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ICANN APPLICATION PROCESS SURVEY

DECEMBER 2016



BACKGROUND & METHODOLOGY

The Competition, Consumer Trust and Consumer Choice Review Team, convened by ICANN, would like to gain a better understanding of applicants' views on the application and evaluation process for new gTLDs among those who completed the process, are actively in progress, and have withdrawn their application.

Qualifying criteria

- Adults 18+
- Applied for a new gTLD
- Personally involved in the application process

Sample

- ICANN-supplied contacts (applied to ICANN to operate a new gTLD)

Survey

- Phase 1: Self-administered online survey; total of 53 completed the survey.
- Phase 2: Follow-up phone interviews; total of 16 were interviewed.



ONLINE SURVEY
October 10-November 23,
2016

**FOLLOW-UP PHONE
INTERVIEWS**
October-November, 2016



**SURVEY
COMMISSIONED BY
ICANN AND
CONDUCTED
BY NIELSEN**

METHODOLOGY

- The status of applications is defined as follows:
 - In-Progress – active and either proceeding towards delegation or engaged in a dispute resolution procedure.
 - Completed – indicates the gTLD for the application had been delegated in the Root Zone of the DNS.
 - Withdrawn – application withdrawn by the applicant.

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KEY CONCLUSIONS

OVERALL THE PROCESS HAS ROOM FOR IMPROVEMENT

Perceived as difficult, a work in process, and marked by glitches

- There is clearly room for improvement as 6 in 10 give scores lower than “somewhat satisfied”.
- However, recognition is high that this was a first attempt for ICANN at something of this scale, a scope much larger than anything previously attempted.
- While the level of forgiveness for this situation varies, there is hope and expectation that future rounds, if they occur, will benefit from this experience and be improved.
 - Faster, more clearly defined/explained and potentially less expensive overall would be the strongest hopes.
 - And technical systems should be better conceived and more fully functional to support the process without unnecessary delays.

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FINDINGS: ABOUT THE APPLICANTS

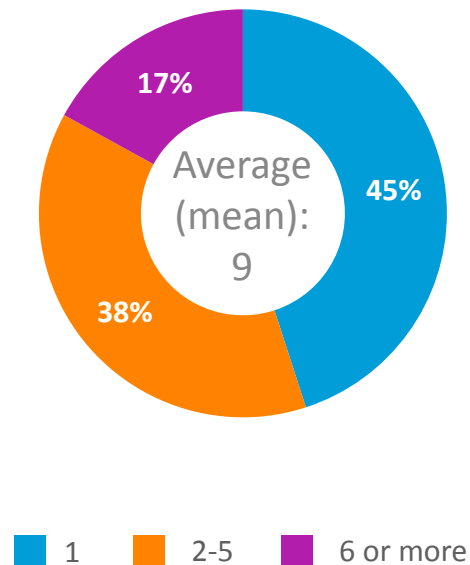
PRIMARY BUSINESS OR ACTIVITY AND NUMBER OF NEW gTLDs APPLIED FOR

Registry and corporate brand comprise the majority of primary business or activity of those responding to the survey. On average, participants have applied for 9 new gTLDs in total – but nearly half have applied for only 1. Registries are more likely to have applied for more than one—71% vs 56%.

Primary Business or Activity
(n=53)



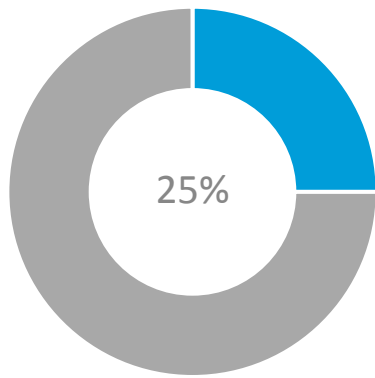
Number Of New gTLDs Applied For
(n=53)



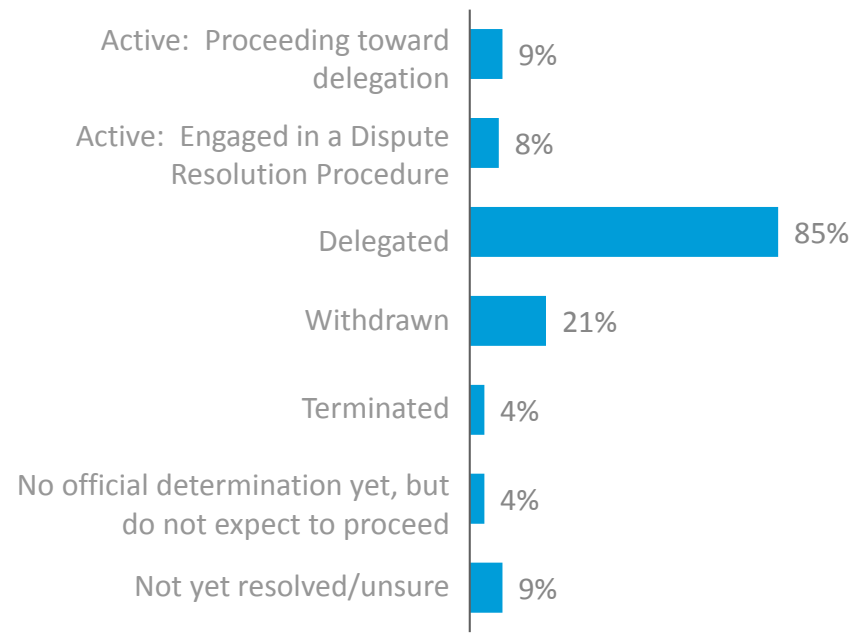
PRIOR TLD OPERATION AND CURRENT STATUS OF APPLICATION(S)

Satisfied and dissatisfied respondents are equally likely to be a new or an existing operator prior to applying for a new gTLD. The majority of all respondents had at least one gTLD delegated as a result of the program

Operated One or More TLDs
Prior to Applying For New One
%Yes
(N=53)



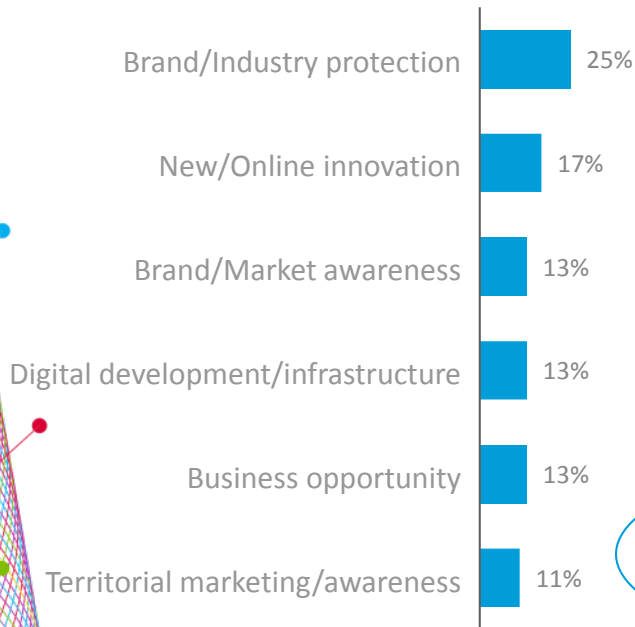
Current Status of
Application(s)
(n=53)



REASONS APPLIED FOR NEW gTLD

The top reason for applying for a new gTLD is brand/industry protection, followed by new/online innovation.

