The gTLD Registries Stakeholder Group

Comment on the

Initial Report on the New gTLD Subsequent Procedures Policy Development Process
(Overarching Issues & Work Tracks 1-4)

Preliminary Recommendations, Options, and Questions for Community Input 2.2

Topic	**Text**
2.2.1: Continuing Subsequent Procedures (full WG)	2.2.1.c.1: The Working Group recommends no changes to the existing policy calling for subsequent application rounds introduced in an ongoing, orderly, timely and predictable manner.
RySG Comment	The Registries Stakeholder Group supports the existing policy calling for subsequent application rounds, particularly in an ongoing, timely, and predictable manner. Developing a predictable and scalable method for the application and introduction of new gTLDs promotes consumer choice, new gTLD awareness, and healthy competition in the marketplace.
2.2.1: Continuing Subsequent Procedures (full WG)	2.2.1.e.1: The 2007 Final Report noted that success metrics would be developed around the New gTLD Program. What are some specific metrics that the program should be measured against?

RySG Comment	The Registries Stakeholder Group agrees with the recommendation that metrics be developed around the new gTLD program and believes that a baseline of standard, measurable, and scalable metrics will ensure the health and success of the new gTLD program in the future. Some possible metrics that the program should be measured against are: - The present of new gTLDs in lists of highly used websites, such as Alexa 1 Million and Cisco Umbrella 1 Million; - Recognition of specific gTLDs in niches, communities, and verticals; - Annual grow of new gTLDs as compared to legacy TLDs and previous application rounds, i.e. comparing the growth of TLDs approved in 2012 with TLDs approved in subsequent rounds; - Number of new registries and registrars year over year; - Locations of new registries and registrars year over year, in an effort to see how subsequent rounds affects diversity in the marketplace; - Categories of gTLDs offered and diversity metrics within those categories.

2.2.2: Predictability (full WG)	2.2.2.c.1: Currently, as a result of consensus recommendations made by the GNSO, the ICANN Board endorsed the GNSO's Policy and Implementation Recommendations, including those related to the Consensus Policy Implementation Framework (CPIF) for governing the implementation phase of GNSO policies. If issues arise during this phase, the GNSO could seek to utilize the GNSO Expedited Policy Development Process or the GNSO Guidance Process, as defined in the ICANN Bylaws. However, there is support in the Working Group for a recommendation that the New gTLD Program, once launched (i.e., after the Implementation Review Team), should be subject to a new Predictability Framework, to address issues that arise regarding the introduction of new gTLDs. Among other recommendations, the Working Group believes that as part of the Predictability Framework, a Standing Implementation Review Team (IRT) should be constituted after the publication of the Applicant Guidebook to consider changes in the implementation, execution and/or operations of the new gTLD program after its launch, and the introduction of any further evaluation guidelines not available to applicants when applications were submitted. The Predictability Framework is intended to provide guidance to the Standing IRT in how issues should be resolved, which could include recommending that the GNSO Council initiate GNSO processes provided by the ICANN Bylaws. Please see sub-section d for full text of the Predictability Framework.
RySG Comment	The Registries Stakeholder Group supports establishing a Predictability Framework and the creation of a Standing Implementation Review Team to help proactively manage unexpected changes that will arise during subsequent rounds of applications. Because of the complexity, and relative newness, of the application process, it is important to delegate a specific group to managing and monitoring potential changes and modifications to support better communication and predictability for all applicants.
2.2.2: Predictability (full WG)	2.2.2.e.1: Does the concept of a Predictability Framework make sense to address issues raised post-launch?

RySG Comment	The Registries Stakeholder Group supports establishing a Predictability Framework in general. With regards to the current proposal for the Predictability Framework, we recommend considering the following: - In relation to question 2.2.2.e.5, what will be the guidelines to determine if an issue must be decided on by the IRT versus other GNSO procedures? - For minor operational changes, what are the guidelines to determine whether or not it will affect applicants? (i.e. depending on who is looking at the change, there may be unforeseen consequences) - It will be helpful to set out general/expected timelines for each type of revision to ensure timeliness in response on behalf of the standing IRT or other responsible parties.
2.2.2: Predictability (full WG)	2.2.2.e.2: How should launch be defined? Ideas considered by the WG include Board adoption of the new Applicant Guidebook or the first day in which applications are accepted.
RySG Comment	Setting launch as the date of the approval of the new Applicant Guidebook is an effective way to allow for preparation, i.e. allowing the new standing IRT to familiarize itself with the new Guidebook, prior to accepting applications. This provides additional predictability for applicants as issues may continue to be uncovered up to and during the application period.
2.2.2: Predictability (full WG)	2.2.2.e.3: A component of the Predictability Framework includes the identification or criteria to determine whether an issue can be handled through existing mechanisms or whether it can/should be handled by a Standing IRT. What are potential criteria that can be applied to help distinguish between types of issues and resolution mechanism?
RySG Comment	It should be made clear at the outset that not all implementation issues should be referred through the existing mechanisms at the GNSO disposal. Only those items that have a broad impact to the community should be subject to the GNSO processes. Not every issue will have an impact on every GNSO Stakeholder Group/Constituency. To the extent that the impact is only on applicants (after applications are submitted), these issues should not necessarily go back to the entire GNSO community to resolve UNLESS the proposed resolution of the issue is in direct conflict with the Applicant Guidebook.
2.2.2: Predictability (full WG)	2.2.2.e.4: Do you have thoughts on the open questions/details related to the Standing IRT panel discussed in section (f) below? Is there a different structure, process, or body (possibly already existing) that might help provide needed predictability in addressing issues raised post-launch?

RySG Comment	The RySG believes that panels create opportunities for the pooling of knowledge and experience. They enable combined judgment to be brought to bear on important problems. A risk inherent in any review panel is that it may not contain the expertise and experience to make effective decisions; we accept the concept of the predictability framework and having a Standing Panel that could tackle implementation/execution matters that arise in the new gTLD Program but note that discussion is required to ensure that members of the panel have the appropriate expertise (as opposed to merely being representative) to handle issues.
2.2.2: Predictability (full WG)	2.2.2.e.5: How do you see the proposed Predictability Framework interacting with the existing GNSO procedures known as the GNSO Input Process, GNSO Guidance Process, and GNSO Expedited PDP?
RySG Comment	While the GNSO Input Process and GNSO Guidance process could interact with the Predictability Framework, some applicants might not be represented at that point within the GNSO, so applying one or the other may not be appropriate or accessible in certain cases. The Registries Stakeholder Group does not see an EPDP as an appropriate solution to sort out issues identified during an application process. While issues that arise during subsequent rounds may be eligible to initiate an EPDP, the Registries Stakeholder Group believes the EPDP process is not as scalable as alternative processes that may be available to applicants, considering the time and effort needed to conduct and complete an EPDP in a timely manner.
2.2.2.2: Clarity of Application Process (WT1)	2.2.2.2.c.1: When substantive/disruptive changes to the Applicant Guidebook or application processing are necessary and made through the Predictability Framework discussed above, there should be a mechanism that allows impacted applicants the opportunity to either (a) request an appropriate refund or (b) be tracked into a parallel process that deals with the discrete issues directly without impacting the rest of the program.
RySG Comment	The Registries Stakeholder Group supports this approach, in particular giving the applicant the freedom to choose which option they would prefer. As compared to the 2012 round, proactively determining a mechanism to handle these changes will provide more predictability for applicants, as well as ICANN Org, particularly when applicants are faced with questions and concerns about how to handle a significant divergence from the expected application process.

2.2.2.2: Clarity of Application Process (WT1)	2.2.2.2.e.1: Is ICANN organization capable of scaling to handle application volume and, if not, what would have to happen in order for ICANN organization to scale?
RySG Comment	The Registries Stakeholder Group believes that the following modifications will improve the scalability of application volume: - the RSP Pre-Approval program - the minor tweaks to technical evaluation - the overhaul of financial evaluation - the pre-approval of registry services - adjustments to registry system testing These changes will enable ICANN Org to scale the process to much higher levels than the 2012 round. As the rounds become more predictable and applications are regularly accepted, we will better understand success metrics and see a more regular, predictable stream of applications which could potentially lead to a first-come-first-serve approach.
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.c.1: The Working Group recommends that the next introduction of new gTLDs shall be in the form of a "round." With respect to subsequent introductions of the new gTLDs, although the Working Group does not have any consensus on a specific proposal, it does generally believe that it should be known prior to the launch of the next round either (a) the date in which the next introduction of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the subsequent process. For the purposes of providing an example, prior to the launch of the next round of new gTLDs, ICANN could state something like, "The subsequent introduction of new gTLDs after this round will occur on January 1, 2023 or nine months following the date in which 50% of the applications from the last round have completed Initial Evaluation."

RySG Comment	The RySG supports the notion of setting out either a date certain or a set of definitive criteria to determine when the next new gTLD Round commences. This may need to be volume based. For example, in the ideal world, the RySG would like to see a set schedule whereby each year a new round is launched. For example, Q1 of each year could be for accepting applications, Q2 of each year for filing public comments / objections, Q3 for evaluations, etc. That said, we recognize that if there is an extraordinary amount of volume (which would need to be determined what would consititute that volume in advance), then ICANN may elect to skip the next round in the following year (provided it gives at least 4 months notice prior to the commencement of the next round). For example, the Applicant Guidebook could state that the subsequent round will start in Q1 of the following year, unless there are more than 10,000 applications received. In such event, the subsequent round will begin in Q1 of the second year following the then-current round.
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.1: Conduct one additional "round" followed by an undefined review period to determine how future applications for new gTLDs should be accepted.

RySG Comment	The RySG has two viewpoints on the best way to conduct future application rounds. Viewpont 1: The long-term strategic goal for future applications should be the implementation of a continuous process (which may realistically mean scheduled "application submission windows"). This may be achieved through one or two further 'application rounds' imposed before this goal can be realistically achieved. The RySG members that support this viewpoint (one or two rounds, followed by an open or window-based schedule) recommend that a clear commitment is given to a schedule of further application rounds, with shorter timespans between each round, in line with the original target of one year. Viewpoint 2: The PDP's charter instructs the WG to explain if the scale of demand has been made clear and asks if the concept of rounds affects market behavior. As we have only experienced one round since 2012 we believe it is too early to answer the question as asked in the charter. "Model 1: Conduct one additional "round" followed by an undefined review period to determine how future applications for new gTLDs should be accepted" is the most appropriate way to answer the question. This enables the community to assess future behavior – the community needs more time and more rounds to have taken place before it can definitively answer the question posed in the charter. There was some opposition to this viewpoint from within the RySG.
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.2: Conduct two or three additional application "rounds" separated by predictable periods for the purpose of major "course corrections," to determine the permanent process for the acceptance of new gTLDs in the future. For illustration purposes only, this could include commencing an application window in Q1 of Year 1, a second application window in Q1 of Year 2, and a final application window in Q1 of Year 3 followed by a lengthy gap to determine the permanent process moving forward after Year 3.
RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.3: Conduct all future new gTLD procedures in "rounds" separated by predictable periods for the purpose of course corrections indefinitely. Policy development processes would then be required to make substantial, policy-driven changes to the program and would then only apply to the opening of the application round following the date in which the PDP recommendations were adopted by the ICANN Board.

RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.4: Conduct one additional "round" followed by the permanent opening up of a first-come, first-served process of new gTLD applications.
RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.5: Commence two or three additional application "rounds" separated by predictable periods for the purpose of major course corrections, followed shortly thereafter by the permanent opening up of a first-come, first-served process of accepting new gTLD applications.
RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.d.6: Immediately commence a permanent first-come, first-served process of accepting new gTLD Applications.
RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.e.1: Of the models described above, which model do you believe should be employed, if any? Please explain.
RySG Comment	See 2.2.3.d.1 above
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.e.2: For the model you have selected, what are some mechanisms that can be employed to mitigate any of the listed (or unlisted) downsides.
RySG Comment	The RySG believes that it is essential for ICANN to clearly define the number and frequency of application rounds prior to the implementation of this continuous first-come first-served process in order to avoid any uncertainty around that process and the eventual roll-out of a continuous process.
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.e.3: Is there a way to assess the demand for new gTLDs to help us determine whether the subsequent new gTLD process should be a "round" or a "first-come first-served process? (e.g. Do we introduce an Expressions of Interest process?)
RySG Comment	The RySG believes that the decision of whether to continue via a future round or continuous process should not be based on an assessment of interest. As the RySG has already stated, the strategic goal for future applications should be to implement a continuous process, not a process based on subsequent rounds. A limited set of rounds should be used only to resolve issues prior to the release of the continuous process.
2.2.3: Applications Assessed in Rounds (full WG)	2.2.3.e.4: If we were to have a process where a certain date was announced for the next subsequent procedure, what would be the threshold for the community to override that certain date (i.e., Is a different process needed if the number of applications exceeds a certain threshold in a given period of time?)

RySG Comment	The RySG believes that a date set for subsequent rounds should not be dependent upon or revised based on the number of applications received or expected.
2.2.4: Different TLD Types (full WG)	2.2.4.c.1: The Working Group recommends that each of the categories recognized by the 2012 Applicant Guidebook, both explicitly and implicitly, continue to be recognized on a going forward basis. These include standard TLDs, community-based TLDs, TLDs for which a governmental entity serves as the registry operator, and geographic TLDs. In addition, the Working Group also recognizes that Specification 13 .Brand TLDs should also be formally established as a category. The ramifications of being designated a specific category are addressed throughout this Initial Report as applicable.
RySG Comment	The RySG supports the continuation of the categorization of gTLDs as outlined in the New gTLD Applicant Guidebook and the inclusion of brands in any ongoing mechanisms. The RySG does not, however, support the creation of additional categories as this may fragment the gTLD space and negatively impact the viability of future gTLDs by further limiting their ability to innovate in the space. Additional categories will also result in added burdens for evaluators to decide the proper classification of applications. The administration of the registry agreement also becomes unduly burdensome on ICANN, and it's not clear that any claimed benefits of new categories will outweigh potential costs.
2.2.4: Different TLD Types (full WG)	2.2.4.e.1: The Working Group did not reach agreement on adding any additional categories of gTLDs. What would be the benefit of adding a further category/further categories? Should additional categories of TLDs be established and if so, what categories? Why or why not?
RySG Comment	See 2.2.4.c.1 above
2.2.4: Different TLD Types (full WG)	2.2.4.e.2: To the extent that you believe additional categories should be created, how would applications for those TLDs be treated differently from a standard TLD throughout the application process, evaluation process, string contention process, contracting, post-delegation, etc.
RySG Comment	See 2.2.4.c.1 above
2.2.4: Different TLD Types (full WG)	2.2.4.e.3: If you have recommended additional categories of TLDs, what would be the eligibility requirements for those categories, how would those be enforced and what would be the ramifications of a TLD that qualified for a newly created category failing to continue to meet those qualifications?
RySG Comment	See 2.2.4.c.1 above

2.2.5 Applications Submission Limits (full WG)	2.2.5.c.1: Although some members of Working Group supported the notion of putting limits into place, ultimately the Working Group concluded that there were no effective, fair and/or feasible mechanisms to enforce such limits. It therefore concluded that no limits should be imposed on either the number of applications in total or the number of applications from any particular entity.
RySG Comment	The Registries Stakeholder Group supports this recommendation and agrees that placing limits on applications could have unforeseen consequences, including being perceived as anti-competitive or unintentionally prioritizing applications only from those who are already closely following the process.
2.2.6: Accreditation Programs (WT1)	2.2.6.c.1: Work Track 1 recommends using the term “pre-approval” as opposed to “accreditation.” To a number of Work Track members, the term “accreditation” implies having a contract in place with ICANN and other items for which there is no agreement within the Work Track. “Pre-approval” on the other hand does not have those same implications, but merely connotes applying the same standards, evaluation criteria and testing mechanisms (if any) at a point in time which is earlier than going through the standard process.
RySG Comment	While the term "accreditation" does not carry that heavy significance outside the ICANN framework, it indeed does within ICANN, so RySG supports the "pre-approval" terminology.
2.2.6: Accreditation Programs (WT1)	2.2.6.c.2: The Work Track generally agrees that there should be a registry service provider (RSP) pre-approval process, which must be in place at least three (3) months prior to the opening of the application period.
RySG Comment	As much time as possible; however, we do not consider it appropriate to specify an arbitrary period of time that could become a constraint to opening any future application windows. For clarity, under no circumstances should this be a pre-requisite to the opening the next application window. (see also RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)
2.2.6: Accreditation Programs (WT1)	2.2.6.c.3: The RSP pre-approval process shall have technical requirements equal to the Technical and Operational Capabilities Evaluation (as established in section 2.7.7 on Applicant Reviews: Technical/Operational, Financial and Registry Services), but will also consider the RSP’s overall breadth of registry operator support.

RySG Comment	Given that, to our knowledge, no applicant, and by extension no RSP was deemed to fail the evaluation of the technical aspect of the application including PDT; and that since the delegation of more than 1000 TLDs has not seen an emergency transition, it is reasonable to conclude that the design of the technical component of the application is adequate and as such is a good starting point for an RSP Pre-Approval Process . The ability of an RSP to scale across a number of TLDs or domains under management is difficult to assess in any Pre-Approval Process. We note that this not currently done for the RSPs supporting the 2012 round of new gTLDs and nor is there any data or evidence, after a number of years of operation, to suggest that the ability of an RSP to scale is problematic. The RySG is actively engaged in discussions with GDD staff on this issue and we recommend that the PDP WG defer to the work of this group. (see also RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)
2.2.6: Accreditation Programs (WT1)	2.2.6.c.4: The RSP pre-approval process should be a voluntary program and the existence of the process will not preclude an applicant from providing its own registry services or providing registry services to other New gTLD Registry Operators.
RySG Comment	
2.2.6: Accreditation Programs (WT1)	2.2.6.c.5: The RSP pre-approval process should be funded by those seeking pre-approval on a cost-recovery basis.
RySG Comment	Absent an understanding of how much it will cost to establish the pre-approval process, cost-recovery by the RSPs along may make the pre-appvoal concept unworkable as it may prove too expensive to partcipate. The cost to ICANN of PDT in the 2012 round is significant and the cost was recovered as a portion of the application fee. While the 2012 round anticipated a large number of potential RSPs the reality was that only 12 or so emerged.
2.2.6: Accreditation Programs (WT1)	2.2.6.e.1: Should the pre-approval process take into consideration the number and type of TLDs that an RSP intends to support? Why or why not?
RySG Comment	No. The pre-approval process is limited in scope to a technical review of competence. It is only an indication that an RSP can support the 5 core services for a single TLD. It is not designed to ascertain if the RSP is fit-for-purpose i.e.can the RSP support the specific business requirements of a TLD or TLDs that are being applied for. Such qualities are not tested or ascertained by the pre-approval process. For the avoidance of doubt, scale and scalability is explicitly not tested and not guaranteed by pre-approval.

2.2.6: Accreditation Programs (WT1)	2.2.6.e.2: If so, how would the process take that into consideration? What if the number of applications submitted during the TLD application round exceed the number of TLDs for which the RSP indicated it could support?
RySG Comment	It is not appropriate for the pre-approval testing to require specification of scale and nor should this be tested for in the pre-approval process. Scale being either the number of TLDs and/or the number of SLDs on a given RSPs systems. Scale and scalability is a business issue between the RSP and the RO / Applicant.
2.2.6: Accreditation Programs (WT1)	2.2.6.e.3: Should RSPs that are pre-approved be required to be periodically reassessed? If so, how would such a process work and how often should such a reassessment be conducted?
RySG Comment	Pre-approval should be valid for a fixed period of time (e.g. 5 years) or until a breach occurs (an 80% SLA violation?). Pre-approval should automatically renew if an RSP has been successfully operating all its TLDs in GA for at least the last 3 years without any breach (80% SLA violation?).
2.2.6: Accreditation Programs (WT1)	2.2.6.e.4: If RSPs that go through the pre-approval process are required to go through a reassessment process, should RSPs/applicants that do not take part in the pre-approval program (e.g., providing registry services for its own registry or other registries) also be required to go through the reassessment process? Do you feel it will lead to inconsistent treatment of RSPs otherwise?
RySG Comment	Pre-approval comprises the production of satisfactory answers to the the technical evaluation questions (consistent with those from the 2012 application) in combination with pre-delegation testing. Satisfactory performance in such evaluation and technical testing will lead to the recognition of basic technical competence and may lead to pre-approval if done in advance or must be done as part of PDT. Either way, an RSP that has been pre-approved or approved as part of PDT must be subject to re-assessment as indicated in 2.2.6.e.3. All RSPs will therefore be treated the same in these circumstances.
2.2.6: Accreditation Programs (WT1)	2.2.6.e.5: Existing RSPs: Should existing RSPs be automatically deemed “pre-approved”? Why or why not? If not automatically pre-approved, should existing RSPs have a different process when seeking to become pre-approved? If so, what would the different process be? Are there any exceptions to the above? For example, should a history of failing to meet certain Service Levels be considered when seeking pre-approval? Please explain.

RySG Comment	Upon the launching of the pre-approval program, existing RSPs should be subject to the reassessment process as indicated in 2.2.6.e.3. Thus, an RSP that has been operating at least one of its TLDs for at least 3 years in GA and has not had any breach (or 80% SLA violation) in any of its TLDs during the last 5 years would be effectively (automatically) pre-approved.
2.2.6: Accreditation Programs (WT1)	2.2.6.e.6: What is the appropriate amount of time to allow for the submission of an application in order for the new RSP to be reviewed, so it can be added to the list of the approved registrars? What is an appropriate amount of time for that review to conclude?
RySG Comment	

Preliminary Recommendations, Options, and Questions for Community Input 2.3	
Topic	**Text**
2.3.2: Global Public Interest (WT2)	2.3.2.c.1: Mandatory PICs: The Work Track is considering a recommendation to codify the current implementation of mandatory PICs as policy recommendations. In addition, such mandatory PICs should be revisited to reflect the ongoing discussions between the GAC Public Safety Working Group and Registries as appropriate.
RySG Comment	While PICs have satisfactorily addressed public interest concerns and may have been a reasonable vehicle for registries to individually address matters of concern raised by the community, in future rounds, it would be far more advisable to draw a bright line of finality once those matters are considered and concluded by the full community (including the GAC), thereby reducing the risk that an individual application (or group of applications) will be held in limbo for an extended period.. This will improve predictability, avoid delays and otherwise maintain an orderly process. (see also RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)

2.3.2: Global Public Interest (WT2)	2.3.2.c.2: Voluntary PICs: The Work Track recommends continuing the concept of voluntary Public Interest Commitments and asking applicants to state any voluntary PICs in their application. In addition, the Work Track supports the ability of applicants to commit to additional voluntary PICs in response to public comments, GAC Early Warnings and/or GAC Advice. The Work Track acknowledges that changes to voluntary PICs may result in changing the nature of the application except where expressly otherwise prohibited in the Applicant Guidebook and that this needs further discussion.
RySG Comment	PICs have well served their purpose, though the process by which voluntary PICs were solicited and submitted was clumsy, mistimed and rushed. At present, the RySG recommends no further mechanisms vs. PICs (except to allow proposed PICs by registries in the application, followed by an ability to add further PICs following the GAC Early Warning round); we note there are significant process improvements in place today vs. 2013 (e.g., the GAC has a clearly defined role in GNSO policy development, the GNSO has well sorted the "policy vs. implementation" question with new processes, etc.). As the WG put it, "identifying and mitigating every circumstance is a nearly impossible task." The RySG agrees but advises that the learnings from the current round will very well inform the formation of the next and those learnings, along with better definitions of community roles and processes, should be expected to provide finality and predictability prior to the opening of a new round. (see also RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)
2.3.2: Global Public Interest (WT2)	2.3.2.c.3: At the time a voluntary PIC is made, the applicant must set forth whether such PIC is limited in time, duration and/or scope such that the PIC can adequately be reviewed by ICANN, an existing objector (if applicable) and/or the GAC (if the voluntary PIC was in response to a GAC Early Warning or GAC Advice).
RySG Comment	

2.3.2: Global Public Interest (WT2)	2.3.2.c.4: To the extent that a Voluntary PIC is accepted, such PIC must be reflected in the applicant's Registry Agreement. A process to change PICs should be established to allow for changes to that PIC to be made but only after being subject to public comment by the ICANN community. To the extent that the PIC was made in response to an objection, GAC Early Warning and/or GAC Advice, any proposed material changes to that PIC must take into account comments made by the applicable objector and/or the applicable GAC member(s) that issued the Early Warning, or in the case of GAC Advice, the GAC itself.
RySG Comment	Yes, there should be a process to change PICs that have been made just as there is a process for changing Specification 12 Community Registration Policies. The TLD marketplace climate, business models and consolidation occuring in the industry mean that Registry Operators should have the flexilbity to modify, remove or add Specification 11 Public Interest Committments as many years have passed, many TLDs have been aquired and/or sold to new entities and the needs and purpose of the TLD may change over time. The PICs (as they are part of the Registry Operator Agreement) should be, like other terms in the Registry Operator Agreement, amendable to change as well.
2.3.2: Global Public Interest (WT2)	2.3.2.e.1: Does you believe that there are additional Public Interest Commitments that should be mandatory for all registry operators to implement? If so, please specify these commitments in detail.
RySG Comment	RySG does not recommend any aditional mandatory PICs to be adopted.
2.3.2: Global Public Interest (WT2)	2.3.2.e.2: Should there be any exemptions and/or waivers granted to registry operators of any of the mandatory Public Interest Commitments? Please explain.
RySG Comment	RySG sees little value in requiring single-registrant TLDs (which can be both exclusive-use TLDs and some but not all Brand TLDs) to conduct technical analysis or keeping statistics as prescribed with Specification 11, 3 (b), of the current registry agreements. A waiver to this PIC could be considered by the WG, or in a more general fashion, waivers could be possibly allowed provided some guidance is followed.
2.3.2: Global Public Interest (WT2)	2.3.2.e.3: For any voluntary PICs submitted either in response to GAC Early Warnings, public comments, or any other concerns expressed by the community, is the inclusion of those PICs the appropriate way to address those issues? If not, what mechanism do you propose?
RySG Comment	Yes, voluntary PICS are appropriate to address GAC Early Warnings, public comments, or any other concerns expressed by the community. At present, the RySG recommends no further mechanisms (except to allow proposed PICs by registries in the application, followed by an ability to add further PICs following the GAC Early Warning round).

