

Topic 28: Role of Application Comment AGB Language

Community Action Period

The Community Action Period (CAP) takes place in the 90 calendar days [\[exact timeline tbd\]](#)¹, [which is expected to be on \[date\]](#).² During this time, the public has the opportunity to take the following actions related to submitted applications: submit comments³ and file objections⁴. Additionally, during this time, GAC members may issue GAC Early Warnings⁵. ICANN org reserves the right to extend the CAP [for a determined period of time, for one, more or all applications](#), should the volume of applications or other circumstances require it.

1 Application Comments

1.1 Application Comments Overview

Comment mechanisms are part of ICANN's policy development, implementation, and operational processes. In line with ICANN's commitment to preserving the operational security and stability of the Internet, promoting competition, achieving broad representation of global Internet communities, and developing policy appropriate to its mission through bottom-up, consensus-based processes, the public will have the opportunity to submit comments on posted applications (referred to as "application comments").⁶

Applicants and commenters should be aware that application comments are a mechanism for the public to bring relevant information and issues to the attention of ICANN org, [applicants](#), and evaluators. [If a comment is not relevant to specific evaluation criteria, it may not have any impact on the outcome of the evaluation.](#)

A single application comment period applies to all applications, including community-based applications. To the extent that third parties submit [comments relating to a community-based application](#), these comments must be submitted before the end of the Community Action Period to be considered during Community Priority Evaluation.⁷

¹ See [\[cross-reference\]](#) for more information on application publication.

² [Should the date be changed, applicants and the community will be informed in due time.](#)

³ See [\[cross-reference\]](#) for more information on application comments.

⁴ See [\[cross-reference\]](#) for more information on objections.

⁵ See [\[cross-reference\]](#) for more information on GAC Early Warnings.

⁶ Application comments are not to be confused with ICANN's [Public Comment](#) process. While ICANN's Public Comment gives the ICANN community, Internet stakeholders, and the general public an opportunity to provide input on ICANN's work and policies, application comments relate specifically to applications for new gTLDs.

⁷ As further described in the [\[Community Priority Evaluation section\]](#), applicants will also have the chance to attach letters of support to their application before submitting it.

Commented [1]: Please note that ICANN will not be in the position to implement the following section of Implementation Guidance 28.4, since, as previously raised by ICANN org, this is unachievable: "[...] To the extent possible, ICANN org should seek to verify the identity of the person submitting the comment."

Commented [2]: General introduction to parts of Topic 28 (Application Comments), Topic 30 (GAC Consensus Advice and Early Warning), and Topic 31 (Objections).

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Commented [3]: ODA 6.2.7, updated.

Commented [4]: 2012 AGB, updated.

Commented [5]: 2012 AGB, updated / added language.

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Commented [6]: Recommendation 28.9: The New gTLD Program must be clear and transparent about the role of application comment in the evaluation of applications.

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Commented [7]: Recommendation 28.14: A single Application Comment Period must apply to both standard and community-based applications. To the extent that third-parties submit expressions of support for or opposition to a community-based application, these comments must be submitted during the Application Comment Period if they are to be considered during Community Priority Evaluation.

1.2 How to Submit Application Comments

ICANN org will open an application comment period at the time applications are publicly posted on the [Next Round's website]⁸. Comments will be posted on the [Community Action Forum] (CAF), and all interested parties, including applicants, will be able to review and comment on them.

In order to submit a comment, commenters will need to have an ICANN account and will be asked to indicate their affiliation and whether they have a relationship with any applicants or applications. In addition, commenters will be required to specify the application(s), string(s), and specific evaluation(s) and process(es) to which their comment(s) relate(s). Commenters will be able to provide attachments along with their comments.

Should a commenter believe that they possess information related to confidential portions of the application, which may not be appropriate to submit publicly, they will have the option to submit a request to ICANN org, which will provide guidance on the process to follow in order to submit the comment confidentially. The comment will be forwarded to the applicant, who will have the opportunity to respond. To ensure transparency, this option should only be used for comments related to confidential portions of the application, and ICANN org will refer the commenter to the CAF should the comment refer to public portions of the application.

