About Afnic

Afnic is a registry operator for top-level domains corresponding to the national territory of France (.fr, .re, .pm, .yt, .wf, .tf).

Afnic is also the backend registry operator for 15 new generic Top Level Domains. Afnic has advised applicants throughout the new gTLD process.

Afnic is a member of CCNSO, Centr, and APTLD.

First of all, we would like to congratulate the ICANN staff on their comprehensive review of the new gTLD program implementation. The report touches on every major aspect of our experience dealing with this process. We firmly believe this analysis will provide the Program Implementation Review team with a solid framework to assess the effectiveness of the application and evaluation process. We look forward to the opportunity to further work with ICANN and the community on these specific matters

We welcome the opportunity to bring up some specific feedback through this public comment.

Topic		Reference Lesson Learned	Comments
Chapter 1: Application Processing	1.1 Application Submission	1.1.a Explore a more structured way of capturing application responses	A possibility to provide application responses in different format and layouts should be offered. The TAS should be upgraded/improved in order to avoid the technical issues encountered during the first round.
		1.1.b Implement a system that would allow applicants the flexibility to associate as many applications as desired to a single user account	We support this proposition that will improve the whole process of submitting applications.
	1.2 Prioritization	1.2.a Assign priority numbers to applications prior to commencement of application processing	We support this proposition. Priority numbers could be assigned on a first come first served basis according to the timestamp obtained when submitting an application.

		1.2.b Consider grouping applications by common characteristics while establishing priority numbers, in order to increase processing efficiency	Afnic agrees with the key lesson voiced by ICANN staff to consider grouping applications by common characteristics while establishing priority numbers, in order to increase processing efficiency and as such reducing delays. Applicants can be grouped in three categories: geographic names, brand names and generic names. They each have different issues, different means and different goals. The AGB could not offer one rule that would fit for all of them. This is why Specification 13 and PIC had to be introduced afterwards. An AGB dedicated to each category will improve clarity from the beginning of the process for each applicant. For instance, Brand TLDs are often used exclusively by their applicants, sometimes through a single registrant / registry model. Application for such TLDs could be simplified as they do not require as much guarantees as a generic TLD open for registration. Distinguishing different categories would strengthen ICANN in insuring "the principles of fairness, transparency and non--discrimination", helping address common issues in a more appropriate way. The evaluation process efficiency will be increased for both ICANN and applicants.
	1.4 Application Change Requests	1.4.a Design application change request processes and criteria prior to the start of application processing	Yes, this will provide more clarity to applicants and ease the process.
		1.4.b Consider whether all types of application changes should be processed the same way	We agree with this proposition, more particularly with regard to the processing of contact changes which was complicated to handle during the first round.
Chapter 2: Application Evaluation	2.1 Initial and Extended Evaluation	2.1.a Work with evaluation panels to perform pre-evaluation training and develop detailed procedures to ensure consistent and quality evaluations are achieved	We support this idea if this training process is transparent for the community i.e. allows to understand how evaluators are trained and if it does not delay the second round. Detailed procedures will indeed help evaluations consistency, specifically regarding clarifying questions.

		2.1.b Program processes that allow for additional communication between the applicant and ICANN, such as the Applicant Outreach process used in evaluation, may be beneficial	We support this proposition. Any improved communication between ICANN and Applicants is welcome.
	2.2 Background Screening	2.2.a Consider whether background screening should be performed during Initial Evaluation or at the time of contract execution	Background screening should be performed at the contract execution level. This will speed up the evaluation process and avoid useless efforts if the application fails or is withdrawn.
		2.2.b Consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases (e.g., newly formed entities, publicly traded companies, companies in jurisdictions that do not provide readily available information)	We agree with this proposition.
	2.3 String Similarity Evaluation	2.3.b Consider any additional policy guidance provided to ICANN on the topic of String Similarity	From our standpoint, similar and plural versions of the same string should be considered as identical in order to avoid confusion. We also recommend that applicants be given enough guidance on this matter before deciding on the TLD string to submit (eg, put at their disposal an online tool implementing the SWORD algorithm to have a prior indication on the String Similarity against the updated TLD database).
	2.5 Geographic Names Evaluation	2.5.a Consider the purpose and the implications of the Geographic Names evaluation, particularly in terms of whether its purpose is limited to evaluation or if there are other implications to the Geographic Names designation	We agree with this item. From our experience, the critical aspect of granting an application any form of Geographic Name designation lies in a clear support of public authorities. This support must also be easily verified by the community.

		2.5.b Consider ongoing work by various members of the community around geographic names in defining future procedures	We also agree to this item.
	2.6 Technical and Operational Capability Evaluation	2.6.a Consider whether an alternate approach to the Technical and Operational Capability evaluation would be worthwhile	We support that ICANN accredits Backend Registry Operator (BERO) to facilitate technical reviews and differentiate steps in application process. Our experience as a BERO during the last application round consisted in repeating very similar tasks for each of our customer applying for a gTLD. For example, we filled out the technical application with minor variations a great number of times. These technical parts of the applications have been reviewed 17 times. It generated a few Clarifying Questions (CQs) but in an inconsistent fashion (similar answers would not necessarily entail the same CQ). Furthermore, we passed the Pre-Delegation testings multiple times, provoking the same questions and answers, over and over. We believe an alternate approach to the evaluation and testing of the technical capabilities could improve the application process. ICANN could accredit/certify BERO and make sure that they are : capable of providing the appropriate technical services and respect service level agreement. compliant with ICANN technical requirements (introduction of new services as RDAP) and policies. By reviewing BERO capabilities, instead of the technical details provided by BERO to applicants, the application process will gain much in efficiency (dealing with tens of BERO instead of hundreds of applicants). Moreover, this accreditation process could be separate from a second round of applications. In future rounds, a prospective applicant would select a certified BERO and focus on its administrative and business application. From our standpoint, the application process would benefit from this major proposal and gain in effectiveness. The whole process of BERO accreditation must also lead to the reduction of the prices and costs of an application for future TLDs.