2.3.2: Global Public Interest (WT2)	2.3.2.e.4: To what extent should the inclusion of voluntary PICs after an application has been submitted be allowed, even if such inclusion results in a change to the nature of the original application?
RySG Comment	RySG supports the inclusion of voluntary PICs even where the inclusion changes the nature of the underlying application. Parties require reasonable latitude and flexibility to adapt, innovate, and resolve disputes using bottom-up solutions. The flexibility to resolve disputes in this manner also improves the predicatability of the process and mitigates unnecessary delays.
2.3.2: Global Public Interest (WT2)	2.3.2.e.5: If a voluntary PIC does change the nature of an application, to what extent (if any) should there be a reopening of public comment periods, objection periods, etc. offered to the community to address those changes?
RySG Comment	RySG does not support the reopening of public comments or objection periods based on the adoption of voluntary PICs. Dispute resolution through voluntary PICs should enhance predicatibility, avoid delays, and create a bright line of finality for applications that have followed the prescribed process, thereby reducing the risk that an individual application (or group of applications) will be held in limbo for an extended period.
2.3.2: Global Public Interest (WT2)	2.3.2.e.6: The Work Track seeks to solicit input in regards to comments raised by the Verified TLD Consortium and National Association of Boards of Pharmacy that recommended a registry should be required to operate as a verified TLD if it 1) is linked to regulated or professional sectors; 2) is likely to invoke a level of implied trust from consumers; or 3) has implications for consumer safety and well-being. In order to fully consider the impact and nature of this recommendation, the WG is asking the following questions:
RySG Comment	
2.3.2: Global Public Interest (WT2)	2.3.2.e.6.1: How would such a registry be recognized to be in line with these three criteria and who would make such a judgement?
RySG Comment	The RySG does not support requiring registries to operate as verified TLDs if they meet certain criteria. Further categories of TLDs are not necessary, and the existing procedure already provides sufficient opportunities to address concerns associated with TLDs related to highly regulated or professional sectors. Moreover, the suggested criteria for identifying TLDs for mandatory verified status is unworkably broad and too subjective to reliably identify the types of TLDs it purports to address.

2.3.2: Global Public Interest (WT2)	2.3.2.e.6.2: What types of conditions should be placed upon a registry if it is required to operate as a verified TLD?
RySG Comment	See 2.3.2.e.6.1 above.
2.3.3: Applicant Freedom of Expression (WT3)	2.3.3.c.1: Work Track 3 discussed the protection of an applicant's freedom of expression rights and how to ensure that evaluators and dispute resolution service providers (DSRPs) performed their roles in such a manner so as to protect these fundamental rights. The Work Track generally believes that the implementation guidelines should be clarified to ensure that dispute resolution service providers and evaluators are aware that freedom of expression rights are to be considered throughout the evaluation and any applicable objection processes as well as any Requests for Reconsideration and/or Independent Review Panel proceedings. To do this, each policy principle should not be evaluated in isolation from the other policy principles, but rather should involve a balancing of legitimate interests where approved policy goals are not completely congruent or otherwise seem in conflict. Applicant freedom of expression is an important policy goal in the new gTLD process and should be fully implemented in accordance with the applicant's freedom of expression rights that exist under law.
RySG Comment	
2.3.3: Applicant Freedom of Expression (WT3)	2.3.3.e.1: What specific advice or other guidance should dispute resolution service providers that adjudicate objections proceedings and other evaluators be given to ensure that the policy principle of protecting applicant freedom of expression can be effectively implemented in the overall program?
RySG Comment	
2.3.3: Applicant Freedom of Expression (WT3)	2.3.3.e.2: When considering Legal Rights Objections, what are some concrete guidelines that can be provided to dispute resolution service providers to consider "fair use," "parody," and other forms of freedom of expression rights in its evaluation as to whether an applied for string infringes on the legal rights of others?

RySG Comment	The RySG believes the current criteria for evaluation of LROs adequately balances the rights of trademark holders with those of applicants that intend to use a string for its dictionary or "fair use" purpose. These criteria, as established by ICANN, consider important questions such as whether the string (i) takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark or IGO name or acronym, or (ii) unjustifiably impairs the distinctive character or the reputation of the objector's mark or IGO name or acronym, or (iii) otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark or IGO name or acronym is the proper criteria to use to evaluate objections filed.
2.3.3: Applicant Freedom of Expression (WT3)	2.3.3.e.3: In the evaluation of a string, what criteria can ICANN and/or its evaluators apply to ensure that the refusal of the delegation of a particular string will not infringe an applicant's freedom of expression rights?
RySG Comment	
2.3.4: Universal Acceptance (WT4)	2.3.4.c.1: Amended Principle B: Some new generic top-level domains should be internationalised domain names (IDNs), although applicants should be made aware of Universal Acceptance challenges in ASCII and IDN TLDs and given access to all applicable information about Universal Acceptance currently maintained on ICANN's Universal Acceptance Initiative page, through the Universal Acceptance Steering Group, as well as future efforts.
RySG Comment	RySG supports this recommendation regarding Universal Acceptance.
2.3.4: Universal Acceptance (WT4)	2.3.3.e.1: Work Track 4 is not proposing any additional work beyond that being done by the Universal Acceptance Initiative and the Universal Acceptance Steering Group. Do you believe any additional work needs to be undertaken by the community?
RySG Comment	RySG does not believe any additional efforts need to be established, and prefers the continued work of UASG to be allowed to address this important concern.

Preliminary Recommendations, Options, and Questions for Community Input 2.4	
Topic	**Text**
RySG Comment	**Overarching comment for this section: The RySG supports the creation of a new Applicant Guidebook for the next round that is accessible and easy to use and wholeheartedly supports the recommendations in this section except where noted.**
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.1: Work Track 1 generally agreed that an Applicant Guidebook (AGB) of some form should continue to be utilized in future waves of applications. The Work Track generally agreed, however, that the Applicant Guidebook should be made more user friendly.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2: In order to enhance accessibility for ease of understanding, especially for non-native English speakers and those that are less familiar with the ICANN environment, the Work Track believes that the AGB should:
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.1: Be less focused on historical context and to the extent it is included, concentrate this content in appendices if possible.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.2: Be less about policy, with a stronger focus on the application process.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.3: Be focused on serving as a practical user guide that applicants can utilize in applying for a TLD. For instance, step-by-step instructions, possibly by type of application with a 'choose your own adventure' methodology.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.4: Have an improved Table of Contents, include an index and the online version should contain links to appropriate sections, definitions, etc.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.5: The online version could have sections that apply specifically to the type of application being applied for with the ability to only print those related sections.
2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.6: In conjunction with the above, the online version should allow for advanced indexing of an omnibus text. A core set of standard provisions may be applicable to everyone, but additional provisions may only be applicable to some. If the text is tagged and searchable, users could more easily locate the parts of the text that are relevant to them.

2.4.1: Applicant Guidebook (WT1)	2.4.1.c.2.7: Any Agreements/Terms of Use for systems access (including those required to be "clicked-through" should be finalized in advance and included in the Applicant Guidebook with the goal of minimizing obstacles and/or legal burdens on applicants (see section 2.4.3 on Systems).
2.4.2: Communications (WT1)	2.4.2.c.1: Program Information, Education and Outreach: The Work Track believes that for the next round of new gTLDs there should continue to be a minimum of four (4) months from the time in which the final Applicant Guidebook is released and the time until which applications would be finally due.
2.4.2: Communications (WT1)	2.4.2.c.2: Program Information, Education and Outreach: There should be a sufficient period of time available prior to the opening of the application submission period to allow for outreach efforts related to Applicant Support and other program elements and execution of the Communication Plan ("Communications Period").
2.4.2: Communications (WT1)	2.4.2.c.2.1: The Communications Period for the next round of new gTLDs should be at least six (6) months.
2.4.2: Communications (WT1)	2.4.2.c.2.2: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, the Communications Period may be shortened to three (3) months.
2.4.2: Communications (WT1)	2.4.2.c.3: Program Information, Education and Outreach: Publish all program information on the main icann.org website (as opposed to https://newgtlds.icann.org), along with other related ICANN information and links to improve usability and accessibility.
2.4.2: Communications (WT1)	2.4.2.c.4: Program Information, Education and Outreach: Leverage Global Stakeholder Engagement staff to facilitate interaction between regional ICANN organization teams and potential applicants from these regions.
2.4.2: Communications (WT1)	2.4.2.c.5: Communications with Applicants: Provide a robust online knowledge base of program information that is easy to search and navigate, updated in a timely manner, and focused on issues with wide-reaching impact. Offer an opt-in notification service that allows applicants to receive updates about the program and their application in real or near real time.
2.4.2: Communications (WT1)	2.4.2.c.6: Communications with Applicants: Display and provide updates in a timely manner on expected response times on the website, so that applicants know when they can expect to receive a reply, as well as information about how applicants can escalate inquiries that remain unresolved.

2.4.2: Communications (WT1)	2.4.2.c.7: Communications with Applicants: Facilitate communication between applicants and the ICANN organization by offering real-time customer support using a telephone “help line,” online chat functionality, and other online communication tools.
2.4.2: Communications (WT1)	2.4.2.e.1: Do you have any suggestions of criteria or metrics for determining success for any aspects of the new gTLD communications strategy?
2.4.2: Communications (WT1)	2.4.2.e.2: The communications period prior to the 2012 round of new gTLDs was approximately six months. Was this period optimal, too long or too short? Please explain.
2.4.2: Communications (WT1)	2.4.2.e.3: If ICANN were to launch new application windows in regular, predictable windows, would a communications period prior to the launch of each window be necessary? If so, would each communications period need to be the same length? Or if the application windows are truly predictable, could those communication periods be shorter for the subsequent windows?
2.4.3: Systems (WT1)	2.4.3.c.1: The ICANN organization should ensure that enough time is provided for development and testing before any system is deployed.
2.4.3: Systems (WT1)	2.4.3.c.2: Systems should undergo extensive, robust Quality Assurance (QA), User Interface (UI), and Penetration testing to ensure that they are stable and secure, and that data is properly protected and kept confidential where appropriate.
2.4.3: Systems (WT1)	2.4.3.c.3: Applicant-facing systems should be usable and integrated, ideally with a single login.
2.4.3: Systems (WT1)	2.4.3.c.4: Once a system is in use, the ICANN organization should be transparent about any system changes that impact applicants or the application process. In the event of any security breach, ICANN should immediately notify all impacted parties.
RySG Comment	When a security breach occurs, identifying all effectively impacted parties is usually a long task that would prevent immediate disclosure. Therefore, RySG suggests the last phrase to be changed to "notify all possibly impacted parties".
2.4.3: Systems (WT1)	2.4.3.c.5: The ICANN organization should offer prospective system end-users with the opportunity to beta-test systems while ensuring no unfair advantages are created for individuals who test the tools. It may accomplish this by setting up an Operational Test and Evaluation environment.
2.4.3: Systems (WT1)	2.4.3.c.6: As stated in section 2.4.1 above, “Any Agreements/Terms of Use for systems access (including those required to be “clicked-through”) should be finalized in advance and included in the Applicant Guidebook with the goal of minimizing obstacles and/or legal burdens on applicants.

2.4.3: Systems (WT1)	2.4.3.c.7: Implementation Guidance regarding technical systems: Applicants should be able to enter non-ASCII characters in certain fields.
2.4.3: Systems (WT1)	2.4.3.c.8: Implementation Guidance regarding technical systems: Applicants should be able to access live (real time) support using tools such as a phone helpline or online chat to address technical system issues.
2.4.3: Systems (WT1)	2.4.3.c.9: Implementation Guidance regarding technical systems: A single applicant should be able to submit and access multiple applications without duplicative data entry and multiple logins.
2.4.3: Systems (WT1)	2.4.3.c.10: Implementation Guidance regarding technical systems: Applicants should be able to receive automated confirmation emails from the systems.
2.4.3: Systems (WT1)	2.4.3.c.11: Implementation Guidance regarding technical systems: Applicants should be able to receive automated application fee related invoices.
2.4.3: Systems (WT1)	2.4.3.c.12: Implementation Guidance regarding technical systems: Applicants should be able to view changes that have been made to an application in the application system.
2.4.3: Systems (WT1)	2.4.3.c.13: Implementation Guidance regarding technical systems: Applicants should be able to upload application documents in the application system.
2.4.3: Systems (WT1)	2.4.3.c.14: Implementation Guidance regarding technical systems: Applicants should be able to update information/documentation in multiple fields without having to copy and paste information into the relevant fields.
2.4.3: Systems (WT1)	2.4.3.c.15: Implementation Guidance regarding technical systems: Applicants should be able to specify additional contacts to receive communication about the application and/or access the application and be able to specify different levels of access for these additional points of contact. The systems should provide means for portfolio applicants to provide answers to questions and then have them disseminated across all applications being supported.
2.4.3: Systems (WT1)	2.4.3.c.16: Implementation Guidance regarding technical systems: The systems should provide clearly defined contacts within the ICANN organization for particular types of questions.

Preliminary Recommendations, Options, and Questions for Community Input 2.5	
Topic	**Text**
2.5.1: Application Fees (WT1)	2.5.1.c.1: Work Track 1 is considering proposing that the New gTLD Program continue to be self-funding where existing ICANN activities are not used to cross-subsidize the new gTLD application, evaluation, pre-delegation and delegation processes.
RySG Comment	This principle, in place since the 2012 round, should be maintained. Funds taken in from the new gTLD program should only be used for new gTLD program related functions within ICANN and ICANN revenues from outside of the new gTLD program should not be used to subsidize the new gTLD program. This not only includes application evaluation and delegation activities but should also include other efforts around Universal Acceptance, Applicant Support and security and stability. Maintaining this segregation of funds is even more important going forward as ICANN encounters budget pressures. ICANN should not arbitrarily shift staff to the new gTLD program just to cover salary and benefits nor should the new gTLD program be an excuse for ICANN to grow headcount on a long term basis.
2.5.1: Application Fees (WT1)	2.5.1.c.2: In addition, the Work Track generally believes that the application fee amount should continue to be based on the "revenue neutral" principal, though the accuracy should be improved to the greatest extent possible. Although the 2012 New gTLD Applicant Guidebook remained silent on what should happen with any excess fees obtained through the application process, the Work Track is leaning towards recommending that absent the use of an application fee floor (described in 3 below) excess fees should be refunded back to applicants. If a deficit arises, the Work Track considered several options (see deliberations below), but there seemed to be support for ICANN recovering the majority of funds in future TLD application windows.

RySG Comment	As stated in the RySG response to the CC2, the principle of cost recovery was a reasonable approach for the 2012 round and we don't see a need to change the mechanism in the future. With that said, some members of the RySG hold the position that the $185,000 fee shouldn't change to reflect the public interest responsibility associated with operations of TLDs and that the question of recurring fees in excess of a cost recovery principle should be considered holistically and should follow further cost analysis, including accounting for fees during the 2012 round and whether the fees charged achieved the goal of cost recovery. Since the 2012 round, the Registry Stakeholder Group has petitioned ICANN and the ICANN Board on several occasions for a return of excess application fees through various methods. Except for returning the duplicative $5,000 fee for the set p of the Trademark Clearing House, these requests have been rejected. • If ICANN continues to hold the position that excess fees will not be returned to applicants, then the following needs to happen: • ICANN needs to more accurately account for the program expenses and use that to determine a more accurate application fee to avoid or minimize excess fees. • ICANN and the community should identify programs and initiatives within the new gTLD program would could use excess applications fees to support the overall health of the new gTLD program. These could include efforts such as Universal Acceptance, Applicant Support or sustaining ICANN compliance efforts • The process for handling excess fees should be clearly articulated to applicants prior to application fees and applications being submitted to ICANN. • A process should be established to evaluate ICANN's own needs and determine if excess fees could be used to further their work. ICANN should have a preemptive declaration on the funds prior to determining that the funds are in fact "excess". For requests made of ICANN that are well within their remit and by-laws, this reserve should be considered.
2.5.1: Application Fees (WT1)	2.5.1.c.3: The Work Track also is considering proposing that if in the event that the estimated application fee, based on the “revenue neutral” principal, falls below a predetermined threshold amount (i.e., the application fee floor), the actual application fee will be set at that higher application fee floor instead. The purpose of an application fee floor, as more fully discussed below, would be to deter speculation, warehousing of TLDs, and mitigating against the use of TLDs for abusive or malicious purposes, that could more easily proliferate with a low application fee amount.

RySG Comment	Applicants for new gTLDs are applying to operate a critical piece of internet infrastructure. Incumbent with the successful operation of a TLD, there are a myriad of costs that when considered, make the application fee almost irrelevant. A minimum application fee that accurately assesses the valuable nature of a TLD and its importance in the operation of the DNS is critical to the success of this program.
2.5.1: Application Fees (WT1)	2.5.1.c.4: The application fee floor is a predetermined value that is the minimum application fee. By definition, an application fee floor will not meet the revenue neutral principle as the floor amount will be greater than the application fees creating an excess. In the event that an application fee floor is used to determine the application fee, excess fees received by ICANN if the application fee floor is invoked should be used to benefit the following categories: Support general outreach and awareness for the New gTLD Program (e.g., Universal Awareness and Universal Acceptance initiatives); Support the gTLD long-term program needs such as system upgrades, fixed assets, etc.; Application Support Program; Top-up any shortfall in the segregated fund as described below.
RySG Comment	As stated previously, since the 2012 round, the Registry Stakeholder Group has petitioned ICANN and the ICANN Board on several occasions for a return of excess application fees through various methods. Except for returning the duplicative $5,000 fee for the setup of the Trademark Clearing House, these requests have been rejected. • If ICANN continues to hold the position that excess fees will not be returned to applicants, then the following needs to happen: • ICANN needs to more accurately account for the program expenses and use that to determine a more accurate application fee to avoid or minimize excess fees. • ICANN and the community should identify programs and initiatives within the new gTLD program would could use excess applications fees to support the overall health of the new gTLD program. These could include efforts such as Universal Acceptance or Applicant Support. • The process for handling excess fees should be clearly articulated to applicants prior to application fees and applications being submitted to ICANN.
2.5.1: Application Fees (WT1)	2.5.1.c.5: To help alleviate the burden of an overall shortfall, a separate segregated fund should be set up that can be used to absorb any shortfalls and topped-up in a later round. The amount of the contingency should be a predetermined value that is reviewed periodically to ensure its adequacy.

RySG Comment	ICANN should take all courses necessary to ensure there is no shortfall of funds as the result of this program. With ICANN currently looking at ways to contains costs, something the RySG supports, there should not be the opportunity for ICANN to have funds to load to the program. The RySG supports the rigorous costing exercise as discussed in the Initial Report to ascertain as accurate an application fees as possible. And when in doubt, ICANN should err towards excess funds as opposed to any shortfall.
2.5.1: Application Fees (WT1)	2.5.1.e.1: To the extent that warehousing/squatting of TLDs has taken place and may occur in the future, what other restrictions/methodologies, beyond pricing, might prevent such behavior?
RySG Comment	The RySG is not aware of sufficient data to demonstrate that there is a material concern with warehousing/squatting of TLDs. Therefore no other restrictions or methodologies are necessary.
2.5.1: Application Fees (WT1)	2.5.1.e.2: What happens if the revenue-cost neutral amount results in a refund that is greater than the application fee floor value? Should it be only the difference between the cost floor and the amount refunded? Should there be any minimum dollar value for this to come into effect? i.e. the amount of the refund is a small amount, and if so, should this excess be distributed differently, i.e. Universal Awareness, Applicant Support, other?
RySG Comment	As stated previously, since the 2012 round, the Registry Stakeholder Group has petitioned ICANN and the ICANN Board on several occasions for a return of excess application fees through various methods. Except for returning the duplicative $5,000 fee for the set up of the Trademark Clearing House, these requests have been rejected. If ICANN continues to hold the position that excess fees will not be returned to applicants, then the following needs to happen: ICANN needs to more accurately account for the program expenses and use that to determine a more accurate application fee to avoid or minimize excess fees. ICANN and the community should identify programs and initiatives within the new gTLD program would could use excess applications fees to support the overall health of the new gTLD program. These could include efforts such as Universal Acceptance or Applicant Support. The process for handling excess fees should be clearly articulated to applicants prior to application fees and applications being submitted to ICANN.
2.5.1: Application Fees (WT1)	2.5.1.e.3: What are the considerations/implications if we move to continuous rounds, in this case limited to how it relates to ensuring the program is run in a revenue neutral manner?

