Subsequent Application Rounds

Subsequent Application Rounds

ICANN works towards future rounds of new gTLDs taking place at regular and predictable intervals without indeterminable periods of review and, absent extraordinary circumstances, application procedures will take place without pause. A new round may be initiated even if steps related to application processing and delegation from previous application rounds have not been fully completed.

The ICANN Board will determine the timing of the initiation of a subsequent application round of the New gTLD Program as soon as feasible, but preferably not later than the second Board meeting after all the following conditions have been met:

1. The list of applied-for strings for the ongoing round has been confirmed and the window for string change requests has closed. This will provide applicants in a subsequent round with an understanding of which strings can be applied for.
2. ICANN org has not encountered significant barriers to its ability to receive and process a new batch of applications.

Absent extraordinary circumstances, future reviews and/or policy development processes, including the next Competition, Consumer Choice & Consumer Trust (CCT) Review, should take place independent of subsequent application rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds.

If the outputs of any reviews and/or policy development processes has, or could reasonably have, a material impact on the manner in which application procedures are conducted, such changes will apply to the opening of the application round subsequent to the adoption of the relevant recommendations by the ICANN Board. Once adopted by the Board, the implementation of that policy or review recommendation(s) will then become a dependency for the timing of that subsequent round of applications.

Annex - Relevant Outputs

Affirmation with Modification 3.1: The Working Group affirms Recommendation 13 from the 2007 policy, which states: "Applications must initially be assessed in rounds until the scale of demand is clear." However, the Working Group believes that the recommendation should be revised to simply read, "Applications must be assessed in rounds."

Recommendation 3.2: Upon the commencement of the next application submission period, there must be clarity around the timing and/or criteria for initiating subsequent procedures from that point forth. More specifically, prior to the commencement of the next application submission period, ICANN must publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round.

> Implementation Guidance 3.3: A new round may initiate even if steps related to application processing and delegation from previous application rounds have not been fully completed.

> Implementation Guidance 3.4: Where a TLD has already been delegated, no application for that string will be allowed for a string in a subsequent round.

> It should in general not be possible to apply for a string that is still being processed from a previous application round, i.e.

> - If there is an application that has a status of "Active", "Applicant Support", "In Contracting", "On-hold", or "In PDT", a new application for that string will not be allowed in a subsequent round.

> However,

> - If all applications for a particular string have been Withdrawn in a given round, meaning that no registry operator has signed (or will be eligible to sign) a Registry Agreement for the string in that round, new applications for the string will be allowed in a subsequent round.
> - If all applications for a given string have a status of "Will Not Proceed", an application for the TLD will only be allowed if:
>   - All appeals and/or accountability mechanisms have proceeded through final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or
>   - All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability mechanism with respect to the string.
> - If all applications for a given string have a status of "Not Approved", an application for the TLD string will only be allowed if:

- All appeals and/or accountability mechanisms have proceeded through final disposition and no applications for the string have succeeded in such appeals and/or accountability mechanisms; or
- All applicable time limitations (statute of limitations) have expired such that all applicants for a particular string would not be in a position to file an appeal or accountability mechanism with respect to the string; and
- The ICANN Board has not approved new policies or procedures that would allow one or more of the applicants from the prior round to cure the reasons for which it was placed in the "Not Approved" category, but has approved new policies or procedures that would allow an applicant to apply for the string in any subsequent round. In the event that there are new policies or procedures put into place which would allow applications for strings which were "Not Approved" in a prior round, the ICANN Board must make a determination as to whether the applicants in the prior round have any preferential rights for those strings if such prior applicants commit to adopt such new policies or procedures at the time such policies or procedures are put into place.
- Once a string has been delegated, ICANN should be able to force other applications for the string to withdraw/close out, unless an applicant provides ICANN good reason to keep the application in "Active" status. Such reason could include the fact that there are ongoing accountability mechanisms and/or litigation with respect to the given string.

In addition,

- If a registry operator has terminated its Registry Agreement and (i) the TLD has not been reassigned to a different registry operator, and (ii) in the case of a Specification 13 Brand TLD, it is more than 2 years following the Expiration Date (See RA Section 4.5(a)), then applications will be allowed to be submitted during a subsequent round.

Recommendation 3.5: Absent extraordinary circumstances application procedures must take place at predictable, regularly occurring intervals without indeterminable periods of review unless the GNSO Council recommends pausing the program and such recommendation is approved by the Board. Such extraordinary circumstances must be subject to the Predictability Framework under Topic 2 of this Report. Unless and until other procedures are recommended by the GNSO Council and approved by the ICANN Board, ICANN must only use "rounds" to administer the New gTLD Program.

Recommendation 3.6: Absent extraordinary circumstances, future reviews and/or policy development processes, including the next Competition, Consumer Choice & Consumer Trust (CCT) Review, should take place concurrently with subsequent application rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds.

Recommendation 3.7: If the outputs of any reviews and/or policy development processes has, or could reasonably have, a material impact on the manner in which application procedures are conducted, such changes must only apply to the opening of the application procedure subsequent to the adoption of the relevant recommendations by the ICANN Board.