UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures

COMMUNITY APPLICATIONS, specifically
COMMUNITY PRIORITY EVALUATION
CRITERIA & GUIDELINES

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Community Priority Evaluation (CPE) Procedure
Areas of Concern Identified as at 15 April 2020

Criterion #1: Community Establishment

Measured by 2 sub-criteria
- 1-A Delineation
  (slides 15-20)
- 1-B Extension
  (slides 21-24)

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria
- 2-A Nexus
  (slides 25-29)
- 2-B Uniqueness
  (Slides 30-33)

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
  (slides 34-36)
- 3-B Name Selection
  (slides 37-39)
- 3-C Content & Use
  (slides 40-42)
- 3-D Enforcement
  (slides 43-46)

Criterion #4: Community Endorsement

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

For 4-A and 4-B please refer to Googledoc

Focus on Community Priority Evaluation (CPE)

Community-based Applications

For the 2012 round of new gTLD applications, applicants were asked to indicate application type: (i) Community-based or (ii) Standard

- Community-based applications were meant to be in service of "communities"
- Must pass initial evaluation as with Standard applications before can proceed The Initial Evaluation[1] comprises

String Reviews	Applicant Reviews
o String similarity o Reserved names o DNS stability o Geographic names	o Demonstration of technical and operational capability o Demonstration of financial capability o Registry services reviews for DNS stability issues

- Benefit: eligible to participate in Community Priority Evaluation (CPE)
- In event of string contention, may opt for CPE subject to payment of a deposit by a specified date

[1] Module 2 of the 2012 Applicant Guidebook (AGB)

String Similarity & String Contention

String Similarity Panel is tasked to identify visual string similarities that would create a probability of user confusion, with help of algorithmic score
- Applied-for strings matching existing delegated TLDs, reserved names not allowed
- Care also taken to consider effect of IDN protocols, similarity to IDN ccTLDs

String Contention Sets
- All applied-for gTLD strings are reviewed against one another to identify similar strings which are placed in string contention sets for further evaluation
- So, there must be at least 2 applied-for strings identical or similar to have a string contention set
- There is direct contention and indirect contention to contend with
- Contention sets could be augmented or reduced or eliminated as result of Extended Evaluation or dispute resolution proceeding

What is CPE?

Community Priority Evaluation (CPE) is one of 2 major string contention resolution mechanisms

- Designed to give priority to Community-based applications that score high enough against Standard application(s) in the same contention set
- Prevailing in CPE as against other applications in same contention set grants priority ie it wins outright and can proceed where others in that contention set will not
- If there are 2 or more Community-based applications which opted for CPE and both or all of the prevail in CPE, then being on equal footing, resolution may achieved via Auction (Standard applications excluded)
- In 2012 round, CPE was undertaken by external consultants selected and appointed by ICANN Org (ie a CPE Provider/CPE Panel)
- The CPE Panel relied on a set of CPE Guidelines based on Criteria in AGB in evaluating Community-based applications which opted for CPE

History of Community Priority Evaluation (CPE)

Pre 2012- Round

Developing CPE

- Set up as a String Contention resolution mechanism
- Was to be undertaken by external consultants selected and appointed by ICANN Org (ie a CPE Provider/CPE Panel)
- CPE Provider selection was part of ICANN's review and selection process of independent evaluators – while ICANN Org published details of process [2], the level of community participation is unclear

We will circle back to this later

[2] https://newgtlds.icann.org/en/about/evaluation-panels-selection-process

CPE Provider & Guidelines [3]

The CPE Provider selected for 2012 Round was the Economic Intelligence Unit (EIU)

- CPE panel to review, score community applicants against 4 criteria: (1) Community Establishment (2) Nexus between Proposed String-Community (3) Registration Policies (4) Community Endorsement per AGB [4]
- Among other published CPE-related resources was the CPE Guidelines by EIU which acts as an accompanying document to the AGB, meant to provide additional clarity around the scoring principles in AGB [4]

Feedback on CPE Guidelines
- ICANN community feedback was sought on the draft guidelines [5]; ALAC provided comments vide ALAC Statement AL-ALAC-ST-0913-01-00-EN, 9 Sep 2013 [6]

[3] https://newgtlds.icann.org/en/applicants/cpe
[4] Per s. 4.2, Module 4 of the 2012 Applicant Guidebook (AGB)
[5] http://newgtlds.icann.org/en/announcements-and-media/announcement-4-16aug13-en
[6] https://atlarge.icann.org/en/correspondence/statement-cpe-guidelines-09sep13-en.pdf

2012 Round Implementation [3][4]

CPE was implemented as a method to resolve string contention occurring if a community application is both in contention and elects to pursue CP

Eligibility, in general, application must:
- Be self-designated as "Community Application"
- Have "Active" status
- Be in an unresolved contention set
- Not have a pending change request
- Not be in an active comment window for a recently approved change request

Also, all remaining applications in contention set must:
- Have completed evaluation
- Have no pending objections
- Have addressed all applicable GAC Advice
- Not be classified in the "High Risk" cat. Of Name Collision Occurrence Mgt Framework

Evaluation Criteria[4] & Guidelines Used [7]
- Independent analysis by panel from EIU reviewed, scored community applicant against the 4 criteria per 2012 AGB, guided by their CPE Guidelines of 27 Sep 2013

[7] https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf published at https://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en

