

Registries Stakeholder Group Statement



Proposed Language for Draft Sections of the Next Round Applicant Guidebook

Date statement submitted¹: 19 March 2024

Reference url:

<https://www.icann.org/en/public-comment/proceeding/proposed-language-for-draft-sections-of-the-next-round-applicant-guidebook-01-02-2024>

Background²

In this first proceeding, ICANN org published the following draft sections of the AGB:

- **Predictability Framework** (based on the outputs from Topic 2 of the Final Report);
- **Code of Conduct and Conflict of Interest Guidelines** (based on the outputs from Topic 8 of the Final Report);
- **Conflicts of Interest Process for Vendors and Subcontractors** (based on the outputs from Topic 8 of the Final Report);
- **Applicant Freedom of Expression** (based on the outputs from Topic 10 of the Final Report);
- **Universal Acceptance** (based on the outputs from Topic 11 of the Final Report);
- **Reserved and Blocked Names** (based on outputs from Topic 21 of the Final Report);
- **Geographic Names** (Work Track 5 Final Report to the New gTLD Subsequent Procedures Policy Development Process Working Group);

Specifically, ICANN org is looking for input from the community on whether the proposed language is consistent with the relevant Subsequent Procedures (SubPro) Final Report outputs. It should be noted that the proposed language has been developed in collaboration with the [Subsequent Procedures Implementation Review Team](#).

Documents

- [Applicant Freedom of Expression \(Topic 10\) \(pdf, 57.65 KB\)](#)
- [Geographic Names \(Work Track 5 Final Report\) \(pdf, 155 KB\)](#)
- [Predictability Framework \(Topic 2\) \(pdf, 431.1 KB\)](#)
- [Reserved and Blocked Names \(Topic 21\) \(pdf, 98.22 KB\)](#)
- [Conflicts of Interest Process for Vendors and Subcontractors \(Topic 8\) \(pdf, 73.58 KB\)](#)
- [Universal Acceptance \(Topic 11\) \(pdf, 70.21 KB\)](#)
- [Code of Conduct and Conflict of Interest Guidelines \(Topic 8\) \(pdf, 97.4 KB\)](#)

Related RySG comments

- [CPH comment on the GNSO new gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration](#) (1 June 2021)
- [RySG comment on the GNSO New gTLD Subsequent Procedures Draft Final Report](#) (30 September 2020)

¹ This is a copy of the text submitted via the ICANN Public comment platform.

² Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

Registries Stakeholder Group Comment

Other Comments

The RySG appreciates the opportunity to comment on these draft sections of the Next Round Applicant Guidebook (AGB). While a number of RySG members are actively involved in the Implementation Review Team, the public comment period is an important chance for other members to review the work with fresh eyes and offer input that we hope will be useful to the IRT in refining the proposed language for future iterations of the draft AGB. As such, we offer the following assessment of whether the language for each section is consistent with the relevant policy recommendations from the Subsequent Procedures PDP, as well as additional input that we believe it is important for the IRT to consider.

1. Is the proposed Next Round Applicant Guidebook language for Predictability Framework consistent with the relevant SubPro Final Report recommendations for Topic 2: Predictability Framework?

[Predictability Framework \(Topic 2\) \(pdf, 431.1 KB\)](#)

Yes

If no, please explain.

The proposed language for this section of the AGB appears generally consistent with the relevant recommendations regarding a Predictability Framework, in that it lays out a draft of such a framework. However, in refining the language of this section, the RySG urges the IRT to consider two key points:

1. First, the AGB should define what constitutes “material” impact on applicants, or otherwise provide more transparency into how the materiality of a proposed change will be determined. Much of the SPIRT framework relies on this determination, but it is not clear from the current draft how changes will be assessed, or by whom.
2. Since the GNSO Council will oversee the SPIRT, the IRT should consider working with the Council to develop guidelines regarding conflicts of interests for Councillors when it comes to such oversight duties.

2. Is the proposed Next Round Applicant Guidebook language for Code of Conduct and Conflict of Interest Guidelines consistent with the SubPro Final Report recommendations for Topic 8: Conflicts of Interest?

