



**New gTLD Program**  
**Community Priority Evaluation Report**  
Report Date: 22 July 2015

Application ID:	1-1309-81322
Applied-for String:	SPA
Applicant Name:	Asia Spa and Wellness Promotion Council Limited

**Overall Community Priority Evaluation Summary**

<b>Community Priority Evaluation Result</b>	<b>Prevailed</b>
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 met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.	

**Panel Summary**

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

<b>Criterion #1: Community Establishment</b>	<b>4/4 Point(s)</b>
1-A Delineation	<b>2/2 Point(s)</b>
The Community Priority Evaluation panel determined that the community as defined by the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. The application received a score of 2 out of 2 points under criterion 1-A: Delineation.	
<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 application) among its members.	

The applicant defines its community as follows:

The spa community primarily includes:

- Spa operators, professionals and practitioners
- Spa associations and their members around the world
- Spa products and services manufacturers and distributors

According to the AGB, “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.” As required by the AGB, the application shows a clear and straight-forward membership definition given the specificity of the industry’s services and products, the prevalent requirement to have a license, and a verifiable membership by way of participation in associations representing the interests of spa operators. Spa operators can be identified by way of their service offerings and licenses; spa associations by way of their missions and membership; the third category of related products and service providers must directly serve spa operators themselves.

According to the AGB’s second Delineation criterion, “community” implies “more of cohesion than a mere commonality of interest” and there should be “an awareness and recognition of a community among its members.” The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities that are in the spa industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community.<sup>1</sup> In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show. Members of all three of these membership categories recognize themselves as part of the spa community as evidenced, for example, by their inclusion in industry organizations and participation in their events.<sup>2</sup>

The Panel determined that the community as defined in the application satisfies both of the 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.

According to the AGB, “organized” implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.” According to the application:

There are about 40,000 spas around the world. There are regional spa associations in Asia, Africa and Europe, a few international spa associations mainly established in the US, and many local and national spa associations around the world. These associations are usually member organizations of which spa operators are members.

The International Spa Association (ISA)<sup>3</sup>, which the applicant cites as an example of a community organization and from which the applicant has received a letter of support, is committed to serving the community as defined by the applicant. According to the ISA website, membership is comprised of spa operators, their employees, owners of spa chains, and suppliers of the spa industry. The ISA membership is therefore closely aligned with the community as defined by the applicant.

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<sup>1</sup> The Panel’s review of a sub-set of spa associations found that their definitions of the spa industry are closely aligned with the applicant’s definition of its community. For example, the International Spa Association, one of the main industry associations, represents “health and wellness facilities and providers in more than 70 countries. Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers.” This definition of the industry includes the vast majority of entities included in the defined community.

<sup>2</sup> See for example the International Spa Association: <http://experienceispa.com/>

<sup>3</sup> See <http://experienceispa.com/>

The ISA has been active since its founding in 1991 and its documented activities include conferences and expositions<sup>4</sup>.

The Panel determined that the community as defined in the application satisfies both of 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) and must display an awareness and recognition of a community among its members.

The community as defined in the application was active prior to September 2007 as required by the AGB, section 4.2.3. According to the application:

The spa community has been active for a very long time... National and local spa legislatures and associations have been leading the way in the organization of the community since the 18th century. In the recent decades, regional and international organizations have been established.

The Panel acknowledges that not all elements of the community defined in the application have been in existence since the dawn of the industry; however, the proposed community segments have been active prior to September 2007. For example, the International Spa Association, a professional organization representing spas in over 70 countries, has been in existence since 1991. As discussed above, these associations and their members, in addition to being active prior to 2007, demonstrate the AGB's requirements for awareness and recognition.

The Panel determined that the community as defined in the application fulfills the requirements for pre-existence.

#### 1-B Extension

*2/2 Point(s)*

The 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 AGB, as the application fulfilled the requirements for the size and longevity of the community. The application received a score of 2 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 considerable size. According to the application, there are more than 40,000 spas worldwide. The global spa industry is estimated to have generated US\$94 billion in revenue in 2013.<sup>5</sup> Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

#### 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.

<sup>4</sup> See <http://experienceispa.com/ispamedia/news/item/2006-ispera-conference-expo-2>

<sup>5</sup> See <http://www.reuters.com/article/2014/09/30/us-life-wellness-idUSKCN0HP2OK20140930>, [http://www.globalwellnesssummit.com/images/stories/pdf/wellness\\_tourism\\_economy\\_exec\\_sum\\_final\\_10022013.pdf](http://www.globalwellnesssummit.com/images/stories/pdf/wellness_tourism_economy_exec_sum_final_10022013.pdf)

The community as defined in the application demonstrates longevity. Spa services have existed for centuries and industry growth indicates that spas are likely to continue to operate well into the future. According to research conducted by SRI International, the global spa industry generated US\$94 billion in 2013, up 58% from 2007. The study also found that the number of spa locations grew by 47% to around 106,000 in the same period. Moreover, participation in spa associations has also increased. For example, the International Spa Association was born from a meeting of spa professionals in 1990 to an organization with members in more than 70 countries and an annual conference and expo with over 200 exhibitors. Another example is the European Spas Association<sup>6</sup>, which began with eight founding members<sup>7</sup> and now has 19<sup>8</sup>. Given the size of the spa industry, both in terms of revenue and number of establishments, as well as its historical background, the Panel has determined that the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

<b>Criterion #2: Nexus between Proposed String and Community</b>	<b>4/4 Point(s)</b>
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2-A Nexus	<b>3/3 Point(s)</b>
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The Panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string matches the name of the community as defined in the application. The application received a score of 3 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 (of 2 out of 3 points; 1 point is not possible), 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.”

