

## **Reconsideration Request Form**

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit <http://www.icann.org/en/general/bylaws.htm#IV> and <http://www.icann.org/en/committees/board-governance/>.

This form is provided to assist a requester in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.

Requesters may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12 point font.

*For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.*

Please submit completed form to [reconsideration@icann.org](mailto:reconsideration@icann.org).

### **1. Requester Information**

**Name:** CPA Australia Ltd

**Address:** Contact Information Redacted

**Email:** Contact Information Redacted

**Phone Number (optional):**

(Note: ICANN will post the Requester's name on the Reconsideration Request page at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>. Requestors address, email and phone number will be removed from the posting.)

### **2. Request for Reconsideration of (check one only):**

**Board action/inaction**

**Staff action/inaction**

**3. Description of specific action you are seeking to have reconsidered.**

(Provide as much detail as available, such as date of Board meeting, reference to Board resolution, etc. You may provide documents. All documentation provided will be made part of the public record.)

CPA Australia is seeking to have Criterion 2 of the CPE (Nexus between Proposed String & Community), conducted on 3 September 2015, re-reviewed in light of the Panel's failure or neglect to consider the endorsement of CPA Australia's application by AICPA. If the endorsement had been properly considered, the Panel should have awarded no less than 2 points for Criterion 2 of the CPE. See **Annexure 1 – CPE Report** and **Annexure 2 – Endorsement from AICPA**.

**4. Date of action/inaction:**

(Note: If Board action, this is usually the first date that the Board posted its resolution and rationale for the resolution or for inaction, the date the Board considered an item at a meeting.)

3 September 2015, being the date of the CPE report.

**5. On what date did you become aware of the action or that action would not be taken?**

(Provide the date you learned of the action/that action would not be taken. If more than fifteen days has passed from when the action was taken or not taken to when you learned of the action or inaction, please provide discussion of the gap of time.)

On or about 4 September 2015.

**6. Describe how you believe you are materially affected by the action or inaction:**

As a result of the Panel's failure or neglect to properly consider AICPA's endorsement of the CPA Australia application, particularly with respect to the

definition of the CPA community, CPA Australia fell 2 points short of the 14 point CPE score required to be awarded delegation rights to .CPA on community grounds.

With both community applications purportedly failing to meet the community score threshold, delegation rights to .CPA will be determined by a public auction, putting CPA Australia at a significant disadvantage against the likes of Google and Donuts.

Both CPA Australia and AICPA have extensive intellectual property rights and reputation in the term 'CPA'. Despite being an acronym, the term 'CPA' almost exclusively refers to Certified Practising Accountants or Certified Public Accountants globally who number at approximately 800,000. CPA Australia and AICPA represent 70% of all CPAs globally. Trade mark owners have a right to exclusively use their trade marks, this extends to being able to reflect their trade marks in domain names. In an eligibility and dispute resolution context, it is often a requirement that a domain name registrant is the owner of a trade mark that is reflected in a domain name. For example under the Uniform Dispute Resolution Policy (UDRP), a complainant must be able to establish legal rights based on trade mark ownership / usage.

If ICANN issue the .CPA gTLD in favor of a commercial applicant (such as Google or Donuts), CPA Australia will incur a significant and substantial loss and damage associated with the enforcement of our IP rights vis-à-vis the unauthorized use of .CPA domain name and its variations. It is incongruous for ICANN to permit the mark to be delegated to an organization that does not have a registered trade mark associated with 'CPA' in the financial services sector. If ICANN were to do so, ICANN would create an environment conducive for trade mark infringement in multiple classes currently registered by CPA Australia and AICPA.

The protection of trade mark owners' rights under the current regime highlights the importance of similar protections, if not stronger protections, for gTLDs, particularly where they are community based.

The Auction process does not absolve ICANN of both the legal and moral responsibilities associated with ICANN's actions in releasing the .CPA gTLD to commercial applicants with no pre-existing intellectual property to the term CPA.

If delegation rights to .CPA are vested with a commercial applicant, such as Google or Donuts, .CPA domains will be opened up to anyone to register; this will facilitate the dilution and likely infringement of CPA Australia's and AICPA's intellectual property respectively. The objective of commercial applicants is to commercialize the new gTLDs on scale, independent of whether this is in the public interest or not. CPA and AICPA are uniquely placed to administer .CPA given their nexus with the CPA community. If .CPA is opened up to the public at large, .CPA will not be desirable to the CPA community which would make up the vast majority of the market for .CPA domains. CPA Australia, AICPA and CPAs will have no interest in taking up .CPA registrations unless this is an exclusive

designation for CPA qualified accountants.

