

# 27 SEPTEMBER 2015 NGPC MEETING Committee Papers

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## **27 September 2015 NGPC Agenda**

### **Consent Agenda**

- 1. Approval of Minutes from 21 August NGPC Meeting**
- 2. Reconsideration Request 15-13: Commercial Connect, LLC**

### **Main Agenda**

- 1. Sunsetting the NGPC**
- 2. Review of GDD efforts on trust marks and Public Interest Commitments (PIC) repository**
- 3. AOB**

**ICANN NGPC PAPER NO. 2015.09.27.NG1b**

**TO:** ICANN New gTLD Program Committee

**TITLE:** Reconsideration Request 15-13: Commercial Connect, LLC

**PROPOSED ACTION:** For Committee Consideration and Approval

**EXECUTIVE SUMMARY:**

In Reconsideration Request 15-13, the Requester seeks reconsideration of the Community Priority Evaluation (“CPE”) panel’s report, and ICANN’s acceptance of that report, finding that the Requester did not prevail in CPE for the .SHOP string (“CPE Report”). The Requester also challenges various procedures governing the New gTLD Program, as well as the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the contention set for the Requester’s application. The Board Governance Committee (“BGC”) considered [Reconsideration Request 15-13](#) (attached as Exhibit A to the Reference Materials), concluded that the Requester has not stated proper grounds for reconsideration, and recommended that the New gTLD Program Committee (“NGPC”) deny Reconsideration Request 15-13. For more detail see the [BGC’s Recommendation on Reconsideration Request 15-13](#) (attached as Exhibit B to the Reference Materials).

**BOARD GOVERNANCE COMMITTEE RECOMMENDATION:**

The BGC recommends that Reconsideration Request 15-13 be denied and that no further action be taken in response to Reconsideration Request 15-13, as the BGC has determined that the Requester has not stated proper grounds for reconsideration.

**PROPOSED RESOLUTION:**

Whereas, Commercial Connect, LLC (“Requester”) filed Reconsideration Request 15-13 seeking reconsideration of the Community Priority Evaluation (“CPE”) panel’s report, and ICANN’s acceptance of that report, finding that the Requester did not prevail in CPE for the .SHOP string (“CPE Report”), and also challenging various procedures governing the New gTLD Program, as well as the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the contention set for the Requester’s application.

Whereas, the Board Governance Committee (“BGC”) thoroughly considered the issues raised in Reconsideration Request 15-13 and all related materials.

Whereas, the BGC recommended that Reconsideration Request 15-13 be denied because the Requester has not stated proper grounds for reconsideration, and the New gTLD Program Committee (“NGPC”) agrees.

Resolved (2015.09.27.xx), the NGPC adopts the BGC Recommendation on Reconsideration Request 15-13, which can be found at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>.

## **PROPOSED RATIONALE:**

### **I. Brief Summary**

The Requester submitted a community-based application for the .SHOP gTLD (“Application”). The Requester’s Application was placed into a contention set with eight other applications for .SHOP, two applications for .SHOPPING, and one application for .通販 (Japanese for “online shopping”) (“.SHOP/SHOPPING Contention Set”). Since the Requester’s Application is community-based, the Requester was invited to, and did, participate in CPE. The Application did not prevail in CPE. As a result, the Application was placed back into the contention set.

The Requester claims that the CPE panel considering its Application (“CPE Panel”): (i) violated established policy or procedure in its consideration of the expressions of support for and opposition to the Requester’s Application; and (ii) improperly applied the CPE criteria. The Requester also challenges various procedures governing the New gTLD Program including, among other things, the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the composition of the .SHOP/.SHOPPING Contention Set.

