ICANN AT-LARGE INTERVENTIONS

ON

COMMUNITY APPLICATIONS

&

COMMUNITY PRIORITY EVALUATION (CPE)

Contents

I. Preface

It is well recognized that the Community Priority Evaluation (CPE) mechanism – inclusive of process, criteria, guidelines as well as the contracted evaluation service provider or panellists – implemented for the 2012 round of applications for New gTLDs was fraught with weaknesses and challenges, and eventually led to discontent among not only the applicants who sought to prevail in CPE but also the ICANN community in general.

From April to early June 2020, the At-Large community through the At-Large Consolidated Policy Working Group considered specific avenues for intervention to put forth At-Large perspectives in addressing key areas for reform in the CPE mechanism. At this point, it is understood that CPE will continue to be used as one of the mechanisms for resolving String Contention Sets involving a Community-based applicant.

Many sources exist which suitably frame those weaknesses, challenges and discontent, specific attention was paid to 2 documents:

- The Council of Europe Report DGI(2016)17 on Applications to ICANN for Community-Based New Generic Top Level Domains (gTLDs): Opportunities and challenges from a human rights perspective; and
- The Initial Report of the GNSO New gTLD Subsequent Procedures PDP WG of 3 July 2018, in which it stated (paraphrased),

"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:

> *(a) Excessively high scoring threshold in the AGB to prevail in CPE;*
> *(b) Supplemental CPE Guidelines (i.e. the one by EIU) intended to provide additional clarity around scoring principles in the AGB and the CPE Panel Process Document were developed only after the 2012 application window had already closed;*
> *(c) Actual cost of CPE was approximately double the estimated cost;*
> *(d) Lack of transparency and predictability of CPE, in terms of the process, documentation, third-party evaluator contracts, and outcomes;*
> *(e) Excessive time it took to review applications;*
> *(f) Perception that CPE panel misinterpreted the applications in evaluating them and/or improperly applied CPE criteria;*
> *(g) 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);*
> *(h) Usage of single provider, reducing the value of a secondary review (eg. In the case of a successful Reconsideration Request);*
> *(i) Potential conflicts of interest among panelists;*
> *(j) Lack of clarifying questions or opportunity for dialogue in the CPE process; and*
> *(k) Concerns about process for reviewing support/opposition letter (eg. scope of review, party performing review)."*

The At-Large examined the 2012 gTLD Application Guidebook, Module 4, Section 4.2 Community Priority Evaluation and the CPE Guidelines in developing a number of reforms for the CPE mechanism.

In acknowledging that while ultimately the application (usability) of the CPE criteria (contained in the Application Guidebook) and evaluation/scoring guidance (contained in the 27 September 2013 CPE Guidelines) depends on how an applicant frames or describes their 'community' in their application, our proposed reforms seeks to inject a desirable level of fairness, objectivity, efficiency, necessary expertise, and to enable a broader, more flexible interpretation of a "community", the absence of which we believe has led to many of the identified issues, and to an uncomfortable extent, the exclusion of worthy applications that failed to prevail in CPE in the 2012 round.

Finally, the At-Large also assessed the impact (if any) on the Draft Final Recommendations of the Subsequent Procedures PDP WG as at 9 June 2020.

II. Key Areas of Proposed Reform

The proposed reforms are targeted at specific areas. These are described in the following subsections below.

1. ICANN Engagement of CPE Service Provider/Panellists

> *(d) Lack of transparency and predictability of CPE, in terms of the process, documentation, third-party evaluator contracts, and outcomes;*
>
> *(h) Usage of single provider, reducing the value of a secondary review (eg. In the case of a successful Reconsideration Request);*

The suitability of a third-party entity as the CPE service provider/panellists is a high concern. It is imperative that this entity have individual panellists who have broad perspectives of communities, especially grassroots communities and those beyond more conventional groupings with business orientations.

Ideally, CPE panels should have grassroots participation, since a lack of expertise or understanding of "community" in a panel has indirectly led to a bias, whether in acknowledgment or scoring, against less defined, less well-resourced or less organised communities.

