

18 OCTOBER 2015 NGPC MEETING

Committee Papers



TABLE OF CONTENTS – COMMITTEE PAPERS

Agenda	p. 2
Conclusion of the Current Round of the New gTLD Program by the end of FY2017.....	p. 3-7
GAC Advice: Buenos Aires Communiqué (June 2015).....	p. 8-11
Draft Resolutions Document	p. 12-18
Notice	p. 19-20

18 October 2015 NGPC Agenda

Consent Agenda

- 1. Approval of Minutes from 28 September NGPC Meeting**

Main Agenda

- 1. Conclusion of the Current Round of the New gTLD Program by the end of FY2017**
- 2. Discussion of GAC Advice including Buenos Aires Communiqué**
- 3. AOB**

ICANN NGPC PAPER NO. 2015.10.18.NG2a

TITLE: **Conclusion of the Current Round of the New gTLD Program by the end of FY2017**

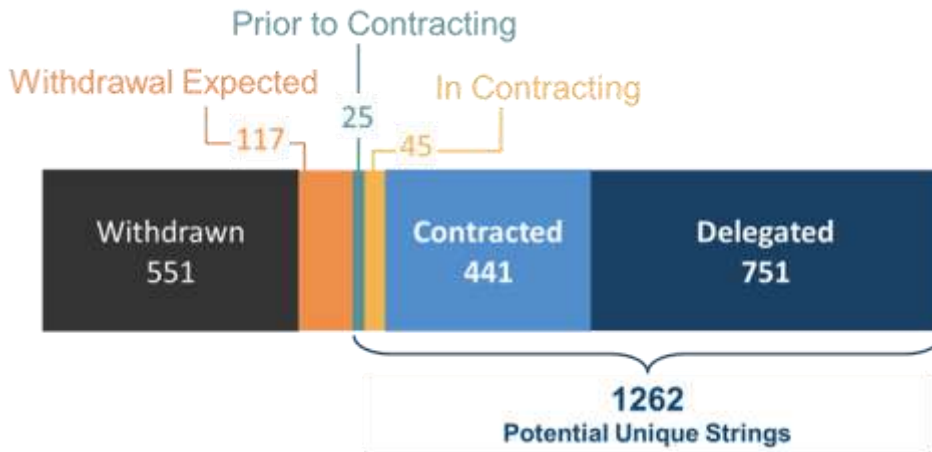
PROPOSED ACTION: **For Resolution**

EXECUTIVE SUMMARY:

The NGPC is being asked to consider directing staff to bring to an efficient resolution the 2012 round of the New gTLD Program (the “New gTLD Program”) consistent with the [Board-approved](#) FY16 Operating Plan and Budget (i.e. by the end of FY17). Although some applications received as part of the New gTLD Program are still undergoing processing, many of the processes described in the Applicant Guidebook are completed or nearing completion, and every Program process has been exercised.

On 11 January 2012, the application period opened. A total of 1,930 applications were submitted. Applications proceeded through the New gTLD Program as defined in the Applicant Guidebook – participating in evaluation, objection and dispute resolution, contention resolution, and contracting processes as applicable. On 23 October 2013, the first new gTLD was delegated. As of 30 September 2015, over 750 new gTLDs have been delegated. Numerous review and community activities are currently underway that will likely inform when the next round will take place and how it will be carried out.

As of 30 September 2013, the application pipeline for the New gTLD Program is as follows:



As illustrated above, staff is at the tail end of implementing the current round of the New gTLD Program. The largest category of applications remaining in the Program pipeline are those applications that staff expects to withdraw (117 applications). These applications fall into the following general categories:

- a. lost an objection but have not withdrawn from the Program;
- b. did not (or will not) prevail in contention resolution (e.g. an auction or Community Priority Evaluation) but have not withdrawn from the Program;
- c. did not meet the deadline to sign the Registry Agreement; or
- d. will not proceed due to the NGPC’s acceptance of GAC advice or other reasons

As provided in the Terms and Conditions to the Applicant Guidebook (Module 6), “ICANN reserves the right to make reasonable updates and changes to this applicant guidebook and to the application process, including the process for withdrawal of applications, at any time by posting notice of such updates and changes to the ICANN website....” Staff anticipates that, in consultation with the community, it will need to refine the process for withdrawal of applications in an effort to continue to move applications to final resolution in the New gTLD Program.

Additionally, other than those applications that are in the contracting process or moving toward delegation, the other applications remaining in the Program pipeline are the approximately 20 applications that are the subject of ICANN accountability mechanisms, including Requests for Reconsideration and the Independent Review Process. The Board or Board Governance Committee (as appropriate) will consider these applications in due course.

At its 25 June 2015 meeting, the ICANN Board approved the [FY16 Operating Plan and Budget](#). The FY16 Operating Plan and Budget anticipates that resources will be allocated to the New gTLD Program through the end of FY17.

STAFF RECOMMENDATION:

Given the current application pipeline for the New gTLD Program, staff recommends that the NGPC direct staff to bring to an efficient resolution the 2012 round of the New gTLD Program consistent with the Board-approved FY16 Budget and Operating Plan.