The Requester’s claims are unsupported. First, all of the issues raised by the Requester are time-barred. Second, as to the Requester’s challenge to the CPE Report, the Requester has not demonstrated that the CPE Panel acted in contravention of any established policy or procedure in rendering the CPE Report. The CPE Panel evaluated and applied the CPE criteria in accordance with all applicable policies and procedures, including but not limited to its consideration of the

expressions of support for and opposition to the Requester's Application. The Requester presents only its substantive disagreement with the CPE Report, which is not a basis for reconsideration. Similarly, the Requester has not demonstrated a basis for reconsideration with respect to the other issues it raises regarding: (a) the procedures set forth in the Guidebook; (b) the outcome of the String Similarity Review; and (c) the outcome of its string confusion objections. The BGC therefore recommends that Request 15-13 be denied.

## **II. Facts**

The BGC Recommendation on Reconsideration Request 15-13, which sets forth in detail the facts relevant to this matter, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## **III. Issues**

In view of the claims set forth in Request 15-13, the issues for reconsideration seem to be: (1) whether the CPE Panel violated established policy or procedure by failing to properly apply the CPE criteria in evaluating the Requester's Application; (2) whether the Board failed to consider material information or relied on false or inaccurate material information before approving the New gTLD Program and the Guidebook, specifically the application review procedures set forth in the Guidebook; and (3) whether the third-party experts that ruled on the Requester's 21 string confusion objections violated any established policy or procedure in rendering their determinations.

## **IV. The Relevant Standards for Evaluating Reconsideration Requests**

The BGC Recommendation on Reconsideration Request 15-13, which sets forth the relevant standards for evaluating reconsideration requests and CPE, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## V. Analysis and Rationale

The Requester challenges the “correctness” of the CPE Report, as well as various procedures governing the New gTLD Program, the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the contention set for the Requester’s Application. As the BGC explains in detail in its Recommendation, all of the issues raised by the Requester are time-barred. Further, insofar as the Requester is challenging the CPE Report, the Requester has not demonstrated any misapplication of any policy or procedure by the CPE Panel in rendering the CPE Report. The Requester instead only presents its substantive disagreement with the scoring and analysis in the CPE Report, which is not a basis for reconsideration.

Similarly, the Requester has not demonstrated a basis for reconsideration with respect to the other issues it raises regarding the procedures set forth in the Guidebook or the processing of its Application. The Requester argues, among other things, that: (a) CPE should not be required at all; (b) the Guidebook improperly fails to provide an appeals mechanism for CPE panel determinations; and (c) the Guidebook does not conform to the recommendations of ICANN’s Generic Names Supporting Organization (“GNSO”). As discussed above, any challenge to the procedures set forth in the Guidebook are time-barred. Furthermore, in challenging the approval of the Guidebook, the Requester seeks reconsideration of Board action but does not demonstrate, as it must, that the Board either failed to consider material information or relied on false or inaccurate material information before approving the New gTLD Program and the Guidebook.

The Requester also asks that the Board “[r]eview and fix the issue with name similarity especially with any and all similar and confusing eCommerce strings.” The Requester appears to claim that applications for various strings other than .SHOP should be included in the Requester’s contention set because, in the Requester’s view, “issuing multiple random and similar gTLDs will only yield very small registrations [on each gTLD] which in turn would make sustainability unfeasible.” Although Request 15-13 is unclear, the Requester seems to make two different challenges in this respect. First, the Requester appears to challenge the Board’s adoption of the String Similarity Review and string confusion objections procedures. Second, the Requester appears to challenge the actions of third-party evaluators and the Board with respect to: (1) the String Similarity Review performed for the Requester’s .SHOP Application; and (2) the adjudication of the Requester’s string confusion objections. Neither challenge warrants

reconsideration. With respect to the Requester’s first argument—not only is it long since time-barred, but the Requester has not identified any material information the Board failed to consider, or any false or inaccurate material information that the Board relied upon, in adopting the procedures governing String Similarity Review or string confusion objections. With respect to the Requester’s second argument—not only is it also long since time-barred, but the Requester does not identify any policy or process violation in the String Similarity Review Panel’s determination, nor has the Requester identified any violation of established policy or procedure by the third-party experts who ruled on the Requester’s myriad string confusion objections.