To this end, the At-Large seeks for greater community participation in respect of ICANN's engagement of a CPE service provider/panellist for evaluating the next round of Community-based applications in respect of CPE. We believe greater community participation in this process will assist in identifying more suitable candidates for the role of CPE service provider/panellists.

Key to the intervention would be community input toward:

(i) the development of criteria by which ICANN Org is to evaluate and select candidates,
(ii) the shortlisting of identified candidates,
(iii) the final selection process, and
(iv) the terms for inclusion into the contract between ICANN Org and the selected candidate.

While not exhaustive, we expect the CPE service provider/panel to meet a number of criteria, including:

- The provider will be an internationally recognized firm or organization with significant demonstrated expertise in the evaluation and assessment of proposals in which the relationship of the proposal to a defined public or private community plays an important role.
- The provider must be able to convene a linguistically and culturally diverse panel capable, in the aggregate, of evaluating applications from a wide variety of different communities.
- The provider must agree to obtain appropriate external counsel where a panel does not possess requisite community knowledge.
- All evaluators must ensure that no conflicts of interest exist, whether potential, perceived or actual.
- All evaluators must undergo training and be fully cognizant of all CPE requirements as listed in the Applicant Guidebook, to ensure that the entire evaluation process is in compliance with the AGB, and to ensure consistency of approach across all applications This process will include a pilot testing process.
- All evaluators must be selected based on their knowledge of specific countries, regions, communities and/or industries, as they pertain to applications.
- All evaluators' CVs must be made accessible publicly at least 14 days prior to the commencement of a scheduled evaluation.
- Language skills will also considered in the selection of evaluators and the assignment of specific applications.
- Applications placed in the same contention set must be evaluated by the same panel.
- Each application will be evaluated and scored by at least two evaluators, working independently.
- The panel must be able to exercise consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible and the panel must be able to document the way in which it has done so in each case, and include a rationale for the scoring of each sub-criterion.
- The provider and panel will work closely with ICANN when questions arise and when additional information may be required to evaluate an application.
- The provider and panel will fully cooperate with ICANN's quality control process.

2. Changes to CPE Process, including Access to Recourse

The proposed reforms are targeted at specific areas, as described in the following subsections below.

2.1 Potential Conflicts of Interest among Panelists

(i) Potential conflicts of interest among panelists

In order to ensure that all evaluators have no conflicts of interest, whether potential, perceived or actual, one of the terms of engagement of the CPE service provider must be for them to make available a process for resolving allegations of evaluators being conflicted in conjunction with empanelling of evaluators prior to the evaluators' consideration of an application.

2.2 Elimination of Supplementary Call for Documented Support or Opposition

(c) Actual cost of CPE was approximately double the estimated cost;

(e) Excessive time it took to review applications;

(k) Concerns about process for reviewing support/opposition letter (eg. scope of review, party performing review)."

The CPE Criteria #4: Community Endorsement calls for the evaluation of community support and/or opposition to a Community-based application. Further, support and opposition are to be scored in relation to the communities explicitly addressed in the application, with due regard for communities implicitly addressed by the string.

In the 2012 round, the CPE service provider/panellist issued a call for Letters of Support and/or Letters of Opposition even though:

(i) The 2012 AGB did not expressly provide that "opposition" ought to be in the form of a Letter of Opposition, and

(ii) This call took place AFTER an application had undergone a public comment process and a period where objections could be filed against the application – effectively making this is a supplementary call for support/opposition.

This supplementary call resulted in:

(i) Community-based applications which opted for CPE being subjected to additional scrutiny and unreasonable attack by opposers over an extended period beyond that which was provided for within both the public comment and objection processes;

(ii) Opposers being able to bypass submitting a negative public comment and/or filing an objection yet still be able to express an 11th hour opposition to evaluators which impacted the evaluators' scoring of an application;

(iii) Opposers not being barred from attempting to express opposition directly to the evaluators even if their opposition and/or objection has been resolved or disposed of earlier; and

(iv) Evaluators' task in verifying and considering opposition being unnecessarily extended in time period, which likely incurs additional cost burden levied on whichever party it is who bears the costs of the CPE.

