ICANN
The Internet Corporation for Assigned Names and Numbers

To All Prospective Applicants for New gTLDs:

Since ICANN's founding more than ten years ago as a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's unique identifier system, one of its foundational principles has been to promote competition and choice in the domain-name marketplace while ensuring Internet security and stability.

We have been engaging in a detailed and lengthy consultation process with all constituencies of the global Internet community as to how best to introduce new gTLDs. Representatives from a wide variety of stakeholders—governments, individuals, civil society, business and intellectual property constituencies, and the technology community—were engaged in discussions and bottom-up policy development for more than three years. In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—completed its policy development work on new gTLDs and approved a set of recommendations. All this policy development work culminated with ICANN's Board of Directors deciding to adopt the community-developed policy at the ICANN Paris meeting in June 2008. You can see a thorough brief of the policy process and outcomes at http://gnso.icann.org/issues/new-gtlds/.

This consultation process has culminated in the development of the Applicant Guidebook which is designed to guide potential applicants through the new gTLD application process, providing detailed information about the rules, requirements and processes. Versions 1 and 2 of the Applicant Guidebook were published in October 2008, and February 2009, respectively, and a number of excerpts and explanatory memoranda were published in June 2009.

Since version 2 of the Applicant Guidebook was published, a considerable amount of feedback, from a wide range of entities, has been received, either through the online public comment forums, at ICANN meetings in Mexico City and Sydney, and regional meetings held in New York, London, Hong Kong and Abu Dhabi. These comments have been analysed and considered in the context of the GNSO policy recommendations and the ICANN Board resolution to adopt those recommendations. The third draft of the Applicant Guidebook has been developed to reflect and address, to the extent possible, the comments that have been received.

I would like to thank all of the businesses, governments, individuals, communities, and other groups that provided comment. This feedback is an essential element of the implementation planning process for introducing new gTLDs.

We believe that with this third draft, the Applicant Guidebook now contains a number of areas which have matured in development over the past year to a point where the process of continuous iteration and community feedback is essentially complete. Those areas include: evaluation criteria, dispute resolution standards and procedures, and contention resolution procedures. This version also incorporates new elements which address pre-delegation testing, and proposed solutions identified to mitigate the potential for malicious conduct.

A few remaining issues will continue to be the focus of much discussion and debate to reach completion in forthcoming months, in particular, solutions for trademark protection and registry/registrar vertical separation.

As with previous versions of the Applicant Guidebook, several explanatory memoranda will accompany this version to enable readers to better understand the implementation work.

I also note that studies on root zone scaling and economic analysis, which do not impact on the content of the Applicant Guidebook, but which are related to the introduction of new gTLDs, will continue to be discussed in parallel with this draft of the Applicant Guidebook. The Root Zone Scaling Study Working Group recently released a report for comment; while further work is being undertaken to establish how further economic analysis should be done.

I look forward to receiving comments to this draft of the Applicant Guidebook.

Sincerely

Rod Beckstrom

Rod Beckstrom
CEO and President

Draft Applicant Guidebook, Version 3

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

ICANN

2 October 2009

Preamble

New gTLD Program Background

New gTLDs have been in the forefront of ICANN's agenda since its creation. The new gTLD program will open up the top level of the Internet's namespace to foster diversity, encourage competition, and enhance the utility of the DNS.

Currently the gTLD namespace consists of 21 gTLDs and 251 ccTLDs operating on various models. Each of the gTLDs has a designated "registry operator" according to a Registry Agreement between the operator (or sponsor) and ICANN. The registry operator is responsible for the technical operation of the TLD, including all of the names registered in that TLD. The gTLDs are served by over 900 registrars, who interact with registrants to perform domain name registration and other related services. The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market. When the program launches its first application round, ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

The program has its origins in carefully deliberated policy development work by the ICANN community. In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations. Representatives from a wide variety of stakeholder groups—governments, individuals, civil society, business and intellectual property constituencies, and the technology community—were engaged in discussions for more than 18 months on such questions as the demand, benefits and risks of new gTLDs, the selection criteria that should be applied, how gTLDs should be allocated, and the contractual conditions that should be required for new gTLD registries going forward. The culmination of this policy development process was a decision by the ICANN Board of Directors to adopt the community-developed policy in June 2008. A thorough brief to the policy process and outcomes can be found at http://gnso.icann.org/issues/new-gtlds.

ICANN's work is now focused on implementation: creating an application and evaluation process for new gTLDs that is aligned with the policy recommendations and provides a clear roadmap for applicants. This implementation work is reflected in the drafts of the applicant guidebook that have been released for public comment, and in the explanatory papers giving insight into rationale behind some of the conclusions reached on specific topics. Meaningful community input has led to revisions of the draft applicant guidebook. In parallel, ICANN is establishing the resources needed to successfully launch and operate the program.

This draft of the Applicant Guidebook is the third draft made available for public comment as the work advances through implementation.

For current information, timelines and activities related to the New gTLD Program, please go to http://www.icann.org/en/topics/new-gtld-program.htm.

ICANN

Draft Applicant Guidebook, v3

Module 1

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 1

Introduction to the gTLD Application Process

~~***Note for Draft Applicant Guidebook v2:*** *Where it is possible to provide a concise description of public comment on the first Draft Applicant Guidebook and how it has been considered in creating this draft, footnotes are included in the text. For a detailed analysis of public comment received on the first Draft Applicant Guidebook, see the summary posted at http://www.icann.org/en/topics/new-gtlds/public-comment-analysis-18feb09-en.pdf.*~~

This module gives applicants an overview of the process for applying for a new generic top-level domain, and includes instructions on how to complete and submit an application, the supporting documentation an applicant must submit with an application, the fees required and when and how to submit them.

This module also describes the conditions associated with particular types of applications, and the application life cycle.

For more about the origins, history and details of the ~~ICANN's~~ policy development background~~ies~~ to the~~on~~ N~~n~~ew gTLD Programs~~s~~, please see http://gnso.icann.org/issues/new-gtlds/.

A glossary of relevant terms is included at the end of this~~with the~~ Draft Applicant Guidebook ~~(Draft RFP)~~.

Prospective applicants are encouraged to read and become familiar with the contents of this entire module, as well as the others, before starting the application process to make sure they understand what is required of them and what they can expect at each stage of the application evaluation process.

1.1 Application Life Cycle and Timelines

This section provides a description of the stages that an application passes through once it is submitted. Some stages will occur for all applications submitted; others will only occur in specific circumstances. Applicants should be aware of the stages and steps involved in processing applications received. ~~A simplified interactive graphic of the process is available for reference at~~

~~http://www.icann.org/en/topics/new-gtlds/interactive.htm.~~

1.1.1 *Application Submission Dates*

The application submission period opens at [time] UTC [date].

The application submission period closes at [time] UTC [date].

~~Applications may be submitted electronically through ICANN's online application system.~~

To receive consideration, all applications must be submitted electronically through the online application system by the close of the application submission period.

An application will not be considered, in the absence of exceptional circumstances, if:

- It is received after the close of the application submission period~~due date~~.
- The application form is incomplete (either the questions have not been fully answered or required supporting documents are missing). Applicants will not ordinarily be permitted to supplement their applications after submission.
- The evaluation fee has not been paid by the deadline. Refer to Section 1.5 for fee information.

ICANN has gone to significant lengths to ensure that the online application system will be available for the duration of the application submission period. In the event that the system is not available, ICANN will provide alternative instructions for submitting applications.

1.1.2 *Application Processing Stages*

This subsection provides an overview of the stages involved in processing an application submitted to ICANN. In Figure 1-1, the shortest and most straightforward path is marked with bold lines, while certain stages that may or may not be applicable in any given case are also shown. A brief description of each stage follows.

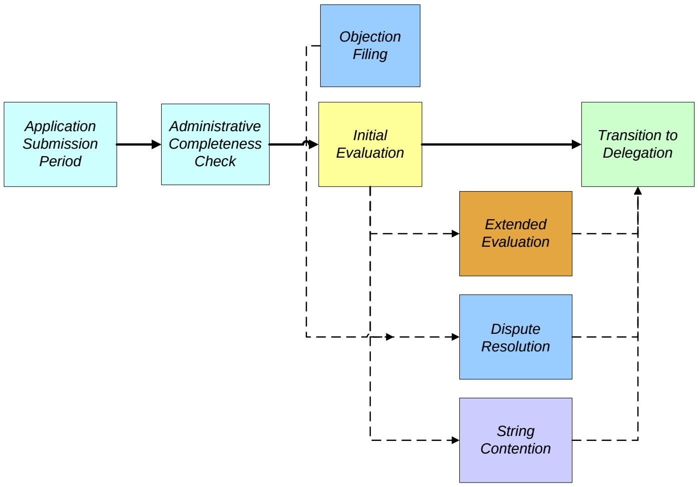
Objection Filing
Application Submission Period
Administrative Completeness Check
Initial Evaluation
Transition to Delegation
Extended Evaluation
Dispute Resolution
String Contention

Figure 1-1 – Once submitted to ICANN, applications will pass through multiple stages of processing.

1.1.2.1 Application Submission Period

Prior to or a~~A~~t the time the application submission period opens, applicants wishing to apply for a new gTLD can become registered users of the online application system. Information provided in the registration process will be used to validate the identity of the registered user.

Through the application system, applicants will answer a series of questions to provide general information, demonstrate financial capability, and demonstrate technical and operational capability. The supporting documents listed in subsection 1.2.3 of this module must also be submitted through the application system as instructed in the relevant questions.

Applicants must also submit their evaluation fees during this period. Refer to Section 1.5 of this module for additional information about fees and payments.

Following the close of the application period, ICANN will provide applicants with periodic status updates on the progress of their applications.~~applicants can continue to use the application system as a resource to track the progress of their applications, although they may receive communications from ICANN through other means.~~

1.1.2.2 Administrative Completeness Check

Immediately following the close of the application submission period, ICANN will check all applications for completeness. This check ensures that:

- All mandatory questions are answered ~~(except those questions identified as optional)~~;
- Required supporting documents are provided in the proper format(s); and
- The evaluation fees have been received.

ICANN will post at one time all the applications considered complete and ready for evaluation as soon as practicable after the close of the application period. Certain questions, including finance and security-related questions, have been designated by ICANN as confidential: applicant responses to these questions will not be posted. Confidential ~~areas~~questions are labeled as such~~indicated~~ in the application form.~~on the set of applicant questions at http://www.icann.org/en/topics/new-gtlds/draft-evaluation-criteria-18feb09-en.pdf.~~ The remainder of the application will be posted.

The administrative completeness check is expected to be completed for all applications in a period of approximately 4 weeks, subject to extension depending on volume. In the event that all applications cannot be processed within a 4-week period, ICANN will post updated process information and an estimated timeline.

1.1.2.3 *Initial Evaluation*

Initial Evaluation will begin immediately after the administrative completeness check concludes. All complete applications will be reviewed during Initial Evaluation.

There are two main elements of the Initial Evaluation:

1. String reviews (concerning the applied-for gTLD string). String reviews include a determination that the applied-for gTLD string is not likely to cause security or stability problems in the DNS, including problems caused by similarity to existing TLDs or reserved names.
2. Applicant reviews (concerning the entity applying for the gTLD and its proposed registry services). Applicant reviews include a determination of whether the applicant has the requisite technical, operational, and financial capability to operate a registry.

By~~At~~ the conclusion of the Initial Evaluation period, ICANN will post ~~a~~ notice of all Initial Evaluation results. Depending on the volume of applications received, ICANN may post such notices in batches over the course of the Initial Evaluation period.

The Initial Evaluation is expected to be completed for all applications in a period of approximately 5 months. If the number of applications is a number in the range of 400, this timeframe would increase by 1-3 months. In this event, ICANN will construct a method for processing applications in batches, which will extend the time frames involved. In this event, ICANN will post updated process information and an estimated timeline.

1.1.2.4 Objection Filing

Formal objections to applications can be filed on any of four enumerated grounds, by parties with standing to object. The objection filing period will open after ICANN posts the list of complete applications as described in subsection 1.1.2.2.

Objectors must~~will~~ file such formal objections directly with dispute resolution service providers (DRSPs), not with ICANN. Refer to Module 3, Dispute Resolution Procedures, for further details.

The objection filing period will close following the end of the Initial Evaluation period (refer to subsection 1.1.2.3), with~~. There will be~~ a two-week window of time between the posting of the~~ results of~~ Initial Evaluation results and the close of the objection filing period. Objections that have been filed during the objection filing period will be addressed in the dispute resolution stage, which is outlined in subsection 1.1.2.6 and discussed in detail in Module 3.

All applicants should be aware that third parties have the opportunity to file objections to any application during the objection filing period. Applicants whose applications are the subject of a formal objection will have an opportunity to file a response according to the dispute resolution service provider's rules and procedures (refer to Module 3).

An applicant wishing to file a formal objection to another application that has been submitted would do so within the objection filing period, following the objection filing procedures in Module 3.

1.1.2.5 Extended Evaluation

Extended Evaluation is available~~applies~~ only to certain applicants that do not pass Initial Evaluation.

Applicants failing certain elements of the Initial Evaluation can request an Extended Evaluation. If the applicant does not pass Initial Evaluation and does not expressly request an Extended Evaluation, the application will proceed no further. The Extended Evaluation period allows for one additional exchange of information between the applicant and evaluators to clarify information contained in the application. The reviews performed in Extended Evaluation do not introduce additional evaluation criteria.

In addition to failing evaluation elements, a~~A~~n application ~~Extended Evaluation~~ may ~~also~~ be required to enter an Extended Evaluation if the applied-for gTLD string or one or more proposed registry services raise technical issues that might adversely affect the security or stability of the DNS. The Extended Evaluation period provides a time frame for these issues to be investigated. Applicants will be informed if such reviews are required by~~at~~ the end of the Initial Evaluation period.

Evaluators and any applicable experts consulted will communicate the~~ir~~ conclusions resulting from the additional review by~~at~~ the end of the Extended Evaluation period. ~~These reports will be available in the online application system.~~

At the conclusion of the Extended Evaluation period, ICANN will post all evaluator reports from the Initial and Extended Evaluation periods.

If an application passes the Extended Evaluation, it can then proceed to the next relevant stage. If the application does not pass the Extended Evaluation, it will proceed no further.

The Extended Evaluation is expected to be completed for all applications in a period of approximately 5 months, though this timeframe could be increased based on volume. In this event, ICANN will post updated process information and an estimated timeline.

1.1.2.6 Dispute Resolution

Dispute resolution applies only to applicants whose applications are the subject of a formal objection.

Where formal objections are filed and filing fees paid during the objection filing period, independent dispute resolution service providers (DRSPs) will initiate and conclude proceedings based on the objections received. The formal objection procedure exists to provide a path for those who wish to object to an application that has been submitted to~~received by~~ ICANN. Dispute resolution service providers serve as~~provide~~ the fora to adjudicate the proceedings based on the subject matter and the needed expertise. Consolidation of objections filed will~~may~~ occur where appropriate, at the discretion of the DRSP.

As a result of a dispute resolution~~the~~ proceeding, either the applicant will prevail (in which case the application can proceed to the next relevant stage), or the objector will prevail (in which case either the application will proceed no further or the application will be bound to a contention resolution procedure). In the event of multiple objections, an applicant must prevail in all~~ALL~~ dispute resolution proceedings concerning the application~~in order~~ to ~~progress~~proceed to the next relevant stage. ~~Refer to Module 3, Objection and Dispute Resolution, for detailed information.~~ Applicants will be notified by the DRSP(s)~~ispute Resolution Service Provider~~ of the results of dispute resolution proceedings. ~~The online application system will also be updated with these results.~~ Refer to Module 3, Dispute Resolution Procedures, for detailed information.

Dispute resolution proceedings, where applicable, are expected to be completed for all applications within approximately a 5 month time frame. In the event that volume is such that this timeframe cannot be accommodated, ICANN will work with the dispute resolution service providers to create processing procedures and post updated timeline information.

1.1.2.7 String Contention

String contention applies only when there is more than one qualified application~~applicant~~ for the same or similar gTLD strings.

String contention refers to the scenario in which there is more than one qualified application~~applicant~~ for the identical~~same~~ gTLD string or for gTLD strings that are so similar that they create a probability of detrimental user confusion if more than one is delegated. ~~ICANN will resolve cases of s~~String contention cases are resolved either through a community priority (comparative) evaluation (if a community-based applicant elects it) or through an auction.

In the event of contention between applied-for gTLD strings that represent geographical names, the parties may be required~~asked~~ to follow a different process to resolve the contention. See subsection 2.1.1.4 of Module 2 for more information.

Groups of applied-for strings that are either identical or confusingly similar are called contention sets. All applicants should be aware that if an application is identified as being part of a contention set, string contention resolution procedures will not begin until all applications in the contention set have completed all aspects of evaluation, including dispute resolution, if applicable.

To illustrate, as shown in Figure 1-2, Applicants A, B, and C all apply for .EXAMPLE and are identified as a contention set. Applicants A and C pass Initial Evaluation, but Applicant B does not. Applicant B requests Extended Evaluation. A third party files an objection to Applicant C's application, and Applicant C enters the dispute resolution process~~proceeding~~. Applicant A must wait to see whether Applicants B and C successfully complete the Extended Evaluation and dispute resolution phases, respectively, before it can proceed to the string contention resolution stage. In this example, Applicant B passes the Extended Evaluation, but Applicant C does not prevail in the dispute resolution proceeding. String contention resolution then proceeds between Applicants A and B.

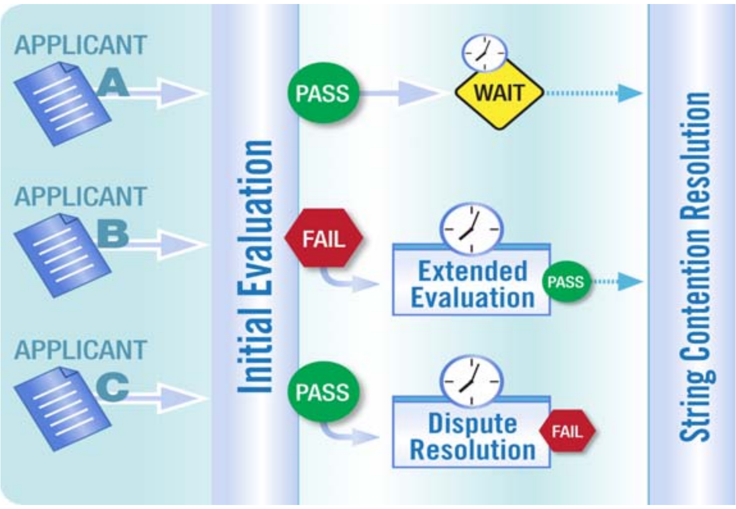

Figure 1-2 – All applications in a contention set must complete all previous evaluation and dispute resolution stages before string contention resolution can begin.

Applicants prevailing in a string contention resolution procedure will proceed toward delegation of the applied-for gTLDs~~ strings. The online application system will be updated with the results of the string contention resolution procedures.~~

String contention resolution for a contention set is estimated to take from 2.5 to 6 months to complete. The time required will vary per case because some contention cases may be resolved in either a community priority (comparative) evaluation or an auction, while others may require both processes.

1.1.2.8 Transition to Delegation

Applicants ~~that~~ successfully completinge~~e~~ all the relevant stages outlined in this subsection 1.1.2 are required to carry out a series of concluding steps before delegation of the applied-for gTLD ~~string~~ into the root zone. These steps include execution of a registry agreement with ICANN and completion of a pre-delegation technical test to validate information provided in the application.

Following execution of a registry agreement, the prospective registry operator must complete technical set-up and show satisfactory performance on a set of technical tests~~checks~~ before delegation of the gTLD into the root zone may be initiated. If the initial start-up requirements are not satisfied so that the gTLD can be delegated into the root zone within the time frame specified in the registry agreement, ICANN may in its sole and absolute discretion elect to terminate the registry agreement.

Once all of these steps have been successfully completed, the applicant is eligible for delegation of its applied-for gTLD ~~string~~ into the DNS root zone.

It is expected that the transition to delegation steps can be completed in approximately 2 months, though this could take more time depending on the applicant's level of preparedness for the pre-delegation testing.

1.1.2.9 Lifecycle Timelines

Based on the estimates for each stage described in this section, the lifecycle for a straightforward application could be approximately 8 months, as follows:

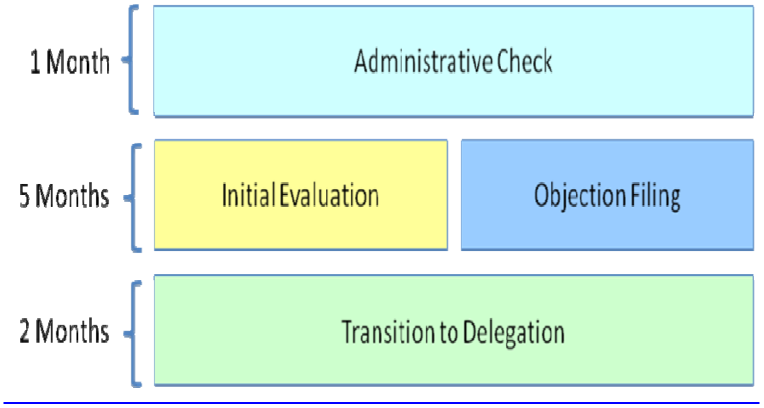
1 Month
Administrative Check
5 Months
Initial Evaluation
Objection Filing
2 Months
Transition to Delegation

Figure 1-3 – A straightforward application could have an approximate 8-month lifecycle.

The lifecycle for a highly complex application could be much longer, such as 19 months in the example below:

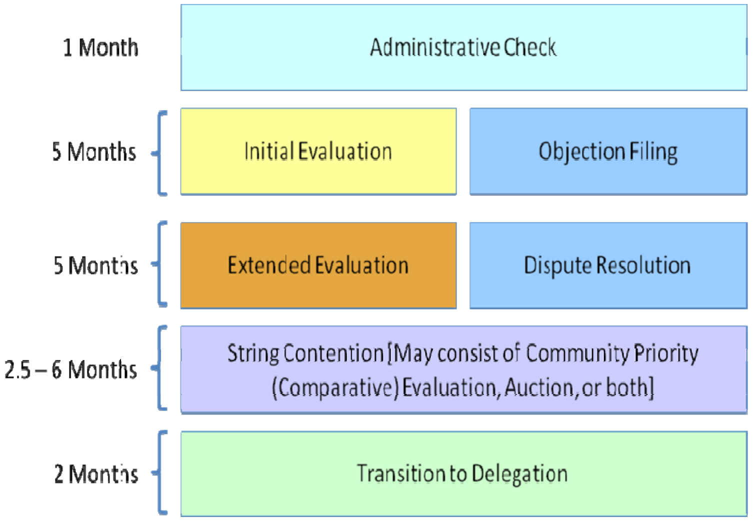
1 Month
Administrative Check
5 Months
Initial Evaluation
Objection Filing
5 Months
Extended Evaluation
Dispute Resolution
2.5 – 6 Months
String Contention [May consist of Community Priority (Comparative) Evaluation, Auction, or both]
2 Months
Transition to Delegation

Figure 1-4 – A complex application could have an approximate 19-month lifecycle.

1.1.3 *The Role of Public Comment in the Evaluation of Applications*

Public comment mechanisms are part of ICANN's policy development and implementation processes. As a private-public partnership, ICANN is dedicated to: preserving the operational security and stability of the Internet, ~~to~~ promoting competition, ~~to~~ achieving broad representation of global Internet communities, and ~~to~~ developing policy appropriate to its mission through bottom-up, consensus-based processes. This necessarily involves the participation of many stakeholder groups in a public discussion.

In the new gTLD application process, public comments will be a mechanism for the public to bring relevant information and issues to the attention of those charged with handling new gTLD applications. ICANN will open a public comment forum at the time the applications are publicly posted on ICANN's website (refer to subsection 1.1.2.2), which will remain open through the evaluation stages described in subsection 1.1.2~~application round~~. Anyone may submit a comment in the public comment forum.

A distinction should be made between public comments, which may be relevant to ICANN's task of determining whether applications meet the established criteria, and formal objections that concern matters outside this evaluation. The formal objection process was created to allow a full and fair consideration of objections based on limited areas outside ICANN's evaluation of applications on their merits. A party contacting ICANN to pursue an objection will be referred to the formal objection channels designed specifically for resolving these matters in the new gTLD application process. More information on the objection and dispute resolution processes is available in Module 3.

Public comments received will be provided to the evaluators during the Initial and Extended Evaluation periods. Evaluators will ~~perform due diligence on the comments received and~~ take the information provided in these comments into consideration. Consideration of the applicability of the information submitted through public comments will be included in the evaluators' reports.

Public comments may also be relevant to one or more objection grounds. (Refer to Module 3, Dispute Resolution Procedures, for the objection grounds.) ICANN will provide all public comments received to DRSPs, who will have discretion to consider them.

In the event of a community priority (comparative) evaluation (see Module 4, String Contention Procedures), ICANN will provide the comments received to the evaluators with instructions to perform ~~due diligence on the comments and~~ take the relevant information into account in reaching their~~its~~ conclusions. As the community priority (comparative) evaluation includes assessment of relevant support and opposition, such comments are relevant to the task.

~~A distinction should be made between public comments, which may be relevant to ICANN's task of determining whether applications meet the established criteria, and formal objections that concern matters outside this evaluation. ICANN created the formal objection process to allow a full and fair consideration of objections based on subject areas outside ICANN's mission and expertise. A party contacting ICANN to pursue an objection will be referred to the formal objection channels designed specifically for resolving these matters in the new gTLD space. More information on the objection and dispute resolution processes is available in Module 3.~~

1.1.4 Sample Application Scenarios

The following scenarios briefly show a variety of ways in which an application may proceed through the evaluation process. The table that follows exemplifies various~~summarizes some~~ processes and outcomes. This is not intended to be an exhaustive list of possibilities. There are other possible combinations of paths an application could follow.

Estimated time frames for each scenario are also included, based on current knowledge. Actual time frames may vary depending on several factors, including the total number of applications received by ICANN during the application submission period. It should be emphasized that most applications are expected to pass through the process in the shortest period of time, i.e., they will not go through extended evaluation, dispute resolution, or string contention resolution processes. Although most of the scenarios below are for processes extending beyond 8 months, it is expected that most applications will be completed within the eight-month timeframe.

Scenario Number	Initial Evaluation	Extended Evaluation	Objection(s) Filed~~Raised~~	String Contention	Approved for ~~Subsequent~~ Delegation Steps	Estimated Elapsed Time
1	Pass	N/A	None	No	Yes	8 months
2	Fail	Pass	None	No	Yes	13 months
3	Pass	N/A	None	Yes	Yes	10.5 – 14 months
4	Pass	N/A	Applicant prevails	No	Yes	13 months
5	Pass	N/A	Objector prevails	N/A	No	11 months

Scenario Number	Initial Evaluation	Extended Evaluation	Objection(s) Filed~~Raised~~	String Contention	Approved for ~~Subsequent~~ Delegation Steps	Estimated Elapsed Time
6	Fail	Quit	N/A	N/A	No	6 months
7	Fail	Fail	N/A	N/A	No	11 months
8	Fail	Pass	Applicant prevails	Yes	Yes	15.5 – 19 months
9	Fail	Pass	Applicant prevails	Yes	No	13.5 – 17 months

Scenario 1 – Pass Initial Evaluation, No Objection, No Contention – In the most straightforward case, the application passes Initial Evaluation and there is no need for an Extended Evaluation. No objections are filed~~raised~~ during the objection period, so there is no dispute to resolve. As there is no contention for the applied-for gTLD string, the applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD. Most applications are expected to complete the process within this timeframe.

Scenario 2 – Extended Evaluation, No Objection, No Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. As with Scenario 1, no objections are filed~~raised~~ during the objection period, so there is no dispute to resolve. As there is no contention for the gTLD string, the applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD~~ string~~.

Scenario 3 – Pass Initial Evaluation, No Objection, Contention – In this case, the application passes the Initial Evaluation so there is no need for Extended Evaluation. No objections are filed~~raised~~ during the objection period, so there is no dispute to resolve. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, the application wins the contention resolution, and the other contenders are denied their applications, so the winning applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD.

Scenario 4 – Pass Initial Evaluation, Win Objection, No Contention – In this case, the application passes the Initial

Evaluation so there is no need for Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing (refer to Module 3, Dispute Resolution Procedures). The objection is heard by a dispute resolution service provider panel that finds in favor of the applicant. The applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD.

Scenario 5 – Pass Initial Evaluation, Lose Objection – In this case, the application passes the Initial Evaluation so there is no need for Extended Evaluation. During the objection period, multiple -objections are filed by one or more objectors with standing for one or more of the four enumerated objection grounds. Each objection ~~category for which there are objections~~ is heard by a dispute resolution service provider panel. In this case, the panels find in favor of the applicant for most of the objections, but one finds in favor of the objector. As one of the objections has been upheld, the application does not proceed.

Scenario 6 – Fail Initial Evaluation, Applicant Withdraws – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant decides to withdraw the application rather than continuing with Extended Evaluation. The application does not proceed.

Scenario 7 – Fail Initial Evaluation, Fail Extended Evaluation -- In this case, the application fails one or more aspects of the Initial Evaluation. The applicant requests Extended Evaluation for the appropriate elements. However, the application fails Extended Evaluation also. The application does not proceed.

Scenario 8 – Extended Evaluation, Win Objection, Pass Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing. The objection is heard by a dispute resolution service provider panel that finds in favor of the applicant. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, the applicant prevails over other applications in the contention resolution procedure, the applicant can enter into a registry agreement, and the application can proceed toward delegation of the applied-for gTLD.

Scenario 9 – Extended Evaluation, Objection, Fail Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing. The objection is heard by a dispute resolution service provider that rules in favor of the applicant. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, another applicant prevails in the contention resolution procedure, and the application does not proceed.

Transition to Delegation – After an application has successfully completed Initial Evaluation, and other stages as applicable, the applicant is required to complete a set of steps leading to delegation of the gTLD, including execution of a registry agreement with ICANN, and completion of pre-delegation testing. Refer to Module 5 for a description of the steps required in this stage.

1.1.5 Subsequent Application Rounds~~[1]~~

ICANN's goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed. The goal is for the next application round to begin within one year of the close of the application submission period for this round.

1.2 Information for All Applicants

1.2.1 Eligibility

Any established corporation, organization, or institution in good standing may apply for a new gTLD. Applications from individuals or sole proprietorships will not be considered.

Note that ICANN may deny an otherwise qualified application if:

~~[1] ICANN received a number of comments on this section, with some suggesting that ICANN commit to a date for a next application round, and others noting sufficient time should be allotted to assess and incorporate the lessons of the initial evaluation round. ICANN remains committed to a timely implementation of further application rounds, subject to careful evaluation of the lessons of the first. Hence, a one-year goal remains in this draft.~~

a. Applicant, or any partner, officer, director, or manager, or any person or entity owning (or beneficially owning) fifteen percent or more of applicant:

- i. within the past ten years, has been convicted of a felony, or of a misdemeanor related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that ICANN deemed as the substantive equivalent of any of these;
- ii. within the past ten years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of the funds of others;
- iii. is currently involved in any judicial or regulatory proceeding that could result in a conviction, judgment, determination, or discipline of the type specified in (a) or (b);
- iv. is the subject of a disqualification imposed by ICANN and in effect at the time the application is considered; or
- v. fails to provide ICANN with the identifying information necessary to confirm identity at the time of application.

b. Applicant, or any partner, officer, director, or manager, or any person or entity owning (or beneficially owning) fifteen percent or more of applicant is the subject of a pattern of decisions indicating liability for, or repeated practice of bad faith in regard to domain name registrations, including:

- i. acquiring domain names primarily for the purpose of selling, renting, or otherwise transferring the domain name registrations to the owner of a trademark or service mark or to a competitor, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- ii. registering domain names in order to prevent the owner of the trademark or

service mark from reflecting the mark in a corresponding domain name; or

iii. registering domain names primarily for the purpose of disrupting the business of a competitor; or

iv. using domain names with intent to attract, for commercial gain, Internet users to a web site or other on-line location, by creating a likelihood of confusion with a trademark or service mark as to the source, sponsorship, affiliation, or endorsement of the web site or location or of a product or service on the web site or location.

