

Table of Contents – 26 November 2012.docx

Table of Contents – 26 November 2012
New gTLD Program Committee Workbook

1. [Draft Resolutions](#)
2. [NGPC Submission 2012-11-26-01 - Prioritization Draw](#)
3. [Annex to NGPC Submission 2012-11-26 - Prioritization Draw](#)
4. [NGPC Submission 2012-11-26-02 - RCRC IOC Protection](#)
5. [NGPC Submission 2012-11-26-03 - IOG Names Protection](#)

2012-11-26-DraftResolutions.docx



1. Main Agenda:	2
a. RCRC IOC Protection	2
<i>Rationale for Resolution 2012.11.26.NGxx</i>	2
b. IGO Name Protection	3
<i>Rationale for Resolution 2012.11.26.NGxx</i>	4

1. Main Agenda:

a. RCRC IOC Protection

Whereas, the New gTLD Program Committee on 13 September 2012 requested that the GNSO Council advise the Board by no later than 31 January 2013 if it is aware of any reason, such as concerns with the global public interest or the security or stability of the DNS, that the Board should take into account in making its decision about whether to include second level protections for the IOC and Red Cross/Red Crescent names listed in section 2.2.1.2.3 of the Applicant Guidebook by inclusion on a Reserved Names List applicable in all new gTLD registries approved in the first round of the New gTLD Program.

Whereas, the new gTLD Committee acknowledges that the GNSO Council has recently approved an expedited PDP to develop policy recommendations to protect the names and acronyms of IGOs and certain INGOs – including the RCRC and IOC, in all gTLDs.

Whereas, although the GNSO Council's 15 November motion did not pass due to a procedural technicality, the GNSO Council will vote again on a motion at its 20 December meeting to adopt the IOC/RC Drafting Team's recommendation to temporarily reserve the exact match of IOC and RCRC second level domain names listed in Section 2.2.1.2.3 of the Applicant Guidebook, pending the outcome of the recently launched PDP.

RESOLVED (2012.11.26.NGxx), in light of these upcoming policy discussions to take place in the PDP involving the protection of International Governmental and Non-governmental Organizations,, restrictions for registration of RCRC and IOC names for new gTLDs at the second level will be in place until such time as a policy is adopted.

Rationale for Resolution 2012.11.26.NGxx

Given the Committee's 13 September resolution as well as the high-level and community-wide attention on this issue, it is important for the Committee to indicate that the protections it has recommended for the RCRC and IOC names at the second level of the first round of new gTLDs will be adopted until a policy is developed. In adopting this resolution at this time, the New gTLD Program Committee can take action that is reasonable based on the following rationale:

- 1) Consistent with the Board's Singapore resolution with respect to the IOC and Red Cross issues, the new gTLD Committee believes that the appropriate course is for the Board to leave these issues in the hands of ICANN's policy-making

- bodies. The Committee appreciates the efforts by the GNSO in initiating an expedited PDP to develop recommendations to provide any necessary additional protections for IGO and INGO names at the top and second-levels in all gTLDs. ICANN staff members are supporting that discussion in the GNSO, and the new gTLD Committee awaits the results of these policy discussions.
- 2) The Committee has been apprised that the Council is expected to adopt a recommendation to provide such special protection for the RCRC and IOC names on 20 December. Recognizing the likelihood that the GNSO Council's motion will pass, the Committee believes that it is appropriate to adopt this resolution at the same time as consideration of the IGO issue, as a temporary measure, while the GNSO Council proceeds with the expedited PDP.
 - 3) In adopting this resolution at this time, the New gTLD Program Committee can reassure the impacted stakeholders in the community, acknowledge and encourage the continuing work of the GNSO Council, and take an action consistent with its 13 September resolution.

This action is not expected to have an immediate impact on the security, stability or resiliency of the DNS, though the outcomes of this work may result in positive impacts. This action is also not expected to have an impact on financial or other resources of ICANN.

b. IGO Name Protection

Whereas, the GAC has provided advice to the Board in its Toronto Communiqué, stating that “in the public interest, implementation of such protection [of names and acronyms of IGOs against inappropriate registration] at the second level must be accomplished prior to the delegation of any new gTLDs, and in future rounds of gTLDs, at the second and top level.”

Whereas, the GAC advice referenced the current criteria for registration under the .int top level domain (which are cited in the Applicant Guidebook as a basis for an IGO to file a legal rights objection) as a starting basis for protecting IGO names and acronyms in all new gTLDs, and advised that “this list of IGOs should be approved for interim protection through a moratorium against third-party registration prior to the delegation of any new gTLDs” pending further work on specific implementation measures.

Whereas, the GNSO is actively engaged in policy discussion regarding top and second-level protections for certain IGO and INGO names, and has initiated a PDP on the

broader issue of whether to protect these names of certain international organizations in *all* gTLDs.

Whereas, there is currently no policy to reserve or impose a moratorium on the registration by third parties of the names and acronyms of IGOs meeting the .int criteria in place for the second level of the current round of new gTLDs.

Whereas, the protections for the second level, if they are provided and if they are to be effective, should be in place before the delegation of the first new gTLDs.

Whereas, as previously announced, the Board favors a conservative approach, in that restrictions on second-level registration can be lifted at a later time, but restrictions cannot be applied retroactively after domain names are registered.

RESOLVED (2012.11.26.NGxx), the Board requests that the GNSO continue its work on policy recommendations on top and second-level protections for certain IGO and INGO names on an expedited basis.

RESOLVED (2012.11.26.NGxx), the Board requests that the GNSO Council advise the Board by no later than 28 February 2013 if it is aware of any concern such as with the global public interest or the security or stability of the DNS, that the Board should take into account in making its decision about whether to include second level protections for certain IGO names and acronyms by inclusion on a Reserved Names List in section 2.2.1.2.3 of the Applicant Guidebook, applicable in all new gTLD registries approved in the first round of the New gTLD Program. The specific IGO names to be protected shall be those names or acronyms that: 1) qualify under the current existing criteria to register a domain name in the .int gTLD; and 2) have a registered .int domain OR a determination of eligibility under the .int criteria; and 3) apply to ICANN to be listed on the reserved names list for the second level prior to the delegation of any new gTLDs by no later than 28 February 2013.

Rationale for Resolution 2012.11.26.NGxx

ICANN has received requests for additional protections for the names and acronyms of IGOs, including from the UN, from the RCRC and IOC, to prevent the registration of such names and acronyms by third parties 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 and in recent discussions at the Toronto Meeting and international fora such as the IGF Meeting.

In adopting this resolution at this time, the New gTLD Program Committee can remain accountable to all parts of its community, while taking action that is reasonable based on the following precedent and rationale:

- 1) The Board set a precedent for this request regarding IGO names with its resolution adopted on 13 September, which requested that the GNSO consider a similar proposed solution for the first round of new gTLDs to protect the RCRC and IOC names at the second level.
- 2) For historical reasons, the .int top level domain includes registrations from entities that are not IGOs or those that would not qualify for registration in .int under the current eligibility criteria. As the GAC advice focused on current eligibility criteria as one of its suggested starting points for the creation of a list, it would be overbroad to extend the moratorium to all current .int registries. In addition, there are entities that are eligible for registration in .int but that choose to not register in .int. Registration in the .int registration should not be a mandatory to requirement. Therefore, the resolution is only as broad as necessary, limiting a list to those names and acronyms meeting the current eligibility criteria for .int and who apply to ICANN for inclusion in the moratorium. This also allows those eligible IGOs who wish to register second level names within new gTLDs the opportunity do not participate in the moratorium.
- 3) As reflected in the underlying rationale for the 13 September 2012 (<https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13sep12-en.htm>) resolution with respect to Red Cross/Red Crescent and International Olympic Committee names, the Board favors a conservative approach, and that restrictions on second-level registration can be lifted at a later time, but restrictions cannot be applied retroactively after domain names are registered. That same rationale applies for IGO names and acronyms at the second-level of the first round of new gTLDs.
- 4) Consistent with the Board's Singapore resolution with respect to the IOC and Red Cross issues, the New gTLD Program Committee believes that the appropriate course is for the Board to ultimately leave these issues in the hands of ICANN's policy-making bodies. The Committee appreciates the efforts by the GNSO in initiating an expedited PDP to develop recommendations to provide any necessary additional protections for IGO and INGO names at the top and second-levels in all gTLDs. ICANN staff members are supporting that discussion in the GNSO, and the new gTLD Committee awaits the results of these policy discussions.

This action is not expected to have an immediate impact on the security, stability or resiliency of the DNS. This action is also not expected to have a significant impact on financial or other resources of ICANN.

2012-11-26-01-New-gTLD-Program-Committee-Submission-Prioritization-Draw.docx

New gTLD Program Committee Submission 2012-11-26-01

TO: New gTLD Program Committee
TITLE: Prioritization Draw
PROPOSED ACTIONS: For Information

EXECUTIVE SUMMARY:

On 5 October 2012, the New gTLD Committee reviewed the plan for conducting a Prioritization Draw as an equitable method for prioritizing new gTLD applications to meet root zone scaling requirements. This plan also included the recommendation to prioritize IDNs for the purposes of promoting DNS diversity, making the Internet more accessible, increasing avenues of participation and serving the public interest. The Committee agreed with this plan and agreed that a Board resolution was not necessary, but that the plan should be submitted for a 30 day public comment period.

On 10 October 2012, ICANN published its plan for conducting a Prioritization Draw and solicited feedback through public comment for a period ending 9 November 2012.