Noting concerns about process for reviewing support/opposition letter (eg. scope of review, party performing review) and given the above undesirable outcomes, we propose that the supplementary call for Documented Support or Opposition by CPE service provider/panellist that was implemented in the last round be eliminated. Instead, the CPE service provider/panellist should be tasked to consider under Criteria #4: Community Endorsement, only the following:

(i) All Letters of Support submitted by the applicant with its application;

(ii) All verified comments in support of the application/applicant received through the Application Comment System (including any Letters of Support outside of what is provided by the applicant);

(iii) All verified comments in opposition (including any Letters of Opposition) to the application/ applicant received through the Application Comment System and which remain unresolved; and

(iv) Objection filed against the application/applicant under the Program's Objection procedures, which must have prevailed in the ensuing dispute resolution procedure and which remain unresolved.

An additional benefit of relying solely on the above is that the expectation that the identities of the comments submitted, whether in support or opposition, would be verified by ICANN Org. This would help establish any bias or conflict of interest on the part of the commenter either towards or against an application/applicant which the evaluator must be informed of in considering the relevance of these when scoring an application, per the CPE Guidelines.

2.3 Limited Challenge/Appeal Mechanism

(f) Perception that CPE panel misinterpreted the applications in evaluating them and/or improperly applied CPE criteria

(g) 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)

(j) Lack of clarifying questions or opportunity for dialogue in the CPE process

The At-Large notes that the perception – and possibility – that a CPE panel misinterpreted the applications in evaluating them and/or improperly applied CPE criteria is an outcome which should be avoided to the extent possible. We also note that this situation was exacerbated by the lack of opportunity for dialogue between the CPE panel and applicant as well as a lack of means to redress what was thought to be substantive errors by the CPE panel.

In this regard, we note and support the introduction of the Limited Challenge/Appeal Mechanism to allow an applicant or another aggrieved party an avenue to challenge a determination of the CPE panel on merit.

3. Changes to CPE Criteria & Guidelines

(f) Perception that CPE panel misinterpreted the applications in evaluating them and/or improperly applied CPE criteria

The perception that CPE panel misinterpreted applications in evaluating them and/or improperly applied CPE criteria also calls for a review of the CPE Criteria and Guidelines to be used.

3.1 "Community"

We noted earlier, that ideally, evaluators should be drawn from grassroots communities, since a lack of expertise or understanding in "community" in a panel has indirectly led to a bias, whether in acknowledgment or scoring, against less defined, less well-resourced or less organised communities. Understanding that this may not always be feasible, we have also proposed the inclusion of a more flexible interpretation of "community" as well as community expertise in the CPE Guidelines.

"Community" should be interpreted as "*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*" comes from the Council of Europe Report DGI(2016)17 – and which interpretation has to be used in a reasonably flexible manner so as not to limit the way an evaluator establishes a community under Criterion #1: Community Establishment.

In particular there should not be bias towards commercial groupings (Community of Economic Interest) such as trade or business associations, commercially driven social, recreational, sporting clubs or similar groupings that have clear and straight-forward membership structures.

Minority communities, marginalized groups, linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities" (eg. First Nation, Native American tribal communities, Roma community), even loosely organized but reasonably well-known groups or segments of society, and civil-society advocacy groups (Community Human Rights based) should not be disfavoured on the basis that they less well-structured, less-resourced or less-organized groupings. These CHR groupings should at least be able to score equally as CEI groupings (a score of "2"). Recognition of such CHR groupings could be established in consultation with an International Organization specialized in the specific/relevant field or as recognized by a relevant subject matter or community expert of regional or international standing.

3.2 Scoring

> "Either re-evaluate the scoring system and points to lower the bar or develop a new process altogether for assessing community applicants." - Council of Europe

In examining the CPE criteria and scoring guidelines, we found an unreasonable link between Criterion #1: Community Establishment and Criterion #2: Nexus. In particular, the element of "clear delineation" in Sub-criterion 1-A Delineation and the elements of "size" as well as "longevity" under Sub-criterion 1-B Extension, all require a twin "awareness and recognition of a community among its members". Not only does this requirement penalize less well-structured, less-resourced or less-organized groupings, the penalty (i.e. bias) once established in the mind of an evaluator under Sub-criterion is automatically carried over to from one sub-criterion to another sub-criterion. This markedly limits the ability of CHR groupings to score in both Sub-criterion 1-A Delineation and Sub-criterion 1-B Extension, which is inherently unfair.