[Code of Conduct and Conflict of Interest Guidelines \(Topic 8\) \(pdf, 97.4 KB\)](#)

Yes

If no, please explain.

While the proposed language is consistent with the relevant recommendation, the RySG suggests that the IRT consider incorporating transparency reporting requirements in the event that a new gTLD application has to be re-assigned to a secondary evaluator. Additionally, the RySG requests that the IRT make clear, either in this section of the AGB or elsewhere, whether the Guidelines included in section 2.1 of this draft also apply to the Codes of Conduct for Applicants and Registry Services Providers.

3. Is the proposed Next Round Applicant Guidebook language for Conflicts of Interest Process for Vendors and Subcontractors consistent with relevant SubPro Final Report recommendations for Topic 8: Conflicts of Interest?

[Conflicts of Interest Process for Vendors and Subcontractors \(Topic 8\) \(pdf, 73.58 KB\)](#)

Yes

If no, please explain.

4. Is the proposed Next Round Applicant Guidebook language for Applicant Freedom of Expression consistent with the relevant SubPro Final Report recommendations for Topic 10: Applicant Freedom of Expression?

[Applicant Freedom of Expression \(Topic 10\) \(pdf, 57.65 KB\)](#)

Yes

If no, please explain.

This language appears to be consistent with the relevant recommendation, but it is difficult to assess without seeing the content that will be linked in this section of the AGB (where the draft includes placeholders). The Affirmation 10.1 includes a number of useful references to legal rights that would be helpful to include in the final language of this section of the AGB.

5. Is the proposed Next Round Applicant Guidebook language for Universal Acceptance consistent with the relevant SubPro Final Report recommendations for Topic 11: Universal Acceptance?

[Universal Acceptance \(Topic 11\) \(pdf, 70.21 KB\)](#)

Yes

If no, please explain.

6. Is the proposed Next Round Applicant Guidebook language for Reserved and Blocked Names consistent with the relevant SubPro Final Report recommendations for Topic 21: Reserved Names?

[Reserved and Blocked Names \(Topic 21\) \(pdf, 98.22 KB\)](#)

Yes

If no, please explain.

This language appears to be consistent with the relevant recommendation, but the RySG requests that the IRT make a clarifying edit for the avoidance of doubt. Specifically, above the table in Section 1, “Blocked and Reserved Names,” we suggest that the language reflect that the names are not available to be applied for as gTLD/top-level strings in the next application round or future application procedures, and not gTLDs that are already delegated into the Root Zone.

7. Is the proposed Next Round Applicant Guidebook language for Geographic Names consistent with relevant SubPro Final Report recommendations for Topic 21: Reserved Names and Work Track 5 Final Report to the New gTLD Subsequent Procedures Policy Development Process Working Group?

[Geographic Names \(Work Track 5 Final Report\) \(pdf, 155 KB\)](#)

Yes

If no, please explain.

The RySG notes that it is difficult to fully assess this section of the draft AGB, and whether the proposed language is consistent with the relevant recommendations, given that some portions will be revisited when the IRT deals with subsequent topics (e.g., the language on the Review Procedure for Geographic Names in section 1.4).

Additionally, the rules and procedures outlined in this section necessarily go beyond what is written in the recommendations. On that language, the RySG offers the following comments for the IRT’s consideration:

1. Section 1.3 states that ICANN will comply with a legally binding court order, but does not provide any detail as to what will happen to the gTLD application in such an event. It would be useful to provide more detail around such a scenario, including if and how the applicant would be renumerated.
2. Section 1.4 appears to introduce the concept that ICANN may announce an end to the application round. This would seem to have significant implications to other

sections of the AGB, so we urge the IRT to make the language on this subject in other relevant sections very clear.

Summary of Submission:

The Registries Stakeholder Group (RySG) appreciates the opportunity to comment on these sections of the Draft Applicant Guidebook. The RySG notes that while the sections are consistent with the recommendations, there are areas where more clarity would be beneficial.