



UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures
Consensus Building on Recommendations

COMMUNITY APPLICATIONS (v04)

(incl. Community Priority Evaluation - CPE)

Justine Chew
2 June 2020

Reminder of Key Issues in SubPro

Community-based Applications and Community Priority Evaluation (CPE)

- Retaining “Community-based” applications (CBA) in SubPro, distinction from “Standard ones” where CBA:
 - ❑ Requiring additional, community-related information to be submitted in application – why would/should it qualify as a community TLD?
 - ❑ Are given the option to participate in CPE if placed in a contention set – where prevailing in CPE leads priority being awarded (i.e. “CBA that prevails wins outright against other applications”)
- CPE involves:
 - ❑ Evaluation being undertaken by a panel of evaluators
 - ❑ Eligible applications evaluated against a published set of Criteria and Guidelines
- Thus, important to review application, evaluation processes to benefit/protect “communities” [CCT-RT Rec 34]
- **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

Community Applications: Consensus Building



ALAC STATEMENTS support or have touched on:

Priority

- Maintaining preference over non-community based applications in if applicant prevails in CPE

CPE

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



RELATED SubPro Areas/Topics include:

- Application Criteria & Evaluation
- Objections – Community vs. Limited Public Interest
- Contention Set resolution – CPE
- Accountability Mechanism (i.e. challenges & appeals)



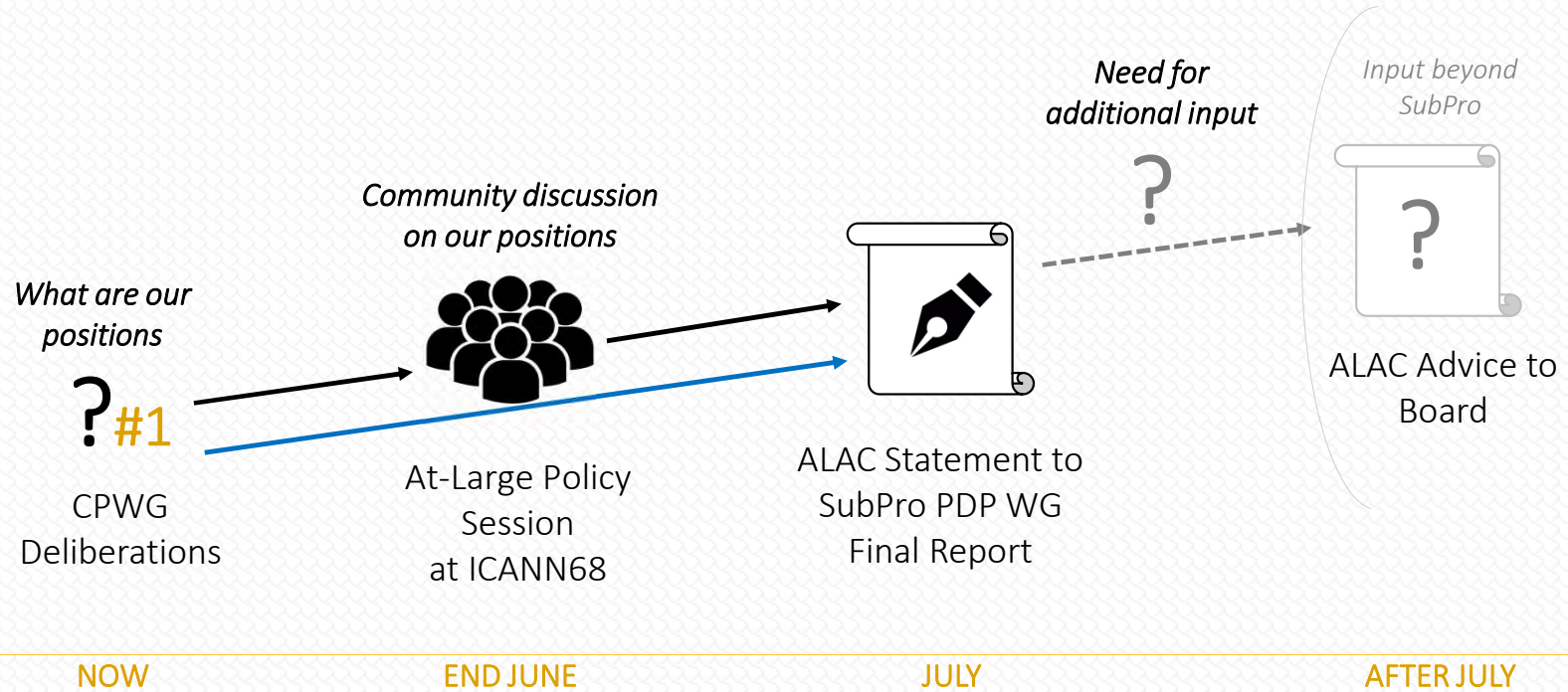
COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

