

## BRG comments on the “New TLD Program Implementation Review draft report September 2015”

Date: 4 December 2015  
Deadline: 7 December 2015

### Executive Summary

In general the BRG supports the majority of learnings. The key improvement, further to lesson 5.1b, is for a separate .brand track. This would involve a simplified application process, a customised Registry Agreement incorporating Spec 13 and more, and dedicated .brand GDD staff.

### Background

#### The programme

On 11 January 2012, the application period opened. A total of 1,930 applications were submitted. Applications proceeded through the New gTLD Program as defined in the Applicant Guidebook — participating in evaluation, objection and dispute resolution, contention resolution, and contracting processes as applicable. On 23 October 2013, the first new gTLD was delegated. As of 31 July 2015, over 700 gTLDs had been delegated as a result of the New gTLD Program.

#### The review

ICANN is seeking [public comments](#) on the draft Program Implementation Review report, which contains ICANN's observations from the operational experience of administering the 2012 round of the New gTLD Program. The report is intended to capture ICANN's experiences and lessons learned, and public comments will help to record the community's observations from the implementation of the program.

#### The review's objective

*“If and when new gTLDs (whether in ASCII or other language character sets) have been in operation for one year, ICANN will organize a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of (a) the application and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion”.*

#### The review's key findings

In the report's executive summary is highlighted one key issue: timing.

*“A recurring topic of consideration throughout this assessment was the Program timeline. The Applicant Guidebook (AGB) contemplated that a simple application's lifecycle might be nine months, while a complex application's lifecycle might be up to twenty months. The application window opened on 11 January 2012, and as of 31 August 2015, there are still applications pending the objection and dispute resolution, contention resolution, contracting, and pre-delegation phases of the Program. ICANN anticipates that all applications will have completed their lifecycle by the end of 2017.*

*While there were several factors that impacted Program timelines, the extended timeline can be contributed to two high-level factors. First, the application volume was much higher than the*

*assumption used during the AGB-development process. Second, implementation required some processes that were not defined in detail by the AGB. Development of these processes and procedures required additional time.*

*Ultimately, ICANN developed a method for establishing prioritization to process the high volume of applications, and developed procedures, systems, criteria, and rules for all of the processes in this application round. Accordingly, to the extent that future rounds are similar to the 2012 round, ICANN could implement future rounds with less time required for development and with increased effectiveness and efficiency”.*

## BRG Comments

The BRG’s comments follow the report’s summary of findings. In general the BRG supports the majority of learnings and makes additional comments below where there is a particular relevance to .brands.

Ref	Lessons learned	BRG Comment
	<b>Processing</b>	
1.1.a	Explore a more structured way of capturing application responses	Agreed
1.1.b	Implement a system that would allow applicants the flexibility to associate as many applications as desired to a single user account	Agreed
1.2.a	Assign priority numbers to applications prior to commencement of application processing	Agreed
1.2.b	Consider grouping applications by common characteristics while establishing priority numbers, in order to increase processing efficiency	Agreed. Note the BRG favours a separate track for .brands in future rounds.
1.3.a	Explore implementing additional functionality that will improve the usability of the Application Comment Forum	Agreed
1.3.b	Provide additional clarity around the intended use of the Application Comment Forum, including timelines and ways to indicate the type of comment being submitted	Agreed
1.4.a	Design application change request processes and criteria prior to the start of application processing	Agreed
1.4.b	Consider whether all types of application changes should be processed the same way	Agreed
1.5.a	Consider defining a process to move applications that may not proceed in the Program to a final status and provide a refund if they are not withdrawn	Agreed
1.5.b	Review Program financials at the conclusion of this application round to determine whether the refund schedule accurately mapped to the costs incurred at the specified Program phases	Agreed