Therefore, to eliminate any carrying over of bias, we propose first and foremost that scoring for every Criterion as well as sub-criterion be wholly independent of each other.

3.3 Greater Flexibility and Clarity in Applying Criteria, Sub-criteria

> *(f) Perception that CPE panel misinterpreted the applications in evaluating them and/or improperly applied CPE criteria*
>
> *(g) 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)*

Our examination of the CPE Guidelines of 27 September 2013 also revealed a level of inflexibility and incoherence in the way the guidelines were set out which may have led to the perception of misinterpretation, inconsistencies and substantive errors by the evaluators.

To this end we offer the **Revised Community Priority Evaluation Guidelines - A Proposal by At-Large** for consideration / adoption for use in the next round of CPE evaluations of Community-based applications. While it is best to consider the **Revised Community Priority Evaluation Guidelines - A**

Proposal by At-Large in its entirety, following are some highlights to key revisions to the CPE Guidelines of 27 September 2013.

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

Revisions to 1-A Delineation

Issues	Fixes
1-A Delineation: "Is the community clearly delineated, organized and pre-existing?" –	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" – lacked definition, confusing application of word	[1] "community" – CoE description included to de-emphasize tendency towards groups with clear, straightforward membership
[2] "clearly delineated" • (i) was biased towards groups with clear, straightforward membership (typical of commercial / trade assoc.); and • (ii) required awareness and recognition of 'members' which disadvantages less traditional communities	[2a] "clearly delineated" • (i) can apply to clear, straightforward membership (typical of commercial / trade assoc. but must also establish required awareness and recognition of members • (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" • (i) can apply to groups that may have reasonably delineation and can demonstrate awareness by others but may not be organized
[3] "organized" required: • (i) at least one entity mainly dedicated to administering community - biased against less traditional, less well-resourced groups	[3] "organized" required for score of 2 • (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" – refers to a year 2007 threshold	[4] "pre-existing" – updated to prior to launching of application window

Scoring:	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.	• 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.

Revisions to 1-B Extension

Issues	Fixes
1-B <u>Extension</u>: "Does the community as identified in the application demonstrate <u>considerable size</u> and longevity for the community?" –	1-B <u>Extension</u>: "Does the community as identified in the application demonstrate <u>considerable size</u> and longevity for the community?"
[1] "Extension" – dimension of community: member numbers, geographic reach and foreseeable activity lifetime	[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" relates number of members and geographical reach, and will be scored depending on the context rather than on absolute numbers – but still required: • (i) considerable size; and • (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?	[2] "Size" / "considerable size" – • (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. • (i) allowance/flexibility for where community is one advocating for rights that are not universally accepted, or that are considered as crimes • (iii) drop requirement for awareness and recognition of members
[3] "Longevity" required: • (i) Longevity; and • (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?	[3] "Longevity – • (i) Longevity sufficient • (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, but not fulfilling the requirements for a score of 2. • 0=Community of neither considerable size nor longevity	Scoring: • 2=Community of considerable size and longevity • 1=Community of either considerable size or longevity. • 0=Community of neither considerable size nor longevity

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

Revisions to 2-A Nexus

Issues	Fixes
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	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 it the name by the community is commonly known by others, where "others" was limitedly defined	[1] "Name" – nexus for score of 3 can be established if applied-for string if it 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" – means string closely describes the community or 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. • An Internet search should be utilized to help understand whether the string identifies the community and is known by others.	[2] "Identify" – means string closely describes the community or 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. 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

Scoring:	Scoring:
	• 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
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	Scoring: • 3= String matches the name of the community or is a well-known short-form or abbreviation of the community • 2= String identifies the Community without over-reaching substantially beyond the Community • 0= String does not fulfill the requirements for a score of 2 or 3

