



July 18, 2012

Mr. Lawrence Strickling
Assistant Secretary for Communications and Information
U.S. Department of Commerce
Washington, DC 20230

Re: State-level concerns regarding new gTLD applications

Dear Assistant Secretary Strickling:

As the U.S. Government Representative to the Government Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN), we appreciate the opportunity to utilize the "Early Warning" period to restate and clarify the position of our state government members regarding some new gTLD applications.

The National Association of Secretaries of State (NASS) is a nonpartisan, professional organization whose members include the Secretaries of State and Lieutenant Governors of the 50 states and the U.S. territories. The majority of our members are responsible for the administrative oversight of various business entity registration processes in their respective states.

When our members learned that ICANN was considering applications for new business-related gTLD extensions including .INC, .LLC, .CORP, and .LLP, we issued a March 2012 letter that expressed our strong concerns about their potential use. They are all recognized under state law as a means of identifying various types of business entities in the United States. Our members remain committed to the belief that steps must be taken to ensure that the website domain name for a business entity has been confirmed when compared to its legal registration with the state.

It is our recommendation that if ICANN does allow for the use of such business-related extensions, then extremely strict restrictions must be put in place to protect legitimate businesses and consumers from fraud and confusion. Any new business-related extension identifiers (.INC, .LLC, .CORP, .LLP) and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the United States or the government authorized company registrar for non-U.S. entities.

Furthermore, as this process continues to move forward, our members wish to make themselves available for consultation with the applicants so they may provide important state policy information regarding the registration and identification of businesses in the United States.

After conducting a review of the 30 applications for .INC, .LLC, .CORP and .LLP, we were pleased to find that many applicants did appear to include the types of restrictions that were broadly addressed in our March 2012 letter. Many applications also referenced working with the Secretary of State, or a relevant government agency, to verify entity information. It is important to note that if any such gTLD

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applications are ultimately approved, it will be prudent for ICANN to ensure the existence of a means by which these restrictions will be maintained throughout the existence of the gTLD. Enforcement is an essential element in this scenario.

Unfortunately, our review discovered at least seven (7) applications that did not include restrictions or restrictions as identified by the Secretaries and thus, we have concerns that their registration policies will not mitigate against possible abuse.

In closing, we appreciate the opportunity to share our feedback and concerns regarding this issue. As a national organization representing state government officials, we want to emphasize our strong recommendation that only those companies with extremely strict registration requirements be authorized to issue these new gTLDs.

Please feel free to contact us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Miller".

Ross Miller
Nevada Secretary of State
President, National Association of Secretaries of State

cc: Fiona Alexander, Associate Administrator for International Affairs, National Telecommunications and Information Administration, US Department of Commerce

Contact Information Redacted

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UNITED STATES OF AMERICA
 Federal Trade Commission
 Office of International Affairs
 WASHINGTON, D.C. 20580

Laureen Kapin
 Counsel for International Consumer Protection
 Phone: Contact information Redacted
 Email:

January 29, 2014

Shaul Jolles, CEO
 Dot Registry, LLC
 Contact Information Redacted

Dear Mr. Jolles:

Thank you for your November 14, 2013 letter to the Federal Trade Commission supporting the Commission's advocacy for stronger consumer protection safeguards in connection with ICANN's expansion of generic top-level domains (gTLDs). I was asked to respond to your letter because the Office of International Affairs for Consumer Protection works closely with the Department of Commerce via the Government Advisory Council (the GAC) to advise ICANN of concerns and make recommendations. The FTC has been involved in ICANN-related matters for over ten years, pressing ICANN and other stakeholders to improve policies that cause harm to consumers engaged in e-commerce or that impede law enforcement efforts to identify and locate bad actors. In addition, our involvement has included testifying before Congress, participating in ICANN meetings, and issuing statements on various ICANN policy initiatives.

We appreciate your concerns over the launch of TLDs, such as corporate identifiers (*e.g.*, .inc, .llc, .llp, .corp), without proper safeguards. As you know, the Commission has expressed similar concerns, albeit in a broader context, with proposed domains associated with various regulated or professional sectors, including corporate identifiers.¹ FTC staff advice and concerns about the need for further consumer protection safeguards for regulated and professional extensions are reflected in the GAC Beijing Communiqué issued on April 11, 2013: <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>. The communiqué set forth several concerns regarding the new gTLDs. In particular, the communiqué recommended three additional safeguards for market sectors that have regulated entry requirements such as corporate identifiers. They are: 1) verification and validation of registrant's credentials for participation in the sector specified in the domain name; 2) consultation with relevant supervisory authorities in case of doubt regarding authenticity of credentials; and 3) post-registration checks to ensure registrant's validity and continuing compliance with their credentialing requirements. We believe this is the type of proactive approach required to combat fraudulent websites.

¹ See <http://www.ftc.gov/news-events/press-releases/2011/12/ftc-warns-rapid-expansion-internet-domain-name-system-could-leave>

We will continue to monitor ICANN's response to the communiqué and work with the GAC to help ensure that the communiqué's recommended consumer protection safeguards are implemented in a concrete and meaningful manner. We will also continue to work with our law enforcement partners to share information and perspectives about how to best protect consumers from illicit activities associated with the domain name system.

We appreciate you taking the time to raise the concerns expressed in your letter. If you have any questions or wish to discuss this matter further, please contact me at [Contact information Redacted](#).

Very truly yours,

Laureen Kapin



Governmental Advisory Committee

London, 25 June 2014

GAC Communiqué – London, United Kingdom¹

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in London, United Kingdom during the week of 21st of June 2014. Sixty one (61) GAC Members attended the meetings and eight (8) Observers. The GAC expresses warm thanks to the local host for their support.

High Level Governmental Meeting

The GAC expressed its sincere appreciation to the United Kingdom for hosting the High Level Governmental Meeting on 23 June 2014. The meeting provided a valuable forum for Ministers and senior officials to emphasise to ICANN a range of important public policy concerns with regard to ICANN and the global internet governance ecosystem. It also enabled all parties to gain a clearer understanding of the role of governments in ICANN processes, including the GAC.

II. Inter-Constituencies Activities

1. GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC agreed to proposals from the joint GAC-GNSO Consultation Group to enable greater cooperation and coordination between GAC and the GNSO, and in particular:

¹ To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings> and older GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive>.

- Appointment of a GNSO liaison to the GAC for a one year pilot period, starting next meeting in Los Angeles;
- Liaison support through existing GNSO Council policy development process (PDP) liaisons;
- A survey of GAC members on possible mechanisms for early awareness of policy issues with public policy implications;
- Further analysis of how GAC involvement in PDPs could be managed on a sustainable and workable basis.

2. Meeting with the Country Code Names Supporting Organisation (ccNSO)

The GAC met with the ccNSO and discussed a range of issues, including finalisation of the report of the Framework of Interpretation Working Group; and the current activities on transition of IANA stewardship and strengthening ICANN accountability.

III. Internal Matters

- 1. New Members** – The GAC welcomes Barbados, Israel, Liberia, Timor-Leste and Venezuela as new Members.
- 2. GAC Working Methods** - The GAC discussed the proposals on improving the GAC working methods and the implementation plan put forward by the GAC working methods working group. The GAC agreed on the proposals and to the implementation plan of 21 June 2014. The GAC will continue to discuss the other outstanding issues.
- 3. Issues for Future Rounds of gTLDs; and**
- 4. Government and Intergovernmental Organisation Engagement Strategy** – The working group will continue its discussions with the ICANN Global Stakeholder Engagement (GSE) team on areas of cooperation.

The working groups will continue their activities inter-sessionally.

The GAC warmly thanks all of the SOs/ACs who jointly met with the GAC, as well as all those among the ICANN community who have contributed to the dialogue with the GAC in London.

IV. GAC Advice to the Board²

1. Transition of US Stewardship of IANA and Strengthening ICANN Accountability

The GAC is committed to engaging with the current processes dealing with transition of US Government stewardship of IANA; and strengthening ICANN accountability.

The GAC will participate in both processes by nominating the Chair and four additional GAC members for formal membership of the coordination group and working group respectively, to provide a balanced representation of governmental interests. The GAC will ensure that geographic, linguistic and gender diversity are reflected. GAC participants in the groups will consult with, and facilitate information flows across, the broader GAC membership.

The GAC recognizes the need for it to comment on the final draft proposals from the IANA stewardship transition coordination group and the ICANN accountability working group before the public comment periods.

2. Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings

a. The GAC advises:

- I. the Board to call on the NGPC to provide the GAC with a comprehensive and satisfactory response to the legitimate concerns raised in the Beijing and Singapore Communiqués. The GAC considers that the current responses offered to the GAC fail to address a number of important concerns, including: 1) the process for verification of WHOIS information; 2) the proactive verification of credentials for registrants of domain names in regulated and highly regulated industries (the relevant Category 1 strings); 3) the proactive security checks by registries; 4) the Public Interest Commitments Dispute Resolution Process (PICDRP), which is not defined as to length of procedure or outcome; and 5) discrimination in restricted TLDs. In addition,

² To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>

b. The GAC advises that:

- I. the Board to provide its responses to GAC advice at least four weeks prior to ICANN meetings in order to give sufficient time to the GAC to assess and provide feedback on these complicated matters.

These concerns are further clarified in an Annex to this Communique.

The GAC looks forward to the activation of the review panel on promoting competition, consumer trust and consumer choice envisaged in the Affirmation of Commitments.

The GAC notes that the Government of Israel expressed concerns about the potential for discrimination in the operation of .kosher, which Israel will study further.

3. Specific Strings

a. .africa

Consistent with the new gTLD applicant guidebook, the GAC provided consensus advice articulated in the April 11 2013 communiqué that the Dot Connect Africa (DCA) application number 1-1165-42560 for dot Africa should not proceed. The GAC welcomes the June 2013 decision by the New gTLD Program Committee to accept GAC advice on this application.

The GAC notes the recent action taken to put on hold the ZACR African Union Commission endorsed application due to the Independent Review Panel (IRP) mandated by ICANN Bylaws.

The GAC advises:

1. The ICANN Board to provide timely communication to the affected parties, in particular to provide clarity on the process and possible timelines;
2. The ICANN Board that, following the release of the IRP recommendation, the Board should act expeditiously in prioritising their deliberations and delegate .africa pursuant to the registry agreement signed between ICANN and ZACR.

b .spa

The GAC welcomes the NGPC's acceptance of the GAC advice on .spa. The GAC reiterates its advice (<https://gacweb.icann.org/display/GACADV/2014-03-27-spa>) on the

issue that "the relevant parties in these discussions are the city of Spa and the applicants." The GAC therefore seeks NGPC's clarification on whether its explanation that "the applications will proceed through the normal process" means it will follow the Applicant Guidebook taking into consideration the GAC advice.

c .wine / .vin

There was further discussion on the issue of .wine/.vin, but no agreement was reached because of the sensitive nature of the matter.

The matter of .wine and .vin was raised at the High Level Governmental Meeting, where some members expressed concerns in terms of ICANN's accountability and public policy. These concerns are not shared by all members.

4. Protection of Children

The GAC reiterates its advice in the Buenos Aires Communiqué that new gTLD registry operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.

5. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires and Singapore Communiqués regarding protection for IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law, are objectively different rights holders; notes the NGPC's letter of 16 June 2014 to the GNSO concerning further steps under the GNSO Policy Development Process while expressing concerns that the process of implementing GAC advice has been so protracted; welcomes the NGPC's assurance that interim protections remain in place pending any such process; and confirms its willingness to work with the GNSO on outcomes that meet the GAC's concerns.

6. Protection of Red Cross / Red Crescent Names

The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent, including those relating to the 189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Crescent designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions. Accordingly,

a. The GAC now advises, that:

- I. the Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection;
- II. the protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process;
- III. the permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.

7. WHOIS

The GAC notes that there continue to be range of initiatives being progressed relevant to WHOIS, including outcomes from the WHOIS Review Team and the recently finalised report of the Expert Working Group on gTLD Directory Services. Many of the issues under discussion and analysis have public policy dimensions, including privacy, law enforcement, consumer protection and public safety.

a. The GAC requests that:

- I. ICANN make further efforts to explain and clarify the linkages between the full range of WHOIS activity for the benefit of GAC and the community between now and the Los Angeles meeting, to ensure that WHOIS activity adequately reflects GAC's earlier comments and concerns. ICANN should also consider the implications of short, restrictive comment deadlines for community workload. The GAC suggests that ICANN conduct a session for the community on these issues in Los Angeles.

8. Accountability and Transparency

The GAC was briefed by the Board-GAC Recommendation Implementation Working Group (BGRI) and agreed to specific ATRT2 recommendations being progressed by the BGRI as follows:

- Development of a formal process for the Board to notify and request GAC advice (Recommendation 6.4) – Document current process and seek comment on options for improvements.

- Bylaw changes to formally implement the documented process for Board-GAC Bylaws consultation developed by the BGRI (Recommendation 6.5) – GAC advises the Board that there are no further requests for Bylaws amendments, in light of the new gTLDs, and hence sees no need for Board action on this to be further delayed.
- Regularisation of senior officials’ meetings (Recommendation 6.7) – GAC agrees that regular high level meetings are beneficial, and will examine ways to maximize their benefits and continually improve the way they are arranged and scheduled.
- GAC to use opportunities to provide input to ICANN policy development processes (Recommendation 10.2) – GAC noted that the GAC-GNSO Consultation Group is addressing this.

9. Human Rights

GAC noted the written analysis on ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values, prepared by experts of the Council of Europe. The GAC noted that there is a developing interest in the ICANN community to include human rights issues in future discussions.

10. Protection of Geographic Names in gTLDs

The GAC provided a briefing, led by the sub-group on geographic names of the working group on future gTLD issues, to the community on protection of geographic names in future new gTLD application rounds. Further work will be done on this matter and new updates will be provided at the next ICANN meeting.

11. GAC Open Forum

The GAC convened an open session for the community to inform about and exchange views on the GAC and its working methods, in accordance with recommendation 6.1.a of the ATRT2 report.

V. Next Meeting

The GAC will meet during the period of the 51st ICANN meeting in Los Angeles, California.

ANNEX TO GAC LONDON COMMUNIQUE

NGPC Response to GAC Advice on Six GAC Safeguards Applicable to All New gTLDs and Advice on Category 1 and Category 2 Safeguards

Issue: The June 6, 2014 NGPC response to the GAC's advice and questions set forth in the Singapore Communiqué lacks key details, appears to sidestep certain GAC questions, and arrived too close to the London meeting to provide sufficient opportunity to consider, confer, and react to the NGPC positions.

Background: The GAC's Beijing Communiqué included specific safeguards applicable to gTLD strings that raised heightened consumer protection concerns (the Category 1 Safeguards) including sensitive strings (*e.g.*, health, financial, children) and regulated markets (*e.g.*, charities, gambling, professional services). These safeguards covered five general areas, with three additional safeguards regarding strings associated with regulated entry requirements in multiple jurisdictions. The NGPC has distinguished these safeguards as applicable to "regulated" and "highly regulated" strings and has adopted a Category 1 Public Interest Commitment Specification (PIC Spec) applicable to strings falling into these categories. The Category 1 PIC Spec weakens the GAC's advice in several areas. The GAC also addressed the issue of applicants seeking restricted registration policies for strings representing generic terms, through Category 2 safeguards intended to ensure that applicants must demonstrate that such exclusive access serves a public interest goal, and should not provide undue preference or discrimination against domain name registrants. The NGPC's proposed implementation of Category 2 safeguards is reflected in PIC Spec 11, Sections C and D. The NGPC has determined that the transparency requirement in Section C fully meets the GAC's request that Registry Operators be prevented from granting preferential or discriminatory treatment to domain name registrants. As a result of the concerns arising from the NGPC's flawed implementation of certain safeguards, the GAC issued consensus advice and questions in its Singapore Communiqué.

Assessment of the NGPC Response: With regard to the GAC's request for periodic updates regarding ICANN's enforcement of safeguards, the NGPC has committed to periodic updates at times and using methods determined by the GAC. The NGPC's responses to the series of GAC questions related to WHOIS data accuracy (*e.g.* checks/audits, consequences for failing to correct inaccurate WHOIS data, etc.) revolve around the implementation of a WHOIS Online Accuracy Reporting System, for which an RFP was issued on May 16, 2014. The NGPC response also indicates that ICANN intends to complement what is essentially a "work in progress" with consultations with the "broader ICANN community" to define the process by which inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System (which has not yet been created). The NGPC's response to the GAC's questions regarding steps taken by Registries to periodically analyze whether registrations in their TLDs raise security threats indicates that ICANN would solicit the community to develop a framework for Registry Operators to respond to identified security risks. However, there is no detail provided as to when and how the community, particularly the GAC, would be consulted on this matter.

With regard to the GAC's Category 1 advice, the NGPC maintains its previous position that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly

regulated industries would potentially discriminate against users in developing countries whose governments do not have regulatory bodies. This position is inconsistent with proposals from several applicants for strings representing regulated strings to ensure that registrants possess the appropriate credentials. Most importantly, the NGPC's position undermines the GAC's efforts to minimize consumer harm and fraud through the actions of uncredentialed registrants.