The ongoing maintenance of trust and confidence in the accounting profession is a key deliverable of both CPA Australia and AICPA and is a significant public interest issue. The failure to award the .CPA domain to CPA Australia or AICPA will significantly impact on our respective abilities to carry out this key function and thereby adversely impact members of the broader community and our members. This is particularly important to CPA Australia as 'protecting the public interest' is the core element of our Corporate Plan (see **Annexure 3** – "CPA Australia's Corporate Plan").

Finally, the CPA designation has a legacy of 130 plus years. Over this period, CPA Australia has invested an inordinate amount of time and resources to credential the designation in the minds of both government and the broader community as a hallmark for premium accounting services and standards. A third party issuing .CPA domains without regard to our designation will significantly and irreparably undermine the veracity of the CPA designation.

**7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.**

ICANN itself will be adversely affected by the decision. If either one of the two respective community based applications by two of the world's largest professional member organizations do not pass ICANN's CPE, and the .CPA extension subsequently goes to public auction, other community based applicants will lose confidence in ICANN as an administrator.

The integrity of ICANN as an organization depends on its ability to balance public and commercial interests. ICANN's conduct, notably it's handling of the .CPA and .AFRICA gTLDs, is likely to seriously undermine ICANN's legitimacy as a public interest organization, which is contrary to the public interest.

As detailed above, there are broader implications of failing to award the .CPA domain to CPA Australia or AICPA. Members of the public must have a level of trust and confidence in the accounting profession – the CPA designation is the cornerstone of this confidence. In order to maintain the standards in the accounting profession it is imperative that the body that administers the designation in the real world also administers the designation (via the .CPA domain) in the digital world to ensure that the standards of the designation are upheld and are applied consistently. As previously stated, both CPA Australia and AICPA view the .CPA domain as the digital manifestation of the CPA designation.

In the event that there is a standards gap between the real world designation and the digital designation, members of the public may unwittingly believe that an accountant is a properly certified CPA, when in reality the accountant may be



misrepresenting themselves through the .CPA domain. This is a significant public risk which flies in the face of what CPA Australia and its members stand for – the protection of the public interest (as clearly evidenced in CPA Australia’s Corporate Plan). This is simply an untenable position and is one of the major reasons why CPA Australia will continue to exhaust every avenue in an effort to overturn ICANN’s current decision.

Only CPA or AICPA can properly administer .CPA with the public’s best interests at heart.

#### **8. Detail of Board or Staff Action – Required Information**

**Staff Action:** If your request is in regards to a staff action or inaction, please provide a detailed explanation of the facts as you understand they were provided to staff prior to the action/inaction presented to the staff and the reasons why the staff’s action or inaction was inconsistent with established ICANN policy(ies). Please identify the policy(ies) with which the action/inaction was inconsistent. The policies that are eligible to serve as the basis for a Request for Reconsideration are those that are approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing staff action, the outcomes of prior Requests for Reconsideration challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.’

**Board action:** If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board. If that information was not presented to the Board, provide the reasons why you did not submit the material information to the Board before it acted or failed to act. “Material information” means facts that are material to the decision.

If your request is in regards to a Board action or inaction that you believe is based upon inaccurate, false, or misleading materials presented to the Board and those materials formed the basis for the Board action or inaction being challenged, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board before it acted or failed to act.

Reconsideration requests are not meant for those who believe that the Board made the wrong decision when considering the information available. There has to be identification of material information that was in existence of the time of the decision and that was not considered by the Board in order to state a reconsideration request. Similarly, new information – information that was not yet in existence at the time of the Board decision – is also not a proper ground for reconsideration. Please keep this guidance in mind when submitting requests.

Provide the Required Detailed Explanation here:

As evident in the AGB, in particular 1.2.3 of the AGB, an endorsement is a prerequisite to a community based application. CPA Australia's application included an endorsement from AICPA. The Panel suggests that since CPA Australia's application does not expressly refer to Certified Public Accountants, its description of the CPA community '*overreaches substantially beyond the community named in the application*'. This reasoning is fundamentally flawed since the 'overreached community' identified by the Panel is the community of Certified Public Accountants, regulated by the AICPA, the endorsers of CPA Australia's application.

The endorsement of CPA Australia's application by AICPA clearly establishes that the .CPA extension will be operated jointly in the interests of both organizations' respective members and by extension the community at large. The endorsement makes the nexus between CPA Australia and the CPA community at large explicitly clear.

On the question of uniqueness, the Panel once again erred applying the same flawed reasoning to reach the conclusion that CPA Australia's definition of community did not refer to the community of Certified Public Accountants. As the endorsement and application are not mutually exclusive, it simply does not follow that CPA Australia's definition of community does not include the members of the AICPA community given the strong relationship between CPA Australia and AICPA.