The full BGC Recommendation on Reconsideration Request 15-13, which sets forth the analysis and rationale in detail and with which the NGPC agrees, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## **VI. Decision**

The NGPC had the opportunity to consider all of the materials submitted by or on behalf of the Requester or that otherwise relate to Reconsideration Request 15-13. Following consideration of all relevant information provided, the NGPC reviewed and has adopted the BGC’s

Recommendation on Reconsideration Request 15-13

(<https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>), which shall be deemed a part of this Rationale and is attached as Exhibit B to the Reference Materials to the NGPC Paper on this matter.

Adopting the BGC's recommendation has no direct financial impact on ICANN and will not impact the security, stability and resiliency of the domain name system.

This decision is an Organizational Administrative Function that does not require public comment.

Submitted By: Amy A. Stathos, Deputy General Counsel  
Dated Noted: 11 September 2015  
Email: amy.stathos@icann.org

## ICANN NGPC PAPER NO. 2015.09.27.NG2a

**TITLE:** Sunsetting New gTLD Program Committee

**PROPOSED ACTION:** For Discussion

### **EXECUTIVE SUMMARY:**

At its 21 June and 21 August 2015 meetings, the NGPC discussed whether it was time to begin planning for an eventual phasing out of the Committee as a standing committee of the Board. The NGPC discussed targeting ICANN 54 (Dublin) as a possible timeframe for the Board to consider phasing out the Committee. On 10 April 2012, the Board established the NGPC, comprised of all voting members of the Board that are not conflicted with respect to the New gTLD Program. The Committee was granted all of the powers of the Board (subject to the limitations set forth by law, the Articles of Incorporation, Bylaws or ICANN's Conflicts of Interest Policy) to exercise Board-level authority for any and all issues that may arise relating to the New gTLD Program. At this time, almost all members of the Board are no longer conflicted with respect to the New gTLD Program and the need for the NGPC has diminished. The full scope of the Committee's authority is set forth in its charter at <http://www.icann.org/en/groups/board/new-gTLD>.

Staff previously provided the NGPC with a chart summarizing open New gTLD Program items that may require further action by the Board if the NGPC is dissolved. The summary chart is provided again as Attachment A to this briefing paper for reference. The chart includes the following:

1. *New gTLD Program matters currently under consideration by the NGPC.* The chart includes a current status and proposes a target timeline for the NGPC to conclude its work on the matters. The matters in this category are: .DOCTOR, and protections for IGO names and acronyms and certain Red Cross names and acronyms.



2. *New gTLD Program matters needing resolution to closeout the current round of the Program.* There are several applications in the current round of the Program that have yet to withdraw from the Program even though their applications will not move forward. These applications fall into the following categories:
  - a. lost an objection but have not withdrawn from the Program;
  - b. did not prevail in contention resolution (e.g. an auction or Community Priority Evaluation) but have not withdrawn from the Program;
  - c. did not meet the deadline to sign the Registry Agreement; or
  - d. will not proceed due to the NGPC's acceptance of GAC advice or other reasons (e.g. .THAI, .CORP, .HOME, .MAIL)
3. *New gTLD Program matters that are the subject of the Independent Review and other accountability mechanisms.* These matters will be taken up by the full Board, or the Board Governance Committee, as appropriate. Some of the matters in this category include IRPs for .AMAZON, .HALAL, and .ISLAM.

#### *Next Steps*

As part of its normal course of review of Board committees, it is anticipated that during the ICANN Meeting in Dublin, the Board Governance Committee (BGC) will discuss decommissioning the NGPC as one of the standing Board Committees. The Board will then consider the recommendation of the BGC at the annual general meeting. If the NGPC is decommissioned, the Board, or staff (as appropriate) will move forward with resolving the remaining open issues concerning the New gTLD Program. This may involve additional action by the Board directing staff on how bring to a close the current round of the New gTLD Program.