1.2.2 Required Documents

All applicants should be prepared to submit the following documents, which are required to accompany each application:

1. **Proof of legal establishment –** Documentation of the applicant's establishment as a specific type of entity in accordance with the applicable laws of its jurisdiction.

2. **Proof of good standing** – Documentation from the applicable body in the applicant's jurisdiction that the applicant is in good standing.

   Under some laws or jurisdictions, it may be possible to prove both establishment and good standing with a single document. That is, the same document may suffice for items 1 and 2.

   The documents supplied for proof of establishment and good standing should constitute a coherent response for the applicant's jurisdiction.

3. **Financial statements**. Applicants must provide audited or certified financial statements for the most recently completed fiscal year for the applicant. In some cases, unaudited financial statements may be provided. Refer to the Evaluation Criteria, attached to Module 2, for details.

All documents must be valid at the time of submission.

Supporting documentation should be submitted in the original language. English translations are not required.

Some types of supporting documentation are required only in certain cases:

1. ***Community endorsement* –** If an applicant has designated its application as community-based (see section 1.2.3), it will be asked to submit a written endorsement of its application by one or more established institutions representing the community it has named. An applicant may submit written endorsements from multiple institutions. If applicable, this will be submitted in the section of the application concerning the community-based designation.
2. ***Government support or non-objection*** – If an applicant has applied for a gTLD string that is a geographical name, the applicant is required to submit a statement of support for or non-objection to its application from the relevant governments or public authorities. Refer to subsection 2.1.1.4 for more information on the requirements for geographical names.
3. ***Documentation of third-party funding commitments* –** If an applicant lists funding from third parties in its application, it must provide evidence of commitment by the party committing the funds. If applicable, this will be submitted in the financial section of the application.

1.2.3~~2~~ Community-Based Designation

All applicants are required to designate whether their application is **community-based**.

1.2.3~~2~~.1 Definitions~~[2]~~

For purposes of this Applicant Guidebook, a **community-based gTLD** is a gTLD that is operated for the benefit of a clearly delineated~~defined~~ community~~ consisting of a restricted population~~. Designation or non-designation of an application as community-based is entirely at the discretion of the applicant. Any applicant may designate its application as community-based; however, each~~An~~ applicant making this designation~~designating its application as community-based~~ is~~will be~~ asked to substantiate its status as representative of the community it

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~~[2] Some comments on this section questioned the terminology “open” and “community-based,” noting that the notion of community is not antithetical to that of openness. ICANN acknowledges that these definitions are not as precise as desired, but has not yet identified a more accurate term that is not also misleading or confusing. “Open” here is used to mean any application that the applicant has not designated as community-based. Further suggestions on clarifying this distinction are welcome.~~

names in the application.~~, and a~~Additional information may be requested in the event of a community priority (comparative) evaluation (refer to Section 4.2 of Module 4). An applicant for a community-based gTLD is expected to:

1. Demonstrate an ongoing relationship with a clearly delineated~~a defined~~ community~~ that consists of a restricted population~~.
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, commensurate with the community-based purpose it has named.
4. Have its application endorsed in writing by one or more~~an~~ established institutions representing the community it has named.

For purposes of differentiation, an application that has not been designated as community-based will be referred to hereinafter in this document as a **standard~~n open~~ application~~gTLD~~**. A standard~~n open~~ gTLD can be used for any purpose consistent with the requirements of the application and evaluation criteria, and with the registry agreement. A~~n open gTLD~~standard applicant may or may not have a formal relationship with an exclusive registrant or user population. It may or may not employ eligibility or use restrictions. Standard simply means here that the applicant has not designated the application as community-based.[3]

1.2.3~~2~~.2 Implications of Application Designation

Applicants should understand how their designation as community-based or standard~~open~~ will affect application processing at particular stages, and, if the application is successful, execution of the registry agreement and subsequent obligations as a gTLD registry operator, as described in the following paragraphs.

Objection/Dispute Resolution – All applicants should understand that an objection may be filed against any application on community~~ opposition~~ grounds, even if the applicant has not designated itself as community-based or declared the gTLD to be aimed at a particular community. Refer to Module 3, Dispute Resolution Procedures.

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[3] The term "standard" here replaces the previous terminology of "open" for applications not designated as community-based. "Open" was generally seen as misleading, since an "open" application could in fact impose tight restrictions on registration in its TLD.

String Contention – ~~Any applicant that has been identified as part of a contention set (refer to Section 4.1 of Module 4) may be obliged to participate in either a comparative evaluation or an auction if the application reaches the string contention stage and the applicant elects to proceed.~~Resolution of string contention may include one or more components, depending on the composition of the contention set and the elections made by community-based applicants.

- A **settlement between the parties** can occur at any time after contention is identified. The parties will be encouraged to meet with an objective to settle the contention. Applicants in contention always have the opportunity to resolve the contention voluntarily resulting in the withdrawal of one or more applications before reaching the contention resolution stage.

- A **community priority (comparative) evaluation** will take place only if a community-based applicant in a contention set ~~has~~ elects~~ed~~ this option~~comparative evaluation~~. All community-based applicants will be offered this option in the event that there is contention remaining after the applications in a contention set have successfully completed all previous evaluation stages.

- An **auction** will result in cases of contention not resolved by community priority (comparative) evaluation or agreement between the parties. Auction occurs as a contention resolution means of last resort. If a community priority (comparative) evaluation occurs but does not produce a clear winner, an auction will take place to resolve the contention.~~the efficient mechanism will then result.~~

Refer to Module 4, String Contention Procedures, for detailed discussions of contention resolution procedures.

Contract Execution and Post-Delegation – A community-based gTLD applicant will be subject to certain post-delegation contractual obligations ~~(see the draft agreement at http://www.icann.org/en/topics/new-gtlds/draft-agreement-18feb09-en.pdf)~~ to operate the gTLD in a manner consistent with the restrictions associated with its community-based designation. ICANN must approve all material changes to the contract, including changes to community-based nature of the gTLD and any associated provisions.

Community-based applications are intended to be a narrow category, for applications where there are distinct associations among the applicant, the community served, and the applied-for gTLD string. Evaluation of an applicant's designation as community-based will occur only in the event of a contention situation that results in a community priority (comparative) evaluation. However, any applicant designating its application as community-based will, if the application is approved, be bound by the registry agreement to implement the community-based restrictions it has specified in the application. This is true even if there are no contending applicants.

1.2.3~~2~~.3 Changes to Application Designation

An applicant may not change its designation as standard~~open~~ or community-based once it has submitted a gTLD application for processing.

~~*1.2.3 Required Documents*~~

~~Applicants should be prepared to submit the following documents, which are required to accompany each application:~~

1. ~~**Proof of legal establishment** – Examples of acceptable documentation include articles or a certificate of incorporation, articles of association or equivalent documents relative to the type of entity and the jurisdiction in which it is formed, such as statutes or membership agreements of the entity.~~
2. ~~**Proof of good standing** – Examples of acceptable documentation include a certificate of good standing or other equivalent official document issued by a competent government authority, if offered by a governmental authority for the jurisdiction.~~

~~Under some laws or jurisdictions, it may be possible to prove both establishment and good standing with a single document. That is, the same document may suffice for items 1 and 2.~~

~~If no such certificates or documents are available in the applicant's jurisdiction, an affidavit drafted and signed by a notary public or a legal practitioner duly qualified to represent clients before the courts of the country in which the applicant's organization is established, declaring that the organization is established and in good standing, must be submitted.~~

3. ~~If the applicant is a government body or organization, it must provide a~~ ~~**certified copy of the act**~~ ~~wherein or governmental decision whereby the government body or organization was established.~~

~~ICANN is aware that practices and documentation standards vary from region to region, and has attempted to account for a variety of these practices when specifying the requirements. Applicants with exceptional circumstances should contact ICANN to determine how to provide appropriate documentation.~~

4. ~~**Financial statements**~~~~. Applicants must provide audited financial statements for the most recently completed fiscal year for the applicant, and unaudited financial statements for the most recently ended interim financial period for the applicant. If audited financial statements are not available, applicants may submit the latest available audited financial statements and unaudited financial statements for the latest interim period. For some applicants, such as newly formed entities, a pro forma balance sheet will be acceptable~~

5. ~~Before delegation:~~ ~~**documentary evidence of ability to fund ongoing basic registry operations**~~ ~~for registrants for a period of three to five years in the event of registry failure or default, until a successor operator can be designated.~~

~~All documents must be valid at the time of submission.~~

~~Supporting documentation should be submitted in the original language. English translations are not required.~~

~~Some supporting documentation will be required only in certain cases:~~

1. ~~***Community endorsement –***~~ ~~If an applicant has designated its application as community-based, it will be asked to submit a written endorsement of its application by an established institution representing the community it has named.~~

2. ~~***Government support or non-objection***~~ ~~– If an applicant has applied for a gTLD string that is a geographical term, the applicant is required to submit a statement of support or non-objection for its application from the relevant government(s) or public authorities. Refer to subsection 2.1.1.4 for more information on the requirements for geographical names.~~

3. ~~***Documentation of outside funding commitments –***~~ ~~If an applicant lists outside sources of funding in its~~

~~application, it must provide evidence of commitment by the party committing the funds.~~

1.2.4 Notice concerning Technical Acceptance Issues with New gTLDs

All applicants should be aware that approval of an~~their~~ application~~s~~ and entry~~ering~~ into a registry agreement with ICANN do not guarantee that a~~the~~ new gTLD will immediately function throughout the Internet. Past experience indicates that network operators may not immediately fully support new top-level domains, even when these domains have been delegated in the DNS root zone, since third-party software modification may be required and may not happen immediately.

Similarly, software applications sometimes attempt to validate domain names and may not recognize new or unknown top-level domains. ICANN has no authority or ability to require that software accept new top-level domains although it does prominently publicize which top-level domains are valid and has developed a basic tool to assist application providers in the use of current root-zone data.

ICANN encourages applicants to familiarize themselves with these issues and account for them in their startup and launch plans. Successful applicants may find themselves expending considerable efforts working with providers to achieve acceptance of their new top-level domain.

Applicants should review http://www.icann.org/en/topics/TLD-acceptance/ for background. IDN applicants should also review the material concerning experiences with IDN test strings in the root zone (see http://idn.icann.org/).

1.2.5 Terms and Conditions

All applicants must agree to a standard set of Terms and Conditions for the application process. The Terms and Conditions are available in Module 6 of this guidebook~~RFP~~.

1.2.6 Notice of Changes to Information

If at any time during the evaluation process information previously submitted by an applicant becomes untrue or inaccurate, the applicant must promptly notify ICANN via submission of the appropriate forms~~and submit updated information~~. This includes applicant-specific information such as changes in financial position and changes in ownership or control of the applicant. ~~-~~ICANN reserves the right to require a re-evaluation of the application in the event of a material change.

1.2.7 Voluntary Verification for High Security Zones[4]

An applicant for a new gTLD has the option of taking steps to gain a “verified” status by meeting a set of requirements additional to those that are in place for all applicants. If achieved, this status would allow the new gTLD registry operator to display a seal indicating that it is verified as a high-security zone, to enhance consumer awareness and trust.

The verification opportunity is entirely optional. A choice not to pursue verification at the time of the application does not reflect negatively on the applicant nor affect its scores in the evaluation process. The process for verification is entirely independent of the evaluation process and requires submission of a separate request with supporting information.

To achieve verification, the registry operations must be consistent with the following principles:

1. The registry maintains effective controls to provide reasonable assurance that the security, availability, and confidentiality of systems and information assets supporting critical registry functions (i.e., registration services, registry databases, zone administration, and provision of domain name resolution services) and business operations are maintained.

2. The registry maintains effective controls to provide reasonable assurance that the processing of core registry functions is authorized, accurate, complete, and performed in a timely manner in accordance with established policies and standards. The identity of participating entities is established and authenticated.

3. The registry maintains effective controls to provide reasonable assurance that the processing of core registrar functions by its registrars is authorized, accurate, complete, and performed in a timely manner in accordance with established policies

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[4] This section is newly included in the guidebook, for comment, with additional details to follow.

and standards. The identity of participating entities is established and authenticated.

The processes required to achieve this high-security status include verification of both registry operations and supporting registrar operations. The verification assessment is performed by an independent entity, external to the gTLD evaluation process.

In the event that an applicant wishes to pursue the verification option, it participates in a two-phased process.

(1) Prior to delegation of the new gTLD, the applicant participates in an assessment (Phase 1) to establish that the TLD operator has designed and established appropriate technical and procedural controls for operations, in line with the requirements.

(2) After the new gTLD has been delegated and begins operations, a specified period will be given for the registry operator to implement all the pre-approved processes and controls. There will then be a second verification assessment (Phase 2) that will test the processes, controls, and procedures documented in Phase 1 to validate that the registry is operating as planned. If deficiencies are identified by the independent assessment agency, they will be communicated to ICANN and the registry operator. The registry operator will have a limited time to resolve the problem before the applicant's request for verification will be turned down. The registry operator is free to re-apply for verification at a later time.

In the event that any new gTLD application completes the evaluation and the TLD is delegated, the registry operator may choose at a later point to request verification and would then complete the above tests in one step. That is, an applicant may choose to take the steps to obtain verification after it has completed the evaluation process and is operating its new gTLD, rather than concurrently with the evaluation process.

The controls necessary to support verification are assessed through audit on a periodic basis, to retain the gTLD's verified status.

The applicant will be required to pay additional fees for both phases of the verification process. The fees will be revenue neutral and will likely be paid to a third party directly.

See the explanatory memorandum *A Model for a High Security Zone Verification Program* for a detailed discussion of the verification option for high security zones.

1.3 *Information for Internationalized Domain Name Applicants*

Some applied-for gTLD strings are expected to be Internationalized Domain Names (IDNs) that require the insertion of IDN-encoded A-labels into the DNS root zone. IDNs are domain names~~labels~~ including characters used in the local representation of languages not written with the basic Latin alphabet (a - z), European-Arabic digits (0 - 9), and the hyphen (-). ~~that contain one or more letters or characters other than LDH (letters a,…z; digits 0,…9; and the hyphen "-").~~

A~~If a~~n applicant~~ applies~~ for an IDN~~such a~~ string~~, it~~ must provide accompanying information indicating compliance with the IDNA protocol and other requirements. The IDNA protocol is currently under revision and its documentation can be found at http://tools.ietf.org/wg/idnabis/.~~http://www.icann.org/en/topics/idn/rfcs.htm.~~

Applicants must provide applied-for gTLD strings in the form of both a **U-label** and an **A-label**.

An A-label is the ASCII form of an IDN label~~the ASCII-Compatible Encoding form of an IDNA-valid string~~. Every A-label begins with the IDNA ACE prefix, "xn--", followed by a string that is a valid output of the Punycode algorithm, and hence is a maximum of 59 ASCII characters in length. The prefix and string together must conform to all requirements for a label that can be stored in the DNS including conformance to the LDH (host name) rule described in RFC 1034, RFC 1123, and elsewhere.

A U-label is the Unicode form of an IDN label, which a user expects to be displayed.~~an IDNA-valid string of Unicode characters, including at least one non-ASCII character, expressed in a standard Unicode Encoding Form, normally UTF-8 in an Internet transmission context.~~

For example, using the current IDN test string in Cyrillic script, the U-label is <**испытание**> and the A-label is <**xn--~~—~~80akhbyknj4f>.** An A-label must be capable of being produced by conversion from a U-label and a U-label must be capable of being produced by conversion from an A-label.

Applicants for IDN gTLDs will also be required to provide the following at the time of the application:

1. Short form of string (in English). The applicant will provide a short description of what the string would mean or represent in English.
2. Language of label (ISO 639-1). The applicant will specify the language of the applied-for TLD string, both according to the ISO's codes for the representation of names of languages, and in English.
3. Script of label (ISO 15924). The applicant will specify the script of the applied-for gTLD string, both according to the ISO codes for the representation of names of scripts, and in English.
4. Unicode code points. The applicant will list all the code points contained in the U-label according to its Unicode form.
5. ~~Its~~ IDN tables. An IDN table provides the list of characters eligible for registration in domain names according to registry policy. It will contain any multiple characters that can be considered "the same" for the purposes of registrations at the second level ("variant characters"). Once in use by an active TLD registry, tables will be lodged in the IANA Repository of IDN Practices. For additional information, see existing tables at http://iana.org/domains/idn-tables/, and submission guidelines at http://iana.org/procedures/idn-repository.html.
6. Applicants must further demonstrate that they have made reasonable efforts to ensure that the encoded IDN string does not cause any rendering or operational problems. For example, problems have been identified in strings with characters of mixed right-to-left and left-to-right directionality when numerals are adjacent to the path separator (i.e., a dot). If an applicant is applying for a string with known issues, it should document steps that will be taken to mitigate these issues in applications. While it is not possible to ensure that all rendering problems are avoided, it is important that as many as possible are identified early and that the potential registry operator is aware of these issues. Applicants can become familiar with these issues by understanding the IDNA protocol and in particular the proposed new version of the IDNA protocol (see http://www.icann.org/en/topics/idn/rfcs.htm), and by

active participation in the IDN wiki (see http://idn.icann.org/) ~~.~~where some rendering problems are demonstrated.

7. **[Optional]** - Representation of label in phonetic alphabet. The applicant may choose to provide its applied-for gTLD string notated according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/~~http://www.arts.gla.ac.uk/IPA/ipachart.html~~). Note that this information will not be evaluated or scored. The information, if provided, will be used as a guide to ICANN in responding to inquiries or speaking of the application in public presentations.

Note on Variants -- Currently, the gTLD application process is established so that each application is for one string, whether ASCII or IDN. There has been comment that applications for IDN strings should also accommodate variant strings. Discussions on possible methods of managing variants at the top level have indicated that restricting variants from being delegated in the DNS root zone might disenfranchise certain regions that otherwise would benefit greatly from the introduction of IDN TLDs.

Delegating variant TLDs in the root zone without a mechanism for ensuring that the TLDs are treated in a method that guarantees a good user experience is a stability concern related to confusability for end-users. This can be compared to the "companyname.com" situation, where two domain names (one with all Latin characters and the other with mixed Latin and Cyrillic) look identical, but were different technically. Users clicked on the "wrong" address leading to a site different than expected. This activity resulted in a change in the IDN Guidelines, requiring that scripts not be mixed in domain names unless there is a linguistic reason for doing so (e.g., in the case of Japanese that is represented by mixing of four scripts). This is also a requirement for TLDs, but does not solve the variant issue.

At the same time, disallowing or blocking variant TLDs means that some users will have a very difficult time using the IDN TLDs. In some cases it is not possible for the user to know which character he or she is typing. Some keyboards will offer one or another variant character but not both. In this way, without the variant TLDs in the root, communities may be getting error messages when attempting to reach, for example, a web address with a domain name under one of these IDN TLDs. This is not the intent of IDN deployment. Rather, the objective is to help all communities have equal access to the Internet.

Not all variants are visually confusing. To maximize benefit, ICANN has attempted to define variants in a narrow manner, only including variants that are visually confusing. The intent was to allow variant TLDs that are not visually confusable with others to be delegated in the DNS root zone while a stable solution was found to address the variants that are similar.

At this time it is an open question whether stability issues include variant TLDs that look different, and are typed differently, but are used interchangeably for the same term by the users.

Another open question is the content of an agreement between the IDN TLD operator and ICANN requiring that registrations under two variant TLDs be handled (say, in a bundled or aliased manner, following RFC 3747, or a different technical solution) in a certain manner.

Finally, there is the question of whether it is necessary to enforce rules required for the development of IDN Tables. IDN Tables hold information about the characters that should be treated as variants. The TLD operators develop IDN tables. Presently, TLD operators are urged to consider linguistic and writing system issues in their work of defining variants, and cooperate with other TLD operators that offer the same or very similar looking characters. This is not always practically possible, and there are currently no rules about defining variants. There also are no defined dispute mechanisms in cases where communities may disagree on a variant definition.

An implementation support team of technical and linguistic experts is examining this set of issues and expects to publish a proposed solution for managing variants at the top level. The proposed solution would then be available for public comment.

1.4 Submitting an Application

Applicants may complete the application form and submit supporting documents using ICANN's TLD Application System (TAS). To access the system~~tool~~, each applicant~~s~~ must first register as a TAS user.~~, which includes paying a user registration fee of USD100.~~

As TAS users, applicants will be able to provide responses in open text boxes and submit required supporting documents as attachments. Restrictions on the size of attachments as well as the file formats are included in the instructions on the TAS site.

ICANN will not accept application forms or supporting materials submitted through other means than TAS (that is, hard copy, fax, email), unless such submission is in accordance with specific instructions from ICANN to applicants.

1.4.1 Accessing the TLD Application System

The TAS site is located at [URL to be inserted in final version of Applicant Guidebook].

~~TAS features include:~~

~~1.4.1.1 Workflow Management~~

~~This feature allows applicants to check the status of their applications through TAS.~~

~~*1.4.1.2 Security*~~

~~ICANN uses all reasonable efforts to protect applicant information submitted through TAS. TAS uses advanced Internet security technology to protect applicant information against unauthorized access. This technology includes:~~

~~***Secure Socket Layer (SSL)*** – To ensure that confidential information remains confidential, it is sent to TAS in a secure session using SSL technology. SSL technology scrambles or encrypts information as it moves between the user's browser and TAS.~~

~~***Limited TAS Authorized Users and Permission Levels*** – TAS is a hierarchical system with defined user roles and permissions. ICANN-authorized personnel have access only to the portions of the system they need. For example, an accounting user may only need access to perform updates to the portion of a record indicating whether an applicant's evaluation fee has been received.~~

ICANN will take commercially reasonable steps to protect all applicant data submitted from unauthorized access, but cannot warrant against the malicious acts of third parties who may, through system corruption or other means, gain unauthorized access to such data.

1.4.2 Application Form

~~Technical Support~~

~~TAS users can refer to the FAQ/knowledge base or contact [email address to be inserted in final version of Applicant Guidebook] for help using the system. Users can expect to receive a tracking ticket number and a response within 24 to 48 hours through the TAS submission tool.~~

The application form encompasses a set of 50 questions. An overview of the areas and questions contained in the form is shown here:

No.	General Questions
1	Full legal name of Applicant
2	Principal business address
3	Phone number of Applicant
4	Fax number of Applicant
5	Email address for Applicant
6	Primary Contact: Name, Title, Address, Phone, Fax, Email
7	Secondary Contact: Name, Title, Address, Phone, Fax, Email
8	Proof of legal establishment
9	Proof of good standing
10	Business ID, Tax ID, VAT registration number, or equivalent of Applicant
11	Applicant background: previous convictions, cybersquatting activities
12	Evaluation fee payment confirmation
13	Applied-for gTLD string,
14	IDN string information, if applicable

15	IDN tables, if applicable
16	Mitigation of IDN operational or rendering problems, if applicable
17	Representation of string in International Phonetic Alphabet (Optional)
18	Is the application for a community-based TLD?
19	If community based, describe elements of community and proposed policies
20	Mission/purpose of the TLD
21	Is the application for a geographical name? If geographical, documents of support required
22	Provide measures for protection of geographical names at second level
23	Registry Services: name and full description of all registry services to be provided
No.	**Technical and Operational Questions**
24	Technical overview of proposed registry
25	Architecture
26	Database capabilities
27	Geographic diversity
28	DNS service compliance
29	SRS performance
30	EPP
31	Security policy
32	IPv6 reachability
33	Whois
34	Registration life cycle
35	Abuse prevention and mitigation
36	Rights protection mechanisms

37	Data backup
38	Escrow
39	Registry continuity
40	Registry transition (Confidential)
41	Failover testing
42	Monitoring and fault escalation processes
43	DNSSEC
44	IDNs (Optional)
No.	**Financial Questions**
45	Financial statements (Confidential)
46	Projections template: costs and funding (Confidential)
47	Costs: setup and operating (Confidential)
48	Funding and revenue (Confidential)
49	Contingency planning: barriers, funds, volumes (Confidential)
50	Continuity: financial instrument (Confidential)

1.4.3 Technical Support

TAS users can refer to the FAQ/knowledge base or contact [email address to be inserted in final version of Applicant Guidebook] for technical help using the system. Users can expect to receive a tracking ticket number for a technical support request, and a response within 24 to 48 hours through the TAS submission tool.

1.4.4~~3~~ Backup Application Process

If the online application system is not available, ICANN will provide alternative instructions for submitting applications.

1.5 Fees and Payments

This section describes the fees to be paid by the applicant. Payment instructions are also included here.

1.5.1 gTLD Evaluation Fee~~Description of Fees~~

~~The following fees are~~ The gTLD evaluation fee is required from all applicants.~~:~~

~~***TAS User Registration Fee*** – USD 100. This fee enables a user to enter the online application system. This fee is nonrefundable.~~

~~***gTLD Evaluation Fee*** –~~ This fee is in the amount of USD 185,000. ICANN will not begin its evaluation of an application unless it has received the gTLD evaluation fee by [time] UTC [date].~~the due date. Refer to subsection 1.5.4.~~ The gTLD evaluation fee is set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded and revenue neutral, and is not subsidized by~~doesn't take~~ existing contributions~~resources~~ from~~ other~~ ICANN funding sources, including generic TLD registries and registrars, ccTLD contributions and RIR contributions.

The gTLD evaluation fee covers all required reviews in Initial Evaluation and, in most cases, any required reviews in Extended Evaluation. If an extended Registry Services review takes place, an additional fee will be incurred for this review (see section 1.5.2). There is no additional fee to the applicant for Extended Evaluation for DNS stability, geographical names, technical and operational, or financial reviews. The evaluation fee also covers community priority (comparative) evaluation fees in cases where the applicant achieves a passing score.

Refunds -- In certain cases, refunds of a portion of the evaluation~~is~~ fee may be available for applications that are withdrawn before the evaluation process is complete. The amount of the refund will depend on the point in the process at which the withdrawal is made, as follows:

Refund Available to Applicant	**Percentage of Evaluation Fee**	**Amount of Refund**
After posting of applications until posting of Initial Evaluation results	70%	USD 130,000
After posting Initial Evaluation results	35%	USD 65,000
After the applicant has completed Dispute Resolution,	20%	USD 37,000

Extended Evaluation, or String Contention Resolution(s)		

Thus, any applicant that has not been successful is eligible for at least a 20% refund of the evaluation fee if it withdraws its application.

An applicant that wishes to withdraw an application must submit the required form to request a refund, including agreement to the terms and conditions for withdrawal. Refunds will only be issued to the organization that submitted the original payment. All refunds are paid by wire transfer. Any bank transfer or transaction fees incurred by ICANN will be deducted from the amount paid. ~~(Refer to subsection 1.5.5). .~~

Note on 2000 proof-of-concept round applicants -- Participants in ICANN's proof-of-concept application process in 2000 may be eligible for a credit toward the evaluation fee. The credit is in the amount of USD 86,000 and is subject to:

- submission of documentary proof by the applicant that it is the same entity, a successor in interest to the same entity, or an affiliate of the same entity that applied previously;
- ~~and~~ a confirmation that the applicant was not awarded any TLD string pursuant to the 2000 proof of concept application round and that the applicant has no legal claims~~there are no existing legal rights remaining~~ arising from the 2000 proof of concept ~~round~~ process; and
- submission of an application, which may be modified from the application originally submitted in 2000, for the same TLD string that such~~the same~~ entity applied for in the 2000 proof-of-concept application round.

Each participant in the 2000 proof-of-concept application process is eligible for at most one credit. A maximum of one credit may be claimed for any new gTLD application submitted according to the process in this guidebook. Eligibility for this credit is determined by ICANN.

1.5.2 Fees Required in Some Cases

Applicants may be required to pay additional fees in certain cases where specialized process steps are applicable. Those possible additional fees include:

- ***Registry Services Review Fee –*** If applicable, this fee is payable for additional costs incurred in referring an application to the RSTEP for an extended review. Applicants will be notified if such a fee is due. The fee for a three member RSTEP review team is anticipated to be USD 50,000. In some cases, five-member panels might be required, or there might be increased scrutiny at a greater cost. In every case, the applicant will be advised of the ~~review~~ cost before ~~its~~ initiation of the review. Refer to subsection 2.1.3 of Module 2 on Registry Services review.~~[5]~~

- ***Dispute Resolution Filing Fee –*** This amount must accompany any filing of a formal objection and any response that an applicant files to an objection. This fee is payable to the applicable dispute resolution service provider in accordance with the provider's payment instructions. ICANN estimates that non-refundable filing fees could range from approximately USD 1,000 to USD 5,000 (or more) per party per proceeding. Refer to the appropriate provider for the relevant amount. Refer to Module 3 for dispute resolution procedures.

- ***Dispute Resolution Adjudication Fee –*** This fee is payable directly to the applicable dispute resolution service provider in accordance with that provider's procedures and schedule of costs. Ordinarily, both parties in the dispute resolution proceeding will be required to submit an advance payment of costs in an estimated amount to cover the entire cost of the proceeding. This may be either an hourly fee based on the estimated number of hours the panelists will spend on the case (including review of submissions, facilitation of a hearing, if allowed, and preparation of a decision), or a fixed amount. In cases where disputes are consolidated and there are more than two parties involved, the advance payment of fees

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~~[5] Some comments suggested that the Registry Services Review Fee should be folded into the Evaluation Fee paid by all applicants. An extended Registry Services review is expected to be a rare occurrence; however, the cost of the extended review is high, and the actual frequency of the review is uncertain. The approach here features the cost of the Registry Services Review being borne by those applicants who are using the process.~~

will occur according to the dispute resolution service provider's rules.

The prevailing party in a dispute resolution proceeding will have its advance payment refunded, while the non-prevailing party will not receive a refund and thus will bear the cost of the proceeding. In cases where disputes are consolidated and there are more than two parties involved, the refund of fees will occur according to the dispute resolution service provider's rules.

ICANN estimates that adjudication fees for a proceeding involving a fixed amount could range from USD 2,000 to USD 8,000 (or more) per proceeding. ICANN further estimates that an hourly rate based proceeding with a one-member panel could range from USD 32,000 to USD 56,000 (or more) and with a three-member panel it could range from USD 70,000 to USD 122,000 (or more). These estimates may be lower if the panel does not call for written submissions beyond the objection and response, and does not allow a hearing. Please refer to the appropriate provider for the relevant amounts or fee structures. Refer also to Section 3.3~~2~~ of Module 3 for further details.

- ***Community Priority (Comparative) Evaluation Fee –*** In the event that the applicant participates in a community priority (comparative) evaluation, t~~T~~his fee is payable as a deposit in an amount to cover the cost of the ~~comparative evaluation~~ panel's review of that application (currently estimated at USD 10,000). ~~-~~The deposit is payable to the provider appointed to handle community priority (comparative) evaluations.~~, in the event that the applicant participates in a comparative evaluation.~~ Applicants will be notified if such a fee is due. Refer to Section 4.2 of Module 4 for circumstances in which a community priority (comparative) evaluation may take place. An applicant who scores at or above the threshold~~is declared the winner~~ for~~of~~ the~~a~~ community priority (comparative) evaluation will have its deposit refunded.

ICANN will notify the applicants of due dates for payment in respect of additional fees (if applicable).

