

09 December 2021

Re: New gTLD Subsequent Procedures Policy Development Process and Registry Voluntary Commitments

Ms. Kathy Kleiman

Dear Kathy,

Thank you for your email dated 29 August 2021, which has been [published](#) on ICANN's Correspondence page for transparency. The Board acknowledges your attachment of one of the fourteen Public Comments that were submitted during the [Public Comment proceeding](#) on the final outputs from the Generic Names Supporting Organization (GNSO) New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group (conducted from 22 April 2021 to 1 June 2021). As required by the ICANN Bylaws for all proposed policies that substantially affect the operation of the Internet or third parties if adopted by the Board, the Public Comment proceeding offered an opportunity for the public to provide its feedback prior to Board action.

On 14 September 2021, the Board [directed](#) the ICANN Organization (Org) to conduct an Operational Design Phase (ODP) for the PDP recommendations, by addressing all the questions outlined in the [ODP Scoping Document](#). The Board believes that an ODP is necessary due to the volume and complexity of the PDP outcomes, which will require a significant resource investment to implement. The Board will consider the ODP assessment as well as the Public Comments submitted as part of its Bylaws-mandated obligation to act on the GNSO's policy recommendations, including whether it believes the recommendations are in the best interests of the ICANN Community and ICANN.

The ODP Scoping Document lays out twelve work areas, which are mapped to each of the topics and recommendations from the PDP Final Report. These twelve areas cover several overarching and foundational issues, as well as specific questions spanning pre-launch activities, application processing and evaluation, string contention and contracting through to pre-delegation testing and post-delegation rollout, among other topics. In relation to Registry Voluntary Commitments, which is the subject of your email to us, the ODP Scoping Document anticipates two relevant work areas: the criteria and processes for ICANN Contractual Compliance to handle complaints generated from new gTLDs delegated following implementation of the final outputs, and prerequisites and dependencies for the next gTLD expansion.

On 28 September 2021, ICANN Org held a public webinar that explained the various work areas and highlighted the ways in which it will continue to engage with the community throughout the ODP. This will include periodic webinars to solicit Community feedback, meetings with ICANN's Supporting Organizations and Advisory Committees as needed, and engagement with the GNSO's appointed liaison to the ODP. The webinar materials as well

as all updates concerning the ODP are posted on a publicly accessible [webpage](#) on the ICANN website. We hope that these updates will allow you and the Community to remain informed about the progress of the ODP and serve as opportunities for further feedback. The Community may also wish to continue to engage with the GNSO Council, to clarify any questions as to the scope and meaning of the PDP outputs.

The Board understands that you were a signatory to one of the Minority Statements that was filed on the PDP [Final Report](#) regarding Registry Voluntary Commitments. We thank you for your participation in what we know was an extensive Community effort that resulted in a detailed Final Report representing over five years of hard work.

The Final Report describes the Working Group's deliberations (including its consideration of differing views) and rationale for all the final PDP outputs, including the fifteen recommendations and implementation guidance relating to Registry Voluntary Commitments. The Board appreciates the Working Group's documented consideration of the Board's questions about Registry Voluntary Commitments and notes that the Working Group decided not to change its initial recommendations on this topic, which was designated as having attained Consensus. We understand that the GNSO Council took several opportunities to review and discuss the final outputs, including via an initial briefing on 20 January 2021, on a dedicated webinar on 28 January 2021, and at its meeting on 18 February 2021 where it [voted unanimously](#) to approve all the final PDP outputs that attained either a Full Consensus or Consensus designation from the Working Group.

The Board has requested that, barring any unforeseen matters that could affect the timeline, the ODP be completed within ten months of its initiation by the Org. We wish to emphasize that the ODP is not a mechanism to reopen or revisit policy discussions or to question or amend the text or intention of the policy recommendations, but that it is an operational assessment of the GNSO Council policy recommendations, and at this phase we will consider your input from that perspective, only (as noted in my blog post on the ODP [here](#).)

We look forward to hearing from the Org and Community following the ODP launch, and to receiving a final Operational Design Assessment that we believe will greatly assist with the Board's consideration of the PDP recommendations and implementation guidance.

Best regards,



Maarten Botterman
Chair, ICANN Board of Directors