

Date: 17 December 2021

Internet Corporation for Assigned Names and Numbers
ATTN: Board of Directors
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USA

Getting to the Next Round: ICANN Operational Design Phase

Dear ICANN Directors,

Following the ICANN72 meeting and a recent [blog post issued by Karen Lentz](#) on 1 December titled "Update: Answers to Questions Related to ICANN's Upcoming Subsequent Procedures ODP", the BRG wishes to share its concerns regarding the proposed timings and processes adopted by the Board and ICANN Org with regards to the review and implementation of the outputs from the Subsequent Procedures PDP Working Group (Sub Pro WG).

After five years of deliberations, closely monitored by and with participation from the ICANN Board and Staff, the Sub Pro WG presented their Final Report to the GNSO Council, which was subsequently and unanimously approved and sent to the ICANN Board in February 2021.

Before going further, we are cognisant of the fact that the Final Report was largely reflective of the Draft Final Report issued for comment in August 2020. Board members and ICANN Staff actively engaged with the Sub Pro WG throughout their multiyear deliberations, including participating in numerous public comment processes, and submitted comments for the Draft Final Report. The Staff Report that followed summarized the community inputs as "Staff notes that for a number of topics included within the draft Final Report, a significant set of groups and individuals expressed support for, acceptance of, or no opinion on the draft outputs and only a limited set of new ideas and concerns was raised." This was reassuring to the Sub Pro WG and helped pave the way for the Final Report to be published at the start of the year based, in large part, on the Draft Final Report. In short, the substantive content and overall direction of the outputs has been known for a considerable period of time. In fact, ICANN Staff began [preliminary planning](#) in 2019, drawing from much of the work covered by the Sub Pro WG at that time, with later updates made as the work progressed.

The new Operational Design Phase process was introduced by ICANN Org in late-2020, before the ICANN Board received the Sub Pro Final Report, and we have been repeatedly told that this will provide efficiencies to the process (as Karen Lentz reiterated in her blog post), particularly with the implementation of the recommendations and overall project. This is difficult to assess until we reach the implementation phase, something which the Board and ICANN Org seem intent on 'kicking down the road' and avoiding any real commitment to commencing the next round or any timeframes related to such. This lack of commitment and accountability is also reflected in a series of broken or extended timelines experienced since the Final Report was delivered to the Board:

- ICANN's CEO originally stated at ICANN71 that the Sub Pro ODP would 'commence shortly' when challenged about the lack of progress and visibility - it took a further three months to table at the ICANN Board meeting in September, and the ODP is yet to start at the time of submitting this letter (December 2021).

- At ICANN71 ICANN's CEO also stated it would take approximately six months to complete the ODP. This has been arbitrarily extended to ten months, and coupled with a significant budget of \$9,000,000 for what is essentially a planning process.
- When the Board approved initiating the ten-month ODP in September, an additional three month 'ramp-up period' was bolted-on, effectively expanding the overall time on this to well over a year. This was an unwelcome surprise, given the many months already passed with ICANN Staff completing scoping work for the ODP (or more simply, planning how to do the planning work) - a lengthy process that lacked any transparency.

Based on the update from Karen Lentz in her blog, we are concerned that the 'ramp-up period' is already expanding into four months before the Board is likely to acknowledge the start of the ODP core work and the commencement of the ten-month clock.

Assuming the ODP starts in January 2022 and is completed by November 2022, the Board could then take another three months to make a decision. This would add up to having spent two years and potentially \$9,000,000 in consideration for delivering an application process that, assuming the Sub Pro recommendations are followed, will be largely similar to the last round.

The constant delay and lack of commitment to commencing the next round of new gTLDs is unreasonable and disrespectful to the community that has worked diligently to prepare a comprehensive set of outputs, including extensive implementation guidance, for the Board and ICANN Staff to consider and deliver (indeed, many of the issues identified for consideration during the ODP were considered and answered by the Sub Pro WG). This became noticeably obvious to the community when we heard a departing GNSO Council leader speak to the Board and reflect on her last four years as a time when a lot of work was done but nothing completed. Regrettably, these delays and lack of commitments to deliver the community's work is an increasing pattern which risks disincentivizing the volunteer community and threatens the multi-stakeholder model that has been long-supported and advocated for.

