Exhibit A1

New gTLD Program
Community Priority Evaluation Report
Report Date: 10 February 2016

Application ID:	1-1115-14110
Applied-for String:	MUSIC
Applicant Name:	DotMusic Limited

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	**Did Not Prevail**

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.

Your application may still resolve string contention through the other methods as described in Module 4 of the Applicant Guidebook.

Panel Summary

Overall Scoring — 10 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	3	4
#3: Registration Policies	4	4
#4: Community Endorsement	3	4
Total	10	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 0/4 Point(s)

1-A Delineation — ***0/2 Point(s)***

The Community Priority Evaluation panel determined that the community as defined by the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application does not demonstrate sufficient delineation, organization, or pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application is "delineated using established NAICS codes that align with the (i) characteristics of the globally recognized, organized Community, and (ii) .MUSIC global rotating multi-stakeholder Advisory Board model of fair representation, irrespective of locale, size or commercial/non-commercial status" (Application, 20A). The applicant lists over 40 categories of community member and identifies each with a North American Industry Classification System (NAICS) code that is further narrowed by the applicant's requirement that "only those that are defined by and identify with the sub-set of the NAICS code that relates to "music" would qualify as a member of the Community." According to the application, these categories, with the NAICS code cited by the applicant, are:

- Musical groups and artists (711130)
- Independent music artists, performers, arrangers & composers (711500)
- Music publishers (512230)
- Music recording industries (512290)
- Music recording & rehearsal studios (512240)
- Music distributors, promoters & record labels (512220)
- Music production companies & record producers (512210)
- Live musical producers (711130)
- Musical instrument manufacturers (339992)
- Musical instruments & supplies stores (451140)
- Music stores (451220)
- Music accountants (541211)
- Music lawyers (541110)
- Musical groups & artists (711130)
- Music education & schools (611610)
- Music agents & managers (711400)
- Music promoters & performing arts establishments (711300)
- Music promoters of performing arts with facilities (711310)
- Music promoters of performing arts without facilities (711320)
- Music performing arts companies (711100)
- Other music performing arts companies (711190)
- Music record reproducing companies (334612)
- Music, audio and video equipment manufacturers (334310)
- Music radio networks (515111)
- Music radio stations (515112)
- Music archives & libraries (519120)
- Music business & management consultants (541611)
- Music collection agencies & performance rights organizations (561440)
- Music therapists (621340)
- Music business associations (813910)
- Music coalitions, associations, organizations, information centers & export offices (813920)
- Music unions (813930)
- Music public relations agencies (541820)
- Music journalists & bloggers (711510)
- Internet Music radio station (519130)
- Music broadcasters (515120)
- Music video producers (512110)
- Music marketing services (541613)
- Music & audio engineers (541330)
- Music ticketing (561599)
- Music recreation establishments (722410)
- Music fans/clubs (813410) [Application, 20A]

The Panel notes that for some member categories noted above, the official NAICS code definition refers to a broader industry group or an industry group that is not identical to the one cited by the applicant. For example, "Music accountants" (541211) is defined in the NAICS as "Offices of Certified Public

Accountants", and "Music lawyers" (541110) are defined as "Offices of Lawyers".

In addition to the above-named member categories, the applicant also includes in its application a more general definition of its community: "all constituents involved in music creation, production and distribution, including government culture agencies and arts councils and other complementor organizations involved in support activities that are aligned with the .MUSIC mission" (Application, 20D). The application materials make clear that these entities, which may not be included in the list of member categories above, are strictly related to the functioning of those other categories within the defined community's music-related activities.

The applicant thereby bounds community membership by way of well-defined categories. Therefore the Panel has determined that the applicant provides a clear and straightforward membership definition. The various categories relating to the creation, production, and distribution of music as well as the several other related entities that contribute to these music-related operations are clearly delineated as per AGB guidelines for the first criterion of Delineation.

However, according to the AGB, "community" implies "more of cohesion than a mere commonality of interest" and there should be "an awareness and recognition of a community among its members." The community as defined in the application does not demonstrate an awareness and recognition among its members. The application materials and further research provide no substantive evidence of what the AGB calls "cohesion" – that is, that the various members of the community as defined by the application are "united or form a whole" (Oxford Dictionaries).

While the Panel acknowledges that many of these individuals would share a "commonality of interest" in music, according to the AGB this is not sufficient to demonstrate the requisite awareness and recognition of a community among its members. While individuals within some of the member categories may show cohesion within a category or across a subset of the member categories, the number of individuals included in the defined community that do not show such cohesion is considerable enough that the community defined as a whole cannot be said to have the cohesion required by the AGB.

The Panel therefore determined that there is insufficient awareness and recognition of a community among the proposed community members, and that they do not therefore cohere as a community as required by the AGB. The defined community as a whole, in all its member categories, does not meet the AGB's requirement for community awareness and recognition. Therefore, the Panel determined that the community as defined in the application satisfies one of the two conditions to fulfill the requirements for delineation, and therefore does not receive credit for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities.

The community as defined in the application is disperse geographically and across a wide array of music-related activities, including all the categories listed in the previous section, such as creation, production, and distribution, among others. The applicant has made reference to, and has documented support from, several organizations that are a dedicated subset of the defined community. However, based on the Panel's research, there is no entity mainly dedicated to the entire community as defined by the applicant in all its geographic reach and range of categories. Research showed that those organizations that do exist represent members of the defined community only in a limited geographic area or only in certain fields within the community.

According to the AGB, "organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities." An "organized" community, according to the AGB, is one that is represented by at least one entity that encompasses the entire community as defined by the applicant. There should, therefore, be at least one entity that encompasses and organizes individuals and organizations in all of the more than 40 member categories included by the application. Based on information provided in the application materials and the Panel's research, there is no entity that organizes the community defined in the application in all the breadth of categories explicitly defined.

The Panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence
To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed) and must display an awareness and recognition of a community among its members.

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, the CPE process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to a obtain a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Panel determined that this application refers to a "community" construed to obtain a sought-after generic word as a gTLD string.

The applicant has a very large degree of support from musical organizations. Many of these organizations were active prior to 2007. However, the fact that each organization was active prior to 2007 does not mean that these organizations were active as a community prior to 2007, as required by the AGB guidelines. That is, since those organizations and their members do not themselves form a cohesive community as defined in the AGB, they cannot be considered to be a community that was active as such prior to 2007.

The Panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension ***0/2 Point(s)***

The Panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application did not fulfill the requirements for size, nor demonstrate the longevity of the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size
Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size, both in terms of geographical reach and number of members. According to the applicant:

> The Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries… with a Community of considerable size with millions of constituents… (Application, 20A)

However, as previously noted, the community as defined in the application does not show evidence of "cohesion" among its members, as required by the AGB.[1] Therefore, it fails the second criterion for Size.

The Panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity
Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

According to the application, "The Community has bought, sold, and bartered music for as long

[1]As stated previously, according to the AGB, "community" implies "more of cohesion than a mere commonality of interest…There should be: (a) an awareness and recognition of a community among its members…" Failing such qualities, the AGB's requirements for community establishment are not met.

("LONGEVITY") as it has been made". The Panel acknowledges that as an activity, music has a long history and that many parts of the defined community show longevity. However, because the community is construed, the longevity of the defined community as a whole cannot be demonstrated. According to section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, the CPE process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to a get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application).

The Panel determined that this application refers to a proposed community construed to obtain a sought-after generic word as a gTLD. As previously stated, the community as defined in the application does not have awareness and recognition among its members. Failing this kind of "cohesion," the community defined by the application does not meet the AGB's standards for a community. Therefore, as a construed community, the proposed community cannot meet the AGB's requirements for longevity.

The Panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**3/4 Point(s)**
2-A Nexus	***2/3 Point(s)***

The Panel determined that the application partially met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string identifies but does not match the name of the community as defined in the application, and it is not a well-known short-form or abbreviation of the community. The application received a score of 2 out of 3 points under criterion 2-A: Nexus.

To receive a partial score for Nexus, the applied-for string must identify the community. According to the AGB, "'Identify' means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community." In addition to meeting the criterion for "identify", in order to receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community.

Because the community defined in the application is a collection of many categories of individuals and organizations, and because there is no single entity that serves all of these categories in all their geographic breadth, there is no "established name" for the applied-for string to match, as required by the AGB for a full score on Nexus. The community, as defined in the application, includes some entities that are only tangentially related to music, such as accountants and lawyers, and which may not be automatically associated with the gTLD string. However, the applicant has limited the subset of such professionals included in the defined community[2]. Moreover, the applicant has also included "musical groups and artists" and "independent music artists, performers, arrangers & composers" in its defined community. The string MUSIC identifies these member categories, which include individuals and entities involved in the creation of music. Thus the applied-for string does identify the individuals and organizations included in the applicant's defined community member categories due to their association with music, which the applicant defines as "the art of combining sounds rhythmically, melodically or harmonically" (Application, 20A).

The Panel determined that the applied-for string identifies (but does not match) the name of the community as defined in the application without over-reaching substantially. It therefore partially meets the requirements for Nexus.

2-B Uniqueness	***1/1 Point(s)***

[2] The applicant lists over 40 categories of community member and identifies each with a North American Industry Classification System (NAICS) code that is further narrowed by the applicant's requirement that "only those that are defined by and identify with the sub-set of the NAICS code that relates to "music" would qualify as a member of the Community."

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application. The string as defined in the application demonstrates uniqueness, as the string does not have any other significant meaning beyond identifying the individuals, organizations, and activities associated with the music-related member categories defined by the applicant. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for uniqueness.

Criterion #3: Registration Policies	**4/4 Point(s)**
3-A Eligibility	***1/1 Point(s)***

The Panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. According to the applicant, this requirement is met by verifying registrants' participation in one of the defined community member categories:

> Registrants will be verified using Community-organized, unified "criteria taken from holistic perspective with due regard of Community particularities" that "invoke a formal membership" without discrimination, conflict of interest or "likelihood of material detriment to the rights and legitimate interests" of the Community:
> (i) Qualification criteria as delineated by recognized NAICS codes corresponding to Community member classification music entity types. (Application, 20A)

The Panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated, community-based purpose of the applied-for gTLD. The applicant has included in its application several name selection rules that are consistent with its community-based purpose, which is "creating a trusted, safe online haven for music consumption" while ensuring that musicians' rights are protected:

> Names Selection Policy – to ensure only music-related names are registered as domains under .MUSIC, with the following restrictions:
> 1) A name of (entire or portion of) the musician, band, company, organization, e.g. the registrants "doing business as" name
> 2) An acronym representing the registrant
> 3) A name that recognizes or generally describes the registrant, or
> 4) A name related to the mission or activities of the registrant

The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Name Selection.

3-C Content and Use	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Content and

Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies for content and use must be consistent with the articulated, community-based purpose of the applied-for gTLD. The application includes several content and use requirements, all of which are consistent with its community-based purpose of "creating a trusted, safe online haven for music consumption" while ensuring that musicians' rights are protected:

> The following use requirements apply:
> • Use only for music-related activities
> • Comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities
> • Do not post or submit content that is illegal, threatening, abusive, harassing, defamatory, libelous, deceptive, fraudulent, invasive of another's privacy, or tortious
> • Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit
> • Immediately notify us if there is a security breach, other member incompliance or illegal activity on .MUSIC sites
> • Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community
> • Do not use any automated process to access or use the .MUSIC sites or any process, whether automated or manual, to capture data or content from any service for any reason
> • Do not use any service or any process to damage, disable, impair, or otherwise attack .MUSIC sites or the networks connected to .MUSIC sites (Application, 20E)

The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Content and Use.

3-D Enforcement ***1/1 Point(s)***

The Panel determined that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and coherent and appropriate appeals mechanisms. The application received a score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures for enforcing its policies, including random compliance checks and special monitoring. The application also references a dispute resolution process, and provides a clear description of an appeals process in the Public Interest Commitments (PIC). The PIC was utilized to verify that the applicant has appropriate appeals mechanisms. The Panel determined that the application satisfies both of the two requirements for Enforcement and therefore scores 1 point.

Criterion #4: Community Endorsement **3/4 Point(s)**

Support for or opposition to a CPE gTLD application may come in any of three ways: through an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and, as applicable, attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at http://newgtlds.icann.org/en/applicants/cpe.

The table below summarizes the review and verification of support and opposition documents for the DotMusic Limited application for the string "MUSIC". Note that some entities provided multiple letters of support through one or more of the mechanisms noted above. In these cases, each letter is counted separately in the table below. For example, if a letter of support from an entity was received via attachments, and a

separate letter received via correspondence, each letter is counted as reviewed, valid for verification (where appropriate), verification attempted (where appropriate) and successfully verified (where appropriate).

Summary of Review & Verification of Support/Opposition Materials as of 13 October 2015[3]

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	157	0	0	0
Attachments to 20(f)	150	68	68	40
Correspondence[4]	331	160	160	40
Grand Total	638	228	228	80

4-A Support ***1/2 Point(s)***

The Community Priority Evaluation panel has determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. In this context, "recognized" refers to the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed by the application's defined community.

The Community Priority Evaluation panel has determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s). The panel has not found evidence of a single such organization recognized by all of the defined community's members as representative of the defined community in its entirety. However, the applicant possesses documented support from many groups with relevance; their verified documentation of support contained a description of the process and rationale used in arriving at the expression of support, showing their understanding of the implications of supporting the application. Despite the wide array of organizational support, however, the applicant does not have the support from the recognized community institution, as noted above, and the Panel has not found evidence that such an organization exists. The Community Priority Evaluation Panel has determined that the applicant partially satisfies the requirements for Support.

4-B Opposition ***2/2 Point(s)***

[3] The table reflects all comments, attachments, and pieces of correspondence received by the Panel as of the date noted pertaining to the application. The Verification Attempted column includes efforts made by the Panel to contact those entities that did not include contact information. ICANN notified the applicant on 4 December 2015 that although the applicant submitted a high volume of correspondence, "Much of this correspondence was submitted well after the deadline…any correspondence dated later than 13 October 2015 or submitted from today on will not go through the Panel's verification process and may not be considered by the Panel."

[4] The Panel reviewed 53 pieces of correspondence that contained 331 individual letters.

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant verified opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application did not receive any letters of relevant and verified opposition. The Community Priority Evaluation Panel determined that the applicant satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the AGB or the Registry Agreement. For updated application status and complete details on the program, please refer to the AGB and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Exhibit A2

New gTLD Application Submitted to ICANN by: DotMusic Limited

Application Downloaded On: 16 May 2014

String: MUSIC

Application ID: 1-1115-14110

Applicant Information

1. Full legal name
DotMusic Limited

2. Address of the principal place of business
Contact Information Redacted

3. Phone number
Contact Information Redacted

4. Fax number
Contact Information Redacted

5. If applicable, website or URL
http://music.us

Primary Contact

6(a). Name
Constantinos Roussos

6(b). Title
Founder

6(c). Address

6(d). Phone Number
Contact Information Redacted

6(e). Fax Number

6(f). Email Address

Contact Information Redacted

Secondary Contact

7(a). Name

Tina Dam

7(b). Title

COO

7(c). Address

7(d). Phone Number

Contact Information Redacted

7(e). Fax Number

7(f). Email Address

Contact Information Redacted

Proof of Legal Establishment

8(a). Legal form of the Applicant

Limited Liability Company (Ltd)

8(b). State the specific national or other jurisdiction that defines the type of entity identified in 8(a).

Cyprus Companies Law Republic of Cyprus, Ministry of Commerce, Industry and Tourism Department of Registrar of Companies and Receiver, Nicosia

8(c). Attach evidence of the applicant's establishment.

Attachments are not displayed on this form.

9(a). If applying company is publicly traded, provide the exchange and symbol.

9(b). If the applying entity is a subsidiary, provide the parent company.

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Name	Position

Constantinos Roussos	Managing Director

11(b). Name(s) and position(s) of all officers and partners

Name	Position
Tina Dam	COO

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

Name	Position
Constantinos Roussos	Managing Director

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

MUSIC

14A. If applying for an IDN, provide the A-label (beginning with "xn--").

14B. If an IDN, provide the meaning, or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

14C1. If an IDN, provide the language of the label (in English).

14C2. If an IDN, provide the language of the label (as referenced by ISO-639-1).

14D1. If an IDN, provide the script of the label (in English).

14D2. If an IDN, provide the script of the label (as referenced by ISO 15924).

14E. If an IDN, list all code points contained in the U-label according to Unicode form.

15A. If an IDN, upload IDN tables for the proposed registry. An IDN table must include:

1. the applied-for gTLD string relevant to the tables,
2. the script or language designator (as defined in BCP 47),
3. table version number,
4. effective date (DD Month YYYY), and
5. contact name, email address, and phone number.
   Submission of IDN tables in a standards-based format is encouraged.

15B. Describe the process used for development of the IDN tables submitted, including consultations and sources used.

15C. List any variants to the applied-for gTLD string according to the relevant IDN tables.

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

DotMusic has carefully examined the applied-for string “MUSIC” and found that deployment of it will not cause adverse operational, rendering issues, or general user-confusion issues due to visual similarity with existing TLDs/ISO3166 lists/ICANN reserved list of names & list of ineligible strings.

However some non-adverse issues exist and mitigation plans are developed for them to ensure a careful and a safe introduction, as follows:

1. Application software is not consistent in their functionality across TLDs, including for example:

- Length of TLD, where some software was programmed to only accept email or web strings ending in .com, or perhaps of the length of 2 or 3 characters.
- Name completion, where when you enter “example” in a browser bar you get “exam-ple.com” or diversion to a search engine.
- Display of A-labels for SLDs as opposed to the U-label entered or clicked on and hence expected by the user.
- Other affirmative decisions based on trusting a certain TLD, domain type, and/or man-agement of the subdomains of the TLD, where some could result in blocking the TLD and all its subdomains.

Jointly these issues results in non-consistent user-experience across applications. Some are historic and simple information will help solve them; the issue with TLDs longer than 2 or 3 characters that was a big issue in the 2000-01 new TLDs but now largely eliminated; other has to do with trust in the TLD Policies.

DotMusic staff has worked directly with all ICANN projects concerning the Universal Ac-ceptance of TLDs since 2003, and will continue. DotMusic has initiated an outreach campaign communicating with Browsers and Search Engine Operators to provide information about the .MUSIC TLD mission, registration policies associated protection mechanism. DotMusic staff has and will participate in application-focused events to mitigate the issues and thereby provide a con-sistent approach for .MUSIC registrants and users. DotMusic takes full responsibility for any such issues; will provide information for registrars and work jointly with the gTLD stakeholders to enable general global acceptance of all TLDs.

2. Visual Confusion

DotMusic has conducted due diligence in comparing the string “music” toward any existing TLDs, future ccTLDs, 3-character country codes per the ISO list, reserved and otherwise inel-igible strings per the ICANN Applicant Guidebook, and against any country- or territory names. .MUSIC is represented in standard ASCII, fulfills technical standards and due to the length, construction, and meaning of the string, we have found that it is not conflicting with any of the restrictions placed by ICANN. We have also found that the string does not relate confusingly to a country/regional/geographic name.

As a result the TLD is safe for delegation and will not create adverse effects for registrants and users of the domain name under it.

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17. OPTIONAL.
Provide a representation of the label according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/).

18A. Describe the mission/purpose of your proposed gTLD.

The .MUSIC Mission/Purpose is:
• Creating a trusted, safe online haven for music consumption & licensing
• Establishing a safe home on the Internet for Music Community (”Community”) members regardless of locale or size
• Protecting intellectual property & fighting piracy
• Supporting Musicians’ welfare, rights & fair compensation
• Promoting music and the arts, cultural diversity & music education
• Following a multi-stakeholder approach of fair representation of all types of global music constituents, including a rotating regional Advisory Committee Board working in the Community’s best interest
The global Music Community includes both reaching commercial and non-commercial stakeholders. Details of Music Community Establishment can be found in question #20.

.MUSIC will effectively differentiate itself by addressing the key online usage issues of safety, trust, consistency, brand recognition as well as communicate site subject-matter: music-related content. The TLD will be exclusive to the Community and will incorporate enhanced safeguards and Use policies to protect creators, intellectual property and rights holders.

DotMusic will also provide non-registry services and activities which have been established through ongoing outreach efforts. Community members need to be able to distinguish themselves from illegal or unlicensed sites. Ensuring monies flow to rightful owners and the Music Community is critical to the .MUSIC Mission. Purpose-driven services and activities are:
1. Development of Music Community Social Network Premium Domain Channels (Channels) sorted by category types, e.g. genres. It will leverage Search Engine Optimization (SEO) best practices to improve .MUSIC website search result rankings. The objective is for .MUSIC domains to signal a badge of trust that enables search engines to provide music consumers more relevant and safer search results while reducing infringing and unlicensed rogue sites. Premium Channel development will also include a global Song Registry
2. Promoting arts and music through sponsorships, events and Music Community activities; Enriching society with artistic and cultural diversity;
3. Advancing music education and the study of music in school curriculum by donating proceeds of domain registrations to relevant causes
4. Re-inventing music discovery and search innovation by leading the way to establish the Industry standard for official music sites to benefit the at-large global Music Community and the Internet
5. Enabling legal music licensing via a global Song Registry akin to the International Music Registry (IMR - www.wipo.int/imr) & Global Repertoire Database (GRD - www.globalrepertoiredatabase.com / International Copyright Enterprise) initiatives.

The Mission/Purpose has been established through interactions with the Community via numerous outreach activities and upon experiences gained in previous ICANN new gTLD introductions. The Mission/Purpose is consistent with ICANN’s Affirmation of Commitments (AoC) and Basic Principles of the IMR with participants including RIAA, IFPI, SCAPR, ACTRA, SAMRO, IRSC, ECAD, CIAM). These include:

- The “vital importance of transparency, openness and non-discrimination.” (www.internationalmusicregistry.org/portal/en/basic_principles.html)
- “Ensuring accountability, transparency and the interests of global Internet users”, “enhancing the operational stability, reliability, resiliency, security, and global interoperability of the DNS” and “promoting competition, consumer trust, and consumer choice” while “adequately addressing consumer protection, malicious abuse, and rights protection issues” (www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm)

DotMusic Mission/Purpose guiding principles:

TRANSPARENCY OPENNESS & ACCOUNTABILITY
DotMusic has been an accessible and transparently visible .MUSIC applicant since 2008 communicating its intentions publicly at music events, online through its website and social media outreach, and through mainstream/non-mainstream media. The .MUSIC registration policies and protection mechanisms have been developed using a bottom-up, multi-stakeholder methodology with input from international Music Community members in both the commercial and non-commercial sector.

DotMusic serves the Community without conflicts of interest and is accountable to the Community by establishing an Advisory Committee & Policy Board with representation from each constituency in the Community. The Committee will advise and provide perspective on .MUSIC issues such as broad policy matters and introductions of new services to meet Community needs.

INTERNATIONAL COMMUNITY PARTICIPATION, COMMUNICATION AND OUTREACH
Since 2008, DotMusic has participated in over one hundred public events globally (www.music.us/events.htm), including public speaking engagements, keynote addresses, major music and domain conferences, festivals, events and expos; earned media (broadcast, online and print) in major mainstream publications, online press, and thousands of blog and social media mentions; over 1.5 million emails of support; top search engine results for .MUSIC site(s); and over 5 million social media followers; sponsored major Music Community events globally to explain the intended benefits of the .MUSIC TLD, requesting support and letters of intent or interest by partners or Music Community Member Organizations (mCMO) for this .MUSIC application.

Specific details of the these activities can be found in response to question 18b(vi). Support letters are attached in response to question 20f (Updated list: www.music.us/letters). .MUSIC is trademarked in over 20 countries; has been using the brand in commerce (http://music.us/commerce), advertising and sponsorships, in domain registrations as an authorized reseller, merchandising and other commercial activities.

STANDARDS COMPLIANCE, SECURITY, RESILIENCY, AND STABILITY
Afilias is the DNS Registry provider for .MUSIC. Details of technical and operational capabilities matching the .MUSIC mission are provided in responses to questions #24-44.

COMPETITION, INNOVATION, FAIRNESS, AND CONSUMER CHOICE
Balanced domain registration restrictions and a broad Music Community definition ensures the entire Music Community can register .MUSIC domains, provides fairness in .MUSIC domain availability, advantaged branding position, avoid anti-competitive concerns and anti-trust actions.

The Premium Channels will maximize the competitive landscape and innovation in both the music and domain space.

INTELLECTUAL PROPERTY PROTECTION AND TRUST
In consultation with major music constituents, including multiple Coalitions (such as a Coalition that include the RIAA, ASCAP, BMI, SESAC, IFPI, A2IM, FIM, CISAC, IMPALA, NMPA, SABAM, FIM and others), DotMusic has developed policies to protect intellectual property, fight piracy and ensure .MUSIC domains are allocated in a fair method so that music consumers and Internet users are assured the highest level of trust and authenticity when they visit a .MUSIC domain.

A Global Protected Marks Lists (GPML) will reserve all major music brands and established artists, such as RIAA-certified platinum-selling bands.

Phased launches provides rights holders a first-come in the .MUSIC Sunrise, auction of multiple initial landrush domain inquiries, and eventually allows all stakeholders of the Community to register. All registrants must adhere to restricted Use, Name and Anti-Abuse policies that will be monitored to prevent bad practices harming the Music Community.

Dispute mechanisms, compliance efforts, and data validation processes will provide an added level of trust.

DotMusic will conduct reviews of the applicability, usability, overall Community satisfaction. Results will be provided to the Music Community publicly for feedback and we look forward to providing review results and expertise in the ICANN Post-Launch

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18B. How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

.MUSIC will benefit the registrants and Internet users by providing an immediately-identifiable exclusive domain for the Music Community to use as their online home. Registrants will have the opportunity to register their preferred domain under .MUSIC which might not be available today under .COM or other preferred TLDs.

(i) The.MUSIC goal is to provide an exclusive, trusted, safe music-branded domain for the Music Community. .MUSIC will enable the Community to project identification, accountability and transparency to Internet users under a unique, music-themed domain.

TRUSTED gTLD
Trust will be achieved via protection policies and associated compliance functions to increase legal music consumption and ensure monies flow to rightful owners not pirates. Relevant, trusted content will enable search engines to rank .MUSIC domains higher in music-related searches than illegal sites.

PREMIUM CHANNELS
DotMusic has conducted an extensive communications outreach campaign and research activities within the Community to identify needs for value-added services beyond .MUSIC domains. It has been affirmed that the Community has a need for (i) a faster, easier and simpler way to license songs on a global basis and (ii) differentiated online resources of information about music, containing regional, national and local Community member information, powered by their associated dynamic content, services or products.
Premium Channels will offer opportunities to promote cultural diversity and unique music content. The level of information and content shared in the Premium Channels will be at the sole discretion of registrants. Registrants can promote themselves, their content, share contact information, communicate, network and engage in commerce with music consumers and each other. Unlike using search engines, the Premium Channels will provide Internet users a quick and intuitive search mechanism through direct navigation discovery. For example, a music consumer searching for reggae music can directly visit “reggae.MUSIC” to find registrants that offer reggae-related music, content, services and products. Premium Channels will:
• Promote Community members
• Increase legal commerce/business/collaboration
• Facilitate the sharing of contact information & enable more efficient communication
• Provide a quick and intuitive reference to music-related content through direct navigation
• Offer networking opportunities & increased exposure
• Promote cultural diversity, the arts & music education
• Differentiate Community members from each other
• Promote interaction, communication & support amongst the Community
• Promote music innovation
The Premium Channels will also include the development of a global Song Registry to facilitate a faster, easier and simpler way to legally license registrant songs.

(ii) .MUSIC will advance competition, differentiation and innovation in many ways. It will provide competition to TLDs that Community members might otherwise choose. .MUSIC domains restricted only to the Community will provide members branding differentiation along with the opportunity of registering their preferred domain under a self-explanatory music-themed TLD that clearly identifies them.

An exclusive and uniquely identifiable .MUSIC TLD will provide the Community differentiation that also benefits users who are searching for music-related content from international regions. DotMusic will provide Premium Channels and a Song Registry where the Community and Internet users can network, share information and engage in commerce in a trusted, secure ecosystem – a safe haven for legal music consumption and song licensing ensuring monies flow to the Community not unlicensed sites.
.MUSIC will compete with existing TLDs and be aligned with the FCC on principles affirming that “free and open competition benefits consumers and the global community by ensuring lower prices, new and better products and services, and greater consumer choice than occurs under monopoly conditions. A competitive market promotes innovation by rewarding producers that invent, develop, and introduce new and innovative products and production processes. By doing so, the wealth of the society as a whole is increased (FCC, Competition in Telecommunications Services, www.fcc.gov/connectglobe/sec5.html).”
Through its value chain, DotMusic will prevent TLD commoditization and achieve a competitive advantage by developing a unique differentiated TLD with Premium Channels offering registrants a more compelling value proposition than existing TLDs.
Stimulating competition and innovation is paramount to DotMusic’s Mission. The .MUSIC rotating, all-inclusive, global multi-stakeholder Advisory Committee and Policy Board will not only represent the interests of all constituents but will also ensure any policy incorporated is consistent with the .MUSIC Use Policy and Mission/Purpose benefitting a multi-stakeholder model of neutral, equal and fair representation deterring anti-trust/anti-competitive practices.
.MUSIC will be run in an all-inclusive manner serving the global Community as a critical public resource benefitting and empowering all constituents in a non-discriminatory and fair manner irrespective of size, locale or commercial/non-commercial status.
To mitigate any anti-trust or privacy issues associated with registrant user data (such as highly-sensitive private or trade proprietary information) that compromises the confidentiality of Community members, DotMusic will incorporate Community membership eligibility restricted only to members verifying themselves as Community members based on NAICS/ISIC classifications and agreeing to Community-focused Use policies and dispute resolution/takedown mechanisms to benefit the .MUSIC Mission/Purpose and multi-stakeholder mission and to protect DotMusic from privacy and monopoly laws. Any violation of the membership criteria, Use and other Policies might lead to the cancellation of membership status, including domain takedown if deemed appropriate.
Community members will be able to use their membership credentials to be included in the uniquely-classified Premium Channels that are sorted according to NAICS/ISIC classifications. For example, music publishers (NAICS code 512230) will be able to organically self-categorize themselves in a highly relevant manner and be included in the Publishers.MUSIC Premium Channel using their membership credentials to participate.
DotMusic will also stimulate innovation through intellectual property (IP) protection (National Economic Council, A Strategy for American Innovation: Securing our Economic Growth & Prosperity; www.whitehouse.gov/innovation/strategy, 2011). By promoting innovation and protecting IP rights DotMusic will harness the inherent creativity of its Community.