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

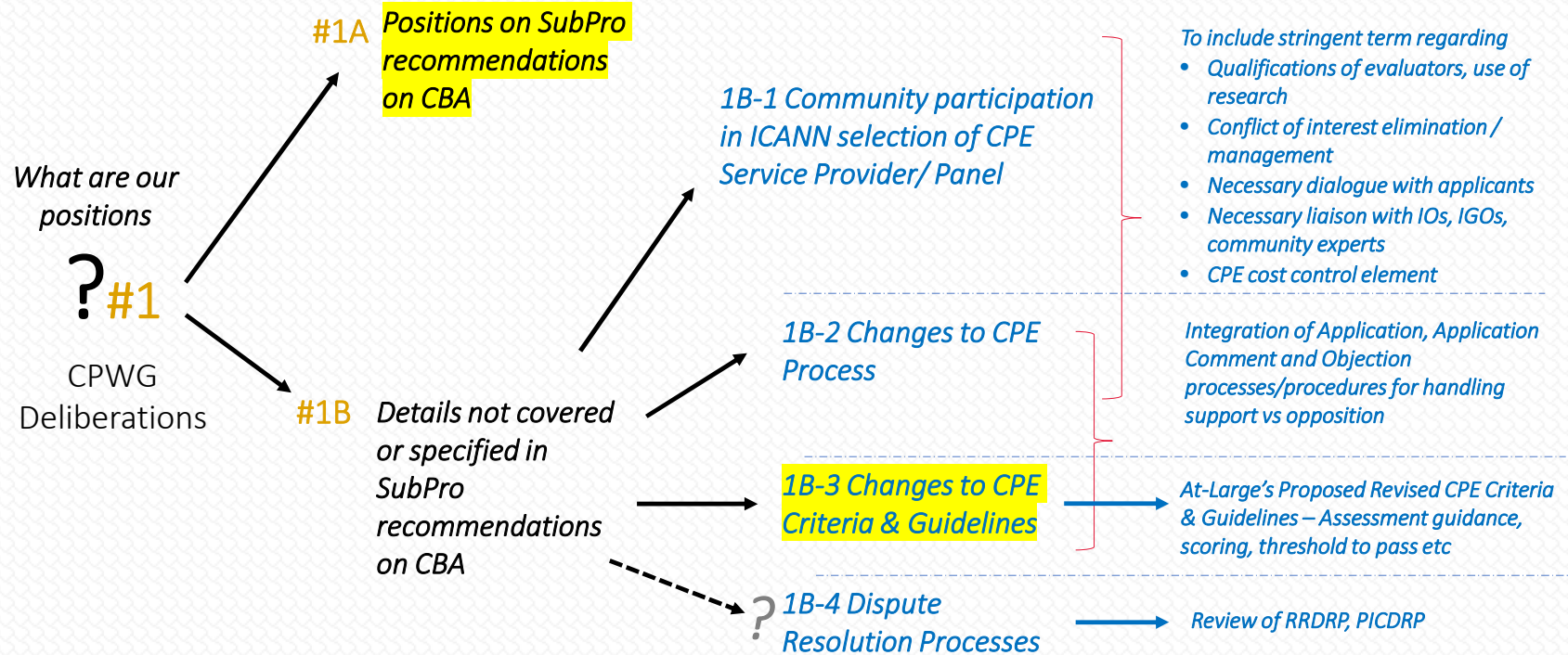
Recap of ALAC/At-Large Comments on CPE

- To address lack of transparency and predictability of CPE Process
 - ❖ Evaluation procedures should be published before call for applications
 - ❖ Enabling procedure for applicant to fulfil exact requirements / inquiries by evaluators
 - ❖ Release background info about CPE panellists, incl. support teams to enable COI oversight
 - ❖ Data/documentation/research materials consulted in decision making must be referenced, released as part of decision
 - ❖ CPE panel should include grassroots community organization representation - ALAC can provide approp. ICANN community volunteers to serve as panel members or advisors
 - ❖ Applicants should also be updated periodically about the status of their application.
- Definition of “Community”
 - ❖ Describing community in terms similar to the definition of association used by the ECoHR and UN
 - ❖ Focus less on strict definition, more on ensuring CPE panelists have understanding of the types of communities bringing applications forward and are able to deal with them in a flexible way, so as not to discriminate against valid community applications which don’t necessarily fit in strict interpretation
 - ❖ Consulted Community about the conditions that will be applied at the outset of the process
 - ❖ Grass-root representation on CPE panels
- Additional Differential Treatment, Changes to Criteria for & Alternative Benefits When Scoring
 - ❖ Differential treatment for applicants from underserved regions in preparing applications, 1st time Community applicants
 - ❖ Make “membership” flexible enough to take into account the fact that communities often do not have traditional membership lists
- Guidelines for Panelists, other considerations
 - ❖ Flexibility in evaluating letters of support as some applications and their letters of support might be unconventional

Proposed Approach for Community Applications



#1 Where can we intervene?



#1A Community Applications

SubPro PDP WG Recommendations

Impact of SubPro Recommendations ** as at 3 June 2020

SubPro PDP WG

Affirmation #1 – 2007 policy

- Implementation Guideline F: “If there is contention for strings...a claim to support a community by one party will be a reason to award priority to that application.”
- Implementation Guideline H: “External dispute providers will give decisions on complaints.”

For At-Large Consensus Building

Impact

- Approach for community-based applications retained in SubPro
- Prioritization via CPE retained also. Prioritization
- Complaints – “*objections and disputes*” – to be resolved by third-party dispute resolution providers

Additional intervention

- **Any concerns? What else needs to be done?**

** From SubPro PDP WG, not limited to recommendations, but also affirmations and implementation guidance

SubPro WG Rationale for Affirmation #1

SubPro PDP WG

“In considering this topic, WG notes that the ICANN Board previously identified Communities as one of the areas for potential policy development work for subsequent procedures. WG offers the following recommendations in an effort to guide improvements in the Community Priority Evaluation process.”

Affirmation #1 – 2007 policy