RySG Comment	Limiting this response to how it relates to ensuring the program is run in a revenue neutral manner, the RySG suggests there should be a periodic (no less than annual) true-up of cost and revenue, which should be used to provide a periodic (not more frequently than annual) adjustment to application fees. The Implementation Review Team will need to assess practical issues such as when the first true-up should occur (i.e., prior to the "end" of the evaluation process for all applications, but not before the "end" of the evaluation process for a substantial number of applications), how to account for costs and revenues for applications where the evaluation process is longer than a year, and how to time changes to future application fees.
2.5.1: Application Fees (WT1)	2.5.1.e.4: Are there policy, economic, or other principles or factors that might help guide the establishment of the floor amount?
RySG Comment	The RySG believes we should keep the floor amount should be kept as low as possible in order to avoid discouraging underserved communities and to encourage competition and innovation. The RySG also believes that the floor amount should not be so low as to encourage speculative applications. The Implementation Review Team should be given guidance to balance these competing considerations in setting an appropriate floor amount.
2.5.1: Application Fees (WT1)	2.5.1.e.5: Under the circumstance where the application fee is set at the floor amount, do you have additional suggestions or strategy on the disbursement of excess funds?
RySG Comment	Excess fees should be refunded to applicants subject to the application of the minimum fee floor. If an excess remains after taking into account the minimum fee floor, then ICANN should (a) add that excess amount to the segregated fund described in 2.5.1.c.5 (if approved, and if so, up to the approved amount for the segregated fund) or to a segregated fund for the purposes described in 2.5.1.e.2 (if approved, and if so, up to the approved amount for the segregated fund), and (b) adjust fees in future TLD application rounds to account for any remaining excess amount.
2.5.1: Application Fees (WT1)	2.5.1.e.6: Are we acknowledging and accepting of ICANN being a so-called “registry of registries” (i.e., does the community envision ICANN approving a few thousand / hundreds of thousands / millions of gTLDs to be added to the root? Should there be a cap?)
RySG Comment	The RySG believes that there should not be an arbitrary cap. Market forces and other natural incentives will restrict the number of new TLDs.
2.5.1: Application Fees (WT1)	2.5.1.e.7: Is there a way in which the application fee can be structured such that it can encourage competition and innovation?

RySG Comment	The RySG believes that the best way to encourage competition and innovation by means of the application fee is to keep it as low as possible consistent with the "revenue neutral" principle, and that the application fee should be structured such that all applications should continue to incur the same base application fee amount. The RySG also believes that the application fee should not be so low as to encourage speculative applications. The Implementation Review Team should be given guidance to balance these competing considerations in structuring an appropriate application fee.
2.5.1: Application Fees (WT1)	2.5.1.e.8: How do we address the timely disbursement of excess funds? Can this happen prior to the "end" of the evaluation process for all applications? If yes, please explain. If not, what is the length of time applicants should expect a refund after the evaluation process is complete?
RySG Comment	The RySG believes the next AG should specify what fees are required to be refunded, under what conditions, and by when. These rules should not be discretionary. To the extent that ICANN has an interest in retaining a certain portion of fees for specific projects to support the program then those goals should be articulated and agreed before the next round opens, for transparency. The AG should permit fees to be refunded in phases, over time and should not require that all applications from a particular round, window, or other application period be fully resolved prior to refunding.
2.5.1: Variable Fees (WT1)	2.5.2.c.1: Though Work Track 1 discussed a number of different possible alternative approaches, there was no agreement on any alternatives to the 2012 round; namely that all applications should incur the same base application fee amount regardless of the type of application or the number of applications that the same applicant submits. This would not preclude the possibility of additional fees in certain circumstances, as was the case in the 2012 round of the program (e.g., objections, Registry Service Evaluation Process, etc.).
RySG Comment	The RySG believes that all applications should continue to incur the same base application fee amount regardless of the type of application or the number of applications that the same applicant submits. Additionally, there was no additional fee to Registry Service Evaluation Process, since it was part of the application fee; there was a possible fee of Registry Services Technical Evaluation Panel (RSTEP); therefore this reference should be corrected.
2.5.1: Variable Fees (WT1)	2.5.2.d.1: Different application fees for different types of applications is only warranted if the cost incurred for processing those different types is significant (for discussion purposes, 20% was used).

RySG Comment	The RySG believes that all applications should incur the same base application fee amount regardless of the type of application or the cost incurred for processing the application. Once the application is properly submitted, the cost of processing it is determined by ICANN, not by the applicant, therefore the applicant should not be required to pay for costs under ICANN's control. If ICANN properly estimates the costs of evalutating different types of applications when setting the fee, there will be no need to retroactively charge more for certain applications.
2.5.1: Variable Fees (WT1)	2.5.2.d.2: Fees imposed for changing the type of application should be higher than applying for the desired TLD type originally (for discussion purposes, the applicant must pay 125% of the difference between the different application types in terms of fees plus any other related processing fees.)
RySG Comment	The RySG believes that applicants should not be charged a higher fee for making any changes to their applications that are permitted changes under the Applicant Guidebook.
2.5.1: Variable Fees (WT1)	2.5.2.d.1: If the number of applications exceed capacity limits and projected processing costs (assuming these are limiting factors) should there be an option to increase capacity and costs to meet service expectations? If so, how should capacity vs. increased costs and/or limits be set? What is an acceptable increase and how would the actual percentage be determined?
RySG Comment	The RySG believes that there is no acceptable increase amount or percentage to be determined. Any requirements for increased capacity and any resulting increased costs should be accounted for by the increased revenue from the higher than expected volume of applications. There is no clear reason that the per-application processing cost should be higher as the number of applications increases.
2.5.1: Variable Fees (WT1)	2.5.2.d.2: Should there be any exception to the rule that all applicants pay the same application fee regardless of the type of application? What exceptions might apply? Why or why not?
RySG Comment	The RySG believes that all applications should continue to incur the same base application fee amount regardless of the type of application that the same applicant submits. After extensive discussion by Work Track 1, there is no agreement on possible exceptions.
2.5.1: Variable Fees (WT1)	2.5.2.d.3: If different types of applications result in different costs, what value (e.g., amount, percentage, other) would justify having different fees? How could we seek to prevent gaming of the different costs?

RySG Comment	The RySG has seen no evidence that some application "types/categories" cost ICANN significantly more money to process (though the Initial Report notes a couple of scenarios where applications may have cost less to process) and believes that all applications should continue to incur the same base application fee amount regardless of the type of application that the same applicant submits. The application fee is supposed to be revenue-neutral over all, not per application and variances within +/- 2 standard deviations from the mean should have been considered in setting prices. Even Work Track 1 could not agree on possible exceptions. Introducing different types of fees would contradict the concept of a minimum fee and would certainly encourage speculative behavior and "gaming" of the different fees and further argues against increasing the number of "types" or categories of applications. Applicants that use additional services from ICANN (e.g. objections, or RSTEP) pay additional fees for those services and the RySG supports charging for such "extras", though it notes that in many cases, additional costs are likely to be due to ICANN's own decisions and the applicant is merely in the position of reacting.
2.5.1: Variable Fees (WT1)	2.5.2.d.4: If fees are imposed for changing the type of application, again what is an acceptable percentage and how should the percentage be determined?
RySG Comment	The RySG believes that applicants should not be charged a higher fee for making any changes to their applications that are permitted changes under the Applicant Guidebook.
2.5.3: Application Submission Period (WT1)	2.5.3.c.1: For the next round of new TLD applications, applicants should have a minimum of three (3) months from the time in which the application systems open until the time in which applications would become due (“application submission period”). This recommendation would apply if the next application opportunity is structured as a round.
RySG Comment	As stated in the RySG response to CC2, allowing for subsequent procedures that contemplate a “rolling” first-come, first-served open period allows all applicants—now and future—the opportunity to apply when they want to. A continuous process will prevent bottlenecks in application processing and allow applicants to apply for a gTLD when it is right for their business, rather than when a short window allows. Assuming ICANN undertakes a more effective awareness campaign for the new round of new gTLD applications, 3 months should be adequate but a period that extends to 6 months may be beneficial in allowing for late comers to the program to participate.

2.5.3: Application Submission Period (WT1)	2.5.3.d.1: In section 2.4.2 on Communications, Work Track 1 has recommended that the Communications Period for the next round of new gTLDs should be at least six (6) months. One possible recommendation is that no more than two (2) months of the Communications Period for the next round of new gTLDs should overlap with the application submissions period, leaving at least one (1) month after the closing of the Communications Period and before the closing of the applications submission period.
RySG Comment	While one would think that with all the activity resulting from the 2012 Round would have helped with building awareness about the new gTLD program, studies indicate there continues to be a lack of awareness among the public at large, especially in developing regions. A more effective Communications Period should be implemented with any fees paid to external consultants tied to success metrics. Pulling together a new gTLD application is a serious undertaking and having the Communications Period overlap with the Application window would not afford newcomers the time needed to properly develop an application and secure funding if they only find out near the end of the application window. If the communications window were to overlap, to should be no more than 30 days, leaving 60 days for application development and submission.
2.5.3: Application Submission Period (WT1)	2.5.3.d.2: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, steps related to application processing and delegation should be able to occur in parallel with the opening of subsequent application windows.
RySG Comment	RySG supports this recommendation.
2.5.3: Application Submission Period (WT1)	2.5.3.d.3: In the event that following the next round of new gTLDs, application opportunities are organized as a series of application windows, the Applications submission period may be shortened to two (2) months.
RySG Comment	RySG supports this recommendation.
2.5.3: Application Submission Period (WT1)	2.5.3.e.1: For the next round, is having the applicant submission period set at three (3) months sufficient?
RySG Comment	Assuming ICANN undertakes a more effective awareness campaign for the new round of new gTLD applications, 3 months should be adequate but a period that extends to 6 months may be beneficial in allowing for late comers to the program to participate.
2.5.3: Application Submission Period (WT1)	2.5.3.e.2: Is the concept of a fixed period of time for accepting applications the right approach? Why or why not? Does this help facilitate a predictable schedule for submission and objections/comments?

RySG Comment	As we stated in our May 24, 2017 comment: The RySG continues to support allowing for subsequent procedures that contemplate a "rolling" first-come, first-served open period allows all applicants—now and future—the opportunity to apply when they want to. A continuous process will prevent bottlenecks in application processing and allow applicants to apply for a gTLD when it is right for their business, rather than when a short window allows. While we support a "rolling period," we understand that there has to be a way to deal with contention for the same string if there is pent-up demand since the 2012 round. A hybrid approach might be considered by the Working Group (e.g., a short window followed by an immediate rolling period). If there are outstanding substantial concerns about a rolling process providing a predictable schedule for submission and acceptance of objections and comments, a hybrid approach should be able to address those concerns, along with other mechanisms such as providing clear notice when submissions are received. (see RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)
2.5.4: Applicant Support (WT1)	2.5.4.c.1: In the 2012 round, although anyone could apply, applicants that operated in a developing economy were given priority in the Applicant Support Program (ASP). The Work Track generally agreed that Applicant Support should continue to be open to applicants regardless of their location so long as they meet the other criteria.
RySG Comment	The RySG supports continuation of the ASP in the next round of gTLDs to the benefit of applicants and the community, without regard to their geographic location.
2.5.4: Applicant Support (WT1)	2.5.4.c.2: Geographic outreach areas should not only target the Global South, but also consider the "middle applicant" which are struggling regions that are further along in their development compared to underserved or underdeveloped regions.
RySG Comment	The RySG supports outreach to both the Global South and "middle applicant" regions to inform them of resouces available through the ASP
2.5.4: Applicant Support (WT1)	2.5.4.c.3: Applicants who do not meet the requirements of the ASP should be provided with a limited period of time (that does not unreasonably delay the program) to pay the additional application fee amount and transfer to the relevant application process associated with their application.
RySG Comment	The RySG supports providing applicants that fail to meet the requirements for the ASP, a reasonable period of time to pay the additional application fee amount.

2.5.4: Applicant Support (WT1)	2.5.4.c.4: ICANN should improve the awareness of the ASP by engaging with other ICANN communities and other suitable partners that include, but not limited to, focus on technology and communication industries, especially in underserved regions, while improving awareness through extensive promotional activities.
RySG Comment	The RySG supports ICANN's outreach to ICANN partners and other suitable parties to increase awareness of the ASP. The RySG, however, believes extensive promotional activities are unnecessary to supplement direct outreach efforts.
2.5.4: Applicant Support (WT1)	2.5.4.c.5: ICANN should employ a multifaceted approach based on pre-application support, including longer lead times to create awareness, encouraging participation of insightful experts who understand relevant regional issues and potential ramifications on the related business plans, along with the tools and expertise on how to evaluate the business case, such as developing a market for a TLD.
RySG Comment	The RySG supports ICANN's actions to better understand relevant regional issues but cautions against ICANN's evaluation of business plans to make a determination on the value of a business plan. Ultimately, the best evaluator of a business plan is the registry operator proposing such a plan. Simply due to the fact that an applicant is part of the ASP, should not empower ICANN to determine the viability of a plan.
2.5.4: Applicant Support (WT1)	2.5.4.c.6: Support should continue to extend beyond simply financial. ICANN’s approach should include mentorship on the management, operational and technical aspects of running a registry such as existing registries/registrars within the region to develop in-house expertise to help ensure a viable business for the long term.
RySG Comment	The RySG believes that ICANN's support should be limited to financial support for the application fee. Further involvement in the operational, technical and business aspects of a registry/registrar will only serve to unnecessarily involve ICANN in the operations of a registry/registrar and will serve as a de facto endorsement of certain registries/registrars and set a negative precedent for future entities that want to enter the registry/registrar business.
2.5.4: Applicant Support (WT1)	2.5.4.c.7: Additionally, financial support should go beyond the application fee, such as including application writing fees, related attorney fees, and ICANN registry-level fees.
RySG Comment	For the same reasons noted in 2.5.4.c.6, the RySG in not in favor of ICANN support that exceeds simple financial support through the ASP.
2.5.4: Applicant Support (WT1)	2.5.4.c.8: ICANN should evaluate additional funding partners, including through multilateral and bilateral organizations, to help support the ASP.

RySG Comment	The RySG supports ICANN's evaluation of additional funding partners to support the ASP program, and strongly disagrees with any attempt to earmark or limit the use of funds for specific applications or regions, or exert any undue influence, as a condition of any additional funding provided. Additionally, the RySG believes that additional funding providers should not include existing contracted parties, new gTLD applicants, or entities otherwise operating under contract with ICANN in order to avoid the appearance of any undue influence on ICANN as a result of the funds provided for the ASP program.
2.5.4: Applicant Support (WT1)	2.5.4.c.9: ICANN should consider whether additional funding is required for the next round opening of the Applicant Support Program.
RySG Comment	The RySG believes ICANN should quantify any additional financial commitments to the ASP, and the corresponding benefits of those additional commitments, before the RySG can agree to its expansion.
2.5.4: Applicant Support (WT1)	2.5.4.e.1: Work Track 1 generally agreed that the Applicant Support Program (ASP) should be open to applicants regardless of their location (see recommendations 2.5.4.c.1 and 2.5.4.c.2 above). How will eligibility criteria need to be adjusted to accommodate that expansion of the program?
RySG Comment	The RySG believes it is still very unclear how the eligibility criteria would need to change to implement these recommendations. For example, while the proposal of a “middle applicant” category could afford greater access to the ASP, it could also increase costs of the program. The RySG would be curious as to how this expanded category would be defined, how eligibility criteria would be defined, and the specifics of the proposal’s implications such as overall cost and anticipated number of potential recipients.
2.5.4: Applicant Support (WT1)	2.5.4.e.2: Metrics: What does success look like? Is it the sheer number of applications and/or those approved? Or a comparison of the number that considered applying vs. the number that actually completed the application process (e.g., developed its business plan, established financial sustainability, secured its sources of funds, ensured accuracy of information?)
RySG Comment	One purpose of the ASP should be increasing the number that considered applying. However, the primary purpose should be increasing the number of applicants that actually completed the application process (e.g., developed its business plan, established financial sustainability, secured its sources of funds, ensured accuracy of information). The goal is to increase the number of TLDs serving underserved populationa and locales, not just raising interest in new TLDs for those populations and locales.

2.5.4: Applicant Support (WT1)	2.5.4.e.2.1: What are realistic expectations for the ASP, where there may be critical domain name industry infrastructure absent or where operating a registry may simply not be a priority for the potential applicants?
RySG Comment	The RySG has identified a limited set of issues likely to require a policy change and should be critical enough to be considered perquisites for all future applications, even those utilizing the ASP. In our May 24, 2017 comment we said: The applicant must be able to demonstrate that there is a business case for the TLD, and if the intent is to raise revenue that there is an actual market that the TLD will serve and that the infrastructure and people with the knowledge and the skills to operate the TLD in perpetuity are accessible. The approach would promote the timely introduction of new gTLDs, while supporting critical process improvements that benefit applicants and the community alike. Support for applications from underserved regions was one of the three issues identified. The RySG supports continuation of the Applicant Support Program (ASP) in the next round of gTLDs to the benefit of applicants and the community. We believe that the focus on support for underserved underdeveloped regions is a priority. The RySG supports the eligibility of IDNs for applicants who meet the other criteria for the ASP; we do not believe IDNs would require a specific or special category of support. Registries feel that an ASP with well-defined criteria and increased awareness has the potential to serve the full community of potential applicants.
2.5.4: Applicant Support (WT1)	2.5.4.e.3: If there are more applicants than funds, what evaluation criteria should be used to determine how to disperse the funds: by region, number of points earned in the evaluation process, type of application, communities represented, other?
RySG Comment	If there are more applicants than funds, the evaluation criteria used to determine how to disperse the funds should be the number of points earned in the evaluation process, because the primary purpose should be increasing the number of applicants that actually completed the application process, which will best be served by focusing on the most viable applications. Where the viability of applications is equivalent, the secondary purpose should be increasing the number of applicants from the global south.
2.5.4: Applicant Support (WT1)	2.5.4.e.4: Did the ASP provide the right tools to potential program participants? If not, what was missing?

RySG Comment	Unfortunately, use of the ASP in the 2012 round was very limited. Based upon the findings of the discussion group it seems that primary hurdles to use of the ASP were awareness, timing, and education. Further, it was particularly burdensome for applicants from underserved and middle-served regions to provide required financial documents for a continuing operations instrument (COI). Reconsidering ASP requirements to account for this may be beneficial. The RySG supports improved outreach and publication of the ASP and the resources it provides. We feel that an ASP with well-defined criteria, clear engagement processes, and increased awareness has the potential to serve the full community of potential applicants.
2.5.4: Applicant Support (WT1)	2.5.4.e.5: How can we best ensure the availability of local consulting resources?
RySG Comment	We cannot ensure the availability of local consulting resources. What we can do is offer opportunities for consulting resources in the community to offer free or reduced price services.
2.5.4: Applicant Support (WT1)	2.5.4.e.6: How can we improve the learning curve – what ideas are there beyond mentorship?
RySG Comment	In the 2012 round the ASP was rushed and not well publicized so those that may have benefited from the ASP may have been unable to take part due to time constraints or a lack of knowledge about ICANN and gTLDs in general. The RySG supports improved outreach and publication of the Applicant Support program to overcome the lack of awareness about the program and the resources it can provide. The RySG encourages ICANN to build relationships and share information about future new gTLD releases in a timely manner with business associations, such as national and regional Chambers of Commerce, in order that they can disseminate this to their members to raise awareness.
2.5.4: Applicant Support (WT1)	2.5.4.e.7: How do we penalize applicants who may try to game the system?

RySG Comment	The goal should be to establish fair rules that encourage committed applicants and discourage speculation. It's more likely that attempting to set up a system to root out "gaming" will create additional accountability problems for ICANN and increase the costs of the New gTLD Program. Parties found to be gaming by the application support program evaluators, should i) have the application rejected without any refund, ii) withdraw all applications affiliated with named individuals who are party to the ASP gaming application, iii) and should ban all named individuals who are party that application from applying in any round for at least a reasonable period of time, up to forever.
2.5.4: Applicant Support (WT1)	2.5.4.e.8: Are there any considerations related to string contention resolution and auctions to take into account?
RySG Comment	The RySG is sensitive to the need to balance a robust TLD application process that ensures competition and a level playing field for all applicants with the fact that ASP applicants are unlikely to be able to competitively participate in String Contention Objections or an auction due to cost. The Initial Report discussed the WT's ideas about better outreach to find partners and help for ASP applicants throughout the process, and the RySG believes the WG should recommend that ICANN cultivate a list of resources, organizations, or agencies that would be willing to assist the applicant.
2.5.4: Applicant Support (WT1)	2.5.4.e.9: Should there be a dedicated round for applicants from developing countries?
RySG Comment	No. RySG opposes this option, considering it would be easily gamed to make applications not really from those countries get preferrence in that round over applicants unwilling to make false representations.
2.5.4: Applicant Support (WT1)	2.5.4.e.10: What should the source of funding be for the ASP? Should those funds be considered an extra component of the application fee? Should ICANN use a portion of any excess fees it generates through this next round of new gTLDs to fund subsequent Application Support periods?
RySG Comment	The funding for the ASP should be one of the costs included in building the "revenue neutral" budget for the next round. The cost should be reincorporated into the "revenue neutral" budget for subsequent application opportunities rather than rolling over excess funds from one round to pay for the ASP program in a subsequent round.
2.5.4: Applicant Support (WT1)	2.5.4.e.11: Are there any particular locales or groups that should be the focus of outreach for the ASP (e.g., indigenous tribes on various continents)?

RySG Comment	No, because the RySG is not aware of any data that identified a particular underserved community or locale in need of special outreach. ICANN should not single a group out for special treatment without more data.
2.5.5: Terms and Conditions (WT2)	2.5.5.c.1: Work Track 2 believes that there should continue to be a Terms and Conditions document separate and apart from the Registry Agreement. Although the majority of the Terms and Conditions contained in the 2012 round were generally acceptable, the Work Track is considering proposing the following changes.
RySG Comment	
2.5.5: Terms and Conditions (WT2)	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: 2.5.5.c.2: Unless required under specific law or the ICANN Bylaws, ICANN should only be permitted to reject an application if done so in accordance with the Terms and Conditions of the Applicant Guidebook.
RySG Comment	The RySG supports the position that ICANN can only reject applications for good cause (including prohibitions under applicable law, policy or eligibility and evaluation requirements found in the Applicant Guidebook), and cannot treat similarly situated parties differently. The RySG proposes the following language: "ICANN reserves the right to reject any application that ICANN is prohibited from considering under applicable law, policy, or eligibility and evaluation requirements outlined in sections 1.2, 2.1-2, and 3.2.1 in the Applicant Guidebook."
2.5.5: Terms and Conditions (WT2)	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: 2.5.5.c.3: In the event an application is rejected, the ICANN organization should be required to cite the reason in accordance with the Applicant Guidebook, or if applicable, the specific law and/or ICANN Bylaw for not allowing an application to proceed.
RySG Comment	The RySG supports the position that ICANN confidentially disclose to the applicant the specific basis for any rejection of an application.

2.5.5: Terms and Conditions (WT2)	2.5.5.c.4: Section 6 currently gives ICANN a broad disclaimer of representations and warranties, but also contains a covenant by the applicant that it will not sue ICANN for any breach of the Terms and Conditions by ICANN. In general, the Work Track was not comfortable with the breadth of this covenant to not sue and Work Track members disagreed with the covenant not to sue as a concept. However, if the covenant not to sue ICANN is maintained, there must be a challenge/appeal mechanism established above and beyond the general accountability provisions in the ICANN Bylaws that allows for substantive review of the decision. This mechanism should look into whether ICANN (or its designees/contractors) acted inconsistently (or failed to act consistently) with the Applicant Guidebook (see section 2.8.2 on Accountability Mechanisms for further detail).

RySG Comment	At least one RySG member holds the following viewpoint. We do not support a broader appeal mechanism that would look into whether ICANN (staff or Board) violated the Bylaws by making (or not making) a certain decision. The ICANN community devoted thousands of hours to revising the existing accountability mechanisms. The community should give those accountability mechanisms an opportunity to succeed before creating a substantive appeal mechanism. Further, the RySG has concerns about the ability to create successfully an appeals mechanism that is objective and fair with well trained, conflict-free panelists, and that does not undermine the legitimacy of the IRP. Therefore there should be no additional appeal or accountability mechanisms at this time; the rationale for that is "the community has worked hard on the IRP and the community should give it a chance rather than attempting to add an additional appeal mechanism. " However, the holders of this viewpoint support limited appeals for other reasons as set out in 2.8.2.c.1. At least one RySG member disagrees and agrees with the members of the work track that the covenant not to sue is overbroad and may be unconscionable due to the significant public interests involved. The reasoning for that is: "Public policy considerations generally require that contractual releases for future liability, including ordinary negligence, which purport to exempt an entity in a transaction affecting the public interest be void. The covenant not to sue is therefore inappropriate in the context of applications for future gTLDs. If the WG recommends the covenant not to sue be eliminated or modified, one option the WG could discuss is requiring parties to use the IRP prior to the initiation of any judicial dispute. ". On the other hand, at least one other RySG member disagress with the removal of the convenant not to sue. The reasoning for that is: "The convenant not to sue is key to limiting ICANN liability, allowing the program to be performed at reasonable costs. Removing it would likely cause ICANN Org to increase the part of the application fee reserved for litigation, increasing costs across the board for new gTLD applicants."

