



## Comments on the 2<sup>nd</sup> Draft Applicant Guidebook

DotBZH is a proposed gTLD, intending to provide the Breton Cultural and Linguistic community a specific name space under the .bzh top level domain. The application of dotBZH will be posted by the French *Association www.bzh*, a non-for-profit organization, incorporated in Quimper, France, in July 2008.

First of all, we would like to thank ICANN and its staff for the consideration they will pay to not only our but all contributions that ICANN open process lets us make.

### I – Recognition of the Cultural & Linguistic TLDs

The phenomenal expansion of the Internet created a large community of 1,5 billion users worldwide. To further promote and enrich its use, Internet has to be made more accessible for all communities, including through the global name space. By introducing in 2006 the .cat, specific to the Catalan community, working on introducing Internationalized Domain Names under a fast track system, and encouraging international representation within its own organization, ICANN has demonstrated its understanding of the need for diversity in the Internet. In order to continue this effort, we suggest that ICANN takes in consideration the specific needs and constraints of new Cultural and Linguistic based TLD applicants.

The aim of such TLD is to make the name space of Internet more accessible to our communities and promote the diversity of contents online. The example of .cat shows that such registry would operate a modest number of domain names (35,000) compared to commercial gTLD or even well developed ccTLD. Nonetheless, the .cat has demonstrated its economical viability and added value to the name space, given the high percentage of use per domain.

**Considering the public interest of Cultural & Linguistic TLD, we therefore suggest that ICANN recognizes this specific category of applicants within the Community-Based designation.**

A proposed change to the Applicant Guidebook could be:

“[...]”

1.2.2 Two Application Types: Open or Community-Based Designation

1.2.2.1 Definitions

[...] An applicant for a community-based gTLD is expected to:

1. Demonstrate an ongoing relationship with a defined community that consists of a restricted population.
2. Have applied for a gTLD string strongly and specifically related to the community named in the application.
3. Have proposed dedicated registration and use policies for registrants in its proposed gTLD.
4. Have its application endorsed in writing by an established institution representing the community it has named.

**If the definition of an intended community of users is based on Cultural & Linguistic criteria, the application will be considered as a specific sub-category of community-based TLD and will be referred to as a cTLD hereafter in the document. In addition to the requirements of a community-based TLD, a cTLD applicant is expected to:**

- refer to an existing language, as recognized by UNESCO, as a constitutive element of the community.
- demonstrate the relevance of the string to the community.
- have a non-for-profit structure as the agreed operator of the registry.

[...]

Glossary

Terms Applicable to this RFP and to the New gTLD Application Process

[...]

**A Cultural & Linguistic TLD is a specific type of community-based TLD. The use of a language, recognized by Unesco, is a constitutive element of the represented community. The registry operator contracting with ICANN is necessarily a non-for-profit organization.”**

## II – Application fees

*“[...] Outreach, transparency, and broadly participatory processes on an international basis are not inexpensive. It is vital for ICANN to continue to refine its models for sustainable operation, taking into account the economics of the various actors in the Internet arena that rely on ICANN's operation, and fairly apportioning costs of ICANN operation to appropriate sources of support. Not all of the beneficiaries of ICANN's work derive the same level of revenue from the Internet (and some, none at all). ICANN must take this into account in devising mechanisms for supporting its operation and should work to make transparent the need to provide services to parties who may not be in a position to contribute commensurate with cost. Adequate and stable funding for ICANN is necessary if ICANN is to fulfill its charter. [...]”*

Vint Cerf, *Looking Towards the Future*, Legacy letter to ICANN, October 2007

We understand the overall cost of setting up a new procedure of application and the financial interests at stakes with the process, however the application fee, as it is, remains a major hindrance for non-commercial bids and threatens the feasibility of Cultural & Linguistic TLD applications. The organizations applying for a cTLD are non-for-profit organizations with limited resources. They do not necessarily have access to the same level of funding as commercial bids.

The resources as well as the mission of public interest of the cTLD applicants should be taken into account by ICANN and therefore, **the application fee should be reduced to USD50,000 for cTLD. ICANN could do so by:**

- setting up a fast track for cTLD application

or

- refunding part of the application fee once proved the Cultural and Linguistic nature of the TLD

**A proposed changed to the Applicant Guidebook could be:**

“1.5 Fees and Payments

This section describes the fees to be paid by the applicant. Payment instructions are also included here.

### 1.5.1 Description of Fees

The following fees are required from all applicants:

- TAS User Registration Fee – USD 100. This fee enables a user to enter the online application system. This fee is nonrefundable.
- gTLD Evaluation Fee – gTLD Evaluation Fee – USD 185,000. ICANN will not begin its evaluation of an application unless it has received the gTLD evaluation fee by the due date. Refer to subsection 1.5.4. The gTLD evaluation fee is set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded, and doesn't take resources from other ICANN funding sources, including generic registries and registrars, ccTLD contributions and RIR contributions.  
[...]

**Note on cTLD applicants –**

**The applicants for a cTLD will be eligible for a USD 135,000 rebate on the application fee if the purpose of serving a Cultural and Linguistic community is confirmed during ICANN evaluation.**

Applicants may be required to pay additional fees in certain cases where specialized process steps are applicable. Those possible additional fees include: [...]"

## III – Time line

Like all Cultural & Linguistic TLDs applicants, we are concerned about a the absence of a reliable time line for this application process.

As far dotBZH is concerned, our limited resources will not allow us to keep up with the ICANN pace, if the application period is constantly postponed. If the financial aspect has been mentioned previously, the critical matter derived from the unpredictable application calendar is that our credibility is at stake with our local supports. This credibility was already compromised, as ICANN in June 2008 in Paris, announced the opening of a new round of application. Under the impression that these future applications would be “open to anyone” and seemed easily accessible, many external observers largely misunderstood ICANN message. The absence of a reliable time line puts our TLD project at risk, in regards to our accountability towards local supports, local authorities most especially, as well as our ability to match the high expectation from our community.

**We would urge ICANN to confirm December 2009 as the opening date of the application period for the new gTLD.**