

Response to Documentary Information Disclosure Policy Request

To: Constantine Roussos on behalf of DotMusic Limited

Date: 15 May 2016

Re: Request No. 20160429-1

Thank you for your Amended Request for Documentary Information dated 29 April 2016 (Amended Request), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN's) Documentary Information Disclosure Policy (DIDP), on behalf of DotMusic Limited (DotMusic or Requester). As ICANN confirmed with DotMusic on 30 April 2016, the original DIDP was withdrawn and replaced by the Amended Request. For reference, a copy of your Amended Request is attached to the email forwarding this Response.

Items Requested

Your Amended Request seeks documentary information relating to the Community Priority Evaluation (CPE) of your application for the .MUSIC gTLD (Application ID: 1-1115-14110) and requests disclosure of:

1. "All non-public internal documents (including call records and minutes) of the communication between ICANN, the EIU and independent Quality Control service provider relating the EIU's consistent, compelling and defensible decision-making process used in developing the CPE Report determination and showcasing how DotMusic's application and CPE Process was compared to previous prevailing CPE determinations to ensure fairness, non-discrimination, transparency, predictability and consistency."
2. "All the non-public internal *draft* CPE Reports and all related internal correspondence between ICANN and the EIU related to (i) DotMusic's .MUSIC CPE; (ii) the prevailing .RADIO CPE; (iii) the prevailing .HOTEL CPE; (iv) the prevailing .SPA CPE; (v) the prevailing .ECO CPE; (vi) the prevailing .OSAKA CPE; (vii) the .GAY CPE; and (viii) all non-public internal correspondence, reports, documents, emails and any other forms of other communication showcasing how DotMusic's application and CPE Process was compared to other prevailing CPE determinations to ensure fairness, non-discrimination, transparency, predictability and consistency."
3. "All the non-public internal communication documents and non-public internal correspondence between ICANN and the EIU in formulating the CPE Guidelines that were "*prepared by the Economist Intelligence Unit*" before and after the CPE Guidelines public comment period (nearly 1 ½ years after DotMusic's 2012 Application filing)."

4. “All non-public internal documents and internal correspondence between ICANN staff that relate to the altering of the original AGB language pertaining to the *Notice of Changes of Information* section of the AGB.”
5. “The names of all the EIU CPE evaluators pertaining to the .MUSIC, .ECO, .RADIO, .SPA, .HOTEL and .OSAKA CPE processes and any correspondence between ICANN and Google’s Vice-President (also ex-ICANN chairman and ICANN Strategy Chair) Vinton Cerf to further investigate the appearance of a conflict of interest and ensure that the evaluators were qualified to evaluate a music-related CPE as explicitly required by the AGB and CPE Materials.”
6. “The name of “*the appointed independent Quality Control service provider*” per the SOW and all non-public internal documents and non-public internal correspondence between “*the appointed independent Quality Control service provider for the purposes of helping it to verify that Panel Firm's evaluation services have been and are performed in accordance with the Quality Control Guidelines*” and ICANN and/or the EIU.”

Response

CPE is a method to resolve string contention. The standards governing CPE are set forth in Module 4.2 of the New gTLD Applicant Guidebook (Guidebook), and are available at <http://newgtlds.icann.org/en/applicants/agb>. CPE will occur only if a community-based applicant in contention selects CPE, and after all applications in the contention set have completed all previous stages of the gTLD evaluation process. (See Guidebook, § 4.2.) CPEs are performed by independent CPE panels that are coordinated by the Economist Intelligent Unit (EIU), an independent third party provider, which contracts with ICANN to perform that coordination role. (See *id.*; see also, CPE webpage at <http://newgtlds.icann.org/en/applicants/cpe>.) The CPE panel’s role is to determine whether a community-based application fulfills the community priority criteria. (See *id.*) The Guidebook, CPE Panel Process Document, and the CPE Guidelines (all of which can be accessed at <http://newgtlds.icann.org/en/applicants/cpe>) set forth the guidelines, procedures, standards and criteria applied to CPEs, and make clear that the EIU and its designated panelists are the only persons or entities involved in the performance of CPEs.

As part of the evaluation process, the CPE panels review and score a community application submitted to CPE against the following four criteria: (i) Community Establishment; (ii) Nexus between Proposed String and Community; (iii) Registration Policies; and (iv) Community Endorsement. An application must score at least 14 out of a possible 16 points to prevail in a CPE; a high bar because awarding priority eliminates all non-community applicants in the contention set as well as any other non-prevailing community applicants. (See Guidebook at § 4.2; see also, CPE webpage at <http://newgtlds.icann.org/en/applicants/cpe>.)

