

New gTLD Committee of the Board: September 2012 Update

Introduction	1
Progress against Seven Promises Made in Prague	2
Review of Progress against the Roadmap	4
Shape of an Emerging Solution for Metering from the Applicant Comment Period.....	7
IOC / RC issues: GAC position and recommendation for moving forward with the GNSO	8
Evaluation Status Update; Pilot for Clarifying Questions	9
Trademark Clearinghouse, URS.....	11
<i>Trademark Clearinghouse Implementation Update</i>	11
<i>Uniform Rapid Suspension (URS) Update</i>	13
New gTLD Sessions Planned for ICANN 45 in Toronto	14
APPENDIX: Comment Summary of New gTLD Batching / Metering	15

Introduction

This paper is primarily for information.

Metering / batching solution development is not yet ripe for decision. A brief discussion of options is requested.

Decision is called for on the IOC / Red Cross protections.

The Committee might be called upon for a decision in the future regarding the Trademark Clearinghouse, where competing implementation models are proposed, and URS, where community work might modify the model in order to reach program goals.

Progress against Seven Promises Made in Prague

1. *There will be no digital archery.*

This is generally understood by the community although there are still recommendations in the public comment to pursue it.

2. *ICANN will evaluate all applications and move them to the next phase as soon as practicable.*

Initial evaluation is underway, effectively beating the published July 12 start date. A detailed status of application processing can be found later in this paper. Since Prague, ICANN has worked with evaluators to accelerate the schedule (while achieving all consistency and accuracy goals).

Progress has been made. Applications are being distributed in a way that keeps evaluation panels busy at an economical rate. Applications are being distributed in a way that takes advantage of similarities among applications, either because applications are from the same applicant or have the same “back-end” providers.

Evaluation service providers plan to ramp up to a pace averaging 300 applications per month without compromising quality. The firms believe that it will take a few months to fully reach this capacity. Adding some time for ICANN to organize and publish results, this means that initial evaluation results will be published in 11-12 months after the July 12 start date, i.e., May or June 2013. ICANN continues to work with evaluators to gain additional improvements. These will be reported when they are verified as achievable.

The Committee has asked staff to maintain regular communications with applicants and the community regarding the status of application processing. Two webinars have been held to provide status and answer questions. Each webinar has been accompanied by a written report. The webinars have been generally well received. We also received suggestions for improving the sessions; these are being considered for implementation.

3. *ICANN will take all of the community ideas into account and build a roadmap.*
4. *The roadmap will:*
 - a. *Detail the next steps and timelines*
 - b. *Assess implications to applicants*
 - c. *Assess risks to the program*

5. *ICANN will open an Applicant Comments Process and provide opportunity for community input.*

During the Prague meeting the New gTLD Committee indicated that they had recorded the comment being made at that meeting but, understood that applicants and others in the community who were not attending the Prague meeting might not have had the opportunity to comment. The comment period was established and closed on August 19. A summary of the 101 comments has been posted at <http://www.icann.org/en/news/public-comment/report-comments-gtld-batching-05sep12-en.pdf>.

The roadmap was published on August 17 (the progress report indicated the roadmap would be published August 6). The “roadmap” is an annotated project schedule for the remainder of the application processing period. It indicates timelines, milestones and interdependencies among the evaluation of applications, possible dates for GAC input, batching / metering planning, comment and objection periods, and other program elements. It also describes schedule uncertainty, and indicates how applicants might be affected by changes to the plan. Status against the roadmap is described below.

6. *ICANN set a New gTLD Program Committee call in approximately three weeks time to assess progress and report back to community.*

Meetings were held on Wednesday July 18 and Friday July 27. The first meeting assessed progress against each of these items, the Board requested additional work to be done during the next several days and then scheduled the follow-up meeting. The progress report was posted on August 3, see: <http://www.icann.org/en/groups/board/new-gtld/report-03aug12-en.pdf>.

7. *Regarding IOC and Red Cross protections, the Board instructed ICANN staff members to review and report back on all inputs that have been provided on this issue, including:*
 - a. *Previous public comment period*
 - b. *Community inputs in Prague*
 - c. *Additional inputs from IOC and Red Cross*
 - d. *Status of GNSO work, following Board decision*
 - e. *GAC inputs (if any).*

All these inputs were published as an appendix to the progress report and also were reviewed. The review led to a recommendation that the appropriate course is for the Board to leave these issues in the hands of ICANN’s policy-making bodies. This discussion is found below.

