



# **New gTLD Program Status Public Forum**

Delhi

14 February 2008



# Agenda

Implementation plan

Work accomplished

Board approval

Timeline

## Policy Status

- GNSO completed and approved policy by a supermajority vote
- Board reviewing information derived from staff implementation work to ensure that the DNS, registrants, and ICANN as an organisation are not endangered from a process that is potentially high risk
- Staff continues to work on implementation
  - Following the project plan laid out to manage the implementation
  - Using that work to inform the Board consideration

# GNSO Policy Recommendations

## Enabling the introduction of new gTLDs

- There should be new TLDs
- Transparent, predictable allocation

## Allocation criteria for new gTLDs

- Applicants should demonstrate technical and operational competence
- The applications will be considered in rounds

## String criteria for new gTLDs

- Strings should not affect DNS stability
- TLDs should not be confusingly similar
- Objections to strings can be made in a formal way on certain limited grounds

## Contractual criteria for new gTLDs

# Planning the Implementation

## Project planning includes:

- Work breakdown structure
  - This is posted in pdf form along with these slides
- Project plan / schedule
- Sourcing (make / buy) strategy
- Project budget

# RFP Overall

- Statement of Work released for a party to:
  - author certain provisions (technical business criteria, comparative evaluation)
  - integrate others work elements into RFP
- Retained two providers
  - Deloitte
  - Interisle
  - Technical / Business
  - Multi-regional
- Draft evaluation process map completed
- Operational risk assessment/readiness review underway
- Draft communications plan completed + global matrix
- Expect not-ready-for primetime rough draft mid-March

# Strings must not cause any instability

- Draft paper addressing recommendation has been posted for comment
- LDH rules: no “all-number” TLDs
- Number of TLDs constrained by process, not technical capacity of root zone
- For discussion: should commonly used file extensions be reserved? (e.g., .exe, .pdf)

## **Applicants must be able to demonstrate their technical capability...**

- As a model, ICANN intends to define criteria for a qualified operator
- The technical criteria in the RFP will match the qualified operator criteria
- At the time of application: applicants will state how they intend to meet the technical criteria in the application
- At time of delegation: applicant can either:
  - contract with a qualified operator, or
  - meet the criteria internally



## **Strings must not be confusingly similar to an existing top-level domain**

For discussion, a two level approach:

- Staff check (potentially algorithmic) to make a threshold determination whether string might lead to consumer confusion to existing TLD
  - three parties in development
- Objection based process for confusing similarity
  - standards and procedure contracted and in development
  - panel would consider whether there is a “likelihood of confusion”

## String Criteria: Objection Based Dispute Resolution Recommendations

- The next few slides concern these “objection” recommendations that are important and also represent implementation complexity and risk:
  - Strings must not infringe the existing legal rights of others
  - Strings must not be contrary to ... legal norms relating to morality and public order...
  - An application will be rejected if ... there is substantial opposition to it from a significant portion of the community to which the string may be ...targeted

## Three Important Recommendations: Objection-based Dispute Resolution

- For each of these three recommendation there are two independently derived products:
  - Standards
  - Dispute Resolution Process
- Different standards are required for each recommendation but many elements of a dispute resolution procedure can be used for all three recommendations

## **Proposed methodology: Strings must not infringe the existing legal rights of others**

- Standards available in the different jurisdictions with well-developed rules were considered. Standards were deleted if they clearly could not be adopted in both sets of jurisdiction.
- The scope of the standards are narrowed to trademark, other types of infringement types (say defamation) are not workable.
- The implementation vision is a set of factors to be considered and balanced by the dispute resolution provider. This standard provides considerably more detail than UDRP but seems appropriate given the stage of the controversy, i.e., the label is not yet in use.

## **Proposed methodology: Strings must not be contrary to ... legal norms relating to morality and public order...**

- **General principles:**
  - Everyone has the right to freedom of expression
  - That may be subject to certain narrowly interpreted exceptions that are necessary to protect other important rights.
- **Derive a core set of rules or standards from analysis of limits upon freedom of expression that exist under the laws of a diverse sample of countries.**

## Proposed methodology: Community Based Objections

- “An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.”
- Standards are being written that limit objections to those from:
  - significant established institution(s) of the economic sector or cultural community
  - signaling substantial opposition
  - that the TLD is intended to support