**STAFF RECOMMENDATION:**

This paper is provided for discussion.

**Signature Block:**

Submitted by: Jamie Hedlund

Position: Vice President, Strategic Programs, Global Domains Division

Date Noted: 10 September 2015

Email: [jamie.hedlund@icann.org](mailto:jamie.hedlund@icann.org)

**ICANN BOARD PAPER NO. 2015.09.27.NG2b**

**TITLE:** Update on “Trust Mark” Initiative

**PROPOSED ACTION:** For Information

**EXECUTIVE SUMMARY:**

Various industry-led efforts are currently underway to establish a set of initiatives and best practices regarding registry standards of behavior in online operations. Industry-led initiatives have focused on using a form of “trust mark” that signals to end users that the website they are engaging with has been vetted by impartial, independent third party evaluators. This paper is intended to update the Board on the status of these initiatives.

Over time, ICANN has explored a number of options to respond to GAC safeguard advice and to encourage registry operators to demonstrate their commitment to responsible stewardship of their domains and to the public interest via its online organizational activities, including the implementation of voluntary Public Interest Commitments (PICs) that become part of the Registry Agreement.

In investigating some of the options proposed, questions remain regarding the extent to which ICANN should proactively monitor registry compliance with PICs in highly regulated sectors. The analysis to date indicates that monitoring compliance would be difficult and expensive to implement for a single authority, and is unlikely to generate reliable data from which meaningful conclusions can be drawn. Furthermore, such an effort would likely draw ICANN into making judgments about website content and stretching ICANN beyond its narrow remit.

In its communique from the ICANN53 meeting in Buenos Aires, the GAC proposed some possible courses of action at the registry level:<sup>1</sup>

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<sup>1</sup> See GAC Buenos Aires Communiqué on 2015-06-24 on gTLD Safeguards: <https://gacweb.icann.org/display/GACADV/2015-06-24+gTLD+Safeguards>

**GAC Advice:** Have the New gTLD Program Committee (NGPC) create a list of recommended **public interest commitment** (PIC) examples related to verification and validation of credentials for domains in highly regulated sectors to serve as a model. These PICs could demonstrate a best practice for other gTLD registry operators. For example the PIC for .bank appears to have taken steps to provide confidence to consumers that they can rely on the bona fides of the registrants listed. Relevant stakeholders should be identified and encouraged to devise a set of PICs that work well for the protection of public interests in each of the new gTLDs related to highly regulated sectors.

## **INDUSTRY-LED INITIATIVES**

A number of parties have considered the feasibility of a “trust mark” that would verify the credentials and degree of good standing of registrants operating websites. Discussions thus far have focused on whether and how to create a consistent and predictable process to verify the credentials and standing of registrants. Presumably, such a process would be initiated and undertaken by an impartial, independent third party. A number of initiatives have been put forward by stakeholder groups to establish a logo or symbol that would inspire confidence on the part of end-users that the website they are visiting is trustworthy and not engaged in any malicious cyber-activities.

For example, the DNS Seal and Award Committee—comprised of contracted parties and DNS industry experts—has undertaken a voluntary, grassroots effort to establish self-regulatory mechanisms to encourage responsibility and accountability on the part of registrants. Registries, through contracts with registrars, can impose criteria for good behavior and monitor those behaviors in a consistent manner. The idea behind the project is to reward “good actors” through public commendation (e.g. with a logo or symbol on their website)—and call out perpetrators of malicious activity—via an accreditation program that defines “best practices” to be monitored and assessed by an independent arbitration panel based on a pre-defined, industry-endorsed set of criteria.<sup>2</sup> ICANN could support this initiative through public endorsement and possibly other means to drive awareness among consumer protection interests.