2012 Round Outcomes

Circa 23 applied-for strings involving 27 applicants that opted for CPE were evaluated.[8] But many concerns have been raised around issues including:

- Suitability of EIU as CPE provider/ panel
  - Lack of expertise / understanding in "Community"
  - Bias towards structured communities eg trade association, clubs
  - Insufficient flexibility for loosely organized communities around cultural, ethnic-type interests
  - Imbalance in use of the notion of "support" vs "opposition"
  - Some applied rationale appeared contradictory from one contention set to another
- Resulting in many "worthy" applications failing to prevail in CPE
- And no appeals process against panel evaluation

[8] Drawn from https://newgtlds.icann.org/en/applicants/cpe

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CPE Criteria in 2012 Round

Surrounding the FOUR Criteria stated in the Applicant Guidebook, Module 4 s. 4.2

Criterion #1: Community Establishment

Measured by 2 sub-criteria
- 1-A Delineation
- 1-B Extension

Scoring
- Max of 4 points for Criterion #1
- Max of 2 points for each sub-criterion

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria
- 2-A Nexus
- 2-B Uniqueness

Scoring
- Max of 4 points for Criterion #2
- Max of 3 points for 2-A Nexus and max of 1 point for 2-B Uniqueness

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Scoring
- Max of 4 points for Criterion #3
- Max of 1 point for each sub-criterion

Criterion #4: Community Endorsement

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

Scoring
- Max of 4 points for Criterion #4
- Max of 2 points for each sub-criterion

Need at least 14 points of max 16 points to prevail in CPE

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

The CPE Provider selected for 2012 Round was the Economic Intelligence Unit (EIU)

Among other published CPE-related resources was the **CPE Guidelines by EIU, ver 1 of Aug 2013**

CPE Guidelines
- Are an accompanying document to the AGB, meant to provide additional clarity around the scoring principles in AGB [4]
- ICANN community feedback was sought on the draft; ALAC provided comments vide ALAC Statement AL-ALAC-ST-0913-01-00-EN, 9 Sep 2013 [6]

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN [6]

"On the whole, the ALAC welcomes the proposal of "Community Priority Evaluation (CPE) Guidelines" prepared by The Economist Intelligence Unit (EIU). It notes with satisfaction that the EIU has transposed the AGB Criteria into Evaluation Guidelines for what is intended to be an evidence based evaluation process. The ALAC supports the need for comprehensive community assessment to ensure the legitimacy of applicants and the long-term sustainability of their value proposals. Without re-opening the debate on the AGB themselves, the ALAC has several recommendations and observations to make based on the document, which was made open for Public Comment. Our comments follow the structure of the EIU's Guidelines document for ease of review."

[4] Per s. 4.2, Module 4 of the 2012 Applicant Guidebook (AGB
[6] https://atlarge.icann.org/en/correspondence/statement-cpe-guidelines-09sep13-en.pdf

Feedback on CPE Draft Guidelines: Exec Summary of AL-ALAC-ST-0918-03-01-EN

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

1–A Delineation

- Whilst it is important to establish this criterion clearly, history within the gTLD market has demonstrated that an assessment based on strict metrics alone falls short of expectations.

- Further indicators (markers) should be added to 1A. If there are two competing applicants purporting to represent a "community", then there should be other qualitative markers that can help differentiate the two.

- There are Communities who need protection through leadership and foresight – and the "clear delineation proposal" in 1-A does *not* provide such safeguard when comparing Western-based Communities with Traditional Cultures.

- Special care should be taken to protect "traditional knowledge" and "Indigenous Communities" that may not have the technological knowledge and ability to navigate the systems effectively.

1–B Extension

- Whilst we understand the need for a Top Level Domain to be representing the majority of people in a community, "Considerable Size" is a subjective metric, which needs to reflect context that may be diverse.

- There may be community applications from small countries like these island nations where the matter of "considerable size" may differ. The question then arises as to how applications from the Communities of such countries would have any chance of success when compared to applications supported by multi-national commercial entities anchoring a "community" around one of their products?

- Take another example based in Africa: The "Amharic" Community is limited in members and geographic dispersion. It is a linguistic and cultural Community located in Ethiopia. Why should it be given a low score when it is a valid Community?

- As in 1-A, there appears to be absolutely no safeguard for small Community applications if the sole criterion in 1-B is overall extension. The ALAC is therefore concerned that here again a strict arithmetical evaluation will discriminate against small Communities and therefore recommends that there be special consideration when the community is of special interest or endangered

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

2–A Nexus

- The ALAC appreciates the care that has gone into defining the Nexus. However, a concern has been raised in the special case of community applications made by a Diaspora and the Diaspora exceeds the original population of a country. Simple examples would be Niue (3500 living in New Zealand vs. 1500 in Niue) or Lebanon (14 million living elsewhere vs. 4.3 million in Lebanon). An application made by a Diaspora may therefore score higher than a local community application in the country of origin. Determining which of the two Communities should be prioritized is a difficult matter

3–A Eligibility

- For a geographic location community TLD, the current Guidelines take the example of Eligibility as applications that impose a geographical restriction for applicants, requiring that the registrant's physical address be within the boundaries of the location.

