Update on New gTLD Program
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Background

- ICANN Foundational Principles:
  - Promote competition and choice in the domain-name marketplace
  - While ensuring Internet security and stability
- October 2007: GNSO Policy Recommendations
- June 2008: ICANN Board Approval on new gTLD plan
- October 2008: Draft Applicant Guidebook (DAG) ver.1
- Feb 2009: 2nd version of Applicant Guidebook
- May 2009: Analysis of Public Comment of 2nd DAG
- June 2009: ICANN Sydney meetings
  - Reviews on the Overarching issues
6 Module Guidebook

- Module 1: Application Process
- Module 2: Evaluation Procedures
- Module 3: Dispute Resolution Procedures
- Module 4: String Contention Procedures
- Module 5: Transition to Delegation (Registry Agreement)
- Module 6: Terms & Conditions of Application
# Module 1: Application Process

## Process
- Completeness
- Initial Evaluation
- Objection Filing
- Extended Evaluation
- Dispute Resolution
- String Contention
- Delegation

### IDN Info (7 items)

### Fees:
- T.A.S. Fee: $100
- Evaluation Fee: $185,000 (Proof-of-concept discount: $86,000)

### Additional Fees:
- RSTEP, (~50k)
- DR Filing (1–5k), DR Adjudication, (2–122k)

### Table: Application Process Scenarios

<table>
<thead>
<tr>
<th>Scenario Number</th>
<th>Initial Evaluation</th>
<th>Extended Evaluation</th>
<th>Objection(s) Raised</th>
<th>String Contention</th>
<th>Approved for Subsequent Steps</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Pass</td>
<td>N/A</td>
<td>None</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Fail</td>
<td>Pass</td>
<td>None</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>3</td>
<td>Pass</td>
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<td>Yes</td>
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<tr>
<td>4</td>
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<td>Applicant prevails</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>5</td>
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<td>Objector prevails</td>
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<td>6</td>
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<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Fail</td>
<td>Pass</td>
<td>Applicant prevails</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Module 1: Thoughts & Questions

- Evaluation Fee: US$185,000
  - Discount for 2000 proof-of-concept round applicants
  - IDN versions? IDN Variants?
  - Discount for 2nd / future rounds?

- Refunds:
  - 70% ($130k): After posting of applications
  - 35% ($65k): After initial evaluation
  - 20% ($37k): After any later stage

- Category-based application
  - Differentiated price tag
  - Supported by GAC and some community-based applicant
Module 2: Evaluation Procedures

- **Initial Evaluation:**
  - String Review
    - String Confusion / Reserved Names / DNS Stability / Geo Names
  - Applicant Review
    - Technical / Financial / Registry Services

- **String Requirements:**
  - Not confusingly similar to existing (or applied for) TLDs
  - Not (or Not too similar to) Reserved Names
  - Geographical Names (Countries / Cities / Regions)
  - 3 visually distinct characters or more (including IDN)

- **Extended Evaluation**
  - No additional fees (except for RSTEP)
An application for a *city name*, where the applicant clearly intends to use the gTLD to leverage the city name. An application for a string which is a city name, but is also a generic term or a product name, will not require documentation of support or non-objection, provided that the application clearly reflects that it will be used to leverage the generic term or product name. If an applicant declares that it intends to use the applied-for gTLD string for purposes associated with a city name, documentation of support or non-objection from the relevant government(s) or public authority (ies) will be required.

-- Excerpt from 25 Feb. 2009, EOI of Geographic Names Panel
An approval or non-objection from the relevant government or public authority could for example be based on certain obligations on a gTLD registry for which the registry is held accountable (which may include direct legally binding agreement under contract with the relevant public authority). In such cases there could be a need for procedures that allow relevant governments...to initiate a re-delegation process.

-- Excerpt from 18 Aug. 2009, Letter from Janis Karklins to Peter Dengate Thrush
Module 2: Thoughts & Questions

- **String Confusion**
  - Undisclosed IDN ccTLD fast track strings in process
  - Applicability of confusingly similar strings for existing operators
  - Expertise of String Similarity Examiners (especially on IDN)

- **String Length**
  - 3 characters or more for IDN TLD (Definite problem for CJK)
  - Joint working group to be formed by cc and g

- **Geographical Names**
  - Expanded interpretation of GAC Principles
Module 3: Dispute Resolution Procedures

- **Grounds for Objections (Standing)**
  - String confusion (existing TLD operator or applicant)
  - Legal Rights (Rights holder)
  - Morality & Public Order (TBD / Independent Objector)
  - Community Objection (Established institution / Independent)

