

At-Large Proposed Review Mechanism to Address Perceived Inconsistent Expert Determinations on String Confusion Objections 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
11.03.2014	Proposed Review Mechanism to Address Perceived Inconsistent Expert Determinations on String Confusion Objections	ADOPTED 15Y, 0N, 0A	Alan Greenberg (NARALO)	20.02.2014	28.02.2014 12:00 UTC	28.02.2014	28.02.2014 20:00 UTC	06.03.2014	07.03.2014 20:00 UTC	07.03.2014	Christine Willett christine.willett@icann.org

For more information about this PC, please click [here](#) >>



Comment / Reply Periods (*)

Comment Open Date: 11 February 2014
Comment Close Date: 11 March 2014 - 23:59 UTC
Reply Open Date: 12 March 2014
Reply Close Date: 2 April 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:

- Contracted Party Agreements
- New gTLD Program
- Reviews/Improvements
- Top-Level Domains

Purpose (Brief):

To solicit community input regarding a proposed review mechanism to address perceived inconsistent Expert Determinations in the String Confusion Objection process in the New gTLD Program. The review mechanism will be limited to the Expert Determinations made on String Confusion objections for .CAR/.CARS and .CAM/.COM.

Current Status:

The String Confusion Objections are administered by the International Centre for Dispute Resolution (ICDR). Expert Determinations have been issued by the ICDR for all String Confusion Objections filed.

Next Steps:

After reviewing feedback from the public comment forum, the ICANN Board New gTLD Program Committee (NGPC) will consider options to address the perceived inconsistent String Confusion Objection Expert Determinations, including whether to allow the Expert Determinations to stand as is, and whether or not to adopt the proposed review mechanism.

Staff Contact:

Christine Willett
[Email Staff Contact](#)

Detailed Information

Section I: Description, Explanation, and Purpose:

At the direction of the ICANN Board New gTLD Program Committee (NGPC), ICANN is soliciting public comment on a proposed review mechanism to address the perceived inconsistent Expert Determinations in certain New gTLD Program String Confusion Objection proceedings. The proposed review mechanism will be limited to the String Confusion Objection Expert Determinations for .CAR/.CARS and .CAM/.COM.

If adopted, the review mechanism would constitute a change to the String Confusion Objection process in the New gTLD Applicant Guidebook. Given that the proposal to implement this review mechanism could affect the outcomes of one or more of String Confusion Objections – a process that was informed by years of debate and public comment as part of the development of the New gTLD Applicant Guidebook – the proposed review mechanism is being published for public comment.

Section II: Background:

The New gTLD Applicant Guidebook (Guidebook) identifies four grounds upon which a formal objection may be filed against a gTLD application. One such objection is a String Confusion Objection (SCO), which may be filed by an objector (meeting the standing requirements) on the grounds that an applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string in the same round of applications. If successful, a SCO could change the configuration of the preliminary contention sets in that the two applied-for gTLD strings will be considered to be in contention with one another (see Guidebook Module 4, String Contention Procedures). The SCOs are administered by the International Centre for Dispute Resolution (ICDR). Expert Determinations have been issued by the ICDR for all String Confusion Objections filed.

Some members of the community have commented on perceived "inconsistent" SCO Expert Determinations. The NGPC has monitored the SCO Expert Determinations over the past several months, and discussed the community comments at more than one of its meetings. Also, on [10 October 2013](#) [PDF, 132 KB] the Board Governance Committee (BGC) asked staff to draft a report for the NGPC on String Confusion Objections as some requestors commented on "inconsistencies" in certain SCO Expert Determinations.

Following on from the staff report on String Confusion Objections, the NGPC identified two sets of perceived "inconsistent" SCO Expert Determinations (i.e. objections raised by the same objector against different applications for the same string, where the outcomes of the SCOs differ). At its 5 February 2014 meeting, the NGPC took action to direct the ICANN President and CEO, or his designee, to initiate a public comment period on the framework principles of a potential review mechanism to address the perceived inconsistent SCO Expert Determinations.

Section III: Document and Resource Links:

- [Proposed Review Mechanism to Address the Perceived Inconsistent Expert Determinations of NewgTLD Program String Confusion Objections: Framework Principles](#) [PDF, 496 KB]
- [New gTLD Applicant Guidebook, Module 4](#) [PDF, 429 KB]
- ICANN Board New gTLD Program Committee [Resolution 2014.02.05.NG02](#)
- [String Confusion Objection Expert Determinations](#) [PDF, 223 KB]

Section IV: Additional Information:

N/A

(*) Comments submitted after the posted Close Date/Time are not guaranteed to be considered in any final summary, analysis, reporting, or decision-making that takes place once this period lapses.

FINAL VERSION TO BE SUBMITTED IF RATIFIED

Please [click here](#) to download a copy of the PDF below.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The ALAC supports the details of the process described, but recommends that it be widened to include cases such as the various .shop objections where the objected-to strings were not identical, but the results were just as inconsistent. Moreover, the ALAC notes that it has previously made statements to this effect (<https://community.icann.org/download/attachments/2261148/AL-ALAC-ST-0913-04-01-EN.pdf?api=v2>) and deeply regrets that it has taken ICANN so long to react to the overall situation that it must now choose to accept many of the other seemingly illogical results. One of the ALAC's prime responsibilities in ICANN is to protect the interests of individual Internet users, and the delegation of confusingly similar TLDs does not meet the needs of these users.

FIRST DRAFT SUBMITTED

The ALAC supports the details of the process described, but recommends that it be widened to include cases such as the various .shop objections where the objected-to strings were not identical, but the results were just as inconsistent. Moreover, the ALAC deeply regrets that it has taken ICANN so long to react to the overall situation that it must now choose to accept many of the other seemingly illogical results.