (2) string types (e.g., Geographic Names, Internationalized Domain Names (IDN) TLDs, Variant TLDs, strings subject to Category 1 Safeguards), or (3) applicant type (e.g., Intergovernmental organizations (IGO), governmental entities, Applicant Support)?
- 2.1.4. How will applications be sequenced for evaluation and what methodology will be utilized for the evaluation sequencing?
- 2.1.5. What are the proposed criteria and processes for the Registry Service Provider (RSP) Pre-Evaluation?
- 2.1.6. What are the proposed criteria and processes for the Applicant Support Program (ASP)?
- 2.1.7. Application Comments
  - 2.1.7.1. What is the proposed application comments process?
  - 2.1.7.2. How will application comments be integrated into the overall evaluation process?
- 2.1.8. Governmental Advisory Committee (GAC) Early Warning
  - 2.1.8.1. What is the proposed process for GAC Early Warnings?
- 2.2. Application Evaluation
  - 2.2.1. What are the proposed criteria and processes for each type of evaluation?
    - 2.2.1.1. How will the evaluation processes vary by (1) application type (e.g., Standard, Community, Geographic Names, .Brand/Specification 13), (2) string types (e.g., Geographic Names, Internationalized Domain Names (IDN) TLDs, Variant TLDs, strings subject to Category 1 Safeguards), or (3) applicant type (e.g., Intergovernmental

organizations (IGO), governmental entities, Applicant Support)?

- 2.3. Dispute Resolution and Contention Resolution Mechanisms
  - 2.3.1. Objections
    - 2.3.1.1. What are the proposed criteria and processes for each type of Objection?
      - 2.3.1.1.1. String Confusion Objection
      - 2.3.1.1.2. Existing Legal Rights Objection
      - 2.3.1.1.3. Limited Public Interest Objection
      - 2.3.1.1.4. Community Objection
    - 2.3.1.2. What proposed criteria and processes will be used when selecting the Dispute Resolution Service Providers for each type of Objection?
    - 2.3.1.3. What resources are needed to support the Dispute Resolution Service Providers for each type of Objection?
  - 2.3.2. Independent Objector (IO)
    - 2.3.2.1. What proposed criteria and processes will be used when selecting the IO?
    - 2.3.2.2. What resources are needed to support the IO?
  - 2.3.3. Resolution of Contention Sets
    - 2.3.3.1. What are the proposed criteria and processes for contention resolution?
      - 2.3.3.1.1. What are the proposed auction mechanisms?
      - 2.3.3.1.2. What processes, if any, are needed to take into account private forms of resolution?
  - 2.3.4. Limited Challenge/Appeals Mechanism
    - 2.3.4.1. What types of challenges/appeals are proposed?
      - 2.3.4.1.1. What are the proposed criteria and processes for each type of challenge/appeal?
    - 2.3.4.2. What proposed criteria and processes will be used when selecting the arbiter(s) for each type of challenge/appeal?
      - 2.3.4.2.1. What resources are needed to support the arbiter(s)?
  - 2.3.5. Post-Delegation Dispute Resolution Procedures (PDDRP)
    - 2.3.5.1. What are the proposed criteria and processes for post-delegation dispute resolution procedures?
      - 2.3.5.1.1. Public Interest Commitments Dispute Resolution Procedure (PICDRP)