According to the application:

Most people inside and outside the spa community refer to spas and the spa community with the word “spa” as a distinctive descriptor... The word “spa” is the noun that the typical community member would naturally be called in the context. The term “spa” is not excessively broad and relates to the primary community of about 40,000 spas around the world, along with the community organizations, whose members are generally these operational spas.

The Panel has determined that the associations of spas, including those cited by the application, as well as the individual establishments that are operated by members of the community as defined by the application, are also “commonly known by others” (AGB) both in and outside of the community by the applied-for string “SPA”, as required by the AGB. Indeed, the word “spa” is defined as “A commercial establishment offering health and beauty treatment through such means as steam baths, exercise equipment, and massage” (Oxford Dictionaries)<sup>9</sup>. This common usage of the applied-for string closely aligns with the community as defined in the application. The community as defined by the application also includes entities which are not spas or spa

<sup>6</sup> The European Spas Association was founded in 1995 in Brussels, Belgium as an umbrella association for national spa associations in Europe. See <http://www.europeanspas.eu/who-we-are/>

<sup>7</sup> Members are national spa associations in European countries.

<sup>8</sup> See [http://www.europeanspas.eu/press/ESPACongress2015\\_postcongressnews](http://www.europeanspas.eu/press/ESPACongress2015_postcongressnews)

<sup>9</sup> The Panel’s consulting a dictionary is based on the AGB’s requirement to determine how the applied-for string is used for evaluation of Nexus. While there are many dictionaries, Oxford’s is among the most well-respected usage dictionaries available. Usage dictionaries specifically analyze present and evolving uses of a word, capturing in this case the most prevalent uses of “spa”. See: <http://www.oxforddictionaries.com/us/words/about>

associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a non-essential component of the spa community. Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association.<sup>10</sup> This subset of the community, along with the principal spa community, therefore, meets the requirement for “match” with regard to Nexus.

Therefore, the Panel has determined that the applied-for string is the established name by which the community is commonly known by others. The Panel determined that the applied-for string does match the community as defined in the application. It therefore meets the requirements for full credit on Nexus.

**2-B Uniqueness**

***1/1 Point(s)***

The Panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application received a score of 1 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 application acknowledges several other uses of the string “SPA” and the Panel has further identified others, including colloquial uses of the word “spa” to refer to products used outside of a spa business. However, these uses are insignificant in comparison to the generally known reference of “spa” globally and the Panel has determined therefore that there are no other significant meanings to the public in general beyond identifying the community defined in the application.<sup>11</sup>

The Panel therefore determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

**Criterion #3: Registration Policies**

***3/4 Point(s)***

**3-A Eligibility**

***1/1 Point(s)***

The Panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, 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. According to the application:

the registrant must be able to provide information/data demonstrating that they have:

1. A valid operating license, where applicable;
2. A spa, beauty or wellness certification, where applicable;
3. A valid business registration;
4. A membership with any spa or wellness industry association;
5. A declaration that the domain will be used for the promotion of spas and wellness related products or services.

The application therefore demonstrates adherence to the AGB’s requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

<sup>10</sup> <http://experienceispa.com/>

<sup>11</sup> Among the other uses of the word “spa” cited by the applicant and others reviewed by the applicant, the Panel reviewed that of the Belgian town of Spa. The municipality has reached an agreement with the applicant and supports its use of the applied-for string. Furthermore, the name of the small town, with a population of about 10,000, is known locally but is not a significant use in comparison to the global context of the applicant’s community.

