At-Large Community Priority Evaluation (CPE) Guidelines Update from ICANN 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
07.09.2013	Community Priority Evaluation (CPE) Guidelines Update from ICANN	Adopted 11Y, 0N, 0A	• Olivier Crepin-Leblond (EURALO) • Rinalia Abdul Rahim (APRALO)	TBC	29.08.2013	30.08.2013	30.08.2013	04.09.2013	05.09.2013	06.09.2013	n/a	AL-ALAC-ST-0913-02-00-EN

Community Priority Evaluation Guidelines Posted for Community Review and Input

16 August 2013

Community Priority Evaluation (CPE) is slated to begin in late September, 2013. In preparation, the CPE panel firm has developed a set of guidelines that are based on the criteria in the Applicant Guidebook. These guidelines were developed by the CPE panel firm to ensure quality and consistency in the evaluation process.

View the guidelines document » [PDF, 803 KB]

If you would like to provide input on this document for the panel firm's consideration, please send them to newgtld-cpe@icann.org. The due date for submitting feedback on the guidelines document is 30 August 2013 at 23:59 UTC. All feedback will be forwarded to the CPE panel firm for consideration and inclusion in their guidelines document, at their discretion. A finalized version of the CPE guidelines document will be published in early September 2013.

Learn more about Community Priority Evaluation »

(NOTE: This announcement was updated on 21 August 2013. The new deadline for submitting feedback on the CPE Guidelines document has been changed to **7 September 2013 at 23:59 UTC** to allow more time for review and feedback.)

Please click here to download a copy of the PDF below.

FINAL VERSION TO BE SUBMITTED IF RATIFIED

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FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

Community Priority Evaluation Guidelines Posted for Community Review and Input

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 Applicant Guidebook 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 Applicant Guidebook Guidelines 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.

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.

For example, consider a large firm deciding to apply for .maasai, supporting a clearly delineated online community around a product named "Maasai" and already holding a trademark on the word "Maasai". Then consider a Maasai Elder in the process of protecting their traditional name. Ron Layton of Light Years IP argues that the Maasai brand is worth $10million. Intellectual Property and Traditional cultural expressions have been the subject of global discussions as early as 1967 when there was an amendment to the Berne Convention for the Protection of Artistic and Literary Works for the protection of unpublished and anonymous works. Whilst Trademarks work in a manner where it is first come first serve, there has to be some level of moral and ethical consideration when it comes to reservation of names for Communities and not allowing them to be exploited.

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.

Take for example the context of the Pacific Islands where the population size is diverse: Niue has 1300 inhabitants whereas Papua New Guinea has a population of 8 million people. Tuvalu (.tv), Palau (.pw), Tokelau (.tk) and Niue (.nu) are examples of small countries. 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.

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

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.

--- END OF STATEMENT ---

FIRST DRAFT SUBMITTED

The ALAC notes that ICANN has appointed the Economist Intelligence Unit (EIU) as the sole new gTLD Community Priority Evaluation (CPE) panel firm and that the firm has developed a set of guidelines for CPE, which is open for stakeholder feedback from 16 August - 9 September 2013 (http://newgtlds. icann.org/en/announcements-and-media/announcement-4-16aug13-en).

Selection of Evaluator

We seek clarification on the following regarding the selection of the CPE panel firm:

1. Was there an open call for tender?
2. What were the selected channels for the call for tender?
3. Was the call for tender only made in the English language and targeted exclusively at the English-speaking world?
4. Were the criteria for selection published and have they changed since initial publication?
5. How many applications were considered and who made the selection decision?
6. What are the terms of the CPE service provision contract (i.e., remuneration, confidentiality clause, obligations to include certain segments of the Internet user community, etc.)?
7. Why was InterConnect Communications dropped from the CPE panel firm appointees?

Community Expertise

The ALAC has raised concerns about the sufficiency of community expertise in the CPE panel firm via our Statement to the ICANN Board dated 9 August 2013 (**AL-ALAC-ST-0813-03-00-EN**). We re-iterate our concern that the EIU may have a natural familiarity and pre-disposition toward business that may discriminate against applications emphasizing community service. We wish to stress the importance of ensuring sufficient and relevant community-related expertise among the team of evaluators conducting the CPE evaluation.

We request further clarification on the EIU and its evaluation team, criteria and principles:

1. How has the EIU demonstrated its competence in evaluating proposals related to public communities?
2. How diverse is the team of EIU evaluators and how well do they match the needs of the new gTLD applications opting for CPE?
3. On "EIU evaluators are selected based on their knowledge of specific countries, regions and/or industries, as they pertain to Applications" – How would the evaluators treat applications that are global in scope and do not pertain to industries? (Example: the community of kids; the gay community).
4. On "All EIU evaluators must undergo training and be fully cognizant of all CPE requirements as listed in the Applicant Guidebook. This process will include a pilot testing process" - Who will conduct the training for the EIU evaluators? What is the level of understanding about communities among the trainers? How would understanding of what a community is be facilitated given that the Applicant Guidebook does not have a clear and agreed definition of "community"? How would the sufficiency of community expertise among the evaluators be ascertained and ensured? (Recommendation: The team of evaluators should have both a broad understanding of the Domain Name System as well as specific knowledge of the Domain Name System market in under-served communities).
5. On "All Applications will subsequently be reviewed by members of the core project team to verify accuracy and compliance with the AGB, and to ensure consistency of approach across all applications" – What is the recourse when these cannot be verified?

CPE Guidelines Developed by the EIU

(Awaiting community input – if any)

Additional Recommendations on the CPE

Note to the ALAC: The Community TLD Applicant Group (CTAG) is requesting for the following consideration in the CPE via a letter from the CTAG to the ICANN Vice President of gTLD Operations dated 1 August 2013. Please provide feedback on whether any of these recommendations should be included in the ALAC Statement:

- Permit the expert panelists to consult with applicants for clarifications, especially when it would be significant in their grading.
- Provide a transparent result to community applicants after the CPE so they can know the criteria on which and why they did not receive the maximum score.
- Allow a community applicant that does not pass the evaluation to discuss the results with the expert panel, and allow for reconsideration by the expert panel after such discussions.
- Implement a CPE review mechanism by the NGPC for all applicants that achieved a threshold-level score in the test, but did not pass. The threshold would be determined by the NGPC.