This list does not include fees (~~that is,~~ annual registry fees) that will be payable to ICANN following execution of a registry agreement. ~~See http://www.icann.org/en/topics/new-gtld-draft-agreement-18feb09-en.pdf.~~

1.5.3~~2~~ Payment Method~~s~~

Payments to ICANN should ~~may~~ be submitted by **wire transfer**.~~, ACH, money order, or check.~~

~~1.5.2.1 Wire Transfer Payment~~

Instructions for making a payment by wire transfer will be available in TAS.[6]

~~1.5.2.2 ACH Payment~~

~~Instructions for making **ACH payments** will be available in TAS.~~

~~1.5.2.3 Credit Card Payment~~

~~To make a **credit card payment**, note:~~

~~ICANN accepts Visa, MasterCard/Maestro, American Express and Discover credit cards as forms of payment. The maximum amount accepted is USD 20,000 per invoice.~~

- ~~Fill out and sign the Credit Card Payment Form at http://www.icann.org/en/financials/credit.pdf.~~
- ~~Send the completed form to ICANN at fax: +1.310.823.8649~~

~~Or mail the form to:~~

~~Internet Corporation for Assigned Names and Numbers (ICANN)~~
~~Attention: Finance Department~~
~~4676 Admiralty Way, Suite 330~~
~~Marina del Rey, CA 90292-6601 USA~~

~~1.5.2.4 Check or Money Order Payment~~

~~To make a **payment by check or money order** (USD only), mail or deliver by private carrier to:~~

~~Internet Corporation for Assigned Names and Numbers (ICANN)~~
~~Attention: Finance Department~~
~~4676 Admiralty Way, Suite 330~~
~~Marina del Rey, CA 90292-6601 USA~~

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[6] Wire transfer has been identified as the preferred method of payment as it offers a globally accessible and dependable means for international transfer of funds. This enables ICANN to receive the fee and begin processing applications as quickly as possible.

1.5.4~~3~~ Requesting an Invoice

The TAS interface allows applicants to request issuance of an invoice for any of the fees payable to ICANN. This service is for the convenience of applicants that require an invoice to process payments.

~~1.5.4 Deadlines for Payments~~

~~The Evaluation Fee must be received by [time] UTC [date].~~

~~ICANN will notify the applicants of due dates for payment in respect of additional fees (if applicable).~~

~~1.5.5 Withdrawals and Refunds~~

~~Refunds of the gTLD evaluation fee described in section 1.5.1 may be available to applicants who choose to withdraw prior to completing the process, as follows:~~

~~Refund Available to Applicant~~	**~~Percentage of Evaluation Fee~~**	**~~Amount of Refund~~**
~~After posting of applications~~	~~70%~~	~~USD 130,000~~
~~After Initial Evaluation~~	~~35%~~	~~USD 65,000~~
~~After any later stage~~	~~20%~~	~~USD 37,000~~

~~Thus, any applicant that has not been successful is eligible for a 20% refund of the evaluation fee if it withdraws its application.~~

~~An applicant that wishes to withdraw an application must use the TAS interface to request a refund. Refunds will only be issued to the organization that submitted the original payment. All refunds are paid by wire transfer. Any bank transfer or transaction fees incurred by ICANN will be deducted from the amount paid.~~

1.6 Questions about this Applicant Guidebook

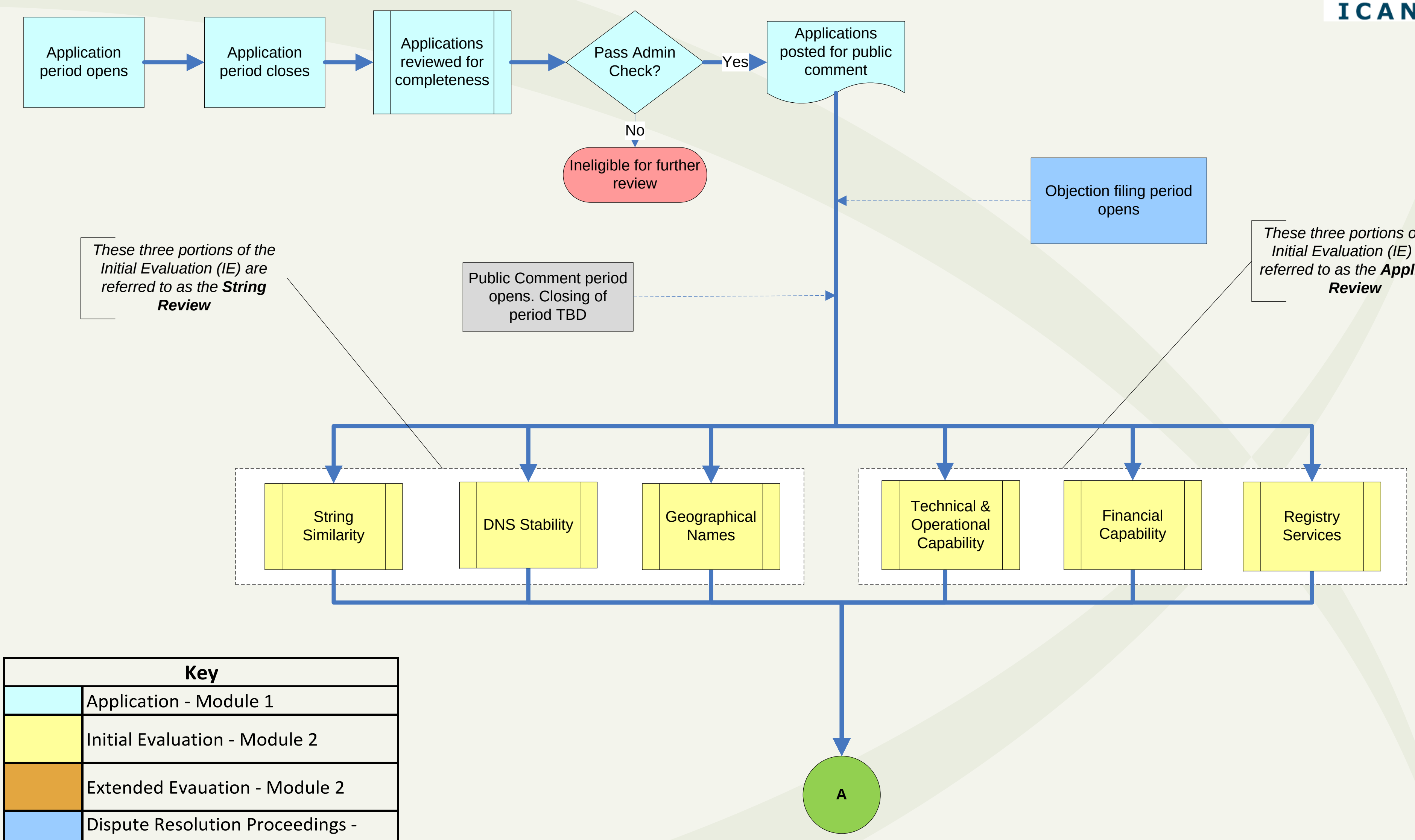
For assistance and questions an applicant may have in the process of completing the application form, a question and answer forum will be open for the duration of the application submission period. Applicants who are unsure of the information being sought in a question or the parameters for acceptable documentation are encouraged to communicate these questions before the application is submitted to avoid the need for exchanges with evaluators to clarify information, which extends the timeframe associated with the application.

Questions may be submitted to [email address to be inserted in final version of Applicant Guidebook]. ~~Applicants may submit questions about completing the application form to [email address to be inserted in final version of Applicant Guidebook].~~ To provide all applicants equitable access to information, ICANN will post all questions and answers in a centralized location on its website.

All requests to ICANN for information about the process or issues surrounding preparation of an application must be submitted in writing to the designated email address. ICANN will not grant requests from applicants for personal or telephone consultations regarding the preparation of an application. Applicants that contact ICANN for clarification about aspects of the application will be referred to the dedicated online question and answer area.

Answers to inquiries will only provide clarification about the application forms and procedures. ICANN will not provide consulting, financial, or legal advice.

DRAFT - New gTLD Program - Evaluation Process



Application period opens

Application period closes

Applications reviewed for completeness

Pass Admin Check?

Yes

Applications posted for public comment

No

Ineligible for further review

Objection filing period opens

These three portions of the Initial Evaluation (IE) are referred to as the ***String Review***

Public Comment period opens. Closing of period TBD

These three portions of the Initial Evaluation (IE) are referred to as the ***Applicant Review***

String Similarity

DNS Stability

Geographical Names

Technical & Operational Capability

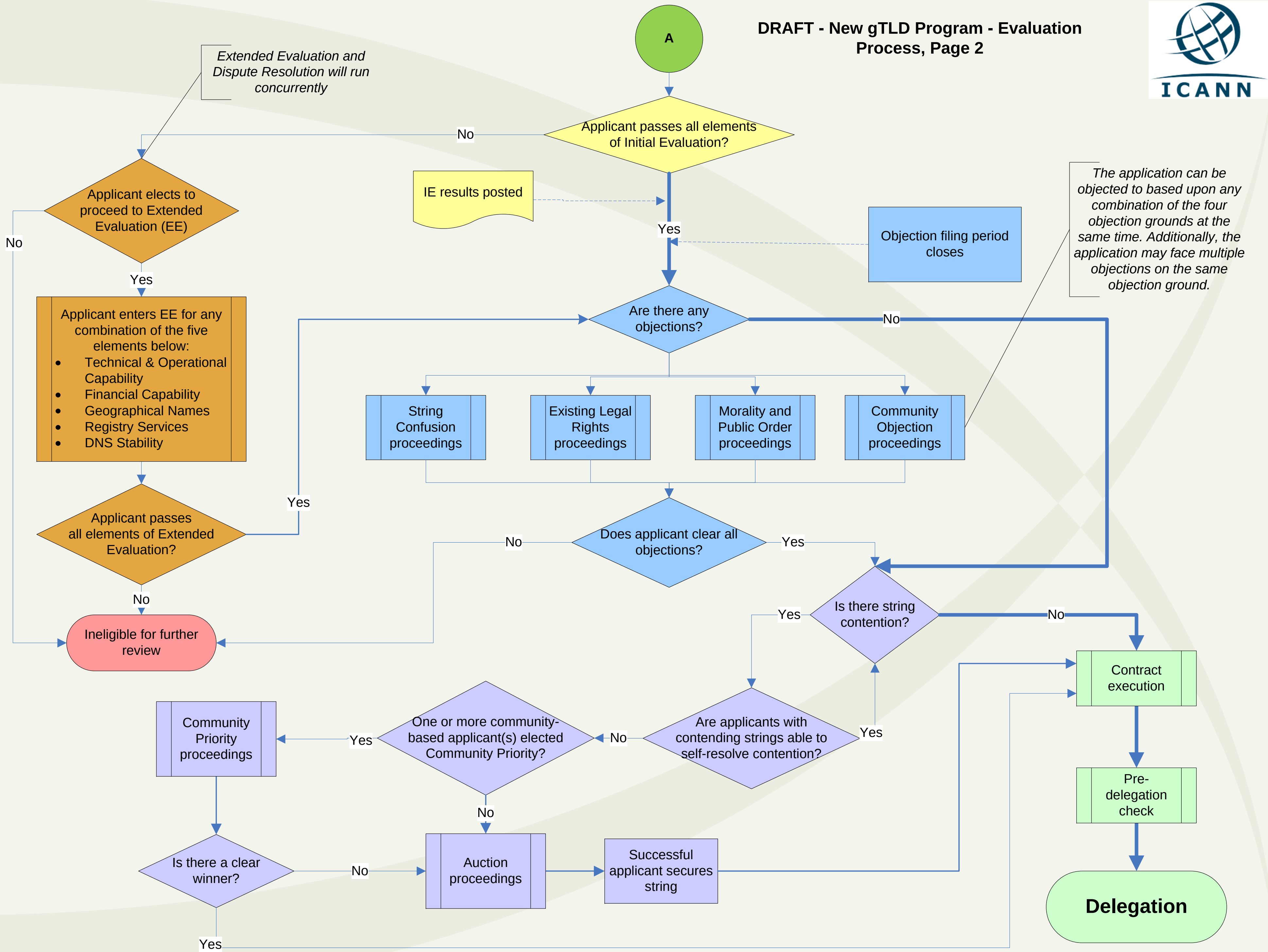
Financial Capability

Registry Services

A

Key	
🟦	Application - Module 1
🟨	Initial Evaluation - Module 2
🟧	Extended Evauation - Module 2
🟦	Dispute Resolution Proceedings - Module 3
🟪	String Contention - Module 4
🟩	Transition to Delegation - Module 5
→ Thicker Line	Indicates quickest path to delegation

DRAFT - New gTLD Program - Evaluation Process, Page 2



A

Applicant passes all elements of Initial Evaluation?

No

Extended Evaluation and Dispute Resolution will run concurrently

Applicant elects to proceed to Extended Evaluation (EE)

No

Yes

Applicant enters EE for any combination of the five elements below:
- Technical & Operational Capability
- Financial Capability
- Geographical Names
- Registry Services
- DNS Stability

Applicant passes all elements of Extended Evaluation?

Yes

No

Ineligible for further review

IE results posted

Yes

Objection filing period closes

The application can be objected to based upon any combination of the four objection grounds at the same time. Additionally, the application may face multiple objections on the same objection ground.

Are there any objections?

No

String Confusion proceedings

Existing Legal Rights proceedings

Morality and Public Order proceedings

Community Objection proceedings

Does applicant clear all objections?

No

Yes

Is there string contention?

Yes

No

Contract execution

Pre-delegation check

Delegation

Are applicants with contending strings able to self-resolve contention?

Yes

No

One or more community-based applicant(s) elected Community Priority?

Yes

No

Community Priority proceedings

Is there a clear winner?

No

Yes

Auction proceedings

Successful applicant secures string

DRAFT – For Discussion Purposes – Aug 09 – V1.82

Draft Applicant Guidebook, v3

Module 2

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 2

Evaluation Procedures

This module describes the evaluation procedures and criteria used to determine whether applied-for gTLDs are approved for delegation. All applicants will undergo an Initial Evaluation and those that do not pass all elements may request Extended Evaluation.

The first, required evaluation is the **Initial Evaluation**, during which ICANN ~~first~~ assesses an applied-for gTLD string, an applicant's qualifications, and its proposed registry services.

The following assessments are performed in the~~elements make up~~ **Initial Evaluation**:

- String Reviews
  - String similarity~~confusion~~
  - Reserved names
  - DNS stability
  - Geographical names
- Applicant Reviews
  - Demonstration of technical and operational capability
  - Demonstration of financial capability
  - Registry services reviews for DNS stability issues

An applicant must pass all these reviews to pass the Initial Evaluation. Failure to pass any one of these reviews will result in a failure to pass the Initial Evaluation.

Extended Evaluation may be applicable in cases in which an applicant does not pass the Initial Evaluation. See Section 2.2 below.

2.1 Initial Evaluation

The Initial Evaluation consists of two types of review. Each type is composed of several elements.

String review: The first review focuses on the applied-for gTLD string to test:

- Whether the applied-for gTLD string is so similar to others that it would cause user confusion;
- Whether the applied-for gTLD string might adversely affect DNS security or stability; and
- Whether evidence of requisite government approval is provided~~given~~ in the case of certain geographical names.

Applicant review: The second review focuses on the applicant to test:

- Whether the applicant has the requisite technical, operational, and financial capability to operate a registry; and
- Whether the registry services offered by the applicant might adversely affect DNS security or stability.

2.1.1 String Reviews

In the Initial Evaluation, ICANN reviews every applied-for gTLD string. Those reviews are described in greater detail in the following subsections.

2.1.1.1 String Similarity~~Confusion~~ Review

This review involves a preliminary comparison of each applied-for gTLD string against existing TLDs and against other applied-for strings. The objective of this review is to prevent user confusion and loss of confidence in the DNS. ~~This review involves a preliminary comparison of each applied-for gTLD string against existing TLDs and against other applied-for gTLD strings.~~

The review is to determine whether the applied-for gTLD string is so similar to one of the others that it would create a probability of detrimental user confusion if it were to be delegated into the root zone. The visual similarity check that occurs during Initial Evaluation is intended to augment the objection and dispute resolution process (see Module 3, Dispute Resolution Procedures) that addresses all types of similarity.

This similarity review will be conducted by ~~a~~ an independent String Similarity Panel.

2.1.1.1.1 Review Procedures

~~panel of String Similarity Examiners. It will be informed in part by an algorithmic score for the visual similarity between each applied-for string and each of other existing and applied-for TLDs. The score will provide one objective measure for consideration by the panel.~~

The String Similarity Panel's~~examiners'~~ task is to identify visual string similarities that would create a probability of ~~detrimental~~ user confusion. ~~The examiners will use a common standard to test for whether string confusion exists, as follows:~~

~~***Standard for String Confusion*** – String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.~~

The panel performs this task of assessing similarities that would lead to user confusion in ~~standard will be applied in~~ three sets of circumstances, when comparing:

- Applied-for gTLD strings against existing TLDs and reserved names;
- Applied-for gTLD strings against other applied-for gTLD strings; and
- Applied-for gTLD strings against strings requested as IDN ccTLDs.

Similarity to Existing TLDs – This review involves cross-checking between each applied-for string and the list of existing TLD strings to determine whether ~~the~~ two strings are so similar to one another that they create a probability of ~~detrimental~~ user confusion.

All TLDs currently in the root zone can be found at http://iana.org/domains/root/db/.

~~An application that fails the string confusion review and is found too similar to an existing TLD will not pass the Initial Evaluation, and no further reviews will be available.~~

In the simple case in which an applied-for gTLD string is identical to an existing TLD, the application system will recognize the existing TLD and will not allow the application to be submitted.

Testing for identical strings also takes into consideration the code point variants listed in any relevant language reference table. For example, protocols treat equivalent labels as alternative forms of the same label, just as “foo” and “Foo” are treated as alternative forms of the same label (RFC 3490).

~~An application that passes this preliminary string confusion review is still subject to challenge by an existing TLD operator or by another gTLD applicant in the current application round. That process requires that a specific objection be filed by an objector having the standing to make such an objection. Such category of objection is not limited to visual similarity. Rather, confusion based on any type of similarity (including visual, aural, or similarity of meaning) may be claimed by an objector. Refer to Module 3, Dispute Resolution Procedures, for more information about the objection process.~~

Similarity to Other Applied-for gTLD Strings (String Contention Sets) – All applied-for gTLD strings will be reviewed against one another to identify any strings that are so similar that they create a probability of ~~detrimental~~ user confusion if more than one is delegated into the root zone. In performing the string confusion review, the panel of String Similarity Examiners will create contention sets that may be used in later stages of evaluation.

A contention set contains at least two applied-for strings identical to one another or so similar that string confusion would result if more than one were delegated into the root zone. Refer to Module 4, String Contention Procedures, for more information on contention sets and contention resolution. ICANN will notify applicants who are part of a contention set by the conclusion of the Initial Evaluation period. These contention sets will also be published on ICANN’s website.

~~An applicant may file a formal objection against another gTLD application on string confusion grounds (see Module 3, Dispute Resolution Procedures). Such an objection may, if successful, change the configuration of the previously-configured contention sets in that the two applied-for gTLD strings will be considered in direct contention with one another (see Module 4, String Contention Procedures). The objection process will not result in removal of an application from a contention set.~~

Similarity to TLD strings requested as IDN ccTLDs -- Applied-for gTLD strings will also be reviewed for similarity to TLD strings requested in the IDN ccTLD Fast Track process (see http://www.icann.org/en/topics/idn/fast-track/). Should a conflict with a prospective fast-track IDN ccTLD be identified, ICANN will take the following approach to resolving the conflict.

If one of the applications has completed its respective process before the other is lodged, that TLD will be delegated. A gTLD application that has been approved by the Board will be considered complete, and therefore would not be disqualified based on contention with a newly-filed IDN ccTLD request. Similarly, an IDN ccTLD request that has completed evaluation (i.e., is “validated”) will be considered complete and therefore would not be disqualified based on contention with a newly-filed gTLD application.

If the gTLD applicant does not have the required approval from the relevant government or public authority, a validated request for an IDN ccTLD will prevail and the gTLD application will not be approved. The term “validated” is defined in the IDN ccTLD Fast Track Process Implementation, which can be found at http://www.icann.org/en/topics/idn.

If both the gTLD applicant and the IDN ccTLD requestor have the required approval from the relevant government or public authority, both applications will be kept on hold until the contention is resolved through agreement between the parties, i.e., resolved by the government.

2.1.1.1.2 Review Methodology

The String Similarity Panel is informed in part by an algorithmic score for the visual similarity between each applied-for string and each of other existing and applied-for TLDs and reserved names. The score will provide one objective measure for consideration by the panel, as part of the process of identifying strings likely to result in user confusion. It should be noted that the score is only indicative and that the final determination of similarity is entirely up to the Panel’s judgment.

The algorithm used supports the most common characters in Arabic, Chinese, Cyrillic, Devanagari, Greek, Japanese, Korean, and Latin scripts. It can also compare strings in different scripts to each other.

The algorithm, user guidelines, and additional background information are available to applicants for testing and informational purposes.[1]

The panel will examine all the algorithm data and perform its own review of similarities between strings and whether they rise to the level of string confusion. In cases of strings in scripts not yet supported by the algorithm, the panel's assessment process is entirely manual.

The panel will use a common standard to test for whether string confusion exists, as follows:

Standard for String Confusion – String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.

~~***String Similarity Algorithm*** – The String Similarity Algorithm ("Algorithm") is a tool the examiners use to provide one objective measure as part of the process of identifying strings likely to result in confusion. The Algorithm will be available in multiple scripts. The Algorithm is also available to applicants for testing and informational purposes. The Algorithm, user guidelines, and additional background information are available at http://icann.sword-group.com/icann-algorithm/.~~

~~The Algorithm calculates scores for visual similarity between any two strings, using factors such as letters in sequence, number of similar letters, number of dissimilar letters, common prefixes, common suffixes, hyphenation, and string length2. Note that hyphens are ignored when performing the comparison, so the string "E-X-A-M-P-L-E" would be scored by the Algorithm as identical to the string "EXAMPLE."~~

2.1.1.1.3 Outcomes of the String Similarity Review

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[1] *See* http://icann.sword-group.com/algorithm/

~~[2] ICANN received some questions concerning the Algorithm's incorporation of factors such as keyboard proximity, to guard against typosquatting. Keyboard proximity is not addressed as a special category of similarity, as gTLDs are used globally, and keyboards vary from one country to another. However, the purpose of the string similarity check is to avoid confusion and it is expected that typosquatting attempts by applicants will be recognized by the Algorithm or by the Examiners.~~

An application that fails the string similarity review and is found too similar to an existing TLD will not pass the Initial Evaluation, and no further reviews will be available.

An application found at risk for string confusion with another applied-for gTLD string will be placed in a contention set.

An application that passes the string similarity review is still subject to challenge by an existing TLD operator or by another gTLD applicant in the current application round. That process requires that a string confusion objection be filed by an objector having the standing to make such an objection. Such category of objection is not limited to visual similarity. Rather, confusion based on any type of similarity (including visual, aural, or similarity of meaning) may be claimed by an objector. Refer to Module 3, Dispute Resolution Procedures, for more information about the objection process.

An applicant may file a formal objection against another gTLD application on string confusion grounds (see Module 3). Such an objection may, if successful, change the configuration of the preliminary contention sets in that the two applied-for gTLD strings will be considered in direct contention with one another (see Module 4, String Contention Procedures). The objection process when initiated by an applicant cannot result in removal of an application from a contention set.

2.1.1.2 *Reserved Names Review*

The Reserved Names review involves comparison with the list of top-level Reserved Names to ensure that the applied-for gTLD string does not appear on that list.~~[3]~~

Top-Level Reserved Names List

AFRINIC	*IANA-SERVERS*	*NRO*
ALAC	*ICANN*	*RFC-EDITOR*
APNIC	*IESG*	*RIPE*
ARIN	*IETF*	*ROOT-SERVERS*

~~[3] The Top-Level Reserved Names List has not changed for this draft of the guidebook. Some comments questioned the inclusion of ICANN's name and the names of ICANN structures on the list. ICANN has taken a conservative approach by including names already reserved at the second level in most gTLDs, and will undertake the work recommended by the GNSO's Reserved Names Working Group in regard to treatment of the ICANN names. Additionally, comments suggested addition of other categories of names, such as well-known brands or geographical names to the Top-Level Reserved Names List. Discussion of these issues is included in the Public Comment Analysis at http://www.icann.org/en/topics/new-gtlds/public-comment-analysis-18feb09-en.pdf.~~

ASO	*INTERNIC*	*RSSAC*
CCNSO	*INVALID*	*SSAC*
*EXAMPLE**	*IRTF*	*TEST**
GAC	*ISTF*	*TLD*
GNSO	*LACNIC*	*WHOIS*
GTLD-SERVERS	*LOCAL*	*WWW*
IAB	*LOCALHOST*	
IANA	*NIC*	
*Note that in addition to the above strings, ICANN will reserve translations of the terms "test" and "example" in multiple languages. The remainder of the strings are reserved only in the form included above.		

If an applicant enters a Reserved Name as its applied-for gTLD string, the application system will recognize the Reserved Name and will not allow the application to be submitted.

In addition, applied-for gTLD strings are reviewed in a process identical to that described in the preceding section to determine whether they are similar to a Reserved Name. An application for a gTLD string that is identified as too similar to a Reserved Name will not pass the Reserved Names review.

2.1.1.3 DNS Stability Review

This review determines whether an applied-for gTLD string might cause instability to the DNS. In all cases, this will involve a review for conformance with technical and other requirements for gTLD strings (labels). In some exceptional cases, an extended review may be necessary to investigate possible technical stability problems with the applied-for gTLD string.

2.1.1.3.1 DNS Stability: String Review Procedure

New gTLD labels must not adversely affect the security or stability of the DNS. During the Initial Evaluation period, ICANN will conduct a preliminary review on the set of applied-for gTLD strings to:

- ensure that applied-for gTLD strings comply with the requirements provided in section 2.1.1.3.2, and
- determine whether any strings raise significant security or stability issues that may require further review.

There is a very low probability that an extended review will be necessary for a string that fully complies with the string requirements in subsection 2.1.1.3.2 of this module. However, the string review process provides an additional safeguard if unanticipated security or stability issues arise concerning an applied-for gTLD string.

ICANN will notify applicants who have not passed the Initial Evaluation due to security or stability concerns about the applied-for gTLD string by~~at~~ the conclusion of the Initial Evaluation period. Applicants will have 15 calendar days to decide whether to proceed with Extended Evaluation. See Section 2.2 for further information on the Extended Evaluation process.

2.1.1.3.2 *String Requirements*

ICANN will review each applied-for gTLD string to ensure that it complies with the requirements outlined in the following paragraphs.

If an applied-for gTLD string is found to violate any of these rules, the application will be denied. No further reviews are available.

Part I -- Technical Requirements for all Labels (Strings) – The technical requirements for~~ the selection of~~ top-level domain labels follow.

~~•~~ 1.1 The ASCII label (i.e., the label as transmitted on the wire) must be valid as specified in~~ the~~ technical standards *Domain Names: Implementation and Specification* (RFC 1035), and *Clarifications to the DNS Specification* (RFC 2181). This includes the following:

  ~~o~~1.1.1 The label must have no more than 63 characters. ~~In the case of Punycode (IDNA2008 A-label) representations of IDN labels (U-labels), this includes the four initial characters (xn--).~~

  ~~o~~1.1.2 Upper and lower case characters are treated as~~considered to be syntactically and semantically~~ identical.

~~•~~1.2 The ASCII label must be a valid host name, as specified in the technical standards *DOD Internet Host Table Specification* (RFC 952), *Requirements for Internet Hosts — Application and Support* (RFC 1123), and *Application Techniques for Checking and Transformation of Names (RFC 3696).* This includes the following:

~~o~~1.2.1 The label must consist entirely of letters, digits and hyphens.

~~o~~1.2.2 The label must not start or end with a hyphen.

~~•~~1.3 There must be no possibility for confusing an ASCII label for an IP address or other numerical identifier by application software. For example, representations such as “255”, “o377” (255 in octal) or “0xff” (255 in hexadecimal) as the top-level domain can be interpreted as IP addresses. As such, labels:[4]~~. Therefore an ASCII label must not be:~~

~~o~~1.3.1 Must not be wholly comprised of digits between “0” and “9”.~~A decimal number consisting entirely of the digits “0” through “9”;~~

1.3.2 Must not commence with “0x” or “x,” and have the remainder of the label wholly comprised of hexadecimal digits, “0” to “9” and “a” through “f.” ~~A hexadecimal number consisting of the digit “0” followed by the uppercase or lowercase letter “x||X” followed by a sequence of one or more characters all of which belong to the set of uppercase or lowercase letters “a||A” through “f||F” and the digits “0” through “9”; or~~

~~o~~ Must not commence with “0o” or “o,” and have the remainder of the label wholly comprised of digits between “0” and “7”.

~~o~~1.3.3 ~~An octal number consisting of the uppercase or lowercase letter “o||O” followed by a sequence of one or more characters all of which belong to the set of digits “0” through “7.”~~

~~•~~1.4 The ASCII label may only include hyphens in the third and fourth position if it represents a valid i~~I~~nternationalized d~~D~~omain n~~N~~ame in its A-label form (ASCII encoding as described in Part II).

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[4] ~~Refer to http://www.icann.org/en/topics/new-gtlds/update-dns-stability-18feb09-en.pdf for further background on octal and hexadecimal representations, and on the changes in this section.~~

~~•~~1.5 The presentation format of the domain (i.e., either the label for ASCII domains, or the U-label for i~~I~~nternationalized d~~D~~omain n~~N~~ames) must not begin or end with a digit.[5]

Part II -- Requirements for Internationalized Domain Names – These requirements apply only to prospective top-level domains that contain non-ASCII characters. Applicants for these internationalized top-level domain labels are expected to be familiar with the IETF IDNA standards, Unicode standards, and the terminology associated with Internationalized Domain Names.

~~•~~2.1 The label must be a valid internationalized domain name, as specified in ~~the technical standard~~ *Internationalizing Domain Names in Applications* (RFC 3490). This includes the following, non-exhaustive, list of limitations: ~~or any revisions of this technical standard currently underway within the IETF. Due to this ongoing revision, the IDN-related technical requirements are subject to change. This includes, but is not limited to, the following constraints. Note that these are guidelines and are not a complete statement of the requirements of the IDNA specifications. The label:~~

~~o~~2.1.1 Must only contain Unicode code points that are defined as “~~Protocol~~ Valid”~~ or “Contextual Rule Required”~~ in The Unicode Codepoints and IDNA (http://tools.ietf.org/wg/idnabis/~~http://www.ietf.org/internet-drafts/draft-ietf-idnabis-tables-05.txt~~), and be~~that are~~ accompanied by~~, in the case of “Contextual Rule Required,” by~~ unambiguous contextual rules where necessary.[6]

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[5] The primary concern relating to the use of leading- or trailing-numeric labels is due to issues raised by bi-directional scripts when used in conjunction with those labels. Experience has shown that presentation behavior of strings with leading or trailing numbers in bi-directional contexts can be unexpected and can lead to user confusion. As such, a conservative approach is to disallow numerals leading or trailing top-level domain labels.

This concern also applies to all-numeric strings; however, a larger concern with those strings is the risk of confusion and software incompatibilities due to the fact that a top-level domain of all numbers could result in a domain name that is indistinguishable from an IP address. That is, if (for example) the top-level domain .151 were to be delegated, it would be problematic to programmatically determine whether the string “10.0.0.151” was an IP address or a domain name.

[6] It is expected that the IDNA2008 protocol will be completed and conversion tools will be available before the Application Submission period begins, and that labels will be checked for validity under IDNA2008. In this case, labels valid under the previous version of the protocol (IDNA2003) but not under IDNA2008 will not meet this element of the requirements. Labels that are valid under both versions of the protocol will meet this element of the requirements. Labels valid under IDNA2008 but not under

~~o~~2.1.2 Must be fully compliant with Normalization Form C, as described in *Unicode Standard Annex #15: Unicode Normalization Forms*. ~~(s~~See also examples in http://unicode.org/faq/normalization.html~~)~~.

~~o~~2.1.3 Must consist entirely of characters with the same directional property. ~~(Note that this requirement may change with the revision of the IDNA protocol to allow for characters with no directional property defined in Unicode to be available along with either a right-to-left or a left-to-right directionality.)~~

~~•~~2.2 The label must meet the relevant criteria of the ICANN *Guidelines for the Implementation of Internationalised Domain Names*. See http://www.icann.org/en/topics/idn/implementation-guidelines.htm. This includes the following, non-exhaustive, list of limitations:

2.2.1 All code points in a single label must be taken from the same script as determined by the Unicode Standard Annex #24: Unicode Script Property. ~~Exceptions are permissible for languages with established orthographies and conventions that require the commingled use of multiple scripts. However, even with this exception, visually confusable characters from different scripts will not be allowed to co-exist in a single set of permissible code points unless a corresponding policy and character table are clearly defined.~~

~~o~~2.2.2 Exceptions to 2.2.1 are permissible for languages with established orthographies and conventions that require the commingled use of multiple scripts. However, even with this exception, visually confusable characters from different scripts will not be allowed to co-exist in a single set of permissible code points unless a corresponding policy and character table are clearly defined.