- 2.3.5.1.2. Registration Restrictions Dispute Resolution Procedure (RRDRP)
- 2.3.5.1.3. Trademark Post Delegation Dispute Resolution Procedure (TM-PDDRP)
- 2.3.5.1.4. Uniform Rapid Suspension (URS)
- 2.4. Transition to Delegation, and Delegation
  - 2.4.1. Contracting
    - 2.4.1.1. What are the proposed criteria and contracting processes?
    - 2.4.1.2. What form of Registry Agreement will be used to contract with applicants who have passed evaluation and are eligible for contracting?
  - 2.4.2. Registry System Testing (Pre-Delegation Testing (PDT))
    - 2.4.2.1. What are the proposed testing criteria for each type of entity (e.g., applicant, registry services provider) that may be subject to Registry System Testing?
    - 2.4.2.2. What are the proposed Registry System Testing processes?
    - 2.4.2.3. What are the testing requirements for Registry Service Providers (RSPs), to include RSP Pre-Evaluation?
  - 2.4.3. Delegation
    - 2.4.3.1. What are the proposed criteria and processes for delegation?
    - 2.4.3.2. What are the proposed criteria and processes ICANN org will follow to establish and track the appropriate rate of delegation?
      - 2.4.3.2.1. What is the clamping mechanism should the desired maximum rate of delegation be reached?
      - 2.4.3.2.2. What public documentation and reporting should be posted to document the delegation evaluation?
- 2.5. gTLD Start-Up and Onboarding
  - 2.5.1. What are the proposed criteria and processes for onboarding?
  - 2.5.2. What are the proposed criteria and processes for the Sunrise and Trademark Claims services?

- 2.5.3. What is the proposed volume of transactions that the Sunrise and Trademark Claims Platform or Support Services will be able to support?
- 2.6. Application Round Communications, Resource Materials, and Documentation
  - 2.6.1. What is the proposed overall communications plan for implementing the Outputs?
  - 2.6.2. What are the required application round resource materials and documentation for the commencement of the immediate next application round (e.g., application, Applicant Guidebook (AGB), external/internal website pages, inter-departmental processes and procedures, and supporting materials)?
  - 2.6.3. What are the associated implementation milestones for each of the required resource materials and documentation?
- 2.7. Data Protection/Privacy
  - 2.7.1. How will ICANN org's data protection/privacy issues practices be applied?
  - 2.7.2. What personal data does ICANN org anticipate requesting from parties related to implementation of the Outputs?
  - 2.7.3. What are the data disclosure requirements for notifying parties about who could see their data and for what purposes?
  - 2.7.4. How will the personal data that is collected be held and secured, and for how long?
- 2.8. Security and Stability
  - 2.8.1. What resources/tools/planning would be required to address unforeseen DNS stability issues resulting from implementation of the Outputs?
  - 2.8.2. What mechanisms need to be in place to coordinate and track effects on the DNS root server system?
- 2.9. Operations of the Immediate Next and Subsequent Rounds
  - 2.9.1. What is the proposed end-to-end operational process flow for implementing the Outputs?
    - 2.9.1.1. Which, if any, existing ICANN processes may be integrated into the process design?
  - 2.9.2. What is the proposed volume the operational process flow will be designed to manage for the immediate next round?
  - 2.9.3. To what degree can the design be flexible enough to address future operational changes?

- 2.9.3.1. Can the design be flexible enough to incorporate future changes in law(s) or ICANN policy(ies), and if yes, to what degree?
- 2.9.4. What are the proposed criteria and processes for the Emergency Back-End Registry Operator (EBERO) and the associated triggers of the five critical registry functions?
- 2.9.5. What procedures need to be in place to support transitions between rounds, where transitions represent the process of going from one round to another?
  - 2.9.5.1. What are the minimum operational requirements (or prerequisites) for the subsequent opening of a new application window?
  - 2.9.5.2. Can ICANN support multiple rounds simultaneously?
- 2.9.6. What are the proposed criteria and processes for closing a round?
- 2.9.7. What types of assistance will be provided to applicants and other parties? What areas will fall within this remit (e.g., general question and answer, consultation, tech support, etc.)?
  - 2.9.7.1. What forms of assistance can be supported (e.g., email, phone, chat, etc.)?
  - 2.9.7.2. In what languages will org provide assistance?

### **3. Global Engagement, Linguistic Support, and Localization**

- 3.1. Global Engagement, Awareness and Communications
  - 3.1.1. What mechanisms (e.g., training, translations, documentation) are proposed to support inclusion of local languages and scripts?
  - 3.1.2. What outreach and engagement strategies will be used to reach audiences across multiple regions around the world?
- 3.2. Applicant Support Program (ASP)
  - 3.2.1. What additional mechanisms, if any, are required to sustain the Applicant Support Program?
  - 3.2.2. What outreach and engagement strategies will be used to reach audiences, across multiple regions around the world, specific to the Applicant Support Program.
- 3.3. Universal Acceptance (UA)
  - 3.3.1. What mechanisms are required to support universal acceptance of TLDs in multiple languages and scripts and



how could they be integrated into the operational process for implementing and delivering the Outputs?