- WG affirms the following concept derived from Implementation Guideline F from 2007: “If there is contention for strings...a claim to support a community by one party will be a reason to award priority to that application.”
- WG affirms Implementation Guideline H from 2007, which states: “External dispute providers will give decisions on complaints.”

WG’s Rationale

- Support for the overall approach used in the 2012 round for community-based applications, as well as the continued prioritization of applications in contention sets that have passed Community Priority Evaluation. Therefore, WG affirms the concept derived from Implementation Guideline F as well as the text of Implementation Guideline H from 2007.

Preface to SubPro Recommendations on CPE *

SubPro PDP WG, specifically Work Track 3

“Many WT3 participants believe that the underlying values and ideas from the GNSO’s implementation guidance relating to communities were sound. However, there were a number of issues identified related to the actual implementation, execution and outcomes of CPE, which has led to some in the community questioning whether CPE is ultimately workable in the program. [These], which WT3 widely agrees require addressing before CPE is to be included again, include:

Identified Issues	Where/how solution is to be presented
Excessively high scoring threshold in AGB to prevail in CPE Supplemental CPE Guidelines (the one by EIU) intended to provide additional clarity around scoring principles developed only after the 2012 application window had closed	Review of CPE Criteria & Guidelines + AGB update Incorporate updated Supplemental Guidelines into AGB + translations
Lack of transparency and predictability of CPE re: process, documentation, 3rd party evaluator contracts, outcomes Perception that CPE panel misinterpreted applications in evaluating them and/or improperly applied CPE criteria Potential conflicts of interest among panelists Concerns about process for reviewing support/opposition letter (eg. scope of review, party performing review)	<ul style="list-style-type: none"> • Review of CPE process • Review of CPE Criteria & Guidelines • Community participation in evaluator selection; ICANN contract with CPE Provider must include stringent term regarding <ul style="list-style-type: none"> ○ Qualifications of evaluators, use of research ○ Conflict of interest elimination / management ○ Necessary dialogue with applicants ○ Necessary liaison with IOs, IGOs, community experts ○ CPE cost control element • Accountability Mechanisms – Challenges
Lack of mechanism to seek redress for perceived substantive errors in evaluation process (eg. errors of facts, misinterpretation of info, issues with research relied upon by CPE provider, etc)	
Lack of clarifying questions or opportunity for dialogue in the CPE process (<i>to qualify</i>)	
Usage of single provider, reducing the value of a secondary review (eg. In the case of a successful Reconsideration Request)	
Actual cost of CPE was approx. doubled the estimated cost	
Excessive time it took to review applications	

* As derived from the SubPro PDP WG Initial Report of 3 Jul 2018

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #2 & #3 – CPE process

- CPE process must be as efficient, transparent and predictable as possible.