- The ALAC recommends that the Eligibility criterion be extended to registrants conducting business targeted at the location irrespective of their physical location. This should score better than an unrestricted approach thus the ALAC proposes a three level grading:
  - ❑ 2 = eligibility restricted to community members
  - ❑ 1 = eligibility restricted to service provision to community members
  - ❑ 0 = Largely unrestricted approach to eligibility

ALAC's Sep 2013 Statement on the Community Priority Evaluation (CPE) Guidelines Update from ICANN (Cont'd)

4-A Support and 4-B Opposition

- There is neither mention of individuals nor governments as recognized channels or sources of support or opposition. Some individuals may not be part of an institution or organization, but could potentially rally to make an endorsement or objection. Online petitions as well as crowd-sourcing and other forms of virtual Communities do not have the legal framework in place nor the strict hierarchy that this section appears to require for a letter of support or opposition to be endorsed.

- Extra care should be used in 4 – B, where "a group of non-negligible size" is too vague, and without measurable elements, may lead to a non-objective and gamed evaluation.

- The ALAC also re-iterates its concern regarding Community Support and Opposition, that the new gTLD Program has not been advertised enough to Communities worldwide. Evaluators should exercise care in using this criterion particularly when lack of opposition is observed.

- One failure of the ICANN process has been to give not enough time for Communities worldwide to understand their rights in objecting to applications that could be detrimental to their Community. In this respect and in the vast majority of cases, the Objections process at ICANN (and indeed the new gTLD Program altogether) was unknown when the window for Community Objections was open.

- With insufficient notice to the concerned Communities to respond and object, those who understand the mechanics of the new gTLD application process may be the first to respond and lend their support.

- Evaluating the level of Community support or opposition as determined in Criterion #4 is tricky in that support for the applicant will easily be found whilst opposition is less likely to be readily stated since potential opponents are less likely to be involved in the new gTLD Process. As a result, Communities that might benefit more from a specific gTLD, but are not aware of the new gTLD process taking place, will not have the chance of voicing their concerns unless they have been advised in advance of the opportunity to do so.

CPE: Fast Forward to the New gTLD SubPro PDP

Program Reviews Include, *inter alia*

- ❖ Final Issue Report Dec 2015 [9]
  - Guidance to SubPro PDP WG on changes needed to New gTLD Program
  - 4.4.5: Community Applications
- ❖ Revised Program Implementation Review Report (PIRR) January 2016 [10]
  - Examines effectiveness and efficiency of ICANN's implementation of New gTLD Program
  - Chap 4: Contention Resolution – CPE
- ❖ CPE Process Review per ICANN Board [10]
  - Scope 2: Application of CPE Criteria by CPE Provider
  - Scope 3: Compilation of Ref Material relied upon by CPE Provider re evaluations subject to pending Reconsideration Requests
- ❖ Council of Europe report DGI(2016)17 [12]
  - Chapters 3, 4, & 6

[9] https://gnso.icann.org/sites/default/files/file/field-file-attach/2016-12/subsequent-procedures-final-issue-04dec15-en.pdf
[10] https://newgtlds.icann.org/en/reviews/cct/implementation
[11] https://newgtlds.icann.org/en/applicants/cpe#process-review
[12] https://rm.coe.int/16806b5a14

New gTLD Subsequent Procedures PDP WG [13]

A GNSO PDP WG chartered in Jan 2016

- To evaluate what changes or additions need to be made to GNSO Introduction of New gTLD policy recommendations of 8 August 2007 [14]
- Any changes to policy would affect <u>future</u> Program procedures for introducing additional gTLDs – does not impact on legacy TLDs or ccTLDs or delegated new gTLDs in general
- Work Track 3 considered, *inter alia*:
  - Program Implementation Review Revised Report (PIRR)
  - Council of Europe report DGI(2016)17

[13] https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures
[14] https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm

SubPro PDP WG Initial Report 2018 (IR) [15]

Published for public comment 3 Jul – 26 Sep 2018

- Seeks to obtain input on the work of the New gTLD Subsequent Procedures PDP WG in evaluating what changes or additions need to be made to existing new gTLD policy recommendations. The document includes materials from the full Working Group and four sub-teams within the Working Group, Work Tracks 1-4.

- NB. A report of all public comments received was produced by GNSO staff and subsequently analysed by sub-teams under the same PDP WG.

[15 https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en

At-Large Comments to the SubPro IR 2018 [16]

ALAC Statement AL-ALAC-ST-0918-03-01-EN of 3 Oct 2018 has touched on:
- Maintaining preference over non-community based applications in if applicant prevails in CPE
- Need for more transparency and predictability for CPE process, evaluator/panellists
- Differential treatment for applicants from underserved regions in preparing applications, 1st time Community applicants
- Improvements to CPE needed:
  - ❖ More flexibility in definition of "Community", "membership", "association"
  - ❖ Clarity on evaluation procedures
  - ❖ Grass-root representation on CPE panels

[16] https://atlarge.icann.org/advice_statements/12103

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CPE: Exec Summary of AL-ALAC-ST-0918-03-01-EN

At-Large Comments to the Subsequent Procedures Initial Report 2018 [16]

Community Applications and CPE

"Community applications which end up in the CPE process should be able to trust that the process will be open and flexible enough to accommodate them. The ALAC offers a series of suggestions for improvement:

- …. the real issue is in ensuring that **members of the CPE have a full understanding of the types of communities** bringing applications forward and are able to **deal with them in a flexible way**. Arbitrarily restricted interpretations and limited definitions applied on an ad hoc basis discriminate against valid community applications which do not fit into prevailing assumptions
- … communities should continue to be given special consideration… the concept of membership must be flexible enough to take into account the fact that geographically dispersed communities often do not have traditional membership lists and should not be penalized for this.
- The CPE process needs to be more transparent and predictable. Details about all the procedures used in decision making must be available to applicants well in advance of the deadline for submissions; background information about CPE participants, including support teams must be fully available to enable conflict of interest oversight; and data/documentation/research materials consulted in decision making must be referenced and released as part of the decision
- It is **important the CPE team include representatives from grassroots community organizations** and the ALAC has offered to assist in this task.