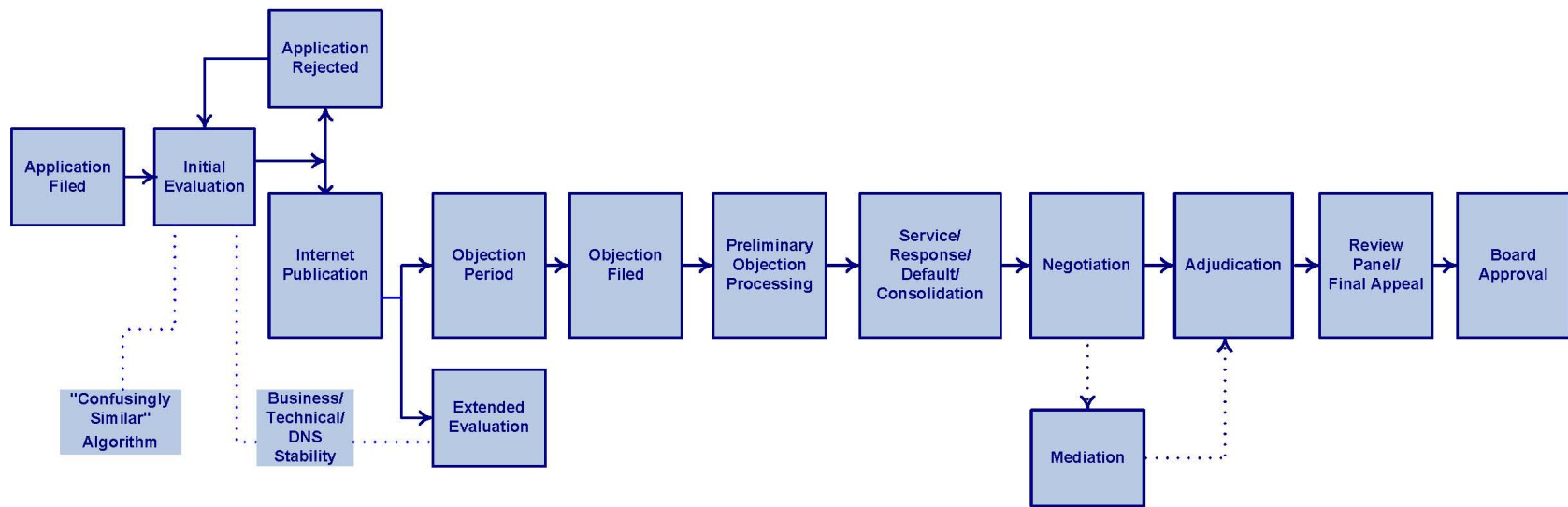
# Dispute Resolution Process Development

- ICANN drafted dispute resolution procedure to be administered by one or more DRP provider(s) – certain areas are left blank (e.g., some timelines and fees) for collaboration with selected PR provider
- SOW to DRP providers published, meetings are being held this week with selected parties who submitted statements of interest
- It is anticipated that two DRP providers will be engaged:
  - Morality or Public Order / Community Objections
  - Infringement of Rights
- The critical path to project completion:
  - Provider selection
  - Procedure development
  - Process implementation

5 - 8 months ?

# Sample Dispute Resolution Procedure

## "INFRINGEMENT RIGHTS" GROUND





# Base agreement terms and issues

- Draft will include:
  - Term with reasonable length & renewal presumption
  - Req't for compliance with Consensus Polices
  - Req't to use ICANN accredited registrars
  - Req't to adhere to failover / best practices
- Issues:
  - Use of accredited registrars: ICANN & registrars to work to support small registries and various business models
  - Study effects of cross ownership of registrars and registries
  - Different agreements for business, governments, IGO's?
  - One fee structure for all TLDs is problematic: fixed fee; transaction based; or % of revenue

# Board Consideration of the Policy Recommendations

- Board has considered and discussed the recommendations on several occasions
- The threshold issue is whether the recommendations are “implementable,” i.e., in:
  - a reasonably timely, cost effective manner;
  - in a clear way without onerous process; and
  - with a process without deleterious effect on the DNS or competition.

In order to ensure that the DNS, registrants, and ICANN as an organisation are not endangered from a process that is potentially high risk

# Plan for Board Decision

- Staff provides routine updates to each Board meeting regarding implementation progress
- Implementation work has not been delayed
- Most recommendations should be agreed as implementable
- Staff will provide additional information:
  - Retaining dispute resolution providers
  - Determining approximate dispute resolution costs and time to implement
  - Settling on dispute resolution standards, esp. with respect to morality/public order and community based objections
- This is 4 – 6 weeks of work

# Implementation Timeline

Feb – May	Aspects of RFP published: base agreement; dispute standards and process; technical standard; confusingly similar algorithm/standards
Apr-Jun	Board approves recommendations ( <i>staff target</i> )
mid-Jun	Draft RFP published
	Communications effort launched
1 Aug	Final DRP in place ( <i>accepting middle risk</i> )
mid-Aug	RFP amended/posted after synthesizing public comment
mid-Sept	Board approves final RFP / implementations plan
Oct	Actual RFP posted – open for 90 days

# Thank You

Updates will be made often at  
<http://www.icann.org/topics/new-gtld-program.htm>