2.5.5: Terms and Conditions (WT2)	2.5.5.c.5: Section 14 allows ICANN to make reasonable updates to the Applicant Guidebook at its discretion. The Work Track generally agrees that to the extent that substantive changes are made to the Applicant Guidebook or program processes, applicants should be allowed some type of recourse, including if applicable, the right to withdraw an application from ICANN's consideration in exchange for a refund. A framework for ICANN to make transparent changes to the Applicant Guidebook as well as available recourse to change applications or withdraw for applicants should be laid out.
RySG Comment	Certain updates should be allowed, but ICANN should offer a time period in which applicants may prepare for, or object to, any updates to the Applicant Guidebook ("AG"). For example, ICANN shouldn't be permitted to change the application fee after it accepts applications. Any legitimate changes must have good cause and ICANN should provide reasonable warning to all new gTLD applicants before any updates in the AG take effect to allow applicants a level of predictability, while also giving ICANN the ability to modify and adapt as needed without making the process overly rigid. Applicants should also be given a reasonable opportunity to amend a pending application if the change is made after the application is submitted that is material to the application. Application amendments should be limited to addressing the AG change and the time frame in which amendments may be made should take into account time for applicant to first object to the AG changes.
2.5.5: Terms and Conditions (WT2)	2.5.5.e.1: Are there any other changes that should be made to the Applicant Terms and Conditions that balances ICANN's need to minimize its liability as a non-profit organization with an applicant's right to a fair, equitable and transparent application process?
RySG Comment	The RySG believes we should at least: - Modify the language in section 6.3 to reference related eligibility and evaluation criteria (i.e. sections 1.2, 2.1-2, and 3.2.1 of the Applicant Guidebook) to further clarify when and why an application may be declined. - Specify the procedures and timeframes for handling excess application fees discussed in foregoing comments. - Specify a timeframe for proposed changes/updates to the Applicant Guidebook to provide applicants with adequate warning. At least one RySG member also believes we should remove the covenant not to sue, as explained in our comment to 2.5.5.c.4, while at least one other RySG member opposes removing the covenant not to sue.

2.5.5: Terms and Conditions (WT2)	2.5.5.e.2: Under what circumstances (including those arising relative to the sections referenced above) should an applicant be entitled to a full refund?
RySG Comment	The RySG believes that applicants should be entitled to a full refund if (a) a new gTLD is applied for but later is disqualified because it poses too great a risk regarding Name Collision, or (b) ICANN mmakes updates to the Applicant Guidebook that are material to the application. Limiting other opportunities for a full refund is a potential way to discourage speculative applications.
2.5.5: Terms and Conditions (WT2)	2.5.5.e.3: Some in the Work Track have noted that even if a limited challenge/appeals process is established (see preliminary recommendation 2 above), they believe the covenant to not sue the ICANN organization (i.e., Section 6 of the Terms and Conditions) should be removed. Others have noted the importance of the covenant not to sue, based on the ICANN organization's non-profit status. Do you believe that the covenant not to sue should be removed whether or not an appeal process as proposed in section 2.8.2 on Accountability Mechanisms is instituted in the next round? Why or why not?
RySG Comment	Please refer to 2.5.5.c.4 regarding removing or not the covenant not to sue and to add or not a limited appeals process.

Preliminary Recommendations, Options, and Questions for Community Input 2.6	
Topic	**Text**
2.6.1: Application Queuing (WT2)	2.6.1.c.1: ICANN should not attempt to create a "skills-based" system like "digital archery" to determine the processing order of applications.
RySG Comment	RySG supports not going back to "digital archery" and similar prioritization methods.
2.6.1: Application Queuing (WT2)	2.6.1.c.2: ICANN should apply again for an appropriate license to conduct drawings to randomize the order of processing applications.
RySG Comment	

2.6.1: Application Queuing (WT2)	2.6.1.c.3: If ICANN is able to secure such a license, applications should be prioritized for Initial Evaluation using a prioritization draw method similar to the method ultimately adopted in the 2012 round. Namely: Applicants who wish to have their application prioritized may choose to buy a ticket to participate in the "draw"; Applicants who choose not to buy a ticket will participate in a later draw to be held after the prioritized applicants; Assignment of a priority number is for the processing of the application and does not necessarily reflect when the TLD will be delegated.
RySG Comment	RySG supports recommendation 2.6.1.c.5 which would make this recommendation, 2.6.1.c.3, a little different in that it wouldn't need a separate ticket purchase.
2.6.1: Application Queuing (WT2)	2.6.1.c.4: If an applicant has more than one application, they may choose which of their applications to assign to each priority number received within their portfolio of applications.
RySG Comment	
2.6.1: Application Queuing (WT2)	2.6.1.c.5: To the extent that it is consistent with applicable law to do so, ICANN should include in the application amount the cost of participating in the drawing or otherwise assign a prioritization number during the application process without the need for a distinctly separate event.
RySG Comment	
2.6.1: Application Queuing (WT2)	2.6.1.c.6: All applications submitted in the next round (regardless whether delegated or not) must have priority over applications submitted in any subsequent rounds/application windows even if the evaluation periods overlap.
RySG Comment	
2.6.1: Application Queuing (WT2)	2.6.1.e.1: If there is a first-come, first-served process used after the next application window, how could ICANN implement such a process?
RySG Comment	
2.6.1: Application Queuing (WT2)	2.6.1.e.2: In subsequent procedures, should IDNs and/or other types of strings receive priority in processing? Is there evidence that prioritization of IDN applications met stated goals in the 2012 round (served the public interest and increased DNS diversity, accessibility and participation)?
RySG Comment	
2.6.1: Application Queuing (WT2)	2.6.1.e.3: If ICANN is unable to obtain a license to randomize the processing order of applications, what are some other mechanisms that ICANN could adopt to process applications (other than through a first-come, first-served process)?
RySG Comment	

2.6.1: Application Queuing (WT2)	2.6.1.e.4: Some members have suggested that the processing of certain types of applications should be prioritized over others. Some have argued that .Brands should be given priority, while others have claimed that community-based applications or those from the Global South should be prioritized. Do you believe that certain types of applications should be prioritized for processing? Please explain.
RySG Comment	RySG believes the default position should be to avoid prioritization of particular categories over others. The RySG has not reached consensus about whether prioritization should occur and which applicant categories should be prioritized. The RySG supports retaining the lottery-style prioritization mechanism that was ultimately used in the 2012 round with one minor modification to allow applicants to choose which of their applications to prioritize in the queing process.

Preliminary Recommendations, Options, and Questions for Community Input 2.7	
Topic	**Text**
2.7.1: Reserved Names (WT2)	2.7.1.c.1: Reservation at the top level: Keep all existing reservations, but add:
RySG Comment	RySG suggests reviewing the list of reserved names at the top level and supports reserving only those names where there are stability or security risks.
2.7.1: Reserved Names (WT2)	2.7.1.c.1.1: The names for Public Technical Identifiers (i.e., PTI, PUBLICTECHNICALIDENTIFIERS, PUBLICTECHNICALIDENTIFIER).
RySG Comment	RySG supports adding the names for Public Technical identifiers to reservations at the top level.
2.7.1: Reserved Names (WT2)	2.7.1.c.1.2: Special-Use Domain Names through the procedure described in IETF RFC 6761.
RySG Comment	RySG supports adding Special-Use Domain Names to reservations at the top level. If ICANN knows a label will not be delegated it should not be possible to apply for that label. Similarly if a name is not reserved, it should not be added to the list after ICANN receives/processes applications absent a material change in circumstances.

2.7.1: Reserved Names (WT2)	2.7.1.c.2: Reservations at the second level: Keep all existing reservations, but update Schedule 5 to include the measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016.
RySG Comment	RySG supports updating Specification 5 to include the Measures for Letter/Letter Two-Character ASCII lables to Avoid Confusion with the Corresponding Country Codes adopted by the ICANN Board on 8 November 2016. In addition to these measures dealing with letter/letter names corresponding to the country codes, authorisation was given for the release of letter/number, number/letter and number/number two-character ASCII combinations, and also two-letter codes which did not correspond to country codes, all of which had previously been reserved at the second level, and this reservation is reflected in the Base RA. The authorisation to release these terms should be formalised in the recommendations of this PDP, and the base RA for future TLDs should be amended accordingly.
2.7.1: Reserved Names (WT2)	2.7.1.c.3: The Work Track is also considering a proposal to remove the reservation of two-character strings at the top level that consist of one ASCII letter and one number (e.g., .O2 or .3M), but acknowledges that technical considerations may need to be taken into account on whether to lift the reservation requirements for those strings. In addition, some have expressed concern over two characters consisting of a number and an ASCII letter where the number closely resembles a letter (e.g., a “zero” looking like the letter “O” or the letter “L” in lowercase looking like the number “one”).
RySG Comment	The RySG supports the proposal with further review of technical considerations absent any security or stability risk and if there is strong support within the community.
2.7.1: Reserved Names (WT2)	2.7.1.e.1: The base Registry Agreement allows registry operators to voluntarily reserve (and activate) up to 100 strings at the second level which the registry deems necessary for the operation or the promotion of the TLD. Should this number of names be increased or decreased? Please explain. Are there any circumstances in which exceptions to limits should be approved? Please explain.

RySG Comment	RySG suggests fixing the language in the report to "allocation" of 100 instead of reservation of 100 names. RySG believes the 100 names allocated worked effectively for most registries. However, a group in the RySG suggests increasing the number to allow greater flexibility for registries to test and innovate. At minimum, the RySG recommends making the 100 names available on a rolling basis, meaning if a registry stops using one of its reserved names the available count will increase though never exceeding 100 names. RySG supports providing an exception to the limits for TLDs under Specification 13 because the only permitted registrant is the registry operator, its affiliates or trademark licensees.
2.7.1: Reserved Names (WT2)	2.7.1.e.2: If there are no technical obstacles to the use of 2-character strings at the top level consisting of one letter and one digit (or digits more generally), should the reservation of those strings be removed? Why or why not? Do you believe that any additional analysis is needed to ensure that these types of strings will not pose harm or risk to security and stability? Please explain.
RySG Comment	RySG sees a number of different types of letter/digit digit/letter digit/digit combinations, that could be valid octal numbers, valid decimal numbers, valid hexadecimal numbers and not a number in neither of these 3 bases. RySG also sees some of those combinations, although not all, having possible confusion with ccTLDs. As such, we recommend the following: > For all those combinations, require an acknowledgment from the applicant that those TLDs might inccur more universal acceptance challenges than other ASCII new gTLDs. > For the letter/digit and digit/letter combinations, require applicants to pay for both halves of possible string confusion objections panel fees coming from ccTLD operators.
2.7.1: Reserved Names (WT2)	2.7.1.e.3: In addition to the reservation of up to 100 domains at the second level, registry operators were allowed to reserve an unlimited amount of second level domain names and release those names at their discretion provided that they released those names through ICANN-accredited registrars.

RySG Comment	RySG suggests fixing the language in the report to "allocation" of 100 instead of reservation of 100 names. RySG opposes setting limitations on reservation of names, regardless of TLD type, since usage models are not all alike. Setting such limits has the potential to inhibt innovation. RySG opposes having to proceed with sunrise for reserved names, since how registrars and registries interoperate woud make such operations cumbersome. Reserved names already have to go through a claims period, allowing trademark misuse to be detected. In case of GEO Tlds there are no other mechanism to reserve names for public services, street names and other items, such as POLICE, METRO, AIRPORT e.t.c, which have importance for the local public and the local government (which grants letter of support/non objection on it's own terms).
2.7.1: Reserved Names (WT2)	2.7.1.e.3.1: Should there be any limit to the number of names reserved by a registry operator? Why or why not?
RySG Comment	Please see response to 2.7.1.e.3 above.
2.7.1: Reserved Names (WT2)	2.7.1.e.3.2: Should the answer to the above question be dependent on the type of TLD for which the names are reserved (e.g., .Brand TLD, geographic TLD, community-based TLD and/or open)? Please explain.
RySG Comment	Please see response to 2.7.1.e.3 above.
2.7.1: Reserved Names (WT2)	2.7.1.e.3.3: During the 2012 round, there was no requirement to implement a Sunrise process for second-level domain names removed from a reserved names list and released by a registry operator if the release occurred after the general Sunrise period for the TLD. Should there be a requirement to implement a Sunrise for names released from the reserved names list regardless of when those names are released? Please explain.
RySG Comment	Please see response to 2.7.1.e.3 above.
2.7.1: Reserved Names (WT2)	2.7.1.e.4: Some in the community object to the Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes, adopted by the ICANN Board on 8 November 2016. Is additional work needed in this regard?
RySG Comment	No. RySG supports the board-approved confusion avoidance mehcanism and doesn't believe additional work to be needed.
2.7.2: Registrant Protections (WT2)	2.7.2.c.1: Maintain the existing EBERO mechanism including triggers for an EBERO event and the critical registry functions that EBEROs provide as well as each of the other protections identified above.

RySG Comment	The RySG believes requiring BOTH the EBERO and COI is unnecessarily burdensome. Some ROs support an EBERO (believing the COI is unduly troublesome to obtain), some support COI (beliving the EBERO is an unwarranted "safety net" against business failure). In either case, the RySG supports safeguards to protect consumers from registry operators that may fail. Either the community should determine which is the least burdensome and most likely to accomplish the consumer protection goal, or allow each RO to choose the protection it prefers (EBERO or COI). The RySG cautions that, either way, the WG should remember that the goal of EBERO or COI is to protect consumers, not to keep failing businesses afloat.
2.7.2: Registrant Protections (WT2)	2.7.2.c.2: Single registrant TLDs (including those under Specification 13) should be exempt from EBERO requirements.
RySG Comment	RySG supports exempting single registrant TLDs from EBERO requirements.
2.7.2: Registrant Protections (WT2)	2.7.2.c.3: Continue to allow publicly traded companies to be exempt from background screening requirements as they undergo extensive similar screenings, and extend the exemption to officers, directors, material shareholders, etc. of these companies.
RySG Comment	RySG agrees with continuing to allow publicly traded companies to be exempt from background screening requirements and supports extending the exemption to the officers, directors, material shareholders, etc.
2.7.2: Registrant Protections (WT2)	2.7.2.c.4: Improve the background screening process to be more accommodating, meaningful, and flexible for different regions of the world, for example entities in jurisdictions that do not provide readily available information.
RySG Comment	RySG believes the current criteria for background screenings are appropriate and supports continuing the background screening process in substantially the same form.
2.7.2: Registrant Protections (WT2)	2.7.2.e.1: The deliberations section below discusses several alternate methods to fund the EBERO program. Please provide any feedback you have on the proposed methods and/or any other methods to fund EBERO in subsequent procedures.
RySG Comment	See response to 2.7.2.c.1.
2.7.2: Registrant Protections (WT2)	2.7.2.e.2: Should specific types of TLDs be exempt from certain registrant protections? If yes, which ones should be exempt? Should exemptions extend to TLDs under Specification 9, which have a single registrant? TLDs under Specification 13, for which registrants are limited to the registry operator, affiliates, and trademark licensees? If you believe exemptions should apply, under what conditions and why? If not, why not?

RySG Comment	Yes. RySG supports exempting TLDs under Specifications 9 and 13 from EBERO and COI so long as they continue to qualify for Specifications 9 and 13 and have only a single registrant. The protection provided to registrants by EBERO and the COI funding for the EBERO is not necessary where the registrant is or is an Affiliate of the registry, as the registry will already have considered its own interents.
2.7.2: Registrant Protections (WT2)	2.7.2.e.3: ICANN's Program Implementation Review Report stated that it may be helpful to consider adjusting background screening requirements to allow for meaningful review in different circumstances. Examples cited include newly formed entities and companies in jurisdictions that do not provide readily available information. Please provide feedback on ICANN's suggestion along with any suggestions to make applicant background screenings more relevant and meaningful.
RySG Comment	Please see response to 2.7.2.c.4 above.
2.7.2: Registrant Protections (WT2)	2.7.2.e.4: Should publicly traded companies be exempt from background screening requirements? If so, should the officers, directors, and material shareholders of the companies also be exempt? Should affiliates of publicly traded companies be exempt?
RySG Comment	Yes. RySG supports continuing to allow publicly traded companies to be exempt from background screening requirements and supports extending the exemption to the officers, directors, material shareholders, etc. RySG supports extending the exemption to Affiliates as affiliates is defined in the base registry agreement.
2.7.2: Registrant Protections (WT2)	2.7.2.e.5: The Work Track is considering a proposal to include additional questions (see directly below) to support the background screening process. Should these questions be added? Why or why not? - Have you had a contract with ICANN terminated or are being terminated for compliance issues? - Have you or your company been part of an entity found in breach of contract with ICANN?
RySG Comment	No. RySG appreciates the intent behind these questions but does not support adding these questions to the background screening process. Breach of an RA or RRA may happen for a number of reasons and should not be grounds, de facto, for disqualification. There are already other mechanisms in place to discover any potential risks that are the underlying intent behind the questions.

2.7.3: Closed Generics (WT2)	2.7.3.c.1: The subject of Closed Generics has proved to be one of the most controversial issues tackled by Work Track 2 with strong arguments made by both those in favor of allowing Closed Generics in subsequent rounds and those opposing Closed Generics and in favor of keeping the current ban. Because this PDP was charged not only by the GNSO Council to analyze the impact of Closed Generics and consider future policy, a number of options emerged as potential paths forward with respect to Closed Generics, though the Work Track was not able to settle on any one of them. These options are presented in (d) below. The Work Track notes that there may be additional options that are not included in this list and welcomes suggested alternatives.
RySG Comment	The RySG supports the definition of "closed generic" as stated in the Initial Report.
2.7.3: Closed Generics (WT2)	2.7.3.d.1: No Closed Generics: Formalize GNSO policy, making it consistent with the existing base Registry Agreement that Closed Generics should not be allowed.

RySG Comment	No. We direct the WG to our comment of 24 May 2017: The RySG strongly disagrees with a rule against closed generics in future application windows. The RySG urges the PDP WG to consider who the rule against “closed generics” was intended to protect. The four objection procedures (string confusion, legal rights, community, public interest) provide adequate protections for consumers, brands, and the public. gTLDs are not required to “index” the internet and, indeed, do not appear to be serving an indexing function. There are no security or stability concerns that should force ICANN to intercede. “Closed generics” present exciting opportunities for current and future registry operators to use domain names in new and exciting ways, subject to current protections such as UDRP. Prohibiting closed generics effectively prevents a registry operator from using the DNS in innovative and experimental ways, which can only be done when the TLD is not required to offer 3P registrations. If we force ROs to simply sell domain names to the public only for a "classic" use or speculation of domain names, we are stifling the ability of companies to create and to expand the use of the DNS. In addition, we are creating a protectionist-like rubric around a status quo to the benefit only of those who follow the same classic model. Furthermore, the RySG doesn't believe there is any GNSO Policy against closed generics. The GNSO essentially punted the question to this round and did not convene a PDP to analyze the issue. The RySG supports innovation and competition. All Registry Operators should be permitted to operate under the business model of their choosing, so long as the security and stability of the internet are not compromised (for instance, closed generics should not be permitted to offer "dotless domains" so long as the SSAC maintains the view that they are a security and stability risk). Allowing Registry Operators to innovate and to try out new business models is critical to the growth of the industry and the interconnectedness of the world. Registry Operators do not all have the same business model - nor should they.

2.7.3: Closed Generics (WT2)	2.7.3.d.2: Closed Generics with Public Interest Application: As stated above, GAC Advice to the ICANN Board was not that all Closed Generics should be banned, but rather that they should be allowed if they serve a public interest goal. Thus, this option would allow Closed Generics but require that applicants demonstrate that the Closed Generic serves a public interest goal in the application. This would require the applicant to reveal details about the goals of the registry. Under this option, Work Track 2 discussed the potential of an objections process similar to that of community-based objections challenging whether an application served a public interest goal. The Work Track recognized how difficult it would be to define the criteria against which such an application would be evaluated.
RySG Comment	No, the RySG does not support this option. Innovation does not occur on schedule. ICANN has stated repeatedly that it hopes ROs will innovate and build a competitive DNS that fosters global growth and interconnectedness. This can only be achieved if ROs have the freedom to innovate. Requiring ROs to provide more than basic plans means that (i) each RO must have already engaged in extensive R&D and testing, without the certainty that they have a TLD to use; (ii) each RO must be willing to publicly disclose without protection what may be confidential business information (or, possibly trade secrets); and (iii) ICANN determines which innovative ideas are worth exploring. Rather, the burden should be on the public to show how it will be harmed by a "closed" TLD. One hybrid option that might work for some ROs is the opportunity to use a TLD for beta testing for a period of time (instead of trying work within multiple limited registration periods) before the RO opens the TLD up to an open or open-restricted TLD.
2.7.3: Closed Generics (WT2)	2.7.3.d.3: Closed Generics with Code of Conduct: This option would allow Closed Generics but require the applicant to commit to a code of conduct that addresses the concerns expressed by those not in favor of Closed Generics. This would not necessarily require the applicant to reveal details about the goals of the registry, but it would commit the applicant to comply with the Code of Conduct which could include annual self-audits. It also would establish an objections process for Closed Generics that is modelled on community objections.

RySG Comment	Yes, the RySG cautiously supports a Code of Conduct for "closed generics" as a helpful compromise. The RySG realizes that the community cannot imagine the unimagined yet and that it requires safeguards to ensure ROs do not abuse the space. We reaffirm ICANN's own words that it has no role in policing or controlling content and so any Code of Conduct must not exceed the limits of ICANN's remit. The Code of Conduct should ensure that the operator of a "closed generic" space observes the security and stability recommendations of SSAC.
2.7.3: Closed Generics (WT2)	2.7.3.d.4: Allow Closed Generics: This option would allow Closed Generics with no additional conditions but establish an objections process for Closed Generics that is modelled on community objections.
RySG Comment	No, the RySG does not support this option. The RySG believes a Code of Conduct, which is overseen by ICANN compliance, provides the oversight the community needs. Current objection processes address problems with top-level domains prior to delegation. Current post-delegation dispute options like TM-PDDRP or UDRP will effectively address problems at the second level. Further, community members who believe a RO is not operating within the bounds of their agreement can submit a compliance complaint. Any new objection process is unlikely to add significantly more protections and is more likely to implicate complaints about content or standard Registry Operations.
2.7.3: Closed Generics (WT2)	2.7.3.e.1: What are the benefits and drawbacks of the above outlined options?
RySG Comment	As stated above, in a world of nearly 1000 gTLD options, plus ccTLDs, registrants have a vast landscape from which to choose. Prohibiting closed generics has and will continue to stifle innovation and progress in the use of the DNS by limiting TLD applicants who want to do more than sell individual domain names to 3Ps. The RySG believes a Code of Conduct, together with existing pre- and post-delegation objection and dispute mechanisms will serve to mitigate any abuses that people opposed to closed generics are concerned about. ICANN should focus on *increasing* competition, not decreasing it.
2.7.3: Closed Generics (WT2)	2.7.3.e.2: Work Track 2 noted that it may be difficult to develop criteria to evaluate whether an application is in the public interest. For options 2 and 3 above, it may be more feasible to evaluate if an application does not serve the public interest. How could it be evaluated that a Closed Generic application does not serve the public interest? Please explain.