As set out 1.2.3.1 of the AGB, an applicant for a community based GTLD is expected to:

1. Demonstrate an ongoing relationship with a clearly delineated community.
2. Have applied for a gTLD string strongly and specifically related to the community named in the application.
3. Have proposed dedicated registration and use policies for registrants in its proposed gTLD, including appropriate security verification procedures, commensurate with the community-based purpose it has named.
4. Have its application endorsed in writing by one or more established institutions representing the community it has named.

Despite CPA Australia meeting all the above expectations required of an applicant for a community based application, the Panel awarded CPA Australia 0/4 points on Criterion 2. It is CPA Australia's view that the Panel's findings were not guided by adherence to the community nexus and uniqueness criterion, but were part of a strategy of obfuscation on ICANN's part to deny delegation rights to community applicants, in favor of a commercial applicant. Inevitably, the financial gains from a public auction would be far greater than the gains made from a community based award.

**9. What are you asking ICANN to do now?**

(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

CPA Australia requests that the Panel award CPA Australia at least 2 points for Criterion 2 of the CPE in light of AICPA's endorsement of CPA Australia's application and the nexus it creates between CPA Australia and the CPA community, inclusive of Certified Public Accountants.

**10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.**

(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the requester must be able to demonstrate well-known requirements: there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration. The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details. The relief requested from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)

As a community based applicant for the .CPA gTLD, CPA Australia is aggrieved by the Panel's failure or neglect to consider the endorsement by AICPA as sufficient to create a nexus between CPA Australia and the CPA community. The Panel's decision that the CPA Australia definition of the CPA community overreached the Certified Practising Accountants community was ultimately decisive to CPA Australia's application failing to meet the CPE score threshold.

CPA Australia and the CPA community are likely to suffer both financial and non-financial loss and damage if delegation rights to .CPA are awarded to a non-community based applicant. If delegation rights to .CPA are determined by a public auction, CPA Australia will have to pay significantly more for delegation rights vs. a successful community based application – CPA Australia is a not-for-profit organization.

The most significant issue facing both CPA Australia and AICPA would be the dilution of the CPA designation in the event that the .CPA domain is opened up for commercial use. It is difficult (but not impossible) to quantify this loss in a



monetary sense – but the loss would be substantial. In addition, the cost to society due to the uncertainty created in respect of the provision of accounting service by people who would not otherwise be able to access the CPA designation in the real world would be significant.

A final point to note is that we have not made any claim in respect of losses associated with not administering the domain. The reason – we see the .CPA domain as the digital manifestation of our treasured designation and the commercialization of the digital designation by CPA (and the income that we would derive) is far from the primary reason as to why we are seeking this reconsideration request.

By awarding CPA Australia at least 2 points in Criterion 2, CPA Australia would have the requisite score to succeed in the CPE.

**11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)**

Yes

No

**11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.**

**Do you have any documents you want to provide to ICANN?**

If you do, please attach those documents to the email forwarding this request. Note that all documents provided, including this Request, will be publicly posted at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>.

**Terms and Conditions for Submission of Reconsideration Requests**

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

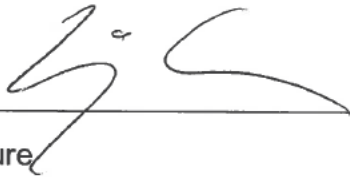
The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.



The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

  
\_\_\_\_\_  
Signature

15/7/16  
\_\_\_\_\_  
Date

# ANNEXURE 1



**New gTLD Program**  
**Community Priority Evaluation Report**  
 Report Date: 3 September 2015

Application ID:	1-1744-1971
Applied-for String:	CPA
Applicant Name:	CPA Australia Ltd

### Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail
<p>Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.</p> <p>Your application may still resolve string contention through the other methods as described in Module 4 of the Applicant Guidebook.</p>	

### Panel Summary

Overall Scoring	12 Point(s)	
Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	4	4
#4: Community Endorsement	4	4
Total	12	16
<b>Minimum Required Total Score to Pass <u>14</u></b>		

Criterion #1: Community Establishment	4/4 Point(s)
1-A Delineation	2/2 Point(s)
<p>The Community Priority Evaluation panel determined that the community as defined by the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. The application received a score of 2 out of 2 points under criterion 1-A: Delineation.</p> <p><b><u>Delineation</u></b>                      Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the application) among its members.</p>	

According to the application, the

CPA Australia community consists of CPA Australia members, incorporating full CPA members, Associate members enrolled in a CPA professional program and students registered in the CPA Australia passport program, as well as reciprocal members who have applied, or are eligible to apply, for membership of CPA Australia...

