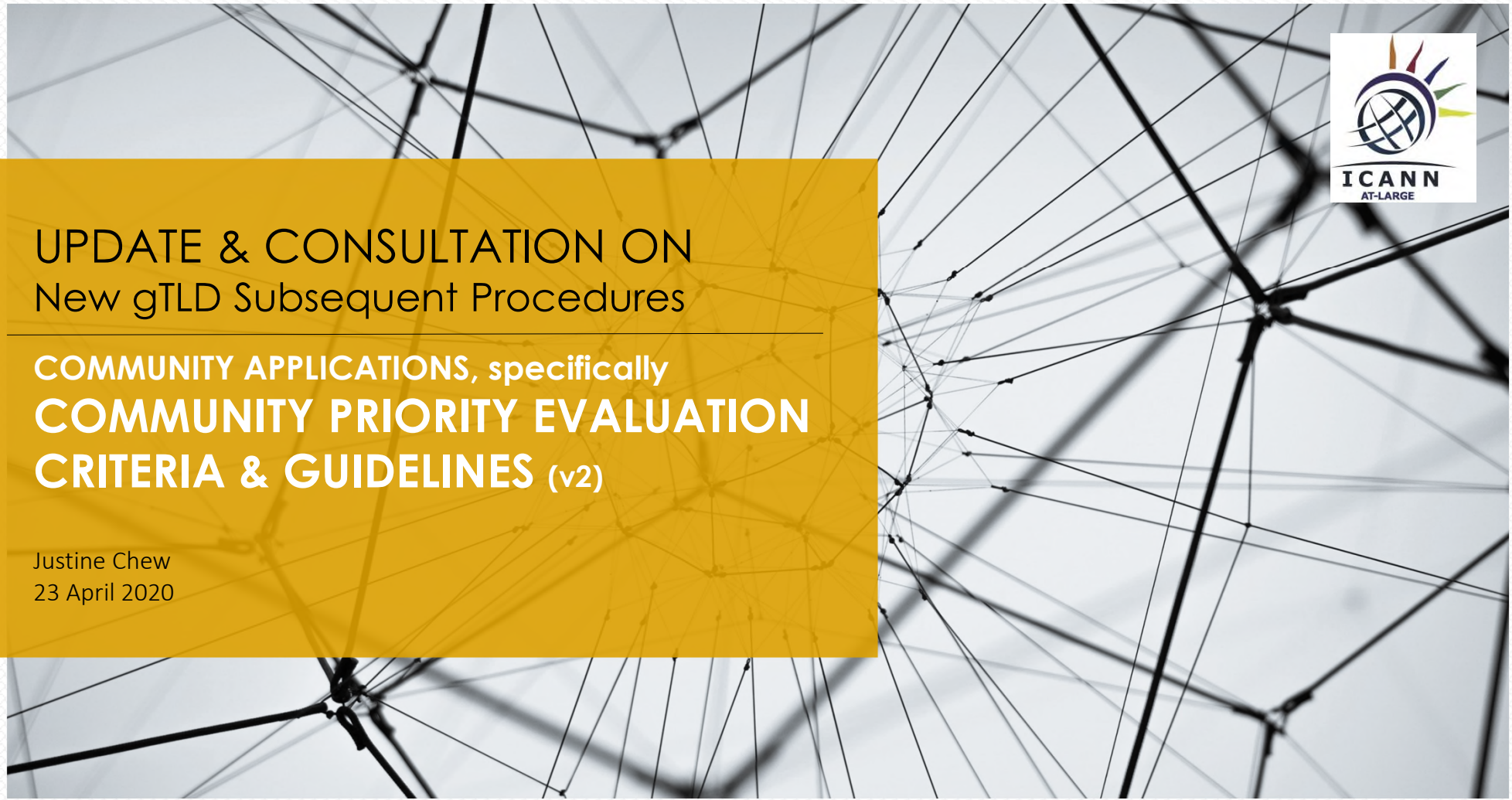

UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures

COMMUNITY APPLICATIONS, specifically

COMMUNITY PRIORITY EVALUATION CRITERIA & GUIDELINES (v2)

Justine Chew
23 April 2020

Purpose of this Consultation

- What is the New gTLD Subsequent Procedures ("SubPro")?
  - The set of rules and mechanisms applicable to the next round for New gTLDs i.e. they DO NOT apply to legacy TLDs, ccTLDs, or delegated new gTLDs or those still unresolved from the 2012 application round
  - "An update" to the 2012 Round rules and mechanisms

- What are we concerned with in this Consultation?
  - One of the SubPro topics is "Community-based Applications" which inter alia offers the option of a Community Priority Evaluation (CPE) to resolve a string contention set (if one occurs)
  - The question of who will conduct CPE for next round is not one that we will address here
  - Instead, *this consultation is focused on the CPE Criteria and Guidelines that ought to apply* regardless of who conducts the CPE for next round
  - There being identified concerns with the 2012 round CPE determinations – *"How do we fix these?"*

Table of Contents

Community Priority Evaluation (CPE)

Backgrounder

Focus on Community Priority Evaluation (CPE)

Community-based Applications

For the 2012 round of new gTLD applications, applicants were asked to indicate application type: (i) Community-based or (ii) Standard

- Community-based applications were meant to be in service of "communities"
- Must pass initial evaluation as with Standard applications before can proceed

The Initial Evaluation[1] comprises

String Reviews	Applicant Reviews
o String similarity o Reserved names o DNS stability o Geographic names	o Demonstration of technical and operational capability o Demonstration of financial capability o Registry services reviews for DNS stability issues

- Benefit: eligible to participate in Community Priority Evaluation (CPE)
- In event of string contention, may opt for CPE subject to payment of a deposit by a specified date

[1] Module 2 of the 2012 Applicant Guidebook (AGB)

String Similarity & String Contention

String Similarity Panel is tasked to identify visual string similarities that would create a probability of user confusion, with help of algorithmic score

- Applied-for strings matching existing delegated TLDs, reserved names not allowed
- Care also taken to consider effect of IDN protocols, similarity to IDN ccTLDs

String Contention Sets

- All applied-for gTLD strings are reviewed against one another to identify similar strings which are placed in string contention sets for further evaluation
- So, there must be at least 2 applied-for strings identical or similar to have a string contention set
- There is direct contention and indirect contention to contend with
- Contention sets could be augmented or reduced or eliminated as result of Extended Evaluation or dispute resolution proceeding

What is CPE?

Community Priority Evaluation (CPE) is one of 2 major string contention resolution mechanisms

- Designed to give priority to Community-based applications that score high enough against Standard application(s) in the same contention set
- Prevailing in CPE as against other applications in same contention set grants priority ie it wins outright and can proceed where others in that contention set will not
- If there are 2 or more Community-based applications which opted for CPE and both or all of the prevail in CPE, then being on equal footing, resolution may achieved via Auction (Standard applications excluded)
- In 2012 round, CPE was undertaken by external consultants selected and appointed by ICANN Org (ie a CPE Provider/CPE Panel)
- The CPE Panel relied on a set of **CPE Guidelines based on Criteria in AGB in evaluating Community-based applications** which opted for CPE

History of Community Priority Evaluation (CPE)

Pre 2012- Round

Developing CPE

- Set up as a String Contention resolution mechanism
- Was to be undertaken by external consultants selected and appointed by ICANN Org (ie a CPE Provider/CPE Panel)
- CPE Provider selection was part of ICANN's review and selection process of independent evaluators – while ICANN Org published details of process [2], the level of community participation is unclear

We will circle back to this later

[2] https://newgtlds.icann.org/en/about/evaluation-panels-selection-process

CPE Provider & Guidelines [3]

The CPE Provider selected for 2012 Round was the Economic Intelligence Unit (EIU)

- CPE panel to review, score community applicants against 4 criteria: (1) Community Establishment (2) Nexus between Proposed String-Community (3) Registration Policies (4) Community Endorsement per AGB [4]
- Among other published CPE-related resources was the CPE Guidelines by EIU which acts as an accompanying document to the AGB, meant to provide additional clarity around the scoring principles in AGB [4]

Feedback on CPE Guidelines

- ICANN community feedback was sought on the draft guidelines [5]; ALAC provided comments vide ALAC Statement AL-ALAC-ST-0913-01-00-EN, 9 Sep 2013 [6]

[3] https://newgtlds.icann.org/en/applicants/cpe
[4] Per s. 4.2, Module 4 of the 2012 Applicant Guidebook (AGB)
[5] http://newgtlds.icann.org/en/announcements-and-media/announcement-4-16aug13-en
[6] https://atlarge.icann.org/en/correspondence/statement-cpe-guidelines-09sep13-en.pdf

2012 Round Implementation [3][4]

CPE was implemented as a method to resolve string contention occurring if a community application is both in contention and elects to pursue CP

Eligibility, in general, application must:

- Be self-designated as "Community Application"
- Have "Active" status
- Be in an unresolved contention set
- Not have a pending change request
- Not be in an active comment window for a recently approved change request

Also, all remaining applications in contention set must:

- Have completed evaluation
- Have no pending objections
- Have addressed all applicable GAC Advice
- Not be classified in the "High Risk" cat. Of Name Collision Occurrence Mgt Framework

Evaluation Criteria[4] & Guidelines Used [7]

- Independent analysis by panel from EIU reviewed, scored community applicant against the 4 criteria per 2012 AGB, guided by their CPE Guidelines of 27 Sep 2013

[7] https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf published at https://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en

2012 Round Outcomes

Circa 23 applied-for strings involving 27 applicants that opted for CPE were evaluated.[8] But many concerns have been raised around issues including:

- Suitability of EIU as CPE provider/ panel
  - Lack of expertise / understanding in "Community"
  - Bias towards structured communities eg trade association, clubs
  - Insufficient flexibility for loosely organized communities around cultural, ethnic-type interests
  - Imbalance in use of the notion of "support" vs "opposition"
  - Some applied rationale appeared contradictory from one contention set to another
- Resulting in many "worthy" applications failing to prevail in CPE
- And no appeals process against panel evaluation