IDNA2003 may meet the requirements; however, applicants are strongly advised to note that the duration of the transition period between the two protocols cannot presently be estimated nor guaranteed in any specific timeframe. The development of support for IDNA2008 in the broader software applications environment will occur gradually. During that time, TLD labels that are valid under IDNA2008, but not under IDNA2003, will have limited functionality.

~~The IDNA protocol used for internationalized labels is currently under revision through the Internet standardization process. As such, additional requirements may be specified that need to be adhered to as this revision is being completed. The current status of the protocol revision is documented at http://tools.ietf.org/wg/idnabis.~~

Policy Requirements for Generic Top-Level Domains – Applied-for gTLD strings must be composed of three or more visually distinct letters or characters in the script, as appropriate.[7]

2.1.1.4 Geographical Names

~~ICANN will review all applied-for~~Applications for~~-~~ gTLD strings must~~to~~ ensure that appropriate consideration is given to the interests of governments or public authorities in country or territory names, as well as certain other types of place names. The requirements and procedure ICANN will follow are~~is~~ described in the following paragraphs.

2.1.1.4.1 ~~*Categories of*~~ *Strings Considered Geographical Names*

The following types of applications are considered geographical names and must be accompanied by documentation of support or non-objection from the relevant government~~(~~s~~)~~ or public authorit~~y(~~ies~~)~~:

~~•~~ 1. An application for any string that is ~~a meaningful representation of~~ a *country or territory name*. A string shall be considered to be a country or territory name if: ~~listed in the ISO 3166-1 standard (see http://www.iso.org/iso/country_codes/iso_3166_databases.htm), as updated from time to time. A meaningful representation includes a representation of the country or territory name in any language.~~

~~A string is deemed a meaningful representation of a country or territory name if it is:~~

~~o The name of the country or territory; or~~

~~[7] ICANN received a number of comments suggesting that gTLDs consisting of fewer than three characters should be allowed in some cases, for example, in scripts featuring ideographs. The issues with defining requirements for certain cases are discussed in further detail in the Public Comment Analysis at http://www.icann.org/en/topics/new-gtlds/public-comment-analysis-18feb09-en.pdf and ICANN invites further input on solutions.~~[7] The requirement for gTLD strings to consist of at least three visually distinct characters remains under discussion. An implementation support team of technical and linguistic experts is currently engaging in work on a proposed solution to enable gTLDs of fewer than three characters where appropriate. The proposed solutions will then be made available for public comment.

~~o A part of the name of the country or territory denoting the country or territory; or~~

~~A short-form designation for the name of the country or territory that is recognizable and denotes the country or territory.~~

i. it is an alpha-3 code listed in the ISO 3166-1 standard.

ii. it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language.

iii. it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language.

iv. it is the short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency.

v. it is a separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module.

~~o~~vi. It is a permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or removal of grammatical articles like "the." A transposition is considered a change in the sequence of the long or short–form name, for example, "RepublicCzech" or "IslandsCayman."

~~•~~2. An application for any string that is an exact match of a *sub-national place name*, such as a county, province, or state, listed in the ISO 3166-2 standard[8]~~,~~ ~~as updated from time to time~~.

~~[8] ICANN is continuing to use the ISO 3166-1 and 2 lists as the most applicable references for the new gTLD process. The 3166-2 list is intended to be used in conjunction with the 3166-1 list, which was selected by Jon Postel as the basis for allocating ccTLDs, in the knowledge that ISO has a procedure for determining which entities should and should not be included. The ISO 3166-2 list provides an independent and dynamic source of names which is consistent with ICANN's existing processes.~~

3. An application for any string that is a representation, in any language, of the *capital city name* of any country or territory listed in the ISO 3166-1 standard.

4. An application for a *city name*, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.

5. An application for a string which represents a *continent or UN region* appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list~~ at http://unstats.un.org/unsd/methods/m49/m49regin.htm~~.[9]

   In the case of an application for a string which represents a continent or UN region, documentation of support~~, or non-objection,~~ will be required from at least 69%~~a substantial number~~ of the relevant governments in the region, and there may be no more than one written objection to the application from relevant governments in the region and/or public authorities associated with the continent or the UN region.

An applied-for gTLD string that falls into any the above categories is considered to represent a geographical name. In the event of any doubt, it is in the applicant's interest to consult with relevant governments and public authorities and enlist their support or non-objection prior to submission of the application, in order to preclude possible objections and pre-address any ambiguities concerning the string and applicable requirements.

In the event that there is more than one relevant government or public authority for the applied-for gTLD string, the applicant must provide documentation of support or non-objection from all the relevant governments or public authorities.

It is the applicant's responsibility to:

- identify whether its applied-for gTLD string falls into any of the above categories; and
- determine the relevant government~~(s)~~ or public authorit~~y(~~ies~~)~~; and

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[9] *See* http://unstats.un.org/unsd/methods/m49/m49regin.htm.

- identify which level of government support is required.

The requirement to include documentation of support for certain applications does not preclude or exempt applications from being the subject of objections on community grounds (refer to subsection 3.1.1 of Module 3), under which applications may be rejected based on objections showing substantial opposition from the targeted community.

2.1.1.4.2 Documentation Requirements

The documentation of support or non-objection ~~from the relevant government or public authority~~ should include a signed letter ~~of support~~ from the relevant government or public authority. Understanding that this will differ across the respective jurisdictions, the letter could be signed ~~or non-objection from the~~by the minister with the portfolio responsible for domain name administration, ICT, foreign affairs or the Office of the Prime Minister or President of the relevant jurisdiction; or a senior representative of the agency or department responsible for domain name administration, ICT, foreign affairs, or the Office of the Prime Minister. To assist the applicant in determining who the relevant government or public authority may be for a potential geographic name, the applicant may wish to consult with the relevant Governmental Advisory Committee (GAC) representative.[10] ~~If there are reasons for doubt about the authenticity of the communication, ICANN will consult with the relevant diplomatic authorities or members of ICANN's Governmental Advisory Committee for the government or public authority concerned on the competent authority and appropriate point of contact within their administration for communications.~~

The letter must clearly express the government's or public authority's support for or non-objection to~~for~~ the applicant's application and demonstrate the government's or public authority's understanding of the string being requested and intended use.

The letter should also demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and the applicant is willing to accept the conditions under which the string will be available, i.e., entry into a registry agreement with ICANN requiring compliance with consensus policies and payment of fees. (See Module 5 for a discussion of the obligations of a gTLD registry operator.)

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[10] *See* http://gac.icann.org/index.php?name=Representatives&mode=4.

It is important to note that a government or public authority is under no obligation to provide documentation of support or non-objection in response to a request by an applicant.

If there are reasons for doubt about the authenticity of the communication, ICANN will consult with the relevant diplomatic authorities or members of ICANN's Governmental Advisory Committee for the government or public authority concerned on the competent authority and appropriate point of contact within their administration for communications.

2.1.1.4.3 *Review Procedure for Geographical Names*

A Geographic Names Panel (GNP) will ~~be established to~~ confirm whether each applied-for gTLD string represents a geographical name, and ~~to~~ verify the relevance and authenticity of the supporting documentation where necessary. ~~It is the intention that ICANN will retain a third party to perform the function of the GNP. The Panel will examine applied-for gTLD strings against a composite database of geographic names drawn from authoritative sources, and review supporting documentation. The GNP will comprise individuals with linguistic, geographic, and governmental expertise. The Geographic Names Panel may consult with additional experts as necessary.~~

The GNP will review all applications received, not only those where the applicant has noted its applied-for gTLD string as a geographical name.~~During the Initial Evaluation period, ICANN forwards each application to the GNP for a determination of whether the applied-for gTLD string is a geographical name (i.e., falls into any of the categories listed in subsection 2.1.1.4.1).~~

For any applications where the GNP determines that the applied-for gTLD string is not ~~determined to be~~ a geographical name, the application will pass the Geographical Names review with no additional steps required.

For any application where the GNP~~-~~ determines that the applied-for gTLD string is ~~determined to be~~ a geographical name (as described in this module), the GNP will confirm that the applicant has provided the required documentation from all relevant governments or public authorities, and that the communication from the government or public authority is legitimate and contains the required content. In ~~this~~ cases~~,~~ where an applicant ~~who~~ has not provided the required documentation, the applicant will be contacted and notified of the requirement, and given a limited time frame to provide the documentation~~it~~. If the applicant is able to provide the documentation before the close of the Initial Evaluation period, and the documentation is found to meet the requirements, the applicant will pass the geographical names review. If not, the applicant will have additional time to obtain the required documentation; however, i~~I~~f the applicant has not produced the required documentation by the required date~~time frame is not met~~, the application will be considered incomplete and will be ineligible for further review~~not pass the Initial Evaluation~~. The applicant may reapply in subsequent application rounds, if desired, subject to the fees and requirements of the specific application rounds.~~.~~

~~Note that the GNP will review all applications received, not only those where the applicant has designated its applied-for gTLD string as a geographical name.~~

If there is more than one application for a string representing a certain geographical name as described in this section, and the applications are considered complete (i.e., have requisite government approvals), the applications will be suspended pending resolution by the applicants.

If an application for a string representing a geographical name is in a contention set with applications for similar strings that have not been identified as geographical names, the string contention will be settled using the string contention procedures described in Module 4.

2.1.2 *Applicant Reviews*

Concurrent with the applied-for gTLD string reviews described in subsection 2.1.1, ICANN will review the applicant's technical and operational capability, its financial capability, and its proposed registry services. Those reviews are described in greater detail in the following subsections.

2.1.2.1 *Technical/Operational **Review**~~**and Financial Reviews**~~*

In its application, the applicant will respond to a set of questions intended to gather information about the applicant's technical capabilities and its plans for operation of the proposed gTLD.

Applicants are not required to have deployed an actual gTLD registry to pass the Technical/Operational review. It will be necessary, however, for an applicant to demonstrate a clear understanding and accomplishment of some groundwork toward the key technical and operational aspects of a gTLD registry operation. Subsequently, each applicant that passes the technical evaluation and all other steps will be required to complete a pre-delegation technical test prior to delegation of the new gTLD. Refer to Module 5, Transition to Delegation, for additional information.

~~The questions provided for applicants in the application form are available athttp://www.icann.org/en/topics/new-gtlds/draft-evaluation-criteria-18feb09-en.pdf.~~

~~Applicants respond to questions which cover the following three areas in relation to themselves: general information, technical and operational capability, and financial capability.~~

~~Applicants should be aware that the application materials submitted in the online application system, as well as any evaluation materials and correspondence, will be publicly posted on ICANN's website. The sections in the application that are marked CONFIDENTIAL will not be posted. Any sections of the application that ICANN has not designated CONFIDENTIAL will be posted.~~

~~The applicant questions cover the following three areas:~~

~~***General Information*** – These questions are intended to gather information about an applicant's legal identity, contact information, and applied-for gTLD string. Failure to provide any part of this information will result in an application being considered incomplete. Required documents will also be requested and supplied here.~~

~~***Demonstration of Technical and Operational Capability*** – These questions are intended to gather information about an applicant's technical capabilities and plans for operation of the proposed gTLD.~~

~~Applicants are not required to have deployed an actual registry to complete the requirements for a successful application. It will be sufficient at application time for an applicant to demonstrate a clear understanding and accomplishment of some groundwork toward the key technical and operational aspects of running a gTLD~~

~~registry. Each applicant that passes the technical evaluation and all other steps will be required, following execution of a registry agreement, to complete a pre-delegation technical test before delegation of the applied-for gTLD. Refer to Module 5, Transition to Delegation, for additional information.~~

~~***Demonstration of Financial Capability*** – These questions are intended to gather information about an applicant's financial capabilities to operate a gTLD registry business and its financial planning in preparation for long-term operation of a new gTLD.~~

2.1.2.2 *Financial Review*

In its application, the applicant will respond to a set of questions intended to gather information about the applicant's financial capabilities for operation of a gTLD registry and its financial planning in preparation for long-term stability of the new gTLD.

Because different registry types and purposes may justify different responses to individual questions, evaluators will pay particular attention to the consistency of an application across all criteria. For example, an applicant's scaling plans identifying system hardware to ensure its capacity to operate at a particular volume level should be consistent with its financial plans to secure the necessary equipment. That is, the evaluation criteria scale with the applicant plans to provide flexibility.

2.1.2.~~2~~3 *Evaluation Methodology*

Dedicated technical and financial panels of evaluators will conduct the technical/operational and financial reviews, according to the established criteria and scoring methodology included as an attachment to this module. ~~Initial Evaluations~~ These reviews are conducted on the basis of the information each applicant makes available to ICANN in its response to the questions in the application form.

The evaluators may request clarification or additional information during the Initial Evaluation period. The applicant will have one additional opportunity to clarify or supplement its application in areas requested by the evaluators. These communications will occur via the online application system, rather than by phone, letter, email, or other means. Such communications will include a deadline for the applicant to respond. Any supplemental information provided by the applicant will become part of the application.

It is the applicant's responsibility to ensure that the questions have been fully answered and the required documentation is attached. Evaluators are entitled, but not obliged, to request further information or evidence from an applicant, and~~ICANN and its evaluators~~ are not obliged to take into account any information or evidence that is not made available in the application and submitted by the due date, unless explicitly requested by the evaluators.

~~It is the applicant's responsibility to ensure that the questions have been fully answered and the required documentation is attached. Evaluators are entitled, but not obliged, to request further information or evidence from an applicant. The Initial Evaluation period provides for one exchange of information between the applicant and the evaluators.[11] Any such request will be made solely through TAS, rather than by direct means such as phone, letter, email, or other similar means.~~

~~Because different registry types and purposes may justify different responses to individual questions, evaluators will pay particular attention to the consistency of an application across all criteria. For example, an applicant's scaling plans noting hardware to ensure its capacity to operate at a particular volume level should be consistent with its financial plans to secure the necessary equipment.~~

2.1.3 Registry Services Review

Concurrent with the other reviews that occur during the Initial Evaluation period~~string reviews described in subsection 2.1.1~~, ICANN will review the applicant's proposed registry services for any possible adverse impact on security or stability. The applicant will be required to provide a list of proposed registry services in its application.

2.1.3.1 Definitions

Registry services are defined as:

~~[11] Some comments suggested that there was a lack of flexibility in the limitation to one exchange between applicant and evaluators during the Initial Evaluation. The design goal is an efficient and predictable process. The opportunity for one communication is a compromise that reduces the bottlenecking issue that would likely occur in an open-ended dialogue, but does afford the opportunity for an applicant to provide any necessary clarifications.~~

1. operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry zone servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by the registry agreement;

2. other products or services that the registry operator is required to provide because of the establishment of a consensus policy; and

3. any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator.

Proposed registry services will be examined to determine if they might raise significant stability or security issues. Examples of services proposed by existing registries can be found at http://www.icann.org/en/registries/rsep/. In most cases, these proposed services successfully pass this inquiry.

Registry services currently provided by gTLD registries can be found in registry agreement appendices. See http://www.icann.org/en/registries/agreements.htm.

A full definition of registry service can be found at http://www.icann.org/en/registries/rsep/rsep.html.

The following registry services are customary services offered by a registry operator:

- Receipt of data from registrars concerning registration of domain names and name servers
- Provision of status information relating to zone servers for the TLD
- Dissemination of TLD zone files
- Dissemination of contact or other information concerning domain name registrations
- Internationalized Domain Names (if applicable)
- DNS Security Extensions

The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD.

Any additional registry services that are unique to the proposed gTLD registry should be described in detail. Directions for describing the registry services are provided at http://www.icann.org/en/registries/rsep/rrs_sample.html.

~~Registry services are defined as:~~

1. ~~operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry zone servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by the registry agreement;~~
2. ~~other products or services that the registry operator is required to provide because of the establishment of a consensus policy; and~~
3. ~~any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator.~~

~~Proposed registry services will be examined to determine if they might raise significant stability or security issues. Examples of services proposed by existing registries can be found at http://www.icann.org/en/registries/rsep/. In most cases, these proposed services successfully pass this inquiry.~~

~~Registry services currently provided by registries can be found in registry agreement appendices. See http://www.icann.org/en/registries/agreements.htm.~~

~~A full definition of registry service can be found at http://www.icann.org/en/registries/rsep/rsep.html and in the draft registry agreement at http://www.icann.org/en/topics/new-gtld-draft-agreement-18feb09-en.pdf.~~

For purposes of this review, security and stability are defined as follows:

Security – an effect on security by the proposed registry service means (1) the unauthorized disclosure, alteration, insertion or destruction of registry data, or (2) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.

Stability – an effect on stability means that the proposed registry service (1) does not comply with applicable relevant standards that are authoritative and published by a well-established, recognized, and authoritative standards body, such as relevant standards-track or best current practice RFCs sponsored by the IETF, or (2) creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant standards-track or best current practice RFCs and relying on registry operator's delegation information or provisioning services.

2.1.3.2 Methodology

~~The ~~R~~r~~eview of the applicant's proposed registry services will include a preliminary determination of whether any of the proposed registry services~~ proposed registry service requires further consideration based on whether the registry service may~~ raise significant security or stability issues and require additional consideration.~~.~~

If the~~ICANN's~~ preliminary determination reveals that there may be significant security or stability issues (as defined in subsection 2.1.3.1) surrounding a~~the~~ proposed service, the application will be flagged for an extended review by the ~~DNS Stability Technical Panel (as performed by experts on the existing ~~Registry Services Technical Evaluation Panel (RSTEP), see http://www.icann.org/en/registries/rsep/rstep.html). This review, if applicable, will occur during the Extended Evaluation period (refer to Section 2.2).

In the event that an application is flagged for extended review of one or more registry services, an additional fee to cover the cost of the extended review will be due from the applicant. Applicants will be advised of any additional fees due, which must be received before the additional review begins.

~~Definitions for security and stability applied in the registry services review are:~~

~~***Security*** – an effect on security by the proposed registry service means (1) the unauthorized disclosure, alteration, insertion or destruction of registry data, or (2) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.~~

~~***Stability*** – an effect on stability means that the proposed registry service (1) does not comply with applicable relevant standards that are authoritative and published by a well-established, recognized, and authoritative standards body, such as relevant standards-track or best current practice RFCs sponsored by the IETF, or (2) creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant standards-track or best current practice RFCs and relying on registry operator's delegation information or provisioning services.~~

2.1.4 Applicant's Withdrawal of an Application

An applicant who does not pass the Initial Evaluation may ~~be permitted to~~ withdraw its application at this stage and request~~for~~ a partial refund (refer to subsection 1.5~~.5~~ of Module 1).

2.2 Extended Evaluation

An applicant may request an Extended Evaluation if the application has failed to pass the Initial Evaluation elements concerning:

- Demonstration of technical and operational capability (refer to subsection 2.1.2.1). There is no additional fee for an extended evaluation in this instance.
- Demonstration of financial capability (refer to subsection 2.1.2.2~~1~~). There is no additional fee for an extended evaluation in this instance.
- DNS stability – String review (refer to subsection 2.1.1.3). There is no additional fee for an extended evaluation in this instance.
- ~~DNS stability –~~ Registry services (refer to subsection 2.1.3). Note that this investigation incurs an additional fee (the Registry Services Review Fee) if the applicant wishes to proceed. See Section 1.5 of Module 1 for fee and payment information.
- Geographical names (refer to subsection 2.1.1.4) – There is no additional fee for an extended evaluation in this instance.

An Extended Evaluation does not imply any change of the evaluation criteria. The same criteria used in the Initial Evaluation will be used to review the application in light of clarifications provided by the applicant.

From the time an applicant receives notice of failure to pass the Initial Evaluation, eligible applicants will have~~it has~~ 15 calendar days to submit to ICANN the Notice of Request for Extended Evaluation~~ through the online application interface~~. If the applicant does not explicitly request the Extended Evaluation~~, and~~ (and pay an~~y~~ additional fee in the case of a Registry Services inquiry)~~s as applicable,~~ the application will not proceed.

2.2.1 Technical/~~and~~ Operational or Financial Extended Evaluation

The following applies to an Extended Evaluation of an applicant's technical and operational capability or financial capability, as described in subsection 2.1.2.~~1.~~

An applicant who has requested Extended Evaluation will again access the online application system and clarify its answers to those questions or sections on which it received a non-passing score. The answers should be responsive to the evaluator report that indicates the reasons for failure. Applicants may not use the Extended Evaluation period to substitute portions of new information for the information submitted in their original applications, i.e., to materially change the application.

An applicant participating in an Extended Evaluation will have the option to have its application reviewed by the same evaluation panelists who performed the review during the Initial Evaluation period, or to have a different set of panelists perform the review during Extended Evaluation.

The Extended Evaluation allows an~~one~~ additional exchange of information between the evaluators and the applicant to further clarify information contained in the application. This supplemental information will become part of the application record. Such communications will include a deadline for the applicant to respond. ~~Applicants may not use the Extended Evaluation period to substitute portions of new information for the information submitted in their original applications.~~

~~The same panel that reviewed an application during Initial Evaluation will conduct the Extended Evaluation, using the same criteria as outlined at~~

~~http://www.icann.org/en/topics/new-gtlds/draft-evaluation-criteria-18feb09-en.pdf, to determine whether the application, now that certain information has been clarified, meets the criteria.~~~~[12]~~

ICANN will notify applicants at the end of the Extended Evaluation period as to whether they have passed. If an applicant passes Extended Evaluation, its application continues to the next stage in the process. If an applicant does not pass Extended Evaluation, the application will proceed no further. No further reviews are available.

2.2.2 DNS Stability -- Extended Evaluation

This section applies to an Extended Evaluation of DNS security or stability issues with an applied-for gTLD string, as described in subsection 2.1.1.3.

If an application is subject to Extended Evaluation, the DNS Stability Panel~~an independent 3-member panel~~ will~~ be formed to~~ review the security or stability issues identified during the Initial Evaluation.

The panel will review the string and determine whether the string fails to comply with relevant standards or creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, and will communicate its findings to ICANN and to the applicant.

If the panel determines that the string does not comply with relevant technical standards or creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, the application cannot proceed.

2.2.3 Registry Services Extended Evaluation

This section applies to Extended Evaluation of r~~R~~egistry s~~S~~ervices, as described in subsection 2.1.3.

If a proposed registry service has been referred to the Registry Services Technical Evaluation Panel (RSTEP) for an extended review, the RSTEP will form a review team of members with the appropriate qualifications.

The review team will generally consist of 3 members, depending on the complexity of the registry service

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~~[12] Some comments were received indicating a preference for a new panel to perform the Extended Evaluation. ICANN will consult with the evaluators retained for this role for their recommendations on what is standard in analogous situations.~~

proposed. In a 3-member panel, the review could be conducted within 30 to 45 days. In cases where a 5-member panel is needed, this will be identified before the extended evaluation starts. In a 5-member panel, the review could be conducted in 45 days or fewer.

The cost of an RSTEP review will be covered by the applicant through payment of the Registry Services Review Fee. Refer to payment procedures in section 1.5 of Module 1. The RSTEP ~~team~~ review will not commence until payment has been received.

If the RSTEP finds that one or more of the applicant's proposed registry services may be introduced without risk of a meaningful adverse effect on security or stability, these services will~~may~~ be included in the applicant's contract with ICANN. If the RSTEP finds that the proposed service would create a risk of a meaningful adverse effect on security or stability, the applicant may elect to proceed with its application without the proposed service, or withdraw its application for the gTLD. In this instance, an applicant has 15 calendar days to notify ICANN of its intent to proceed with the application. If an applicant does not explicitly provide such~~this~~ notice within this time frame, the application will proceed no further.

2.3 Parties Involved in Evaluation~~Channels for Communication~~

A number of independent experts and groups play a part in performing the various reviews in the evaluation process. A brief description of the various panels, their evaluation roles, and the circumstances under which they work is included in this section.

2.3.1 Panels and Roles

The **String Similarity Panel** assesses whether a proposed gTLD string is likely to result in user confusion due to similarity with any reserved word, any existing TLD, or any new gTLD string applied for in the current application round. This occurs during the String Similarity review in Initial Evaluation.

The **DNS Stability Panel** will review each applied-for string to determine whether the proposed string might adversely affect the security or stability of the DNS. This occurs during the DNS Stability String Review in Initial Evaluation, and may occur again if an applicant does not pass the review in Initial Evaluation and requests Extended Evaluation.

The **Geographical Names Panel** will review each application to determine whether the applied-for gTLD represents a geographic name as defined in this guidebook. In the event that the string represents a geographic name, the panel will ensure that the required documentation is provided with the application and verify that the documentation is from the relevant governments or public authorities and is authentic.

The **Technical Evaluation Panel** will review the technical components of each application against the criteria in the Applicant Guidebook, along with proposed registry operations, in order to determine whether the applicant is technically and operationally capable of operating a gTLD registry. This occurs during the Technical/Operational Reviews in Initial Evaluation, and may also occur in Extended Evaluation if elected by the applicant.

The **Financial Evaluation Panel** will review each application against the relevant business, financial and organizational criteria contained in the Applicant Guidebook, to determine whether the applicant is financially capable of maintaining a gTLD registry. This occurs during the Financial Review in Initial Evaluation, and may also occur in Extended Evaluation if elected by the applicant.

The **Registry Services Technical Evaluation Panel (RSTEP)** will review the proposed registry services in the application to determine if any registry services might raise significant security or stability issues. This occurs, if applicable, during the Extended Evaluation period.

Members of these panels are required to abide by the established Code of Conduct and Conflict of Interest guidelines included in this module.

2.3.2 Panel Selection Process

ICANN is in the process of selecting qualified third-party providers to perform the various reviews.[13] In addition to the specific subject matter expertise required for each panel, specified qualifications are required, including:

- The provider must be able to convene – or have the capacity to convene - globally diverse panels and be able to evaluate applications from all regions of the world, including applications for IDN gTLDs.

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[13] *See* http://icann.org/en/topics/new-gtlds/open-tenders-eoi-en.htm

- The provider should be familiar with the IETF IDNA standards, Unicode standards, relevant RFCs and the terminology associated with IDNs.
- The provider must be able to scale quickly to meet the demands of the evaluation of an unknown number of applications. At present it is not known how many applications will be received, how complex they will be, and whether they will be predominantly for ASCII or non-ASCII gTLDs.
- The provider must be able to evaluate the applications within the required timeframes of Initial and Extended Evaluation.

It is anticipated that the providers will be selected during this year. Additional updates will be posted on ICANN's website.

2.3.3 Code of Conduct Guidelines for Panelists

The purpose of the New gTLD Application Program ("Program") Code of Conduct ("Code") is to prevent real and apparent conflicts of interest and unethical behavior by any Evaluation Panelist ("Panelist").

Panelists shall conduct themselves as thoughtful, competent, well prepared, and impartial professionals throughout the application process. Panelists are expected to comply with equity and high ethical standards while assuring the Internet community, its constituents, and the public of objectivity, integrity, confidentiality, and credibility. Unethical actions, or even the appearance of compromise, are not acceptable. Panelists are expected to be guided by the following principles in carrying out their respective responsibilities. This Code is intended to summarize the principles and nothing in this Code should be considered as limiting duties, obligations or legal requirements with which Panelists must comply.

Bias -- Panelist shall:

- not advance personal agendas or non-ICANN approved agendas in the evaluation of applications;
- examine facts as they exist and not be influenced by past reputation, media, accounts, etc about the Applicants being evaluated;

- exclude themselves from participating in the evaluation of an application if, to their knowledge, there is some predisposing factor that could prejudice them with respect to such evaluation; and

- exclude themselves from evaluation activities if they are philosophically opposed to or are on record as having made generic criticism about a specific type of Applicant or application

Compensation/Gifts -- Panelist shall not request or accept any compensation whatsoever or any gifts of substance from the Applicant being reviewed or anyone affiliated with the Applicant. (Gifts of substance would include any gift greater than US$25 in value).

If the giving of small tokens is important to the Applicant's culture, Panelists may accept these tokens however, the total of such tokens must not exceed US$25 in value. If in doubt, the Panelist should err on the side of caution by declining gifts of any kind.

Conflicts of Interest -- Panelists shall act in accordance with the "New gTLD Application Program Conflicts of Interest."

Confidentiality -- Confidentiality is an integral part of the evaluation process. Panelists must have access to sensitive information in order to conduct Applicant evaluations. Panelists must maintain confidentiality of information entrusted to them by ICANN and the Applicant and any other confidential information provided to them from whatever source, except when disclosure is legally mandated or has been authorized by ICANN. "Confidential information" includes all elements of the Program and information gathered as part of the process – which includes but is not limited to: documents, interviews, discussions, interpretations, and analyses – related to the review of any new gTLD application.

Enforcement -- Breaches of this Code, whether intentional or not, shall be reviewed by ICANN, which may make recommendations for corrective action, if deemed necessary. Serious breaches of the Code may be cause for dismissal of the person, persons or provider committing the infraction.

Affirmation -- All Panelists shall read this Code prior to commencing evaluation services and shall certify in writing that they have done so and understand the Code.

2.3.4 *Conflict of Interest Guidelines for Panelists*

It is recognized that third-party providers may have a large number of employees in several countries serving numerous clients. In fact, there is possibility that the a number of Panelists may be very well known within the registry / registrar community and have provided professional services to a number of potential applicants.

To safeguard against the potential for inappropriate influence and ensure applications are evaluated in an objective and independent manner, ICANN has established detailed Conflicts of Interest guidelines and procedures that will be followed by the Evaluation Panelists. To help ensure that the guidelines are appropriately followed ICANN will:

- Require each Evaluation Panelist (provider and individual) to acknowledge and document understanding of the Conflicts of Interest guidelines.
- Identify and secure primary, secondary, and contingent third party providers for each of the evaluation panels highlighted in the Applicant Guidebook.
- In conjunction with the Evaluation Panelists, develop and implement a process to identify conflicts and re-assign applications as appropriate to secondary or contingent third party providers to perform the reviews.

Compliance Period -- All Evaluation Panelists must comply with the Conflicts of Interest guidelines beginning with the opening date of the pre-registration period and ending with the public announcement by ICANN of the final outcomes of all the applications from the Applicant in question.

Guidelines -- The following guidelines are the minimum standards with which all Evaluation Panelists must comply. It is recognized that it is impossible to foresee and cover all circumstances in which a potential conflict of interest might arise. In these cases the Evaluation Panelist should evaluate whether the existing facts and circumstances would lead a reasonable person to conclude that there is an actual conflict of interest.

Evaluation Panelists and Immediate Family Members:

- Must not be under contract, have or be included in a current proposal to provide Professional Services for or on behalf of the Applicant during the Compliance Period.
- Must not currently hold or be committed to acquire any interest in a privately-held Applicant
- Must not currently hold or be committed to acquire more than 1% of any publicly listed Applicant's outstanding equity securities or other ownership interests
- Must not be involved or have an interest in a joint venture, partnership or other business arrangement with the Applicant.
- Must not have been named in a lawsuit with or against the Applicant
- Must not be a:
    - Director, officer, or employee, or in any capacity equivalent to that of a member of management of the Applicant;
    - Promoter, underwriter, or voting trustee of the Applicant; or
    - Trustee for any pension or profit-sharing trust of the Applicant.

Definitions--

Evaluation Panelist: An Evaluation Panelist is any individual associated with the review of an application. This includes primary, secondary, and contingent third party Panelists identified through the Expressions of Interest (EOI) process.

Immediate Family Member: Immediate Family Member is a spouse, spousal equivalent, or dependent (whether or not related) of an Evaluation Panelist.

Professional Services: include, but are not limited to legal services, financial audit, financial planning / investment, outsourced services, consulting services such as business / management / internal audit, tax, information technology, registry / registrar services.