Implementation Guidance

- **Transparency** - if the evaluation panel relied on research for the decision it should be cited and a link to the information provided.
- **Predictability** - the CPE guidelines, or as amended, should be considered a part of the policy adopted by WG.
- **Efficiency** - ICANN org should examine ways to make the CPE process more efficient in terms of costs and timing.
- All CPE procedures (including any supplemental dispute provider rules) must be developed and published before the opening of the application submission period and must be readily and publicly available.

For At-Large Consensus Building

Impact

- Purports to improve CPE process – transparency, predictability, efficiency – at high level
- Details rely on implementation

Additional intervention

- **Intervention needed specifically to**
 - (i) Review of CPE process - work scope, timing, cost etc
 - (ii) Review of CPE Criteria & Guidelines, and
 - (iii) Community participation in evaluator selection

SubPro WG Rationale for Recommendations #2 & #3

On CPE Process

Recommendation #2

- The Community Priority Evaluation (CPE) process must be as efficient, transparent and predictable as possible.

Recommendation #3

- All CPE procedures (including any supplemental dispute provider rules) must be developed and published before the opening of the application submission period and must be readily and publicly available.

WG's Rationale

- WG believes that the 2012 CPE process lacked the appropriate level of transparency and predictability.
- WG believes that transparency and predictability are essential objectives in the implementation of CPE and recommends that ICANN org seek opportunities to improve the evaluation process to ensure that evaluation criteria and the application of these criteria are transparent and predictable to all parties.
- WG has provided specific suggestions in this regard through Implementation Guidance.
- In further support of transparency and predictability WG has recommended that evaluation procedures (including any supplemental dispute provider rules) are widely available before the opening of the application submission period.

- Believes that the CPE process was too costly for applicants, considering that the actual cost incurred by applicants was essentially double compared to what was predicted in AGB.
- Further believes that the process took too long to complete.
- Believes that drawing on lessons learned from the 2012 round, the CPE process should be able to realize efficiencies in both costs and time in subsequent rounds.

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #4 – CPE Evaluators

- Evaluators must continue to be able to send clarifying questions to CPE applicants but further, should be able to engage in written dialogue with them as well.
- Evaluators must be able to issue clarifying questions, or utilize similar methods to address potential issues, to those who submit letters of opposition to community-based applications.

Recommendation #6 – Research by evaluators

- If CPE Panel conducts independent research while evaluating an application, limitations on this research and additional requirements must apply.
- Include in AGB, “The Community Priority Panel may perform independent research deemed necessary to verify the community status of the applicant (the “Limited Research”), provided, however, that the evaluator shall disclose the results of such Limited Research to the applicant and the applicant shall be provided 30 days to respond before the evaluation decision is rendered. **When conducting any such Limited Research, panelists are cautioned not to assume an advocacy role either for or against such community status.”**

For At-Large Consensus Building

Impact

- Purports to facilitate continued use of CQ mechanism or equivalent; details to be sorted out in implementation
- Independent research by evaluator allowed but must be accountable and open to reply by applicant

Additional intervention

- **Review of CPE process - work scope of evaluator: need to compel use of CQ mechanism?**
 - Mitigated by allowing applicants opportunity to answer opposition and/or unfavourable independent research by evaluator?**

SubPro WG Rationale for Recommendation #4

Recommendation #4 – CPE Evaluators

- Evaluators must continue to be able to send clarifying questions to CPE applicants but further, should be able to engage in written dialogue with them as well.
- Evaluators must be able to issue clarifying questions, or utilize similar methods to address potential issues, to those who submit letters of opposition to community-based applications.