Recap: ALAC STATEMENTS have touched on:

- Maintaining preference over non-community based applications in if applicant prevails in CPE
- Need for more transparency and predictability for CPE process, evaluator/panellists
- Improvements to CPE needed:
  - ❖ More flexibility in definition of "Community", "membership", "association"
  - ❖ Clarity on evaluation procedures
  - ❖ Grass-root representation on CPE panels
  - ❖ Flexibility in evaluating letters of support as some applications and their letters of support might be unconventional

[16] https://atlarge.icann.org/advice_statements/12103

Our Review Begins

Now, we examine the overall CPE Procedure, including:

- each of the FOUR Criteria stated in the Applicant Guidebook, Module 4 s. 4.2 and their corresponding sub-criteria; and

- the applicable Guidelines

Criterion #1: Community Establishment

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

Scoring
- Max of 4 points for Criterion #1
- Max of 2 points for each sub-criterion

Criterion #2: Nexus between Proposed String and Community

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

Scoring
- Max of 4 points for Criterion #2
- Max of 3 points for 2-A Nexus and max of 1 point for 2-B Uniqueness

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- **3-A Eligibility**
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Scoring
- Max of 4 points for Criterion #3
- Max of 1 point for each sub-criterion

Criterion #4: Community Endorsement

Measured by 2 sub-criteria
- **4-A Support**
- **4-B Opposition**

Scoring
- Max of 4 points for Criterion #4
- Max of 2 points for each sub-criterion

Review of <u>CPE Procedure</u> for Subsequent Procedures

Principles for Proposed Improvements

1. "Fairness"

- "Fairness" is arguably the most important goal; transparency and predictability are also desirable, but often predicated on "what we know or have experienced".

- Any criteria against which evaluation is based upon must incorporate a level of flexibility in order to enable "fairness" to be achieved.
  - ❑ Flexibility should be built into both the evaluation criteria and guidelines bound by high level guardrails

- Prevention of "false positives" and "false negatives" requires correct context – who's perspective matters

- One way to try and build-in "fairness" is to have grassroot participation with right expertise, broad perspectives on evaluation panels
  - ❑ Ask who would know or understand the nature of how different "communities" are recognized, organized, administered or even developed or galvanized?

2. "Communities"

- Were Community-based applications not meant to be in service of or for the benefit of "communities"?

- What do we mean by "communities"?
  - ❑ Different interpretations must be allowed for different usage of the term "communities" in the evaluation criteria and guidelines – in some cases, it is reasonable to ask whether the targeted persons or beneficiaries to a "community" can be perceived to relate to the "community" rather than if they are members of such a "community"
  - ❑ In particular, priority should be given towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even loosely organized but reasonably well-known groups or segments of society; and civil-society advocacy groups
  - ❑ Commercial grouping such as trade or business associations, commercially driven social, recreational, sporting clubs, while undoubtedly more defined, organized and well-resourced, should receive no more favor than the ones described above

3. Linked Sub-Criteria & Scoring

- The danger of using linked sub-criteria is it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion

- Even the AGB pg 4-9 states, "The utmost care has been taken to avoid any 'double-counting' – any negative aspect found in … one criterion should only be counted there and should not affect … other criteria." This aspect must be upheld.

- The scoring scale for each criterion should also be reviewed for appropriateness and sufficiency
  - ❑ Scoring based on a simple Yes-1 or No-0 should be used sparingly
  - ❑ Greater transparency is required as to the use of evaluation questions for scoring
  - ❑ Expansion of a scoring scale ought to be considered for criteria and/or sub-criteria which seek to cover a larger range of possible answers and/or where such criteria and/or sub-criteria inadvertently attracts greater emphasis or weight

Review of <u>CPE Procedure</u> for Subsequent Procedures

Principles for Proposed Improvements (Cont'd)

4. "Double Jeopardy"

- All applications are open to an Application Comment Period when they are publicly posted on ICANN's website
  - ❑ This is when applicants will be given opportunity to respond to comments (and/or Clarifying Questions) submitted by ICANN community / public
  - ❑ Unfavorable comments expected to be resolved or addressed voluntarily by respective applicants

- All applications are also subject to GAC Advice, GAC Early Warning, and/or filed Objections
  - ❑ Applicants will be given opportunity to respond to or address GAC Advice or GAC Early Warning
  - ❑ Objections are resolved through the available Objection Dispute Resolution Procedures (which are in turn dependent on objection type)

- CPE takes place after the above processes are completed. Therefore, under the Criterion #4: Community Endorsement which is measured in equally using sub-criteria A-4 Support and B-4 Opposition, it is important that any opposition which a Community-based application receives for purposes of CPE be neither a regurgitation or reframing of an already-resolved unfavorable comment, or a subject of GAC Advice or Early Warning or an already-resolved Objection, i.e. an opposition must not be "a second-bite of the cherry" to delay or block a Community-based application's progress.