2.3.5 Communication Channels

Defined channels for technical support or exchanges of information with ICANN and with evaluation~~its~~ panels~~evaluators~~ will be made available to applicants during the Initial Evaluation and Extended Evaluation periods. Contacting individual ICANN staff members, Board members, or other individuals performing an evaluation role in order to lobby or obtain confidential information is not appropriate. In the interests of fairness and equivalent treatment for all applicants, any such individual contacts will be referred to the appropriate communication channels.

Annex: Separable Country Names List

Under various proposed ICANN policies, eligibility for country name reservation or allocation is tied to listing in property fields of the ISO 3166-1 standard. Notionally, the ISO 3166-1 standard has an “English short name” field which is the common name for a country and can be used for such protections; however, in some cases this does not represent the common name. This registry seeks to add additional protected elements which are derived from definitions in the ISO 3166-1 standard. An explanation of the various classes is included below.

Separable Country Names List

Code	English Short Name	Cl.	Separable Name
ax	Åland Islands	B1	Åland
as	American Samoa	C	Tutuila
		C	Swain’s Island
ao	Angola	C	Cabinda
ag	Antigua and Barbuda	A	Antigua
		A	Barbuda
		C	Redonda Island
au	Australia	C	Lord Howe Island
		C	Macquarie Island
		C	Ashmore Island
		C	Cartier Island
		C	Coral Sea Islands
bo	Bolivia, Plurinational State of	B1	Bolivia
ba	Bosnia and Herzegovina	A	Bosnia
		A	Herzegovina
br	Brazil	C	Fernando de Noronha Island
		C	Martim Vaz Islands
		C	Trinidade Island
io	British Indian Ocean Territory	C	Chagos Archipelago
		C	Diego Garcia
bn	Brunei Darussalam	B1	Brunei
		C	Negara Brunei Darussalam
cv	Cape Verde	C	São Tiago
		C	São Vicente
ky	Cayman Islands	C	Grand Cayman
cl	Chile	C	Easter Island
		C	Juan Fernández Islands
		C	Sala y Gómez Island
		C	San Ambrosio Island
		C	San Félix Island
cc	Cocos (Keeling) Islands	A	Cocos Islands
		A	Keeling Islands
co	Colombia	C	Malpelo Island
		C	San Andrés Island
		C	Providencia Island
km	Comoros	C	Anjouan
		C	Grande Comore
		C	Mohéli
ck	Cook Islands	C	Rarotonga
cr	Costa Rica	C	Coco Island
ec	Ecuador	C	Galápagos Islands
gq	Equatorial Guinea	C	Annobón Island
		C	Bioko Island
		C	Río Muni
fk	Falkland Islands (Malvinas)	B1	Falkland Islands
		B1	Malvinas

fo	Faroe Islands	A	Faroe
fj	Fiji	C	Vanua Levu
		C	Viti Levu
		C	Rotuma Island
pf	French Polynesia	C	Austral Islands
		C	Gambier Islands
		C	Marquesas Islands
		C	Society Archipelago
		C	Tahiti
		C	Tuamotu Islands
		C	Clipperton Island
tf	French Southern Territories	C	Amsterdam Islands
		C	Crozet Archipelago
		C	Kerguelen Islands
		C	Saint Paul Island
gr	Greece	C	Mount Athos
gd	Grenada	C	Southern Grenadine Islands
		C	Carriacou
gp	Guadeloupe	C	la Désirade
		C	Marie-Galante
		C	les Saintes
hm	Heard Island and McDonald Islands	A	Heard Island
		A	McDonald Islands
va	Holy See (Vatican City State)	A	Holy See
		A	Vatican
hn	Honduras	C	Swan Islands
in	India	C	Amindivi Islands
		C	Andaman Islands
		C	Laccadive Islands
		C	Minicoy Island
		C	Nicobar Islands
ir	Iran, Islamic Republic of	B1	Iran
ki	Kiribati	C	Gilbert Islands
		C	Tarawa
		C	Banaba
		C	Line Islands
		C	Kiritimati
		C	Phoenix Islands
		C	Abariringa
		C	Enderbury Island
kp	Korea, Democratic People's Republic of	C	North Korea
kr	Korea, Republic of	C	South Korea
la	Lao People's Democratic Republic	B1	Laos
ly	Libyan Arab Jamahiriya	B1	Libya
mk	Macedonia, the Former Yugoslav Republic of	B1	Macedonia
my	Malaysia	C	Sabah
		C	Sarawak
mh	Marshall Islands	C	Jaluit
			Kwajalein
			Majuro
mu	Mauritius	C	Agalega Islands
		C	Cargados Carajos Shoals
		C	Rodrigues Island
fm	Micronesia, Federated States of	B1	Micronesia
		C	Caroline Islands (see also pw)
		C	Chuuk
		C	Kosrae

		C	Pohnpei
		C	Yap
md	Moldova, Republic of	B1	Moldova
		C	Moldava
an	Netherlands Antilles	B1	Antilles
		C	Bonaire
		C	Curaçao
		C	Saba
		C	Saint Eustatius
		C	Saint Martin
nc	New Caledonia	C	Loyalty Islands
mp	Northern Mariana Islands	C	Mariana Islands
		C	Saipan
om	Oman	C	Musandam Peninsula
pw	Palau	C	Caroline islands (see also fm)
		C	Babelthuap
ps	Palestinian Territory, Occupied	B1	Palestine
pg	Papua New Guinea	C	Bismarck Archipelago
		C	Northern Solomon Islands
		C	Bougainville
pn	Pitcairn	C	Ducie Island
		C	Henderson Island
		C	Oeno Island
re	Réunion	C	Bassas da India
		C	Europa Island
		C	Glorioso Island
		C	Juan de Nova Island
		C	Tromelin Island
ru	Russian Federation	B1	Russia
		C	Kaliningrad Region
sh	Saint Helena	C	Gough Island
		C	Tristan de Cunha Archipelago
kn	Saint Kitts and Nevis	A	Saint Kitts
		A	Nevis
pm	Saint Pierre and Miquelon	A	Saint Pierre
		A	Miquelon
vc	Saint Vincent and the Grenadines	A	Saint Vincent
		A	The Grenadines
		C	Northern Grenadine Islands
		C	Bequia
		C	Saint Vincent Island
ws	Samoa	C	Savai'i
		C	Upolu
st	Sao Tome and Principe	A	Sao Tome
		A	Principe
sc	Seychelles	C	Mahé
		C	Aldabra Islands
		C	Amirante Islands
		C	Cosmoledo Islands
		C	Farquhar Islands
sb	Solomon Islands	C	Santa Cruz Islands
		C	Southern Solomon Islands
		C	Guadalcanal
za	South Africa	C	Marion Island
		C	Prince Edward Island
gs	South Georgia and the South Sandwich Islands	A	South Georgia
		A	South Sandwich Islands
sj	Svalbard and Jan Mayen	A	Svalbard

		A	Jan Mayen
		C	Bear Island
sy	Syrian Arab Republic	B1	Syria
tw	Taiwan, Province of China	B1	Taiwan
		C	Penghu Islands
		C	Pescadores
tz	Tanzania, United Republic of	B1	Tanzania
tl	Timor-Leste	C	Oecussi
to	Tonga	C	Tongatapu
tt	Trinidad and Tobago	A	Trinidad
		A	Tobago
tc	Turks and Caicos Islands	A	Turks Islands
		A	Caicos Islands
tv	Tuvalu	C	Fanafuti
ae	United Arab Emirates	B1	Emirates
us	United States	B2	America
um	United States Minor Outlying Islands	C	Baker Island
		C	Howland Island
		C	Jarvis Island
		C	Johnston Atoll
		C	Kingman Reef
		C	Midway Islands
		C	Palmyra Atoll
		C	Wake Island
		C	Navassa Island
vu	Vanuatu	C	Efate
		C	Santo
ve	Venezuela, Bolivarian Republic of	B1	Venezuela
		C	Bird Island
vg	Virgin Islands, British	B1	Virgin Islands
		C	Anegada
		C	Jost Van Dyke
		C	Tortola
		C	Virgin Gorda
vi	Virgin Islands, US	B1	Virgin Islands
		C	Saint Croix
		C	Saint John
		C	Saint Thomas
wf	Wallis and Futuna	A	Wallis
		A	Futuna
		C	Hoorn Islands
		C	Wallis Islands
		C	Uvea
ye	Yemen	C	Socotra Island

Maintenance

A Separable Country Names Registry will be maintained and published by ICANN Staff.

Each time the ISO 3166-1 standard is updated with a new entry, this registry will be reappraised to identify if the changes to the standard warrant changes to the entries in this registry. Appraisal will be based on the criteria listing in the “Eligibility” section of this document.

Codes reserved by the ISO 3166 Maintenance Agency do not have any implication on this registry, only entries derived from normally assigned codes appearing in ISO 3166-1 are eligible.

If an ISO code is struck off the ISO 3166-1 standard, any entries in this registry deriving from that code must be struck.

Eligibility

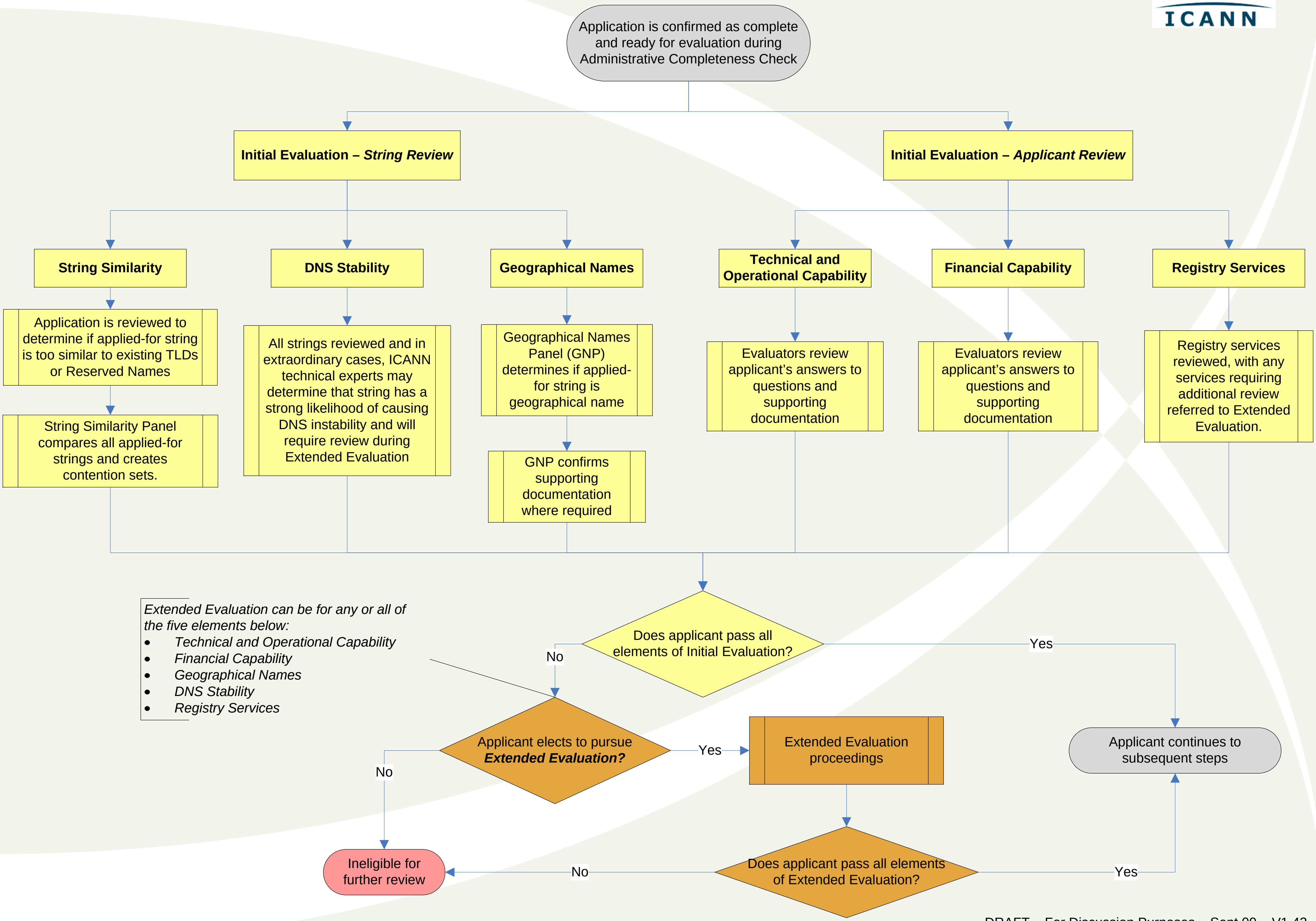
Each record in this registry is derived from the following possible properties:

Class A:	The ISO 3166-1 English Short Name is comprised of multiple, separable parts whereby the country is comprised of distinct sub-entities. Each of these separable parts is eligible in its own right for consideration as a country name. For example, “Antigua and Barbuda” is comprised of “Antigua” and “Barbuda.”
Class B:	The ISO 3166-1 English Short Name (1) or the ISO 3166-1 English Full Name (2) contains additional language as to the type of country the entity is, which is often not used in common usage when referencing the country. For example, one such short name is “The Bolivarian Republic of Venezuela” for a country in common usage referred to as “Venezuela.”
Class C:	The ISO 3166-1 Remarks column containing synonyms of the country name, or sub-national entities, as denoted by “often referred to as,” “includes”, “comprises”, “variant” or “principal islands”.

In the first two cases, the registry listing must be directly derivative from the English Short Name by excising words and articles. These registry listings do not include vernacular or other non-official terms used to denote the country.

Eligibility is calculated in class order. For example, if a term can be derived both from Class A and Class C, it is only listed as Class A.

DRAFT - New gTLD Program – Initial Evaluation and Extended Evaluation



Application is confirmed as complete and ready for evaluation during Administrative Completeness Check

Initial Evaluation – *String Review*

String Similarity

Application is reviewed to determine if applied-for string is too similar to existing TLDs or Reserved Names

String Similarity Panel compares all applied-for strings and creates contention sets.

DNS Stability

All strings reviewed and in extraordinary cases, ICANN technical experts may determine that string has a strong likelihood of causing DNS instability and will require review during Extended Evaluation

Geographical Names

Geographical Names Panel (GNP) determines if applied-for string is geographical name

GNP confirms supporting documentation where required

Initial Evaluation – *Applicant Review*

Technical and Operational Capability

Evaluators review applicant's answers to questions and supporting documentation

Financial Capability

Evaluators review applicant's answers to questions and supporting documentation

Registry Services

Registry services reviewed, with any services requiring additional review referred to Extended Evaluation.

Does applicant pass all elements of Initial Evaluation?

Yes

No

Extended Evaluation can be for any or all of the five elements below:

- *Technical and Operational Capability*
- *Financial Capability*
- *Geographical Names*
- *DNS Stability*
- *Registry Services*

Applicant elects to pursue ***Extended Evaluation?***

Yes

No

Extended Evaluation proceedings

Applicant continues to subsequent steps

Does applicant pass all elements of Extended Evaluation?

Yes

No

Ineligible for further review

Draft Applicant Guidebook, v3

Module 3

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 3

Dispute Resolution Procedures

This module describes the purpose of the objection and dispute resolution mechanisms, the grounds for lodging a formal objection to a gTLD application, the general procedures for filing or responding to an objection, and the manner in which dispute resolution proceedings are conducted.

This module also discusses the guiding principles, or standards, that each dispute resolution panel will apply in reaching its expert determination.

All applicants should be aware of the possibility that an objection may be filed against any application, and of the procedures and options available in the event of such an objection.

3.1 Purpose and Overview of the Dispute Resolution Process

The independent dispute resolution process is designed to protect certain limited interests and rights. The process provides a path for formal objections during evaluation of the applications. It allows a party with standing to have its objection considered before a panel of qualified experts.

A formal objection can be filed only on four enumerated grounds, as described in this module. A formal objection initiates a dispute resolution proceeding. In filing an application for a gTLD, the applicant agrees to accept the applicability of this gTLD dispute resolution process. Similarly, an objector accepts the applicability of this gTLD dispute resolution process by filing its objection.

3.1.1 Grounds for Objection

An objection may be filed on any one of the following four grounds:

String Confusion Objection – The applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string in the same round of applications.

Legal Rights Objection – The applied-for gTLD string infringes the existing legal rights of the objector.

Morality and Public Order Objection – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under international principles of law.

Community Objection – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

The rationales for these objection grounds are discussed in the final report of the ICANN policy development process for new gTLDs. For more information on this process, see http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm.

3.1.2 *Standing to Object*

Objectors must satisfy standing requirements to have their objections considered. As part of the dispute proceedings, all objections will be reviewed by a panel of experts designated by the applicable Dispute Resolution Service Provider (DRSP) to determine whether the objector has standing to object. Standing requirements for the four objection grounds are:

Objection g~~G~~round	Who may object
String confusion	Existing TLD operator or gTLD applicant in current round
Legal rights	Rightsholders
Morality and Public Order	No limitations on who may file – however, subject to a "quick look" designed for early conclusion of frivolous objections~~To be determined~~
Community	Established institution

3.1.2.1 *String Confusion Objection*

Two types of entities have standing to object:

- An existing TLD operator may file a string confusion objection to assert string confusion between an applied-for gTLD and the TLD that it currently operates.

- Any gTLD applicant in this application round may file a string confusion objection to assert string confusion between an applied-for gTLD and the gTLD for which it has applied, where string confusion between the two applicants has not already been found. That is, an applicant does not have standing to object to another application with which it is already in a contention set.

In the case where an existing TLD operator successfully asserts string confusion with an applicant, the application will be rejected.

In the case where a gTLD applicant successfully asserts string confusion with another applicant, the only possible outcome is for both applicants to be placed in a contention set and to be referred to a contention resolution procedure (refer to Module 4, String Contention Procedures). If an objection by one gTLD applicant to another gTLD applicant is unsuccessful, the applicants may both move forward in the process without being considered in contention with one another.

3.1.2.2 Legal Rights Objection

Only a rightsholder has standing to file a legal rights objection. The source and documentation of the existing legal rights the objector is claiming (which may include either registered or unregistered marks) are infringed by the applied-for gTLD must be included in the filing.

3.1.2.3 Morality and Public Order Objection

Anyone may file a Morality and Public Order Objection. Due to the inclusive standing base, however, objectors are subject to a "quick look" procedure designed to identify and eliminate frivolous and/or abusive objections. An objection found to be manifestly unfounded and/or an abuse of the right to object may be dismissed at any time.

~~Standing requirements for morality and public order objections remain under study. ICANN is still working to develop standing requirements for filing objections relating to Morality and Public Order. Some concerns have been expressed about leaving standing open to any person or entity, but concerns have also been raised about limiting this to just one defined group, such as governments. Allowing anyone to object is consistent with the scope of potential harm, but may be an insufficient bar to frivolous objections. On the other hand, while groups such as governments are well-suited to protecting morality and public order within their own countries, they may be unwilling to participate in the process.~~

~~The current thought, on which ICANN invites further public comment, is to develop a mechanism by which those objecting on the ground of morality and public order must show a legitimate interest and harm or potential harm~~

~~resulting from the applied-for gTLD string. As in other objection proceedings, such a mechanism likely will lead to a two-phased process for the dispute resolution panels wherein first they would assess standing, and if that is satisfied, the panel would then consider the merits of the objection.~~

3.1.2.4 Community Objection

Established institutions associated with clearly delineated~~defined~~ communities are eligible to file a community objection. The community named by the objector~~"defined community"~~ must be a community ~~related to~~strongly associated with the applied-for gTLD string in the application that is the subject of the objection. To qualify for standing for a community objection, the objector must prove both of the following:

It is an established institution – Factors that may be considered in making this determination include:

- Level of global recognition of the institution;
- Length of time the institution has been in existence; and
- Public historical evidence of its existence, such as the presence of formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process.

It has an ongoing relationship with a ~~defined~~clearly delineated community ~~that consists of a restricted population~~ – Factors that may be considered in making this determination include:

- The presence of mechanisms for participation in activities, membership, and leadership;
- Institutional purpose related to the benefit of the associated community;
- Performance of regular activities that benefit the associated community; and
- The level of formal boundaries around the community.

The panel will perform a balancing of the factors listed above in making its determination. It is not expected that an objector must demonstrate satisfaction of each and every factor considered in order to satisfy the standing requirements.

3.1.3 Dispute Resolution Service Providers

To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground.

- The International Centre for Dispute Resolution has agreed in principle to administer disputes brought pursuant to string confusion objections.
- The Arbitration and Mediation Center of the World Intellectual Property Organization has agreed in principle to administer disputes brought pursuant to legal rights objections.
- The International Center of Expertise of the International Chamber of Commerce has agreed in principle to administer disputes brought pursuant to Morality and Public Order and Community Objections.

ICANN selected DRSPs on the basis of their relevant experience and expertise, as well as their willingness and ability to administer dispute proceedings in the new gTLD Program. The selection process began with a public call for expressions of interest[1] followed by dialogue with those candidates who responded. The call for expressions of interest specified several criteria for providers, including established services, subject matter expertise, global capacity, and operational capabilities. An important aspect of the selection process was the ability to recruit panelists who will engender the respect of the parties to the dispute.

3.1.4 Options in the Event of Objection

Applicants whose applications are the subject of an objection have the following options:

The applicant can work to reach a settlement with the objector, resulting in withdrawal of the objection or the application;

The applicant can file a response to the objection and enter the dispute resolution process (refer to Section 3.2); or

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[1] *See* http://www.icann.org/en/announcements/announcement-21dec07.htm.

The applicant can withdraw, in which case the objector will prevail by default and the application will not proceed further.

If for any reason the applicant does not file a response to an objection, the objector will prevail by default.

3.1.5 Independent Objector ~~[2]~~

A formal objection to a gTLD application may also be filed by the Independent Objector (IO). ~~ ~~The IO~~ndependent Objector ~~does not act on behalf of any particular persons or entities, but acts solely in the best interests of the public who use the global Internet.

In light of this public interest goal, the Independent Objector is limited to filing objections on the grounds of Morality and Public Order and Community.

Neither ICANN staff nor the ICANN Board of Directors has~~will have~~ authority to direct or require the IO~~Independent Objector~~ to file or not file any particular objection. If the IO~~Independent Objector~~ determines that an objection should be filed, he or she will initiate and prosecute the objection in the public interest.

***Mandate and Scope*—**The IO may file objections against "highly objectionable" gTLD applications to which no objection has been filed. The IO is limited to filing two types of objections: (1) Morality and Public Order objections and (2) Community objections. The IO is granted standing to file objections on these enumerated grounds, notwithstanding the regular standing requirements for such objections (see subsection 3.1.2).

The IO may file a Morality and Public Order objection against an application even if a Community objection has been filed, and vice versa.

The IO may file an objection against an application, notwithstanding the fact that a String Confusion objection or a Legal Rights objection was filed.

Absent extraordinary circumstances, the IO is not permitted to file an objection to an application where an objection has already been filed on the same ground.

~~[2] This section is included to provide an initial opportunity for public comment. For further discussion, see the Explanatory Memorandum at http://www.icann.org/en/topics/new-gtlds/independent-objector-18feb09-en.pdf.~~

~~.~~

The IO may consider public comment when making an independent assessment whether an objection is warranted. ICANN will submit comments to the IO from the appropriate time period, running through the Initial Evaluation period until the close of the deadline for the IO to submit an objection.

Selection – The IO will be selected by ICANN, through an open and transparent process, and retained as an independent consultant. The Independent Objector will be an individual with~~have~~ considerable experience and respect in the Internet community, unaffiliated with any gTLD applicant.

Although recommendations for IO candidates from the community are welcomed, the IO must be and remain independent and unaffiliated with any of the gTLD applicants. The various rules of ethics for judges and international arbitrators provide models for the IO to declare and maintain his/her independence.

The IO's (renewable) tenure is limited to the time necessary to carry out his/her duties in connection with a single round of gTLD applications.

Budget and Funding – The IO's budget would comprise two principal elements: (a) salaries and operating expenses, and (b) dispute resolution procedure costs – both of which should be funded from the proceeds of new gTLD applications.

As an objector in dispute resolution proceedings, the IO is required to pay filing and administrative fee, including panel fees, just as all other objectors are required to do. Those payments will be refunded by the DRSP in cases where the IO is the prevailing party.

In addition, the IO will incur various expenses in presenting objections before DRSP panels that will not be reimbursed, regardless of the outcome. These expenses include the fees and expenses of outside counsel (if retained) and the costs of legal research or factual investigations.

3.2 Filing Procedures

The information included in this section provides a summary of procedures for filing:

- Objections; and
- Responses to objections.

For a comprehensive statement of filing requirements applicable generally, refer to the New gTLD Dispute Resolution Procedure ("Procedure") included as an attachment to this module~~at http://www.icann.org/en/topics/new-gtlds/draft-dispute-resolution-procedure-18feb09-en.pdf~~. In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail.

Note that the rules and procedures of each DRSP specific to each objection ground must also be followed.

- For a String Confusion Objection, the applicable DRSP Rules are the ICDR Supplementary Procedures for ICANN's New gTLD Program. These rules are under development and should be available shortly.
- For a Legal Rights Objection, the applicable DRSP Rules are the WIPO Rules for New gTLD Dispute Resolution. These rules are available in draft form and have been posted along with this module.
- For a Morality and Public Order Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce.
- For a Community Objection, Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce.

~~In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail.~~

3.2.1 Objection Filing Procedures

The procedures outlined in this subsection must be followed by any party wishing to file a formal objection to an application that has been posted by ICANN. Should an applicant wish to file a formal objection to another gTLD application, it would follow these same procedures.

- All objections must be filed electronically with the appropriate DRSP by the posted deadline date. Objections will not be accepted by the DRSPs after this date.
- All objections must be filed in English.
- Each objection must be filed separately. An objector wishing to object to several applications

must file a separate objection and pay the accompanying filing fees for each application that is the subject of an objection. If an objector wishes to object to an application on more than one ground, the objector must file separate objections and pay the accompanying filing fees for each objection ground.

Each objection filed by an objector must include:

- The name and contact information of the objector.
- A statement of the objector's basis for standing; that is, why the objector believes it has the right to object.
- A description of the basis for the objection, including:
  - A statement giving the specific ground upon which the objection is being filed.
  - A detailed explanation of the validity of the objection and why it should be upheld.
- Copies of any documents that the objector considers to be a basis for the objection.

Objections are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

An objector must provide copies of all submissions to the DRSP associated with the objection proceedings to the applicant, and to ICANN (except that confidential communications between the DRSP and objector shall not be provided to ICANN).

ICANN and/or the DRSPs will publish, and regularly update, a list~~an announcement~~ on its website identifying all objections as they are filed and ICANN is notified.~~shortly after the deadline for filing objections has passed. Objections will not be published before that deadline.~~

3.2.2 Objection Filing Fees

At the time an objection is filed, the objector is required to pay a nonrefundable filing fee in the amount set and published by the relevant DRSP. If the filing fee is not paid, the DRSP will dismiss the objection without prejudice. See Section 1.5 of Module 1 regarding fees.

3.2.3 Response Filing Procedures

Upon notification that ICANN has published the list of all objections filed (refer to subsection 3.2.1), the DRSPs will notify the parties that responses must be filed within 30 calendar days of receipt of that notice. DRSPs will not accept late responses. Any applicant that fails to respond to an objection within the 30-day response period will be in default, which will result in the objector prevailing.

- All responses must be filed in English.
- Each response must be filed separately. That is, an applicant responding to several objections must file a separate response and pay the accompanying filing fee to respond to each objection.
- Responses must be filed electronically.

Each response filed by an applicant must include:

- the name and contact information of the applicant.
- a point-by-point response to the claims made by the objector.
- any copies of documents that it considers to be a basis for the response.

Responses are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

Each applicant must provide copies of all submissions to the DRSP associated with the objection proceedings to the objector and to ICANN (except that confidential communications between the DRSP and responder shall not be provided to ICANN).

3.2.4 Response Filing Fees

At the time an applicant files its response, it is required to pay a nonrefundable filing fee in the amount set and published by the relevant DRSP, which will be the same as the filing fee paid by the objector. If the filing fee is not paid, the response will be disregarded.

3.3 Objection Processing Overview

The information below provides an overview of the process by which DRSPs administer dispute proceedings that have been initiated. For comprehensive information, please refer to the New gTLD Dispute Resolution Procedure (included as an attachment to this module).

~~http://www.icann.org/en/topics/new-gtlds/draft-dispute-resolution-procedure-18feb09-en.pdf.~~

3.3.1 Administrative Review

Each DRSP will conduct an administrative review of each objection for compliance with all procedural rules within 14 calendar days of receiving the objection. Depending on the number of objections received, the DRSP may ask ICANN for a short extension of this deadline.

If the DRSP finds that the objection complies with procedural rules, the objection will be deemed filed, and the proceedings will continue. If the DRSP finds that the objection does not comply with procedural rules, the DRSP will dismiss the objection and close the proceedings without prejudice to the objector's right to submit a new objection that complies with procedural rules. The DRSP's review or rejection of the objection will not interrupt the time limit for filing an objection.

3.3.2 Consolidation of Objections

Once the DRSP receives and processes all objections, at its discretion the DRSP may elect to consolidate certain objections. The DRSP shall endeavor to decide upon consolidation prior to issuing its notice to applicants that the response should be filed and, where appropriate, shall inform the parties of the consolidation in that notice.

An example of a circumstance in which consolidation might occur is multiple objections to the same application based on the same ground.

In assessing whether to consolidate objections, the DRSP will weigh the efficiencies in time, money, effort, and consistency that may be gained by consolidation against the prejudice or inconvenience consolidation may cause. The DRSPs will endeavor to have all objections resolved on a similar timeline. It is intended that no sequencing of objections will be established.

New gTLD applicants and objectors also will be permitted to propose consolidation of objections, but it will be at the DRSP's discretion whether to agree to the proposal.

ICANN continues to strongly encourage all of the DRSPs to consolidate matters whenever practicable.

3.3.3 Negotiation and Mediation

The parties to a dispute resolution proceeding are encouraged—but not required—to participate in negotiations and/or mediation aimed at settling the dispute~~ amicably~~. Each DRSP has experts who can be retained as mediators to facilitate this process, should the parties elect to do so, and the DRSPs will communicate with the parties concerning this option and any associated fees.

If a mediator is appointed, that person may not serve on the panel constituted to issue an expert determination in the related dispute.

There are no automatic extensions of time associated with the conduct of negotiations or mediation. The parties may submit joint requests for extensions of time to the DRSP according to its procedures, and the DRSP or the panel, if appointed, will decide whether to grant the requests, although extensions will be discouraged. Absent exceptional circumstances, the parties must limit their requests for extension to 30 calendar days.

3.3.4 Selection of Expert Panels

A panel will consist of appropriately qualified experts appointed to each proceeding by the designated DRSP. Experts must be independent of the parties to a dispute resolution proceeding. Each DRSP will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing an expert for lack of independence.

There will be one expert in proceedings involving a string confusion objection.

There will be one expert, or, if all parties agree, three experts with relevant experience in intellectual property rights disputes in proceedings involving an existing legal rights objection.

There will be three experts recognized as eminent jurists of international reputation, in proceedings involving a morality and public order objection.

There will be one expert in proceedings involving a community objection.

Neither the experts, the DRSP, ICANN, nor their respective employees, directors~~Board members~~, or consultants will be liable to any party in any action for damages or injunctive relief for any act or omission in connection with any proceeding under the dispute resolution procedures.

3.3.5 Adjudication

The panel may decide whether the parties shall submit any written statements in addition to the filed objection and response, and may specify time limits for such submissions.

In order to achieve the goal of resolving disputes rapidly and at reasonable cost, procedures for the production of documents shall be limited. In exceptional cases, the panel may require a party to produce additional evidence.

Disputes will usually be resolved without an in-person hearing. The panel may decide to hold such a hearing only in extraordinary circumstances.

3.3.6 Expert Determination

The DRSPs' final expert determinations will be in writing and will include:

- A summary of the dispute and findings;
- An identification of the prevailing party; and
- The reasoning upon which the expert determination is based.