The last category of “reciprocal members” are accountants associated with accounting bodies

with which CPA Australia has Mutual Recognition Agreements, comprising the following:

- Certified General Accountants and Certified Management Accountants in Canada
- Chartered Institute of Public Finance and Accountancy and Chartered Institute of Management Accountants in Europe
- Institute of Certified Public Accountants in Ireland
- Hong Kong Institute of Certified Public Accountants
- Institute of Chartered Accountants in India
- Malaysian Institute of Accountants
- Institute of Certified Public Accountants in Singapore

Individuals wishing to become reciprocal members of CPA Australia must in their application to CPA Australia verify their membership in one of the above organizations. According to the application, “A CPA is a finance, accounting and business professional with a specific qualification.” Elsewhere in its application, CPA is referred to as a “Certified Practicing Accountant”. Their organization also includes members of reciprocal organizations that define CPA as “Certified Public Accountant”.

According to the AGB, “Delineation relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.” As required by the AGB, the application shows a clear and straight-forward membership definition, given the clarity of CPA Australia’s own membership structure, used by the applicant for the purposes of defining the proposed community. The membership process for CPA Australia includes an application, verification of completion of educational and practical training requirements, as well as payment of fees for assessment of application and membership dues.<sup>1</sup> Thus, membership in the community as defined by the applicant can be clearly verified by way of organizational membership in CPA Australia.

According to the AGB’s second Delineation criterion, “community” implies “more of cohesion than a mere commonality of interest” and there should be “an awareness and recognition of a community among its members.” The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists entirely of finance, accounting and business professionals who have opted to organize themselves by way of membership in CPA Australia. These members cohere by way of a shared organizational mission, professional status, and participation in the several events and training programs hosted by CPA Australia on a yearly basis in and outside of Australia<sup>2</sup>.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

#### Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities.

According to the AGB, “*organized* implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.” The applicant, CPA Australia Ltd, is itself an organization that is expressly dedicated to its membership, i.e., the community as defined in the application.

<sup>1</sup> See fee section of CPA Australia website: <https://www.cpaustralia.com.au/member-services/fees/australia>

<sup>2</sup> See events section of CPA Australia website: <https://www.cpaustralia.com.au/training-and-events/conferences>



CPA Australia Ltd has not organized itself or its members for the purposes of obtaining a TLD but has served the members of its defined community as a matter of its mission. Additionally, as required by the AGB, CPA Australia Ltd hosts regular activities serving its membership in Australia and elsewhere, both online and offline.<sup>3</sup>

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for organization.

#### Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed) and must display an awareness and recognition of a community among its members.

The community as defined in the application, i.e., the CPA Australia membership, has been active prior to September 2007 as required by the AGB, section 4.2.3. The organization was founded in 1886 and has been increasingly active since then.<sup>4</sup> As discussed above, CPA Australia's membership, in addition to being active prior to 2007, demonstrate the AGB's requirements for awareness and recognition.

The Panel determined that the community as defined in the application fulfills the requirements for pre-existence.

#### 1-B Extension

**2/2 Point(s)**

The Panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application fulfilled the requirements for the size and longevity of the community. The application received a score of 2 out of 2 points under criterion 1-B: Extension.

#### Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. According to the applicant's website, "CPA Australia is one of the world's largest accounting bodies with a global membership of more than 150,000 members working in 120 countries around the world."<sup>5</sup> Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfil the requirements for size.

#### Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. CPA Australia's membership has continued to grow since its founding and the organization has established itself strongly within the finance, accounting, and business professions. Moreover, demand for individuals with the CPA qualification is likely to continue to be robust. According to the Australian Department of Employment, "Employers generally sought bachelor degree qualified accountants with most also requiring certification as a Chartered Accountant (CA) or Certified Practising Accountant (CPA)"<sup>6</sup>. In addition, the Australian Labour Force

<sup>3</sup> See training and events: <https://www.cpaaustralia.com.au/training-and-events>

<sup>4</sup> See CPA Australia History archive: <https://www.cpaaustralia.com.au/about-us/our-history/archives>

<sup>5</sup> See <https://www.cpaaustralia.com.au/about-us>; note that below, in Nexus, the Panel cites the application's figures which, at the time of submission, were different than the website currently states.

<sup>6</sup> See [http://docs.employment.gov.au/system/files/doc/other/2211accountantaus\\_1.pdf](http://docs.employment.gov.au/system/files/doc/other/2211accountantaus_1.pdf)

Survey figures show that employment of accountants increased by 9.4% year on year in May 2014 to 181,900<sup>7</sup>. Based on the above, the Panel has determined that the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

**Criterion #2: Nexus between Proposed String and Community** **0/4 Point(s)**

**2-A Nexus**

**0/3 Point(s)**

The Panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string does not identify or match the name of the community as defined in the application, nor is it a well-known short-form or abbreviation of the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus (of 2 out of 3 points; 1 point is not possible), the applied-for string must identify the community. "Identify means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community."