Why Applied For New gTLD (n=53)



We filed for the brand gTLD to protect our brand. We filed for the generic gTLD to promote an underserved area of our business in which we are a thought leader to a community. (Completed)

Opportunity to own interesting digital real estate segment that seemed ripe for growth. Underlying industry was beginning it's digital growth so opportunity existed for gTLD to make an impact. (Completed)

We believe there is a good business opportunity to own a TLD license directed at a specific vertical. (Completed, Withdrawn)

Marketing reasons. (Completed)

New opportunities as a back-end service provider. (In-Progress)

Adding innovative new uses of TLDs to the name space. (In-Progress, Completed, Withdrawn)

To protect our intellectual property, to keep us at the forefront of innovation, and to provide a platform for delivering secure digital services. (Completed)

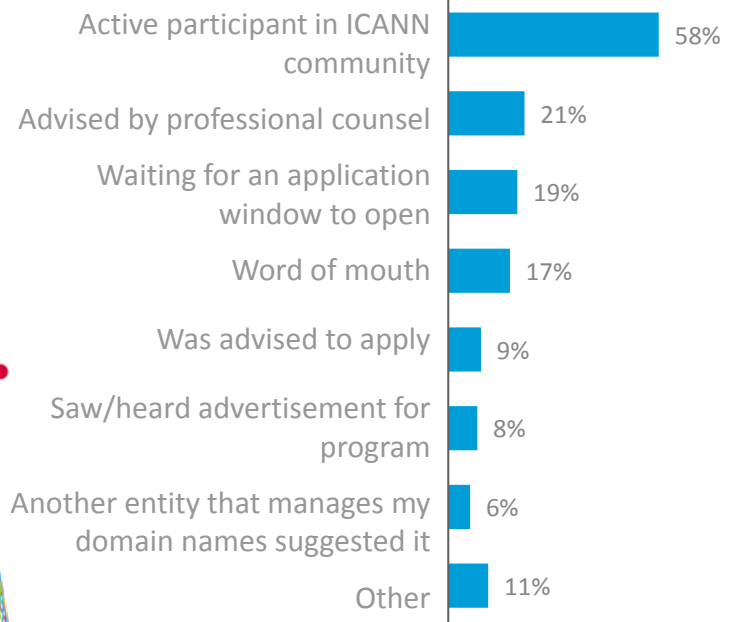
The local Governments and we think that there is a business opportunity and market place for local geographic TLD's. Individuals and businesses could take advantage of having a local TLD string at their disposal, focusing on and highlighting their local provenue. (Completed)

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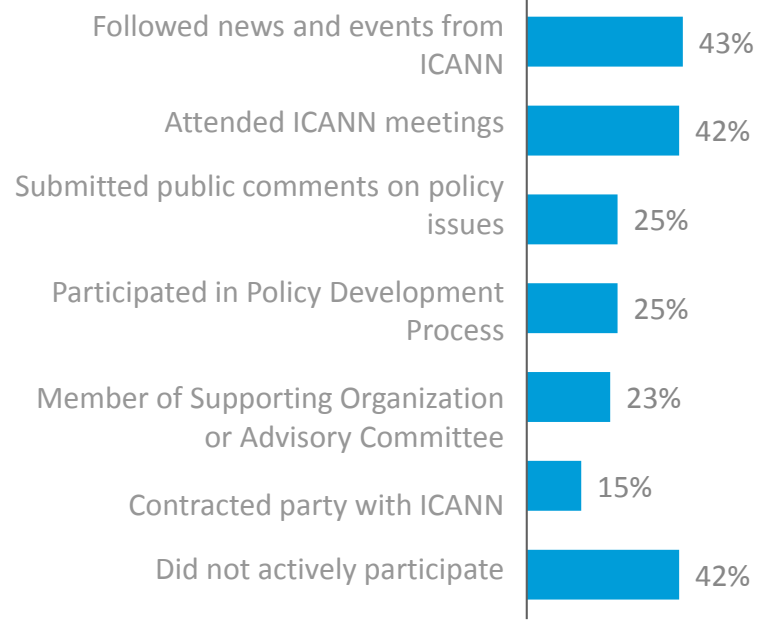
WAYS HEARD ABOUT NEW gTLD PROGRAM/PARTICIPATION IN ICANN COMMUNITY

Before applying for a new gTLD, nearly six in ten respondents learned about the New gTLD Program by being an active participant in the ICANN community. Those who participated did so in multiple ways, most commonly by following news and events from ICANN and attending ICANN meetings.

Ways Heard About New gTLD Program (n=53)



Ways participated In ICANN Community (n=53)

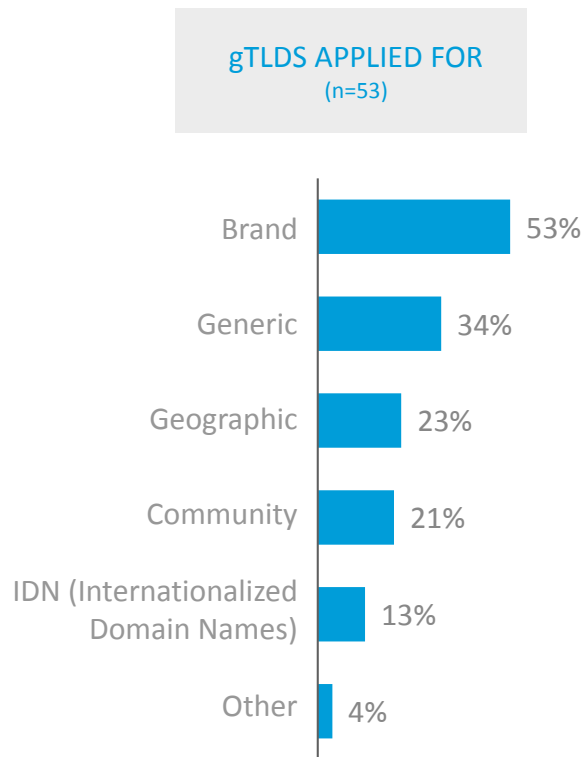


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FINDINGS: APPLICATION PROCESS

TYPES OF gTLDs APPLIED FOR

Just over half of the applicants who responded described the TLDs applied for as Brand, followed by Generic and Geographic and Community.