3.3.2. What resources will ICANN org provide to support applicants and promote universal acceptance solutions?

3.4. Localization and Inclusion

3.4.1. What additional internal tools or resources, if any, are proposed to support inclusion of multiple languages and scripts throughout the application, launch, and registry operations processes?

#### **4. ICANN Contractual Compliance**

4.1. What are the proposed criteria and Contractual Compliance processes design for complaints generated from new gTLDs that are delegated as a result of the Outputs?

4.2. How will Contractual Compliance's current processes for registry complaints integrate with its proposed process for complaints resulting from new gTLDs that are delegated as a result of the Outputs?

#### **5. Systems and Tools**

Information systems and tools that would be needed for implementation of the Outputs will be formulated during the ODP to provide proposed systems design that are intended to meet economies of scale and support organizational efficiencies.

5.1. What is the proposed information technology design?

5.1.1. How will the proposed information technology design support universal acceptance, including email address internationalization?

5.2. Will the systems design be able to integrate into any existing ICANN systems? If yes, which ones?

5.2.1. How will the ICANN systems that new registries must connect to integrate with information technology design so new registries can meet their contractual obligations for reporting, uptime, centralized zone data access, etc.?

5.2.2. How will the connections between ICANN org systems (Registry Reporting Interface (RRI), Registry Data Escrow (RyDE), Centralized Zone Data Service (CZDS), Customer Relationship Management (CRM), Service Level Agreement

Monitoring System (SLAM)) and registry operator systems be established?

- 5.3. What testing methodologies will be employed for deployment and updates for each ICANN system?
  - 5.3.1. What user testing will ICANN org execute for each ICANN system prior to launch?
- 5.4. What is the proposed maximum capacity each ICANN system will be able to support for each application?
- 5.5. What are the proposed Service Level Agreements (SLAs) for each ICANN system?
- 5.6. What security measures are proposed to be in place for protecting applicant data and all other confidential information in each ICANN system?
  - 5.6.1. What type of user access permissioning levels are proposed to be provided for each ICANN system?

## **6. Vendors and Third Parties**

- 6.1. Which processes or other components may require procurement of specialized expertise or additional capacity?
  - 6.1.1. What are the proposed criteria and processes for identifying and selecting vendors and third parties?

## **7. Resources and Staffing**

- 7.1. What human capital and other internal resources are estimated and what is the expected level of effort for ICANN org for each area of work outlined below?
  - 7.1.1. Design and Policy Implementation
    - 7.1.1.1. Governance
      - 7.1.1.1.1. ICANN Board and Org Governance Structure
      - 7.1.1.1.2. Implementation Review Team (IRT)
      - 7.1.1.1.3. Predictability Framework/SPIRT
    - 7.1.1.2. Formulation of the Applicant Guidebook (AGB)
    - 7.1.1.3. Initial Baseline Risk Assessment
  - 7.1.2. Infrastructure Development and Operationalization
    - 7.1.2.1. Application Processing
    - 7.1.2.2. Vendor Research, Evaluation, and Selection
    - 7.1.2.3. System and Tool Development
    - 7.1.2.4. Legal Instrument(s) Creation
    - 7.1.2.5. Resource Plan and Execution

- 7.1.2.6. Financial Plan and Execution
- 7.1.2.7. Communications Plan and Execution
- 7.1.2.8. Contractual Compliance
- 7.1.3. Round Launch and Operations of the Immediate Next Round
- 7.1.4. ICANN org support for Ongoing Registry Operator Operations

## **8. Finance**

- 8.1. What is the cost estimate to design, build, and launch operations for the Outputs?
- 8.2. What are the estimated application fees and application related fees?
- 8.3. What are the estimated registry operator fees and registry operator related fees?

