

Annex F – Topic 34: Limited Challenge/Appeal Mechanism

The following table provides guidance about the details of the limited **challenge mechanism for evaluation procedures**. Please see Topic 34: Limited Challenge/Appeal Mechanism for additional context.

Process	Outcome that might warrant challenge	Potential affected parties	Parties with standing	Arbiter of challenge	Likely results of a successful challenge	Who bears cost?
Background Screening	Failure - disqualification for application from program	- Applicant	- Applicant	Existing evaluator entity - different ultimate decision maker(s) within the entity	Reinstatement of application	Applicant
Background Screening	No issues found in background screening	- Applicant - Members of the contention set, if applicable	- Member(s) of the contention set, if applicable	Existing evaluator entity - different ultimate decision maker(s) within the entity	Disqualification from program	Member(s) of the contention set
String Similarity	Found to be similar to existing TLD, Reserved Names, 2-char IDNs against one-char (any) and 2-char (ASCII) -	- Applicant - Existing TLD Operator	- Applicant - Existing TLD Operator (No standing, but can file objection)	Existing evaluator entity - different ultimate decision maker(s) within the entity	Reinstatement of application	Applicant

Process	Outcome that might warrant challenge	Potential affected parties	Parties with standing	Arbiter of challenge	Likely results of a successful challenge	Who bears cost?
	disqualification for application from program					
String Similarity	Found to be similar to another applied-for TLD - inclusion in a contention set	- Applicant - Other applicants in contention set	- Applicant - Other applicants in contention set	Existing evaluator entity - different ultimate decision maker(s) within the entity	Removal of string from contention set	Filing Party
String Similarity	Found NOT to be similar to an existing TLD, Reserved Names, 2-Char IDNs....	- Applicant - Existing TLD Operator	- May not be appealed; Existing TLD can always file an objection	N/A	N/A	N/A
String Similarity	Found NOT to be similar to another applied-for-TLD	- Applicant - Other applicants in contention set	- May not be appealed; Other applicants can file objection	N/A	N/A	N/A
DNS Stability	Failure - disqualification for application from program	Applicant	Applicant	Existing evaluator entity - different ultimate decision maker(s) within the entity	Reinstatement of application	Applicant

Process	Outcome that might warrant challenge	Potential affected parties	Parties with standing	Arbiter of challenge	Likely results of a successful challenge	Who bears cost?
Geographic Names	Designation as a geographic name as prescribed in the AGB	Applicant	Applicant	Existing evaluator entity - different ultimate decision maker(s) within the entity	Reversal of designation as a geographic name	Applicant
Geographic Names	String is NOT designated as a geographic name as prescribed in the AGB	- Applicant - Relevant government or public authority	- Applicant - Relevant government or public authority	Existing evaluator entity - different ultimate decision maker(s) within the entity	Designation as a geographic string	Applicant/Relevant government or public authority
Geographic Names	Definition of "relevant governments" disputed or other deficiency in documentation	- Applicant - Relevant government or public authority	- Applicant - Relevant government or public authority	Existing evaluator entity - different ultimate decision maker(s) within the entity	Change in definition or reversal of deficiency	Applicant/Relevant government or public authority
Technical & Operations	Failure - disqualification for application from program	Applicant	Applicant	Existing evaluator entity - different ultimate decision maker(s) within the entity	Reinstatement of application	Applicant
Financial	Failure - disqualification for application	Applicant	Applicant	Existing evaluator entity - different ultimate decision	Reinstatement of application	Applicant

Process	Outcome that might warrant challenge	Potential affected parties	Parties with standing	Arbiter of challenge	Likely results of a successful challenge	Who bears cost?
	from program			maker(s) within the entity		
Registry Services	Assignment to extended review by RSTEP and RSTEP disapproves new service	Applicant	Applicant	New panel with different RSTEP panelists selected from the standing roster	New Service allowed to be included in New TLD Agreement	Applicant
Community Priority Evaluation	Applicant prevails in CPE - community-based applicant receives priority	Members of the contention set	Member(s) of the contention set	Existing evaluator entity - different ultimate decision maker(s) within the entity	Decision reversed - community-based application does NOT receive priority	Member(s) of the contention set
Community Priority Evaluation	Applicant does not prevail in CPE - community-based applicant must resolve contention through other mechanisms	Applicant	Applicant	Existing evaluator entity - different ultimate decision maker(s) within the entity	Decision reversed - community-based application DOES receive priority	Applicant
Applicant Support	Applicant is determined to not meet the criteria -	Applicant	Applicant	Existing evaluator entity - different ultimate decision	Decision reversed - applicant receives funding	Applicant