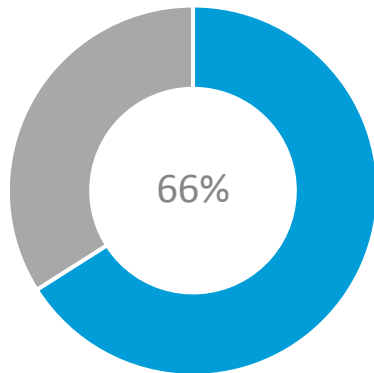


USED CONSULTING SERVICE/OUTSIDE FIRM

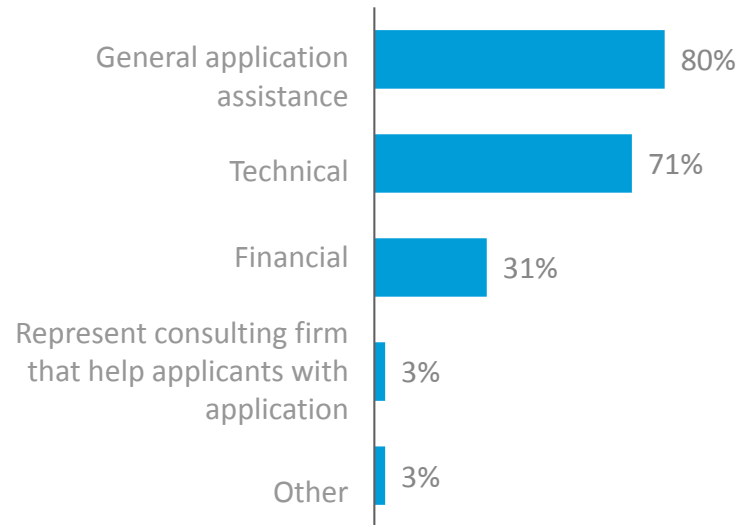
Two-thirds of responding applicants used a consulting firm or other outside firm to submit their application – typically for general application and technical assistance.

Used a Consulting Service or Other Outside Firm

% Yes
(n=53)



Portions Consulting Firm Assisted in Preparing | Used Consulting Service/Outside Firm (n=35)

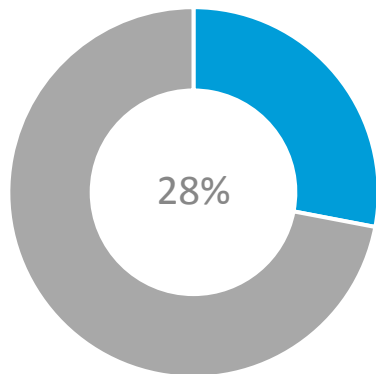


APPLICATIONS IN CONTENTION SET

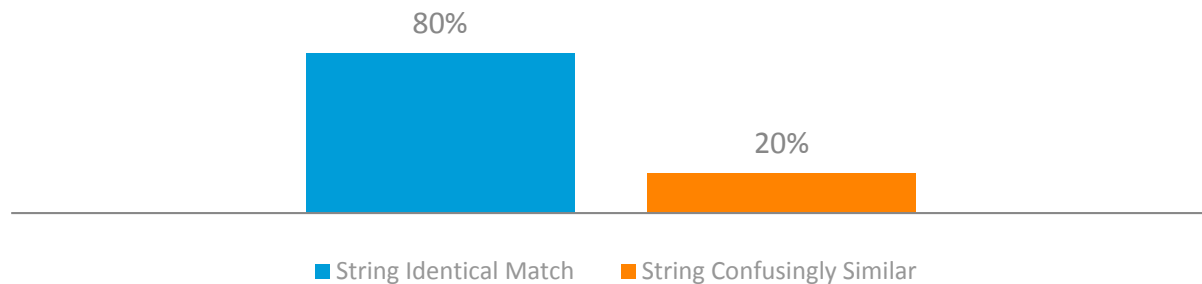
Just over one-quarter (28%) have had an application that has been part of a contention set – primarily due to the applied-for string being an identical match to another applied-for string.

Applications Part of Contention Set

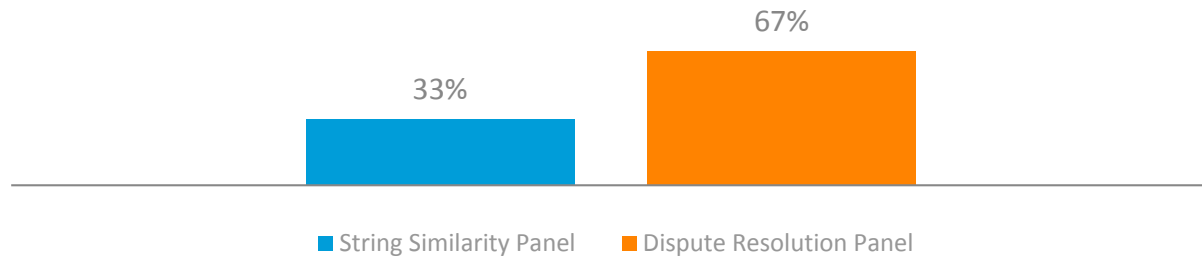
% Yes
(n=53)



Reason Application Placed in Contention Set | Application Part of Contention Set (n=15*)



Who Made Determination | String Confusingly Similar (n=3*)

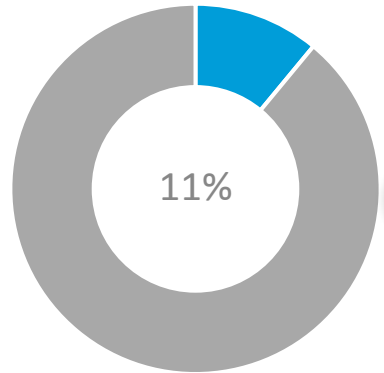


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RECONSIDERATION REQUEST

About one in ten respondents filed a reconsideration request. There is indication (although very small base) that those who did are dissatisfied with the process, but sample is not sufficient to examine by outcome of the request. While this was not specifically asked about in the follow-on interviews, the open end responses along with those interviews would suggest additional delay and potentially lack of faith in the process would be reasons for dissatisfaction.

