

At-Large New gTLD Auction Rules Workspace

Comment Close Date	Statement Name	Status	Assignee (s) and RALO(s)	Call for Comments	Call for Comments Close	Vote Announcement	Vote Open	Vote Reminder	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
14.01.2014	New gTLD Auction Rules	No Statement	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Russ Weinstein russ.weinstein@icann.org	n/a

Comment / Reply Periods (*)

Comment Open Date:
17 December 2013
Comment Close Date:
14 January 2014 - 23:59 UTC
Reply Open Date:
15 January 2014
Reply Close Date:
4 February 2014 - 23:59 UTC

Important Information Links

[Public Comment Announcement](#)
[To Submit Your Comments \(Forum\)](#)
[View Comments Submitted](#)

Brief Overview

Originating Organization:
Global Domains Division
Categories/Tags:

- New gTLD Auctions

Purpose (Brief):

To gather community input regarding the detailed rules and processes for Auctions to resolve string contention sets in the New gTLD Program.

Current Status:

The Auction Rules (version 2013.12.12) have been updated since the publication of the Preliminary Auction Rules on 1 Nov 2013 based on community feedback, including feedback received in Webinars and sessions at the ICANN 48 meeting in Buenos Aires. Additionally the Bidder's Agreement, Bidder forms, and a Draft Auction Schedule have been published for community input.

Next Steps:

Based on public comment feedback, a final set of Auction Rules and Bidder's Agreement will be published and New gTLD Auctions to resolve string contention sets will be implemented and executed per the rules.

Staff Contact:

Russ Weinstein
[Email Staff Contact](#)

Detailed Information

Section I: Description, Explanation, and Purpose:

ICANN is pleased to announce the publication of an updated version (2013.12.12) of the Auction Rules, the Bidder Agreement, the Bidder Forms, and a Draft Auction Schedule for community review. The Auction Rules have been updated since the initial release of the Preliminary Auction Rules on 1 Nov 2013 based on feedback received including during the Auctions Webinar on 7 November 2013 and the ICANN 48 Meeting in Buenos Aires. The documents being published for comment are:

- Auction Rules version 2013.12.12 – provides a detailed insight into all facets of the Auctions program, including eligibility, scheduling considerations, preparation procedures, deposits, bidding limits, bidding procedures, the conclusion of auctions, payments and refunds. This version of the Auction Rules only addresses Contention Sets with direct contention relationships; an update or addendum will be published at later time to address Contention Sets with both direct and indirect contention relationships.
- Bidder Forms – allows an applicant to designate itself or another entity to act as the bidder on its behalf. These forms will be used by ICANN and Power Auctions (the Auction Manager) to perform due diligence, set up a bank subaccount and a user account on the Auction Site. The bidder forms must be completed for each application participating in an Auction.
- Bidder Agreement – an agreement between the Applicant and/or Bidder and Power Auctions, detailing the roles and responsibilities of each of these parties in the Auction process. The Bidder Agreement must be executed at least one time for each Applicant, and if an applicant utilizes a Designated Bidder, the agreement must be executed for each unique configuration of Applicant and Designated Bidder.
- Draft Auction Schedule – Using the preliminary contention sets which do not include the effect any objection determinations may have, a Draft Auction Schedule has been created. This schedule utilizes the scheduling criteria defined in the Auction Rules but, due to the dynamic nature of application status, does not take into account the eligibility requirements for a contention set to be sent to Auction by ICANN as defined in the Applicant Guide Book and the Auction Rules. Should contention sets either resolve prior to their scheduled Auction or not yet be eligible for an Auction, ICANN will adjust the schedule in attempt to maintain approximately 20 contention sets per Auction.

ICANN intends to publish a Master Escrow agreement between ICANN, Power Auctions and the Escrow Provider for informational purposes prior to the conclusion of the public comment period. It is not envisioned that Bidders will execute an agreement with the Escrow Provider; rather the Bidder's Agreement will create a relationship where the Bidder will be a third party beneficiary to the Escrow Agreement. The Escrow provider will establish accounts by Bidder to securely hold deposits, issue refunds to Bidders based on the Auction Results, and collect winning fees on behalf of ICANN.

All feedback will be taken into account, but community feedback on the following topics will be especially helpful.

- The pace and schedule of auctions to resolve all outstanding contention sets
- The duration of auction rounds and recesses between rounds
- The effects of the Name Collision issues on the eligibility for auction of a contention set

With the input from the community in this public comment period, ICANN will complete and publish the Auction Rules, Bidder's Agreement, Bidder Forms and move forward to administer Auctions to resolve string contention sets on the new gTLD program.

Section II: Background:

Section 4.3 of the Applicant Guidebook describes auctions as the last resort method to resolve string contention sets. This section provides for an Ascending Clock Auction methodology and provides an overview of the process and simplified illustrations of the execution of a contention set auction. On 1 November 2013, a preliminary version of the Auction rules was published. The Auction Rules were published as preliminary because there were several aspects related to scheduling that would benefit from community feedback prior to finalization and execution of the Auction program. The Auction Rules have since been updated to provide more details of the Auction processes and procedures as well as to incorporate community feedback received since the initial publication.

Section III: Document and Resource Links:

[Applicant Guide Book section 4.3](#) [PDF, 429 KB]

[New gTLD Auction Rules 2013.12.12](#) [PDF, 323 KB]

[New gTLD Auction Rules_1Nov13](#) [PDF, 235 KB] (Preliminary)

[Redline of Auction Rules 2013.12.12 to 2013.11.01](#) [PDF, 352 KB] (Comparison of current version to preliminary)

[Draft Auction Schedule 2013.12.16](#) [PDF, 308 KB]

[New gTLD Auction Bidder Agreement](#) [PDF, 171 KB]

[New gTLD Auction Bidder Forms](#) [PDF, 241 KB]

Section IV: Additional Information:

N/A

FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.