[8] Drawn from https://newgtlds.icann.org/en/applicants/cpe

CPE Criteria in 2012 Round

Surrounding the FOUR Criteria stated in the Applicant Guidebook, Module 4 s. 4.2

Criterion #1: Community Establishment	Criterion #2: Nexus between Proposed String and Community	Criterion #3: Registration Policies	Criterion #4: Community Endorsement
Measured by 2 sub-criteria • **1-A Delineation** • **1-B Extension** Scoring • Max of 4 points for Criterion #1 • Max of 2 points for each sub-criterion	Measured by 2 sub-criteria • **2-A Nexus** • **2-B Uniqueness** Scoring • Max of 4 points for Criterion #2 • Max of 3 points for 2-A Nexus and max of 1 point for 2-B Uniqueness	Measured by 4 sub-criteria • **3-A Eligibility** • **3-B Name Selection** • **3-C Content and Use** • **3-D Enforcement** Scoring • Max of 4 points for Criterion #3 • Max of 1 point for each sub-criterion	Measured by 2 sub-criteria • **4-A Support** • **4-B Opposition** Scoring • Max of 4 points for Criterion #4 • Max of 2 points for each sub-criterion

Need at least 14 points of max 16 points to prevail in CPE

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

The CPE Provider selected for 2012 Round was the Economic Intelligence Unit (EIU)

Among other published CPE-related resources was the **CPE Guidelines by EIU, ver 1 of Aug 2013**

CPE Guidelines

- Are an accompanying document to the AGB, meant to provide additional clarity around the scoring principles in AGB [4]
- ICANN community feedback was sought on the draft; ALAC provided comments vide ALAC Statement AL-ALAC-ST-0913-01-00-EN, 9 Sep 2013 [6]

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN [6]

"On the whole, the ALAC welcomes the proposal of "Community Priority Evaluation (CPE) Guidelines" prepared by The Economist Intelligence Unit (EIU). It notes with satisfaction that the EIU has transposed the AGB Criteria into Evaluation Guidelines for what is intended to be an evidence based evaluation process. The ALAC supports the need for comprehensive community assessment to ensure the legitimacy of applicants and the long-term sustainability of their value proposals. Without re-opening the debate on the AGB themselves, the ALAC has several recommendations and observations to make based on the document, which was made open for Public Comment. Our comments follow the structure of the EIU's Guidelines document for ease of review."

[4] Per s. 4.2, Module 4 of the 2012 Applicant Guidebook (AGB
[6] https://atlarge.icann.org/en/correspondence/statement-cpe-guidelines-09sep13-en.pdf

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

1–A Delineation

- Whilst it is important to establish this criterion clearly, history within the gTLD market has demonstrated that an assessment based on strict metrics alone falls short of expectations.
- Further indicators (markers) should be added to 1A. If there are two competing applicants purporting to represent a "community", then there should be other qualitative markers that can help differentiate the two.
- There are Communities who need protection through leadership and foresight – and the "clear delineation proposal" in 1-A does *not* provide such safeguard when comparing Western-based Communities with Traditional Cultures.
- Special care should be taken to protect "traditional knowledge" and "Indigenous Communities" that may not have the technological knowledge and ability to navigate the systems effectively.

1–B Extension

- Whilst we understand the need for a Top Level Domain to be representing the majority of people in a community, "Considerable Size" is a subjective metric, which needs to reflect context that may be diverse.
- There may be community applications from small countries like these island nations where the matter of "considerable size" may differ. The question then arises as to how applications from the Communities of such countries would have any chance of success when compared to applications supported by multi-national commercial entities anchoring a "community" around one of their products?
- Take another example based in Africa: The "Amharic" Community is limited in members and geographic dispersion. It is a linguistic and cultural Community located in Ethiopia. Why should it be given a low score when it is a valid Community?
- As in 1-A, there appears to be absolutely no safeguard for small Community applications if the sole criterion in 1-B is overall extension. The ALAC is therefore concerned that here again a strict arithmetical evaluation will discriminate against small Communities and therefore recommends that there be special consideration when the community is of special interest or endangered

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

2–A Nexus

- The ALAC appreciates the care that has gone into defining the Nexus. However, a concern has been raised in the special case of community applications made by a Diaspora and the Diaspora exceeds the original population of a country. Simple examples would be Niue (3500 living in New Zealand vs. 1500 in Niue) or Lebanon (14 million living elsewhere vs. 4.3 million in Lebanon). An application made by a Diaspora may therefore score higher than a local community application in the country of origin. Determining which of the two Communities should be prioritized is a difficult matter

3–A Eligibility

- For a geographic location community TLD, the current Guidelines take the example of Eligibility as applications that impose a geographical restriction for applicants, requiring that the registrant's physical address be within the boundaries of the location.
- The ALAC recommends that the Eligibility criterion be extended to registrants conducting business targeted at the location irrespective of their physical location. This should score better than an unrestricted approach thus the ALAC proposes a three level grading:
  - ❑ 2 = eligibility restricted to community members
  - ❑ 1 = eligibility restricted to service provision to community members
  - ❑ 0 = Largely unrestricted approach to eligibility

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

4-A Support and 4-B Opposition

- There is neither mention of individuals nor governments as recognized channels or sources of support or opposition. Some individuals may not be part of an institution or organization, but could potentially rally to make an endorsement or objection. Online petitions as well as crowd-sourcing and other forms of virtual Communities do not have the legal framework in place nor the strict hierarchy that this section appears to require for a letter of support or opposition to be endorsed.
- Extra care should be used in 4 – B, where "a group of non-negligible size" is too vague, and without measurable elements, may lead to a non-objective and gamed evaluation.
- The ALAC also re-iterates its concern regarding Community Support and Opposition, that the new gTLD Program has not been advertised enough to Communities worldwide. Evaluators should exercise care in using this criterion particularly when lack of opposition is observed.
- One failure of the ICANN process has been to give not enough time for Communities worldwide to understand their rights in objecting to applications that could be detrimental to their Community. In this respect and in the vast majority of cases, the Objections process at ICANN (and indeed the new gTLD Program altogether) was unknown when the window for Community Objections was open.
- With insufficient notice to the concerned Communities to respond and object, those who understand the mechanics of the new gTLD application process may be the first to respond and lend their support.
- Evaluating the level of Community support or opposition as determined in Criterion #4 is tricky in that support for the applicant will easily be found whilst opposition is less likely to be readily stated since potential opponents are less likely to be involved in the new gTLD Process. As a result, Communities that might benefit more from a specific gTLD, but are not aware of the new gTLD process taking place, will not have the chance of voicing their concerns unless they have been advised in advance of the opportunity to do so.

CPE: Fast Forward to the New gTLD SubPro PDP

Program Reviews Include, *inter alia*

- ❖ Final Issue Report Dec 2015 [9]
  - Guidance to SubPro PDP WG on changes needed to New gTLD Program
  - 4.4.5: Community Applications
- ❖ Revised Program Implementation Review Report (PIRR) January 2016 [10]
  - Examines effectiveness and efficiency of ICANN's implementation of New gTLD Program
  - Chap 4: Contention Resolution – CPE
- ❖ CPE Process Review per ICANN Board [10]
  - Scope 2: Application of CPE Criteria by CPE Provider
  - Scope 3: Compilation of Ref Material relied upon by CPE Provider re evaluations subject to pending Reconsideration Requests
- ❖ Council of Europe report DGI(2016)17 [12]
  - Chapters 3, 4, & 6

[9] https://gnso.icann.org/sites/default/files/file/field-file-attach/2016-12/subsequent-procedures-final-issue-04dec15-en.pdf
[10] https://newgtlds.icann.org/en/reviews/cct/implementation
[11] https://newgtlds.icann.org/en/applicants/cpe#process-review
[12] https://rm.coe.int/16806b5a14

New gTLD Subsequent Procedures PDP WG [13]

A GNSO PDP WG chartered in Jan 2016

- To evaluate what changes or additions need to be made to GNSO Introduction of New gTLD policy recommendations of 8 August 2007 [14]
- Any changes to policy would affect future Program procedures for introducing additional gTLDs – does not impact on legacy TLDs or ccTLDs or delegated new gTLDs in general
- Work Track 3 considered, *inter alia*:
  - Program Implementation Review Revised Report (PIRR)
  - Council of Europe report DGI(2016)17

[13] https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures
[14] https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm

SubPro PDP WG Initial Report 2018 (IR) [15]

Published for public comment 3 Jul – 26 Sep 2018

- Seeks to obtain input on the work of the New gTLD Subsequent Procedures PDP WG in evaluating what changes or additions need to be made to existing new gTLD policy recommendations. The document includes materials from the full Working Group and four sub-teams within the Working Group, Work Tracks 1-4.
- NB. A report of all public comments received was produced by GNSO staff and subsequently analysed by sub-teams under the same PDP WG.

[15] https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en

At-Large Comments to the SubPro IR 2018 [16]

ALAC Statement AL-ALAC-ST-0918-03-01-EN of 3 Oct 2018 has 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
- Differential treatment for applicants from underserved regions in preparing applications, 1st time Community applicants
- Improvements to CPE needed:
  - ❖ More flexibility in definition of "Community", "membership", "association"
  - ❖ Clarity on evaluation procedures
  - ❖ Grass-root representation on CPE panels

[16] https://atlarge.icann.org/advice_statements/12103

CPE: Exec Summary of AL-ALAC-ST-0918-03-01-EN

At-Large Comments to the Subsequent Procedures Initial Report 2018 [16]

Community Applications and CPE

"Community applications which end up in the CPE process should be able to trust that the process will be open and flexible enough to accommodate them. The ALAC offers a series of suggestions for improvement:

- *…. the real issue is in ensuring that* ***members of the CPE have a full understanding of the types of communities*** *bringing applications forward and are able to* ***deal with them in a flexible way. Arbitrarily restricted interpretations and limited definitions applied on an ad hoc basis discriminate against valid community applications which do not fit into prevailing assumptions***
- *…* ***communities should continue to be given special consideration****… the* ***concept of membership must be flexible enough*** *to take into account the fact that geographically dispersed communities often do not have traditional membership lists and should not be penalized for this.*
- *The CPE process needs to be more transparent and predictable. Details about all the procedures used in decision making must be available to applicants well in advance of the deadline for submissions; background information about CPE participants, including support teams must be fully available to enable conflict of interest oversight; and data/documentation/ research materials consulted in decision making must be referenced and released as part of the decision*
- *It is* ***important the CPE team include representatives from grassroots community organizations*** *and the ALAC has offered to assist in this task.*

Recap: ALAC STATEMENTS 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 to CPE needed:
  - ❖ More flexibility in definition of "Community", "membership", "association"
  - ❖ Clarity on evaluation procedures
  - ❖ Grass-root representation on CPE panels
  - ❖ Flexibility in evaluating letters of support as some applications and their letters of support might be unconventional

[16] https://atlarge.icann.org/advice_statements/12103

Community Priority Evaluation (CPE)

Scope of Our Present Consultation

High Level Concerns From 2012 Round Determinations
(as at 15 April 2020)

- Included:
  - ❑ Lack of expertise / understanding in "Community"
  - ❑ Bias towards structured communities eg trade association, clubs
  - ❑ Insufficient flexibility for loosely organized communities around cultural, ethnic-type interests
  - ❑ Imbalance in use of the notion of "support" vs "opposition"
  - ❑ Some applied rationale appeared contradictory from one contention set to another

  and others which may be further highlighted in this discussion …

- Resulting in many "worthy" applications failing to prevail in CPE

- And no substantive appeals process against panel evaluation; only limited to then available Accountability Mechanisms such as Request for Reconsideration

"What are the best ways to minimize undesired outcomes in CPE determinations in next round?"