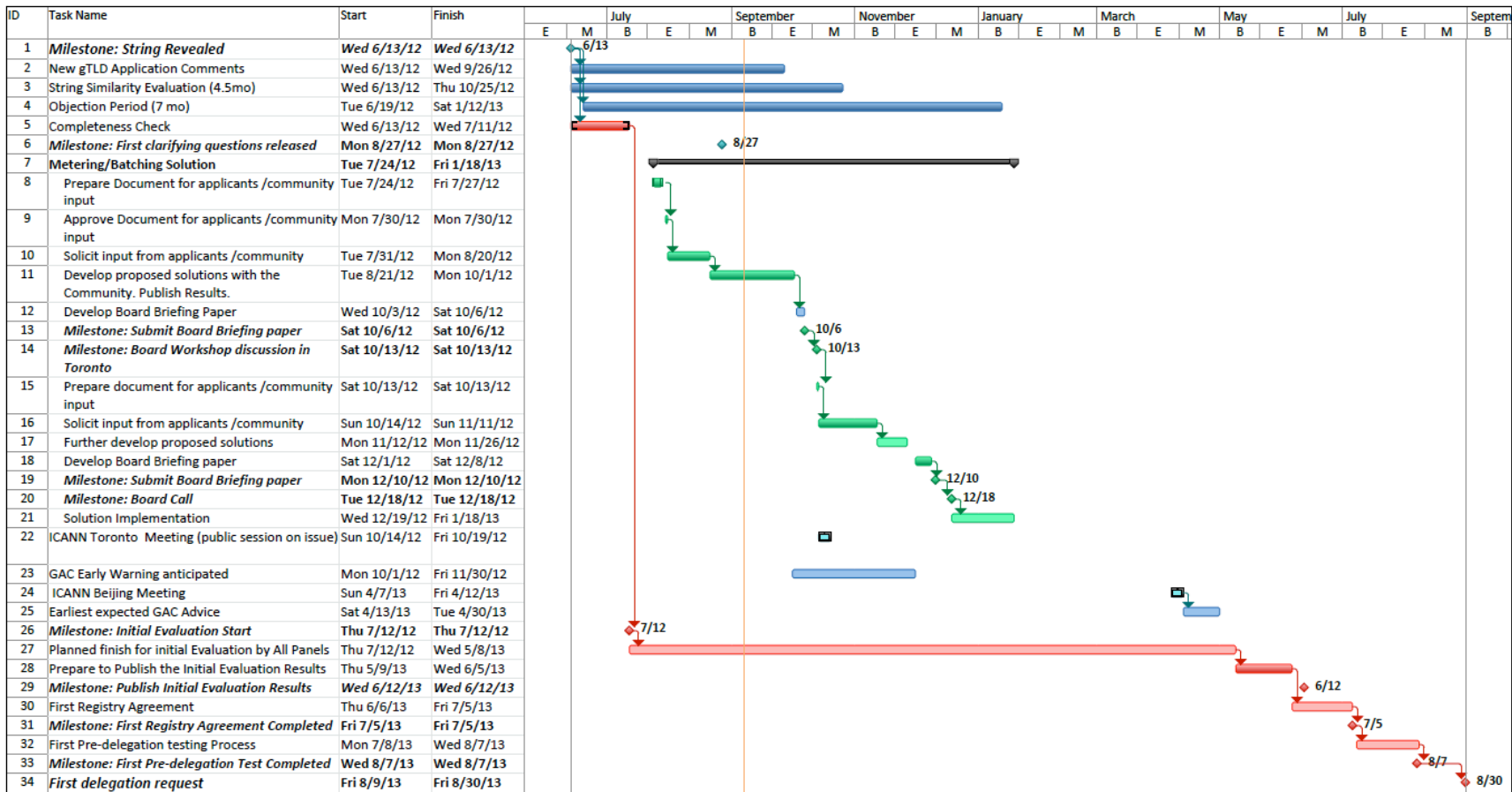
Review of Progress against the Roadmap

Status against roadmap tasks is described in the table below. The tasks map to the Gantt chart that follows the table.