The NGPC's response to the GAC's questions related to the PICDRP is disappointingly superficial. More information will apparently only be forthcoming as a result of the use and experience with the PICDRP. The proposed PICDRP process is complex, apparently lengthy, and as yet untested. Further, the PICDRP process does not appear to result in a final resolution of compliance issues.

Finally, the NGPC's response to the GAC's questions related to Category 2 safeguards appears unchanged from previous responses. The GAC's explanation in Singapore that transparency alone is insufficient to deter discriminatory and preferential registration policies do not appear to have persuaded the NGPC to revisit its original position.

Timeliness of NGPC Response

- The late receipt of the NGPC's response to the GAC's Singapore advice and questions prohibited a thorough review prior to the London ICANN/GAC meetings. Our comments in London represent only a preliminary reaction, and we anticipate the need to provide more detailed responses at a later time.

Compliance:

- The NGPC's commitment to provide periodic updates regarding ICANN's Compliance Department's enforcement of new gTLD safeguards is constructive. Such updates should occur, at a minimum, at each ICANN meeting and the GAC should be afforded opportunities to submit questions in advance of such updates on a consistent and regular basis. .

WHOIS Accuracy:

- The series of GAC questions related to WHOIS accuracy apparently hinge on the creation of a new Accuracy Reporting System, for which a Request for Proposal was posted on May 16, 2014. In view of the high level of interest in this matter among governments, ICANN should consider providing an opportunity for the GAC to review the RFP to ensure that the needs of government users of the WHOIS system will be effectively met. ICANN should also provide a complete briefing and update regarding the RFP and the initiation of the system during the Los Angeles ICANN meeting. At that point, the proposed Pilot Report would have been issued and should be reviewed by the ICANN community.
- In addition to the RFP, the NGPC indicates that ICANN is currently consulting with registrars and the broader ICANN community to define the process by which the inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System. ICANN should provide a briefing to the GAC on this consultation, and ensure that the GAC has ample opportunity to provide government views.

Security Audits:

- Similarly, the NGPC's response to the GAC's questions regarding the mechanisms and timeframes for the conduct of security checks by Registries indicates that ICANN would solicit input from the ICANN community to develop a framework for Registries to respond to identified security risks. However, the NGPC has provided no details as to either the parameters for this framework or when this consultation will occur. ICANN should provide a briefing to the GAC on this consultation, to ensure that the GAC has ample opportunity to provide government views.

Validation/Verification of Credentials in Category 1 strings:

- It is disappointing that the NGPC continues to resist the GAC's advice, beginning with its Beijing Communique, that Registries for strings representing regulated and highly regulated sectors should verify and validate the credentials of domain name registrants. The GAC advice required Registry Operators to proactively screen Category 1 Registrants to ensure that they are what they purport to be before they may do business with the public using the name of a regulated sector such as a bank or pharmacy. The looser requirement that registrants provide some "representation" that they possess the appropriate credentials (e.g. as a bank, insurer, pharmacy, etc.) poses the risk of consumer fraud and potential harm because bad actors will not hesitate to make false representations about their credentials. It would be in the best interests of those Registries whose gTLDs represent such strings to demonstrate their commitment to best practices by engaging in the verification and validation of credentials and the avoidance of consumer confusion, fraud and/or harm.
- By eliminating the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and the requirement to conduct periodic post-registration checks to ensure that Registrants' continue to possess valid credentials and generally conduct their activities in the interests of the consumers they serve, the NGPC has swept away procedures designed to protect the public from falling prey to scammers and other criminals.
- The majority of new gTLD applicant responses to the GAC's Singapore advice fully endorse the GAC's advice regarding the importance of validation and verification of credentials. It would be constructive for the GAC to consider reaching out to the new and potential Registries on this subject during the London meeting if possible. The ICANN Board should, at a minimum, publicly recognize that a significant number of potential Registries associated with highly regulated sectors are willing to conduct the verification and validation of credentials, as an example that other Registries should endeavor to follow.

Public Interest Commitments Dispute Resolution Process (PICDRP):

- As an untested process, it is difficult to assess whether the PICDRP will provide a suitably nimble method of addressing serious threats, such as botnets and malware.
- As currently drafted, the PICDRP suggests that ICANN may decline to impose any remedial measure, even if the Registry Operator fails to comply with the compliance notice generated through the process, raising questions as to its effectiveness.
- There also appears to be a critical loophole in the PICDRP, in that there may be no resolution to the report of non-compliance. If the Registry Operator disagrees with the proposed remedial measure, they can invoke yet another alternate dispute resolution process (see B.4.4.6), all of which would occur after potentially more than 105 days has elapsed, an excessive time period in circumstances where time is of the essence, i.e. botnets, public safety concerns.

- The NGPC to reconsider the GAC's Singapore advice and, in particular, to provide a more definitive resolution process to ensure that non-compliance is effectively addressed.

Ensuring Non-Discriminatory Registration Policies:

- Transparency alone is insufficient to deter Registries from adopting discriminatory or preferential registration policies.
- The NGPC should reconsider its position, particularly since the GAC has clearly advised that it does not believe the current requirements in Specification 11 actually meet either the spirit or the intent of the GAC's advice.



Governmental Advisory Committee

Singapore, 27 March 2014

GAC Communiqué - Singapore¹

I. INTRODUCTION

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore during the week of 22 March 2014. Sixty-one (61) GAC Members attended the meeting and ten (10) Observers. The GAC expresses warm thanks to the local hosts IDA and SGNIC for their support.

II. Inter-constituencies Activities

1. GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC met with GNSO members of the GAC-GNSO Consultation Group and agreed a charter for the group. The Group will consider processes for smooth and timely information exchange; early engagement of GAC in GNSO PDP work; resolving early stage conflicts; and accommodating the different working methods of the two organisations.

2. Discussion of Brand Registry Issues

The GAC discussed the Brand Registry Group proposal for a streamlined process under an addendum to the Registry Agreement for the approval of country names and 2-letter and character codes at the second level. While the GAC has no major concerns about brand owners seeking approval for such names, this approval should be done directly with the countries concerned rather than through a GAC-level operational process. Individual GAC members can assist with proposals relevant to their particular country if requested. GAC suggests that consideration be given to establishing a register of countries that do not require individual requests to be made.

¹ To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings> and older GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive>.

3. GAC Leadership Meeting with At-Large Advisory Committee (ALAC) Leadership

The GAC and ALAC leadership groups met and discussed a range of issues. There are common concerns with regard to new gTLD Public Interest Commitments (as noted by the GAC in this communiqué).

4. Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and noted progress by the Framework of Interpretation Working Group, with further dialogue to be progressed inter-sessionally. GAC and ccNSO will explore possible approaches to more effective interaction across all relevant issues.

5. Meeting with Root Server System Advisory Committee (RSSAC)

The GAC met with RSSAC and discussed a range of issues including the RSSAC's new structure; transparency of proceedings; and potential role in the IANA functions transition process.

6. Briefing on Meeting Strategy Working Group (MSWG)

GAC Members of the MSWG presented the Group's report to the GAC. The MSWG is a cross community Working Group with the mandate to gather information, exchange ideas and propose changes to future ICANN meetings at both a strategic and operational level.

III. Internal Matters

1. **New Members** – The GAC welcomes Croatia, Grenada and the Solomon Islands as Members.
2. **Future Rounds of New gTLDs** – The working group on issues for future rounds of new gTLDs reported on its progress.
3. **Working Methods** – Terms of reference were agreed for the working group on GAC working methods. Specific deliverables will be identified for the London meeting.
4. The GAC paid homage to the late Pankaj Agrawala who served as the GAC vice chair during the period of 2005-2007.

IV. GAC Advice to the Board²

1. Internet Assigned Numbers Authority (IANA) Functions: US Government Announcement

The GAC received a briefing from Assistant Secretary Larry Strickling of the National Telecommunications and Information Administration regarding the announcement of 14 March 2014 that the United States Government would transition key Internet domain name functions to the global multistakeholder community. This is a timely step in the process of making Internet governance truly global, and marks major progress in the development of a multi-stakeholder model.

The GAC also notes that a number of conditions were stated in the announcement in order that this transition be effected.

The GAC welcomes that ICANN will convene global stakeholders to develop a proposal for this transition and takes note of the preliminary timeline proposed by ICANN (<http://www.icann.org/en/about/agreements/iana/functions-transfer-process-14mar14-en.pdf>). The GAC is willing to participate in, and contribute to, this process and underlines that the consultations and discussions should reach out to all parties, including those governments that are not presently members of the GAC and also not part of the ICANN multistakeholder community.

The GAC also recommends that ICANN make full use of existing events and fora to ensure a broader engagement in these important discussions, including the forthcoming NETmundial meeting (Brazil, 23-24 April 2014), and the Internet Governance Forum (Turkey, 2-5 September 2014).

2. Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) Strings

The GAC welcomed the response of the Board to its advice in the Beijing Communiqué regarding safeguards for new gTLDs.

a. The GAC requests

- i. Clarification from the New gTLD Program Committee (NGPC) on a number of implementation issues. These relate to the implications of changes in WHOIS verification and checks for the accuracy of WHOIS

² To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>

generally and for law enforcement and end users; security checks to detect risks of harm (eg phishing, malware, botnets etc); complaint mechanisms; verification and validation of Category 1 registrants' credentials and the lack of binding nature of the public interest commitments; operation of the Public Interest Commitment Dispute Resolution Procedure; and restricted registration policies (Category 2). These queries are set out in more detail in an Attachment to this communiqué.

3. Community Applications

The GAC reiterates its advice from the Beijing and Durban Communiqués regarding preferential treatment for all applications which have demonstrable community support.

1. The GAC advises

- a. ICANN to continue to protect the public interest and improve outcomes for communities, and to work with the applicants in an open and transparent manner in an effort to assist those communities. The GAC further notes that a range of issues relating to community applications will need to be dealt with in future rounds.

4. Specific Strings

a. .spa

Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalised its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.

b. .amazon

The GAC expresses its concerns with the time the Board is taking in evaluating the GAC Objection Advice on the application of the domain name .amazon, as stated in the GAC communiqué, approved in Durban, last July. Therefore the GAC urges the ICANN Board to settle as a high priority its decision according to Module 3.1 part I of the Applicant Guidebook.

c. .ram and .indians

Further to its Durban Communiqué, **the GAC advises the ICANN Board that:**

- a. The GAC recognizes that religious terms are sensitive issues. The application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations. The GAC notes that the Government of India has requested that the application not be proceeded with; and
- b. as noted in the Durban communiqué, the Government of India has requested that the application for .indians not proceed.

d. .wine and .vin

The GAC notes the NGPC Resolution 2014.03.22.NG01 concerning .wine and .vin as well as its rationale. In the final deliberation of the Board there appears to be at least one process violation and procedural error, including in relation to ByLaws Article XI-A, Section 1 subsection 6 which states:

“6. Opportunity to Comment. The Governmental Advisory Committee, in addition to the Supporting Organizations and other Advisory Committees, shall have an opportunity to comment upon any external advice received prior to any decision by the Board.”

The GAC therefore advises:

That the Board reconsider the matter before delegating these strings-

The GAC needs to consider the above elements more fully. In the meantime concerned GAC members believe the applicants and interested parties should be encouraged to continue their negotiations with a view to reach an agreement on the matter.

5. Singular and Plural Versions of the Same String

The GAC reiterates the Beijing advice that allowing singular and plural versions of the same strings could lead to consumer harm. Permitting this practice risks confusing internet users and could making users more vulnerable to deceptive practices that exploit this confusion.

6. WHOIS

The GAC notes the work being accomplished by the Expert Working Group on New gTLD Directory Services (WHOIS). The GAC will work inter-sessionally on privacy issues up until the ICANN 50 London meeting.

7. Data Retention and Data Provision Waivers

The GAC welcomes the explanation provided to the GAC by ICANN in relation to the state of play of the granting of the Data Retention Specification waiver foreseen in the Registrar Accreditation Agreement, in compliance with national laws. Some members asked ICANN not to take legal action against those Registrars in order to fulfill their data retention requirements pending a decision on these waivers. They further recalled that waivers might be necessary for data provision requirements accordingly in the Registry Agreement.

8. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

The GAC recalls its previous public policy advice from the Toronto, Beijing, Durban and Buenos Aires Communiqués regarding protection for IGO names and acronyms at the top and second levels and awaits the Board's response regarding implementation of the GAC advice.

9. Protection of Red Cross/Red Crescent Names

Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world.

I. The GAC advises that, for clarity, this should also include:

- a. the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin.
- b. The full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Languages.

10. Accountability and Transparency

The GAC agreed on a revised charter for continuation of the Board-GAC Recommendation Implementation Review Team (BGRI), with responsibility for progressing relevant recommendations from the final report of the Accountability and Transparency Review Team (ATRT2). Some areas of the report are the subject of ongoing GAC working groups and some are GAC internal matters, which will feed into the overall ATRT2 process.

The GAC has established a working group to develop guidelines on ICANN-government and IGO engagement, and will work with the ICANN Global Stakeholder Engagement team, and within the BGRI process, to progress relevant recommendations from the ATRT2 report.

11. Tracking of Key Issues

I. The GAC requests:

- a. that the Board consider ways in which ICANN and the GAC can work more closely in ensuring that key issues are tracked in a more concise and structured way, so that the GAC is able to provide timely and comprehensive advice. For example, the multiple streams of activity being dealt with regard to Registrar Accreditation Agreement, data protection, and data retention issues, WHOIS (e.g. Expert Working Group, privacy and proxy services, etc). The GAC would benefit from some form of comprehensive overview by ICANN of such related issues prior to the meetings.

12. Briefings on Compliance

I. The GAC requests:

- a. that the Board facilitate ICANN staff briefings for each meeting on compliance with ICANN safeguards for registry operators, registrars and registrants.

13. NETmundial Meeting

The GAC expresses its thanks for a briefing provided by Ambassador Benedicto Fonseca of Brazil on the NETmundial meeting to be held in Sao Paulo on 23-24 April 2014.

14. High Level Meeting

The GAC received a briefing from the United Kingdom and discussed arrangements for the high level meeting to be held in London on 23 June 2014 in conjunction with the ICANN and GAC meetings. The meeting will focus on ICANN's role in the evolving internet ecosystem; and enhancing the role of governments in the ICANN model and the future role of the GAC. The GAC acknowledges the funding ICANN currently makes available to GAC members from developing countries to support their attendance at ICANN and GAC meetings.

I. The GAC requests:

- a. That additional funding for travel be provided to ensure that the high level meeting scheduled for London has representation from the widest range of countries, including Ministers and their staff from developing countries, in line with existing GAC travel support guidelines.

The GAC warmly thanks all the SOs/ACs who jointly met with the GAC as well as all those among the ICANN community who have contributed to the dialogue with the GAC in Singapore

V. Next Meeting

The GAC will meet during the period of the 50th ICANN meeting in London, England.

Attachment to GAC Singapore Communique

GAC Advice Implementation Questions for Singapore, March 2014

The GAC is pleased to share an assessment of several aspects of the NGPC's proposed approach to: the Overarching Safeguards applicable to all new gTLDs; the implementation of Category 1 and Category 2 Safeguards; and the Public Interest Commitment Dispute Resolution Process (PICDRP). Our assessment has resulted in several implementation questions set forth below.

- Will ICANN provide periodic updates to the GAC regarding the activities carried out by the Compliance Department on the effective implementation of the Safeguards (all categories)?

1. Safeguards Applicable to all New gTLDs:

- With regard to **Safeguard 1**, related to WHOIS verification and checks, the NGPC has shifted responsibility from individual Registry Operators (who have the direct relationships with Registrars) to ICANN to perform "periodic sampling" of WHOIS data across registries in an effort to identify potentially inaccurate records.
 - Can the NGPC clarify the advantages and/or disadvantages of having ICANN perform the WHOIS checks/audits versus the Registry Operators?
 - Does the NGPC believe ICANN has sufficient resources in place to conduct these audits, or will additional resources be necessary to conduct WHOIS checks across all Registry Operators?
 - Can the NGPC clarify the meaning of "periodic sampling" (e.g. how large will the sampling be, using what criteria, how often, etc.)? With a periodic sampling approach, will it be possible to identify/Registrars with the highest percentages of deliberately false, inaccurate or incomplete WHOIS records in previous checks?
 - Will ICANN circulate/make publicly available to the community, detailed statistical reports of how inaccurate WHOIS records were identified and resolved?
 - What steps does the NGPC think are needed to ensure inaccurate or incomplete WHOIS records are addressed? Will Registry Operators take steps to notify Registrars of inaccurate or incomplete WHOIS records? If so, will this notification trigger an obligation from the Registrar to solicit accurate and complete information from the Registrant?
- **Safeguard 3** pertains to Security Checks undertaken by Registry Operators to periodically analyze whether domains in its gTLD are being used for threats to security, such as

pharming, phishing, malware and botnets. While the NGPC has incorporated aspects of Safeguard 3 into the Public Interest Commitment Specification 11, it also calls on ICANN to seek “community participation” to develop a framework for Registry Operators to respond to identified security risks that pose an actual risk of harm. Pending the development of such a framework, it is not clear whether Registry Operators are obliged to notify a Registrar to take immediate actions in response to such security threats (including suspending the domain name in appropriate situations).