Filed Reconsideration Request/Other Avenue for Recourse
% Yes
(n=53)



Recourse Avenue Used/Outcome/Timeline for Reaching Agreement | Filed Reconsideration Request (n=6*)

Recourse Avenue Used: Private auction. **Outcome:** Withdrawn. **Timeline:** 2014. (Withdrawn)

Recourse Avenue Used: RfR. **Outcome:** Pending. **Timeline:** >4 years. (In-Progress, Completed, Withdrawn)

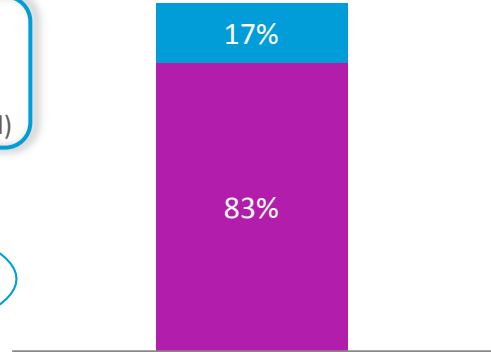
Recourse Avenue Used: Private auction. **Outcome:** Satisfactory. **Timeline:** 3 months. (Completed, Withdrawn)

Recourse Avenue Used: Reconsideration request IRP. **Outcome:** Ignored. **Timeline:** Years. (In-Progress, Completed)

Recourse Avenue Used: RfR. **Outcome:** Denied. **Timeline:** 30 days. (In-Progress)

Recourse Avenue Used: Reconsideration. **Outcome:** Approved. **Timeline:** 1+ year. (In-Progress, Completed, Withdrawn)

Satisfaction with Reconsideration Request Process | Filed Reconsideration Request (n=6*)



■ Somewhat/Very Satisfied
■ Neither Satisfied Nor Dissatisfied
■ Somewhat/Very Dissatisfied

*Caution: small base size (n=<30)

EXPERIENCE WITH RECONSIDERATION REQUEST PROCESS

Experience with Reconsideration Request
Process/Changes to Process | Filed
Reconsideration Request (n=6*)

Experience: The panels were apparently not given similar instructions, resulting in extremely disparate results. Reconsideration requests seem to be perfunctorily reviewed and then dismissed with little discussion other than "the decision was correct". The AGB was extremely clear on how certain things were to proceed and they did not. **Changes:** Use the same panel, with the same criteria, for each type of concern. Greater insight into the Board's deliberation and reasons for resulting decision. Use the AGB as a contract, as it was intended to be, to bind not JUST the applicants (the only way it is used) but also ICANN staff, the Board, and its contractors. (In-Progress, Completed, Withdrawn)

Experience: It was simple to invoke. We received a timely review and the BGC was able to determine there was a policy violation. **Changes:** It would be good for ICANN to have a review process that also considered the merits of a given situation in addition to just a policy violation. (Completed, Withdrawn)

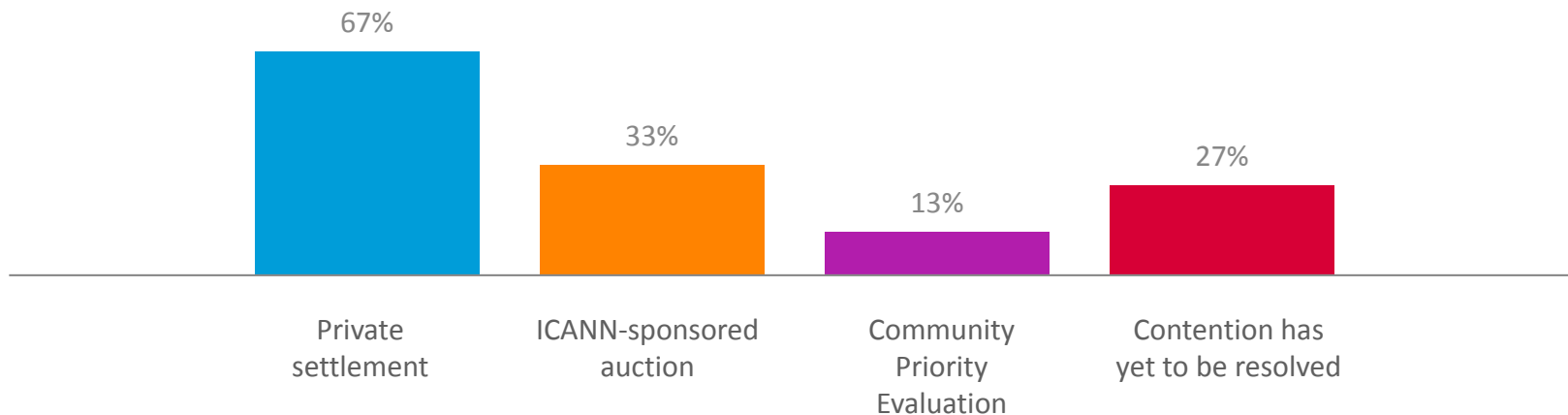
Experience: Process was legalistic and pedantic; not designed to reconsider decision on merits of arguments, just flaws in "process." And of course, the organization that conducts the process also decides the RfR. **Changes:** Have RfR reconsider decisions/actions, with objective panels. No more "rubber stamp" of ICANN Legal "CYA". (In-Progress)

Experience: Took too long; no process for appealing panelist decisions. **Changes:** Reconsideration should not be the process for appealing panel decisions; need an appeals process with specific rules around it. (In-Progress, Completed, Withdrawn)

CONTENTION SET RESOLUTION

Among respondents, private settlement was used to settle contention twice as often as auction.

