

## **Annex A**

[11 June 2014 CPE Report re .HOTEL]



**New gTLD Program  
Community Priority Evaluation Report**

Report Date: 11 June 2014

Application ID:	1-1032-95136
Applied-for String:	HOTEL
Applicant Name:	HOTEL Top-Level-Domain s.a.r.l

**Overall Community Priority Evaluation Summary**

<b>Community Priority Evaluation Result</b>	<b>Prevailed</b>
<p>Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.</p>	

**Panel Summary**

<b>Overall Scoring</b>	<b>15 Point(s)</b>	
<u>Criteria</u>	<u>Earned</u>	<u>Achievable</u>
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	3	4
#3: Registration Policies	4	4
#4: Community Endorsement	4	4
Total	15	16

**Minimum Required Total Score to Pass 14**

<b>Criterion #1: Community Establishment</b>	<b>4/4 Point(s)</b>
1-A Delineation	<b>2/2 Point(s)</b>
<p>The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.</p> <p><u>Delineation</u> Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition, and there must be awareness and recognition of a community (as defined by the applicant) among its members.</p> <p>The community defined in the application (“HOTEL”) is:</p>	

The .hotel namespace will exclusively serve the global Hotel Community. The string “Hotel” is an internationally agreed word that has a clear definition of its meaning: According to DIN EN ISO 18513:2003, “A hotel is an establishment with services and additional facilities where accommodation and in most cases meals are available.” Therefore only entities which fulfil this definition are members of the Hotel Community and eligible to register a domain name under .hotel. .hotel domains will be available for registration to all companies which are member of the Hotel Community on a local, national and international level. The registration of .hotel domain names shall be dedicated to all entities and organizations representing such entities which fulfil the ISO definition quoted above:

1. Individual Hotels
2. Hotel Chains
3. Hotel Marketing organizations representing members from 1. and/or 2.
4. International, national and local Associations representing Hotels and Hotel Associations representing members from 1. and/or 2.
5. Other Organizations representing Hotels, Hotel Owners and other solely Hotel related organizations representing on members from 1. and/or 2.

These categories are a logical alliance of members, with the associations and the marketing organizations maintaining membership lists, directories and registers that can be used, among other public lists, directories and registers, to verify eligibility against the .hotel Eligibility requirements.

This community definition shows a clear and straightforward membership. The community is clearly defined because membership requires entities/associations to fulfill the ISO criterion for what constitutes a hotel. Furthermore, association with the hotel sector can be verified through membership lists, directories and registers.

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with the hotel industry and the provision of specific hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Delineation.

#### Organization

Two conditions need to be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application has at least one entity mainly dedicated to the community. There are, in fact, several entities that are mainly dedicated to the community, such as the International Hotel and Restaurant Association (IH&RA), Hospitality Europe (HOTREC), the American Hotel & Lodging Association (AH&LA) and China Hotel Association (CHA), among others. According to the application,

Among those associations the International Hotel and Restaurant Association (IH&RA) is the oldest one, which was founded in 1869/1946, is the only global business organization representing the hotel industry worldwide and it is the only global business organization representing the hospitality industry (hotels and restaurants) worldwide. Officially recognized by United Nations as the voice of the private sector globally, IH&RA monitors and lobbies all international agencies on behalf of this industry. Its members represent more than 300,000 hotels and thereby the majority of hotels worldwide.

The community as defined in the application has documented evidence of community activities. This is confirmed by detailed information on IH&RA’s website, as well as information on other hotel association websites.

The Community Priority Evaluation panel determined that the community as defined in the application

satisfies both the conditions to fulfill the requirements for Organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. Hotels have existed in their current form since the 19<sup>th</sup> century, and the oldest hotel association is IH&RA, which, according to the entity's website, was first established in 1869 as the All Hotelmen Alliance. The organization has been operating under its present name since 1997.

The Community Priority Evaluation panel determined that the community as defined in the application fulfills the requirements for Pre-existence.

1-B Extension

*2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of a considerable size. The community for .HOTEL as defined in the application is large in terms of the number of members. According to the applicant, "the global Hotel Community consists of more than 500,000 hotels and their associations".

In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of association with the provision of hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .HOTEL community are of a lasting, non-transient nature.

In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of association with the provision of hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Longevity.

**Criterion #2: Nexus between Proposed String and Community**

*3/4 Point(s)*

2-A Nexus

*2/3 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Nexus as

specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the name of the community, without over-reaching substantially beyond the community. The application received a score of 2 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. “Identify” means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.HOTEL) identifies the name of the community. According to the applicant,

The proposed top-level domain name, “HOTEL”, is a widely accepted and recognized string that globally identifies the Hotel Community and especially its members, the hotels.