Color key: *Blue=General New gTLD Tasks; Green=Metering/ Batching Tasks*

Task Number	Task Name	Start	Finish	Status	Critical Path
1	Milestone: String Revealed	Wed 6/13/12	Wed 6/13/12	Completed	
2	New gTLD Application Comments	Wed 6/13/12	Wed 9/26/12	In process; on schedule; 6,687 comments received to date	
3	String Similarity Evaluation (4.5 months)	Wed 6/13/12	Thu 10/25/12	In process; on schedule	
4	Objection Period (7 months)	Tue 6/19/12	Sat 1/12/13	In process; on schedule; no objections received to date	
5	Completeness Check	Wed 6/13/12	Wed 7/11/12	Completed	*
6	Milestone: First clarifying questions released	Mon 8/27/12	Mon 8/27/12	Completed; Questions and Surveys sent out to 41 participants for Clarifying Questions Pilot	
7	Metering/Batching Solution	Tue 7/24/12	Fri 1/18/13		
8	Prepare Document for applicants /community input	Tue 7/24/12	Fri 7/27/12	Completed	
9	Approve Document for applicants /community input	Mon 7/30/12	Mon 7/30/12	Completed	
10	Solicit input from applicants /community	Tue 7/31/12	Mon 8/20/12	Completed; 101 comments received; posted a summary report on 9/5/12	
11	Develop proposed solutions with the Community. Publish Results.	Tue 8/21/12	Mon 10/1/12	In process; on schedule; a summary of community comments presented in New gTLD Update Webinar on 9/6/12; a community consultation session for Metering/Batching scheduled for 9/12/12	
12	Develop Board Briefing Paper	Wed 10/3/12	Sat 10/6/12		
13	Milestone: Submit Board Briefing paper	Sat 10/6/12	Sat 10/6/12		
14	Milestone: Board Workshop discussion in Toronto	Sat 10/13/12	Sat 10/13/12		
15	Prepare document for applicants /community input	Sat 10/13/12	Sat 10/13/12		
16	Solicit input from applicants /community	Sun 10/14/12	Sun 11/11/12	On schedule; a public session scheduled for 10/17/12 during Toronto meeting	
17	Further develop proposed solutions	Mon 11/12/12	Mon 11/26/12		
18	Develop Board Briefing paper	Sat 12/1/12	Sat 12/8/12		
19	Milestone: Submit Board Briefing paper	Mon 12/10/12	Mon 12/10/12		
20	Milestone: Board Call	Tue 12/18/12	Tue 12/18/12		
21	Solution Implementation	Wed 12/19/12	Fri 1/18/13		
22	ICANN Toronto Meeting (public session on issue)	Sun 10/14/12	Fri 10/19/12		

Task Number	Task Name	Start	Finish	Status	Critical Path
23	GAC Early Warning anticipated	Mon 10/1/12	Fri 11/30/12		
24	ICANN Beijing Meeting	Sun 4/7/13	Fri 4/12/13		
25	Earliest expected GAC Advice	Sat 4/13/13	Tue 4/30/13		
26	Milestone: Initial Evaluation Start	Thu 7/12/12	Thu 7/12/12	Started on 7/12/12	*
27	Planned finish for initial Evaluation by All Panels	Thu 7/12/12	Wed 5/8/13	In process; on schedule; 602 applications assigned to Financial and Technical Panels; all applications assigned to Geographic Similarity, String Similarity, Registry Services, and DNS Stability Panels	*
28	Prepare to Publish the Initial Evaluation Results	Thu 5/9/13	Wed 6/5/13		*
29	Milestone: Publish Initial Evaluation Results	Wed 6/12/13	Wed 6/12/13	On-schedule to complete by 6/12/13	*
30	First Registry Agreement	Thu 6/6/13	Fri 7/5/13		*
31	Milestone: First Registry Agreement Completed	Fri 7/5/13	Fri 7/5/13		*
32	First Pre-delegation testing Process	Mon 7/8/13	Wed 8/7/13		*
33	Milestone: First Pre-delegation Test Completed	Wed 8/7/13	Wed 8/7/13		*
34	First delegation request	Fri 8/9/13	Fri 8/30/13		*



Project: Roadmap for processing N Date: Fri 9/7/12	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
	Split		External Tasks		Inactive Summary		Manual Summary		Critical	
	Milestone		External Milestone		Manual Task		Start-only		Critical Split	
	Summary		Inactive Task		Duration-only		Finish-only		Progress	

Shape of an Emerging Solution for Metering from the Applicant Comment Period

Batching and/or metering are necessary for management of the application evaluation process and meeting root zone scaling requirements. These methods would also enable the release of evaluation results to applicants according to a predictable schedule.

