

9 November 2012

This letter is a response from the New gTLD Applicant Group (NTAG) to ICANN's request for comments on the Use of a Drawing for Prioritizing New gTLD Applications.

In general, NTAG commends ICANN for creating a proposal that takes into consideration the substantial amount of community input arising from the last public comment period. There is a strong consensus within our group that ICANN's proposal offers a solid framework that will allow the new gTLD program to proceed successfully. Most NTAG members would be satisfied proceeding with the plan as outlined by ICANN. However, we have identified a number of improvements that can be made to the overall proposal which are included herein that ICANN may wish to consider as part. We note that the areas of greatest consensus relate to improvements in efficiency and certainty around timelines; to the extent ICANN does consider changes to its initial proposal, they should not be implemented if they would slow the evaluation and delegation process.

NTAG conducted a poll of its membership in order to determine support for various proposed changes to ICANN's draw proposal. In summary, the following items were supported by a strong consensus of those polled:

- 1/ NTAG recommends ICANN should release initial evaluation results as soon as they are complete.**
- 2/ NTAG recommends that ICANN should only require one set of delegation testing per back end provider.**
- 3/ NTAG recommends that community applicants be allowed to invoke community evaluation as soon as their own initial evaluation has completed.**
- 4/ NTAG believes all GAC Advice on applications should be received no later than the end of the Beijing meeting, and ICANN should facilitate an inter-sessional GAC meeting.**
- 5/ NTAG suggests that by default, auctions should be conducted 90 days from the point that all applications in a contention set have completed the evaluation process, but that in the event that all applicants agree, ICANN should conduct auctions immediately upon relevant evaluation completion.**
- 6/ NTAG supports IDN prioritization and urges ICANN's to address unresolved technical issues regarding their successful and timely delegation.**

In addition, a majority of NTAG members who responded to the poll (and voted for or against, rather than abstaining) support the following proposals, **but a significant number of NTAG members disagree:**

- 7/ **Prioritization should not be extended to any applications other than IDNs**
- 8/ **ICANN should adopt a round robin approach between IDNs and other categories of application in the interests of diversity.**
- 9/ **ICANN should consider the use of a single ticket per contention set rather than a single ticket per application.**

The results of the poll are attached. Details of these proposals and their rationale follow.

Improvements in Efficiency

NTAG has identified a number of areas in which ICANN can make the evaluation and delegation process more efficient in terms of both time and effort. A strong consensus within NTAG supports each of these proposals. Two of these suggestions relate to seemingly arbitrary bottlenecks that the current draw proposal places on the process. First, **ICANN should release initial evaluation and background check results as soon as they are complete**; the sequencing priority determined by the draw should be used only to determine the order of evaluations going forward. This may result in initial evaluation results being released out of order, but there is no compelling reason to hold back these results where no real constraint in resources exists.

Similarly, **ICANN should not arbitrarily limit the number of delegation testing or contract execution slots** to twenty per week. Some applicants may fail delegation testing, and there is no harm in queuing up applications that are ready for delegation as they wait for their turn for delegation into the root.

In addition, given that many of the proposed new gTLDs will make use of identical technical infrastructure, it should not be necessary to perform delegation testing on each TLD. Rather, **ICANN should only require one set of delegation testing per backend provider.**

Finally, as discussion in Toronto made clear, there is significant concern that community applications will proceed unnecessarily slowly through evaluation because community evaluation cannot proceed until all applications in a contention set have completed not only initial evaluation but also potentially objection resolution and extended evaluation. In order to allow various workstreams to proceed in parallel, NTAG recommends that **community applicants be allowed to invoke community evaluation as soon as their own initial evaluation has completed**, if not earlier at the applicant's option.

Certainty on Timelines

At this late stage in the process, it is imperative that applicants have as much certainty over the remaining timeline as possible. In particular, **all GAC Advice on applications should be received no later than the end of the Beijing meeting, and ICANN should facilitate an inter-sessional GAC meeting** if the GAC believes this would be helpful in achieving this deadline.

ICANN should also create more certainty about the string resolution process by setting forth timelines around any auctions that may be needed to resolve contention. NTAG suggests that **by default, auctions should be conducted 90 days from the point that all applications in a contention set have completed the evaluation process, but that in the event that all applicants agree, ICANN should conduct auctions immediately upon relevant evaluation completion.**

