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ICANN Gears Up for Second Round of gTLD Applications Even as First Round Still Underway

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The most significant development in the Internet space in recent years is the ongoing generic top-level domain (gTLD) expansion. (As a reminder, a TLD is what appears to the right of the “dot” in a domain name (i.e., .COM, .ORG, .GOV).) The Internet Corporation for Assigned Names and Numbers (ICANN) embarked on an aggressive plan to expand the Internet from just 23 gTLDs to more than a thousand gTLDs, culminating in an application process in 2012 that allowed any organization with an interest in running a registry to apply for a new gTLD, provided it could meet the designated technical, operational and financial criteria. After this lengthy application and vetting process, ICANN now has delegated more than 400 new gTLDs, with additional gTLDs launching each week. Throughout the next couple of years ICANN expects to delegate nearly 1,400 new gTLDs from this first round of applications including .CLOTHING, .COMPANY, .EDUCATION, .GURU, .HOSPITAL, .INC, .INVESTMENTS, .LAND, .MENU, .MOVIE, .NEWS, .PHOTOS, .SCIENCE, .SPORTS and .WEBSITE.

Despite this already exponential expansion of the Internet domain name space, ICANN is gearing up already for a second round of new gTLD applications. The first step in that process is a series of reviews ICANN and the community will undertake throughout the next two years or so to study the new gTLD program as implemented so far. In conjunction with other efforts within ICANN to review this ongoing round of new gTLD delegation, the ICANN Board of Directors (Board) recently passed a resolution involving planning for future new gTLD application rounds. Our new gTLD team has examined closely this resolution and other related developments, which are relevant to registry operators, brand owners and potential future new gTLD applicants alike.

Resolution Background

On November 17, 2014, the Board passed a resolution directing ICANN staff to continue working with the ICANN community to refine the work plan for executing all “required reviews” of the new gTLD program, and to provide regular updates on the status and timeframes of those review activities.

The Board also acknowledged ongoing work within the Generic Names Supporting Organization (GNSO) to identify areas where policy advice could be clarified or where new policy advice could be provided that would apply to future new gTLD application rounds. Currently, this work is taking place within the GNSO Discussion Group on New gTLD Subsequent Procedures, which already has identified numerous areas of possible policy clarification or new policy.

If you would like to discuss any of these topics and their possible impact on your organization, or would like assistance in monitoring developments and/or engaging in advocacy within ICANN, please contact Brian J. Winterfeldt.
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In addition, the Board New gTLD Program Committee (NGPC) has provided a set of topics for further consideration by the GNSO. Such insight into NGPC deliberations is rather rare, and likely will play a highly important role in planning for subsequent new gTLD rounds.

Suggested Policy Topics for Consideration

Nearly all of the topics identified by the NGPC coincide with or build upon topics identified by the GNSO Discussion Group as areas of possible policy clarification or new policy. These topics are outlined below.

- Community applications, including definition and scope of the term “community,” as well as application and evaluation processes, such as
 - priority evaluation
 - objection mechanisms
 - contention resolution
 - enforcement of community-specific registry policies
- Different “tracks” and considerations for different types of
 - applications (e.g. closed, open, community-restricted, brand, single registrant/registry)
 - strings (e.g. regulated markets, otherwise sensitive strings)
 - registration models (e.g. closed generic)
- Rights protection mechanisms, including
 - the effectiveness of the Trademark Clearinghouse and Uniform Rapid Suspension (URS) system
 - block list models (e.g. Domains Protected Marks List)
- Abusive registry practices, including
 - allocation of names prior to sunrise
 - excessive pricing targeting famous trademarks during sunrise
 - extortionate pricing targeting famous trademarks in premium names programs
 - reservation of coined and arbitrary trademarks during sunrise
 - bulk premium name allocation to registry-affiliated monetization platforms
- String similarity and contention set resolution, including
 - singular/plural strings
 - direct versus indirect contention
 - auction procedures
 - resolution other than by auction
- Registry Agreement terms, including
 - contracting in multiple languages
 - clarifications related to Specification 13
 - premium names and premium pricing rules
 - use of special characters, two-character strings, single letter strings, and geographic names
- Public interest issues, including
 - further definition of the term “public interest”
 - further development of Public Interest Commitments (PICs)
 - GAC safeguards advice
 - fee structure for public interest objections

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- Applicant support programs for applicants from developing economies
 - Name collision mitigation measures
 - Protections at the top and second level for international governmental organizations and international nongovernmental organizations

Analysis

Many of these topics correspond to areas of continuing advocacy, and both Board resolutions and GNSO Discussion Group topics corresponding to these areas of concern are a positive sign of room for significant progress looking ahead to the next round of new gTLDs. Collectively, the ongoing GNSO Discussion Group, which now has the official recognition and support of the ICANN Board, and the upcoming various reviews of the new gTLD program and other aspects of the Domain Name System will all provide very useful additional forums for advocacy activities.

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