To provide transparency of the CPE process, ICANN has established a CPE webpage on the New gTLD microsite, at <http://newgtlds.icann.org/en/applicants/cpe>, which provides

detailed information about CPEs. In particular, the following information can be accessed through the CPE webpage:

- CPE results, including information regarding to the Application ID, string, contention set number, applicant name, CPE invitation date, whether the applicant elected to participate in CPE, and the CPE status.
(<http://newgtlds.icann.org/en/applicants/cpe#invitations>)
- CPE Panel Process Document
(<http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>)
- EIU Contract and Statement of Work Information (SOW)
(<http://newgtlds.icann.org/en/applicants/cpe/eiu-contract-sow-information-08apr15-en.zip>)
- CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>)
- Draft CPE Guidelines
(<http://newgtlds.icann.org/en/applicants/cpe/guidelines-16aug13-en.pdf>)
- Community Feedback on Draft CPE Guidelines
(<http://newgtlds.icann.org/en/applicants/cpe#invitations>)
- Updated CPE Frequently Asked Questions
(<http://newgtlds.icann.org/en/applicants/cpe/faqs-10sep14-en.pdf>)
- CPE Processing Timeline
(<http://newgtlds.icann.org/en/applicants/cpe/timeline-10sep14-en.pdf>)

Item 1

Item 1 requests the disclosure of “[a]ll non-public internal documents (including call records and minutes) of the communication between ICANN, the EIU and independent Quality Control service provider” relating to the decision-making process used by the EIU relating to DotMusic’s CPE Report. As a preliminary matter, the Quality Control Program was a program that was implemented solely for the Initial Evaluation phase of the New gTLD Program to ensure that all 1930 applications have followed the same evaluation process and have been evaluated consistently. (See <https://newgtlds.icann.org/en/blog/preparing-evaluators-22nov11-en>.) The Quality Control Program did not extend to CPEs. ICANN therefore does not have any responsive documentation evidencing communication with an “independent Quality service provider” regarding DotMusic’s CPE Report.

As set forth in Module 4.2 of the Guidebook (<http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf>), the CPE Panel Process Document (<http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>), and the CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>), CPEs are performed by the CPE Panel, not ICANN. In response to this DIDP Request, ICANN will provide the email notification to begin CPE of DotMusic’s application that was provided to the EIU on 17 August 2015. As stated in the CPE Panel Process

Document, along with the notice to commence CPE, ICANN delivers to the EIU the public comment(s), if any, received on the application. (See CPE Process Document, Pg. 2, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.) Additionally, ICANN is also producing an email that was sent to the EIU on 9 December 2015 regarding correspondence to DotMusic concerning letters of support.

To the extent that ICANN has additional documentation that may be responsive to Item 1, those documents are subject to the following DIDP Defined Conditions for Nondisclosure and are not appropriate for disclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Notwithstanding the applicable Defined Conditions of Nondisclosure, ICANN also evaluated the documents subject to these conditions to determine if the public interest in disclosing them outweighs the harm that may be caused by such disclosure. ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN, its contractual relationships, and its contractors' deliberative processes by the requested disclosure.

Item 2

Item 2 seeks the disclosure of “[a]ll the non-public internal *draft* CPE Reports and all related internal correspondence between ICANN and the EIU related to (i) DotMusic’s .MUSIC CPE; (ii) the prevailing .RADIO CPE; (iii) the prevailing .HOTEL CPE; (iv) the prevailing .SPA CPE; (v) the prevailing .ECO CPE; (vi) the prevailing .OSAKA CPE; (vii) the .GAY CPE; and (viii) all non-public internal correspondence, reports, documents, emails and any other forms of other communication showcasing how DotMusic’s application and CPE Process was compared to other prevailing CPE

determinations to ensure fairness, non-discrimination, transparency, predictability and consistency.”

To the extent that there are any documents responsive to Items 2(i) and 2(viii), those documents are subject to the following DIDP Defined Conditions for Nondisclosure and are not appropriate for disclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

With respect to your request for Items 2(ii) through 2(v) seeking documentary information regarding other applicants' CPEs, to the extent that there are any responsive documents, those documents are subject to the following DIDP Defined Conditions for Nondisclosure and are not appropriate for disclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Notwithstanding the applicable Defined Conditions of Nondisclosure for Items 2(i) through 2(v), ICANN also evaluated the documents subject to these conditions to determine if the public interest in disclosing them outweighs the harm that may be caused by such disclosure. ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN, its contractual relationships, and its contractors' deliberative processes by the requested disclosure.

