# Community Input

After applications are publicly posted, the community will have the opportunity to provide input in several ways during the timeframes and according to the guidelines described in the sections below.[1]

[timeline placeholder]

# 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").[2]

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 comment period if they are to be considered during Community Priority Evaluation.[3]

## 1.2 How to Submit Application Comments

Comments will be posted on the Application Comment Forum (ACF), and all interested parties, including applicants, will be able to review and comment on the applications.

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[1] Relevant GAC members will make themselves available during a specified period of time for direct dialogue with applicants impacted by GAC Early Warnings, GAC Consensus Advice, or comments to determine if a mutually acceptable solution can be found.

[2] 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.

[3] 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.

In order to submit a comment, commenters will need to have an ICANN account in the ACF. Commenters 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 mustwill refer the commenter to the ACF 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 ACF 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.

## 1.3.1 Application Comments Timeline after Application Publication

ICANN org will open an application comment period at the time [x days] after applications are publicly posted on the [Next Round's website].[4] Only application comments received during the following 90 days will be considered by the evaluation panels performing the Initial Evaluation reviews. ICANN org reserves the right to extend the comment period 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 ACF for 30 calendar days following the end of the comment period.

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[4] See [cross-reference] for more information.

## 1.3.2 Application Comments Timeline Following a Change Request

As described in detail in section [cross-reference Change Requests], applicants may request to change or update their applications throughout application processing and evaluation, and during the contracting process. Changes that result in material changes to public portions of the application will be subject to a 30-day comment period, during which the community will have the opportunity to raise any concerns they might have on the change(s).

## 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 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.[5]

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[6].

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.[7]

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[5] See [cross-reference] for more information on objections.
[6] See [cross-reference] for more information on dispute resolution.
[7] See [cross-reference] for more information on the Independent Objector.

# 2.   GAC Early Warnings

## 2.1 GAC Early Warnings Overview

After applications are publicly posted on the <mark>[Next Round's website]</mark>, ICANN's Governmental Advisory Committee (GAC) members may issue a GAC Early Warning notice concerning an application according to the guidelines described in the sections below.[8] A GAC Early Warning notice provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments, for example, by potentially violating national law or raising sensitivities, which must be specified in the Early Warning notice.[9]

The GAC Early Warning is a notice only. It is not a formal objection, nor does it have an immediate impact on the application. However, applicants should take GAC Early Warnings seriously as these signal the likelihood that the New gTLD application could be the subject of GAC Advice[10] or of an objection[11] at a later stage in the process.

While definitive guidance has not been issued by the GAC on what constitutes a sensitive string, the GAC has indicated during the 2012 round that strings that could raise sensitivities include those that "purport to represent or that embody a particular group of people or interests based on historical, cultural, or social components of identity, such as nationality, race or ethnicity, religion, belief, culture or particular social origin or group, political opinion, membership of a national minority, disability, age, and/or a language or linguistic group (non-exhaustive)" and "those strings that refer to particular sectors, such as those subject to national regulation (such as .bank, .pharmacy) or those that describe or are targeted to a population or industry that is vulnerable to online fraud or abuse."[12]

During the 2012 round, the GAC also issued advice on categories of strings which impacted several applications.[13] While this information is pertinent to the 2012 round, applicants may wish

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[8] For more information on the GAC Early Warnings issued during the 2012 new gTLD round, please see: https://gac.icann.org/activity/gac-early-warnings
[9] ICANN org reserves the right to extend the period given for GAC members to provide Early Warnings.
[10] See <mark>[section on GAC Advice]</mark>.
[11] See [section on objections].
[12]See "GAC indicative scorecard on new gTLD outstanding issues listed in the GAC Cartagena Communiqué".
[13] In the Beijing Communiqué, the GAC advised the ICANN Board that "strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws." The GAC proposed specific safeguards that would apply to a broad category of strings related to "consumer protection, sensitive strings, and regulated markets." As a result of the advice, additional safeguards were added to Specification 11 of the Registry Agreement. For these applications, these safeguards are mandatory requirements. See https://newgtlds.icann.org/en/applicants/gac-advice/cat1-safeguards and https://newgtlds.icann.org/en/applicants/gac-advice/cat2-safeguards

to take this information into account when determining how to respond to the GAC Early Warning.