WG's Rationale

- In the 2012 application round, evaluators could submit clarifying questions (CQs) to CPE applicants through ICANN org. WG believes, however, that evaluators should have additional resources at their disposal to gather information about a CPE application and any opposition to that application.
- In developing recommendations on this topic, WG reviewed relevant GAC Advice included in the Beijing Communiqué (ICANN46), Durban Communiqué (ICANN47), Singapore Communiqué (ICANN49), Los Angeles Communiqué (ICANN51), Buenos Aires Communiqué (ICANN53), and Dublin Communiqué (ICANN54).
- WG further **reviewed relevant At-Large Statements** on Community Expertise in CPE and Preferential Treatment for Community Applications in String Contention.
- **WG has not identified any conflicts between WG's recommendations and the Advice provided by the GAC and ALAC.**

WG's Rationale (Cont'd)

- Believes that its recommendations for improved transparency and predictability are aligned with concerns expressed by the GAC that greater consistency is needed in the CPE process.
- Further notes that **it is recommending the establishment of a limited challenge/appeals mechanism for the New gTLD Program that would enable applicants and other parties to challenge or appeal decisions made in the application process, including the results of CPE** (under "Accountability Mechanisms" topic) – WG believes that this mechanism **has the potential to support more consistent outcomes in CPE for subsequent procedures.**
- Notes that *CCT-RT Recommendation 34, "A thorough review of the procedures and objectives for community based applications should be carried out and improvements made to address and correct the concerns raised before a new gTLD application process is launched. Revisions or adjustments should be clearly reflected in an updated version of the 2012 AGB."* is directed at SubPro PDP WG, and passed to it by ICANN Board.
- **WG has extensively discussed this in the CPE process and put forward the above recommendations to address concerns raised about CPE in the 2012 round., believes that the work it has completed is in line with that CCT recommendation.**

SubPro WG Rationale for Recommendation #6

Recommendation #6 – Research by CPE Evaluator

- If the Community Priority Panel conducts independent research while evaluating an application, limitations on this research and additional requirements must apply.
- WG recommends including the following text in the Applicant Guidebook: “The Community Priority Panel may perform independent research deemed necessary to verify the community status of the applicant (the “Limited Research”), provided, however, that the evaluator shall disclose the results of such Limited Research to the applicant and the applicant shall be provided 30 days to respond before the evaluation decision is rendered. When conducting any such Limited Research, panelists are cautioned not to assume an advocacy role either for or against such community status.”

WG’s Rationale

AGB s. 4.2.3 states: “The [Community Priority Panel] may also perform independent research, if deemed necessary to reach informed scoring decisions.” To reduce the risk of introducing inaccurate information and bias into the evaluation process and to support transparency, the Working Group has provided alternate language to include in the Applicant Guidebook for subsequent procedures.

Impact of SubPro Recommendations

SubPro PDP WG

Recommendation #5 - Opposition

- Letters of opposition to a community-based application, if any, must be considered in balance with documented support for the application.

For At-Large Consensus Building

Impact

- Purports to mitigate “damage” due to unbalanced consideration of opposition against versus support for an application

Additional intervention

- Doesn't go into detail in addressing why imbalance occurred or how to mitigate – question of “relevance” under CPE Criterion 4-B Opposition
- Intervention needed specifically to:
 - Review of CPE Process – timing of letters of opposition
 - Review of CPE Criteria & Guidelines – guard rails for what is “relevant”

SubPro WG Rationale for Recommendation #5

Recommendation #5 – Opposition

- Letters of opposition to a community-based application, if any, must be considered in balance with documented support for the application.

WG's Rationale

- WG believes that the 2012 CPE Guidelines were not sufficiently clear in defining “**relevance**” under **Criterion 4-B Opposition**, which may have resulted in panelists evaluating letters of opposition in isolation without also considering the level of support for an application.
- **WG therefore recommends amending the Guidelines to make clear that any letters of opposition should be considered in balance with documented support for an application.**

New/Pending Issue as at 19 May 2020

SubPro PDP WG

For At-Large Consensus Building

1. Specific Changes to the CPE Guidelines from 2012

WG considered proposals for specific changes to the CPE Guidelines from 2012.

- A less restrictive word count for communities to engage in clarifying and providing information – WG did not come to a conclusion.
- A proposal to grant “extra credit” in CPE to applicants that help or solve a problem inside a community to which the proposed gTLD relates – noted that if it were to make a recommendation in this regard, it might be helpful to suggest a specific adjustment to the CPE Guidelines and scoring criteria.
- AGB stated that “The [evaluation] panel may also perform independent research if deemed necessary to reach informed scoring decisions.”