High Level Concerns From 2012 Round Determinations

reflected vis a vis the CPE Criteria & Guidelines

Criterion #1: Community Establishment	Criterion #2: Nexus between Proposed String and Community	Criterion #3: Registration Policies	Criterion #4: Community Endorsement
Measured by 2 sub-criteria • 1-A Delineation (slides 15-20) • 1-B Extension (slides 21-24)	Measured by 2 sub-criteria • 2-A Nexus (slides 25-29) • 2-B Uniqueness (Slides 30-33)	Measured by 4 sub-criteria • 3-A Eligibility (slides 34-36) • 3-B Name Selection (slides 37-39) • 3-C Content & Use (slides 40-42) • 3-D Enforcement (slides 43-46)	Measured by 2 sub-criteria • 4-A Support • 4-B Opposition

"To fix these areas of concern, we need to examine the impact of each criterion and sub-criterion"

Consider Principles Underlying Proposed Improvements to CPE

1. Fairness
- Paramount goal, cannot be exhaustively prescribed, allow requisite level of flexibility
- Better facilitated with inclusion of grassroot participation?

2. "Community"
- Applications are in service of communities – consider marginalized or minority communities eg First Nation / Native American tribal communities, Roma community
- Council of Europe definition: *"Any group of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests."?*

3. Scoring – linking, scale & weight
- Should be no carrying over of bias
- Council of Europe: *"Either re-evaluate the scoring system and points to lower the bar or develop a new process altogether for assessing community applicants"?*

4. Negative Application Comments, Objections and Letters of Opposition – "Double Jeopardy"

5. Accountability and Access to Recourse
- Ability to challenge an evaluator's impartiality, determination; including cost burden

Explaining Principles Underlying Proposed Improvements to CPE

1. "Fairness"

- "Fairness" is arguably the most important goal; transparency and predictability are also desirable, but often predicated on "what we know or have experienced".
- Any criteria against which evaluation is based upon must incorporate a level of flexibility in order to enable "fairness" to be achieved.
  - ❑ Flexibility should be built into both the evaluation criteria and guidelines bound by high level guardrails
- Prevention of "false positives" and "false negatives" requires correct context – who's perspective matters
- One way to try and build-in "fairness" is to have grassroot participation with right expertise, broad perspectives on evaluation panels
  - ❑ Ask who would know or understand the nature of how different "communities" are recognized, organized, administered or even developed or galvanized?

2. "Communities"

- Were Community-based applications not meant to be in service of or for the benefit of "communities"?
- What do we mean by "communities"?
  - ❑ Different interpretations must be allowed for different usage of the term "communities" in the evaluation criteria and guidelines – in some cases, it is reasonable to ask whether the targeted persons or beneficiaries to a "community" can be perceived to relate to the "community" rather than if they are members of such a "community"
  - ❑ In particular, priority should be given towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even loosely organized but reasonably well-known groups or segments of society; and civil-society advocacy groups
  - ❑ Commercial grouping such as trade or business associations, commercially driven social, recreational, sporting clubs, while undoubtedly more defined, organized and well-resourced, should receive no more favor than the ones described above

3. Linked Sub-Criteria & Scoring

- The danger of using linked sub-criteria is it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion
- Even the AGB pg 4-9 states, "The utmost care has been taken to avoid any 'double-counting' – any negative aspect found in … one criterion should only be counted there and should not affect … other criteria." This aspect must be upheld.
- The scoring scale for each criterion should also be reviewed for appropriateness and sufficiency
  - ❑ Scoring based on a simple Yes-1 or No-0 should be used sparingly
  - ❑ Greater transparency is required as to the use of evaluation questions for scoring
  - ❑ Expansion of a scoring scale ought to be considered for criteria and/or sub-criteria which seek to cover a larger range of possible answers and/or where such criteria and/or sub-criteria inadvertently attracts greater emphasis or weight

Explaining Principles Underlying Proposed Improvements to CPE (Cont'd)

4. "Double Jeopardy"

- All applications are open to an Application Comment Period when they are publicly posted on ICANN's website
  - ❑ This is when applicants will be given opportunity to respond to comments (and/or Clarifying Questions) submitted by ICANN community / public
  - ❑ Unfavorable comments expected to be resolved or addressed voluntarily by respective applicants
- All applications are also subject to GAC Advice, GAC Early Warning, and/or filed Objections
  - ❑ Applicants will be given opportunity to respond to or address GAC Advice or GAC Early Warning
  - ❑ Objections are resolved through the available Objection Dispute Resolution Procedures (which are in turn dependent on objection type)
- CPE takes place after the above processes are completed. Therefore, under the Criterion #4: Community Endorsement which is measured in equally using sub-criteria A-4 Support and B-4 Opposition, it is important that any opposition which a Community-based application receives for purposes of CPE be neither a regurgitation or reframing of an already-resolved unfavorable comment, or a subject of GAC Advice or Early Warning or an already-resolved Objection, i.e. an opposition must not be "a second-bite of the cherry" to delay or block a Community-based application's progress.

5. Accountability & Access to Recourse

- As evaluators must be accountable for their determinations,
  - ❑ Every determination must contain rationales for each criteria and sub-criteria
  - ❑ Evaluators ought to be permitted to undertake some level of independent research to verify the veracity of statements made by the applicant in its application – such research should not be limited to information available on the Internet, but should include consultation with a subject matter expert (if one is absent from panel)
  - ❑ Evaluators ought to be encouraged to dialogue with applicant to ensure best possible understanding of statements in application – access to resources, word limits, language barriers all have unintended consequences
- Applicants should be given reasonable access to recourse against unfair determinations, but subject to checks against frivolous appeals
  - ❑ Recourse mechanism eg appeals, should be known before hand, and either affordable or attracts financial support for applicants in need (eg applicants that are granted Applicant Support)
  - ❑ Procedure must enable applicant to identify and raise any conflict of interest vis a vis any panelist in its CPE panel

General Recap of Ideas from 16 Apr 2020 Call

1. Changes contemplated to key elements like definition of "Community", some sub-criteria
- Identify unfairness in Guidelines and figure out how to address it

2. Avoid over-prescribing on evaluation criteria
- We cannot cater specifically to all cases; easier have guidelines that retain desired level of openness & flexibility
- Still need to leave certain things to evaluator's expertise/judgment
- Over-defining may lead to some communities being immediately excluded

3. Possibility of revamping scoring scale and/or threshold to prevail in CPE
- Balance increasing "accessibility" to deserving communities without opening floodgates

4. Need for translation of (updated) CPE Guidelines
- Inclusion into Applicant Guidebook

(5. Greater Community participation / input in Evaluator selection/panel constitution)

Criterion #1: Community Establishment

Measured by 2 sub-criteria

- 1-A Delineation, max of 2 points
- 1-B Extension, max of 2 points

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing."

Clear Delineation: Two conditions must be met
- Must be a clear straightforward membership definition; **and**
- Must be awareness and recognition of a community (as defined by the applicant) among its members

Organization: Two conditions must be met
- Must be at least one entity mainly dedicated to the community; **and**
- Must be documented evidence of community activities

Pre-existence: One condition must be met
- Community must have been active prior to Sep 2007 (when the new gTLD policy recommendations were completed)

Scoring:
- ❑ 2= Clearly delineated, organized, and pre-existing community.
- ❑ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- ❑ 0= Insufficient delineation and pre-existence for a score of 1.

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

Size: Two conditions must be met
- Community must be of considerable size; **and**
- Must display an awareness and recognition of a community among its members

Longevity: Two conditions must be met
- Community must demonstrate longevity; **and**
- Must display an awareness and recognition of a community among its members

Scoring:
- ❑ 2=Community of considerable size and longevity
- ❑ 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.
- ❑ 0=Community of neither considerable size nor longevity

Review: Criterion #1: Community Establishment – 2 Sub-criteria

Comparison of 6 Examples from 2012 Round

.GAY

dotgay LLC
Scored 4/4 here
And 10/16 in total – Did not prevail

1-A Delineation = 2/2

Delineation
- Y-Standard of "coming out" – whether publicly or privately – suff. clear & straightforward &
- Y-Link among these individuals goes well beyond "a mere commonality of interest"

Organization
- Y-ILGA represents at least one entity dedicated to community &
- Y-ILGA website showed documented evidence of community activity

Pre-existence
- Y-ILGA existed before Sep'07

1-B Extension = 2/2

Size
- Y-Global est = considerable size; &
- Y-Community has awareness/ recognition among its members

Longevity
- Y-Evidence of clear trend, greater visibility &
- Y-Community has awareness/ recognition among its members

.KIDS

DotKids Foundation Ltd
Scored 0/4 here
And 6/16 in total – Did not prevail

1-A Delineation = 0/2

Delineation
- N-Community as defined by applicant (4 groups) does not delineate a clear & straightforward membership &
- N-Commonality of interest within 4 groups but, insuff. cohesion, i.e. no awareness or recognition by community overall

Organization
- N-No entity mainly dedicated to entire comm – geo reach, range of categories; no single umbrella org &
- N-No evidence of activity

Pre-existence
- N-Could not have been active before Sep'07

1-B Extension = 0/2

Size
- Y-Comm is of considerable size, but
- N-But no awareness/ recognition among its members

Longevity
- N-Not est. for entire community &
- N-No awareness/ recognition among its members

.RADIO

European Broadcasting Union
Scored 3/4 here
And 14/16 in total – Prevailed

1-A Delineation = 1/2

Delineation
- Y-Community definition suff. clear & straightforward membership &
- Y-Link among these individuals goes well beyond "a mere commonality of interest"

Organization
- N-No single entity dedicated to all member categories per applicant &
- N-Since no entity, cannot be doc evidence of community activities

Pre-existence
- Y-Community existed before Sep'07

1-B Extension = 2/2

Size
- Y-Comm is of considerable size &
- Y-Awareness/recognition among its members est. as industry participants

Longevity
- Y-Longevity est. &
- Y-Awareness/recognition among its members est. as industry participants

.MUSIC

DotMusic Limited
Scored 0/4 here
And 10/16 in total – Did not prevail

1-A Delineation = 0/2

Delineation
- Y-Applicant provided a clear & straightforward membership but
- N-But awareness & recognition among members not est.

