
Public Comment Summary Report

Proposed Language for Draft Sections of the Next Round Applicant Guidebook

Open for Submissions Date:

Thursday, 01 February 2024

Closed for Submissions Date:

Tuesday, 19 March 2024

Summary Report Due Date:

Tuesday, 02 April 2024

Category: Policy

Requester: ICANN org

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

Outcome:

In total, ten Public Comments were submitted by stakeholders from across the community on the proposed language for draft sections of the Next Round Applicant Guidebook (AGB). Submissions tended to find that the proposed language was consistent with the [Final Report on the new gTLD Subsequent Procedures \(SubPro\) Policy Development Process](#) (Final Report) outputs. There were also suggestions for amendments and/or clarification of the language on certain topics. All the Public Comments received will be carefully considered by ICANN org. Any changes required to the proposed language will be reviewed with the SubPro Implementation Review Team (IRT).

ICANN org ensures that requirements of the Next Round are made clear for applicants by 1) soliciting input from the ICANN community on the proposed language of the AGB; and 2) collaborating with the IRT to make sure it is consistent with SubPro Final Report outputs.

Section 1: What We Received Input On

This Public Comment proceeding was the first in a series of proceedings to seek input from the ICANN community on proposed language for the Applicant Guidebook (AGB) for the New gTLD Program: Next Round. As this was a structured Public Comment proceeding, commenters were asked a “yes or no” question as to whether each proposed AGB section (listed below) was consistent with the SubPro Final Report outputs.

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 sought input from the community on whether the proposed language is consistent with the relevant SubPro Final Report outputs. It should be noted that the proposed language was developed in collaboration with the [SubPro IRT](#).

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
AFNIC	Marianne Georgelin	AFNIC
At-Large Advisory Committee	ICANN ALAC Staff	ALAC
Business Constituency	Imran Hossen, Ching Chiao	BC
Intellectual Property Constituency	IPC Leadership	IPC
Registries Stakeholder Group	RySG	RySG

Individuals:

Name	Affiliation (if provided)	Initials
Diep Kong	APRALO	DK
Dirk Krischenowski	dotBERLIN GmbH & Co. KG	DKr
Jean Guillon	n/a	JG
Katrin Ohlmer	Dotzon GmbH	KO
Timileyin Adisa	n/a	TA

Section 3: Summary of Submissions

In general, submissions tended to find that the proposed sections were indeed consistent with the SubPro Final Report outputs. For example:

- I believe the proposed language reflects the wording and intent of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP) Final Report recommendations. (JG)
- I agree on general *[sic]* point of this guide book. (DK)

- The RySG notes that while the sections are consistent with the recommendations, there are areas where more clarity would be beneficial. (RySG)
- The BC believes that the draft documents accurately reflect the relevant Subsequent Procedures (SubPro) Final Report outputs. (BC)

In some cases, submissions found the proposed language to be consistent with the SubPro Final Reports but called out areas for potential improvement or clarification. In other cases, submitters found that the proposed language was **not** consistent with the outputs. These responses and any additional comments are summarized in the table below.

Topic	Overview of Responses <i>("Is the proposed language consistent with the relevant SubPro Final Report recommendations?")</i>	Summary of Additional Comments
Predictability Framework (Topic 2)	<ul style="list-style-type: none"> ● Yes: 9 ● No: 1 	<p>Some submissions noted that clarifications are needed regarding: policy and non-policy changes; the roles of the SPIRT and of ICANN org; definition of a "material change; and conflicts of interest among GNSO Councillors. Additionally, one submission noted a need for clarification of information within the flow chart (e.g., defining an asterisk).</p> <p>One submission noted that the language should be amended to make it clear that the role of the SPIRT is not to define a solution, but instead should help determine where an issue needs to be resolved.</p>
Code of Conduct and Conflict of Interest Guidelines (Topic 8)	<ul style="list-style-type: none"> ● Yes: 7 ● No: 2 ● No response: 1 	<p>One submission suggested transparency reporting requirements for secondary evaluators as well as clarification regarding whether the guidelines apply to applicants and registry service providers.</p> <p>Other submissions noted that the proposed language should be amended to solicit feedback, stating that "this can be done by vendors encouraging customers to provide feedback on their experiences with services" and to require vendors to "agree to comply with the Guidelines."</p>