		2.6.b Review Technical and Operational Capability Clarifying Questions and responses to determine whether improvements to the application questions can be made	Please refer to comment 2.6.a on Technical and Operational Capability Evaluation
	2.7 Financial Capability Evaluation	2.7.a Consider whether an alternative approach to the Financial Capability evaluation would be worthwhile	Firstly, we suggest that ICANN takes into account the specificity of brandTLD for which a TLD simply has operational costs and no direct revenue. Secondly, ICANN could focus only on financial resources available to the applicants. Most actual business models are probably below the worst case scenario described in the application. The main objective for ICANN should reside in ensuring that a proper COI is in place. This COI could take the form of an escrow account or a minimum fee that could be included in the application fee.
		2.7.b Review Financial Capability Clarifying Questions and responses to determine whether improvements to the application questions can be made	We support this item.
	2.8 Registry Services Evaluation	2.8.a Update the process for collection of registry services information to better support both evaluation and contracting activities	We strongly support this item.
		2.8.b Consider whether an alternate approach to Technical and Operational Capability Evaluation would be worthwhile, and if so, how the evaluation of Registry Services could be incorporated into the approach	Please see comment 2.6 on Technical and Operational Capability Evaluation
Chapter 3: Objections Procedures	3.1 GAC Advice	3.1.a Continue engagement with the GAC during the review process and the development of future procedures to ensure that its input is incorporated into relevant processes as early as possible	Yes, as early as possible i.e. before application process starts.

Chapter 5: Transition to Delegation	5.1 Contracting	5.1.a Explore the feasibility of finalizing the base Registry Agreement before applications are submitted or establishing a process for updating the Registry Agreement	For predictability purposes we support the idea of exploring the feasibility of finalizing the base Registry Agreement before applications are submitted or establishing a (clear) process for updating the Registry Agreement. Changes in the Registry Agreement during the first round has led to a lot of uncertainty and does not constitute good business practices. From applicant's point of view, knowing precisely what Registry Agreement they will enter into before the submission of their application will increase stability and predictability. This will also have a positive impact on ICANN image.
		5.1.b Explore whether different applicant types could be defined in a fair and objective manner, and if there are to be different applicant types, consider whether there should be different versions of the Registry Agreement	We believe that the base Registry Agreement should be adapted to each category of applicants (please see comment 1.2b on Prioritization) considering that requirements might change from one to another (specification 13, Community requirements, public authorities specificities etc.). By allowing such distinction between categories of applicants, ICANN will also simplify the Registry Agreement execution process gaining valuable time in the whole process of launching new gTLDs.
	5.2 Pre-Delegation Testing and Transition to IANA	5.2.a Consider which tests should be performed once per technical infrastructure implementation and which should be performed for each TLD	Yes, we fully agree with this approach (please, see comment 2.6 on Technical and Operational Capability Evaluation).
		5.2.c In considering an alternate approach to the Technical and Operational Capability Evaluation, if an RSP accreditation program is considered, explore how Pre-Delegation Testing would be impacted	We strongly support this item.
Chapter 7: Continued Operations Instrument	7.1 Continued Operations Instrument	7.1.a Explore whether there other more effective and efficient ways to fund an emergency back-end registry operator in the event of a TLD failure	A minimum fee (18,000 USD) could be included in the application fee for any applicant. ICANN may use this fee to cover the cost of transition to the EBERO. Any additional charges may be supported by the new registry Operator of a failed TLD. ICANN may also consider the excess amount paid in application fees during the previous round to secure the continuity of TLDs.

		Additional comments	
		Application and recurring Fees	We support the idea that ICANN should significantly reduce application and recurring fees for future rounds. ICANN should also consider offering waivers of application fees to developing countries' projects particularly when those projects are community-based and/or non-commercial.
		Right Protection Mechanism	We would like to point out the complexity of the Right Protection Mechanism (RPM) requirements that had to be implemented during the Launch phases. Those requirements have forced TLDs to comply with a very rigid launch policy not always adapted to their purpose (Geographic, Brand and Community). Furthermore, in the case of geographic/community TLDs, specific launch programs allowing for example public authorities to have priority over TMCH during Sunrise phases, have rarely been approved by ICANN within reasonnable time frame. As a matter of fact, the delays imposed by ICANN to approve specific launch programs were conflicting with TLDs launch plans and has led to many inconveniences (financial, administrative and commercial). For those reasons, we would like to invite ICANN to reconsider RPM processes for future rounds. So far, those processes never demonstrated their efficiency with regard to the protection of rights and have brought useless exepenses. Besides, Afnic strongly recommend that ICANN includes PGI (protected geographical indication) in these processes.
		Universal Acceptance	We would like to add an observation with relation to Universal Acceptance and how it could be much better anticipated at the next application round. Indeed, one can notice that the Universal Acceptance issue became actually visible only once a substantial number of ngTLDs got operational. ICANN started then raising awareness and asked the TLD community to relay the message for outreach. Some ngTLD applicants disappointedly discovered that their ngTLD wouldn't be fully accepted by all Internet applications, such as in Web forms or email platforms. For the next application round to avoid such a bad surprise, the applicants should be made well aware from the beginning that depending on their choice of TLD string, they might get in trouble later, even if all efforts are made by the Internet community to mitigate the risk of unabailability of some Internet services due to a lack of acceptance.