



New TLD Questions

7 June 2005

In September 2004 ICANN published a strategy for the implementation of new top-level domains (TLDs). The strategy called for the implementation of a strategy that would appropriately take into account many relevant technical, economic, socio-political and cultural issues. The implementation requires study of important issues regarding the implementation of new TLDs that have been discussed among the Internet community throughout its development, and, in particular, have become apparent to ICANN through its role in providing technical coordination of the DNS. The process must also accommodate consideration of new issues as they continue to evolve into positions of prominence.

In light of several new developments regarding DNS operations and structure, ICANN has developed a plan to insure fully informed and smooth implementation of the strategy for the designation of new TLDs originally described in the posting of [30 September 2004](#). According to the strategy, the remaining implementation steps are:

- Determining the issues that will affect and inform the design of the process by which new TLDs, if any, are designated. As indicated in the original paper, these issues include a broad spectrum of technical, economic, political and cultural issues. ICANN staff, as described below, has built a proposed list of questions that, when answered, are intended provide guidance on the complete set of issues. That list will be forwarded to interested community members (ICANN Board, Supporting Organization and Advisory Committee members) to solicit review and proposed additions in order to ensure the issues “cover the field.”
- Soliciting and receiving writings from competent commentators that address each of the issues above. These issues will be submitted to organizations appropriate to the discussion at hand so that the process, when developed, competently addresses all the issues posed. Policy-related issues will be forwarded to Supporting Organizations for comment; Advisory Committees will consider technical issues. The GAC will address issues affecting governments; the ccNSO may comment on related subjects. Independent organizations such as consulting groups, agencies, universities and individuals may be referred issues. As indicated in the published implementation strategy, this process has been launched and considerable documentation has been received and published. A matrix has been configured to ensure all issues have been appropriately referred and sufficient comment has been received.
- ICANN staff will synthesize the inputs to specifically answer each of the issues posed in the first step above. This synthesis will be posted for public comment. From that synthesis and comment a draft process by which top-level domains are designated will be developed if the synthesis indicates this is the way forward. The formulation of the process will necessarily

require reference of policy-related components of the process to the Supporting Organizations for consideration.

- The final draft process, if any, will be submitted to the ICANN Board for consideration and decision.

The strategy, when published, defined four significant issues that must be considered as part of the implementation strategy. Since that time, ICANN has developed a comprehensive list of questions that should be considered. This list has been developed through study and comment regarding:

- current market behaviors,
- published studies,
- earlier TLD and sTLD application rounds,
- success of various models,
- globalization, and
- effectiveness of existing contracts in providing appropriate levels of oversight.

The list below recasts the important issues (now five) and important sub-issues that should be specifically covered in order to competently introduce new TLDs.

1. How many new TLDs should ICANN designate, and with what frequency?
 - a. What are the benefits and costs associated with delegating and operating new TLDs?
 - b. With what frequency should new TLDs be introduced?
 - i. Should applications be accepted at any time and measured against published criteria?
 - ii. Should strings to be allocated per round at either at fixed or indeterminate rate?
 - iii. What feedback mechanisms and criteria should be used to adjust the frequencies?
 - c. What are the technical limits on the number of TLD strings that can safely be included in the root zone file?
 - d. What are the practical, logistical and resource limits to the frequency of adding new TLDs?
2. Which naming conventions should apply?
 - a. Which strings should be reserved or not designated? (Consider technical issues, strings in use in alternate roots, similarity to other TLD strings, one- and two-