- How does ICANN define “immediate action;” what precise timeframe constitutes “immediate action”?
 - How does ICANN define “security risk”?
 - How does ICANN define “harm”?
 - What is the status of the NGPC’s plan to develop a framework for Registry Operators to respond to identified security risks that pose an actual risk of harm?
 - In the interim before an agreed framework is developed, how does ICANN intend to address such security threats?
 - Will Registry Operators be expected or obliged to notify a Registrar to take immediate action in response to a security threat that poses an actual risk of harm?
- **Safeguard 5** addresses Complaint Mechanisms, to ensure that Registry Operators provide a means by which complaints can be submitted related to: WHOIS data inaccuracy, trademark or copyright infringement, counterfeiting, fraudulent or deceptive practices, the use of malware, botnets, phishing, piracy, or other unlawful activities. The NGPC has incorporated this Safeguard in the Base Registry Agreement (e.g. Section 2.8, Specification 6, section 4.1). It is not clear, however, whether Registry Operators are required to respond to complaints from sources other than governments, law enforcement or other quasi-governmental entities.
 - What mechanisms will be used by Registry Operators for taking complaints from sources other than government entities (e.g. victims)?
 - How will inaccurate WHOIS information be corrected? Will Registry Operators be responsible for ensuring that Registrars require Registrants to correct inaccurate WHOIS information?
 - What constitutes reasonable steps for the Registry to investigate and respond to any reports from law enforcement, governmental and quasi-governmental bodies?

2. Category 1 and Category 2 Safeguards:

With regard to strings falling under **Category 1** advice, we are seeking further clarity from the NGPC on the following:

- Is it the NGPC's intention to create a separate base Registry Agreement for those Registry Operators whose strings fall under Category 1? Or does the NGPC expect such Registry Operators to incorporate the Category 1 PIC Spec into their specific Registry Agreement?
- In amending the GAC's advice that Registry Operators verify and validate a domain name registrant's credentials to a requirement that such registrants need only "represent" that they have such credentials, has the NGPC considered other measures to prevent consumer fraud and deception that could occur through false representations?
- How will ICANN prevent Category 1 registrants (i.e., those associated with market sectors that have clear and/or regulated entry requirements) that lack the proper credentials/licenses from doing business with the public under the guise of the Category 1 strings?
- How will ICANN ensure that Registrants report changes regarding the validity of their licenses/credentials?
- Has the NGPC considered the greater risks of fraud and deception that will occur as a result of failing to implement the GAC's:
 - the validation and verification requirements;
 - the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and
 - the requirement to conduct periodic post-registration checks to ensure that Registrants' continue to possess valid credentials and generally conduct their activities in the interests of the consumers they serve
- Can the NGPC confirm whether the PIC Dispute Resolution Process (PICDRP) is the sole remedy available to regulators or industry self-regulators to rectify fraudulent registrations in strings representing regulated sectors, and if so, will the NGPC either reconsider its proposed approach or develop a faster remedy to mitigate harm to consumers?

With regard to **Category 2** safeguards, we are seeking further clarity on the following:

- For those Registry Operators affirmatively seeking exclusive registration policies, how does the NGPC intend to assess such Operators' assertions of serving the public interest?
- Has the NGPC considered that transparency alone might not only be insufficient to deter unduly preferential or discriminatory registration policies, but it will be equally difficult for anyone seeking redress to meet the standard of harm required in the PICDRP? In other words, if Specification 11 Section C is limited to a transparency commitment, then the harm stemming from discriminatory registration policies that are publicized cannot be amended or corrected through a PICDRP.
- Will ICANN monitor Change Requests made by those applicants that claim they are moving from a closed to an open environment?

3. Public Interest Commitment Dispute Resolution Process (PICDRP):

- In the case of clearly deficient PICs, will ICANN formally require applicants to restate their PICs or address their inconsistencies?
 - Will ICANN turn PICs into real binding commitments not subject to unilateral modification or revocation by the applicant?
- A. **Timeframe for consideration of a PIC Spec complaint is unclear.** The PICDRP does not specifically detail the timeframes in which ICANN will review and enforce the results of PICDRP disputes. Based on time calculations derived from PICDRP document, it may take up to **105** days for a dispute resolution, in addition to the undefined time periods for ICANN to conduct preliminary review, time for ICANN to investigate itself or form a standing panel; and time for ICANN to impose remedial measure:

In addition, there are questions related to specific provisions in the PICDRP, including:

- **Preliminary Review** (Section B.1.3): How long will ICANN take to complete preliminary review? No timetable has been provided. In certain cases, *.e.g.*, botnets, malware, etc., time is of the essence.
- **Standing Panel** (Section B.3.3; B.4): When will ICANN make determination of investigating the report itself or handing it to the Standing Panel? What criteria will ICANN use to make this determination? Who will be on the Standing Panel? How long will ICANN take to choose members of the Standing Panel? Will it be

ICANN staff, private industry, and government? How long will it take to institute Standing Panel?

B. Standing for Law Enforcement and Appropriate Government Agencies to Report:

The PICDRP requires reporters of PIC violations to state how the reporters “have been harmed.” This requirement seems to require the reporter itself to have suffered harm. Although law enforcement is not harmed, law enforcement is acting on behalf of the public, who have been harmed.

- Will government entities or law enforcement have standing to raise concerns re: non-compliance with the Public Interest Commitments?
- If government entities and law enforcement do have such standing to raise public policy related concerns, would this be cost-free?
- How would law enforcement or other government entities (who act to protect the public) raise violations of the Public Interest Commitments?

C. Clerical Mistakes by Reporter:

- Does the Reporter have a chance to correct clerical or incomplete data before it is dismissed by ICANN (B.1.1.2)?

D. ICANN vs. PICDRP?

- What will determine whether a dispute regarding the Public Interest Commitments is enforced via ICANN directly versus the PICDRP? (See B.2.3.3)

E. No Final Resolution:

- There appears to be a critical loophole in the PICDRP, in that there may be no resolution to the report of non-compliance. If the Registry Operator disagrees with the proposed remedial measure, they can invoke yet another alternate dispute resolution process (see B.4.4.6), all of which would occur after potentially more than 105 days has elapsed.

F. Remedial Measures:

- In the event that a Registry Operator fails to resolve its non-compliance, what would be the remedial measures that ICANN will consider and how long will ICANN take to determine the appropriate remedial measure? Under what

circumstances would ICANN elect not impose a serious remedial measure?
(B.4.4.5)

G. Repeat Offenders:

- ICANN does not specify what sanctions (e.g. financial or otherwise) will be imposed on repeat offenders. (See B.5.5.4)

4. Auctions

Is ICANN able to provide more detailed information confirming that rules for auctions are consistent with its Bylaws, its not-for profit status, the objectives of the new gTLD Program and the Applicant Guidebook to promote competition, diversity, innovation and consumer choice?

Community Priority Evaluation (CPE) Guidelines

Prepared by The Economist Intelligence Unit

Criterion #1: Community Establishment

This section relates to the community as explicitly identified and defined according to statements in the application. (The implicit reach of the applied-for string is not considered here, but taken into account when scoring Criterion #2, “Nexus between Proposed String and Community.”)

Measured by

1-A Delineation

1-B Extension

A maximum of 4 points is possible on the Community Establishment criterion, and each sub-criterion has a maximum of 2 possible points.

1-A Delineation

AGB Criteria	Evaluation Guidelines
Scoring	
<p>2= Clearly delineated, organized, and pre-existing community.</p> <p>1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.</p> <p>0= Insufficient delineation and pre-existence for a score of 1.</p>	<p>The following questions must be scored when evaluating the application:</p> <p><i>Is the community clearly delineated?</i></p> <p><i>Is there at least one entity mainly dedicated to the community?</i></p> <p><i>Does the entity (referred to above) have documented evidence of community activities?</i></p> <p><i>Has the community been active since at least September 2007?</i></p>
Definitions	
<p>“Community” - 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, as “community” is used throughout the application, there should be: (a) an awareness and recognition of a</p>	<p>The “community,” as it relates to Criterion #1, refers to the stated community in the application.</p> <p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Was the entity established to administer the community?</i> • <i>Does the entity’s mission statement clearly identify the community?</i>

<p>community among its members; (b) some understanding of the community’s existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience—into the future.</p>	<p>Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity’s web site, including mission statements, charters, etc.</p>
<p>"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.</p>	<p>“Delineation” also refers to the extent to which a community has the requisite awareness and recognition from its members.</p> <p>The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, etc.</p>
<p>"Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007.</p>	
<p>"Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.</p>	<p>“Mainly” could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization.</p> <p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Was the entity established to administer the community?</i> • <i>Does the entity’s mission statement clearly identify the community?</i>
<p>Criterion 1-A guidelines</p>	
<p>With respect to “Delineation” and “Extension,” 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</p>	

<p>“Delineation” and “Extension.”</p> <p>With respect to “Delineation,” if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2.</p>	
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1-B Extension

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Extension:</p> <p>2=Community of considerable size and longevity</p> <p>1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.</p> <p>0=Community of neither considerable size nor longevity</p>	<p>The following questions must be scored when evaluating the application:</p> <p style="text-align: center;"><i>Is the community of considerable size?</i></p> <p style="text-align: center;"><i>Does the community demonstrate longevity?</i></p>
Definitions	
<p>“Extension” relates to the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime, as further explained in the following.</p>	
<p>"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."</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> <i>Is the designated community large in terms of membership and/or geographic dispersion?</i>
<p>"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> <i>Is the community a relatively short-lived congregation (e.g. a group that</i>

	<p><i>forms to represent a one-off event)?</i></p> <ul style="list-style-type: none"> • <i>Is the community forward-looking (i.e. will it continue to exist in the future)?</i>
<p>Criterion 1-B Guidelines</p>	
<p>With respect to “Delineation” and “Extension,” 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.”</p> <p>With respect to “Extension,” if an application satisfactorily demonstrates both community size and longevity, it scores a 2.</p>	

Criterion #2: Nexus between Proposed String and Community

This section evaluates the relevance of the string to the specific community that it claims to represent.

Measured by

2-A Nexus

2-B Uniqueness

A maximum of 4 points is possible on the Nexus criterion, and with the Nexus sub-criterion having a maximum of 3 possible points, and the Uniqueness sub-criterion having a maximum of 1 possible point.

2-A Nexus

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Nexus:</p> <p>3= The string matches the name of the community or is a well-known short-form or abbreviation of the community</p> <p>2= String identifies the community, but does not qualify for a score of 3</p> <p>0= String nexus does not fulfill the requirements for a score of 2</p>	<p>The following question must be scored when evaluating the application:</p> <p style="text-align: center;"><i>Does the string match the name of the community or is it a well-known short-form or abbreviation of the community name? The name may be, but does not need to be, the name of an organization dedicated to the community.</i></p>
Definitions	
<p>“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.</p>	<p>“Others” refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organizations, such as quasi-official, publicly recognized institutions, or other peer groups.</p>
<p>“Identify” means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.</p>	<p>“Over-reaching substantially” means that the string indicates a wider geographical or thematic remit than the community has.</p> <p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant’s</i>

	<p><i>community?</i></p> <ul style="list-style-type: none"> • <i>An Internet search should be utilized to help understand whether the string identifies the community and is known by others.</i> • <i>Consider whether the application mission statement, community responses, and websites align.</i>
Criterion 2-A Guidelines	
<p>With respect to “Nexus,” for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community.</p> <p>With respect to “Nexus,” for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially 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. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for “.TENNIS”) then it would not qualify for a 2.</p>	

2-B Uniqueness

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Uniqueness: 1=String has no other significant meaning beyond identifying the community described in the application. 0=String does not fulfill the requirement for a score of 1.</p>	<p>The following question must be scored when evaluating the application:</p> <p><i>Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application</i></p>
Definitions	
<p>“Identify” means that the applied for string closely describes the community or the community members, without over-reaching substantially</p>	<p>“Over-reaching substantially” means that the string indicates a wider geographical or thematic remit than the community has.</p>

beyond the community.	
<p>“Significant meaning” relates to the public in general, with consideration of the community language context added</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Will the public in general immediately think of the applying community when thinking of the applied-for string?</i> • <i>If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.</i> • <i>Is the geography or activity implied by the string?</i> • <i>Is the size and delineation of the community inconsistent with the string?</i> • <i>An internet search should be utilized to find out whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application.</i>
Criterion 2-B Guidelines	
<p>"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."</p> <p>It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."</p>	

Criterion #3: Registration Policies

This section evaluates the applicant’s registration policies as indicated in the application. Registration policies are the conditions that the future registry will set for prospective registrants, i.e. those desiring to register second-level domain names under the registry.

Measured by

3-A Eligibility

3-B Name Selection

3-C Content and Use

3-D Enforcement

A maximum of 4 points is possible on the Registration Policies criterion and each sub-criterion has a maximum of 1 possible point.

3-A Eligibility

AGB Criteria	Evaluation Guidelines
Scoring	
Eligibility: 1= Eligibility restricted to community members 0= Largely unrestricted approach to eligibility	The following question must be scored when evaluating the application: <i>Is eligibility for being allowed as a registrant restricted?</i>
Definitions	
“Eligibility” means the qualifications that organizations or individuals must have in order to be allowed as registrants by the registry.	
Criterion 3-A Guidelines	
With respect to “eligibility” 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 be within the boundaries of the location.	

3-B Name Selection

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Name selection: 1= Policies include name selection rules consistent with the articulated community-based purpose of the applied-for TLD 0= Policies do not fulfill the requirements for a score of 1</p>	<p>The following questions must be scored when evaluating the application:</p> <p style="text-align: center;"><i>Do the applicant’s policies include name selection rules?</i></p> <p style="text-align: center;"><i>Are name selection rules consistent with the articulated community-based purpose of the applied-for gTLD?</i></p>
Definitions	
<p>“Name selection” means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Are the name selection rules consistent with the entity’s mission statement?</i>
Criterion 3-B Guidelines	
<p>With respect to “Name selection,” scoring of applications against these subcriteria 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. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.</p>	

3-C Content and Use

AGB Criteria	Evaluation Guidelines
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Scoring	
<p>Content and use: 1= Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for TLD 0= Policies do not fulfill the requirements for a score of 1</p>	<p>The following questions must be scored when evaluating the application:</p> <p><i>Do the applicant’s policies include content and use rules?</i></p> <p><i>If yes, are content and use rules consistent with the articulated community-based purpose of the applied-for gTLD?</i></p>
Definitions	
<p>“Content and use” means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> • <i>Are the content and use rules consistent with the applicant’s mission statement?</i>
Criterion 3-C Guidelines	
<p>With respect to “Content and Use,” scoring of applications against these subcriteria 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. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.</p>	

3-D Enforcement

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Enforcement 1= Policies include specific enforcement measures</p>	<p>The following question must be scored when evaluating the application:</p>

<p>(e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms 0= Policies do not fulfill the requirements for a score of 1</p>	<p><i>Do the policies include specific enforcement measures constituting a coherent set with appropriate appeal mechanisms?</i></p>
<p>Definitions</p>	
<p>“Enforcement” means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.</p>	<p>“Coherent set” refers to enforcement measures that ensure continued accountability to the named community, and can include investigation practices, penalties, and takedown procedures with appropriate appeal mechanisms. This includes screening procedures for registrants, and provisions to prevent and remedy any breaches of its terms by registrants.</p> <p>Consider the following: Do the enforcement measures include:</p> <ul style="list-style-type: none"> • <i>Investigation practices</i> • <i>Penalties</i> • <i>Takedown procedures (e.g., removing the string)</i> • <i>Whether such measures are aligned with the community-based purpose of the TLD</i> • <i>Whether such measures demonstrate continuing accountability to the community named in the application</i>
<p>Criterion 3-D Guidelines</p>	
<p>With respect to “Enforcement,” scoring of applications against these subcriteria 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. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement</p>	

mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.	
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Criterion #4: Community Endorsement

This section evaluates community support and/or opposition to the application. Support and opposition will be scored in relation to the communities explicitly addressed in the application, with due regard for communities implicitly addressed by the string.

Measured by

4-A Support

4-B Opposition

A maximum of 4 points is possible on the Community Endorsement criterion and each sub-criterion (Support and Opposition) has a maximum of 2 possible points.

