

New gTLD Application Change Request Form

Priority Number:	974
Application ID:	1-1911-56672
Applying Entity Name:	American Institute of Certified Public Accountants
Applied-for TLD:	CPA
Primary Contact Name:	Mr. Christopher Niemi
Primary Contact Email:	Contact Information Redacted
Primary Contact Phone No:	Contact Information Redacted
Question Number(s) to Change:	20 (b); 20 (c)
Reason(s) for the change request:	See below

Reason(s) for the change request

The reason for submitting this change request are threefold:

- 1) On (date), ICANN contacted the AICPA in order to clarify whether its application for the community-based .CPA gTLD referred to above was and is to be considered a “single registrant / single user” gTLD. AICPA understands that this request was made following the GAC’s Beijing Communiqué.

The AICPA did not intend to operate the .CPA gTLD as a “single registrant / single user TLD”: it only intended to initially restrict the registration of domain names in the .CPA gTLD to itself (e.g., membername.cpa), and delegate the use of such name to the corresponding member, being a licensed practitioner and CPA member in accordance with the AICPA’s Bylaws which, for the sake of completeness, includes the AICPA US Members along with the AICPA International Associate membership category. By also allowing the latter category to coordinate domain name registrations in the .CPA gTLD, members of eleven international bodies that are recognized in countries such as Canada, Japan, and Hong Kong would also be able to operate .CPA domain names.

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Therefore, the AICPA initially intended to operate the .CPA gTLD as a “single registrant / multi user TLD”.

This restriction was intended a safeguard for the public at large, considering the fact that the Applicant and its members are conducting activities within a highly regulated context. This way, the Applicant could have (almost) full control over the domain name, and suspend or even cancel a domain name if the member in question would no longer be a member of the Applicant or would have engaged in conduct that does not correspond with legal requirements and/or membership criteria imposed by AICPA or its International Associates.

- 2) Since the submission of this application for the .CPA gTLD, the AICPA has entered into negotiations with various sister organizations in various countries who are performing similar functions in their jurisdictions as AICPA, including International Associates in accordance with AICPA’s Bylaws (“Affiliates”).

One of these sister organizations, CPA Australia Ltd., has also applied for the .CPA gTLD as a community-based gTLD (application ID 1-1744-1971). In essence, CPA Australia Ltd. performs the same functions as AICPA, awarding CPA accreditations to its members (see <https://www.cpaustralia.com.au>).

On June 17, 2014, the AICPA and CPA Australia Ltd, another applicant for the .CPA gTLD, have entered into an agreement, allowing CPA Australia Ltd to register domain names in the .CPA gTLD on behalf of its respective members, should the community-based .CPA gTLD be awarded to AICPA. Similar discussions are currently ongoing with other Affiliates, which would allow these organizations to register, supervise and manage domain names in their own name and in the name of their respective members. Reference is made to the recent press release that was issued in the context of the World Congress of Accountants, which press release has been attached hereto as **Annex 1**.

AICPA and its Affiliates would therefore collaborate in order to provide the public at large with a trusted, safe, and reputable Internet address: indeed, if an Internet user would access a website under a .CPA domain name, or communicate with an email address that ends in .CPA, such user knows and can rely upon the fact that the corresponding website or email address is operated by a CPA licensed by the AICPA or one of its Affiliates.

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This also underlines the fact that the Applicant's application for the community-based .CPA gTLD is not to be considered an application for a "single registrant / single user" gTLD.

AICPA refers to the endorsement letter provided by CPA Australia Ltd. for AICPA's community-based application (see **Annex 2** hereto); AICPA has provided a cross-endorsement letter to CPA Australia Ltd. (see **Annex 3** hereto).

- 3) Correction of a few typos.

Additional Information Required

Question 20 (b)

i. The Applicant is the leading national organization of all entities affiliated with AICPA. As explained in the reply to Question 20 (a) above, there are different national and state accounting professional societies associated with AICPA that – while being independent legal entities – are affiliated with the Applicant.

ii. The Applicant – that is to say, its management board – is accountable to the Governing Council (GC) of AICPA, which is the main governing body of the Applicant. The GC appoints the management board of AICPA and is also responsible for granting discharge to the management board. The ~~majority of the members of the general assembly is [look at By Laws].~~ Governing Council may exercise all powers requisite for the purposes of the Institute, not inconsistent with the Applicant's bylaws or with duly enacted resolutions of the membership, including but not limited to the authority to prescribe the policies and procedures of the Institute and to enact resolutions binding upon the Board of Directors, the officers, committees, and staff. Reference is made to <http://www.aicpa.org/ABOUT/GOVERNANCE/BYLAWS/Pages/index.aspx> for the most recent copy of the Applicant's Bylaws and Implementing Resolutions of Council.

Ultimately, it is therefore the AICPA members who attend the GC – hold the Applicant accountable to its members.