The string nexus closely describes the community, without overreaching substantially beyond the community. The string identifies the name of the core community members (i.e. hotels and associations representing hotels). However, the community also includes some entities that are related to hotels, such as hotel marketing associations that represent hotels and hotel chains and which may not be automatically associated with the gTLD. However, these entities are considered to comprise only a small part of the community. Therefore, the string identifies the community, but does not over-reach substantially beyond the community, as the general public will generally associate the string with the community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string identifies the name of the community as defined in the application. It therefore partially meets the requirements for Nexus.

2-B Uniqueness

*1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string .HOTEL must have no other significant meaning beyond identifying the community described in the application. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

**Criterion #3: Registration Policies**

**4/4 Point(s)**

3-A Eligibility

*1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility, as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to the narrow category of hotels and their organizations as defined by ISO 18513, and verifying this association through membership lists, directories and registries. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for gTLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.</p> <p>To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that eligible applicants will be entitled to register any domain name that is not reserved or registered at the time of their registration submission. Furthermore, the registry has set aside a list of domain names that will be reserved for the major hotel industry brands and sub-brands. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.</p>	
3-C Content and Use	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.</p> <p>To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that each domain name must display hotel community-related content relevant to the domain name, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.</p>	
3-D Enforcement	<i>1/1 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application provided specific enforcement measures as well as appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement.</p> <p>Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. The applicant's registry will establish a process for questions and challenges that could arise from registrations and will conduct random checks on registered domains. There is also an appeals mechanism, whereby a registrant has the right to request a review of a decision to revoke its right to hold a domain name. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies both conditions to fulfill the requirements for Enforcement.</p>	

<b>Criterion #4: Community Endorsement</b>	<b>4/4 Point(s)</b>
4-A Support	<i>2/2 Point(s)</i>
<p>The Community Priority Evaluation panel determined that the application fully met the criterion for Support</p>	

specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s). The application received a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from the recognized community institution(s)/member organization(s), and this documentation contained a description of the process and rationale used in arriving at the expression of support. These groups constitute the recognized institutions to represent the community, and represent a majority of the overall community as defined by the applicant. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition

*2/2 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received relevant opposition from, at most, one group of non-negligible size. According to the Applicant Guidebook, “To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant”. “Relevance” and “relevant” refers to the communities explicitly and implicitly addressed.

The application received letters of opposition, which were determined not to be relevant, as they were either from groups of negligible size, or were from entities/communities that do not have an association with the applied for string. The Community Priority Evaluation Panel determined that these letters therefore were not relevant because they are not from the recognized community institutions/member organizations, nor were they from communities/entities that have an association with the hotel community. In addition, some letters were filed for the purpose of obstruction, and were therefore not considered relevant. The Community Priority Evaluation Panel determined that the applicant satisfies the requirements for Opposition.

**Disclaimer:** Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <[newgtlds.icann.org](http://newgtlds.icann.org)>.





## **Annex B**

[4 August 2014 DIDP Request to ICANN]

For the attention of Mr Cherine Chalaby  
Chair, ICANN New gTLD Program Committee  
Document Information Disclosure Policy Request

**By email: [didp@icann.org](mailto:didp@icann.org)**

4th August 2014

Dear Sir,

Pursuant to ICANN's Documentary Information Disclosure Policy ("DIDP"), the applicants for the .HOTEL gTLD named at the end of this letter or their advisers hereby request the documents described further in this letter.

Relevant Background

On 11 June 2014, ICANN issued a Community Priority Evaluation Report ("Report") which determined that the Community Application ("CPE Application") by HOTEL Top-Level-Domain s.a.r.l. (Application I.D. 1-1032-95136) ("Hotel TLD") for the .HOTEL string had been successful.

The surprising success of the CPE Application leaves open the question of whether the correct standards of due care were applied, as the Report itself was largely perfunctory and made scarce reference to the underlying reasoning and documentation relied on by the Community Priority Evaluation Panel ("CPE Panel").

The Applicants, therefore, hereby respectfully request that ICANN produce the following documents directly and indirectly relating to the Report:

- 1) All correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication ("Communications") between individual member of ICANN's Board or any member of ICANN Staff and the Economist Intelligence Unit or any other organisation or third party involved in the selection or organisation of the CPE Panel for the Report, relating to the appointment of the Panel that produced the Report, and dated within the 12 month period preceding the date of the Report;
- 2) The curriculum vitae ("CVs") of the members appointed to the CPE Panel;
- 3) All Communications (as defined above) between individual members of the CPE Panel and/or ICANN, directly relating to the creation of the Report; and
- 4) All Communications (as defined above) between the CPE Panel and/or Hotel TLD or any other party prior with a material bearing on the creation of the Report.