According to the application, the applied for string .CPA is

an exact match to CPA Australia's globally recognised and respected "CPA" Program and "CPA" designation. The fast-growing CPA Australia community is one of the leading global accounting communities with nearly 140,000 CPA members in 114 countries and an international network of accountants and young professionals. The term "CPA" originates from CPA Australia and CPAs are globally recognised as belonging to the CPA Australia community...

As such, a CPA working in one of the world's leading business hubs, such as Sydney, Hong Kong, Shanghai, London and New York, is clearly identified as a member of the CPA Australia community. The new .cpa gTLD is synonymous with the CPA Australia community, the identification of members of CPA Australia community, and CPA Australia's globally recognised professional accountancy program and designation.

According to the AGB, "identify means that the applied for string closely describes the community or the community members, *without over-reaching substantially beyond the community*" (AGB, 4.2.3, emphasis added), and the applied-for string must at least identify the community for full or partial credit. Despite the applicant's claim above, "a CPA working in one of the world's leading business hubs" is not necessarily "identified as a member of the CPA Australia community". That is because, the term "CPA" in the context of accounting is often used to mean Certified Public Accountant and to identify an individual who has passed a CPA exam, often in reference to the Uniform CPA Examination used in the US and elsewhere. Indeed, there are estimated to be about 650,000 Certified Public Accountants (i.e., individuals who have passed the Uniform CPA Examination) in the United States<sup>8</sup>. The vast majority of these individuals are not included in the applicant's defined community (which has a size of about 150,000 individuals), but the applied-for string nevertheless refers to them.<sup>9</sup> The Panel has determined, therefore, that the string is "over-reaching

<sup>7</sup> Ibid.

<sup>8</sup> <http://www.forbes.com/sites/peterjreilly/2013/06/26/enrolled-agents-deserve-more-respect/>,  
<http://nasba.org/blog/2010/01/07/january-2010-nasba-addresses-aicpa-sec-conference/>

<sup>9</sup> The Panel acknowledges receipt of a letter from the American Institute of Certified Public Accountants (AICPA) in support of CPA Australia's application. The letter makes reference to how the two organizations will "jointly operate this extension" and that the AICPA's membership will be included in the community represented by the string. However, despite the letter, the substance of CPA Australia's application, in particular its sections on Delineation and

substantially beyond the community” (AGB) and cannot identify the community as required for credit on Nexus.

The Panel determined that the applied-for string does not match or identify the community or the community members as defined in the application. It therefore does not meet the requirements for Nexus.

**2-B Uniqueness**

**0/1 Point(s)**

The Panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. This is based on the Panel’s determination that the applied-for string “CPA” does not identify the community defined by the application according to AGB standards. Therefore, since the string does not identify the community, it cannot be said to “have no other significant meaning *beyond identifying the community*” (AGB, emphasis added). The Panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.

**Criterion #3: Registration Policies**

**4/4 Point(s)**

**3-A Eligibility**

**1/1 Point(s)**

The Panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. According to the application:

As a restricted gTLD, registration will only be open to members of the defined CPA Australia community who meet the eligibility requirements set out in the registration policy, and no other third parties will be able to register domain names under .cpa domain space.

The application therefore demonstrates adherence to the AGB’s requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

**3-B Name Selection**

**1/1 Point(s)**

The Panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a score of 1 out of 1 point under criterion 3-B: Name Selection.

According to the application:

The types of domain names, which must be related to the CPA Australia community, permitted under the .cpa gTLD will include the following:

- Generic words including program.cpa, practice.cpa, congress.cpa, passport.cpa, member.cpa and associate.cpa
- Personalised names, for example, johnsmith.cpa
- Geographic names such as australia.cpa, uk.cpa and hongkong.cpa
- Combination of personalised and geographic names, for example, johnsmith.uk.cpa

Nexus, is unchanged. Moreover, the Panel cannot, per AGB guidelines, credit the letter in any way other than as support for the applicant.



Therefore, the Panel determined that the application did satisfy the conditions to fulfill the requirements for Name Selection rules that are consistent with the applicant's community-based purpose, which is to serve "the interests of CPA Australia's membership of accounting, finance and business advisory professionals across the world, as well as internet users more generally."

3-C Content and Use

*1/1 Point(s)*

The Panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the content and use rules included are consistent with the articulated community-based purpose of the applied-for TLD. The application therefore received a score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies for content and use must be consistent with the articulated community-based purpose of the applied-for gTLD. According to the application:

Domain names under the .cpa gTLD must only provide content that is related to CPA profession and business and be used in a professional manner in accordance with CPA Australia's Code of Professional Conduct relevant to community members...