Item 3

Item 3 requests the disclosure of “[a]ll the non-public internal communication documents and non-public internal correspondence between ICANN and the EIU in formulating the CPE Guidelines that were *“prepared by the Economist Intelligence Unit”* before and after the CPE Guidelines public comment period.” In advance of CPE commencing, ICANN published the CPE Evaluation Guidelines to ensure quality, consistency and transparency in the evaluation process. The CPE Guidelines are an accompanying document to the Applicant Guidebook, and are meant to provide additional clarity around the process and scoring principles outlined in the AGB. The Guidelines do not modify the framework or standards laid out in the AGB. The CPE Guidelines were developed by the EIU. On 16 August 2013, ICANN posted a draft version of the CPE Guidelines for community comment. (<https://newgtlds.icann.org/en/applicants/cpe/guidelines-16aug13-en.pdf>; and <https://newgtlds.icann.org/en/announcements-and-media/announcement-4-16aug13-en>.) Twelve comments were received and published on the CPE web page including DotMusic Limited's comment, at <https://newgtlds.icann.org/en/applicants/cpe>. After careful consideration of the community feedback, the EIU finalized and ICANN published the CPE Guidelines on 27 September 2013. (<https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>.)

To the extent that there are any documents responsive to Item 3 that have not been published, those documents are subject to the following Defined Conditions of Nondisclosure and are not appropriate for disclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors,

ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Notwithstanding the applicable Defined Conditions of Nondisclosure, ICANN also evaluated the documents subject to these conditions to determine if the public interest in disclosing them outweighs the harm that may be caused by such disclosure. ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN, its contractual relationships, and its contractors' deliberative processes by the requested disclosure.

Item 4

Item 4 seeks the disclosure of “[a]ll non-public internal documents and internal correspondence between ICANN staff that relate to the altering of the original [Applicant Guidebook] AGB language pertaining to the *Notice of Changes of Information* section of the AGB.” According to the explanation set forth in the Request, this Request stems from DotMusic’s belief that ICANN introduced “material new ‘change request’ language numerous times that harmed the interests of community applicants and resulted in provided preferential treatment to non-community applicants without any formal policy development.” This belief and mischaracterization of the Change Request Process misstates the facts and is contradicted by the Applicant Guidebook and the Change Request Process.

The Change Request Process was implemented pursuant to Section 1.2.7 of the Applicant Guidebook (Guidebook), which provides:

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. This includes applicant-specific information such as changes in financial position and changes in ownership or control of the applicant.

(Guidebook § 1.2.7, <https://newgtlds.icann.org/en/applicants/agb/intro-04jun12-en.pdf>.) This section of the AGB further states:

ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round. Failure to notify ICANN of any change in circumstances that would render any information provided in the application false or misleading may result in denial of the application.

The Change Request Process was created during the application window in order to allow applicants to notify ICANN of changes to application materials, as required by Section 1.2.7 of the Guidebook.

In evaluating each change request, ICANN staff considers all available information concerning the change request against the following seven change request determination criteria:

1. ***Explanation*** – Is a reasonable explanation provided?
2. ***Evidence that original submission was in error*** – Are there indicia to support an assertion that the change merely corrects an error?
3. ***Other third parties affected*** – Does the change affect other third parties materially?
4. ***Precedents*** – Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?
5. ***Fairness to applicants*** – Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair?
6. ***Materiality*** – Would the change affect the evaluation score or require re-evaluation of some or all of the application? Would the change affect string contention or community priority consideration?
7. ***Timing*** – Does the timing interfere with the evaluation process in some way? ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round. (AGB §1.2.7.)

(See Change Request Determination Criteria, available at <https://newgtlds.icann.org/en/applicants/global-support/change-requests>.) As explained

in detail on the Change Request Process webpage (<https://newgtlds.icann.org/en/applicants/global-support/change-requests>) and the Applicant Advisory webpage (<https://newgtlds.icann.org/en/applicants/advisories/change-request-set-05sep14-en>), these seven criteria were carefully developed to enable applicants to make necessary changes to their applications while ensuring a fair and equitable process for all applicants. The weight of each criterion may vary on a case-by-case basis, depending on the facts and circumstances surrounding the change request, the application, and the string.