Members of the community posted more than 100 comments on how ICANN should manage the evaluation process flow. Addressing possible solutions for batching or metering, the comments were posted for the 29 July – 19 August comment period. You can view the comments received at <http://mm.icann.org/pipermail/newgtld-input/2012/thread.html> and the summary at <http://www.icann.org/en/news/public-comment/report-comments-gtld-batching-05sep12-en.pdf>. A summary of the comments is attached as an appendix.

Many comments suggest prioritizing evaluation or delegation by Guidebook category, such as priority for internationalized domain names (IDNs), geographic names, or community applications. Also suggested were prioritization based upon categories developed by commenters: uncontested new gTLDs, those from developing countries, those promoting diversity, those in the public interest, closed registries, brands and those that are true generics. Other suggestions included offering applicants the opportunity to opt-out or to select their own timing; grouping like applications together; prioritizing by readiness to contract or launch; round robin by category or region; or prioritizing by number of clarifying questions.

In accordance with the roadmap, a consultation on batching/metering will be held on Wednesday, 12 September. After that a New gTLD Committee call will be scheduled to discuss progress and options.

Emerging consensus among staff (that are just ideas at this point), having read the Prague and comment forum input:

- We could meter the rate of applications into the contracting process (and lighten the load on that process) in several ways:
 - Give preference to certain categories of applications. There is concern that moving some types forward (IDN, Community, Geographic, Developing Country) is a policy decision that will require substantial discussion.
 - Grouping like applications so that those “in competition” would be released at the same time. (This requires subjective judgment, although applicants could self-select their category.)
 - Applicant opt-out or delegation date selection.
- One metering mechanism could be the order in which applicants adopt the proposed registry agreement (after they have passed initial evaluation). There is some writing work to be done by each applicant and then the agreement could work as a “click-through.”

The first applicants adopting the agreement would be the first applicants to schedule an “appointment” for pre-delegation testing. We could limit pre-delegation testing appointments per day.

This would require process development and some infrastructure build over the next several months.

IOC / RC issues: GAC position and recommendation for moving forward with the GNSO

The most recent GAC writings on IOC / Red Cross protections are in their [April 12 letter](#):

The GAC reaffirms previous advice that the IOC and Red Cross and Red Crescent should be protected at the first and second top levels, given that these organizations enjoy protection at both the international level through international treaties (e.g. the Nairobi Treaty and the Geneva Conventions) and through national laws in multiple jurisdictions. The GAC considers the existence of such two-tiered protection as creating the criteria relevant to determining whether any other entities should be afforded comparable enhanced protection.

and the [Prague Communiqué](#), “that it requires further clarification as to the status of its pending request for enhanced protections for the IOC and Red Cross/Red Crescent names at the top and second levels, in light of the Board’s rejection of the GNSO’s recommendations...”

Recommendation

The Board should acknowledge receipt of the GAC advice on this topic and have a dialogue with the GNSO to:

- 1) forward the GAC advice and reiterate the [Board request made in Singapore](#): that “the GNSO and GAC develop policy advice [for IOC/RC protections at the top and second levels] based on the global public interest;”
- 2) recommend that other new second-level protections (i.e., for IGOs and rights holders) be discussed at the same time;
- 3) ensure discussion occurs in a timely way so that new protections, if agreed upon, are in place when new gTLDs are delegated.

The dialogue should consider GNSO priorities and workload.

Rationale for recommendation

- 1) ICANN has received requests for additional protections for the IOC and RC, for IGOs, and for additional trademark protections at the second level. These are similar issues and should be considered at the same time. ICANN committed to considering the

recommendations made for enhancing second-level protections for rights holders in an earlier public comment forum.