The Registrant must represent and warrant that:

- (i) it meets, and will continue to meet, the eligibility criteria at all times and must notify the Registrar if it ceases to meet such criteria;
- (ii) the Domain Name will only be used to provide content that relates to the CPA profession and business and will at all times be used in a professional manner in compliance with CPA Australia's Code of Professional Conduct and regulations relevant to community members...

The application therefore demonstrates adherence to the AGB's requirement of content and use rules that are consistent with the application's community-based purpose, which is to serve "the interests of CPA Australia's membership of accounting, finance and business advisory professionals across the world, as well as internet users more generally."

3-D Enforcement

*1/1 Point(s)*

The Panel determined that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines a coherent and appropriate appeals mechanisms. The application received a score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. According to the application:

The Registrant acknowledges that the Registry may suspend, transfer, cancel or revoke a Domain Name immediately at its sole discretion:

- (i) in the event that the Registrant breaches any Registry Rules;
- (ii) in the event that the Registrant breaches the terms and conditions of this registration policy;
- (iii) in the event that the Registrant breaches CPA Australia's Code of Professional Conduct or other applicable regulations;
- (iv) to comply with applicable law, court order, government rule or under any dispute resolution processes...

Upon receipt of a complaint or allegation of a breach by a CPA Australia Community member of the terms and conditions of this registration policy, CPA Australia's Constitution and By-Laws or other applicable rules and regulations in relation to the registration or use of a Domain Name, the Registry will undertake a rigorous and transparent enforcement process consisting of:

- (i) Investigation;
- (ii) Hearing;

- (iii) Evaluation & disciplinary action (where appropriate); and
- (iv) Right to appeal

The applicant outlined policies that include specific enforcement measures constituting a coherent set and an appeals mechanism. The Panel determined that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

**Criterion #4: Community Endorsement**

**4/4 Point(s)**

Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and as applicable attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at <http://newgtlds.icann.org/en/applicants/cpe>. The table below summarizes the review and verification of all support for and opposition to the CPA Australia Ltd. application for the string "CPA".

**Summary of Review & Verification of Support/Opposition Materials as of 10 July 2015**

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	0	0	0	0
Attachments to 20(f)	9	6	6	3
Correspondence	3	1	1	1
<b>Grand Total</b>	<b>12</b>	<b>7</b>	<b>7</b>	<b>4</b>

**4-A Support**

**2/2 Point(s)**

The Community Priority Evaluation panel determined that the application fully met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s).

The application received a maximum score of 2 points under criterion 4-A: Support. To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means those institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance.

Because the applicant, CPA Australia, is applying for a gTLD intended for use by the membership of CPA Australia, the Panel determined that the applicant was itself the recognized community institution/member organization. A recognized community institution or member organization is one which not only (1) represents the entirety of the community as defined by the application, but is also (2) recognized by the same community as its representative. CPA Australia's role in establishing educational and professional standards for certified public accountants in its membership means that both of these standards are met. The Community Priority Evaluation Panel determined that the applicant therefore satisfies the requirements for full credit for Support.

4-B Opposition	<i>2/2 Point(s)</i>
<p>The Community Priority Evaluation panel has determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received no relevant opposition. The application received a score of 2 out of 2 points under criterion 4-B: Opposition.</p>	
<p>To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one relevant group of non-negligible size. The Community Priority Evaluation panel has determined that there is no relevant opposition to the application. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.</p>	

**Disclaimer:** Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the AGB or the Registry Agreement. For updated application status and complete details on the program, please refer to the AGB and the ICANN New gTLDs microsite at <[newgtlds.icann.org](http://newgtlds.icann.org)>.



## ANNEXURE 2



Barry C. Melancon, President and CEO  
American Institute of CPAs  
1211 Avenue of the Americas  
New York, NY 10036-8775

ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536  
USA

New York, Tuesday, December 2, 2014

Dear Madam,  
Dear Sir,

### **CPA Australia's application for the .CPA gTLD Letter of Endorsement**

We are writing you this letter as one of the applicants for the .CPA new gTLD, and more in particular application numbers 1-1910-48133 and 1-1911-56672.

The American Institute for Certified Public Accountants (AICPA – see [www.aicpa.org](http://www.aicpa.org)) represents the CPA profession nationally regarding rule-making and standard-setting, and serves as an advocate before legislative bodies, public interest groups and other professional organizations. We develop standards for audits of private companies and other services by CPAs, provide educational guidance materials to our members, develop and grade the Uniform CPA Examination, and monitor and enforce compliance with the profession's technical and ethical standards.

Together with CPA Australia, we have been submitting bids for the .CPA gTLD, in particular by expressly making reference to our regulated profession as Certified Public Accountants for the CPA membership community at large. We are therefore looking forward to jointly operate this extension, bearing in mind our respective members' interests in operating a recognizable extension that invokes a high degree of trust with the public at large.