Innovation, the process through which new ideas are generated and commercialized, is a key force behind Music Community global economic growth and competitiveness and the creation of new and better ways of producing goods/services (Maddison, Angus, The World of Economy, Organization for Economic Co-operation & Development, 2006).
Innovation protected by IP rights is paramount to creating new music jobs and growing music exports having a positive pervasive effect on the entire Music Community with benefits flowing both upstream (supply chain) and downstream (distribution) to every constituent fueling creativity, commercial distinctiveness and promoting open, competitive markets.
DotMusic's incorporation of enhanced safeguards will protect creators from unlawful use of their work and be consistent with ESA/USPTO perspectives outlining that effective IP protection spurs innovation, competition, and technology advancement in markets in which IP is transacted (ESA & USPTO, U.S Department of Commerce, Intellectual Property & U.S Economy, www.esa.doc.gov/sites/default/files/reports/documents/ipandtheuseconomyindustriesinfocus.pdf, 2012).
DotMusic will:
- Harness an environment that promotes creation & innovation
- Protect creators from unauthorized IP infringement
- Facilitate legal exploitation of rights
- Stimulate new innovative music business models & licensing opportunities
- Enable a more efficient market

(iii) Traditional search engine results pages are agnostic whether music-related domains are legal or not. Despite the fact that are less than 1000 legal music download stores on the web, the number of illegal sites significantly outnumber legal sites resulting in rampant, widespread music piracy and hundreds of thousands of monthly URL takedown requests. Piracy continues to adversely affect music sales and hurt the Community. However when visiting .MUSIC sites Internet users are provided with immediate music identification and a level of confidence and trust not available today.
Many legal music download stores do not offer songs directly through an open web browser but require consumers to use their proprietary software to access and buy songs. Since there are only a few search engine-friendly legal music sites to compete with illegitimate sites, most music-related search rankings are dominated by unlicensed sites. In many cases, 80% of artist-related top search engine results are infringing sites according to the IFPI: "Mass numbers of takedown notices are sent to search engines each month asking them to delist links to non-legal content. However, response times vary and delays still occur…there are also sometimes restrictions on the number of non-legal links that rights holders can notify. These need to be removed, and search engines should take measures to prevent notified infringing links re-appearing in results (www.digitalmusicnews.com/permalink/2012/120124search)."
Premium Channels will reduce exposure to pirated content to Internet users by serving secure and high quality relevant content to search engines to achieve top search engine results for a long tail of music-related keywords served by the differentiated, unique and niche Premium Channels incorporating local, national and regional searches. This type of search result ranking criteria is already implemented by search engines with existing TLDs (such as .DE for local content served to users in Germany).
Search engines will modify their algorithms to accommodate relevant, high quality and unique content, especially if it can be used as a filter to counter copyright-infringing sites and provide better search results.
.MUSIC domains can serve as trusted signals for search engines and used as filters for legal, licensed and safe music sites with relevant, quality content. .MUSIC domains will be validated to belong to Community members, who can only use the domains under Community-focused Policies. This way, Internet users will experience trusted interactions with registrants and be confident that any interaction is with legitimate Community members.

(iv) DotMusic has implemented measures to protect IP rights in registrations under .MUSIC, and to ensure that .MUSIC domains are used in a manner benefitting the Community resulting in reducing bad behaviors that currently exist relating to IP infringement.
Policies are built to match Community needs based on Community feedback and experience from the previous ICANN new gTLD launches. They are established to ensure a higher security level for .MUSIC domains than what is considered standard requirements for gTLDs.
.MUSIC will be launched with all standard gTLD registration rules (See response 27 for .MUSIC lifecycle). DotMusic will also adhere to all ICANN-mandated rights protection mechanisms and consensus policies (See 20e response).

RESERVATION PROTECTION: Second-level names will be reserved per ICANN requirements, including country-territory names (see response 22) and names for registry operations.

INNOVATIVE PREMIUM NAMES RESERVATIONS: Premium name reservations to develop the Premium Channels (e.g Rock.MUSIC) to promote registrants and enable music discovery.

RIGHTS PROTECTION & NOTIFICATIONS SYSTEM:
• Globally Protected Marks List (GPML) will reserve and protect domains of major music brands and established artists, such as RIAA-certified platinum-selling bands against cybersquatting.
• Trademark Clearing House will be implemented per ICANN specifications.
• Names Selection Policy ensuring that only music-related names are registered as domains under .MUSIC; restrictions:
1) The name of (entire or portion of) the musician, band, company, organization, e.g. the registrant's "doing business as" name
2) An acronym representing the registrant
3) A name that recognizes or generally describes the registrant
4) A name related to the mission or activities of the registrant

THREE TIME-RESTRICTED LAUNCH PHASES: (i) Sunrise for and to protect trademark holders (ii) Music Community Member Organization (MCMO) Landrush for registrants with demonstrated MCMO memberships (iii) a premium names Landrush period.
Multiple applications for the same domain will be decided upon via a mini-auction after each phase. Following the completion of these phases the .MUSIC domain registration is available to the Community members on a first-come-first-serve availability (General registration).

USE POLICY for all domain registrants under .MUSIC regardless of the applicable launch phase; incorporated in the registration agreement for all registrants. The primary goal of the policy is to allow registrars and DotMusic to take down domains that violate Policies and IP rights (See response 20).

ANTI-ABUSE POLICY for all registrants under .MUSIC; incorporated in the registration agreement for all registrants to prevent malicious use of domains which can lead to security and stability issues for the registry, registrars, registrants and Internet users (See response 28).

REGISTRY DATA VALIDATION: DotMusic will validate elements of the received WHOIS data as a requirement for domain registration, also providing access to Premium Channels, such as the registrant's:
- Email address through validation links
- Phone number through validated PIN-codes

COMPLIANCE & ENFORCEMENT
DotMusic will take proactive and reactive measures to enforce its Policies. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes.
Allegation that a domain is not used for legitimate music purposes or otherwise infringes on Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"); described in question 28 response.
The MPCIDRP is not a replacement for alleged violation of the UDRP/URS/PDDRP/RRDRP, which shall be enforced under the provisions contained therein.
The DRP's are required in the registrars' registration agreements with registrants. Proceedings must be brought by interested 3rd-parties in accordance with associated policies and procedures to dispute resolution providers.
DotMusic will conduct random compliance checks across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established Policies.
If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.
Repeat offenders of Policies will be placed on a special monitoring list that DotMusic will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely.
DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and discussed publicly at Community events.

(v) .MUSIC will use best practices around privacy and data protection. Afilias, the back-end registry provider will administer specific WHOIS protections per response 26, and promote WHOIS accuracy per question 28 response.
Most Community members want to be discovered and have as much visibility and exposure as possible. DotMusic will provide this unique and branded visibility. The domain registration services and Premium Channel participation offered to registrants will be designed to respect the privacy of personally identifiable and confidential information, including applicable laws. Information provided by registrants for inclusion in Premium Channels will be publicly accessible. All other information provided by registrants to establish compliance with the Policies will remain private.

(vi) To meet the benefits described in responses to 18b (i-v) DotMusic has conducted ongoing outreach activities to serve the global Community.
Pursuant to its mission, DotMusic has been publicly conducting global outreach to the Community since 2008 to explain the intended benefits of .MUSIC, requesting support, letters of intent or interest by partners and MCMOs for .MUSIC.
A complete list of events relating to the ongoing outreach efforts can be found at www.music.us/events.htm. Extensive use of differentiated .MUSIC sites, social media presence, marketing and thousands of discussions/media mentions were conducted on the web in an open, publicly-accessible manner. Over 1,500,000 have signed the .MUSIC TLD Initiative petition. Support letters are attached in response to question 20f. The most updated list can be found on www.music.us/letters. Other outreach efforts include:
- Earned media (broadcast, online, print): Forbes, Billboard, Hollywood Reporter, Los Angeles Times, Washington Post, World Trademark Review (www.music.us/news.htm), other major mainstream publications, online press, and thousands of blogs/social media mentions.
-Google and Bing search engines have ranked the official DotMusic website (www.music.us) on the top of search engine results for term "music" ((#23 Google, #25 Bing – March 6th, 2012), which is one of the most competitive keyword terms on the web according to Google Adwords (277m global searches on Google, costing advertisers about $9k a day in clicks for top rankings www.music.us/adwords/google-adwords-keyword-music.jpg).
-The official DotMusic site ranks on the top of both Google's and Bing's search engines for TLD terms such as "DotMusic", "dot music", "music domain", "music TLD", "music gTLD", "music top-level domain", "music generic top level domain" (www.music.us/seo).
-Social media: Participation of over 5 million social media followers across the most popular

social media websites, active since 2009 with hundreds of thousands of communication/status updates for participants, including:
Myspace, the Internet's largest music artist community (4.2m friends: www.myspace.com/musicextension)
Facebook, the world's largest social media site (Over 100k likes on www.facebook.com/musicextension and www.facebook.com/dotmusic and about 5k group members on www.facebook.com/groups/46381289474)
Twitter, the world's largest micro-blogging site (200k+ followers on www.twitter.com/mus, about 50k followers on www.twitter.com/dotmusic, about 60k+ followers on www.twitter.com/musicextension, about 31k+ on www.twitter.com/dot_music, about 21k+ followers on www.twitter.com/musicdomain) and other social media sites.
DotMusic sponsored major Community events globally, including SxSW, Midem, Billboard, CMJ, Digital Music Forum, SF Music Tech, SoundCtrl, Social Media Week, ASCAP Expo, Popkomm, Miami Music Festival, Future of Music Policy Summit, Bandwidth, New Music Park Thing, and domain events such as ICANN meetings in Seoul/South Korea, Brussels/Belgium, Cartagena/Colombia.
Outreach has spanned all geographical continents and segments of the Community. DotMusic will continue its global outreach throughout 2012 and beyond

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18C. What operating rules will you adopt to eliminate or minimize social costs (e.g., time or financial resource costs, as well as various types of consumer vulnerabilities)? What other steps will you take to minimize negative consequences/costs imposed upon consumers?

(i)
In the three initial launch phases - Sunrise, mCMO Landrush and General Landrush - multiple applications will be resolved via auction. During the general availability stage domains will be allocated in a first come-first serve basis. Please refer to question 18b(iv) and 20e for more detail.

(ii)
The .MUSIC registration fee will adopt a moderate, competitive pricing point taking into consideration Community feedback and outreach, the TLD's premium value proposition, differentiation, security and safety concerns, and other significant factors such as:
1. Most Community members are price sensitive since they operate in a highly competitive, fragmented environment with decreasing average music consumer spending that is aggravated by rampant piracy and competition from other forms of entertainment and substitute products/services.
2. As illustrated by the McAfee's 2011 "Mapping the Mal Web" Report (http://us.mcafee.com/en-us/local/docs/MTMW_Report.pdf), pricing is one of the most influential factors considered by registrants aiming to conduct malicious activity and abuse. Low priced domains have a higher likelihood for abuse. Prices in the middle to higher end are enough of a sufficient financial barrier to entry to reduce the number of registrants offering low quality content not useful to most Internet users, such as parking pages. Premium pricing will also help reduce cybersquatting and piracy. Registrants are more likely to register a cheaper domain to conduct illegal activity since it is less financially risky.
3. A benchmark analysis of comparable gTLDs and ccTLDs existing today (Please refer to responses to questions 45-49 for assumptions).
DotMusic will not be low price leader in the domain space because low price leadership will have an adverse effect on DotMusic's objective to brand .MUSIC as a differentiated, value-added domain. Competing on price alone is not an effective strategy for DotMusic because it usually leads to commoditization and a low-margin business that relies primarily on the core benefit of the TLD: the branded music-themed meaning of a novelty domain extension. Adopting a moderate, competitive pricing strategy will complement DotMusic's goal to continually invest in the TLD to create innovative services, provide new offerings, opportunities and benefits to registrants beyond a branded TLD and achieve augmented and potential product differentiation. Furthermore, DotMusic's goal is to align consumer perception of a differentiated TLD with an optimal domain price that communicates the premium nature of .MUSIC, its unique value proposition and benefits.

The .MUSIC price will also include registrant participation in the .MUSIC Premium Channels. DotMusic will offer the Music Community an affordable domain to build a unique and exclusive presence online, ensuring the cost of the domain is optimally priced to prevent malicious behavior and abuse traditionally experienced in lower priced domains and domains that lack enhanced safeguards. Depending on the cost of doing business and other economic factors, DotMusic may from time to time increase or lower the wholesale price in accordance with the provisions of Section 2.10 of the New gTLD Registry Agreement. However, final registration prices to registrants will be determined by accredited registrars. Registrants will have the flexibility to register a domain for a period of 1, 2, 3, 5 or 10 years.
DotMusic might choose to incorporate cost benefits in relation to advantageous pricing, introductory discounts, or bulk discounts to assist in increasing domain sales if needed to meet registry financial and operational needs, especially in the situation where the most likely projected registration volume (see responses to questions #45-50) is not met. In that situation, DotMusic will strongly consider implementing targeted marketing campaigns that include discounted prices.

Otherwise DotMusic does not have specific plans for advantageous pricing, introductory pricing, nor plans for any bulk registration discounts.

(iii)
DotMusic will not offer long term or permanent contracts (beyond that of the maximum term of 10 years) for domains. DotMusic has carefully considered the needs of the Music Community in setting its prices on its services using a value-based pricing strategy as opposed to cost-based pricing methods. Any price escalations or reductions will be reasonably justified and managed in accordance with the provisions of Section 2.10 of the New gTLD Registry Agreement.

PARKING PAGES: DotMusic will prohibit the use of parked pages. .MUSIC sites will be subject to the content and use restrictions described in response to question 18b and question 20e. Parked sites can only be used as temporary pages assigned to a domain at the time of registration and stay in place until the registrant has a website developed and ready to go live in a reasonable time period.

.MUSIC and its Premium Channels offer a robust, cost-effective means for the Community to assert their identities online. DotMusic is committed to launch and manage .MUSIC in a responsible manner for the Community with enhanced safeguards. DotMusic's substantial activities since 2008 highlight the diligent preparation of this application to serve the Community's interest. This includes minimizing and eliminating social costs; establishing a better financial income stream for Community members; financially assisting by sponsoring Community causes, non-for profit organizations, events, conferences and educational activities; promoting legal music commerce; and assisting the Community in establishment of new improved innovative services to address their needs.
Steps and plans incorporated by DotMusic to minimize negative costs upon consumers, registrants and Internet users include:

DISCOVERY, SEARCH ENGINE & NETWORK EFFECT BENEFITS
A more indirect minimization of social costs relates to registrants and users having an immediate benefit of easy recognition and discovery via the .MUSIC Premium Channels. Engagement through Premium Channel social networks increases business opportunities and minimizes marketing costs for registrants.

DotMusic's goal to replace top search rankings of illegal music sites will be tackled by implementing search engine optimization best-practices for Premium Channels that will also complement .MUSIC registrant sites. This will increase general brand awareness and instill trust in .MUSIC sites by creating a safe haven for music consumption and improving international music discovery.

ENHANCED SAFEGUARDS & FIGHTING PIRACY
The .MUSIC Use policy, enhanced safeguards and Premium Channels will benefit registrants, IP rights holders and their music-related content and will help them achieve higher search engine rankings that would replace fraudulent sites that provide free or otherwise illegal music. As a result musicians, creators and other rights holders will enjoy more visibility and an additional income stream that otherwise was provided to illegal sites. This way .MUSIC can reduce the costs and expenses imposed upon the Music Community to fight piracy.

STRATEGIC INNOVATION
- Fostering open innovation by building Premium Channels and developing a Premium Channel global Song Registry to enable easier, faster and simpler way to license music.

PURPOSE, VALUES & LEADERSHIP
- Creating an organizational culture with strong values and high integrity serving the Community and the public interest.
- Developing value-oriented, registrant-driven methods for measuring and recognizing performance while aligning management and leadership, culture and values, and strategy and vision with registrant customer-centricity.

CUSTOMER CENTRICITY
- Maintaining customer stickiness by simplifying and personalizing the TLD value proposition, enhancing Community engagement and complementing the network effect benefits offered by the diverse, targeted and niche Premium Channels.

GLOBAL MINDSET
- Expanding successfully across borders and cultures including launching language-based IDN channels to cater a multilingual growing Internet user base especially in regions with lower legal music penetration and consumption.

COMMUNITY & GOVERNANCE
- Enhancing the Advisory Committee & Policy Board's role in strategic planning, goal setting, initiating positive change and strengthening governance to ensure accountability, responsibility and ethical business practices in the public interest, while eliminating preventable social costs.
- Creating business and social value by adopting a shared values system of innovation that fosters successful interaction with key stakeholders, governments and non-government associations and promotes social responsibility towards the Community.
- DotMusic understands the difficulties faced by the content industries to cope with changes created by the digital revolution. DotMusic's neutral multi-stakeholder governance of equal representation of all music constituents is based on gaining stakeholder consensus to enable the development of a domain Industry standard in .MUSIC that serves registrants and Internet

users and assures that rightful entities can own and leverage their .MUSIC domain to eliminate cybersquatting and piracy issues, while building trust with consumers to ensure commercial activities are trusted and monies flow to the music community not pirates or unlicensed sites.
- The .MUSIC Community, as established and delineated in Question 20, represents the majority of the overall Community and ensures that its expressions of support cover a balanced, diverse and representative blend of Community stakeholders, including constituents representing over 70 governments culture agencies and/or arts councils, over 35 countries' music information centers, music export offices, country-led music coalitions, digital distributors representing most of the music distributed on the leading legal music stores, music associations and organizations representing the interests of many Community members, and other entities. Refer to 20f for documented support from organizations representing a majority of the overall Community, including process and rationale behind expressions of support.

DOMAIN ALLOCATION, INDUSTRY STANDARDS & CONSUMER TRUST
DotMusic recognizes that many Community members do not own their domain names in .COM or other extensions because they were late to register their preferred domain name, were victims of cybersquatting or could not recover their domain from fans. This issue is prevalent for most popular artists that have a generic term as their name. DotMusic has incorporated enhanced safeguards, such as the Globally Protected Marks List to safeguard popular brands from cyberquatting, registration eligibility and use policies, and a MCMO domain allocation phase to benefit Community registrants. This way the .MUSIC domain will establish a new methodology of assigning domain names to the rightful owners. Consumers can type their favorite artistname.MUSIC directly in the browser bypassing Google and other search engines and ensuring music fans and consumers are accessing the legal, official artist site in the fastest and simplest way possible reducing Internet user search and time costs.

Officially licensed .MUSIC domains can give search engines a unique identifier and a signal of trust and relevancy not available today which can be used to achieve higher search results to help replace the proliferation of illegal rogue sites found in top of search results for music terms. This unique filter will help protect and benefit registrants, Internet users and instill trust in consumers since the DMCA has shown to be ineffective. Google URL takedown requests have more than doubled in less than a year, approaching about 300,000 URL removals a week. 5 out of the top 12 copyright owners requesting URL takedown requests are music entities (www.google.com/transparencyreport/removals/copyright/owners/?r=last-year). This problem does not only harm the Music Community. It harms other IP-driven communities, such as movies, software, games and books.

Community buy-in is critical to establish these legal standards to facilitate safer, trusted and enhanced commerce on the web while fighting piracy and unlicensed sites. The music-themed domain is built with usage polices that will enable taking down infringing sites, protecting trademarks and help the exploitation of copyrights by providing a safe haven for legal music distribution, consumption and licensing.

The goal is to create a secure Industry standard domain matching Community needs with enhanced safeguards not available in current TLDs. Standards save money and drive productivity. The music-themed TLD will be launched in an intuitive, simple manner to leverage the interoperability, effectiveness and efficiency of the open web and the DNS. By using the same standards communicating data becomes easier and cheaper ensuring more revenue is distributed across the whole digital music supply chain to the rightful entities not rogue sites. The DotMusic Song Registry will also benefit the Community by enabling registrants to legally license their works territorially in a simple, fast and easy way. This way IP can be utilized and commercialized more efficiently to assist the Community to better serve an entire music value chain globally.

INTEROPERABILITY & TLD UNIVERSAL ACCEPTANCE
DotMusic will work with leading browser/application/software/web-related developers and vendors to lift any artificial constraints relating to .MUSIC. Universal acceptance efforts will complement the TLD and its utility to Internet users and help fulfill the continued realization of the Internet's potential for communication and commerce. DotMusic will conduct outreach efforts to technology providers to help incorporate new TLD interoperability standards relating to:
- Browsers & DNS tools
- Registrars & RIR systems
- Network infrastructure
- Hosting & email
- Network management & security tools
- Applications
- Databases
- Hardware & devices

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19. Is the application for a community-based TLD?

Yes

20A. Provide the name and full description of the community that the applicant is committing to serve. In the event that this application is included in a community priority evaluation, it will be scored based on the community identified in response to this question. The name of the community does not have to be formally adopted for the application to be designated as community-based.

The name of the community served is the "Music Community" ("Community"). The parentheses below reflect ICANN's Applicant Guidebook 4.2.3 Criterion Definitions; Delineation; Extension; Nexus; Uniqueness; Eligibility; Name Selection; Content and Use; Enforcement; Support; Opposition.
DotMusic will use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment beyond reasonable doubt and incorporate safeguards in membership criteria "aligned with the community-based Purpose" and mitigate anti-trust and confidentiality/privacy concerns by protecting the Community of considerable size/extension while ensuring there is no material detriment to Community rights/legitimate interests.
Registrants will be verified using Community-organized, unified "criteria taken from holistic perspective with due regard of Community particularities" that "invoke a formal membership" without discrimination, conflict of interest or "likelihood of material detriment to the rights and legitimate interests" of the Community:
(i) Qualification criteria as delineated by recognized NAICS codes corresponding to Community member classification music entity types. This classification-based delineation will also be consistent with registrant Premium Channel membership criteria ("ELIGIBILITY")
(ii) Domain naming conditions ("NAME SELECTION")
(iii) Restrictions relating to domain usage and content ("CONTENT & USE")
(iv) Enforcement mechanisms to uphold Community Establishment and meet Nexus Criteria, consistent with our clear, organized delineation of the Community ("ENFORCEMENT")
The Community is a strictly delineated and organized community of individuals, organizations and business, a "logical alliance of communities of a similar nature ("COMMUNITY")", that relate to music: the art of combining sounds rhythmically, melodically or harmonically. "MUSIC" has no other significant meaning or name beyond the definition offered by popular dictionaries and encyclopedias that define "MUSIC" as relating to "combining sounds rhythmically, melodically or harmonically ("UNIQUENESS")." The Community corresponds to the community relating to "the art of combining sounds rhythmically, melodically and harmonically" ("IDENTIFY"). The Community is distinct, sharing similar needs and attitudinal and behavioral patterns in relation to music-related activities, music production and its consumption. The "MUSIC" string matches the name ("NAME") of the Community and is the established name by which the Community is commonly known by others, such as the traditional media using phrases such as the "MUSIC" artists, "MUSIC" producers and "MUSIC" publishers to classify commonly known Music Community entity types ("NEXUS"). "MUSIC" matches the name of the Community entirely and is unique since no-one commonly refers to classes relating to the "MUSIC" Community using alternative words to replace the established Community word "MUSIC" identifying the Community ("UNIQUENESS"). For example, using a "COMMUNITY string" plus "CLASS" methodology, no-one refers to "MUSIC" "ARTISTS" as "SONG" "ARTISTS." The string "MUSIC" clearly identifies the Community and is unique and rarely replaceable in the Community language context perspective. Also the "MUSIC" string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI and Dewey. For example, the Dewey Decimal Classification system, published in 1876 (LONGEVITY;PRE-EXISTING), has code 780 relating to "MUSIC".
The Community served is defined as music stakeholders being structurally organized using pre-existing, strictly delineated classes ("DELINEATION") and recognized criteria to clearly organize the Community ("ORGANIZED") classified by:
• North American Industrial Classification System codes (NAICS) used by the Census Bureau (www.census.gov/eos/www/naics) and Federal statistical agencies as the classification standard for the purpose of collecting, analyzing, and publishing statistical data related to the U.S.
• United Nations International Standard Industrial Classification (ISIC) system (www.unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf), to "delineate according to what is the customary combination of activities" (www.unstats.un.org/unsd/class/family/family2.asp?Cl=17), such as those representing the Community.

The Music Community is strictly delineated using established NAICS codes that align with the (i) characteristics of the globally recognized, organized Community, and (ii) .MUSIC global rotating multi-stakeholder Advisory Board model of fair representation, irrespective of locale, size or commercial/non-commercial status, organized with the following delineation (corresponding NAICS code in parenthesis):

• Musical groups and artists (711130)
• Independent music artists, performers, arrangers & composers (711500)
• Music publishers (512230)
• Music recording industries (512290)
• Music recording & rehearsal studios (512240)
• Music distributors, promoters & record labels (512220)
• Music production companies & record producers (512210)
• Live musical producers (711130)
• Musical instrument manufacturers (339992)
• Musical instruments & supplies stores (451140)
• Music stores (451220)
• Music accountants (541211)
• Music lawyers (541110)
• Musical groups & artists (711130)

• Music education & schools (611610)
• Music agents & managers (711400)
• Music promoters & performing arts establishments (711300)
• Music promoters of performing arts with facilities (711310)
• Music promoters of performing arts without facilities (711320)
• Music performing arts companies (711100)
• Other music performing arts companies (711190)
• Music record reproducing companies (334612)
• Music, audio and video equipment manufacturers (334310)
• Music radio networks (515111)
• Music radio stations (515112)
• Music archives & libraries (519120)
• Music business & management consultants (541611)
• Music collection agencies & performance rights organizations (561440)
• Music therapists (621340)
• Music business associations (813910)
• Music coalitions, associations, organizations, information centers & export offices (813920)
• Music unions (813930)
• Music public relations agencies (541820)
• Music journalists & bloggers (711510)
• Internet Music radio station (519130)
• Music broadcasters (515120)
• Music video producers (512110)
• Music marketing services (541613)
• Music & audio engineers (541330)
• Music ticketing (561599)
• Music recreation establishments (722410)
• Music fans/clubs (813410)

The Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries ("EXTENSION") with a Community of considerable size with millions of constituents ("SIZE").

The Community has bought, sold, and bartered music for as long ("LONGEVITY") as it has been made (R. Burnett, International Music Industry, 1996 and P. Gronow, International History of the Recording Industry, 1998). The Community is a delineated network where production and distribution of music occur in a process relying on labor division and technology. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial (M. Talbot, Business of Music, 2002). The foundation for the structured and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century ("PRE-EXISTING"). Consequently, music publishers and concert promoters assumed the function of institutional gatekeepers of the Music Community who decided which music reached consumers and in what form, thus setting the parameters within which creativity was able to unfold (P. Tschmuck, Creativity & Innovation in the Music Industry, Institute of Culture Management & Culture Science, 2006).

20B. Explain the applicant's relationship to the community identified in 20(a).

DotMusic is a member of:
- International Federation of Arts Councils & Culture Agencies (IFACCA) serving a global community of arts councils and government ministries of culture representing over 70 countries (www.ifacca.org)
- American Association of Independent Music (A2IM) serving the independent Music Community (www.a2im.org)
- National Association of Recording Manufacturers (NARM) the music business association formed in 1958 (www.narm.com)
DotMusic was founded in 2004 under the Music.us umbrella by Community member Constantine Roussos, an independent musician, songwriter and certified sound engineer, who also produced albums for artists such as Family of Snail, Katie Quinlan, Some Change from US, Pigeon's Rhythm and David Silverman. It was through his interactions with the Community that he recognized the opportunity for a safer and more trusted innovative, community-based music-themed TLD. He is also a member of the National Association of Recording Industry Professionals and other music organizations.
Other DotMusic team members include:
Robert Singerman: NARAS member with over 30 years of experience as an agent, manager, label executive, consultant, producer, venue programmer and music supervisor; represented R.E.M, Gipsy Kings, James Brown, Suzanne Vega, 10,000 Maniacs and others; directed the European Music Office for the European Commission (EU) and the French Music Export Office in the U.S; represents Brazilian music, funded by APEX, the Brazilian trade organization.
Ken Abdo: A known artist advocate; a life-long multi-instrumentalist/songwriter and former DJ; served as legal counsel to artists including Jonny Lang, Michelle Branch, Owl City and Hall & Oates.
Bob Donnelly: Music industry attorney with over 35 years of experience; 41-awarded platinum albums.
John Simson: A singer-songwriter; managed country artists who sold over 10 Million albums and won 6 Grammys; ex-director of SoundExchange, the first performing rights organization formed to

collect digital performance royalties for sound recording copyright owners & artists; co-founded the Washington Area Music Association; ex-president of the NARAS/Grammys D.C. chapter; National Trustee of the Academy; Board of the Alliance of Artists & Record Companies; member of the Folk Alliance and the Country Music Association.
Paul Bezilla: Bassist in various bands; entertainment lawyer for over 25 years; clients included Frank Sinatra, Cher, Quincy Jones, Warner Bros, and Disney.
DotMusic is the only Community member with advanced professional technical, policy, and operational TLD management experience led by DNS veteran Tina Dam to meet DotMusic's primary role: to launch, operate and maintain trusted Music Community-based TLD.

RELATION TO MUSIC COMMUNITY

Pursuant to its mission, DotMusic has been conducting extensive outreach to the Community since 2008 to brand itself and its mission to convey the benefits of .MUSIC and requesting Community support letters. Since 2008 DotMusic has led Music Community efforts to the ICANN community through dedicated participation at ICANN meetings and other DNS/new TLD related events. The mCMO domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration but also restricted by Eligibility, Use and other Policies, including enhanced safeguards.
DotMusic has been a strong Community supporter and participant as demonstrated in its ongoing efforts to build a sustainable TLD with policies dedicated to match the needs of the Community using a multi-stakeholder model, while ensuring it is implemented in a manner fulfilling DNS and ICANN technical, political and legal requirements.
DotMusic has publicly branded itself in an open, transparent and accessible manner through differentiated .MUSIC-related sites, social media, online marketing and through tens of thousands of web discussions/media mentions. Over 1,500,000 have signed the .MUSIC Initiative petition; over 5 million have liked/followed DotMusic in popular social media sites; and a significant number of leading mCMOs have signed support/interest letters as demonstrated in response to question 20f.
Other activities include sponsorships of Community events such as SxSW, Midem, Billboard, CMJ, Digital Music Forum, SF Music Tech, SoundCtrl, Social Media Week, ASCAP Expo, Popkomm, Miami Music Festival, Future of Music Policy Summit, Bandwidth, New Music Park Thing and others.
Social Media presence includes:
- Myspace, the Internet's largest music artist community (4.2 million friends: www.myspace.com/musicextension)
- Facebook, the world's largest social media site (Over 100,000 likes on www.facebook.com/musicextension and www.facebook.com/DotMusic and about 5,000 group members on www.facebook.com/groups/46381289474)
- Twitter, the world's largest micro-blogging site (220,000+ followers on www.twitter.com/mus, about 50,000 followers on www.twitter.com/DotMusic, about 60,000+ followers on www.twitter.com/musicextension, about 31,000+ on www.twitter.com/dot_music, about 21,000+ followers on www.twitter.com/musicdomain) and other social media sites

DotMusic also branded itself through earned media including:
- Forbes, Billboard, Hollywood Reporter, Los Angeles Times, Washington Post, World Trademark Review (www.music.us/news.htm), other mainstream publications, online press and thousands of blogs and social media mentions
- Google and Bing search engines have ranked the official DotMusic site (www.music.us) on the top of search engine results for the term "music" ((#23 Google, #25 Bing – March 6th, 2012), one of the most competitive keyword terms on the web according to Google Adwords (277 million global searches on Google, costing advertisers over $9k a day in clicks - www.music.us/adwords/google-adwords-keyword-music.jpg)
- The official DotMusic site ranks on the top of both Google's and Bing's search engines for terms such as "dotmusic", "dot music", "music domain", "music TLD", "music gTLD", "music top-level domain", "music generic top level domain" (www.music.us/seo)

A complete list of events relating to the ongoing outreach campaign can be found on www.music.us/events.htm
DotMusic will continue its active outreach and participation efforts in the Community and anticipates receipt of additional support letters from Community members throughout and beyond the ICANN TLD evaluation process.