3-B Name Selection	<i>1/1 Point(s)</i>
<p>The 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 score of 1 out of 1 point under criterion 3-B: Name Selection.</p> <p>According to the application:</p> <p style="padding-left: 40px;">During Sunrise, registrants must select names corresponding to their trademark, trade name, company name, or otherwise names with demonstrable usage (especially in relation to the spa community).</p> <p>Outside of the Sunrise phase, the application states that “registrants may select names of their choice. However, all registrants must accept the mandatory guidelines (as described in C) below), including the selected domain name. This ensures that name selection rules are consistent with the community-based purpose of the .spa TLD.” In particular,</p> <p style="padding-left: 40px;">the community purposes of the .spa TLD are:</p> <ul style="list-style-type: none"> <li>A. To support the spa and wellness community, especially to extend the spa experience on the Internet;</li> <li>B. To advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,</li> <li>C. To transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.</li> </ul> <p>Therefore, the Panel determined that the application did satisfy the conditions to fulfill the requirements for Name Selection.</p>	
3-C Content and Use	<i>0/1 Point(s)</i>
<p>The Panel determined that the application does not meet the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria). The application does not provide evidence that the content and use rules included are consistent with the articulated community-based purpose of the applied-for TLD. The application therefore received a score of 0 points under criterion 3-C: Content and Use.</p> <p>To fulfill the requirements for Content and Use, the registration policies for content and use must be consistent with the articulated community-based purpose of the applied-for gTLD. According to the application,</p> <p style="padding-left: 40px;">One of the first tasks for the SPARC [SPA Registry Community-Advisory-Council] upon its formalization (after the approval from ICANN of the .spa TLD) is the development of a set of mandatory guidelines for .spa registrants. Some of the broad based principles have been included in #18c 5. Mandatory Guideline for Registrants.</p> <p>The mandatory guidelines described in the application are not sufficiently specific with regard to content and use to meet AGB requirements for rules that are consistent with the community-based purpose. Moreover, although the applicant has established a body (SPARC) to develop the guidelines, the rules specific to content and use have not been developed and therefore the Panel was unable to evaluate whether or not such rules meet the criteria contained in the AGB.</p> <p>The application therefore does not meet the AGB’s requirement of content and use rules that are consistent with the application’s community-based purpose and scores 0 points.</p>	
3-D Enforcement	<i>1/1 Point(s)</i>
<p>The Panel determined that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines a coherent and appropriate appeals mechanisms. The application received a score of 1 point under criterion 3-D: Enforcement.</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. According to the application:

a. Sunrise Verification Process To ensure the integrity of the process and enforcement, all Sunrise applications will be verified against the requirements (as suggested in A) above, and further detailed in the full Sunrise policies). Registrants that cannot substantiate their claims will be rejected. The verification process will also include a reconsideration and amendment process which serves as an appeal mechanism (further details in #29).

b. Sunrise Challenge Process All Community Sunrise applications will also be locked for a 60 day period upon it being successfully verified and registered. The Whois information along with the documentary proof provided will be publicly searchable (via the registry website). At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism...

a. Abuse Prevention & Mitigation

Illegal activities and activities that threaten the security and stability of the Internet or the registry will be responded to utilizing the abuse prevention & mitigation (APM) processes as described in #28. All illegal and abusive activities would be considered to be against the community purpose of .spa. Illegal activities will be referred to appropriate law enforcement agencies.

b. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, B), as well as content and use, C), of .spa domain names. Description of the Warning and Suspension Process has been included in #18c 6. Warning and Suspension Process above. This Warning and Suspension process provides an effective, efficient and definite measure for due process and takedown procedures to be taken against violators of the mandatory guidelines, which ensures that the community purpose of the .spa TLD is maintained.

The applicant outlined policies that include specific enforcement measures constituting a coherent set. The Panel determined that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

**Criterion #4: Community Endorsement**

**3/4 Point(s)**

Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN’s website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and as applicable attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at <http://newgtlds.icann.org/en/applicants/cpe>. The table below summarizes the review and verification of all support for and opposition to the ASWPC application for the string “SPA”.

**Summary of Review & Verification of Support/Opposition Materials as of 22 May 2015**

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	1	0	0	0
Attachments to 20(f)	1	1	1	0

<b>Correspondence</b>	12 <sup>12</sup>	5	5	2
<b>Grand Total</b>	14	6	6	2
<b>4-A Support</b>				<b><i>1/2 Point(s)</i></b>
<p>The Panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, 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 must have documented support from the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means that the institution(s)/organization(s), through membership or otherwise, are clearly recognized by the community members as representative of the community as a whole. 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 by the application.</p> <p>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, as required by the AGB. However, the 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 the recognized community institution(s)/member organization(s). A recognized community institution or member organization is one which not only (1) represents the entirety of the community as defined by the application, but is also (2) recognized by the same community as its representative. No such organization among the applicant’s supporters demonstrates the kind of structure required to be a “recognized” organization, as per AGB guidelines, and the Panel has determined that no such organization exists. While the International Spa Association, cited previously in this document, is dedicated to the spa community, all members of the community defined in the application do not uniformly recognize it as having the authority to represent them. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.</p>				
<b>4-B Opposition</b>				<b><i>2/2 Point(s)</i></b>
<p>The Community Priority Evaluation panel has 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 received no relevant opposition. The application received a score of 2 out of 2 points under criterion 4-B: Opposition.</p> <p>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 relevant group of non-negligible size.</p> <p>The Community Priority Evaluation panel has determined that there is no relevant opposition to the application. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.</p>				

**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 AGB or the Registry Agreement. For updated application status and complete details on the program, please refer to the AGB and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

<sup>12</sup> The correspondence for .SPA includes several letters from the applicant, from ICANN, and from the Belgian City of Spa that all relate to the same point. The relevant subject was evaluated and initial objection was verified to have been withdrawn.