Of the seventy (70) public comments received, the majority are in favor of a Prioritization Draw. Further, comments received through this and other fora denote significant support for prioritizing IDNs. There were also numerous comments recommending the prioritization of other classes of applications such as Geographic names, String Contention Sets, or applications from developing countries or from countries that are not as equally represented in the DNS. For more details on the public comments received, including a summary of those comments, see the Annex to the Submission.

Staff continues to recommend the prioritization of IDNs, as the Committee previously agreed, as it is the only category of applications that can be objectively identified and will serve the public interest. Based on the previous Committee meeting, ICANN staff does not believe that a Committee Resolution is required to approve the Prioritization Draw plan.

DRAW DETAILS:

The following describes the details of the Prioritization Draw:

- The Prioritization Draw will be held on 17 December 2012 at the Hilton Los Angeles Airport, Los Angeles, California
- Ticket sales will be held at the Hilton Los Angeles Airport, Los Angeles, California, from Wednesday, 12 December 2012 through Sunday, 16 December 2012 during the hours of 9am to 5pm (17:00 to 01:00 UTC +1 day) each day
- Tickets will also be sold on the morning of the Draw from 8:00 a.m. to 11:00 a.m. PST (16:00 to 19:00 UTC)
- The event will begin at 1:00 p.m., in the International Ballroom and last until approximately 7:00 p.m., or until the last ticket has been drawn and assigned a priority number
- To participate in the Draw, an Applicant, through a designated representative (any primary or secondary contact or other person identified on the application) or proxy (either selected on their own or from a list provided by ICANN), must purchase a ticket in person for each application that the Applicant wants to be prioritized
- Applicants are not required to be present at the 17 December 2012 Draw to receive a prioritization number for each application
- Results of the Draw will be announced on the day of the Draw and the results will be posted on ICANN's website within 24 hours of the end of the Draw.
- 100% of proceeds will be donated to eligible California charitable organization(s) in accordance with California legal requirements

Submitted by: Christine Willett
Position: General Manager, New gTLD Program
Date Noted: 20 November 2012
Email: christine.willett@icann.org

2012-11-26-01-Annex-New-gTLD-Committee-Submission-Prioritization-Draw.doc.doc

DRAFT

Annex - New gTLD Program Committee Submission 2012-11-26-01

TITLE: Prioritization Draw

Report of Public Comments

Title:	Use of a Drawing for Prioritizing New gTLD Applications		
Publication Date:	TBD		
Prepared By:	Christine Willett		
Comment Period:		Important Information Links	
Open Date:	10 October 2012		
Close Date:	9 November 2012		
Time (UTC):	23:59		
Staff Contact:	Christine Willett	Email:	Christine.Willett@ICANN.org
Section I: General Overview and Next Steps			
<p>On 10 October 2012, ICANN staff published its plan for conducting a Prioritization Draw as an equitable method for prioritizing new gTLD applications to meet root zone scaling requirements. This plan also included the recommendation to prioritize IDNs for the purposes of promoting DNS diversity, making the Internet more accessible, increasing avenues of participation and serving the public interest. This report summarizes the public comments posted in regards to this paper.</p> <p>Of the seventy (70) public comments received, the majority are in favor of a Prioritization Drawing. The public comments also denote significant support for prioritizing IDNs. There were also numerous comments recommending the prioritization of other classes of applications.</p> <p>ICANN staff continues to recommend the prioritization of IDNs as the only category of applications which can be objectively identified and will serve the public interest.</p>			
Section II: Contributors			

DRAFT

At the time this report was prepared, a total of seventy (70) public comment submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

ORGANIZATIONS AND GROUPS:

Name	Submitted by	Initials
.Club Domains, LLC	Colin Campbell	CC
Radix Registry	Shweta Sahjwani	SS
eCOM-LAC	Anthony Harris	AH
Human commerce net	Rajuks	
Free and Hanseatic City of Hamburg	Konrad Hildebrandt	KH
The Smart Internet Foundation	Irina Danelia	ID
DotConnectAfrica Trust	Sophia Bekele	SB
dotBERLIN GmbH & Co. KG (dotBERLIN)	Dirk Krischenowski	DK
United TLD Holdco Ltd. (United TLD)	Statton Hammock	SH
Brights Consulting Inc. (Brights Consulting)		
NetCologne	Hartmut Schulz	HS
State of North Rhine-Westphalia (NRW)	Walter Flaig	WF
DotGreen Community Inc. (DotGreen)	Annalisa Roger	AR
Bayern Connect GmbH (Bayern Connect)	Caspar von Veltheim	CV
State of Bavaria	Christoph Habammer	CH
Department of Information Technology of Moscow	Alexander Arabey	AA
State Government of the Saarland	Gerald Maruhn	GM
Internet New Zealand Inc. (InternetNZ)	Jay Daley	JD
PUNTO 2012	Aaron Grego	AG
Hong Kong Internet Registration Corporation Limited (HKIRC)	Henry Chan	HC
City of Cologne	Stadt Koln	SK
Asociacion PuntoGAL	Manuel Vilas	MV
City of Berlin	Ralf Ganser	RG
dotEUS Foundation		
European Cultural & Linguistic Internet Domains (ECLID)	Nacho Amadoz	BB
Valideus Ltd. (Valideus)	Brian Beckham	NA
Key-Systems GmbH (Key-Systems)	Volker Greimann	VG
Community TLD Applicant Group (CTAG)	Craig Schwartz	CS
Nominet UK (Nominet)	David Abrahams	DA
Starting Dot	Godefroy Jordan	GJ
GeoTLDs Applicant Group	Dirk Krischenowski	DK
TLDDOT GmbH (TLDDOT)	Dirk Krischenowski	DK

DRAFT

CORE Internet Council of Registrars (CORE)	Amadeu Abril i Abril	AA
FairWinds Partners, LLC (FairWinds)	Joshua Bourne	JB
Donuts Inc. (Donuts)	Jon Nevett	JN
Intellectual Property Constituency (IPC)	Kristina Rosette	KR
At-Large Advisory Committee (ALAC)	Matt Ashtiani	MA
Coalition for Online Accountability (COA)	Steven Metalitz	SM
HOTEL Top Level Domain S.a.r. l. (Hotel TLD)	Johannes Lenz-Hawliczek	JL
TLDH/Minds + Machines	Antony Van Couvering/Elaine Pruis	AV/EP
.PARIS TLD Project	Jean-Philippe Clement	JP
New gTLD Applicant Group (NTAG)	Krista Papac	KP
Uniregistry Corp. (Uniregistry)	Bret Fausett	BF
The Travelers Companies (Travelers)	Brian Winterfeldt	BW

INDIVIDUALS:

Name	Affiliation (if provided)	Initials
Rubens Kuhl (R. Kuhn)	NIC.br	RK
Roman Kagan (R. Kagan)		RK
Catherine Douglas (C. Douglas)	Rogers Communications	CD
Nic Steinbach (N. Steinbach)	Name.com	NS
Peter LaMantia (P. LaMantia)		PL
Janna Lam (J. Lam)	IP Mirror	JL
Jean Guillon		JG
Tom Gilles		TG
Jim Prendergast		JP
Matthias Pfeifer		MP
Axel Schwiersch	dotreise GmbH	AS
Neil Dundas		ND
Dorit Richter		DR
Ronald Schwarzler	Punkt.wien GmbH (.wien)	RS
Bernhard Greil	Punkt Tirol GmbH (.TIROL)	BG
Dr. Guenther Platter	Governor of Tirol, Federal State of Austria, Land Tirol	GP
Werner Staub		WS

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

USE OF A DRAWING FOR PRIORITIZING NEW gTLD APPLICATIONS

DRAFT

GENERAL/PROCESS

Evolving New gTLD Implementation.

- IPC commends ICANN for recognizing that in response to the unanticipated large volume of new gTLD applications, it is necessary to adjust implementation in order to facilitate achieving ICANN's overarching goals. This is true even though the prioritization draw method directly contradicts some provisions of the final AG, and even though applicants and other parties might have relied on provisions in the AG which the prioritization draw proposal would change. *IPC (9 Nov. 2012); COA (9 Nov. 2012)*
- ICANN should reject the notion that the AG is itself a statement of policy that cannot be contradicted or significantly changed without invoking the entire PDP apparatus. The AG is a central implementation document for ICANN's new gTLD policy. Today, ICANN is in a position to shape and improve its implementation of that policy based on actual facts about the volume, mix and other characteristics of the applicant pool. ICANN would be remiss in its responsibilities to the community if it did not consider reasonable implementation changes, even though these require significant changes to the provisions of the AG. *IPC (9 Nov. 2012); COA (9 Nov. 2012)*
- The same procedure ought to apply to any other implementation adjustments that ICANN may choose to make in order to advance its stated policy goals for the new gTLD program, including but not limited to the goal of adequately safeguarding the intellectual property rights of third parties. *IPC (9 Nov. 2012); COA (9 Nov. 2012)*

Comment Period --Prioritization Draw Proposal.