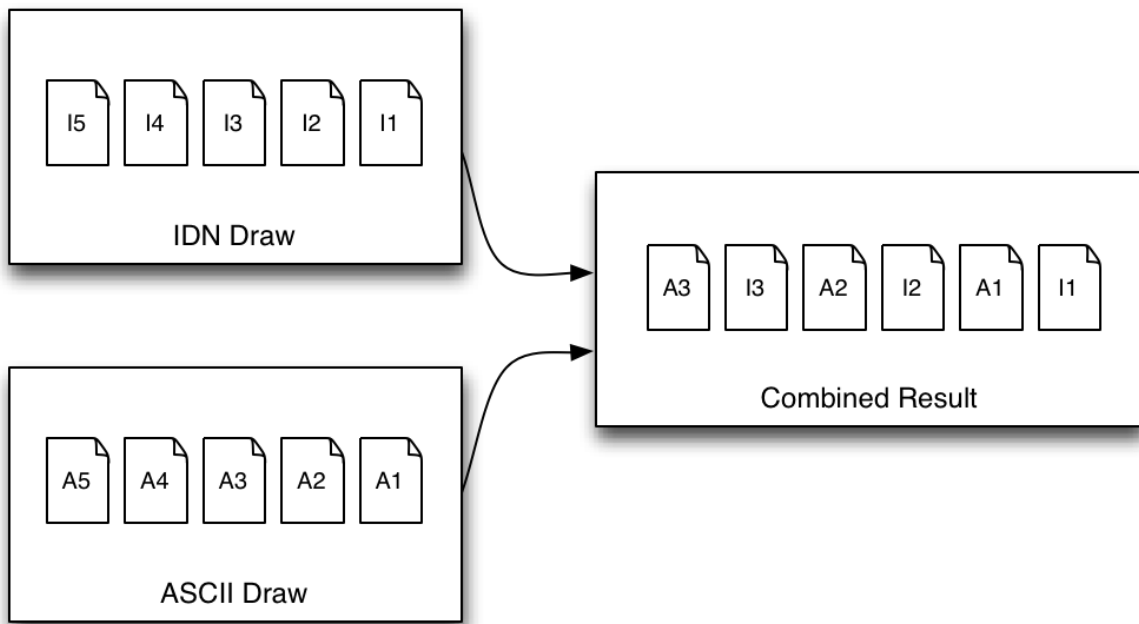
Prioritization of applications

A strong consensus of **NTAG members are supportive of the prioritization of IDNs ahead of other applications.** A number of members are concerned that IDNs may encounter issues with certain mechanisms involved in the launch of new gTLDs including the TMCH, contract negotiation and universal acceptance of IDN gTLDs. NTAG requests that ICANN adequately resource this area of concern in the context of the timelines outlined at the Toronto meeting and that all necessary preparations for IDN delegation in the root, including the Variant Issue research project, are conducted in a prioritized manner as consistent with ICANN's commitment to IDN delegation.

However, a majority of NTAG members that responded to the poll—with the exception of Geographic and Community applicants—feel strongly that **no additional class of applications should be given a similar level of priority going forward.**

Use of Round Robin between IDN and ASCII applications

While NTAG agrees with ICANN's objective of allowing the new gTLD program to serve a diverse community of users, including those underserved by domain names in the past, a majority of NTAG members that responded to the poll believe that in order to best accomplish these goals **ICANN should adopt a round-robin approach to sequencing rather than strictly sequencing IDNs ahead of all other applications.** Under this proposed approach, ICANN would still conduct two separate draws—one for eligible IDNs and one for all other applications—but would then create a combined sequence by rotating between each set of applications until the pool of eligible IDN applications has been exhausted, at which point the remainder of the applications would simply be placed at the end of the combined sequence. This concept is illustrated in the following diagram:



Independent Draws are conducted for both IDN and ASCII TLD applications

A combined sequence is created by alternating selections from the IDN and ASCII sequences. Once all IDN applications have been included in the combined sequence, the remaining ASCII applications are added to the end.

This approach still gives IDNs significant priority (all IDNs will be included within the first 12% of the overall sequence, and this approach results in no more than a six week delay in the worst case scenario for any IDN), while allowing a more diverse overall set of applications to advance through the process and be made available to Internet users.

Prioritization of Applications in Contention Sets

A majority of NTAG members that responded to the poll (and voted for or against, rather than abstaining) encourage ICANN to **assign all applications in a single contention set the same prioritization as a result of the draw**, rather than assigning each application an individual priority. While the digital archery model gave all applications in a contention set the same priority as the application in the set with the highest priority, the current model forces all applicants in a contention set to wait for the initial evaluation of all applications in the contention set to complete before proceeding to the process of resolving string contention.

Neither of these proposals were strictly fair: digital archery favored applications in contention sets, while the current draw proposal disadvantages applications in contention sets. By giving a single ticket in the draw to an entire contention set rather than to assigning tickets to individual applications, all applications within the contention set can proceed throughout the evaluation

and string contention process together without providing either an advantage or a disadvantage to contention sets. ICANN could implement this policy of one ticket per contention set in a variety of ways, but the easiest is simply to restrict the purchase of tickets to a single application per contention set—whichever applicant buys the first ticket will set the priority for the entire set of applications with no opportunities to buy additional tickets for other applicants in the contention set. In the event that no applicant within a contention set purchases a ticket, the entire contention set will be treated as having opted out.