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<sup>2</sup> See [http://dnsseal.wiki/About\\_the\\_DNS\\_Seal\\_Project](http://dnsseal.wiki/About_the_DNS_Seal_Project) and [http://dnsseal.wiki/Seal\\_of\\_Approval](http://dnsseal.wiki/Seal_of_Approval)

The DNS Seal and Award Committee has identified a number of best practices as a result of their engagement with their constituencies:<sup>3</sup>

- Respect ICANN policy, and remain in good contractual standing with ICANN and other pertinent regulatory bodies (governments, international organizations, etc)
- Do not take advantage of or misuse customers' information or other kinds of privileged information
- Do not infringe on the intellectual property rights of others or encourage others to do so
- Do not employ deceptive marketing tactics or practices
- Take steps to prevent malicious or illegal behavior and actively monitor DNS security threats
- Encourage responsible behaviors and enact clear and honest business practices
- Innovate

Additionally, the Committee is currently examining the accreditation programs of a number of business associations and organizations that have their own “seals of approval” for products, services, and companies themselves that can serve as guide for how to develop a comprehensive set of standards to certify DNS industry members.<sup>4</sup>

Earlier this year, a group of contracted parties met in Washington, DC to discuss implementation and an announcement on this initiative is believed to be forthcoming.

As described above, there are several complexities presented by ICANN-centered monitoring proposals. At this stage, the bottom-up, industry-led approach seems most effective and appropriate to ICANN's organizational ethos considering its multi-stakeholder governance model and the scope of its mission as specified in the Bylaws.

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<sup>3</sup> See [http://dnsseal.wiki/Best Practices](http://dnsseal.wiki/Best_Practices)

<sup>4</sup> For example, the Committee has examined the accreditation and “best practice” programs of the Better Business Bureau, the Caring Company Scheme, the Federation of Hong Kong Industries, Good Housekeeping, and the LEED Certification Program (promoting environmentally friendly construction). See [http://dnsseal.wiki/Accreditation Programs#LEED Certification](http://dnsseal.wiki/Accreditation_Programs#LEED_Certification)

**Signature Block:**

Submitted by: Cyrus Namazi

Position: VP, DNS Engagement,  
GDD

Date Noted: 11 September 2015

Email: [cyrus.namazi@icann.org](mailto:cyrus.namazi@icann.org)



Proposed New gTLD Program Committee Resolutions  
27 September 2015  
Meeting of the New gTLD Program Committee

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<b>c. AOB</b> .....	<b>7</b>

**1. Consent Agenda:**

**a. Approval of Minutes**

Resolved (2015.09.27.NGxx), the Board New gTLD Program Committee (NGPC) approves the minutes of its 21 August 2015 meeting.

**b. Reconsideration Request 15-13: Commercial Connect, LLC**

Whereas, Commercial Connect, LLC (“Requester”) filed Reconsideration Request 15-13 seeking reconsideration of the Community Priority Evaluation (“CPE”) panel’s report, and ICANN’s acceptance of that report, finding that the Requester did not prevail in CPE for the .SHOP string (“CPE Report”), and also challenging various procedures governing the New gTLD Program, as well as the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the contention set for the Requester’s application.

Whereas, the Board Governance Committee (“BGC”) thoroughly considered the issues raised in Reconsideration Request 15-13 and all related materials.

Whereas, the BGC recommended that Reconsideration Request 15-13 be denied because the Requester has not stated proper grounds for reconsideration, and the New gTLD Program Committee (“NGPC”) agrees.

Resolved (2015.09.27.xx), the NGPC adopts the BGC Recommendation on Reconsideration Request 15-13, which can be found at

<https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>.