5. Accountability & Access to Recourse

- As evaluators must be accountable for their determinations,
  - ❑ Every determination must contain rationales for each criteria and sub-criteria
  - ❑ Evaluators ought to be permitted to undertake some level of independent research to verify the veracity of statements made by the applicant in its application – such research should not be limited to information available on the Internet, but should include consultation with a subject matter expert (if one is absent from panel)
  - ❑ Evaluators ought to be encouraged to dialogue with applicant to ensure best possible understanding of statements in application – access to resources, word limits, language barriers all have unintended consequences

- Applicants should be given reasonable access to recourse against unfair determinations, but subject to checks against frivolous appeals
  - ❑ Recourse mechanism eg appeals, should be known before hand, and either affordable or attracts financial support for applicants in need (eg applicants that are granted Applicant Support)
  - ❑ Procedure must enable applicant to identify and raise any conflict of interest vis a vis any panelist in its CPE panel

Criterion #1: Community Establishment

Measured by 2 sub-criteria
- **1-A Delineation** (highlighted)
- 1-B Extension

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-A Delineation

Scoring

Existing
- 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.

Proposed Changes
- 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.

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC
Flexibility in determining "community"
- ☐ Fairness – "in who's perspective" matters
- ☐ Priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized
- ☐ Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Per: JC
- ☐ Threshold needs updating, also why exclude any groups based on a "deadline" any earlier than the application window?

Evaluation Guidelines

Existing
The following questions must be scored when evaluating the application:

Is the community clearly delineated?

Is there at least one entity mainly dedicated to the community?

Does the entity (referred to above) have documented evidence of community activities?

Has the community been active since at least September 2007?

Proposed Changes
The following questions must be scored when evaluating the application:

Is the community clearly delineated? Or is the community reasonably delineated?

Is there at least one entity mainly dedicated to the community?

Does the entity (referred to above) have documented evidence of community activities?

Has the community been active prior to the launch of this application window?

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-A Delineation

Definitions

Existing

- "Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – while still implying more of cohesion than a mere commonality of interest. Notably, as "community" is used throughout the application, there should be: (a) an awareness and recognition of a community among its members; (b) some understanding of the community's existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience—into the future

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC
Flexibility in determining "community"

Proposed Changes

- "Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – should be interpreted in a reasonably flexible manner but must be beyond a mere commonality of interest. Notably, as "community" is used throughout the application, there should be, as the case requires: (a) an awareness and recognition of a community among its members or by a relevant subject matter or community expert of regional or international standing; (b) some understanding of the community's existence prior to the launch of this application window; and (c) extended tenure or longevity—non-transience—into the future

Evaluation Guidelines

Existing

The "community," as it relates to Criterion #1, refers to the stated community in the application.

Consider the following:
- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.

Proposed Changes

The "community," as it relates to Criterion #1, refers to the stated target or beneficiary community in the application.

~~Consider the following:~~
~~Was the entity established to administer the community?~~
~~Does the entity's mission statement clearly identify the community?~~

~~Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.~~

Per: JC
❑ Deleting on account of duplication in following section

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-A Delineation

Definitions

Existing

- "Delineation" relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC
Flexibility in determining "community"
- ❑ Fairness – "in who's perspective" matters
- ❑ Priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized
- ❑ Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Proposed Changes

- "Delineation" relates to, as the case may be, whether the targeted persons or beneficiaries to the "community" or a group can be perceived to relate to that "community" where they are not strictly members of such a "community"
  - ❑ A community which exhibits a clear and straight-forward membership definition scores high eg. any subscription-based organization such as a trade association, or a membership-based club
  - ❑ A community which exists according to a relevant subject matter or community expert will also score high eg. marginalized or minority groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and Indigenous Communities, or a segment of society
  - ❑ A community which can reasonably be delineated and is pre-existing but whose target or beneficiaries may not necessarily be members of a "community" but can relate to or identify themselves with that "community" will score mid-range
  - ❑ While an unclear or unbound definition scores low

Evaluation Guidelines

Existing

"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members.

The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc.

Proposed Changes

"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members or by a relevant subject matter or community expert.

The following non-exhaustive list denotes elements of a community:
- ❑ In the case of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc
- ❑ In the case of non-straight-forward member definitions: as defined by a relevant subject matter or community expert

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-A Delineation

Definitions

Existing

- "Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007.

- "Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.

> **Per: JC**
> ❑ Threshold needs updating, also why exclude any groups based on a "deadline" any earlier than the application window?

Proposed Changes

- "Pre-existing" means that a community has been recognized as existing prior to the launch of this application window

- None

> **Per: AAS, JB**
> ❑ The phrase "administer the community" isn't defined in the AGB – should be interpreted loosely and not to mean authoritatively control or exercise control over community.

Evaluation Guidelines

Existing

N/A

"Mainly" could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization.

Consider the following:
- *Was the entity established to administer the community?*
- *Does the entity's mission statement clearly identify the community?*

Proposed Changes

N/A

"Mainly" could imply that the entity administering or supporting the community may have additional roles/functions beyond administering or supporting the community, but one of the key or primary purposes/ functions of the entity is to administer or support the community or a community organization.