PROPOSED RESOLUTION:

Resolution Not Considered

PROPOSED RATIONALE:

Rationale Not Considered

Rationale Not Considered

Signature Block:

Submitted by: Jamie Hedlund

Position: Vice President, Strategic Programs, Global Domains Division

Date Noted: 9 October 2015

Email: jamie.hedlund@icann.org

ICANN NGPC PAPER NO. 2015.10.18.2b

TITLE: GAC Advice: Buenos Aires Communiqué (June 2015)

PROPOSED ACTION: For Resolution

EXECUTIVE SUMMARY:

The Governmental Advisory Committee (GAC) delivered additional advice on the New gTLD Program in the [Buenos Aires Communiqué](#) issued 24 June 2015. The advice addresses: (1) safeguards for new gTLDs, (2) Community Priority Evaluation, and (3) protections for IGO names and acronyms at the top and second levels.

The NGPC began its discussions of the Buenos Aires Communiqué at its 21 August 2015 meeting. The NGPC decided to seek clarification from the GAC of certain terminology that appears in the Buenos Aires Communiqué. In a 4 September 2015 [letter](#), the NGPC requested that the GAC provide its view on whether “recommends” (as used in the Communiqué) is equivalent to “advises” and therefore carries with it the ICANN Bylaw obligations concerning GAC advice, or whether instead it conveys more flexibility to the Board in terms of the range of actions it can take without invoking the ICANN Bylaw obligations. The GAC [responded](#) that the relevant paragraphs in question by the NGPC are listed under the heading “VI GAC Advice to the Board”. As a result, the GAC confirmed that “[a]ll information provided under that heading is intended as and should be understood as constituting advice to the ICANN Board.”

Taking into account the clarification from the GAC, the NGPC is being asked to approve another iteration of the Scorecard to address the GAC’s advice in the Buenos Aires Communiqué. The draft Scorecard is attached to this briefing paper.

STAFF RECOMMENDATION:

Staff recommends the NGPC adopt the attached [Scorecard](#) to address the GAC’s advice concerning New gTLDs in the June 2015 Buenos Aires Communiqué.

PROPOSED RESOLUTION:

Whereas, the Governmental Advisory Committee (GAC) met during the ICANN 54 meeting in Buenos Aires and issued a [Communiqué](#) on 24 June 2015 (“Buenos Aires Communiqué”).

Whereas, the NGPC has adopted a series of scorecards to respond to certain items of the GAC’s advice concerning the New gTLD Program. The NGPC has developed another iteration of the scorecard to respond to the advice in the Buenos Aires Communiqué.

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board’s authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2015.10.18.NGxx), the NGPC adopts the scorecard titled “GAC Advice – Buenos Aires Communiqué 24 June 2015: Actions and Updates (xx October 2015)” in response to items of GAC advice in the Buenos Aires Communiqué concerning new gTLDs.

PROPOSED RATIONALE:

[Article XI, Section 2.1](#) of the ICANN Bylaws permit the GAC to “put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.” The GAC issued advice to the Board on the New gTLD Program in its Buenos Aires Communiqué 24 June 2015. The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

The NGPC has previously addressed items of the GAC's advice concerning new gTLDs issued in Communiqués from Beijing (April 2013), Durban (July 2013), Buenos Aires (November 2013), Singapore (March 2014), London (June 2014), Los Angeles (October 2014), and Singapore (February 2015). The NGPC is taking action to address the new advice from the GAC in the Buenos Aires Communiqué as described in scorecard dated xx **[insert date upon adoption]** October 2015.

In adopting its response to the GAC advice in the Buenos Aires Communiqué, the NGPC reviewed various materials, including, but not limited to, the following materials and documents:

- [GAC Beijing Communiqué](#) (April 2013); [GAC Durban Communiqué](#) (July 2013); [GAC Buenos Aires Communiqué](#) (November 2013); [GAC Singapore Communiqué](#) (as amended) (March 2014); [GAC London Communiqué](#) (June 2014); [GAC Los Angeles Communiqué](#) (October 2014); [GAC Singapore Communiqué](#) (February 2015); [GAC Buenos Aires Communiqué](#) (June 2015)
- Applicant responses to GAC advice: <http://newgtlds.icann.org/en/applicants/gac-advice/>
- Applicant Guidebook, Module 3: <http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf>

The NGPC also considered the procedures established in the Applicant Guidebook and the ICANN Bylaws concerning the Board's consideration of advice from the GAC, in addition to the 26 September 2015 [letter](#) from the GAC clarifying certain terminology used in the Buenos Aires Communiqué. The adoption of the GAC advice as provided in the scorecard will have a positive impact on the community because it will assist with resolving the GAC advice concerning the New gTLD Program.

There are no foreseen fiscal impacts associated with the adoption of this resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. This is an Organizational Administrative function that does not require public comment.