RySG Comment	The RySG agrees that the proper test is whether the TLD harms the public interest. The harm should be more than just theoretical. The RO notes that in a world of nearly 1000 TLDs, if a particular registrant can't register in one due to restrictions or "closure"- the alternatives are nearly endless.
2.7.3: Closed Generics (WT2)	2.7.3.e.3: For option 2.7.3.d.4 above, how should a Code of Conduct for Closed Generics serving the public interest be implemented? The Work Track sees that adding this to the existing Code of Conduct may not make the most sense since the current Code of Conduct deals only with issues surrounding affiliated registries and registrars as opposed to Public Interest Commitments. The Work Track also believes that this could be in a separate Specification if Closed Generics are seen as a separate TLD category. Would it be better to modify the current Code of Conduct or have a separate Code of Conduct for Closed Generics? Please explain.
RySG Comment	The RySG recommends any "Closed Generic" Code of Conduct be contained in a standalone Specification, likely Specification 9 unless additional assurances are needed. Some ROs may only require a closed TLD for a short time, such as beta testing a new business model, and may wish to open the TLD later by removing the Specification. A "Closed Generic" does not need to be a separate category. The RySG opposes adding unnecessary new categories just to address different business models.
2.7.4: String Similarity (WT3)	2.7.4.c.1: Work Track 3 recommends adding detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the Work Track recommends:
RySG Comment	
2.7.4: String Similarity (WT3)	2.7.4.c.1.1: Prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .CAR and .CARS could not both be delegated because they would be considered confusingly similar.
RySG Comment	The RySG supports this recommendation.

2.7.4: String Similarity (WT3)	2.7.4.c.1.2: Expanding the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language basis. If there is an application for the singular version of a word and an application for a plural version of the same word in the same language during the same application window, these applications would be placed in a contention set, because they are confusingly similar. An application for a single/plural variation of an existing TLD would not be permitted. Applications should not be automatically disqualified because of a single letter difference with an existing TLD. For example, .NEW and .NEWS should both be allowed, because they are not singular and plural versions of the same word.
RySG Comment	RySG supports this recommendation as previously recommended in its May 24 and June 9 comments. Contention sets would be formed on a per-language basis. Additional contention sets could continue to be formed through the String Confusion Objection Process.
2.7.4: String Similarity (WT3)	2.7.4.c.1.3: Using a dictionary to determine the singular and plural version of the string for the specific language.
RySG Comment	RySG supports using a dictionary to determine the singular and plural version of the string for the specific lanaguage, which the RySG previously recommended in its May 24 and June 9 comments.
2.7.4: String Similarity (WT3)	2.7.4.c.2: In addition, the Work Track recommends eliminating use of the SWORD Tool in subsequent procedures.
RySG Comment	RySG supports eliminating the SWORD tool.
2.7.4: String Similarity (WT3)	2.7.4.c.3: The Work Track also recommends that it should not be possible to apply for a string that is still being processed from a previous application opportunity.
RySG Comment	The RySG Supports this recommendation.
2.7.4: String Similarity (WT3)	2.7.4.e.1: Are Community Priority Evaluation and auctions of last resort appropriate methods of resolving contention in subsequent procedures? Please explain.
RySG Comment	The RySG directs the WG to our comment on 9 June 2017: RySG believes that CPE and last resort auctions are generally a reasonable approach for contention resoultion. As previously noted, however, we believe that CPE as a decontention process could benefit from the introduction of models that were not all or nothing. We would not support replacement of these mechanisms with a decontention process that was based upon speculative evaluation of the applications in question.

2.7.4: String Similarity (WT3)	2.7.4.e.2: Do you think rules should be established to disincentivize "gaming" or abuse of private auctions? Why or why not? If you support such rules, do you have suggestions about how these rules should be structured or implemented?
RySG Comment	The Registry Stakeholder Group believes that insufficient discussion and analysis has yet taken place in the Subsequent Procedures PDP WG on the important topic of considerations for resolution of contention sets. These include auctions of last resort, private auctions and other alternatives although a lottery solution seems to have been rejected, but without sufficient explanation as to the basis. The SubPro WG has never considered the legality of private auctions. Some members of the RySG think SubPro WG should consider the legality of such auctions as part of its work going forward. Without significant completion of the work from the CCWG new gTLD Auction Proceeds it is difficult to assess the opportunities and risks of successful last resort auctions. While the auctions of last resort have worked as a process, there may need to be additional transparency processes put in place. Known issues that have been discussed in the Sub Pro PD WG include; • During the 2012 new gTLD application round, the private auction process was not created until after applications were submitted. However, in subsequent procedures, applicants will be aware of the potential financial benefit of 'losing' in auction and it may become a commonplace component of an applicant's application strategy • Concerns that private auctions are not in the public interest because the proceeds are shared by auction participants • All auctions favor well-funded applicants and communities and minority interests are underrepresented • The legality of Private Auctions have not yet been considered or determined.

	We are mindful also that private auctions have permitted competitors to split among themselves hundreds of millions of dollars that might otherwise have been put to use for the public benefit if such auctions were held by ICANN as auctions of last resort. While acknowledging concerns about private auctions, the Initial Report contains one short paragraph, addressing none of these concerns in detail and providing no substantive advice or recommendations. In light of the magnitude of the issues raised by private auctions an updated and complete initial report should be considered as any final report that does not address the many issues surrounding private auctions should be considered deficient. The RySG observes that several CC2 comments have been filed, but we do not believe sufficient investigation or deliberations on these comments, or the issues they raise, have occurred, nor has the Sub-Pro PDP WG, to our knowledge, obtained sufficient data upon which appropriate deliberations could take place.
2.7.4: String Similarity (WT3)	2.7.4.e.3: Should synonyms (for example .DOCTOR and .PHYSICIAN) be included in the String Similarity Review? Why or why not? Do you think the String Similarity Review standard should be different when a string or synonym is associated with a highly-regulated sector or is a verified TLD? Please explain.
RySG Comment	While in general the RySG can appreciate the concerns with regard to strings or synonyms associated with a highly-regulated sector or a verified TLD, several members oppose developing a sting similarity review process for these cases.
2.7.5: IDNs (WT4)	2.7.5.c.1: General agreement in Work Track 4 that IDNs should continue to be an integral part of the program going forward (as indicated in Principle B of the original Final Report on New gTLDs).
RySG Comment	RySG agrees with continuing accepting IDN TLDs in the root zone.
2.7.5: IDNs (WT4)	2.7.5.c.2: General agreement that compliance with Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) should be required for the generation of IDN TLDs and valid variants labels.

RySG Comment	In cases where label scripts are supported by "RZ-LGR-n", the RySG agrees with using "RZ-LGR-n" as the guidance for which IDN TLDs could be accepted in the root. In cases where label scripts are not supported by "RZ-LGR-n", the PDP Working Group , in coordination with ICANN, should create an alternative procedure until the script is supported by "RZ-LGR-n". Regardless, the RZ-LGR should be used for all TLDs regardless of script, not just for validating IDNs. Further, the guidance should note that the RZ-LGR were developed to meet the unique requirements of the root and should not automatically be extended to second-level labels unless through a consensus policy.
2.7.5: IDNs (WT4)	2.7.5.c.3: General agreement that 1-Unicode character gTLDs may be allowed for script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SSAC and Joint ccNSO-GNSO IDN Workgroup (JIG) reports. Please see relevant question in section (f) below.
RySG Comment	The RySG supports the delegation of single character IDN top-level domains in specific cases, such as Chinese.
2.7.5: IDNs (WT4)	2.7.5.c.4: Implementation Guidance: General agreement that to the extent possible, compliance with IDNA2008 (RFCs 5890-5895) or its successor(s) and applicable Root Zone Label Generation Rules (RZ-LGR, RZ-LGR-2, and any future RZ-LGR rules sets) be automated for future applicants.
RySG Comment	RZ-LGR is compliant with IDNA2008 per design. The RySG has the following questions - Who is going to be responsible for operationalizing the automation of the RZ-LGR? How can future applicants, and other users of the RZ-LGR be assured that the validation and calculation of the operationalized RZ-LGR follow the specifications? Who would manage that - would it be ICANN org, a third-party PDT provider? Once these questions have been answered and the RySG has had the oportunity to review them and in the absence of any outstanding questions, we anticipate that the RySG supports this check to be automated.
2.7.5: IDNs (WT4)	2.7.5.c.5: Implementation Guidance: General agreement that if an applicant is compliant with IDNA2008 (RFCs 5890-5895) or its successor(s) and applicable LGRs for the scripts it intends to support, Pre-Delegation Testing should be unnecessary for the relevant scripts.
RySG Comment	RySG supports this simplification of registry system testing.

2.7.5: IDNs (WT4)	The Work Track discussed variants of IDN TLDs and is aware that the community will be tasked with establishing a harmonized framework (i.e., in gTLDs and ccTLDs) for the allocation of IDN variant TLDs of IDN TLDs. There is general agreement on the following: 2.7.5.c.6: IDN gTLDs deemed to be variants of already existing or applied for TLDs will be allowed provided: (1) they have the same registry operator implementing, by force of written agreement, a policy of cross-variant TLD bundling and (2) The applicable RZ-LGR is already available at the time of application submission.
RySG Comment	RySG supports this recommendation. RySG recommends that the text be clarified to state that variant IDN TLDs need to be operated by the same backend registry service provider, not just that they have the same registry operator, not only in the initial delegation/launch but further as a consideration when business transactions impact particular IDN TLDs.
2.7.5: IDNs (WT4)	2.7.5.d.1: Question 2.7.5.e.2 below regarding "bundling" asks whether the unification of implementation policies with respect to how variants are handled in gTLDs are matters for this PDP to consider or whether those matters should be handled through an Implementation Review Team or by each individual registry operator.
RySG Comment	RySG suggests that the bundling policy at the second level is left to each registry operator, so the best solution, in the view of the target market, can be chosen. In this fashion, the registry operator can adopt the best variant definition for a particular language community and its definition of "sameness", which reflects community judgement of confusability. Simple confusability – visually, phonetically, or otherwise – does not make something a variant. When the next procedure comes close to begin, RySG intends to discuss with registrars, possibly in the CPH TechOps group, per-market best practices in order to have homogenous customer experience in each market, while being compliant with consensus polcies.
2.7.5: IDNs (WT4)	2.7.5.e.1: For the recommendation regarding 1-Unicode character gTLDs above, can the more general "ideograph (or ideogram)" be made more precise and predictable by identifying the specific scripts where the recommendation would apply? Please see script names in ISO 15924.

RySG Comment	RySG suggests two alternatives to define the universe of eligible single-characters IDN TLD labels: i) scripts of the ISO 15924 standard, provided a single character in such script represents an idea, they have Unicode representation, are allowed in IDNA and in RZ-LGR-n. Specifically, the scripts 286, 500, 501 and 502 (Hangul, Han, Simplified Han, Traditional Han) should be allowed, or ii) single characters (i.e. a single code point) whose Unicode Script Property is Hangul or Han, and is allowed in IDNA.
2.7.5: IDNs (WT4)	2.7.5.e.2: Should the policy of bundling second-level domains across variant TLDs be unified for all future new gTLDs or could it be TLD-specific? If unified, should it be prescribed in the Working Group final report or chosen at implementation? If TLD-specific, could it be any policy that adequately protects registrants, or would it need to be chosen from a menu of possible bundling implementations? Currently known bundling strategies include PIR's .ong/.ngo, Chinese Domain Name Consortium guidance and Latin-script supporting ccTLDs such as .br and .ca.
RySG Comment	RySG suggests that the bundling policy is left to each registry operator, so the best solution on the view of the target market can be chosen. When the next procedure comes close to beginning, RySG intends to discuss with registrars, possibly in the CPH TechOps group, per-market best practices in order to have homogenous customer experience in each market, while being compliant with consensus policies and IDN Guidelines.
2.7.5: IDNs (WT4)	2.7.5.e.3: Are there any known specific scripts that would require manual validation or invalidation of a proposed IDN TLD?
RySG Comment	RFC 5893, in its section 4, describes some script/language combinations that might have issues with the then-applicable RFC 3454 framework, now defined in RFC 8264 (PRECIS). If those are allowed by RZ-LGR-n, we believe those to be possible candidates for manual analysis.
2.7.5: IDNs (WT4)	2.7.5.e.4: For IDN variant TLDs, how should the Work Track take into account the Board requested and yet to be developed IDN Variant Management Framework?
RySG Comment	While RySG supports the concept of an harmonized framework among IDN ccTLDs and IDN gTLDs, we believe there are enough IDN studies at this point to inform new IDN gTLDs procedures.

2.7.6: Security and Stability (WT4)	2.7.6.c.1: In the 2012-round, some applicants ended up applying for reserved or otherwise ineligible strings, causing them to later withdraw or be rejected . Towards preventing that and streamlining application processing, the Work Track suggests the following as Implementation Guidance: The application submission system should do all feasible algorithmic checking of TLDs, including against RZ-LGRs and ASCII string requirements, to better ensure that only valid ASCII and IDN TLDs can be submitted. A proposed TLD might be algorithmically found to be valid, algorithmically found to be invalid, or verifying its validity may not be possible using algorithmic checking. Only in the latter case, when a proposed TLD doesn't fit all the conditions for automatic checking, a manual review should occur to validate or invalidate the TLD.
RySG Comment	RySG supports this recommendation, a welcome addition to avoid undue financial burden on applications that would otherwise be taxed for ineligible strings. The RySG notes that RZ-LGR, while it is evolving and adding new scripts periodically, will only be able to process certain scripts for checking. (For example, Han script has not been incorporated yet. Therefore, while RZ-LGR should be the ideal algorithmic tool to validate applied-for TLDs, ICANN will need to provide alternate methods to validate applied-for labels using other scripts not supported by the RZ-LGR.
2.7.6: Security and Stability (WT4)	2.7.6.c.2: For root zone scaling, the Work Track generally supports raising the delegation limit, but also agrees that ICANN should further develop root zone monitoring functionality and early warning systems as recommended by the SSAC, the RSSAC and the technical community.

RySG Comment	The RySG accepts the advice provided by SSAC-100 in December 2017 and RSSAC031 in September 2017 response to the New gTLD Subsequent Procedures Policy Development Process Working Group Request Regarding Root Scaling. These provided answers to a number of questions from the Policy Development Process Working Group on New gTLD Subsequent Procedures. The SSAC recommendations are: Recommendation (1) : ICANN should continue developing the monitoring and early warning capability with respect to root zone scaling. Recommendation (2): ICANN should focus on the rate of change for the root zone, rather than the total number of delegated strings for a given calendar year. Recommendation (3): ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the root zone in case of DNS service instabilities. Recommendation (4): ICANN should investigate and catalog the long term obligations of maintaining a larger root zone. The RSSAC recommendations are available at https://www.icann.org/en/system/files/files/rssac-031-02feb18-en.pdf
2.7.6: Security and Stability (WT4)	2.7.6.e.1: To what extent will discussions about the Continuous Data-Driven Analysis of Root Stability (CDAR) Report, and the analysis on delegation rates, impact Working Group discussions on this topic? How about the input sought and received from the SSAC, RSSAC, and the ICANN organization discussed below in section (f), under the heading Root Zone Scaling?
RySG Comment	
2.7.6: Security and Stability (WT4)	2.7.6.e.2: The SSAC strongly discourages allowing emoji in domain names at any level and the Work Track is supportive of this position. Do you have any views on this issue?

RySG Comment	RySG agrees with WT4 and SSAC in not allowing new emoji labels at any level, although not interfering with already registered emoji SLDs in gTLDs. We would support reviewing this decision if/when IETF IDNAs standards allow them, if that ever happens.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.1: For all evaluations: In pursuit of transparency, publish (during the procedure) any Clarifying Questions (CQ) and CQ responses for public questions to the extent possible.
RySG Comment	Yes. RySG supports this recommendation that gets further transparency to the process, as long as no information designated by the applicant as confidential is released.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.2: For all evaluations: Restrict scoring to a pass/fail scale (0-1 points only).
RySG Comment	Yes. RySG supports this recommendation that was also made by ICANN Org in reviewing the 2012 round.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.3: For all evaluations: An analysis of CQs, guidance to the Applicant Guidebook, Knowledge Articles, Supplemental Notes, etc. from the 2012 round need to be sufficiently analyzed with the goal of improving the clarity of all questions asked of applicants (and the answers expected of evaluators) such that the need for the issuance of Clarifying Questions is lessened.
RySG Comment	Yes. RySG supports this recommendation and only cautions against making substantive changes to the questions that would make subsequent procedures incompatible with the 2012 round.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.4: For Technical and Operational Evaluation: If an RSP pre-approval program is established (as described in section 2.2.6), a new technical evaluation will not be required for applicants that have either selected a “pre-approved” RSP in its application submission or if it commits to only using a pre-approved RSP during the transition to delegation phase.
RySG Comment	Yes. RySG continues to support both competition and predictability. We support an RSP pre-approval process. A RO that selects (or switches between) any pre-approved RSP will satisfy the technical requirements. Once a RSP passes technical evaluation for any TLD, all other applications using that RSP can rely on that technical evaluation. If a registry operator uses different business rules for different TLDs, then all different functions and variations of those different functions should be tested and approved.

2.7.7: Applicant Reviews (WT4)	2.7.7.c.5: For Technical and Operational Evaluation: Consolidate the technical evaluation across applications as much as feasible, even when not using a pre-approved RSP. For example, if there are multiple applications using the same non-pre-approved RSP, that RSP would only have to be evaluated once as opposed to being evaluated for each individual application.
RySG Comment	Yes. The RySG supports this recommendation - applications should be consolidated for technical review to the extent the underlying technical evaluations are the same. Once a RSP passes technical evaluation for any TLD, all other applications using that RSP can rely on that technical evaluation. If a registry operator uses different business rules for different TLDs, then all different functions and variations of those different functions should be tested and approved.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.6: For Technical and Operational Evaluation: For applicants that outsource technical or operational services to third parties, applicants should specify which services are being performed by them and which are being performed by the third parties when answering questions.
RySG Comment	The RySG supports this recommendation, and suggests components could be separated into categories. An illustrative example is: 1) SRS/EPP/RDDS/Publishing to Data Escrow 2) Data Escrow Provider 3) DNS provider 4) Abuse monitoring/handling (Q28, Spec 11 3b) 5) RDAP We don't see the need to define this arrangement in policy, and only provide the above as implementation guidance.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.7: For Technical and Operational Evaluation: Do not require a full IT/Operations security policy from applicants.
RySG Comment	RySG supports this change. Such critical confidential information, sometimes containing trade secrets, is not appropriate for an evaluation process.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.8: For Technical and Operational Evaluation: Retain the same questions (except Q30b - Security Policy).
RySG Comment	RySG supports keeping the questions, except for possible clarifications, as much as they were in 2012, for fairness and comparable results.

2.7.7: Applicant Reviews (WT4)	2.7.7.c.9: For Technical and Operational Evaluation: “Applicants must be able to demonstrate their technical and operational capability to run a registry operation for the purpose that the applicant sets out, either by submitting it to evaluation at application time or agreeing to use a previously approved** technical infrastructure.” **(Could mean in the same procedure or previous procedures if an RSP program exists.)
RySG Comment	Please see response to 2.7.7.c.4 above.
2.7.7: Applicant Reviews (WT4)	2.7.7.c.10: For Technical and Operational Evaluation: “The Technical and Operational Evaluation may be aggregated and/or consolidated to the maximum extent possible that generate process efficiencies, including instances both where multiple applications are submitted by the same applicant and multiple applications from different applicants share a common technical infrastructure.”
RySG Comment	See 2.7.7.c.4
2.7.7: Applicant Reviews (WT4)	2.7.7.c.11: For Financial Evaluation: To the extent that it is determined that a Continued Operations Instrument will be required, it should not be part of the Financial Evaluation, but rather should only be required at the time of executing a Registry Agreement.
RySG Comment	Some members of the RySG support eliminating the COI requirement from both evaluation and contracting; specifically evaluation. Other members of the RySG believes COI is a valuable mechanism to check for "good" financial operations. For example, if gTLD application fees are reduced, we lower the bar to acquisition which is a good thing - uness it invites unwanted behavior that minimizes the trust in registry services specifically, and the Internet in general. Not all members of the RySG share this view. See also our response to 2.7.2.c.1.

2.7.7: Applicant Reviews (WT4)	2.7.7.c.12: For Financial Evaluation: Substitute the 2012 AGB evaluation of an applicant's proposed business models and financial strength with the following: - An applicant must identify whether the financials in its application apply to all of its applications, a subset of them or a single one (where that applicant (and/or its affiliates have multiple applications). - ICANN won't provide financial models or tools, but it will define goals and publish lists of RSPs, organizations (like RySG and BRG) and consultants. - The goals of a financial evaluation are for the applicant to demonstrate financial wherewithal and assure long-term survivability of the registry. Therefore, the evaluation should look at whether an applicant could withstand not achieving revenue goals, exceeding expenses, funding shortfalls, or inability to manage multiple TLDs in the case of registries that are dependent upon the sale of registrations. However, there should also be a recognition that there will be proposed applications that will not be reliant on the sale of third party registrations and thus should not be subject to the same type of evaluation criteria. In other words, although the goals of the financial evaluation are to determine the financial wherewithal of an applicant to sustain the maintenance of a TLD, the criteria may be different for different types of registries. Criteria should not be established in a "one-size-fits-all" manner. - If any of the following conditions are met, an applicant should be allowed to self-certify that it has the financial means to support its proposed business model associated with the TLD: If the applicant is a company traded on an applicable national public market; If the applicant and/or its Officers are bound by law in its jurisdiction to represent financials accurately; If the applicant is a current Registry Operator that is not in default on any of its financial obligations under its applicable Registry Agreements, and has not previously triggered the utilization of its Continued Operations Instrument. - The applicant is required to provide credible 3rd-party certification of those goals if self-certification above is not used or achievable.
RySG Comment	RySG supports a complete replacement of the financial evaluation model with this proposed model. See also our response to 2.7.7.c.11.

2.7.7: Applicant Reviews (WT4)	2.7.7.c.13: For Financial Evaluation: To provide further clarity on the proposed financial evaluation model, the following are sample questions of how financials would be evaluated: - Q45: “Identify whether this financial information is shared with another application(s)” (not scored). - Q46: “Financial statements (audited, certified by officer with professional duty in applicant jurisdiction to represent financial information correctly or independently certified if not publicly-listed or current RO in good standing)” (0-1 scoring) (certification posted). - Q47: “Declaration, certified by officer with professional duty in applicant jurisdiction to represent financial information correctly, independently certified if not publicly-listed or current RO in good standing, of financial planning meeting long-term survivability of registry considering stress conditions, such as not achieving revenue goals, exceeding expenses, funding shortfalls or spreading thin within current plus applied-for TLDs.” (0-1 scoring) (publicly posted). - No other financial questions.
RySG Comment	RySG supports this example questions as a good description of the financial model, but suggest that the final wording of it to be harmonized with the applicant guidebook of subsequent procedures where possible, on the understanding that there should be no final limiter where it says there will be no additional financial questions.
2.7.7: Applicant Reviews (WT4)	The Work Track proposes the following draft language for consideration, which would amend recommendation 8 from the 2007 Final Report: 2.7.7.c.14: For Financial Evaluation: “Applicants must be able to demonstrate their financial and organizational operational capability in tandem for all currently-owned and applied-for TLDs that would become part of a single registry family.”
RySG Comment	RySG supports this change in principle but notes that the purpose should be to introduce efficiencies and reduce the number of times a RO is evaluated. The criteria for a single operation should remain the same as it is today and the analysis should be scaled based on the number of TLDs applied for by the RO. [An applicant must demonstrate it can viably run three TLDs even if it claims its three TLDs are a "family."]