Organization
- N-No single entity dedicated to all member categories per applicant &
- N-Since no entity, cannot be doc evidence of community activities

Pre-existence
- N-Lack of cohesion means community did not exist before Sep'07

1-B Extension = 0/2

Size
- N-Lack of cohesion = fail on "size" &
- N-Awareness & recognition among members not est.

Longevity
- N-Longevity not est. &
- N-Awareness & recognition among members not est.

.OSAKA

Interlink Co., Ltd
Scored 4/4 here
And 15/16 in total – Prevailed

1-A Delineation = 2/2

Delineation
- Y-Community definition shows clear & straightforward membership – geo &
- Y-Awareness & recognition among members exists.

Organization
- Y-Single entity dedicated to all members = Osaka Pref Govt &
- Y-Osaka Pref Govt website shows evidence of community activities

Pre-existence
- Y-Community existed before Sep'07

1-B Extension = 2/2

Size
- Y-Comm is of considerable size &
- Y-Awareness & recognition among members exists

Longevity
- Y-Longevity est. &
- Y-Awareness & recognition among members exists

.TENNIS

Tennis Australia Ltd
Scored 4/4 here
And 11/16 in total – Did not prevail

1-A Delineation = 2/2

Delineation
- Y-Community definition shows clear & straightforward membership – state tennis associations &
- Y-Awareness & recognition among members exists.

Organization
- Y-Is single entity dedicated to members &
- Y-Awareness & recognition among members exists.

Pre-existence
- Y-Community existed before Sep'07

1-B Extension = 2/2

Size
- Y-Comm is of considerable size &
- Y-Awareness & recognition among members exists.

Longevity
- Y-Longevity est. &
- Y-Awareness & recognition among members exists.

All CPE determinations are available at https://newgtlds.icann.org/en/applicants/cpe

Review: Criterion #1: Community Establishment – 2 Sub-criteria

- Applicants defined "community" as 4 groups:
  (i) Kids defined by UNCRC convention
  (ii) Charities, NGOs and govt institutions that work on well-being of children, including alliances that promote causes that promote the well-being of children
  (iii) Parents & educators
  (iv) Educational institutions, orgs and operations that primarily serve children.

- Community defined by applicant does not delineate a clear & straightforward membership –
  - ❑ Children and parents are clearly defined
  - ❑ But groups (ii) and (iv) are not clearly defined, and given lack of clarity around membership parameters, is dispersed and unbound, so not clear and straightforward

- Community defined by applicant does not demonstrate an awareness and recognition among its members –
  - ❑ There is commonality in interest but "cohesion" requires more than, it requires awareness and recognition of a community among its members
  - ❑ While individuals within some of the member categories may show cohesion within a category or across a subset of member categories, the number of individuals and entities included in applicant's definition that do not show such cohesion is considerable enough so the community as a whole cannot be said to have the required cohesion.

Specifics of 2 Examples from 2012 Round

.KIDS

DotKids Foundation Ltd
Scored 0/4 here
And 6/16 in total – Did not prevail

1-A Delineation = 0/2

Delineation
- N-Community as defined by applicant (4 groups) does not delineate a clear & straightforward membership &
- N-Commonality of interest within 4 groups but, insuff. cohesion, i.e. no awareness or recognition by community overall

Organization
- N-No entity mainly dedicated to entire comm – geo reach, range of categories; no single umbrella org &
- N-No evidence of activity

Pre-existence
- N-Could not have been active before Sep'07

1-B Extension = 0/2

Size
- Y-Comm is of considerable size, but
- N-But no awareness/ recognition among its members

Longevity
- N-Not est. for entire community &
- N-No awareness/ recognition among its members

.MUSIC

DotMusic Limited
Scored 0/4 here
And 10/16 in total – Did not prevail

1-A Delineation = 0/2

Delineation
- Y-Applicant provided a clear & straightforward membership but
- N-But awareness & recognition among members not est.

Organization
- N-No single entity dedicated to all member categories per applicant &
- N-Since no entity, cannot be doc evidence of community activities

Pre-existence
- N-Lack of cohesion means community did not exist before Sep'07

1-B Extension = 0/2

Size
- N-Lack of cohesion = fail on "size" &
- N-Awareness & recognition among members not est.

Longevity
- N-Longevity not est. &
- N-Awareness & recognition among members not est.

- Applicants listed over 40 categories of community members and identifies each with a NA Ind. Classification System code AND included a more general definition "all constituents involved in music creation, production and distribution …. involved in support activities that are aligned with the .MUSIC mission"
  - ❑ But there are other categories in NAICS code not cited by applicant – eg. "Music accountants" and "Music lawyers"

- Applicant bounds community membership by way of well-defined categories, therefore provided a clear & straightforward membership.

- Community defined by applicant does not demonstrate an awareness and recognition among its members –
  - ❑ Applicant's material and further research provides no substantive evidence of "cohesion" per AGB – that is that the various members of the community defined by applicant are "united or form a whole".
  - ❑ There is "commonality in interest" in music but this was insufficient to demonstrate requisite awareness and recognition of the community among its members, even if some members may show cohesion within a category or across a subset of member categories, the number of individuals include in defined community, such cohesion is not considerable enough for the community as a whole to have the requisite cohesion.

All CPE determinations are available at https://newgtlds.icann.org/en/applicants/cpe

Criterion #1: Community Establishment

Measured by 2 sub-criteria

- 1-A Delineation
- 1-B Extension

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

Clear Delineation: Two conditions must be met
- Must be a clear straightforward membership definition; and
- Must be awareness and recognition of a community (as defined by the applicant) among its members

Organization: Two conditions must be met
- Must be at least one entity mainly dedicated to the community; and
- Must be documented evidence of community activities

Pre-existence: One condition must be met
- Community must have been active prior to Sep 2007 (when the new gTLD policy recommendations were completed)

Scoring:
- ❑ 2= Clearly delineated, organized, and pre-existing community.
- ❑ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- ❑ 0= Insufficient delineation and pre-existence for a score of 1.

1 Definition

"Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – while still implying more of cohesion than a mere commonality of interest. Notably, as "community" is used throughout the application, there should be: (a) an awareness and recognition of a community among its members; (b) some understanding of the community's existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience—into the future

2 Evaluation Guideline

The "community," as it relates to Criterion #1, refers to the stated community in the application. Consider the following:
- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.

Issue
- Definition of "Community"
- How to provide for inclusion of grassroots participation?
- Any limits or guidance needed on "additional research" by evaluators?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

1 Definitions

Existing

- "Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – while still implying more of cohesion than a mere commonality of interest. Notably, as "community" is used throughout the application, there should be: (a) an awareness and recognition of a community among its members; (b) some understanding of the community's existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience—into the future

Per: YL, HR
Adopting the Council of Europe's definition of "community"

Proposed Changes

- "Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship". "Community" means any group of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests – and should interpreted in a reasonably flexible manner but must be beyond a mere commonality of interest. Notably, as "community" is used throughout the application, there should be, as the case requires: (a) an awareness and recognition of a community among its members or recognition by an International organization specialized in the specific/relevant field or recognition by a relevant subject matter or community expert of regional or international standing; (b) some understanding of the community's existence prior to the launch of this application window; and (c) extended tenure or longevity—non-transience—into the future

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, GM
Flexibility in determining "community"

2 Evaluation Guidelines

Existing

The "community," as it relates to Criterion #1, refers to the stated community in the application.

Consider the following:

- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.

Proposed Changes

The "community," as it relates to Criterion #1, refers to the stated community in the application.

~~Consider the following:~~

- ~~Was the entity established to administer the community?~~
- ~~Does the entity's mission statement clearly identify the community?~~

~~Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.~~

Per: JC
❑ Deleting on account of duplication under "Organized"

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

Clear Delineation: Two conditions must be met

- Must be a clear straightforward membership definition; and
- Must be awareness and recognition of a community (as defined by the applicant) among its members

Organization: Two conditions must be met

- Must be at least one entity mainly dedicated to the community; and
- Must be documented evidence of community activities

Pre-existence: One condition must be met

- Community must have been active prior to Sep 2007 (when the new gTLD policy recommendations were completed)

Scoring:

- ❑ 2= Clearly delineated, organized, and pre-existing community.
- ❑ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- ❑ 0= Insufficient delineation and pre-existence for a score of 1.

1 Definition

"Delineation" relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low

2 Evaluation Guideline

"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members.

The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc.

Issues

- Should we allow for flexibility in or alternative to "clear straightforward membership"? If yes, how?
- How strictly do we require this condition of "awareness and recognition of a community among its community"? How to assess this? What is the alternative? How to provide for inclusion of grassroots participation?
- Any other adjustments to be contemplated?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

1 **Definitions**

Existing

- "Delineation" relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, GM

Flexibility in determining "community"

- ❑ Fairness – "in who's perspective" matters
- ❑ Priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized
- ❑ Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Proposed Changes

- "Delineation" relates, as the case may be, to the membership of a community, wherein:
  - ❑ A community which exhibits a clear and straight-forward membership definition scores high eg. any subscription-based organization such as a trade association, or a membership-based club
  - ❑ A community which is recognized by an International organization specialized in the specific/relevant field scores high
  - ❑ A community which exists according to a relevant subject matter or community expert will also score high eg. marginalized or minority groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and Indigenous Communities, or a segment of society
  - ❑ A community which can reasonably be delineated and is pre-existing but whose target or beneficiaries may not necessarily be members of the community but can relate to or identify themselves with that community will score mid-range
  - ❑ While an unclear or unbound definition scores low

2 **Evaluation Guidelines**

Existing

"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members.

