



## **NEW gTLD IMPLEMENTATION**

GNSO, Cairo  
1-2 November 2008



### **Agenda**

- Guidebook overview
- Module by module review of the Applicant Guidebook
- Questions after each module



## What was published

- The Applicant Guidebook (RFP)
- Supporting memoranda intended to annotate the Guidebook and describe the reasoning and Guidebook development process
- Other supporting information
- Comment for a organised by module
- Background material



## The Applicant Guidebook:

- is an initial draft only. Many aspects of this documents have been discussed in various ICANN fora, this is the first version of the entire package.
- is provided expressly for discussion, consultation and revision. Revision is expected.
- should not be relied upon as definitive. Revised versions may vary from what is presented here.



## Program Themes

- New gTLDs will promote competition and choice, IDNs at the top level of the domain name system will offer many potential new opportunities and benefits
- Principles of conservatism: technical and fiscal
- Emphasis on registrant protection
- The decision to launch new gTLD rounds followed a detailed and lengthy consultation process with all constituencies of the global Internet community.
- A public comment period for revision of the RFP will allow for detailed review and input to be made by the Internet community.

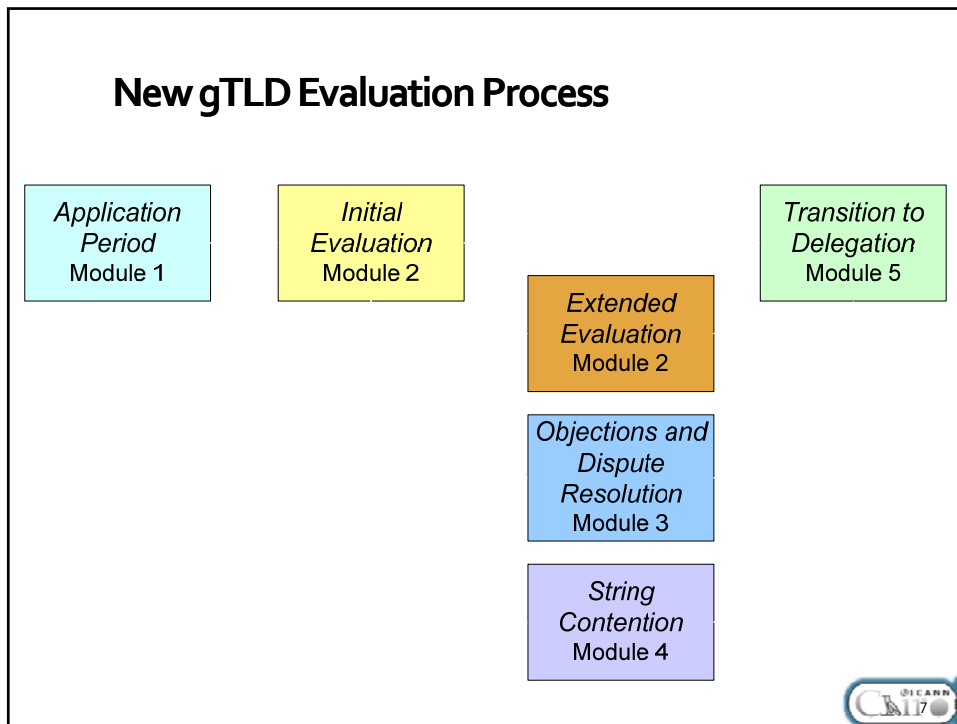


## Aspects of the Process: Uncomplicated & Robust

- Uncomplicated process in most cases:
  - 6-step inquiry
  - Objective criteria
- Robust process when it needs to be:
  - Provide a path for addressing objections on specific limited grounds to proposed TLDs
  - Resolve situations where there are multiple applications for the same (or very similar) TLDs



## New gTLD Evaluation Process



## Applicant Guidebook Organisation

- Module 1 – Overview
- Module 2 – Evaluation procedures
- Module 3 – Dispute resolution procedures
- Module 4 – String contention procedures
- Module 5 – Delegation processes (including base registry agreement)
- Module 6 – Terms & conditions