ACCOUNTABILITY MECHANISMS

DotMusic will be accountable to the Community by serving them without conflicts of interest and:
- Creating and managing a trusted safe online haven for music consumption
- Establishing a safe home on the Internet for Community members to differentiate themselves regardless of locale, segment or size
- Enforcing registration policies that enhance and preserve the integrity of the Community
- Enabling music discovery & Community member promotion through Premium Channels
- Protecting intellectual property & fighting piracy
- Supporting musicians' welfare, rights & fair compensation
- Promoting music and arts, cultural diversity and music education
- Following a neutral multi-stakeholder governance of fair representation of all global music constituents
- Soliciting Community advice through the Advisory Committee
- Offering registration from a proven, scalable registry platform with 100% DNS availability

The rotating, global Advisory Committee will represent all Community stakeholder groups per the NAICS codes list, such as musicians, songwriters, composers, industry professionals, collection agencies, associations, unions, businesses, education, arts councils/export offices/government agencies, managers, promoters and agents. The Committee will operate under Bylaws central to the .MUSIC Mission, Core Values, and commitment to serve the Community and public interest.

20C. Provide a description of the community-based purpose of the applied-for gTLD.

The .MUSIC mission/purpose is:
• Creating a trusted, safe online haven for music consumption
• Establishing a safe home on the Internet for Music Community members regardless of locale or size
• Protecting intellectual property and fighting piracy
• Supporting musicians' welfare, rights & fair compensation
• Promoting music and the arts, cultural diversity and music education
• Following a multi-stakeholder approach of fair representation of all types of global music constituents, including a rotating regional advisory board working in the best interests of the Music Community

The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.

.MUSIC will effectively differentiate itself by addressing the key online usage issues of safety, trust, consistency, brand recognition as well as communicate a website's content subject-matter: music-related content. The exclusivity of the .MUSIC TLD will be established by protection mechanisms for established Music Community entities, while also allowing Do-It-Yourself artists to register and use their .MUSIC domain consistent with .MUSIC Use Policy.

In addition to .MUSIC domain registrations, DotMusic will provide related services which have been established through ongoing outreach efforts. Music Community members need to be able to distinguish themselves from illegal and right infringing websites, a critical factor for the Music Community to ensure that monies flow to the right holders. DotMusic launch-related services are:

1. Developing the Music Community Social Network Premium Domain Channels (Premium Channels) sorted by NAICS classifications and category types e.g. genre/language. They will leverage Search Engine Optimization (SEO) best practices to improve .MUSIC site search result rankings. The objective is for .MUSIC domains to signal a badge of trust that enables search engines to provide music consumers more relevant and safer search results while reducing infringing and unlicensed rogue websites. Premium Channel development will also include a global Song Registry
2. Enriching society with artistic and cultural diversity; promoting arts and music through sponsorships, events and Music Community activities
3. Advancing music education and the study of music in school curriculum by donating proceeds of domain registrations to relevant causes
4. Re-inventing music discovery and search innovation by leading the way to establish the global music standard for official music websites to benefit the at-large global Music Community and the Internet

The .MUSIC mission and purpose has been established by interactions with Community members through numerous outreach activities and upon experiences gained in previous ICANN new gTLD launches. The mission/purpose is consistent with ICANN's Affirmation of Commitments (AoC) and Basic Principles of the International Music Registry (IMR - with participants including RIAA, IFPI, SCAPR, ACTRA, SAMRO, IRSC, ECAD, CIAM), including:

- the "vital importance of transparency, openness and non-discrimination." (www.internationalmusicregistry.org/portal/en/basic_principles.html) and
- "ensuring accountability, transparency and the interests of global Internet users", "enhancing the operational stability, reliability, resiliency, security, and global interoperability of the DNS" and "promoting competition, consumer trust, and consumer choice" while "adequately addressing consumer protection, malicious abuse, and rights protection issues" (www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm).

DotMusic mission/purpose guiding principles:

TRANSPARENCY OPENNESS & ACCOUNTABILITY
DotMusic has been an accessible and transparently visible .MUSIC applicant since 2008 communicating its intentions publicly at music events, online through its website and social media outreach, and through mainstream and non-mainstream media. The .MUSIC registration policies and protection mechanisms have been developed using a bottom-up, multi-stakeholder methodology with input from international Music Community members in both the commercial and non-commercial sector.

DotMusic serves the Community without conflicts of interest and is accountable to the Community by establishing a Music Community Advisory Committee with representation from each constituency in the Community. The Committee will advise and provide perspective on .MUSIC issues such as broad policy matters and introductions of new services to meet the Community needs.

INTERNATIONAL COMMUNITY PARTICIPATION, COMMUNICATION AND OUTREACH
Since 2008, DotMusic has participated in over one hundred public events globally (full list: www.music.us/events.htm), including public speaking engagements, keynote addresses, major music and domain conferences, festivals, events and expos; earned media (broadcast, online and print) in major mainstream publications, online press, and thousands of blog and social media mentions; over 1.5 million emails of support; top search engine results for DotMusic website; and over 5 million social media followers; sponsored major Music Community events globally to explain the intended benefits of the .MUSIC TLD, requesting support and letters of intent or

interest by supporters or Music Community Member Organizations (mCMO) for this .MUSIC application.

Specific details of the these activities can be found in response to question 18b(vi). Support letters are attached in response to question 20f (updated list can be found on www.music.us/letters).
.MUSIC is trademarked in over 20 countries; has been using the brand in commerce (www.music.us/commerce), advertising and sponsorships, in domain registrations as an authorized reseller, merchandising and other commercial activities.

STANDARDS COMPLIANCE, SECURITY, RESILIENCY, AND STABILITY
Afilias is the DNS Registry provider for .MUSIC. Details of technical and operational capabilities matching the .MUSIC mission are provided in responses to questions #24-44.

COMPETITION, INNOVATION, FAIRNESS, AND CONSUMER CHOICE
Balanced domain registration restrictions and an inclusive, delineated Community definition ensures the entire Music Community can register .MUSIC domains, provides fairness in .MUSIC domain availability, offers a branding advantage, avoid conflicts of interest, anti-competitive concerns and anti-trust actions.

The Premium Channels will maximize the competitive landscape and innovation in both the music and domain space.

INTELLECTUAL PROPERTY PROTECTION AND TRUST
In consultation with major music constituents, including multiple Coalitions (such as a Coalition that includes the RIAA, ASCAP, BMI, SESAC, IFPI, A2IM, FIM, CISAC, IMPALA, NMPA, SABAM, FIM and others), DotMusic has developed policies to protect intellectual property, fight piracy and ensure .MUSIC domains are allocated in fair methods so that music consumers and Internet users are assured the highest level of trust and authenticity when they visit a .MUSIC domain.

A Global Protected Marks List (GPML) will reserve all major music brands and established artists, such as RIAA-certified platinum-selling bands.

Phased launches provides rights holders a first-come in the .MUSIC Sunrise, auction of multiple initial landrush domain inquiries, and eventually allows all stakeholders of the Music Community to register. All registrants must adhere to restricted Use, Name and Anti-Abuse policies and other enhanced safeguards to prevent detrimental practices that harm the Community.

Dispute mechanisms, compliance efforts, and data validation processes will provide an added level of trust.

DotMusic will conduct reviews of the applicability, usability, overall Music Community satisfaction. Results will be publicly provided to the Music Community for feedback and looks forward to providing review results and expertise in the ICANN Post-Launch New gTLD Review.

20D. Explain the relationship between the applied- for gTLD string and the community identified in 20(a).

The .MUSIC string relates to the Community by:
- Completely representing the entire Community. It relates to all music-related constituents using an all-inclusive, multi-stakeholder model
- Directly communicating that the content is music- related and representing the Community in a positive and beneficial manner consistent with the .MUSIC Purpose and Use policy
- Incorporating enhanced policies and safeguards matching Community needs
- Branding music-related constituents/entities on the Internet through a unique music-identifying suffix
- Serving the Community by implementing supporting services that are built and recommended by Community stakeholders and brought to .MUSIC through its multi-stakeholder Advisory Committee
- Creating a source of creativity, cultural identity, recreation and employment through a music-themed TLD
The .MUSIC affiliation with the Music Community, including interconnected functional activities, relate to the same groups identified by the Cultural Ministers' Council's "Statistical Framework for the Music Sector" scoping study (H. Hoegh-Guldberg and R. Letts, Statistical Framework for the Music Sector, 2005 www.culturaldata.gov.au/sites/www.culturaldata.gov.au/files/A_Statistical_Framework_for_the_Music_

- Musicians including composers & songwriters
- The recording industry including record companies, producers, manufacturers, distributors of physical/digital products, studios and self-produced recordings
- Audiences at all public performances and venue operators
The Community is not subject to merely commercial/financial variables. The music Community is driven primarily by technology and the socio-cultural environment that influence music-related media cultures and consumer behavior, including the Community itself.
The socio-cultural environment drives the TLD, including the cultural diversity that provides space within the Community for many genres/participants, general socioeconomic and demographic factors and their impact on diverse local environments, and the support that the Community

gives to new creators/performers. The string and Community share a particular cultural ambience: a sensitivity and preference for certain cultural expressions. The ambience is diverse and influential: music preferences of different sections of the society vary, ranging from metal to classical; Socio-economic distributions and demographic patterns, such as age.

.MUSIC will take these factors that relate to cultural-identity into consideration and add value to the Community through the Premium Channels sorted to address NAICS classifications, genre (e.g www.Reggae.music), style, mood, language and other culturally-significant music attributes to catalyze innovation, music identification and to bolster:
The cultural relationship between .MUSIC and the Community is based on the creation of a mutually beneficial ecosystem that is driven by value generation and supports value chains that make a difference that truly matters to:
• Creators, performers, bands, ensembles & orchestras
• Live performances
• Recording
• Airplay
• Distribution
• Others (e.g film, video, advertising)
.MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution, including government culture agencies and arts councils and other complementor organizations involved in support activities that are aligned with the .MUSIC mission.
.MUSIC strategic activities that relate to the Community focus on:
• Creativity, skill and talent
• Wealth and job creation through the generation, protection and exploitation of intellectual property
• Creating music-related intangible inputs that add economic and social value
• Connecting music-related content in a meaningful and organized manner that will benefit both the Community and Internet users.
These strategic activities are consistent with the creative industries strategy that was defined, refined and introduced by the Blair U.K government through the Creative Industries Task Force started in 1997 (U.K Department for Culture, Media & Sport (DCMS 2001), Creative Industries Mapping Study - www.culture.gov.uk/global/publications/archive_2001/ci_mapping_doc_2001.htm).

Michael Chanan (Short History of Recording and its Effects on Music, 1995) and Peter Martland (Business History of the Gramophone Company Ltd (1887-1918), 1992) identify factors shared by the Community:
• Music offers the opportunity of enhancing Community earnings
• Music can spread the fame of members of the Community widely, as far afield as the Community's distribution systems permit
• Fame can be further exploited using global transport systems for touring
• Music, by virtue of its permanence, can create a form of immortality for Community members, which prior to the invention of sound technology had been denied to them
The Community and the .MUSIC string share a core value system of artistic expression with diverse, niche subcultures and socio-economic interactions between music creators, their value chain, distribution channel, and ultimately engaging fans as well as other music constituents subscribing to common ideals.
The Community genre dynamics are akin to those found in other culturally-driven Communities identifying cultural identity such as those relating to nationality, language, ethnicity, sexual orientation, religion. Just like languages such as English, music theory follows an organized set of rules relating to composition and performance.
A Community music genre is a conventional category that identifies music belonging to a Community-shared tradition or set of conventions. Cultural criteria relating to genres include a combination of art type; time period; regional/national origins; and social function.
Fabbri defines genre as "a kind of music, as it is acknowledged by a community for any reason or purpose or criteria, i.e a set of music events whose course is governed by rules accepted by a community" and it is "characterized by cultural features." Genres are characterized using the following types of rules, of which only the first is related strictly to music content:

• Formal & technical: Content-based practices
• Semiotic: Abstract concepts communicated
• Behavior: How composers, performers and audiences appear and behave
• Social & ideological: Genres and demographic links such as age, race, sex, political views
• Economical & juridical: Laws and economic systems supporting a genre

(F. Fabbri, Theory of Musical Genres, Popular Music Perspectives, 1981)

Genres inform musicians how they are influenced by identification with different communities and by the music industry (J. Toynbee, Making Popular Music: Musicians, Creativity & Institutions, 2000).

Music genres have "significant importance beyond simply its utility in organizing music. The Community actively identifies culturally with certain genres of music, as can easily be observed in the differences in the ways that many fans of death metal or rap dress and speak, for example. Genre is so important to listeners, in fact, that psychological research has found that the style of a piece can influence listeners' liking for it more than the piece itself (A. North, & D. Hargreaves, Liking for Musical Styles, Music Scientae,1997)."

Genre is an "intentional concept shared by a given community, much in the same way we ascribe and interpret meanings to words in our languages" akin to a "linguistic category. Music is

founded not on intrinsic properties but on extrinsic habits (F. Pachet, Representing Musical Genre: A State of the Art, Journal of New Music Research, 2003).” The Premium Channels will be organized to reflect these Community cultural nuances

.MUSIC & COMMUNITY SUPPORT
See 20f for documented support from institutions/organizations representing majority of the Community and description of the process/rationale used relating to the expression of support.

20E. Provide a complete description of the applicant’s intended registration policies in support of the community-based purpose of the applied-for gTLD. Policies and enforcement mechanisms are expected to constitute a coherent set.

DotMusic has incorporated enhanced policies to ensure only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefitting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.
The policies are built to match Music Community needs, based on years of feedback from Music Community members and on experience from the previous ICANN new gTLD introductions, as well as established to ensure a higher level of security for .MUSIC than what is considered standard for gTLDs.
Aside from the policies described below .MUSIC will be launched with standard gTLD lifecycle requirements per response to question #27. DotMusic will adhere to all ICANN mandated rights protection mechanisms and consensus policies.

RESERVATION PROTECTION:
DotMusic will reserve names at the second level per ICANN requirements. The Country and Territory Names are reserved per the response to question #22. Names to support registry operations, e.g. nic.MUSIC can only be registered by DotMusic.

INNOVATIVE PREMIUM NAMES RESERVATIONS:
DotMusic will reserve premium names that will be used in an innovative manner to benefit eligible members including the development of Premium Channels, such as genres (e.g Rock.MUSIC), that will define the locale web of music, promote Community members based on their classification/cateogry, and improve music discovery.

RIGHTS PROTECTION AND NOTIFICATIONS SYSTEM:
- Globally Protected Marks List (GPML) will ensure major music brands and established artists, such as RIAA-certified platinum-selling bands, are protected not cybersquatted. These are reserved at all times.
- Trademark Clearing House and its notification mechanisms will be implemented in accordance to ICANN specifications.
- Names Selection Policy – to ensure only music-related names are registered as domains under .MUSIC, with the following restrictions:
1) A name of (entire or portion of) the musician, band, company, organization, e.g. the registrants “doing business as” name
2) An acronym representing the registrant
3) A name that recognizes or generally describes the registrant, or
4) A name related to the mission or activities of the registrant

SUNRISE LAUNCH W/ TRADEMARK VALIDATION
This is the first phase of .MUSIC domain registration. It is a phase designed to protect trademarks in the roll-out of .MUSIC. The Sunrise is the time when regional, national and international trademark and service mark holders can apply for .MUSIC domains.
The eligibility requirements will be verified, and multiple registration applications for the same string will be auctioned, except for GPML entries that supersede any other sunrise registration applications.
The Sunrise Challenge Process solves disputes concerning domains registered under the Sunrise Policy.
Details of the Sunrise Policy and Challenge Process can be found in response to question #29.

MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH
This is the second phase of.MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). Unique registrations will be granted to the sole registrant and delegated at the close of the time period; multiple registration requests for the same string will go through an auction.

LANDRUSH LAUNCH
This is the third phase of .MUSIC domain registration; a limited- time period. Unique registrations will be granted to the registrant; multiple registration requests for the same domain will go through an auction.
Landrush is designed for members of the Music Community that want to secure premium .MUSIC domains giving members the chance to register their preferred .MUSIC domains; multiple registration requests for the same domain will go through an auction.

GENERAL AVAILABILITY
This is the fourth and final phase of registration of .MUSIC domains. .MUSIC registrations will

now be available to Music Community members on a first come, first served basis.

USE POLICY
This policy is in place for .MUSIC registrants regardless of the applicable launch phase. It is developed with extensive participation of Music Community members; tailored to meet the specific needs of the Music Community; and solve issues currently existing in the Music Community related to intellectual property infringement and malicious conduct.

The policy is incorporated in the registration agreement for all .MUSIC registrants. DotMusic may modify or revise these use policies at any time. Registrants agree to be bound by such modifications or revisions. Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations.

The following use requirements apply:
- Use only for music-related activities
- Comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities
- Do not post or submit content that is illegal, threatening, abusive, harassing, defamatory, libelous, deceptive, fraudulent, invasive of another's privacy, or tortious
- Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit
- Immediately notify us if there is a security breach, other member incompliance or illegal activity on .MUSIC sites
- Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community
- Do not use any automated process to access or use the .MUSIC sites or any process, whether automated or manual, to capture data or content from any service for any reason
- Do not use any service or any process to damage, disable, impair, or otherwise attack .MUSIC sites or the networks connected to .MUSIC sites

ANTI-ABUSE POLICY
This policy is in place for all registrants under .MUSIC and addresses the identification and prompt action on malicious abuse of domains. Such activity can lead to security and stability issues for the registry, registrars, and registrants, and general users of the Internet which the policy is in place to prevent. The policy is incorporated in the .MUSIC registration agreement with all registrants and detailed in response to question #28.

REGISTRY DATA VALIDATION
While DotMusic will hold the thick WHOIS data provided through registrars, we will also validate elements of the received WHOIS data:
1. The registrant's email address through validation links
2. The registrant's phone number through validated PIN-codes

Upon successful completion of these two steps, DotMusic will provide the registrant their Music Community membership details; used to join/access the Premium Channels. All future .MUSIC domains associated with the registrant-verified email address will not be re-verified.

COMPLIANCE AND ENFORCEMENT
DotMusic will take proactive and reactive measures to enforce its TLD policies. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes.
Any violation of the .MUSIC Policies will be enforced on a case-by-case, fact-specific basis:
1. Any allegation that a domain is not used for legitimate music purposes or otherwise infringes on the .MUSIC Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") as described in our response to question #28.
2. Any alleged violation of the UDRP shall be enforced under the provisions contained therein, as modified by the URS.

The MPCIDRP, UDRP, and URS are required in the registrars' registration agreements with registrants. Proceedings under the MPCIDRP, UDRP, and URS must be brought by interested third parties in accordance with the associated policies and procedures.
DotMusic will conduct random compliance efforts across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established .MUSIC Policies.
If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.
Repeat offenders will be placed on a special monitoring list that DotMusic staff will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely.
DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and will present them publicly to enable Music Community constituents to provide feedback. DotMusic will also conduct registrar and registrant surveys based on the level of registrant satisfaction concerning .MUSIC usability and how to improve value proposition.
DotMusic reserves the right to deny, cancel or transfer any registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry, to comply with any applicable laws, government rules or requirements, requests of law enforcement, in compliance with any dispute resolution process, or to avoid any liability, civil or criminal, on the part of DotMusic, as well as its affiliates, subsidiaries, officers, directors and employees. DotMusic reserves the right to freeze a domain during resolution of a dispute.
DotMusic reserves the right to terminate a domain for failure by the registrant to demonstrate

it meets .MUSIC policies.

20F. Attach any written endorsements for the application from established institutions representative of the community identified in 20(a). An applicant may submit written endorsements by multiple institutions, if relevant to the community.

21A. Is the application for a geographic name?

No

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22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD. This should include any applicable rules and procedures for reservation and/or release of such names.

DotMusic protects geographic names at the second level of .MUSIC by the following described measures. These have been developed in response to the GAC's Principles regarding New gTLDs, dated March 28, 2007, and to adhere to the requirements of the ICANN Registry Agreement Specification 5.

In correspondence with GAC principle 2.7, DotMusic will block all country and territory names as registrations under .MUSIC. To accomplish this DotMusic will prior to launch (i) place the names on a reserved list that can solely be released as second-level registrations under .MUSIC by an agreement with the respective country or territory and with ICANN; and (ii) include in its registration policies that country and territory names are prohibited at lower levels.

The names reserved as country and territory names will correspond to the requirements in the ICANN Registry Agreement Specification 5, paragraph 5; and paragraph 2 where all two-character labels will be reserved for registration to ensure that any release of such names is done to the appropriate corresponding country or territory and thereby avoid user confusion.

When DotMusic is launching Internationalized Domain Names DotMusic will place translated versions of country and territory names on a reserved list that also only can be released for registration if an agreement has been reached with the corresponding country or territory and ICANN.

DotMusic will implement multiple dispute resolution policies to address dispute over any names not reserved by the above provisions; see response to question #20e and #28 and #29. In particular all domains awarded to registrants are subject to the Uniform Domain Name Dispute Resolution Policy (UDRP), and to any properly-situated court proceeding. DotMusic will ensure appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance at the second level. DotMusic will institute a provision in the registry-registrar agreements and the registrar-registrant agreements, to suspend domains names in the event of a dispute. DotMusic may exercise that right in the case of a dispute over a geographic name.

The release of a two-character, country, or territory name as second level registration under .MUSIC will be done in agreement with the corresponding country or territory, ICANN. DotMusic will define a procedure so that governments can request the above reserved domain(s) if they would like to take possession of them. This procedure will be based on existing methodology developed for the release of country names in the .INFO TLD. For example, we will require a written request from the country's GAC representative, or a written request from the country's relevant Ministry or Department. We will allow the designated beneficiary (the Registrant) to register the name, with an accredited Afilias Registrar, possibly using an authorization number transmitted directly to the designated beneficiary in the country concerned.

DotMusic will be working closely with the International Federation of Arts Councils and Culture Agencies, with national members from over 70 countries comprised of governments' Ministries of Culture and Arts Councils covering all continents, to ensure country names protection and the promotion of government-related cultural and music initiatives. Strategic partners include UNESCO, African Arts Institute, Asia-Pacific Regional Centre of the Culturelink Network, European League of Institutes of the Arts, European Research Institute for Comparative Cultural Policy and the Arts, European Commission Directorate General Education & Culture, Fundació Interarts, International Conference on Cultural Policy Research, International Network for Contemporary Performing Arts, International Federation of Coalitions for Cultural Diversity, International Network for Cultural Diversity, ISPA - International Society for the Performing

Arts Foundation, National Assembly of State Arts Agencies, Organization of American States, Observatory of Cultural Policies in Africa, Organización de Estados Iberoamericanos, Caribbean and Pacific Group of States, United Cities and Local Governments.

Ministries of Culture Agencies and Arts Councils include:

Albania (Ministry of Tourism, Culture, Youth & Sport)
Armenia (Ministry of Culture)
Australia (Australia Council for the Arts)
Bahamas (Ministry of Youth, Sports & Culture)
Belgium (Fédération Wallonie-Bruxelles, Cabinet de la Culture)
Belgium (Ministry of the Flemish Community, Arts & Heritage)
Belize (National Institute of Culture & History)
Botswana (Department of Arts & Culture, Ministry of Youth, Sport & Culture)
Bulgaria (National Culture Fund)
Cambodia (Ministry of Culture & Fine Arts)
Canada (Canada Council for the Arts)
Cayman Islands (Cayman National Cultural Foundation)
Chile (Consejo Nacional de la Cultura y las Artes)
China (CFLAC - China Federation of Literary & Art Circles)
Colombia (Ministerio de Cultura de Colombia)
Cook Islands (Ministry of Cultural Development)
Croatia (Ministarstvo Kulture - Ministry of Culture)
Cuba (Ministerio de Cultura de la República de Cuba)
Denmark (Kulturstyrelsen - Danish Agency for Culture)
Egypt (Ministry of Culture)
England (Arts Council England)
Fiji (Fiji Arts Council)
Finland (Arts Council of Finland)
France (Ministère de la Culture et de la Communication de France)
Gambia (National Council for Arts & Culture of The Gambia)
Grenada (Grenada Arts Council)
Guyana (National Trust of Guyana, Ministry of Culture, Youth and Sport)
Hong Kong (Home Affairs Bureau, Culture Section Government of Hong Kong)
Iceland (Ministry of Education, Science & Culture)
India (Ministry of Culture)
Ireland (Arts Council of Ireland - An Chomhairle Ealaíon)
Jamaica (Ministry of Youth, Sport & Culture)
Japan (Japan Foundation)
Kenya (Bomas of Kenya)
Lithuania (Ministry of Culture)
Luxembourg (Ministère de la Culture)
Malawi (Ministry of Tourism, Wildlife & Culture)
Malaysia (Ministry of Information, Communication & Culture)
Maldives (Ministry of Tourism, Arts & Culture)
Malta (Malta Council for Culture and the Arts)
Mongolia (Ministry of Education, Culture & Science)
Mozambique (Ministério da Cultura)
Namibia (National Arts Council of Namibia)
Netherlands (Mondriaan Fund)
Netherlands (Nederlands Fonds voor Podiumkunsten, Fund for Performing Arts)
Netherlands (Nederlands Letterenfonds - Dutch Foundation for Literature)
Netherlands (Raad voor Cultuur - Council for Culture)
Netherlands (SICA - Stichting Internationale Culturele Activiteiten)
New Zealand (Creative New Zealand - Toi Aotearoa)
Niger (Ministere de la Communication, des Nouvelles Techonologies de l'Information et de la Culture)
Nigeria (National Council for Arts & Culture)
Northern Ireland (Arts Council of Northern Ireland)
Norway (Norsk Kulturråd - Arts Council Norway)
Palau (Ministry of Community & Cultural Affairs)
Papua New Guinea (Ministry of Culture & Tourism)
Philippines (National Commission for Culture & the Arts)
Portugal (Direcção-Geral das Artes)
Qatar (Ministry of Culture, Arts & Heritage)
Romania (Ministry of Culture & National Heritage)
Saudi Arabia (Ministry of Culture & Information)
Scotland (Creative Scotland)
Senegal (Ministère de la Culture et du Tourisme)
Serbia (International Cultural Centre Belgrade)
Seychelles (Ministry of Community Development, Youth, Sport & Culture)
Singapore (National Arts Council of Singapore)
Slovenia (Ministry of Education, Science, Culture and Sport)
Solomon Islands (Ministry of Culture & Tourism)
South Africa (National Arts Council of South Africa)
South Korea (Arts Council Korea)
Spain (Secretaría de Estado de Cultura, España)
Swaziland (Swaziland National Council of Arts and Culture)
Sweden (Statens Kulturråd - Swedish Arts Council)
Switzerland (Pro Helvetia - Swiss Arts Council)
Tanzania (Basata: National Arts Council)

Tunisia (Ministry of Culture)
United Arab Emirates (Sharjah Museums Council)
USA (National Endowment for the Arts)
USA (National Endowment for the Humanities)
Vietnam (Ministry of Culture, Sports & Tourism)
Wales (Cygnor Celfyddydau Cymru - Arts Council of Wales)
Zambia (National Arts Council of Zambia)
Zimbabwe (National Arts Council of Zimbabwe)

DotMusic also has support from the International Association of Music Information Centres (IAMIC), a global network of organizations which document and promote the music from our time. IAMIC will also help .MUSIC with its outreach efforts relating to the protection of country-name domains and the allocation of the domains to the proper government authorities to promote culture and music from those territories. IAMIC "supports the work of 40 member organizations in 37 countries. Music Information Centers across the world bear fundamental similarities: they provide specialized music resources for music students, performers, composers and music teachers; they act as visitor centers for any member of the public with an interest in learning about national musical heritage; they develop audiences for new music through educational and promotional projects."
These include:
Australia (Australian Music Centre)
Austria (MICA - Music Information Center Austria)
Belgium (Flanders Music Centre)
Belgium (CEBEDEM - Belgian Centre for Music Documentation)
Belgium (MATRIX)
Brazil (CIDDIC-Brasil⁄UNICAMP)
Canada (Canadian Music Centre)
Croatia (Croatian Music Information Centre KDZ)
Cyprus (Cyprus Music Information Center - CyMIC)
Czech Republic (Czech Music Information Centre)
Denmark (Danish Arts Agency - Music Centre)
England (Sound and Music - SAM)
Estonia (Estonian Music Information Centre)
Finland (Finnish Music Information Centre Fimic)
France (CDMC - Centre de documentation de la musique contemporaine)
Georgia (Georgian Music Information Centre)
Germany (German Music Information Centre)
Greece (Greek Music Information Centre ⁄ Institute for Research on Music and Acoustics)
Hungary (BMC Hungarian Music Information Center)
Iceland (Iceland Music Information Centre)
Ireland (Contemporary Music Centre, Ireland)
Israel (Israel Music Information Centre ⁄ Israel Music Institute)
Italy (CIDIM ⁄ AMIC)
Latvia (Latvian Music Information Centre - LMIC)
Lithuania (Lithuanian Music Information and Publishing Centre)
Luxembourg (Luxembourg Music Information Centre)
Netherlands (Netherlands Music Information Centre)
New Zealand (Centre for New Zealand Music - SOUNZ)
Norway (Music Information Centre Norway)
Poland (Polish Music Information Centre)
Portugal (Portuguese Music Research & Information Centre ⁄ Miso Music Portugal)
Scotland (Scottish Music Centre)
Slovakia (Music Centre Slovakia)
Slovenia (Slovene Music Information Centre)
South Africa (Music Communication Centre of Southern Africa - MCCOSA)
Sweden (Svensk Musik)
Switzerland (Fondation SUISA pour la musique)
USA (American Music Center)
Wales (Ty Cerdd - Welsh Music Information Centre)

DotMusic already holds support from multiple music export offices from different countries⁄territories. The music export offices are typically run by government agencies, and have expressed and signed letters of interest to administer the corresponding [countryname⁄territoryname.MUSIC] in an appropriate manner that benefits the music industry for that corresponding country⁄territory. The support gathered this far is attached in response to question #20, is publicly available at www.music.us⁄letters. DotMusic expects additional interest expressed from other countries and territories as the DotMusic outreach continues.