- IPC views the present 30-day public comment period, absent any reply period, as insufficient for full community discussion of this entirely new prioritization proposal developed by staff. *IPC (9 Nov. 2012)*
- It is critical that ICANN take these public comments seriously, consider whether the draw proposal should be modified in response to the comments, and fully explain its decision either way. *COA (9 Nov. 2012)*

No further delays in new gTLD process. ICANN's first goal should be to avoid any new delay. Given all the past delays, it will be very difficult for the Internet community to understand if the Draw or any solution adopted pushes back the current calendar which ensures that all Initial Evaluations will be published in June-July 2013. This deadline should be kept to at any cost. *Asociacion PuntoGAL (9 Nov. 2012)*

Date and Location of the Draw. When does ICANN plan to announce the date and location for the Draw? Since the Draw will be in the U.S., many participants will need visas; therefore ICANN should make this determination and give as much lead time as possible so applicants can make the necessary preparations. *J. Prendergast (7 Nov. 2012)*

Proxy for Drawing Ticket Purchase--Details Requested. ICANN should furnish more details as soon as

DRAFT

possible about the ICANN-arranged independent proxy for drawing ticket purchase in the USA. This is very important for applicants who cannot afford or do not intend to attend the drawing in the USA so that they are confident that the ICANN-assisted proxy appointment will be reliable and free from human error. *HKIRC (9 Nov. 2012)*

Drawing Ticket Fee.

The ticket price (ICANN has stated that these fees will go to charity), should be kept as low as possible since applicants have already paid large application fees. It would be desirable if applicants are allowed to choose the charitable organizations they want to contribute to via the drawing ticket purchase. *HKIRC (9 Nov. 2012)*

FairWinds suggests that ICANN consider donating funds raised from the Prioritization Draw to the International Federation of the Red Cross and Red Crescent Societies. Funds could be earmarked for hurricane or other recent natural disaster or relief efforts. *FairWinds (9 Nov. 2012)*

Integrity of Draw Process--Third Party Management. To avoid even the remotest possibility or perception of any sleight of hand, ICANN should not allow applicants to draw paper tickets themselves; this should be exclusively managed by the trusted third party ICANN will use to supervise the draw. California Code Section 320.5(b) seems to support this. *Valideus (9 Nov. 2012)*

Concerns about application of and details of California lottery law. Is there not a way to conduct the draw without applicants having to pay for a draw ticket (in the name of fundraising) as required in the lottery law? This is not a game and definitely cannot be treated as a lottery. *J. Lam (5 Nov. 2012)*

GAC Advice Timing. In order to adhere to the current timeline, it is crucial that all GAC advice on applications be issued no later than the close of the ICANN meeting in Beijing. ICANN should urge the GAC to work to meet this deadline, even if that requires a face-to-face intersessional meeting of the GAC prior to the Beijing meeting. *United TLD (5 Nov. 2012); TLDH/Minds + Machines (9 Nov. 2012); NTAG (9 Nov. 2012)*

SUPPORT

The timeline in the proposal is equitable, logical and easy to implement. This timeframe should be supported by the ICANN community so that the supporting parties involved in the new gTLD implementation, including registrars, can more efficiently plan and manage resources necessary to this implementation, both now and moving forward. *N. Steinbach (12 Oct. 2012); United TLD (5 Nov. 2012); PUNTO 2012 (9 Nov. 2012); Uniregistry (9 Nov. 2012)*

The Draw is an improvement over Digital Archery. While still causing a number of undesirable and unnecessary unfair side effects, these can be easily corrected. *CORE (9 Nov. 2012)*

Donuts supports moving forward with the ICANN draw proposal "as is" with no changes. It is a reasonable compromise and should be adopted without tinkering so as to avoid any further delays. *Donuts (9 Nov. 2012); TLDH/Minds + Machines (9 Nov. 2012)*

DRAFT

OPPOSITION/ CRITICISM

The drawing proposal should not proceed and needs revisiting because:

- (1) The application of principles is inconsistent;
- (2) The limits required to ensure safety of the root and the rationale behind those limits have become confused and are being applied inappropriately. There are no persuasive arguments for imposing a hard limit of 1,000 delegations per year, and that 1,000 ceiling was derived from assumptions that no longer hold; ICANN should ask RSSAC and other stakeholders the following question-- is it possible to delegate safely and within the current root framework approximately 1,400 new TLDs (the likely number of delegations for this round when contention sets are accounted for) to the root within 12 months? Instead of the 20 pre-delegation checks per week limit (which is derived from the limit of 1,000 delegations per year) the limit for pre-delegation checks should be set at the maximum that is possible given the resources available and the standards that need to be achieved. A limit of 20 per week would be a notable bottleneck and if it could be increased then all applicants would benefit.
- (3) Now that the number of likely delegations is known it is possible to ask for more technical advice, which may obviate the need for some element of the drawing proposal. *InternetNZ (8 Nov. 2012)*

The Draw method is unfair and we are against it for two main reasons:

- (1) It does not seek to respond to the objectives of ICANN in general and the new gTLD process in particular. Does the Draw foster “cultural diversity” and the “public interest” on the Internet? *dotEUS Foundation (9 Nov. 2012)*
- (2) It does not respond to the need of a deep debate about how to define some criteria to establish prioritization in the approving and launching of new gTLDs. It does not provide criteria apart from what was defended in Digital Archery for IDNs. We agree on prioritizing IDNs, but apart from IDNs are all new gTLDs equal? Are there some new gTLDs which are similar and should be launched at the same time? *dotEUS Foundation (9 Nov. 2012)*

The draw proposal fails to address the public interest, with the exception of IDN. This is easy to correct. Processing priority must go to applications for which public authorities or pre-established community organizations take responsibility (IDN TLDs, community-based TLDs, public authority-supported TLDs, geographic TLDs). *W. Staub (9 Nov. 2012)*

The drawing proposal correctly identifies IDN TLDs as a public interest priority but fails to make other necessary distinctions, including:

- (1) Distinction between projects that rest on a credible public interest governance model and those with no guarantee of public accountability. The gTLD applications made or supported by public authorities have intrinsic public interest governance.
- (2) Distinction between projects serving a widely shared interest and those serving individual self-interest.
- (3) Distinction based on affected parties’ preferences. A self-selected time window later in the process can be better than a random chance of early processing. It is possible to accommodate preferences of relative or absolute positioning to a large degree. Applicants must be given the opportunity to express those preferences.

DRAFT

The ICANN Board should revise the current proposal based on the criteria above. *.PARIS TLD Project (9 Nov. 2012)*

ADDITIONAL RECOMMENDATIONS

Use a Principles-Based Model, Not a Lottery.

- A principles-based process should be used wherever possible and only be supplemented by random draw where further differentiation is needed (e.g. prioritizing IDNs is a principles-based decision). ICANN should: (1) Broaden the existing de facto principle to a new principle that prioritizes groups of applications according to the benefit that they provide to Internet users, using the ICANN core values as a measure; and (2) Introduce a new, secondary principle that the processing of any application should not stop other than where that is a requirement of the process. *InternetNZ (8 Nov. 2012)*
- A prioritized list of groupings should be drawn up using these two principles through an open stakeholder process. While InternetNZ does not wish to recommend such a list, the following is provided for help in understanding how these principles may be applied: (1) IDN strings; (2) Assisted applications; (3) Community “open registration” applications ; (4) Geographical names; (5) Open TLDs; (6) Brands; and (7) Closed generics (InternetNZ believes that closed generics are actually harmful to Internet users). *InternetNZ (8 Nov. 2012)*

Amend Proposal to Allow Applicants’ Confirmation of Inclusion in the Draw.

The proposal results in applicants being forced into a sequence that may not be beneficial or desired. It is recommended that all applicants be allowed to first submit either a written confirmation that they want their name included in the draw OR a written confirmation that they do not want their name included. In either respect, all applicants should be offered the option of having their name included in a 2nd draw, taking place AFTER this initial draw, or some other equitable opportunity for evaluation AFTER the initial applications have been evaluated. *C. Douglas (11 Oct. 2012)*

Applicants should be able to let ICANN know that they would agree to enter the stages of the process at the end of the queue. ICANN should bear in mind that there is a group of applicants who seek a new gTLD solely for defensive purposes. *Asociacion PuntoGAL (9 Nov. 2012)*

Applicant Discretion to Allocate Its Draw Numbers Among Its Own Applications. Travelers suggests that applicants be allowed to allocate their tickets among their own applications based on the applicants’ business priorities. This allows an applicant with several applications pending to select the order of priority among the applicant’s tickets based on the draw numbers obtained by that applicant. *Travelers (9 Nov. 2012)*

Allow Exclusive Use TLDs Declarations Along with Timing Preferences. Many exclusive use TLDs are forced to “play” in the lottery despite their natural preference for a later roll-out date. The lottery plan does not allow them to express their real preference--avoidance of time disadvantage against same-industry competitors. All applicants would be better served if applicants were allowed to

DRAFT

express their timing preferences. ICANN must immediately allow applicants to formally declare exclusive use of the TLD, if that is their intention, along with their timing preferences in relative or absolute terms. *W. Staub (9 Nov. 2012)*

Voluntary Formation of Applicant Groups.

Applicants should be able to form groups in order to get just one number from the Draw (e.g., .yellow, .red and .pink should be able to get just one number from the Draw). This will not harm anyone and the members of the groups will be able to avoid the main danger of batching for them which is for .yellow being on the root one year later than .red. ICANN should limit the size of the groups, e.g., to the amount of gTLDs that they are able to delegate in one week. *Asociacion PuntoGAL (9 Nov. 2012); dotEUS Foundation (9 Nov. 2012); CORE (9 Nov. 2012)*

Equal Treatment--Single and Multiple Application Applicants.