Topic	Overview of Responses <i>("Is the proposed language consistent with the relevant SubPro Final Report recommendations?")</i>	Summary of Additional Comments
Conflicts of Interest Process for Vendors and Subcontractors (Topic 8)	<ul style="list-style-type: none"> ● Yes: 8 ● No: 0 ● No response: 2 	<i>There were no additional comments made regarding this topic.</i>
Applicant Freedom of Expression (Topic 10)	<ul style="list-style-type: none"> ● Yes: 7 ● No: 2 ● No response: 1 	<p>One submission noted that it is crucial that [ICANN] ensures that its policies and practices respect the freedom of expression rights of applicants [and that] this includes allowing individuals and organizations to apply for domain names without unjustified censorship or restrictions that unduly limit their ability to express themselves online.</p> <p>Other submissions noted it is difficult to assess the section without further context within the wider AGB and suggested including additional legal rights information from the SubPro Final Report outputs. Another noted that the language should be amended to include other "prohibitions", such as ones specified in the AGB, as another element of an "unsuccessful string application."</p>
Universal Acceptance (Topic 11)	<ul style="list-style-type: none"> ● Yes: 9 ● No: 0 ● No response: 1 	<i>There were no additional comments made regarding this topic.</i>
Reserved and Blocked Names (Topic 21)	<ul style="list-style-type: none"> ● Yes: 9 ● No: 0 ● No response: 1 	One submission suggested a clarification to specify that the reserved and blocked names referred to in the text are not able to be applied for in the next and future rounds, but that this does not apply to names already delegated into the root zone.
Geographic Names (Work Track 5 of the SubPro PDP Working Group)	<ul style="list-style-type: none"> ● Yes: 8 ● No: 2 	Some submissions noted that it is difficult to assess whether the proposed text for Geographic Names is consistent with the SubPro Final Report outputs due to a need for more clarity regarding panel and review procedures.

Topic	Overview of Responses <i>("Is the proposed language consistent with the relevant SubPro Final Report recommendations?")</i>	Summary of Additional Comments
		<p>Additionally, one submission suggested that more information be provided regarding situations wherein ICANN is required to follow a "legally binding court order" and what happens to an application in such a scenario. Further, the submission suggested that language regarding an end to an application round be clarified in the wider context of the AGB.</p> <p>Other submissions suggested several amendments to the language to ensure consistency and accuracy of the provided information as well as to clarify how multiple applicants for the same geographic name can resolve contention.</p>

Section 4: Analysis of Submissions

In analyzing the submissions, ICANN org will take into account the items below and discuss any changes to the proposed AGB sections with the IRT:

- Clarifying roles and responsibilities of the various parties within the relevant topics (e.g., vendors, applicants, the SPIRT, ICANN org, etc.).
- Ensuring the language is clear in the wider context of the AGB.
- Ensuring the information provided, especially external links, is up-to-date and accurate.
- Ensuring consistency in use of terms (e.g., "government and/or public authority")

Section 5: Next Steps

All Public Comments received will be reviewed and considered by ICANN org. Any modifications required to the proposed AGB sections to reflect community input will be reviewed with the IRT.

As described in the [New gTLD Program: Next Round Implementation Plan](#), a final draft of the AGB is expected to be completed by May 2025, which would leave enough time for a final Public Comment period, as well as consideration by the ICANN Board. All proposed language for the AGB, including the sections out for Public Comment in this proceeding, will go through a final Public Comment proceeding prior to the launch of the next round. As recommended in the SubPro Final Report, ICANN org will publish the final version of the AGB at least four (4) months before the opening of the application submission period for the New gTLD Program: Next Round.

More Public Comment proceedings on the language of the remaining sections of the AGB for the next round will be held in the coming months as language is developed in collaboration with the IRT.