

INTRODUCTION OF NEW TOP-LEVEL DOMAINS

Recommendation Status - New gTLD Committee

Numbering refers to Draft Part A – 18 June 2007

Only constituency concerns are listed, not those on Nomcom appointees.
Status as of: 2 July 2007

| # | Current Text | Level of Support | Concerns | Proposed changes, changes under discussion. Notes on concerns |
|---|--|------------------|----------|--|
| 1 | ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process. | Broad | BC ? | BC concern relates to issue of taking the recommendation singly as opposed to as a block. No proposed changes. |
| 2 | Strings must not be confusingly similar to an existing top-level domain. | Broad | | |

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| 3 | Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industrial Property (in particular trademark rights), the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (in particular freedom of speech rights) | Broad | NCUC | <ul style="list-style-type: none"> - change 'freedom of speech' to 'freedom of expression' <ul style="list-style-type: none"> - marked as done in next release - other possible edits under discussion concerning process being non infringing in addition to string itself not representing any infringements. rewording has not stabilized. - open suggestion of leaving 3 as is and creating another recommendation to deal with Freedom of expression |
| 4 | Strings must not cause any technical instability. | Broad | | |
| 5 | Strings must not be a Reserved Word | Broad | | |
| 6 | Strings must not be contrary to generally accepted legal norms relating to morality and public order that are enforceable under generally accepted and internationally recognized principles of law. Examples of such limitations that are internationally recognized include, but are not limited to, restrictions defined in the Paris Convention for the Protection of Industrial Property (in particular restrictions on the use of some strings as trademarks), and the Universal Declaration of Human Rights (in particular limitations to freedom of speech rights). | level yet to be checked – appears broad | NCUC | <p>change 'freedom of speech' to 'freedom of expression'</p> <p style="padding-left: 40px;">marked as done in next release</p> |
| 7 | Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. | Broad | | |

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| 8 | Applicants must be able to demonstrate their financial and organisational operational capabilities. | Broad | | |
| 9 | There must be a clear and pre-published application process using objective and measurable criteria. | Broad | | |
| 10 | There must be a base contract provided to applicants at the beginning of the application process. | Broad | | |
| 11 | deleted - replaced with 20 | ---- | ---- | ---- |
| 12 | Dispute resolution and challenge processes must be established prior to the start of the application process. | Broad | | |
| 13 | Applications must initially be assessed in rounds until the scale of demand is clear. | Broad | | |
| 14 | The initial registry agreement term must be of a commercially reasonable length. | Broad | | |
| 15 | There must be renewal expectancy. | Broad | | |
| 16 | Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved. | Broad | | |
| 17 | A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination. | Broad | | |
| 18 | If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed. | Broad | | |

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|----|---|---|----------|---|
| 19 | Registries must use ICANN accredited registrars. | Broad | RC ? | Possible need for disambiguation, e.g., <ul style="list-style-type: none"> - must use only accredited - must use any accredited - must use all accredited - must use at least some accredited |
| 20 | An application will be rejected if it is determined, based on public comments or otherwise, that there is substantial opposition to it from among significant established institutions of the economic sector, or cultural or language community, to which it is targeted or which it is intended to support. | level yet to be checked – appears broad | NCUC | Several wording changes have been considered but none have stabilized yet. |
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