Other GAC Principles regarding New gTLDs are defined elsewhere in this application, for example methods for limiting the need for defensive registrations in paragraph 2.9 is described in response to question #18b and #20e.

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23. Provide name and full description of all the Registry Services to be provided. Descriptions should include both technical and business components of each proposed service, and address any potential security or stability concerns.
The following registry services are customary services offered by a registry operator:

A. Receipt of data from registrars concerning registration of domain names and name servers.
B. Dissemination of TLD zone files.
C. Dissemination of contact or other information concerning domain name registrations (e.g., port-43 WHOIS, Web- based Whois, RESTful Whois service).
D. Internationalized Domain Names, where offered.
E. DNS Security Extensions (DNSSEC). The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD.

Additional proposed registry services that are unique to the registry must also be described.

Throughout the technical portion (#23 - #44) of this application, answers are provided directly from Afilias, the back-end provider of registry services for this TLD. DotMusic chose Afilias as its back-end provider because Afilias has more experience successfully applying to ICANN and launching new TLDs than any other provider. Afilias is the ICANN-contracted registry operator of the .INFO and .MOBI TLDs, and Afilias is the back-end registry services provider for other ICANN TLDs including .ORG, .ASIA, .AERO, and .XXX.

Registry services for this TLD will be performed by Afilias in the same responsible manner used to support 16 top level domains today. Afilias supports more ICANN-contracted TLDs (6) than any other provider currently. Afilias' primary corporate mission is to deliver secure, stable and reliable registry services. This TLD will utilize an existing, proven team and platform for registry services with:
• A stable and secure, state-of-the-art, EPP-based SRS with ample storage capacity, data security provisions and scalability that is proven with registrars who account for over 95% of all gTLD domain name registration activity (over 375 registrars);
• A reliable, 100% available DNS service (zone file generation, publication and dissemination) tested to withstand severe DDoS attacks and dramatic growth in Internet use;
• A WHOIS service that is flexible and standards compliant, with search capabilities to address both registrar and end-user needs; includes consideration for evolving standards, such as RESTful, or draft-kucherawy-wierds;
• Experience introducing IDNs in the following languages: German (DE), Spanish (ES), Polish (PL), Swedish (SV), Danish (DA), Hungarian (HU), Icelandic (IS), Latvian (LV), Lithuanian (LT), Korean (KO), Simplified and Traditional Chinese (CN), Devanagari (HI-DEVA), Russian (RU), Belarusian (BE), Ukrainian (UK), Bosnian (BS), Serbian (SR), Macedonian (MK) and Bulgarian (BG) across the TLDs it serves;
• A registry platform that is both IPv6 and DNSSEC enabled;
• An experienced, respected team of professionals active in standards development of innovative services such as DNSSEC and IDN support;
• Methods to limit domain abuse, remove outdated and inaccurate data, and ensure the integrity of the SRS, and;
• Customer support and reporting capabilities to meet financial and administrative needs, e.g., 24x7 call center support, integration support, billing, and daily, weekly, and monthly reporting.

Afilias will support this TLD in accordance with the specific policies and procedures of DotMusic (the "registry operator"), leveraging a proven registry infrastructure that is fully operational, staffed with professionals, massively provisioned, and immediately ready to launch and maintain this TLD.

The below response includes a description of the registry services to be provided for this TLD, additional services provided to support registry operations, and an overview of Afilias' approach to registry management.

Registry services to be provided
To support this TLD, DotMusic and Afilias will offer the following registry services, all in accordance with relevant technical standards and policies:
• Receipt of data from registrars concerning registration for domain names and nameservers, and provision to registrars of status information relating to the EPP-based domain services for registration, queries, updates, transfers, renewals, and other domain management functions. Please see our responses to questions #24, #25, and #27 for full details, which we request be incorporated here by reference.
• Operation of the registry DNS servers: The Afilias DNS system, run and managed by Afilias, is a massively provisioned DNS infrastructure that utilizes among the most sophisticated DNS architecture, hardware, software and redundant design created. Afilias' industry-leading system works in a seamless way to incorporate nameservers from any number of other secondary DNS service vendors. Please see our response to question #35 for full details, which we request be incorporated here by reference.
• Dissemination of TLD zone files: Afilias' distinctive architecture allows for real-time updates and maximum stability for zone file generation, publication and dissemination. Please see our response to question #34 for full details, which we request be incorporated here by reference.
• Dissemination of contact or other information concerning domain registrations: A port 43 WHOIS service with basic and expanded search capabilities with requisite measures to prevent abuse. Please see our response to question #26 for full details, which we request be

incorporated here by reference.
• Internationalized Domain Names (IDNs): Ability to support all protocol valid Unicode characters at every level of the TLD, including alphabetic, ideographic and right-to-left scripts, in conformance with the ICANN IDN Guidelines. Please see our response to question #44 for full details, which we request be incorporated here by reference.
• DNS Security Extensions (DNSSEC): A fully DNSSEC-enabled registry, with a stable and efficient means of signing and managing zones. This includes the ability to safeguard keys and manage keys completely. Please see our response to question #43 for full details, which we request be incorporated here by reference.

Each service will meet or exceed the contract service level agreement. All registry services for this TLD will be provided in a standards-compliant manner.

Security
Afilias addresses security in every significant aspect – physical, data and network as well as process. Afilias' approach to security permeates every aspect of the registry services provided. A dedicated security function exists within the company to continually identify existing and potential threats, and to put in place comprehensive mitigation plans for each identified threat. In addition, a rapid security response plan exists to respond comprehensively to unknown or unidentified threats. The specific threats and Afilias mitigation plans are defined in our response to question #30(b); please see that response for complete information. In short, Afilias is committed to ensuring the confidentiality, integrity, and availability of all information.

New registry services

No new registry services are planned for the launch of this TLD.

Additional services to support registry operation
Numerous supporting services and functions facilitate effective management of the TLD. These support services are also supported by Afilias, including:
• Customer support: 24x7 live phone and e-mail support for customers to address any access, update or other issues they may encounter. This includes assisting the customer identification of the problem as well as solving it. Customers include registrars and the registry operator, but not registrants except in unusual circumstances. Customers have access to a web-based portal for a rapid and transparent view of the status of pending issues.
• Financial services: billing and account reconciliation for all registry services according to pricing established in respective agreements.

Reporting is an important component of supporting registry operations. Afilias will provide reporting to the registry operator and registrars, and financial reporting.

Reporting provided to registry operator
Afilias provides an extensive suite of reports to the registry operator, including daily, weekly and monthly reports with data at the transaction level that enable the registry operator to track and reconcile at whatever level of detail preferred. Afilias provides the exact data required by ICANN in the required format to enable the registry operator to meet its technical reporting requirements to ICANN.

In addition, Afilias offers access to a data warehouse capability that will enable near real-time data to be available 24x7. This can be arranged by informing the Afilias Account Manager regarding who should have access. Afilias' data warehouse capability enables drill-down analytics all the way to the transaction level.

Reporting available to registrars
Afilias provides an extensive suite of reporting to registrars and has been doing so in an exemplary manner for more than ten years. Specifically, Afilias provides daily, weekly and monthly reports with detail at the transaction level to enable registrars to track and reconcile at whatever level of detail they prefer.

Reports are provided in standard formats, facilitating import for use by virtually any registrar analytical tool. Registrar reports are available for download via a secure administrative interface. A given registrar will only have access to its own reports. These include the following:
• Daily Reports: Transaction Report, Billable Transactions Report, and Transfer Reports;
• Weekly: Domain Status and Nameserver Report, Weekly Nameserver Report, Domains Hosted by Nameserver Weekly Report, and;
• Monthly: Billing Report and Monthly Expiring Domains Report.

Weekly registrar reports are maintained for each registrar for four weeks. Weekly reports older than four weeks will be archived for a period of six months, after which they will be deleted.

Financial reporting
Registrar account balances are updated real-time when payments and withdrawals are posted to the registrars' accounts. In addition, the registrar account balances are updated as and when they perform billable transactions at the registry level.

Afilias provides Deposit/Withdrawal Reports that are updated periodically to reflect payments received or credits and withdrawals posted to the registrar accounts.

The following reports are also available: a) Daily Billable Transaction Report, containing

details of all the billable transactions performed by all the registrars in the SRS, b) daily e-mail reports containing the number of domains in the registry and a summary of the number and types of billable transactions performed by the registrars, and c) registry operator versions of most registrar reports (for example, a daily Transfer Report that details all transfer activity between all of the registrars in the SRS).

Afilias approach to registry support
Afilias, the back end registry services provider for this TLD, is dedicated to managing the technical operations and support of this TLD in a secure, stable and reliable manner. Afilias has worked closely with DotMusic to review specific needs and objectives of this TLD. The resulting comprehensive plans are illustrated in technical responses #24-44, drafted by Afilias given DotMusic requirements. Afilias and DotMusic also worked together to provide financial responses for this application which demonstrate cost and technology consistent with the size and objectives of this TLD.

Afilias is the registry services provider for this and several other TLD applications. Over the past 11 years of providing services for gTLD and ccTLDs, Afilias has accumulated experience about resourcing levels necessary to provide high quality services with conformance to strict service requirements. Afilias currently supports over 20 million domain names, spread across 16 TLDs, with over 400 accredited registrars.

Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.

With over a decade of registry experience, Afilias has the depth and breadth of experience that ensure existing and new needs are addressed, all while meeting or exceeding service level requirements and customer expectations. This is evident in Afilias' participation in business, policy and technical organizations supporting registry and Internet technology within ICANN and related organizations. This allows Afilias to be at the forefront of security initiatives such as: DNSSEC, wherein Afilias worked with Public Interest Registry (PIR) to make the .ORG registry the first DNSSEC enabled gTLD and the largest TLD enabled at the time; in enhancing the Internet experience for users across the globe by leading development of IDNs; in pioneering the use of open-source technologies by its usage of PostgreSQL, and; being the first to offer near-real-time dissemination of DNS zone data.

The ability to observe tightening resources for critical functions and the capacity to add extra resources ahead of a threshold event are factors that Afilias is well versed in. Afilias' human resources team, along with well-established relationships with external organizations, enables it to fill both long-term and short-term resource needs expediently.

Afilias' growth from a few domains to serving 20 million domain names across 16 TLDs and 400 accredited registrars indicates that the relationship between the number of people required and the volume of domains supported is not linear. In other words, servicing 100 TLDs does not automatically require 6 times more staff than servicing 16 TLDs. Similarly, an increase in the number of domains under management does not require in a linear increase in resources. Afilias carefully tracks the relationship between resources deployed and domains to be serviced, and pro-actively reviews this metric in order to retain a safe margin of error. This enables Afilias to add, train and prepare new staff well in advance of the need, allowing consistent delivery of high quality services.

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24. Shared Registration System (SRS) Performance:
describe

- the plan for operation of a robust and reliable SRS. SRS is a critical registry function for enabling multiple registrars to provide domain name registration services in the TLD. SRS must include the EPP interface to the registry, as well as any other interfaces intended to be provided, if they are critical to the functioning of the registry. Please refer to
  the requirements in Specification 6 (section 1.2) and Specification 10 (SLA Matrix) attached to the Registry Agreement; and
  • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel
  roles allocated to this area).
  A complete answer should include, but is not limited to:

A high-level SRS system description;
- Representative network diagram(s);
- Number of servers;
- Description of interconnectivity with other registry systems;
- Frequency of synchronization between servers; and
- Synchronization scheme (e.g., hot standby, cold standby).

THE RESPONSE FOR THIS QUESTION USES ANGLE BRACKETS (THE "〈" and "〉" CHARACTERS, or 〈 and 〉), WHICH ICANN INFORMS US (CASE ID 11027)
CANNOT BE PROPERLY RENDERED IN TAS DUE TO SECURITY CONCERNS. HENCE, THE ANSWER BELOW AS DISPLAYED IN TAS MAY NOT RENDER THE FULL RESPONSE AS INTENDED. THEREFORE, THE FULL ANSWER TO THIS QUESTION IS ALSO ATTACHED AS A PDF FILE, ACCORDING TO SPECIFIC GUIDANCE FROM ICANN UNDER CASE ID 11027.

Answers for this question (#24) are provided directly from Afilias, the back-end provider of registry services for this TLD.

Afilias operates a state-of-the-art EPP-based Shared Registration System (SRS) that is secure, stable and reliable. The SRS is a critical component of registry operations that must balance the business requirements for the registry and its customers, such as numerous domain acquisition and management functions. The SRS meets or exceeds all ICANN requirements given that Afilias:
• Operates a secure, stable and reliable SRS which updates in real-time and in full compliance with Specification 6 of the new gTLD Registry Agreement;
• Is committed to continuously enhancing our SRS to meet existing and future needs;
• Currently exceeds contractual requirements and will perform in compliance with Specification 10 of the new gTLD Registry Agreement;
• Provides SRS functionality and staff, financial, and other resources to more than adequately meet the technical needs of this TLD, and;
• Manages the SRS with a team of experienced technical professionals who can seamlessly integrate this TLD into the Afilias registry platform and support the TLD in a secure, stable and reliable manner.

Description of operation of the SRS, including diagrams
Afilias' SRS provides the same advanced functionality as that used in the .INFO and .ORG registries, as well as the fourteen other TLDs currently supported by Afilias. The Afilias registry system is standards-compliant and utilizes proven technology, ensuring global familiarity for registrars, and it is protected by our massively provisioned infrastructure that mitigates the risk of disaster.

EPP functionality is described fully in our response to question #25; please consider those answers incorporated here by reference. An abbreviated list of Afilias SRS functionality includes:
• Domain registration: Afilias provides registration of names in the TLD, in both ASCII and IDN forms, to accredited registrars via EPP and a web-based administration tool.
• Domain renewal: Afilias provides services that allow registrars the ability to renew domains under sponsorship at any time. Further, the registry performs the automated renewal of all domain names at the expiration of their term, and allows registrars to rescind automatic renewals within a specified number of days after the transaction for a full refund.
• Transfer: Afilias provides efficient and automated procedures to facilitate the transfer of sponsorship of a domain name between accredited registrars. Further, the registry enables bulk transfers of domains under the provisions of the Registry-Registrar Agreement.
• RGP and restoring deleted domain registrations: Afilias provides support for the Redemption Grace Period (RGP) as needed, enabling the restoration of deleted registrations.
• Other grace periods and conformance with ICANN guidelines: Afilias provides support for other grace periods that are evolving as standard practice inside the ICANN community. In addition, the Afilias registry system supports the evolving ICANN guidelines on IDNs.

Afilias also supports the basic check, delete, and modify commands.

As required for all new gTLDs, Afilias provides "thick" registry system functionality. In this model, all key contact details for each domain are stored in the registry. This allows better access to domain data and provides uniformity in storing the information.

Afilias' SRS complies today and will continue to comply with global best practices including relevant RFCs, ICANN requirements, and this TLD's respective domain policies. With over a decade of experience, Afilias has fully documented and tested policies and procedures, and our highly skilled team members are active participants of the major relevant technology and standards organizations, so ICANN can be assured that SRS performance and compliance are met. Full details regarding the SRS system and network architecture are provided in responses to questions #31 and #32; please consider those answers incorporated here by reference.

SRS servers and software
All applications and databases for this TLD will run in a virtual environment currently hosted by a cluster of servers equipped with the latest Intel Westmere multi-core processors. (It is

possible that by the time this application is evaluated and systems deployed, Westmere processors may no longer be the "latest"; the Afilias policy is to use the most advanced, stable technology available at the time of deployment.) The data for the registry will be stored on storage arrays of solid state drives shared over a fast storage area network. The virtual environment allows the infrastructure to easily scale both vertically and horizontally to cater to changing demand. It also facilitates effective utilization of system resources, thus reducing energy consumption and carbon footprint.

The network firewalls, routers and switches support all applications and servers. Hardware traffic shapers are used to enforce an equitable access policy for connections coming from registrars. The registry system accommodates both IPv4 and IPv6 addresses. Hardware load balancers accelerate TLS/SSL handshaking and distribute load among a pool of application servers.

Each of the servers and network devices are equipped with redundant, hot-swappable components and multiple connections to ancillary systems. Additionally, 24x7 support agreements with a four-hour response time at all our data centers guarantee replacement of failed parts in the shortest time possible.

Examples of current system and network devices used are:
• Servers: Cisco UCS B230 blade servers
• SAN storage arrays: IBM Storwize V7000 with Solid State Drives
• SAN switches: Brocade 5100
• Firewalls: Cisco ASA 5585-X
• Load balancers: F5 Big-IP 6900
• Traffic shapers: Procera PacketLogic PL8720
• Routers: Juniper MX40 3D
• Network switches: Cisco Nexus 7010, Nexus 5548, Nexus 2232

These system components are upgraded and updated as required, and have usage and performance thresholds which trigger upgrade review points. In each data center, there is a minimum of two of each network component, a minimum of 25 servers, and a minimum of two storage arrays.

Technical components of the SRS include the following items, continually checked and upgraded as needed: SRS, WHOIS, web admin tool, DNS, DNS distributor, reporting, invoicing tools, and deferred revenue system (as needed).

All hardware is massively provisioned to ensure stability under all forecast volumes from launch through "normal" operations of average daily and peak capacities. Each and every system application, server, storage and network device is continuously monitored by the Afilias Network Operations Center for performance and availability. The data gathered is used by dynamic predictive analysis tools in real-time to raise alerts for unusual resource demands. Should any volumes exceed established thresholds, a capacity planning review is instituted which will address the need for additions well in advance of their actual need.

SRS diagram and interconnectivity description
As with all core registry services, the SRS is run from a global cluster of registry system data centers, located in geographic centers with high Internet bandwidth, power, redundancy and availability. All of the registry systems will be run in a 〈n+1〉 setup, with a primary data center and a secondary data center. For detailed site information, please see our responses to questions #32 and #35. Registrars access the SRS in real-time using EPP.

A sample of the Afilias SRS technical and operational capabilities (displayed in Figure 24-a) include:
• Geographically diverse redundant registry systems;
• Load balancing implemented for all registry services (e.g. EPP, WHOIS, web admin) ensuring equal experience for all customers and easy horizontal scalability;
• Disaster Recovery Point objective for the registry is within one minute of the loss of the primary system;
• Detailed and tested contingency plan, in case of primary site failure, and;
• Daily reports, with secure access for confidentiality protection.

As evidenced in Figure 24-a, the SRS contains several components of the registry system. The interconnectivity ensures near-real-time distribution of the data throughout the registry infrastructure, timely backups, and up-to-date billing information.

The WHOIS servers are directly connected to the registry database and provide real-time responses to queries using the most up-to-date information present in the registry.

Committed DNS-related EPP objects in the database are made available to the DNS Distributor via a dedicated set of connections. The DNS Distributor extracts committed DNS-related EPP objects in real time and immediately inserts them into the zone for dissemination.

The Afilias system is architected such that read-only database connections are executed on database replicas and connections to the database master (where write-access is executed) are carefully protected to ensure high availability.

This interconnectivity is monitored, as is the entire registry system, according to the plans detailed in our response to question #42.

Synchronization scheme
Registry databases are synchronized both within the same data center and in the backup data center using a database application called Slony. For further details, please see the responses to questions #33 and #37. Slony replication of transactions from the publisher (master) database to its subscribers (replicas) works continuously to ensure the publisher and its subscribers remain synchronized. When the publisher database completes a transaction the Slony replication system ensures that each replica also processes the transaction. When there are no transactions to process, Slony "sleeps" until a transaction arrives or for one minute, whichever comes first. Slony "wakes up" each minute to confirm with the publisher that there has not been a transaction and thus ensures subscribers are synchronized and the replication time lag is minimized. The typical replication time lag between the publisher and subscribers depends on the topology of the replication cluster, specifically the location of the subscribers relative to the publisher. Subscribers located in the same data center as the publisher are typically updated within a couple of seconds, and subscribers located in a secondary data center are typically updated in less than ten seconds. This ensures real-time or near-real-time synchronization between all databases, and in the case where the secondary data center needs to be activated, it can be done with minimal disruption to registrars.

SRS SLA performance compliance
Afilias has a ten-year record of delivering on the demanding ICANN SLAs, and will continue to provide secure, stable and reliable service in compliance with SLA requirements as specified in the new gTLD Registry Agreement, Specification 10, as presented in Figure 24-b.

The Afilias SRS currently handles over 200 million EPP transactions per month for just .INFO and .ORG. Overall, the Afilias SRS manages over 700 million EPP transactions per month for all TLDs under management.

Given this robust functionality, and more than a decade of experience supporting a thick TLD registry with a strong performance history, Afilias, on behalf of DotMusic, will meet or exceed the performance metrics in Specification 10 of the new gTLD Registry Agreement. The Afilias services and infrastructure are designed to scale both vertically and horizontally without any downtime to provide consistent performance as this TLD grows. The Afilias architecture is also massively provisioned to meet seasonal demands and marketing campaigns. Afilias' experience also gives high confidence in the ability to scale and grow registry operations for this TLD in a secure, stable and reliable manner.

SRS resourcing plans
Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.

Over 100 Afilias team members contribute to the management of the SRS code and network that will support this TLD. The SRS team is composed of Software Engineers, Quality Assurance Analysts, Application Administrators, System Administrators, Storage Administrators, Network Administrators, Database Administrators, and Security Analysts located at three geographically separate Afilias facilities. The systems and services set up and administered by these team members are monitored 24x7 by skilled analysts at two NOCs located in Toronto, Ontario (Canada) and Horsham, Pennsylvania (USA). In addition to these team members, Afilias also utilizes trained project management staff to maintain various calendars, work breakdown schedules, utilization and resource schedules and other tools to support the technical and management staff. It is this team who will both deploy this TLD on the Afilias infrastructure, and maintain it. Together, the Afilias team has managed 11 registry transitions and six new TLD launches, which illustrate its ability to securely and reliably deliver regularly scheduled updates as well as a secure, stable and reliable SRS service for this TLD.

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25. Extensible Provisioning Protocol (EPP): provide a detailed description of the interface with registrars, including how the applicant will comply with EPP in RFCs 3735 (if applicable), and 5730-5734.
If intending to provide proprietary EPP extensions, provide documentation consistent with RFC 3735, including the EPP templates and schemas that will be used.
Describe resourcing plans (number and description of personnel roles allocated to this area).
A complete answer is expected to be no more than 5 pages. If there are proprietary EPP extensions, a complete answer is also expected to be no more than 5 pages per EPP extension.

Answers for this question (#25) are provided by Afilias, the back-end provider of registry services for this TLD.

Afilias has been a pioneer and innovator in the use of EPP. .INFO was the first EPP-based gTLD registry and launched on EPP version 02⁄00. Afilias has a track record of supporting TLDs on

standards-compliant versions of EPP. Afilias will operate the EPP registrar interface as well as a web-based interface for this TLD in accordance with RFCs and global best practices. In addition, Afilias will maintain a proper OT&E (Operational Testing and Evaluation) environment to facilitate registrar system development and testing.

Afilias' EPP technical performance meets or exceeds all ICANN requirements as demonstrated by:
• A completely functional, state-of-the-art, EPP-based SRS that currently meets the needs of various gTLDs and will meet this new TLD's needs;
• A track record of success in developing extensions to meet client and registrar business requirements such as multi-script support for IDNs;
• Supporting six ICANN gTLDs on EPP: .INFO, .ORG, .MOBI, .AERO, .ASIA and .XXX
• EPP software that is operating today and has been fully tested to be standards-compliant;
• Proven interoperability of existing EPP software with ICANN-accredited registrars, and;
• An SRS that currently processes over 200 million EPP transactions per month for both .INFO and .ORG. Overall, Afilias processes over 700 million EPP transactions per month for all 16 TLDs under management.

The EPP service is offered in accordance with the performance specifications defined in the new gTLD Registry Agreement, Specification 10.

EPP Standards
The Afilias registry system complies with the following revised versions of the RFCs and operates multiple ICANN TLDs on these standards, including .INFO, .ORG, .MOBI, .ASIA and .XXX. The systems have been tested by our Quality Assurance ("QA") team for RFC compliance, and have been used by registrars for an extended period of time:
• 3735 - Guidelines for Extending EPP
• 3915 - Domain Registry Grace Period Mapping
• 5730 - Extensible Provisioning Protocol (EPP)
• 5731 - Domain Name Mapping
• 5732 - Host Mapping
• 5733 - Contact Mapping
• 5734 - Transport Over TCP
• 5910 - Domain Name System (DNS) Security Extensions Mapping for the Extensible Provisioning Protocol (EPP)

This TLD will support all valid EPP commands. The following EPP commands are in operation today and will be made available for this TLD. See attachment #25a for the base set of EPP commands and copies of Afilias XSD schema files, which define all the rules of valid, RFC compliant EPP commands and responses that Afilias supports. Any customized EPP extensions, if necessary, will also conform to relevant RFCs.

Afilias staff members actively participated in the Internet Engineering Task Force (IETF) process that finalized the new standards for EPP. Afilias will continue to actively participate in the IETF and will stay abreast of any updates to the EPP standards.

EPP software interface and functionality
Afilias will provide all registrars with a free open-source EPP toolkit. Afilias provides this software for use with both Microsoft Windows and Unix/Linux operating systems. This software, which includes all relevant templates and schema defined in the RFCs, is available on sourceforge.net and will be available through the registry operator's website.

Afilias' SRS EPP software complies with all relevant RFCs and includes the following functionality:
• EPP Greeting: A response to a successful connection returns a greeting to the client. Information exchanged can include: name of server, server date and time in UTC, server features, e.g., protocol versions supported, languages for the text response supported, and one or more elements which identify the objects that the server is capable of managing;
• Session management controls: 〈login〉 to establish a connection with a server, and 〈logout〉 to end a session;
• EPP Objects: Domain, Host and Contact for respective mapping functions;
• EPP Object Query Commands: Info, Check, and Transfer (query) commands to retrieve object information, and;
• EPP Object Transform Commands: five commands to transform objects: 〈create〉 to create an instance of an object, 〈delete〉 to remove an instance of an object, 〈renew〉 to extend the validity period of an object, 〈update〉 to change information associated with an object, and 〈transfer〉 to manage changes in client sponsorship of a known object.

Currently, 100% of the top domain name registrars in the world have software that has already been tested and certified to be compatible with the Afilias SRS registry. In total, over 375 registrars, representing over 95% of all registration volume worldwide, operate software that has been certified compatible with the Afilias SRS registry. Afilias' EPP Registrar Acceptance Criteria are available in attachment #25b, EPP OT&E Criteria.

Free EPP software support
Afilias analyzes and diagnoses registrar EPP activity log files as needed and is available to assist registrars who may require technical guidance regarding how to fix repetitive errors or exceptions caused by misconfigured client software.

Registrars are responsible for acquiring a TLS/SSL certificate from an approved certificate authority, as the registry-registrar communication channel requires mutual authentication;

Afilias will acquire and maintain the server-side TLS/SSL certificate. The registrar is responsible for developing support for TLS/SSL in their client application. Afilias will provide free guidance for registrars unfamiliar with this requirement.

Registrar data synchronization
There are two methods available for registrars to synchronize their data with the registry:
• Automated synchronization: Registrars can, at any time, use the EPP 〈info〉 command to obtain definitive data from the registry for a known object, including domains, hosts (nameservers) and contacts.
• Personalized synchronization: A registrar may contact technical support and request a data file containing all domains (and associated host (nameserver) and contact information) registered by that registrar, within a specified time interval. The data will be formatted as a comma separated values (CSV) file and made available for download using a secure server.

EPP modifications
There are no unique EPP modifications planned for this TLD.

All ICANN TLDs must offer a Sunrise as part of a rights protection program. Afilias uses EPP extensions that allow registrars to submit trademark and other intellectual property rights (IPR) data to the registry. These extensions are:
• An 〈ipr:name〉 element that indicates the name of Registered Mark.
• An 〈ipr:number〉 element that indicates the registration number of the IPR.
• An 〈ipr:ccLocality〉 element that indicates the origin for which the IPR is established (a national or international trademark registry).
• An 〈ipr:entitlement〉 element that indicates whether the applicant holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”.
• An 〈ipr:appDate〉 element that indicates the date the Registered Mark was applied for.
• An 〈ipr:regDate〉 element that indicates the date the Registered Mark was issued and registered.
• An 〈ipr:class〉 element that indicates the class of the registered mark.
• An 〈ipr:type〉 element that indicates the Sunrise phase the application applies for.

Note that some of these extensions might be subject to change based on ICANN-developed requirements for the Trademark Clearinghouse.

EPP resourcing plans
Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.

108 Afilias team members directly contribute to the management and development of the EPP based registry systems. As previously noted, Afilias is an active member of IETF and has a long documented history developing and enhancing EPP. These contributors include 11 developers and 14 QA engineers focused on maintaining and enhancing EPP server side software. These engineers work directly with business staff to timely address existing needs and forecast registry/registrar needs to ensure the Afilias EPP software is effective today and into the future. A team of eight data analysts work with the EPP software system to ensure that the data flowing through EPP is securely and reliably stored in replicated database systems. In addition to the EPP developers, QA engineers, and data analysts, other EPP contributors at Afilias include: Technical Analysts, the Network Operations Center and Data Services team members.

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26. Whois: describe

- how the applicant will comply with Whois specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement;
- how the Applicant's Whois service will comply with RFC 3912; and
- resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area).

A complete answer should include, but is not limited to:

- A high-level Whois system description;
- Relevant network diagram(s);
- IT and infrastructure resources (e.g., servers, switches, routers and other components);

Description of interconnectivity with other registry systems; and

Frequency of synchronization between servers.
To be eligible for a score of 2, answers must also include:

- Provision for Searchable Whois capabilities; and
- A description of potential forms of abuse of this feature, how these risks will be mitigated, and the basis for these descriptions

A complete answer is expected to be no more than 5 pages.

Answers for this question (#26) are provided by Afilias, the back-end provider of registry services for this TLD.

Afilias operates the WHOIS (registration data directory service) infrastructure in accordance with RFCs and global best practices, as it does for the 16 TLDs it currently supports. Designed to be robust and scalable, Afilias' WHOIS service has exceeded all contractual requirements for over a decade. It has extended search capabilities, and methods of limiting abuse.