2.7.7: Applicant Reviews (WT4)	2.7.7.c.15: For Registry Services Evaluation: Allow for a set of pre-approved services that don't require registry services evaluation as part of the new TLD application.; that set should include at least: - Base contract required services (EPP, DNS publishing etc.) - IDN services following IDN Guidelines - BTAPPA ("Bulk Transfer After Partial Portfolio Acquisition")
RySG Comment	Yes. We support the concept of pre-approved registry services, but recommend that all approved RSEPs are included, as described in 2.7.7.c.16 below. Once a Registry Service has been shown not to cause security/stability concerns, that identical service should not need to be re-evaluated, either for current or future TLDs (though variations may require review).
2.7.7: Applicant Reviews (WT4)	2.7.7.c.16: For Registry Services Evaluation: Since the content of Registry Agreement Amendment Templates for Commonly Requested Registry Services (https://www.icann.org/resources/pages/registry-agreement-amendment-templates-2018-01-29-en) satisfies the criteria above, referring to it instead of exhaustively enumerating the list is preferred. Applicants would inform which of the pre-approved services they want to be initially allowed in the registry agreement for that TLD. - The Registry Services Evaluation Process should only be used to assess services that are not pre-approved. - Criteria used to evaluate those non-pre-approved registry services should be consistent with the criteria applied to existing registries that propose new registry services. To the extent possible, this may mean having the same personnel that currently reviews registry services for existing registries be the same personnel that reviews new registry services proposed by applicants. - In order to not hinder innovation, applications proposing non-pre-approved services should not be required to pay a higher application fee, unless it is deemed as possibly creating a security or stability risk requiring an RSTEP (Registry Services Technical Evaluation Panel). In addition, in order to encourage the proposal of innovative uses of TLDs, those proposing new non-approved registry services should not, to the extent possible, be unreasonably delayed in being evaluated.
RySG Comment	RySG appreciates bringing fairness among incumbent registries and incoming registry operators, and as such supports this recommendation as long as those services being implemented do not vary from the implementation that is pre-approved.

2.7.7: Applicant Reviews (WT4)	The Work Track proposes the following draft language for consideration for Registry Services Evaluation: 2.7.7.c.17: “Applicants will be encouraged but not required to specify additional registry services that are critical to the operation and business plan of the registry. The list of previously approved registry services (IDN Languages, GPML, BTAPPA) will be included by reference in the Applicant Guidebook and Registry Agreement. If the applicant includes additional registry services, the applicant must specify whether it wants it evaluated through RSEP at evaluation time, contracting time, or after contract signing, acknowledging that exceptional processing could incur additional application fees. If the applicant has not included additional registry services, RSEP will only be available after contract signing.”
RySG Comment	At least one RySG member suggests only tweaking the language "(IDN Languages, GPML, BTAPPA)" to follow recommendation 2.7.7.c.16 above to include all registry services with an available RSEP template at that time, while at least one other RySG member believes that while many registries choose to offer previously-approved registry services such as IDN languages, GPML and BTAPPA, the individual implementation of those services by different Registry Operators can vary significantly. For this reason, those services must still undergo a proper evaluation. At least one other RySG member opposes the last sentence. At least one RySG member believes that, consistent with the Work Track deliberations described on p. 155 of the Initial Report, applicants should list out all proposed registry services as part of their application submissions, and the evaluators should review and assess all proposed services as part of the overall evaluation of the application. The evaluation should take into consideration not just the service itself, but the proposed implementation of that service. This will ensure that future Registry Operators are qualified to provide the proposed services. At least one other RySG member opposes the last sentence.

	At least one RySG member believes that as the RSEP will, of course, still be available for Registry Operators to introduce new services not contemplated at the time of application after their gTLDs have launched. That said, it does not make sense to offer applicants the ability to use the RSEP at the time of evaluation, and for the reasons mentioned above, applicants should not have the ability to defer the evaluation of certain services until after launch. New gTLD applications are evaluated by third-party evaluators that ICANN contracts specifically for this purpose, whereas RSEPs are evaluated by members of ICANN organization. The RSEP process is not designed to evaluate proposed registry services from applicants. We do not recommend splitting out the new gTLD application evaluation process in this way, as it has the potential to create logistical issues and/or unequal treatment of applications. Further, the RSEP evaluates newly proposed registry services against a Registry Operator's Registry Agreement. Making the RSEP available to approved new gTLD applicants at the time of contracting would require a significant change to the underlying RSEP policy, which we do not recommend at this time. At least one other RySG member opposes this whole paragraph.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.1: While a financial evaluation model reached general agreement, Work Track 4 is seeking feedback on an option with more complex evaluations that was proposed that would be specific to a scenario where there are already many commercial TLDs operating and a number of delegated but yet unlaunched ones. Please see the reasoning for this proposal on the Work Track Wiki and of the model in the "Proposal - Straw Cookie-Monster" section of the document.
RySG Comment	Some members of the RySG do not support the Heavy-Weight financial model, believing there are too many different usage and business models to accommodate each and every model in a standardized process. Other members of the RySG believe that market forces should govern here. For example, if there is an accepted model or pre-approved financial model then they suggest we retain the evaluation as it is whilst leaving an opening to accommodate more complex models that do not have a rich history of performance behind them.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.2: If it is recommended that a registry only be evaluated once despite submitting multiple applications, what are some potential drawbacks of consolidating those evaluations? How can those issues be mitigated?

RySG Comment	The RySG strongly supports batched evaluations for identical or nearly-identical applications by an RO (and its Affiliates). We note two potential risks that the PDP WG or IRT should consider: (i) how will evaluators determine if applications are substantively identical (further noting how difficult the defintion of "substantive" will be) - having to pull out some that are flagged as having substantive changes could slow down overall evaluations; and (ii) whatever process is used to queue applications will be impacted by batching and the IRT should take that into consideration.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.3: Which financial model seems preferable and why?
RySG Comment	Please see the answer to 2.7.7.e.1
2.7.7: Applicant Reviews (WT4)	2.7.7.e.4: Some in the Work Track have suggested that ICANN provide a list of persons or entities that could assist applicants in establishing a proposed business model. Should ICANN be allowed or even required to maintain such a list?
RySG Comment	RySG believes that ICANN Org should be allowed but not required to maintain such a list. If it's created, careful consideration of terms of usage should be done towards isolating ICANN Org from liability due to lack of performance of such contractors.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.5: The requirement to submit financial statements (especially with respect to non-public applicants that generally do not disclose financial information) was one of the main reasons applicants failed their initial evaluations in 2012. Although changes to financial evaluations are potentially being recommended, the Work Track is not suggesting changes to the requirement to submit financial statements. Are there any potential alternate ways in which an applicant's financial stability can be measured without the submission of financial statements? If so, what are they?
RySG Comment	Some members of the RySG support elimination of the current financial submission, and suggest this should be replaced by an affidavit with requirements similar to the business planning questions, like having an obligation to represent financial information truthfully. Other members of the RySG have concerns about supporting the affadavit suggestion as they are concerned that it may encourage applicants to enegage in activities that place trust in the domain name industry and the new gTLD program at risk.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.6: In Financial Evaluation, subsection 2.d, an exemption for public-traded companies is suggested. The Work Track hasn't considered whether to include affiliates in that exemption; should it be changed to also allow exemption in such cases?

RySG Comment	Yes. RySG supports including Affiliates, using the same definition of affiliates from the base registry agreement, in such exemptions.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.7: An alternative to the Registry Services Evaluation was to not allow any services to be proposed at the time of application and instead to require all such services to be requested after contracting. What would be the pros and cons of that alternative?
RySG Comment	The biggest pro is streamlining the application process, making it faster and less costly. RySG doesn't see a con, but is aware of restrictions to doing so from other parts of the community. While RySG supports this option, we don't see it as a requirement for the program to succeed and is ok with not proceeding with it as a consensus compromise.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.8: Not adding cost and time to applications that propose new services likely increases cost and processing time for those applications that do not propose any additional registry services. In other words, it has been argued that applications without additional services being proposed are “subsidizing” applications which do propose new services. Do you see this as an issue?
RySG Comment	While RySG believes this could be an issue in theory, it also believes that the number of proposed registry services not contained in the services already featuring an RSEP template is likely to be small enough for it not being too much of a burden on ICANN Org staff that would require outside contractors or increase too much the time for publishing evaluation results. Application queing will resolve some of these issues as well.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.9: Are there any other registry services that should be considered as “pre-approved”? This could include services such as protected marks lists, registry locks, and other services previously approved by ICANN for other registries that have already gone through the RSEP process (https://www.icann.org/resources/pages/rsep-2014-02-19-en). Please explain.
RySG Comment	Yes. RySG believes the list of pre-approved registry services should expand to include already concluded RSEP instances. RySG is aware that negotiation of contract clauses might be longer for such applications than those that only chose pre-approved services, so this needs to be informed to and considered by applicants.
2.7.7: Applicant Reviews (WT4)	2.7.7.e.10: There are some who took the proposed registry services language as changing the 2012 implementation of asking for disclosure of services versus disclosure being required, while others argued it does not, keeping this aspect unchanged. Do you agree with one of those interpretations of the recommendation contained in (c) above? Please explain and, to the extent possible, please provide alternative wording.

RySG Comment	RySG doesn't agree with that interpretation. We believe registry services should still be declared by applicants if known at that point in time, and that no alternative wording is required for consensus calls on this topic. Disclosure of registry services in advance is not required.
2.7.8: Name Collisions (WT4)	2.7.8.c.1: Include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well during the transition to delegation phase.
RySG Comment	The RySG supports a mechanism to evaluate the risk of name collisions in order to ensure a more transparent and predictable application round. However, at least one RySG member doesn't believe that the PDP WG has enough data or expertise to recommend a mechanism, and advise that an expert group be convened to answer questions like the other in this section. This is strongly opposed by at least one RySG member, that believes the expertise of ICANN contractors already used to create the 2012 Name Collisions Framework and the data provided by ICANN Technical Services are more than enough for policy making, being based on both knowledge and real life data.
2.7.8: Name Collisions (WT4)	2.7.8.c.2: Use data-driven methodologies using trusted research-accessible data sources like Day in the Life of the Internet (DITL) and Operational Research Data from Internet Namespace Logs (ORDINAL) .
RySG Comment	See 2.7.8.c.1. Questions: What evaluation mechanism would be used? How would the mechanism be defined and measured? What methodology and quantitative study was used to determine risk? We further add that due to the transparent nature of ICANN, this would require the use of data-driven Mehtodologies that utilize trusted and open research-grade data source.
2.7.8: Name Collisions (WT4)	2.7.8.c.3: Efforts should be undertaken to create a “Do Not Apply” list of TLD strings that pose a substantial name collision risk whereby application for such strings would not be allowed to be submitted.
RySG Comment	See 2.7.8.c.1. The RySG thinks that a do-not-apply list would be beneficial in not giving false hope to potential applicants to problematic strings. However, at least one RySG member believes that the PDP WG does not have enough data to make a recommendation. This is strongly opposed by at least another RySG member as already mentioned in the response to 2.7.8.c.1. Questions: How would this list be created? What grounds/measurements would permit a TLD to be added to this list? Does this conflict with RFC 1918 and 6761?

2.7.8: Name Collisions (WT4)	2.7.8.c.4: In addition, a second list of TLDs should be created (if possible) of strings that may not pose as high of a name collision risk as the “Do Not Apply” list, but for which there would be a strong presumption that a specific mitigation framework would be required.
RySG Comment	See 2.7.8.c.1. Questions: How would a "not as high" risk be calculated? How do we know that measurement for risk is the correct one? In the absence of an analysis on the previous effectiveness of APD or Controlled Interruption how can we be certain that applying those mitigation frameworks will even work? How do we avoid a "shades of grey" situation where anyone can put a name on the list? What will being put on the "not as high" list do a potential applicant's reputation? How would we avoid error, subjectivity, and gaming/abuse?
2.7.8: Name Collisions (WT4)	2.7.8.c.5: Allow every application, other than those on the “do not apply” list, to file a name collision mitigation framework with their application.
RySG Comment	The RySG would like to review answers to the following question prior to providing a fulsome response - In the absence of a study of the effectiveness of APD or CI from ICANN, how can we be confident that the legacy mitigation frameworks worked effectively and are appropriate for subsequent procedures? Once these questions have been answered and the RySG has had an opportunity to review the answers, and in the absence of additional questions, the RySG believes an expedited analysis on an applicant's proposed mitigations for strings not on an "exercise-care" list but which are believed by the applicant to have potential issues, may be a welcome safety-net. While the RySG supports allowing applicants to file a collision mitigation framework, we echo our comments above and below warning about the subjectivity of too many "tiers."
2.7.8: Name Collisions (WT4)	2.7.8.c.6: During the evaluation period, a test should be developed to evaluate the name collision risk for every applied-for string, putting them into 3 baskets: high risk, aggravated risk, and low risk. Provide clear guidance to applicants in advance for what constitutes high risk, aggravated risk, and low risk.
RySG Comment	See 2.7.8.c.1. Questions that need to be answered include - What are the exact measurements that will place the TLD in a risk category? What data will be used to evaluate the risk? How often are the risk assessments performed? Can the risk assessment be gamed by issuing superfluous DNS requests? Some applied-for string might be totally new but those would be assumed as not having any collision risk at all.
2.7.8: Name Collisions (WT4)	2.7.8.c.7: High risk strings would not be allowed to proceed and would be eligible for some form of a refund.

RySG Comment	RySG believes the refund in such cases should be a full refund, except for incurred banking fees.
2.7.8: Name Collisions (WT4)	2.7.8.c.8: Aggravated risk strings would require a non-standard mitigation framework to move forward in the process; the proposed framework would be evaluated by an RSTEP panel.
RySG Comment	See 2.7.8.c.1. Questions: Why does the classification of "aggravated risk" require a different and customized mitigation framework? We believe that the mitigation framework should be robust enough to be applied to "low risk" TLDs. Once this is in place the RySG supports both the approach and RSTEP as making this assessment.
2.7.8: Name Collisions (WT4)	2.7.8.c.9: Low risk strings would start controlled interruption as soon as such finding is reached, recommended to be done by ICANN org for a minimum period of 90 days (but likely more considering the typical timeline for evaluation, contracting and delegation).
RySG Comment	Under ICANN's bylaws section 2.2, it is not clear why ICANN staff are an appropriate operator of CI.
2.7.8: Name Collisions (WT4)	2.7.8.c.10: If controlled interruption (CI) for a specific label is found to cause disruption, ICANN org could decide to disable CI for that label while the disruption is fixed, provided that the minimum CI period still applied to that string.
RySG Comment	RySG supports this feature, since lack of it obliged at least one TLD to stop controlled interruption altogether instead of dealing specifically with a problematic label. Policies should be aligned for addressing name collisions outside of the CI period with the perpetual reporting of name collision policies of the previous round of new gTLDs.
2.7.8: Name Collisions (WT4)	2.7.8.e.1: Is there a dependency between the findings from this Working Group and the Name Collisions Analysis Project (NCAP)? If there is, how should the PDP Working Group and NCAP Work Party collaborate in order to move forward? Or, should the PDP Working Group defer all name collision recommendations to NCAP?

RySG Comment	The RySG agrees that there are dependencies and recognizes the value of NCAP's work, particularly given that ICANN has shared little data on names collision with the community. However, RySG members have various opinions on the proper resolution Some members are of the opinion that while the PDP may make some commentary and suggestions surrounding controlled interruption requirements, the technical prowess to assess and design appropriate mitigations should be handled by parties such as the NCAP, RSSAC, or SSAC. The next application round should wait for the NCAP to finish its work. Some members suggest that the WG should liaise with the NCAP to determine the best way for the work of the NCAP to inform the PDP WG without unduly delaying it. Other members have indicated that they cannot support any of these viewpoints. We also refer to the RySG comment on the NCAP Draft Project Plan (18 April 2018): https://docs.wixstatic.com/ugd/ec8e4c_63299870cf2a437d9be365b734bd091c.pdf .
2.7.8: Name Collisions (WT4)	2.7.8.e.2: In the event that the NCAP work is not completed prior to the next application round, should the default be that the same name collision mitigation frameworks in place today be applied to those TLDs approved for the next round?

RySG Comment	The RySG has two viewpoints on this question: Viewpoint 1: No. ICANN should, at a minimum, release the studies its done on the names collision frameworks so that the community can judge if the same frameworks should be applied. If ICANN cannot do that, ICANN should conduct a prompt, formal study that quantifies and measures the efficacy of the previous controlled interruption framework should be conducted before modifying or replacing the system, without delaying the next round. Without these baseline measurements, assessing the risks of an alternative CI framework is not possible. At least one other RySG member opposes this viewpoint. Viewpoint 2: A formal study that quantifies and measures the efficacy of the previous controlled interruption framework should be conducted before modifying or replacing the system. Without these baseline measurements, assessing the risks of an alternative CI framework is not possible and as such the next application round should be appropriately scheduled based on the NCAP's assessment of the aforementioned study. At least one other RySG member opposes this viewpoint. We also refer to the RySG comment on the NCAP Draft Project Plan (18 April 2018): https://docs.wixstatic.com/ugd/ec8e4c_63299870cf2a437d9be365b734bd091c.pdf .
2.7.8: Name Collisions (WT4)	2.7.8.e.3: The Work Track generally agreed to keep the controlled interruption period at 90 days due to lack of consensus in changing it. Some evidence indicated a 60-day period would be enough. Though no evidence was provided to require a longer period, other Work Track members argued for a longer 120 days. What length do you suggest and why? Note that the preliminary recommendation to have ICANN org conduct CI as early as possible would likely mitigate potential delays to applicants in launching their TLD. Are there concerns with ICANN org being responsible for CI?

RySG Comment	The RySG believes these technical questions surrounding the length of CI should be addressed by the NCAP, SSAC, and RSSAC. It is unclear why CI should be considered an appropriate operation as an ICANN staff task based on the bylaws. At least on RySG member believes these technical questions surrounding the length of CI should be addressed by the NCAP, SSAC, and RSSAC. It is unclear to at least one RySG member why CI should be considered an appropriate operation as an ICANN staff task based on the bylaws. At least one other RySG member opposes the previous assertions, stating that this is GNSO Policy and should be defined by the GNSO.
2.7.8: Name Collisions (WT4)	2.7.8.e.4: During the first 2 years following delegation of a new gTLD string, registry operators were required to implement a readiness program ensuring that certain actions be taken within a couple of hours in the event that a collision was found which presented a substantial risk to life. The 2-year readiness for possible collisions was kept as determined in the Name Collision Management Framework, but some in the Work Track felt that the service level for 2012 was too demanding. What would be a reasonable response time?
RySG Comment	The appropriate readiness requirements should be analyzed based on historical operational data and future assessments of the applied-for-strings in which their risk level is scoped. Changes in support levels should be addressed by qualified parties such as the SSAC.
2.7.8: Name Collisions (WT4)	2.7.8.e.5: If ICANN were initially required to initially delegate strings to its own controlled interruption platform and then later delegate the TLD to the registry, would that unreasonably increase the changes to the root zone?

RySG Comment	The following two viewpoints are shared and opposed by at least one RySG member: Viewpoint 1: While this would at least increase the changes to the root zone by a factor of two, concerns around the scalability and rate of changes induced by CI controls should be framed and addressed by a qualified party such as the RSSAC or SSAC. Furthermore, it is unclear why CI should be considered an appropriate operation as an ICANN staff task based on the bylaws (Section 2.2). Viewpoint 2: ICANN has latitude to operate CI if determined by policy, doing it themselves or thru a contractor as happens with EBERO, and to address operational concerns such as root zone stability and scalability, as the recent decision on KSK roll-over also has shown. Advisory bodies such as SSAC, RSSAC and RZERC are very useful for ICANN decision making in those matters, but ultimately the responsibility is ICANN Org's, including acting, having merits or liabilities.
2.7.8: Name Collisions (WT4)	2.7.8.e.6: What threat vectors for name collisions in legacy gTLDs should the Working Group consider, and what mitigation controls (if any) can be used to address such threats?
RySG Comment	The following two viewpoints are shared and opposed by at least one RySG member: Viewpoint 1: Legacy TLDs do not face the same threat vectors for collisions as new gTLDs because the internet grew around them and names collisions were necessarily avoided. New gTLDs face names collisions based on existing strings that didn't anticipate the new gTLDs, therefore there is no overlap that will be useful. Viewpoint 2: The larger dependence of users on services located in legacy gTLDs make those issues much more of a problem than collisions in new, unused namespaces. This is also the documented opinion of the same contractor that worked with ICANN to create the name collision framework, in a presentation in the first ICANN DNS Forum.

2.7.8: Name Collisions (WT4)	2.7.8.e.7: Regarding the “do not apply” and “exercise care” lists, how should technical standards for these categories be established? Should experts other than those involved in NCAP be consulted?
RySG Comment	The following two viewpoints are shared and opposed by at least one RySG member: Viewpoint 1: Authoritative groups that have the technical and analytical prowess to assess the security risk levels should be consulted (e.g. SSAC, NCAP, RSSAC, etc). Viewpoint 2: Such consultations have already occurred and that those opinions are already factored into the initial report of the PDP WG.
2.7.8: Name Collisions (WT4)	2.7.8.e.8: As applicants are preliminarily recommended above to be allowed to propose name collision mitigation plans, who should be evaluating the mitigation frameworks put forth by applicants? Should RSTEP be utilized as preliminarily recommended above or some other mechanism/entity?
RySG Comment	The following two viewpoints are shared and opposed by at least one RySG member: Viewpoint 1: Authoritative groups that have the technical and analytical prowess to assess name collision mitigation plans should be consulted (e.g. SSAC, NCAP, RSSAC, etc). Viewpoint 2: ICANN community organizations do not have resources, capabilities and methods to be involved operationally in the evaluation process.

Preliminary Recommendations, Options, and Questions for Community Input 2.8	
Topic	**Text**
2.8.1: Objections (WT3)	2.8.1.c.1: A transparent process for ensuring that panelists, evaluators, and Independent Objectors are free from conflicts of interest must be developed as a supplement to the existing Code of Conduct Guidelines for Panelists and Conflict of Interest Guidelines for Panelists.
RySG Comment	The RySG supports this recommendation, which improves predictability, certainty and transparency. The RySG refers the WG to its June 9, 2017 comments: "The 2012 Round witnessed potential Conflicts of Interest related to objections filed by the Independent Objector. While the conflicts were ultimately resolved, the failure to establish clear conflict of interest guidelines for the office of the Independent Objector at the outset resulted in additional delay and cost to affected parties. The lack of clear Conflict of Interest Procedures for the office of the Independent Objector in the Applicant Guidebook contradicts the approach taken for other independent parties engaged in the application process, including application evaluators and objection evaluation panels. In light of this experience and in line with the overall goals of the program, ICANN should implement a clear conflict of interest policy and associated procedures for the Independent Objector. The Conflict of Interest Guidelines used for application evaluators may be used as a model for these procedures."
2.8.1: Objections (WT3)	2.8.1.c.2: For all types of objections, the parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.

RySG Comment	The RySG supports this recommendation, which allows the parties to decide the trade-off between cost and consistency. The RySG refers the WG to its June 9, 2017 comments: "The selection of a one- or three-Expert panel raises tradeoffs related to cost and consistency. While one-Expert panels are lower cost, three-Expert panels may be more reliable and less likely to generate concerns around inconsistent application of objection procedures or outcomes. In light of these tradeoffs, we believe that, for all objection types, Parties should be able to jointly determine whether to use a one- or three-expert panel. In the event that the Parties fail to reach agreement, the default will be to rely on a three-expert panel."
2.8.1: Objections (WT3)	2.8.1.c.3: ICANN must publish, for each type of objection, all supplemental rules as well as all criteria to be used by panelists for the filing of, response to, and evaluation of each objection. Such guidance for decision making by panelists must be more detailed than what was available prior to the 2012 round.
RySG Comment	The RySG supports this recommendation, with one clarifying change: "ICANN must publish as part of or contemporaneously with the Applicant Guidebook, for each type of objection . . . ." (proposed change in bold and italics). Publishing detailed supplemental rules and criteria should reduce (if not eliminate) inconsistencies in objection determinations and improve predictability and certainty for panelists and applicants. To achieve these goals, applicants must have access to this information before preparing and submitting their applications.
2.8.1: Objections (WT3)	2.8.1.c.4: Extension of the “quick look” mechanism, which currently applies to only the Limited Public Interest Objection, to all objection types. The “quick look” is designed to identify and eliminate frivolous and/or abusive objections.
RySG Comment	The RySG supports this recommendation because if frivolous objections are properly eliminated, applicants may avoid allocating resources to defend against such frivolous objections.
2.8.1: Objections (WT3)	2.8.1.c.5: Provide applicants with the opportunity to amend an application or add Public Interest Commitments in response to concerns raised in an objection.
RySG Comment	The RySG supports this recommendation so long as the dispute resolution provider panel/arbitrator must determine if the proposed PIC or application amendment resolves the objection. The RySG does not believe the arbitrator/panel should be allowed to require a PIC in order to "split the baby" or to avoid deciding for or against either party.

