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 of Nomcom appointees.
Status as of: 5 July 2007

Principles

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
A	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.	Broad		
B	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root	Broad		
C	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.	Broad		

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
D	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.	Broad		
E	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under tregistry agreement.	Broad		
F	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.	Broad		
G	The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.	To be confirmed – Appears Broad		

Recommendations

#	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		

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		- change 'freedom of speech' to 'freedom of expression'
				
				   - marked as done in next release
				
				- R3 remains as is with addition of new principle (g) "The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.
				
				   - solution accepted

4	Strings must not cause any technical instability.	Broad		

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
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).	Broad	NCUC	change 'freedom of speech' to 'freedom of expression' marked as done in next release NCUC proposed to replace 'morality and public order' with legal norms "Strings must not be contrary to legal norms that are enforceable under generally accepted and internationally recognized principles of law. Taking into account the aforementioned limitations, no application shall be rejected solely because the applicant or string is associated with an unpopular or controversial point of view." During discussions others brought up a question of Enforceability - is it measurable or implementable? (In subgroup discussion for resolution by Jul 13)
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		

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
19	Registries must use ICANN accredited registrars.	Broad	RC ?	Possible need for disambiguation,e.g., - 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.	Broad	NCUC	Several wording changes have been considered but none have stabilized yet. NCUC recommends narrowing to only include technical and operational objections During discussion additional concerns brought up by others on: – implementation impact of subjective terms like substantial and established – some expanded discussion on the role of public comments (in subgroup discussion for resolution by Jul 13)

Implementation guidelines

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.	Broad		
IG B	Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants.	Broad		
IG C	ICANN will provide frequent communications with applicants and the public including comment forums panels.	Broad		
IG D	A first come first served processing schedule within the application round will be implemented and will continue for an ongoing process, if necessary. Applications will be time and date stamped on receipt.	Broad		
IG E	The application submission date will be at least four months after the issue of the Request for Proposal and ICANN will promote the opening of the application round.	Broad		

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
IG F	If there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to aware priority to that application. If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.	Broad		
IG G	Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exception: i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application Under this exception, Staff Evaluators will devise criteria and procedures to investigate theclaim.	Broad		
IG H	External dispute providers will give decisions on complaints.	Broad		
IG I	An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process.	Broad		
IG J	The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place.	Broad		

#	Current Text	Level of Support	Concerns	Proposed changes, changes under discussion. Notes on concerns
IG K	ICANN should take a consistent approach to the establishment of registry fees.	Broad		
IG L	The use of personal data must be limited to the purpose for which it is collected.	Broad		
IG M	ICANN may establish a capacity building and support mechanism aiming at facilitating effective communication on important and technical Internet governance functions in a way that no longer requires all participants in the conversation to be able to read and write English	Broad		
IG N	ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.	Broad		
IG O	ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.	Broad		