The WHOIS service operated by Afilias meets and exceeds ICANN's requirements. Specifically, Afilias will:
• Offer a WHOIS service made available on port 43 that is flexible and standards- compliant;
• Comply with all ICANN policies, and meeting or exceeding WHOIS performance requirements in Specification 10 of the new gTLD Registry Agreement;
• Enable a Searchable WHOIS with extensive search capabilities that offers ease of use while enforcing measures to mitigate access abuse, and;
• Employ a team with significant experience managing a compliant WHOIS service.

Such extensive knowledge and experience managing a WHOIS service enables Afilias to offer a comprehensive plan for this TLD that meets the needs of constituents of the domain name industry and Internet users. The service has been tested by our QA team for RFC compliance, and has been used by registrars and many other parties for an extended period of time. Afilias' WHOIS service currently serves almost 500 million WHOIS queries per month, with the capacity already built in to handle an order of magnitude increase in WHOIS queries, and the ability to smoothly scale should greater growth be needed.

WHOIS system description and diagram
The Afilias WHOIS system, depicted in figure 26-a, is designed with robustness, availability, compliance, and performance in mind. Additionally, the system has provisions for detecting abusive usage (e.g., excessive numbers of queries from one source). The WHOIS system is generally intended as a publicly available single object lookup system. Afilias uses an advanced, persistent caching system to ensure extremely fast query response times.

Afilias will develop restricted WHOIS functions based on specific domain policy and regulatory requirements as needed for operating the business (as long as they are standards compliant). It will also be possible for contact and registrant information to be returned according to regulatory requirements. The WHOIS database supports multiple string and field searching through a reliable, free, secure web-based interface.

Data objects, interfaces, access and lookups
Registrars can provide an input form on their public websites through which a visitor is able to perform WHOIS queries. The registry operator can also provide a Web-based search on its site. The input form must accept the string to query, along with the necessary input elements to select the object type and interpretation controls. This input form sends its data to the Afilias port 43 WHOIS server. The results from the WHOIS query are returned by the server and displayed in the visitor's Web browser. The sole purpose of the Web interface is to provide a user-friendly interface for WHOIS queries.

Afilias will provide WHOIS output as per Specification 4 of the new gTLD Registry Agreement. The output for domain records generally consists of the following elements:
• The name of the domain registered and the sponsoring registrar;
• The names of the primary and secondary nameserver(s) for the registered domain name;
• The creation date, registration status and expiration date of the registration;
• The name, postal address, e-mail address, and telephone and fax numbers of the domain name holder;
• The name, postal address, e-mail address, and telephone and fax numbers of the technical contact for the domain name holder;
• The name, postal address, e-mail address, and telephone and fax numbers of the administrative contact for the domain name holder, and;
• The name, postal address, e-mail address, and telephone and fax numbers of the billing contact for the domain name holder.
The following additional features are also present in Afilias' WHOIS service:
• Support for IDNs, including the language tag and the Punycode representation of the IDN in addition to Unicode Hex and Unicode HTML formats;

• Enhanced support for privacy protection relative to the display of confidential information.

Afilias will also provide sophisticated WHOIS search functionality that includes the ability to conduct multiple string and field searches.

Query controls

For all WHOIS queries, a user is required to enter the character string representing the information for which they want to search. The object type and interpretation control parameters to limit the search may also be specified. If object type or interpretation control parameter is not specified, WHOIS will search for the character string in the Name field of the Domain object.

WHOIS queries are required to be either an "exact search" or a "partial search," both of which are insensitive to the case of the input string.

An exact search specifies the full string to search for in the database field. An exact match between the input string and the field value is required.

A partial search specifies the start of the string to search for in the database field. Every record with a search field that starts with the input string is considered a match. By default, if multiple matches are found for a query, then a summary containing up to 50 matching results is presented. A second query is required to retrieve the specific details of one of the matching records.

If only a single match is found, then full details will be provided. Full detail consists of the data in the matching object as well as the data in any associated objects. For example: a query that results in a domain object includes the data from the associated host and contact objects.

WHOIS query controls fall into two categories: those that specify the type of field, and those that modify the interpretation of the input or determine the level of output to provide. Each is described below.

The following keywords restrict a search to a specific object type:
• Domain: Searches only domain objects. The input string is searched in the Name field.
• Host: Searches only nameserver objects. The input string is searched in the Name field and the IP Address field.
• Contact: Searches only contact objects. The input string is searched in the ID field.
• Registrar: Searches only registrar objects. The input string is searched in the Name field.
By default, if no object type control is specified, then the Name field of the Domain object is searched.

In addition, Afilias WHOIS systems can perform and respond to WHOIS searches by registrant name, postal address and contact names. Deployment of these features is provided as an option to the registry operator, based upon registry policy and business decision making.

Figure 26-b presents the keywords that modify the interpretation of the input or determine the level of output to provide.

By default, if no interpretation control keywords are used, the output will include full details if a single match is found and a summary if multiple matches are found.

Unique TLD requirements

There are no unique WHOIS requirements for this TLD.

Sunrise WHOIS processes

All ICANN TLDs must offer a Sunrise as part of a rights protection program. Afilias uses EPP extensions that allow registrars to submit trademark and other intellectual property rights (IPR) data to the registry. The following corresponding data will be displayed in WHOIS for relevant domains:
• Trademark Name: element that indicates the name of the Registered Mark.
• Trademark Number: element that indicates the registration number of the IPR.
• Trademark Locality: element that indicates the origin for which the IPR is established (a national or international trademark registry).
• Trademark Entitlement: element that indicates whether the applicant holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”.
• Trademark Application Date: element that indicates the date the Registered Mark was applied for.
• Trademark Registration Date: element that indicates the date the Registered Mark was issued and registered.
• Trademark Class: element that indicates the class of the Registered Mark.
• IPR Type: element that indicates the Sunrise phase the application applies for.

IT and infrastructure resources

All the applications and databases for this TLD will run in a virtual environment hosted by a cluster of servers equipped with the latest Intel Westmere multi-core processors (or a more advanced, stable technology available at the time of deployment). The registry data will be stored on storage arrays of solid-state drives shared over a fast storage area network. The virtual environment allows the infrastructure to easily scale both vertically and horizontally to cater to changing demand. It also facilitates effective utilization of system resources thus reducing energy consumption and carbon footprint.

The applications and servers are supported by network firewalls, routers and switches. The WHOIS system accommodates both IPv4 and IPv6 addresses.

Each of the servers and network devices are equipped with redundant hot-swappable components and multiple connections to ancillary systems. Additionally, 24x7 support agreements with our hardware vendor with a 4-hour response time at all our data centers guarantees replacement of failed parts in the shortest time possible.

Models of system and network devices used are:
• Servers: Cisco UCS B230 blade servers
• SAN storage arrays: IBM Storwize V7000 with Solid State Drives
• Firewalls: Cisco ASA 5585-X
• Load balancers: F5 Big-IP 6900
• Traffic shapers: Procera PacketLogic PL8720
• Routers: Juniper MX40 3D
• Network switches: Cisco Nexus 7010, Nexus 5548, Nexus 2232

There will be at least four virtual machines (VMs) offering WHOIS service. Each VM will run at least two WHOIS server instances - one for registrars and one for the public. All instances of the WHOIS service is made available to registrars and the public are rate limited to mitigate abusive behavior.

Frequency of synchronization between servers
Registration data records from the EPP publisher database will be replicated to the WHOIS system database on a near-real-time basis whenever an update occurs.

Specifications 4 and 10 compliance
The WHOIS service for this TLD will meet or exceed the performance requirements in the new gTLD Registry Agreement, Specification 10. Figure 26-c provides the exact measurements and commitments. Afilias has a 10 year track record of exceeding WHOIS performance and a skilled team to ensure this continues for all TLDs under management.

The WHOIS service for this TLD will meet or exceed the requirements in the new gTLD Registry Agreement, Specification 4.

RFC 3912 compliance
Afilias will operate the WHOIS infrastructure in compliance with RFCs and global best practices, as it does with the 16 TLDs Afilias currently supports.

Afilias maintains a registry-level centralized WHOIS database that contains information for every registered domain and for all host and contact objects. The WHOIS service will be available on the Internet standard WHOIS port (port 43) in compliance with RFC 3912. The WHOIS service contains data submitted by registrars during the registration process. Changes made to the data by a registrant are submitted to Afilias by the registrar and are reflected in the WHOIS database and service in near-real-time, by the instance running at the primary data center, and in under ten seconds by the instance running at the secondary data center, thus providing all interested parties with up-to-date information for every domain. This service is compliant with the new gTLD Registry Agreement, Specification 4.

The WHOIS service maintained by Afilias will be authoritative and complete, as this will be a “thick” registry (detailed domain contact WHOIS is all held at the registry); users do not have to query different registrars for WHOIS information, as there is one central WHOIS system. Additionally, visibility of different types of data is configurable to meet the registry operator’s needs.

Searchable WHOIS
Afilias offers a searchable WHOIS on a web-based Directory Service. Partial match capabilities are offered on the following fields: domain name, registrar ID, and IP address. In addition, Afilias WHOIS systems can perform and respond to WHOIS searches by registrant name, postal address and contact names.

Providing the ability to search important and high-value fields such as registrant name, address and contact names increases the probability of abusive behavior. An abusive user could script a set of queries to the WHOIS service and access contact data in order to create or sell a list of names and addresses of registrants in this TLD. Making the WHOIS machine readable, while preventing harvesting and mining of WHOIS data, is a key requirement integrated into the Afilias WHOIS systems. For instance, Afilias limits search returns to 50 records at a time. If bulk queries were ever necessary (e.g., to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process), Afilias makes such query responses available to carefully screened and limited staff members at the registry operator (and customer support staff) via an internal data warehouse. The Afilias WHOIS system accommodates anonymous access as well as pre-identified and profile-defined uses, with full audit and log capabilities.

The WHOIS service has the ability to tag query responses with labels such as “Do not redistribute” or “Special access granted”. This may allow for tiered response and reply scenarios. Further, the WHOIS service is configurable in parameters and fields returned, which allow for flexibility in compliance with various jurisdictions, regulations or laws.

Afilias offers exact-match capabilities on the following fields: registrar ID, nameserver name,

and nameserver's IP address (only applies to IP addresses stored by the registry, i.e., glue records). Search capabilities are fully available, and results include domain names matching the search criteria (including IDN variants). Afilias manages abuse prevention through rate limiting and CAPTCHA (described below). Queries do not require specialized transformations of internationalized domain names or internationalized data fields

Please see "Query Controls" above for details about search options and capabilities.

Deterring WHOIS abuse
Afilias has adopted two best practices to prevent abuse of the WHOIS service: rate limiting and CAPTCHA.

Abuse of WHOIS services on port 43 and via the Web is subject to an automated rate-limiting system. This ensures that uniformity of service to users is unaffected by a few parties whose activities abuse or otherwise might threaten to overload the WHOIS system.

Abuse of web-based public WHOIS services is subject to the use of CAPTCHA (Completely Automated Public Turing test to tell Computers and Humans Apart) technology. The use of CAPTCHA ensures that uniformity of service to users is unaffected by a few parties whose activities abuse or otherwise might threaten to overload the WHOIS system. The registry operator will adopt a CAPTCHA on its Web-based WHOIS.

Data mining of any sort on the WHOIS system is strictly prohibited, and this prohibition is published in WHOIS output and in terms of service.

For rate limiting on IPv4, there are configurable limits per IP and subnet. For IPv6, the traditional limitations do not apply. Whenever a unique IPv6 IP address exceeds the limit of WHOIS queries per minute, the same rate-limit for the given 64 bits of network prefix that the offending IPv6 IP address falls into will be applied. At the same time, a timer will start and rate-limit validation logic will identify if there are any other IPv6 address within the original 80-bit(/48) prefix. If another offending IPv6 address does fall into the /48 prefix then rate-limit validation logic will penalize any other IPv6 addresses that fall into that given 80-bit (/48) network. As a security precaution, Afilias will not disclose these limits.

Pre-identified and profile-driven role access allows greater granularity and configurability in both access to the WHOIS service, and in volume/frequency of responses returned for queries.

Afilias staff are key participants in the ICANN Security & Stability Advisory Committee's deliberations and outputs on WHOIS, including SAC003, SAC027, SAC033, SAC037, SAC040, and SAC051. Afilias staff are active participants in both technical and policy decision making in ICANN, aimed at restricting abusive behavior.

WHOIS staff resourcing plans
Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.

Within Afilias, there are 11 staff members who develop and maintain the compliant WHOIS systems. They keep pace with access requirements, thwart abuse, and continually develop software. Of these resources, approximately two staffers are typically required for WHOIS-related code customization. Other resources provide quality assurance, and operations personnel maintain the WHOIS system itself. This team will be responsible for the implementation and on-going maintenance of the new TLD WHOIS service.

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27. Registration Life Cycle: provide a detailed description of the proposed registration lifecycle for domain names in the proposed gTLD. The description must:

- explain the various registration states as well as the criteria and procedures that are used to change state;
- describe the typical registration lifecycle of create/update/delete and all intervening steps such as pending, locked, expired, and transferred that may apply;
- clearly explain any time elements that are involved - for instance details of add-grace or redemption grace periods, or notice periods for renewals or transfers; and
- describe resourcing plans for this aspect of the criteria (number and description of personnel roles allocated to this area).

The description of the registration lifecycle should be supplemented by the inclusion of a state diagram, which captures definitions, explanations of trigger points, and transitions from state to state.
If applicable, provide definitions for aspects of the registration lifecycle that are not covered by standard EPP RFCs.
A complete answer is expected to be no more than 5 pages.

THE RESPONSE FOR THIS QUESTION USES ANGLE BRACKETS (THE "〈" and "〉" CHARACTERS, or 〈 and 〉), WHICH ICANN INFORMS US (CASE ID 11027) CANNOT BE PROPERLY RENDERED IN TAS DUE TO SECURITY CONCERNS. HENCE, THE ANSWER BELOW AS DISPLAYED IN TAS MAY NOT RENDER THE FULL RESPONSE AS INTENDED. THEREFORE, THE FULL ANSWER TO THIS QUESTION IS ALSO ATTACHED AS A PDF FILE, ACCORDING TO SPECIFIC GUIDANCE FROM ICANN UNDER CASE ID 11027.

Answers for this question (#27) are provided by Afilias, the back-end provider of registry services for this TLD.

Afilias has been managing registrations for over a decade. Afilias has had experience managing registrations for over a decade and supports comprehensive registration lifecycle services including the registration states, all standard grace periods, and can address any modifications required with the introduction of any new ICANN policies.

This TLD will follow the ICANN standard domain lifecycle, as is currently implemented in TLDs such as .ORG and .INFO. The main parts in a domain are: (i) Registration Period; (ii) the Auto-Renew Grace Period; (iii) Redemption Grace Period; and (iv) Pending Delete. As a special requirement to meet the .MUSIC mission established in response to question #18, catering to the needs of the Music Community DotMusic will in the Registration phase conduct data validations for all registrations and additional verifications of eligibility for registrations conducted in the Sunrise and Landrush phases. More details in response to question #20e. The below response includes: a diagram and description of the lifecycle of a domain name in this TLD, including domain creation, transfer protocols, grace period implementation and the respective time frames for each; and the existing resources to support the complete lifecycle of a domain.

As depicted in Figure 27-a, prior to the beginning of the Trademark Claims Service or Sunrise IP protection program[s], Afilias will support the reservation of names in accordance with the new gTLD Registry Agreement, Specification 5, as described in response to question #22. Registration period.

After the IP protection programs and the general launch, eligible registrants may choose an accredited registrar to register a domain name. The registrar will check availability on the requested domain name and if available, will collect specific objects such as, the required contact and host information from the registrant. The registrar will then provision the information into the registry system using standard Extensible Provisioning Protocol ("EPP") commands through a secure connection to the registry backend service provider.

When the domain is created, the standard five day Add Grace Period begins, the domain and contact information are available in WHOIS, and normal operating EPP domain statuses will apply. Other specifics regarding registration rules for an active domain include:

• The domain must be unique;
• Restricted or reserved domains cannot be registered;
• The domain can be registered from 1-10 years;
• The domain can be renewed at any time for 1-10 years, but cannot exceed 10 years;
• The domain can be explicitly deleted at any time;
• The domain can be transferred from one registrar to another except during the first 60 days following a successful registration or within 60 days following a transfer; and,
Contacts and hosts can be modified at any time.

The following describe the domain status values recognized in WHOIS when using the EPP protocol following RFC 5731.
• OK or Active: This is the normal status for a domain that has no pending operations or restrictions.
• Inactive: The domain has no delegated name servers.
• Locked: No action can be taken on the domain. The domain cannot be renewed, transferred, updated, or deleted. No objects such as contacts or hosts can be associated to, or disassociated from the domain. This status includes: Delete Prohibited / Server Delete Prohibited, Update Prohibited / Server Update Prohibited, Transfer Prohibited, Server Transfer Prohibited, Renew Prohibited, Server Renew Prohibited.
• Hold: The domain will not be included in the zone. This status includes: Client Hold, Server Hold.
• Transfer Prohibited: The domain cannot be transferred away from the sponsoring registrar. This status includes: Client Transfer Prohibited, Server Transfer Prohibited.

The following describe the registration operations that apply to the domain name during the registration period.

a. Domain modifications: This operation allows for modifications or updates to the domain attributes to include:
i. Registrant Contact

ii. Admin Contact
iii. Technical Contact
iv. Billing Contact
v. Host or nameservers
vi. Authorization information
vii. Associated status values

A domain with the EPP status of Client Update Prohibited or Server Update Prohibited may not be modified until the status is removed.

b. Domain renewals: This operation extends the registration period of a domain by changing the expiration date. The following rules apply:
i. A domain can be renewed at any time during its registration term,
ii. The registration term cannot exceed a total of 10 years.

A domain with the EPP status of Client Renew Prohibited or Server Renew Prohibited cannot be renewed.

c. Domain deletions: This operation deletes the domain from the Shared Registry Services (SRS). The following rules apply:
i. A domain can be deleted at any time during its registration term, f the domain is deleted during the Add Grace Period or the Renew/Extend Grace Period, the sponsoring registrar will receive a credit,
ii. A domain cannot be deleted if it has “child” nameservers that are associated to other domains.

A domain with the EPP status of Client Delete Prohibited or Server Delete Prohibited cannot be deleted.

d. Domain transfers: A transfer of the domain from one registrar to another is conducted by following the steps below.
i. The registrant must obtain the applicable 〈authInfo〉 code from the sponsoring (losing) registrar.
• Every domain name has an authInfo code as per EPP RFC 5731. The authInfo code is a six- to 16-character code assigned by the registrar at the time the name was created. Its purpose is to aid identification of the domain owner so proper authority can be established (it is the "password" to the domain).
• Under the Registry-Registrar Agreement, registrars will be required to provide a copy of the authInfo code to the domain registrant upon his or her request.
ii. The registrant must provide the authInfo code to the new (gaining) registrar, who will then initiate a domain transfer request. A transfer cannot be initiated without the authInfo code.
• Every EPP 〈transfer〉 command must contain the authInfo code or the request will fail. The authInfo code represents authority to the registry to initiate a transfer.
iii. Upon receipt of a valid transfer request, the registry automatically asks the sponsoring (losing) registrar to approve the request within five calendar days.
• When a registry receives a transfer request the domain cannot be modified, renewed or deleted until the request has been processed. This status must not be combined with either Client Transfer Prohibited or Server Transfer Prohibited status.
• If the sponsoring (losing) registrar rejects the transfer within five days, the transfer request is cancelled. A new domain transfer request will be required to reinitiate the process.
• If the sponsoring (losing) registrar does not approve or reject the transfer within five days, the registry automatically approves the request.
iv. After a successful transfer, it is strongly recommended that registrars change the authInfo code, so that the prior registrar or registrant cannot use it anymore.
v. Registrars must retain all transaction identifiers and codes associated with successful domain object transfers and protect them from disclosure.
vi. Once a domain is successfully transferred the status of TRANSFERPERIOD is added to the domain for a period of five days.
vii. Successful transfers will result in a one year term extension (resulting in a maximum total of 10 years), which will be charged to the gaining registrar.

e. Bulk transfer: Afilias, supports bulk transfer functionality within the SRS for situations where ICANN may request the registry to perform a transfer of some or all registered objects (includes domain, contact and host objects) from one registrar to another registrar. Once a bulk transfer has been executed, expiry dates for all domain objects remain the same, and all relevant states of each object type are preserved. In some cases the gaining and the losing registrar as well as the registry must approved bulk transfers. A detailed log is captured for each bulk transfer process and is archived for audit purposes.
DotMusic will support ICANN’s Transfer Dispute Resolution Process. DotMusic will work with Afilias to respond to Requests for Enforcement (law enforcement or court orders) and will follow that process.

1. Auto-renew grace period
The Auto-Renew Grace Period displays as AUTORENEWPERIOD in WHOIS. An auto-renew must be requested by the registrant through the sponsoring registrar and occurs if a domain name registration is not explicitly renewed or deleted by the expiration date and is set to a maximum of 45 calendar days. In this circumstance the registration will be automatically renewed by the registry system the first day after the expiration date. If a Delete, Extend, or Transfer occurs within the AUTORENEWPERIOD the following rules apply:

i. Delete. If a domain is deleted the sponsoring registrar at the time of the deletion receives a credit for the auto-renew fee. The domain then moves into the Redemption Grace Period with a status of PENDING DELETE RESTORABLE.

ii. Renew/Extend. A domain can be renewed as long as the total term does not exceed 10 years. The account of the sponsoring registrar at the time of the extension will be charged for the additional number of years the registration is renewed.

iii. Transfer (other than ICANN-approved bulk transfer). If a domain is transferred, the losing registrar is credited for the auto-renew fee, and the year added by the operation is cancelled. As a result of the transfer, the expiration date of the domain is extended by minimum of one year as long as the total term does not exceed 10 years. The gaining registrar is charged for the additional transfer year(s) even in cases where a full year is not added because of the maximum 10 year registration restriction.

2. Redemption grace period
During this period, a domain name is placed in the PENDING DELETE RESTORABLE status when a registrar requests the deletion of a domain that is not within the Add Grace Period. A domain can remain in this state for up to 30 days and will not be included in the zone file. The only action a registrar can take on a domain is to request that it be restored. Any other registrar requests to modify or otherwise update the domain will be rejected. If the domain is restored it moves into PENDING RESTORE and then OK. After 30 days if the domain is not restored it moves into PENDING DELETE SCHEDULED FOR RELEASE before the domain is released back into the pool of available domains.

3. Pending delete
During this period, a domain name is placed in PENDING DELETE SCHEDULED FOR RELEASE status for five days, and all Internet services associated with the domain will remain disabled and domain cannot be restored. After five days the domain is released back into the pool of available domains.

Other grace periods

All ICANN required grace periods will be implemented in the registry backend service provider's system including the Add Grace Period (AGP), Renew/Extend Grace Period (EGP), Transfer Grace Period (TGP), Auto-Renew Grace Period (ARGP), and Redemption Grace Period (RGP). The lengths of grace periods are configurable in the registry system. At this time, the grace periods will be implemented following other gTLDs such as .ORG. More than one of these grace periods may be in effect at any one time. The following are accompanying grace periods to the registration lifecycle.

Add Grace Period

The Add Grace Period displays as ADDPERIOD in WHOIS and is set to five calendar days following the initial registration of a domain. If the domain is deleted by the registrar during this period, the registry provides a credit to the registrar for the cost of the registration. If a Delete, Renew/Extend, or Transfer operation occurs within the five calendar days, the following rules apply.

i. Delete. If a domain is deleted within this period the sponsoring registrar at the time of the deletion is credited for the amount of the registration. The domain is deleted from the registry backend service provider's database and is released back into the pool of available domains.

ii. Renew/Extend. If the domain is renewed within this period and then deleted, the sponsoring registrar will receive a credit for both the registration and the extended amounts. The account of the sponsoring registrar at the time of the renewal will be charged for the initial registration plus the number of years the registration is extended. The expiration date of the domain registration is extended by that number of years as long as the total term does not exceed 10 years.

iii. Transfer (other than ICANN-approved bulk transfer). Transfers under Part A of the ICANN Policy on Transfer of Registrations between registrars may not occur during the ADDPERIOD or at any other time within the first 60 days after the initial registration. Enforcement is the responsibility of the registrar sponsoring the domain name registration and is enforced by the SRS.

Renew / Extend grace period

The Renew / Extend Grace Period displays as RENEWPERIOD in WHOIS and is set to five calendar days following an explicit renewal on the domain by the registrar. If a Delete, Extend, or Transfer occurs within the five calendar days, the following rules apply:

i. Delete. If a domain is deleted within this period the sponsoring registrar at the time of the deletion receives a credit for the renewal fee. The domain then moves into the Redemption Grace Period with a status of PENDING DELETE RESTORABLE.

ii. Renew/Extend. A domain registration can be renewed within this period as long as the total term does not exceed 10 years. The account of the sponsoring registrar at the time of the extension will be charged for the additional number of years the registration is renewed.

iii. Transfer (other than ICANN-approved bulk transfer). If a domain is transferred within the Renew/Extend Grace Period, there is no credit to the losing registrar for the renewal fee. As a result of the transfer, the expiration date of the domain registration is extended by a minimum of one year as long as the total term for the domain does not exceed 10 years.

If a domain is auto-renewed, then extended, and then deleted within the Renew/Extend Grace Period, the registrar will be credited for any auto-renew fee charged and the number of years for the extension. The years that were added to the domain's expiration as a result of the auto-renewal and extension are removed. The deleted domain is moved to the Redemption Grace Period with a status of PENDING DELETE RESTORABLE.

Transfer Grace Period

The Transfer Grace period displays as TRANSFERPERIOD in WHOIS and is set to five calendar days after the successful transfer of domain name registration from one registrar to another registrar. Transfers under Part A of the ICANN Policy on Transfer of Registrations between registrars may not occur during the TRANSFERPERIOD or within the first 60 days after the transfer. If a Delete or Renew/Extend occurs within that five calendar days, the following rules apply:

i. Delete. If the domain is deleted by the new sponsoring registrar during this period, the registry provides a credit to the registrar for the cost of the transfer. The domain then moves into the Redemption Grace Period with a status of PENDING DELETE RESTORABLE.

ii. Renew/Extend. If a domain registration is renewed within the Transfer Grace Period, there is no credit for the transfer. The registrar's account will be charged for the number of years the registration is renewed. The expiration date of the domain registration is extended by the renewal years as long as the total term does not exceed 10 years.

Special considerations

As established in this application .MUSIC is a community TLD with the Music Policy and Copyright Infringement Dispute Resolution Process to solve dispute concerning the established eligibility criteria for domain name registrants under .MUSIC; as described in response to question #20e.
Further, .MUSIC will conduct auctions for multiple registration applications for the same domain name in the Sunrise and Landrush phases; exceptions is the globally Protected marks List that supersedes any registration applications. More details are provided in response to question #18b and #20e. Afilias will manage the domain name auction using existing technology. Upon the completion of the auction, any domain name acquired will then follow the standard lifecycle of a domain.

Registration lifecycle resources

Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.
Virtually all Afilias resource are involved in the registration lifecycle of domains.
There are a few areas where registry staff devote resources to registration lifecycle issues:

a. Supporting Registrar Transfer Disputes. The registry operator will have a compliance staffer handle these disputes as they arise; they are very rare in the existing gTLDs.

b. Afilias has its development and quality assurance departments on hand to modify the grace period functionality as needed, if ICANN issues new Consensus Policies or the RFCs change. Afilias has more than 30 staff members in these departments.

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28. Abuse Prevention and Mitigation: Applicants should describe the proposed policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. A complete answer should include, but is not limited to:

- An implementation plan to establish and publish on its website a single abuse point of contact responsible for addressing matters requiring expedited attention and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller;
- Policies for handling complaints regarding abuse;
- Proposed measures for removal of orphan glue records for names removed from the zone when

provided with evidence in written form that the glue is present in connection with malicious conduct (see Specification 6); and
- Resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area).

To be eligible for a score of 2, answers must include measures to promote Whois accuracy as well as measures from one other area as described below.

- Measures to promote Whois accuracy (can be undertaken by the registry directly or by registrars via requirements in the Registry-Registrar Agreement (RRA)) may include, but are not limited to:
  - Authentication of registrant information as complete and accurate at time of registration. Measures to accomplish this could include performing background checks, verifying all contact information of principals mentioned in registration data, reviewing proof of establishment documentation, and other means
  - Regular monitoring of registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete Whois data; and
  - If relying on registrars to enforce measures, establishing policies and procedures to ensure compliance, which may include audits, financial incentives, penalties, or other means. Note that the requirements of the RAA will continue to apply to all ICANN-accredited registrars.
- A description of policies and procedures that define malicious or abusive behavior, capture metrics, and establish Service Level Requirements for resolution, including service levels for responding to law enforcement requests. This may include rapid takedown or suspension systems and sharing information regarding malicious or abusive behavior with industry partners;
- Adequate controls to ensure proper access to domain functions (can be undertaken by the registry directly or by registrars via requirements in the Registry-Registrar Agreement (RRA)) may include, but are not limited to:
  - Requiring multi-factor authentication (i.e., strong passwords, tokens, one-time passwords) from registrants to process update, transfers, and deletion requests;
  - Requiring multiple, unique points of contact to request and/or approve update, transfer, and deletion requests; and
  - Requiring the notification of multiple, unique points of contact when a domain has been updated, transferred, or deleted.

A complete answer is expected to be no more than 20 pages.

DotMusic, working with Afilias, will take the requisite operational and technical steps to promote WHOIS data accuracy, limit domain abuse, remove outdated and inaccurate data, and other security measures to ensure the integrity of the TLD. The specific measures include, but are not limited to:
• Posting a TLD Anti-Abuse Policy that clearly defines abuse, and provide point-of-contact information for reporting suspected abuse;
• Committing to rapid identification and resolution of abuse, including suspensions;
• Ensuring completeness of WHOIS information at the time of registration;
• Performing data validations of WHOIS elements at time of registration and exploring mechanisms for re-evaluation when registrants update such information;
• Publishing and maintaining procedures for removing orphan glue records for names removed from the zone,
• Introducing the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") to ensure eligibility requirements, use and naming policies as established in response to question #20e, and;
• Establishing measures to deter WHOIS abuse, including rate-limiting, determining data syntax validity, and implementing and enforcing requirements from the Registry-Registrar Agreement.

Abuse policy
The Abuse Policy stated below will be enacted under the contractual authority of the registry operator through the Registry-Registrar Agreement, and the obligations will be passed on to and made binding upon registrants. This policy will be posted on the TLD web site along with contact information for registrants or users to report suspected abuse.

The policy is designed to address the malicious use of domain names. The registry operator and its registrars will make reasonable attempts to limit significant harm to Internet users. This policy is not intended to take the place of the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS), and it is not to be used as an alternate form of dispute resolution or as a brand protection mechanism. Its intent is not to burden law-abiding or innocent registrants and domain users; rather, the intent is to deter those who use domain names maliciously by engaging in illegal or fraudulent activity.

