

## Update to Module 4: Comparative Evaluation (Community Priority)

30 May 2009

This section appears in Module 4 of the Applicant Guidebook; see the full module at <http://www.icann.org/en/topics/new-gtlds/draft-string-contention-clean-18feb09-en.pdf>. The module describes procedures for resolving string contention: formation of contention sets, comparative evaluation (community priority), and auction.

The potential new language highlighted in this section is based on public comments (see analysis of public comments on draft Applicant Guidebook v2) and continuing development work by staff. The updates are:

- Deaggregation of criteria. Originally, each of the four scoring criteria covered multiple facets, making interpretations difficult. The notion of sub-criteria was briefly introduced in version 2 of the AG and these sub-criteria have been worked out in detail, while keeping the maximum scoring total for each criterion unchanged.
- Clarifying the criteria. The importance of a proper nexus between string and community, as highlighted by many comments, has been reflected through clarified language as well as a change to a more stringent scoring scale. The wording of some other criteria has been clarified as well, and a slight rebalancing has been done regarding the “registration policies” criterion, where the importance of formal membership has been reduced in response to public comments.
- Clarification of process name. The descriptor “community priority” has been added to the title of the comparative evaluation process. This is to more accurately characterize the activity that takes place in the comparative evaluation, that is, to determine whether one application should receive priority over all others on the basis of its community claims. This language is consistent with that used in the policy advice from the GNSO on resolving string contention.
- Criteria sequence. The sequence of the criteria has been changed to follow a more logical flow in the process.
- Modified scoring threshold. Although comments on the scoring threshold – 14 out of 16 – diverged, a majority suggested a decrease as well as tests to verify how the criteria would work in practice. Considering these comments and the initial tests performed by staff, and in the light of other modifications mentioned above, language is included lowering the threshold to 13 out of 16, as a tentative suggestion. The community is invited to do its own scenario testing with this approach and provide comment. Such comments and further testing by staff will be consolidated to determine whether the threshold of 14 will remain in version 3 of the Applicant Guidebook.

ICANN encourages comment on the interim language provided here. This language is for discussion only, and has not yet been incorporated into the Applicant Guidebook. Comments will be considered for version 3 of the full draft Applicant Guidebook, scheduled to be published in September 2009. As discussed more fully in the analysis of comments on version 2 of the draft Applicant Guidebook, numerous other changes to Module 4 can be expected in version 3 of the draft Applicant Guidebook.

### 4.2.3 Comparative Evaluation (Community Priority) Criteria

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A panel appointed by the comparative evaluation provider will review and score the one or more community-based applications with expressed preference for comparative evaluation (community priority) in a contention set, against four criteria as listed below.

An application must score at least 13 points to prevail in a comparative (community priority) evaluation. The outcome will be determined according to the procedure described in subsection 4.2.2.

#### Criterion #1: Community Establishment (0-4 points)

A maximum of 4 points are possible on the Community Establishment criterion, aggregated as:

##### A. Delineation (2)

2	1	0
Clearly delineated, organized, and pre-existing community.	Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.	Insufficient delineation and pre-existence for a score of 1.

##### B. Extension (2)

2	1	0
Community of considerable size and longevity.	Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.	Community of neither considerable size nor longevity.

#### Criterion #2: Nexus between Proposed String and Community (0-4 points)

A maximum of 4 points are possible on the Nexus criterion, aggregated as:

A. Nexus (3)

3	2	0
The string matches the name of the community or is a well known short-form or abbreviation of the community name.	String identifies the community, but does not qualify for a score of 3.	String nexus does not fulfill the requirements for a score of 2.

B. Uniqueness (1)

1	0
String has no other significant meaning beyond identifying the community.	String does not fulfill the requirement for a score of 1.

**Criterion #3: Registration Policies (0-4 points)**

A maximum of 4 points are possible on the Registration Policies criterion, aggregated as:

A. Eligibility (1)

1	0
Eligibility restricted to community members.	Largely unrestricted approach to eligibility.

B. Name selection (1)

1	0
Policies include name selection rules consistent with the articulated community-based purpose of the applied-for gTLD.	Policies do not fulfill the requirements for a score of 1.