## Explanatory Memoranda

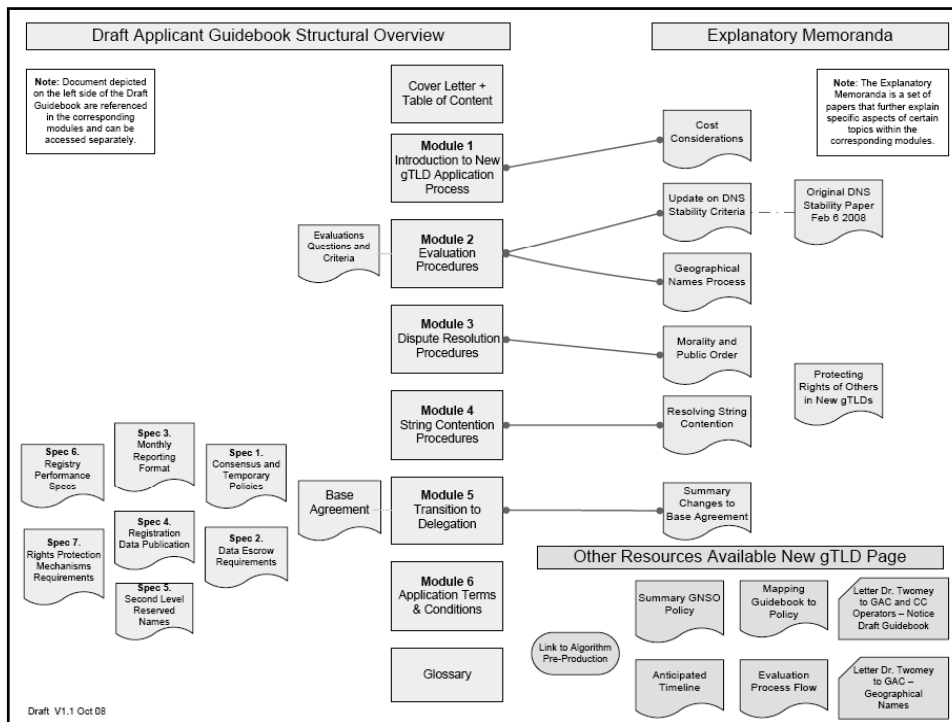
- Protecting Rights of Others in New gTLDs
- Cost Considerations
- Geographical Names Process
- Update on DNS Stability Criteria
- Resolving String Contention
- Morality and Public Order Objection Considerations in New gTLDs
- Summary of Changes to Base Agreement



## Related Resources and Materials

- Cross Reference: Applicant Guidebook to GNSO Policy Recommendations
- CRAI Report on gTLD Registries and Registrars
- ICANN Similarity Assessment pre-production algorithm: <http://icann.sword-group.com/icann-algorithm/>
- Interactive Process Flow: <http://www.icann.org/en/topics/new-gtld-interactive.htm>





## Guidebook Documentation Structure

- From the front page, link to the comments section:
  - <http://www.icann.org/en/topics/new-gtld-comments-en.htm>
- or link to the New gTLD Program Page:
  - <http://www.icann.org/en/topics/new-gtld-program.htm>
- Where there is a link to an interactive process flow:
  - <http://www.icann.org/en/topics/new-gtld-interactive.htm>

## Module 1 – Introduction and Overview

- Application life cycle – summary of processing stages
- Description of application types:
  - Open
  - Community-based
- Documents required from all applicants
- Requirements specific to IDN applicants
- Processing fee information



## Module 1 – Introduction and Overview

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- Application life cycle – summary of processing stages
- Description of application types:
  - Open
  - Community-based
- Documents required from all applicants
- Requirements specific to IDN applicants 18
- Fee and payment information



## Module 1 – Introduction and Overview

- Process attempts to reflect principles of fairness, transparency, non-discrimination 1
- Clear, pre-published application process using objective and measurable criteria 9
  - Goal to ensure that complete requirements and process information are available to applicants at the start
  - There is a balancing between purely objective criteria and the flexibility to accommodate different models



## Module 1 – Introduction and Overview

- Applications initially assessed in rounds 13
  - Guidebook pertains to initial round
  - Information included on follow-up rounds
- Adherence to IDN guidelines 18
- Fees calculated on a cost recovery basis
  - Processing fee: US\$185,000 is estimated sum of evaluation, development and risk costs
  - Additional fees paid directly to outside panels and providers if necessary