If ICANN does proceed with a lottery, then each applicant should have an opportunity to draw a number before applicants with multiple string applications draw their second number. Giving a vote for each string biases the “machine gun applicants” as it allows those that registered multiple applications to potentially launch multiple domains prior to a single applicant having the opportunity to do so. If a single applicant chooses a number near the back of the line, that company will incur economic harm. From the beginning this process has biased large applicants as they were able to spread legal, research, and other costs among several names. *.Club Domains, LLC (25 Oct. 2012); eCOM-LAC (30 Oct. 2012); DotConnectAfrica Trust (1 Nov. 2012); HKIRC (9 Nov. 2012)*

There should be a first round drawing for every applicant, so that single applied-for string applications have an equal chance of getting prioritized as applicants with multiple applied-for strings applications. So there will be two rounds of drawing: in the first round the total draw numbers available will equate to the total number of applicants. Applicants with a single applied-for string will draw a number for that string, while applicants with multiple applied-for strings will have to choose one string among their portfolio to participate in the first round drawing. After the first round and formation of a queue for every applicant, a second round drawing will be conducted for all applied-for strings not included in the first round. Draw numbers for the second round will follow the queue formed during the first round. This approach where multiple application applicants must prioritize their own portfolio before taking part in the ICANN process reflects the community’s view and ICANN should modify the drawing solution to reflect it. *HKIRC (9 Nov. 2012)*

The proposal gives a clear probability benefit to those who applied for more than one application. To foster competition, ICANN should ask applicants with several applications to select a priority and then establish several rounds of drawing as follows: (1) IDN draw; (2) First draw: single application applicants & the top priority application for multiple application applicants; (3) Second draw: the second priority application for multiple application applicants; and so forth. *Brights Consulting (5 Nov. 2012)*

Relative Time to Market--Competitive Concerns.

Many applicants are concerned not about their “absolute” time to market but their “relative” time to market--i.e., how separated their TLD delegation is from that of their competitors. Under the current

DRAFT

drawing proposal, if their competitor is #1 and they are the last one, the difference between the delegations could end up being more than one year, which is unacceptable. A solution could be to ask each applicant to name up to 3-5 strings that they consider is a competitor. After such subsets of competitors are created they could be drawn together. The order between subsets could be established randomly since absolute time is not so important as long as an applicant is in the same subset as the competitors. To avoid conflicts with applicants with multiple applications, the selection of the 3-5 competitors should be done among the ones in the same draw; or multiple application applicants should only be allowed to select up to 3-5 competing applications overall against a TLD they applied for. *Brights Consulting (5 Nov. 2012)*

Portfolio Applicants--allow self-declared preferences. A portfolio applicant would be better off if allowed to announce a preferred order of processing of its applications. The indirect effect of this option on all other applicants would still be positive because the bulk of each portfolio can be shifted to the back of the timeline and still be more advantageous to the portfolio applicant. There is no reason to use a lottery when a system involving self-declared preferences achieves a better result for all. *W. Staub (9 Nov. 2012)*

Opposition to Single Applicant Prioritization over Portfolio Applicants. With respect to comments suggesting some method of prioritization for single applicants over multiple or portfolio applicants, or ensuring that single applicants are processed before any second application from a portfolio or multiple TLD applicant, I do not support this approach. Each application had the same requirements and the \$185K fee attached. The decision to apply for multiple TLDs was entirely the option of the applicant and those applicants that applied for numerous TLDs should not be penalized simply due to the fact they applied for more than one TLD. *T. Gilles (6 Nov. 2012)*

Contention Sets. The drawing proposal has flaws with respect to its management of contention sets.

- Flaw #1 --Contention set applicants must all wait until Initial Evaluation results are announced for all the applicants in their contention set in order to move forward in the process. The more contention there is for a particular string, the more delayed will be the resolution of that string. Contention set strings are being pushed to the end of the process. This is a material change to the original policy guidance we relied upon. ICANN needs to align the policies of the new system to be fairer; the model unfairly penalizes applicants who are part of contention sets and offers relative priority to non-contention set applicants. To solve this problem, the system needs to be modified so that there is no undue advantage to either contention set applicants or non-contention set applicants. *Radix Registry (30 Oct. 2012)*
- Flaw #2--the proposal puts applicants within a Contention Set on an uneven playing field. Since the time to delegation for a particular contention set is not determined prior to an auction, it actually forces applicants of a contention set to bid on an asset which is effectively different for each one of them. The system is grossly unfair for contention set applicants with a higher Draw Number. *Radix Registry (30 Oct. 2012)*
- Flaw #3-- the proposal will result in delayed auctions. A contention set applicant with a higher Draw Number would likely delay the auction as much as possible to level the playing field and to be able to receive the same priority for a pre-delegation appointment as a contention set

DRAFT

applicant with a lower Draw Number. This again guarantees that strings with the highest number of applicants would be the last strings to be resolved and delegated. *Radix Registry (30 Oct. 2012)*

- Proposed solution: Each applicant within a contention set should be allowed to draw their own draw number. All applicants from a contention set should be evaluated and should proceed through the process along with the applicant with the lowest draw number. While some may argue that this is unfair to non-contention set applicants, such is not the case. *Radix Registry (9 Nov. 2012)*

Draw Strings, Not Applicants. After IDNs, all other strings should be entered into the draw instead of individual applicants--each string should be drawn for one position, not each applicant. The same “per application” cost of \$100 would apply and if there is a contention set of six, then \$600 would be collected from each applicant. E.g., if .ABC had 6 applications, then .ABC as a string will be entered into the drawing and whenever it is selected, all 6 applications would be evaluated at the same time based on the string draw position. This ensures that all strings have an equal chance of moving to their next step and allows resolution of contention to begin right away. The winner of contention then assumes the draw number as its own and continues through to the next step. By contrast, the current draw proposal from ICANN makes the draw a disadvantage to anyone in contention. *DotGreen (7 Nov. 2012)*

A majority of NTAG members submit that ICANN should consider use of a single ticket per contention set rather than a single ticket per application, but a significant number of NTAG members disagree. *NTAG (9 Nov. 2012)*

Contention Sets--opposition to equal priority as result of draw. We do not support the position of some NTAG members that ICANN should assign all applications in a contention set an equal prioritization as a result of the draw. It is not in the interest of any applicants except those in contention sets to prioritize these applications above others. Prioritizing contention sets is not good for ICANN, as some of them may result in legal claims that seek to shut the program down while claims are adjudicated. The reputation of ICANN and the perceived success of the new gTLD program will be bolstered if uncontested names get into the root first. *TLDH/Minds + Machines (9 Nov. 2012)*

Auction Timing.

According to the proposal for a new system of Prioritization Draw Numbers, it is a very likely possibility that there will be a significant time gap between the auction and the actual delegation based on the winner’s Draw Number. The Applicant Guidebook requires the auction winner to pay the winning amount within 20 business days. ICANN should announce a more efficient schedule for the auctions and payment. Suggestions are:

- (1) Auctions should be scheduled based on the Draw Numbers selected by the applicants in a contention set. Ideally ICANN should schedule auctions closest to the time of the potential pre-delegation testing appointment for the lowest Draw Number from the Contention Set. *Radix Registry (30 Oct. 2012); Radix Registry (9 Nov. 2012)*
- (2) If auctions need to be scheduled earlier, ICANN could relax the 20 day time limit to pay the

DRAFT

winning amount, possibly to some maximum time limit (e.g. 2 months) prior to delegation. *Radix Registry (30 Oct. 2012)*

(3) Alternatively, ICANN could allow the winner to pay a certain percentage amount within 20 days as a surety and the remaining at a later stage. *Radix Registry (30 Oct. 2012)*

The payment schedule should be dependent on delegation time, rather than on auction time. Our current understanding, on which we seek some clarity from ICANN, is that there exists a possibility of a huge time gap between: (1) Auction and Delegation; and (2) Payment and Delegation, which is not favorable to anyone involved in the process. *Radix Registry (9 Nov. 2012)*

Auctions should not be scheduled simultaneously, contrary to what is stated in the AG. If this is implemented, auctions would not occur until Initial Evaluation results for the very last batch of applications (assumedly 1800 to 1923 will have at least one contention set in it) are published. Contention set applicants would have to wait until every other applicant in every other contention set is prepared for the auction. *Radix Registry (9 Nov. 2012)*

ICANN should conduct all auctions within 90 days from the date that the last application in a contention set has completed the initial evaluation process, thereby creating more certainty around the string resolution process and the timing of auctions. *United TLD (5 Nov. 2012); NTAG (9 Nov. 2012)*

If all applicants agree, ICANN should conduct auctions immediately upon relevant evaluation completion. *NTAG (9 Nov. 2012)*

It is essential that a clear and well-mapped out process exist regarding string contention self-resolution and auction processes to ensure that contention sets that ultimately are resolved by ICANN Auction are not delayed any further than necessary. A suggestion would be to set an exact timetable limit for the self-resolution process (e.g., 30 or 60 days) immediately and automatically, before the ICANN Auction process begins. All applicants may agree to move the auction date sooner but not later. This would allow ICANN to have an efficient scheduling of a third party Auctioneer with a regular timetable and avoid unnecessary idle time, false control or advantages to some from purposely staving off resolution with others, and unknown auction dates for financiers. *DotGreen (7 Nov. 2012)*

PRIORITIZATION BY CATEGORIES

Support for IDN Priority.

