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Commercial Stakeholder Group
21 October 2020

Agenda

- Overview of Subsequent Procedures activities
- Specific comment areas
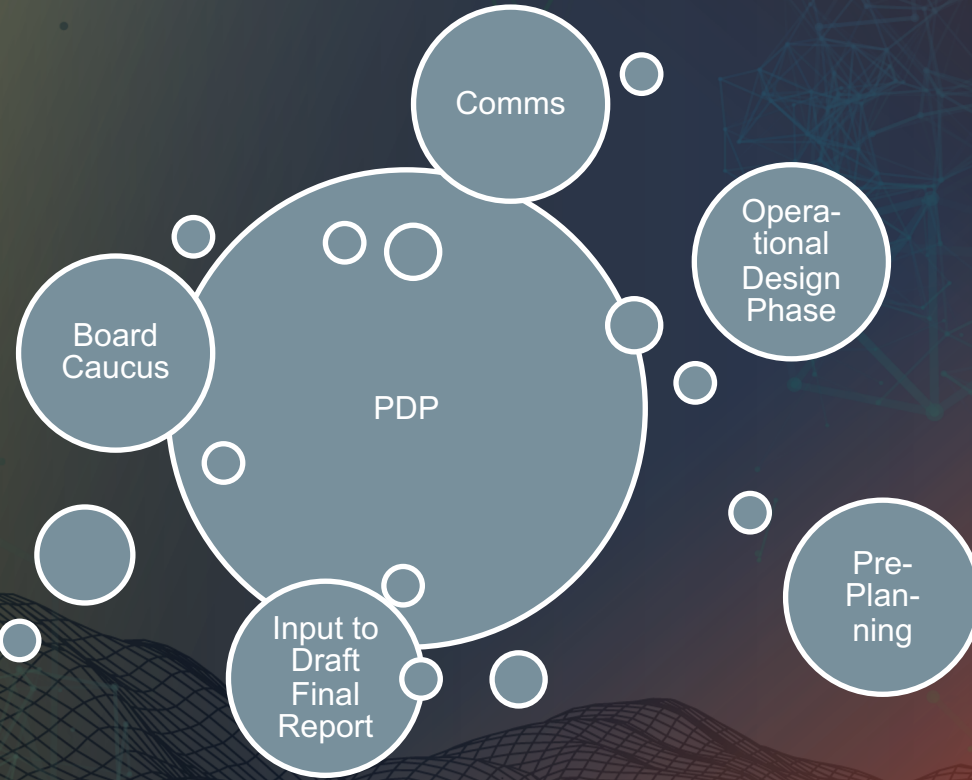- Operational Design Phase
- Discussion/Questions

New gTLD Subsequent Procedures

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Comms

Opera-tional Design Phase

Board Caucus

PDP

Pre-Plan-ning

Input to Draft Final Report

https://www.icann.org/en/system/files/correspondence/swinehart-to-langdon-orr-neuman-30sep20-en.pdf

ICANN Org Comments on Registry Commitments/Public Interest Commitments

- …ICANN org notes the expressions of confusion and discussions in the community regarding the meaning, scope, and interpretation of some of the existing obligations, especially Specification 11 sections 3(a), 3(b) and 3(c). Noting Recommendation 9.15, as well as the objective of having a common Registry Agreement across existing and future gTLDs as stated in the General Comment 6, ICANN org understands the PDP WG's recommended approach is to seek a holistic solution on Domain Name System (DNS) abuse for both existing and future gTLDs (and potentially ccTLDs), and expects to engage with the community to clarify the meaning and scope of these obligations outside of this PDP WG's policy recommendation process.

- …ICANN org believes Affirmation 9.3 and Recommendation 9.8 may benefit from additional clarity. While there have been almost no complaints based on the GAC Category 1 Safeguards, there could be an instance of community disagreement over the scope and meaning of these obligations similar to what we have seen with Specification 11(3)(a). ICANN Contractual Compliance enforces the text of the provisions as written, while some stakeholders believe that Compliance should adopt a more expansive interpretation. As stated in the General Comment 6 and ICANN org's feedback to Recommendation 9.1, ICANN org would support a mechanism to engage with the community in an inclusive manner to clarify the meaning and scope of these obligations for existing and future new gTLDs, outside of this PDP.

ICANN Org Comments on Registry Agreements

- ICANN org notes that there are some Recommendations and Implementation Guidance that either call for a new addition (e.g., Recommendation 36.4) or solicit changes (e.g., Recommendation 20.8) to the Base Registry Agreement. In the interests of process efficiencies, compliance enforcement, and fairness, ICANN org strongly supports the idea of having a common Registry Agreement across all existing and subsequent rounds' new gTLDs, and encourages the PDP WG to take these considerations into account.

- ICANN org agrees with the PDP WG's proposal that a "single base Registry Agreement is consistent with principles of predictability, fairness, simplicity, consistency and efficiency."

NEW: Proposed Operational Design Phase

Scope:

- Occurring between GNSO approval of gTLD policy recommendations and Board vote
- May not be needed for all GNSO policy efforts - only those where ICANN org believes implementation will be very costly or complex
- Purpose is to provide the Board, prior to its decision, with operational information (e.g., cost estimates, timing, level of effort)
- ICANN org develops operational information to share with community feedback group
- Does not replace the Implementation Review Team (IRT) - IRT formed at the actual implementation phase upon Board approval of policy recommendations

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