To reduce the possibility of receiving a GAC Early Warning or GAC Advice regarding an application, all applicants are encouraged to identify potential sensitivities in advance of application submission, and to work with the relevant parties (including governments) beforehand to mitigate concerns related to the application. Note that while a GAC Early Warning is a potential indicator that an application could be the subject of GAC Advice on New gTLDs, an Early Warning is not required for the GAC to issue Advice.

## 2.2 Submissions of GAC Early Warnings

As part of the GAC Early Warnings process, GAC members with concerns about an application will communicate their intention to submit a GAC Early Warning to the GAC Chair. The relevant GAC member(s) then complete(s) a GAC Early Warning form and submit(s) it to the GAC Chair. The completed GAC Early Warning form is sent to the ICANN Board by the GAC Chair. Note that GAC Early Warnings do not need to be consolidated by the GAC Chair before being provided to the Board.

ICANN will notify applicants of GAC Early Warnings as soon as practicable after receipt from the GAC. The GAC Early Warning notice may include a nominated point of contact for further information. Applicants that receive GAC Early Warnings are encouraged to enter dialogue directly with relevant parties (including governments) as soon as possible to address the concerns voiced in the GAC Early Warnings. A brief description of each step of the GAC Early Warnings process is below.
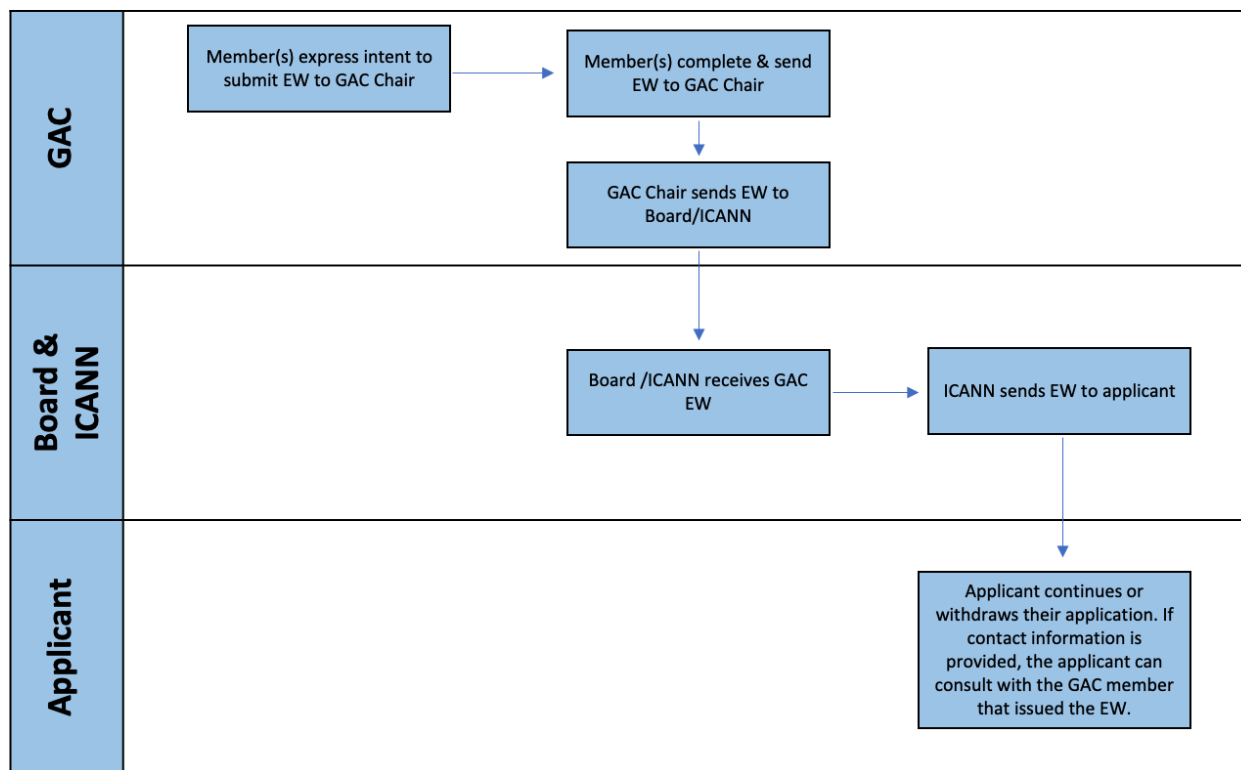
## 2.3 Other Mechanisms for GAC Members to Submit Concerns About an Application