2.8.1: Objections (WT3)	2.8.1.d.1: GAC Advice must include clearly articulated rationale, including the national or international law upon which it is based.
RySG Comment	The RySG supports this recommendation, but proposes a modification: "GAC Advice must include clearly articulated rationale, including the (i) national or international law; and (ii) merits-based public policy reasons, upon which it is based". This modification reflects the .AMAZON IRP Panel's requirement that "GAC consensus advice . . . .nonetheless must be based on a well-founded public interest concern."
2.8.1: Objections (WT3)	2.8.1.d.2: Future GAC Advice, and Board action thereupon, for categories of gTLDs should be issued prior to the finalization of the next Applicant Guidebook. Any GAC Advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the application, not on groups or classes of applications.
RySG Comment	The RySG supports this recommendation, but believes that GAC Advice should be issued against specifically identified applications (not just strings) because applications for the same string may propose vastly different business models. The RySG refers the WG to its May 24, 2017 comments: "GAC Advice was provided against categories of applications. Though Advice was ultimately determined to apply to strings specifically listed in the Beijing Communique, the initial communique suggested that these lists were non-exhaustive, and could apply to applications not specifically referenced. This contradicts the procedures established in the Applicant Guidebook, which stated that Advice would be provided against applications. This created confusion for applicants whose strings may exist in related industries, but were not cited, around whether advice applied to them and whether to engage advice directly. GAC advice was provided against strings (encompassing all members of a contention set) rather than individual applications. This also contradicts the procedures defined in the Applicant Guidebook. Applications for a single string may propose vastly different business models with implications for the validity of parts of GAC Advice. The expectation should be that applications will be reviewed and, if applicable, referenced individually as part of the GAC Advice, with these factors taken into account."
2.8.1: Objections (WT3)	2.8.1.d.3: Individual governments should not be allowed to use the GAC Advice mechanism absent full consensus support by the GAC. The objecting government should instead file a string objection utilizing the existing ICANN procedures (Community Objections/String Confusion Objections/Legal Rights Objections/Limited Public Interest Objections).

RySG Comment	The RySG supports this recommendation.
2.8.1: Objections (WT3)	2.8.1.d.4: The application process should define a specific time period during which GAC Early Warnings can be issued and require that the government(s) issuing such warning(s) include both a written rationale/basis and specific action requested of the applicant. The applicant should have an opportunity to engage in direct dialogue in response to such warning and amend the application during a specified time period. Another option might be the inclusion of Public Interest Commitments (PICs) to address any outstanding concerns about the application.
RySG Comment	The RySG supports this recommendation, which is consistent with its May 24, 2017 comments on GAC Early Warnings and the ability of applicants to use PICs to resolve issues raised in objections.
2.8.1: Objections (WT3)	2.8.1.e.1: Role of the GAC: Some have stated that Section 3.1 of the Applicant Guidebook creates a “veto right” for the GAC to any new gTLD application or string. Is there any validity to this statement? Please explain.
RySG Comment	The RySG believes that, taken together, the Section 3.1 statements that "The GAC can provide advice on any application." and "The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved." can be interpreted as creating a "veto right" for the GAC. This is especially true because the GAC ignored the only requirement in Section 3.1 that could have limited the scope and application -- "For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period." One potential option for addressing this issue is to revise the AGB language to read: "The GAC can provide consensus GAC Advice on any application; provided, however, that the GAC Advice must include a rationale and identify the (i) national or international law; and (ii) merits-based public policy reasons, upon which it is based."
2.8.1: Objections (WT3)	2.8.1.e.2: Role of the GAC: Given the changes to the ICANN Bylaws with respect to the Board’s consideration of GAC Advice, is it still necessary to maintain the presumption that if the GAC provides Advice against a string (or an application) that such string or application should not proceed?

RySG Comment	Section 3.1 of the Applicant Guidebook states that consensus GAC advice "that a particular application should not proceed . . . . create[s] a strong presumption for the ICANN Board that the application should not proceed." This strong presumption effectively gives the GAC veto power over an application – even one that "passed" evaluation, violated no provisions of the Guidebook, and prevailed in all objection proceedings (if any). Under the existing language, the ICANN Board cannot both accept the GAC advice, and subsequently take or promote an action to resolve the issue; it can only refuse to allow the application to proceed. Any Guidebook for the next application "procedure" should not contain this statement. Instead, the Guidebook should state that, upon receipt of consensus GAC advice "that a particular application should not proceed," the ICANN Board should have the option to facilitate the applicant's remediation (through PIC or otherwise) of the issue underlying the GAC advice.
2.8.1: Objections (WT3)	2.8.1.e.3: Role of the GAC: Does the presumption that a "string will not proceed" limit ICANN's ability to facilitate a solution that both accepts GAC Advice but also allows for the delegation of a string if the underlying concerns that gave rise to the objection were addressed? Does that presumption unfairly prejudice other legitimate interests?
RySG Comment	Yes and Yes. Some legitimate interests that are unfairly prejudiced by the the presumption include trademark rights the applicant may have in a mark to which the applied-for string is identical, the applicant's expectation interests in a predictable and certain process, and, fundamental fairness (if the GAC does not allow the affected applicant to be heard). [The RySG notes that the Section 3.1 presumption is that "the application should not be approved," not that the string or application would not proceed.]
2.8.1: Objections (WT3)	2.8.1.e.4: Role of the Independent Objector: In the 2012 round, all funding for the Independent Objector came from ICANN. Should this continue to be the case? Should there be a limit to the number of objections filed by the Independent Objector?

RySG Comment	Yes, all funding for the Independent Objector should come from ICANN to maintain the intended neutrality of the IO role. No, there should not be a numerical limit on the number of objections filed by the Independent Objector as long as other recommended reforms (e.g., conflict of interest policy, elimination of extraordinary circumstances exception, naming/identification of one or more parties that initiated or supported the objection) are adopted. These recommended reforms, which focus on reducing the number of non-meritorious objections, may have the effect of limiting the number of objections filed by the IO.
2.8.1: Objections (WT3)	2.8.1.e.5: Role of the Independent Objector: In the 2012 round, the IO was permitted to file an objection to an application where an objection had already been filed on the same ground only in extraordinary circumstances. Should this extraordinary circumstances exception remain? If so, why and what constitutes extraordinary circumstances?
RySG Comment	No, the extraordinary circumstances exception should be removed. The Independent Objector failed to meet the "extraordinary circumstances" standard and the RySG does not believe it is possible to revise the standard or establish criteria so that the standard is stringent and not capable of being abused. The RySG refers the WG to its June 9, 2017 comments: "The 2012 Applicant Guidebook provided that, absent extraordinary circumstances, the IO should not be permitted to file an objection against an application [against which another objection] was already filed on the same ground. We strongly support the principle but do not feel it was fully adhered to by the Independent Objector, who maintained some of his objections while third-party objections against the same string and on the same grounds were pending and failed to defend why this followed from extraordinary circumstances. We urge strict adherence to this principle in a future round and recommend removing the carve-out for extraordinary circumstances, as we do not believe that this standard was met or defended during the 2012 Round." One RySG member notes that the IO argued in one objection proceeding that "extraordinary circumstances" justified his claimed need to file a duplicate objection until he had the opportunity to review the 3P objection to determine if it was "of sufficient quality."
2.8.1: Objections (WT3)	2.8.1.e.6: Role of the Independent Objector: Should the Independent Objector be limited to only filing objections based on the two grounds enumerated in the Applicant Guidebook?

RySG Comment	Yes. The "objector of last resort" rationale for creating the Independent Objector role simply does not exist for Legal Rights and String Confusion Objections (the other two categories of objections enumerated in the Applicant Guidebook). Further, for the two categories of objection that the IO could file under the AGB, the IO the Independent Objector should be required to name one or more parties that initiated or supported the objection but would otherwise be unable to file, in addition to meeting all other criteria for objection (e.g., affirmation that filing the objection is in the public interest). The RySG refers the WG to its June 9, 2017 comments: "In the 2012 Round the Independent Objector appeared to act on an independent agenda that was not supported by the public, nor by particular affected parties that would have not been able to file an objection. Further, the low success rate for objections filed by the Independent Objector raises questions of whether concerns raised by the objected-to strings were sufficiently clear-cut to warrant objection through this process, particularly given the high cost of this office to ICANN. As part of the objection filing process the Independent Objector should be required to name one or more parties that initiated or supported the objection but would otherwise be unable to file, in addition to meeting all other criteria for objection (e.g., affirmation that filing the objection is in the public interest)."
2.8.1: Objections (WT3)	2.8.1.e.7: Role of the Independent Objector: In the 2012 round, there was only one Independent Objector appointed by ICANN. For future rounds, should there be additional Independent Objectors appointed? If so, how would such Independent Objectors divide up their work? Should it be by various subject matter experts?
RySG Comment	The RySG would not object to ICANN's appointment of an alternate Independent Objector to allow an IO to handle an objection if the other IO has a conflict of interest. The RySG does not support ICANN's appointment of multiple Independent Objectors.
2.8.1: Objections (WT3)	2.8.1.e.8: Some members of the ICANN community believe that some objections were filed with the specific intent to delay the processing of applications for a particular string. Do you believe that this was the case? If so, please provide specific details and what you believe can be done to address this issue.

RySG Comment	While the RySG believes that there may have been instances of objections filed with the specific intent to delay the processing of applications, we will defer to individual comments to raise specific examples. The RySG does have three recommendations for addressing bad faith objections: 1. Individual entities should be limited to participating in either Objections or Community Priority Evaluation ("CPE"), but not both. Participating in both gives some entities multiple opportunities to delay the process for the same strings. We don't believe this matches the intent of the policy or the guidebook. 2. Implement and strictly enforce page limits on objections. The RySG supports language clarifying that attachments should be limited to supporting documentation and must not be used to make additional arguments not covered within the 5,000 word / 20 page limit and that, following submission of the initial objection, additional documentation will only be accepted if it is specifically requested by the objection panel. 3. Consider expanding the "quick look" mechanism beyond limited public interest objections to other categories of objections, particularly as a means to identify instances of an abuse of the right to object.
2.8.1: Objections (WT3)	2.8.1.e.9: How can the "quick look" mechanism be improved to eliminate frivolous objections?

RySG Comment	The RySG supports considering expansion of the "quick look" mechanism beyond limited public interest objections to other categories of objections where appropriate, particularly as a means to identify instances of an abuse of the right to object. ICANN should develop clearer criteria to assist the DRSP in accurately identifying objections that meet the standard of an abuse of the right to object. ICANN should also develop additional appropriate sanctions for parties who are subject to a finding of abuse of the right to object, including financial penalties and the loss of the ability to make additional objections. The RySG supports considering expansion of the "quick look" mechanism beyond limited public interest objections to other categories of objections where appropriate, particularly as a means to identify instances of an abuse of the right to object. ICANN should develop clearer criteria to assist the DRSP in accurately identifying objections that meet the standard of an abuse of the right to object. ICANN should also develop additional appropriate sanctions for parties who are subject to a finding of abuse of the right to object, including financial penalties and the loss of the ability to make additional objections.
2.8.1: Objections (WT3)	2.8.1.e.10: ICANN agreed to fund any objections filed by the ALAC in the 2012 round. Should this continue to be the case moving forward? Please explain. If this does continue, should any limits be placed on such funding, and if so what limits? Should ICANN continue to fund the ALAC or any party to file objections on behalf of others?
RySG Comment	Yes, the RySG supports ICANN's continued funding of objections by ALAC because of the specific role served by the ALAC stakeholders. For that same reason, ICANN should not fund objections from other parties or stakeholder groups. Funding for ALAC objections should continue to be contingent on the ALAC demonstrating compliance with its published and approved process of considering and making objections (per 3.3.2 AGP). ICANN and ALAC should prioritize cost-controlling mechanisms, where possible, associated with any objection funded by ICANN.
2.8.1: Objections (WT3)	2.8.1.e.11: Should applicants have the opportunity to take remediation measures in response to objections about the application under certain circumstances? If so, under what circumstances? Should this apply to all types of objections or only certain types?

RySG Comment	Yes, the RySG believes that applicants should have the ability to remediate issues in response to community objections. Where the community itself identifies a resolution that the applicant can agree do, they should be permitted to resolve the issue. The PDP WG may propose a mechanism to allow an arbitrator/panelist to identify remedies or cures that could address the detriment to the community, which could be adopted by the applicant and would form a binding portion of the eventual Registry Agreement. However, the RySG cautions against giving the panel the authority to go beyond the remedies requested.
2.8.1: Objections (WT3)	2.8.1.e.12: Who should be responsible for administering a transparent process for ensuring that panelists, evaluators, and independent objectors are free from conflicts of interest?
RySG Comment	ICANN should partner with an independent organization to ensure that panelists, evaluators, and independent objectors are free from conflicts of interest. This independent organization should implement a mechanism to allow members of the community to raise concerns directly regarding potential conflicts of interest.
2.8.1: Objections (WT3)	2.8.1.e.13: Community Objections: In 2012, some applicants for community TLDs were also objectors to other applications by other parties for the same strings. Should the same entity be allowed to apply for a TLD as community and also file a Community Objection for the same string? If so, why? If not, why not?
RySG Comment	No, The RySG believes that community applicants should not have standing to raise a Community Objection for the same string. Applying for a TLD as a community while also filing a Community Objection offers an entity an unfair ability to game the system to their advantage.
2.8.1: Objections (WT3)	2.8.1.e.14: Community Objections: Many Work Track members and commenters believe that the costs involved in filing Community Objections were unpredictable and too high. What can be done to lower the fees and make them more predictable while at the same time ensuring that the evaluations are both fair and comprehensive?
RySG Comment	Costs should be transparent up front to participants in objection processes with a fixed fee absent extraordinary circumstances. ICANN should also prioritize cost in choosing any vendor.
2.8.1: Objections (WT3)	2.8.1.e.15: Community Objections: In the Work Track, there was a proposal to allow those filing a Community Objection to specify Public Interest Commitments (PICs) they want to apply to the string. If the objector prevails, these PICs become mandatory for any applicant that wins the contention set. What is your view of this proposal?

RySG Comment	Where the objector identifies a PIC that the applicant can agree do, the parties should be permitted to resolve the issue. The PDP WG may propose a mechanism to allow an arbitrator/panelist to identify a PIC that may address the objector's concern and which could be adopted by the applicant, however, the RySG cautions against giving the panel the authority to go beyond the remedies requested in a decision. Any PIC made to resolve an objection should be binding on the applicant.
2.8.1: Objections (WT3)	2.8.1.e.16: String Confusion Objections: The RySG put forward a proposal to allow a single String Confusion Objection to be filed against all applicants for a particular string, rather than requiring a unique objection to be filed against each application. Under the proposal: - An objector could file a single objection that would extend to all applications for an identical string. - Given that an objection that encompassed several applications would still require greater work to process and review, the string confusion panel could introduce a tiered pricing structure for these sets. Each applicant for that identical string would still prepare a response to the objection. - The same panel would review all documentation associated with the objection. Each response would be reviewed on its own merits to determine whether it was confusingly similar. - The panel would issue a single determination that identified which applications would be in contention. Any outcome that resulted in an indirect contention would be explained as part of the response. Do you support this proposal? Why or why not? Would this approach be an effective way to reduce the risk of inconsistent outcomes?
RySG Comment	Yes, the RySG continues to strongly support this proposal to address String Confusion Objections. We believe this approach would lead to less inconsistencies and better cost effectiveness.
2.8.1: Objections (WT3)	2.8.1.e.17: String Confusion Objections: Some Work Track members have proposed that there should be grounds for a String Confusion Objection if an applied-for string is an exact translation of existing string that is in a highly regulated sector, and the applied-for string would not employ the same safeguards as the existing string. Do you support this proposal? Please explain.

RySG Comment	No, the RySG does not believe that regulated and highly-regulated TLDs should be treated as a separate category of TLDs from the application process as these categories were solely derived from GAC Advice and not self-designation by the applicant. As a result, we do not believe that different rules for String Confusion Objections should apply for highly-regulated TLDs.
2.8.1: Objections (WT3)	2.8.1.e.18: Legal Rights Objections: Should the standard for the Legal Rights Objection remain the same as in the 2012 round? Please explain.
RySG Comment	Yes. The Legal Rights Objection and WIPO's administration of it are generally considered the most effective of the objection grounds identified in the AGB and DRP providers, respectively. To borrow from an old adage, the RySG doesn't consider the Legal Rights Objection to be broken so doesn't believe it needs to be fixed.
2.8.1: Objections (WT3)	2.8.1.e.19: A Work Track member submitted a strawman redline edit of AGB section 3.2.2.2. What is your view of these proposed edits and why?
RySG Comment	The RySG opposes the proposed changes because the proposed edits would significantly expand the scope of the Legal Rights Objection, constitute too significant a shift from the intent of the original policy, and represent a substantial and unnecessary change.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.c.1: ICANN should create a new substantive appeal mechanism specific to the New gTLD Program. Such an appeals process will not only look into whether ICANN violated the Bylaws by making (or not making) a certain decision, but will also evaluate whether the original action or action was done in accordance with the Applicant Guidebook.

RySG Comment	The RySG supports the introduction of a limited substantive appeals process for certain types of disputes that arise from a failure to adhere to criteria in the Applicant Guidebook: • Evaluator misapplies the Guidebook or omits Guidebook criteria. • Panel relies on incorrect information or standard to decide an objection. Any applicant or third party that could demonstrate it has been harmed by one or more of these failures could use this limited appeals process. A party is limited to one appeal on the subject matter giving rise to the appeal. See the RySG's June 9, 2017 comments, which contained a detailed discussion of such a limited appeal process. The RySG does not support a broader appeal mechanism that would look into whether ICANN (staff or Board) violated the Bylaws by making (or not making) a certain decision. The ICANN community devoted thousands of hours to revising the existing accountability mechanisms. The community should give those accountability mechanisms an opportunity to succeed before creating a substantive appeal mechanism. Further, the RySG has concerns about the ability to create successfully an appeals mechanism that is objective and fair with well trained, conflict-free panelists, and that does not undermine the legitimacy of the IRP.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.c.2: The process must be transparent and ensure that panelists, evaluators, and independent objectors are free from conflicts of interest.
RySG Comment	See previous response.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.c.3: post-delegation dispute resolution procedures: The parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.
RySG Comment	The RySG supports this recommendation.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.c.4: post-delegation dispute resolution procedures: Clearer, more detailed, and better-defined guidance on scope and adjudication process of proceedings and the role of all parties must be available to participants and panelists prior to the initiation of any post-delegation dispute resolution procedures.
RySG Comment	The RySG supports this recommendation.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.1: Limited Appeals Process: What are the types of actions or inactions that should be subject to this new limited appeals process? Should it include both substantive and procedural appeals? Should all decisions made by ICANN, evaluators, dispute panels, etc. be subject to such an Appeals process. Please explain.

RySG Comment	The RySG supports the option of a narrow appeals process for all applicants where parties identify either a reasonable inconsistency in outcome or a specific argument as to why the panel failed to apply the proper standard. In our May 24, 2017 comments we proposed several models to consider for potential appeal options: 1. Delayed appeals: For parties that were the first few cases under a new procedure or mechanism, allow the losing party to request a delayed review by panelists who have experience deciding similar cases under the new system, to cross-check for consistency. ○ Pros: Ensures the first cases are not prejudiced by early learnings by the first panels. ○ Cons: Prevents certainty for the prevailing party. Implies objections are subject to stare decisis. 2. Master panel: A traditional appeals process appears to simply substitute the judgment of panelist B for that of panelist A. Instead, hand-pick "master" panelists who have demonstrated consistent, sound judgment in the first round and ensure that they are provided with high-quality briefing materials regarding any changes in the next round. These materials should be approved by the community members who work on any changes to the AG. ICANN can use application fees to pay the Master panel to read every opinion to form its knowledge base. The Master panel may be responsible for providing routine panelist training on each objection process, to be paid by application fees. The Master panel can be retained by ICANN or by one of the Providers (subject to its ability to contract with each of the chosen master panelists). Master panelists may be forbidden from hearing objections in the first instance, to reduce conflict. ○ Pros: Uses proven experts to try to create more consistent outcomes. Application fees fund the effort toward consistency, but parties still pay for their own cases. ○ Cons: No party control over master panel selection, risk of master panelists "going rogue." Provider that offers the master panel may be at odds with other providers. ICANN-run master panel may invite conspiracy theories. Master panel appointment may become "political."

	3. ICANN Review: A panel or team within ICANN could be established to conduct independent reviews of objection outcomes and to make follow up recommendations. ○ Pros: The cost would be borne by applicant fees. If the process is transparent, the community may trust the experts more than panelists hired by third-party providers. ○ Cons: ICANN-run review process may invite conspiracy theories and the experts may not receive community trust if ICANN is not transparent about how the review process works. Without an actual appeal mechanism where facts are re-heard, the community may feel like a review does not go far enough. Similarly, ICANN may be overly conservative in this review for fear of picking winners and losers as part of the application process. 4. Appeals: A template exists for this in the URS, TM-PDDRP, and RRDRP. The community would need to decide if all appeals should be heard by a three member panel in order to avoid the perception that it's always just another coin flip. Using those existing procedures as guides, the community could define the appeals process it wants. Some examples include: expedited timelines to avoid dragging out an objection, a rehearing based on the already-submitted data, the use of a short list of panelists who are generally conflict-free and available (similar to the master panel), and clearly-defined fees to be prepaid. Appeals could be limited to specific issues, as determined by the community – each objection process would need to come up with the types of appeals that would be acceptable. ○ Pros: Eliminates concerns about ICANN having the ultimate authority, allows Providers to perpetuate a consistency amongst the panelist list, and provides a basis of competition between panelists (pricing, time-to-decision, quality of training and opinions). ○ Cons: Additional, possibly uncapped, expense. If Panelist training problems persist, an appeals process is still a blind shot. 5. Existing accountability mechanisms: Existing mechanisms are best utilized if a Provider goes rogue or underperforms, but the Board's expertise is not policing the day to day work of ADR providers.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.2: Limited Appeals Process: Who should have standing to file an appeal? Does this depend on the particular action or inaction?
RySG Comment	The Limited Appeals Process should be available to the losing party of one of the four Objection processes who can identify either a reasonable inconsistency in outcome (as comared to similarly situated objections/parties) or a specific argument as to why the panel failed to apply the proper standard.