	<b>Evaluation</b>	
2.1.a	Work with evaluation panels to perform pre-evaluation training and develop detailed procedures to ensure consistent and quality evaluations are achieved	Agreed
2.1.b	Program processes that allow for additional communication between the applicant and ICANN, such as the Applicant Outreach process used in evaluation, may be beneficial	Agreed
2.2.a	Consider whether background screening should be performed during Initial Evaluation or at the time of contract execution	Agreed
2.2.b	Consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases (e.g., newly formed entities, publicly traded companies, companies in jurisdictions that do not provide readily available information)	Agreed. For .brands, it should be sufficient to list the same amount of detail for company directors as appears on corporate websites and company registration offices. A default of the registered office address or that of the Company Secretary could be provided for all directors.
2.3.a	Review the relative timing of the String Similarity evaluation and the Objections process	Agreed
2.3.b	Consider any additional policy guidance provided to ICANN on the topic of String Similarity	Agreed
2.3.c	Leverage the Root Zone Label Generation Rules in the development of the String Similarity evaluation as it pertains to IDN variants	Agreed
2.4.a	As directed in the NGPC's 30 July 2014 resolution, "work with the GNSO to consider whether policy work on developing a long-term plan to manage gTLD name collision issues should be undertaken."	Agreed
2.4.b	Based on the outcome of the GNSO's work, consider inclusion of the Name Collision Management Framework in the next application round prior to accepting applications	Agreed
2.4.c	Leverage the Root Zone Label Generation Rules for IDNs in the DNS Stability evaluation	Agreed
2.5.a	Consider the purpose and the implications of the Geographic Names evaluation, particularly in terms of whether its purpose is limited to evaluation or if there are other implications to the Geographic Names designation	This touches on a sensitive policy area. The BRG would like more information.

2.5.b	Consider ongoing work by various members of the community around geographic names in defining future procedures	This touches on a sensitive policy area. The BRG would like more information.
2.6.a	Consider whether an alternate approach to the Technical and Operational Capability evaluation would be worthwhile	Create a process within ICANN for technical service providers to accredit themselves in a similar process to that which is required for registrars. Applicants would then have a set of pre-certified service providers to choose from.
2.6.b	Review Technical and Operational Capability Clarifying Questions and responses to determine whether improvements to the application questions can be made	Create a process within ICANN for technical service providers to accredit themselves in a similar process to that which is required for registrars. Applicants would then have a set of pre-certified service providers to choose from.
2.7.a	Consider whether an alternative approach to the Financial Capability evaluation would be worthwhile	Agreed A lighter touch evaluation is needed for .brands
2.7.b	Review Financial Capability Clarifying Questions and responses to determine whether improvements to the application questions can be made	Agreed A lighter touch evaluation is needed for .brands
2.8.a	Update the process for collection of registry services information to better support both evaluation and contracting activities	Agreed
2.8.b	Consider whether an alternate approach to Technical and Operational Capability Evaluation would be worthwhile, and if so, how the evaluation of Registry Services could be incorporated into the approach	Create a process within ICANN for technical service providers to accredit themselves in a similar process to that which is required for registrars. Applicants would then have a set of pre-certified service providers to choose from.
2.8.c	For future rounds, leverage the IDN tools currently under development	Agreed
	<b>Objections</b>	
3.1.a	Continue engagement with the GAC during the review process and the development of future procedures to ensure that its input is incorporated into relevant processes as early as possible	Agreed
3.2.a	Explore a potential review mechanism for the next round	Agreed
3.2.b	Consider opportunities for improvement in administering the Independent Objector processes (e.g., withdrawal of Independent Objector's objection if another objection to the same application on the same ground was filed, how comments made in the public sphere were considered prior to the filing of an objection)	Agreed

	<b>Contentions</b>	
4.1.a	Consider all dimensions of the feedback received to revisit the Community Priority Evaluation scoring and framework before the next application round	Agreed
	<b>Delegation</b>	
5.1.a	Explore the feasibility of finalizing the base Registry Agreement before applications are submitted or establishing a process for updating the Registry Agreement	Agreed The BRG favours a custom RA for .brands.
5.1.b	Explore whether different applicant types could be defined in a fair and objective manner, and if there are to be different applicant types, consider whether there should be different versions of the Registry Agreement	Agreed The BRG favours a custom RA for .brands.
5.2.a	Consider which tests should be performed once per technical infrastructure implementation and which should be performed for each TLD	Agreed
5.2.b	Consider which, if any, tests can be converted from self-certifying tests to operational tests	Agreed
5.2.c	In considering an alternate approach to the Technical and Operational Capability Evaluation, if an RSP accreditation program is considered, explore how Pre-Delegation Testing would be impacted	Agreed
5.2.d	Building on lesson learned 2.8.c, in the development of evaluation criteria and procedures for IDNs, consider whether review of IDN tables during Pre-Delegation Testing could be limited to confirmation of compliance with the TLD's stated IDN policy	Agreed
	<b>Applicant support</b>	
6.1.a	Consider leveraging the same procedural practices used for other panels, including the publication of process documents and documentation of rationale	Agreed
6.1.b	Consider researching globally recognized procedures that could be adapted for the implementation of the Applicant Support Program	Agreed