## ***Rationale for Resolution 2015.09.27.NGxx***

### **I. Brief Summary**

The Requester submitted a community-based application for the .SHOP gTLD (“Application”). The Requester’s Application was placed into a contention set with eight other applications for .SHOP, two applications for .SHOPPING, and one application for .通販 (Japanese for “online shopping”) (“.SHOP/SHOPPING Contention Set”). Since the Requester’s Application is community-based, the Requester was invited to, and did, participate in CPE. The Application did not prevail in CPE. As a result, the Application was placed back into the contention set.

The Requester claims that the CPE panel considering its Application (“CPE Panel”): (i) violated established policy or procedure in its consideration of the expressions of support for and opposition to the Requester’s Application; and (ii) improperly applied the CPE criteria. The Requester also challenges various procedures governing the New gTLD Program including, among other things, the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the composition of the .SHOP/.SHOPPING Contention Set.

The Requester’s claims are unsupported. First, all of the issues raised by the Requester are time-barred. Second, as to the Requester’s challenge to the CPE Report, the Requester has not demonstrated that the CPE Panel acted in contravention of any established policy or procedure in rendering the CPE Report. The CPE Panel evaluated and applied the CPE criteria in accordance with all applicable policies and procedures, including but not limited to its consideration of the expressions of support for and opposition to the Requester’s Application. The Requester presents only its substantive disagreement with the CPE Report, which is not a basis for reconsideration. Similarly, the Requester has not demonstrated a basis for reconsideration with respect to the other issues it raises regarding: (a) the procedures set forth in the Guidebook; (b) the outcome of the String Similarity Review; and (c) the outcome of its

string confusion objections. The BGC therefore recommends that Request 15-13 be denied.

## **II. Facts**

The BGC Recommendation on Reconsideration Request 15-13, which sets forth in detail the facts relevant to this matter, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## **III. Issues**

In view of the claims set forth in Request 15-13, the issues for reconsideration seem to be: (1) whether the CPE Panel violated established policy or procedure by failing to properly apply the CPE criteria in evaluating the Requester's Application; (2) whether the Board failed to consider material information or relied on false or inaccurate material information before approving the New gTLD Program and the Guidebook, specifically the application review procedures set forth in the Guidebook; and (3) whether the third-party experts that ruled on the Requester's 21 string confusion objections violated any established policy or procedure in rendering their determinations.

## **IV. The Relevant Standards for Evaluating Reconsideration Requests**

The BGC Recommendation on Reconsideration Request 15-13, which sets forth the relevant standards for evaluating reconsideration requests and CPE, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at

<https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## **V. Analysis and Rationale**

The Requester challenges the “correctness” of the CPE Report, as well as various procedures governing the New gTLD Program, the String Similarity Review process and the adjudication of various string confusion objections, which ultimately resulted in the contention set for the Requester’s Application. As the BGC explains in detail in its Recommendation, all of the issues raised by the Requester are time-barred. Further, insofar as the Requester is challenging the CPE Report, the Requester has not demonstrated any misapplication of any policy or procedure by the CPE Panel in rendering the CPE Report. The Requester instead only presents its substantive disagreement with the scoring and analysis in the CPE Report, which is not a basis for reconsideration.

Similarly, the Requester has not demonstrated a basis for reconsideration with respect to the other issues it raises regarding the procedures set forth in the Guidebook or the processing of its Application. The Requester argues, among other things, that: (a) CPE should not be required at all; (b) the Guidebook improperly fails to provide an appeals mechanism for CPE panel determinations; and (c) the Guidebook does not conform to the recommendations of ICANN’s Generic Names Supporting Organization (“GNSO”). As discussed above, any challenge to the procedures set forth in the Guidebook are time-barred. Furthermore, in challenging the approval of the Guidebook, the Requester seeks reconsideration of Board action but does not demonstrate, as it must, that the Board either failed to consider material information or relied on false or inaccurate material information before approving the New gTLD Program and the Guidebook.