The proposal is good news and promotes a global internet *N. Steinbach (12 Oct. 2012); R. Kagan (11 Oct. 2012); Smart Internet Foundation (1 Nov. 2012); United TLD (5 Nov. 2012); T. Gilles (6 Nov. 2012); ALAC (9 Nov. 2012); NTAG (9 Nov. 2012)*

Uniregistry can support the existing prioritization plan for IDNs so long as: (i) the scope of the prioritization is not expanded beyond IDNs; and (ii) any delays specific to the implementation of IDN TLDs do not cause non-IDN TLDs to wait behind them. *Uniregistry (9 Nov. 2012)*

DRAFT

Early Start for IDN Registry Agreement Negotiations. For IDNs, ICANN should consider starting the negotiations on Registry Agreement amendments earlier than scheduled which would help IDNs be the first in the queue; otherwise the negotiation process (currently set to begin late March 2013) could put progress with some IDNs on hold until summer 2013 or even beyond, which would derail the original good intent of IDN Prioritization. *Smart Internet Foundation (1 Nov. 2012)*

IDN Priority with Regional Round Robin.

We support IDN priority. Using regional round-robin (same methodology from Digital Archery) to prioritize both IDN and non-IDN applications adds to ICANN's international outreach strategy and lowers litigation risk to the process by increasing its likelihood with previously disclosed procedures. *R. Kuhn (11 Oct. 2012); T. Gilles (6 Nov. 2012)*

While we do not oppose the "round robin" approach in principle in drawing between IDN gTLD applications and other applied-for strings, we opine that the "round robin" approach could only be incorporated into our suggested two-round drawing method where every applicant (including the IDN applicants) will have one equal opportunity of getting prioritized in the first round drawing. *HKIRC (9 Nov. 2012)*

ICANN should limit application prioritization to IDNs; this could be accomplished by a round robin draw between IDNs and all other non-IDN applications. Any further efforts on prioritizing applications will be time-consuming and unlikely to reach consensus, as shown already by the public comments submitted to date. Valideus would not support any unilateral decision by ICANN to further re-define prioritization of applications (beyond IDNs and possibly geoTLDs to the extent supported by the GAC) without the opportunity for further discussion. *Valideus (9 Nov. 2012)*

A majority of NTAG members submit that prioritization should not be extended to any applications other than IDNs, and that ICANN should adopt a round robin approach between IDNs and other categories of applications in the interests of diversity, but a significant number of NTAG members disagree. *NTAG (9 Nov. 2012)*

TLDH supports prioritization of IDNs as well as Geographic TLDs ahead of other applications. *TLDH/Minds + Machines (9 Nov. 2012)*

Clarifications Requested About Draw and IDNs.

(1) Are IDN applicants required to purchase a ticket and participate in the Draw? If so, will IDN applications be considered in a separate Draw from all other applications? If not, and if an IDN applicant chooses to opt out of the Draw, is the IDN application placed: (i) at the end of the queue of all IDN applications; (ii) at the end of the queue for all applications; or (iii) according to some other determination?

(2) If an applicant chooses NOT to participate in the Draw, how is the order for that applicant's application determined? Does the answer change if the application is for an IDN?

(3) If an applicant has a low draw number but is NOT ready to proceed as quickly as others, what opportunities are there for the applicant to slow its application's progress? Please confirm that the

DRAFT

answer is that applicants can schedule later for pre-delegation testing, contract negotiation and contract signing. (a) If so, may IDN applicants who want to delay the process schedule later than non-IDN applications? (b) Are there ways (other than via scheduling) that applicants can delay their progress? *J. Prendergast (7 Nov. 2012)*

Priority for GeoTLDs.

GeoTLDs fulfill the requirements set by ICANN for giving priority to certain categories of TLDs: to promote DNS diversity, make the Internet more accessible, increase avenues of participation and serve the public interest. ICANN should enable the GeoTLD applicants to begin their work for the benefit of the referred cities and regions as soon as possible. *dotBERLIN (5 Nov. 2012); Free and Hanseatic City of Hamburg (31 Oct. 2012); State Government of the Saarland (8 Nov. 2012); City of Cologne (9 Nov. 2012); City of Berlin (9 Nov. 2012); R. Schwarzler (9 Nov. 2012); B. Greil (9 Nov. 2012); G. Platter (9 Nov. 2012); GeoTLDs Applicant Group (9 Nov. 2012); TLDDOT (9 Nov. 2012); HOTEL TLD (9 Nov. 2012)*

The proposed drawing method could upset the balance between private and public interests as there is a great chance that GeoTLD applications clearly in the public interest may enter the root far behind applications that do not represent the public interest. The prioritization of the 56 GeoTLDs (7 of the 63 GeoTLDs are IDNs and are already prioritized) would defer the allocation of other generic TLDs only a short period of time. This is reasonable to protect the public interest. *NRW (7 Nov. 2012); Bayern Connect (8 Nov. 2012); State of Bavaria (8 Nov. 2012); Department of Information Technology of Moscow (8 Nov. 2012); State Government of the Saarland (8 Nov. 2012); City of Cologne (9 Nov. 2012); City of Berlin (9 Nov. 2012); GeoTLDs Applicant Group (9 Nov. 2012); TLDH/Minds + Machines (9 Nov. 2012)*

Geographical TLDs with requisite government support should be prioritized. City and GeoTLDs are pre-qualified to be in the public interest and are also widely distributed, ensuring fairness and global balance in applicant processing. *T. Gilles (6 Nov. 2012); State Government of the Saarland (8 Nov. 2012); City of Cologne (9 Nov. 2012); City of Berlin (9 Nov. 2012); GeoTLDs Applicant Group (9 Nov. 2012)*

Geographic TLDs with the proper government approval should be included with IDNs at the top of the queue or at least in a second tier of prioritization for GeoTLDs after the IDNs but prior to the remaining applications. *Key-Systems (9 Nov. 2012)*

GeoTLDs should be prioritized by being allocated the 66 draw slots subsequent to the 116 IDN draw slots. *Nominet (9 Nov. 2012)*

There should be a priority for GeoTLDs and in particular GeoTLDs from developing and underserved regions--especially Africa--so that they go first (not last) in the approval process. *N. Dundas (7 Nov. 2012); PUNTO 2012 (9 Nov. 2012)*

Lack of Regional Balance. The 10 October proposal lacks regional balance, which was present in the Digital Archery method and has been described as a pillar of the program. This diminishes ICANN's

DRAFT

international outreach instead of adding to it. *R. Kuhn (11 Oct. 2012); T. Gilles (6 Nov. 2012)*

Selection based on regional representation requirements. To support the principle that the “Internet is for everyone,” ICANN should select and process applications based on regional representation requirements and people who want to support and propose new TLDs. E.g., India is a large country with many Internet users, and many regional states with different languages and cultures. To serve this part of the world, ICANN should consider regional requirements rather than global requirements and priorities. *Human commerce net (31 Oct. 2012)*

Priority for Latin American/Caribbean and Africa Regions.

Much has been said about the lack of applications from the Latin American/Caribbean and Africa Regions. The luck of the draw could well relegate many of these to places in the waiting line far behind multiple application applicants from the developed regions, with tens or hundreds of drawn place numbers in the line. This would hardly signal to the world that ICANN cares about increasing participation from those two regions. *eCOM-LAC (30 Oct. 2012)*

African / LAC applications should be processed along with IDNs. The change to ICANN and the wider applicant community would be small (manageable to add them to priority processing track--17 Africa applications, 24 from LAC), but the message speaks volumes, supports the global Internet and helps to expand “ownership” of the Internet to underrepresented regions. While we support IDN priority we do not believe it will have a significant effect on ICANN’s goals of expanding the registry market since a significant number of the IDN TLD applications were submitted by large global players already active in the Registry marketplace. *PUNTO 2012 (9 Nov. 2012)*

Applications from developing economies should receive priority on a case by case treatment basis, to reduce the possibility of gaming this process and to find out those which were genuinely applied for by developing country citizens and organizations. *ALAC (9 Nov. 2012)*

As technical corrections, ICANN: should not include in the group the so-called GeoTLDs which have not passed the Geographic Names Review at the time of the Draw (as the condition of support will still be missing); and should include those that have the explicit support, but are not strictly geographic names in the sense of the AG (a handful of them exist). *CORE (9 Nov. 2012)*

Linked geographic applications. Nominet is in the unusual position of having two closely linked geographic gTLD applications (.CYMRU & .WALES). Given the political and practical considerations, we would ask that ICANN give consideration to a mechanism whereby Nominet can link the two applications so that they can go through pre-delegation testing and delegation at the same time. *Nominet (9 Nov. 2012)*

Some geographical strings are planned to be implemented both in ASCII and as IDNs (e.g., .MOSCOW & .MOCKBA). For the community of Muscovites the TLDs are targeted at there would be much more clarity and transparency if both strings are launched at the same time. This may not happen if the Draw proposal gives a priority to IDNs only. *Department of Information Technology of Moscow (8 Nov. 2012); GeoTLDs Applicant Group (9 Nov. 2012)*

DRAFT

Global Public Interest Priority (GeoTLDs, Community & Developing Countries).