Repeat violations of the Abuse policy will result in a case-by-case review of the abuser(s), and the registry operator reserves the right to escalate the issue, with the intent of levying sanctions that are allowed under the TLD anti-abuse policy.

The below policy is a recent version of the policy that has been used by the .INFO registry since 2008, and the .ORG registry since 2009. It has proven to be an effective and flexible tool.

.MUSIC Anti-Abuse Policy

The following Anti-Abuse Policy is effective upon launch of the TLD. Malicious use of domain names will not be tolerated. The nature of such abuses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. The registry operator definition of abusive use of a domain includes, without limitation, the following:

• Illegal or fraudulent actions;
• Spam: The use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums;
• Phishing: The use of counterfeit web pages that are designed to trick recipients into divulging sensitive data such as personally identifying information, usernames, passwords, or financial data;
• Pharming: The redirecting of unknowing users to fraudulent sites or services, typically through, but not limited to, DNS hijacking or poisoning;
• Willful distribution of malware: The dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and Trojan horses.
• Malicious fast-flux hosting: Use of fast-flux techniques with a botnet to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities.
• Botnet command and control: Services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct distributed denial-of-service attacks (DDoS attacks);
• Illegal Access to Other Computers or Networks: Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity).

Pursuant to the Registry-Registrar Agreement, registry operator reserves the right at its sole discretion to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary: (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the registration agreement and this Anti-Abuse Policy, or (5) to correct mistakes made by registry operator or any registrar in connection with a domain name registration. Registry operator also reserves the right to place upon registry lock, hold, or similar status a domain name during resolution of a dispute.

The policy stated above will be accompanied by notes about how to submit a report to the registry operator's abuse point of contact, and how to report an orphan glue record suspected of being used in connection with malicious conduct (see below).

Abuse point of contact and procedures for handling abuse complaints

The registry operator will establish an abuse point of contact. This contact will be a role-based e-mail address of the form "abuse@registry.MUSIC". This e-mail address will allow multiple staff members to monitor abuse reports on a 24x7 basis, and then work toward closure of cases as each situation calls for. For tracking purposes, the registry operator will have a ticketing system with which all complaints will be tracked internally. The reporter will be provided with the ticket reference identifier for potential follow-up. Afilias will integrate its existing ticketing system with the registry operator's to ensure uniform tracking and handling of the complaint. This role-based approach has been used successfully by ISPs, e-mail service providers, and registrars for many years, and is considered a global best practice.

The registry operator's designated abuse handlers will then evaluate complaints received via the abuse system address. They will decide whether a particular issue is of concern, and decide what action, if any, is appropriate.

In general, the registry operator will find itself receiving abuse reports from a wide variety of parties, including security researchers and Internet security companies, financial institutions such as banks, Internet users, and law enforcement agencies among others. Some of these parties may provide good forensic data or supporting evidence of the malicious behavior.

In other cases, the party reporting an issue may not be familiar with how to provide such data or proof of malicious behavior. It is expected that a percentage of abuse reports to the registry operator will not be actionable, because there will not be enough evidence to support the complaint (even after investigation), and because some reports or reporters will simply not be credible.

The security function includes a communication and outreach function, with information sharing with industry partners regarding malicious or abusive behavior, in order to ensure coordinated abuse mitigation across multiple TLDs.

Assessing abuse reports requires great care, and the registry operator will rely upon professional, trained investigators who are versed in such matters. The goals are accuracy, good record-keeping, and a zero false-positive rate so as not to harm innocent registrants.

Different types of malicious activities require different methods of investigation and documentation. Further, the registry operator expects to face unexpected or complex situations that call for professional advice, and will rely upon professional, trained investigators as needed.

In general, there are two types of domain abuse that must be addressed:
a) Compromised domains. These domains have been hacked or otherwise compromised by criminals, and the registrant is not responsible for the malicious activity taking place on the domain. For example, the majority of domain names that host phishing sites are compromised. The goal in such cases is to get word to the registrant (usually via the registrar) that there is a problem that needs attention with the expectation that the registrant will address the problem in a timely manner. Ideally such domains do not get suspended, since suspension would disrupt legitimate activity on the domain.
b) Malicious registrations. These domains are registered by malefactors for the purpose of abuse. Such domains are generally targets for suspension, since they have no legitimate use.

The standard procedure is that the registry operator will forward a credible alleged case of malicious domain name use to the domain's sponsoring registrar with a request that the registrar investigate the case and act appropriately. The registrar will be provided evidence collected as a result of the investigation conducted by the trained abuse handlers. As part of the investigation, if inaccurate or false WHOIS registrant information is detected, the registrar is notified about this. The registrar is the party with a direct relationship with—and a direct contract with—the registrant. The registrar will also have vital information that the registry operator will not, such as:
• Details about the domain purchase, such as the payment method used (credit card, PayPal, etc.);
• The identity of a proxy-protected registrant;
• The purchaser's IP address;
• Whether there is a reseller involved, and;
• The registrant's past sales history and purchases in other TLDs (insofar as the registrar can determine this).

Registrars do not share the above information with registry operators due to privacy and liability concerns, among others. Because they have more information with which to continue the investigation, and because they have a direct relationship with the registrant, the registrar is in the best position to evaluate alleged abuse. The registrar can determine if the use violates the registrar's legal terms of service or the registry Anti-Abuse Policy, and can decide whether or not to take any action. While the language and terms vary, registrars will be expected to include language in their registrar-registrant contracts that indemnifies the registrar if it takes action, and allows the registrar to suspend or cancel a domain name; this will be in addition to the registry Anti-Abuse Policy. Generally, registrars can act if the registrant violates the registrar's terms of service, or violates ICANN policy, or if illegal activity is involved, or if the use violates the registry's Anti-Abuse Policy.

If a registrar does not take action within a time period indicated by the registry operator (usually 24 hours), the registry operator might then decide to take action itself. At all times, the registry operator reserves the right to act directly and immediately if the potential harm to Internet users seems significant or imminent, with or without notice to the sponsoring registrar.

The registry operator will be prepared to call upon relevant law enforcement bodies as needed. There are certain cases, for example, Illegal pharmacy domains, where the registry operator will contact the Law Enforcement Agencies to share information about these domains, provide all the evidence collected and work closely with them before any action will be taken for suspension. The specific action is often dependent upon the jurisdiction of the registry operator, although the operator in all cases will adhere to applicable laws and regulations.

When valid court orders or seizure warrants are received from courts or law enforcement agencies of relevant jurisdiction, the registry operator will order execution in an expedited fashion. Compliance with these will be a top priority and will be completed as soon as possible and within the defined timelines of the order. There are certain cases where Law Enforcement Agencies request information about a domain including but not limited to:
• Registration information
• History of a domain, including recent updates made
• Other domains associated with a registrant's account
• Patterns of registrant portfolio

Requests for such information is handled on a priority basis and sent back to the requestor as soon as possible. Afilias sets a goal to respond to such requests within 24 hours.

DotMusic and Afilias may also engage in proactive screening of its zone for malicious use of the domains in the TLD, and report problems to the sponsoring registrars. DotMusic will from time to time evaluate the necessity in proactive screenings and may take advantage of a combination of the following resources, among others:
• Blocklists of domain names and nameservers published by organizations such as SURBL and Spamhaus.
• Anti-phishing feeds, which will provide URLs of compromised and maliciously registered domains being used for phishing.
• Analysis of registration or DNS query data [DNS query data received by the TLD nameservers.]

The registry operator will keep records and track metrics regarding abuse and abuse reports. These will include:
• Number of abuse reports received by the registry's abuse point of contact described above;
• Number of cases and domains referred to registrars for resolution;
• Number of cases and domains where the registry took direct action;
• Resolution times;
• Number of domains in the TLD that have been blacklisted by major anti-spam blocklist providers, and;
• Phishing site uptimes in the TLD.

Removal of orphan glue records
By definition, orphan glue records used to be glue records. Glue records are related to delegations and are necessary to guide iterative resolvers to delegated nameservers. A glue record becomes an orphan when its parent nameserver record is removed without also removing the corresponding glue record. (Please reference the ICANN SSAC paper SAC048 at: http://www.icann.org/en/committees/security/sac048.pdf.) Orphan glue records may be created when a domain (example.tld) is placed on EPP ServerHold or ClientHold status. When placed on Hold, the domain is removed from the zone and will stop resolving. However, any child nameservers (now orphan glue) of that domain (e.g., ns1.example.tld) are left in the zone. It is important to keep these orphan glue records in the zone so that any innocent sites using that nameserver will continue to resolve. This use of Hold status is an essential tool for suspending malicious domains.

Afilias observes the following procedures, which are being followed by other registries and are generally accepted as DNS best practices. These procedures are also in keeping with ICANN SSAC recommendations.

When a request to delete a domain is received from a registrar, the registry first checks for the existence of glue records. If glue records exist, the registry will check to see if other domains in the registry are using the glue records. If other domains in the registry are using the glue records then the request to delete the domain will fail until no other domains are using the glue records. If no other domains in the registry are using the glue records then the glue records will be removed before the request to delete the domain is satisfied. If no glue records exist then the request to delete the domain will be satisfied.

If a registrar cannot delete a domain because of the existence of glue records that are being used by other domains, then the registrar may refer to the zone file or the "weekly domain hosted by nameserver report" to find out which domains are using the nameserver in question and attempt to contact the corresponding registrar to request that they stop using the nameserver in the glue record. The registry operator does not plan on performing mass updates of the associated DNS records.

The registry operator will accept, evaluate, and respond appropriately to complaints that orphan glue is being used maliciously. Such reports should be made in writing to the registry operator, and may be submitted to the registry's abuse point-of-contact. If it is confirmed that an orphan glue record is being used in connection with malicious conduct, the registry operator will have the orphan glue record removed from the zone file. Afilias has the technical ability to execute such requests as needed.

Methods to promote WHOIS accuracy
The creation and maintenance of accurate WHOIS records is an important part of registry management. As described in our response to question #26, WHOIS, the registry operator will manage a secure, robust and searchable WHOIS service for this TLD.

WHOIS data accuracy
The registry operator will offer a "thick" registry system. In this model, all key contact details for each domain name will be stored in a central location by the registry. This allows better access to domain data, and provides uniformity in storing the information. The registry operator will ensure that the required fields for WHOIS data (as per the defined policies for the TLD) are enforced at the registry level. This ensures that the registrars are providing required domain registration data. Fields defined by the registry policy to be mandatory are documented as such and must be submitted by registrars. The Afilias registry system verifies formats for relevant individual data fields (e.g. e-mail, and phone/fax numbers). Only valid country codes are allowed as defined by the ISO 3166 code list. The Afilias WHOIS system is extensible, and is capable of using the VAULT system, described further below.

To further ensure that registrants under .MUSIC can be reached DotMusic will introduce data validation of some WHOIS elements as part of the .MUSIC policies as described in response to

question #20. DotMusic will explore mechanisms for data re-validation if all validated elements for one registrant are modified, such as could be the case in a registrant transfers.

Similar to the centralized abuse point of contact described above, the registry operator can institute a contact email address which could be utilized by third parties to submit complaints for inaccurate or false WHOIS data detected. DotMusic will in its periodic evaluations of the overall functionality and usability of .MUSIC include assessment of needs for a Whois data accuracy point of contact. DotMusic will work dedicatedly and directly with law-enforcement agencies, authorities, ICANN working Groups, and other security experts in the ongoing development of promoting WHOIS data accuracy. This information will be processed by Afilias' support department and forwarded to the registrars. The registrars can work with the registrants of those domains to address these complaints. Afilias will audit registrars on a yearly basis to verify whether the complaints being forwarded are being addressed or not. This functionality, available to all registry operators, is activated based on the registry operator's business policy.

Afilias also incorporates a spot-check verification system where a randomly selected set of domain names are checked periodically for accuracy of WHOIS data. Afilias' .PRO registry system incorporates such a verification system whereby 1% of total registrations or 100 domains, whichever number is larger, are spot-checked every month to verify the domain name registrant's critical information provided with the domain registration data. With both a highly qualified corps of engineers and a 24x7 staffed support function, Afilias will integrate such spot-check functionality into this TLD, based on the registry operator's business policy. Note: This functionality will not work for proxy protected WHOIS information, where registrars or their resellers have the actual registrant data. The solution to that problem lies with either registry or registrar policy, or a change in the general marketplace practices with respect to proxy registrations.

Finally, Afilias' registry systems have a sophisticated set of billing and pricing functionality which aids registry operators who decide to provide a set of financial incentives to registrars for maintaining or improving WHOIS accuracy. For instance, it is conceivable that the registry operator may decide to provide a discount for the domain registration or renewal fees for validated registrants, or levy a larger cost for the domain registration or renewal of proxy domain names. The Afilias system has the capability to support such incentives on a configurable basis, towards the goal of promoting better WHOIS accuracy. DotMusic has no specific plans for price discounts, but will consider that as a part of marketing initiatives in cases where the Most Likely scenario registration volume is not met, as discussed in response to questions 45-50.

Role of registrars
As part of the RRA (Registry Registrar Agreement), the registry operator will require the registrar to be responsible for ensuring the input of accurate WHOIS data by their registrants. The Registrar⁄Registered Name Holder Agreement will include a specific clause to ensure accuracy of WHOIS data, and to give the registrar rights to cancel or suspend registrations if the Registered Name Holder fails to respond to the registrar's query regarding accuracy of data. ICANN's WHOIS Data Problem Reporting System (WDPRS) will be available to those who wish to file WHOIS inaccuracy reports, as per ICANN policy (http:⁄⁄wdprs.internic.net⁄).

Controls to ensure proper access to domain functions
Several measures are in place in the Afilias registry system to ensure proper access to domain functions, including authentication provisions in the RRA relative to notification and contact updates via use of AUTH-INFO codes.

IP address access control lists, TLS⁄SSL certificates and proper authentication are used to control access to the registry system. Registrars are only given access to perform operations on the objects they sponsor.

Every domain will have a unique AUTH-INFO code. The AUTH-INFO code is a 6- to 16-character code assigned by the registrar at the time the name is created. Its purpose is to aid identification of the domain owner so proper authority can be established. It is the "password" to the domain name. Registrars must use the domain's password in order to initiate a registrar-to-registrar transfer. It is used to ensure that domain updates (update contact information, transfer, or deletion) are undertaken by the proper registrant, and that this registrant is adequately notified of domain update activity. Only the sponsoring registrar of a domain has access to the domain's AUTH-INFO code stored in the registry, and this is accessible only via encrypted, password-protected channels.

Information about other registry security measures such as encryption and security of registrar channels are confidential to ensure the security of the registry system. The details can be found in the response to question #30b.

.MUSIC Community Specific Protections
In protection of the interests of the Music Community, in line with the .MUSIC mission established in response to question #18, DotMUSIC reserves the right to deny, cancel, transfer and registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry, to comply with ay applicable laws, government rules or requirements, requests of law enforcement agencies, in compliance with any dispute resolution process result, or to avoid any liability, civil, or criminal, on the part of the registry operator, its affiliates, subsidiaries, officers, directors, and employees. DotMusic reserves the right to lock a domain name during resolution of a dispute. DotMusic reserves the right to terminate a domain at any time for failure of the registrant to demonstrate that it meets all established

requirements under .MUSIC policies.

.MUSIC has established specific protection mechnisms as described in the response to question #20e. As a means to cure any disputes concerning adherence to the .MUSIC requirements and policies, DotMUSIC is establishing the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). All .MUSIC registrants will be bound by this policy by means of the..MUSIC Registration Agreement.

The MPCIDRP may be invoked by any third part in order to solve a dispute with a registrant over the registration or use of the registration in violation of the .MUSIC policies. A dispute filing can take place with any approved MPCIDRP dispute resolution provider and must specify how the domain name is in violation of the purposes contemplated by the definition and qualification of a .MUSIC.

The details of the MPCIDRP will be published prior to the launch of .MUSIC. Details of the process, proceedings, and supplemental rules a complainant must follow will be developed in coordination with respective dispute resolution providers and it will also be published prior to launch of .MUSIC.

Validation and abuse mitigation mechanisms
Afilias has developed advanced validation and abuse mitigation mechanisms. These capabilities and mechanisms are described below. These services and capabilities are discretionary and may be utilized by the registry operator based on their policy and business need.

Afilias has the ability to analyze the registration data for known patterns at the time of registration. A database of these known patterns is developed from domains and other associated objects (e.g., contact information) which have been previously detected and suspended after being flagged as abusive. Any domains matching the defined criteria can be flagged for investigation. Once analyzed and confirmed by the domain anti-abuse team members, these domains may be suspended. This provides proactive detection of abusive domains.

Provisions are available to enable the registry operator to only allow registrations by pre-authorized and verified contacts. These verified contacts are given a unique code that can be used for registration of new domains. Such provision will be used in the case where holders of a mark in the Globally Protected Marks list (a protection mechanism explained in response to question #20e) wish to register their mark under .MUSIC; and it can also be used for release of the reserved country and territory names per response to question #22.

Registrant pre-verification and authentication
As previously mentioned DotMUSIC will validate certain data elements in relation to domain name registrations. The methods used may be modified from time to time as technology in this area advance, and will be selected to avoid too much interruption for the registrant. One of the systems that could be used for validity and identity authentication is VAULT (Validation and Authentication Universal Lookup). It utilizes information obtained from a series of trusted data sources with access to billions of records containing data about individuals for the purpose of providing independent age and id verification as well as the ability to incorporate additional public or private data sources as required. At present it has the following: US Residential Coverage - 90% of Adult Population and also International Coverage - Varies from Country to Country with a minimum of 80% coverage (24 countries, mostly European).

Various verification elements can be used. Examples might include applicant data such as name, address, phone, etc. Multiple methods could be used for verification include integrated solutions utilizing API (XML Application Programming Interface) or sending batches of requests.

• Verification and Authentication requirements would be based on TLD operator requirements or specific criteria.
• Based on required WHOIS Data; registrant contact details (name, address, phone)
• If address⁄ZIP can be validated by VAULT, the validation process can continue (North America +25 International countries)
• If in-line processing and registration and EPP⁄API call would go to the verification clearinghouse and return up to 4 challenge questions.
• If two-step registration is required, then registrants would get a link to complete the verification at a separate time. The link could be specific to a domain registration and pre-populated with data about the registrant.
• If WHOIS data is validated a token would be generated and could be given back to the registrar which registered the domain.
• WHOIS data would reflect the Validated Data or some subset, i.e., fields displayed could be first initial and last name, country of registrant and date validated. Other fields could be generic validation fields much like a "privacy service".
• A "Validation Icon" customized script would be sent to the registrants email address. This could be displayed on the website and would be dynamically generated to avoid unauthorized use of the Icon. When clicked on the Icon would should limited WHOIS details i.e. Registrant: jdoe, Country: USA, Date Validated: March 29, 2011, as well as legal disclaimers.
• Validation would be annually renewed, and validation date displayed in the WHOIS.

Abuse prevention resourcing plans
Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix

structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way. Abuse prevention and detection is a function that is staffed across the various groups inside Afilias, and requires a team effort when abuse is either well hidden or widespread, or both. While all of Afilias' 200+ employees are charged with responsibility to report any detected abuse, the engineering and analysis teams, numbering over 30, provide specific support based on the type of abuse and volume and frequency of analysis required. The Afilias security and support teams have the authority to initiate mitigation.

Afilias has developed advanced validation and abuse mitigation mechanisms. These capabilities and mechanisms are described below. These services and capabilities are discretionary and may be utilized by the registry operator based on their policy and business need.

This TLD's anticipated volume of registrations in the first three years of operations is listed in response #46. Afilias and the registry operator's anti-abuse function anticipates the expected volume and type of registrations, and together will adequately cover the staffing needs for this TLD. The registry operator will maintain an abuse response team, which may be a combination of internal staff and outside specialty contractors, adjusting to the needs of the size and type of TLD. The team structure planned for this TLD is based on several years of experience responding to, mitigating, and managing abuse for TLDs of various sizes. The team will generally consist of abuse handlers (probably internal), a junior analyst, (either internal or external), and a senior security consultant (likely an external resource providing the registry operator with extra expertise as needed). These responders will be specially trained in the investigation of abuse complaints, and will have the latitude to act expeditiously to suspend domain names (or apply other remedies) when called for.

The exact resources required to maintain an abuse response team must change with the size and registration procedures of the TLD. An initial abuse handler is necessary as a point of contact for reports, even if a part-time responsibility. The abuse handlers monitor the abuse email address for complaints and evaluate incoming reports from a variety of sources. A large percentage of abuse reports to the registry operator may be unsolicited commercial email. The designated abuse handlers can identify legitimate reports and then decide what action is appropriate, either to act upon them, escalate to a security analyst for closer investigation, or refer them to registrars as per the above-described procedures. A TLD with rare cases of abuse would conform to this structure.

If multiple cases of abuse within the same week occur regularly, the registry operator will consider staffing internally a security analyst to investigate the complaints as they become more frequent. Training an abuse analyst requires 3-6 months and likely requires the active guidance of an experienced senior security analyst for guidance and verification of assessments and recommendations being made.

If this TLD were to regularly experience multiple cases of abuse within the same day, a full-time senior security analyst would likely be necessary. A senior security analyst capable of fulfilling this role should have several years of experience and able to manage and train the internal abuse response team.

The abuse response team will also maintain subscriptions for several security information services, including the blocklists from organizations like SURBL and Spamhaus and anti-phishing and other domain related abuse (malware, fast-flux etc.) feeds. The pricing structure of these services may depend on the size of the domain and some services will include a number of rapid suspension requests for use as needed.

For a large TLD, regular audits of the registry data are required to maintain control over abusive registrations. When a registrar with a significant number of registrations has been compromised or acted maliciously, the registry operator may need to analyze a set of registration or DNS query data. A scan of all the domains of a registrar is conducted only as needed. Scanning and analysis for a large registrar may require as much as a week of full-time effort for a dedicated machine and team.

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29. Rights Protection Mechanisms: Applicants must describe how their registry will comply with policies and practices that minimize abusive registrations and other activities that affect the legal rights of others, such as the Uniform Domain Name Dispute Resolution Policy (UDRP), Uniform Rapid Suspension (URS) system, and Trademark Claims and Sunrise services at startup.
A complete answer should include:

- A description of how the registry operator will implement safeguards against allowing unqualified registrations (e.g., registrations made in violation of the registry's eligibility restrictions or policies), and reduce opportunities for behaviors such as phishing or pharming. At a minimum, the registry operator must offer a Sunrise period and a Trademark Claims service during the required time periods, and implement decisions rendered under the URS on an ongoing basis; and

- A description of resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area).

>To be eligible for a score of 2, answers must also include additional measures specific to rights protection, such as abusive use policies, takedown procedures, registrant pre-verification, or authentication procedures, or other covenants.
A complete answer is expected to be no more than 10 pages.

Rights protection is a core responsibility of the TLD operator, and is supported by a fully-developed plan for rights protection that includes:
• Establishing mechanisms to prevent unqualified registrations (e.g., registrations made in violation of the registry's eligibility restrictions or policies);
• Implementing a robust Sunrise program, utilizing the Trademark Clearinghouse, the services of one of ICANN's approved dispute resolution providers, a trademark validation agent, and drawing upon sunrise policies and rules used successfully in previous gTLD launches;
• Implementing a professional trademark claims program that utilizes the Trademark Clearinghouse, and drawing upon models of similar programs used successfully in previous TLD launches;
• Complying with the URS requirements;
• Complying with the UDRP;
• Complying with the PDDRP,
• Complying with the RRDRP and;
• Including all ICANN-mandated and independently developed rights protection mechanisms ("RPMs") in the registry-registrar agreement entered into by ICANN-accredited registrars authorized to register names in the TLD.

The response below details the rights protection mechanisms at the launch of the TLD (Sunrise and Trademark Claims Service) which comply with rights protection policies (URS, UDRP, PDDRP, RRDRP, and other ICANN RPMs), outlines additional provisions made for rights protection, and provides the resourcing plans.

Safeguards for rights protection at the launch of the TLD
The launch of this TLD will include the operation of a trademark claims service according to the defined ICANN processes for checking a registration request and alerting trademark holders of potential rights infringement.

Sunrise Period

The Sunrise Period will be an exclusive period of time, prior to the opening of public registration, when trademark and service mark holders will be able to submit registration applications for domain names that correspond to their marks. Following the Sunrise Period, and Landrush Period DotMusic will open registration to first-come-first-serve registrants.

The anticipated Rollout Schedule for the Sunrise Period will be as follows:

Phase 1: 60 days Sunrise Period for trademark holders and service mark holders to submit applications for .MUSIC domain name registrations corresponding to their marks. To maximize fairness multiple registration applications for the same domain name will be decided upon via auctions. A 30 day Quite Period will follow the sunrise period for testing and evaluation.

Phase 2: 60 days Music Community Member Organization Landrush: a limited-time period reserved for members of DotMusic-accredited Music Community Member Organizations (mCMO). Multiple registration requests for the same string will be decided upon via an auction. A 30 day Quite Period will follow this phase as well to allow for testing and evaluation.

One month after close of Quiet Period – Registration in the TLD domain will be opened for general availability. Domains will be registered on a first-come-first-serve basis.

Sunrise Period Requirements & Restrictions
To be eligible for participation in the Sunrise Phase of .MUSIC a trademark holder must fulfill the requirements set forth in the 11 January 2012 ICANN Applicant Guidebook, Trademark Clearinghouse Specification, section 7.2; or any subsequent updates thereto.

Currently the Sunrise eligibility requirements (SERs) include: (i) ownership of a mark that satisfies the criteria set forth in section 7.2 of the Trademark Clearing House specifications, (ii) description of international class of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

The Sunrise Dispute Resolution Policy (SDRP) will allow challenges based on the following four grounds: (i) at time the challenged domain name was registered, the registrants did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or

treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received. The established grounds may change as ICANN is finalizing Sunrise requirements in its Trademark Clearing House specification.

Sunrise registrations can be made in terms of 1, 2, 3, 5, or 10 year registrations.

Ongoing rights protection mechanisms
Several mechanisms will be in place to protect rights in this TLD. As described in our responses to questions #27 and #28, measures are in place to ensure domain transfers and updates are only initiated by the appropriate domain holder, and an experienced team is available to respond to legal actions by law enforcement or court orders.

This TLD will conform to all ICANN RPMs including URS (defined below), UDRP, PDDRP, and all measures defined in Specification 7 of the new TLD agreement.

Uniform Rapid Suspension (URS)
The registry operator will implement decisions rendered under the URS on an ongoing basis. Per the URS policy posted on ICANN's Web site as of this writing, the registry operator will receive notice of URS actions from the ICANN-approved URS providers. These emails will be directed immediately to the registry operator's support staff, which is on duty 24x7. The support staff will be responsible for creating a ticket for each case, and for executing the directives from the URS provider. All support staff will receive pertinent training.

As per ICANN's URS guidelines, within 24 hours of receipt of the notice of complaint from the URS provider, the registry operator shall "lock" the domain, meaning the registry shall restrict all changes to the registration data, including transfer and deletion of the domain names, but the name will remain in the TLD DNS zone file and will thus continue to resolve. The support staff will "lock" the domain by associating the following EPP statuses with the domain and relevant contact objects:
• ServerUpdateProhibited, with an EPP reason code of "URS"
• ServerDeleteProhibited, with an EPP reason code of "URS"
• ServerTransferProhibited, with an EPP reason code of "URS"
• The registry operator's support staff will then notify the URS provider immediately upon locking the domain name, via email.

The registry operator's support staff will retain all copies of emails from the URS providers, assign them a tracking or ticket number, and will track the status of each opened URS case through to resolution via spreadsheet or database.

The registry operator's support staff will execute further operations upon notice from the URS providers. The URS provider is required to specify the remedy and required actions of the registry operator, with notification to the registrant, the complainant, and the registrar.

As per the URS guidelines, if the complainant prevails, the "registry operator shall suspend the domain name, which shall remain suspended for the balance of the registration period and would not resolve to the original web site. The nameservers shall be redirected to an informational web page provided by the URS provider about the URS. The WHOIS for the domain name shall continue to display all of the information of the original registrant except for the redirection of the nameservers. In addition, the WHOIS shall reflect that the domain name will not be able to be transferred, deleted or modified for the life of the registration."

Community TLD considerations
As described in response to question #20e and #28 DotMusic will implement several policies surrounding .MUSIC to fulfill the mission in support of Music Community needs. The applicable requirements will be validated at time of registration, and in addition ongoing use, naming, and anti-abuse policies are also in place to ensure continued establishment of a safe and secure TLD that is not only operated but used in the interest of the Music Community. A dedicated dispute resolution policy is in place to solve disputes concerning infringement of the .MUSIC Policy.

Rights protection via the RRA
The following will be memorialized and be made binding via the Registry-Registrar and Registrar-Registrant Agreements:

• The registry may reject a registration request or a reservation request, or may delete, revoke, suspend, cancel, or transfer a registration or reservation under the following criteria:
a. to enforce registry policies and ICANN requirements; each as amended from time to time;
b. that is not accompanied by complete and accurate information as required by ICANN requirements and/or registry policies or where required information is not updated and/or corrected as required by ICANN requirements and/or registry policies;
c. to protect the integrity and stability of the registry, its operations, and the TLD system;
d. to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the registry;
e. to establish, assert, or defend the legal rights of the registry or a third party or to avoid any civil or criminal liability on the part of the registry and/or its affiliates, subsidiaries, officers, directors, representatives, employees, contractors, and stockholders;

f. to correct mistakes made by the registry or any accredited registrar in connection with a registration; or
g. as otherwise provided in the Registry-Registrar Agreement and/or the Registrar-Registrant Agreement.

Reducing opportunities for behaviors such as phishing or pharming
In our response to question #28, the registry operator has described its anti-abuse program. Rather than repeating the policies and procedures here, please see our response to question #28 for full details.

With specific respect to phishing and pharming, it should be noted .MUSIC with its specified registration price, (detailed in response to questions #45-50), and restrictions and protections in regards to registrations and usage of the domains (detailed in response to question #20e) under it is considered a low risk target for such attacks. This is confirmed by McAfee's 2011 security report (http://us.mcafee.com/en-us/local/docs/MTMW_Report.pdf stating that low-priced domains are more vulnerable for such attacks, and restricted TLDs bear low risks. Further, per the Anti-Phishing Working Group surveys and activities that is and will be monitored by DotMusic; the latest study shows that in 2011 only 2% of domain names used for phishing were targeting brand names, corresponding to 5,700 names.

Since all criminal activity (such as phishing and pharming) is a small percentage of domain registrations overall and precluded by the mission, values and policies of DotMusic and .MUSIC, criminal activity is not expected to be a problem. If such activity occurs due to hacking or other compromises, the registry operator will take prompt and effective steps to eliminate the activity.