How Contention Set Resolved | Applications Part of Contention Set (n=15*)



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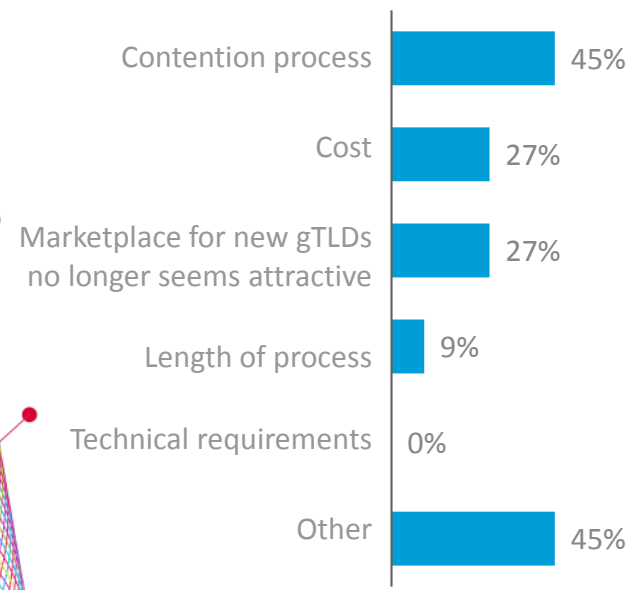
WITHDRAWN APPLICATIONS

Almost half (45%) of respondents who withdrew an application did so due to the contention process with close to three-quarters (73%) of withdrawals occurring during contention resolution. These findings, however, are among a very small base.

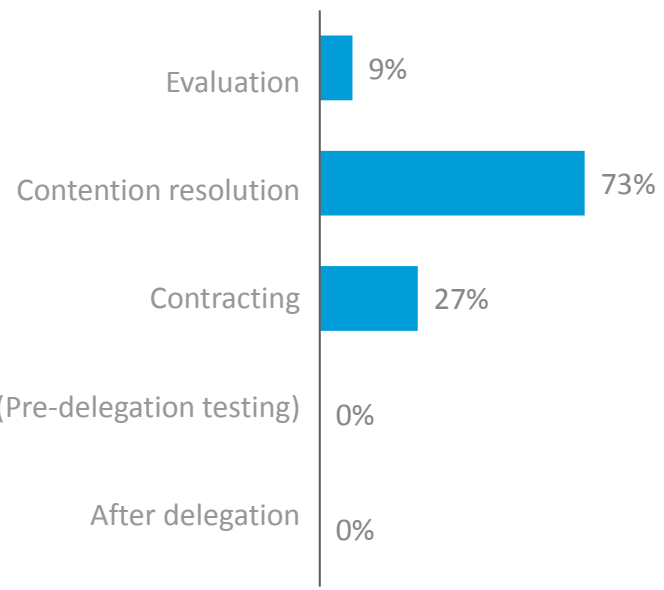
Reasons for Withdrawing Application (n=11*)

Follow-up interviews suggest that some of the withdrawn applications were alternative applications—for example, a filing as a community gTLD and a generic—then withdrawing when one was approved or challenged.

Point in Process Withdrew Application (n=11*)



- Other reasons include:
- Threats from government
 - Settled through auction
 - Private negotiation with competing bidder
 - Commercial reasons



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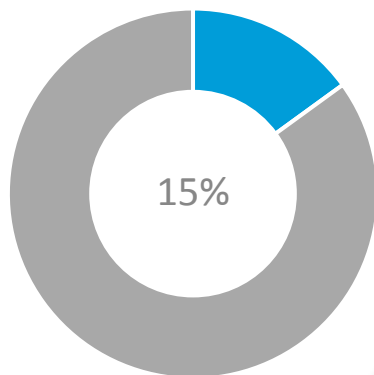
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FINDINGS: ICANN COMMUNICATIONS

GAC EARLY WARNING

Relatively few (15%) respondents' applications received a GAC early warning with response showing both positive and negative perceptions of usefulness.

Received a GAC Early Warning
% Yes
(n=53)



How Responded and **Impact on Application** |
Received a GAC Early Warning (n=8*)

Responded: We sent a letter to the GAC outlining our intended use of the gTLD subject to the GAC warning. We received no response to our response to the GAC warning. **Impact: The GAC warning had no impact on our application.** (Completed)

Responded: We had a teleconference with the member of the GAC from Australia that sent us the early warning and we found this to be very helpful to explain our position.

Impact: It helped. (Completed, Withdrawn)

Responded: Responded to all. **Impact: Some governments were open to discuss; some were not willing to discuss.** (In-Progress, Completed, Withdrawn)

Responded: We were unable to appropriately respond, as the GAC's discussions are shrouded in mystery and rarely do they invite others to discuss. **Impact: The applications were withdrawn under threat from various GAC members or the body as a whole.** (In-Progress, Completed, Withdrawn)

Responded: We wrote an answer to their comments. **Impact: The GAC was fine with that.** (Completed)

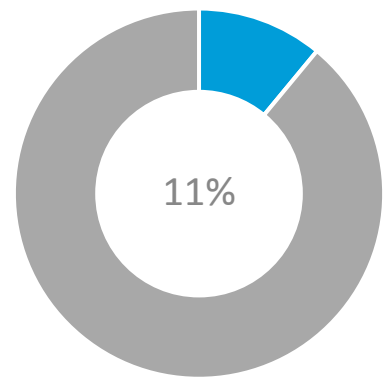
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GAC ADVICE

The majority of responding applicants did not receive GAC advice on their applications—responses from the few who did suggest the advice was not seen as useful.

Received GAC Advice

% Yes
(n=53)



How Responded and Impact on Application | Received GAC Advice (n=6*)

Responded: Again, we were unable to effectively respond to the GAC itself, but instituted "public interest commitments" (PICs) that were intended to alleviate the concerns. The GAC continues to complain that they do not, in fact alleviate concerns, but do not provide any criteria they would accept.

Impact: Delay, higher cost, lower registrations. (In-Progress, Completed, Withdrawn)

Responded: Implemented GAC Advice. GAC advice was ill-considered and poorly conceived.

Impact: Overly vague terms of service mandated by ICANN and GAC confuse both registries and end-users, without a helpful effect on Internet ecosystem. (Completed, Withdrawn)

Responded: We tried to negotiate and made numerous attempts to find a mutually acceptable result.

