



New gTLD Policy Development & Implementation

GNSO Public Forum

Lisbon

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Draft Implementation Plan Development Process

In order to provide advice to the policy development discussion and to draft preliminary plans for implementation, ICANN staff relied upon:

- GNSO committee work to date
- Draft final report
- Experience from the 2000 TLD round
- Experience from the 2003 sTLD round
- Experience of .NET and .ORG bidding processes
- ICANN staff discussion points presented on 14 November 2006
- Draft GAC principles

Implementation Principles

- Adding new gTLDs will be done in accordance with ICANN's primary mission to ensure the security and stability of the Domain Name System and in particular the Internet's root server system.
- New gTLDs will be deployed in a transparent, predictable and smoothly running process.
- Applications requiring extended scrutiny or evaluation will be identified early in the process and a pre-defined roadmap provided for resolution of those applications.
- ICANN will provide for frequent communications with applicants and the public at indicated intervals including continuously running comment fora.
- ICANN will provide for the ability to settle conflicts between applicants (such as string contention) at any time but provide a mechanism and "date certain" for resolution of identified conflicts.

Implementation Principles (cont'd.)

- Evaluation panels will be used to make objective recommendations and provide advice. The Board will be responsible for making final decisions on approval of applications.
- Application fees will be designed to ensure that adequate resources exist to cover total cost to administer new gTLD process.
- Technical and financial criteria will be objective, but experts can use their expertise to clarify the applications:
 - Technical criteria should refer to compliance with relevant RFCs and technical standards or generally, the stability and security of the Internet.
 - Financial criteria are intended to protect the registrant, not the registry.

Implementation Tasks Being Undertaken while Policy Development Concludes

- Inform the policy development process via staff comment
- Produce draft RFP
- Draft evaluations process flow
- Formation of evaluation panels process
- Develop communications plan
- Develop on-line application materials
- Develop application costs: initial and subsequent stages of evaluation; determine fees.

Start-up Costs

- Staff
 - New gTLD Program Manager
 - Panel Management
 - Process Management
 - Matrixed staff: legal, IT
- Develop RFP
- Independent Panels
 - Formation / recruiting costs
 - Initial panel consultation

New gTLD Evaluation Process

- Application review
- Preliminary evaluation stage the application will be approved if:
 - Application meets objective technical and business criteria;
 - String itself does not lead to technical instability or unwanted / unexpected results in the DNS
 - String is not a reserved name;
 - String is not confusingly similar to an existing or proposed string;
 - There is no application for the same string (string contention)
 - No formal objection is raised
- Issues raised in the preliminary evaluation may be resolved in an extended evaluation procedure characterised by a set of dispute resolution processes



Proposed Grounds for Objection to a String

- Could the registration or use of the proposed string violate the existing legal rights of a third party under international law?
- Could the registration or proposed use of the string be contrary to accepted legal norms relating to Morality or Public Order?
- Does the string represent or relate to an established institution, such as: NGOs, industry groups, religious organisations, governments, or political organizations?
- Is the string a geographic identifier?

String Contention

- Contention may arise between/among:
 - Competing applications requesting strings that are generic words
 - Competing applications requesting strings that could represent existing institutions or communities
- Parties will be afforded opportunity to settle the contention issue during the evaluation process
- If, at the conclusion of the evaluation process, contention may be settled in one of three ways:
 - The parties may elect to enter into arbitration
 - In cases where the string represent a community or established institution, an independent, comparative evaluation will award the string
 - Absent all other methods available, an auction will be conducted