The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc.

Proposed Changes

"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members or by an International organization specialized in the specific/relevant field or by a relevant subject matter or community expert.

The following non-exhaustive list denotes elements of a community:

- ❑ In the case of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc
- ❑ In the case of non-straight-forward member definitions: as recognized by an International organization specialized in the specific/relevant field or by a relevant subject matter or community expert

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

Clear Delineation: Two conditions must be met
- Must be a clear straightforward membership definition; and
- Must be awareness and recognition of a community (as defined by the applicant) among its members

Organization: Two conditions must be met
- Must be at least one entity mainly dedicated to the community; and
- Must be documented evidence of community activities

Pre-existence: One condition must be met
- Community must have been active prior to Sep 2007 (when the new gTLD policy recommendations were completed)

Scoring:
- ❑ 2= Clearly delineated, organized, and pre-existing community.
- ❑ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- ❑ 0= Insufficient delineation and pre-existence for a score of 1.

1 Definition

"Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.

2 Evaluation Guideline

"Mainly" could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization.

Consider the following:
- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Issues
- What if no entity exists which is dedicated to the community? Then applicant could not score 2 points but could still score 1 if "clear straightforward membership definition" requirement is met. Is this acceptable?
- What does "administering the community" mean?
- Any other adjustments to be contemplated?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

1 Definitions

Existing

- "Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.

Proposed Changes

- None

2 Evaluation Guidelines

Existing

"Mainly" could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization.

Consider the following:

- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Proposed Changes

"Mainly" could imply that the entity administering or advocating on behalf of the community may have additional roles/functions beyond administering or advocacy for the community, but one of the key or primary purposes/ functions of the entity is to administer or advocate on behalf of a community or a community organization.

Consider the following:

- *Was the entity established to administer or advocate on behalf of the community?*
- *Does the entity's mission statement clearly identify the community?*

Per: AAS, JB, MM

- ❑ The phrase "administer the community" isn't defined in the AGB – should be interpreted loosely and not to mean authoritatively control or exercise control over community.
- ❑ "Support" could imply financially support which is problematic

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

Clear Delineation: Two conditions must be met
- Must be a clear straightforward membership definition; and
- Must be awareness and recognition of a community (as defined by the applicant) among its members

Organization: Two conditions must be met
- Must be at least one entity mainly dedicated to the community; and
- Must be documented evidence of community activities

Pre-existence: One condition must be met
- Community must have been active prior to Sep 2007 (when the new gTLD policy recommendations were completed)

Scoring:
- ❑ 2= Clearly delineated, organized, and pre-existing community.
- ❑ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- ❑ 0= Insufficient delineation and pre-existence for a score of 1.

1 Definition

"Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007

Issues
- Is changing to timeline threshold from "prior to Sep 2007" to "prior to the launch of the application window" acceptable?
- Any other adjustments to be contemplated?

Proposed Changes
- "Pre-existing" means that a community has been recognized as existing prior to the launch of this application window

Per: JC
- ❑ Threshold needs updating, also why exclude any groups based on a "deadline" any earlier than the application window?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

3 Scoring

Existing

- 2= Clearly delineated, organized, and pre-existing community.
- 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.
- 0= Insufficient delineation and pre-existence for a score of 1.

Proposed Changes

- 2= Clearly delineated, organized, and pre-existing community.
- 1= Reasonably delineated and pre-existing community
- 0= Insufficient delineation and pre-existence for a score of 1.

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC

Flexibility in determining "community"

- ❑ Fairness – "in who's perspective" matters
- ❑ Priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized
- ❑ Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Scoring Issues – links, scale

- Note that a score of 1 requires either "clear delineation" AND "pre-existence". Is this acceptable?
- Would simply expanding delineation beyond "clear straightforward membership definition" suffice?
- Any other adjustments to be contemplated?

2 Evaluation Guidelines

Existing

The following questions must be scored when evaluating the application:

Is the community clearly delineated?

Is there at least one entity mainly dedicated to the community?

Does the entity (referred to above) have documented evidence of community activities?

Has the community been active since at least September 2007?

Proposed Changes

The following questions must be scored when evaluating the application:

Is the community clearly delineated? Or is the community reasonably delineated?

Is there at least one entity mainly dedicated to the community?

Does the entity (referred to above) have documented evidence of community activities?

Has the community been active prior to the launch of this application window?

Per: JC

- ❑ Threshold needs updating, also why exclude any groups based on a "deadline" any earlier than the application window?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-A Delineation: "The community is clearly delineated, organized and pre-existing"

2

Criterion 1-A Guidelines

Existing

- With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension."

- With respect to "Delineation," if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2.

Proposed Changes

- With respect to "Delineation", it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members or the requisite recognition of the community is established by an International organization specialized in the specific/relevant field or a relevant subject matter or community expert.

- None

Evaluation Guidelines

Existing

With respect to the Community, consider the following:

- *Are community members aware of the existence of the community as defined by the entity?*
- *Do community members recognize the community as defined by the entity?*
- *Is there clear evidence of such awareness and recognition?*

Per: EC
Eliminate danger of using linked sub-criteria as it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion

Per: ALAC-2013

Proposed Changes

With respect to the Community, consider the following:

- *Are community members or an International organization specialized in the specific/relevant field or a relevant subject matter or community expert aware of the existence of the community as defined by the entity?*
- *Do community members an International organization specialized in the specific/relevant field or a relevant subject matter or community expert recognize the community as defined by the entity?*
- *Is there clear evidence of such awareness and/or recognition?*

If there are two competing applicants purporting to represent a "community", then there should be other qualitative markers that can help differentiate the two.

Criterion #1: Community Establishment

Measured by 2 sub-criteria

- 1-A Delineation
- 1-B Extension

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

Size: Two conditions must be met
- Community must be of considerable size; and
- Must display an awareness and recognition of a community among its members

Longevity: Two conditions must be met
- Community must demonstrate longevity; and
- Must display an awareness and recognition of a community among its members

Scoring:
- ❑ 2=Community of considerable size and longevity
- ❑ 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.
- ❑ 0=Community of neither considerable size nor longevity

1

Definition

"Extension" relates to the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime, as further explained in the following. (i.e. "Size" and "Longevity")

Issues
- None raised on "Extension" at this point.

Proposed Changes
- None currently.

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

Size: Two conditions must be met

- Community must be of considerable size; and
- Must display an awareness and recognition of a community among its members

Longevity: Two conditions must be met

- Community must demonstrate longevity; and
- Must display an awareness and recognition of a community among its members

Scoring:

- ❑ 2=Community of considerable size and longevity
- ❑ 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.
- ❑ 0=Community of neither considerable size nor longevity

1 Definition

"Size" relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size."

2 Evaluation Guideline

Consider the following:

- Is the designated community large in terms of membership and/or geographic dispersion?

Issues

- Any adjustments to be contemplated on how "considerable size" is derived?
- How does "considerable size" impact on smaller communities – eg. any marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized communities?
- The condition for "awareness and recognition of a community among its members" already appears under 1-A Delineation. Should it also be a condition for 1-B Extension under "Size"?
- If no, then what could be an alternative condition?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

1 **Definitions**

Existing

- "Size" relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size."

Proposed Changes

- None currently

2 **Evaluation Guidelines**

Existing

Consider the following:

- *Is the designated community large in terms of membership and/or geographic dispersion?*

Proposed Changes

None

Per: OCL, JC

- ❑ "Size" and "Longevity" as defined are fine but sole focus must be on examining the designated community without any perception that community must have a legal organisation or organised group of people coordinate it
- ❑ Therefore, 1-B Extension must be de-linked from 1-A Delineation altogether so that panelist avoid danger of carrying bias or prejudice in one sub-criterion over to another sub-criterion (see next slide)

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

Size: Two conditions must be met
- Community must be of considerable size; and
- Must display an awareness and recognition of a community among its members

Longevity: Two conditions must be met
- Community must demonstrate longevity; and
- Must display an awareness and recognition of a community among its members

Scoring:
- ❑ 2=Community of considerable size and longevity
- ❑ 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.
- ❑ 0=Community of neither considerable size nor longevity

1 Definition

"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.

2 Evaluation Guideline

Consider the following:
- *Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the community forward-looking (i.e. will it continue to exist in the future)?*

Issues
- Again, the condition for "awareness and recognition of a community among its members" already appears under 1-A Delineation AND under 1-B Extension for "Size". Should it also be a condition for 1-B Extension under "Longevity"?
- Note that a score of 1 requires either considerable size or longevity but both subject to "awareness and recognition of a community among its members" being established. Is this acceptable?
- If no, then what could be an alternative condition?

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

1 **Definitions**

Existing

- "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.

Proposed Changes

- None currently

2 **Evaluation Guidelines**

Existing

Consider the following:

- *Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the community forward-looking (i.e. will it continue to exist in the future)?*

Proposed Changes

Consider the following:

- *Is the designated community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the designated community forward-looking (i.e. will it continue to exist in the future)?*

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

2 Evaluation Guidelines

Existing

- With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension".

Proposed Changes

- ~~With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension.~~

Per: EC, JC

- ❑ Eliminate danger of using linked sub-criteria as it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion
- ❑ "Extension" should be limited to "Size" and "Longevity" of designated community

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, JB

Flexibility in determining "community"

- ❑ Must avoid clear bias towards "legal entities" or "a logical alliance of community" as both imply a requirement that community must have a legal organisation or organised group of people coordinate it
- ❑ Results in loss of priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, JB

Flexibility in determining "community"

- ❑ Fairness – "awareness and recognition in who's perspective" matters
- ❑ Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Review: Criterion #1: Community Establishment – 2 Sub-criteria

1-B Extension: "The community as identified in the application demonstrates considerable size and longevity for the community."

3 **Evaluation Guidelines**

Existing

- With respect to "Extension," if an application satisfactorily demonstrates both community size and longevity, it scores a 2.