- 2) The Board should not direct undertaking a PDP because: the GNSO already considered these issues in the New gTLD PDP (and the Reserved Names Working Group) so the GNSO might want to decline the request without conducting a full PDP; it sets a precedent for future requests; and decisions might be taken more quickly without a formal PDP.
- 3) This recommendation is intended to follow the position developed in an email discussion on the topic among several Board members, subject line: Draft Response to GAC Communiqué, dates: August 27-30, 2012.
- 4) Review of all material developed on this topic indicates that the appropriate course is for the Board to leave these issues in the hands of ICANN's policy-making bodies. This was the recommendation of the Board in its Singapore resolution when considering protections for the IOC and Red Cross. ICANN staff members are supporting that discussion in the GNSO. The IOC and Red Cross are addressing their comments to the GNSO. The GNSO is properly considering whether to do additional work on these issues.

Evaluation Status Update; Pilot for Clarifying Questions

Evaluation Status

At this time applications are being distributed to the evaluation panels (Financial, Technical, String Similarity, Domain Name System (DNS) Stability, and Geographic Names evaluation panels) in a way that keeps each panel fully tasked at a manageable and economical rate. Additionally, the applications are grouped to take advantage of similarities, such as those coming from the same applicant or having the same "back-end provider."

The following table indicates the work done to date. As posted previously, financial and technical evaluation panels (the most complex evaluations) are planning to reach a processing rate of 300 applications per month. We continue to look for efficiencies that will shorten the projected processing times.

Panel	Target Completion	Apps Assigned	Apps in Evaluation	Preliminary App Results ¹
Financial	Jun-13	602	461	141
Technical and Operations	Jun-13	602	475	127
Geographic Names	Nov-12 ²	all	476	65
String Similarity ³	Oct-12	all	824	585
Registry Services	Jan-13	all	all	0
DNS Stability	Oct-12	all	all	0

¹ These numbers represent completed applications or applications with queued clarifying questions. They are subject to change due to application comments and/or change requests.

² Geographic Name evaluation is targeted to be completed by Nov-12, but applicants will receive more time to supply the letters of support.

³ String Similarity statistics are based on unique string counts, not total applications.

Clarifying Question Pilot

ICANN’s pilot program to test the effectiveness of “clarifying” questions rolled out on Friday, 31 August. Evaluations done to date indicate that most applicants will be required to respond to one or more clarifying questions. More than 40 applicants volunteered to participate in the pilot program, designed to ensure that questions developed by the evaluators are clear, concise and consistent.

The volunteer participants are asked to review the sample clarifying questions and submit their answers no later than Monday, 17 September at 23:59 UTC. Clarifying questions sent through the pilot process are actual questions based on the review of applications. However, responses sent through the pilot process will not be treated as part of the application and will not be counted toward the evaluation scoring. Participants will be issued official clarifying questions through TAS, which may or may not be different from the pilot clarifying questions, at a later time. Pilot participants need not take formal actions to obtain documentation such as letters of credit, security policies or financial statements at this time. Those that did not volunteer for the pilot program will not have their application processing impacted.

Evaluators only issued clarifying questions when more information was needed in order to give the applicant a passing score. If an application needs additional points overall to pass evaluation, the evaluators are directed to issue clarifying questions on all responses that can earn a score of two points.

Areas generating the most common clarifying questions include:

- Technical evaluation requirements:
 - EPP extension documentation for IDNs (Question 25)

- Complete security policy (Question 30)
- Complete DNSSEC practice statement (Question 43)
- Financial evaluation requirements:
 - Sufficient evidence for conservative costs (Question 47)
 - Sufficient evidence of conservative funding/revenue, particularly segregation of funds (Question 48)
 - Financial instrument must be unconditional (Question 50)

Trademark Clearinghouse, URS

Trademark Clearinghouse Implementation Update

Summary: recent requests for modification to the currently published Clearinghouse model present risks that should be considered carefully.

Current Environment

The Trademark Clearinghouse was proposed to function as an information repository, offering authentication and validation services for trademark data. New gTLD registry operators will be required to offer sunrise and trademark claims services that are supported by the Trademark Clearinghouse.

During the period November 2011 to March 2012, ICANN convened the Implementation Assistance Group (IAG) to capture the business requirements from rights holders, registries, registrars, and other stakeholders.

