



CONFIDENTIAL & BUSINESS PROPRIETARY

Article #: 030011	Date: 16 December, 2011
Article Name: Evaluation question #11: Applicant Background	AGB Reference: Sections 1.2.1 and 1.4.1.1
Version #: v02	Category: Supplemental Notes

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1. SUPPLEMENTAL NOTES:

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1.4 Question 11 is intended to capture background information on the applicant as a legal entity. The applicant should not provide information relating to any third-party service provider(s) that the applicant may contract with in the answer to question 11.

1.5 The answer to questions 11(e) through 11(h) should be a brief summary describing the allegation/conviction/negative judgment and how it was addressed. For example: "In 1998, our company was named in a lawsuit by XYZ corporation alleging trademark infringement by our Example Service. The California Court determined that we had pre-existing rights and dismissed the complaint in 1999, as recorded at ."

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1.1 ICANN is currently in the process of selecting a background screening service provider. Once a background screening service provider is selected, ICANN will work with the selected service provider to determine the minimum required information to collect in order to perform a meaningful background screening.

1.2 Question 11 is intended to capture background information on the applicant as a legal entity. The applicant should not provide information relating to any third-party service provider(s) that the applicant may contract with in the answer to question 11.

1.3 The answer to questions 11(e) through 11(h) should be a brief summary describing the allegation/conviction/negative judgment and how it was addressed. For example: "In 1998, our company was named in a lawsuit by XYZ corporation alleging trademark infringement by our Example Service. The California Court determined that we had pre-existing rights and dismissed the complaint in 1999, as recorded at <link/reference>."

2. BEST PRACTICE SUGGESTIONS:



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2.1 Applicants should read each evaluation question in its entirety, including the notes, criteria, and scoring text. The answer should address all criteria specified, and include detailed rationale demonstrating a thorough understanding of the criteria (i.e., show your work).

2.2 If acronyms are used, applicants should spell out the first instance, even if the acronyms represent a common term/product/service.

3. QUESTION TEXT:

- (a) Enter the full name, contact information (permanent residence), and position of all directors (i.e., members of the applicant's Board of Directors, if applicable).
- (b) Enter the full name, contact information (permanent residence), and position of all officers and partners. Officers are high-level management officials of a corporation or business, for example, a CEO, vice president, secretary, chief financial officer. Partners would be listed in the context of a partnership or other such form of legal entity.
- (c) Enter the full name, contact information (permanent residence of individual or principal place of business of entity) and position of all shareholders holding at least 15% of shares, and percentage held by each.
- (d) For an applying entity that does not have directors, officers, partners, or shareholders, enter the full name, contact information (permanent residence of individual or principal place of business of entity) and position of all individuals having overall legal or executive responsibility for the applying entity.
- (e) Indicate whether the applicant or any of the individuals named above:
 - i. within the past ten years, has been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that is the substantive equivalent of any of these;
 - ii. within the past ten years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of funds of others;
 - iii. within the past ten years has been convicted of any willful tax-related fraud or willful evasion of tax liabilities;
 - iv. within the past ten years has been convicted of perjury, forswearing, failing to cooperate with a law enforcement investigation, or making false statements to a law enforcement agency or representative;
 - v. has ever been convicted of any crime involving the use of computers, telephony systems, telecommunications or the Internet to facilitate the commission of crimes;
 - vi. has ever been convicted of any crime involving the use of a weapon, force, or the threat of force;
 - vii. has ever been convicted of any violent or sexual offense victimizing children, the elderly, or individuals with disabilities;
 - viii. has ever been convicted of the illegal sale, manufacture, or distribution of pharmaceutical drugs, or been convicted or successfully extradited for any offense described in Article 3 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;



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- ix. has ever been convicted or successfully extradited for any offense described in the United Nations Convention against Transnational Organized Crime (all Protocols);
- x. has been convicted, within the respective timeframes, of aiding, abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes (i.e., within the past 10 years for crimes listed in (i) - (iv) above, or ever for the crimes listed in (v) – (ix) above);
- xi. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents) within the respective timeframes listed above for any of the listed crimes (i.e., within the past 10 years for crimes listed in (i) – (iv) above, or ever for the crimes listed in (v) – (ix) above);
- xii. is the subject of a disqualification imposed by ICANN and in effect at the time of this application.

If any of the above events have occurred, please provide details.

- (f) Indicate whether the applicant or any of the individuals named above have been involved in any decisions indicating that the applicant or individual named in the application was engaged in cybersquatting, as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), Anti-cybersquatting Consumer Protection Act (ACPA), or other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP or bad faith or reckless disregard under the ACPA or equivalent legislation.
- (g) Disclose whether the applicant or any of the individuals named above has been involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made. Provide an explanation related to each such instance.
- (h) Provide an explanation for any additional background information that may be found concerning the applicant or any individual named in the application, which may affect eligibility, including any criminal convictions not identified above.

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