Scoring

- 2=Community of considerable size and longevity
- 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.
- 0=Community of neither considerable size nor longevity

Proposed Changes

- None currently

- 2=Community of considerable size and longevity
- 1=Community of either considerable size or longevity~~, but not fulfilling the requirements for a score of 2~~.
- 0=Community of neither considerable size nor longevity

Per: AAS, JC

❑ Deleting redundant words which in fact causes confusion

2 **Evaluation Guidelines**

Existing

Consider the following:

- *Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the community forward-looking (i.e. will it continue to exist in the future)?*

Proposed Changes

~~Consider the following:~~

- ~~*Is the designated community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*~~
- ~~*Is the designated community forward-looking (i.e. will it continue to exist in the future)?*~~

Per: JC

❑ Deleting on account of duplication in "Longevity"

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria

- 2-A Nexus, max of 3 points
- 2-B Uniqueness, max of 1 point

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

Match: For 3 points, string:

- Must match name of the community; **or**
- Is a well-known short-form or abbrev of the community
- Where,
  - ❑ "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
  - ❑ "Name" of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community
    - ❑ "Others" refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups.

Identifies: For 2 Points, where no "match" and if string

- Closely describes the community or the community members, without over-reaching substantially beyond the community.
  - ❑ Where "over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Scoring:

- ❑ 3= The string matches the name of the community or is a well-known short-form or abbreviation of the community
- ❑ 2= String identifies the community, but does not qualify for a score of 3
- ❑ 0= String nexus does not fulfill the requirements for a score of 2

2-B Uniqueness: "String has no other meaning beyond identifying the community described in the application."

Is unique: For 1 Point,

- String must have no other significant meaning beyond identifying the community described in the application
- Where,
  - ❑ "Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community
  - ❑ "Significant meaning" relates to the public in general, with consideration of the community language context added.
  - ❑ "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.
- In other words, if don't score 2 or 3 under 2-A Nexus, then won't score at all under 2-B Uniqueness

Scoring:

- ❑ 1=String has no other significant meaning beyond identifying the community described in the application.
- ❑ 0=String does not fulfill the requirement for a score of 1

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

Comparison of 6 Examples from 2012 Round

.GAY

dotgay LLC
Scored 0/4 here
And 10/16 in total – Did not prevail

2-A Nexus = 0/3

- N-String does not match the name of the community as defined by applicant (many groups) nor is a well known short-form or abbrev of the community
- N-String does not identify name of community – more than a small part of the applicant's defined community is not identified by "gay" i.e "gay" does not sufficiently Identify some members of applicant's defined community, in particular, transgender, intersex, and ally individuals; "gay" is not used to identify all LGBTQIA individuals so does not est. Nexus (from research, letters of support)

2-B Uniqueness = 0/1
Did not score as string did not score a 2 or 3 on Nexus

.KIDS

DotKids Foundation Ltd
Scored 0/4 here
And 6/16 in total – Did not prevail

2-A Nexus = 0/3

- N-String does not match the name of the community as defined by applicant (4 groups) nor is a well known short-form or abbrev of the community
- N-String does not identify name of community – applicant defined community as a collection of categories of individuals (children, parents) and organizations (charities, NGOs, govt institutions, edu. Institutions, organizations primarily serving children), but there is no "established name" for "kids" thus Nexus not est.

2-B Uniqueness = 0/1
Did not score as string did not score a 2 or 3 on Nexus

.RADIO

European Broadcasting Union
Scored 3/4 here
And 14/16 in total – Prevailed

2-A Nexus = 2/3

- N-String does not match the name of the community as defined by applicant (many groups) nor is a well known short-form or abbrev of the community
- Y-But string does identify name of community without over-reaching substantially beyond the community – applicant defined community to include core community members (licensed prof/amateur radio broadcasters, assoc. unions, clubs, Internet radio) also entities tangentially related to "radio" (service/product providers eg network interface equipment, software to radio industry which was enough to est. a partial Nexus.

2-B Uniqueness = 1/1
Scored max 1 – string has no other significant meaning beyond identifying community described in application.

.MUSIC

DotMusic Limited
Scored 3/4 here
And 10/16 in total – Did not prevail

2-A Nexus = 2/3

- N-String does not match the name of the community as defined by applicant (many groups) nor is a well known short-form or abbrev of the community
- Y-But string does identify name of community without over-reaching substantially beyond the community – applicant defined community as a collection of many categories of individuals and orgs but with no "established name" for "music"; included limited entities tangentially related to "music" (accountant and lawyers) but also other categories of members (musical groups, artists, indie music artists, performers, arranges & composer) which was enough to est. a partial Nexus.

2-B Uniqueness = 1/1
Scored max 1 – string has no other significant meaning beyond identifying comm described in application.

.OSAKA

Interlink Co., Ltd
Scored 4/4 here
And 15/16 in total – Prevailed

2-A Nexus = 3/3

- Y-String matched the name of the community as defined by applicant, thus scored max 3

2-B Uniqueness = 1/1
Scored max 1 – string has no other significant meaning beyond identifying community described in application

.TENNIS

Tennis Australia Ltd
Scored 0/4 here
And 11/16 in total – Did not prevail

2-A Nexus = 0/3

- N-String does not match the name of the community as defined by applicant nor is a well known short-form or abbrev of the community
- N- String "tennis" identifies a wider or related community of which applicant is a part but is not specific to applicant's community (Australian tennis community), "Tennis" captures a wider geographic/thematic remit despite Tennis Australia changing its brand to "Tennis". String refers to the sport and global community of people/groups associated with it, so there is substantial over-reach. So, Nexus not est.

2-B Uniqueness = 0/1
Did not score as string did not score a 2 or 3 on Nexus.

All CPE determinations are available at https://newgtlds.icann.org/en/applicants/cpe

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria

- 2-A Nexus
- 2-B Uniqueness

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

Match: For 3 points, string:

- Must match name of the community; **or**
- Is a well-known short-form or abbrev of the community
- Where, definitions apply:
  - ❑ "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
  - ❑ "Name" of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community
    - ❑ "Others" refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups.

Identifies: For 2 Points, where no "match" and if string

- Closely describes the community **or** the community members, without over-reaching substantially beyond the community.
  - ❑ Where "over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Scoring:

- ❑ 3= The string matches the name of the community or is a well-known short-form or abbreviation of the community
- ❑ 2= String identifies the community, but does not qualify for a score of 3
- ❑ 0= String nexus does not fulfill the requirements for a score of 2

Per: FTI Review Report extract at https://mm.icann.org/pipermail/gnso-newgtld-wg/2019-October/002081.html

- ❑ In order to **receive the maximum score of three points**, the applied-for string must: (i) "identify" the community; **and** (ii) match the name of the community or be a well-known short-form or abbreviation of the community

Issues

- Is there inherent bias against some communities?
- Does "Others" adequately allow for grassroot participation? Does it include subject matter or community experts?
- Should "Identify" and "over-reaching" be determined according to just evaluators' perspective or research?
- Should adjustments or additional guardrails be prescribed to assess whether there is "substantial over-reaching"?
- Any other adjustments to be contemplated? Scoring?

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

1 Definitions

Existing

- "Name" of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community.

Proposed Changes

- None

2 Evaluation Guidelines

Existing

- "Others" refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups.

Proposed Changes

- "Others" refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from (a) other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups; or (b) a relevant subject matter or community expert of regional or international standing.

Per: OCL, JC

- ❑ Eliminate potential barrier faced by small org applicant?
- ❑ Extend recognition beyond organizations to include subject matter or community expert?

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

1 Definitions

Existing

- "Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.

Proposed Changes

- "Identify" means that the applied for string closely describes the designated community or the community members, without over-reaching substantially beyond the community.

2 Evaluation Guidelines

Existing

- "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
- "Identify" does not simply mean 'describe', but means 'closely describes the community'.
- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Consider the following:

- *Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant's community?*
- *Does the string capture a wider geographical/thematic remit than the community has? The "community" refers to the community as defined by the applicant.*
- *An Internet search should be utilized to help understand whether the string identifies the community and is known by others.*
- *Consider whether the application mission statement, community responses, and websites align.*

Proposed Changes

- "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
- "Identify" does not simply mean 'describe', but means 'closely describes the community'.
- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Consider the following:

- *Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant's community?*
- *Does the string capture a wider geographical/thematic remit than the community has? The "community" refers to the community as defined by the applicant.*
- *An Internet search or consultation with a relevant subject matter or community expert should be utilized to help understand whether the string identifies the community and is known by others.*
- *Consider whether the application mission statement, community responses, and websites align.*

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

2 **Criterion 2-A Guidelines**

Existing

- With respect to "Nexus," for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community.
- With respect to "Nexus," for a score of 2, the applied-for string should closely describe the community **or** the community members, without over-reaching substantially beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for ".TENNIS") then it would not qualify for a 2.

Proposed Changes

- None
- With respect to "Nexus," for a score of 2, the applied-for string should closely describe either the community or the community members, without over-reaching substantially beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for ".TENNIS") then it would not qualify for a 2. [Who would qualify for a 2 in applying for ".TENNIS"?]

Per: EC, JB; also FTI Review Report extract

Flexibility in determining "community"

- ❑ Fairness – different interpretations must be allowed for different usage of the term "community" or "community members" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves; so long as there is no substantial over-reach
- ❑ The "OR" suggests two possible paths to scoring a 2 but this was not applied by EIU; panelist should not be permitted to require that the applied-for string closely describes both "community" and "community members", and both paths must remain an option for the applicant to receive 2 points – in the example of ".TENNIS", it is unclear who would qualify for a 2 in applying for ".TENNIS"?

Per: JC:

- ❑ Difficult to address since highly dependent on facts, applicant's statements
- ❑ Perhaps, the issue of "applied-for string closely describing the community or community members" can only be feasibly addressed from the point of view of being consistently applied across applications and subject to appeal?

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-A Nexus: "String matches the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community."

3 **Scoring**

Existing

- ❑ 3= The string matches the name of the community or is a well-known short-form or abbreviation of the community
- ❑ 2= String identifies the community, but does not qualify for a score of 3
- ❑ 0= String nexus does not fulfill the requirements for a score of 2

Proposed Changes

- None currently

2 **Evaluation Guidelines**

Existing

The following questions must be scored when evaluating the application:

- *Does the string match the name of the community or is it a well-known short-form or abbreviation of the community name? The name may be, but does not need to be, the name of an organization dedicated to the community.*

Proposed Changes

- None currently

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria

- 2-A Nexus
- 2-B Uniqueness

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-B Uniqueness: "String has no other meaning beyond identifying the community described in the application."

Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application?

"Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.

"Significant meaning" relates to the public in general, with consideration of the community language context added.