Two results of the consultation were that:

1. While it was acknowledged that much trademark registration information is publicly available, the Clearinghouse as a source of aggregated information across jurisdictions raised IP concerns about the data being used for anti-competitive reasons or to drive cybersquatting or other undesired behavior. Therefore the model uses encryption to ensure that no “clear text” records are passed back and forth.
2. There were concerns about inserting the Clearinghouse into the critical business process of registering domain names. This resulted in a model where the encrypted data would be locally available at the registry so that the Clearinghouse was not involved in every domain name registration.

Recent Developments

A number of registries have criticized the draft implementation model for being unnecessarily complex and burdensome. (ICANN facilitated a meeting in Brussels in August with prospective new gTLD registry operators, registrars, and others to discuss the technical details of the Clearinghouse implementation for these processes.)

Some registries indicated that they:

1. had a need to access unencrypted data,
2. would prefer a live-query interface or other system where they did not maintain the data locally (placing the Clearinghouse on the critical path to every domain name registration).

Some members of the group volunteered to draft alternative proposals, and ICANN agreed to consider and hold consultations on these as required.

Recommendation

In response to these discussions, ICANN and IBM are investigating the feasibility of developing and implementing a live-query system, as well as considering the implications for ICANN if such an approach were to be adopted. It is recommended that ICANN continue to assess the registry input, explore the feasibility of alternative models, and consider additional feedback from the registries as agreed.

However, our preliminary position is that the Clearinghouse should not make the entire database public, and should not operate in “live query mode.” An emphasis on risk mitigation for all stakeholders should be maintained in the technical implementation of the Clearinghouse processes. There is a high degree of risk in adopting a model that puts the Clearinghouse in the critical path of domain registrations. Due diligence is being done to consider whether these risks can be mitigated sufficiently, and the results of this should be communicated as soon as possible.

Rationale for recommendation

The registries and registrars who will be implementing the sunrise and trademark claims processes have detailed expertise and experience in integrating processes to work with their technical systems, and their claims of complexity should be fully analyzed and considered. In addition, it is important to continue to work out the technical protocols with registries and registrars who will need to support these processes.

The need for protection of the Clearinghouse data necessarily introduces some complexity into the process. However, ICANN has taken the view that it is best to begin with a conservative approach to data access. As processes develop over time, it may be that the concerns over data access or misuse are reduced. However, protection of the data remains a key design requirement for the initial implementation of these processes.

At the current time it appears likely that building a live query system that will provide the necessary security, scalability, and performance level would be a significant and costly undertaking, with resulting cost implications for all users of the Clearinghouse.

The institutional risks of adopting this type of system must also be thoroughly considered. Although the Clearinghouse will be operated by competent and highly regarded third parties, a technical or procedural failure will block domain name registrations and cause reputational harm to ICANN. In live query mode, the Clearinghouse would probably handle a greater query volume than systems such as Paypal or Paymentech and also represents a single point of failure in the domain name registration process.

Uniform Rapid Suspension (URS) Update

Current Environment

The Uniform Rapid Suspension system (URS) is intended to provide low cost, rapid relief to trademark holders for the most clear-cut cases of infringement, and is intended to function as a complement to the existing Uniform Domain Name Dispute Resolution Policy (UDRP). Early feedback from UDRP providers and others indicated that the cost of the URS procedure as written would be likely to exceed targets, driving additional feedback and discussion in the community.

Recent Developments

During ICANN 44 in Prague, community stakeholders participated in a session on the URS. Participants discussed possible adaptations to the URS that could help satisfy the goals of an efficient, low-cost process, while retaining the registrant protections embedded in the process. Suggestions from participants included:

- Limiting substantive review. For example, when there is no reply from the registrant, a decision could be taken by a case handler without the need for a panelist's substantive review.
- Limiting the scope of URS cases. For example, accepting only complaints related to trademarks registered in the Trademark Clearinghouse, in order to eliminate validation costs.
- Subsidization of costs by ICANN. Retain the current procedure, but ICANN could subsidize service providers to achieve low URS fees and review the URS after 18 months.
- Seeking volunteers or pro-bono assistance.
- Automation or simplification. Use web interfaces and email where possible. Eliminate administrative burdens associated with loser pays, the requirement for multiple communication channels and appeals.

Next Steps

ICANN will continue the community consultation with the involvement of potential URS service providers so that this perspective is represented when considering implementability of any changes to the procedure. An additional open community consultation is planned in advance of the Toronto meeting to facilitate these discussions.