Support

- Research should be permitted because it gives the evaluators an opportunity to get a fuller view of the applicant and the application and further may be necessary to apply the evaluation criteria
- Research allow “balance” against limiting evaluator to primarily relying on information from applicant

Opposition

- Research may mislead evaluators and result in poor decision making – may reinforce biases of the panelists, resulting in imbalanced information collection.
- Applicants should be encouraged to put forward a robust application and the evaluation should focus on the materials presented to the evaluator

- Possibility of introducing “guardrails” around any research by panelists, for eg.
 - Panelists should not be permitted to rely on information outside the record except as needed to confirm the veracity of the information provided.
 - If panelists rely on independent research, they must disclose this information to the applicant through a clarifying question - puts the applicant in the position of needing to refute potentially bad information, therefore inappropriate.
 - No agreement on research being allowable.
- **Composition of the CPE panel – those evaluating community applications should have significant expertise in applying the concept of “community”. No conclusion as yet.**
- Additional steps to **ensure the legitimacy of any opposition expressed** to the community-based application – those raising opposition should be prepared to engage in an ongoing dialogue regarding their opposition – a public and transparent verification process should be conducted on any opposition letter to ensure that the author of the letter represents the organization that it claims to represent.
- **GAC Input of 4 May 2020:** Although informal input, many respondents expressed support for the draft recommendations on this topic, although some expressed outstanding concerns about the CPE process and its effectiveness – noting additional details would need to be filled in to ensure that concerns addressed in SubPro. In addition, a few comments made specific suggestions about possible changes to the CPE process and criteria.

Impact of SubPro Recommendations: DRP

SubPro PDP WG

Dispute Resolution Procedures [2.8.2]

- Under SubPro, limited to RRRDP and PICDRP

Affirmation

- WG affirms that the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP) should remain available to those harmed by a new gTLD Registry Operator's conduct, subject to the recommendation below.

Recommendation

- For the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP), clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available.

WG's Rationale

- Belief that post-delegation dispute resolution procedures continue to be appropriate mechanisms to provide those harmed by a new gTLD Registry Operator's conduct an avenue to complain about that conduct. The Working Group believes, however, that in support of transparency and predictability, clearer and more detailed documentation for these procedures should be published.

New Issue

- WG did not conduct an exhaustive review of the PICDRP, because at the beginning of the PDP, no PICDRP cases had been filed. Since that time, only two cases had been filed, WG felt was too few to support an intensive review.

For At-Large Consensus Building

Additional intervention

- Are the Affirmation + Recommendation on PICDRP, RRRDP acceptable?
- **If not, what are your concerns and/or what should be done?**

#1B Community Applications

1B-3 Changes to CPE Criteria & Guidelines

High Level View of Concerns From 2012 Round Determinations

reflected vis a vis the CPE Criteria & Guidelines

Criterion #1: Community Establishment	Criterion #2: Nexus between Proposed String & Community	Criterion #3: Registration Policies	Criterion #4: Community Endorsement
<p>Measured by 2 sub-criteria</p> <ul style="list-style-type: none"> • 1-A Delineation • 1-B Extension <p>Scoring</p> <ul style="list-style-type: none"> • Max of 4 points for Criterion #1 • Max of 2 points for each sub-criterion 	<p>Measured by 2 sub-criteria</p> <ul style="list-style-type: none"> • 2-A Nexus • 2-B Uniqueness <p>Scoring</p> <ul style="list-style-type: none"> • Max of 4 points for Criterion #2 • Max of 3 points for 2-A Nexus and max of 1 point for 2-B Uniqueness 	<p>Measured by 4 sub-criteria</p> <ul style="list-style-type: none"> • 3-A Eligibility • 3-B Name Selection • 3-C Content and Use • 3-D Enforcement <p>Scoring</p> <ul style="list-style-type: none"> • Max of 4 points for Criterion #3 • Max of 1 point for each sub-criterion 	<p>Measured by 2 sub-criteria</p> <ul style="list-style-type: none"> • 4-A Support • 4-B Opposition <p>Scoring</p> <ul style="list-style-type: none"> • Max of 4 points for Criterion #4 • Max of 2 points for each sub-criterion
<p>Need at least 14 points of max 16 points to prevail in CPE</p>			

“To fix these areas of concern, we examined the impact of each criterion and sub-criterion”

Principles/Ideas Underlying Proposed Improvements

1. Fairness required but care taken to 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
- Likely better facilitated with inclusion of grassroots participation within process

2. "Community"