- **Filing Procedures**
  - Objection + Response (Non-Refundable Filing Fees: $1–5k)
  - Objection Processing
    - Administrative Review
    - Consolidation of Objections
    - Negotiation & Mediation
    - Selection of Expert Panels
    - Adjudication (Fees Refundable to prevailing party)
      - Fixed (est. $2–8k): string confusion / legal rights
      - Hourly (est. $32–122k) morality & public order / community
Module 3: Thoughts & Questions

- Dispute Resolution Filing Fee
  - Why not refundable to prevailing party?
- Dispute Adjudication Fee
  - Why not fixed for all types of objections?
- Dispute Resolution Providers
  - International Center for Dispute Resolution (string confusion)
  - WIPO (legal rights)
  - International Chamber of Commerce (morality & public order / community)
Module 4: String Contention Procedures

- Contention Sets
  - Identical / Similar
  - Direct / Indirect

- Comparative Evaluation (community priority)
  - Nexus between proposed string and community
  - Dedicated registration policies (2 sets of criteria)
  - Community establishment
  - Community endorsement
  - 0–4 score for each criterion (at least 14 points to win)

- Contention Resolution
  - Comparative Evaluation
  - Self-Resolution
  - Auction (Successive series of rounds concluded quickly)
Module 4: Thoughts & Questions

Comparative Evaluation
- Beneficial for Internet community at-large for Open TLD not considered
- i.e. comparative evaluation winner prevails over Open TLD applicant without consideration to whether Open TLD may be more beneficial for Internet community

Auction
- Favoring dominant incumbent(s)
  - Especially considering removal of price cap
  - I.e. cost may be subsidized by (slight) increase of fees in incumbent TLD to eliminate/reduce competition
  - May not be conducive promoting competition
Module 5: Transition to Delegation

- Registry Agreement
  - Base Agreement
    - ICANN Registrars (Affiliates of Registry acceptable up to 100k domains)
    - Uniform agreement with all registrars
  - Registry–Level ICANN fees:
    - Fixed Fee: US$6,250 per quarter (= $25,000 per year)
    - Transaction Fee: US$0.25 per domain–year (not applicable until >50k domains)
  - Changes and modifications (to be discussed)
    - Veto of changes by >50% of registry operators affected
    - ICANN Board overrule by 2/3 board vote

- Appendices:
  - Consensus Policies / Temporary Policies, Data escrow, Reporting, Zonefile Access, Reserved Names, Performance Specs, Rights Protection Mechanism
Module 5: Thoughts & Questions

- Affiliates of Registry
  - 100,000 domains per Affiliate? All affiliates?

- Registry / Registrar Separation
  - Uniform agreement with registrars / Equal Access commitments
  - Equitable treatment of Registries by Registrars?
  - Undoing original work?

- Registry-Level Fees
  - >50k domains → $0.25 per domain year for ALL domains OR from 50,001 onwards?

- Commitment by existing Registries
Module 6: Terms & Conditions

- Applicant warrant statements true and accurate
- Applicant has requisite power to make application
- ICANN right to not proceed (with refund)
- Payment of all fees (within designated time at any stage)
- Indemnify ICANN (for decision process & info provided)
- Agree not to challenge ICANN decision in court
- Publish submitted materials except specifically identified
- Applicant certifies permission obtained for posting personal info
- ICANN to use applicant’s name and logo
- Registry agreement
- ICANN right to consult and contact any party pertinent to app
Module 6: Thoughts & Questions

- Not to challenge ICANN at courts or any other judicial fora
Current focus

- IRT (Implementation Recommendation Team)
  - IP Clearinghouse (centralized / single or distributed / multiple)
  - Globally Protected Marks List (GPML)
  - Standardized pre-launch rights protection mechanisms (RPM)
  - Uniform Rapid Suspension System (URS)
  - Post delegation dispute resolution mechanisms at the top level
  - Whois requirements for new TLDs
  - Use of algorithm in string confusion review during initial evaluation.

- Registry / Registrar Separation
  - Economic analysis

- Search for Independent Evaluators
  - To be identified by Q4 2009
Timeframe

- Application Guidebook Draft Version 3
  - September
  - Public comment will close after Seoul meeting
  - Final version on December

- Global outreach program
  - Well-attended session on July 24th in Hong Kong

- Launch / accepting applications
  - Q1 2010
City TLDs for Asia?

DotAsia Is Here to Help!

• DotAsia: Not-for-Profit Organisation
• Experience in gTLD process
• Working with / Explaining to City Governments
• Financial / Administrative / etc. Support
• This is part of DotAsia’s Commitment to Community Contributions & Development