New gTLD Sessions Planned for ICANN 45 in Toronto

Sunday – 14 October 2012
<p><u><i>Newcomers Track: Recent Developments in the Domain Name Industry</i></u> In this session participants will have the opportunity to learn about recent developments in the domain name space including Internationalized Domain Names and New generic Top-Level Domains.</p>
Monday – 15 October 2012
<p><u><i>Batching/Metering of New gTLD Applications</i></u> In this session, ICANN will present the batching/metering solutions proposed by the community, focusing on implementable alternatives. The session will include an interactive portion where participants may provide comments and input on the proposed solution.</p>
<p><u><i>New gTLD Update for Applicants</i></u> In this session, ICANN staff will provide updates on new gTLD application evaluation progress, new gTLD program timeline, EBERO, and applicant support.</p>
<p><u><i>Working Session: Sunrise and Trademark Claims Implementation</i></u> This will be a working session to review and discuss technical implementation details of the sunrise and trademark claims services.</p>
Wednesday – 17 October 2012
<p><u><i>Journalist Forum on New gTLDs</i></u> The applied-for strings have been posted, comments on applications are being made, and initial evaluation is underway. The journalist forum on new gTLDs is a moderated session with a panel of 3-4 journalists talking frankly on topics regarding new gTLDs.</p>
<p><u><i>Trademark Clearinghouse Implementation</i></u> This session will provide an update on the status of the Trademark Clearinghouse implementation. This will be a two-part session, with the first part focused on the procedures for submission of trademark data into the Clearinghouse, and the second on the implementation of Sunrise and Trademark Claims processes during the startup phases of new gTLD registries.</p>
<p><u><i>Uniform Rapid Suspension (URS)</i></u> The Uniform Rapid Suspension system (URS) is intended to provide rapid relief to trademark holders for the most clear-cut cases of infringement; it is intended to complement the Uniform Domain Name Dispute Resolution Policy (UDRP). This session will focus on implementation and will build toward developing and establishing recommendations to ensure that the established goals are met.</p>

APPENDIX: Comment Summary of New gTLD Batching / Metering

This Executive Summary highlights issues and proposals discussed in the [83] public comments submitted in response to ICANN's request for community input regarding new gTLD batching. (See <http://mm.icann.org/pipermail/newgtld-input/2012/thread.html>.)

PRIORITY FOR SOME APPLICATION CATEGORIES

The comments addressed whether ICANN should give some applications "priority" processing. Some asserted that the order of review should not favor any type of application or business model. Other comments stated that it would be unfair for ICANN to value all applications the same through any sequencing or batching process, particularly "single" and "portfolio" applicants.

"Public Interest" Applications. Numerous comments urged ICANN to give priority to uncontested applications having a special "public interest" status, which could include "geographical", "community" and "IDNs." Comments asserted that delegation should follow a regional "round-robin" process, with applications in extended evaluation, objection, contention and with GAC interaction added once their issues had been resolved. Some comments suggested a priority order with a first batch of community-based, IDNs, geoTLDs and "socially significant" open gTLDs with IDNs having priority if the submitted applications have "equal potential."

IDN gTLDs. Others asserted that IDN gTLD applications from developing countries and regions should be given priority in evaluation and delegation. Some suggested ICANN to expedite "unopposed" IDN TLDs, while others stated that "community-based" and "public-interest-oriented" IDNs should have higher priority.

Geographical gTLDs. As letters of support are required for geographical gTLDs, some comments suggested that these could be transferred in the first phase since they are easier to evaluate. Applications with no objections could follow, leaving those with objections for last.

Branding TLDs. Comments asserted that applied-for names should be grouped by category and nature of business, with similar ones considered at the same time. Brand TLDs might be considered first, thereby providing a way to control the rate.

METHODS FOR METERING APPLICATIONS INTO THE DELEGATION PROCESS

Necessity of Batching. Batching or metering may not even be necessary, according to some. One comment noted that the process of negotiating contracts will act as the "natural" metering process: the "uncontested" group would be first and as a group could be randomly ordered in the queue to negotiate contracts, and delegation would happen in the order of the signed contracts. Others indicated that the application process already outlined in the AG, together with a revised registry agreement and a first in, first out policy, was adequate. Others disagreed, remaining skeptical that "natural" metering of

applications entering the root will occur because a large number of applicants passing initial evaluation and not involved in contention sets may sign the ICANN registry contract without amendment for the sole purpose of being first to market.

