

Date: 23 April 2021

Internet Corporation for Assigned Names and Numbers  
ATTN: Board of Directors  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536  
USA

**Subject: Next Round of New gTLDs**

Dear ICANN Board Members,

The Brand Registry Group (BRG) is a trade association for organisations operating a dotBrand registry and organisations 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.

The BRG and some of our members were also part of the 250-strong participants and observers of the Subsequent Procedures PDP Working Group for its duration of more than five years. Having been part of this community-wide effort, we were pleased to contribute and help deliver the set of recommendations, affirmations and implementation guidance to the GNSO Council in January 2021.

In February, the GNSO Council adopted unanimously the Final Report<sup>1</sup> and included the following instructions in the Resolution<sup>2</sup> it passed:

*“Recognizing that nearly a decade has passed since the opening of the 2012 round of new gTLDs, the GNSO Council requests that the ICANN Board consider and direct the implementation of the Outputs adopted by the GNSO Council without waiting for any other proposed or ongoing policy work unspecific to New gTLD Subsequent Procedures to conclude, while acknowledging the importance of such work.”*

With the Final Report now submitted to the ICANN Board for your review and next steps, the BRG encourages the Board to act immediately and assuredly to progress this long-anticipated work without delay, respecting the community consensus achieved through the Subsequent Procedures PDP WG and unanimously approved by the GNSO.

The community has worked tirelessly together to produce a robust set of recommendations, affirmations and implement guidance outputs contained in the Final Report. Under ICANN’s multi-stakeholder process, compromise was made along the way as work-

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<sup>1</sup> <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>

<sup>2</sup> <https://gnso.icann.org/en/council/resolutions/2021#202102>

ing group members and community groups had very different opinions across the set of topics the group was tasked to cover under its Charter<sup>3</sup>. This involved hundreds of meetings, six Public Comments comment periods and outreach to the community. With all but one of the 40-plus topics achieving full consensus or consensus amongst the working group members, this package was unanimously adopted by the GNSO Council.

Based on this alone, the Board can be confident to move forward and instruct ICANN Org to begin all the necessary steps to support the Board's decision-making process. Thankfully, a myriad of ICANN Staff, from both policy and operational functions, have been participating in and closely following this PDP working group throughout its life-cycle. Furthermore, Board liaisons have also played an effective role in tracking progress and seeing first-hand the depth and complexities of deliberations and discussions within the working group. With a good awareness amongst the community, the ICANN Board and ICANN Org of the recommendations, affirmations and implementation guidance that formed the outputs of the group, we trust the Board and ICANN Staff will proceed efficiently to ensure that implementation work begins without delay.

### **Applicant Demand**

During the ICANN70 meetings, Avri Doria indicated that the Board is keen to know the level of demand for new applications. The BRG wants to make it clear that significant demand exists, however, brands as well as other category applicants planning to apply will refrain from making any public declarations which would put their applications at risk.

From a Brand perspective, several hundred brands are now utilising their top-level domain to provide safe, secure and trusted spaces to engage with audiences, customers and deliver services. Many more are continuing to build technologies and strategies that we will see in the coming months and years, whilst others are utilising their TLDs as a secure and efficient way to manage internal systems and processes; something which is largely invisible externally. In these proprietary brand spaces, consumers benefit knowing they are interacting with authentic brand spaces they can trust. It is imperative that the program continue to expand to continue the paradigm shift to trusted spaces to the benefit of internet users as a whole.

### **Practical way forward**

We are not starting with a blank slate. While some changes are required from the 2012 guidebook, the majority of the 2012 approach remains intact which should make execution efficient and timely. For the purposes of assessing the anticipated costs and resources, systems and processes required (all of which, we understand, would be considered during an ODP in order to inform the Board) ICANN Org is itself the best-placed to do this, having the extensive experiences of the 2012 round to draw on.

We appreciate that issues relating to gTLDs and new applications will continue to be raised amongst the ICANN community. Where disagreements remain, these items can be worked through in implementation. Other stated challenges with the DNS in general, such as DNS abuse, should not be conflated with the next round timeline. Such issues have existed for decades and will unfortunately continue. Efforts to address DNS abuse must work in parallel and will continue long into the future. In fact, subsequent

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<sup>3</sup> [https://community.icann.org/display/NGSPP/2.+WG+Charter?preview=/58001960/58001961/Charter\\_New%20gTLD%20Subsequent%20Procedures%20PDP.pdf](https://community.icann.org/display/NGSPP/2.+WG+Charter?preview=/58001960/58001961/Charter_New%20gTLD%20Subsequent%20Procedures%20PDP.pdf)

rounds with many brand applicants offers a part of the solution to combat DNS abuse since dotBrand Registries are trusted and secure spaces.

We are also aware of advice offered by the Security and Stability Advisory Committee (SSAC) in its SAC114 report<sup>4</sup> issued to the Board 11<sup>th</sup> February 2021, over four months after the last Public Comment Period closed and a month after the working group delivered the Final Report to the GNSO. As the consensus recommendations and outputs contained in the Final Report were also approved unanimously by the GNSO Council in February, there is no further opportunity for the working group to consider and evaluate SSAC's comments. If the Board gives special dispensation to these very late comments, this will seriously question the integrity of the multistakeholder PDP process.

Furthermore, we are concerned that the Board may review the content of the paper without the clarifying context offered by the SSAC Chair during ICANN70. More specifically, the SAC114 includes a suggestion that the Board initiate a fundamental review to determine whether continuing to increase the number of gTLDs is consistent with ICANN's strategic objective to 'evolve the unique identifier systems in co-ordination and collaboration with relevant parties to continue to serve the needs of the global Internet user base..' implying that the next round should not proceed. Whilst concerned that such a statement on policy appears to be outside of the technical remit of the SSAC we also note that, according to the SSAC Chair, this was not the intent of the comment and instead this was intended to encourage discussion on how to gather data to assess if the continued growth is affecting security, stability and resilience of the DNS. The BRG expects the Board to take into account these clarifications when it discusses the SSAC comments.

### **Delivering the next round**

With the experience of operating a large-scale application process in 2012, together with the limited changes that have been recommended in the Final Report, we have confidence that the ICANN Board, CEO and Staff can proceed efficiently to deliver the next round of applications and provide access to new entrants. Opening a new round will level the playing field for all brands seeking to apply which in turn will drive increased investment and focus on innovation to creating safe and secure spaces for internet users

We should remember that this has been in the pipeline for a significant time and Staff have been actively engaged with the community efforts, tracking and understanding potential changes for preparing the next round. Effectively, there are no real surprises. This should allow ICANN CEO and Staff to complete the Operational Design Phase expeditiously, allowing the Board to review and act on the community's efforts to achieve consensus at the earliest opportunity.

Thankfully, we note that the Public Comment has just been opened, some weeks after receiving the GNSO recommendations. In view of the extensive and inclusive work already undertaken by the community, including multiple Public Comment periods, we urge the Board to avoid extending the timeframe beyond the 40 days set for this Public Comment.

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<sup>4</sup> <https://gnso.icann.org/sites/default/files/file/field-file-attach/ssac-comments-sac114-11feb21-en.pdf>

Moving this effort forward efficiently will provide the global community greater confidence that ICANN is able to deliver the next round and respect and support the multi-stakeholder process.

The BRG looks forward to seeing this progress without delay and will continue its support through the implementation work to deliver opportunities for new entrants.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Quinn', with a long horizontal flourish extending to the right.

**Cole Quinn**

President

Brand Registry Group, Inc