Consider the following:
- *Was the entity established to administer or support the community?*
- *Does the entity's mission statement clearly identify the community?*

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Criterion 1-A Delineation Guidelines

Criterion 1-A Guidelines

Existing

- With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension."

- With respect to "Delineation," if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2.

Proposed Changes

- With respect to "Delineation", it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members or the requisite recognition of the community is established by a relevant subject matter or community expert.

- None

Evaluation Guidelines

Existing

With respect to the Community, consider the following:

- *Are community members aware of the existence of the community as defined by the entity?*
- *Do community members recognize the community as defined by the entity?*
- *Is there clear evidence of such awareness and recognition?*

> Per: EC
> Eliminate danger of using linked sub-criteria as it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion

> Per: ALAC-2013

Proposed Changes

With respect to the Community, consider the following:

- *Are community members aware of the existence of the community as defined by the entity or a relevant subject matter or community expert?*
- *Do community members recognize the community as defined by the entity or a relevant subject matter or community expert?*
- *Are targeted or beneficiary members of the community a recognized segment or grouping of society?*
- *Is there clear evidence of such awareness and/or recognition?*

If there are two competing applicants purporting to represent a "community", then there should be other qualitative markers that can help differentiate the two.

Criterion #1: Community Establishment

Measured by 2 sub-criteria
- 1-A Delineation
- <mark>1-B Extension</mark>

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-B Extension

Scoring

Existing
- 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

Proposed Changes
- 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

> Per: AAS, JC
> ❑ Deleting redundant words which in fact causes confusion

Evaluation Guidelines

Existing
The following questions must be scored when evaluating the application:

Is the community of considerable size?

Does the community demonstrate longevity?

Proposed Changes
The following questions must be scored when evaluating the application:

Is the designated community of considerable size?

Does the designated community demonstrate longevity?

Definitions

Existing
- "Extension" relates to the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime, as further explained in the following. (i.e. "Size" and "Longevity")

Proposed Changes
- None

> No change proposed subject to 1-B Extension being de-linked from 1-A Delineation altogether so that panelist avoid danger of carrying bias or prejudice in one sub-criterion over to another sub-criterion

Evaluation Guidelines

Existing
N/A

Proposed Changes
N/A

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Sub-criterion: 1-B Extension

Definitions

Existing

- "Size" relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size."

- "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.

Proposed Changes

- None

- None

Evaluation Guidelines

Existing

Consider the following:

- *Is the designated community large in terms of membership and/or geographic dispersion?*

Proposed Changes

None

Per: OCL, JC
- ❑ "Size" and "Longevity" as defined are fine but sole focus must be on examining the designated community without any perception that community must have a legal organisation or organised group of people coordinate it
- ❑ Therefore, 1-B Extension must be de-linked from 1-A Delineation altogether so that panelist avoid danger of carrying bias or prejudice in one sub-criterion over to another sub-criterion (see next slide)

- *Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the community forward-looking (i.e. will it continue to exist in the future)?*

- *Is the designated community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?*
- *Is the designated community forward-looking (i.e. will it continue to exist in the future)?*

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #1: Community Establishment; Criterion 1-B Extension Guidelines

Criterion 1-B Guidelines

Existing

- With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension.

- With respect to "Extension," if an application satisfactorily demonstrates both community size and longevity, it scores a 2.

Proposed Changes

- ~~With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension.~~

- None

Evaluation Guidelines

Existing
N/A

Proposed Changes
N/A

Per: EC, JC
- Eliminate danger of using linked sub-criteria as it forces evaluators to score essentially the same aspect and allows bias or prejudice in one sub-criterion to be automatically carried over to another sub-criterion
- "Extension" should be limited to "Size" and "Longevity" of designated community

---

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, JB
Flexibility in determining "community"
- Must avoid clear bias towards "legal entities" or "a logical alliance of community" as both imply a requirement that community must have a legal organisation or organised group of people coordinate it
- Results in loss of priority towards marginalized groups; linguistic, cultural, ethnic groupings, "traditional knowledge" and "Indigenous Communities, even if loosely organized

---

Per: ALAC-2013, EC, OCL, MM, AG, HR, JC, JB
Flexibility in determining "community"
- Fairness – "awareness and recognition in who's perspective" matters
- Different interpretations must be allowed for different usage of the term "communities" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria
- <mark>2-A Nexus</mark>
- 2-B Uniqueness

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Sub-criterion: 2-A Nexus

Scoring

Existing

- 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

Proposed Changes

- 3= The string matches the name of the designated community or is a well-known short-form or abbreviation of the designated community
- 2= String identifies the designated community, but does not qualify for a score of 3
- 0= String nexus does not fulfill the requirements for a score of 2

Evaluation Guidelines

Existing

The following questions must be scored when evaluating the application:

Does the string match the name of the community or is it a well-known short-form or abbreviation of the community name? The name may be, but does not need to be, the name of an organization dedicated to the community.

Proposed Changes

The following questions must be scored when evaluating the application:

Does the string match the name of the designated community or is it a well-known short-form or abbreviation of the designated community name? The name may be, but does not need to be, the name of an organization dedicated to the designated community.

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Sub-criterion: 2-A Nexus

Definitions

Existing

- "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.

Proposed Changes

- None

Evaluation Guidelines

Existing

- "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.