PuntoGAL supports the GAC request included in its Toronto communique: “geographic name gTLDs approved by the relevant government authority, community names and applications from developing countries should be prioritized.” Not granting cultural and linguistic domains the same priority as IDNs will discriminate against these community domains for the simple fact of using the Latin alphabet. Community applicants that should be prioritized are the ones who have demonstrated their public interest by including a letter of support or non-objection signed by the competent government authority in compliance with AG rules. A prioritization system is needed within the group of applications given priority for their global public interest. This prioritization can be achieved by the Draw System already proposed by ICANN. *Asociacion PuntoGAL (9 Nov. 2012)*

The GAC Communique (October 17) referring to the request for prioritizing community-based new gTLDs, new gTLDs from developing countries, and GeoTLDs having the support of their relevant government is the best way to defend “public interest” and “cultural diversity” on the Internet. *dotEUS Foundation (9 Nov. 2012)*

CORE supports some sort of prioritization for applications meeting the following: IDNs; Community-based; Geographic and other applications expressly supported by the relevant public authorities; and Applications coming from underrepresented areas (Africa, Latin America). CORE does not have a specific view on prioritization among these types of applications; it is not that any of them has a “right to be first”; it is that the whole ICANN community has an interest in them “not being last.” *CORE (9 Nov. 2012)*

Rebalancing the Internet domain industry (lingual and geographic) and the consideration of the public interest should be the main criteria for any prioritization. IDN and developing economy applications deserve to be on the top of the list. *ALAC (9 Nov. 2012)*

ICANN should give priority to public interest gTLDs and process them in the following order: (1) IDNs, (2) GeoTLDs, (3) Community TLDs, and (4) All Other TLDs. *M. Pfeifer (7 Nov. 2012); D. Richter (9 Nov. 2012)*

Give priority to all public interest gTLDs (GeoTLDs, Community TLDs and IDN TLDs). *A. Schwiersch (7 Nov. 2012); A. Schwiersch (9 Nov. 2012)*

Community-based TLDs should have priority along with IDNs. The small number of community applicants (4%, whereas IDNs are 6.5%) would not delay or hinder the rest of the applications. ECLID concurs with the GAC members that suggested that community names be prioritized. The explicit support these applications have from their respective Public Authorities, the entities at the local level to serve and promote the public interest, should be taken into consideration by ICANN in order to promote an alignment between the local and global public interest spheres. *ECLID (9 Nov. 2012); CTAG (9 Nov. 2012); Starting Dot (9 Nov. 2012); R. Schwarzler (9 Nov. 2012); B. Greil (9 Nov. 2012); G. Platter (9 Nov. 2012); GeoTLDs Applicant Group (9 Nov. 2012); TLDDOT (9 Nov. 2012); HOTEL TLD (9 Nov. 2012)*

DRAFT

Do Not Give Priority to Other, Non-IDN Applications.

Giving non-IDN applicants priority seriously undermines and erodes the fairness of the draw proposal and would result in further delays to the process. *United TLD (5 Nov. 2012)*

Community applications should not be prioritized ahead of non-IDNs or GeoTLDs. They are self-selected with no third party validation and CPE panel review will only be optionally invoked in some cases of contention. *TLDH/Minds + Machines (9 Nov. 2012)*

Free Market Forces Applied to Post-Draw Prioritization.

ICANN should consider allowing free market forces to influence delegation placement through exchange or sale of delegation sequences post draw. This creates a marketplace for position that will allow market forces to order delegation sequence. An unbiased ICANN draw removes all subjectivity from prioritization, and the inclusion of market forces to order the sequence brings best equipped TLD strings and ventures, thereby increasing the chance of program success. Those requiring capital have a new asset to sell, thereby increasing their chance of success. Those with capital have an opportunity to advance their position and improve their chance of success. For the single motivated, capitalized application, it is an opportunity to move forward now. For the portfolio applicants it allows them to order strings and launch their most valued strings first. For those without capital, they still have a chance to get an early delegation sequence where in a completely free market system they would not have any chance. *P. LaMantia (2 Nov. 2012)*

Process for sequencing and categorizing draws. Pre-draw, TLDs should be grouped into their own category (i.e. brand, geo, community, generic) before applying the following draw criteria:

- Give 1 Draw Number to the same applicant with both similar ASCII and IDN (especially the clear cut case where direct translation can be applied). This would make evaluation more efficient--coming from same applicant, all information practically the same except for one question that concerns IDN is going to be different. Everyone pays the same fees for applying for ASCII or IDN so why should priority be given to IDN?
- Delegate together the same applicant with 2 brands that need to be launched at the same time for purpose of marketing. E.g. a company name (".yodobashi") and the company's point program (".goldpoint"). ICANN should allow applicants to put 2 or more names as one draw if applicants can justify the reason to do so.

J. Lam (5 Nov. 2012) Smart Internet Foundation (1 Nov. 2012)

Same strings in different languages. Some applicants are in competition for similar strings translated in multiple languages. These applications should be processed in the same batch (e.g., .WINE & .VIN). These applications raise more issues which may take some time to solve, so they should be treated as soon as possible. Other issues raised include: different registration conditions for the exact same meaning; and the possibility to be launched by different applicants raises the issue of having a Registrant miss the registration of the same domain in another language. *J. Guillon (6 Nov. 2012)*

Applications that represent translations of identical strings (such as .KOELN/.COLOGNE) should be

DRAFT

processed as one ticket. This would be efficient and save on ICANN's resources since these TLDs are based on uniform marketing and technical concepts. *NetCologne (7 Nov. 2012)*

Double Track -Round Robin Proposal. CORE proposes a double track with a round robin mechanism between the 200 "prioritized" applications and the rest. Multiple application applicants should be allowed to order their applications before the Draw. Non-prioritized single application applicants, for which statistical odds are also adverse in the Draw, should go in the round robin with the rest of the de-prioritized ones (i.e., the multiple application applicants). In this proposal, IDNs would move from having a guaranteed slot in the first 10 weeks to the first 20 weeks but that effect, even if it means doubling the timeline, is marginal. CORE believes that its specific proposals and corrections deserve the attention of ICANN's Board and its staff because they produce big benefits to a large number of applicants with negligible, if any, unwanted effect, without adding too much complication and without requiring ICANN to make any individual or subjective decision (ordering of applications for multiple applicants, or self-grouping, would be dealt with by applicants themselves). *CORE (9 Nov. 2012)*

Priority Based on Initial Evaluation Score. The fairest method is to assign priority based on the application score, thereby rewarding those applications that went well beyond others to meet and exceed requirements. Originally this was not possible because all applications would have to be initially reviewed; however, that is no longer an issue since batching has been eliminated. *.Club Domains, LLC (25 Oct. 2012)*

INITIAL EVALUATION PROCESS

Release Initial Evaluation results as soon as they are completed.

Although we support the draw proposal, the draw number should not be used to determine the order that applications are released from Initial Evaluation; this has no logical basis and would make the process less efficient. *United TLD (5 Nov. 2012); NTAG (9 Nov. 2012)*

Release of IE results as soon as they are complete allows applicants if necessary to enter into extended evaluation immediately, make business decisions including staffing and financing, and move toward settlement of contention sets earlier than under the current proposal. The sequencing priority of the draw should be used only to determine the order of evaluations going forward. *TLDH/Minds + Machines (9 Nov. 2012)*

Initial evaluation results should be released as soon as possible and on a rolling basis. If applications with completed IEs pick an unfavorable number at the draw (e.g. 1900), ICANN should still release such IE results in the first wave. Also, as described in Sec. 2.1 of the AG and demonstrated in the AG Module 2 Flowchart, background screenings are to be completed prior to the full IE process. Those results should not be withheld pending the rest of the evaluations but should be released as soon as they are completed and well before March 2013. *Donuts (9 Nov. 2012)*

PRE-DELEGATION TESTING

DRAFT

Pre-delegation Testing Slots--More than 20 per Week.

ICANN should reconsider the limit of 20 pre-delegation testing slots per week. ICANN's recent RFP seeking proposals from one or more pre-delegation testing providers states that the provider be capable of conducting as many as 100 per week. Since many applicants use the same technical backend provider, it should not be necessary to perform pre-delegation testing for every TLD. Testing should occur once on each backend provider. Those applicants that have unique technical requirements could be tested separately. *United TLD (5 Nov. 2012); TLDH/Minds + Machines (9 Nov. 2012); NTAG (9 Nov. 2012)*

There is no reason to limit pre-delegation testing to 20 per week; this is the most inefficient part of the ICANN timeline proposal. The testing should be automated and done as soon as possible. It could take a matter of weeks, not more than one year, considering that the vast majority of applications are being supported by the same ten or so technical providers. *Donuts (9 Nov. 2012); TLDH/Minds + Machines (9 Nov. 2012)*

ICANN should also plan to increase its processing rate for negotiation and testing in anticipation of the likelihood that NTIA/VeriSign root entry will be substantially faster than 20 per week. *Donuts (9 Nov. 2012)*

An arbitrary limit of 20 per week for pre-delegation testing, contract signing and delegation at IANA should not be imposed. ICANN should review the situation from time to time and ramp up the processes when resources allow. *HKIRC (9 Nov. 2012)*

ADDITIONAL NEW gTLD PROCESS ISSUES

Community Priority Evaluation (CPE). CTAG proposes the following enhancements that would add more predictability and certainty for community applicants and those in their contention sets:

- CPE Election and Scoring. Community applicants should 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. *CTAG (9 Nov. 2012); Starting Dot (9 Nov. 2012); NTAG (9 Nov. 2012)*
- CPE Pilot and Clarifying Questions. CTAG believes that a CPE pilot program performed on at least a few applications could help refine how the process will work and be educational for community applicants, to the CPE panel and to the ICC, 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 available to work with ICANN to develop and support such a process. *CTAG (9 Nov. 2012)*
- Request for a CPE Test by ICANN. The CPE is new and has not 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 CPE panel. It is recommended that the test process results be

DRAFT

completed by around 1 February 2013. *CTAG (9 Nov. 2012)*

Objection Period Timeline.