As it relates to community applications, as stated on the Change Request Advisory page, requested all changes to the community definition and registration policies are deferred until after the completion of CPE. (<https://newgtlds.icann.org/en/applicants/advisories/change-request-set-05sep14-en>). In considering these types of change requests, the most relevant criteria are criteria three through seven. Criteria three, five, six, and seven are related and are considered together. (*See id.*)

A change to update an application's community definition and registration policies prior to contracting is material because: (1) other parties' decisions on whether to file a community objection to the application were made on the basis of what was in the application at the time of the objection window; (2) the community definition and registration policies serve, among other things, as a basis for determining the merits of a community objection; and (3) they are evaluated during CPE. (*See id.*)

Approval of a change request to update an application's community definition and registration policies would allow a CPE-eligible applicant to update its application based on learnings from previously posted CPE results. This causes issues of unfairness to the first applicants that went through CPE and did not have the benefit of learning from others. Allowing such a change request would be intended to improve the CPE applicant's chances to prevail in CPE, which would negatively impact the other applicants in the same contention set. Therefore, although a CPE applicant may believe that updating its application's community definition and registration policies prior to completing CPE is necessary because subsequent information showed that it previously failed to set forth criteria in its application that would satisfy CPE criteria, allowing it to do so before CPE would cause issues of unfairness to other applicants. (*See id.*)

As ICANN strives to ensure fair and equitable treatment for all applicants, all change requests of these types have been deferred until after CPE. If an applicant successfully prevails in CPE and enters into contracting, ICANN will consider approving a change request to update the community definition and registration policies prior to execution of the Registry Agreement, provided there are no pending issues impacting the application (i.e., a pending accountability mechanism triggered on the string). (*See id.*)

Contrary to DotMusic's assertion, the language in the Guidebook regarding change requests have not been altered over time. (*See* Guidebook § 1.2.7. at <https://newgtlds.icann.org/en/applicants/agb/intro-04jun12-en.pdf>.) The language in Section 1.2.7 has remained intact since the Guidebook was adopted by the ICANN Board

in June 2011. (See <https://www.icann.org/resources/board-material/resolutions-2011-06-20-en#1>.) ICANN published the change request determination criteria on 5 September 2012. (<http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.) The criteria have not changed since publication. Rather, ICANN has updated the Change Request page as well as published the Applicant Advisory page, to provide more detail about the criteria and how they relate to each other. (See Applicant Advisory at <http://newgtlds.icann.org/en/applicants/advisories/change-request-set-05sep14-en>.)

The Change Request Process page was also updated on 5 September 2014 to include the following additional explanatory information regarding the Change Request Criteria:

These criteria were carefully developed to enable applicants to make necessary changes to their applications while ensuring a fair and equitable process for all applicants.

In evaluating each change request, all available information is considered against the seven criteria above. The weight of each criterion may vary on a case-by-case basis, depending on the facts and circumstances surrounding the change request, the application, and the string.

Explanation – This criterion requires that the applicant provide an explanation for the requested changes. If an explanation is not provided, the applicant is given an opportunity to remediate. As such, this criterion is always met and does not bear as much weight as the other criteria.

Evidence that original submission was in error – This criterion is applicable in cases where the applicant requests a change to correct an error. In this case, the criterion requires that the applicant provide adequate information to support the request. There are few cases of change requests to correct an error. However, when such a case is submitted, this criterion is heavily weighted.

Other third parties affected – This criterion evaluates whether the change request materially impacts other third parties, particularly other applicants. In cases where a change to application material has the potential to materially impact the status of another applicant's application, this criterion is heavily weighted.

Precedents – This criterion assesses whether approval of the change request would create a new precedent, or if it would be in-line with other similar requests that have been approved. At this stage of the New gTLD Program, it is unlikely that a change request that would create a new precedent would be approved.

Fairness to applicants – This criterion evaluates whether approving a change request would put the applicant in a position of advantage or disadvantage compared to other applicants. This criterion is related to the "Other third parties affected" criterion, and if a change request is found to

materially impact other third parties, it will likely be found to cause issues of unfairness.

Materiality – This criterion assesses how the change request will impact the status of the application and its competing applications, the string, the contention set, and any additional Program processes that it or its competing applications must complete such as Community Priority Evaluation ("CPE"). A change that is determined to be material in and of itself will not cause a change request to be rejected. However, it will cause other criteria to weigh more when considered in conjunction with each other.

Timing – This criterion determines whether the timing of the change request impacts the materiality, fairness to applicants, and other third parties affected criteria. In cases where timing of the change request is found to impact these criteria, it will be heavily weighted.

(See <https://newgtlds.icann.org/en/applicants/global-support/change-requests/>.)

Based on the foregoing, ICANN therefore does not have any responsive documentation to this Item.

