



UPDATE & CONSULTATION ON New gTLD Subsequent Procedures

COMMUNITY APPLICATIONS (incl. CPE)

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SNAPSHOT OF KEY ELEMENTS

Community Applications



ALAC STATEMENTS support or have touched on:

- Maintaining preference over non-community based applications in if applicant prevails in CPE
- Need for more transparency and predictability for CPE process, evaluator/panellists
- Improvements needed:
 - ❖ More flexibility in definition of “Community”, “membership”, “association”
 - ❖ Clarity on evaluation procedures
 - ❖ Grass-root representation on CPE panels
 - ❖ Differential treatment for applicants from underserved regions in preparing applications, 1st time Community applicants,
- Preferential pricing subject to eligibility check (CC2)



RELATED SubPro Areas/Topics include:

Substantive vs Procedural appeals

- Objections – incl. distinction b/n Community Objections and opposition in CPE
- Application Evaluation
- Accountability Mechanism (i.e. appeals)



COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- Rec. 34: Thorough review of procedures and objectives for community-based applications to be carried out and improvements made to address and correct concerns raised

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

- SubPro WG deliberations on public comments to Initial Report on topic of Community Applications expected to take place on Thu 10 Oct 2019 at 3:00 UTC.
- Applicable 2007 policy
 - Processes and rules related to Community Applications should be clear and transparent.
 - Implementation of processes and rules should be consistent and predictable.

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

Preferential Treatment for Community Applications

ALAC STATEMENT advocates:

- Maintaining preference over non-community based applications in if applicant prevails in CPE – the is one way for ICANN to show that it is serving the public interest

SUBPRO WG Deliberations:

Outstanding Items/New Ideas:

- ❑ When communities identify a need to introduce a new gTLD that is closely linked to their existence or operations and have demonstrated support from the community, they should have get preferential treatment
- ❑ Supports narrow definition of "community" given concerns about awarding priority to a group, where little agreement on interests and values. Consider alternative awards (e.g., financial or technical support). Suggests balancing of interests rather than deference to any single group. Supports transparency in the process and decision-making. Freedom of expression concerns expressed about CPE process, where ICANN evaluators must conduct a beauty contest.
- ❑ Suggests removing the concept of community. Communities should not get priority in delegation

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

In General

ALAC STATEMENTS support:

- Need for more transparency and predictability for CPE process, evaluator/panellists
- Need for upfront clarity on evaluation procedures

SUBPRO WG Deliberations:

High Level Agreement:

- The Community Priority Evaluation (CPE) process must be more transparent and predictable.
- All evaluation procedures should be developed BEFORE the application process opens and made easily and readily available.

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

Suggestions for improving transparency & predictability of CPE process

ALAC STATEMENT advocates:

- **To address lack of transparency and predictability**
 - ❖ Evaluation procedures should be published before call for applications
 - ❖ Enabling procedure for applicant to fulfil exact requirements / inquiries by evaluators
 - ❖ Release background info about CPE panellists, incl. support teams to enable COI oversight
 - ❖ Data/documentation/research materials consulted in decision making must be referenced, released as part of decision
 - ❖ CPE panel should include grassroots community organization representation - **ALAC can provide approp. ICANN community volunteers to serve as panel members or advisors**
 - ❖ Applicants should also be updated periodically about the status of their application.

SUBPRO WG Deliberations:

Outstanding Items/New Ideas:

- ❑ Improved training for panelists. Objection process, legal rights process generally better. Look to those models for better training
- ❑ Have similar review/appeals process for CPE decisions as we're proposing for objections
- ❑ Better documentation of roles and factors in the CPE evaluation process. Materials evaluated as part of the CPE process should be made public.
- ❑ Formal process by which other applicants have an opportunity to comment on a CPE application and its supporting materials.
- ❑ Applicants to have more info about the time and cost of CPE, also which criteria will be used in the selection process and in line with what scoring practice. Panel to provide research supporting findings in determination. The professional background of panellists and their affiliations should be entirely disclosed. There should also a binding obligation to publish DR decisions with justification. There should be a clear attribution of responsibility for decision-making.

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

Suggestions for improving transparency & predictability of CPE process (Cont'd)

ALAC STATEMENT advocates:

- Definition of "Community"

- ❖ Describing community in terms similar to the definition of association used by the ECoHR and UN
- ❖ Focus less on strict definition, more on ensuring CPE panelists have understanding of the types of communities bringing applications forward and are able to deal with them in a flexible way, so as not to discriminate against valid community applications which don't necessarily fit in strict interpretation
- ❖ Consulted Community about the conditions that will be applied at the outset of the process
- ❖ Grass-root representation on CPE panels

SUBPRO WG Deliberations:

Outstanding Items/New Ideas:

- ❑ Focus on being more inclusive to match policy. Instead of allowing the definition of "community" to be the focus of debate, more energy needs to be directed towards solutions that help ICANN and CPE providers understand the types of communities seeking new gTLDs
- ❑ No effort should be made to disqualify economic communities or exclude communities based on goals related to proposed content of the TLD
- ❑ The concept of "community" is too broad and not connected with GPI. Notably, there is no policy of prioritising communities genuinely serving public interest goals. Community applicants are not provided with equality of arms and accessibility safeguards
- ❑ Definition of "Community" should be narrowed to "marginalized" interests, non-commercial interests, and those who can show a legitimate need for special assistance in application process. Unfair to award automatic priority to any single group, especially in a situation where there is little agreement on which interests and values should be prioritized over others

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

Suggestions for improving transparency & predictability of CPE process (Cont'd)

ALAC STATEMENT advocates:

- **Additional Differential Treatment, Changes to Criteria for & Alternative Benefits When Scoring**
 - ❖ Differential treatment for applicants from underserved regions in preparing applications, 1st time Community applicants,
 - ❖ Make “membership” flexible enough to take into account the fact that communities often do not have traditional membership lists

SUBPRO WG Deliberations:

Outstanding Items/New Ideas:

- Limit to financial or technical support
- Unfair to award automatic priority to any single group, especially in a situation where there is little agreement on which interests and values should be prioritized over others
- Any benefit considered should be done so in the interest of helping to realize the larger interests of the community represented, improving their chances of securing the TLD without an auction.
- Take care on “relevant” esp. in regards to scoring community opposition. Opposition should only impact an application when it represents a significant percentage of the community. Suggestion to review letters of opposition process and add a deadline for letters that will be considered by the CPE panel. Suggestion to add criteria around benefit to registrants, community members and Internet users. Award points for applications that provide solutions for community challenges or goals through the operation of the TLD.

SNAPSHOT OF SUBPRO WG DELIBERATIONS

Community Applications as at 9 Oct 2019

Suggestions for improving transparency & predictability of CPE process (Cont'd)

ALAC STATEMENT advocates:

- Guidelines for Panellists, other considerations
 - ❖ Flexibility in evaluating letters of support as some applications and their letters of support might be unconventional

SUBPRO WG Deliberations:

Outstanding Items/New Ideas:

- ❑ No deviation should be permitted without the engagement and consent of the applicant. Unapproved alterations could empower the CPE providers beyond applicant recourse and inflate costs. Any deviation perceived as a short cut or "scope of work incompleteness" (ie. validating every letter) by the CPE provider must result in some form of financial reimbursement to the applicant
- ❑ Panellists examining Community Objections or dealing with CPE despite having relevant legal knowledge, understanding of ICANN Bylaws and procedures, should also have the necessary expertise concerning the broad spectrum of community and, more broadly, human rights
- ❑ ICANN rules should facilitate the application for gTLDs and post-delegation operations by communities serving GPI