

November 9, 2012

This letter is a response from the informal, Community TLD Applicant Group (CTAG)¹ to ICANN's request for comments on the Use of a Drawing for Prioritizing New gTLD Applications.

In general, CTAG commends ICANN for creating a proposal that takes into consideration the substantial amount of community input that has been provided. There is consensus within our group that ICANN's proposal offers a constructive framework that will allow the new gTLD program to proceed successfully. We are pleased to submit the following comments that represent a consensus view of the community TLD applicants that currently participate in the CTAG. Moreover, the comments provided herein are consistent with those made by CTAG participants Raphaëlle Laubie, Scott Seitz and Jacob Malthouse during ICANN's public comment forum on new gTLDs in Toronto on October 18, 2012.

Prioritization of Applicants

The CTAG appreciates ICANN's proposal to prioritize IDNs as they are believed to serve the global public interest. The CTAG acknowledges the 17 October 2012 GAC Communiqué that includes "Some members consider that geographic name gTLDs approved by the relevant government authority, community names and applications from developing countries should likewise be prioritized." The CTAG concurs with the members of the GAC that suggested community names be prioritized.

Community applications receive preferential status in the new gTLD program because of the commitments that have been made to serve the public interest of those respective communities. As self-identified community applicants, all were required to respond to Applicant Guidebook question 20 that necessitated they define their registration restrictions (i.e., eligibility, name selection, content/use, and enforcement), accountability mechanisms and to provide endorsement letters from their respective communities. The commitments these applicants made and the endorsements they received demonstrate and substantiate their role in serving the public interest. Additionally, these applicants will be contractually bound by ICANN to their commitments and be subject to enhanced compliance mechanisms such as the Registration Restrictions Dispute Resolution Procedure (RRDRP).

The CTAG believes that ICANN should prioritize community applications as it would be consistent with the preferential position they are afforded in the new gTLD program. The CTAG recognizes that the 84 community applicants, representing about 4% of applicants (compared to IDNs that represent about 6.5% of applicants), represent a broad range of types of gTLDs (e.g., health, regulated industries, culture, geographic terms, brands, etc.) and as such should be granted priority in the evaluation process.

Finally, the CTAG would like to highlight that ICANN's historical introduction of community-focused gTLDs (previously referred to as sponsored gTLDs), first in 2000 and then 2004, has recognized the value that these specialized gTLDs can provide to Internet users. The CTAG feels strongly that with ICANN's recognition of community gTLDs, consistent with the principles in the Applicant Guidebook and in particular with the Community Priority Evaluation, that it has a responsibility to ensure its process result in these gTLDs being awarded to the applicants that best represents the needs and interests of their respective communities.

Community Priority Evaluation (CPE)

The CTAG has had extensive discussions about CPE and its potential impact on community applicants and their standard applicant contenders. The Applicant Guidebook provides that CPE can begin once all applications in the contention set have completed all previous stages of the process. The CTAG proposes the following enhancements that would add more predictability and certainty for community applicants and those in their contention sets:

¹ The CTAG met for the first time during ICANN's Toronto meeting. The purpose of the group is to share information about mutual areas of interest in the new gTLD program and to assess how it might constructively engage ICANN and inform the program. The CTAG currently has 41 participants representing 37 applications and efforts are underway to broaden participation in the group. See Annex A for participant information.

CPE Election and Scoring: The CTAG requests that community applicants be permitted to elect CPE and be scored as soon as their initial evaluation is complete regardless of the status of any contending applications or whether the applicant is subject to a dispute resolution procedure. There doesn't appear to be any benefit to waiting for CPE to commence until after initial evaluations and dispute resolutions processes have been concluded. On the contrary, it would appear advantageous for all applicants to know as soon as possible about the outcome of CPE.

CPE Pilot and Clarifying Questions: Consistent with ICANN's approach to launching a pilot and issuing clarifying questions for initial evaluation, CTAG participants believe a similar program for CPE, performed on at least a few applications, could help refine how this process will work. The information and learning that would be gained by ICANN would be beneficial to community applicants, to the community priority evaluation panel and to the International Chamber of Commerce, the dispute resolution service provider for community objections. It is in the best interests of all applicants that a structured and consistent approach to CPE be open and transparent and that ICANN be held accountable that its results are consistent with the public interest benefits of community gTLDs. CTAG participants are interested and available to work with ICANN to develop and support such a process.