Impact: One TLD we withdrew and three moved forward to the Board for decision. (In-Progress, Completed, Withdrawn)

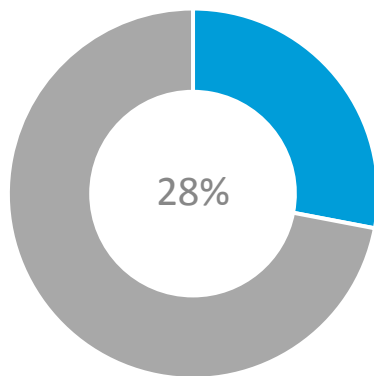
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PUBLIC INTEREST COMMITMENTS (PICs)

Of the respondents, roughly one in four voluntarily submitted PICs with their applications to be included in their agreements

Incorporated Voluntary Public Interest Commitments (PICs)

% Yes
(n=53)



Reasons for Incorporating Voluntary PICs (Nature & Objective, Why Incorporated Them, Goal, and Whether Goal Accomplished)

Incorporated Voluntary PICs (n=15*)

Nature & Objective: I would take issue with calling them "voluntary" as the options were "include PICs voluntarily, the GAC will do it for you, or you will simply lose your application". However, the majority of the PICs were intended to increase the ability of abuse to be reported (these were wholly unnecessary and have not been used) or to restrict the registrant pool based on idle concerns of the GAC members. **Why:** Because otherwise, we were unsure that our applications would be allowed to proceed. **Goal:** To get to delegation and begin selling domain names. **Goal Accomplished:** To an extent. (In-Progress, Completed, Withdrawn)

Nature & Objective: To develop digital in our region. **Why:** We are a public authority working for our community. **Goal:** To sell domains to companies, associations and local cities. **Goal Accomplished:** Not yet. (Completed)

Nature & Objective: Commitments towards the community. **Why:** To improve support by the community. **Goal:** To improve chances to get the TLD. **Goal Accomplished:** No. (Withdrawn)

Nature & Objective: Ask the registry to use ICANN accredited registrar, compliance with Registry's commitment to ICANN in the application, and ensure security. **Why:** ICANN requirement. **Goal:** Transparency, fulfillment, and security. **Goal Accomplished:** Yes. (Completed)

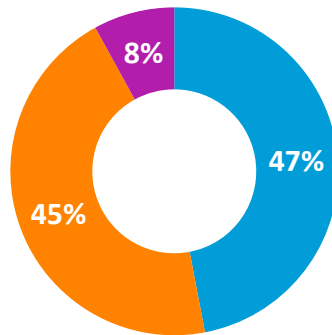
Nature & Objective: Internet openness and fairness. **Why:** Ensure community's rights from being harmed. **Goal:** Protect public's interest. **Goal Accomplished:** Accomplished. (Completed)

*Caution: small base size (n<30)

GUIDANCE

Only about half of the respondents feel they received sufficient guidance from ICANN during the application process – and roughly the same feel they did not.

Received Sufficient Guidance From ICANN
During Application Process
(n=53)



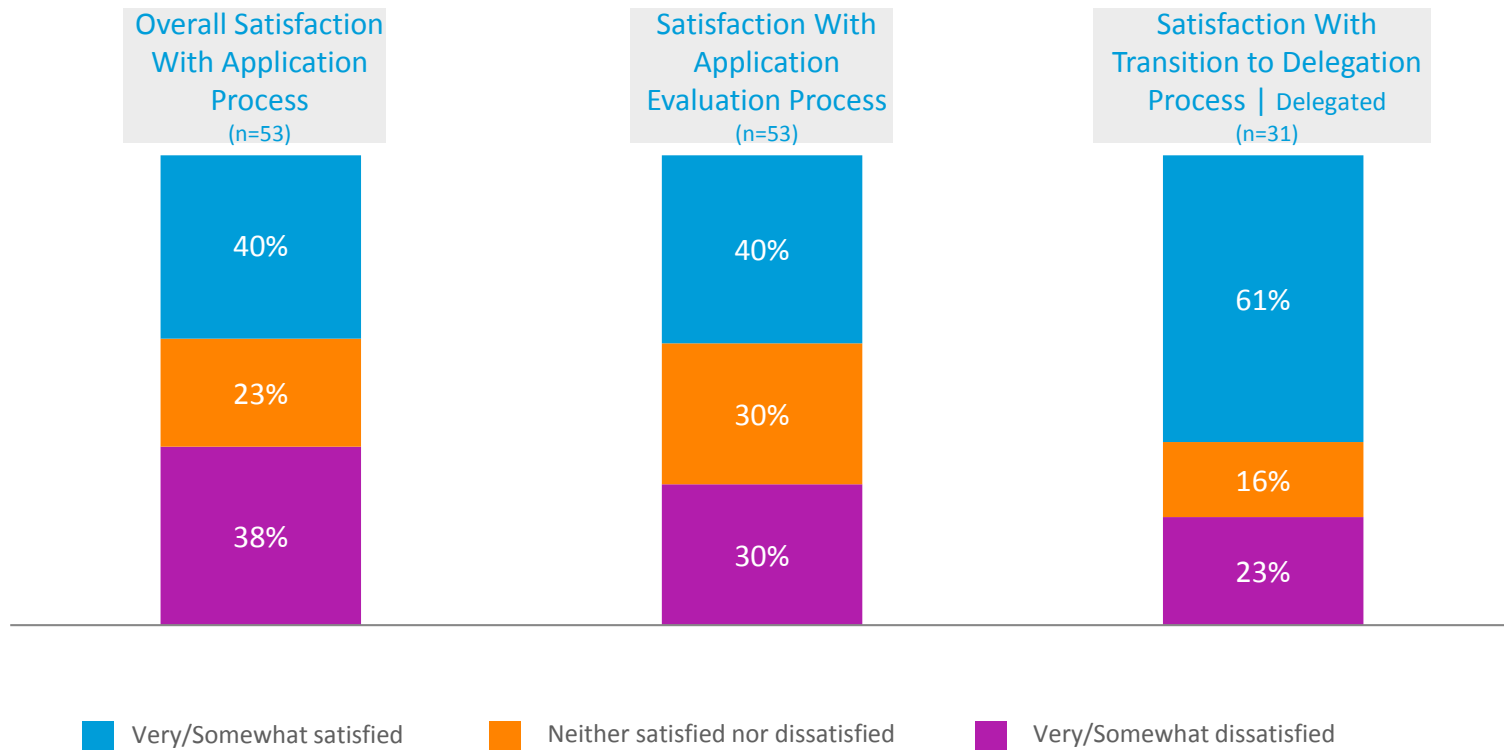
■ Yes ■ No ■ No opinion/not involved at that level

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FINDINGS: SATISFACTION

SATISFACTION

While four in ten respondents are satisfied with the overall application process and the evaluation process, a similar amount are dissatisfied. Among those whose application is delegated, satisfaction with the transition to delegation process is more favorable—most felt the delegation part of the process was very smooth.



PROCESS WAS LONG, COMPLICATED, BUREAUCRATIC AND EXPENSIVE

Discussion with respondents who agreed to participate in a follow-up interview (n=16) points out that the process itself is seen as onerous and bureaucratic. And, it was marred by several technical malfunctions.

As such, applicants are seldom going to be “very satisfied” (2 of 53 or 4%)

- As one participant stated “For this process, somewhat satisfied is actually a good rating.”
- Also many note that this effort was beyond the scale of any application process ICANN had previously attempted, so some problems were understandable—but still burdensome.