Donuts understands that ICANN's proposal to extend the close of the Objection Period from January 12, 2013, to March 13, 2013, was an attempt for compromise, so long as the change does not result in a delay of the ultimate deadline. Donuts requests that the deadline to respond to objections not fall during the Beijing meeting. A better timeline would be an objection deadline before March 1 with all responses due prior to applicants travelling to Beijing. *Donuts (9 Nov. 2012)*

IPC requests that the objection period extend until completion of all IEs to ensure that all potential objections on all strings benefit from the results of IE. Potential objectors should not be forced to incur the expense of fully preparing and filing a formal objection unless the application to which they object first passes the hurdle of IE. If the application is rejected by the evaluators, filing a formal objection would be unnecessary and a pointless waste of resources. To serve the public interest, new gTLDs implementation should be guided by the principle of minimizing external costs imposed on the public. This can be accomplished by ensuring the results of IE are published at least 2 weeks prior to the close of the objection period. *IPC (9 Nov. 2012)*

COA strongly objects to the decision to require all formal objections to applications to be filed prior to the release of the IE results on any applications. Potential objectors should not be forced to incur the expense of fully preparing and filing a formal objection unless the application to which they object first passes the hurdle of IE. If the application is rejected by the evaluators, filing a formal objection would be unnecessary and pointless. The reasons given in the PD paper for ICANN's about-face on the formal objection deadline are not persuasive. The objection deadline should be maintained at 14 days following the completion of IEs or, alternatively, a rolling deadline should be employed, under which all formal objections against a particular application would be due 2 weeks after the IE for that application was released. *COA (9 Nov. 2012)*

Resolve the Misalignment of Evaluation, Objection and Contention Timelines.

Substantial extra costs are the result of misaligned timelines of evaluation, objection and contention. If objection and contention are allowed to proceed without delay, ICANN can avoid the need for almost one third of the evaluations and delegation time slots.

- ICANN must correct the process rules and allow objections to be processed immediately. Forcing objectors to wait until the end of the objection period because ICANN announced that none of the objections will be heard before then means that objections need to be filed against all infringing applications. Instead, a well-designed objection process should give objectors the option of starting with "landmark cases" which would give useful signals to the advantage of all parties. Many applications would be voluntarily withdrawn.
- ICANN should also allow objectors to request extensions of the objection period on a per-TLD basis. This would help manage the substantial costs of objections. Such extensions are also a way to avoid bottlenecks and a smooth and constructive way to spread the roll-out of TLDs over time.
- ICANN should correct the rules to allow community priority evaluations (CPEs) to be

DRAFT

completed before the end of the respective objection period(s). The current rules compel community based applicants to file objections against each and every contending applicant because ICANN scheduled CPEs to take place after the end of the objection period.

W. Staub (9 Nov. 2012)

Publication of Background Screening and Initial Evaluation Results. While all background screening results must be published at least 30 days before prior to closing of the Objection Period, the same is not true for IE results. If an applicant fails IE, the application will go into extended evaluation and the objector does not have any more clarity than it would before IE results are announced. *Donuts (9 Nov. 2012)*

ICANN Registry Agreement.

- “Pre-Negotiation” of Standard Provisions. ICANN should work with applicants to “pre-negotiate” standard provisions that may be available to certain applicants and consider those as part of the standard agreements. E.g., IDN strings may require certain provisions that do not currently appear in the form agreement. The more ICANN can do to prepare these contracts in advance, the better. *Donuts (9 Nov. 2012)*
- Contract Signing. Donuts objects to an artificial contract execution rate limitation of 20 per week--it is unnecessary and inefficient. Even if there is a delegation rate issue, there is no reason to add roadblocks earlier in the process when such roadblocks need not exist. *Donuts (9 Nov. 2012)*
- Caution about incentive for acceptance of standard agreement. The community should revisit the standard form agreement given that nearly half of the applications have been submitted by trademark holders. By way of illustration, some issues that could be addressed in such an examination could include confidentiality provisions, damages/limitation of liability provisions, IP rights, winding up, changing registry business models, or the code of conduct. *IPC (9 Nov. 2012)*
- Contracting Process Impact on Community Applicants. The message to applicants has been that if they accept the standard from Registry Agreement they will advance through the contracting process more quickly than those who request negotiation or have special considerations. Community applicants, however, by virtue of the commitments they made in their responses to AG Question 20, may contractually be bound to ICANN and their respective communities at a level that exceeds provisions in the form Registry Agreement. Community applicants are also subject to new gTLD program processes (community objections and CPE) that have the potential to extend the time it takes for their approval to well beyond that for standard applications. CTAG members are available to work with ICANN to develop an equitable approach that does not disadvantage them in the contracting process. *CTAG (9 Nov. 2012)*

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

DRAFT

Of the seventy (70) public comments received, the majority are in favor of a Prioritization Drawing. The public comments also denote significant support for prioritizing IDNs. In addition to prioritizing IDNs, there were also numerous comments recommending the prioritization of other classes of applications.

These proposals include:

- Prioritizing all Geographic gTLDs
- Prioritizing Community gTLDs
- Prioritizing applications for applicants from under-served regions
- Grouping applications for the same string with the lowest (first) priority number
- Grouping applications for the same string across multiple languages

Upon review of the comments received, ICANN staff continues to recommend the prioritization of IDNs as the only category of applications which can be objectively identified and will serve the public interest.

2012-11-26-02-NGPC Paper - RCRC IOC Protection.doc

New gTLD Program Committee Submission 2012-11-26-02

TO: New gTLD Program Committee

TITLE: Names Protection for Red Cross/Red Crescent Movement and IOC

PROPOSED ACTIONS: For Approval

EXECUTIVE SUMMARY:

The New gTLD Program Committee in its 13 September 2012 resolution (<https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13sep12-en.htm>), requested that the GNSO consider adopting a policy to protect Red Cross/Red Crescent (“RCRC”) and IOC names at the second level of the first round of new gTLDs; and in lieu of any permanent policy determination, announced its intention of placing an interim moratorium on the registration of RCRC and IOC names by third parties prior to the delegation of any new gTLDs. The GNSO IOC/RC Drafting Team developed a recommendation for an interim moratorium on the registration of RCRC and IOC names by third parties in the second level of new gTLDs in lieu of any final outcome of the recently initiated PDP on the protection of IGO and INGO names prior to the designation of any new gTLDs, which was consistent with the Committee’s 13 September 2012 resolution. Due to a procedural misunderstanding related to absentions, the GNSO Council’s 15 November motion providing temporary protections to the RCRC and IOC failed to receive the requisite number of votes. This motion is expected to be resubmitted in time for and approved by the GNSO Council at its next scheduled meeting on 20 December. Taking action in adopting this proposed resolution now provides the opportunity for the Committee to inform the community that the protections it has recommended for the RCRC and IOC names will be adopted until a policy is developed by the GNSO Council.

RECOMMENDATION:

The New gTLD Program Committee should acknowledge the ongoing work of the GNSO Council while also demonstrating to the community its continued commitment to provide special protections for the RCRC and IOC names, and adopt the proposed resolution below.

PROPOSED RESOLUTION:

Whereas, the New gTLD Program Committee on 13 September 2012 requested that the GNSO Council advise the Board by no later than 31 January 2013 if it is aware of any reason, such as concerns with the global public interest or the security or stability of the DNS, that the Board should take into account in making its decision about whether to

include second level protections for the IOC and Red Cross/Red Crescent names listed in section 2.2.1.2.3 of the Applicant Guidebook by inclusion on a Reserved Names List applicable in all new gTLD registries approved in the first round of the New gTLD Program.

Whereas, the new gTLD Committee acknowledges that the GNSO Council has recently approved an expedited PDP to develop policy recommendations to protect the names and acronyms of IGOs and certain INGOs – including the RCRC and IOC, in all gTLDs.

Whereas, although the GNSO Council’s 15 November motion did not pass due to a procedural technicality, the GNSO Council will vote again on a motion at its 20 December meeting to adopt the IOC/RC Drafting Team’s recommendation to temporarily reserve the exact match of IOC and RCRC second level domain names listed in Section 2.2.1.2.3 of the Applicant Guidebook, pending the outcome of the recently launched PDP.

RESOLVED, in light of these upcoming policy discussions to take place in the PDP involving the protection of International Governmental and Non-governmental Organizations,, restrictions for registration of RCRC and IOC names for new gTLDs at the second level will be in place until such time as a policy is adopted.

RATIONALE:

Given the Committee’s 13 September resolution as well as the high-level and community-wide attention on this issue, it is important for the Committee to indicate that the protections it has recommended for the RCRC and IOC names at the second level of the first round of new gTLDs will be adopted until a policy is developed. In adopting this resolution at this time, the New gTLD Program Committee can take action that is reasonable based on the following rationale:

- 1) Consistent with the Board’s Singapore resolution with respect to the IOC and Red Cross issues, the new gTLD Committee believes that the appropriate course is for the Board to leave these issues in the hands of ICANN’s policy-making bodies. The Committee appreciates the efforts by the GNSO in initiating an expedited PDP to develop recommendations to provide any necessary additional protections for IGO and INGO names at the top and second-levels in all gTLDs. ICANN staff members are supporting that discussion in the GNSO, and the new gTLD Committee awaits the results of these policy discussions.
- 2) The Committee has been apprised that the Council is expected to adopt a recommendation to provide such special protection for the RCRC and IOC names on 20 December. Recognizing the likelihood that the GNSO Council’s motion will pass, the Committee believes that it is appropriate to adopt this resolution at the same time as consideration of the IGO issue, as a temporary measure, while the GNSO Council proceeds with the expedited PDP.
- 3) In adopting this resolution at this time, the New gTLD Program Committee can reassure the impacted stakeholders in the community, acknowledge and encourage

the continuing work of the GNSO Council, and take an action consistent with its 13 September resolution.