As they have referred in its application for the .CPA gTLD, CPA Australia represents over 150,000 accounting, finance and business professionals across 121 countries and seeks to address and resolve the views and concerns of the accounting profession to governments, regulators, industry, academia and the general public. Serving the interests of AICPA's membership base of more than 400,000 individuals and firms, we strongly believe that both of our organizations are able to provide for a single and trustworthy identifier for our members as well as the members of our sister CPA member organizations all over the globe.

Therefore, we would hereby like to express our explicit endorsement for CPA Australia's application for the .CPA gTLD, with ID 1-1744-1971 which, when combined with the efforts we have put in developing and promoting our own applications for this extension, will provide CPAs all over the world with a unique reference point on the Internet.

Indeed, by way of this new gTLD, the AICPA and CPA Australia will be providing their members with a safe internet name space that will increase the visibility of the CPA profession in accordance with the official standards that regulate the profession of our members and increase the recognition of CPAs all over the world.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry C. Melancon".

Barry C. Melancon, CPA, CGMA  
President and CEO  
American Institute of Certified Public Accountants

# CPA AUSTRALIA CORPORATE PLAN 2015–2019

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BE HEARD.  
BE RECOGNISED.





**OUR VISION:** CPA Australia is known for being the world's best member service organisation.  
**OUR GOAL:** To maximise the share of people who want a career built on professional accounting skills.

## PROTECTING THE PUBLIC INTEREST

To be a recognized and respected voice in the global business, accounting and leadership space. Ensuring the highest standards for all our members.



### DRIVING WORLD'S BEST MEMBER ENGAGEMENT AND SERVICE

An engaged membership created through delivery of world class service and personalised communication.



### DELIVERING A WORLD CLASS CPA PROGRAM AND CERTIFICATION

The highest quality CPA Program, whose flexibility of delivery meets the changing needs of candidates and their employers.



### PROVIDING ACCESS TO KNOWLEDGE

Being a world class provider of business, accounting and leadership content for our members, potential members and the broader business community.



### LEVERAGING OUR BRAND AND BROADENING THE AUDIENCE

Broadening the audience of those who take an interest in what CPA's do, and what CPA Australia does.  
Adopting innovative new approaches to take the brand to a wider audience.



### SECURING THE NEXT GENERATION OF TALENT

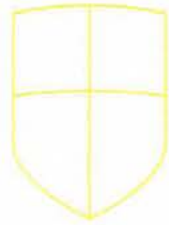
Being better at targeting and attracting students and young professionals than our competitors to ensure sustainable membership growth.

## ENSURING A STABLE, CAPABLE AND SKILLED ORGANISATION

A high performance organisation that has the people, resources and skills base to deliver on our broader objectives.



## PROTECTING THE PUBLIC INTEREST



### GOAL

Protecting the public interest by:

- being a recognised and respected voice in the global business, accounting and leadership space; and
- ensuring the highest standards for all our members.

CPA Australia takes a leading role in influencing major issues, policies and regulations in order to protect the interests of the public and our members. We are opinion leaders with strong and enduring relationships with policymakers, regulators and the wider business community within Australia and overseas. Our government relations and advocacy activities directly contribute to positively positioning CPA Australia, and the CPA designation.

CPA Australia also promotes the highest standards for members. We do this by actively influencing government and regulatory policy positions and supporting members through a range of reforms. All CPA Australia members commit to upholding the reputation of the CPA designation by adhering to the obligations spelt out in CPA Australia's Constitution and By-Laws, the Code of Professional Conduct and applicable regulations.

### FOCUS

- Continuing our focus on supporting and maintaining the professional conduct of our members through our quality review processes
- Being a leading commentator in the general media on issues of importance to the community
- Utilising the full suite of owned and earned media to communicate our policy positions to the right audiences
- Aggressively drive advocacy on key issues to influence policy, legislative and regulatory outcomes
- Continuing to provide high quality advocacy and representation on behalf of the profession and members at strategic forums and meetings
- Exhibiting leadership for the profession through our position on IFAC and other relevant bodies
- Exhibiting leadership with integrated reporting through our position on the IIRC, membership of the <IR> Business Network and the production of an annual integrated report

## DRIVING WORLD'S BEST MEMBER ENGAGEMENT & SERVICE



### GOAL

An engaged membership created through delivery of world class service and personalised communication.

As a member body, service is at the heart of what we do as an organization. We will continue to build our capability to deliver service that is world-class in standard. We also recognise that the way our members and stakeholders wish to interact with us is changing and we will continue to build our capability and our offer in the use of digital and social communications.