The Requester also asks that the Board “[r]eview and fix the issue with name similarity especially with any and all similar and confusing

eCommerce strings.” The Requester appears to claim that applications for various strings other than .SHOP should be included in the Requester’s contention set because, in the Requester’s view, “issuing multiple random and similar gTLDs will only yield very small registrations [on each gTLD] which in turn would make sustainability unfeasible.” Although Request 15-13 is unclear, the Requester seems to make two different challenges in this respect. First, the Requester appears to challenge the Board’s adoption of the String Similarity Review and string confusion objections procedures. Second, the Requester appears to challenge the actions of third-party evaluators and the Board with respect to: (1) the String Similarity Review performed for the Requester’s .SHOP Application; and (2) the adjudication of the Requester’s string confusion objections. Neither challenge warrants reconsideration. With respect to the Requester’s first argument—not only is it long since time-barred, but the Requester has not identified any material information the Board failed to consider, or any false or inaccurate material information that the Board relied upon, in adopting the procedures governing String Similarity Review or string confusion objections. With respect to the Requester’s second argument—not only is it also long since time-barred, but the Requester does not identify any policy or process violation in the String Similarity Review Panel’s determination, nor has the Requester identified any violation of established policy or procedure by the third-party experts who ruled on the Requester’s myriad string confusion objections.

The full BGC Recommendation on Reconsideration Request 15-13, which sets forth the analysis and rationale in detail and with which the NGPC agrees, is hereby incorporated by reference and shall be deemed a part of this Rationale. The BGC Recommendation on Reconsideration Request 15-13 is available at <https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>, and is attached as Exhibit B to the Reference Materials.

## **VI. Decision**

The NGPC had the opportunity to consider all of the materials submitted by or on behalf of the Requester or that otherwise relate to Reconsideration Request 15-13. Following consideration of all relevant information provided, the NGPC reviewed and has adopted the BGC's Recommendation on Reconsideration Request 15-13 (<https://www.icann.org/en/system/files/files/determination-15-13-commercial-connect-24aug15-en.pdf>), which shall be deemed a part of this Rationale and is attached as Exhibit B to the Reference Materials to the NGPC Paper on this matter.

Adopting the BGC's recommendation has no direct financial impact on ICANN and will not impact the security, stability and resiliency of the domain name system.

This decision is an Organizational Administrative Function that does not require public comment.

## **2. Main Agenda:**

- a. Sunsetting the NGPC – For Discussion - No Resolution to be taken**
- b. Review GDD efforts on trust marks and Public Interest Commitments (PIC) repository – For Discussion – No Resolution to be taken**
- c. AOB**

**New gTLD Program Committee Members,**

**Attached below please find Notice of the following New gTLD Program Committee Meeting:**

**27 September 2015 – NGPC Meeting at 23:30 UTC (4:30-6:00pm PDT in Los Angeles). This Committee meeting is estimated to last 90 minutes.**

*Note: timing of Board Meeting subject to change upon revisions to the overall Workshop schedule.*

**<http://www.timeanddate.com/worldclock/fixedtime.html?msg=New+gTLD+Program+Committee+Meeting&iso=20150927T1630&p1=137&ah=1&am=30>**

**Some other helpful time zones:**

**27 August 2015 – 7:30 p.m. EDT Washington, D.C.**

**28 August 2015 – 1:30 a.m. CEST Brussels**

**28 August 2015 – 7:30 a.m. CST Taipei**

**28 August 2015 – 9:30 a.m. AEST Sydney**

**Consent Agenda**

- 1. Approval of Minutes from 21 August NGPC Meeting**
- 2. Reconsideration Request 15-13: Commercial Connect, LLC**

**Main Agenda**

- 1. Sunsetting the New gTLD Program Committee**
- 2. Review of GDD efforts on ‘Trust Marks’ and Public Interest Commitments (PIC) repository**
- 3. AOB**

**Materials can be found [HERE on BoardVantage](#).**

**If you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.**

**If call information is required, it will be distributed separately.**

**If you have any questions, or we can be of assistance to you, please let us know.**

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