- Applications in service of communities – consider marginalized or minority communities eg First Nation / Native American tribal communities, Roma community
- Changes contemplated to key elements like definition of "Community", some sub-criteria by identifying and addressing unfairness
- 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. Possibility of revamping scoring scale and/or threshold to prevail in CPE

- Should be no carrying over of bias, so no linking of criterion or sub-criterion
- 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"?*
- Balance increasing "accessibility" to deserving communities without opening floodgates

4. Negative Application Comments, Objections and Letters of Opposition – "Double Jeopardy", 11th hour opposition, imbalance

5. Accountability and Access to Recourse

- Ability to challenge an evaluator's impartiality, determination; including cost burden

6. Need for translation of (updated) CPE Guidelines & inclusion into Applicant Guidebook

7. Greater Community participation / input in Evaluator selection/panel constitution

Proposition to Fix Concerns with 1-A Delineation

Criterion #1: Community Establishment - Issues

Measured by 2 sub-criteria: **1-A Delineation** and **1-B Extension**

1-A Delineation: “Is the community clearly delineated, organized and pre-existing?” –

- [1] “community” – lacked definition, confusing application of word
- [2] “clearly delineated”
 - o (i) was biased towards groups with clear, straightforward membership (typical of commercial / trade assoc.); and
 - o (ii) required awareness and recognition of ‘members’ which disadvantages less traditional communities
- [3] “organized” required:
 - o (i) at least one entity mainly dedicated to **administering** community - biased against less traditional, less well-resourced groups
- [4] “pre-existing” – refers to a year 2007 threshold

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.

Criterion #1: Community Establishment - Fixes

Measured by 2 sub-criteria: **1-A Delineation** and **1-B Extension**

1-A Delineation: “Is the community clearly delineated, organized and pre-existing? **If not clearly delineated, is the community reasonably delineated and pre-existing?”**

- [1] “community” – CoE description included to de-emphasize tendency towards groups with clear, straightforward membership
- [2a] “clearly delineated”
 - o (i) can apply to clear, straightforward membership (typical of commercial / trade assoc. but must also est. required awareness and recognition of members
 - o (ii) can also apply to groups recognized by IO, or subject matter/ community expert; awareness is imputed by such recognition or awareness by others
- [2b] “reasonably delineated”
 - o (i) can apply to groups that may have reasonable delineation and can demonstrate awareness by others but may not be organized
- [3] “organized” required for score of 2
 - o (i) at least one entity mainly dedicated to **administering** or **advocating on behalf of community** - removes bias against less traditional, less well-resourced groups
- [4] “pre-existing” – updated to prior to launching of application window

Scoring:

- 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.

Proposition to Fix Concerns with 1-B Extension

Criterion #1: Community Establishment - Issues

Measured by 2 sub-criteria: **1-A Delineation** and **1-B Extension**

1-B **Extension**: “Does the community as identified in the application demonstrate considerable size and longevity for the community?” –

- [1] “**Extension**” – dimension of community: member numbers, geographic reach and foreseeable activity lifetime
- [2] “**Size**” / “**considerable size**” relates number of members and geographical reach, and will be scored depending on the context rather than on absolute numbers – but still required:
 - o (i) considerable size; and
 - o (ii) awareness and recognition of members – this element is already a pre-condition of 1-A Delineation, why does it need to re-appear here?
- [3] “**Longevity**” required:
 - o (i) Longevity; and
 - o (ii) awareness and recognition of members – this element is already a pre-condition of 1-A Delineation and in “**Size**”, why does it need to re-appear here?

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

Criterion #1: Community Establishment - Fixes

Measured by 2 sub-criteria: **1-A Delineation** and **1-B Extension**

1-B **Extension**: “Does the community as identified in the application demonstrate considerable size and longevity for the community?”