In the case of this TLD, DotMusic will apply an approach that addresses registered domain names (rather than potentially registered domains). This approach will not infringe upon the rights of eligible registrants to register domains, and allows DotMusic internal controls, as well as community-developed UDRP and URS policies and procedures if needed, to deal with complaints, should there be any.

Afilias is a member of various security fora which provide access to lists of names in each TLD which may be used for malicious purposes. Such identified names will be subject to the TLD anti-abuse policy, including rapid suspensions after due process.

Rights protection resourcing plans
Since its founding, Afilias is focused on delivering secure, stable and reliable registry services. Several essential management and staff who designed and launched the Afilias registry in 2001 and expanded the number of TLDs supported, all while maintaining strict service levels over the past decade, are still in place today. This experiential continuity will endure for the implementation and on-going maintenance of this TLD. Afilias operates in a matrix structure, which allows its staff to be allocated to various critical functions in both a dedicated and a shared manner. With a team of specialists and generalists, the Afilias project management methodology allows efficient and effective use of our staff in a focused way.

Supporting RPMs requires several departments within the registry operator as well as within Afilias. The implementation of Sunrise and the Trademark Claims service and on-going RPM activities will pull from the 102 Afilias staff members of the engineering, product management, development, security and policy teams at Afilias and the support staff of the registry operator, which is on duty 24x7. A trademark validator will also be assigned within the registry operator, whose responsibilities may require as much as 50% of full-time employment if the domains under management were to exceed several million. No additional hardware or software resources are required to support this as Afilias has fully-operational capabilities to manage abuse today.

30A. Security Policy: provide a summary of the security policy for the proposed registry, including but not limited to:

- indication of any independent assessment reports demonstrating security capabilities, and provisions for periodic independent assessment reports to test security capabilities;
- description of any augmented security levels or capabilities commensurate with the nature of the applied for gTLD string, including the identification of any existing international or industry relevant security standards the applicant commits to following (reference site must be provided);
- list of commitments made to registrants concerning security levels.

To be eligible for a score of 2, answers must also include:

- Evidence of an independent assessment report demonstrating effective security controls (e.g., ISO 27001).

A summary of the above should be no more than 20 pages. Note that the complete security policy for the registry is required to be submitted in accordance with 30(b).

The answer to question #30a is provided by Afilias, the back-end provider of registry services for this TLD.

Afilias aggressively and actively protects the registry system from known threats and vulnerabilities, and has deployed an extensive set of security protocols, policies and procedures to thwart compromise. Afilias' robust and detailed plans are continually updated and tested to ensure new threats are mitigated prior to becoming issues. Afilias will continue these rigorous security measures, which include:
• Multiple layers of security and access controls throughout registry and support systems;
• 24x7 monitoring of all registry and DNS systems, support systems and facilities;
• Unique, proven registry design that ensures data integrity by granting only authorized access to the registry system, all while meeting performance requirements;
• Detailed incident and problem management processes for rapid review, communications, and problem resolution, and;
• Yearly external audits by independent, industry-leading firms, as well as twice-yearly internal audits.

Security policies and protocols
Afilias has included security in every element of its service, including facilities, hardware, equipment, connectivity/Internet services, systems, computer systems, organizational security, outage prevention, monitoring, disaster mitigation, and escrow/insurance, from the original design, through development, and finally as part of production deployment. Examples of threats and the confidential and proprietary mitigation procedures are detailed in our response to question #30(b).

There are several important aspects of the security policies and procedures to note:
• Afilias hosts domains in data centers around the world that meet or exceed global best practices.
• Afilias' DNS infrastructure is massively provisioned as part of its DDoS mitigation strategy, thus ensuring sufficient capacity and redundancy to support new gTLDs.
• Diversity is an integral part of all of our software and hardware stability and robustness plan, thus avoiding any single points of failure in our infrastructure.
• Access to any element of our service (applications, infrastructure and data) is only provided on an as-needed basis to employees and a limited set of others to fulfill their job functions. The principle of least privilege is applied.
• All registry components – critical and non-critical – are monitored 24x7 by staff at our NOCs, and the technical staff has detailed plans and procedures that have stood the test of time for addressing even the smallest anomaly. Well-documented incident management procedures are in place to quickly involve the on-call technical and management staff members to address any issues.

Afilias follows the guidelines from the ISO 27001 Information Security Standard (Reference: http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=42103) for the management and implementation of its Information Security Management System. Afilias also utilizes the COBIT IT governance framework to facilitate policy development and enable controls for appropriate management of risk (Reference: http://www.isaca.org/cobit). Best practices defined in ISO 27002 are followed for defining the security controls within the organization. Afilias continually looks to improve the efficiency and effectiveness of our processes, and follows industry best practices as defined by the IT Infrastructure Library, or ITIL (Reference: http://www.itil-officialsite.com/).

The Afilias registry system is located within secure data centers that implement a multitude of security measures both to minimize any potential points of vulnerability and to limit any damage should there be a breach. The characteristics of these data centers are described fully in our response to question #30(b).

The Afilias registry system employs a number of multi-layered measures to prevent unauthorized access to its network and internal systems. Before reaching the registry network, all traffic is required to pass through a firewall system. Packets passing to and from the Internet are inspected, and unauthorized or unexpected attempts to connect to the registry servers are both logged and denied. Management processes are in place to ensure each request is tracked and documented, and regular firewall audits are performed to ensure proper operation. 24x7 monitoring is in place and, if potential malicious activity is detected, appropriate personnel are notified immediately.

Afilias employs a set of security procedures to ensure maximum security on each of its servers, including disabling all unnecessary services and processes and regular application of security-related patches to the operating system and critical system applications. Regular external vulnerability scans are performed to verify that only services intended to be available are accessible.

Regular detailed audits of the server configuration are performed to verify that the configurations comply with current best security practices. Passwords and other access means are changed on a regular schedule and are revoked whenever a staff member's employment is terminated.

Access to registry system
Access to all production systems and software is strictly limited to authorized operations staff members. Access to technical support and network operations teams where necessary are read only and limited only to components required to help troubleshoot customer issues and perform routine checks. Strict change control procedures are in place and are followed each time a change is required to the production hardware/application. User rights are kept to a minimum at all times. In the event of a staff member's employment termination, all access is removed immediately.

Afilias applications use encrypted network communications. Access to the registry server is controlled. Afilias allows access to an authorized registrar only if each of the authentication factors matches the specific requirements of the requested authorization. These mechanisms are also used to secure any web-based tools that allow authorized registrars to access the registry. Additionally, all write transactions in the registry (whether conducted by authorized registrars or the registry's own personnel) are logged.

EPP connections are encrypted using TLS/SSL, and mutually authenticated using both certificate checks and login/password combinations. Web connections are encrypted using TLS/SSL for an encrypted tunnel to the browser, and authenticated to the EPP server using login/password combinations.

All systems are monitored for security breaches from within the data center and without, using both system-based and network-based testing tools. Operations staff also monitor systems for security-related performance anomalies. Triple-redundant continual monitoring ensures multiple detection paths for any potential incident or problem. Details are provided in our response to questions #30(b) and #42. Network Operations and Security Operations teams perform regular audits in search of any potential vulnerability.

To ensure that registrar hosts configured erroneously or maliciously cannot deny service to other registrars, Afilias uses traffic shaping technologies to prevent attacks from any single registrar account, IP address, or subnet. This additional layer of security reduces the likelihood of performance degradation for all registrars, even in the case of a security compromise at a subset of registrars.

There is a clear accountability policy that defines what behaviors are acceptable and unacceptable on the part of non-staff users, staff users, and management. Periodic audits of policies and procedures are performed to ensure that any weaknesses are discovered and addressed. Aggressive escalation procedures and well-defined Incident Response management procedures ensure that decision makers are involved at early stages of any event.

In short, security is a consideration in every aspect of business at Afilias, and this is evidenced in a track record of a decade of secure, stable and reliable service.

Independent assessment
Supporting operational excellence as an example of security practices, Afilias performs a number of internal and external security audits each year of the existing policies, procedures and practices for:
• Access control;
• Security policies;
• Production change control;
• Backups and restores;
• Batch monitoring;
• Intrusion detection, and
• Physical security.

Afilias has an annual Type 2 SSAE 16 audit performed by PricewaterhouseCoopers (PwC). Further, PwC performs testing of the general information technology controls in support of the financial statement audit. A Type 2 report opinion under SSAE 16 covers whether the controls were properly designed, were in place, and operating effectively during the audit period (calendar year). This SSAE 16 audit includes testing of internal controls relevant to Afilias' domain registry system and processes. The report includes testing of key controls related to the following control objectives:
• Controls provide reasonable assurance that registrar account balances and changes to the registrar account balances are authorized, complete, accurate and timely.
• Controls provide reasonable assurance that billable transactions are recorded in the Shared Registry System (SRS) in a complete, accurate and timely manner.
• Controls provide reasonable assurance that revenue is systemically calculated by the Deferred Revenue System (DRS) in a complete, accurate and timely manner.
• Controls provide reasonable assurance that the summary and detail reports, invoices, statements, registrar and registry billing data files, and ICANN transactional reports provided to registry operator(s) are complete, accurate and timely.
• Controls provide reasonable assurance that new applications and changes to existing applications are authorized, tested, approved, properly implemented and documented.
• Controls provide reasonable assurance that changes to existing system software and implementation of new system software are authorized, tested, approved, properly implemented and documented.
• Controls provide reasonable assurance that physical access to data centers is restricted to properly authorized individuals.
• Controls provide reasonable assurance that logical access to system resources is restricted to properly authorized individuals.
• Controls provide reasonable assurance that processing and backups are appropriately

authorized and scheduled and that deviations from scheduled processing and backups are identified and resolved.

The last Type 2 report issued was for the year 2010, and it was unqualified, i.e., all systems were evaluated with no material problems found.

During each year, Afilias monitors the key controls related to the SSAE controls. Changes or additions to the control objectives or activities can result due to deployment of new services, software enhancements, infrastructure changes or process enhancements. These are noted and after internal review and approval, adjustments are made for the next review.

In addition to the PricewaterhouseCoopers engagement, Afilias performs internal security audits twice a year. These assessments are constantly being expanded based on risk assessments and changes in business or technology.

Additionally, Afilias engages an independent third-party security organization, PivotPoint Security, to perform external vulnerability assessments and penetration tests on the sites hosting and managing the Registry infrastructure. These assessments are performed with major infrastructure changes, release of new services or major software enhancements. These independent assessments are performed at least annually. A report from a recent assessment is attached with our response to question #30(b).

Afilias has engaged with security companies specializing in application and web security testing to ensure the security of web-based applications offered by Afilias, such as the Web Admin Tool (WAT) for registrars and registry operators.

Finally, Afilias has engaged IBM's Security services division to perform ISO 27002 gap assessment studies so as to review alignment of Afilias' procedures and policies with the ISO 27002 standard. Afilias has since made adjustments to its security procedures and policies based on the recommendations by IBM.

Special TLD considerations
Afilias' rigorous security practices are regularly reviewed; if there is a need to alter or augment procedures for this TLD, they will be done so in a planned and deliberate manner.

Commitments to registrant protection
With over a decade of experience protecting domain registration data, Afilias understands registrant security concerns. Afilias supports a "thick" registry system in which data for all objects are stored in the registry database that is the centralized authoritative source of information. As an active member of IETF (Internet Engineering Task Force), ICANN's SSAC (Security & Stability Advisory Committee), APWG (Anti-Phishing Working Group), MAAWG (Messaging Anti-Abuse Working Group), USENIX, and ISACA (Information Systems Audits and Controls Association), the Afilias team is highly attuned to the potential threats and leading tools and procedures for mitigating threats. As such, registrants should be confident that:
• Any confidential information stored within the registry will remain confidential;
• The interaction between their registrar and Afilias is secure;
• The Afilias DNS system will be reliable and accessible from any location;
• The registry system will abide by all polices, including those that address registrant data;
• Afilias will not introduce any features or implement technologies that compromise access to the registry system or that compromise registrant security.

Afilias has directly contributed to the development of the documents listed below and we have implemented them where appropriate. All of these have helped improve registrants' ability to protect their domains name(s) during the domain name lifecycle.
• [SAC049]: SSAC Report on DNS Zone Risk Assessment and Management (03 June 2011)
• [SAC044]: A Registrant's Guide to Protecting Domain Name Registration Accounts (05 November 2010)
• [SAC040]: Measures to Protect Domain Registration Services Against Exploitation or Misuse (19 August 2009)
• [SAC028]: SSAC Advisory on Registrar Impersonation Phishing Attacks (26 May 2008)
• [SAC024]: Report on Domain Name Front Running (February 2008)
• [SAC022]: Domain Name Front Running (SAC022, SAC024) (20 October 2007)
• [SAC011]: Problems caused by the non-renewal of a domain name associated with a DNS Name Server (7 July 2006)
• [SAC010]: Renewal Considerations for Domain Name Registrants (29 June 2006)
• [SAC007]: Domain Name Hijacking Report (SAC007) (12 July 2005)

To protect any unauthorized modification of registrant data, Afilias mandates TLS/SSL transport (per RFC 5246) and authentication methodologies for access to the registry applications. Authorized registrars are required to supply a list of specific individuals (five to ten people) who are authorized to contact the registry. Each such individual is assigned a pass phrase. Any support requests made by an authorized registrar to registry customer service are authenticated by registry customer service. All failed authentications are logged and reviewed regularly for potential malicious activity. This prevents unauthorized changes or access to registrant data by individuals posing to be registrars or their authorized contacts.

These items reflect an understanding of the importance of balancing data privacy and access for registrants, both individually and as a collective, worldwide user base.

The Afilias 24/7 Customer Service Center consists of highly trained staff who collectively are proficient in 15 languages, and who are capable of responding to queries from registrants whose

domain name security has been compromised – for example, a victim of domain name hijacking. Afilias provides specialized registrant assistance guides, including specific hand-holding and follow-through in these kinds of commonly occurring circumstances, which can be highly distressing to registrants

Security resourcing plans
Please refer to our response to question #30b for security resourcing plans.

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Exhibit A3

gTLD String: MUSIC
Applicant Entity Name: DotMusic Limited
Application ID#: 1-1115-14110

SPECIFICATION 11
PUBLIC INTEREST COMMITMENTS ("PIC")

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013(or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. ☑ Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted]), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

ENUMERATED DOTMUSIC PUBLIC INTEREST COMMITMENTS

The DotMusic Public Interest Commitments (consistent with the principles, policies and safeguards set forth in DotMusic's Application) are enumerated below. These are binding contractual commitments, responsive to the PIC Program that bind DotMusic, to the global music community and the public interest. These commitments can be enforced through the ICANN PICDRP. DotMusic affirms its commitment to run a responsible TLD under a community-based governance structure, consistent with the following commitments and obligations:

1. A commitment to serve the best interests of the global music community by enforcing the enhanced safeguards -- including enhanced copyright protection provisions recommended by the music industry -- to protect intellectual property and ensure that .MUSIC is launched in a safe, trusted and manner so that monies flow through legally-licensed .MUSIC sites and Community members as opposed to rogue unlicensed pirate sites or bad actors;

2. A commitment to authenticate .MUSIC registrants to increase trust, security and safety as explicitly stated in DotMusic's Application;

3. A commitment to not discriminate against any legitimate members of the global music community by adhering to the DotMusic Eligibility policy of non-discrimination that restricts eligibility to Music Community members -- as explicitly stated in DotMusic's Application -- that have an active, non-tangential relationship with the applied-for string and also have the requisite awareness of the music community they identify with as part of the registration process. This public interest commitment ensures the inclusion of the entire global music community that the string .MUSIC connotes;

4. A commitment that DotMusic Limited will incorporate policies that ensure .MUSIC is highly relevant to the string's subject-matter of music. DotMusic Limited commits to adhere to its Eligibility and Content and Use policies as explicitly stated in DotMusic's Application, which mandate that only legal music-related content can be posted on .MUSIC domains and that only legal music-related activities can be conducted in regards to the registrant usage of .MUSIC domains. DotMusic Limited commits to its Eligibility policy as explicitly stated in DotMusic's Application to exclude those with a passive, casual or peripheral association with the applied-for string;

5. A commitment that the string will be launched under a multi-stakeholder governance structure of representation that includes all music constituents represented by the string, irrespective of type, size or locale, including commercial, non-commercial and amateur constituents, as explicitly stated in DotMusic's Application.

   As explicitly stated in its Application, DotMusic commits to:

   i. uphold its Community definition of a "logical alliance of communities of similar nature that relate to music" to incorporate all Music Community members;
   ii. accredit eligible non-negligible music organizations of relevance without discrimination if they meet the Music Community Member Organization (MCMO) Accreditation criteria;
   iii. to give members of MCMOs priority to register a .MUSIC domain during the MCMO Launch Phase to help launch .MUSIC responsibly and drive adoption;
   iv. to allow all legitimate members of the Community as defined to register a .MUSIC domain;
   v. maintain a rotating, global Advisory Committee ("Policy Advisory Board" "PAB") consisting of and representing all multi-stakeholder constituent types.

6. A commitment to align all Registration Policies (Eligibility; Naming Conditions; Content & Use; Enforcement Measures & Appeals Mechanisms) to its community-based purpose as explicitly stated in DotMusic's Application;

7. A commitment to enforce all Registration Policies with both proactive and reactive enforcement measures, including appropriate appeals mechanisms to fix compliance issues governed under the music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") as explicitly stated in DotMusic's Application. DotMusic commits that appeals mechanisms will also be administered by independent dispute resolution providers that includes, but is not limited to, the National Arbitration Forum ("NAF"); and

8. A commitment to introduce innovative services that would serve the best interests of the global music community, which may include Premium Channels (which organize all Community members according to their classification type) and a Song Music Licensing Registry (a comprehensive song database registry which will enable quick, simple and legal music licensing at a global scale) as explicitly stated in DotMusic's Application.

Disclaimer*

The following appendix is not part of the Public Interest Commitments (PIC) document. It is provided here at the request of the applicant as clarification to the information provided in the PIC. Unlike the commitments listed in the PIC, the information listed in this appendix would not be included in the Registry Agreement should this applicant be invited to contracting.

*Added 8 May 2015

Appendix: PIC Clarification

HOW THE PIC IS ALIGNED WITH DOTMUSIC'S .MUSIC APPLICATION AND WHY EACH COMMITMENT SERVES THE PUBLIC INTEREST AND MUSIC COMMUNITY

DotMusic Limited (.MUSIC™) is a Community Applicant with: music-tailored Registration Policies consistent with its articulated community-based purpose; enhanced safeguards that protect intellectual property and create a safe haven for legal music consumption and licensing; a multi-stakeholder governance structure representing all constituents connoted by the .MUSIC string, regardless of type, size or local and commercial, non-commercial or amateur status DotMusic's community-based Application will serve the public interest and the global Music Community by providing a safe, authenticated and trusted unique online identifier. (See Appendix A for the DotMusic's .MUSIC community-based Application's specifications).[1]

Per the DotMusic Application:[2]

> *The .MUSIC mission and purpose is:*
>
> - *Creating a trusted, safe online haven for music consumption*
> - *Establishing a safe home on the Internet for Music Community members regardless of locale or size*
> - *Protecting intellectual property and fighting piracy*
> - *Supporting musicians' welfare, rights & fair compensation*
> - *Promoting music and the arts, cultural diversity and music education*
> - *Following a multi-stakeholder approach of fair representation of all types of global music constituents, including a rotating regional advisory board working in the best interests of the Music Community*
>
> *The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders…*
>
> *…DotMusic has been an accessible and transparently visible .MUSIC [community] applicant since 2008 communicating its intentions publicly at music events, online through its website and social media outreach, and through mainstream and non-mainstream media. The .MUSIC registration policies and protection mechanisms have been developed using a bottom-up, multi-stakeholder methodology with input from international Music Community members in both the commercial and non-commercial sector.*
>
> *DotMusic serves the Community without conflicts of interest and is accountable to the Community by establishing a Music Community Advisory Committee with representation from each constituency in the Community. The Committee will advise and provide perspective on .MUSIC issues such as broad policy matters and introductions of new services to meet the Community needs…*
>
> *…DotMusic has developed policies to protect intellectual property, fight piracy and ensure .MUSIC domains are allocated in fair methods so that music consumers and Internet users are assured the highest level of trust and authenticity when they visit a .MUSIC domain.*
>
> *A Global Protected Marks List (GPML) will reserve all major music brands and established artists, such as RIAA-certified platinum-selling bands…*

[1] DotMusic's community-based gTLD application specifications for applied-for string music, http://music.us/icann/DotMusic_Application_Specifications_Matrix.pdf

[2] https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392

…Balanced domain registration restrictions and an inclusive, delineated Community definition ensures the entire Music Community can register .MUSIC domains, provides fairness in .MUSIC domain availability, offers a branding advantage, avoid conflicts of interest, anti-competitive concerns and anti-trust actions. (Application Answer to Question 20c)

.MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution, including government culture agencies and arts councils and other complementor organizations involved in support activities that are aligned with the .MUSIC mission. (Application Answer to Question o 20d)

Globally Protected Marks List (GPML) will ensure major music brands and established artists, such as RIAA-certified platinum-selling bands, are protected not cybersquatted. These are reserved at all times. (Application Answer to Question 20d)

DotMusic understands the difficulties faced by the content industries to cope with changes created by the digital revolution. DotMusic's neutral multi-stakeholder governance of equal representation of all music constituents is based on gaining stakeholder consensus to enable the development of a domain Industry standard in .MUSIC that serves registrants and Internet users and assures that rightful entities can own and leverage their .MUSIC domain to eliminate cybersquatting and piracy issues, while building trust with consumers to ensure commercial activities are trusted and monies flow to the music community not pirates or unlicensed sites. (Application Answer to Question 18c iii)

Below, DotMusic provides detailed rationale <u>how</u> the DotMusic Application serves the global public interest as explicitly stated in DotMusic's Application. DotMusic commits to incorporate the following parts in its registry agreements as binding commitments to ensure DotMusic serves the global public interest and the global Music Community:

A. Commitment of Community all-inclusiveness, non-discrimination and multi-stakeholder governance: The applied-for string (.MUSIC) will be governed under a multi-stakeholder model and will be restricted to only members of the Community (defined in the Application as "a <u>strictly delineated</u> and <u>organized</u> community of individuals, organizations and business, a <u>logical alliance of communities</u> <u>of similar nature</u> that relate to <u>music</u>") who have an active, non-tangential relationship with the applied-for string and the requisite awareness and recognition that they are a part of the defined Community.

DotMusic commits <u>not</u> to exclude legitimate members of the global Music Community as defined in the Application -- "*a <u>strictly delineated</u> and <u>organized</u> community of individuals, organizations and business, a <u>logical alliance of communities of similar nature</u> that relate to <u>music.</u>"* (Application Answer to Question 20a).

Per the DotMusic Application:

DotMusic will use <u>clear, organized, consistent and interrelated criteria</u> to demonstrate Community Establishment beyond reasonable doubt and incorporate <u>safeguards</u> in membership criteria *"<u>aligned with the community-based Purpose</u>" and <u>mitigate anti-trust</u> and privacy concerns by protecting the Community of considerable size and extension while ensuring there is no material detriment to Community rights and their legitimate interests. Registrants will be <u>verified</u> using <u>Community-organized, unified "criteria</u> taken from <u>holistic perspective</u> with due regard of Community <u>particularities</u>" that "<u>invoke a formal membership</u>" <u>without discrimination, conflict of interest</u> or*

"likelihood of material detriment to the rights and legitimate interests" of the Community. (Application Answer to Question 20a)

DotMusic's community definition – a "strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music" (See Application, 20a) – matches the applied-for string because it represents the entire global music community and allows all constituents, including commercial, non-commercial and amateur stakeholders, to register a .MUSIC domain without any conflict of interests, over-reaching or discrimination. The community definition is all-encompassing and is aligned with Wikipedia's "Music Community" definition (See Appendix I):

> *Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants. UNESCO identifies the music community as a "community of identity" implying common identifiable characteristics and cohesive attributes, such as sharing a music culture, norms and subscribing to common ideals related to music… defined….by common values, cohesive norms and interconnected structures to build a community identity … The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organizations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions between music creators, their value chain, distribution channel and fans subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.* [3]

DotMusic has documented support from recognized community institution(s)/member organization(s) that collectively represent a majority of the overall community. The Community definition is a logical alliance of strictly delineated and organized communities of a similar nature relating to music. This defined Community and the expressions of support for the DotMusic Application represent a majority of the overall music community with a clear and straightforward membership. The requisite awareness of the community is clear: participation in the Community, the logical alliance of communities of similar nature related to music, -- a symbiotic, interconnected eco-system that functions because of the awareness and recognition of its members. The delineated community exists through its members participation within the logical alliance of communities related to music (the "Community" definition).

Music community members participate in a shared system of creation, distribution and promotion of music with common norms and communal behavior e.g. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music, including a shared legal framework in a regulated sector governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments[4] with shared rules and communal regulations.[5]

---

[3] Music Community. In *Wikipedia*. Retrieved November 26, 2014, from https://en.wikipedia.org/wiki/Music_community

[4] http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

[5] The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

The Community as defined in the DotMusic Application has at least one entity mainly dedicated to the entire global community. For example, the DotMusic Application includes an "international federation of national communities of a similar nature," which relates to global governments and music culture covering all constituent types without discrimination. The International Federation of Arts Councils and Culture Agencies (IFACCA) is the only international federation that represents government culture agencies and councils globally.[6] Their activities include events (world and mini summits, meetings, symposiums, forums, networking events etc.), ACORN (the Arts and Culture Online Readers News Service), research assistance, information exchange, organizing the WorldCP cultural database, and administering the most comprehensive international listing of news and contacts for arts councils and ministries of culture globally. IFACCA's membership covers the majority of music entities globally, regardless whether they are commercial, non-commercial or amateurs. Music, as an art form, falls under the jurisdiction of each country's Ministry of Culture governmental agency or arts/music council. IFACCA is the world's only "global network of national arts funding agencies." The degree of power and influence of government agencies with respect to music surpasses any organization type because collectively these are the agencies that: (i) provide the majority of funding for music-related activities globally; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.[7]

In fact, in addition to IFACCA there are several other entities that are mainly dedicated to the Community as defined by the Application. Another such organization that has supported the launch of a community-based .music top-level domain is the International Music Council (IMC) founded in 1949 by UNESCO. The IMC represents over 200 million music constituents from over 150 countries and over 1000 organizations.[8]

The applied-for string entirely matches and captures the name of the Community defined i.e. the string entirely represents all possible music community members under the Community definition.

> *The .MUSIC Community, as established and delineated in Question 20, represents the majority of the overall Community and ensures that its expressions of support cover a balanced, diverse and representative blend of Community stakeholders, including constituents representing over 70 governments culture agencies and/or arts councils, over 35 countries' music information centers, music export offices, country-led music coalitions, digital distributors representing most of the music distributed on the leading legal music stores, music associations and organizations representing the interests of many Community members, and other entities.* (Application Answer to Question 18c iii)
>
> *The process by which DotMusic has received its support is through its global communication outreach campaign. Pursuant to its Mission, DotMusic has been conducting extensive outreach to the Community since 2008 to brand itself and its mission to convey the benefits of .MUSIC and requesting Community support letters. Since 2008 DotMusic has led Music Community efforts to the ICANN community through dedicated participation at ICANN meetings and other DNS/new TLD related events. The Music Community Member Organization (mCMO) domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration but also restricted by Eligibility, Use and other Policies, including enhanced safeguards.*

[6] http://www.ifacca.org/membership/current_members/
[7] http://www.ifacca.org/strategic_partners/
[8] http://www.imc-cim.org/about-imc-separator/who-we-are.html

DotMusic has been a strong Community supporter and participant as demonstrated in its ongoing efforts to build a sustainable TLD with policies dedicated to match the needs of the Community using a multistakeholder model, while ensuring it is implemented in a manner fulfilling DNS and ICANN technical, political and legal requirements.

DotMusic has publicly branded itself in an open, transparent and accessible manner through differentiated .MUSIC-related sites, social media, online marketing and through tens of thousands of web discussions/media mentions. Over 1,500,000 have signed the .MUSIC Initiative petition; over 5 million have liked/followed DotMusic in popular social media sites; and a significant number of leading mCMOs have signed support/interest letters as shown in response to this question. (Application Answer to Question 20f[9])

DotMusic's process and rationale behind the expressions of support and the creation of its Registration Policies (Eligibility; Name Selection; Content and Use; Enforcement; and other Enhanced Safeguards) was established through DotMusic's ongoing, decade-long public community outreach campaign and interactions with the Community:

The .MUSIC mission and purpose has been established by interactions with Community members through numerous outreach activities and upon experiences gained in previous ICANN new gTLD launches. The mission/purpose is consistent with ICANN's Affirmation of Commitments (AoC) and Basic Principles of the International Music Registry (IMR - with participants including RIAA, IFPI, SCAPR, ACTRA, SAMRO, IRSC, ECAD, CIAM), including:

- *the "vital importance of transparency, openness and non-discrimination"*[10]
- *"ensuring accountability, transparency and the interests of global Internet users", "enhancing the operational stability, reliability, resiliency, security, and global interoperability of the DNS" and "promoting competition, consumer trust, and consumer choice" while "adequately addressing consumer protection, malicious abuse, and rights protection issues"*[11] (Application Answer to Question 20c)

A complete list of events relating to the ongoing outreach campaign can be found on www.music.us/events.htm. (Application Answer to Question 20b)

According to the Application, DotMusic will continue its outreach (See Appendix H for Global Outreach Music Community Communication Campaign and Events) to ensure community adoption of .MUSIC:

DotMusic will continue its active outreach and participation efforts in the Community and anticipates receipt of additional support letters from Community members throughout and beyond the ICANN TLD evaluation process. (Application Answer to Question 20b)

Registration Eligibility is restricted to members belonging to the Community as defined in the Application. Per the DotMusic Application Community definition, these Community members must belong to the "strictly delineated and organized…logical alliance…of "communities related to music." Community members of DotMusic-Accredited Music Community Member Organizations (MCMOs) will be given priority to register .MUSIC domains during the MCMO Launch Phase prior to General Registration to help drive industry adoption and ensure that rightful owners register their names (See Appendix B for current DotMusic's MCMOs).