- ❑ Will the public in general immediately think of the applying community when thinking of the applied-for string?
- ❑ If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.
- ❑ Is the geography or activity implied by the string?
- ❑ Is the size and delineation of the community inconsistent with the string?
- ❑ An internet search should be utilized to find out whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application.

Scoring:

- ❑ 1=String has no other significant meaning beyond identifying the community described in the application.
- ❑ 0=String does not fulfill the requirement for a score of 1

It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."

Issues

"Significant Meaning"

- In establishing "significant meaning" what would be the harm if an internet search resulted in repeated and frequent references to legal entities or communities other than the community referenced in the application?
- Any there any other concerns with these guiding questions?

Scoring

- Should "Uniqueness" depend on "Nexus" being established?
- Is there need to adjust scoring scale beyond just 1 and 0?

Any other adjustments to be contemplated?

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-B Uniqueness: "String has no other meaning beyond identifying the community described in the application."

1 Definitions

Existing

- "Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.
- "Significant meaning" relates to the public in general, with consideration of the community language context added.

Proposed Changes

- None currently
- None currently

2 Evaluation Guidelines

Existing

- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Consider the following

- *Will the public in general immediately think of the applying community when thinking of the applied-for string?*
- *If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.*
- *Is the geography or activity implied by the string?*
- *Is the size and delineation of the community inconsistent with the string?*
- *An internet search should be utilized to find out whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application.*

Proposed Changes

- None currently.
- None currently

Per: OCL

- ❑ Again here there is a mix between the need for legal entities and communities other than the one referred to in the application. So a local community might have a problem that it might not be the sole local community in the world using that name - Do we want to open the door to small local communities, bearing in mind this might also lower the bar for fake local communities to apply, or do we want to privilege size of organisation as a warrant for legitimacy?

Per: MM

- ❑ It would take an organization with sizable resources to sustain an application given its cost - so, just being realistic, if we could level the playing field for legitimate larger organizations , we would be doing well.

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-B Uniqueness: "String has no other meaning beyond identifying the community described in the application."

2

Criterion 2-B Guidelines

Existing

- "Uniqueness" will be scored both with regard to the community context and from a general point of view. For example, a string for a particular geographic location community may seem unique from a general perspective, but would not score a 1 for uniqueness if it carries another significant meaning in the common language used in the relevant community location. The phrasing "...beyond identifying the community" in the score of 1 for "uniqueness" implies a requirement that the string does identify the community, i.e. scores 2 or 3 for "Nexus," in order to be eligible for a score of 1 for "Uniqueness."

- It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."

Proposed Changes

- None currently

Review: Criterion #2: Nexus b/n String & Community – 2 Sub-criteria

2-B Uniqueness: "String has no other meaning beyond identifying the community described in the application."

3 **Scoring**

Existing

- 1=String has no other significant meaning beyond identifying the community described in the application.
- 0=String does not fulfill the requirement for a score of 1.

Proposed Changes

- None currently

2 **Evaluation Guidelines**

Existing

The following questions must be scored when evaluating the application:

Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application?

Proposed Changes

- None currently

Criterion #3: Registration Policies

Measured by 4 sub-criteria

- 3-A Eligibility, max 1 point
- 3-B Name Selection, max 1 point
- 3-C Content and Use, max 1 point
- 3-D Enforcement, max 1 point

Review: Criterion #3: Registration Policies – 4 Sub-criteria

Comparison of 6 Examples from 2012 Round

.GAY	.KIDS	.RADIO	.MUSIC	.OSAKA	.TENNIS
dotgay LLC **Scored 4/4 here** And 10/16 in total - Did not prevail	DotKids Foundation Ltd Scored 3/4 here And 6/16 in total – Did not prevail	European Broadcasting Union **Scored 4/4 here** And 14/16 in total – Prevailed	DotMusic Limited **Scored 4/4 here** And 10/16 in total – Did not prevail	Interlink Co., Ltd Scored 3/4 here And 15/16 in total – Prevailed	Tennis Australia Ltd Scored 3/4 here And 11/16 in total – Did not prevail
3-A Eligibility = 1/1 1-Registration eligibility restricted to community members	**3-A Eligibility = 1/1** 1-Eligibility requirement met by verifying registrants' participation in one of the defined community member categories – "Parents" and "children"'s eligibility are based not as individuals but as community orgs or members of such orgs within the community.	**3-A Eligibility = 1/1** 1-Registration eligibility restricted to community members	**3-A Eligibility = 1/1** 1-Registration eligibility restricted to community members	**3-A Eligibility = 1/1** 1-Registration eligibility restricted to community members	**3-A Eligibility = 1/1** 1-Registration eligibility restricted to community members
3-B Name Selection = 1/1 1-Name selection rules consistent with articulated community-based purpose of string	**3-B Name Selection = 1/1** 1-Name selection rules consistent with articulated community-based purpose of string	**3-B Name Selection = 1/1** 1-Name selection rules consistent with articulated community-based purpose of string	**3-B Name Selection = 1/1** 1-Name selection rules consistent with articulated community-based purpose of string	**3-B Name Selection = 1/1** 1-Name selection rules consistent with articulated community-based purpose of string	**3-B Name Selection = 1/1** 1-Name selection rules consistent with articulated community-based purpose of string
3-C Content & Use = 1/1 1-Rules for content and use for registrants consistent with articulated community-based purpose of string	**3-C Content & Use = 1/1** 1-Rules for content and use for registrants consistent with articulated community-based purpose of string	**3-C Content & Use = 1/1** 1-Rules for content and use for registrants consistent with articulated community-based purpose of string	**3-C Content & Use = 1/1** 1-Rules for content and use for registrants consistent with articulated community-based purpose of string	**3-C Content & Use = 1/1** 1-Rules for content and use for registrants consistent with articulated community-based purpose of string	**3-C Content & Use = 1/1** 1-Rules for content and use for registrants consistent with articulated community-based purpose of string
3-D Enforcement = 1/1 1-Specific enforcement measures and appropriate appeal mechanisms provided	**3-D Enforcement = 0/1** 1-Complaint-response system missing dispute resolution process, so fails 1 condition	**3-D Enforcement = 1/1** 1-Specific enforcement measures and appropriate appeal mechanisms provided	**3-D Enforcement = 1/1** 1-Specific enforcement measures and appropriate appeal mechanisms provided	**3-D Enforcement = 0/1** 1-Enforcement measures covering monitoring for content, with right to cancel or suspend DN in breach of policies, but no appeals process outlined	**3-D Enforcement = 0/1** 1-Conditions for registration along with mitigation measures such as investigation and termination of DN, but no appeals process outlined

All CPE determinations are available at https://newgtlds.icann.org/en/applicants/cpe

Review: Criterion #3: Registration Policies – 4 Sub-criteria

3-A Eligibility: "Is registration restricted to community members?"

"Eligibility" means the qualifications that organizations or individuals must have in order to be allowed as registrants by the registry.

- With respect to "eligibility' the limitation to community "members" can invoke a formal membership but can also be satisfied in other ways, depending on the structure and orientation of the community at hand. For example, for a geographic location community TLD, a limitation to members of the community can be achieved by requiring that the registrant's physical address be within the boundaries of the location.

Scoring:

- 1= Eligibility restricted to community members
- 0= Largely unrestricted approach to eligibility

Issues

- Is there need to adjust scoring scale beyond just 1 and 0, to increase its weightage as against the other 3 sub-criteria?
- Any other adjustments to be contemplated?

Note: All 4 sub-criteria under Criterion #3 go into the Registry Agreement Specification 12, therefore are technically, contractually enforceable by ICANN. Whether it is or not is beyond the scope of our present consultation.

Review: Criterion #3: Registration Policies – 4 Sub-criteria

3-B Name Selection: "Name selection rules must be consistent with articulated community-based purpose of string."

Do the applicant's policies include name selection rules?

Are name selection rules consistent with the articulated community-based purpose of the applied-for gTLD?

"Name selection" means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.

- ❑ With respect to "Name selection," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application

Scoring:

- ❑ 1= Policies include name selection rules consistent with the articulated community-based purpose of the applied-for TLD
- ❑ 0= Policies do not fulfill the requirements for a score of 1

Issues

- Any concerns here?
- Any adjustments to be contemplated?

Note: All 4 sub-criteria under Criterion #3 go into the Registry Agreement Specification 12, therefore are technically, contractually enforceable by ICANN. Whether it is or not is beyond the scope of our present consultation.

Review: Criterion #3: Registration Policies – 4 Sub-criteria

3-C Content & Use: "Content & use rules must be consistent with articulated community-based purpose of string."

Do the applicant's policies include content and use rules?

If yes, are content and use rules consistent with the articulated community-based purpose of the applied-for gTLD?

"Content and use" means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.

- ❑ With respect to "Content and Use," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.

Scoring:

- ❑ 1= Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for TLD
- ❑ 0= Policies do not fulfill the requirements for a score of 1

Issues

- Any concerns here?
- Any adjustments to be contemplated?

Note: All 4 sub-criteria under Criterion #3 go into the Registry Agreement Specification 12, therefore are technically, contractually enforceable by ICANN. Whether it is or not is beyond the scope of our present consultation.

Review: Criterion #3: Registration Policies – 4 Sub-criteria

3-D Enforcement: "Enforcement measures constituting a coherent set with appropriate appeal mechanisms."

Two Conditions: *Do the policies include (1) specific enforcement measures constituting a coherent set with (2) appropriate appeal mechanisms?*

- ❑ "Coherent set" refers to enforcement measures that ensure continued accountability to the named community, and can include investigation practices, penalties, and takedown procedures with appropriate appeal mechanisms. This includes screening procedures for registrants, and provisions to prevent and remedy any breaches of its terms by registrants.

"Enforcement" means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.

- ❑ With respect to "Enforcement," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.

Scoring:

- ❑ 1= Policies include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms
- ❑ 0= Policies do not fulfill the requirements for a score of 1

Issues

- Any concerns here?
- Any adjustments to be contemplated?

Note: All 4 sub-criteria under Criterion #3 go into the Registry Agreement Specification 12, therefore are technically, contractually enforceable by ICANN. Whether it is or not is beyond the scope of our present consultation.

Criterion #4: Community Endorsement

Measured by 2 sub-criteria

- 4-A Support, max 2 points
- 4-B Opposition, max 2 points

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Support

For 2 points, applicant:

- Must be the recognized community institution/org or have documented support from the recognized community institution(s)/ member org(s); or otherwise have documented authority to represent the community; where
  - ❑ "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.