CPE Test: The CPE process, if elected by a community applicant, will give them automatic approval over a standard, contending applicant provided they achieve at least a score of 14. However, the CPE is new and thus never been tested. Several non-contending, community applicants have volunteered to have CPE performed on their application and to have those results published to the ICANN community. CTAG formally requests that ICANN conduct a CPE test on at least a few applications and that it publish the deliberations and findings of the community priority evaluation panel. It is recommended the test process results be completed by around 1 February 2013.

ICANN Registry Agreement - Contracting Process

In presentations made during the ICANN meeting in Toronto and new gTLD webinars conducted prior to it, the message to applicants has been that if they accept the standard form Registry Agreement they will advance through the contracting process more quickly than those applicants that request negotiation or have special considerations. Community applicants, by virtue of the commitments they made in their responses to Applicant Guidebook question 20, may contractually be bound to ICANN and their respective communities at a level that exceeds provisions in the form Registry Agreement.

Notwithstanding the contracting process, community applications are subject to new gTLD program processes (i.e., community objections and community priority evaluation) that have the potential to extend the time it takes for their approval to well beyond that for standard applications. CTAG members are interested and available to work with ICANN to develop an equitable approach that does not disadvantage them in the contracting process.

In closing, the CTAG's comments on the draw plan are intended to inform this ICANN process in a constructive and meaningful way. We look forward to working with ICANN staff on our proposed recommendations.

Sincerely,
CTAG

Annex A – CTAG Participants

TLD(s)	APPLICANT	CONTACT(S)
ADAC	Allgemeiner Deutscher Automobil-Club e.V. (ADAC)	Manolito Utech
ARCHI, IMMO, SKI	STARTING DOT	Godefroy Jordan, Eric Pierson and Guillaume Buffet
BANK, INSURANCE	fTLD Registry Services LLC	Craig Schwartz
BARCELONA	Municipi de Barcelona	Jordi Iparraguirre Vilarrasa and Nacho Amadoz
BERLIN	dotBERLIN GmbH & Co. KG	Dirk Krischenowski, Katrin Ohlmer and Johannes Lenz-Hawliczek
CORP, INC, LLC, LLP	Dot Registry LLC	Shaul Jolles
CPA	American Institute of Certified Public Accountants	Christopher Niemi
ECO	Big Room Inc.	Jacob Malthouse and Trevor Bowden
GAL	Asociacion puntoGAL	Camilo Regueiro Lopez
GAY	dotgay llc	Scott Seitz, Alexander Schubert and Avri Doria
GMBH	TLDDOT GmbH	Dirk Krischenowski, Katrin Ohlmer and Johannes Lenz-Hawliczek
GREE	GREE, Inc.	Yasuhiko Hasegawa
HAMBURG	Hamburg Top-Level-Domain GmbH	Oliver Süme, Dirk Krischenowski, Katrin Ohlmer and Johannes Lenz-Hawliczek
HOTEL	HOTEL Top-Level-Domain S.a.r.l	Dirk Krischenowski, Katrin Ohlmer and Johannes Lenz-Hawliczek
MED	HEXAP SAS	Jerome Lipowicz and Raphaëlle Laubie
MED	DocCheck AG	Philip Stadtmann
MUSIC	DotMusic / CGR E-Commerce Ltd	Constantinos Roussos and Tina Dam
MUSIC	music LLC	John Styll and Loren Balman
NGO, ONG	Public Interest Registry	Lance Wolak, Celia Blue and Paul Diaz
OSAKA	Interlink Co., Ltd.	Jacob Williams
QUEBEC	PointQuebec Inc	Normand Fortier
RADIO	European Broadcasting Union (EBU)	Alain Artero and Giacomo Mazzone
SCOT	Dot Scot Registry Limited	Amadeu Abril i Abril
SHOP	Commercial Connect LLC	Jeffrey S. Smith
SPORT	SportAccord	Pierre Germeau
TATAR	Coordination Center of Regional Domain of Tatarstan Republic LLC	Maria Kolesnikova
TENNIS	TENNIS AUSTRALIA LTD	Samir Mahir
TIROL	Punkt Tirol GmbH	Bernhard Greil
VERSICHERUNG	dotversicherung-registry GmbH	Matthias Pfeifer
WIEN	punkt.wien GmbH	Mr. Nikolaus Futter and Mr. Ronald Schwärzler