## **9. Risks**

- 9.1. Identify the likelihood and degree of business, legal, reputational, or political risk, if any, that implementation of one or more of the Outputs may create for ICANN, and what measures are proposed to mitigate or manage any identified risk(s).
- 9.2. Would implementation of the Outputs create any potential conflicts with the ICANN Bylaws and if so, how can those conflicts be addressed?
- 9.3. Is there any risk that existing policy or anticipated policy changes, or ICANN contractual requirements or amendments could conflict with implementation of the Outputs? If yes, what is the likelihood and degree of the risk(s) created, and what measures are proposed to mitigate or manage any identified risk(s)?
- 9.4. What is the likelihood and degree of risk to ICANN if future changes in law(s) impact the implementation of the Outputs, and what measures are proposed to mitigate or manage any identified risk(s)?
- 9.5. Identify which of the Outputs, if any, still remain unspecified or unclear and may lead to potential implementation challenges and provide any options, should they exist, for resolution.
- 9.6. Identify the likelihood and degree of security, stability, and resiliency risk, if any, to the internet ecosystem that implementation of the Outputs may create, and what measures are proposed to mitigate or manage any identified risk(s).

- 9.7. Identify the likelihood and degree of risk, if any, that may arise if the launch of future rounds does not occur as planned, such as a materially delayed launch due to external disruptions (e.g., global pandemic, other potential external disruptions), and what measures are proposed to mitigate or manage the identified risk(s).
- 9.8. What is the likelihood and degree of risk, if any, that implementation of the Outputs will result in a significant shortfall or excess of funding as compared with estimates, and what measures are identified to mitigate or manage the identified risk(s)?

## **10. Dependencies and Prerequisites**

- 10.1. What are the prerequisites to the opening of the immediate next round?
- 10.2. What dependencies, if any, does implementation of the Outputs have on other ICANN org work?
- 10.3. What existing advice or community recommendations (e.g., policy, review team, cross-community working group), if any, create a dependency for implementation of the Outputs? Of the existing advice or community recommendations, what are the requirements to resolve them and, by when?
- 10.4. What community work is currently in progress, if any, that may create a dependency for implementation of the Outputs, and what is the anticipated impact?
- 10.5. How will the areas in the Outputs where there is no policy guidance or where the Output(s) did not receive full consensus be addressed?
- 10.6. Identify the Outputs, if any, where a feasible implementation solution has not been identified.

## **11. Global Public Interest Framework**

- 11.1. What impact, if any, do the Outputs have on the Global Public Interest as evaluated using the [procedural framework](#) that was published in June 2020?

## 12. Timeline

- 12.1. What is an estimated timeline to design, build, and deliver the immediate next round including specific timing for the items listed below?
  - 12.1.1. Design and Policy Implementation
    - 12.1.1.1. Governance
      - 12.1.1.1.1. ICANN Board and Org Governance Structure
      - 12.1.1.1.2. Implementation Review Team (IRT)
      - 12.1.1.1.3. Predictability/SPIRT
    - 12.1.1.2. Formulation of the Applicant Guidebook (AGB)
    - 12.1.1.3. Initial Baseline Risk Assessment
  - 12.1.2. Infrastructure Development and Operationalization
    - 12.1.2.1. Application Processing
    - 12.1.2.2. Vendor Research, Evaluation, and Selection
    - 12.1.2.3. System and Tool Development
    - 12.1.2.4. Legal Instrument(s) Creation
    - 12.1.2.5. Resource Plan and Execution
    - 12.1.2.6. Financial Plan and Execution
    - 12.1.2.7. Communications Plan and Execution
    - 12.1.2.8. Contractual Compliance
  - 12.1.3. Round Launch and Operations of the Immediate Next Round
  - 12.1.4. ICANN org Support for Ongoing Registry Operator Operations
- 12.2. What are the associated milestones within each phase?