Signature Block:

Submitted by: Jamie Hedlund

Position: Vice President, Strategic Programs, Global Domains Division

Date Noted: 9 October 2015

Email: jamie.hedlund@icann.org



Proposed New gTLD Program Committee Resolutions

18 October 2015

Meeting of the New gTLD Program Committee

1. Consent Agenda:	2
a. Approval of Minutes	2
2. Main Agenda:	2
a. Conclusion of the Current Round of the New gTLD Program by the end of FY2017	2
<i>Rationale for Resolution 2015.10.18.NGxx</i>	3
b. GAC Advice: Buenos Aires Communiqué (June 2015)	4
<i>Rationale for Resolution 2015.10.18.NGxx</i>	5
c. AOB	6

1. Consent Agenda:

a. Approval of Minutes

Resolved (2015.10.18.NGxx), the Board New gTLD Program Committee (NGPC) approves the minutes of its 28 September 2015 meeting.

2. Main Agenda:

a. Conclusion of the Current Round of the New gTLD Program by the end of FY2017

Resolution Not Considered

Rationale for Resolution 2015.10.18.NGxx

Rationale Not Considered

Rationale Not Considered

b. GAC Advice: Buenos Aires Communiqué (June 2015)

Whereas, the Governmental Advisory Committee (GAC) met during the ICANN 54 meeting in Buenos Aires and issued a [Communiqué](#) on 24 June 2015 (“Buenos Aires Communiqué”).

Whereas, the NGPC has adopted a series of scorecards to respond to certain items of the GAC’s advice concerning the New gTLD Program.

The NGPC has developed another iteration of the scorecard to respond to the advice in the Buenos Aires Communiqué.

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board's authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2015.10.18.NGxx), the NGPC adopts the scorecard titled "GAC Advice – Buenos Aires Communiqué 24 June 2015: Actions and Updates (xx October 2015)" in response to items of GAC advice in the Buenos Aires Communiqué concerning new gTLDs.

Rationale for Resolution 2015.10.18.NGxx

[Article XI, Section 2.1](#) of the ICANN Bylaws permit the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The GAC issued advice to the Board on the New gTLD Program in its Buenos Aires Communiqué 24 June 2015. The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the polices. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

The NGPC has previously addressed items of the GAC's advice concerning new gTLDs issued in Communiqués from Beijing (April 2013), Durban (July 2013), Buenos Aires (November 2013), Singapore (March 2014), London (June 2014), Los Angeles (October 2014), and Singapore (February 2015). The NGPC is taking action to address the new advice from the GAC in the Buenos Aires Communiqué as described in scorecard dated xx **[insert date and scorecard upon adoption]** October 2015.

In adopting its response to the GAC advice in the Buenos Aires Communiqué, the NGPC reviewed various materials, including, but not limited to, the following materials and documents:

- [GAC Beijing Communiqué](#) (April 2013); [GAC Durban Communiqué](#) (July 2013); [GAC Buenos Aires Communiqué](#) (November 2013); [GAC Singapore Communiqué](#) (as amended) (March 2014); [GAC London Communiqué](#) (June 2014); [GAC Los Angeles Communiqué](#) (October 2014); [GAC Singapore Communiqué](#) (February 2015); [GAC Buenos Aires Communiqué](#) (June 2015)
- Applicant responses to GAC advice:
<http://newgtlds.icann.org/en/applicants/gac-advice/>
- Applicant Guidebook, Module 3:
<http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf>

The NGPC also considered the procedures established in the Applicant Guidebook and the ICANN Bylaws concerning the Board's consideration of advice from the GAC, in addition to the 26 September 2015 letter from the GAC clarifying certain terminology used in the Buenos Aires Communiqué. The adoption of the GAC advice as provided in the scorecard will have a positive impact on the community because it will assist with resolving the GAC advice concerning the New gTLD Program.

There are no foreseen fiscal impacts associated with the adoption of this resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. This is an Organizational Administrative function that does not require public comment.

c. AOB

New gTLD Program Committee Members,

Attached below please find Notice of the following New gTLD Program Committee Meeting:

18 October 2015 – NGPC Meeting at 13:45 UTC (2:45-3:45pm IST in Dublin, Ireland). This Committee meeting is estimated to last 60 minutes.

Note: timing of NGPC Meeting may be subject to change due to possible revisions to the Board's schedule.

<http://www.timeanddate.com/worldclock/fixedtime.html?msg=New+gTLD+Program+Committee+Meeting&iso=20151018T1445&p1=78&ah=1>

Some other helpful time zones:

18 September 2015 – 6:45 a.m. PDT Los Angeles, CA

18 September 2015 – 9:45 a.m. EDT Washington, D.C.

18 September 2015 – 3:45 p.m. CEST Brussels

18 September 2015 – 9:45 p.m. CST Taipei

19 September 2015 – 12:45 a.m. AEDT Sydney

Consent Agenda

- 1. Approval of Minutes from 28 September NGPC Meeting**

Main Agenda

- 1. Conclusion of the Current Round of the New gTLD Program by the end of FY2017**
- 2. Discussion of GAC Advice including Buenos Aires Communiqué**
- 3. AOB**

MATERIALS

If you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.

If call information is required, it will be distributed separately.

If you have any questions, or we can be of assistance to you, please let us know.

John Jeffrey
General Counsel & Secretary, ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536