	<b>Continued ops instrument</b>	
7.1.a	Explore whether there other more effective and efficient ways to fund an emergency back-end registry operator in the event of a TLD failure	The COI's objective is third party registrant protection. Dot brands do not have third party registrants. There should be no COI for .brands. Eliminate the requirement to maintain the COI for exclusive-access registries that determine that they would not desire to undergo Emergency Transition.
	<b>Programme management</b>	
8.1.a	In developing timelines for future application rounds, provide an appropriate amount of time to allow for the use of best practices in system development	Agreed
8.1.b	Explore beta testing programs for systems to allow for lessons learned, to increase effectiveness of such systems, and to provide further transparency, clarity, and opportunity for preparation to applicants	Agreed
8.2.a	Provide transparency and predictability to the procurement process following ICANN's procurement guidelines. Publish selection criteria, providers' process documents, and other relevant and non-confidential material in a timely manner.	Agreed
8.4.a	Consolidate all next round program information into a single site and make information as accessible as possible	Agreed A customised site for .brands should be established.
8.4.b	Leverage ICANN's Global Stakeholder Engagement team to promote awareness of the New gTLD Program within their regions/constituencies	Agreed
8.5.a	Consider customer service to be a critical function of the organization, and ensure that the Customer Service Center has the appropriate resources to support the ongoing and future activities of the New gTLD Program	Agreed The GDD should train staff as experts in .brands.

## Additional BRG recommendations

### Recommendation 1

The Applicant Guidebook suffers from a fundamental problem. It was written for two separate audiences. The first audience was an internal one of ICANN's policy-development body the Generic Names Supporting Organisation (GNSO). The guidebook attempted to explain how GNSO policy was being implemented. As a result it included history and background. The second audience was an external one, the domain name applicant who was interested only in the process of how to apply. As a result of trying to speak to two audiences, it failed both. From the applicants perspective, the guidebook is: overly long, confusing, duplicative, and poorly indexed.

Write a new Applicant Guidebook stripping out background and duplication, and create a step by step guide for applicants. Number and index the guidebook consistently.

#### Recommendation 2

Improve the customisation of documentation to differentiate between the registry operator, and third-party providers of registry, back-end technical and financial services.

#### Recommendation 3

Define acronyms on first use and where appropriate frequently provide links to a glossary.

#### Recommendation 4

Article 7.7a of the RA should be amended to allow for groups of registries to negotiate annually on the Registry Agreement, or on the type of customised RA relevant to them. For example, the BRG on behalf of .brands could negotiate on changes to Specification 13 (or a .brand RA) and the Cities Group on changes affecting city-type domain names.

#### Recommendation 5

The definition of Applicable Registry Operators in article 7.6 of the RA should be amended to make it clear that this is Registry Operators who would actually be affected by the proposed amendment. In other words an amendment only affecting .brands would only be subject to discussion with .brand registries under this clause.

## Conclusions

In general the BRG supports the majority of learnings. The key improvement, further to lesson 5.1b is for a separate .brand track. This would involve a simplified application process, a customised Registry Agreement incorporating Spec 13 and more, and dedicated .brand GDD staff.

## About Us

The Brand Registry Group (BRG) is an independent membership organisation of owners of a top-level domain name that matches their existing brand. The turnover of the respective groups behind these domain names is some \$1300 billion. The BRG is registered by Royal Decree as an international not-for-profit under Belgian law. The group represents the common interests of members and offers selected services paid for from fees.