C. Content and use (1)

1	0
Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for gTLD.	Policies do not fulfill the requirements for a score of 1.

D. Enforcement (1)

1	0
Policies include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms.	Policies do not fulfill the requirements for a score of 1.

**Criterion #4: Community Endorsement (0-4 points)**

A maximum of 4 points are possible on the Community Endorsement criterion, aggregated as:

A. Support (2)

2	1	0
Applicant is, or has documented support from, the recognized community institution/ member organization	Documented support from at least one group with relevance, but insufficient support for a score of 2.	Insufficient proof of support for a score of 1.

B. Opposition (2)

2	1	0
No opposition of relevance.	Relevant opposition from at least one group of non-negligible size.	Strong and relevant opposition.

**4.2.3 Comparative Evaluation (Community Priority)  
Criteria (Redlined to Show Changes from Guidebook v2)**

A panel appointed by the comparative evaluation provider will review and score the one or more community-based applicants who elected comparative evaluation (community priority) in a contention set, against four criteria as listed below:

An application must score at least 13 points to prevail in a comparative (community priority) evaluation. The outcome will be determined according to the procedure described in subsection 4.2.2.

**Criterion #1: Community Establishment (0-4 points)**

**Criteria #1: Nexus between Proposed String and Community**

A maximum of 4 points are possible on the Community Establishment criterion, aggregated as:

A. Delineation (2)

4	3
Clearly identified, organized, and pre-established community of considerable size and longevity.	The community addressed fulfills all but one of the requirements for a high score.

2	1	0
Clearly delineated, organized, and pre-existing community. The community addressed fulfills more than one of the requirements for a high score, but fails on two or more requirements.	Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2. The community addressed fulfills only one of the requirements for a high score.	Insufficient delineation and pre-existence for a score of 1. The community addressed does not fulfill any of the requirements for a high score.

B. Extension (2)

— In detail, the nexus between string and community will be given:

- a score from 3, for strong association with the community, to 0, for insufficient association with the community.
- a score of 1 for absence of other associations to the string, i.e., the string is unique to this community, and a score of 0 if the string is known to also be a label for other communities.

2	1	0
<u>Community of considerable size and longevity.</u>	<u>Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.</u>	<u>Community of neither considerable size nor longevity.</u>

**Criterion #2: Nexus between Proposed String and Community (0-4 points)**

A maximum of 4 points are possible on the Nexus criterion, aggregated as:

A. Nexus (3)

Score				
4	3	2	1	0
<u>String is strongly associated with the community or community institution and has no other significant associations.</u>	<u>The string matches the name of the community or is a well-known short-form or abbreviation of the community name. String is clearly associated with the community but also has other associations.</u>	<u>String identifies the community, but does not qualify for a score of 3. String is relevant to the community but also has other well-known associations.</u>	<u>The string, although relevant to the community, primarily has wider associations.</u>	<u>String nexus does not fulfill the requirements for a score of 2. The nexus between string and community does not fulfill the requirement for scoring 1.</u>

B. Uniqueness (1)

<u>1</u>	<u>0</u>
<u>String has no</u>	<u>String does</u>



other significant meaning beyond identifying the community.	not fulfill the requirement for a score of 1.
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**Criteria #32: ~~Dedicated~~ Registration Policies**

A maximum of 4 points are possible on the Registration Policies criterion, aggregated as:

A. Eligibility (1)

Score				
4	3	2	1	0
Registration eligibility is strictly limited to members of the pre-established community identified in the application. Registration policies also include name selection and other requirements consistent with the articulated scope and community-based nature of the TLD. Proposed policies include specific enforcement measures including investigation practices, penalties, takedown procedures and appeal mechanisms.	Registration eligibility is predominantly available to members of the pre-established community identified in the application, and also permits people or groups formally associated with the community to register. Policies include most elements for a high score but one element is missing.	Registration eligibility is predominantly available to members of the pre-established community identified in the application, and also permits people or groups informally associated with the community to register. Policies include some elements for the high score but more than one element is missing.	<u>Eligibility restricted to community members. Registration eligibility is encouraged or facilitated for members of the pre-established community identified in the application, and also permits others to register. Policies include only one of the elements for high score.</u>	<u>Largely unrestricted approach to eligibility. The registration policies do not fulfill the requirement for scoring 1.</u>