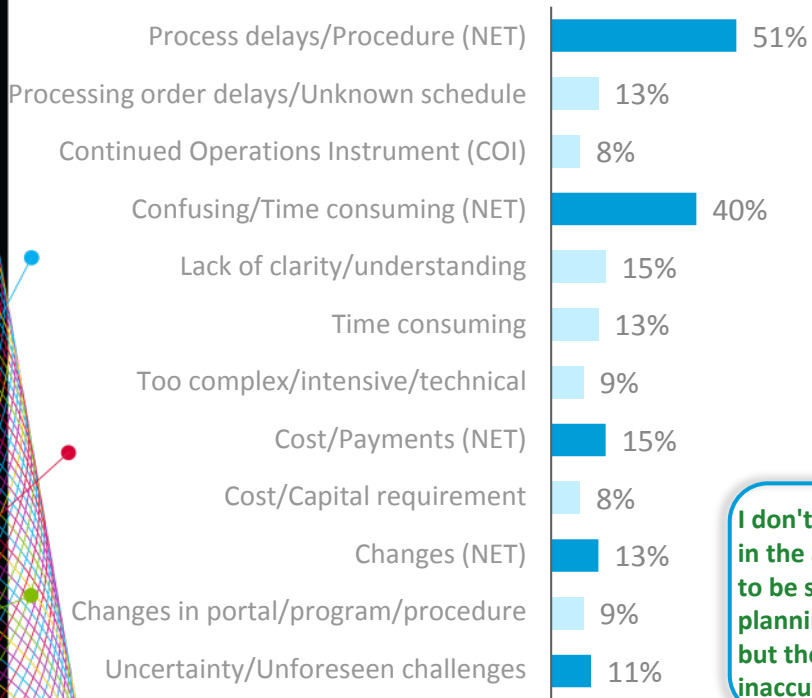
CHALLENGES FACED

The biggest challenges faced during the application and evaluation process are a lack of clarity/understanding of the process, followed by processing order delays/unknown schedule and that it's time consuming.

Biggest Challenges Faced

(n=53)

NET categories are the roll-up of related sub-categories. Key subcategories are shown for each NET



Each stage was a considerable challenge, general lack of operational planning from ICANN, multiple delays. (Completed)

Unclear information provided by ICANN and constant changes to the process. (Completed)

Uncertainty and time it took. (Completed, Withdrawn)

The lack of clarity about how the evaluation process would be carried out. Managing individual text documents for each question answer. (Completed)

To coordinate clients expectations with ICANN requirements. Lack of predictability of the whole application process. (In-Progress)

Were They Unexpected/Why

(n=53)

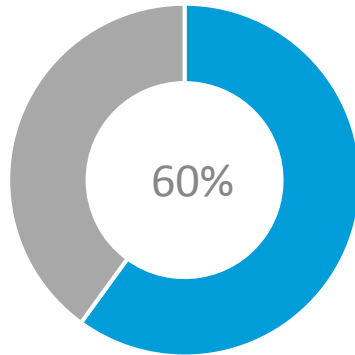
I don't think anybody expected the delays in the application and evaluation process to be so prolonged. We based our planning on ICANN's forecast timelines, but they proved to be significantly inaccurate. (Completed)

Hard deadline for application, but long delays from ICANN; lack of consensus about restrictions policies; unexpected lack of vision regarding Brand TLDs. (Completed)

APPLYING FOR NEW gTLDs UNDER CURRENT PROCEDURE

Six in ten respondents would apply for a new gTLD again under the same procedure used and which is outlined in the Applicant Guidebook.

Total
% Yes
(n=53)



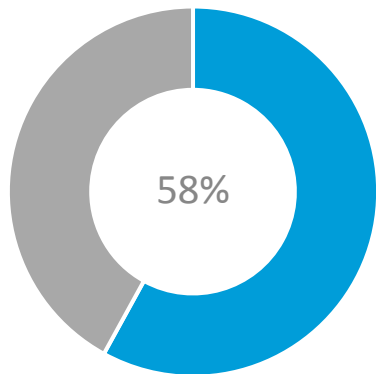
The sentiment (from follow-up interviews) is often that there is no alternative, not that respondents found the process positive—if there is a business or public need to apply for a gTLD, they will have to follow that process. But the shared viewpoint is that the process can be greatly improved.

APPLICATION PERIODS

More than half of the applicants believe that staging application periods in rounds rather than all at once is an effective means of adding new gTLDs to the DNS.

Staging in Rounds Where a Certain Number of New gTLDs Are Opened is Effective

% Yes
(n=53)



Reasons Effective/Not Effective:

It is more fair. The earlier the TLDs is staged, the more advantage it takes. So, why not let all TLDs stage at all once and compete each other in a fair way. (Withdrawn)

I believe the problems with the first stage was that the number of applications exceeded expectations and capacity. Therefore a known number would allow sufficient resources to be provided. (Completed)

If the approval period is shortened and more predictable then yes I believe it will be more effective. (Completed, Withdrawn)

There should be a rolling application window. If can only handle X number per week/month that's fine, but anyone should be able to apply at any time, get into the line, and proceed apace. (In-Process, Completed, Withdrawn)

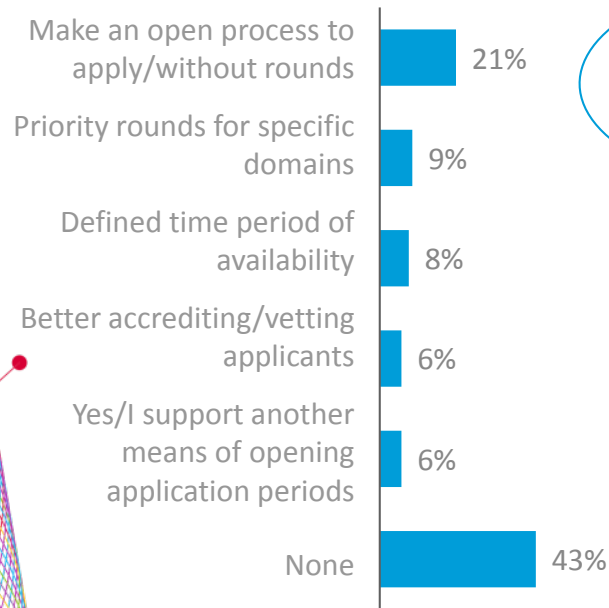
Batching artificially creates scarcity that obscures the innate value (or lack thereof) of TLDs. Also, I believe that it will lead to increased degrees of change in Registry Agreements due to the sense that if a round is going to open that it is reasonable to try to up-level agreements in accordance. (Completed)

Need to move to an open period of first-come, first served. The current rounds encourages duplicate applications, which wastes time and resources from applicants. (Completed, Withdrawn)

OTHER MEANS OF OPENING APPLICATION PERIODS

Despite those who support staging, 2 in 10 responding applicants say they want to make it an open process to apply/without rounds.