Therefore, there is a clear governance and organizational structure in place with the Applicant, AICPA.

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Question 20 (c)

~~i. i. — At least during the initial months or even years following the delegation of the .cpa gTLD to the Applicant, this extension is likely going to be a so-called “single registrant TLD” as contemplated by ICANN in Article 4.5 of the template Registry Operator Agreement (“Transition of Registry upon Termination of Agreement”).~~

~~For the avoidance of doubt, a “single registrant TLD” is a TLD where “(i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, and (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator.”~~

~~At a later stage, i~~n addition to AICPA, its Affiliates (such as, but not limited to, AICPA sister organizations in other countries, such as but not limited to the organizations referred to in 20(a)(ii)a. above, individual members and possibly third parties who perform services or offer products to the benefit of the Applicant’s members, will gradually possibly be entitled to register domain names in .cpa. On the other hand, AICPA intends to exclude those individuals and legal entities from the registration of domain names in the .cpa TLD who are not a member of AICPA or do not have a sufficient link to the AICPA community.

In any event, AICPA reserves the right to change or restrict any policies, procedures and practices at any point in time if it is of the opinion that there would be a risk that the reputation of the AICPA brand would be damaged.

ii. In line with the Applicant’s general objective to focus on activities which benefit its members, the Applicant expects that it will be the members of the AICPA community who will be the end-users of the .cpa TLD. At this stage, the Applicant cannot predict with certainty all the types of uses which the .cpa TLD will have, but AICPA will possibly use .cpa:

- as a platform for the Applicant’s members, who could be given the chance to present themselves under a unique identifier on the Internet which clearly and unambiguously shows their affiliation with AICPA;
- as a platform for secure and trusted communication with the AICPA members, clearly identifying the Applicant as the sender or, as the case may be, recipient of the

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communication;

- as a platform for third parties, who, after being authorized by the Applicant, could be given the chance to offer services and products on favorable terms to AICPA members;
- as a platform for the social initiatives and trusts supported and established by the Applicant and its members;
- as a means for the individual members to clearly demonstrate that they belong to the AICPA community, e.g. by way of providing them with a unique email address;
- in general as a platform to present AICPA and its activities to the public in general as well as to individuals/legal entities who consider joining the AICPA community in particular.

iii. The Applicant already provides a wide range of products, services and information which serve the benefit of its members, such as:

- serves as an advocate before legislative bodies
- develops standards for audits of private companies
- provides educational guidance to its members
- develops and grades the Uniform CPA examination
- monitors and enforces compliance with the profession's technical and ethical standards

The Applicant will of course continue providing these and additional services and products to its members and, as the case may be, also extend these to its Affiliates after the launch of the .cpa TLD.

The obligation to further the interests of its members is clearly laid down in the statutes Bylaws of the Applicant. The Applicant has been committed to this objective since its establishment over 100 years ago and AICPA has therefore already shown for decades its willingness and ability to serve the AICPA community and will continue to do so.

Question 20(d)

i. The Applicant is commonly known by its acronym AICPA. The American Institute of Certified Public Accountants has represented and advocated for the interests of CPAs in America and worldwide for over 100 years. The Applicant sets the professional and ethical standards for all CPAs in America and exerts significant influence on the standards of admission necessary to gain a CPA worldwide, working closely with its

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sister organizations in other countries. The applied for TLD reflects therefore the most valuable brand of the Applicant that builds on the Applicant's reputation it has gained in more than 100 years.

ii. The Applicant is not aware of any specific connotation the string may have beyond the AICPA community.

Question 20(e)

~~i. At least during the initial months or even years following the delegation of the .cpa gTLD to the Applicant, this extension is likely going to be a so-called "single registrant TLD" as contemplated by ICANN in Article 4.5 of the template Registry Operator Agreement ("Transition of Registry upon Termination of Agreement"). For the avoidance of doubt, a "single registrant TLD" is a TLD where "(i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, and (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator."~~

~~This will allow the Applicant to build awareness amongst its membership and the Internet community at large that the .cpa gTLD exists, that the domain names registered under .cpa and the content provided on the websites to which those domain names point are managed by AICPA.~~

~~At a later stage, i~~n addition to AICPA, its Affiliates (such as, but not limited to, AICPA sister organizations in other countries, such as but not limited to the organizations referred to in 20(a)(ii)a. above, individual members and possibly third parties who perform services or offer products to the benefit of the Applicant's members, will possibly gradually be entitled to register domain names in .cpa. That is to say, one of the main eligibility criteria will be that the interested party wishing to register a domain name in the .cpa TLD is either a member of the Applicant or has a sufficiently close link to the AICPA community.