To be clear, the BRG remains an advocate of the multi-stakeholder model, with our members committing hundreds of volunteer hours each year to participate and make this an effective and open process. Ultimately, it is our belief that many of the challenges currently being faced could have been avoided. Furthermore, the more time that passes between developing policy recommendations and implementation, the higher the risk ICANN faces of losing institutional knowledge through turnover of policy staff and discouraged community volunteers.

The BRG acknowledges the volume of work resting with the Board and ICANN Org is significant but are acutely aware that this pipeline of activity has been known and anticipated long before now, providing ample opportunities to resource and manage the expected implementation efforts. Upon reviewing the proposed Planning and Prioritization Framework, it is evident that the focus is on the outstanding recommendations from various reviews, which we appreciate are important. However, we also believe that the policy outputs from our community deserve the same level of prioritization, including the Final Report of the Sub Pro WG.

The BRG has previously corresponded with the Board on the topic of the next round and offered suggestions on how the Board and ICANN org could better prepare the path ahead for new applicants, especially those that are not engaged with or aware of ICANN. More recently, the BRG hosted a panel session during ICANN72 focused on "Getting to the Next Round" (please click here to view the [recording](#)), with participation from an ex-Board member involved in the last round, the UK GAC representative (and former ICANN staffer), a Fortune 500 current dotBrand operator (who publicly expressed their desire to apply in the next round) and an industry veteran supporting numerous next round applicants, where we carefully explored what was needed to be done to get to the next round.

With the slow pace experienced so far, together with the uncertainty of ICANN committing to and delivering the next round, our panel highlighted the need for greater expediency to com-

plete the ODP and for the Board to hold ICANN Org more accountable for not meeting timelines and milestones.

The BRG therefore requests that the Board:

- Provide more transparency to the ODP process.
- Provide a breakdown of targets and milestones for ODP to illustrate an efficient path to completion and to track.
- Provide the rationale for the \$9,000,000 budget - what is this for and for what duration (e.g. is this just the 10 months from the start of the ODP) and how this will be accounted for if the Board does not approve the Sub Pro WG outputs.
- Confirm how the Board will actively ensure the ODP is completed **within** 10 months (e.g. will additional resources/funding be available if the deadline is at risk and/or what contingency is built into the timeline, will performance bonuses be aligned to delivery within timeline, etc.).
- Provide regular reports on progress against targets for the ODP work, including budgeted costs.
- Explain what it considers to be "complex issues" that need to be addressed before making its decision on the Final Report.
- Identify opportunities for work that can be undertaken by the community in parallel to the ODP, as this should help avoid further unnecessary delays after the Operational Design Assessment is presented to the Board.

In our previous correspondence, the BRG has suggested how the Board and ICANN org could better prepare new applicants for the next round. These included:

- Instruct ICANN Org to issue a Preliminary Applicant Guidebook – potential applicants are not seeking a perfect version, they seek directional guidance to begin the internal conversations that prepare them for an application for a new gTLD in the near future.
- Commit to holding a new round of gTLD applications – begin now to raise awareness and reach out to organisations and underserved regions. This will maximise the time to communicate globally and support the goals of bringing the next billion users to the Internet and increasing the use of local languages and scripts.
- Provide a sensible timeline for the next application window – this enables potential applicants to assess, plan and be ready to execute an application.

In view of the issues described in this letter we urge the Board to reconsider these recommended actions to increase certainty and maximise the time and resources of potential applicants that would like the opportunity to compete and participate in the growth of the domain name space. A crucial part of generating demand – especially in under-served regions – is raising awareness early enough that potential applicants have time to generate ideas and plans. The BRG raises these issues with the Board to demonstrate the importance of delivering the community's extensive work relating to the Sub Pro WG in an efficient and timely manner, to maintain the credibility of ICANN and the multi-stakeholder model that we support. We hope that the Board will steer this important work forward with much more vigour, focus and certainty. We also hope you will take on board our recommended actions and look forward to seeing significant and positive progress before ICANN73 and we are here to assist in any way possible.

Yours faithfully,



Karen L. Day
President
Brand Registry Group

About the Brand Registry Group (BRG)

The (BRG) is a trade association for organisations operating a dotBrand registry and organizations intending to apply for a dotBrand in the future. The BRG and its members have been actively engaged within the ICANN community since its formation in 2013 and is an Association Member of the Registry Stakeholder Group.