**Annex A**

**Sub Pro PDP WG Final Report Topic Mapping to the Sub Pro ODP Scoping Document (Non-Exhaustive)**

Sub Pro PDP WG Final Report Topic #	Sub Pro PDP WG Final Report Topic	Sub Pro ODP Scoping Document Sections (Non-Exhaustive)
<b>Overarching Issues</b>		
1	Continuing Subsequent Procedures	Section 2.9
2	Predictability Framework *	Sections 1.3, 7.1, & 12.1
3	Applications Assessed in Rounds	Sections 2.1, & 2.9
4	Different TLD Types	Sections 2.1, & 2.2
5	Application Submission Limits	Sections 2.1, 2.9, 7.1, & 12.1
6	Registry Service Provider Pre-Evaluation	Sections 2.1, & 2.4
7	Metrics and Monitoring	Section 1.1
8	Conflicts of Interest	Section 9
<b>Foundational Issues</b>		
9	Registry Voluntary Commitment/Public Interest Commitments *	Sections 4, & 10
10	Applicant Freedom of Expression	Section 3.4
11	Universal Acceptance	Section 3.3
<b>Pre-Launch Activities</b>		
12	Applicant Guidebook	Sections 2.6, 7.1, & 12.1
13	Communications	Sections 2.6, 3.1, 3.2, 7.1, & 12.1
14	Systems	Sections 2.1, 2.4, 2.8, 5, 7.1, & 12.1
<b>Application Submission</b>		
15	Application Fees	Section 8
16	Application Submission Period	Section 2.1
17	Applicant Support *	Sections 2.1, 2.2, & 3.2
18	Terms and Conditions *	Sections 8, 9, 7.1, & 12.1
<b>Application Processing</b>		
19	Application Queuing	Sections 2.1, 7.1, & 12.1
20	Application Change Requests	Sections 2.1, 7.1, & 12.1

Sub Pro ODP Scoping Document 2021.12.Sept

<b>Sub Pro PDP WG Final Report Topic #</b>	<b>Sub Pro PDP WG Final Report Topic</b>	<b>Sub Pro ODP Scoping Document Sections (Non-Exhaustive)</b>
	<b>Application Evaluation/Criteria</b>	
<b>21</b>	Reserved Names *	Section 2.2
<b>22</b>	Registrant Protections	Section 2.2
<b>23</b>	Closed Generics *	Sections 2.2, 10.5, & 10.6
<b>24</b>	String Similarity Evaluations *	Sections 2.2
<b>25</b>	Internationalized Domain Names (IDNs)	Sections 2.1, 2.2, & 3.4
<b>26</b>	Security and Stability	Sections 2.8, & 9.6
<b>27</b>	Applicant Reviews	Section 2.2
<b>28</b>	Role of Applicant Comment	Section 2.1
<b>29</b>	Name Collisions *	Sections 2.2, & 10
	<b>Dispute Proceedings</b>	
<b>30</b>	GAC Consensus Advice and GAC Early Warnings *	Sections 1.4, & 2.1
<b>31</b>	Objections	Section 2.3
<b>32</b>	Limited Challenge/Appeal Mechanism *	Section 2.3
<b>33</b>	Dispute Resolution Proceedings After Delegation	Section 2.3
	<b>String Contention Resolution</b>	
<b>34</b>	Community Applications *	Sections 2.1, 2.2, & 2.3
<b>35</b>	Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets *	Sections 2.3, 10.5, & 10.6
	<b>Contracting</b>	
<b>36</b>	Base Registry Agreement	Sections 2.4, 7.1, & 12.1
<b>37</b>	Registrar Non-Discrimination / Registry/Registrar Standardization	Section 2.4
<b>38</b>	Registrar Support for New gTLDs	Section 2.4
	<b>Pre-Delegation</b>	
<b>39</b>	Registry System Testing	Section 2.4
	<b>Post-Delegation</b>	
<b>40</b>	TLD Rollout	Section 2.5

*\* Issues raised by the Board as comments to the Sub Pro PDP WG Draft Final Report. The Sub Pro Board Caucus will continue to discuss these and other topics over the next several months.*