- character strings, and regional issues: political, cultural, and religious terms, obscenities, and geographical terms.)
- b. What method and who should be employed to evaluate the appropriateness of particular strings that may be reserved?
 - c. What level of protection should be given to trademarks and other asserted rights in strings (e.g., pharmaceutical INNs, country names, current registrants of similar TLD strings, IGOs, geographic indications, personal names)?
 - d. What methods should be used to protect trademarks or other rights (e.g., a UDRP for TLDs, sunrise period, list of reserved names)? How should conflicts between parties with competing legitimate rights in a name be resolved?
 - e. Who and what form of organization should vet which strings to designate?
3. Which allocation method or methods should be used?
- a. In what manners do various allocation methods support the technical, market and geo-political issues described in the questions above?
 - b. Determine rules or restrictions that must be applied to any allocation model in order to support the technical, market and geo-political issues described in the questions above?
 - c. Determine appropriate uses for one-time, positive revenue derived from allocation process.
4. What conditions should ICANN impose on new TLD operators?
- a. In what cases should market forces versus imposed conditions affect registry behavior and actions (e.g., pricing, data escrow, bonding, reserved second level names)?
 - b. To what extent should ICANN take steps to ensure the success or sustainability of registry operations? (Are minimum financial and technical eligibility requirements appropriate and effective tools for reducing the likelihood of registry failure?)
 - c. Should ICANN implement a program to accredit registry operators (i.e., registry back-end service providers)?
 - d. What differentiation or classes should be made (compare today's unrestricted, restricted, and sponsored TLDs)? How should differentiations be enforced? Can TLDs or SLDs be sublicensed? Can and should STLD use be governed by agreement?
 - e. To what extent should new TLDs be required take steps to ensure continuity of operations in the event of a business failure or disruption to the registry sponsor or operator? What failover mechanisms must be in place to protect registrants?
5. As a special case, how will the deployment of Internationalized Domain Names (IDNs) at the top level impact discussion and findings on the questions above?
- a. What are the benefits and costs associated with delegating IDN strings as TLDs?
 - b. What are there technical issues preventing or limiting the use of IDN TLDs?

- c. What naming conventions should apply to the delegation of IDN TLDs (consider objectionable strings, trademarks, TLD spoofing)? When should proposed strings be referred for advice or vetting?
- d. What are the rights of existing TLDs regarding IDN analogues, homophones and other equivalents?

As described above, to adequately address these questions, a range of organizations and groups need to be committed. To map this process, a matrix has been created with the questions down the vertical axis and organizations to be consulted along the horizontal axis. The matrix indicates which organizations will contribute concerning each issue. Since many contributions have been received, the matrix indicates what areas have already been covered and which still require input. This material will be sought.

In this manner, ICANN plans to work towards a plan that addresses the full scope of issues facing the introduction of new TLDs. While complex, it is believed that this plan can be prosecuted in a manner that engages the community and arrives at appropriate solutions in a reasonable amount of time.

NEW gTLD ISSUES MATRIX

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	IAB/IETF	RSSAC	SSAC	OECD	ALAC	Consumer Orgs	WIPO	Academics	Trade Orgs	Think Tanks / Experts	Public Fora	ASO	ccNSO	GAC	GNSO
x	x	x	C	x	x	C	x	x	x	x			x	x	x
										x	x	x			x
										x	x				x
										x	x				x
										x	x	x			x
x	x	x									x				
										x		x			
x	x	x			x	x					x		x	x	x
		x	x							x	x				x
					x	x	x				x		x	x	x

NEW gTLD ISSUES MATRIX

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4. What conditions should ICANN impose on new TLD operators?

a. In what cases should market forces versus imposed conditions affect registry behavior and actions (e.g., pricing, data escrow, bonding, reserved second level names)?

b. To what extent should ICANN take steps to assure the success or sustainability of registry operations? Are minimum financial and technical eligibility requirements appropriate and effective tools for reducing the likelihood of registry failure?

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d.							x			x	x				x
e.		x	x							x	x		x	x	x
3.															
a.	x			C	x					x	x			x	x
b.					x					x	x				x
c.					x						x				x
4.															
a.			x		x	x					x			x	x
b.	x		x		x	x				x	x			x	x

NEW gTLD ISSUES MATRIX

c. Should ICANN implement a program to accredit registry operators (i.e. registry back-end service providers)?

d. Should ICANN continue to attempt to differentiate between sponsored and unsponsored TLDs, and between restricted and unrestricted TLDs? How should ICANN enforce such differentiations? Can and should ICANN or TLD sponsors/operators effectively prevent second and lower-level domains from being sublicensed or used outside of intended restrictions?

e. To what extent should new TLDs be required take steps to ensure continuity of operations in the event of a business failure or disruption to the registry sponsor or operator? What failover mechanisms must be in place to protect registrants?

5. As a special case, how will the deployment of Internationalized Domain Names (IDNs) at the top level impact discussion and findings on the questions above?

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			x							x					
	x		x		x	x	x	x			x				x
	x		x		x	x				x	x		x	x	x
	x		x		x	x					x		x	x	x
	x	x	x								x				
	x	x	x										x	x	x
							x				x		x	x	x