4-A Support

AGB Criteria	Evaluation Guidelines
Scoring	
<p>Support:</p> <p>2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community</p> <p>1= Documented support from at least one group with relevance, but insufficient support for a score of 2</p> <p>0= Insufficient proof of support for a score of 1</p>	<p>The following questions must be scored when evaluating the application:</p> <p><i>Is the applicant the recognized community institution(s) or member organization(s)?</i></p> <p>To assess this question please consider the following:</p> <ol style="list-style-type: none"> a. <i>Consider whether the community institution or member organization is the clearly recognized representative of the community.</i> b. <i>Consider whether there is more than one recognized community institution or member organization.</i> <p><i>Does the applicant have documented support from the recognized community institution(s)/member organization(s) to represent the community?</i></p>

	<p><i>Does the applicant have documented authority to represent the community?</i></p> <p><i>Does the applicant have support from at least one group with relevance?</i></p> <p>➤ Instructions on letter(s) of support requirements are located below, in Letter(s) of support and their verification</p>
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Definitions

<p>“Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.</p>	
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<p>“Relevance” and “relevant” refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.</p>	<p>The institution(s)/organization(s) could be deemed relevant when not identified in the application but has an association to the applied-for string.</p>
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Criterion 4-A Guidelines

<p>With respect to “Support,” it follows that documented 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 oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations.</p> <p>Also with respect to “Support,” the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2.</p> <p>The applicant will score a 1 for “Support” if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on “Support” if the applicant fails to</p>	<p>Letter(s) of support and their verification: Letter(s) of support must be evaluated to determine both the relevance of the organization and the validity of the documentation and must meet the criteria spelled out below. The letter(s) of support is an input used to determine the relevance of the organization and the validity of the documentation.</p> <p>Consider the following:</p> <p>Are there multiple institutions/organizations supporting the application, with documented support from institutions/organizations representing a majority of the overall community addressed?</p> <p>Does the applicant have support from the majority of the recognized community institution/member organizations?</p> <p>Has the applicant provided full</p>
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<p>provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, 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.</p> <p>To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.</p>	<p>documentation that it has authority to represent the community with its application?</p> <p>A majority of the overall community may be determined by, but not restricted to, considerations such as headcount, the geographic reach of the organizations, or other features such as the degree of power of the organizations.</p> <p><u>Determining relevance and recognition</u> <i>Is the organization relevant and/or recognized as per the definitions above?</i></p> <p><u>Letter requirements & validity</u> <i>Does the letter clearly express the organization’s support for or non-objection to the applicant’s application?</i></p> <p><i>Does the letter demonstrate the organization’s understanding of the string being requested?</i></p> <p><i>Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?</i></p> <p>To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.</p>
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4-B Opposition

AGB Criteria	Evaluation Guidelines
<p>Scoring</p> <p>Opposition: 2= No opposition of relevance 1= Relevant opposition from one group of non-negligible size 0= Relevant opposition from two or more groups of non-negligible size</p>	<p>The following question must be scored when evaluating the application:</p> <p><i>Does the application have any opposition that is deemed relevant?</i></p>

Definitions	
<p>“Relevance” and “relevant” refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.</p>	<p>Consider the following: For “non-negligible” size consider:</p> <ul style="list-style-type: none"> • <i>A web search may help determine relevance and size of the objecting organization.</i> • <i>If there is opposition by some other reputable organization, such as a quasi-official, publicly recognized organization or a peer organization?</i> • <i>If there is opposition from a part of the community explicitly or implicitly addressed?</i>
Criterion 4-B Guidelines	
<p>When scoring “Opposition,” previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for “Opposition.” To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.</p>	

Verification of letter(s) of support

Additional information on the verification of letter(s) of support:

- Changes in governments may result in new leadership at government agencies. As such, the signatory need only have held the position as of the date the letter was signed or sealed.
- A contact name should be provided in the letter(s) of support or non-objection.
- The contact must send an email acknowledging that the letter is authentic, as a verbal acknowledgement is not sufficient.
- In cases where the letter was signed or sealed by an individual who is not currently holding that office or a position of authority, the letter is valid only if the individual was the appropriate authority at the time that the letter was signed or sealed.

About the Community Priority Evaluation Panel and its Processes

The Economist Intelligence Unit (EIU) is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 900 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The EIU was selected as a Panel Firm for the gTLD evaluation process based on a number of criteria, including:

- The panel will be an internationally recognized firm or organization with significant demonstrated expertise in the evaluation and assessment of proposals in which the relationship of the proposal to a defined public or private community plays an important role.
- The provider must be able to convene a linguistically and culturally diverse panel capable, in the aggregate, of evaluating Applications from a wide variety of different communities.
- The panel must be able to exercise consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and
- The panel must be able to document the way in which it has done so in each case.

The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination. Consistency of approach in scoring Applications will be of particular importance.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators must ensure that no conflicts of interest exist.
- All EIU evaluators must undergo training and be fully cognizant of all CPE requirements as listed in the Applicant Guidebook. This process will include a pilot testing process.
- EIU evaluators are selected based on their knowledge of specific countries, regions and/or industries, as they pertain to Applications.
- Language skills will also be considered in the selection of evaluators and the assignment of specific Applications.
- All applications will be evaluated and scored, in the first instance by two evaluators, working independently.
- All Applications will subsequently be reviewed by members of the core project team to verify accuracy and compliance with the AGB, and to ensure consistency of approach across all applications.

- The EIU will work closely with ICANN when questions arise and when additional information may be required to evaluate an application.
- The EIU will fully cooperate with ICANN's quality control process.

COMMUNITY PRIORITY EVALUATION PANEL AND ITS PROCESSES

Overview

At the time of submitting the new gTLD application, applicants had the opportunity to designate themselves as a community-based application, as prescribed in the section 1.2.3 of the Applicant Guidebook (AGB).

Community Priority Evaluation (CPE) is defined in section 4.2 of the AGB, and allows a community based-application to undergo an evaluation against the criteria as defined in section 4.2.3 of the AGB, to determine if the application warrants the minimum score of 14 points (out of a maximum of 16 points) to earn priority and thus win the contention set.

Only community-based applicants are eligible to participate in a community priority evaluation. A determination by a community priority panel, appointed by ICANN, must be made before a community name is awarded to an applicant. This determination will be based on the string and the completeness and validity of supporting documentation.

There are two possible outcomes to a Community Priority Evaluation:

- Determination that the application met the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Prevailed.
- Determination that the application did not meet the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Did not prevail.

Section 4.2.2 of the AGB prescribes that the Community Priority Evaluations will be conducted by an independent panel. ICANN selected the Economist Intelligence Unit (EIU) as the panel firm for Community Priority Evaluations.

The Economist Intelligence Unit

The Economist Intelligence Unit (EIU) was selected as a Panel Firm for the gTLD evaluation process. The EIU is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 500 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The evaluation process respects the principles of fairness, transparency, avoidance of potential conflicts of interest, and non-discrimination. Consistency of approach in scoring applications is of particular importance. In this regard, the Economist Intelligence Unit has more than six decades of experience building evaluative frameworks and benchmarking models for its clients, including governments, corporations, academic institutions and NGOs. Applying scoring systems to complex questions is a core competence.

EIU evaluators and core team

The Community Priority Evaluation panel comprises a core team, in addition to several independent¹ evaluators. The core team comprises a Project Manager, who oversees the Community Priority Evaluation project, a Project Coordinator, who is in charge of the day-to-day management of the project and provides guidance to the independent evaluators, and other senior staff members, including The Economist Intelligence Unit's Executive Editor and Global Director of Public Policy. Together, this team assesses the evaluation results. Each application is assessed by seven individuals: two independent evaluators, and the core team, which comprises five people.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators, including the core team, have ensured that no conflicts of interest exist.
- All 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.
- 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.
- Language skills and knowledge of specific regions are also considered in the selection of evaluators and the assignment of specific applications.

CPE Evaluation Process

The EIU evaluates applications for gTLDs once they become eligible for review under CPE.

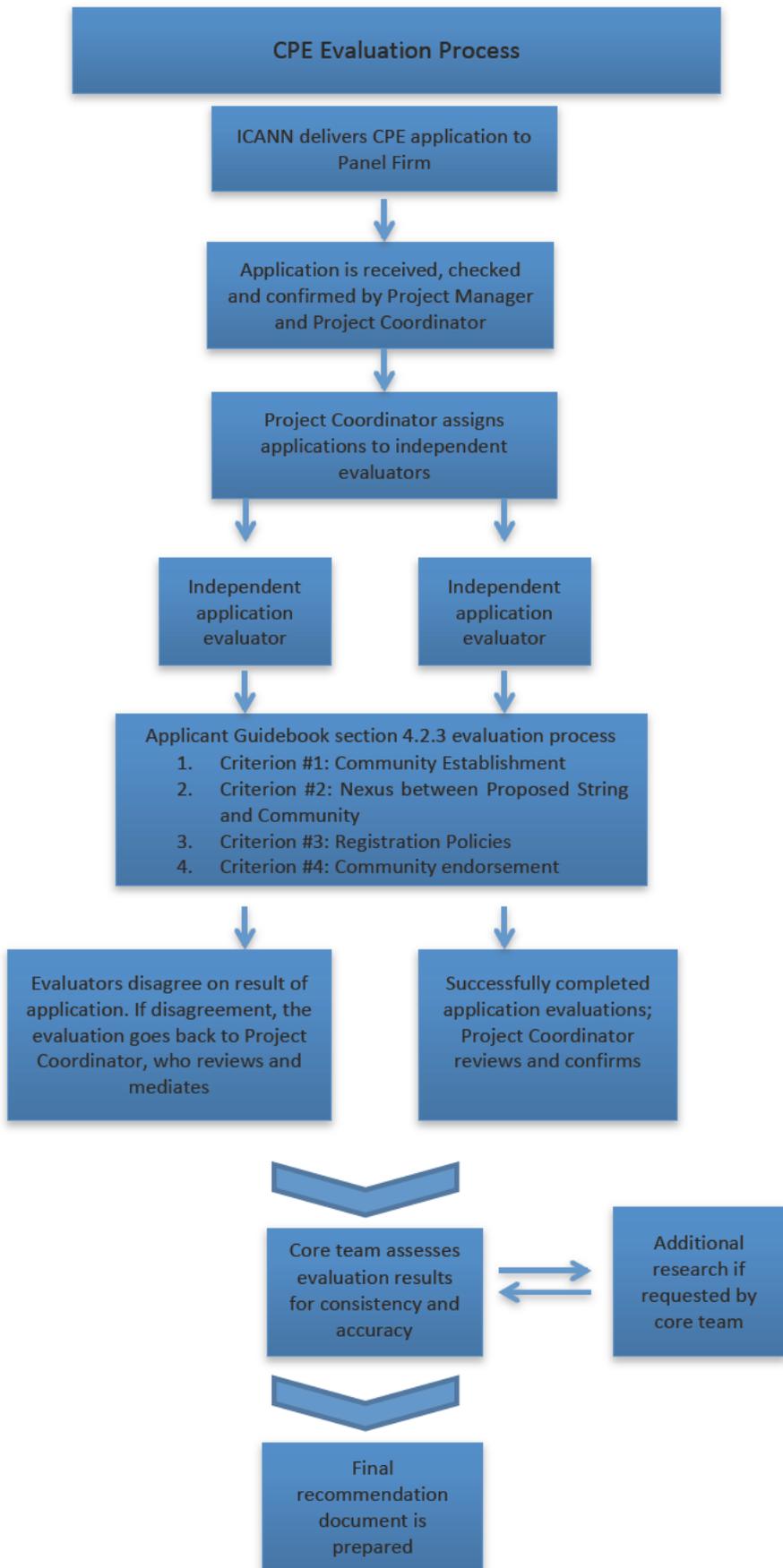
The evaluation process as described in section 4.2.3 of the Applicant Guidebook and discussed in the CPE Guidelines document is described below:

- The Panel Firm's Project Manager is notified by ICANN that an application for a gTLD is ready for CPE, and the application ID and public comments are delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website. The EIU Project Manager reviews the application and associated materials, in conjunction with the EIU Project Coordinator. The Project Coordinator assigns the application to each of two evaluators, who work independently to assess and score the application.
- Each evaluator reviews the application and accompanying documentation, such as letter(s) of support and opposition. Based on this information and additional independent research, the evaluators assign scores to the four CPE criteria as defined in the Applicant Guidebook.
- As part of this process, one of the two evaluators assigned to assess the same string is asked to verify the letters of support and opposition. (Please see "Verification of letter(s) of support and opposition" section for further details.)
- When evaluating an application the CPE Panel also considers the public application comments. The public comments are provided to EIU by ICANN following the close of the 14-day window associated with the CPE invitation. For every comment of support/opposition received, the designated evaluator assesses the relevance of the organization of the poster along with the content of the comment. A separate verification of the comment author is not performed as the Application Comments

¹ The term "independent" means that the evaluators do not have any conflict of interest with CPE applicants. It also means that the evaluators sit outside the core EIU team; they provide individual evaluation results based on their assessment of the AGB criteria, application materials, and secondary research without any influence from core team members.

system requires that users register themselves with an active email account before they are allowed to post any comments. However, the evaluator will check the affiliated website to ascertain if the person sending the comment(s) is at that entity/organization named, unless the comment has been sent in an individual capacity.

- Once the two evaluators have completed this process, the evaluation results are reviewed by the Project Coordinator, who checks them for completeness and consistency with the procedures of the Applicant Guidebook.
- If the two evaluators disagree on one or more of the scores, the Project Coordinator mediates and works to achieve consensus, where possible.
- The Project Director and Project Coordinator, along with other members of the core team, meet to discuss the evaluators' results and to verify compliance with the Applicant Guidebook. Justifications for the scores are further refined and articulated in this phase.
- If the core team so decides, additional research may be carried out to answer questions that arise during the review, especially as they pertain to the qualitative aspects of the Applicant Guidebook scoring procedures.
- If the core team so decides, the EIU may provide a clarifying question (CQ) to be issued via ICANN to the applicant to clarify statements in the application materials and/or to inform the applicant that letter(s) of support could not be verified.
- When the core team achieves consensus on the scores for each application, an explanation, or justification, for each score is prepared. A final document with all scores and justifications for a given application, including a determination of whether the application earned the requisite 14 points for prevailing, is presented to ICANN.
- The Economist Intelligence Unit works with ICANN when questions arise or when additional process information may be required to evaluate an application.
- The Panel Firm exercises consistent judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case.



Verification of letter(s) of support and opposition

As part of this CPE evaluation process, one of the two evaluators assigned to assess the same string verifies the letters of support and opposition. This process is outlined below:

- On a regular basis, the EIU reviews ICANN's public correspondence page (<http://newgtlds.icann.org/en/program-status/correspondence>) for recently received correspondence to assess whether it is relevant to an ongoing evaluation. If it is relevant, the public correspondence is provided to the evaluators assigned to the evaluation for review.
- For every letter of support/opposition received, the designated evaluator assesses both the relevance of the organization and the validity of the documentation. Only one of the two evaluators is responsible for the letter verification process.
- With few exceptions, verification emails are sent to every entity that has sent a letter(s) of support or opposition to validate their identity and authority.
- The exceptions noted above regarding sending verification letter(s) include but may not be limited to:
 - If there are no contact details included in the letter(s). However, the evaluator will attempt to obtain this information through independent research.
 - If the person sending the letters(s) does not represent an organization. However, if the content of the letter(s) suggests that the individual sending a letter has sent this letter(s) on behalf of an organization/entity the evaluator will attempt to validate this affiliation.
- The verification email for letter(s) of support/opposition requests the following information from the author of the letter:
 - Confirmation of the authenticity of the organization(s) letter.
 - Confirmation that the sender of the letter has the authority to indicate the organization(s) support/opposition for the application.
 - In instances where the letter(s) of support do not clearly and explicitly endorse the applicant, the verification email asks for confirmation as to whether or not the organization(s) explicitly supports the community based application.
- To provide every opportunity for a response, the evaluator regularly contacts the organization for a response by email and phone for a period of at least a month.
- A verbal acknowledgement is not sufficient. The contacted individual must send an email to the EIU acknowledging that the letter is authentic.

Reconsideration Request Form

Version of 11 April 2013

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

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

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

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

Please submit completed form to reconsideration@icann.org.

1. Requester Information

Name: Dot Registry, LLC

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

Name: National Association of Secretaries of State

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

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

removed from the posting.)

2. Request for Reconsideration of (Check one only):

Board action/inaction

Staff action/inaction

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

Dot Registry, LLC ("Dot Registry") is seeking reconsideration of the Economic Intelligence Unit ("EIU") Community Priority Evaluation panel's (the "Panel") determination that Dot Registry's application, no. 1-880-17627 for .LLC (the ".LLC Community Application") did not meet the requirements for Community Priority specified in the Applicant Guidebook ("AGB") (the "Panel Determination") and subsequent placement of the Application into active contention by the New gTLD Programming Committee ("NGPC").

4. Date of action/inaction:

The Community Priority Evaluation Report (the "Report") lists the date of the Panel Determination as June 11, 2014. Dot Registry believes that as a result of the Panel Determination, the Application was placed into active contention by the NGPC shortly thereafter.

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

Dot Registry became aware of the Determination on June 11, 2014 when Dot Registry received an email indicating the Community Priority Evaluation ("CPE") status for the .LLC Community Application had been updated and to view its CSC portal for more information.

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

The Panel Determination, based on its violation and misapplication of the policies and processes set out in the AGB, CPE Guidelines and ICANN Bylaws, and the subsequent placement of the .LLC Community Application into active contention by the NGPC, will materially affect Dot Registry because Dot Registry will now have to resolve contention of the Application with seven other applicants. This will cause significant material harm to Dot Registry. As a result of the Panel Determination, which is inconsistent with both AGB and ICANN policy, Dot Registry will incur significant additional expenses to participate in the contention auction and ultimately may and not be able to operate the .LLC TLD.

