July 26, 2012

Cherine Chalaby
Members of the ICANN Board Committee on new gTLDs

Re: New gTLD Applicant Group Consensus Advice on Sequencing of Applications

Dear Cherine,

At the recent ICANN meeting in Prague, many of the new gTLD applicants met and formed the New gTLD Applicant Group, or NTAG for short. NTAG is an interest group within the Registries Stakeholder Group until such time as its members are contracted and admitted as voting members of the Registry Stakeholder Group. All new gTLD applicants are eligible for NTAG membership. We adopted a charter and will shortly elect officers. Voting within NTAG is restricted to applicants who are not voting members in another constituency or stakeholder group, although NTAG will consider in its deliberations the views of applicants who vote elsewhere.

We believe that the advice of NTAG and many new gTLD applicants would be of interest to the Board Committee on new gTLDs and should be considered in its implementation decisions.

NTAG's major criteria when considering evaluation and delegation sequencing were speed, efficiency and fairness.

The following points represent the strong consensus of the NTAG:

1. Collectively, we are concerned about past delays in the new gTLD program and requests to delay further certain elements of the gTLD evaluation process. As the Committee is well aware, reasonable periods of time were allocated for reviewing, objecting to and resolving questions about or disputes regarding applications. Further delay would not only present a heavy burden on all applicants (especially those with less funding), but it would harm the success of the process. Adding months to an evaluation process would neither change the evaluation results nor their veracity, and would hurt the overall program and ICANN's reputation.

2. ICANN should recognize, and communicate to the staff, obvious evaluation efficiencies. First, we note that nearly all applications include technical services provided by a small set of only about 30-35 different registry service providers. Most of the technical responses for applications using the same registry service providers will be identical or substantially similar and ICANN could gain significant efficiency by scoring identical or substantially similar application responses only once. (NTAG or applicants can provide a list of substantially similar responses to ICANN if necessary—in general, ICANN should not hesitate to seek objective, clarifying information from applicants to speed the evaluation process.)

3. In addition to the streamlined evaluation of identical or substantially similar application responses, evaluators can recognize other similarities (for example, substantially similar funding or business models). While the evaluation process should take these efficiencies into consideration, ICANN should not prioritize the sequencing of the evaluation or eventual delegation process in ways that favor applicants with more than one application.

4. Where possible, applications should be assigned to evaluators in a manner that allows for the common evaluation of substantially similar application materials. With 100 reviewers reviewing (on average) one application per week, all applications could be completed in less than five months.

5. ICANN should ask applicants if they wish for any of their applications to be considered early in the evaluation and other sequences as soon as practical. Only those applicants that express an interest in being evaluated and delegated as quickly as possible need to be evaluated early in the process, while others may proceed at a later date. (Note: those not opting for early evaluation would not have to wait until every application in the evaluation sequence is finished, but only until the capacity of the evaluators allows for consideration of their application. Specifically, those applications evaluated later in the process should not have to wait for final resolution of particularly problematic applications). This opportunity for applicants to "opt out" already existed in the Digital Archery system; although that system will not go forward, the presence of this option remains useful.

6. In order to smooth the flow of applications to later stages in the process, including delegation into the root, applications that pass evaluation and avoid or resolve other complications such as contention, meritorious objection and extended evaluation, should proceed immediately to the next steps of contract negotiation and pre-delegation testing.

7. We believe that if the above points are taken into consideration in the evaluation process, it should be possible to complete the evaluation of all applications in a single batch in one four to six month period without delaying the initial delegation of applications that are not subject to further delays as a result of natural bottlenecks in the application workflow. All applicants are thus in a position no worse than they would have been had there been batching. Initial evaluation results should be published no later than 31 December 2012.

8. In response to the recent letter from the GAC, ICANN should conduct an inter-sessional meeting to assist with satisfying GAC deadlines. According to the Applicant Guidebook (AGB), any GAC advice on specific applications is to be offered during the objection period. While we understand the GAC's desire to carefully review applications, and ICANN's desire to receive sound GAC advice, a four-month delay in the program is untenable. Moreover, the AGB provides that "receipt of GAC advice will not toll the processing of an application (i.e., an application will not be suspended but will continue through the stages of the application process)."

To maintain AGB timelines and satisfy the GAC's request for an in-person meeting, therefore, we suggest that ICANN hold an inter-sessional meeting in January 2013 during the six-month period between the Toronto and Beijing meetings. There is a compelling precedent for such a meeting, as the GAC's needs were similarly accommodated in early 2011 during the GAC-Board consultation in Brussels. The Objection period would end and any GAC advice, therefore, would be offered shortly after the inter-sessional meeting.

9. ICANN may find it necessary to provide some mechanism of sequencing if natural bottlenecks are insufficient to sufficiently smooth the flow of applications; no consensus yet exists on what that sequencing mechanism should be.

10. We urge ICANN to complete the review and delegation processes with all deliberate speed to enable NTAG members to provide new and innovative uses of the DNS and highlight to the world the success of the new gTLD program.

Sincerely,

NTAG