3.4 Threshold to Prevail

(a) Excessively high scoring threshold in the AGB to prevail in CPE

"Either re-evaluate the scoring system and points to <u>lower the bar</u> or develop a new process altogether for assessing community applicants." - Council of Europe

There is support within At-Large to call for a lowering the scoring threshold from 14 to 12 (of a maximum of 16 points) in order for an applicant to prevail in CPE. In order to improve the chances of less conventional communities (minority groups, marginalized groups, CHR groups, and those that are less-well resource, less-organised) prevailing in CPE, there has to be not only an increase in opportunity to score (or gain a higher score) in each of the 4 Criterion, but also a lowering of the scoring threshold to prevail.

4. Dispute Resolution Processes

Insofar as an applicant's community registration policies submitted under Criterion #3: Registration Policies are incorporated into an applicant's Registry Agreement, Specification 12, greater clarity is required as to whether these are subject to PICDRP, RRDRP and/or Contractual Compliance.

III. Impact of Proposed Reforms on the Draft Final Recommendations of the Subsequent Procedures PDP WG

Affirmation xx (rationale 1): The Working Group 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."

Impact: No inconsistency

Affirmation xx (rationale 1): The Working Group affirms Implementation Guideline H from 2007, which states: "External dispute providers will give decisions on complaints."

Impact: In principle, no inconsistency. The reform proposed calls for greater ICANN Community participation in the engagement of the CPE service provider/panellist right from setting of characteristics desired of a CPE provider/panellist, to shortlisting, to selection and contracting with the selected CPE provider/panellist.

Recommendation xx (rationale 2): The Community Priority Evaluation (CPE) process must be as efficient, transparent and predictable as possible.

Impact: No inconsistency

Implementation Guideline xx (rationale 2): In service of transparency, if the evaluation panel relied on research for the decision it should be cited and a link to the information provided.

Impact: No inconsistency. Our proposed revision of the guidelines allows for research by the evaluation panel/panellist.

Implementation Guideline xx (rationale 2): To support predictability, the CPE guidelines, or as amended, should be considered a part of the policy adopted by the Working Group.

Impact: No inconsistency in principle. The use of our proposed revised guidelines, if accepted, is intended to be adopted by as policy. Our goal is to have the proposed revised guidelines serve as a resource for implementation.

Implementation Guideline xx (rationale 3): ICANN org should examine ways to make the CPE process more efficient in terms of costs and timing.

Impact: No inconsistency. Efficiency in terms of costs and timing are of concern to us also. In fact our proposal to not have a separate call by the CPE Provider/panellist for Letters of Support and/or Letters of Opposition, but instead rely on either documentation submitted using the Application Comment System during the Application Comment Period (as verified) or Objections which prevailed, would reduce, if not eliminate, administrative and review tasks associated with a separate call by the CPE Provider/panellist.

Recommendation xx (rationale 2): All Community Priority Evaluation 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.

Impact: No inconsistency.

Recommendation xx (rationale 4): Evaluators must continue to be able to send clarifying questions to CPE applicants but further, must be able to engage in written dialogue with them as well.

Impact: No inconsistency. The At-Large supports the concept of clarifying questions.

Recommendation xx (rationale 4): 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.

Impact: Insofar as letters of opposition are received against community-based applications solely using the Application Comment System during the Application Comment Period, we see no inconsistency. We suggest that it be made clear that where all letters of opposition received during the Application Comment Period are forwarded to the evaluators, they must be so done together with any responses received to the same and an indication as to which/whose opposition remains unresolved.

Recommendation xx (rationale 5): Letters of opposition to a community-based application, if any, must be considered in balance with documented support for the application

Impact: No inconsistency.

[Recommendation xx (rationale 6): If the Community Priority Evaluation Panel conducts independent research while evaluating an application, limitations on this research and additional requirements must apply. The Working Group recommends including the following text in the Applicant Guidebook: "The Community Priority Evaluation Panel may perform independent research deemed necessary to ~~verify the community status of the applicant~~[evaluate the application] (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~~[the applicant or application]."]

Impact: No inconsistency.