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

The improper denial of Community Priority status to the .LLC Community Application will likely result in delegation of the .LLC TLD to one of the non-community applicants, which as US government officials and Secretaries of State have stated, do not have enforceable safeguards in place. If the .LLC TLD proceeds to auction and the string is awarded to a generic, non-community application, ICANN is not only ignoring the direct communication provided by US and state government officials, which calls for transparent, enforceable registration policies,¹ but it is then possible that anyone could register an .LLC domain, even if they did not have an active limited liability company, which could result in significant harm to registered limited liability companies within the US, the consumers that patronize them and the US government officials then tasked with combatting the damages. The majority of US Secretaries of States are charged with the administrative oversight associated with business registration and reporting compliance in the US. Thus, state's would be financially taxed by the additional time and staff needed to investigate registrants of .LLC domain names that do not have an active LLC. The use of the designation .LLC implies that the company has the right to conduct business within the US. This designation if used haphazardly could create false consumer confidence, business identify theft and a legacy of damage that ultimately affects Registrants, end users and Registry operators. States are not adequately resourced to protect legitimate businesses from fraudulent operators. Furthermore, the use of an .LLC domain name by a company or entity that does not have an active limited liability company would violate state laws that specifically prohibit portraying a business as a limited liability company if it is not properly registered with the state² and/or deceptive trade practices' laws. Therefore, many Secretaries of State support a process which seeks to deter fraudulent business activities and provides some basic checks and balances in the use of domain extensions.

8. Detail of Board or Staff Action—Required Information

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

¹ See Annex 1.

² See, e.g., <http://www.leg.state.nv.us/NRS/NRS-086.html#NRS086Sec213>.

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

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

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

Provide the Required Detailed Explanation here:

(You may attach additional sheets as necessary.)

The Panel Determination, and the NGPC's subsequent placing of the .LLC Community Application into active contention in reliance on the Panel Determination, is inconsistent with established policies and procedures in the AGB and ICANN Bylaws. The inconsistencies with established policies and procedures include: (1) the Panel's failure to properly validate all letters of support and opposition; (2) the Panel's repeated reliance on "research" without disclosure of the source or substance of such research; (3) the Panel's "double counting"; (4) the Panel's apparent evaluation of the .LLC Community Application in connection with several other applications submitted by Dot Registry; and (5) the Panel's failure to properly apply the CPE criteria in the AGB in making the Panel Determination.

A. The Panel's Failure to Validate All Letters of Support and Opposition

CPE Panels are required to validate all letters of support and opposition.³ However, in evaluating the .LLC Community Application for Community Priority, the Panel here did not meet this obligation. In addition to the letters of support from the Secretaries of State, Dot Registry submitted letters of support for the .LLC Community Application from six organizations that are members of the LLC community: Bishop-McAnn, LLC; C 3 Capital, LLC; Kaseff Services, LLC dba

³ See Community Priority Evaluation FAQ's, <http://newgtlds.icann.org/en/applicants/cpe/faqs-31oct13-en.pdf>.

Metro Title Services; Latteland Espresso, LLC; Luminopolis, LLC; and OfficePort, LLC. However, of these six letters of support from organizations that are members of the LLC community, the Panel only validated one—the letter from Kaseff Services, LLC dba Metro Title Services in connection with the .LLC Community Application. The Panel validated this letter of support via an email from Conrad Heine, dated April 24, 2014, who presumably is one of the panelists. Notably, just a few days earlier, Metro Title was contacted via email by Andrei Franklin, presumably a panelist for the .INC CPE, asking Metro Title to validate its letter of support of Dot Registry's community application for .INC (the ".INC Community Application"), a letter which Metro Title never submitted.⁴ Mr. Franklin then contacted three other LLC community members who submitted letters in support of the .LLC Community Application (which were attached to the .LLC Community Application) to validate their letters of support. However, Mr. Franklin's email was specifically seeking support of the authenticity of those letters for the .INC Community Application, *not* the .LLC Community Application, for which the letters were actually submitted.⁵ In other words, the Panel did not validate 80% of the letters of support from member organizations submitted by Dot Registry in connection with the .LLC Community Application. Additionally, as discussed below, the Panel's clear cross-over of verification implies that the reviewers were privy to information regarding the review and scoring of Dot Registry's other community applications, which influenced the presentation and scoring of the evaluators' final determination.

Similarly, the Panel did not validate all of the letters that were purportedly submitted in opposition to the Application, particularly those submitted by a group of non-negligible size. This is important because the .LLC Application only received 1 out of 2 points in the Opposition criteria, based on a purported opposition from a group of non-negligible size. Dot Registry is only aware of two letters submitted by a group of non-negligible size that could have been construed as in opposition to the application: a letter from the Secretary of State of Delaware, on March 5, 2014, stating his opinion that certain business identifier extensions should not be delegated⁶ and a letter from the European Commission on March 4, 2014 expressing concern about Dot Registry's operation of .LLC due to usage of the term "LLC" outside of the US.⁷ On March 20, 2014, the Secretary of State of Delaware submitted another letter clarifying that the State of Delaware was not opposed to the .LLC Community Application, which was posted on the ICANN new gTLD website on March 20, 2014.⁸ Similarly, the European

⁴ Metro Title only submitted a letter in connection with Dot Registry's application for .LLC. See Annex 2.

⁵ See Annex 3.

⁶ <https://www.icann.org/en/system/files/correspondence/bullock-to-dryden-radell-05mar13-en.pdf>.

⁷ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12359>.

⁸ <http://newgtlds.icann.org/en/program-status/correspondence/bullock-to-crocker-20mar14-en.pdf>.

Commission submitted a letter rescinding its earlier opposition to the application, which was posted to the ICANN website on March 25, 2014.⁹ Notably, in addition to the letter being posted on the ICANN New gTLD website, the European Commission specifically asked that ICANN forward a copy of this communication to the Economist Intelligence Unit "for the avoidance of any potential confusion with the pending Community Priority Evaluation processes underway for Dot Registry." The follow up letters submitted by both the Delaware Secretary of State and the European Commission clearly show that these groups of non-negligible size do not oppose the .LLC Community Application. Furthermore, the European Commission confirmed to Dot Registry that it was never contacted by EIU in connection with validation of the purported opposition, and it is Dot Registry's understanding that the Panel never attempted to contact the Delaware Secretary of State to validate any purported opposition to the .LLC Community Application. If the Panel had done so, it would likely have learned that the European Commission's initial concerns were based on deceptive information provided to it by a competitor of Dot Registry, which led the European Commission to believe that the term "LLC", as defined in the .LLC Community Application, was used outside of the US in connection with similar business structures, when, in fact, it is not.

In addition to the Panel's failure to validate all letters of support and opposition constituting a violation of established CPE process, its refusal to identify the group of non-negligible size, which purportedly opposed the .LLC Community Application, is inconsistent with the ICANN policy and Bylaws requirement to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.¹⁰ In its Determination, the Panel stated that the relevant letter of opposition from an organization of non-negligible size "was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses." What organization, other than the European Commission, who as discussed above, rescinded any opposition it might have had to the .LLC Community Application, could the Panel be referring to? The Panel's refusal to disclose the identity of this organization of non-negligible size, which is purportedly in opposition to the .LLC Community Application, is neither transparent nor fair. It is difficult to imagine what purpose the Panel could have for choosing not to identify this organization, since presumably any letter of opposition submitted by it would have been posted publicly anyway, and the Panel's failure to identify the organization calls into question whether such opposition actually exists. The BGC addressed this issue recently in its Determination of Reconsideration Request 14-1 regarding the Community Objection filed by the Independent Objector against the application for .MED. The BGC's language in that decision is instructive:

⁹ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12412>.

¹⁰ ICANN Bylaws, Article III, Section 1.

"The Requester has provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application. Accordingly, the BGC concludes that ICANN not consider the Expert Determination at issue."¹¹

Similarly, since there is no evidence of public comments of relevance in opposition to the .LLC Community Application, the BGC should determine that the Panel Determination should not be considered.

B. The Panel's "Research"

In its Determination, the Panel repeatedly relies on its "research." For example, the Panel states that its decision not to award any points to the .LLC Community Application for 1-A Delineation is based on "[r]esearch [that] showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC" and also that "[b]ased on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook."¹² Similarly, the Panel states that its decision not to award any points for 1-B Extension is based on its determination that the .LLC Community Application did not meet the criteria for Size or Longevity because "[b]ased on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook."¹³ The Panel also states that its decision to not award any points to the .LLC Community Application for 2-A Nexus is based on "[t]he Panel's research [which] indicates that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language."¹⁴ Thus, the Panel's "research" was a key factor in its decision not to award at least seven points to the .LLC Community Application. However, despite the significance of this "research", the Panel never cites any sources or gives any information about its substance or the methods or scope of the "research."

Dot Registry does not take issue with the Panel conducting independent research during its evaluation of the .LLC Community Application, which is permitted by the AGB.¹⁵ However, as discussed above, ICANN's Bylaws obligate it (and by extension Staff and expert panels working on behalf of ICANN) to operate to the maximum extent feasible in an open and transparent manner

¹¹ <https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf>.

¹² <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Section 4.2.3.

and consistent with procedures designed to ensure fairness.¹⁶ To the extent that the Panel's "research" is a key factor in its decision not to award at least seven points to the .LLC Community Application, which is half of the points necessary to prevail in a CPE, it is not consistent with ICANN's obligation to operate in a transparent manner or with procedures designed to ensure fairness; to not include even a single citation or any information on the substance or method of the "research." The principles of transparency and fairness require that the Panel should have disclosed to Dot Registry (and the rest of the community) what "research" showed that firms are typically organized around specific industries, locales and other criteria not related to the entities structure as an LLC and that there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. This is even more so the case with the Panel's assertion that its research showed "that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language." This is because Dot Registry's research shows the exact opposite—that while equivalent business structures may exist outside the US, the designation "LLC" is unique to the US.

C. The Panel's "Double Counting"

The AGB sets forth an established policy against "double counting" in the CPE criteria, such that "any negative aspect found in assessing an application for one criterion should only be counted there and should not affect the assessment for other criteria."¹⁷ However AGB contains numerous instances of double counting as does the Determination. For example, one of the requirements for Delineation is that "there must be awareness and recognition of a community (as defined by the applicant) among its members." However, "awareness and recognition of a community (as defined by the applicant) among its members" is also a requirement for Size and for Longevity. Accordingly, if a CPE panel makes a determination that there is not sufficient awareness and recognition of a community (as defined by the applicant) among its members to award any points to an application for Delineation,¹⁸ then this negative aspect found in assessing an application for this one criteria will also affect the assessment of Size and Longevity and result in no points being awarded for Extension; as well as it did here when the Panel determined in these sections that "[t]here is no evidence that these limited liability companies would associate themselves with being part of the community as defined by the applicant."

The requirement for Uniqueness is an even more blatant violation of the principle of no double counting. The AGB states that in order to be eligible for a score of one for Uniqueness, the application must score a two or three for Nexus.¹⁹ Accordingly, a negative aspect found in assessing Nexus will affect the

¹⁶ ICANN Bylaws, Article III, Section 1.

¹⁷ AGB Section 4.2.3.

¹⁸ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

¹⁹ AGB Section 4.2.3.

assessment of Uniqueness, as it did in the Panel Determination as set forth below.

D. The Panel's Failure to Evaluate the .LLC Community Application Independent of other Applications

It is a well-established ICANN policy within the new gTLD program that every application will be treated individually.²⁰ Evaluating multiple applications together with regard to community priority violates this policy as well as ICANN's mandate to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Individual treatment aside, to the extent that the Panel is taking into account other applications when making its determination, fairness and transparency dictate that it should disclose this fact. The EIU's actions in evaluating applications for community priority are inconsistent with ICANN's well-established policy of treating gTLD applications individually and the ICANN policy and mandate to operate in a fair and transparent manner. It is clear that the EIU panels for Dot Registry's .LLC Community Application, .INC Community Application and .LLP Community Application (and likely the .GMBH Panel as well) were working in concert. First, the EIU panels gave the .LLC, .LLP and .INC Community Applications the exact same score, five out of sixteen.²¹ Furthermore, all three Community Priority Evaluation Reports have virtually identical language and reasoning, with just some of the factual details swapped out, including heavy reliance on the yet as unidentified "research," to come to the same conclusions.²² The failure of the Panel to evaluate the .LLC Community Application on its own merit and reliance in information and analysis of other applications may have resulted in the .LLC Community Application being penalized unjustly.

E. The Panel's Failure to Properly Apply the CPE Criteria

The process and criteria for evaluating Community Priority applications is set forth in Section 4 of the AGB. ICANN has also published the Community Priority Evaluation (CPE) Guidelines prepared by the EIU (CPE Guidelines),²³ the purpose of which, according to the ICANN website, is "to ensure quality, consistency and transparency in the evaluation process."²⁴ However, the "[CPE Guidelines] do not modify the framework or standards laid out in the AGB."²⁵

²⁰ See, e.g., <http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en>, Section 2.10.

²¹ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>;
<http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf>;
<http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf>.

²² See Annex ___, redlines of the .LLP and .INC Determination against the .LLC Determination.

²³ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>.

²⁴ <http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en>.

²⁵ *Id.*

Accordingly, the policies and processes in the AGB control, as will be explained in more detail below, the scoring in and ultimate outcome of the Panel Determination is inconsistent with the CPE process set forth in the AGB.

1. Criterion #1: Community Establishment

The Panel determined that the community, as identified in the .LLC Community Application, did not meet the criterion for Delineation or Extension, and awarded the .LLC Application 0 out of 4 points for Community Establishment. This determination is not consistent with the AGB and CPE Guidelines.

a. Delineation

The Panel determined that the community, as identified in the .LLC Community Application, did not meet the criterion for Delineation because the community did not demonstrate sufficient delineation, organization and pre- existence and awarded the .LLC Community Application 0 out of 2 points.

i. Delineation

According to the Panel Determination, two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.²⁶ The Panel acknowledged that the community definition in the .LLC Community Application shows a clear and straightforward membership. However, the Panel determined that the community, as defined in the application, does not have awareness and recognition of a community among its members, because:

"limited liability companies operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC. Based on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability companies would associate themselves with being part of the community as defined by the applicant."

As discussed above, the Panel bases this determination on mysterious "research" to which it does not provide any citations or insight as to how the research was conducted. That aside, while firms may organize around specific industries, locales and other criteria not related to the entities structure as an LLC, this does not preclude firms from also organizing around the entities' structure as an LLC. In fact, while there may be a wide variation of the types of

²⁶ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

companies that elect to become LLCs, there are still commonalities and binding requirements for any LLC registered in the US. Specifically, every registered LLC in the US would describe themselves as a registered limited liability company within the US, the exact definition of our community. Additionally each member of the LLC community chose this particular legal entity type to operate as, with the understanding and expectation of the tax and legal benefits and liability protections that the entity type provides. Accordingly, all members of the LLC community have a shared and common interest to the extent that there is a change to the legal or tax treatment of LLCs, which would affect all members of the LLC community.²⁷ Furthermore, there is ample evidence that LLCs would associate themselves as being part of the LLC community because, at a minimum: (1) they chose to become an LLC and join the community; (2) they identify themselves as part of the community by including the word "LLC" in their official name; and (3) they must identify themselves as part of the community when filing tax returns and filing out other legal documents.

ii. Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities. The Panel indicated that the community, as defined in the application, does not have at least one entity mainly dedicated to the community because:

Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations; according to the application.²⁸

First, inclusion of the term "mainly" implies that the entity administering the community may have additional roles/functions beyond administering the community. In addition to administering filings and record keeping of LLC's, many Secretaries of State are dedicated to providing information about LLCs through their websites, pamphlets and other programs and support to existing members of the LLC community, as well as those considering joining the LLC community.

There is also ample evidence of community activities, which was seemingly

²⁷ See, e.g., <http://www.irs.gov/Businesses/Partnerships/2008-Changes-to-Form-1065---Frequently-Asked-Questions>, Q19, 38 for changes in tax treatment for LLCs.

²⁸ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

ignored by the Panel. These activities include things that all members of the LLC community must do such as file articles of organization, file an annual report and claim their status as an LLC on their state and federal tax returns—activities which identify them as members of the LLC community; which they otherwise would not do if they were not part of the LLC community.

iii. Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007. The Panel determined that the community defined in the .LLC Community Application does not meet the requirements for pre-existence. However, rather than providing evidence or explanation for this determination, the Panel instead merely cites a sentence from the AGB²⁹ and then makes the conclusory determination that the .LLC Community Application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string; which is based on the Panel's previous conclusion that limited liability companies would typically not associate themselves with being part of the community as defined by the applicant—a conclusion that Dot Registry has shown is questionable at best. In fact, as the panel must be aware, the first LLC was registered in 1977 and LLCs have existed in all 50 states long before September 2007.³⁰ Furthermore, 100% of the states have acknowledged that the community exists through the National Association of Secretaries of State.³¹

b. Extension

The Panel determined that the community, as identified in the application, did not meet the criterion for Extension because the .LLC Community Application did not demonstrate considerable size or longevity for the community identified in the .LLC Community Application, which is inconsistent with the AGB.

i. Size

²⁹ "[Community Priority Evaluation Criteria] of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while 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)."

