



**New gTLD Program**  
**Community Priority Evaluation Report**  
Report Date: 17 March 2014

Application ID:	1-1888-47714
Applied-for String:	MLS
Applicant Name:	The Canadian Real Estate Association (CREA)

**Overall Community Priority Evaluation Summary**

<b>Community Priority Evaluation Result</b>	<b>Did Not Prevail</b>
<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**

<b>Overall Scoring</b>	<b>11 Point(s)</b>	
<u>Criteria</u>	<u>Earned</u>	<u>Achievable</u>
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	4	4
Total	11	16
<b>Minimum Required Total Score to Pass 14</b>		

<b>Criterion #1: Community Establishment</b>	<b>4/4 Point(s)</b>
<b>1-A Delineation</b>	<b>2/2 Point(s)</b>
<p>The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community is clearly delineated, organized and pre-existing. The application received the maximum score 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 (“MLS”) is:

The community will be CREA membership, as defined in its By-laws, Rules, Regulations, which includes its Boards, REALTORS®, and Foreign Affiliates. All members of CREA must adhere to the standards set out in its Bylaws, Rules, and Regulations, a copy of which is attached to this answer. The existence of CREA dates back to 1943 when eleven real estate boards collaborated to form a national association. Its membership has steadily grown since then and now totals more than 100,000 REALTOR® members in Canada as well as Canadian member Boards and Foreign Affiliate Members outside of Canada.

This community definition shows a clear and straightforward membership. The community is clearly delineated, owing to the clear and straightforward membership definition, which requires CREA membership.

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of CREA membership.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Delineation.

#### Organization

Two conditions need to 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 has at least one entity mainly dedicated to the community, which is the applicant, CREA. According to the application,

CREA is a national trade association that represents its members at the federal level of government and acts as a watchdog on national legislation that pertains to the real estate industry. It also owns or controls the REALTOR® and MLS® trademarks in Canada and licenses those marks to its members. Boards operate MLS® Systems in association with the MLS® trademark that CREA licenses the Boards to use. REALTOR® members provide consumers with MLS® services using the MLS® Systems operated by Boards. CREA is the national body in organized real estate that brings its members together to address emerging issues, such as the future of the real estate industry in an increasingly technological world.

The community as defined in the application has documented evidence of community activities. This is confirmed by detailed information on CREA’s website (please also refer to the quote from the application documentation above).

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the 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 active prior to September 2007. According to the application:

The existence of CREA dates back to 1943 when eleven real estate boards collaborated to form a national association.

The Community Priority Evaluation panel determined that the community as defined in the application

fulfills the requirements for Pre-existence.	
1-B Extension	<i>2/2 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.</p> <p><u>Size</u></p> <p>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.</p> <p>The community as defined in the application is of a considerable size. The community for .MLS as defined in the application is large in terms of the number of members. According to the applicant, membership “now totals more than 100,000 REALTOR® members in Canada as well as Canadian member Boards and Foreign Affiliate Members outside of Canada”.</p> <p>In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of CREA membership.</p> <p>The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Size.</p> <p><u>Longevity</u></p> <p>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.</p> <p>The community as defined in the application demonstrates longevity. The pursuits of the .MLS community are of a lasting, non-transient nature.</p> <p>In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of CREA membership.</p> <p>The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Longevity.</p>	

<b>Criterion #2: Nexus between Proposed String and Community</b>	<b>0/4 Point(s)</b>
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 does not identify or match the name of the community, nor is it a well-known short-form or abbreviation of 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 (.MLS) does not match or identify the name of the community, nor is it a well-known</p>	

abbreviation of the community name. According to the applicant,

CREA is the owner of the MLS® trademarks in Canada and it licenses the use of this mark to its members.... The MLS® marks have been used since at least 1954 to describe the standard of service provided by members of organized real estate.... As only members of CREA are licensed to use the MLS® marks, they are unique to CREA's community. The MLS® Marks identify professional services rendered by members in good standing of CREA to affect the purchase and sale of real estate as part of a "plural system arrangement", also known as a co-operative selling system (the "MLS® Services")... The connection to the community is that CREA is the overarching body that maintains rules and regulations and provides services to benefit all of its members, in particular relating to the operation of MLS® Systems, and CREA's members are the members of the community.

Although CREA owns the trademarks for MLS in Canada and these trademarks have been used by CREA in Canada since 1954, MLS services and the MLS name is also used globally by those who are not members of CREA. In addition, there is substantial over-reach between the proposed string and the definition of the community as described in Criterion 1-A. According to the applicant,

By only allowing members of CREA to register and use the .MLS TLD in Canada and the United States, it is hoped that such use will reinforce to consumers that the MLS® marks represent cooperative services provided by members of organized real estate.

The Community Priority Evaluation panel determined that the applied-for string does not match or identify the name of the community as defined in the application, nor is it a well-known short-form or abbreviation of 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 has other significant meaning beyond identifying the community described in the application. 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. 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. In addition, as Major League Soccer is also closely associated with the acronym, MLS, the string has other significant meaning beyond identifying the community described in the application. 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 requiring registrants to be members of CREA and its foreign affiliates, although there is a possibility that the pool of potential registrants will be expanded to include broker and sales members who belong to CREA.

(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	<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 specifying that the associated boards use their corporate name or an acronym, while foreign affiliates will also have to include geographical modifiers in their second level domains, 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 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 specifying that the second-level domain names can only provide content that is consistent with the mandate of the gTLD, with prohibitions on the inclusion of illegal or unethical content, 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 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. The applicant outlines the measures it will take to investigate misuse of its trademarks, along with mitigation measures, such as investigation and termination of the domain name. (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>	

<b>Criterion #4: Community Endorsement</b>	<b>4/4 Point(s)</b>
4-A Support	<i>2/2 Point(s)</i>

The Community Priority Evaluation panel determined that the application fully met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the applicant is the recognized community institution. The application received a maximum score 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. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance.

The Community Priority Evaluation panel determined that the applicant is the recognized community institution/member organization. The applicant also possesses document support from its member organizations, and this documentation contained a description of the process and rationale used in arriving at the expression of support. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition

*2/2 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score 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 letters of opposition, which were determined to not be relevant, as they 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 satisfies 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](http://newgtlds.icann.org)>.