### FOCUS

- Using our digital channels to facilitate transactions and engagement through more efficient targeting and service
- Continuing to deliver to our high service standard KPIs and service charter
- Integrating our systems to deliver more efficient communication through personalisation, content and user journeys
- Implementing a multi-channel communications management strategy and approach
- Streamlining our admissions process to ensure at all times that it is progressive, rigorous and commercial (including MEPA)
- Delivery of the Global Top Level Domain (gTLD) project

## DELIVERING A WORLD CLASS CPA PROGRAM AND CERTIFICATION



### GOAL

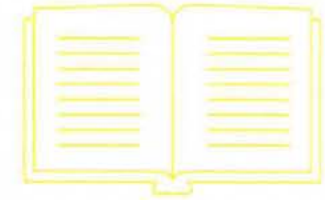
**The highest quality CPA Program whose flexibility of delivery meets the changing needs of candidates and their employers.**

Our members continue to tell us that they join and remain members of CPA Australia for the professional recognition that comes with carrying the CPA designation. To deliver this, we need to continue to deliver a world class education program that provides candidates with work-ready skills to meet the changing needs of employers.

### FOCUS

- Building on our recognition for being leaders in Global Strategy and Leadership
- Using digital channels to support people through to certification
- Continuing to deliver the highest quality relevant content
- Continuing to invest in flexible delivery options
- Delivering a world class learning management platform

## PROVIDING ACCESS TO KNOWLEDGE



### GOAL

**Being a world class provider of business, accounting and leadership content for our members, potential members and the broader business community.**

Our members and customers have diverse careers and knowledge needs that extend beyond core accounting skills. As knowledge needs expand and as we increasingly have members located outside of Australia and in regional areas we need to look at new ways to deliver access to the knowledge our members and customers seek.

### FOCUS

- Facilitate PD take up and engagement through our digital channels
- Delivering targeted knowledge and learning to support members and employers
- Delivering a world class learning management platform

## LEVERAGING OUR BRAND AND BROADENING THE AUDIENCE



### GOAL

To build the relevance of CPA Australia and our members through:

- **broadening the audience of those who take an interest in what CPAs do, and what CPA Australia does; and**
- **adopting innovative new approaches to take the brand to a wider audience.**

The size and influence of CPA Australia directly benefits our members by increasing the relevance and profile of their designation in the marketplace. We constantly seek to innovate and explore new ways of communicating with members and the broader community to promote the CPA Australia brand and create meaningful relationships through all our communication channels.

We will continue to use a diverse range of media to highlight the benefits of the CPA Australia designation to members, prospective members and to the broader community.

### FOCUS

- Investing in social media and growing our digital presence for our key growth markets, and continuing to invest in these areas in our established markets
- Being the industry leader in digital communication and delivery innovation
- Developing and delivering a world class integrated content marketing strategy
- Continuing to deliver content rich products and services that engage our audience in a non-transactional manner in order to grow our brand and reputation and position us as leaders in our field
- Continuing to grow engagement through the delivery of innovative products
- Ensuring our brand is seen in the right places at the right time to attract new members and increase our recognition
- Ensuring our brand remains contemporary and spirited and is represented consistently in all our marketing activities

## SECURING THE NEXT GENERATION OF TALENT



### GOAL

**Being better at targeting and attracting students and young professionals than our competitors to ensure sustainable membership growth.**

As professional bodies consolidate and form strategic alliances, our scope of influence and scale will be important to ensure CPA Australia remains relevant in a global environment. We do not look to grow purely for growth's sake but because our size and influence directly benefits our members by increasing the relevance of their designation in the marketplace.

### FOCUS

- Make the process to become a member clear and compelling
- Increase our engagement and activity on campus, with both students and academics
- Greater investment in our existing emerging markets
- Integrated business development strategies and activities that enhance our value in our key market sectors
- Building on our network activities



## ENSURING A STABLE, CAPABLE AND SKILLED ORGANISATION



### GOAL

**A high performance organisation that has the people, resources and skills base to deliver on our broader objectives.**

The focus of our people and resources on the activity we need to undertake to reach our goals will be critical to our success. We are committed to the ongoing development of a skilled and capable workplace and continued investment in the core technologies that will enable us to deliver on our business objectives. We must also take a continuous improvement approach to all our processes to ensure ongoing efficiency.

### FOCUS

- Delivery of a simplified technology environment with a focus on improving the user experience across major transactions
- Execution of an agreed program of work to provide CPA Australia with the technology capabilities to support achievement of its vision of being the world's best member service organisation
- Delivering on our employer brand to attract the right talent to CPA Australia
- Developing our employees to "Be their Best"
- Maintaining a high performance culture
- Systems and processes that support a flexible and creative workforce