- [1] “**Extension**” – Any distinction between Community based on common economic interest (CEI model) and a Community advocating for Human Rights (CHR model) should not serve as a basis for preferring one over the other
- [2] “**Size**” / “**considerable size**” –
 - o (i) greater emphasis away from absolute numbers and geographical reach, by highlighting need to consider circumstances – eg. a small locally concentrated indigenous community should not be seen as any less important than others.
 - o (ii) drop requirement for awareness and recognition of members
- [3] “**Longevity**” –
 - o (i) Longevity sufficient
 - o (ii) drop requirement for awareness and recognition of members

Scoring:

- 2=Community of considerable size and longevity
- 1=Community of either considerable size or longevity.
- 0=Community of neither considerable size nor longevity

Proposition to Fix Concerns with 2-A Nexus

Criterion #2: Nexus between Proposed String & Community - Issues

Measured by 2 sub-criteria: **2-A Nexus** and **2-B Uniqueness**

2-A Nexus: “Does the string match the name of the community or is a well-known short-form or abbreviation of the community; or identifies the community?” – grouping of parts may lead to inadvertent misinterpretation that all are required, misses the “or” qualifier

[1] “Name” – nexus for score of 3 can be established if applied-for string if the name by the community is commonly known by others, where “others” was limitedly defined

[2] “Identify” –

- An Internet search should be utilized to help understand whether the string identifies the community and is known by others.

Criterion #2: Nexus between Proposed String & Community - Fixes

Measured by 2 sub-criteria: **2-A Nexus** and **2-B Uniqueness**

2-A Nexus: Breaking up different parts into separate questions allows for clarity in scoring so –

- “Does the applied-for string match the name of the community? The name may be, but does not need to be, the name of an organization dedicated to the community.
- Or is a well-known short-form or abbreviation of the community?
- If neither, does it identify the community?”

So that is clearer to score–

3 for EITHER (exact) match OR short-form or abbreviation of the community, and 2 for identifying the community but without substantial over-reach

[1] “Name” – nexus for score of 3 can be established if applied-for string if the name by the community is commonly known by others, where “others” is now defined to include (a) an International Organizations specialized in the specific/relevant field, and (b) a relevant subject matter or community expert - aligning with introduction of these 2 parties in A-1 Delineation.

[2] “Identify” – Factored in 2 things and downgraded Internet search:

- Recognition by an International Organization specialized in the specific/relevant field on the use of string to be given significant weight
- 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
- An Internet search is least preferred method

Proposition to Fix Concerns with Criteria #4: Community Endorsement

Criterion #4: Community Endorsement - Issues

Measured by 2 sub-criteria: 4-A Support and 4-B Opposition

4-B Opposition:

- 2012 AGB mentioned “Support” and “Opposition”
 - ❑ EIU came up with “Letter of support” and “Letter of opposition” which were called for after close of application window, after close of Application Comment Period, after Objections.
 - ❑ This gave opposers a ‘legitimate’ avenue for putting a letter of opposition late in the process (eg. to sabotage an opposing application)
- But the nature of “Support” and “Opposition” does not have to be identical, maybe it should not be identical?
 - ❑ Because we have “Objections” which, although carries a cost burden, requires ‘substantiation’ examinable by professionals, and possibility for rebuttal through the Objection Procedure. No such procedure applies to a Letter of opposition.
 - ❑ Does having Letter of opposition mechanism serve At-Large, by bypassing Objections? Is this right?
 - ❑ Having explicit guardrails for circumstances or criteria by which Letter(s) of opposition is accepted or disregarded for evaluation purposes?

Criterion #4: Community Endorsement - Fixes

Measured by 2 sub-criteria: 4-A Support and 4-B Opposition

4-A Support and 4-B Opposition:

- Evaluation of community support and/or opposition within the same application round/window SOLELY from:
 - ❑ In the case of Documented Supported –
 - As submitted by the applicant together with their application, or
 - As submitted through the Application Comment System.
 - ❑ In the case of Documented Opposition –
 - Objections filed against the application / applicant which must have prevailed in the ensuing dispute resolution procedure and which remain unresolved, or
 - As submitted through the Application Comment System.
- For avoidance of doubt – No separate call for any Documented Support (i.e. Letter(s) of support or Documented Opposition (in whatever form, eg. Letter(s) of opposition) is to be made by the CPE Panel or ICANN Org, and other than as specified above – must be made clear to all parties involved on exclusive modality and finality of the Application Submission Period and Application Comment Period in respect of all submissions of Documented Support or Opposition.
- Further, in all cases, only verified Documented Support or Opposition shall be considered by the CPE Panel.

Proposition to Fix Concerns with Scoring Mechanism / Threshold to Prevail

Possibility of revamping scoring scale and/or threshold to prevail in CPE - balance increasing “accessibility” to deserving communities without opening floodgates

1. Any major concerns with the 0-2 or 0-3 scoring scale for sub-criteria after taking into consideration the proposed revision fixes?
2. Do we think the threshold of 14 points of max 16 points should be lowered?