³⁰ 2005 CCH Federal Taxation Comprehensive Topics (14-4 "In 1977, Wyoming passed the first limited liability company (LLC) legislation. Florida passed LLC legislation in 1982. In 1988, the IRS issued Rev. Rul. 88-76, 1988-2 CB 360 holding that a Wyoming LLC would be treated as a partnership for federal income tax purposes. Since then, all 50 states and the District of Columbia have passed LLC legislation;" well beyond the 2007 time frame. 2005 CCH Federal Taxation Comprehensive Topics, CCH Incorporated, 2004, Chicago, IL; *see also* [http://www.uniformlaws.org/ActSummary.aspx?title=Limited%20Liability%20Company%20\(Revised\)](http://www.uniformlaws.org/ActSummary.aspx?title=Limited%20Liability%20Company%20(Revised)).

³¹ See Annex 4.

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must be of considerable size and (2) must display an awareness and recognition of a community among its members.³² However, the second requirement for size cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

"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."³³

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of size. The Panel's application of this additional requirement to the criteria of Size, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above; since the Panel erroneously determined that the members of the LLC community do not have an awareness of their community.

As the Panel acknowledged, there are over five million registered LLCs in the US. Accordingly, when the AGB definition of "Size" is properly applied, it is clear that the community identified in the .LLC Community Application meets this criteria and should have been awarded points.

ii. Longevity

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must demonstrate longevity; and (2) must display an awareness and recognition of a community among its members.³⁴ However, the second requirement for longevity cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.³⁵

³² <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

³³ AGB, Pgs. 4-11.

³⁴ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

³⁵ AGB, Pgs. 4-11.

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of longevity. The Panel's application of this additional requirement to the criteria of longevity, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above, since the Panel erroneously determined that the members of the LLC community do not have an awareness of their community.

LLCs are corporate structures that are intended to be perpetual until either the entity is wound down or the statutory requirements are not met. In other words, they are the direct opposite of transient. Accordingly, when the AGB definition of "longevity" is properly applied, it is clear that the community identified in the .LLC Community Application meets this criteria and should have been awarded points.

2. Criterion #2: Nexus Between Proposed String and Community

The Panel determined that the .LLC Community Application did not meet the criterion for Nexus of Uniqueness and awarded no points. However, the Panel's determination with regards to Nexus was based on incorrect factual information and the Panel's determination with regard to Uniqueness was based on its erroneous determination of Nexus.

a. Nexus

The Panel determined that the .LLC Community Application did not meet the criterion for Nexus because while the string identifies the community, it over-reaches substantially beyond the community.³⁶

According to the Panel, "to receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. "Identify" means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community."

As an initial matter, it should be noted that according to the AGB, to receive the maximum score of three, "the essential aspect is that the applied for string is commonly known by others as the identification/name of the community." However, regardless of whether the AGB standard or the inconsistent Panel standard is applied, it is clear that the .LLC Community Application should still receive the maximum number of points for Nexus. In fact, the Panel acknowledged that "the string identifies the name of the community."³⁷ However, unfortunately for Dot Registry, the Panel also erroneously determined that the string substantially overreaches because "LLC" is used in other jurisdictions (outside the US). Dot Registry's research and application clearly indicates that

³⁶ <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf>.

³⁷ *Id.*

while there may be similar business structures in countries outside the US, and the abbreviation .LLC may be used in other countries, it is not used outside the US in connection with the .LLC community described in the .LLC Community Application. Furthermore, the AGB does not require applicants to define "any connotations the string may have beyond the community" and does not provide any direction in relation to scoring question 20A negatively if the designation is used outside of the community regardless of scale. Accordingly, it is clear that the .LLC Community Application should receive full points for Nexus.

b. Uniqueness

The Panel determined that the application does not meet the criterion for Uniqueness because the string does not score a two or a three on Nexus. However, as discussed above, the only reason that the .LLC Community Application did not score a two or three on Nexus was due to the Panel's erroneous reliance on incorrect information that "LLC" was used outside the US. Furthermore, the Panel's basing of its decision with regard to Uniqueness (and the AGB's direction to do so) on the results of another criteria violates the established policy against double counting. Regardless, since "LLC" has no other significant meaning outside the US, the .LLC Application should have been awarded one point for Uniqueness.

3. Criterion #3: Registration Policies

The Panel correctly awarded the .LLC Community Application points for Eligibility, Name Selection, and Content and Use, but determined that the .LLC Community Application did not meet the criterion for Enforcement because it provided specific enforcement measures but did not include appropriate appeal mechanisms. However, the .LLC Community Application does in fact contain an appropriate appeals mechanism.

According to the .LLC Community Application, the enforcement mechanism is as follows:

DOT Registry or its designated agent will annually verify each registrant's community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLC" domain:

- (a) If a registrant previously awarded the ".LLC" domain ceases to be registered with the State.
- (b) If a registrant previously awarded a ".LLC" domain is

dissolved and/or forfeits the domain for any reason.

(c) If a registrant previously awarded the ".LLC" domain is administratively dissolved by the State.

The .LLC Community Application also contains an appeals mechanism, which is that:

Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited.

The AGB states that "[t]he restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application."³⁸ While the above-referenced appeal process may not be a traditional appeals process, it is appropriate to, and aligned with, the community-based purpose of the .LLC Community Application. Here, the .LLC Community Application is restricted to those with active limited liability companies. Because Dot Registry will verify the status of the limited liability company, which is the basis for a second level domain registration in .LLC, it will be a simple matter to verify whether the limited liability company is "active" or not. To the extent that the limited liability company is not in "active" status, the registrant is issued a probationary warning. This warning allows the registrant to appeal Dot Registry's inactivity determination by resolving the issue with the relevant Secretary of State and restoring the domain name to active status. Notably, .edu utilizes a similar appeals mechanism.³⁹ Accordingly, the .LLC Community Application should have received points for Enforcement.

4. Criterion #4: Community Endorsement

The Panel incorrectly determined that the .LLC Community Application only partially met the criterion for Support and Opposition, which is inconsistent with the CPE process as set forth in the AGB.

a. Support

The Panel awarded the .LLC Community Application only 1 out of 2 points for Support because it determined that while Dot Registry possesses documented support from at least one group with relevance, Dot Registry was not the

³⁸ AGB, Pgs. 4-16.

³⁹

http://net.educause.edu/edudomain/show_faq.asp?code=EDUPOLICY#faq425.

recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community or documented support from a majority of the recognized community institution(s)/member organization(s).

The Panel acknowledged that the .LLC Community Application included letters of support from a number of Secretaries of State of US states which constituted groups with relevance, but that the Secretaries of State are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. As discussed above, in addition to administering filings and record keeping of LLCs, many Secretaries of State are dedicated to providing information about LLCs through their websites, pamphlets and other programs and support to existing members of the LLC community (including Dot Registry, which as an LLC is a member of the community); as well as those considering joining the LLC community, the Secretaries of State *are* the recognized community institutions. As also discussed above, numerous letters of support and endorsement were submitted by members of the LLC community, including one from the National Association of Secretaries of State in which it described the agreement of 100% of the states for community operation of .LLC. However, these letters appear not to have been considered by the Panel, and in any case were not validated by the Panel in connection with the .LCC Community Application. Accordingly, the .LLC Community Application should have been awarded full points for Support.

b. Opposition

The Panel determined that the .LLC Community Application partially met the criterion for Opposition because it received relevant opposition from one group of non-negligible size. As discussed above, the only groups of non-negligible size that could even arguably be viewed as having submitted opposition are the Secretary of State of Delaware or the European Commission. However, the Secretary of State of Delaware clarified that it did not oppose the .LLC Community Application and the European Commission rescinded any comments in opposition to the .LLC Community Application. Furthermore, any opposition by the European Commission, even if it existed, which clearly it does not, is not relevant because as Dot Registry has shown, the LLC designation is not used anywhere outside of the US, much less in Europe. Additionally, as also discussed above, to the extent any opposition by the Secretary of State of Delaware or European Commission existed, which it does not, the Panel failed to validate any such letters in connection with the .LLC Community Application. Accordingly, the .LLC Community Application should have been awarded full points for Opposition.

9. What are you asking ICANN to do now?

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

Dot Registry is asking that ICANN reverse the decision of the Panel and grant

Dot Registry's .LLC TLD application Community Priority status. There is precedence for this when, as here, there is substantial and relevant evidence indicating that the Objection was inconsistent with ICANN procedures.⁴⁰ Just recently, the BGC concluded that ICANN not consider the Expert Determination in the Community Objection filed against .MED because the Requester provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application, as is the case here. In the alternative, ICANN should disregard the results of the first Panel determination and assemble a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLC TLD application in compliance with the policies and processes in the AGB, CPE Guidelines and ICANN Bylaws. To the extent that ICANN assembles a new Panel to re-evaluate the .LLC Community Application for Community Priority, the Panel should not be affiliated with EIU, or at a minimum, should not consist of the same EIU panelists or anyone who participated in the initial CPE.

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

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

Dot Registry has standing and the right to assert this request for Reconsideration because the Panel's Determination, and the NGPC's subsequent placement of Dot Registry's .LLC application into active contention, was based on the Panel's failure to follow the established policies and procedures for Community Priority Evaluation in the AGB and ICANN's Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that the Panel failed to follow the established policies or processes in reaching its determination, or that staff failed to follow its

⁴⁰ <https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf>.

policies or processes in accepting that determination.⁴¹ In addition, the NGPC's placement of the .LLC Community Application into active contention based on the Panel Determination constitutes Staff or Board Action. Furthermore, Staff became involved with the Panel Determination when it responded to complaints that the Panel did not engage in uniform or consistent manner when questioning Secretaries of State as part of the validation process for letters of support, resulting in an apology from EIU to the Secretaries of State.⁴²

This failure to follow established policies and procedures by the Panel and the NGPC will result in material harm to, and will have an adverse impact on, Dot Registry, registered businesses in the US and consumers, as a result of the Determination and placement of Dot Registry's .LLC Application into active contention; at best, Dot Registry will have to expend significant additional funds to win the contention auction for .LLC, and, at worst, Dot Registry will lose the contention auction and not be able to operate the .LLC TLD and the string will be operated generically without necessary consumer protections in place.

This harm to Dot Registry, Secretaries of State, potential registrants and the public generally, can be reversed by setting aside the decision of the Panel and granting Dot Registry's .LLC TLD application Community Priority status, or in the alternative, by assembling a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLC TLD application, in compliance with the established policies and processes in the AGB and CPE Guidelines.

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

Yes

No

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

The causal connection between the circumstances of the Reconsideration Request and the harm caused by the awarding of the string to a non-community applicant are the same for Dot Registry and the National Association of Secretaries of State (NASS), on whose behalf this Request is also being made. Whereas the immediate harm to Dot Registry is material and financial, the harm to the Secretaries of State is related to their ability to prevent business fraud and

⁴¹ See <https://www.icann.org/en/system/files/files/determination-tennis-au-29apr14-en.pdf>, DETERMINATION OF THE BOARD GOVERNANCE COMMITTEE (BGC) RECONSIDERATION REQUEST 14-12 and <http://www.icann.org/en/groups/board/governance/reconsideration/recommendationbooking-01aug13-en.doc>, BGC Recommendation on Reconsideration Request 13-5.

⁴² See Annex 5.

consumer confusion. As discussed above, the improper denial of Community Priority to the .LLC Community Application will likely result in delegation of the .LLC TLD to one of the non-community applicants, which do not have enforceable safeguards in place, and could allow anyone to register a .LLC domain name regardless of their actual business registration status and entity type. This could facilitate fraudulent business registration, business identity theft and other harmful online activity, as well as cause significant consumer confusion and protection issues. Over the last two and a half years, NASS and many of its individual members have expressed their clear concerns via numerous letters to ICANN, the GAC and the FTC calling for the issuance of these strings in a community format, in order to provide appropriate protections for both the community and consumers with the necessary recourse required to hold the Registry Operators accountable if these strings are not operated in a responsible manner. As most of the Secretaries of State in the US have the ultimate responsibility for LLC registration and validation, this is of significant concern to them, and to NASS as well, which is acting on behalf of their interest. The issuance of these strings to a non-community applicant without enforceable protection mechanisms directly disregards the opinions expressed by the US Secretaries of State in regards to this matter and shows a blatant disregard by ICANN to operate accountably, as required by the ICANN bylaws.

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

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

Terms and Conditions for Submission of Reconsideration Requests

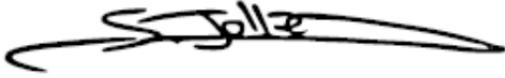
The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

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

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

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

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



Signature

June 25, 2014
Date

Annex 1



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

Contact Information Redacted

November 15, 2013

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
Contact Information Redacted

The Honorable Julie Brill
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Maureen Ohlhausen
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Joshua Wright
Commissioner
Federal Trade Commission
Contact Information Redacted

Dear Chairwoman Ramirez, Commissioner Brill, Commissioner Ohlhausen, and Commissioner Wright,

Along with the Federal Trade Commission, the National Association of Secretaries of State (NASS), of which I currently serve as President, has been following the Internet Corporation for Assigned Names and Numbers' (ICANN's) new generic top-level domain (gTLD) program for some time. We share the Commission's concerns (FTC release 12/11) about the potential for consumer fraud and abuse in new top-level domains (TLDs). We are particularly concerned about a special class of top-level domains commonly referred to as "corporate identifier" TLDs. Examples include: .CORP, .INC, and .LLP.

We recently learned that ICANN may consider awarding these highly-sensitive TLDs to registries that could sell domains to anyone, regardless of their legal standing with state registration authorities. We are concerned that instead of requiring entities to prove they are in good standing with a Secretary of State or Lieutenant Governor's office in order to register one of these domains, the ICANN Board is considering a move lax standard that would allow anyone to "attest" that they have the necessary standing to own one of these domains with no third party verification or validation. It is likely that those who wish to

perpetrate fraud and other crimes involving deception will take advantage of this process and provide false information to ensure they are able to register these domains.

NASS and many individual Secretaries have expressed our concerns in multiple letters to ICANN, clearly stating that any new business-related extension identifiers and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the U.S. This process would ostensibly include a verification of registration and good standing based upon a confirmation from the registrar.

To underscore the level of state agreement on this issue amongst state business registration authorities, Secretaries of State unanimously approved a resolution¹ at our July 2013 NASS national meeting calling on ICANN to accept the advice of ICANN's Government Advisory Committee and require higher levels of consumer protection. We also believe that the community application process ensures that safeguards and restrictions are enforced.

In closing, I hope the Commission urges the ICANN Board to support a stricter standard. The body should require a process that includes information verification for the protection of consumers and businesses, thereby reducing opportunities for fraud.

ICANN is meeting on November 18, 2013 to discuss this issue. I would appreciate any immediate attention and input that the Federal Trade Commission can provide.

Sincerely,



Tre Hargett
Secretary of State

¹ http://www.nass.org/index.php?option=com_docman&task=doc_download&gid=1435&Itemid=



Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC, .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

www.nass.org



UNITED STATES OF AMERICA
Federal Trade Commission
Office of International Affairs
WASHINGTON, D.C. 20580

Laureen Kapin
Counsel for International Consumer Protection
Contact Information Redacted

January 29, 2014

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Dear Mr. Jolles:

Thank you for your November 14, 2013 letter to the Federal Trade Commission supporting the Commission's advocacy for stronger consumer protection safeguards in connection with ICANN's expansion of generic top-level domains (gTLDs). I was asked to respond to your letter because the Office of International Affairs for Consumer Protection works closely with the Department of Commerce via the Government Advisory Council (the GAC) to advise ICANN of concerns and make recommendations. The FTC has been involved in ICANN-related matters for over ten years, pressing ICANN and other stakeholders to improve policies that cause harm to consumers engaged in e-commerce or that impede law enforcement efforts to identify and locate bad actors. In addition, our involvement has included testifying before Congress, participating in ICANN meetings, and issuing statements on various ICANN policy initiatives.

We appreciate your concerns over the launch of TLDs, such as corporate identifiers (*e.g.*, .inc, .llc, .llp, .corp), without proper safeguards. As you know, the Commission has expressed similar concerns, albeit in a broader context, with proposed domains associated with various regulated or professional sectors, including corporate identifiers.¹ FTC staff advice and concerns about the need for further consumer protection safeguards for regulated and professional extensions are reflected in the GAC Beijing Communiqué issued on April 11, 2013: <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>. The communiqué set forth several concerns regarding the new gTLDs. In particular, the communiqué recommended three additional safeguards for market sectors that have regulated entry requirements such as corporate identifiers. They are: 1) verification and validation of registrant's credentials for participation in the sector specified in the domain name; 2) consultation with relevant supervisory authorities in case of doubt regarding authenticity of credentials; and 3) post-registration checks to ensure registrant's validity and continuing compliance with their credentialing requirements. We believe this is the type of proactive approach required to combat fraudulent websites.

