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New gTLD Program Overview

Since its inception in 1998, ICANN has been charged with introducing and promoting competition in the registration of domain names, while ensuring the security and stability of the DNS.

Informed by two trial rounds, in 2005 the Generic Names Supporting Organization (GNSO) undertook a two-year policy development process to consider the introduction of new generic top-level domains, or gTLDs.

This process included detailed and lengthy consultations with the many constituencies of ICANN's global Internet community, including governments, civil society, business and intellectual property stakeholders, and technologists.

In 2008, the ICANN Board adopted 19 specific GNSO recommendations that ICANN should implement new gTLDs, in accordance with certain allocation criteria and contractual conditions.

ICANN's policy makers seek to enhance competition and consumer choice and to realize the benefits of innovation via the introduction of new gTLDs, including both new ASCII and internationalized domain name (IDN) top-level domains.

At community request, several economic studies were undertaken by ICANN to affirm the policy conclusions of the GNSO.

Those studies indicated that real benefits (e.g., innovative services, expanded consumer choice) will be derived from the program, and also advised that potential costs should be mitigated through implementation of rights protection mechanisms and protections against potential malicious conduct.

The ICANN Consultation Process

Since the Board approved the policy, ICANN has undertaken an open, inclusive and transparent implementation process to address stakeholder concerns, including the protection of intellectual property and community interests, consumer protection, and DNS stability.

When the community raised a set of new gTLD "over-arching issues," ICANN in each case convened teams of experts in the relevant fields to develop sets of solutions. In a manner unique to the ICANN model, solutions were recommended, discussed by the broader Internet community, and approved by the Board for additional review as part of the draft Applicant Guidebook.

Teams of recognized experts were convened in the areas of intellectual property,

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consumer protection, DNS market economics, registry operations, linguistics and internationalized domain names, and root server stability. This multi-year public participation process included consultations with governments, businesses, NGOs, law enforcement, and the at-large Internet community.

For one, the Board formed the Implementation Recommendation Team (IRT) comprised of 18 intellectual property experts to develop specific rights protection mechanisms for new gTLDs. The IRT final recommendations were reviewed by a cross-constituency based (Special Trademark Issues or STI) team to provide a multi-stakeholder consensus view. These combined efforts produced an enhanced set of trademark protections for new gTLDs that have been further improved through the participation of many in the broader Internet community, including a number of national governments via participation in ICANN's Governmental Advisory Committee.

Consultations with Governments

ICANN's Governmental Advisory Committee (GAC) provides public policy advice directly to the Board of Directors, providing an effective role for governments in ICANN's governance model.

GAC representatives from Africa, the Americas, Asia Pacific, and Europe met with the Board in extended face to face discussions to identify specific differences between GAC advice and the existing version of the Applicant Guidebook. The purposes of the sessions were to promote joint understanding of the issues and arrive at an agreed-upon resolution of those differences wherever possible.

Trademark issues, root zone scaling, and the handling of potentially objectionable TLD applications, among other issues, were discussed in depth. The Board and GAC made significant progress towards reaching agreement on the outstanding issues. After the discussions, ICANN's Board responded to the GAC's "Indicative Scorecard" on these issues, describing many areas of accommodation and agreement and also indicating those areas where the Board did not fully adopt GAC advice.

The approved Applicant Guidebook reflects a number of revisions resulting from the intensive collaboration between the GAC and the Board, including the strengthening of many trademark protections.

gTLD Applicant Guidebook

The Applicant Guidebook is a comprehensive guide for applicants on the program's requirements and the evaluation process. The Guidebook has gone through several iterations in draft form and has been developed and improved based on extensive public review and input.

Some key features of the Guidebook include: (1) a robust evaluation process; (2) significant new rights protection mechanisms, and (3) new malicious conduct mitigation measures.

Evaluation Process

New gTLD applicants must complete and submit an application responding to a set of 50 questions covering the applying entity, its background, the mission and purpose of the proposed new gTLD, its proposed technical and operational setup, and its financial capabilities. A successful application will need to meet published technical and operational criteria.

New gTLDs must be added in a way that maintains DNS stability and security. ICANN asks several questions so that the applicant can demonstrate an understanding of the technical requirements for operating a registry. ICANN will ask the applicant to demonstrate actual operational technical compliance prior to delegation of a new gTLD.

The technical and financial questions are intended to inform and guide the applicant in aspects of registry startup and operation. The established registry operator should find the questions straightforward, while inexperienced applicants should find them a natural part of planning.

Globally diverse evaluation panelists will staff evaluation panels. The diversity of evaluators and access to experts in all regions of the world will ensure application evaluations take into account cultural, technical, and business norms in the regions from which applications originate.

Rights Protection Mechanisms

The implementation model introduces significant new rights protection mechanisms that are not available in the current space. These include:

> **1. Trademark Clearinghouse**
> A single database of authenticated registered trademarks will provide data to support trademark claims and sunrise services. The Clearinghouse will be operated by a third party under license or agreement with ICANN and replaces the need for trademark holders to register in many databases as new gTLDs are launched. ICANN will require that every new gTLD operator utilize the Clearinghouse and conduct both a Trademark Claims and a Sunrise Process.

> **2. Uniform Rapid Suspension System (URS)**
> The URS will provide rapid relief to trademark holders for the most clear-cut cases of infringement and offer cheaper, faster responses than the existing Uniform Domain Name Dispute Resolution Policy, or UDRP. The URS filing fee, expected to be in the range of USD 300-500, would be set by the URS provider, and a successful URS complaint would result in suspension rather than transfer of the name.

3. Post-Delegation Dispute Resolution Procedure (PDDRP)
This process addresses a registry operator's bad faith intent to profit from systemic registration of infringing domain names. A claim of rights infringement against a registry would be filed with a dispute resolution provider under an independent dispute resolution process. Remedies will vary and might result in termination in the most egregious cases.

Malicious Conduct Mitigation

Through the consultation process, the community developed nine specific mechanisms to reduce the potential for malicious conduct in the new space.

Examples of the enhancements contained in the Guidebook include:

- All prospective registry operators will be appropriately reviewed for past criminal history, according to established criteria.

- Each new gTLD will come with a plan to implement domain name system security extensions (DNSSEC), thereby reducing the risk of spoofed DNS records.

- Enhanced Whois records (called "Thick Whois") at the registry level means more robust access to more registration details to facilitate rapid resolution of malicious conduct issues.

- A centralized zone file access system allows for more efficient access to registry data across all gTLDs, driving down the time and cost required to monitor and investigate malicious conduct activity.

- All new gTLD operators are required to establish a single point of contact responsible for the handling of abuse complaints. This requirement is a fundamental step in successfully combating malicious conduct within the new gTLDs.

The latest Guidebook can always be found on the ICANN website. Supporting documentation is available through the "New TLDs" button at www.icann.org.

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