Item 5

Item 5 seeks the disclosure of “[t]he names of all the EIU CPE evaluators pertaining to the .MUSIC, .ECO, .RADIO, .SPA, .HOTEL and .OSAKA CPE processes and any correspondence between ICANN and Google’s Vice-President (also ex-ICANN chairman and ICANN Strategy Chair) Vinton Cerf to further investigate the appearance of a conflict of interest and ensure that the evaluators were qualified to evaluate a music-related CPE as explicitly required by the AGB and CPE Materials.” To help assure independence of the process and evaluation of CPEs, ICANN (either Board or staff) is not involved with the CPE Panel’s evaluation of criteria, scoring decisions, or underlying analyses. Accordingly, ICANN does not have any information regarding the names of the CPE panel evaluators for any evaluation. Therefore, ICANN does not have any documents responsive to this request.

Further, ICANN does not have any documents responsive to the request for “correspondence between ICANN and Google’s Vice-President (also ex-ICANN chairman and ICANN Strategy Chair) Vinton Cerf to further investigate the appearance of a conflict of interest.” As set forth in the CPE Process Document, as part of the evaluation process, “[a]ll EIU evaluators, including the core team, have ensured that no conflicts of interest exist.” (<https://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.)

With respect to the portion of the request seeking documents related to “ensur[ing] that the evaluators were qualified to evaluate a music-related CPE”, as stated in the CPE

Process Document “[a]ll EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment. This process included a pilot training process, which has been followed by regular training sessions to ensure that all evaluators have the same understanding of the evaluation process and procedures.” The CPE Process Document further states that “EIU evaluators are highly qualified, they speak several languages and have expertise in applying criteria and standardized methodologies across a broad variety of issues in a consistent and systematic manner.”

(<https://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.) As noted above, ICANN is not involved in the selection of CPE evaluators and therefore, ICANN does not have any documents responsive to this item.

Item 6

Item 6 requests the disclosure of “[t]he name of “*the appointed independent Quality Control service provider*” and all non-public internal documents and non-public internal correspondence between “*the appointed independent Quality Control service provider for the purposes of helping it to verify that Panel Firm's evaluation services have been and are performed in accordance with the Quality Control Guidelines*” and ICANN and/or the EIU.” Your request quotes from Paragraph 12 of the EIU Statement of Work (SOW) No. 2 published on the CPE webpage at <http://newgtlds.icann.org/en/applicants/cpe/eiu-contract-sow-information-08apr15-en.zip>. As specified on page 1 of the SOW, the SOW applies to the EIU’s evaluation services for CPE and Geographic Names. As discussed above in response to Item 1, the Quality Control Program was a program that was implemented solely for the Initial Evaluation phase of the New gTLD Program to ensure that all 1930 applications have followed the same evaluation process and have been evaluated consistently. (See <https://newgtlds.icann.org/en/blog/preparing-evaluators-22nov11-en>.) The Quality Control Program did not extend to CPE. Because Geographic Names evaluation was a part of Initial Evaluation, the reference to the Quality Control Program in Paragraph 12 applied to the EIU’s evaluation services for Geographic Names, not CPE. For these reasons, ICANN does not have any documents responsive to this request.

About DIDP

ICANN’s DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because, as we continue to enhance our reporting mechanisms, reports will be posted for public access.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.

Subject: Re: Notification to begin evaluation of 1-1115-14110 (.MUSIC)
Date: Monday, August 17, 2015 at 11:11:19 AM Pacific Daylight Time
From: Benjamin Parisi
To: Jared Erwin
CC: Hilary Ewing, Russ Weinstein

Thanks, Jared. We'll let you know if we have any questions about this.

On Mon, Aug 17, 2015 at 10:43 AM, Jared Erwin Contact Informat on Redacted wrote:

Hi Hilary and Ben,

This email serves as the EIU's notification that evaluation can begin on application 1-1115-14110 (DotMusic LTD), community applicant for MUSIC. As per other evaluations, the following are in scope:

- Application questions 1-30a
- Application comments (these have been loaded into the external share drive for your retrieval)
- Correspondence
- Objection outcomes
- Outside research (as necessary)

The CPE micro site (<http://newgtlds.icann.org/en/applicants/cpe>) will be updated later today to reflect that evaluation is now in progress for this applicant.

Please let me know if you have any questions.

Best,

Jared

Jared Erwin

Operations Specialist

Global Domains Division

Internet Corporation for Assigned Names and Numbers (ICANN)

Contact Information Redacted

www.icann.org

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