This action is not expected to have an immediate impact on the security, stability or resiliency of the DNS, though the outcomes of this work may result in positive impacts. This action is also not expected to have an impact on financial or other resources of ICANN.

Submitted by:	David Olive, Tarek Kamel
Position:	VP-Policy Development; Vice President Government Affairs
Date Noted:	November XX, 2012
Email and Phone Number	<u>Policy-Staff@icann.org</u>

**2012-11-26-03-NGPC Paper- IGO Names Protection
doc.doc**

New gTLD Program Committee Submission 2012-11-26-03

TO: New gTLD Program Committee

TITLE: IGO Names Protection-- GAC position and recommendation for moving forward with the GNSO

PROPOSED ACTIONS: For Approval

EXECUTIVE SUMMARY:

As the GAC has now presented ICANN with some specific advice on the protection of IGO names at the second level within the New gTLD Program, action similar to the Committee's September decision on RC/IOC names (<https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13sep12-en.htm>) seems advisable. As the Board has not yet received input from the GNSO on this issue, this action will signal to the GNSO the interim protections that could be implemented based on the GAC advice. Taking the action now would allow for some protections to be in place prior to the delegation of the first round of new TLDs, while allowing for the work to be completed for future rounds and until policy is developed.

BACKGROUND

The most recent GAC statement on the protection of IGO names is in its Toronto Communiqué:

“While the GAC continues its deliberations on the protection of the names and acronyms of Intergovernmental Organizations (IGOs) against inappropriate third-party registration.

The GAC advises the ICANN Board that:

“in the public interest, implementation of such protection at the second level must be accomplished prior to the delegation of any new gTLDs, and in future rounds of gTLDs at the second and top level.”

The GAC believes that the current criteria for registration under the .int top level domain, which are cited in the Applicant Guidebook as a basis for an IGO to file a legal rights objection, provide a starting basis for protecting IGO names and acronyms in all new gTLDs.

Building on these criteria, the GAC and IGOs will collaborate to develop a list of the names and acronyms of IGOs that should be protected. Pending further work

with ICANN on specific implementation measures for this initiative, the GAC believes this list of IGOs should be approved for interim protection through a moratorium against third-party registration prior to the delegation of any new gTLDs.”

The GNSO has recently approved the PDP WG Charter to develop policy recommendations to protect the names and acronyms of IGOs and also, International Non-Government Organizations (“INGOs”) that have been afforded protections under international treaties and national laws in multiple jurisdictions (such as the Red Cross/Red Crescent Movements (“RCRC”) and IOC) in all gTLDs.

As with the Board’s September 2012 Resolution on RCRC and IOC names, taking this action today will allow for interim protections to be implemented before the delegation of any new gTLDs, pending the completion of policy work.

The proposed criteria for the names and acronyms to be protected through interim protections are names and acronyms of IGOs which: 1) qualify under the current existing criteria to register a domain name in the .int gTLD; and 2) have a registered .int domain OR a determination of eligibility under the .int criteria; and 3) apply to ICANN to be listed on the reserved names list for the second level prior to the delegation of any new gTLDs by no later than 28 February 2013.

RECOMMENDATION:

We recommend that the New gTLD Program Committee acknowledge receipt of the GAC advice on this topic and adopt the proposed resolution below. If the Committee adopts the resolution, the Committee should also have a dialogue with the GNSO to:

- 1) forward the GAC advice and reiterate: 1) the Board request made in its 11 March 2012 letter: that the GNSO Council and GAC provide “policy advice on the IGO’s request” [for IGO protections at the top and second levels of new gTLDs]; and 2) the Chair of the GNSO Council’s response to the Board request in its 26 March 2012 letter: that the GNSO Council would review the policy implications of any advice the GAC ultimately provides to the Board, upon the Board’s request to do so.
- 2) recommend that in conjunction with the current GNSO PDP on developing recommendations for new second-level protections for IGOs and other right holders, that the GNSO if necessary, consider adopting interim protection through a moratorium against third-party registration for those names of IGOs for the list of IGO names and acronyms that: 1) qualify under the current existing criteria to register a domain name in the .int gTLD; and 2) have a registered .int domain OR a determination of eligibility under the .int criteria; and 3) apply to ICANN to be listed on the reserved names list for the second level prior to the delegation of any new gTLDs by no later than 28 February 2013.

- 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 the recently initiated PDP on the protection of IGO and INGO names (including the Red Cross and IOC) at top and second-levels in all gTLDs, as well as the GNSO priorities and workload.

PROPOSED RESOLUTION:

Whereas, the GAC has provided advice to the Board in its Toronto Communiqué, stating that “in the public interest, implementation of such protection [of names and acronyms of IGOs against inappropriate registration] at the second level must be accomplished prior to the delegation of any new gTLDs, and in future rounds of gTLDs, at the second and top level.”

Whereas, the GAC advice referenced the current criteria for registration under the .int top level domain (which are cited in the Applicant Guidebook as a basis for an IGO to file a legal rights objection) as a starting basis for protecting IGO names and acronyms in all new gTLDs, and advised that “this list of IGOs should be approved for interim protection through a moratorium against third- party registration prior to the delegation of any new gTLDs” pending further work on specific implementation measures.

Whereas, the GNSO is actively engaged in policy discussion regarding top and second-level protections for certain IGO and INGO names, and has initiated a PDP on the broader issue of whether to protect these names of certain international organizations in *all* gTLDs.

Whereas, there is currently no policy to reserve or impose a moratorium on the registration by third parties of the names and acronyms of IGOs meeting the .int criteria in place for the second level of the current round of new gTLDs.

Whereas, the protections for the second level, if they are provided and if they are to be effective, should be in place before the delegation of the first new gTLDs.

Whereas, as previously announced, the Board favors a conservative approach, in that restrictions on second-level registration can be lifted at a later time, but restrictions cannot be applied retroactively after domain names are registered.

RESOLVED, the Board requests that the GNSO continue its work on policy recommendations on top and second-level protections for certain IGO and INGO names on an expedited basis.

RESOLVED, the Board requests that the GNSO Council advise the Board by no later than 28 February 2013 if it is aware of any concern such as with the global public interest or the security or stability of the DNS, that the Board should take into account in making its decision about whether to include second level protections for certain IGO names and acronyms by inclusion on a Reserved Names List in section 2.2.1.2.3 of the Applicant Guidebook, applicable in all new gTLD registries approved in the first round of the

New gTLD Program. The specific IGO names to be protected shall be those names or acronyms that: 1) qualify under the current existing criteria to register a domain name in the .int gTLD; and 2) have a registered .int domain OR a determination of eligibility under the .int criteria; and 3) apply to ICANN to be listed on the reserved names list for the second level prior to the delegation of any new gTLDs by no later than 28 February 2013.

RATIONALE:

ICANN has received requests for additional protections for the names and acronyms of IGOs, including from the UN, from the RCRC and IOC, to prevent the registration of such names and acronyms by third parties 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 and in recent discussions at the Toronto Meeting and international fora such as the IGF Meeting.

In adopting this resolution at this time, the New gTLD Program Committee can remain accountable to all parts of its community, while taking action that is reasonable based on the following precedent and rationale:

- 1) The Board set a precedent for this request regarding IGO names with its resolution adopted on 13 September, which requested that the GNSO consider a similar proposed solution for the first round of new gTLDs to protect the RCRC and IOC names at the second level.
- 2) For historical reasons, the .int top level domain includes registrations from entities that are not IGOs or those that would not qualify for registration in .int under the current eligibility criteria. As the GAC advice focused on current eligibility criteria as one of its suggested starting points for the creation of a list, it would be overbroad to extend the moratorium to all current .int registries. In addition, there are entities that are eligible for registration in .int but that choose to not register in .int. Registration in the .int registration should not be a mandatory to requirement. Therefore, the resolution is only as broad as necessary, limiting a list to those names and acronyms meeting the current eligibility criteria for .int and who apply to ICANN for inclusion in the moratorium. This also allows those eligible IGOs who wish to register second level names within new gTLDs the opportunity do not participate in the moratorium.
- 3) As reflected in the underlying rationale for the 13 September 2012 (<https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13sep12-en.htm>) resolution with respect to Red Cross/Red Crescent and International Olympic Committee names, the Board favors a conservative approach, and that restrictions on second-level registration can be lifted at a later time, but restrictions cannot be applied retroactively after domain names are registered. That same rationale applies for IGO names and acronyms at the second-level of the first round of new gTLDs.

- 4) Consistent with the Board's Singapore resolution with respect to the IOC and Red Cross issues, the New gTLD Program Committee believes that the appropriate course is for the Board to ultimately leave these issues in the hands of ICANN's policy-making bodies. The Committee appreciates the efforts by the GNSO in initiating an expedited PDP to develop recommendations to provide any necessary additional protections for IGO and INGO names at the top and second-levels in all gTLDs. ICANN staff members are supporting that discussion in the GNSO, and the new gTLD Committee awaits the results of these policy discussions.

This action is not expected to have an immediate impact on the security, stability or resiliency of the DNS. This action is also not expected to have a significant impact on financial or other resources of ICANN.

Submitted by:	David Olive, Tarek Kamel, John Jeffrey
Position:	VP-Policy Development; Vice President Government Affairs, General Counsel
Date Noted:	November XX, 2012
Email and Phone Number	Policy-Staff@icann.org