Unless the panel decides otherwise, each DRSP will publish all decisions rendered by its panels in full on its website.

The findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

3.3.7 Dispute Resolution Costs

Before acceptance of objections, each DRSP will publish ~~or has published~~ a schedule of costs or statement of how costs will be calculated for the proceedings that it administers under this procedure. These costs cover the fees and expenses of the members of the panel and the DRSP's administrative costs.

ICANN expects that string confusion and legal rights objection proceedings will involve a fixed amount charged by the panelists while morality and public order and community objection proceedings will involve hourly rates charged by the panelists.

Within ten (10) business days of constituting the panel, the DRSP will estimate the total costs and request advance payment in full of its costs from both the objector and the applicant. Each party must make its advance payment within ten (10) days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the parties will be credited against the amounts due for this advance payment of costs.

The DRSP may revise its estimate of the total costs and request additional advance payments from the parties during the resolution proceedings.

Additional fees may be required in specific circumstances; for example, if the DRSP receives supplemental submissions or elects to hold a hearing.

If an objector fails to pay these costs in advance, the DRSP will dismiss its objection and no fees paid by the objector will be refunded.

If an applicant fails to pay these costs in advance, the DSRP will sustain the objection and no fees paid by the applicant will be refunded.

After the hearing has taken place and the panel renders its expert determination, the DRSP will refund any costs paid in advance to the prevailing party.

3.4 Dispute Resolution Principles (Standards)

Each panel will use appropriate general principles (standards) to evaluate the merits of each objection. The principles for adjudication on each type of objection are specified in the paragraphs that follow. The panel may also refer to other relevant rules of international law in connection with the standards.

The objector bears the burden of proof in each case.

The principles outlined below are subject to evolution based on ongoing consultation with DRSPs, legal experts, and the public.

3.4.1 String Confusion Objection

A DRSP panel hearing a string confusion objection will consider whether the applied-for gTLD string is likely to result in string confusion. String confusion exists where a string so nearly resembles another that it is likely to deceive or cause confusion. For a likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.~~[3]~~

3.4.2 Legal Rights Objection

In interpreting and giving meaning to GNSO Recommendation 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"), a DRSP panel of experts presiding over a legal rights objection will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark ("mark"), or unjustifiably impairs the distinctive character or the reputation of the objector's mark, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark, by considering the following non-exclusive factors:

1. Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound or meaning, to the objector's existing mark.
2. Whether the objector's acquisition and use of rights in the mark has been bona fide.
3. Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of the objector, of the applicant or of a third party.
4. Applicant's intent in applying for the gTLD, including whether the applicant, at the time of application for the gTLD, had knowledge of the objector's mark, or could not have reasonably been unaware of that mark, and including whether the applicant has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.
5. Whether and to what extent the applicant has used, or has made demonstrable preparations to use, the sign corresponding to the gTLD in connection with a bona fide offering of goods or services or a bona fide

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~~[3] Some comments suggested that the standard should include defined categories of similarity (e.g., visual, aural, similarity of meaning) that may be alleged or considered in a string confusion objection. All types may be considered and the standard is open-ended to allow for disputes to be heard according to the claim made by the objector. The goal is to prevent user confusion.~~

provision of information in a way that does not interfere with the legitimate exercise by the objector of its mark rights.

6. Whether the applicant has marks or other intellectual property rights in the sign corresponding to the gTLD, and, if so, whether any acquisition of such a right in the sign, and use of the sign, has been bona fide, and whether the purported or likely use of the gTLD by the applicant is consistent with such acquisition or use.

7. Whether and to what extent the applicant has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by the applicant is consistent therewith and bona fide.

8. Whether the applicant's intended use of the gTLD would create a likelihood of confusion with the objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.

3.4.3 Morality and Public Order Objection[4]

An expert panel hearing a morality and public order objection will consider whether the applied-for gTLD string is contrary to general principles of international law for morality and public order, as reflected in relevant international agreements. Under these principles, everyone has the right to freedom of expression, but the exercise of this right carries with it special duties and responsibilities. Accordingly, certain limited restrictions may apply.

The grounds upon which an applied-for gTLD string may be considered contrary to morality and public order according to internationally recognized standards are:

- Incitement to or promotion of violent lawless action;
- Incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin;
- Incitement to or promotion of child pornography or other sexual abuse of children; or
- A determination that an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and

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~~[4] This section is included to provide implementation details for public comment.~~

public order that are recognized under general principles of international law.

3.4.4 Community Objection

The four tests described here will enable a DRSP panel to determine whether there is substantial opposition from a significant portion of the community to which the string may be targeted. For an objection to be successful, the objector must prove that:

- The community invoked by the objector is a clearly delineated~~defined~~ community;
- Community opposition to the application is substantial; and
- There is a strong association between the community invoked and the applied-for gTLD string; and
- There is a likelihood of detriment to the community named by the objector if the gTLD application is approved.

Each of these tests is described in further detail below.

Community – The objector must prove that the community expressing opposition can be regarded as a clearly delineated~~well-defined~~ community. A panel could balance a number of factors to determine this, including:

- The l~~L~~evel of public recognition of the group as a community at a local and/or global level;
- The l~~L~~evel of formal boundaries around the community and what persons or entities~~elements~~ are considered to form the community;
- The length of time~~How long~~ the community has been in existence;
- The global distribution of ~~How globally distributed is~~ the community ~~(breadth, level of importance)~~(this may not apply if the community is territorial); and
- ~~How many~~ The number of people or entities that make up the community.

If opposition by a number of people/entities is found, but the group represented by the objector~~claiming opposition~~ is not determined to be a clearly delineated~~distinct~~ community, the objection will fail.

Substantial Opposition – The objector must prove substantial opposition within the community it has identified itself as representing. A panel could balance a number of factors to determine whether there is substantial opposition, including:

- Number of expressions of opposition relative to the composition of the community;
- Level of recognized stature or weight among sources of opposition;
- Distribution or diversity among sources of expressions of opposition, including:
    - Regional
    - Subsectors of community
    - Leadership of community
    - Membership of community
- Historical defense of the community in other contexts; and ~~Nature/intensity of opposition; and~~
- Costs incurred by objector in expressing opposition, including ~~what~~ other channels the objector may~~y~~ have used to convey ~~their~~ opposition.

If some opposition within the community is determined, but it does not meet the standard of substantial opposition, the objection will fail.

Targeting – The objector must prove a strong~~n~~ association between the applied-for gTLD string and the community represented by the objector ~~expressing opposition~~. Factors that could be balanced by a panel to determine this include:

- Statements contained in application;
- Other public statements by the applicant;
- Associations by the public.

If opposition by a community is determined, but there is no strong association~~clear connection~~ between the community and the applied-for gTLD string, the objection will fail.

Detriment – The objector must prove that there is a likelihood of detriment to the rights or legitimate interests of its associated community. Factors that could be used by a panel in making this determination include:

- Damage to the reputation of the community that would result from the applicant's operation of the applied-for gTLD string;

- Evidence that the applicant is not acting or does not intend to act in accordance with the interests of the community or of users more widely, including ~~;~~evidence that the applicant has not proposed or does not intend to institute effective security protection for user interests;

- Interference with the core activities of the community that would result from the applicant's operation of the applied-for gTLD string; and

- Dependence of the community on the DNS for its core activities.

If opposition by a community is determined, but there is no likelihood of detriment to the community resulting from the applicant's operation of the applied-for gTLD, the objection will fail.

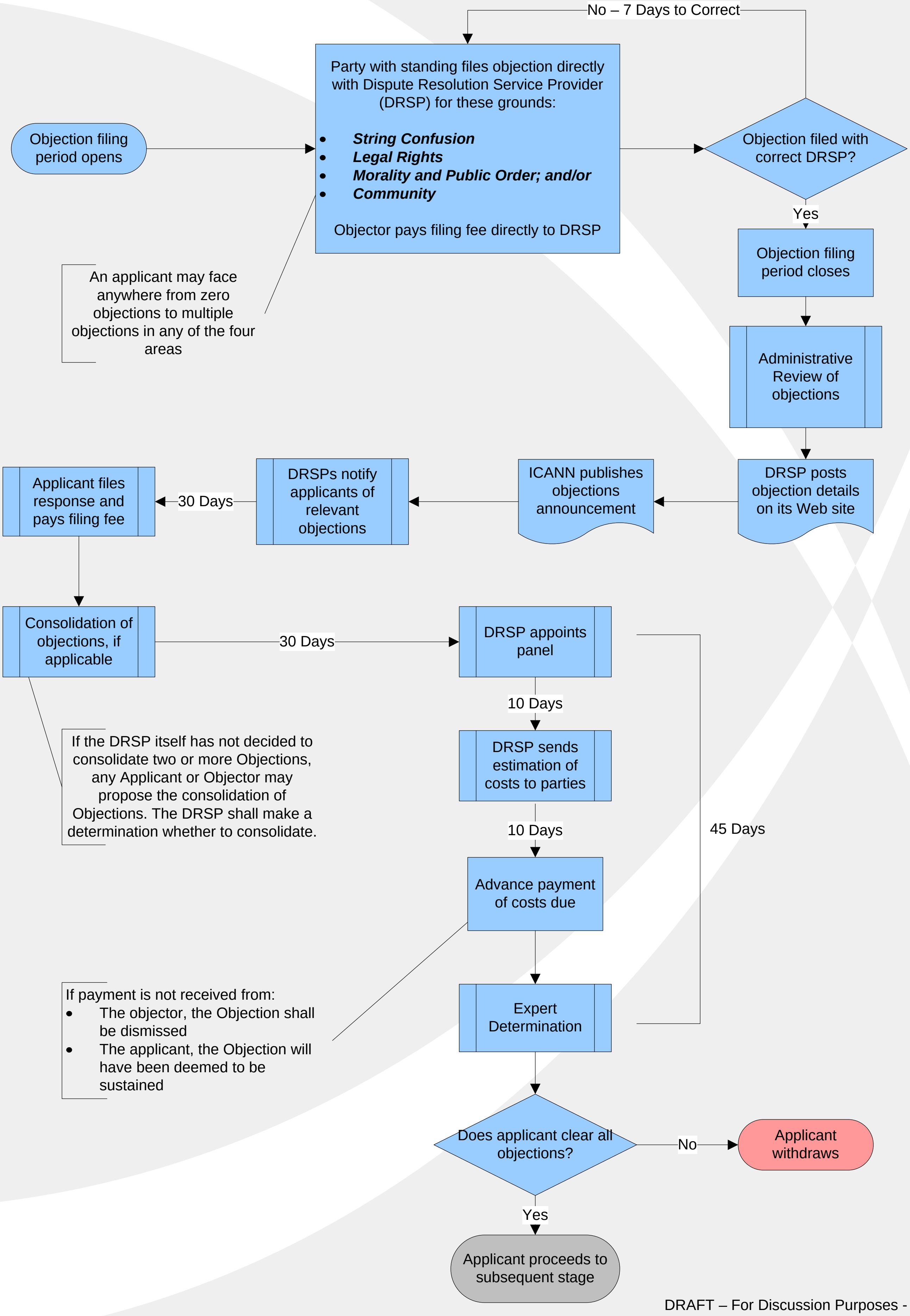
The objector must meet all four tests in the standard for the objection to prevail.

Defenses to a Community Objection – Satisfaction of the standing requirements for filing a Community Objection (refer to subsection~~paragraph~~ 3.1.2.4) by a community-based~~the~~ applicant is a complete defense to an objection filed on community grounds.

To invoke the complete defense, the community-based applicant must affirmatively prove, in its response to the objection, that it meets all elements of the standing requirements.

A complete defense, based on standing requirements, may not be invoked by a standard applicant whose application is the subject of a Community objection. However, a standard applicant may prevail in the event that a Community objection is filed against it, and the applicant can otherwise present a defense to the objection.

DRAFT - New gTLD Program – Objection and Dispute Resolution



Objection filing period opens

Party with standing files objection directly with Dispute Resolution Service Provider (DRSP) for these grounds:

- ***String Confusion***
- ***Legal Rights***
- ***Morality and Public Order; and/or***
- ***Community***

Objector pays filing fee directly to DRSP

An applicant may face anywhere from zero objections to multiple objections in any of the four areas

Objection filed with correct DRSP?

No – 7 Days to Correct

Yes

Objection filing period closes

Administrative Review of objections

DRSP posts objection details on its Web site

ICANN publishes objections announcement

DRSPs notify applicants of relevant objections

30 Days

Applicant files response and pays filing fee

Consolidation of objections, if applicable

If the DRSP itself has not decided to consolidate two or more Objections, any Applicant or Objector may propose the consolidation of Objections. The DRSP shall make a determination whether to consolidate.

30 Days

DRSP appoints panel

10 Days

DRSP sends estimation of costs to parties

10 Days

Advance payment of costs due

If payment is not received from:

- The objector, the Objection shall be dismissed
- The applicant, the Objection will have been deemed to be sustained

Expert Determination

45 Days

Does applicant clear all objections?

No

Applicant withdraws

Yes

Applicant proceeds to subsequent stage

Draft Applicant Guidebook, v3

Module 4

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 4

String Contention Procedures

This module describes situations in which contention over applied-for gTLD strings occurs, and the ~~two~~ methods available to applicants for resolving such contention cases.

4.1 String Contention

String contention occurs when either:

1. Two or more applicants for an identical gTLD string successfully complete all previous stages of the evaluation and dispute resolution processes; or
2. Two or more applicants for similar gTLD strings successfully complete all previous stages of the evaluation and dispute resolution processes, and the similarity of the strings is identified as creating a probability of user confusion if more than one of the strings is delegated.

ICANN will not approve applications for proposed gTLD strings that are identical or that would result in string confusion, called contending strings. If either situation 1 or 2 above occurs, such applications will proceed to contention resolution through either community priority (comparative) evaluation, in certain cases, or through an auction. Both ~~, both of which~~ processes are described in this module. A group of applications for contending strings is referred to as a contention set.

~~For a full description of considerations relating to string contention procedures, see the explanatory memorandum at http://www.icann.org/en/topics/new-gtlds/string-contention-18feb09-en.pdf.~~

4.1.1 Identification of Contention Sets

Contention sets are groups of applications containing identical or similar applied-for gTLD strings. (In this Applicant Guidebook, “similar” means strings so similar that they create a probability of user confusion~~it is probable that detrimental user confusion would result~~ if more than one of the strings is~~the two similar gTLDs are~~ delegated into the root zone.) Contention sets are identified during Initial Evaluation following~~from~~ review of all applied-for gTLD strings. ICANN will publish preliminary contention sets by the close of the Initial Evaluation period, and will update the contention sets as necessary during the evaluation and dispute resolution stages.

Applications for identical gTLD strings will be automatically assigned to a contention set. For example, if Applicant A and Applicant B both apply for .TLDSTRING, they will be identified as being in a contention set. Such testing for identical strings also takes into consideration the code point variants listed in any relevant IDN~~language reference~~ table.

The String Similarity Panel~~Examiners~~ will also review the entire pool of applied-for strings to determine whether the strings proposed in any two or more applications are so similar that they would create a probability of user confusion if allowed to coexist in the DNS. The panel will make such a determination for each pair of applied-for gTLD strings. The outcome of the String Similarity~~Confusion~~ Review described in subsection 2.1.1.1 of Module 2 is the identification of contention sets among applications that have direct or indirect contention relationships with one another.

Additionally, an applicant may file a String Confusion objection (described in Module 3) against another application alleging that the applied-for string is so similar to its own that the delegation of both would create a probability of user confusion. If the objection is upheld, the contention set will be augmented (see subsection 4.1.2 below).

Two strings are in **direct contention** if they are identical or so similar that there is a probability of user confusion if both were to be delegated as TLDs in the root zone. More than two applicants might be represented in a direct contention situation: if four different applicants applied for the same gTLD string, they would all be in direct contention with one another.

Two strings are in **indirect contention** if they are both in direct contention with a third string, but not with one another. The example that follows explains d~~D~~irect and indirect contention~~ is explained~~ in greater detail~~ in the example that follows~~.

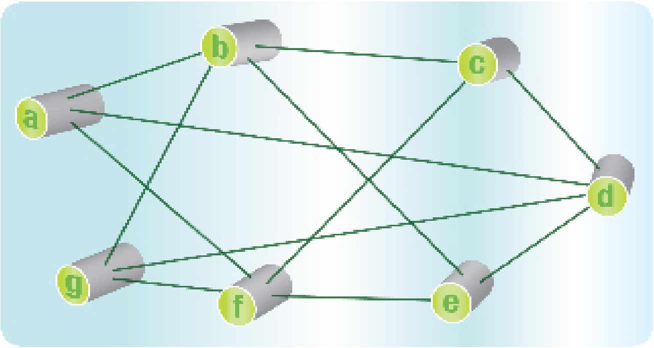


Figure 4-1 – This diagram represents one contention set, featuring both directly and indirectly contending strings.

While preliminary contention sets are determined during Initial Evaluation, the final configuration of the contention sets can only be established once the evaluation and dispute resolution process stages~~steps~~ have concluded. This is because any application excluded through those processes~~steps~~ might modify a contention set identified earlier. A contention set may be split ~~it~~ into two sets or it may be eliminated altogether as a result of an Extended Evaluation or dispute resolution proceeding.

Refer to Figure 4-2: In contention set 1, applications D and G are eliminated. Application A is the only remaining application, so there is no contention left to resolve.

In contention set 2, all applications successfully complete Extended Evaluation and Dispute Resolution, so the original contention set remains to be resolved.

In contention set 3, application F is eliminated. Since application F was in direct contention with E and J, but E and J are not in contention with one other, the original contention set splits into two sets: one containing E and K in direct contention, and one containing I and J.

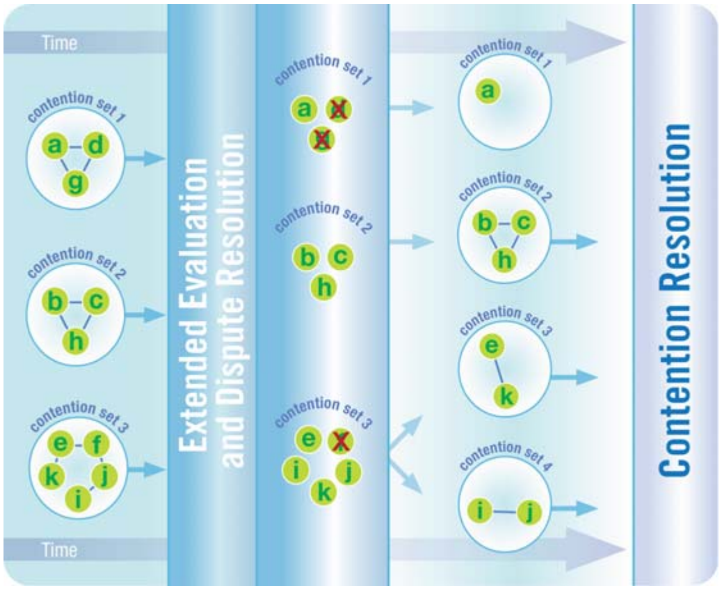

Time
contention set 1
a d g
contention set 2
b c h
contention set 3
e f k j i
Extended Evaluation and Dispute Resolution
contention set 1
a X X
contention set 2
b c h
contention set 3
e X i j k
contention set 1
a
contention set 2
b c h
contention set 3
e k
contention set 4
i j
Time
Contention Resolution

Figure 4-2 – Resolution of string contention cannot begin until all applicants within a contention set have completed all applicable previous stages.

The remaining contention cases must then be resolved through community priority (comparative) evaluation or by other means, depending on the circumstances. In the string contention resolution stage~~this process~~, ICANN addresses each contention set to achieve an unambiguous resolution.

As described elsewhere in this document, cases of contention might be resolved by community priority (comparative) evaluation or some agreement among~~of~~ the parties. Absent that, the last-resort contention resolution mechanism will be an auction.

4.1.2 Impact of Dispute Resolution Proceedings on Contention Sets

If an applicant files a string confusion objection against another ~~applicant~~application (refer to Module 3), and the panel ~~does~~ finds that ~~string~~user confusion is probable~~exists~~ (that is, finds in favor of the objector), the two applications~~applicants~~ will be placed in direct contention with each other. Thus, the outcome of a dispute resolution proceeding based on a string confusion objection would be~~result in~~ a new contention set structure for the relevant applications.

If an applicant files a string confusion objection against another application, and the panel finds that string confusion does not exist (that is, finds in favor of the responding applicant), the two applications may both move forward and will not be considered in direct contention with one another.

A dispute resolution outcome will not result in removal of an application from an earlier identified contention set.

4.1.3 Self-Resolution of String Contention

Applicants that are identified as being in contention are encouraged~~may elect~~ to reach a settlement or agreement among themselves that resolves the contention. This may occur at any stage of the process, once ICANN publicly posts the applications received on its website.

Applicants may resolve string contention in a manner whereby one or more applicants withdraw their applications. An applicant may not resolve string contention by selecting a new string or by replacing itself with a joint venture. It is understood that joint ventures may result from self-resolution of string contention by applicants. However, material changes in applications (for example, combinations of applicants to resolve contention) will require re-evaluation. This might require additional fees or evaluation in a subsequent application round. Applicants are encouraged to resolve contention by combining in a way that does not materially affect the remaining~~surviving~~ application.

4.1.4 Possible Contention Resolution Outcomes

An application that has successfully completed all previous stages and is no longer part of a contention set due to changes in the composition of~~within~~ the contention set (as described in subsection 4.1.1) or self-resolution by applicants in the contention set (as described in subsection 4.1.3) may proceed to the next stage.

An application that prevails in a contention resolution procedure, either community priority (comparative) evaluation or auction, may proceed to the next stage.

In some cases, an applicant who is not the outright winner of a string contention resolution process can still proceed. This situation is explained in the following paragraphs.

~~-~~If the strings within a given contention set are all identical, the applications are in direct contention with each other and there can only be one winner that proceeds to the next step.

However, where there are both direct and indirect contention situations within a set, more than one string may survive the resolution.

For example, consider a case where string A is in contention with B, and B is in contention with C, but C is not in contention with A. If A wins the contention resolution procedure, B is eliminated but C can go on since C is not in direct contention with the winner and both strings can coexist in the DNS without risk for confusion.

4.2 Community Priority (Comparative) Evaluation

Community priority (c~~C~~omparative) evaluation will only occur if a community-based applicant~~ has~~ selects~~ed~~ this option~~ in its application~~. Community priority (c~~C~~omparative) evaluation can begin once all applications~~applicants~~ in the contention set have completed all previous stages of the process.

The community priority (comparative) evaluation is an independent analysis. Scores received in the applicant reviews are not carried forward to the community priority (comparative) evaluation. Each application~~applicant~~ participating in the community priority (comparative) evaluation begins with a score of zero.

4.2.1 Eligibility for Community Priority (Comparative) Evaluation

As described in subsection 1.2.2 of Module 1, all applicants are required to identify whether their application type is:

- Community-based; or
- Standard~~Open~~.

Applicants designating their applications as community-based are also asked to respond to a set of questions in the application form to provide relevant information if a community priority (comparative) evaluation occurs.

Only community-based applicants are eligible to participate in ~~may elect~~ a community priority (comparative) evaluation. ~~If there is contention for strings, a claim to support a community by one party will be a reason to award priority to that application. If one community-based applicant within a contention set makes this election, all other community-based applicants in the same contention set will be part of the comparative evaluation.Applicants designating their applications as community-based will also be asked to respond to a set of questions in the application form that would provide relevant information if a comparative evaluation occurs.~~

At the start of the contention resolution stage, all community-based applicants within remaining contention sets will be notified of the opportunity to opt for a community priority (comparative) evaluation via submission of a deposit by a specified date. Only those applications for which a deposit has been received by the deadline will be scored in the community priority (comparative) evaluation.

Before the community priority (comparative) evaluation begins, ~~all community-based~~ the applicants who have elected to participate~~in the contention set~~ may be asked to provide additional information relevant to the community priority (comparative) evaluation. ~~Additionally, the community-based applicants will be required to submit a deposit to cover the cost of the comparative evaluation. The deposit will be refunded to applicants that score 14 or higher.~~ Following the evaluation, the deposit will be refunded to applicants that score 14 or higher.

4.2.2 Community Priority (Comparative) Evaluation Procedure

Community priority (~~C~~comparative) evaluations for each eligible contention set will be performed by a community priority panel~~comparative evaluation provider~~ appointed by ICANN to review contending applications ~~for contending gTLD strings~~. The ~~provider's~~panel's role~~charter~~ is to determine whether any~~one~~ of the community-based applications fulfills the community priority criteria~~clearly and demonstrably have the support of the specified community~~. Standard~~Open~~ applicants within the contention set, if any, will not participate in the community priority (comparative evaluation).

If a single community-based application~~applicant~~ is found to meet the community priority criteria (see subsection 4.2.3 below),~~ for succeeding in the comparative evaluation,~~ that applicant will be declared to prevail in the community priority (comparative) evaluation and may proceed~~ with its application~~. If more than one community-based application~~applicant~~ is found to meet the criteria, the remaining contention between them~~is~~ will be resolved as follows:

- In the case where the applications~~applicants~~ are in indirect contention with one another (see subsection 4.1.1), they will both be allowed to proceed to the next stage. In this case, applications that are in direct contention with any of these community-based applications will be eliminated.
  - In the case where the applications~~applicants~~ are in direct contention with one another, these applicants will proceed to an auction. If all parties agree and present a joint request, ICANN may postpone the auction for a three-month period while the parties attempt to reach a settlement before proceeding to auction. This is a one-time option; ICANN will grant no more than one such request for each set of contending applications.~~and have named the same community in their applications, one applicant will be granted priority if it has clearly demonstrated that it represents a majority and significantly larger share of the community. If no applicant has made such a demonstration, the applicants will proceed to an auction.~~
- ~~In the case where the applicants are in direct contention with one another and have named different communities in their applications, the contention will be resolved through an auction among these applicants.~~

If none of the community-based applications~~applicants~~ are found to meet the criteria, then all of the parties in the contention set (both standard~~open~~ and community-based applicants) will proceed to an auction.

4.2.3 Community Priority (Comparative) Evaluation Criteria

The Community Priority Panel~~A panel appointed by the comparative evaluation provider~~ will review and score the one or more community-based applications~~applicants who elected comparative evaluation~~ having elected the community priority (comparative) evaluation against four criteria as listed below.~~follows:~~

The scoring process is intended to identify qualified community-based applications, preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to get a sought-after generic word as a gTLD string); and "false negatives" (not awarding priority to a qualified community application). This calls for a holistic approach, taking multiple criteria into account, as reflected in the process.

It should be noted that a qualified community application eliminates all directly contending standard applications, regardless of how well qualified the latter may be. This is a fundamental reason for very stringent requirements for qualification of a community-based application, as embodied in the criteria below.

An application must score at least 14 points to prevail in a community priority (comparative) evaluation. The outcome will be determined according to the procedure described in subsection 4.2.2.

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

~~Score~~

~~4~~	~~3~~	~~2~~	~~1~~	~~0~~
~~String is strongly associated with the community or community institution and has no other significant associations.~~	~~String is clearly associated with the community but also has other associations.~~	~~String is relevant to the community but also has other well-known associations.~~	~~The string, although relevant to the community, primarily has wider associations.~~	~~The nexus between string and community does not fulfill the requirement for scoring 1.~~

~~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.~~

~~Criteria #2: Dedicated Registration Policies~~

~~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.~~	~~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.~~	~~The registration policies do not fulfill the requirement for scoring 1~~

~~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.~~

~~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~~

~~Score~~

~~4~~	~~3~~	~~2~~	~~1~~	~~0~~
~~Application from, or endorsement by, a recognized~~	~~Endorsement by most groups with apparent~~	~~Endorsement by groups with apparent~~	~~Assorted endorsements from groups of~~	~~Limited endorsement by groups of~~

~~Score~~

~~4~~	~~3~~	~~2~~	~~1~~	~~0~~
~~community institution, or application endorsed by member organizations.~~	~~relevance, but unclear if the whole community is supportive.~~	~~relevance, but also some opposition from groups with apparent relevance.~~	~~unknown relevance, but also clear opposition from groups with apparent relevance.~~	~~unknown relevance, Strong opposition from groups with apparent relevance.~~

~~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.~~

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

A maximum of 4 points is possible on the Community Establishment criterion:

4	3	2	1	0
Community Establishment				

High ↔ Low

As measured by:

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.

Explanatory notes: Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – while still implying more of cohesion than a mere commonality of interest. Notably, there should be an awareness and recognition of a community among its members.

The scoring for this criterion relates to the community as explicitly addressed according to the application. It should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both delineation and extension above. The panel may use information sources outside the application itself to verify the circumstances.

"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. "Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007. "Organized" implies that there is at least one entity dedicated to the community, with documented evidence of community activities.

"Size" relates both to the number of members and the geographical reach of the community and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size". "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.

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

A maximum of 4 points is possible on the Nexus criterion:

4	3	2	1	0
Nexus between String & Community				

High ◄——————► Low

As measured by:

A. Nexus (3)

3	2	0
The string matches the name of the community or is a well known short-form or abbreviation of	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.

3	2	0
the community name.		

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.

Explanatory notes:

For a score of 3 on A: "Name" of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community. The essential aspect is that the name is commonly known by others as the identification of the community.

For a score of 2 on A: A string "identifies" the community if it closely describes the community or the community members, without over-reaching beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context.

Regarding B: "Significant meaning" relates to the public in general, with consideration of the community language context added. "Uniqueness" will be scored both with regard to the community context and from a general point of view. For example, a string for a particular geographic location community may seem unique from a general perspective, but would not score a 1 for uniqueness if it carries another significant meaning in the common language used in the relevant community location. The phrasing "...beyond identifying the community" in the score of 1 for "uniqueness" implies a requirement that the string does identify the community, i.e. scores 2 or 3 for "Nexus", in order to be eligible for a score of 1 for "Uniqueness".

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

A maximum of 4 points is possible on the Registration Policies criterion:

4	3	2	1	0
Registration Policies				

High ↔ Low

As measured by:

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.

Explanatory notes:

Regarding A: The limitation to community "members" can invoke a formal membership but can also be satisfied in other ways, depending on the structure and orientation of the community at hand. For example, for a geographic location community TLD a limitation to members of the community can be achieved by requiring that the registrant's physical address is within the boundaries of the location.

Regarding B, C and D: Scoring of applications against these sub-criteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D.

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

A maximum of 4 points is possible on the Community Endorsement criterion:

4	3	2	1	0
Community Endorsement				

High ↔ Low

As measured by:

A. Support (2)

2	1	0
Applicant is, or has documented support from, the recognized community institution(s)/ member organization(s) or has otherwise documented authority to represent the community.	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.

Explanatory notes: Support and opposition will be scored in relation to the communities explicitly addressed as stated in the application with due regard taken to the communities implicitly addressed by the string. It follows that support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly orientated to that national level, but only a 1 if the string implicitly addresses similar communities in other nations. However, it should be noted that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant community will not be required for a score of 2 regarding support.

"Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. The plurals in brackets relate to cases of alliances of multiple communities. In such cases, a score of "2" calls for documented support from institutions/organizations representing a majority of the overall community addressed.

"Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities implicitly addressed by the string would be considered relevant.

Previous objections to the application during the same application round will be taken into account when scoring "Opposition" and be assessed in this context without any presumption that such objections would lead to a particular score.

4.3 Auction: Mechanism of Last Resort~~[1]~~

It is expected that most cases of contention will be resolved by the ~~two-phased~~ community priority (comparative) evaluation, or through voluntary agreement among the involved applicants~~of the parties~~. Auction is a tie-breaker method for resolving string contention among the applications~~applicants~~ within a contention set, if the contention has not been resolved by other means.