Single Batch--Support and Opposition. Some comments supported a “single batch” as equitable and technically sensible, as operational efficiencies will be achieved since many applications contain the same or similar technical sections and financial information. From a root stability (1,000 per year delegation rate) perspective, batching would not be needed since the various steps to delegation such as contract negotiation, extended evaluation and contention would provide adequate management tools. Other comments opposed a single batch as well as a simultaneous release of results and expressed support for a continuous release system.

Metering Proposals. Several different suggestions were received for metering applications:

- By order of submission
- As applications are approved
- According to Applicant Guidebook category (Community, Geographic, Standard and not market-based)
- Based on similar competitive interests, as determined by applicants
- Via sequencing or application buckets, allowing applicants to swap slots by mutual consent
- By applicant choice
- Round Robin with six pools (five with ICANN regions and one with portfolio applicants) Other possible metering approaches, such as grouping applicants and determining entry into the root based on day of year, or sequencing by competitive process, predicting a future event, or a secondary timestamp.

Initial Evaluation (IE) Process. Comments urged ICANN to complete initial evaluation as quickly as possible (prior to or as soon as the GAC provides its advice), applying extra resources if needed and providing status updates via a publicly available online portal. Some comments urged that IE results should be published for all applications at the same time, while others argued that evaluation results should be released as they are available. Other comments proposed that ICANN sequence the release of initial results in proportion to the number of clarifying questions and the speed of applicant responses.

Efficiency of Other Processes. Some comments suggested ways to start certain steps earlier to maximize readiness and to improve efficiency (e.g., form of registry agreement, pre-delegation testing and pre-accrediting registry back-ends, string similarity review, application withdrawal announcements, early resolution of contention sets, timing efficiencies for GAC Advice).

Downstream metering. Comments suggested base guidelines for every processing stage (first in, first out; geographic diversity; and community priority) and specific guidelines for contract execution and delegations. Comments suggested the GAC could determine that incorporating an element of geographic diversity in the Launch Queue

prioritization is necessary for equitable distribution. Comments also suggested prioritization approaches for IANA staff to use in assigning gTLDs to weekly delegation slots.

Digital Archery. Several comments noted that the “digital archery” concept was flawed and should not be used.. Several comments suggested that ICANN give special protection and priority to applicants that had already “shot digital archery” before ICANN announced its formal termination. One comment urged ICANN to relaunch digital archery after ironing out its glitches.

LEVEL OF IMPORTANCE OF THE ORDER OF EVALUATION AND DELEGATION

Geographic, Cultural, Linguistic and IDN gTLDs. Some geographic, cultural/linguistic and IDN gTLD applicants asserted that quick evaluation and delegation is critically important to their success, given how long it took for the new gTLD program to launch. They also emphasized how such timing would support the program’s cultural and geographic diversity goals and contribute to its success.

Exclusive Use (e.g. Brand) gTLDs. Several comments asserted that even exclusive TLDs that will not be open to third party registrations desired fairness in the timing of delegation may be the critical element for competitive reasons (i.e. not being delayed relative to other TLDs in the same industry, sector, etc.) Other comments asserted that a transparent, neutral, first-in, first-out process would level the playing field between brand owners and those companies that applied for new gTLDs purely for profit.

Open gTLDs. Many comments noted that for most gTLDs that will be open to third-party registration time is of the essence due to the competitive pressure they will face from existing and new gTLDs as well as financial and business planning factors.

OTHER COMMENTS

Technical Issues--Delegation Rate and Root Zone Impact. Comments urged the ICANN Board to consult with SSAC and RSSAC on revisiting the delegation rate of 1,000 per year.

Transparency and Efficiency in Application Process. One comment criticized the timetable published on August 17 as too long and argued that ICANN must do much better (e.g. initial evaluation results will not be published until more than a year after the application window closed). Several comments noted the importance of avoiding additional delays in the new gTLD process and working to improve efficiency within the AG’s established framework to ensure timely, equitable and consistent next steps. Several comments urged ICANN to ensure that the community input solicited on new gTLD batching would be published. One comment asserted that this gTLD batching input process is flawed and premature because many questions need to be answered before the community can make informed proposals.