("Requested Information")

The Requested Information does not meet any of the defined conditions under the DIDP for non-disclosure, and we consider each of these in turn:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.*

This condition does not apply.

- *Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.*

Disclosure of the Requested Information would clearly promote the integrity of ICANN's deliberative and decision making process because all applicants for new gTLDs are reliant on the principles of fairness and transparency as the two pillars which enshrine and ensure that the process which they have subscribed to is completely conducted in good faith. There can be no justification for secrecy in relation to what is effectively a quasi-judicial process.

In addition we note, for the avoidance of doubt:

- 1) The Requested Information is unrelated to any personal, medical, contractual, remuneration or similar records.
- 2) The Requested Information is not likely to impermissibly prejudice any parties' commercial, financial or competitive interests. Additionally, to the extent that any requested document contains such information, the Requested Information should be redacted accordingly before it is provided in response to this request.
- 3) The Requested Information is not confidential business information or internal policies or procedures.
- 4) The Requested Information will not endanger the life, health or safety of any individual nor prejudice the administration of justice.
- 5) The Requested Information is not subject to attorney-client privilege.
- 6) The Requested Information is not drafts of communications.
- 7) The Requested Information is not related in any way to the security or stability of the Internet.
- 8) The Requested Information is not trade secrets or financial information.
- 9) The Requested Information request is reasonable, not excessive or overly burdensome, compliance is feasible and there is no abuse.

To the extent that any of the Requested Information does fall into one of the defined conditions for non-disclosure, ICANN should nonetheless disclose the information as the public interest in disclosing the information outweighs any harm that might be caused by disclosure.

ICANN's transparency obligations, created in ICANN's bylaws<sup>1</sup> and Articles of Incorporation<sup>2</sup>, require publication of information related to the process, facts and analysis used by individual members of the CPE Panel in preparation of the Report.

Bylaw Article III, Section 1 provides as follows: "ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness."

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1 <http://www.icann.org/general/bylaws.htm#I>

2 <https://www.icann.org/resources/pages/articles-2012-02-25-en>

Article I, Section 2 of the ICANN Bylaws also state that in performing its mission, a set of core values should guide the decisions and actions of ICANN. These include:

7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.


Article 4 of the ICANN Articles of Incorporation provides:

"The Corporation shall operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law and, to the extent appropriate and consistent with these Articles and its Bylaws, through open and transparent processes that enable competition and open entry in Internet-related markets. To this effect, the Corporation shall cooperate as appropriate with relevant international organizations."

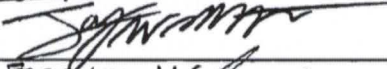
The ICANN community and certainly the Applicants are entitled to know both the qualifications and details of the appointment of members of the CPE Panel that made the decision and how they applied the relevant standards and the material on which they relied, following which the CPE Application of Hotel TLD for the .HOTEL string was successful, as the issue is causing enormous concern in the community.

Yours faithfully,

Jonathon Nevett

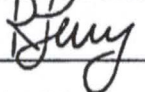
Donuts, Inc  


FairWinds Partners, LLC

~~Registry LLC~~  


Registry LLC  
~~FairWinds Partners~~

Famous Four Media Limited (on behalf of dot Hotel Limited)



Minds + Machines



Radix FZC



## **Annex C**

[3 September 2014 ICANN Response to DIDP Request]

## Response to Documentary Information Disclosure Policy Request

To: Donuts, Inc.; FairWinds Partners, LLC; Fegistry LLC; Famous Four Media Limited; Minds + Machines; and Radix FZC

Date: 3 September 2014

Re: Request No. 20140804-1

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Thank you for your Request for Information dated 4 August 2014 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (“ICANN’s”) Documentary Information Disclosure Policy (“DIDP”). For reference, a copy of your Request is attached to the email forwarding this Response.

### Items Requested

In summary, the Request seeks all communications relating to the creation of the Community Priority Evaluation (“CPE”) report (the “Report”) approving the community application for .HOTEL submitted by HOTEL Top-Level-Domain S.a.r.l. (“Hotel TLD”) and relating to the appointment of the CPE Panel that produced the Report. The Request identified certain specific categories of documents, including:

1. All correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication (“Communications”) between individual member [*sic*] of ICANN’s Board or any member of ICANN Staff and the Economist Intelligence Unit or any other organization or third party involved in the selection or organization of the CPE Panel for the Report, relating to the appointment of the Panel that produced the Report, and dated within the 12 month period preceding the date of the Report;
2. The curriculum vitae (“CVs”) of the members appointed to the CPE Panel;
3. All Communications (as defined above) between individual members of the CPE Panel and/or ICANN, directly relating to the creation of the Report; and
4. All Communications (as defined above) between the CPE Panel and/or Hotel TLD or any other party prior with a material bearing on the creation of the Report.

