

Definitions regarding measures and targets for open and closed gTLDs.

Specification 9 of the standard Registry Contract for new gTLDs is the "Registry Operator Code of Conduct" (shown in Appendix B). The Registry Code of Conduct requires open and non-discriminatory access to registrars and registrants seeking to register domain names. It also prohibits the registry operator from registering domains in its own right, subject to narrow exceptions.

To accommodate ^{their} a new gTLD operator ^{can} who wishes to maintain all domain name registrations for ~~its own~~ exclusive use, ICANN ~~may~~ grant an exemption to this Code of Conduct. ~~Conditions and criteria for ICANN to grant that exemption are set forth in paragraph 6 of the Code of Conduct.~~ *under*

In October 2012, several GNSO contracted parties suggested that the working group identify measures that ^{do} not apply to new gTLDs that are operating under this exemption to the Code of Conduct. *or a closed group of entities'*

The working group adopted the following definitions to accommodate this request:

"Closed gTLD" refers to a gTLD where ICANN has granted the paragraph 6 exemption from Specification 9: Registry Operator Code of Conduct.

"Open gTLD" refers to a gTLD that has not been granted an exemption from Specification 9: Registry Operator Code of Conduct.

"Closed Brand gTLD" refers to a closed gTLD where the TLD string is a recognized Trademark held by the registry operator. (e.g. .Microsoft, .Google, .HSBC)

"Closed Keyword gTLD" refers to a closed gTLD where the TLD string is not a recognized Trademark held by the registry operator. (e.g. .search, .book, .music)

"Keyword" ?

Measures of Consumer Trust

For reference, the definitions of Consumer and Consumer Trust are repeated here:

Consumer is defined as actual and potential Internet users and registrants.

Consumer Trust is defined as the confidence Consumers have in the domain name system. This includes (i) trust in the consistency of name resolution (ii) confidence that a TLD registry operator is fulfilling the Registry's stated purpose and is complying with ICANN policies and applicable national laws and (iii) confidence in ICANN's compliance function.

Measure of Consumer Trust	Source	Anticipated Difficulties in Obtaining and/or Reporting	3-year Target
<i>Measures related to confidence in registrations and resolutions:</i>			
[1.1] % DNS Service Availability (present SLA is 100%).	ICANN	None noted	100%
[1.2] % Availability for Registration Data Directory Services (RDDS). (SLA is 98%).	ICANN	None noted	98%
[1.3] % of Service Availability for Shared Registration Services (SRS, using EPP). (SLA is 98%). Open TLDs only	ICANN	None noted	98%
[1.4] Survey of perceived consumer trust in DNS, relative to experiences before the gTLD expansion. Survey could at least measure experiences with phishing, parking sites, malware and spam; confusion about new gTLDs; user experience in reaching meaningful second-level TLDs; registrant experience in being in a different gTLD; Registrant and Internet User's experience with regard to cybersquatting. Survey to be conducted every two years (biennial).	Survey Vendor	Moderate difficulty to gain consensus on survey questions. Survey cost is approx. \$100K. <i>user and registrant experience in closed brand TLDs;</i>	Should show improvement on all survey measures
[1.5] % Uptime for Registrar services such as WHOIS, contact info, and complaints, assuming that SLAs are established for these measures in the new RAA.	Registrar	Doubtful that Registrars will compile and disclose uptime stats unless required by RAA	SLA in RAA

Measures of Consumer Choice

For reference, the definitions of Consumer and Consumer Choice are repeated here:

Consumer is defined as actual and potential Internet users and registrants.

Consumer Choice is defined as the range of options available to Consumers for domain scripts and languages, and for TLDs that offer meaningful choices as to the proposed purpose and integrity of their domain name registrants.

