

The notes found below are for use in preparing Constituency impact statements as required by the GNSO By Laws <http://www.icann.org/general/archive-bylaws/bylaws-28feb06.htm#AnnexA>
 The results of the Constituency Impact Statements will be included in the GNSO Committee's Report to the Council on the Introduction of New Top-Level Domains.

IMPLEMENTATION PRINCIPLES

	PRINCIPLE	MISSION OR CORE VALUE
A	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.	M1 & CV1 & 2, 4-10
B	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.	M1-3 & CV 1, 4 & 6
C	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity. [Consistent with GAC Principle 2.6]	M3 & CV 4-10
D	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.	M1-3 & CV 1
E	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN's registry agreement.	M1-3 & CV 1
F	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.	M1-3 & CV 1

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NEW TOP LEVEL DOMAIN INTRODUCTION: PROPOSED RECOMMENDATIONS

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NUMBER	RECOMMENDATION	MISSION & CORE VALUES
1	<p>ICANN must implement a process that allows the introduction of new top-level domains.</p> <p>The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process. [GAC2.5]</p>	M1-3 & CV1-11
2	<p>Strings must not be confusingly similar to an existing top-level domain.</p> <p>In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs. To avoid confusion with country-code Top Level Domains no two letter gTLDs should be introduced. [GAC2.4]</p>	M1-3 & C1-6-11

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| 3 | Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. | CV3 |
| | The process for introducing new gTLDs must make proper allowance for prior third party rights, in particular trademark rights as well as rights in the names and acronyms of inter-governmental organizations (IGOs). [GAC2.3] | |
| 4 | Strings must not cause any technical instability. | M1-3 & CV
1 |
| 5 | Strings must not be a Reserved Word.

ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities. [GAC2.2] | M1-3 & CV
1 & 3 |

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| 6 | Strings must not be contrary to generally accepted legal norms relating to morality and public order. | M3 & CV 4 |
| | New gTLDs should respect: | |
| | a) The provisions of the Universal Declaration of Human Rights which seek to affirm "fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women". | |
| | b) The sensitivities regarding terms with national, cultural, geographic and religious significance. [GAC2.1] | |
| 7 | Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. | M1-3 & CV1 |
| 8 | Applicants must be able to demonstrate their financial and organisational operational capability.

An application will be rejected or otherwise deferred if it is determined, based on public comments or otherwise, that there is substantial opposition to it from among significant established institutions of the economic sector, or cultural or language community, to which it is targeted or which it is intended to support. | M1-3 & CV1 |
| 9 | There must be a clear and pre-published application process using objective and measurable criteria. | M3 & CV6-9 |
| 10 | There must be a base contract provided to applicants at the beginning of the application process. | CV7-9 |

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| 11 | Staff Evaluators will be used to make preliminary determinations about applications as part of a process which includes the use of expert panels to make decisions. | CV7-9 |
| 12 | Dispute resolution and challenge processes must be established prior to the start of the process. | CV7-9 |
| 13 | Applications must initially be assessed in rounds until the scale of demand is clear. | CV7-9 |
| 14 | The initial registry agreement term must be of a commercially reasonable length. | CV5-9 |
| 15 | There must be renewal expectancy. | CV5-9 |
| 16 | Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved. | CV5-9 |
| 17 | A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination. | M1 & CV1 |
| 18 | If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed. | M1 & CV1 |
| 19 | Registries must use ICANN accredited registrars. | M1 & CV1 |

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NEW TOP LEVEL DOMAIN INTRODUCTION: IMPLEMENTATION GUIDELINES

	Implementation Guideline	Mission & Core Value
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.	CV 2, 5, 6, 8 & 9
IG B	Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants.	CV 5, 6, 8 & 9
IG C	ICANN will provide frequent communications with applicants and the public including comment forums which will be used to inform evaluation panels.	CV 9 & 10
IG D	A first come first served processing schedule within the application round will be implemented and will continue for an ongoing process, if necessary. Applications will be time and date stamped on receipt.	CV 8-10
IG E	The application submission date will be at least four months after the issue of	CV 9 & 10

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	the Request for Proposal and ICANN will promote the opening of the application round.	
IG F	<p>If there is contention for strings, applicants may:</p> <ul style="list-style-type: none"> i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application iii) If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and; iv) the ICANN Board may be used to make a final decision, using advice from staff and expert panels. 	CV 7-10
IG G	Where an applicant lays any claim that the TLD is intended to support a particular community such as a	CV 7 - 10

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	<p>sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exception:</p> <p>i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application</p> <p>Under this exception, Staff Evaluators will devise criteria and procedures to investigate the claim.</p>	
IG I	External dispute providers will give decisions on complaints.	CV 10
IG J	An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process.	CV 10
IG K	The base contract should balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place.	CV 4-10
IG L	ICANN should take a consistent approach to the establishment of registry fees.	CV 5
IG M	The use of personal data must be limited to the purpose for which it is collected.	CV 8
IG N	ICANN may establish a capacity building and support mechanism aiming at	CV 3 - 7

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	facilitating effective communication on important and technical Internet governance functions in a way which no longer requires all participants in the conversation to be able to read and write English.	
IG O	ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.	CV 3 - 7
IG P	ICANN may put in place systems that could provide information about the gTLD process in major languages other than English, for example, in the six working languages of the United Nations.	CV 8 -10