Total
(n=53)



Mentions of 6% or greater are shown.

Hybrid approach where generics would be in rounds and brands and perhaps geos and community applications would be continuous. (Completed)

Application "period" is the wrong way to think about it. **Future application procedures should simply be open, just liked registering a domain name is.** (In-Progress, Completed, Withdrawn)

Entering into a **"General Availability"** of new gTLDs could work if evolving regulations and agreement contracts are managed properly. (Completed)

I am not sure what "another means" would look like, but I would be open to a different approach such as **grouping by "type"** perhaps. That said, it seems like a common start and end point would make dealing with contention sets much easier. (In-Progress)

Ongoing applications as and when they're ready. (Completed)

Yes. But there needs to be a **comprehensive vetting of the issues tied to alternate application periods.** (Completed, Withdrawn)

Yes. **A modified model should be used**, whereby multiple rounds and their approximate application windows should be announced in advance, followed by a quiet period and then another wave of multiple rounds. (Completed)

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FINDINGS: ADDITIONAL RESULTS FROM FOLLOW-ON INTERVIEWS

TIMELINE

The timeline was seen to shift due to a variety of issues including policy changes and technical problems, but all of which contributed to the burden, cost, and satisfaction of respondents.

- Changing processes/timelines are very frustrating for those who “played by the rules”. “If you work hard to meet the deadline, and someone else does not, that should be your advantage.”
- And related to delays, there is a perception held by some that ICANN does not respect the business/financial implications that their delays have on applicants.

“There needs to be a certainty for applicants that when they apply under the rules that are provided, that the process will then be administered by those rules and not have changes take place during that process.”

“With these evaluation processes, delay is painful for a startup business, having to burn another couple weeks, going through the motions because ultimately, the (ICANN) consultant was the one who was in error, (the company) just is burning through more cash, putting more strain on that business.”

“They tried to plan on the fly, but it didn't go well actually. Also, the overall delays caused by many things like tests. They used this protocol test, GIS. They had issues with the test portal. A thing called digital archery which didn't work. Then we have domain collisions, et cetera. If we combine all these things, we see that the delay was – I can estimate it as 1.5 year to 2 years.”

PROCESS

A variety of aspects of the process, and process changes, impacted respondents' perceptions, including:

- Midstream changes to rules or processes changes or shifting guidance—these serve to undermine credibility e.g. treatment of plurals, follow-through on linguistic reviews.
- At its core, respondents say, the process was about whether procedures were followed, not the substance of applications—this is potentially a stronger concern for community applicants.
- Certain processes were tried that respondents regarded as ill-conceived and sometimes did not work as expected—such as digital archery.
- And there is a sense that when more than one application was made, the process was unnecessarily repetitive.



Digital archery, the idea has gone and I would imagine that won't be considered again, but it did do quite a lot of damage to the credibility of the project. It was so outlandish. It was difficult for me to explain to my management that a decision on something very important, like the order in which to examine applications is going to be done by me pressing a button.



There was the applicant guide book, but certain parts that weren't quite clear; and also the entire process after the application was changed continuously, mostly because of the different opinions from the other communities that were involved, like the IP community, mostly the IP community, but that, of course, kind of made the entire process more complicated and harder to handle.

TECHNICAL ISSUES

Technical issues also reflect poorly on ICANN, according to respondents.

- Actual technical problems were experienced (a platform outage, digital archery not working as planned).
- And a variety of ease-of-use issues are raised about the technical platform—security breaches, clunky user interface, no push status notifications, etc.



I think it was possible to download the nonpublic part of the application if you clicked around a little bit with the parameters and the URL; and apparently some guys did that to their advantage. They downloaded the parts of the application which were marked as “nonpublic.”



The application itself, completing it online was not a great user interface. It was hard to - they assigned some kind of arbitrary character limits to different sections of questions, and we had some answers that were longer and some were shorter and we had no flexibility to adjust that. So, it's very frustrating.



I don't start my day by going to the portal and looking at the status of my application—they should have had a push notification if there was action needed or progress made.

EXPENSE

Overall, the cost and the financial requirements for the application were judged expensive and probably beyond the real need.

- For respondents, the expense is much more than the fee—it is the expense of resources, deferred revenue, etc.
- The required letters of credit and bank transfers were seen as onerous, non-standard, “illegal” or applicable to certain types of companies but inappropriate for government entities to provide.
- There are questions about what ICANN is doing with the “windfall” from the process, which is perceived to greatly exceed the costs required.

“ ICANN required applicants to go to financial institutions with a request for . . . basically an unqualified letter of credit that under any circumstances whatsoever, the financial institution will fulfill the letter of credit to ICANN. In other words, so one-sided that even the financial institutions were looking at this requirement and going, “Really? We’ve never done anything like this before.”

“ I’ve never seen more agreement on any issue in ICANN’s history than that this cost was purely a profit center for ICANN which is the non-profit company. Again, ICANN itself has said that it made hundreds of millions of dollars on this application process. As far as I’m aware has still yet to indicate what that money is going to be used.

“ Maybe they could do something for the price. I don’t think the setup price is a problem, it’s a normal price, maybe they don’t have to reduce it, but that’s more on the annual price, \$25,000.00 that are for small charities may be a little bit too high.

COMMUNICATIONS AND TRUST

Reaction to the tone and tenor of ICANN communications varied—some found them friendly and helpful, others felt they were “top down” and cold.

- There is an impression that the communication methods designed to convey impartiality, which is accepted, but some don't believe impartiality was maintained:
 - There is the expectation that some players had greater access based on their involvement with other aspects of ICANN business.
 - And some perceived communications, especially around legal or financial matters, to be self-serving or even “corrupt.”



The tone of communication was bureaucratic and non-empathetic. That's just the tone. It doesn't mean that you didn't get satisfactory results and things of that nature.



Usually very friendly; there's no doubt about that. Sometimes I had the impression that they themselves needed to request (answers to) some of the questions that we raised in the initial phases, but I think that's okay, because that process was new for everyone, so even ICANN staff sometimes had to get back and clarify things before they talked to us. I think that's understandable.



END