Process	Outcome that might warrant challenge	Potential affected parties	Parties with standing	Arbiter of challenge	Likely results of a successful challenge	Who bears cost?
	(in 2012, applicant had no recourse. Preliminarily, this WG is considering allowing the applicant to proceed at the normal application amount.)			maker(s) within the entity	support	
RSP Pre-Evaluation	Failure - unable to be designated as pre-evaluated	RSP	RSP	Existing evaluator entity - different ultimate decision maker(s) within the entity	Successful designation as pre-evaluated	RSP

The following table provides guidance about the details of the limited **appeal mechanism for formal objections decisions**. Please see Topic 34: Limited Challenge/Appeal Mechanism for additional context.

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
String Confusion	Applicant	Yes	A determination that there is string confusion with an existing TLD	Existing Provider; Different Panelist(s)	Application is reinstated	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
String Confusion	Applicant	Yes	A determination that there is string confusion with another application	Existing Provider; Different Panelist(s)	Application removed from contention set	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
String Confusion	Existing TLD Objector	Yes	A determination that there is not confusion with an existing TLD	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
String Confusion	Another Applicant Objector	Yes	A determination that there is not confusion with another application	Existing Provider; Different Panelist(s)	Application is placed into Objector's contention set	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
Legal Rights Objection	Applicant	Yes	A determination that the applied for string infringes the legal rights of the Legal Rights Objector	Existing Provider; Different Panelist(s)	Application is reinstated	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Legal Rights Objection	Legal Rights Objector	Yes	A determination that the applied for string does not infringe the legal rights of the Legal Rights Objector	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Limited Public Interest Objection	Applicant	Yes	A determination that the applied for string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.	Existing Provider; Different Panelist(s)	Application is reinstated	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
Limited Public Interest Objection	3rd Party Objector	Yes	A determination that the applied for string is not contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Limited Public Interest Objection	Independent Objector	Yes	A determination that the applied for string is not contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter (The IO must pay for an unsuccessful appeal out of its budget)	15 days to signal intent of appeal, then 15 more days to pay and file appeal

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
Limited Public Interest Objection	ALAC	Yes	A determination that the applied for string is not contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter (The ALAC must pay for an unsuccessful appeal out of its budget)	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Community Objection	Applicant	Yes	There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted	Existing Provider; Different Panelist(s)	Application is reinstated	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Community Objection	Community Objector	Yes	A determination either that: (a) the Objector does not	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees	15 days to signal intent of appeal, then 15 more days

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
			have standing and/or (b) there is not substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted			charged by the third-party arbiter	to pay and file appeal
Community Objection	Independent Objector	Yes	There is not substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter (The IO must pay for an unsuccessful appeal out of its budget)	15 days to signal intent of appeal, then 15 more days to pay and file appeal
Community Objection	ALAC	Yes	A determination either that: (a) the ALAC does not	Existing Provider; Different Panelist(s)	Application does not proceed	Non-prevailing party bears the cost of the proceeding fees	15 days to signal intent of appeal, then 15 more days

Process	Potential appellant	Standing?	What is being appealed?	Arbiter of appeal?	Likely results of successful appeal?	Who bears costs?	Notes
			have standing and/or (b) there is not substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted			charged by the third-party arbiter (The ALAC must pay for an unsuccessful appeal out of its budget)	to pay and file appeal
Conflict of Interest of Panelists	Applicant or Objector	Yes	One or more panelist(s) has an actual conflict of interest which could influence the outcome of the objection	To be determined by the IRT	Panelist(s) removed and replaced	Non-prevailing party bears the cost of the proceeding fees charged by the third-party arbiter	Must be filed within 15 days from notice of the appointment of the Panelist(s); stops objection from proceeding until outcome of appeal