While the GAC Early Warning process is available for members of the GAC to submit their concerns about an application, this does not preclude governments from using other mechanisms available to the public. These mechanisms could include utilizing the Application Comment Forum (ACF) to communicate concerns, or communicating directly to applicants using the contact information posted in the application, for example, to send a notification that an applied-for gTLD string might be contrary to a national law, and to try to address any concerns with the applicant. Note, however, that concerns submitted via these mechanisms do not constitute a GAC Early Warning.

GAC consensus is not required for GAC Member Early Warnings to be issued. Governments issuing GAC Early Warnings must include a written explanation describing why the GAC Early Warning was submitted and how the applicant may address the concern(s) of those GAC member(s), if applicable, as well as identify the objecting GAC member(s).

## 2.4 Options for Applicants in Addressing a GAC Early Warning

Upon receipt of a GAC Early Warning, the applicant has three options, as set out below:

1. **[The applicant may elect to withdraw the application for a partial refund**: To qualify for a partial refund, the applicant must notify ICANN of its election to withdraw the application.[14]]

2. **The applicant may elect to address the concern(s) of the GAC member(s)**Applicants that wish to continue with their application may meet with representatives from the relevant government(s) on their own accord and/or submit an Application Change Request[15] to try to address the concern(s).

3. **The applicant may elect to do nothing and continue with the application as is**: Applicants may also elect to not take action and continue with their application as is. While applicants are generally encouraged to engage with the relevant GAC member(s) to address any concern(s) raised during the early warning phase, failure to do so may or may not result in formal advice.

# 3.  GAC Advice

## 3.1 GAC Advice Overview

ICANN's Governmental Advisory Committee (GAC) was formed to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.

The process for GAC Advice on New gTLD applications is intended to address applications that are identified by governments to be problematic, for example, that potentially violate national law or raise sensitivities.

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[14] Please refer to [subsection xx] for more information on the withdrawal process and schedule of refunds.

[15] Refer to [section x] for more information on Application Change Requests.

## 3.2 Understanding how ICANN will Provide Notice to Applicants if the Board Receives GAC Advice about an Application or a Group of Applications

The GAC can provide advice to the ICANN Board on any application, as outlined in the ICANN Bylaws. While the GAC is encouraged to submit advice during the [timeframe] to allow for the Board to consider the GAC's Advice during the evaluation process, the GAC is not prevented from submitting advice on a particular application or aspect of the New gTLD Program at any time, however, the Board may not always be able to take action on the advice.

GAC Advice must clearly state that it is GAC Consensus Advice, include a clearly articulated rationale be limited to the scope set out in the applicable Bylaws provisions, and elaborate on any "interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues."

Where GAC Advice on New gTLDs is received by the Board concerning an application, ICANN will publish the advice and notify the relevant applicant(s) promptly.

The Board will consider the GAC Advice on New gTLDs in accordance with the Bylaws. Before acting on the advice, the Board may, but is not required to, consult with independent experts in cases where the issues raised in the GAC Advice are pertinent to one of the subject-matter areas of the objection procedures. Depending on the action ultimately taken by the Board on the advice, the application may not be able to proceed.

The applicant will have a period of [21] calendar days from the time the Board acknowledges receipt of the advice in which to submit a response via the application system and ICANN org will make responses available to the ICANN Board. [An applicant that wishes to withdraw an application should refer to subsection [xx] of the Applicant Guidebook for more information on the withdrawal process and schedule of refunds.]

An applicant could also elect to submit an Application Change Request, such as by proposing the addition, removal, or modification of Registry Voluntary Commitments to address GAC Consensus Advice.[16]

# 4. Objections

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[16] See section [xx] for more information on Application Change Requests.