Proposed Changes

- "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 (a) other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups; or (b) a relevant subject matter or community expert of regional or international standing.

Per: OCL, JC
- ❑ Eliminate potential barrier faced by small org applicant?
- ❑ Extend recognition beyond organizations to include subject matter or community expert?

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Sub-criterion: 2-A Nexus

Definitions

Existing
- "Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.

Proposed Changes
- "Identify" means that the applied for string closely describes the designated community or the community members, without over-reaching substantially beyond the community.

Evaluation Guidelines

Existing
- "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
- "Identify" does not simply mean 'describe', but means 'closely describes the community'.
- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Consider the following:
- *Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant's community?*
- *Does the string capture a wider geographical/thematic remit than the community has? The "community" refers to the community as defined by the applicant.*
- *An Internet search should be utilized to help understand whether the string identifies the community and is known by others.*
- *Consider whether the application mission statement, community responses, and websites align.*

Proposed Changes
- "Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'.
- "Identify" does not simply mean 'describe', but means 'closely describes the community'.
- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Consider the following:
- *Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant's community?*
- *Does the string capture a wider geographical/thematic remit than the community has? The "community" refers to the community as defined by the applicant.*
- *An Internet search or 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.*
- *Consider whether the application mission statement, community responses, and websites align.*

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Criterion 2-A Nexus Guidelines

Criterion 2-A Guidelines

Existing

- With respect to "Nexus," for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community.

- With respect to "Nexus," <mark>" for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community</mark>. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for ".TENNIS") then it would not qualify for a 2.

Proposed Changes

- None

- With respect to "Nexus," for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for ".TENNIS") then it would not qualify for a 2. [Who would qualify for a 2 in applying for ".TENNIS"?]

Evaluation Guidelines

Existing
N/A

Proposed Changes
N/A

Per: FTI Review Report extract at https://mm.icann.org/pipermail/gnso-newgtld-wg/2019-October/002081.html
- ❑ In order to **receive the maximum score of three points**, the applied-for string must: (i) "identify" the community; **and** (ii) match the name of the community or be a well-known short-form or abbreviation of the community

---

Per: EC, JB; also FTI Review Report extract (as above)
Flexibility in determining "community"
- ❑ Fairness – different interpretations must be allowed for different usage of the term "community" or "community members" – in some cases, it is reasonable to ask if a group can be perceived to relate to or identify with the "community" rather than if they are members themselves; so long as there is no substantial over-reach
- ❑ The "OR" suggests two possible paths to scoring a 2 but this was not applied by EIU; panelist should not be permitted to require that the applied-for string closely describes both "community" and "community members", and both paths must remain an option for the applicant to receive 2 points – in the example of ".TENNIS", it is unclear who would qualify for a 2 in applying for ".TENNIS"?

Per: JC:
- ❑ Difficult to address since highly dependent on facts, applicant's statements
- ❑ Perhaps, the issue of "applied-for string closely describing the community or community members" can only be feasibly addressed from the point of view of being consistently applied across applications and subject to appeal?

Criterion #2: Nexus between Proposed String and Community

Measured by 2 sub-criteria
- 2-A Nexus
- <mark>2-B Uniqueness</mark>

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Sub-criterion: 2-B Uniqueness

Scoring

Existing

- 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.

Proposed Changes

- None

Evaluation Guidelines

Existing

The following questions must be scored when evaluating the application:

Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application?

Proposed Changes

None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Sub-criterion: 2-B Uniqueness

Definitions

Existing
- "Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.

Proposed Changes
- None

Existing
- "Significant meaning" relates to the public in general, with consideration of the community language context added.

Proposed Changes
- None

> Per: OCL
> ❑ Again here there is a mix between the need for legal entities and communities other than the one referred to in the application. So a local community might have a problem that it might not be the sole local community in the world using that name - Do we want to open the door to small local communities, bearing in mind this might also lower the bar for fake local communities to apply, or do we want to privilege size of organisation as a warrant for legitimacy?
>
> Per: MM
> ❑ It would take an organization with sizable resources to sustain an application given its cost - so, just being realistic, if we could level the playing field for legitimate larger organizations , we would be doing well.

Evaluation Guidelines

Existing
- "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

Proposed Changes
- None.

Consider the following
- *Will the public in general immediately think of the applying community when thinking of the applied-for string?*
- *If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.*
- *Is the geography or activity implied by the string?*
- *Is the size and delineation of the community inconsistent with the string?*
- *An internet search should be utilized to find out ==whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application==.*

None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #2: Nexus b/n Proposed String and Community; Criterion 2-B Uniqueness Guidelines

Criterion 2-B Guidelines

Existing

- "Uniqueness" will be scored both with regard to the community context and from a general point of view. For example, a string for a particular geographic location community may seem unique from a general perspective, but would not score a 1 for uniqueness if it carries another significant meaning in the common language used in the relevant community location. The phrasing "...beyond identifying the community" in the score of 1 for "uniqueness" implies a requirement that the string does identify the community, i.e. scores 2 or 3 for "Nexus," in order to be eligible for a score of 1 for "Uniqueness."

Proposed Changes

- None

Criterion 2-B Guidelines (Cont'd)

Existing

- It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."