### Response

The Community Priority Evaluation (“CPE”) standards set forth in Section 4.2 of the Applicant Guidebook (“Guidebook”) available at <http://newgtlds.icann.org/en/applicants/agb>. CPEs are performed by an independent community panel that is coordinated by the Economist Intelligent Unit (“EIU”), an independent, third-party company that contracts with ICANN to perform that coordination role. The CPE Panel Process Document (at <http://newgtlds.icann.org/en/applicants/cpe>) and the CPE Guidelines (at

<http://newgtlds.icann.org/en/applicants/cpe>) provide more information on the CPE process.

To help assure independence of the process and evaluation, ICANN (either Board or staff) is not involved with the selection to the CPE panel of the two individual evaluators that perform the scoring in each CPE process (the “CPE Panel”), nor is ICANN provided with information about who the evaluators on any individual panel may be. The coordination of the CPE Panel as explained in the CPE Panel Process Document, is performed entirely within the EIU. ICANN therefore does not have any CVs for the CPE Panel as requested in Item 2. Similarly, ICANN does not have documentation regarding the appointment of the specific CPE Panel for the .HOTEL CPE as requested in Item 1. To the extent that ICANN has documentation with the EIU for the performance of its role as the coordinating firm as it relates to the .HOTEL CPE, those documents are subject to certain of the Defined Conditions of Nondisclosure set forth in the DIDP:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Item 3 seeks all Communications (as defined in the Request) between ICANN and the individual members of the CPE Panel relating to the creation of the Report. Because of the EIU's role as the panel firm, ICANN does not have any communications (nor does it maintain any communications) with the evaluators that identify the scoring for any individual CPE. As a result, ICANN does not have documents of this type. To the extent that ICANN has communications with persons from EIU who are not involved in the scoring of a CPE, but otherwise assist in a particular CPE, (as anticipated in the CPE



Panel Process Document), those documents are subject to the following Defined Conditions of Nondisclosure set forth in the DIDP:

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Item 4 seeks all Communications between the CPE Panel and Hotel TLD or any other party bearing on the creation of the Report. In order to maintain the independence and neutrality of the CPE Panels as coordinated by the EIU, ICANN has limited the ability for requesters or other interested parties to initiate direct contact with the panels – the CPE Panel goes through a validation process regarding letters of support or opposition (as described in the CPE Panel Process document) but that is the extent of direct communications that the CPE Panel is expected to have. For process control purposes, from time to time ICANN is cc'd on the CPE Panel's verification emails. These validation emails are not appropriate for disclosure pursuant to the following Defined Conditions of Nondisclosure set forth in the DIDP:

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

In making its evaluation, the CPE Panel considers the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website and/or ICANN's New gTLD microsite, available at <http://newgtlds.icann.org/en/>. Correspondence regarding New gTLD applications is available at <http://newgtlds.icann.org/en/program-status/correspondence>, specific instances of correspondence regarding .HOTEL's CPE are available at <https://www.icann.org/en/system/files/correspondence/levy-to-willett-03mar14-en.pdf>,

<https://www.icann.org/en/system/files/correspondence/sahjwani-to-chalaby-willett-04mar14-en.pdf>, and <https://www.icann.org/en/system/files/correspondence/patetta-to-icann-05mar14-en.pdf>. In addition, the public is permitted to post comments regarding any New gTLD application on the New gTLD microsite. Several such comments were posted regarding .HOTEL and are available at <https://gtldcomment.icann.org/applicationcomment/viewcomments>, and the CPE Panel was obligated to take those into account. Similarly, the application that the CPE was based upon is available at <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1165>, with any updates available at <https://gtldresult.icann.org/application-result/applicationstatus/applicationchangehistory/1562>.

Although your analysis in the Request concluded that no Conditions for Nondisclosure should apply, ICANN must independently undertake the analysis of each Condition as it applies to the documentation at issue, and make the final determination as to whether any Nondisclosure Conditions apply. Here, for example, ICANN cannot violate contractual conditions that require ICANN to maintain items as confidential solely because the Request proffers that no such conditions apply. Similarly, ICANN does not release draft documentation – particularly if draft documentation was shared for the purpose of facilitating deliberations or decision making – because drafts are not reliable sources of information regarding what actually occurred or standards that were actually applied.

For each of the items identified above as subject to Defined Conditions of Nondisclosure, ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN, its contractual relationships and its contractors’ deliberative processes by the requested disclosure.

### **About DIDP**

ICANN’s DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP please see <https://www.icann.org/resources/pages/didp-2012-02-25-en>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).