## Module 2 – Evaluation Procedures

- String reviews
  - DNS stability
  - String confusion
  - Geographic names
- Applicant reviews
  - Technical capability
  - Financial capability
  - Registry services offered



## Module 2 – Evaluation Procedures

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- String reviews
  - DNS stability 4
  - String confusion 2 5 18
  - Geographic names
- Applicant reviews
  - Technical capability 7
  - Financial capability 8
  - Registry services offered



## Module 2 – Specific Criteria / Procedures

- Avoidance of strings causing technical instability 4
- Avoidance of confusingly similar TLD strings 2
- Institution of reserved names list 5
- Applicant demonstration of technical capabilities 7
- Applicant demonstration of financial capabilities 8
- Registry services evaluation 4



## DNS Stability

- Requirements provided for all gTLD strings
- Requirements provided for IDN gTLD strings
  - Discussion of IDN protocol revision issue
- Provision of a process to allow additional investigation on an applied-for gTLD string that may cause technical instability



## String Confusion

- All applied-for strings are examined for:
  - Visual similarity to existing TLDs
  - Visual similarity to other applied-for gTLDs
- Algorithm provides one objective measurement as part of the examination
  - Pre-production version at <http://icann.sword-group.com/icann-algorithm/>
- Objection path to assert string confusion that has not been identified in the examination



## Geographical Names

- Applications must be accompanied by documents of support or non-objection from the relevant government or public authority
- Review examines whether:
  - String is a geographic name requiring approval
  - Documentation is included & valid
- Applications may also be subject of objections on community grounds



## Demonstration of technical / operational capability

- 20 questions, each scored and covering an area of technical competence
- Must maintain security and stability of the DNS
- Requires some protection of rights mechanism
- Provides an objective evaluation framework, but allows for adaptation for differing models
- Certain aspects of applicants' technical information will be tested by ICANN prior to delegation (see Module 5)



## Demonstration of financial capability

- 11 questions, 7 scored criteria
- Strikes balance between business competence of applicant and avoiding venture-capitalist judgments
- Principles include: conservatism; flexible criteria; ensuring stability; registrant protection
- Emphasizes registrant protection
  - Questions address contingency and failure scenarios
  - Continuity requirements must be met prior to delegation



## **Registry services review**

- Necessary to ensure that proposed registry services do not adversely affect the security or stability of the DNS
- For the few cases requiring extensive review, there will be a process similar to that required of existing registries for introduction of new services
- There will be an additional fee in the cases where that extensive review is required



## **Module 3 – Dispute Resolution Procedures**

- Enumerated grounds for objection
- Standing requirements for the various objection grounds
- Processes for filing objections and responses
- Description of adjudication proceedings leading to issuance of decisions
- Dispute resolution principles (standards) for the various objection grounds



## Module 3 – Dispute Resolution Procedures

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- Enumerated grounds for objection 2 3 6 20
- Standing requirements for the various objection grounds
- Processes for filing objections and responses
- Description of adjudication proceedings leading to issuance of decisions
- Dispute resolution principles (standards) for the various objection grounds



## Module 3 – Dispute Resolution Procedures

- Process includes objection and dispute resolution filing and adjudication processes 12
- Objection grounds are:
  - A likelihood that user confusion would result 2
  - Infringing the legal rights of others that are recognized under international principles of law. 3
  - String is contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. 6
  - substantial opposition from a significant portion of the community to which the string may be targeted 20



## Module 3 – Dispute Resolution Procedures

- Three providers have agreed in principle to administer disputes brought via formal objection
- General rules for filing of objections and responses
- Process allows for consolidation of disputes where appropriate
- Process allows for mediation at the option of the parties



## Dispute Resolution Procedures

- Dispute resolution procedures are published, there will be more specific rules published by each provider
- Dispute resolution standards are published in the Guidebook (suggested standards for morality and public order objections are published in associated memoranda)
- Dispute resolution standing requirements are published in the Guidebook



## Dispute Resolution Fees

- Fee ranges are published in the Guidebook
- It is anticipated the Infringement of Rights and String Confusion Objections will pay a flat fee; and Community-based and Morality & Public Order Objections will pay a hourly fee
- Each side will pay a non-refundable filing fee
- Each side will deposit a fee to fund the dispute resolution process, prevailing party receives the deposit back