In any event, AICPA reserves the right to change or restrict any policies, procedures and practices at any point in time if it is of the opinion that there would be a risk that the reputation of the AICPA brand would be damaged.

ii. The domain names to be registered by AICPA and, as the case may be, its

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Affiliates (that is, members and possibly third parties who perform services or offer products to the benefit of the Applicant's members, such as, but not limited to, AICPA sister organizations in other countries, such as but not limited to the organizations referred to in 20(a)(ii)a. above), will likely relate to the following:

- registered trademarks of AICPA;
- names of the individual members of AICPA;
- names of organizations associated with the Applicant,
- third parties who perform services or offer products to the benefit of the Applicant's members;
- names of departments within AICPA;
- names of foundations and social initiatives supported by AICPA;
- names of events organized by AICPA.

Furthermore, AICPA envisages registering a fair number of generic words that are directly or indirectly related to the services and products offered to and the activities organized by the various members of AICPA.

In addition to that, the Applicant will likely require that second-level names meet certain technical and syntax requirements such as that

- the A-label will have to consist exclusively of the letters A-Z (case insensitive), the numbers 0-9 and the hyphen ("-"), subject to the restrictions set out below;
- the domain name cannot begin or end with a hyphen ("-");
- underlined characters will not be allowed;
- the domain name cannot exceed 63 characters (excluding the TLD);
- the domain name will have to have a minimum length of 1 character.

The Applicant will reserve the right to itself to grant exemptions from some or even all of these technical and syntax requirements, if at all possible.

Moreover, the Applicant will possibly draw up a list of reserved names which will not be available for registration and also put possibly special provisions in place for geographic names (see reply to Question 22 below). The Applicant will however reserve the right to allocate to and register a domain name mentioned on the list of reserved names in the name of a party indicated by the Applicant.

- iii. The Applicant will likely require that the content and use made by a registrant of a second-level domain name in the .cpa TLD clearly relates to the AICPA community, e.g. by way of:

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- providing information on the activities of the Applicant or (a particular) Affiliate(s) of Applicant;
- offering products and services to the members of the Applicant, some of which may be on favorable terms for its members.

The Applicant will in any case require that all content and use offered under the .cpa TLD complies with all applicable laws, including, but not limited to, trademark laws, criminal laws, data protection laws etc. To that end, AICPA will likely require applicants for a second-level domain name registration to warrant that

- to their knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
- the applicant is not submitting the domain name registration request and, upon registration, will not use the domain name for an unlawful purpose, contrary to public policy or morality, for offensive purposes, to mislead the public and/or contrary to good and fair business practices; and
- it will not knowingly use the domain name in violation of any applicable laws or regulations, including third party interests; and
- it will keep the WHOIS information related to the domain name accurate and up-to-date at all times, both with its accredited registrar and AICPA.

AICPA reserves the right to change or restrict any policies, procedures and practices at any point in time if it is of the opinion that there would be a risk that the reputation of the AICPA brand would be damaged by the content or use made by a registrant of a second-level domain name in the .cpa TLD.

iv. Prior to the registration of a domain name in .cpa, AICPA will require its legal and intellectual property department to review the list of these domain names on a regular basis in order to satisfy itself that they will not infringe the rights of third parties. In addition, AICPA might install a complaints point of contact who can be addressed if a third party deems its rights being violated by a second-level domain name in .cpa. This complaints point of contact will be installed within the organization of the Applicant and will conduct an investigation of the complaint, if need be in cooperation with external legal advisers. Since the Applicant already offers diverse content under different domain names it has considerable experience in monitoring and ensuring compliance with the applicable laws. The Applicant will be able to leverage on this considerable experience but is committed to invest additional resources should the operation of .cpa require so.

Furthermore, any party will likely be entitled to request the complaints point of contact

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for further clarification or information with respect to a second-level domain name registration prior to or following the procedures which will be published on .cpa. The complaints point of contact may mediate between the complainant and the (prospective) registrant and will likely have the right and the powers to suspend, cancel or delete an application for or a registered second-level domain name. No fees will likely be charged by AICPA or the complaints point of contact in connection with any such mediation or remedy, which will likely be the only remedy offered by AICPA to the complainant.

The Applicant's domain name registration policies will contain clear rules and procedures with respect to:

- verifying, on a regular / spot-check basis, that the registrant of a particular domain name still meets the eligibility requirements for being a .cpa domain name registrant;
- verifying on a regular / spot-check basis, that the content provided under .cpa domain names is in line with the acceptable use policies and marketing guidelines issued by AICPA from time to time in relation websites operating under the .cpa gTLD.

In case of complaints from third parties arising after the registration of a domain name that likely infringes the trademark rights of a third party, the registrant will be contractually obliged to:

- conduct any such proceedings before an ICANN approved dispute resolution service provider in accordance with the UDRP, the URS, the Rules for UDRP and URS, and any relevant supplemental rules, as made available on the relevant websites and/or the Rules for URS and any relevant supplemental rules, as made available on the relevant websites); and to participate in good faith in any domain name dispute initiated by a third party complainant under the UDRP or URS against the registrant in compliance therewith and with the Rules for UDRP and/or URS.