In practice, ICANN expects that most contention cases will be resolved through other means before reaching the auction stage. There is a possibility that significant funding will accrue to ICANN as a result of one or more auctions.[2]

~~[1] This information is included to provide implementation details for public comment.~~

[2] The purpose of an auction is to resolve contention in a clear, objective manner. Proceeds from auctions will be reserved and earmarked until the uses of the proceeds are determined. It is planned that costs of the new gTLD program will offset by fees, so any funds coming from a last resort contention resolution mechanism such as auctions would result (after paying for the auction process) in additional funding. Therefore, consideration of a last resort contention mechanism should include the uses of funds. Funds must be earmarked separately and used in a manner that supports directly ICANN's Mission and Core Values and also maintains its not for profit status.

Possible uses include formation of a foundation with a clear mission and a transparent way to allocate funds to projects that are of interest to the greater Internet community, such as grants to support new gTLD applications or registry operators from communities in subsequent gTLD rounds, the creation of an ICANN-administered/community-based fund for specific projects for the benefit of the Internet community, the creation of a registry continuity fund for the

4.3.1 Auction Procedures

An auction of two or more applications within a contention set is conducted as follows. The auctioneer successively increases the prices associated with applications within the contention set, and the respective applicants indicate their willingness to pay these prices. As the prices rise, applicants will successively choose to exit from the auction. When a sufficient number of applications have been eliminated so that no direct contentions remain (i.e., the remaining applications are no longer in contention with one another and can all be delegated), the auction will be deemed to conclude. At the auction's conclusion, the remaining applications will pay the resulting prices and proceed toward delegation. This procedure is referred to as an "ascending-clock auction."

This section provides applicants an informal introduction to the practicalities of participation in an ascending-clock auction. It is intended only as a general introduction and is only preliminary. If conflict arises between this section and the auction rules issued prior to commencement of any auction proceedings, the auction rules will prevail. For simplicity, this section will describe the situation where a contention set consists of two or more applications for identical strings.

All auctions will be conducted over the Internet, with participants placing their bids remotely using a web-based software system designed especially for auction. The auction software system will be compatible with current versions of most prevalent browsers, and will not require the local installation of any additional software.

Auction participants ("bidders") will receive instructions for access to the online auction site. Access to the site will be password-protected and bids will be encrypted through SSL. If a bidder temporarily loses connection to the Internet, that bidder may be permitted to submit its bids in a given auction round by fax, according to procedures described

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protection of registrants (ensuring that funds would be in place to support the operation of a gTLD registry until a successor could be found), or establishment of a security fund to expand use of secure protocols, conduct research, and support standards development organizations in accordance with ICANN's security and stability mission.

Further detail on the potential uses of funds will be provided with the proposed budget for the new gTLD process and updated Applicant Guidebook materials.

in the auction rules. The auctions will generally be conducted to conclude quickly, ideally in a single day.

The auction will be carried out in a series of auction rounds, as illustrated in Figure 4-3. The sequence of events is as follows:

1. For each auction round, the auctioneer will announce in advance: (1) the start-of-round price, (2) the end-of-round price, and (3) the starting and ending times of the auction round. In the first auction round, the start-of-round price for all bidders in the auction will be USD 0. In later auction rounds, the start-of-round price will be its end-of-round price from the previous auction round.

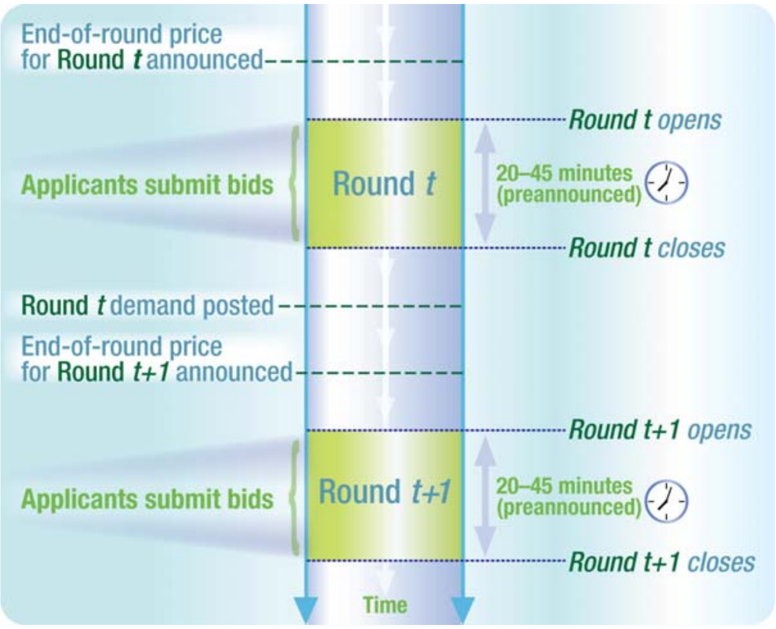
End-of-round price for Round t announced
Round t opens
Applicants submit bids
Round t
20–45 minutes (preannounced)
Round t closes
Round t demand posted
End-of-round price for Round t+1 announced
Round t+1 opens
Applicants submit bids
Round t+1
20–45 minutes (preannounced)
Round t+1 closes
Time

Figure 4-3 – Sequence of events during an ascending-clock auction.

2. During each auction round, bidders will be required to submit a bid or bids representing their willingness to pay within the range of intermediate prices between the start-of-round and end-of-round prices. In this way a bidder indicates its willingness to stay in the auction at all prices through and including the end-of-auction round price, or its wish to exit the auction at a price less than the end-of-auction round price, called the exit bid.

3. Exit is irrevocable. If a bidder exited the auction in a previous auction round, the bidder is not permitted to re-enter in the current auction round.

4. Bidders may submit their bid or bids at any time during the auction round.

5. Only bids that comply with all aspects of the auction rules will be considered valid. If more than one valid bid is submitted by a given bidder within the time limit of the auction round, the auctioneer will treat the last valid submitted bid as the actual bid.

6. At the end of each auction round, bids become the bidders' legally-binding offers to secure the relevant gTLD strings~~winning slot~~ at prices up to the respective bid amounts, subject to closure of the auction in accordance with the auction rules. In later auction rounds, bids may be used to exit from the auction at subsequent higher prices.

7. After each auction round, the auctioneer will disclose the aggregate number of bidders remaining in the auction at the end-of-round prices for the auction round, and will announce the prices and times for the next auction round.

   - Each bid should consist of a single price associated with the application, and such price must be greater than or equal to the start-of-round price.

   - If the bid amount is strictly less than the end-of-round price, then the bid is treated as an exit bid at the specified amount, and it signifies the bidder's binding commitment to pay up to the bid amount if its application is approved.

   - If the bid amount is greater than or equal to the end-of-round price, then the bid signifies that the bidder wishes to remain in the auction at all prices in the current auction round, and it signifies the bidder's binding commitment to pay up to the end-of-round price if its application is approved. Following such bid, the application cannot be eliminated within the current auction round.

   - To the extent that the bid amount exceeds the end-of-round price, then the bid is also treated as a proxy bid to be carried forward to the next auction round. The bidder will be permitted to change the proxy bid amount in the next auction round, and the amount of the proxy bid will not constrain the bidder's ability to submit any valid bid amount in the next auction round.

- No bidder is permitted to submit a bid for any application for which an exit bid was received in a prior auction round. That is, once an application has exited the auction, it may not return.

- If no valid bid is submitted within a given auction round for an application that remains in the auction, then the bid amount is taken to be the amount of the proxy bid, if any, carried forward from the previous auction round or, if none, the bid is taken to be an exit bid at the start-of-round price for the current auction round.

8. This process continues, with the auctioneer increasing the price range for each given TLD string in each auction round, until there is one remaining bidder at the end-of-round price. After an auction round in which this condition is satisfied, the auction concludes and the auctioneer determines the clearing price. The last remaining application is deemed the successful application, and the associated bidder is obligated to pay the clearing price.

Figure 4-4 illustrates how an auction for five contending applications might progress.

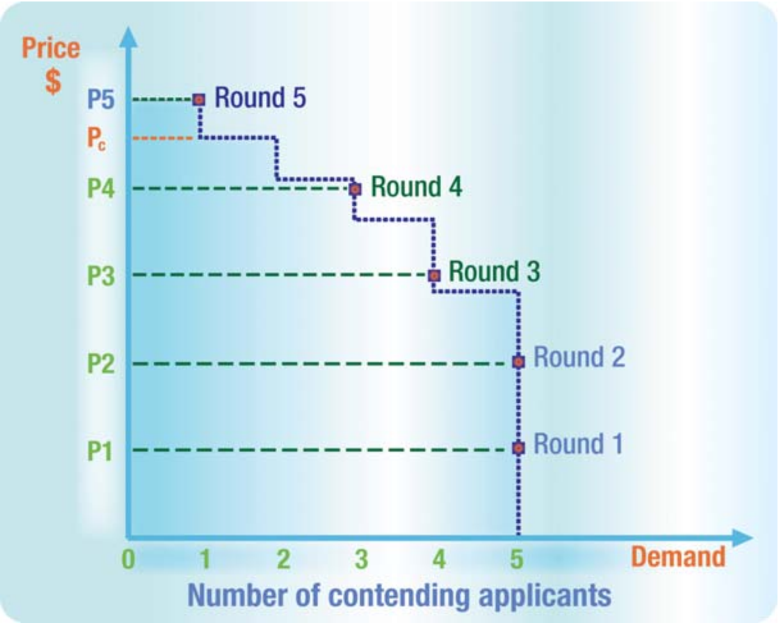

Figure 4-4 – Example of an auction for five mutually-contending applications.

- Before the first auction round, the auctioneer announces the end-of-round price P_1.

- During Auction round 1, a bid is submitted for each application. In Figure 4-4, all five bidders submit bids of at least P_1. Since the aggregate demand exceeds one, the auction proceeds to Auction round 2. The auctioneer discloses that five contending applications remained at P_1 and announces the end-of-round price P_2.

- During Auction round 2, a bid is submitted for each application. In Figure 4-4, all five bidders submit bids of at least P_2. The auctioneer discloses that five contending applications remained at P_2 and announces the end-of-round price P_3.

- During Auction round 3, one of the bidders submits an exit bid at slightly below P_3, while the other four bidders submit bids of at least P_3. The auctioneer discloses that four contending applications remained at P_3 and announces the end-of-round price P_4.

- During Auction round 4, one of the bidders submits an exit bid midway between P_3 and P_4, while the other three remaining bidders submit bids of at least P_4. The auctioneer discloses that three contending applications remained at P_4 and announces the end-of-auction round price P_5.

- During Auction round 5, one of the bidders submits an exit bid at slightly above P_4, and one of the bidders submits an exit bid at P_c midway between P_4 and P_5. The final bidder submits a bid greater than P_c. Since the aggregate demand at P_5 does not exceed one, the auction concludes in Auction round 5. The application associated with the highest bid in Auction round 5 is deemed the successful application. The clearing price is P_c, as this is the lowest price at which aggregate demand can be met.

To the extent possible, auctions to resolve multiple string contention situations may be conducted simultaneously.

4.3.1.1 *Currency*

For bids to be comparable, all bids in the auction will be submitted in any integer (whole) number of US dollars.

4.3.1.2 *Fees*

A bidding deposit will be required of applicants participating in the auction, in an amount to be determined. The bidding deposit must be transmitted by wire transfer to a specified bank account specified by ICANN or its auction provider at a major international bank, to be received in advance of the auction date. The amount of the deposit will determine a bidding limit for each bidder: the bidding deposit will equal 10% of the bidding limit; and the bidder will not be permitted to submit any bid in excess of its bidding limit.

In order to avoid the need for bidders to pre-commit to a particular bidding limit, bidders may be given the option of making a specified deposit that will provide them with unlimited bidding authority for a given application. The amount of the deposit required for unlimited bidding authority will depend on the particular contention set and will be based on an assessment of the possible final prices within the auction.

All deposits from nondefaulting losing bidders will be returned following the close of the auction.

4.3.2 *Winning Bid Payments*

Any applicant that participates in an auction will be required to sign a bidder agreement that acknowledges its rights and responsibilities in the auction, including that its bids are legally binding commitments to pay the amount bid if it wins~~; that is~~ (i.e., if its application is approved), and to enter into the prescribed registry agreement with ICANN—together with a specified penalty for defaulting on payment of its winning bid or failing to enter into the required registry agreement.

The winning bidder in any auction will be required to pay the full amount of the final price within 20~~10~~ business days of the end of the auction. Payment is to be made by wire transfer to the same international bank account as the bidding deposit, and the applicant's bidding deposit will be credited toward the final price.

In the event that a bidder anticipates that it would require a longer payment period than 20 business days due to verifiable government-imposed currency restrictions, the bidder may advise ICANN well in advance of the auction and ICANN will consider applying a longer payment period to all bidders within the same contention set.

Any winning bidder for whom the full amount of the final price is not received within 20~~10~~ business days of the end of an auction is subject to being declared in default. At their sole discretion, ICANN and its auction provider may delay the declaration of default for a brief period, but only if they are convinced that receipt of full payment is imminent.

Any winning bidder for whom the full amount of the final price is received within 20 business days of the end of an auction retains the obligation to execute the required registry agreement within 90 days of the end of auction. Such winning bidder who does not execute the agreement within 90 days of the end of the auction is subject to being declared in default. At their sole discretion, ICANN and its auction provider may delay the declaration of default for a brief period, but only if they are convinced that execution of the registry agreement is imminent.

4.3.3 Post-Default Procedures

Once declared in default, any~~the~~ winning bidder is subject to immediate forfeiture of its position in the auction and assessment of default penalties. After a winning bidder is declared in default, the remaining bidders will receive an offer to have their applications accepted, one at a time, in descending order of their exit bids. In this way, the next bidder would be declared the winner subject to payment of its last bid price.

Each bidder that is offered the relevant gTLD will be given a specified period—typically, four business days—to respond as to whether it wants the gTLD. A bidder who responds in the affirmative will have 20~~10~~ business days to submit its full payment.

The penalty for defaulting on a winning bid will equal 10% of the defaulting bid.[3]

~~The penalty for defaulting on a winning bid will be the greater of the following: (1) 10% of the defaulting bid, or (2) the amount by which the defaulting bid exceeds the bid amount that ICANN is ultimately paid by an applicant for the identical or similar contending gTLD string.~~

Default penalties will be charged against any defaulting applicant's bidding deposit before the associated bidding deposit is returned. ~~and, to the extent that the default penalty exceeds the associated bidding deposit, the defaulting applicant will also be liable for the additional amount.~~

4.4 Contention Resolution and Contract Execution

An applicant that has been declared the winner of a contention resolution process will proceed by entering into the contract execution step. (Refer to section 5.1 of Module 5.)

If a~~the~~ winner of the contention resolution procedure has not executed a contract within 90 days of the decision,

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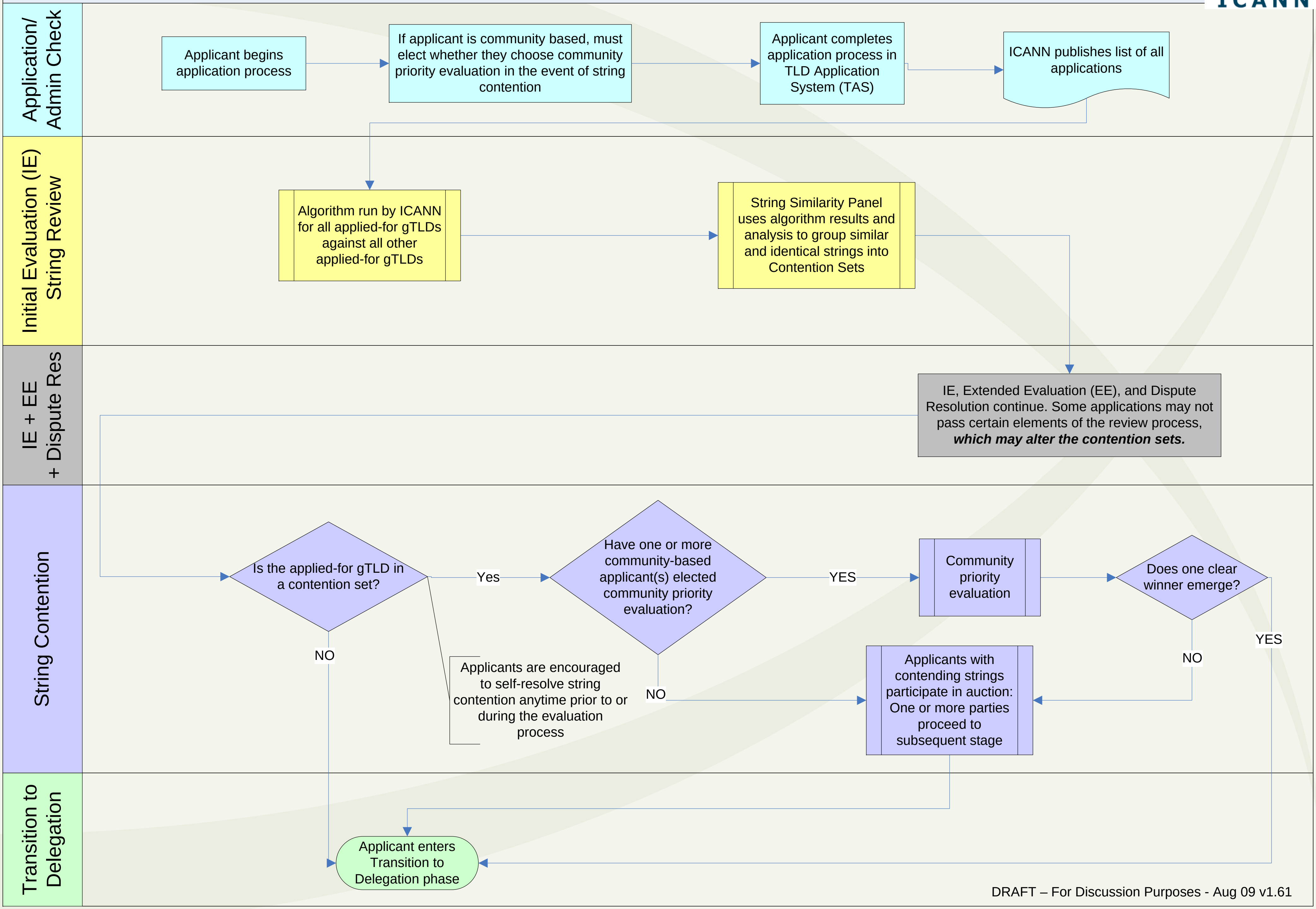
[3] If bidders were given the option of making a specified deposit that provided them with unlimited bidding authority for a given application and if the winning bidder utilized this option, then the penalty for defaulting on a winning bid will be the lesser of the following: (1) 10% of the defaulting bid, or (2) the specified deposit amount that provided the bidder with unlimited bidding authority.

ICANN has the right to extend an offer to the runner-up applicant, if any, to proceed with its application. For example,~~ in a comparative evaluation, the applicant with the second-highest score (if equal to or greater than fourteen, might be selected to proceed toward delegation. (Refer to Module 5.) Similarly, ~~in an auction, another applicant who would be considered the runner-up applicant might proceed toward delegation. This offer is at ICANN's option only. The runner-up applicant in a contention resolution process has no automatic right to an applied-for gTLD string if the first place winner does not execute a contract within a specified time.

DRAFT - New gTLD Program - String Contention



Application/ Admin Check
Initial Evaluation (IE) String Review
IE + EE + Dispute Res
String Contention
Transition to Delegation

Applicant begins application process

If applicant is community based, must elect whether they choose community priority evaluation in the event of string contention

Applicant completes application process in TLD Application System (TAS)

ICANN publishes list of all applications

Algorithm run by ICANN for all applied-for gTLDs against all other applied-for gTLDs

String Similarity Panel uses algorithm results and analysis to group similar and identical strings into Contention Sets

IE, Extended Evaluation (EE), and Dispute Resolution continue. Some applications may not pass certain elements of the review process, ***which may alter the contention sets.***

Is the applied-for gTLD in a contention set?

Have one or more community-based applicant(s) elected community priority evaluation?

Community priority evaluation

Does one clear winner emerge?

Applicants are encouraged to self-resolve string contention anytime prior to or during the evaluation process

Applicants with contending strings participate in auction: One or more parties proceed to subsequent stage

Applicant enters Transition to Delegation phase

DRAFT – For Discussion Purposes - Aug 09 v1.61

Draft Applicant Guidebook, v3

Module 5

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 5

Transition to Delegation

This module describes the final steps required of an applicant for completion of the process, including execution of a registry agreement with ICANN and preparing for delegation of the new gTLD into the root zone.

5.1 Registry Agreement

All applicants that have successfully completed the evaluation process—including, if necessary, the dispute resolution and string contention processes—are required to enter into a registry agreement with ICANN in order to proceed to delegation.

The draft registry agreement can be reviewed in the attachment to this module. All successful applicants are expected to enter into the agreement substantially as written. It is important to note that the agreement referred to above~~below~~ does not constitute a formal position by ICANN and has not been approved by the ICANN Board of Directors. The agreement is set out~~ here~~ in draft form for review and community discussion purposes and as a means to improve the effectiveness of the agreement in providing for increased competition and choice for consumers in a stable, secure DNS.

~~The contract terms can be reviewed at http://www.icann.org/en/topics/new-gtlds/draft-agreement-18feb09-en.pdf. All successful applicants are expected to enter into the agreement substantially as written. The terms of the contract and, in particular, differences with existing registry agreements are explained in a companion paper to the agreement, *Summary of Changes to Base Agreement for New gTLDs,* http://www.icann.org/en/topics/new-gtlds/draft-summary-changes-18feb09-en.pdf.~~

~~After an applicant has successfully completed the application process,~~Prior to entry into a registry agreement with an applicant, ICANN may conduct a pre-contract review. To ensure that an applicant continues to be a going concern in good legal standing, ICANN reserves the right to ask the applicant to submit updated documentation and information before entering into the registry agreement.

Prior to or concurrent with the execution of the registry agreement, the applicant must also provide documentary evidence of its ability to fund ongoing basic registry operations for its future registrants for a period of three to five years in the event of registry failure, default or until a successor operator can be designated. This obligation is met by securing a financial instrument as described in the Evaluation Criteria.

5.2 Pre-Delegation Testing

Each applicant will be required to complete pre-delegation technical testing as a prerequisite to ~~the IANA process for~~ delegation into the root zone. This~~e~~ pre-delegation test~~check~~ must be completed within the time period specified in the registry agreement.

~~5.2.1 Technical Testing~~

The purpose of the pre-delegation technical test is to verify the applicant has met its commitment to establish registry operations in accordance with the technical and operational criteria described in Module 2. ~~*(Refer to http://www.icann.org/en/topics/new-gtlds/draft-evaluation-criteria-18feb09-en.pdf.)*~~

The test is~~checks are also~~ intended to ~~ensure~~indicate that the applicant can operate the gTLD in a stable and secure manner. All applicants will be tested on a pass/fail basis according to the requirements ~~questions and criteria~~ that follow.

The test elements cover both the DNS server operational infrastructure and registry system operations. In many cases the applicant will perform the test elements as instructed and provide documentation of the results to ICANN to demonstrate satisfactory performance. At ICANN's discretion, aspects of the applicant's self-certification documentation can be audited on-site at the services delivery point of the registry.

5.2.1 Testing Procedures

The applicant may initiate the pre-delegation test by submitting to ICANN the Pre-Delegation form and accompanying documents containing all of the following information:

- All name server names and IPv4/IPv6 addresses to be used in serving the new TLD data;
- If using anycast, the list of names and IPv4/IPv6 unicast addresses allowing the identification of each individual server in the anycast sets;
- If IDN is supported, the complete IDN tables used in the registry system;
- The new TLD zone must be signed at test time and the valid key-set to be used at the time of testing must be provided to ICANN in the documentation, as well as the DNSSEC Policy Statement (DPS);
- Its executed agreement with its selected escrow agent; and
- Self-certification documentation as described below for each test item.

ICANN will review the material submitted and in some cases perform additional tests. After these cycles of testing, ICANN will assemble a report with the outcome of the tests and communicate with the applicant.

Any clarification request, additional information request, or general ICANN request generated in the process will be highlighted and listed in the report sent to the applicant.

Once an applicant has met all of the pre-delegation testing requirements, it is eligible to request delegation of its applied-for gTLD. All delegations to the root zone must also be approved by the ICANN Board of Directors.

If an applicant does not complete the pre-delegation steps within the time period specified in the registry agreement, ICANN reserves the right to terminate the registry agreement.

5.2.2 Test Elements: DNS Infrastructure

The first set of test elements concerns the DNS infrastructure of the new gTLD and is described here.

***System performance requirements* --** The DNS infrastructure to which these tests apply comprises the complete set of servers and network infrastructure to be used by the chosen providers to deliver DNS service for the new gTLD to the Internet. The documentation provided by the applicant must include the results from a system performance test indicating network and server capacity available and an estimate of expected capacity to ensure stable service as well as to adequately address Distributed Denial of Service (DDoS) attacks.

Self-certification documentation shall include data on load capacity, latency and network reachability.

Load capacity shall be reported using a table, and a corresponding graph, showing percentage of queries responded against an increasing number of queries per second generated from local, to the servers, traffic generators. The table shall include at least 20 data points and loads that will cause up to a 10% query loss. Responses must either contain zone data or be NXDOMAIN or NODATA responses to be considered valid.

Latency will be reported in milliseconds as measured by DNS probes located just outside the border routers of the physical network hosting the servers.

Reachability will be documented by providing information on the transit and peering arrangements for the DNS server locations, listing the AS numbers of the transit providers or peers at each point of presence and available bandwidth at those points of presence.

***TCP support* --** TCP transport service for DNS queries and responses must be enabled and provisioned for expected load. ICANN will review the capacity self-certification documentation provided by the applicant and will perform TCP reachability and transaction capability tests for each applicant-listed name server. In case of use of anycast, each individual server in each anycast set will be tested. Self-certification documentation shall include data on load capacity, latency and external network reachability.

Load capacity shall be reported using a table, and a corresponding graph, showing percentage of queries responded against an increasing number of queries per second generated from local, to the servers, traffic generators. The table shall include at least 20 data points and loads that will cause up to a 10% query loss. Responses must either contain zone data or be NXDOMAIN or NODATA responses to be considered valid.

Latency will be reported in milliseconds as measured by DNS probes located just outside the border routers of the physical network hosting the servers, from a network topology point of view.

Reachability will be documented by providing records of TCP based DNS queries from nodes external to the network hosting the servers. These locations may be the same as those used for measuring latency above.

IPv6 support -- Applicant must provision IPv6 service for its DNS infrastructure. ICANN will review the self-certification documentation provided by the applicant and will test IPv6 reachability from various points on the Internet. DNS transaction capacity over IPv6 for all name servers with declared IPv6 addresses will also be checked. In case of use of anycast, each individual server in each anycast set will be tested.

Self-certification documentation shall include data on load capacity, latency and external network reachability.

For the set of DNS servers that support IPv6, load capacity shall be reported using a table, and a corresponding graph, showing percentage of queries responded against an increasing number of queries per second generated from local, to the servers, traffic generators. The table shall include at least 20 data points and loads that will cause up to a 10% query loss. Responses must either contain zone data or be NXDOMAIN or NODATA responses to be considered valid.

Latency will be reported in milliseconds as measured by DNS probes located just outside the border routers of the physical network hosting the servers.

Reachability will be documented by providing records of DNS queries over IPv6 transport from nodes external to the network hosting the servers. In addition, applicant shall provide details of its IPv6 transit and peering arrangements, including a list of AS numbers with which it exchanges IPv6 traffic.

DNSSEC support -- Applicant must demonstrate support for EDNS(0) in its server infrastructure, the ability to return correct DNSSEC-related resource records such as DNSKEY, RRSIG, and NSEC/NSEC3 for the signed zone, and the ability to accept and publish DS resource records from second-level domain administrators. ICANN will review the self-certification materials as well as test the reachability and DNS transaction capacity for DNS queries using the EDNS(0) protocol extension for each name server. In case of use of anycast, each individual server in each anycast set will be tested.

Load capacity, latency and reachability shall be documented as for TCP above.

5.2.3 Test Elements: Registry Systems

As documented in the registry agreement, registries must provide support for EPP within their Shared Registration System, and provide Whois service both via port 43 and a web interface, in addition to support for DNS infrastructure. This section details the requirements for testing these registry systems.

System performance -- The registry system must scale to meet the performance requirements described in Specification 6 of the registry agreement and ICANN will require self-certification of compliance. ICANN will review the self-certification documentation provided by the applicant to verify adherence to these minimum requirements.

Whois support -- Applicant must provision Whois services for the anticipated load. ICANN will verify Whois data is accessible via both port 43 and via a web interface and review self-certification documentation regarding Whois transaction capacity. Access to Whois (both port 43 and via the web) will be tested by ICANN remotely from various points on the Internet.

Self-certification documents shall describe the maximum number of queries per second successfully handled by both the port 43 servers as well as the web interface, together with an applicant-provided load expectation.

Additionally, a description of deployed control functions to detect and mitigate data mining of the Whois database shall be documented.

EPP Support -- As part of a shared registration service, applicant must provision EPP services for the anticipated load. ICANN will verify conformance to appropriate RFCs (including EPP extensions for DNSSEC). ICANN will also review self-certification documentation regarding EPP transaction capacity.

Documentation shall provide a maximum Transaction per Second rate for the EPP interface with 10 data points corresponding to registry database sizes from 0 (empty) to the expected size after one year of operation, as determined by applicant.

Documentation shall also describe measures taken to handle load during initial registry operations, such as a land-rush period.

IPv6 support -- The ability of the registry to support registrars adding, changing, and removing IPv6 records supplied by registrants will be tested by ICANN. If the registry supports EPP access via IPv6, this will be tested by ICANN remotely from various points on the Internet.

DNSSEC support -- ICANN will review the ability of the registry to support registrars adding, changing, and removing DNSSEC-related resource records as well as the registry's overall key management procedures. Inter-operation of the applicant's secure communication channels with the IANA for trust anchor material exchange will be verified.

The practice and policy document (also known as the DNSSEC Policy Statement or DPS) describing key material storage, access and usage for its own keys and the registrants' trust anchor material is also reviewed as part of this step.

IDN support -- ICANN will verify the complete IDN table(s) used in the registry system. The table(s) must comply with the guidelines in http://iana.org/procedures/idn-repository.html.

Requirements related to IDN for Whois are being developed. After these requirements are developed, prospective registries will be expected to comply with published IDN-related Whois requirements as part of pre-delegation testing.

Escrow deposit -- The applicant-provided samples of dummy data deposit, both one full and one incremental, showing correct type and formatting of content will be reviewed. Special attention will be given to the agreement with the applicant escrow provider to ensure that escrowed data can be recovered and the registry reconstituted to the point where it can respond to DNS and Whois queries (both via port 43 and via the web) should it be necessary.