Measure of Consumer Choice	Source	Anticipated Difficulties In Obtaining and/or Reporting	3-year Target
<i>Transparency and clarity of gTLD registry benefits and restrictions, so that registrants and users can make meaningful distinctions when choosing TLDs.</i>			
[2.1] Registry website should clearly disclose benefits and restrictions. This measure should include closed keyword TLDs, but not closed brand TLDs. <i>open TLDs and</i>	Audit of Registry websites	Moderate difficulty in auditing registry's display of terms and conditions for each gTLD they offer.	All Registries should disclose (e.g. ICM's disclosure ⁶ for .xxx)
[2.2] Registrar websites should clearly disclose gTLD benefits and restrictions in the terms & conditions for each respective TLD they offer.	Audit of Registrar websites	Moderate difficulty in auditing registrars' display of terms and conditions for each gTLD they offer.	All Registrars should disclose for all offered TLDs
[2.3] gTLD registry benefits and restrictions should be understandable to registrants and users. This measure should include closed keyword TLDs, but not closed brand TLDs. <i>open TLDs and why not?</i>	Registry and Registrar websites; surveys	A survey of registrants and users could assess clarity.	All disclosures should use "plain language"
[2.4] Biennial surveys of perceived consumer choice in DNS, relative to experience before the gTLD expansion. (Survey in conjunction with Consumer Trust survey noted in above section). Survey should assess public awareness of new gTLDs. Survey should also measure costs of defensive or duplicate registrations. Survey should assess motivations, intent, and satisfaction with new gTLDs.	Survey Vendor	Moderate difficulty to gain consensus on survey questions. Survey cost is approx. \$100K.	Should show improvement on all survey measures

⁶ ICM's Disclosure: <http://www.icmregistry.com/about/sponsored-community/>

Measures of Competition

For reference, the definition of Competition is repeated here:

Competition is defined as the quantity, diversity, and the potential for and actual market rivalry of TLDs, TLD registry operators, and registrars.

Measure of Competition	Source	Anticipated Difficulties in Obtaining and/or Reporting	3-year Target
[3.1] Quantity of total TLDs before ¹ and after expansion, assuming that gTLDs and ccTLDs generally compete for the same registrants. <i>Open gTLDs only. why?</i>	ICANN	None noted	Increase of 2x over 2011 (311 ¹)
[3.2] Quantity of gTLDs ² before and after expansion. <i>Open gTLDs only. What of Registry?</i>	ICANN	None noted	Increase of 10x over 2011 (18 ²)
[3.3] Quantity of unique gTLD Registry Operators ³ before and after expansion. <i>Open gTLDs only. why?</i>	ICANN	None noted	Increase of 2x over 2011 (14 ³)
[3.4] Quantity of unique gTLD Registry Service Providers ⁴ before and after expansion.	ICANN and Ry Operators	None noted	Increase of 2x over 2011 (6 ⁴)
[3.5] Quantity of Registrars ⁵ before and after expansion, along with indication of country where Registrar is based. This measure should count only registrars distributing Open gTLDs. <i>ok</i>	ICANN	None noted	No target; compare to 2011 (1000 ⁵)
[3.6] Relative share of new gTLD registrations held by "new entrants". For purposes of this measure, "new entrants" are gTLDs run by Registry Operators that did not operate a legacy gTLD. A "new entrant" is one whose ownership is not among owners of legacy gTLD registries. <i>Open gTLDs only. why?</i>	ICANN; Zone files for new gTLDs	Moderately difficult to obtain.	No target, but new entrants should operate a significant percentage of new gTLDs
[3.7] To assess competitive impact of new gTLDs, measure the quantity of second level registrations per gTLD and ccTLD on a weekly or other interval. TLD attributes should be noted with the data (i.e. open/closed registration, country of operations, single registrant, etc.).	Zonefiles &/or 3 rd Party	None noted	No Target

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Measure of Competition	Source	Anticipated Difficulties in Obtaining and/or Reporting	3-year Target
[3.8] Quantity of "unique" second level registrations in the new gTLD space where that same string does not appear as a registration in any other TLD on a weekly or other interval basis (data analyzed in conjunction with website traffic identified in Choice). Open gTLDs only.	Zonefiles &/or 3 rd Party	None noted	No Target

Measure of Competition	Source	Anticipated Difficulties in Obtaining and/or Reporting	3-year Target
<i>Measures related to prices for domain registrations (see legal note in Appendix C)</i>			
[3.9] ^{SLDs?} Wholesale price of new gTLD domains offered to the general public. (do not evaluate gTLDs with registrant restrictions) . Open gTLDs only.	Ry & Rr data gathered by 3rd Party Vendor	Difficult to obtain. (see legal note in Appendix C)	No target; compare to 2011 and to unrestricted legacy gTLDs
[3.10] ^{SLDs?} Retail price of new gTLD domains offered to the general public. (do not evaluate gTLDs with registrant restrictions) . Open gTLDs only.	Ry & Rr data gathered by 3rd Party Vendor	Difficult to automate collection. (see legal note in Appendix C)	No target; compare to 2011 and to unrestricted legacy gTLDs
[3.11] Qualitative assessment of non-price competition through innovations that benefit registrants and users, particularly for new market served.	Study	Studies for ICANN typically cost \$100 - \$200K.	No Target