Any party posting comments must abide by the [ICANN Terms of Service].

1.3 Application Comments Timeline;

The CAF will remain open through all stages of the evaluation process, to provide a means for the public to bring forward any relevant information or issues regarding an application. However, only application comments received during the 90-day Community Action Period (as per section [cross-reference]) will be considered by the evaluation panels performing the Initial Evaluation reviews. As mentioned in section [cross-reference above], ICANN org reserves the right to extend the CAP for one, more, or all applications.

Should applicants wish to respond to comments relating to their application and have their response made available to evaluation panels, they will be able to do so through the CAF until 30 calendar days following the end of the CAP.

Some processes that occur during round processing may require additional operational comment periods, during which the CAF will be opened again for a determined period of time.⁹

1.4 Application Comments in the Evaluation Process

Evaluators will review the comments and responses relating to the application(s) they will evaluate; only the comments and responses received during the time periods described above

⁸ See [cross-reference] for more information.

⁹ See [cross-reference] for more information on change requests.

Commented [8]: Recommendation 28.11: Applicants must have a clear, consistent, and fair opportunity to respond to the public comments on their application prior to the consideration of those comments in the evaluation process.

Commented [9]: Implementation Guidance 28.4: The system used to collect application comment should continue to require that affirmative confirmation be received for email addresses prior to use in submission of comments. [...]

Commented [10]: Implementation Guidance 28.5: In addition, each commenter should be asked whether they are employed by, are under contract with, have a financial interest in, or are submitting the comment on behalf of an applicant. If so, they must reveal that relationship and whether their comment is being filed on behalf of that applicant.

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Commented [11]: ODA 6.2.7, updated.

Commented [12]: Implementation Guidance 28.8: The system used to collect application comment should allow those submitting comments to include attachments. ICANN should investigate whether there are any commercially reasonable mechanisms to search attachments.

Commented [13]: Recommendation 28.13: ICANN must create a mechanism for third-parties to submit information related to confidential portions of the application, which may not be appropriate to submit through public comment. At a minimum, ICANN must confirm receipt and that the information is being reviewed. The applicant must be fully informed of the submitted information and be able to respond through the same mechanism.

Commented [14]: To address risk outlined in the ODA: "Unmoderated public comments could be inappropriate, offensive, illegal, or malicious. There is risk associated with comment moderation (or lack thereof)."

Commented [15]: 2012 AGB, 1.1.2.3 Comment Period. Updated.

Commented [16]: As per ODA 6.2.7.

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Deleted: Evaluators may take into consideration comments posted after the deadline, but they are not obliged to do so. ...

Commented [17]: ODA 6.2.7, updated.

Commented [18]: Implementation Guidance 28.12: Applicants should be given a fixed amount of time to respond to the public comments on their application prior to the consideration of those comments in the evaluation process.

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in section [cross-reference 1.3] will be considered by the evaluation panels. For more information relating to application comments in the evaluation process and Community Priority Evaluation, please refer to sections [cross-reference evaluation] and [cross-reference CPE] respectively.

1.5 Application Comments in the Dispute Resolution Process

Application comments have a very limited role in the dispute-resolution process. A distinction should be made between application comments, which may be relevant to ICANN's task of determining whether applications meet the established criteria, and objections, which are a separate process.¹⁰

Comments related to any of the four objection grounds, or about an objection that has been filed, will be for a dispute resolution panel, not ICANN, to consider.¹¹

It should be noted that the Independent Objector (IO) may consider application comments when making an independent assessment whether an objection is warranted. The IO will be able to file an objection only if at least one comment in opposition to the relevant application was submitted.¹²

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Deleted: Comments on matters associated with formal objections might not be considered by panels during Initial Evaluation. These comments will be available to and may be subsequently considered by an expert panel during a dispute-resolution proceeding

Commented [20]: 2012 AGB, updated.

Commented [21]: 2012 AGB.

2 Objections

3 GAC Early Warnings

¹⁰ See [cross-reference] for more information on objections.

¹¹ See [cross-reference] for more information on dispute resolution.

¹² See [cross-reference] for more information on the Independent Objector.