2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.3: Limited Appeals Process: What measures can be employed to ensure that frivolous appeals are not filed? What would be considered a frivolous appeal?
RySG Comment	The Limited Appeals Process should be available to the losing party of one of the four Objection processes who can identify either a reasonable inconsistency in outcome (as comared to similarly situated objections/parties) or a specific argument as to why the panel failed to apply the proper standard.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.4: Limited Appeals Process: If there is an appeals process, how can we ensure that we do not have a system which allows multiple appeals?
RySG Comment	The RySG supports rules limiting the number of appeals where appropriate to ensure that appeals are handled as efficiently as possible. For instance, the URS permits a single appeal, but see also comment 2.8.2.e.1 which provides a list of different appeal concepts. Other ideas include allowing the parties and panels to consolidate appeals that are related (for instance, relate to the same misapplication of the Guidebook) or other limitations such as a "final decision" rule so that appeals are only available based on a final decision rather than allow parties "interlocutory" appeals as the process progresses.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.5: Limited Appeals Process: Who should bear the costs of an appeal? Should it be a “loser-pays” model?
RySG Comment	The RySG supports a "loser-pays" model for appeals as an additional mechanism to protect against the filing of frivolous appeals.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.6: Limited Appeals Process: What are the possible remedies for a successful appellant?
RySG Comment	The RySG believes the appropriate remedy for a successful appellant may vary based on the facts of the case and the reason for the appeal. In some cases it may be best to have the matter returned to the initial panel with instructions from the appeals entity to address the issue as instructed by the appeals entity, in other cases, as in URS, it may be most efficient for a de novo review where the appellate panel's decision stands.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.7: Limited Appeals Process: Who would be the arbiter of such an appeal?
RySG Comment	ICANN should designate an independent organization with sufficient expertise to handle appeals on these matters. ICANN should consider cost (to the parties); competence, neutrality, and experience of the entity; and the panel's overall competence and experience in the industry. Though cost is important, it should not be the sole deciding factor.

2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.8: Limited Appeals Process: In utilizing a limited appeal process, what should be the impact, if any, on an applicant's ability to pursue any accountability mechanisms made available in the ICANN Bylaws?
RySG Comment	As stated in our response to 2.5.2.e.1, the RySG supports a limited appeal to to rectify errors in one of the Objection processes in order to reduce the number of applicants that need to use accountability mechanisms. All available accountability mechanisms should continue to remain available to the applicant whether they use the limited appeal or not. To encourage use of the limited appeal, ICANN should allow for appropriate tolling of any "statutes of limitations" associated with an accountability mechanism where parties do take advantage of the limited appeal. A party should not be precluded from raising issues because it took advantage of all available mechanisms to resolve disputes.
2.8.2: Accountability Mechanisms (WT3)	2.8.2.e.9: Limited Appeals Process: Do you have any additional input regarding the details of such a mechanism?
RySG Comment	No, our May 24, 2017 comment provided significant suggestions that we ask the WG to review. (see RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)

Preliminary Recommendations, Options, and Questions for Community Input 2.9	
Topic	**Text**
2.9.1: Community Applications (WT3)	2.9.1.c.1: The Community Priority Evaluation (CPE) process must be more transparent and predictable.
RySG Comment	The RySG supports this recommendation. [Related CC2 comments] [the RySG believes that a number of improvements could be made to the implementation of CPE. In its current formulation, CPE was difficult to achieve, with a low rate of success amongst applicants. Despite this fact, some CPE applications seemed to represent an attempt to game the system to gain an advantage over other applicants rather than representing bona fide communities. As outlined below, a community priority approach that is not "all or nothing" may help address this set of concerns, and may also make it possible for CPE to be more relevant in scenarios where contentions do not exist. Despite these concerns, we do believe that the general mechanism of providing priority in contention sets (and therefore, not evaluating an applications community status unless contention exists) is consistent with current GNSO policy and implementation guidance.] [We agree that in some case, individual CPE decisions seemed to result in different scoring for apparently quite similar sets of facts. In addition, there was a lack of transparency in how CPE was evaluated. In many cases, materials evaluated were not available to the public or even to other applicants, or what factors or materials panels considered. It was also not clear what the roles for ICANN and EIU were. We therefore make the following recommendations to improve the process: ● Improved training for panelists. Objection process, legal rights process generally better. Look to those models for better training. ● Similar review/appeals process for CPE decisions as we're proposing for objections. ● Better documentation of roles and factors in the CPE evaluation process. Materials evaluated as part of the CPE process should be made public. ● There should be a formal process by which other applicants have an opportunity to comment on a CPE application and its supporting materials.]

2.9.1: Community Applications (WT3)	2.9.1.c.2: CPE evaluations should be completed in a shorter period of time.
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.c.3: All evaluation procedures should be developed BEFORE the application process opens and made easily and readily available.
RySG Comment	The RySG supports this recommendation.
2.9.1: Community Applications (WT3)	2.9.1.c.4: The CPE process should include a process for evaluators to ask clarifying questions and where appropriate engage in a dialogue with the applicant during the CPE process.
RySG Comment	The RySG supports this recommendation.
2.9.1: Community Applications (WT3)	2.9.1.c.5: Less restrictive word count for communities to engage in clarifying and providing information.
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.1: During its deliberations, a number of Work Track 3 members expressed that they believed the "definition" of community, available in section 1.2.3.1 of the Applicant Guidebook, was deficient. A number of attempts were made by the Work Track to better define the term "community," but no definition could be universally agreed upon. Do you believe the current definition of "community" in the AGB is sufficiently clear and flexible to represent the intentions of existing policy about community applications and the various types of communities that may seek priority in the new gTLD program? If not, how would you define "community" for the purposes of community-based applications in the New gTLD Program? What attributes are appropriate? Do you have specific examples where demonstrable community support should or should not award priority for a string? Do you believe examples are useful in developing an understanding of the purpose and goals of any community-based application treatment?
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.2: Should community-based applications receive any differential treatment beyond the ability to participate in CPE, in the event of string contention?
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.3: Could/should alternative benefits be considered when scoring below the threshold to award the string (e.g., support in auction proceedings)?
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.4: What specific changes to the CPE criteria or the weight/scoring of those criteria should be considered, if the mechanism is maintained?

RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.5: In the 2012 new gTLD round, it was determined that community-based applications should have preference over non-community-based applications for the same string. Some have argued that this preference should continue, others have claimed that this preference is no longer needed. Should the New gTLD Program continue to incorporate the general concept of preferential treatment for "community applications" going forward? Is the concept of awarding priority for community-based applications feasible, given that winners and losers are created?
RySG Comment	
2.9.1: Community Applications (WT3)	The Work Track also considered a report on CPE prepared by the Council of Europe, which noted the need to refine the definition of community and re-assess the criteria and guidance for CPE in the AGB and CPE Guidelines. Although this paper has not been officially endorsed by the European Commission or the GAC, there are a number of recommendations in this report on community-based applications. The Work Track is seeking feedback from the community on this report and more specifically which recommendations are supported, not supported or which require further exploration. 2.9.1.e.6: Do you agree with the Council of Europe Report, which in summary states, "Any failure to follow a decision-making process which is fair, reasonable, transparent and proportionate endangers freedom of expression and association, and risks being discriminatory." Did the CPE process endanger freedom of expression and association? Why or why not?
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.7: In regards to recommendation 2.9.1.c.1 in section c above, what does, "more transparent and predictable," mean to you? For what aspects of CPE would this apply in particular?
RySG Comment	
2.9.1: Community Applications (WT3)	2.9.1.e.8: Some in the Work Track have noted specific concerns about the way the CPE provider performed evaluations, particularly around the validation of letters of support/opposition. To what extent should the evaluators be able to deviate from pre-published guidance and guidelines? For instance, should the evaluators have the flexibility to perform elements of the evaluation in a procedurally different way?
RySG Comment	

Preliminary Recommendations, Options, and Questions for Community Input 2.10	
Topic	**Text**
2.10.1: Base Registry Agreement (WT2)	2.10.1.c.1: Work Track 2 continues to support the original policy recommendations and implementation guidelines upon which the 2012 round was based. However, a clearer, structured, and efficient method for obtaining exemptions to certain requirements of the RA, which allows ICANN to consider unique aspects of registry operators, TLD strings, as well as the ability to accommodate a rapidly changing marketplace is needed.
RySG Comment	The RySG supports this recommendation. [Related CC2 Comments][The RySG does support the existing exceptions to the Code of Conduct provided for under Specification 13 and under Specification 9 paragraph 6. We have not identified any other specific circumstances where an exemption to the Code of Conduct should be granted. On the assumption that the Code of Conduct is retained, however, the RySG would support greater flexibility for registry operators wishing to seek an exemption. It would be reasonable for a registry operator who is able to demonstrate that the application of the Code of Conduct to its TLD is not necessary to protect the public interest, in other circumstances to those set out in Spec 9 para 6, to be granted such an exemption. The RySG would also like to highlight that the existing process of obtaining an exemption to the Code of Conduct results in some ambiguity under the Registry Agreement, since the registry operator is still bound by section 2.9:"Subject to the requirements of Specification 11, Registry Operator must provide non-discriminatory access to Registry Services to all ICANN accredited registrars that enter into and are in compliance with the registry-registrar agreement for the TLD". Since, under the current model, all exemptions must be for single-registrant models wherein the registry (as registrant) may still chose its registrar, we do not believe this language should apply to Specification 9 exempt TLDs, regardless of whether they additionally qualify for Specification 13.]

2.10.1: Base Registry Agreement (WT2)	2.10.1.e.1: If ICANN were to have a "clearer, structured, and efficient methods for obtaining exemptions to certain requirements of the RA," how can such a process be structured to consider unique aspects of registry operators and TLD strings, while at the same time balancing ICANN's commitment to registry operators that it treat each registry operator equitably?
RySG Comment	
2.10.1: Base Registry Agreement (WT2)	2.10.1.e.1.1: At a high level, there was a suggestion that for exemptions or exceptions, the proposer could provide the specific problematic provisions, the underlying policy justifications for those provisions, and the reasons why the relief is not contrary to those justifications. Does this seem like a reasonable approach? Why or why not?
RySG Comment	
2.10.1: Base Registry Agreement (WT2)	The Public Interest Commitment (PIC) Standing Panel Evaluation Report dated March 17, 2017 in the case of Adobe Systems Incorporated et al. v. Top Level Spectrum, Inc., d/b/a/ Fegistry, LLC et al., states the following: Second, the Panel notes that PIC (3)(a) of Specification 11 imposes no obligation on Respondent as the Registry Operator itself to avoid fraudulent and deceptive practices. Third, the Panel finds that Respondent's Registry Operator Agreement contains no covenant by the Respondent to not engage in fraudulent and deceptive practices. 2.10.1.e.2: Should this Work Track recommend that ICANN include a covenant in the RA that the registry operator not engage in fraudulent and deceptive practices? Please explain.
RySG Comment	
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.c.1: Recommendation 19 should be revised to be made current with the current environment: Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars, unless an exemption to the Registry Code of Conduct is granted.
RySG Comment	RySG supports this recommendation. In addition, the RySG believes that Registries should have the flexibility to register their own domains under certain circumstances, including where no registrar agrees to sell a Registry's TLDs.

2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.1: In response to feedback from CC2, Work Track 2 members have suggested that .Brand registries as well as any registry operator granted an exemption from the Code of Conduct (as set forth in Specification 9 of the Registry Agreement), should not only be able to limit the number of registrars that they have to use, but should also have the ability to receive a complete exemption from using any ICANN-accredited registrars at all in the operation of their TLD by making them equally exempt from section 2.9 of the Registry Agreement. In connection with the above proposal, the Work Track is soliciting feedback on the following:
RySG Comment	With the New gTLD Program the Registry Stakeholder Group membership has expanded with the entry of new registry operators. These include some who may not have been previously active in ICANN policy development, such as brand owners, and others who previously participated in a different capacity, including registrars who now also operate registry businesses. Given the diversity of members within the RySG, there is not one single view on the question of vertical integration of registries and registrars. Some RySG members favour vertical integration and would support removal of the restrictions on operation of those vertically-integrated businesses. Other RySG members favour the retention of those restrictions. We are not aware of any specific disadvantages or issues arising out of the operation of vertically integrated registries and registrars. (see also RySG feedback on the 2nd Community Consultation https://docs.wixstatic.com/ugd/ec8e4c_8aca15819488424d93a1bdbfc884c7c1.pdf)
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.1.1: Should a complete exemption be available to these registries? Please explain.
RySG Comment	Yes, a complete exemption should be available to these registries. The registrant protection rationale underlying these requirements (i.e. registrants should not be at risk of losing their domain names due to registry failure) are inapplicable where a registry is registering domains to themselves or a licensee.
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.1.2: If complete exemptions are granted, are there any obligations that should be imposed on .Brand registries to ensure that any obligations or registrant protections normally found in Registrar Accreditation Agreements that should be included in .Brand Registry Agreements if they elect to not use any ICANN-accredited registrars?

RySG Comment	No, the RySG does not believe additional obligations are required for the reasons stated in 2.10.2.e.1.1.
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.1.3: Work Track members have suggested that input from the Registrars Stakeholder Group as well as the Brand Registry Group on this topic, would benefit further deliberations and any final recommendations. The Work Track makes note that feedback from all parties will be fully considered and contribute to further developments.
RySG Comment	
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.2: Are there any other additional situations where exemptions to the Code of Conduct should be available?
RySG Comment	
2.10.2: Registrar Non-Discrimination / Registry/Registrar Standardization (WT2)	2.10.2.e.3: There are provisions in the Registrar Stakeholder Group Charter that some feel disfavor those who have been granted exemptions to the Code of Conduct. In the preliminary recommendation above, would it be better to phrase it as, “unless the Registry Code of Conduct does not apply” rather than, “unless an exemption to the Registry Code of Conduct is granted”?
RySG Comment	

Preliminary Recommendations, Options, and Questions for Community Input 2.11	
Topic	**Text**
2.11.1: Registry System Testing (WT4)	2.11.1.c.1: Registry System Testing (RST) should be split between overall registry service provider (RSP) matters and specific application/TLD testing.
RySG Comment	
2.11.1: Registry System Testing (WT4)	2.11.1.c.2: Remove a better part or all self-certification assessments.

RySG Comment	At least one RySG member suggests that the proposal should be qualidade to stipulate that removal of the self-certification assessment applies to established RO's who exhibit the exact same business rules across TLD. There is opposition within RySG for that viewpoing, believing it to be anti-competitive. At least one RySG member found little value of self-certification assessments in avoiding failures and supports this recommendation.
2.11.1: Registry System Testing (WT4)	2.11.1.c.3: Rely on Service Level Agreement (SLA) monitoring for most if not all overall registry service provider testing.
RySG Comment	While at least one RySG member agrees with moving a good part of testing to ongoing SLA monitoring, at least one other RySG member believes the question should be clarified and explain if this proposes the removal of pre-delegation testing. And if so, at least one member expressed concerns as SLA monitoring is not extensive. At least one RySG member that since RSP Pre-Accreditation program is not approved, that reference should be made to Registry Operators and not RSPs. At least one other RySG member opposes this view, since pre-approval seems to be the leaning of the WG, but reckons that if it's not approved, this proposal should be changed to the next available aggregation level, which is registry service provider for a number of TLDs in a single subsequent procedure.
2.11.1: Registry System Testing (WT4)	2.11.1.c.4: Limit Internationalized Domain Name (IDN) testing to specific TLD policies; do not perform an IDN table review in Registry System Testing.
RySG Comment	The RySG believes that this should have been a reasonable thing to do during prior round. However, in practice, the PDT execution related to IDNs actually exceeded the stated boundaries in that the Testing Team both expanded the scope and inserted "judgement" into the expected results.
2.11.1: Registry System Testing (WT4)	2.11.1.c.5: Include additional operational tests to assess readiness for Domain Name System Security Extensions (DNSSEC) contingencies (key roll-over, zone re-signing).

RySG Comment	At least one RySG member believes that this approach is inconsistent. Rollovers in PDT testing will not reflect the realities of operations. That is, it will be an effort that may not be predictive. Since DNS insfrastructure is frequently shared, this may introduce security and stability risks due to side-effects to existing TLDs that could emerge through execution errors. To test readiness for DNSSEC, at a minimum, an RSP should be able to demonstrate the ability to transition the signed zone of a TLD onto their system, and transition the signed zone of a TLD off of their system. During the Registry Transition Process the act of rolling a signed zone is intricate and should be considered a key part of Registry Testing. This whole paragraph is opposed by at least one other RySG member. While those two tests seem to be enough for the time being for at least one RySG member, the same members suggest consideration of algorithm roll-over exercises in the future, when enough experience in this specific maneuver gets established in the operational community.
2.11.1: Registry System Testing (WT4)	2.11.1.c.6: Possible language: “Applicants must be able demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out, either by submitting it to evaluation at application time or agreeing to use a previously approved* technical infrastructure.” * Could mean in the same procedure or previous procedures if an RSP program exists.
RySG Comment	At least one RySG member suggests that if an applicant is choosing to use a previously approved technical infrastructure, then the applicant should be required to identify that service provider at application. This is opposed by at least one RySG member, stating that this would only serve the interest of registry service providers, while leaving approved registry operators to later choose a registry service provider increase competitiveness in that field.

2.11.1: Registry System Testing (WT4)	2.11.1.e.1: ICANN's Technical Services group provided some recommendations to Work Track 4 on what it believed were improvements that could be made to improve its testing procedures to attempt to detect operational issues that its Service Level Monitoring system has uncovered with some registry service providers. Although the Work Track discussed this letter in some detail, the Work Track has not reached any consensus on whether those recommendations should be accepted. Therefore, we would like feedback from the community on whether any of the recommendations should be adopted by the Work Track in the final report. More specifically, we seek feedback on recommendation numbers 1 (PDT Operational Tests), 2 (Monitoring), 3 (Third-party certifications), 4 (Audits), 6 (Frequency of tests), 7 (Removal of testing IDN tables) and 8 (Consideration of number of TLDs). Some of the other recommendations, including number 4 (RSP pre-approval) are discussed in Section 2.2.6 on Accreditation Programs (e.g., RSP Pre-Approval).
RySG Comment	At least one RySG is in agreement with the recommendations already included in the initial report and disagress with all other recommendations from ICANN Technical Services that were not included in the initial report recommendations. This is opposed by at least one other RySG member. At least one other RySG member had different views on each of the recommendations, listed below: 1 (PDT Operational Tests): Supportive but don't expand the scope 2. (Monitoring): Current approach is not being enforced 3. (Third-party certifications): Not supportive, third-party certification approaches have proved difficult to implement and with unclear benefits. 4. (Audits): There are situations where an audit may be necessary and that option should be available, however, audits should be managed so as not to be arbitrary or disruptive and monitored to ensure an objective outcome. 8 (Consideration of number of TLDs): supportive (but it's unclear how this number of TLDs will be considered during the evaluation, that is: how will an increasing number of TLDs be evaluated). Also consider not just number of TLDs, but the expected quantity of registrations that will be supported by the registry platform. That is, the considerations for a registry platform are different if the platform is supporting a collection of low-volume brand TLDs or a collection of high-volume generic TLDs" The views in this paragraph are opposed by at least one other RySG member.

Preliminary Recommendations, Options, and Questions for Community Input 2.12	
Topic	**Text**
2.12.1: TLD Rollout (WT2)	2.12.1.c.1: The ICANN organization should be responsible for meeting specific deadlines in the contracting and delegation processes.
RySG Comment	The Initial Report generally supports continuation of the existing delegation requirements but would add a new requirement that ICANN meet specific deadlines. This does not seem objectionable on its face, but any specific proposal should be flexible enough to permit ICANN to extend the contracting and delegation process for security and stability and public interest reasons subject to SSAC advice and / or GAC consensus with board approval.
2.12.1: TLD Rollout (WT2)	2.12.1.c.2: Work Track 2 supports the timeframes set forth in the Applicant Guidebook and the base Registry Agreement; namely (i) that successful applicants continue to have nine (9) months following the date of being notified that it successfully completed the evaluation process to enter into a Registry Agreement, and (ii) that Registry Operators must complete all testing procedures for delegation of the TLD into the root zone within twelve (12) months of the Effective Date of the Registry Agreement. In addition, extensions to those timeframes should continue to be available according to the same terms and conditions as they were allowed during the 2012 round.
RySG Comment	The RySG supports this recommendation but emphasize the importance of not imposing additional obligations on Registries in terms of testing and delegation as such requirements limit Registries' ability to innovate and develop alternative business models in their TLDs.
2.12.1: TLD Rollout (WT2)	2.12.1.e.1: One of the reasons the delegation deadline was put into place was to prevent the incidence of squatting/warehousing. Is this reason still applicable and/or relevant? Are other measures needed? If so, what measures and how will these measures address the issue?

RySG Comment	The RySG has two viewpoints on this. Viewpoint 1: The Guidebook contains sufficient measures order to prevent warehousing, including a reasonable delegation deadline. However, we do not believe that warehousing is an actual concern applicable to Registries. Registries may take additional time to offer domains in their TLDs not because they are warehousing, but because they require time in order to innovate and create successful business models around those TLDs. As a result, we believe that the current delegation requirement sufficiently mitigates the warehousing concerns and that any additional requirements to address perceived warehousing would only serve to inhibit innovation and flexibility for registries. We object to the use of "squatting" in this context, as one can only "squat" on something one does not own. A TLD with a signed RA, that is delegated, is not squatting. Viewpoint 2: With regard to squatting/warehousing, a clear definition of what is considered "warehousing" would be helpful in assessing the relevance of delegation deadlines. Some ROs believe that a tightening of the existing restrictions against squatting/warehousing may be an option so that more than a nic.TLD is required to satisfy the requirement after some initial grace period (but attention must also be paid as to whether .brand gTLDs should be treated differently in future rounds on this matter).
2.12.1: TLD Rollout (WT2)	2.12.1.e.2: For the 2012 round, registry operators were required to complete the delegation process within twelve (12) months from the Effective Date of the Agreement. This was the only requirement regarding use of the TLD. Other than delegation (which includes the maintenance of a required NIC.TLD page and a WHOIS.NIC.TLD page), no other use of a TLD is required. Is the definition of use of a TLD from the 2012 round still appropriate or are adjustments needed? If you believe that adjustments are needed, what adjustments are necessary and why?
RySG Comment	Yes, the definition of use from the 2012 round is still appropriate. No further adjustments are necessary to the delegation process. Registries require the ability to innovate and the flexibility to develop and beta test successful business plans for TLDs.

2.12.3: Contractual Compliance (WT2)	2.12.3.c.1: The Work Track believes that the foundational elements of the Contractual Compliance program put into place by ICANN as well as the relevant provisions in the base Registry Agreement have satisfied the requirements set forth in Recommendation 17. That said, members of the Work Track believe that ICANN's Contractual Compliance department should publish more detailed data on the activities of the department and the nature of the complaints handled.
RySG Comment	The RySG supports further transparency by ICANN Contractual Compliance with the caveat that ICANN should continue to protect and not share information that would identify specific parties as subject to a compliance inquiry or notice.
2.12.3: Contractual Compliance (WT2)	2.12.3.e.1: The Work Track noted that with the exception of a generic representation and warranty in Section 1.3(a)(i) of the Registry Agreement, Specification 12 (for Communities) and voluntary Public Interest Commitments in Specification 11 of the Registry Agreement (if any), there were no mechanisms in place to specifically include other application statements made by Registry Operators in their applications for the TLDs. Should other statements, such as representations and/or commitments, made by applicants be included in the Registry Operator's Agreements? If so, please explain why you think these statements should be included? Would adherence to such statements be enforced by ICANN Contractual Compliance?
RySG Comment	Yes, the RySG recognizes that there may be some value in including some application statements or representations in the Registry Agreement. However, the Inclusion of these statements or representations must not be mandatory. Factual circumstances can change and additional contractual requirements can unnecessarily limit the flexibility that registries need to innovate. Instead, Registries should have the option to include such statements or representations where appropriate.
2.12.3: Contractual Compliance (WT2)	2.12.3.e.2: A concern was raised in the CC2 comment from INTA about operational practices, specifically, "arbitrary and abusive pricing for premium domains targeting trademarks; use of reserved names to circumvent Sunrise; and operating launch programs that differed materially from what was approved by ICANN." What evidence is there to support this assertion? If this was happening, what are some proposed mechanisms for addressing these issues? How will the proposed mechanisms effectively address these issues?

RySG Comment	The RySG does not comment on the business practices of other registries, although we have no empirical evidence of these types of activities and generally believe these allegations are unsupported. If there are specific concerns about these types of activities occurring, we believe that ICANN's existing contractual compliance program and post-delegation dispute resolution mechanisms are sufficient to address these issues.