For 1 point, applicant:

- Must have documented support from at least one group with relevance; where
  - ❑ "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.

Scoring:

- ❑ 2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community
- ❑ 1= Documented support from at least one group with relevance, but insufficient support for a score of 2
- ❑ 0= Insufficient proof of support for a score of 1

4-B Opposition

For 2 points, application:

- Must NOT have received any opposition of relevance; where
  - ❑ "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.

For 1 point, application:

- Must have received opposition from, AT MOST, one relevant group of non-negligible size; where
  - ❑ "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.
  - ❑ "Negligible" is not explicitly defined but some guidance is provided

Scoring:

- ❑ 2= No opposition of relevance
- ❑ 1= Relevant opposition from one group of non-negligible size
- ❑ 0= Relevant opposition from two or more groups of non-negligible size

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

Comparison of 6 Examples from 2012 Round

.GAY

dotgay LLC
Scored 2/4 here
And 10/16 in total – Did not prevail

Applicant received:
- ❑ 177 Application Comments
- ❑ 51 verified of 128 attachments to Form Q20(f)
- ❑ 56 verified of 152 corres

4-A Support = 1/2
1-Applicant not recognized community institution / member org, no documented authority to represent community – while ILGA considered as "entity mainly dedicated to the community" under 1-A Delineation, it does not meet std of a "recognized" org (not "clearly recognized by the community members as representative of the community"). Also no evidence of single org recognized by all of the defined community's members but applicant had documented support from many groups with relevance containing process and rationale used in arriving at expression of support and showing understanding of implications of support So, partial score given.

4-B Opposition = 1/2
1-Partial score due to opposition from one relevant group of non-negligible size

.KIDS

DotKids Foundation Ltd
Scored 3/4 here
And 6/16 in total – Did not prevail

Applicant received:
- ❑ 43 Application Comments
- ❑ 9 verified of 22 attachments to Form Q20(f)
- ❑ 1 verified of 3 corres

4-A Support = 1/2
1-Applicant not recognized community institution / member org, no documented authority to represent community, no evidence of single org recognized by all of the defined community's members; but applicant had documented support from groups with relevance containing process and rationale used in arriving at expression of support and showing understanding of implications of support. So, partial score given

4-B Opposition = 2/2
1-Max score since no letters of relevant and verified opposition received

.RADIO

European Broadcasting Union
Scored 4/4 here
And 14/16 in total – Prevailed

4-A Support = 2/2
1-Applicant not recognized community institution / member org, but had documented support from institutions / orgs representing a majority of the community addressed, containing process and rationale used in arriving at expression of support and showing understanding of implications of support. So, max score given.

4-B Opposition = 2/2
1-Max score since letters of opposition were received but determined to not be relevant as were from individuals/ groups of negligible size, or were not from communities either explicitly mentioned in application nor from those which have an implicit association to such communities

.MUSIC

DotMusic Limited
Scored 3/4 here
And 10/ 16 in total – Did not prevail

Applicant received:
- ❑ 157 Application Comments
- ❑ 40 verified of 150 attachments to Form Q20(f)
- ❑ 40 verified of 331 corres

4-A Support = 1/2
1-Applicant not recognized community institution / member org, no documented authority to represent community, no evidence of single org recognized by all of the defined community's members; but applicant had documented support from many groups with relevance containing process and rationale used in arriving at expression of support and showing understanding of implications of support. So, partial score given

4-B Opposition = 2/2
1-Max score since no letters of relevant and verified opposition received

.OSAKA

Interlink Co., Ltd
Scored 4/4 here
And 15/16 in total – Prevailed

4-A Support = 2/2
1-Max score as applicant had documented support from recognized community institution that represents community – Osaka Prefectural govt had provided written endorsement for registry services under the .OSAKA gTLD. Govt also provided support for applicant in the Geonames Initial Evaluation.

4-B Opposition = 2/2
1-Max score since no letters of opposition received

.TENNIS

Tennis Australia Ltd
Scored 4/4 here
And 11/16 in total – Did not prevail

4-A Support = 2/2
1-Max score as applicant determined to be the recognized community institution / member organization, also had documented support from its member orgs

4-B Opposition = 2/2
1-Max score since no relevant opposition received – letters of opposition were received but determined to not be relevant as were from individuals/groups of negligible size, or were not from communities which were not mentioned in application but which have an association to string

All CPE determinations are available at https://newgtlds.icann.org/en/applicants/cpe

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Support v. 4-B Opposition

Issues

- No mention of individuals nor governments as recognized channels or sources of support or opposition. Some individuals may not be part of an institution or organization, but could potentially rally to make an endorsement or objection. Online petitions as well as crowd-sourcing and other forms of virtual Communities do not have the legal framework in place nor the strict hierarchy that this section appears to require for a letter of support or opposition to be endorsed.
- Can support (or opposition) be provided through forms other than a letter? Who should be allowed to provide this? Subject to verification?
- Extra care should be used in 4-B, where "a group of non-negligible size" is too vague, and without measurable elements, may lead to a non-objective and gamed evaluation. Are there guardrails to be placed on what is "negligible" or "non-negligible".
- If insufficient notice given to the concerned Communities to respond and object, those who understand the mechanics of the new gTLD application process may be the first to respond and lend their support. In same vein, this is tricky in that support for the applicant will easily be found whilst opposition is less likely to be readily stated since potential opponents are less likely to be involved in the new gTLD Process.
- To what extent is the Application Comment period limited for Community-based Applications? Does this end up being inadvertently "extended" by the (later) call for Letters of Opposition? Can someone who files an Objections which is dismissed (even after an appeal) be allowed to reconstitute the same objection in the form of a "Letter of Opposition"?
- Any other concerns?

Criterion #4: Community Endorsement

Measured by 2 sub-criteria

- 4-A Support
- 4-B Opposition

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Support – To Review for Proposed Changes

1 **Definitions**

Existing

- "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.

- "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.

2 **Evaluation Guidelines**

Existing

- N/A

- The institution(s)/organization(s) could be deemed relevant when not identified in the application but has an association to the applied-for string.

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Support – To Review for Proposed Changes

2

Evaluation Guidelines

Existing

- With respect to "Support," it follows that documented support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations.

- Also with respect to "Support," the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2.

- The applicant will score a 1 for "Support" if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on "Support" if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant community will not be required for a score of 2 regarding support.

- To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.

Evaluation Guidelines

Existing

Letter(s) of support and their verification:

Letter(s) of support must be evaluated to determine both the relevance of the organization and the validity of the documentation and must meet the criteria spelled out below. The letter(s) of support is an input used to determine the relevance of the organization and the validity of the documentation.

Consider the following:

- *Are there multiple institutions/organizations supporting the application, with documented support from institutions/organizations representing a majority of the overall community addressed?*
- *Does the applicant have support from the majority of the recognized community institution/member organizations?*
- *Has the applicant provided full documentation that it has authority to represent the community with its application?*

A majority of the overall community may be determined by, but not restricted to, considerations such as headcount, the geographic reach of the organizations, or other features such as the degree of power of the organizations.

Determining relevance and recognition

- *Is the organization relevant and/or recognized as per the definitions above?*

Letter requirements & validity

- *Does the letter clearly express the organization's support for the community-based application?*
- *Does the letter demonstrate the organization's understanding of the string being requested?*
- *Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?*

To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Support – To Review for Proposed Changes

3 **Scoring**

Existing

- ❑ 2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community
- ❑ 1= Documented support from at least one group with relevance, but insufficient support for a score of 2
- ❑ 0= Insufficient proof of support for a score of 1

2 **Evaluation Guidelines**

Existing

The following questions must be scored when evaluating the application:

Is the applicant the recognized community institution or member organization?

To assess this question please consider the following:

a. Consider whether the community institution or member organization is the clearly recognized representative of the community.

If the applicant meets this provision, proceed to Letter(s) of support and their verification.

If it does not, or if there is more than one recognized community institution or member organization (and the applicant is one of them), consider the following:

Does the applicant have documented support from the recognized community institution(s)/member organization(s) to represent the community?

If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following:

Does the applicant have documented authority to represent the community?

If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following:

Does the applicant have support from at least one group with relevance?

- ➢ Instructions on letter(s) of support requirements are located below, in Letter(s) of support and their verification

Criterion #4: Community Endorsement

Measured by 2 sub-criteria

- 4-A Support
- 4-B Opposition

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-B Opposition – To Review for Proposed Changes

1 **Definitions**

Existing

- "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.

2 **Evaluation Guidelines**

Existing

Consider the following:

- For "non-negligible" size consider:
  - ❑ If a web search may help determine relevance and size of the objecting organization(s).
  - ❑ If there is opposition by some other reputable organization(s), such as a quasi-official, publicly recognized organization(s) or a peer organization(s)?
  - ❑ If there is opposition from a part of the community explicitly or implicitly addressed?

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-A Opposition – To Review for Proposed Changes

2

Evaluation Guidelines

Existing

- When scoring "Opposition," previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." 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.

Evaluation Guidelines

Existing

Letter(s) of opposition and their verification:

Letter(s) of opposition must be evaluated to determine both the relevance of the organization and the validity of the documentation and must meet the criteria spelled out below.

Determining relevance and recognition

- *Is the organization relevant and/or recognized as per the definitions above?*

Letter requirements & validity

- *Does the letter clearly express the organization's support for the community-based application?*
- *Does the letter demonstrate the organization's understanding of the string being requested?*
- *Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?*

To be considered relevant opposition, such documentation must contain a description of the process and rationale used in arriving at the expression of opposition. Consideration of opposition is not based merely on the number of comments or expressions of opposition received.

Review: Criterion #4: Community Endorsement – 2 Sub-criteria

4-B Opposition – To Review for Proposed Changes

3 **Scoring**

Existing

- ❑ 2= No opposition of relevance
- ❑ 1= Relevant opposition from one group of non-negligible size
- ❑ 0= Relevant opposition from two or more groups of non-negligible size

2 **Evaluation Guidelines**

Existing

The following question must be scored when evaluating the application:

Does the application have any opposition that is deemed relevant?

Threshold to Prevail

Should we advocate for a change in the passing score of say, 12 of 16 (or 75% if the scale were to change), instead of the 14 of 16 used in 2012?