Proposed Changes

- None

Evaluation Guidelines

Existing

N/A

Proposed Changes

N/A

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Sub-criterion: 3-A Eligibility

Scoring

Existing
- 1= Eligibility restricted to community members
- 0= Largely unrestricted approach to eligibility

Proposed Changes
- 3 = Eligibility strictly restricted to community members
- 2 = Eligibility loosely restricted to community members
- 0 = Largely unrestricted approach to eligibility

> Per: OCL
> ❑ Scoring for this is not high enough. A Community TLD really should be for the Community, not for everyone
>
> Per: MM
> ❑ Eligibility restricted is not an unknown concept. However, it does need to be nuanced. The community itself must have a plan to manage this.

Evaluation Guidelines

Existing
The following question must be scored when evaluating the application:

Is eligibility for being allowed as a registrant restricted?

Proposed Changes
The following question must be scored when evaluating the application:

Is eligibility for being allowed as a registrant strictly restricted?

Is some loose form of registration policy intended to apply?

Definition

Existing
- "Eligibility" means the qualifications that organizations or individuals must have in order to be allowed as registrants by the registry.

Proposed Changes
- "Eligibility" means the qualifications or characteristics that organizations or individuals must have in order to be allowed as registrants by the registry.

Evaluation Guidelines

Existing
N/A

Proposed Changes
N/A

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Criterion 3-A Eligibility Guidelines

<u>Criterion 3-A Guidelines</u>

<u>Existing</u>
- With respect to "eligibility' the limitation to community "members" can invoke a formal membership but can also be satisfied in other ways, depending on the structure and orientation of the community at hand. For example, for a geographic location community TLD, a limitation to members of the community can be achieved by requiring that the registrant's physical address be within the boundaries of the location.

<u>Proposed Changes</u>
- None

<u>Evaluation Guidelines</u>

<u>Existing</u>
N/A

<u>Proposed Changes</u>
N/A

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Sub-criterion: 3-B Name Selection

Scoring

Existing
- 1= Policies include name selection rules consistent with the articulated community-based purpose of the applied-for TLD
- 0= Policies do not fulfill the requirements for a score of 1

Proposed Changes
- None

Evaluation Guidelines

Existing
The following questions must be scored when evaluating the application:

Do the applicant's policies include name selection rules?

Are name selection rules consistent with the articulated community-based purpose of the applied-for gTLD?

Proposed Changes
None

Definition

Existing
- "Name selection" means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.

Proposed Changes
- None

Evaluation Guidelines

Existing
Consider the following

Are the name selection rules consistent with the entity's mission statement?

Proposed Changes
None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Criterion 3-B Name Selection Guidelines

Criterion 3-B Guidelines

<u>Existing</u>
- With respect to "Name selection," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.

<u>Proposed Changes</u>
- None

Evaluation Guidelines

<u>Existing</u>
N/A

<u>Proposed Changes</u>
N/A

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Sub-criterion: 3-C Content and Use

Scoring

Existing
- 1= Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for TLD
- 0= Policies do not fulfill the requirements for a score of 1

Proposed Changes
- None

Evaluation Guidelines

Existing
The following questions must be scored when evaluating the application:

Do the applicant's policies include content and use rules?

If yes, are content and use rules consistent with the articulated community-based purpose of the applied-for gTLD?

Proposed Changes
None

Definition

Existing
- "Content and use" means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.

Proposed Changes
- None

Evaluation Guidelines

Existing
Consider the following

Are the content and use rules consistent with the applicant's mission statement?

Proposed Changes
None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Criterion 3-C Content and Use Guidelines

Criterion 3-C Guidelines

<u>Existing</u>

- With respect to "Content and Use," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.

<u>Proposed Changes</u>

- None

Evaluation Guidelines

<u>Existing</u>

N/A

<u>Proposed Changes</u>

N/A

Criterion #3: Registration Policies

Measured by 4 sub-criteria
- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Sub-criterion: 3-D Enforcement

Scoring

Existing

- 1= Policies include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms
- 0= Policies do not fulfill the requirements for a score of 1

Proposed Changes

- None

Evaluation Guidelines

Existing

The following question must be scored when evaluating the application:

Do the policies include specific enforcement measures constituting a coherent set with appropriate appeal mechanisms?

Proposed Changes

None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Sub-criterion: 3-D Enforcement

Definition

Existing

- "Enforcement" means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.

Proposed Changes

- None

Evaluation Guidelines

Existing

"Coherent set" refers to enforcement measures that ensure continued accountability to the named community, and can include investigation practices, penalties, and takedown procedures with appropriate appeal mechanisms. This includes screening procedures for registrants, and provisions to prevent and remedy any breaches of its terms by registrants.

Consider the following.
Do the enforcement measures include:

- *Investigation practices*
- *Penalties*
- *Takedown procedures (e.g., removing the string)*
- *Whether such measures are aligned with the community-based purpose of the TLD*
- *Whether such measures demonstrate continuing accountability to the community named in the application*

Proposed Changes
None

Review of <u>CPE Criteria & Guidelines</u> for SubPro

Criterion #3: Registration Policies; Criterion 3-D Enforcement Guidelines

Criterion 3-D Guidelines

<u>Existing</u>
- With respect to "Enforcement," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.

<u>Proposed Changes</u>
- None

Evaluation Guidelines

<u>Existing</u>
N/A

<u>Proposed Changes</u>
N/A

Criterion #4: Community Endorsement

Measured by 2 sub-criteria
- ==4-A Support==
- ==4-B Opposition==

- Go to Googledoc