¹ See <http://www.ftc.gov/news-events/press-releases/2011/12/ftc-warns-rapid-expansion-internet-domain-name-system-could-leave>

We will continue to monitor ICANN's response to the communiqué and work with the GAC to help ensure that the communiqué's recommended consumer protection safeguards are implemented in a concrete and meaningful manner. We will also continue to work with our law enforcement partners to share information and perspectives about how to best protect consumers from illicit activities associated with the domain name system.

We appreciate you taking the time to raise the concerns expressed in your letter. If you have any questions or wish to discuss this matter further, please contact me at Contact information Redacted

Very truly yours,

Laureen Kapin



**State of North Carolina
Department of the Secretary of State**

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

Elaine F. Marshall

Contact Information Redacted

Contact Information Redacted



ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KERRPATRICK
STATE INFORMATION CENTER
Contact Information Redacted

STATE CAPITOL
ROOM 208

Contact Information Redacted

February 24, 2012

DOT Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Secretary of State of Missouri is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, "INC" and "LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with the Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Very truly yours,

Robin Carnahan
Secretary of State

Contact Information Redacted

www.sos.mo.gov



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN

Attn: gTLD Program
Contact Information Redacted

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

Contact Information Redacted

Contact Information Redacted

ICANN – gTLD program
March 20, 2012

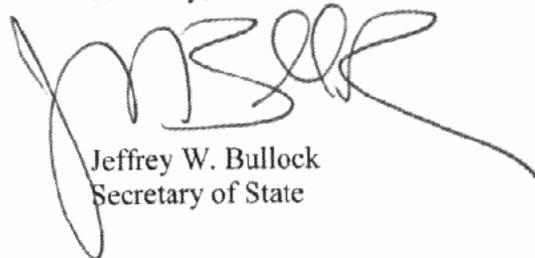
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at Contact information Redacted Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
Contact Information Redacted

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

Contact Information Redacted



April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available [online](#), reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

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www.nass.org

are only enforceable in the community application process.” It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, “there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion,” and “if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type.”

We reiterate member sentiments that ICANN must proceed “cautiously and deliberately” in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,



Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

> -----Original Message-----

> From: Andrei Franklin [mailto:[Contact Information Redacted](#)]

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: [Contact Information Redacted](#)

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin [Contact Information Redacted](#). A short email response confirming the above points are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

> Contact Information Redacted

>

> This e-mail may contain confidential material. If you are not an intended recipient, please notify the sender and delete all copies. It may also contain personal views which are not the views of The Economist Group. We may monitor e-mail to and from our network.

>

> Sent by a member of The Economist Group. The Group's parent company is The Economist Newspaper Limited, registered in England with company number 236383 and registered office at Contact Information Redacted. For Group company registration details go to http://cp.mcafee.com/d/5fHCNEq6zqb9EVuhd78VV6VKVJ6XbOa8UQsFTdETpuhhuKCOrhKOYyyed7aq9J6XbOabRNO9Kk7qwGstxisFD_OVKstxisFD_OVJRfXeflLZvCnTD6jhOZRxBs7DKvsuuKYDORQr8EGTsvVkffGhBrwqrhdECXYyMCY-ehojd79KVI06vV7j--RollBip6dmRKndX12fOtzl2FYE0HVdYKrp7bb3OpliH1SkltDal3h1lQQgqTcDY9OJapoQglt456RBGNCq87qNd44fc6y0zYfzaNEw1dlzh05vc-uq80WKGKowq83hhMq318QkCNNEVdKDv3re9toQ3E

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC, .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

Annex 2

METROTITLE SERVICES

March 21, 2012

Mr. Paul Spurgeon
Dot Registry
Contact Information Redacted

RE: Letter of support for the issuance of the internet domain name extensions ".INC", ".LLP", ".LLC" and ".CORP".

Dear Paul;

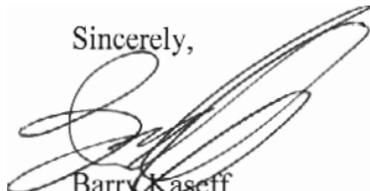
I understand that Dot Registry is applying for the rights to manage new internet name extensions under ICANN's new GTLD program. I also understand that your application is a "members only" community application which restricts a company being awarded a new domain name to be a valid and existing US corporation of similar fidelity. I believe this differentiation in restrictive use will bring a higher level of credibility and trustworthiness to the users and owners of these sites.

I serve as President and control shareholder for Kaseff Services, LLC. Our company operates a web site under the domain name www.mymetrotitle.com. We are organized as a Kansas LLC and are a member of the larger community of US based corporations and partnerships.

I am writing in support of Dot Registry's application for the issuance of these "strings" that would attempt to protect legitimate businesses and consumers from confusion or fraud; such restrictions would include measures to authenticate the active and good standing status of all corporations and partnerships who seek to register a second-level domain within the respective TLD as proposed by DOT Registry.

I wish you much success in this endeavor and look forward to the opportunity to be awarded a domain name with one of the above referenced extensions.

Sincerely,



Barry Kaseff
President

Contact Information Redacted

www.translillc.com • e-mail: Contact Information Redacted

Annex 3

> -----Original Message-----

> From: Andrei Franklin [mailto:[Contact Information Redacted](#)]

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: [Contact Information Redacted](#)

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin
[Contact Information Redacted](#) A short email response confirming the above points
are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

> Contact Information Redacted

>

> This e-mail may contain confidential material. If you are not an intended recipient, please notify the sender and delete all copies. It may also contain personal views which are not the views of The Economist Group. We may monitor e-mail to and from our network.

>

> Sent by a member of The Economist Group. The Group's parent company is The Economist Newspaper Limited, registered in England with company number 236383 and registered office at Contact Information Redacted. For Group company registration details go to http://cp.mcafee.com/d/5fHCNEq6zqb9EVuhd78VV6VKVJ6XbOa8UQsFTdETpuhhuKCOrhKOYyyed7aq9J6XbOabRNO9Kk7qwGstxisFD_OVKstxisFD_OVJRfXefILZvCnTD6jhOZRxBs7DKvsuuKYDORQr8EGTsvVkffGhBrwqrhdECXYyMCY-ehojd79KVI06vV7j--RollBip6dmRKndX12fOtzl2FYE0HVdYKrp7bb3OpliH1SkltDal3h1lQQgqTcDY9OJapoQglt456RBGNCq87qNd44fc6y0zYfzaNEw1dlzh05vc- uq80WgKOWq83hhMq318QkCNNEVdKDv3re9toQ3E

Annex 4

New gTLD Program Community
Priority Evaluation Report Report Date:
 11 June 2014

Application ID:	1-880-
Applied-for String:	<u>LLC</u>
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

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

Panel Summary

Overall Scoring	5 Point(s)																		
<table border="1"> <thead> <tr> <th>Criteria</th> <th>Earned</th> <th>Achievable</th> </tr> </thead> <tbody> <tr> <td>#1: Community Establishment</td> <td align="center">0</td> <td align="center">4</td> </tr> <tr> <td>#2: Nexus between Proposed String and Community</td> <td align="center">0</td> <td align="center">4</td> </tr> <tr> <td>#3: Registration Policies</td> <td align="center">3</td> <td align="center">4</td> </tr> <tr> <td>#4: Community Endorsement</td> <td align="center">2</td> <td align="center">4</td> </tr> <tr> <td>Total</td> <td align="center">5</td> <td align="center">16</td> </tr> </tbody> </table> <p>Minimum Required Total Score to Pass <u>14</u></p>	Criteria	Earned	Achievable	#1: Community Establishment	0	4	#2: Nexus between Proposed String and Community	0	4	#3: Registration Policies	3	4	#4: Community Endorsement	2	4	Total	5	16	
Criteria	Earned	Achievable																	
#1: Community Establishment	0	4																	
#2: Nexus between Proposed String and Community	0	4																	
#3: Registration Policies	3	4																	
#4: Community Endorsement	2	4																	
Total	5	16																	
<p>Criterion #1: Community Establishment</p> <p>1-A Delineation</p> <p>The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.</p> <p>Delineation</p>	<p>0/4 Point(s)</p> <p><i>0/2 Point(s)</i></p>																		

Two conditions must be met to fulfill the requirements for delineation: there must be a clear

straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("LLC") ("INC") is:

Members of the community are defined as businesses registered as limited liability companies ~~with corporations within~~ the United States or its territories. Limited Liability Companies ~~This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations.~~ Corporations or ("LLC's") ("INC's") as they are commonly abbreviated, represent one of the most popular ~~complex~~ business entity structures in the US. LLC's U.S. Corporations commonly participate in acts of commerce, public services, and product creation....

~~An LLC~~ A corporation is defined as a flexible form ~~business created under the laws of enterprise~~ State as a separate legal entity, that ~~blends elements of partnership~~ has privileges and liabilities that are distinct from those of its members. While corporate ~~structures.~~ It is a legal form of company that provides limited liability to its owners ~~law varies in the vast majority of United States~~ different jurisdictions. ~~LLC's are a unique entity type because they, there are considered a hybrid, having certain~~ four characteristics of ~~both a corporation~~ the business corporation that remain consistent: legal personality, limited liability, transferable shares, and a partnership or sole proprietorship. ~~LLC's are closely related to~~ centralized management under a board structure. Corporate statutes typically empower corporations ~~in the sense that they participate in similar activities~~ to own property, sign binding contracts, and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass-through income taxation. ~~LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner~~ pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability company corporation with the relevant US state. In addition, limited liability companies corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability companies corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of LLCs INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability companies incorporated firms would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/-functions beyond processing corporate registrations. According to the application:

LLC's Corporations can be formed through any jurisdiction of the United States. Therefore members

of this community exist in all 50 US states and its territories. LLC Corporation formation guidelines are dictated by state law and can vary based on each State's regulations. Persons form an LLC a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of incorporation organization, which establish a corporation-limited liability company as a legal entity. At minimum, the Articles of organization Incorporation give a brief description of the intended proposed business purposes, activities, shareholders, stock issued and the registered agent, and registered business address. LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.

The community as defined in the application does not have documented evidence of community activities.
As there is no entity that is mainly dedicated to the community as defined in the ~~LLC, INC~~ application, there is no

documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.!

1-B Extension

0/2 Point(s)

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size

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

The community as defined in the application is of a considerable size. The community for ~~.LLCINC~~ as defined in the application is large in terms of number of members. According to the application:

With ~~the number of~~ almost 470,000 new corporations registered ~~LLC's~~ in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with ~~an LLCa~~ corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~ corporations operate in vastly different- sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLCINC~~. Based on the Panel’s research, there is no evidence of ~~LLCsINC~~s from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~ incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Le

| Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE

process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these ~~limited-liability companies corporations~~ would typically not associate themselves with being part of the community as defined by

the applicant. Therefore, the pursuits of the ~~LLC INC~~ community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies corporations~~ operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC INC~~. Based on the Panel’s research, there is no evidence of ~~L.L.Cs INCs~~ from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies incorporated firms~~ would therefore not typically associate themselves with being part of the community as defined by the applicant.

! The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community

0/4 Point(s)

2-A Nexus

0/3 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (~~LLC INC~~) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant’s community. According to the application documentation:

~~“LLC”“INC”~~ was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language ~~Limited Liability Company~~ the word ~~incorporation~~ is primarily shortened to ~~LLC Inc.~~ when used to delineate business entity types. ~~For example, McMillion Incorporated would additionally be referred to as McMillion Inc.~~ Since all of our community members are ~~limited liability companies incorporated businesses~~ we believed that ~~“LLC”“INC”~~ would be the simplest, most straightforward way to accurately represent our community.

~~LLC Inc.~~ is a recognized abbreviation in all 50 states and US Territories denoting the ~~registration-~~

type corporate status of a business an entity. The Panel's Our research indicates that while Inc. as corporate identifier is used in three other jurisdictions use LLC as a corporate identifier, (Canada, Australia, and the Philippines) though their definitions formation regulations are quite different and there are no other known associations or definitions from the United States and their entity designations would not fall within the boundaries of LLC in the English language our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside Canada, Australia and the US)-Philippines~~. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for nexus.

2-B Uniqueness

0 / 1 Point(s)

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

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies

3/4 Point(s)

3-A Eligibility

1 / 1 Point(s)

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

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered ~~limited liability companies~~corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection

1 / 1 Point(s)

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

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use	<i>1 / 1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.</p> <p>To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant’s abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.</p>	
3-D Enforcement	<i>0 / 1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.</p> <p>Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.</p>	

Criterion #4: Community Endorsement	2/4 Point(s)
4-A Support	<i>1 / 2 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.</p> <p>To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.</p> <p>The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.</p>	

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition

1 / 2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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

New gTLD Program Community
Priority Evaluation Report Report Date:
 11 June 2014

Application ID:	1-880-
Applied-for String:	LLC
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

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

Panel Summary

Overall Scoring	5 Point(s)	
Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	16
Minimum Required Total Score to Pass 14		

Criterion #1: Community Establishment	0/4 Point(s)
1-A Delineation	0/2 Point(s)
<p>The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria)</p> <p>of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.</p>	

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("~~LLC~~") ("~~LLP~~") is:

~~Members of the community are defined as businesses registered as limited liability companies Limited Liability Partnerships with the United States or its territories. Limited Liability Companies Partnerships or (LLCs LLP's) as they are commonly abbreviated, are specifically designed to represent one of the most popular business entity structures in the US. LLC's commonly participate in acts of commerce, public services, and product creation... professional service businesses in the US. Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state's law....~~

~~An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC's are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC's are closely related to corporations in the sense that they participate in similar activities and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner. A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP's therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.~~

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability ~~company~~ partnership with the relevant US state: (LLPs operate in about 40 US states). In addition, limited liability ~~companies~~ partnerships must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability ~~companies~~ partnerships operate in vastly different sectors, which sometimes have little or no association with one another. ~~Research showed that firms are~~ typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~ LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~ LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability ~~companies~~ partnerships would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/-functions beyond processing corporate

registrations. According to the application:

LLC's Limited Liability Partnerships can be formed through ~~any jurisdiction of all but ten states in~~ the United States.-

Therefore members of this community exist in all 50 close to forty US states ~~and its territories.~~ LLC, LLP formation guidelines are dictated by state law and can vary based on each ~~state's~~ state's regulations. Persons form an LLC/LLP by filing required documents with the appropriate state authority, usually the Secretary of State. ~~Most states require the filing of Articles of Organization. These are considered public documents and are similar to articles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities.-
As there is no entity that is mainly dedicated to the community as defined in the LLCLLP application, there is no documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application).). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability ~~companies~~partnerships would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active)..

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension

0/2 Point(s)

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size

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

The community as defined in the application is of a considerable size. The community for ~~.LLC~~LLP as defined in the application is large in terms of number of members. According to the application: “LLP’s represent a small but prestigious sector of business in the United States.”

~~With the number of registered LLC’s in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC.~~

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel’s research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability ~~companies~~partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE

process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to

a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLP community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLCLLP~~. Based on the Panel’s research, there is no evidence of ~~LLCLLP~~s from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community

0/4 Point(s)

2-A Nexus

0/3 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (~~LLCLLP~~) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant’s community. According to the application documentation:

~~“.LLC”“LLP” was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Company Partnership is primarily shortened to LLCLLP when used to delineate business entity types. Since all of our community members are limited liability companies we believed that “.LLC” would be the simplest, most straight forward way to accurately represent our community....~~

~~LLCLLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. The Panel's Our research indicates that while LLP as corporate identifier is used in eleven other jurisdictions use LLC as a corporate identifier, (Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their definitions formation regulations are quite different and there are no other known associations or definitions from the United States and their entity designations would not fall within the boundaries of LLC in the English language our community definition.~~

While the string identifies the name of the community, it captures a wider geographical remit than the

_community has, as the corporate identifier is used in ~~other jurisdictions (outside Poland, the US), UK, Canada and Japan, amongst others.~~ Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for Nexus.

2-B Uniqueness	<i>0/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.</p> <p>To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.</p>	

Criterion #3: Registration Policies	3/4 Point(s)
3-A Eligibility	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.</p> <p>To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered limited liability partnerships and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.</p>	
3-B Name Selection	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.</p> <p>To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.</p>	
3-C Content and Use	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.</p>	

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement

0 / 1 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement

2 / 4 Point(s)

4-A Support

1 / 2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.

The application included letters from a number of Secretaries of State of US states, which were considered to

_constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one-

particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition

1/2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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

Annex 5



April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available [online](#), reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

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| www.nass.org

are only enforceable in the community application process.” It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, “there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion,” and “if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type.”

We reiterate member sentiments that ICANN must proceed “cautiously and deliberately” in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,



Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

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Annex 6

From: Leila Butt [mailto:[Contact Information Redacted](#)]
Sent: Tuesday, May 27, 2014 8:58 AM
To: Jaeger, Al A.
Subject: Apology and explanation of letter authenticity process for generic Top Level Domains .LLC, .LLP and .INC

Dear Secretary Jaeger

My name is Leila Butt and I am writing to you on behalf of the Economist Intelligence Unit (EIU), which has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications as part of ICANN's new gTLD program. I am the project manager for the ICANN project at the EIU.