Signed

NTAG

NTAG Poll Results

Member Company	Voting/Non-Voting	1. IDN priority and fast tracking technical issues:	2. Round robin between IDNs and others during the IDN priority phase:	2a. On the sub-question of whether communities should be prioritized:
.berlin	Voting	For	Against	For
Aremi Group	Voting	For	For	Against
Big Room	Voting	For	For	For
Cloud Names	Voting	For	For	Against
CNNIC	Voting	For	Against	Abstain
CONAC	Voting	For	Against	Abstain
DocCheck	Voting	For	Against	For
Donuts	Voting	For	Abstain	Against
Dot Kiwi	Voting	For	For	Against
dotGAY	Voting	For	For	For
DotGreen	Voting	For	For	Against
dotHIV	Voting	For	For	Against
DotMusic	Voting	For	For	For
dotStrategy	Voting	For	Against	Against
Dotversicherung	Voting	For	Against	For
Far Further	Voting	For	For	For
fTLD	Voting	For	For	For
Latin American Telco	Voting	Abstain	For	Abstain
Minds + Machines	Voting	For	Abstain	Against
Momentous	Non-Voting	For	For	Against
PIR	Non-Voting	For	Abstain	For
Primer Nivel	Voting	For	Against	Against
punkt.wien	Voting	For	For	For
Radix Registry	Non-Voting	Against	For	Against
Starting Dot	Voting	For	For	For
The Smart Internet Foundation	Voting	For	Against	Against
Top Level Design	Voting	For	Against	Against
Uniregistry	Non-Voting	For	For	Abstain
United TLD	Non-Voting	For	Abstain	Against
What Box?	Voting	For	For	Against
Zodiac Holdings	Voting	For	Against	Against
FOR		29	17	11
AGAINST		1	10	16
ABSTAIN		1	4	4

Member Company	Voting/Non-Voting	2b. On the sub-question of whether geos should be prioritized:	3. Single ticket for contention sets:	4. Early community priority evaluation:	5. Early release of initial evaluations / a single pre-delegation testing per back-end provider:
.berlin	Voting	For	Against	For	For
Aremi Group	Voting	Against	Against	For	For
Big Room	Voting	For	Abstain	For	For
Cloud Names	Voting	Against	For	Abstain	For
CNNIC	Voting	Abstain	For	For	For
CONAC	Voting	Abstain	Against	For	For
DocCheck	Voting	For	Against	For	For
Donuts	Voting	Against	Abstain	For	For
Dot Kiwi	Voting	Against	Abstain	For	For
dotGAY	Voting	For	Against	For	For
DotGreen	Voting	Against	For	For	For
dotHIV	Voting	Against	Abstain	For	For
DotMusic	Voting	For	Abstain	For	For
dotStrategy	Voting	Against	Against	For	For
Dotversicherung	Voting	For	Against	For	For
Far Further	Voting	Against	For	For	Against
fTLD	Voting	For	For	For	For
Latin American Telco	Voting	Against	For	Abstain	For
Minds + Machines	Voting	For	Against	For	For
Momentous	Non-Voting	Against	For	For	For
PIR	Non-Voting	For	Abstain	For	For
Primer Nivel	Voting	Against	For	For	For
punkt.wien	Voting	For	For	For	For
Radix Registry	Non-Voting	Against	For	Abstain	For
Starting Dot	Voting	For	For	For	For
The Smart Internet Foundation	Voting	Against	Abstain	Abstain	For
Top Level Design	Voting	Against	Against	For	For
Uniregistry	Non-Voting	Against	For	For	For
United TLD	Non-Voting	Against	Abstain	For	For
What Box?	Voting	Against	For	Against	For
Zodiac Holdings	Voting	Against	Abstain	For	For
FOR		11	13	26	30
AGAINST		17	9	1	1
ABSTAIN		3	9	4	0

Member Company	Voting/Non-Voting	6. Time limit on GAC early warnings:	6a. Early auctions if everyone agrees:
.berlin	Voting	For	For
Aremi Group	Voting	For	For
Big Room	Voting	For	For
Cloud Names	Voting	For	For
CNNIC	Voting	For	For
CONAC	Voting	For	For
DocCheck	Voting	For	For
Donuts	Voting	For	For
Dot Kiwi	Voting	For	For
dotGAY	Voting	For	Abstain
DotGreen	Voting	For	For
dotHIV	Voting	For	For
DotMusic	Voting	For	Abstain
dotStrategy	Voting	For	For
Dotversicherung	Voting	For	For
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Uniregistry	Non-Voting	For	For
United TLD	Non-Voting	For	For
What Box?	Voting	For	For
Zodiac Holdings	Voting	For	For
FOR		31	29
AGAINST		0	0
ABSTAIN		0	2