## Community based objection standard

Meeting the standing requirement is a defence to objections

Standard is a 4-part test:

- The community invoked by the objector is a defined community
- Community opposition to the application is substantial
- There is a strong association between the community invoked and the applied-for gTLD string
- There is a likelihood of detriment to the community named by the objector if the gTLD application is approved





## Module 4 – String Contention

- Methodology and procedures for identification of contention sets
- Conditions under which comparative evaluation occurs
- Criteria for comparative evaluation
- Discussion of alternative mechanism for efficient resolution of contention – for cases where comparative evaluation does not apply




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## Module 4 – String Contention

- Contention sets formed based on principle that string confusion among TLDs should be avoided 
- Applicants may reach own resolution of a contention situation (IG F)
- Applicants making a community claim given priority (IG F&G)
  - Comparative evaluation designed for validation and substantiation of community claims
  - Test: this is THE label for that community



## Module 4 – String Contention

- Efficient (last resort) mechanism for contention resolution
  - Required when contention has not been resolved through comparative evaluation or agreement by parties
  - Agreement by parties is expected as an economical alternative to other means
- The String Contention lifecycle memorandum includes alternative solutions for last resort mechanisms and describes the issues with each



## Module 5 – Transition to Delegation

- Registry Agreement
  - Base agreement
  - Seven associated specifications
- Pre-delegation
  - Technical tests
  - Continuity requirements for protection of registrants
- Leads to delegation by IANA



## Module 5 – Transition to Delegation

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- Registry Agreement 10 14 15 16 17 18 19
  - Base agreement
  - Seven associated specifications
- Pre-delegation 7 8
  - Technical tests
  - Continuity requirements for protection of registrants
- Leads to delegation by IANA



## Module 5 – Transition to Delegation

- Base contract available to applicants at the start 10
- Term length is commercially reasonable 14
  - Agreement has 10-year term
- Agreement features renewal expectancy 15
  - Agreement will renew unless a material breach remains uncured



## Module 5 – Transition to Delegation

- Agreement requires compliance with consensus policies 16
  - Includes existing and future consensus policies and temporary policies
- Agreement features compliance and sanctions process 17
  - Provisions for compliance auditing, arbitration, and award of damages in the event of repeated material breaches by the registry operator.

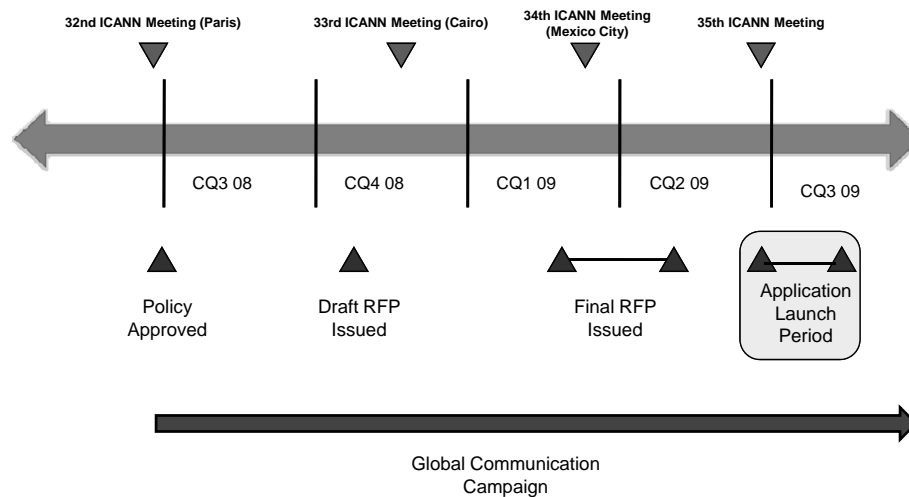


## Module 5 – Transition to Delegation

- Agreement requires compliance with IDN Guidelines 18
  - Includes updates to the Guidelines
  - Compliance with relevant RFCs also required
- Use of ICANN-accredited registrars 19
  - CRAI report on gTLD Registries and Registrars recommends incremental lifting of registry-registrar separation requirements
  - Models for lifting separation requirements should be settled through constituency discussion before the publication of the final version of the Guidebook



### Anticipated Timeline New Generic Top-Level Domains



Updated October 2008

THANK YOU