Several of our evaluators have recently been in contact with you to seek confirmation as to whether your organization supports Dot Registry LLC's application for three gTLDs: .LLC, .LLP and .INC. We realize that in some cases receiving multiple emails may have caused confusion and inconvenience, for which we apologize.

We would like to take the opportunity to clarify our evaluation process. As we are evaluating the three gTLD applications separately, we need to maintain separate formal records of all communications related to each particular application. This was our rationale for sending you three separate emails, each of which related to a different gTLD application.

Going forward, I will be your sole point of contact. After reviewing the feedback that you have already supplied with regard to these three applications, we do not have additional questions.

Thank you for clarifying your position towards Dot Registry's application for the three gTLDs. Again, we are sorry for any inconvenience or confusion this may have caused.

Yours sincerely

Leila Butt

Project Manager

The Economist Intelligence Unit

This e-mail may contain confidential material. If you are not an intended recipient, please notify the sender and delete all copies. It may also contain personal views which are not the views of The Economist Group. We may monitor e-mail to and from our network.

Sent by a member of The Economist Group. The Group's parent company is The Economist Newspaper Limited, registered in England with company number 236383 and registered office at Contact Information Redacted. For Group company registration details go to <http://legal.economistgroup.com>

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Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted



US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted

----- Forwarded message ----- Contact Information Redacted

From: **New gTLD Customer Support**
Date: Fri, May 23, 2014 at 5:57 PM
Subject: RE: Concerns regarding CPE [ref: 00Dd0huNE 500d0HmI.kf:ref]
To: Contact Information Redacted
Cc:
Contact Information Redacted

Dear Shaul Jolles,

Thank you for sharing your experiences and your concerns regarding the Community Priority Evaluation (CPE) CPE letters of support validation process. We apologize for any confusion and frustration this has caused you and your supporters. The EIU has been made aware of the frustration that some authors of the letters of support are experiencing during the validation process, both from us and the authors themselves. They are making adjustments to streamline the communication process and where possible, and to consolidate communications to individuals that need to be contacted several times.

The validation of letters of support (or opposition) is a standard part of the CPE Panel's overall process while conducting the evaluation Community Priority Evaluation (CPE), and was articulated in the CPE Guidelines document developed by the Panel . This process is designed to verify the authenticity of these letters and ensure they meet the requirements as stated:

1. clearly expressing the organization's support for the community based application,
2. demonstrating the organization's understanding of the string being requested,
3. that the organization exists and,
4. the author has the authority to represent the organization.

Consistent with all phases of the program, each application is reviewed on an individual basis. In your case, 3 of your applications (LLC, LLP, INC) are simultaneously undergoing CPE. Each application has its own team of evaluators working in parallel, thus performing the validation process for the particular TLD to which they are assigned. The letters of support associated with your applications often reference all of your applied for strings in the same letter. With the evaluations occurring in parallel as-described above, the communications were sent to the same secretaries of state from several different evaluators at the EIU.

Additionally, some of the letters submitted did not clearly express the organization's support for your specific application(s) for the TLD(s). In these cases the EIU evaluators have followed up with the authors of these letters to confirm that their organizations support your specific application. While this has led to several additional email exchanges, it is necessary for the panel to have the documented evidence of the author's intentions relative to supporting the application, rather than to require the evaluators to interpret the letter.

Also, as stated in their email communication to the author, the EIU evaluators send frequent follow up and reminder emails in order receive a response so that they can complete the evaluation in a timely manner. These reminder emails are followed up by a phone call if an email response is not received. This was based on their experience as one of the Geographic

Names Panel firms, if they did not follow up, they often would not get an answer, and could not complete their evaluation in a timely manner.

The new gTLD team is working with the EIU to streamline the communications with supporters and reduce the total number of messages sent. We are also working with the EIU to ensure that all communications are professional and courteous, and reference both ICANN and the New gTLD program in an effort to clarify the intent and purpose of the communications. We apologize for any frustration and inconvenience this process has cause for you or the supporters of your applications.

Please let us know if you have further concerns.

Sincerely,

Russ Weinstein

Sr. Manager, gTLD Operations

----- Original Message -----

From: New gTLD Customer Support Contact Information Redacted

Sen 5/19/2014 10:37 PM

To: Contact Information Redacted

Subject: RE: Concerns regarding CPE [ref:_00Dd0huNE._500d0HmLkf:ref]

Dear Shaul Jolles,

Thank you for your inquiry.

We have a status meeting with the CPE evaluators later in the week. We will follow up on this topic with them and respond to you later this week with a more detailed response.

Regards,

New gTLD Operations Team

----- Original Message -----

From: Shaul Jolles Contact Information Redacted

Sent: 5/19/2014 3:02 PM

To: Contact Information Redacted

Contact Information Redacted

Contact Information Redacted

Subject: Concerns regarding CPE

Good afternoon Christine,

We are reaching out to ICANN with serious concerns brought to our attention over the EIU's handling of the CPE Authenticity process for Dot Registry's applications for .inc, .llc and .llp.

Over the last several months, the evaluators have reached out to all of the authors of Dot Registry's support letters attached to our applications, requesting that they; (1) first, prove their authority to write such letters of support and (2) after sending a second letter, that they give their "explicit" consent and authorization of Dot Registry to operate the respective gTLDs. Many Secretaries of State have been contacted in upwards of five or more times for the same letter of support and have expressed their concerns that this process reflects poorly on ICANN's ability to manage the CPE process. Much like the President of the U.S., these Secretaries of State have also been sworn to office, under oath, to act in an official governmental capacity. The repeated contact by the evaluators of these government officials, which already carry heavy work-loads, has become excessive and burdensome.

Dot Registry has been contacted by all of the Secretaries of State offices, expressing their increased irritation level with having to repeatedly verify that they are a government official. Each office has indicated that it appears their responses, like their previous support correspondence over the last two years, has fallen on deaf ears and is not being taken seriously by ICANN. They have all indicated that this reflects poorly on ICANN and we are finding it difficult to defend the EIU's actions, ICANN and the process, without clear and convincing examples, to the contrary.

Further, the response period requested by the evaluators at this point is over the 90 day from evaluation start time-line, which indicates that the evaluations are not on schedule. Dot Registry kindly requests that ICANN ensure that the schedule is adhered to as established and set forth. If a deviation in the schedule is required, the affected applicant should be promptly notified. To date, that has not been the case.

In closing, we would greatly appreciate it if ICANN would review the concerns set forth in this email and take appropriate remedial action to stop the barrage of emails going to Secretaries of State and ensure the CPE timeline is adhered to. Below are several examples received today, as outlined above, to demonstrate the growing frustration mounting with Dot Registry's community.

From one Secretary of State after receiving 5 requests:

Sara, Andrei, and Conrad,
I have responded to each of you twice regarding the top level domains of .LLC, .LLP, .CORP, and .INC and the verification of the letters I have written as well as the support for Dot Registry's community application. I thought it might be helpful to make sure you also have a letter from the National Association of Secretaries of State (NASS), which I am a member of, that clearly details the support of the entire organization and how critical a community application is for the issuance of these specific top level domains.

From another Secretary of State after "additional verification" request:

Andrei...

I am a bit concerned with the tone and aggressiveness in your email below.

I had already responded to a Mr. Conrad Heine at the Economist and now question the veracity of your request as well the role of "the Economist".

Frankly, I am now questioning if your contact is a legitimate email? If so, what is the interest of The Economist in "verifying the authenticity of our position".

Further, Mr. Heine (email of May 8) asked for a response by June 7 – and now you are requesting a response by May 30.

As your letter states, ****we must confirm whether or not your organization explicitly supports this community based application**.*

This statement seems a bit drastic, and hence has raised red flags.

I also question why you wrote to the public email for my office and not the direct email to me?

– As Mr. Heine used.

- As was on my original letter.

Before I have any further communications with you or your organization, I would like some type of confirmation on:

· Who you are?

- Who you represent?
- *Confirmation* of your representation?
- What is the intent of any communication with me or my office?
- Will this response or any of those received from other Secretaries of State be in an article in your publication?

Thank you...

Thanks for your attention Christine.

--

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

ref:_00Dd0huNE._500d0HmLkf:ref

--

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted



US Corporate Domain Community

www.DotRegistry.org

Contact Information Redacted



New gTLD Program
Community Priority Evaluation Report
 Report Date: 11 June 2014

Application ID:	1-880-17627
Applied-for String:	LLC
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

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

Panel Summary

Overall Scoring	5 Point(s)	
Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	16
Minimum Required Total Score to Pass <u>14</u>		

Criterion #1: Community Establishment	0/4 Point(s)
1-A Delineation	0/2 Point(s)
<p>The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.</p> <p><u>Delineation</u> Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.</p>	

The community defined in the application (“LLC”) is:

Members of the community are defined as businesses registered as limited liability companies with the United States or its territories. Limited Liability Companies or (LLC’s) as they are commonly abbreviated, represent one of the most popular business entity structures in the US. LLC’s commonly participate in acts of commerce, public services, and product creation....

An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC’s are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC’s are closely related to corporations in the sense that they participate in similar activities and provide limited liability to their partners. Additionally, LLC’s share a key characteristic with partnerships through the availability of pass-through income taxation. LLC’s are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability company with the relevant US state. In addition, limited liability companies must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability companies operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC. Based on the Panel’s research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability companies would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

LLC’s can be formed through any jurisdiction of the United States. Therefore members of this community exist in all 50 US states and its territories. LLC formation guidelines are dictated by state law and can vary based on each state’s regulations. Persons form an LLC by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Organization. These are considered public documents and are similar to articles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. LLC’s are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC’s level of good standing based on their commercial interactions with both the state and consumers.

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the .LLC application, there is no documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while 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). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability companies would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension

0/2 Point(s)

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size

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

The community as defined in the application is of a considerable size. The community for .LLC as defined in the application is large in terms of number of members. According to the application:

With the number of registered LLC’s in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC.

However, as previously stated the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability companies operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC. Based on the Panel’s research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability companies would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while 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). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string as these limited liability companies would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability companies operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC. Based on the Panel’s research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability companies would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community

0/4 Point(s)

2-A Nexus

0/3 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.LLC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant’s community. According to the application documentation:

“LLC” was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Company is primarily shortened to LLC when used to delineate business entity types. Since all of our community members are limited liability companies we believed that “.LLC” would be the simplest, most straight forward way to accurately represent our community.

LLC is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. The Panel’s research indicates that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language.

While the string identifies the name of the community, it captures a wider geographical remit than the

<p>community has, as the corporate identifier is used in other jurisdictions (outside the US). Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.</p> <p>The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for Nexus.</p>	
2-B Uniqueness	<i>0/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.</p> <p>To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.</p>	

Criterion #3: Registration Policies		3/4 Point(s)
3-A Eligibility		<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.</p> <p>To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered limited liability companies and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.</p>		
3-B Name Selection		<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.</p> <p>To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.</p>		
3-C Content and Use		<i>1/1 Point(s)</i>

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

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement

0/1 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement

2/4 Point(s)

4-A Support

1/2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.

The application included letters from a number of Secretaries of State of US states, which were considered to

constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition

1/2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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



New gTLD Program
Community Priority Evaluation Report
 Report Date: 11 June 2014

Application ID:	1-880-35508
Applied-for String:	LLP
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

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

Panel Summary

Overall Scoring	5 Point(s)	
Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	16
Minimum Required Total Score to Pass <u>14</u>		

Criterion #1: Community Establishment	0/4 Point(s)
1-A Delineation	0/2 Point(s)
<p>The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.</p> <p><u>Delineation</u> Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.</p>	

The community defined in the application (“LLP”) is:

Members of the community are defined as businesses registered as Limited Liability Partnerships with the United States or its territories. Limited Liability Partnerships or (LLP’s) as they are commonly abbreviated, are specifically designed to represent professional service businesses in the US . Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state’s law....

A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP’s therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner’s misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability partnership with the relevant US state (LLPs operate in about 40 US states). In addition, limited liability partnerships must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLP. Based on the Panel’s research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability partnerships would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

Limited Liability Partnerships can be formed through all but ten states in the United States. Therefore members of this community exist in close to forty US states. LLP formation guidelines are dictated by state law and can vary based on each state’s regulations. Persons form an LLP by filing required documents with the appropriate state authority, usually the Secretary of State.

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the .LLP application, there is no documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application).). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active)..

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension

0/2 Point(s)

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size

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

The community as defined in the application is of a considerable size. The community for .LLP as defined in the application is large in terms of number of members. According to the application, “LLP’s represent a small but prestigious sector of business in the United States.”

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLP. Based on the Panel’s research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to

a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLP community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLP. Based on the Panel’s research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	0/4 Point(s)
2-A Nexus	<i>0/3 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.</p> <p>To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.</p> <p>The applied-for string (.LLP) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant’s community. According to the application documentation:</p> <p style="padding-left: 40px;">“LLP” was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Partnership is primarily shortened to LLP when used to delineate business entity types...</p> <p style="padding-left: 40px;">LLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. Our research indicates that LLP as corporate identifier is used in eleven other jurisdictions (Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their formation regulations are different from the United States and their entity designations would not fall within the boundaries of our community definition.</p> <p>While the string identifies the name of the community, it captures a wider geographical remit than the community has, as the corporate identifier is used in Poland, the UK, Canada and Japan, amongst others. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.</p> <p>The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for Nexus.</p>	

2-B Uniqueness	<i>0/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.</p> <p>To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.</p>	

Criterion #3: Registration Policies	3/4 Point(s)
3-A Eligibility	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.</p> <p>To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered limited liability partnerships and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.</p>	
3-B Name Selection	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.</p> <p>To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.</p>	
3-C Content and Use	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.</p>	

<p>To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant’s abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.</p>	
3-D Enforcement	<i>0/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.</p> <p>Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.</p>	

Criterion #4: Community Endorsement	2/4 Point(s)
4-A Support	<i>1/2 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.</p> <p>To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.</p> <p>The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.</p> <p>The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one</p>	

particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition

1/2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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



New gTLD Program
Community Priority Evaluation Report
 Report Date: 11 June 2014

Application ID:	1-880-35979
Applied-for String:	INC
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

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

Panel Summary

Overall Scoring	5 Point(s)	
Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	16
Minimum Required Total Score to Pass <u>14</u>		

Criterion #1: Community Establishment	0/4 Point(s)
1-A Delineation	0/2 Point(s)
<p>The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.</p> <p><u>Delineation</u> Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.</p>	

The community defined in the application (“INC”) is:

Members of the community are defined as businesses registered as corporations within the United States or its territories. This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or “INC’s” as they are commonly abbreviated, represent one of the most complex business entity structures in the U.S. Corporations commonly participate in acts of commerce, public services, and product creation....

A corporation is defined as a business created under the laws of a State as a separate legal entity, that has privileges and liabilities that are distinct from those of its members. While corporate law varies in different jurisdictions, there are four characteristics of the business corporation that remain consistent: legal personality, limited liability, transferable shares, and centralized management under a board structure. Corporate statutes typically empower corporations to own property, sign binding contracts, and pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a corporation with the relevant US state. In addition, corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel’s research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these incorporated firms would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

Corporations can be formed through any jurisdiction of the United States. Therefore members of this community exist in all 50 US states and its territories. Corporation formation guidelines are dictated by state law and can vary based on each State’s regulations. Persons form a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of organization, which establish a limited liability company as a legal entity. At minimum, the Articles of Incorporation give a brief description of proposed business activities, shareholders, stock issued and the registered business address.

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the .INC application, there is no

documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension

0/2 Point(s)

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size

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

The community as defined in the application is of a considerable size. The community for .INC as defined in the application is large in terms of number of members. According to the application:

With almost 470,000 new corporations registered in the United States in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with a corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel’s research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. These incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both “false positives” (awarding undue priority to an application that refers to a “community” construed merely to a get a sought-after generic word as a gTLD string) and “false negatives” (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .INC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel’s research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. These incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community

0/4 Point(s)

2-A Nexus

0/3 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.INC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant’s community. According to the application documentation:

“.INC” was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language the word incorporation is primarily shortened to Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are incorporated businesses we believed that “.INC” would be the simplest, most straightforward way to accurately represent our community.

Inc. is a recognized abbreviation in all 50 states and US Territories denoting the corporate status of an entity. Our research indicates that Inc. as corporate identifier is used in three other jurisdictions (Canada, Australia, and the Philippines) though their formation regulations are different from the United States and their entity designations would not fall within the boundaries of our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in Canada, Australia and the Philippines. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for nexus.

2-B Uniqueness

0/1 Point(s)

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

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies

3/4 Point(s)

3-A Eligibility

1/1 Point(s)

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

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection

1/1 Point(s)

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

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.</p> <p>To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant’s abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.</p>	
3-D Enforcement	<i>0/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.</p> <p>Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.</p>	

Criterion #4: Community Endorsement	
2/4 Point(s)	
4-A Support	<i>1/2 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.</p> <p>To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.</p> <p>The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.</p>	

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition

1/2 Point(s)

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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