~~In detail, the registration policies will be given:~~

- A score from 2 for eligibility restricted to community members, to 0 for a largely unrestricted approach to eligibility.
- A score of 1 for clear rules concerning name selection and other requirements for registered names of relevance to the community addressed, and a score of 0 for absence of rules concerning name selection and other requirements for registered names, or rules that are insufficient or lack relevance.
- A score of 1 for satisfactory enforcement measures and a score of 0 for absence of enforcement measures or measures that are insufficient.

— B. Name selection (1)

<u>1</u>	<u>0</u>
<u>Policies include name selection rules consistent with the articulated community-based purpose of the applied-for gTLD.</u>	<u>Policies do not fulfill the requirements for a score of 1.</u>

C. Content and use (1)

<u>1</u>	<u>0</u>
<u>Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for gTLD.</u>	<u>Policies do not fulfill the requirements for a score of 1.</u>

D. Enforcement (1)

<u>1</u>	<u>0</u>
<u>Policies include specific enforcement measures (e.g. investigation practices, penalties, takedown</u>	<u>Policies do not fulfill the requirements for a score of 1.</u>

1                      0  
 procedures)  
 constituting a  
 coherent set  
 with  
 appropriate  
 appeal  
 mechanisms.

**Criteria #3: Community Establishment**

Score				
4	3	2	1	0
Clearly identified, organized, and pre-established community of considerable size and longevity.	The community addressed fulfills all but one of the requirements for a high score.	The community addressed fulfills more than one of the requirements for a high score, but fails on two or more requirements.	The community addressed fulfills only one of the requirements for a high score.	The community addressed does not fulfill any of the requirements for a high score.

In detail, the community establishment will be given:

- a score from 2, for a clearly identified, organized, and pre-established community, to 0 for a community lacking clear identification, organization, and establishment history.
- a score from 2 for a community of considerable size and longevity, to 0 for a community of very limited size and longevity.

**Criteria #4: Community Endorsement (0-4 points)**

A maximum of 4 points are possible on the Community Endorsement criterion, aggregated as:

**A. Support (2)**

Score				
4	3	2	1	0
Application from, or endorsement by, a recognized community institution, or application endorsed by member	Endorsement by most groups with apparent relevance, but unclear if the whole community is	Applicant is, or has documented support from, the recognized community institution/member	Documented support from at least one group with relevance, but insufficient support for a score of	Insufficient proof of support for a score of 1. Limited endorsement by groups of unknown relevance, Strong opposition from



Score				
4	3	2	1	0
organizations.	supportive.	organization. E ndorsement by groups with apparent relevance, but also some opposition from groups with apparent relevance.	2. Assorted endorsements from groups of unknown relevance, but also clear opposition from groups with apparent relevance.	groups with apparent relevance.

### B. Opposition (2)

2	1	0
<u>No opposition of relevance.</u>	<u>Relevant opposition from at least one group of non- negligible size.</u>	<u>Strong and relevant opposition.</u>

In detail, the community endorsement will be given:

- a score from 2 for clear and documented support, to 0 for no or limited endorsement of uncertain relevance.
- a score of 2 for no opposition of relevance, to 0 for strong and relevant opposition.

**Scoring**—An applicant must score at least 14 points to be declared a winner in a comparative evaluation. If no applicant scores 14 or more, there is no clear winner. If only one applicant scores 14 or more, that applicant will be declared the winner.

If more than one applicant scores 14 or more, all will be declared winners and the contention will be resolved according to the procedure described in subsection 4.2.2.

Following the comparative evaluation, ICANN will review the results and reconfigure the contention set as needed. The same procedure will occur for remaining contention sets involving any community based application that has elected comparative evaluation. If no community based applicant that has elected comparative evaluation is left in the contention set, any applications remaining in contention will proceed to an auction. Applications with no remaining contention will proceed toward delegation.