~~Question~~		~~Criteria~~
~~1~~	~~IDN (Variant) Tables~~	
	~~If applicant will be supporting IDNs, was the IDN table attached to the application when originally submitted and does it fulfill IDN and IANA guidelines and requirements?~~	~~IDN tables listing all characters supported for registration of names in the TLD must be developed anfd provided by the applicant at the time the application is submitted. The table must fulfill the requirements of the IDN Guidelines as well as the IANA repository requirements in order to be considered valid (see http://iana.org/procedures/idn-repository.html).~~
~~2~~	~~DNSSEC Keys, Materials~~	
	~~If DNSSEC is offered as part of registry services at time of application, can applicant comply with requirements?~~	~~Trust anchor for the registry will be published in the IANA Interim Trust Anchor Repository. Validity will be determined by verifying that DNS resolvers that support DNSSEC can successfully retrieve and DNSSEC validate information from that zone when configured with the published trust anchor for the zone.~~
~~3~~	~~Architecture Load Requirements~~	
	~~Has the applicant implemented a network architecture necessary to support load characteristics, as outlined in its application?~~	~~Applicant will self-certify adherence to this requirement and provide materials to ICANN that demonstrate adherence. Examples of self-certification documents include but are not limited to a network/system diagram of the as-built network system (demonstrating correspondence to documentation in initial application), results of load testing performed by the applicant, and actual performance of the configuration in use for other registries. At ICANN's discretion, aspects of this self-certification documentation can be audited on-site at the services delivery point of the registry.~~
~~4~~	~~IPv6 for Registrants~~	
	~~Does registry support provisioning of IPv6 services for its registrants?~~	~~Registry must support provisioning of IPv6 services on behalf of its registrants. This means that registrar systems will allow entry of IPv6 addresses in all relevant address fields, that the SRS system is set up to support the communication of IPv6 addresses, and that registry name servers can be provisioned with IPv6 addresses. Applicant will demonstrate successful provisioning of a test account with IPv6 name server entries.~~
~~5~~	~~IPv6 Reachability~~	~~*Note: This requirement is under consideration and the community is urged to provide feedback on this requirement.*~~
	~~Does registry support access to DNS servers over an IPv6 network?~~	~~IANA currently has a minimum set of technical requirements for IPv4 name service. These include two nameservers separated by geography and by~~

~~Question~~		~~Criteria~~
		~~network topology, which each serve a consistent set of data, and are reachable from multiple locations across the globe. The registry will meet this same criterion for IPv6, requiring IPv6 transport to their network. Applicant will identify IPv6-reachable name servers that meet these requirements, and reachability will be verified by ICANN.~~
~~6~~	~~Escrow Deposit Sample~~	
	~~Has the applicant demonstrated the ability to conform to registry escrow requirements? See http://www.icann.org/en/topics/new-gtld-draft-escrow-spec-18feb09-en.pdf.~~	~~The applicant will provide a conforming sample of a dummy data deposit showing correct type and formatting of content. The applicant will also provide evidence of an agreement with an escrow provider complying with Part B of the Data Escrow Requirements.~~
~~7~~	~~System Monitoring~~	
	~~Has the applicant implemented the system monitoring described by the applicant in the initial application?~~	~~Applicant will self-certify adherence to this requirement and provide materials to ICANN that demonstrate adherence. Examples of self-certification documents include but are not limited to: diagrams of monitoring systems (demonstrating correspondence to documentation provided in the application), output of periodic monitoring runs performed by the applicant demonstrating capability claimed in the application, and actual performance of this monitoring set up in use for other registries. At ICANN's discretion, aspects of this self-certification documentation can be audited on-site at the services delivery point of the registry.~~
~~8~~	~~Registry Continuity Planning~~	
	~~Has applicant demonstrated capability to comply with ICANN's Registry Continuity Plan? See http://www.icann.org/registries/failover/icann-registry-failover-plan-15jul08.pdf.~~	~~Applicant will self-certify adherence to this requirement and provide materials to ICANN that demonstrate adherence. Examples include identification of appropriate contact points and evidence of the registry's own continuity plan, and identification of a registry services continuity provider.~~
~~9~~	~~System Performance Requirements~~	
	~~Has applicant demonstrated capability to comply with the performance specifications? See http://www.icann.org/en/topics/new-gtld-draft-escrow-spec-18feb09-en.pdf.~~	~~Applicant will self-certify adherence to this requirement and provide materials to ICANN that demonstrate adherence. Examples of self-certification documents include but are not limited to performance and availability results that demonstrate DNS availability at stated levels for at least one month, and Whois service availability for at least one month. At ICANN's discretion, aspects of this self-certification documentation can be audited on-site at the services delivery point of the registry.~~

~~*5.2.2 Additional Requirements*~~

~~At the pre-delegation stage, an applicant must also provide documentary evidence of its ability to fund ongoing basic registry operations for its future registrants for a period of three to five years in the event of registry failure, default or until a successor operator can be designated. This obligation can be met by securing a financial instrument such as a bond or letter of credit (i.e., evidence of ability to provide financial security guaranteed by a creditworthy financial institution); contracting with and funding a services provider to extend services; segregating funding; or other means.~~

~~Once an applicant has met the requirements in 5.2.1 and 5.2.2 above, it is eligible to request delegation of its applied-for gTLD string by IANA.~~

~~If an applicant does not complete the pre-delegation steps within the time period specified in the registry agreement, ICANN reserves the right to terminate the registry agreement.~~

5.3 ~~IANA~~ Delegation Process

Upon notice of successful completion of the ICANN pre-delegation testing, applicants may initiate the process for delegation of the new gTLD into the root zone database. Information about the delegation process is available at http://iana.org/domains/root/.

5.4 Ongoing Operations

~~ICANN will continue to provide support for gTLD registry operators as they launch and maintain registry operations. ICANN's gTLD registry liaison function provides a point of contact for gTLD registry operators for assistance on a continuing basis.~~

An applicant that is successfully delegated a gTLD will become a "Registry Operator." In being delegated the role of operating part of the Internet's domain name system, the applicant will be assuming a number of significant responsibilities. ICANN will hold all new gTLD operators accountable for the performance of their obligations under the registry agreement, and it is important that all applicants understand these responsibilities.

5.4.1 What is Expected of a Registry Operator

The registry agreement defines the obligations of gTLD registry operators. A breach of the registry operator's obligations may result in ICANN compliance actions up to and including termination of the registry agreement. Prospective applicants are encouraged to review the following brief description of some of these responsibilities.

Note that this is a non-exhaustive list provided to potential applicants as an introduction to the responsibilities of a registry operator. For the complete and authoritative text, please refer to the draft registry agreement.

A registry operator is obligated to:

Operate the TLD in a stable and secure manner. The registry operator is responsible for the entire technical operation of the TLD. As noted in RFC 1591:

"The designated manager must do a satisfactory job of operating the DNS service for the domain. That is, the actual management of the assigning of domain names, delegating subdomains and operating nameservers must be done with technical competence. This includes keeping the central IR[1] (in the case of top-level domains) or other higher-level domain manager advised of the status of the domain, responding to requests in a timely manner, and operating the database with accuracy, robustness, and resilience."

The registry operator is required to comply with relevant technical standards in the form of RFCs and other guidelines. Additionally, the registry operator must meet performance specifications in areas such as system downtime and system response times (see Specification 6 of the draft Registry Agreement).

Comply with consensus policies and temporary policies. gTLD registry operators are required to comply with consensus policies. Consensus policies may relate to a range of topics such as issues affecting interoperability of the DNS, registry functional and performance specifications, database security and stability, or resolution of disputes over registration of domain names.

To be adopted as a consensus policy, a policy must be developed by the Generic Names Supporting Organization (GNSO)[2] following the process in Annex A of the ICANN Bylaws.[3] The policy development process involves deliberation and collaboration by the various constituencies participating in the process, with multiple opportunities for input and comment by the public, and can take significant time.

Examples of existing consensus policies are the Inter-Registrar Transfer Policy (governing transfers of domain names between registrars), and the Registry Services

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[1] IR is a historical reference to "Internet Registry," a function now performed by ICANN.

[2] http://gnso.icann.org

[3] http://www.icann.org/en/general/bylaws.htm#AnnexA

Evaluation Policy (establishing a review of proposed new registry services for security and stability or competition concerns), although there are several more, as found at http://www.icann.org/en/general/consensus-policies.htm.

gTLD registry operators are obligated to comply with both existing consensus policies and those that are developed in the future. Once a consensus policy has been formally adopted, ICANN will provide gTLD registry operators with notice of the requirement to implement the new policy and the effective date.

In addition, the ICANN Board may, when required by circumstances, establish a temporary policy necessary to maintain the stability or security of registry services or the DNS. In such a case, all gTLD registry operators will be required to comply with the temporary policy for the designated period of time.

For more information, see Specification 1 of the draft Registry Agreement.

Implement rights protection measures. -The registry operator is required to comply with and implement decisions made according to the Trademark Post-Delegation Dispute Resolution Policy (PDDRP). In addition, the registry operator must comply with the specific rights protection mechanisms developed and included in the registry agreement (See Specification 7 to the draft agreement.)

Implement measures for protection of geographical names in the new gTLD. All new gTLD registry operators are required to provide certain minimum protections for country and territory names, including an initial reservation requirement and any applicable rules and procedures for release of these names. Registry operators are encouraged to implement measures for protection of geographical names in addition to those required by the agreement, according to the needs and interests of each gTLD's particular circumstances. (See Specification 5 of the draft registry agreement.)

Pay recurring fees to ICANN. In addition to existing expenditures made to accomplish the objectives set out in ICANN's mission statement, these funds enable the support required for new gTLDs, including: contractual compliance, registry liaison, increased registrar accreditations, and other registry support activities. The fees include both a fixed component (USD 25,000 annually) and, once the TLD has passed a threshold size, a variable fee based on transaction volume. See Article 6 of the draft registry agreement.

Regularly deposit data into escrow. This serves an important role in registrant protection and continuity for certain instances where the registry or one aspect of the registry operations experiences a system failure or loss of data. (See Specification 2 of the draft registry agreement).

Deliver monthly reports in a timely manner. A registry operator must submit a report to ICANN on a monthly basis. The report includes performance statistics for the month, registrar transactions, and other data, and is used by ICANN for compliance purposes as well as calculation of registrar fees. (See Specification 3 of the draft registry agreement.)

Provide Whois service. A registry operator must provide a publicly available Whois service for registered domain names in the TLD. (See Specification 4 of the draft registry agreement.)

Maintain partnerships with ICANN-accredited registrars. A registry operator creates a Registry-Registrar Agreement (RRA) to define requirements for its registrars. This must include certain terms that are specified in the Registry Agreement, and may include additional terms specific to the TLD. A registry operator must provide non-discriminatory access to its registry services to all ICANN-accredited registrars with whom it has entered into an RRA, and who are in compliance with the requirements. This includes providing advance notice of pricing changes to all registrars, in compliance with the time frames specified in the agreement. (See Article 2 of the draft Registry Agreement.)

Maintain an abuse point of contact. A registry operator must maintain and publish on its website a single point of contact responsible for addressing matters requiring expedited attention and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. (See Specification 6 to the draft registry agreement.)

Cooperate with contractual compliance audits. To maintain a level playing field and a consistent operating environment, ICANN staff performs periodic audits to assess contractual compliance and address any resulting problems. A registry operator must provide documents and information requested by ICANN that are necessary to perform such audits. (See Article 2 of the draft registry agreement.)

Maintain a Continued Operations Instrument. A registry operator must, at the time of the agreement, have in place a continued operations instrument sufficient to fund basic registry operations for a period of three (3) years. This requirement remains in place for five (5) years after delegation of the TLD, after which time the registry operator is no longer required to maintain the continued operations instrument. (See Specification 8 to the draft registry agreement.)

Maintain community-based policies and procedures. If the registry operator designated its application as community-based at the time of the application, the registry operator has requirements in its registry agreement to maintain the community-based policies and procedures it specified in its application. The registry operator is bound by the Registry Restrictions Dispute Resolution Procedure with respect to disputes regarding execution of its community-based policies and procedures. (See Article 2 of the draft registry agreement.)

5.4.2 What is Expected of ICANN

ICANN will continue to provide support for gTLD registry operators as they launch and maintain registry operations. ICANN's gTLD registry liaison function provides a point of contact for gTLD registry operators for assistance on a continuing basis.

~~The registry agreement contains a provision for~~ICANN will also~~to~~ perform audits to ensure that gTLD~~the~~ registry operators remain in compliance with agreement obligations, as well as investigate any complaints from the community regarding the registry operator's adherence to its contractual obligations.

ICANN's Bylaws require ICANN to act in an open and transparent manner, and to provide equitable treatment among registry operators. ICANN is responsible for maintaining the security and stability of the global Internet, and looks forward to a constructive and cooperative relationship with future gTLD registry operators in furtherance of this goal.

ICANN

Draft Applicant Guidebook, v3

Module 6

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

2 October 2009

Module 6

Top-Level Domain Application – Terms and Conditions

By submitting this application through ICANN's online interface for a generic Top Level Domain (gTLD) (this application), applicant (including all parent companies, subsidiaries, affiliates, agents, contractors, employees and any and all others acting on its behalf) agrees to the following terms and conditions (these terms and conditions) without modification. Applicant understands and agrees that these terms and conditions are binding on applicant and are a material part of this application.

1. Applicant warrants that the statements and representations contained in the application (including any documents submitted and oral statements made and confirmed in writing in connection with the application) are true and accurate and complete in all material respects, and that ICANN may rely on those statements and representations fully in evaluating this application. Applicant acknowledges that any material misstatement or misrepresentation (or omission of material information) ~~will reflect negatively on this application and~~ may cause ICANN and the evaluators to reject the application without a refund of any fees paid by Applicant. Applicant agrees to notify ICANN in writing of any change in circumstances that would render any information provided in the application false or misleading.

2. Applicant warrants that it has the requisite organizational power and authority to make this application on behalf of applicant, and is able to make all agreements, representations, waivers, and understandings stated in these terms and conditions and to enter into the form of registry agreement as posted with these terms and conditions.

3. Applicant acknowledges and agrees that ICANN has the right to determine not to proceed with any and all applications for new gTLDs, and that there is no assurance that any additional gTLDs will be created. The decision to review and consider an application to establish one or more gTLDs is entirely at ICANN's discretion. ICANN reserves the right to reject any

application that ICANN is prohibited from considering under applicable law or policy, in which case any fees submitted in connection with such application will be returned to the applicant.

4. Applicant agrees to pay all fees that are associated with this application. These fees include the evaluation fee (which is to be paid in conjunction with the submission of this application), and any fees associated with the progress of the application to the extended evaluation stages of the review and consideration process with respect to the application, including any and all fees as may be required in conjunction with the dispute resolution process as set forth in the application. Applicant acknowledges that the initial fee due upon submission of the application is only to obtain consideration of an application. ICANN makes no assurances that an application will be approved or will result in the delegation of a gTLD proposed in an application. Applicant acknowledges that if it fails to pay fees within the designated time period at any stage of the application review and consideration process, applicant will forfeit any fees paid up to that point and the application will be cancelled. Except as expressly provided in this Application Guidebook, ICANN is not obligated to reimburse an applicant for or to return any fees paid to ICANN in connection with the application process.

5. Applicant shall indemnify, defend, and hold harmless ICANN (including its affiliates, subsidiaries, directors, officers, employees, consultants, evaluators, and agents, collectively the ICANN Affiliated Parties) from and against any and all third-party claims, damages, liabilities, costs, and expenses, including legal fees and expenses, arising out of or relating to: (a) ICANN's consideration of the application, and any approval or rejection of the application; and/or (b) ICANN's reliance on information provided by applicant in the application.

6. Applicant hereby releases ICANN and the ICANN Affiliated Parties from any and all claims by applicant that arise out of, are based upon, or are in any way related to, any action, or failure to act, by ICANN or any ICANN Affiliated Party in connection with ICANN's review of this application, investigation or verification, any characterization or description of applicant or the information in this application, or the decision by ICANN

to recommend, or not to recommend, the approval of applicant's gTLD application. APPLICANT AGREES NOT TO CHALLENGE, IN COURT OR IN ANY OTHER JUDICIAL FORA, ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE APPLICATION, AND IRREVOCABLY WAIVES ANY RIGHT TO SUE OR PROCEED IN COURT OR ANY OTHER JUDICIAL FOR A ON THE BASIS OF ANY OTHER LEGAL CLAIM AGAINST ICANN AND ICANN AFFILIATED PARTIES WITH RESPECT TO THE APPLICATION. APPLICANT ACKNOWLEDGES AND ACCEPTS THAT APPLICANT'S NONENTITLEMENT TO PURSUE ANY RIGHTS, REMEDIES, OR LEGAL CLAIMS AGAINST ICANN OR THE ICANN AFFILIATED PARTIES IN COURT OR ANY OTHER JUDICIAL FORA WITH RESPECT TO THE APPLICATION SHALL MEAN THAT APPLICANT WILL FOREGO ANY RECOVERY OF ANY APPLICATION FEES, MONIES INVESTED IN BUSINESS INFRASTRUCTURE OR OTHER START-UP COSTS AND ANY AND ALL PROFITS THAT APPLICANT MAY EXPECT TO REALIZE FROM THE OPERATION OF A REGISTRY FOR THE TLD.

7. Applicant hereby authorizes ICANN to publish on ICANN's website, and to disclose or publicize in any other manner, any materials submitted to, or obtained or generated by, ICANN and the ICANN Affiliated Parties in connection with the application, including evaluations, analyses and any other materials prepared in connection with the evaluation of the application; provided, however, that information will not be disclosed or published to the extent that ~~the application specifically identifies~~ this Applicant Guidebook expressly states that ~~such information as confidential. A general statement as to the confidentiality of the application~~ will~~ not~~ be ~~sufficient for these purposes~~kept confidential, except as required by law or judicial process. Except for information afforded confidential treatment, applicant understands and acknowledges that ICANN does not and will not keep the remaining portion of the application or materials submitted with the application confidential.

8. Applicant certifies that it has obtained permission for the posting of any personally identifying information included in this application or materials submitted with this application. Applicant acknowledges that the information that ICANN posts may remain in the public domain in perpetuity, at ICANN's discretion.

9. Applicant gives ICANN permission to use applicant's name and/or logo in ICANN's public announcements (including informational web pages) relating to ~~top-level domain space expansion~~ Applicant's application and any action taken by ICANN related thereto~~.~~.

10. Applicant understands and agrees that it will acquire rights in connection with a gTLD only in the event that it enters into a registry agreement with ICANN, and that applicant's rights in connection with such gTLD will be limited to those expressly stated in the registry agreement. In the event ICANN agrees to recommend the approval of the application for applicant's proposed gTLD, applicant agrees to enter into the registry agreement with ICANN in the form published in connection with the application materials. Applicant may not resell, assign, or transfer any of applicant's rights or obligations in connection with the application.

11. Applicant authorizes ICANN to:

    a. Contact any person, group, or entity to request, obtain, and discuss any documentation or other information that, in ICANN's sole judgment, may be pertinent to the application;

    b. Consult with persons of ICANN's choosing regarding the information in the application or otherwise coming into ICANN's possession, provided, however, that ICANN will use reasonable efforts to ensure that such persons maintain the confidentiality of information in the application that this Applicant Guidebook expressly states will be kept confidential~~.~~.

12. For the convenience of applicants around the world, the application materials published by ICANN in the English language have been translated into certain other languages frequently used around the world. A~~a~~pplicant recognizes that the English language version of the application materials (of which these terms and conditions is a part) is the version that binds the parties, that such translations are non-official interpretations and may not be relied upon as accurate in all respects, and that in the event of any conflict between the translated versions of the application materials and the English language version, the English language version controls.

Glossary

Terms Applicable to this Guidebook~~RFP~~ and to the New gTLD Application Process

A-Label	The ASCII form of an IDN label. All operations defined in the DNS use A-labels exclusively. ~~Compatible Encoding (ACE) form of an IDNA-valid string.~~
Applicant	An entity that has applied to ICANN for a new gTLD by submitting its application form through the online application system.
Application	An application for a new gTLD lodged in connection with the terms and conditions of this guidebook~~response to this RFP~~. An application includes the completed Application Form, any supporting documents, and any other information that may be submitted by the applicant at ICANN's request.
Application form	The set of questions to which applicants provide responses, included in draft form as an attachment to Module 2. ~~at http://www.icann.org/en/topics/new-gtlds/draft-evaluation-criteria-17feb09-en.pdf.~~
Application interface	The web-based interface operated by ICANN, available at [URL to be inserted in final version of guidebook~~RFP~~]
Application round	The complete succession of stages for processing the applications received during one application submission period for gTLDs. The terms and conditions of this guidebook are~~is RFP is~~ for one application round. Any subsequent application rounds will be the subject of updated guidebook information~~subsequent RFPs~~.
Application submission period	The period during which applicants may submit applications through the application interface.
Applied-~~-~~for gTLD string	A gTLD string that is subject of an application.
American Standard Code for Information Interchange	A character encoding based on the English alphabet. ASCII codes represent text in computers, communications equipment, and other devices that

(ASCII)	work with text. Most modern character encodings—which support many more characters than did the original—have a historical basis in ASCII.
Auction	A method for allocating property or goods to the highest bidder.
Auction round	Within an auction, the period of time commencing with the announcement of a start-of-round price and concluding with the announcement of an end-of-round price.
AXFR	Asynchronous full transfer, a DNS protocol mechanism through which a DNS zone can be replicated to a remote DNS server.
Bidder	An applicant who participates in an auction.
Business ID	A number such as a federal tax ID number or employer information number.
ccTLD	Two-letter top-level domains corresponding with the ISO 3166-1 country code list. See http://iana.org/domains/root/db/.
Community-based TLD	A community-based gTLD is a gTLD that is operated for the benefit of a clearly delineated~~defined~~ community ~~consisting of a restricted population~~. An applicant designating its application as community-based must be prepared to substantiate its status as representative of the community it names in the application.
Community objection	An objection based on the grounds that there is substantial opposition to a gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.
Community Priority (c~~C~~omparative) evaluation	A process to resolve string contention, which may be elected by a community-based applicant.
Consensus policy	A policy created through the GNSO policy development process listed in Annex A of the ICANN Bylaws. See http://www.icann.org/en/general/bylaws.htm#AnnexA. A list of current consensus policies is available at

	http://www.icann.org/en/general/consensus-policies.htm.
Contention sets	A group of applications containing identical or similar applied-for gTLD strings.
Country-code TLD	See ccTLD.
Delegation	The process through which the root zone is edited to include a new TLD, and the management of domain name registrations under such TLD is turned over to the registry operator.
Digit	Any digit between "0" and "9" (Unicode code points U+0030 to U+0039).
Dispute Resolution Service Provider (DRSP)	An entity engaged by ICANN to adjudicate dispute resolution proceedings in response to formally filed objections.
Domain name	A name consisting of two or more (for example, john.smith.name) levels, maintained in a registry database.
Domain Name System (DNS)	The Internet Domain Name System. The DNS helps users find their way around the Internet. Every computer on the Internet has a unique address—just like a telephone number—which is a rather complicated string of numbers. Called an IP address (IP stand for Internet Protocol), the string of numbers is hard to remember. The DNS makes using the Internet easier by allowing a familiar string of letters (the domain name) to be used instead of the arcane IP address. So instead of typing 207.151.159.3, a user can type www.internic.net. It is a mnemonic device that makes addresses easier to remember.
Domain Name System Security Extensions (DNSSEC)	DNSSEC secures domain name lookups on the Internet by incorporating a chain of digital signatures into the DNS hierarchy.
Existing TLD	A string included on the list at http://iana.org/domains/root/db.
Extended Evaluation	The second stage of evaluation applicable for applications that do not pass the Initial Evaluation, but

	are eligible for further review.
Extended Evaluation period	The period that may follow the Initial Evaluation period, for eligible applications which do not pass the Initial Evaluation.
Evaluator	The individuals or organization(s) appointed by ICANN to perform review tasks within Initial Evaluation and Extended Evaluation under ICANN direction.
Evaluation fee	The fee due from each applicant to obtain consideration of its application.
Geographic Names Panel (GNP)	A panel of experts charged by ICANN with reviewing applied-for TLD strings that relate to geographical names.
Generic Names Supporting Organization (GNSO)	ICANN's policy-development body for generic TLDs and the lead in developing the policy recommendations for the introduction of new gTLDs.
Generic top-level domain	See gTLD.
gTLD	A TLD with three or more characters that does not correspond to any country code.
Hyphen	The hyphen "-" (Unicode code point U+0029).
Internet Assigned Numbers Authority (IANA)	IANA is the authority originally responsible for overseeing IP address allocation, coordinating the assignment of protocol parameters provided for in Internet technical standards, and managing the DNS, including delegating top-level domains and overseeing the root name server system. Under ICANN, IANA distributes addresses to the Regional Internet Registries, coordinate with the IETF and other technical bodies to assign protocol parameters, and oversees DNS operation.
ICANN	Internet Corporation for Assigned Names and Numbers
ICANN-accredited registrar	A company that registers domain names for Internet users. There are more than 900 ICANN-accredited registrars who provide domains to Internet users. The list of ICANN-accredited registrars is available at http://www.icann.org/en/registrars/accredited-list.html.

Internationalized Domain Name (IDN)	A domain name including characters used in the local representation of languages not written with the basic Latin alphabet (a - z), European-Arabic digits (0 - 9), and the hyphen (-). ~~at least one character other than those in letters (a,…,z), digits (0,…,9) and the hyphen (-).~~
Internationalizing Domain Names in Applications (IDNA)	The technical protocol used for processing domain names containing non-ASCII characters in the DNS.
IDN ccTLD Fast Track	The process for introducing a limited number of IDN ccTLDs associated with the ISO-3166 two-letter codes. See http://www.icann.org/en/topics/idn/fast-track/.
IDN table	A table listing all those characters that a particular TLD registry supports. If some~~one or more~~ of these characters are considered ~~a~~ variants, this is indicated next to ~~that/~~those characters. ~~It is also indicated which character a particular character is a variant to.~~ The IDN tables usually hold characters representing a specific language, or they can be characters from a specific script. Therefore the IDN table is sometimes referred to as "language variant table", "language table", "script table" or something similar.
IGO	Inter-governmental organization.
Internet Engineering Task Force (IETF)	The IETF is a large, open international community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet.
Initial Evaluation period	The period during which ICANN will review an applied-for gTLD string, an applicant's technical and financial capabilities, and an applicant's proposed registry services.
International Phonetic Alphabet	A notational standard for phonetic representation in multiple languages. See http://www.langsci.ucl.ac.uk/ipa/ ~~http://www.arts.gla.ac.uk/IPA/IPA_chart_(C)2005.pdf~~.
IXFR	Incremental Zone Transfer, a DNS protocol mechanism through which a partial copy of a DNS zone can be replicated to a remote DNS server.

LDH (Letter Digit Hyphen)	The hostname convention defined in RFC 952, as modified by RFC 1123.
Legal Rights objection	An objection on the grounds that the applied-for gTLD string infringes existing legal rights of the objector.
Letter	Any character between “a” and “z” (in either case) (Unicode code points U+0061 to U+007A or U+0041 to U+005A).
LLC	Limited liability corporation.
Morality and public order objection	An objection made on the grounds that the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under international principles of law.
Objection	A formal objection filed with a Dispute Resolution Service Provider in accordance with that provider’s procedures.
Objection filing period	The period during which formal objections may be filed concerning a gTLD application submitted to ICANN.
Objector	One or more persons or entities that have filed a formal objection against a new gTLD application with the appropriate DRSP.
~~Open TLD~~	~~An open TLD can be used for any purpose consistent with the requirements of the application and evaluation criteria, and with the registry agreement. An open TLD may or may not have a formal relationship with an exclusive registrant or user population. It may or may not employ eligibility or use restrictions.~~
Pre-delegation test	A technical test ~~and other steps~~ required of applicants before delegation of the applied-for gTLD string into the root zone.
Primary contact	The person named by the applicant as the main contact for the application, and having authority to execute decisions concerning the application.
Principal place of business	The location of the head office of a business or organization.

Registrar	See ICANN-accredited registrar.
Registry	A registry is the authoritative, master database of all domain names registered in each top-level domain. The registry operator keeps the master database and also generates the zone file that allows computers to route Internet traffic to and from top-level domains anywhere in the world.
Registry Agreement	The agreement executed between ICANN and successful gTLD applicants, which appears in draft form as an attachment to Module 5. ~~thttp://www.icann.org/en/topics/new-gtlds/draft-agreement-17feb09-en.pdf.~~
Registry operator	The entity entering into the Registry Agreement with ICANN, responsible for setting up and maintaining the operation of the registry.
Registry services	(1) Operations of the registry critical to the following tasks: (i) the receipt of data from registrars concerning registrations of domain names and name servers; (ii) provision to registrars of status information relating to the zone servers for the TLD; (iii) dissemination of TLD zone files; (iv) operation of the registry zone servers; and (v) dissemination of contact and other information concerning domain name server registrations in the TLD as required by the registry agreement; and (2) other products or services that the registry operator is required to provide because of the establishment of a consensus policy; and (3) any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator.
Registry Services Technical Evaluation Panel (RSTEP)	The Registry Services Technical Evaluation Panel is a group of experts in the design, management, and implementation of the complex systems and standards-protocols used in the Internet infrastructure and DNS. RSTEP members are selected by its chair. All RSTEP members and the chair have executed an agreement requiring that they consider the issues before the panel neutrally and according to the definitions of security and stability.
Reserved Name	A string included on the Top-Level Reserved Names List (Refer to subsection~~paragraph~~ 2.1.1.2 of Module 2.)

Request for Comments (RFC)	The RFC document series is the official publication channel for Internet standards documents and other publications of the IESG, IAB, and Internet community.
Rightsholder	The person or entity that maintains a set of rights to a certain piece of property.
Root Zone	The root zone database represents the delegation details of top-level domains, including gTLDs and country-code TLDs. As manager of the DNS root zone, IANA is responsible for coordinating these delegations in accordance with its policies and procedures.
Round	See application round.
Script	A collection of symbols used for writing a language. There are three basic kinds of script. One is the alphabetic (e.g. Arabic, Cyrillic, Latin), with individual elements termed “letters”. A second is ideographic (e.g. Chinese), the elements of which are “ideographs”. The third is termed a syllabary (e.g. Hangul), with its individual elements represent syllables. The writing systems of most languages use only one script but there are exceptions such as for example, Japanese, which uses four different scripts, representing all three of the categories listed here. It is important to note that scripts which do not appear in the Unicode Code Chart are completely unavailable for inclusion in IDNs.
Second level name	A domain name that has been registered in a given top-level domain. For example, <icann.org> is a second-level name. “ICANN” is the second-level label.
Security	In relation to a proposed registry service, an effect on security by the proposed Registry Service means (1) unauthorized disclosure, alteration, insertion, or destruction of registry data, or (2) unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.
Shared Registry System (SRS)	A system that allows multiple registrars to make changes to a registry simultaneously.

Stability	In relation to a proposed registry service, an effect on stability means that the proposed registry service (1) does not comply with applicable relevant standards that are authoritative and published by a well-established, recognized, and authoritative standards body, such as relevant standards-track or best current practice RFCs sponsored by the IETF; or (2) creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant standards-track or best current practice RFCs and relying on registry operator's delegation information or provisioning services.
Standard application	An application that has not been designated by the applicant as community-based.
String	The string of characters comprising an applied-for gTLD.
String confusion objection	An objection filed on the grounds that the applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD.
String Similarity Algorithm	An algorithmic tool used to identify applied-for gTLD strings that may result in string confusion.
String Similarity Panel~~Examiners~~	A panel charged with identifying applied-for gTLD strings that may result in string confusion.
String contention	The scenario in which there is more than one qualified applicant for the same gTLD or for gTLDs that are so similar that detrimental user confusion would be the probable result if more than one were to be delegated to the root zone.
TLD Application System (TAS)	The online interface for submission of applications to ICANN.
Top-level domain (TLD)	TLDs are the names at the top of the DNS naming hierarchy. They appear in domain names as the string of letters following the last (right-most) dot, such as "net" in www.example.net. The TLD administrator controls what second-level names are recognized in that TLD. The

	administrators of the root domain or root zone control what TLDs are recognized by the DNS.
U-Label	~~A “U-label” is an IDNA-valid string of~~ The Unicode form of an IDN label, which a user expects to be displayed. ~~characters, including at least one non-ASCII character, expressed in a standard Unicode Encoding Form, normally UTF-8 in an Internet transmission context.~~
Unicode	Unicode is a commonly used single encoding scheme that provides a unique number for each character across a wide variety of languages and scripts. The Unicode standard contains tables that list the "code points" (unique numbers) for each local character identified. These tables continue to expand as more and more characters are digitalized. In Unicode, characters are assigned codes that uniquely define every character in many of the scripts in the world. These "code points" are unique numbers for a character or some character aspect such as an accent mark or ligature. Unicode supports more than a million code points, which are written with a "U" followed by a plus sign and the unique number in hexadecimal notation; for example, the word "Hello" is written U+0048 U+0065 U+006C U+006C U+006F.
Uniform Domain Name Dispute Resolution Policy (UDRP)	A policy for resolving disputes arising from alleged abusive registrations of domain names (for example, cybersquatting), allowing expedited administrative proceedings that a trademark rights holder initiates by filing a complaint with an approved dispute resolution service provider.
User registration fee	The fee paid by prospective applicants for new TLDs to obtain access to the TLD Application System (TAS).
Whois	Records containing registration information about registered domain names.