[9] https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/140935?t:ac=1392 , Pg.3 and Pg.4
[10] www.internationalmusicregistry.org/portal/en/basic_principles html
[11] www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm

DOMAIN ALLOCATION, INDUSTRY STANDARDS & CONSUMER TRUST

> *DotMusic has incorporated enhanced safeguards, such as...MCMO domain allocation…a new methodology of assigning domain names to the rightful owners*. (Application Answer to Question 20a)

The DotMusic Eligibility Registration Policy to restrict .MUSIC only to music Community members was made public by DotMusic in February 2011 in Billboard magazine, the recognized music industry trade publication:

> *Organizing the music industry on the web can only be accomplished by utilizing the root of the Internet Domain Name System (DNS). Not only does a .MUSIC Top-Level Domain bring consistency, organization and centralization, it also assures ownership and control still remains in the hands of the music industry.*
>
> *.MUSIC is being launched as a community-based domain. This means that only members of the music community will be able to register the domain. [The] decision to launch .MUSIC as an exclusive, community-based domain was strategic and integral to ensuring that .MUSIC websites create a trusted Internet zone for music consumption. An example of a TLD that has enjoyed success using this approach is .EDU for education.*
>
> *Verifying members has shown to increase trust, credibility and the sense of true community. The .MUSIC domain will be exclusive only to authentic music community members…By incorporating efficient registration policy-making and domain name authentication, monies will flow directly into the pockets of artists and the music community, not to pirates or unlicensed illegitimate websites.*
>
> *By using this quality-driven strategy, as opposed to focusing on maximizing the quantity of total domain registrations, weaknesses become strengths and problems become solutions.*
>
> *The .MUSIC domain will serve as a badge of trust, safety and credibility to the music consumer. By allowing only verified music community members to register their domain, .MUSIC will ensure it will be used in a safe and responsible manner. Confidential consumer data, security and stability are a priority. Stricter guidelines for registration will also help protect Internet users from malware, phishing or any other malicious behavior that can arise as well as increase trust.*
>
> *The objective with .MUSIC was to connect a Top-Level Domain with a purpose-driven initiative that is committed in creating value for the music community and making a difference that matters for artists. The mission of the .MUSIC initiative is focused on the music community owning and controlling their home and brand on the Web in a transparent, accountable, trusted way, while experiencing the benefits of the .MUSIC network effect.*[12]

To qualify as MCMOs, Music Community Member Organizations will require .music-accreditation from DotMusic (See Appendix C for .music Accreditation requirements and accreditation application form[13]). The MCMO criteria are consistent with ICANN Applicant Guidebook's criteria for Community

[12] Constantine Roussos, Billboard, How .music Will Save the Industry, http://www.billboard.com/biz/articles/news/1179256/constantine-roussos-guest-post-how-music-will-save-the-industry, February 15, 2011

[13].music Accreditation Requirements for Music Community Member Organizations (MCMO), http://music.us/DotMusic_Music_Community_MCMO_Application.pdf, Section 2.0, Pg.2

Establishment.[14] Community members can register a .music domain through an MCMO during the MCMO Launch Phase if the MCMO meets the Accreditation criteria:

1. *Clear delineation: The Community organization must have clear and straightforward membership and the requisite awareness and recognition from those members.*
2. *Organized: The Community organization must administer the community members and have membership rules (e.g. Terms of Service or Membership Code of Conduct).*
3. *Community organization must relate to music in a non-tangential or non-peripheral manner.*
4. *Membership aligns with the Nexus of the Community and the String, which is explicitly relevant to music. Any tangential or implicit associations with the Nexus of the Community and the String will not be regarded as delineated memberships since they would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships would not constitute a qualifying membership of an accredited MCMO and would be ineligible for registration.*
5. *Community organization activities are aligned with the .MUSIC Mission and Purpose.*
6. *Membership is of non-negligible size.*
7. *Membership geographic dispersion is either international or national (i.e. organizations with merely local memberships do not qualify).*
8. *Forward-looking longevity: Membership pursuits are of a lasting, non-transient nature (i.e. will continue to exist in the future).*
9. *Membership activities must be involved in the legal production and/or the distribution and/or the promotion of music (i.e. of the same nature).*
10. *The Community organization's functions must legally comply with the string's regulated sector in relation to copyright and clearly abide to the sector's clearly, delineated systems to ensure fair compensation and proper allocation of royalties to Community rights holders.* (See MCMO Accreditation Requirements[15])

As stated in DotMusic's Application, the Community must have the requisite awareness and recognition from its members, who in turn must meet clear and straight-forward membership criteria with the Community.

> *.MUSIC relates to the Community by representing <u>all</u> constituents involved in music creation, production and distribution*. (Application Answer to Question 20d)
>
> *The Community and the .MUSIC string share a core value system of artistic expression with diverse, niche subcultures and socio-economic interactions between music creators, their value chain, distribution channel, and ultimately engaging fans as well as other music constituents subscribing to common ideals*. (Application Answer to Question 20d)

As mentioned in the Application, "*registrants will be verified using Community-organized, unified "criteria taken from holistic perspective with due regard of Community <u>particularities</u>" that "invoke a formal membership* (Application Answer to Question 20a).*"*

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[14] Applicant Guidebook, Community Establishment, http://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf, Pg. 194-196 and CPE Final Guidelines, http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf, Pg. 3-5

[15] music Accreditation Requirements for Music Community Member Organizations (MCMO), http://music.us/DotMusic_Music_Community_MCMO_Application.pdf, Section 2.0, Pg.2. If DotMusic determines that a MCMO applicant does not fulfill the MCMO Accreditation criteria then the MCMO applicant that was rejected eligibility can appeal the decision by filing a Music Community Member Organization (MCMO) Eligibility Reconsideration Request with the National Arbitration Forum Dispute Resolution Provider (See http://domains.adrforum.com/resource.aspx?id=2190, Pg.5)

The defined Community is delineated and organized because it operates in a regulated sector that uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity:

> *The "MUSIC" string is commonly used in classification systems such as ISMN,*[16] *ISRC,*[17] *ISWC,*[18] *ISNI*[19]). (Application Answer to Question 20a)

DotMusic has sorted the Community definition according to recognized criteria: existing classification systems that are used to clearly define and identify entity types. To ensure non-discrimination of music constituents and to guarantee that only music entities are automatically associated with the gTLD, DotMusic requires that the entity type is music-related with the requisite awareness of the symbiotic and interdependent nature of the Community consistent with the Community definition in DotMusic's Application.

DotMusic expects that the substantial majority of all of its registrations will originate from the music entity type classified as "Musical groups and artists" (e.g. See North American Industrial Classification System (NAICS) code 711130[20] or the United Nations Industrial Classification (ISIC) code 9214[21]). All music constituent types that are associated with the string must have a relationship with "music" and have the requisite awareness of DotMusic's defined Community to be part of the Community. In accordance with its articulated community-based purpose, DotMusic commits that all music constituent types are eligible for registration.

DotMusic has required all music entity types to be "music"-related. For example, all eligible entities delineated and organized under constituent types (using NAICS as a reference for clearly classifying

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[16] The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics htm?csnumber=43173

[17] The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

[18] The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

[19] The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

[20] The equivalent code for the NAICS code for "Musical groups and artists" (See http://unstats.un.org/unsd/cr/registry/regcssm.asp?Cl=230&Lg=1&Co=711130) under the United Nations International Standard of Industrial Classification (ISIC) is "Musicians and musical groups" with code 9214, See https://unstats.un.org/unsd/cr/registry/regso2.asp?Cl=17&Co=9214&Lg=1

[21] See http://www.census.gov/econ/isp/sampler.php?naicscode=711130&naicslevel=6. The corresponding code relating to music-related activities according to the United Nations International Standard Industrial Classification (ISIC) is 592 ("sound recording and music publishing activities"), See http://unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf Pg. 209 and http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=27&Co=592&Lg=1. According to the United Nations, "NAICS does provides more comparability to ISIC" and "NAICS is more detailed and recognizes many more high-tech and service industries," See http://unstats.un.org/unsd/class/intercop/expertgroup/1998/ac63-10.pdf, Pg.8

constituent types) must have an association with the gTLD and "music" with respect to their primary activity. This is because the string naturally identifies all entities involved in music. For example, the NAICS code for "lawyers" is 541110. According to DotMusic's Application, .music is only restricted to the "music" Community and excludes any peripheral entities. DotMusic's Application has added the word "music" next to the DotMusic-selected NAICS code to ensure that the eligible Community members are automatically associated with the string. In this example, eligibility is restricted to "*Music lawyers (541110)*" (See Application Answer to Question 20a below) i.e. general, non-music lawyers are prohibited from registration because they are peripheral entities not automatically associated with the gTLD.

This serves the public interest because it increases the music-focused relevancy of the string and ensures that registrants eligible under .music match and are automatically associated the .music applied-for string i.e. there is an alignment between the proposed string and DotMusic's Community definition.[22] This music-only eligibility is also in alignment with the Content & Use requirement that any content and usage must be music-only. This coherent set of restrictions serves the public interest because it is consistent with the string's articulated community-based purpose tailored for music. According to the Application:

> *The Community served is defined as music stakeholders being structurally organized using pre-existing, strictly delineated classes and recognized criteria to clearly organize the Community classified by:*
>
> - *North American Industrial Classification System codes (NAICS[23]) used by the Census Bureau and Federal statistical agencies as the classification standard for the purpose of collecting, analyzing, and publishing statistical data related to the U.S.*
> - *United Nations International Standard Industrial Classification (ISIC) system [24] to "delineate according to what is the customary combination of activities"[25] such as those representing the Community.*
>
> *The Music Community is strictly delineated using established NAICS codes that align with the (i) characteristics of the globally recognized, organized Community, and (ii) .MUSIC global rotating multi-stakeholder Advisory Board model of fair representation, irrespective of locale, size or commercial/non-commercial status, organized with the following delineation (corresponding NAICS code in parenthesis):*
>
> • *Musical groups and artists (711130)*
> • *Independent music artists, performers, arrangers & composers (711500)*
> • *Music publishers (512230)*
> • *Music recording industries (512290)*
> • *Music recording & rehearsal studios (512240)*
> • *Music distributors, promoters & record labels (512220)*
> • *Music production companies & record producers (512210)*
> • *Live musical producers (711130)*
> • *Musical instrument manufacturers (339992)*
> • *Musical instruments & supplies stores (451140)*
> • *Music stores (451220)*
> • *Music accountants (541211)*

[22] Community Definition: A strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music ("MCMOs"). See Application Answer to Question 20a

[23] http://www.census.gov/eos/www/naics

[24] http://www.unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf

[25] http://www.unstats.un.org/unsd/class/family/family2.asp?Cl=17

• *Music lawyers (541110)*
• *Music education & schools (611610)*
• *Music agents & managers (711400)*
• *Music promoters & performing arts establishments (711300)*
• *Music promoters of performing arts with facilities (711310)*
• *Music promoters of performing arts without facilities (711320)*
• *Music performing arts companies (711100)*
• *Other music performing arts companies (711190)*
• *Music record reproducing companies (334612)*
• *Music, audio and video equipment manufacturers (334310)*
• *Music radio networks (515111)*
• *Music radio stations (515112)*
• *Music archives & libraries (519120)*
• *Music business & management consultants (541611)*
• *Music collection agencies & performance rights organizations (561440)*
• *Music therapists (621340)*
• *Music business associations (813910)*
• *Music coalitions, associations, organizations, information centers & export offices (813920)*
• *Music unions (813930)*
• *Music public relations agencies (541820)*
• *Music journalists & bloggers (711510)*
• *Internet Music radio station (519130)*
• *Music broadcasters (515120)*
• *Music video producers (512110)*
• *Music marketing services (541613)*
• *Music & audio engineers (541330)*
• *Music ticketing (561599)*
• *Music recreation establishments (722410)*
• *Music fans/clubs (813410)*
(Application Answer to Question 20a)

The defined Community -- the clearly delineated and organized logical alliance of communities related to music -- represents the entire global Music Community in terms of size, locale extension and type:

> *The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.* (Application Answer to Question 20c)

> *.MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution… aligned with the .MUSIC mission.* (Application Answer to Question o 20d)

> *The Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents.* (Application Answer to Question 20a)

While the exact size of the global Music Community as defined is unknown (there is no evidence providing an exact, finite number because amateur entities are also included in the Community's definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic's definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .music domains to the string and entirely matches the nexus

between the string and Community defined. The Community Definition, Eligibility Criteria and Content & Requirement ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner per the Application's community-based purpose i.e. only entities with music-related activities are able to register .music domains.

While some music constituent types in DotMusic's definition and classification might comprise a minority in numbers (e.g. music lawyers) when compared to the primary and core constituent classification type (music groups and artists), the inclusion of every music constituent type is paramount to the purpose of the string. Every music constituent type critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types. The inclusion of all music constituent types serves the public interest because it ensures the Community matches the nexus of the string without discrimination, while excluding peripheral, casual entities with a tangential relationship with the Community defined who would not otherwise have any fundamental need for a .music domain given the string's articulated community-based purpose and the string's Content and Use requirements that mandate that usage only relates to music activities and licensed, legitimate music content.

As highlighted by the Council of Europe, it is imperative to serve the public interest by protecting the communities that are affiliated with the sensitive strings. This means not discriminating against Community members with legitimate interests to register a .music domain.

"Community" connotes a collection of people bound together by common practices, norms and interests.[26] UNESCO, a specialized agency of the United Nations, identifies "music" as a Community of Identity implying common identifiable characteristics such as having in common a culture such as music. Community of Identity "implies common identifiable characteristics or attributes such as having in common a culture. By culture we mean: language, music, religion and customs.[27]

The string will include all music entity types as defined in the Application and will also be governed under a multi-stakeholder governance model of fair representation irrespective of type, size or locale. The .MUSIC Policy Advisory Board (PAB) will ensure the string is run in the best interests of the Community:

> *The rotating, global Advisory Committee will represent all Community stakeholder groups… The Committee will operate under Bylaws central to the .MUSIC Mission, Core Values, and commitment to serve the Community and public interest.* (Application Answer to Question 20b)

The .MUSIC string is a public resource and should be shared by all global Music Community members. Any exclusion or discrimination against legitimate Music Community members would not serve the global public interest and be considered anti-competitive. DotMusic serves the global public interest by including the entire global Music Community without discrimination and ensuring that each type of global music constituent, regardless of size or locale, has a seat on table of the diverse multi-stakeholder model of .music governance which ensures fair representation. The incorporation of the Policy Advisory Board (PAB) also ensures continued accountability to the global public interest and the Community at-large, especially the string's sector. With respect to .MUSIC's governance structure and Community establishment, the Community structure is aligned with DotMusic's rotating, global Advisory Committee representing all multi-stakeholder constituent types.
The Community defined serves the public interest because it is pre-existing, is forward looking and is not a proposed community that was construed to favor a limited oligopoly of a select few music organizations (at

[26] Michael Urban, Getting By on the Blues: Music, Culture, and Community in a Transitional Russia, http://onlinelibrary.wiley.com/doi/10.1111/0036-0341.00235/abstract, 2002
[27] UNESCO, Understanding the Community, http://www.unesco.org/education/aladin/paldin/pdf/course01/unit_06.pdf, Pg. 3-5

the expense of a significant portion of legitimate community members that would be excluded even if they are associated with the string) or construed to obtain a sought-after generic word as a gTLD.

According to the Application:

> *The Community has bought, sold, and bartered music for as long ("LONGEVITY") as it has been made (R. Burnett, International Music Industry, 1996 and P. Gronow, International History of the Recording Industry, 1998). The Community is a delineated network where production and distribution of music occur in a process relying on labor division and technology. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial (M. Talbot, Business of Music, 2002). The foundation for the structured and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century.* (Application Answer to Question 20a).

Some pre-existing examples of community members include Breitkopf & Härtel, the world's oldest publishing house founded in 1719[28] and Zildjian, the world's oldest music company founded in 1623.[29]

The clearly delineated and organized logical alliance of communities related to music will continue to grow over time, especially in developing regions which are under-represented and are forecasted to have the highest growth rate in the music sector given the increasing number if Internet users from that region and a proliferation of new legal online music services which are highly limited in those regions (There are only over 450 recognized legal music services online, the majority of which is offered in developed nations[30]). According to the IFPI 2014 Digital Music Report:

> *New services with big global ambitions are launching, such as Beats and iTunes Radio — services that we hope will soon spread around the world. Meanwhile, the existing international services, such as Deezer, Google Play, iTunes, Spotify and YouTube are generating income in many new markets following their global expansion. The competition is intense and consumer choice is ever-widening — these are very positive dynamics in the development of the digital music landscape…The music industry has become a mixed economy of diverse consumer channels and revenue streams. This has been an amazing transformation, dramatically expanding the way artists reach their fans across the globe… Digital music, on a global scale, is going to the next level. Emerging markets have huge potential, and, through digital, the music business is moving to unlock it. Most of these territories are seeing internet and mobile music penetration soaring, with rising demand for handheld devices. The great news is that a wide variety of licensed music services are available to meet this demand. Emerging music markets also need new ways of thinking in the digital world, particularly in countries with undeveloped payment systems and low credit card usage… None of these exciting developments changes the fact that there is still one overriding obstacle to market development in most emerging markets — and that is rampant digital piracy... Our focus on creating a fair playing field, supported by strong laws and effective enforcement, remains undiminished.*[31]

The definition of the Community and the policies for the applied-for string match the composition and needs of the global Music Community. All components of the Application's Community Definition, Delineation and Registration Polices are not mutually exclusive. They must all be met to ensure eligibility and a successful .music domain registration.

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[28] http://www.breitkopf.com/news/start
[29] http://zildjian.com/About/History/Background
[30] http://www.ifpi.org/downloads/Digital-Music-Report-2014.pdf, Pg. 44
[31] http://www.ifpi.org/downloads/Digital-Music-Report-2014.pdf , Pg. 5

The .MUSIC string is restricted to only music Community members with the requisite awareness of the Community as explicitly stated in DotMusic's Application. DotMusic's policies serve the public interest by enabling and fostering the same intense competition and choice that exists in the music sector while leveling the playing field and accommodating new markets and the opportunity for global music growth. By including all types of legitimate music members, DotMusic will ensure that its policies are aligned with its Mission and would serve the global public interest.

B. Commitment to Enhanced Safeguards protect intellectual property, fight piracy and exclude bad actors and non-music related entities with a tangential relationship with the Community to prevent registration abuse and misuse. These Enhanced Safeguards will reinforce trust under an authenticated top-level domain identifier; enable Community adoption of an Industry Standard for official music websites; increase credible music-related relevancy and quality control under .MUSIC domains to outrank pirated sites in search engine result pages; and to protect Intellectual Property ("IP") by creating a safe haven for legal music consumption and licensing under the .music gTLD ensuring monies flow through legally-licensed .MUSIC sites and Community members not rogue unlicensed pirate sites or bad actors.

.MUSIC is a string that relates to a highly regulated sector pertaining to copyright and intellectual property regulated by government. The global Music Community is highly reliant on the Domain Name System (DNS) for the core of its activities including monetization, marketing and distribution. The global Music Community continues to experience significant economic harm from mass copyright infringement from pirate sites and networks. In addition, the global Music Community is vulnerable to malicious abuse from cybersquatters, impersonators and bad actors given the popularity of music. This is why entities with a casual, tangential relationship with music (i.e. without the requisite awareness of belonging to the Community) or those entities belonging to pirate networks or unlicensed networks are entirely excluded from the Music Community definition. According to NetNames, the cost of digitally pirated music and other Internet-distributed media is $75 billion per year. 432 million internet users regularly pirate content and consume 24% of all Internet bandwidth across North America, Europe by infringing digital content. In fact 98% of data transferred using Peer-to-Peer (P2P) networks is copyrighted. [32]

According to the European Commission, the digital distribution of music has resulted in a significant decline in the income of songwriters and recording artists.[33]According to the IFPI's 2013 Digital Music Report, the availability of digital distribution channels has made it easy to distribute music on a mass scale without obtaining a license.[34] DMCA takedown procedures are ineffective in combating illegal distribution. Although the physical marketplace continues to be displaced by the digital marketplace, the digital marketplace has not reached a level of economic maturity sufficient to provide songwriters and recording artists with an income comparable to that earned when physical distribution was the norm.[35] According to the RIAA:

[32] http://www.netnames.com/services/online-brand-protection/digital-piracy-protection
[33] Luis Aguiar and Bertin Martens, European Commission, Institute for Prospective Technological Studies Digital Economy Working Paper 2013, Digital Music Consumption on the Internet: Evidence from Clickstream Data, ftp://ftp.jrc.es/pub/EURdoc/JRC79605.pdf, P.16-17
[34] IFPI 2013 Digital Music Report 2013, Engine of a Digital World, http://www.ifpi.org/downloads/dmr2013-full-report_english.pdf, P.9
[35] Jay Rosenthal (NMPA) and Christos P. Badavas (HFA), http://copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/NMPA_HFA_MLS_2014.pdf, 2014, Pg.35

As several of the creative content and IP industries have stated[36] *the notice and takedown system of the DMCA for today's Internet is simply antiquated, deficient, ineffective and, as judicially interpreted,*[37] *so weakened that it no longer strikes the careful balance sought by Congress. As evidenced by data in various filings and studies, the current system is resource intensive, doesn't result in meaningful protection, doesn't keep down infringing material in any meaningful respect, and has resulted in unintended consequences.*[38] *To reiterate, locking both creators and intermediaries into an old, ineffective system creates inefficiencies, squelches innovation and stunts the growth of new Internet services that consumers demand, while also limiting the ability to properly address the potential abuse that the current system may inadvertently incentivize*.[39]

Today many cybercriminals are using domain names to conduct malicious activities by registering them under phony information to remain anonymous or under a trustworthy name to appear to be legitimate with the intention of exploiting the name in bad faith by confusing Internet users.

DotMusic is the only .music Applicant that fulfills and exceeds the Enhanced Safeguards[40] that were endorsed by the following music organizations:[41]

- American Association for Independent Music (A2IM)
- American Federation of Musicians (AFM)
- American Society of Composers, Authors and Publishers (ASCAP)
- Broadcast Music, Inc. (BMI)
- Recording Industry Association of America (RIAA)
- International Confederation of Music Publishers (ICMP)
- International Confederation of Societies of Authors and Composers (CISAC)
- International Federation of the Phonographic Industry (IFPI)
- National Music Publishers' Association (NMPA)
- SESAC

[36] See comments submitted by A2IM, ASCAP, BMI, NMPA, RIAA and SGA, http://www.ntia.doc.gov/federal-register-notice/2013/comments-received-department-commerce-green-paper-11132013, 2013

[37] See UMG Recordings. Inc. v. Veoh Networks Inc., 665 F. Supp. 2d 1099 (2009), UMG Recordings, Inc. v. Shelter Capital Partners LLC, 667 F.3d 1022 (9th Cir. 2011); Capitol Records, Inc. v. MP3Tunes, LLC, 611 F. Supp. 2d 342 (SDNY 2009). *Viacom, Inc. v. YouTube, Inc.*, 718 F. Supp. 2d 514 (SDNY. 2010), *aff'd in part, rev'd in part, and remanded*, 676 F.3d 19 (2d Cir. 2012), reaffirmed, 107 USPQ 2d BNA 1157 (SDNY. 2013), currently on appeal to the Second Circuit, is another example of misinterpretation of the statute, although that decision was reversed in part on appeal. See response by creative content organizations to the Department of Commerce Notice of Inquiry on Copyright Policy, Innovation and the Internet Economy (October 5, 2010) at http://ntia.doc.gov/files/ntia/comments/100910448-0448-01/attachments/Copyright%20NOI%20(revised)%20-%20121310%20(3334319).pdf

[38] For filings, *see, e.g.*, the joint filing with NMPA, RIAA and the Motion Picture Association of America ("MPAA") dated August 10, 2012 ("Joint IPEC Submission"), in response to the request for written submissions issued by the office of the Intellectual Property Enforcement Coordinator (IPEC) in 77 Fed. Reg. 38,088 (June 26, 2012), the Joint DOC Submission, RIAA Comments, MPAA Comments. For academic papers and third party studies, *see, e.g.*, Boyden, Bruce, *The Failure of the DMCA Notice and Takedown System: A Twentieth Century Solution to a Twenty-First Century Problem*, December 2013, available at http://cpip.gmu.edu/wp-content/uploads/2013/08/Bruce-Boyden-The-Failure-of-the-DMCA-Notice-and-Takedown-System1.pdf; Lauinger, Tobias et al., *Clickonomics: Determining the Effect of Anti-Piracy Measures for One-Click Hosting*, available at http://www.iseclab.org/papers/clickonomics.pdf; Millard Brown Digital for the MPAA, *Understanding the Role of Search in Online Piracy*, September 2013, available at http://www.mpaa.org/Resources/38bc8dba-fe31-4a93-a867-97955ab8a357.pdf

[39] Victoria Sheckler, Recording Industry Association of America, "Copyright Policy, Creativity, and Innovation in the Digital Economy, http://www.uspto.gov/ip/global/copyrights/comments/ascap_bmi_cmpa_nsai_nmpa_riaa_sesac_post-meeting_comments.pdf, Pg.8

[40] http://www.onlineaccountability.net/pdf/2012_Mar06_EnhancedSafeguards.PDF

[41] http://onlineaccountability.net/pdf/2012_Aug09_Enhanced_Safeguards_Endorsing_Organizations.PDF

These Enhanced Safeguards include:

- Mandatory two-step authentication for all members, encompassing personal validation via phone and email
- MCMO Launch Phase Domain Allocation: During this phase, a .MUSIC registration is only valid if registrants are verified members of .music accredited Music Community Member Organizations (MCMOs)
- Acceptable Use Policy (AUP) certification by registrants that .music will be used only for licensed, legitimate activities, and not to facilitate piracy or counterfeiting
- Proactive auditing with appropriate remediation steps should follow when violations are detected.
- Prompt, accessible mechanisms for right holder complaints via the DotMusic's .MUSIC Policy & Copyright Infringement Dispute Resolution Process (″MPCIDRP″) that the AUP is being violated or that piracy, counterfeiting or other abuses are being enabled. Complaints trigger an expeditious investigation, with prompt notice to registrants, a reasonable opportunity for them to respond and swift corrective action when violations are found.
- Predictable consequences for registrants who violate AUP certification**,** allow infringing activities, falsify registrant contact data, etc. Potential consequences include cancellation of the registered domain where the abuse occurs; possible cancellation of other domains registered by same or affiliated parties; and bar on future registrations by same or affiliated registrant, in the case of serial offenders.
- Seats at the table for right holders as registry policies reflecting these safeguards are further developed, implemented, and enforced. DotMusic incorporates a music community multi-stakeholder governance model with a Policy Advisory Board Committee for all music constituent types
- Capability and commitment to implement Enhanced Safeguards effectively

DotMusic's Mission is to create an Industry Standard for trusted and authenticated official music sites under the verified .music signal post restricted to the global Music Community. According to the Application:

> *Music Community members need to be able to distinguish themselves from illegal and right infringing websites, a critical factor for the Music Community to ensure that monies flow to the right holders.* (Application Answer to Question 20c)

Even the U.S Supreme Court, in discussing the intent of the U.S. Copyright Clause, stated that "*evidence from the founding... suggests that inducing dissemination was viewed as an appropriate means to promote science*"[42] which highlights how a trusted and authenticated .MUSIC used to distribute legitimate music content can serve the public interest.

To eliminate abuse by bad actors who engage in intellectual property infringement, fraud and deception (while, in parallel, preventing any registrations from casual entities with tangential relationships with music), DotMusic is has incorporated music-tailored Enhanced Safeguards in its Registration Policies that exceed what is considered standard for gTLDs and what is required by ICANN:

> *DotMusic has incorporated enhanced policies to ensure only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefiting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.*

[42] *Golan v. Holder*, 609 F. 3d 1076, 21. http://www.supremecourt.gov/opinions/11pdf/10-545.pdf P.3

The policies are built to match Music Community needs, based on years of feedback from Music Community members and on experience from the previous ICANN new gTLD introductions, as well as established to ensure a higher level of security for .MUSIC than what is considered standard for gTLDs. (Application Answer to Question 20e)

These Enhanced Policies include:

i. Eligibility: Only members of the Community can register a .music domain and must have a clear membership with the defined Community.

As explicitly stated in DotMusic's Application, all members of the Community must have a clear membership and the requisite awareness and recognition of the Community they belong to since they have taken pro-active affirmative action to be part of the Community defined (i.e. they opted-in the Community in a formal, straight-forward manner). These eligibility policies ensure that casual entities with a tangential relationship with music and pirates are excluded since they compromise the Purpose of the applied-for string and would not otherwise have a legitimate claim or reason to register a .music especially given the growing number of other alternative, non-restrictive TLD options they can choose from.

If a member is determined not to be a member of the Community then the registrant would be violating DotMusic's Eligibility criteria resulting in the suspension of the registered .music domain. The registrant can appeal the suspension and be given reasonable time to fix their incompliance:

> "*If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated."*(Application Answer to Question 20e)

The string will be launched according to different priority-based phases to ensure fairness of allocation, to ensure that famous music brands (and those entities with verifiable music-related trademarks) are protected and to drive industry adoption and awareness.

These phases were designed to ensure that allocation was done in a fair, responsible and organized manner. According to the Application:

> *SUNRISE LAUNCH W/ TRADEMARK VALIDATION*
>
> *This is the first phase of .MUSIC domain registration. It is a phase designed to protect trademarks in the roll-out of .MUSIC. The Sunrise is the time when regional, national and international trademark and service mark holders can apply for .MUSIC domains.*
> *The eligibility requirements will be verified, and multiple registration applications for the same string will be auctioned, except for GPML entries that supersede any other sunrise registration applications. The Sunrise Challenge Process solves disputes concerning domains registered under the Sunrise Policy.*
>
> *MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH*
>
> *This is the second phase of. MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). Unique registrations will be granted to the sole registrant and delegated at the close of the time period; multiple registration requests for the same string will go through an auction.*

LANDRUSH LAUNCH

This is the third phase of .MUSIC domain registration; a limited- time period. Unique registrations will be granted to the registrant; multiple registration requests for the same domain will go through an auction. Landrush is designed for members of the Music Community that want to secure premium .MUSIC domains giving members the chance to register their preferred .MUSIC domains; multiple registration requests for the same domain will go through an auction.

GENERAL AVAILABILITY

This is the fourth and final phase of registration of .MUSIC domains. .MUSIC registrations will now be available to Music Community members on a first come, first served basis. (Application Answer to Question 20e)

The first phase, called the Sunrise Launch, is reserved for those music brands that are listed under the DotMusic Globally Protected Marks List[43] (GPML) and those entities with valid music trademarks. If there are multiple requests for entities with valid music trademarks then these will be resolved by auction. GPML registration supersedes any valid music trademark the trademark is owned by the legitimate owner of the famous name in the GPML. This policy was adopted to prevent 3rd-parties from manipulating the trademark allocation method to register a famous music name without being the legitimate owner of the famous brand name (See Appendix D for GPML).

The second registration period is called the MCMO Landrush Launch for music Community members belonging to .music-accredited[44] Music Community Member Organizations. All major digital retailers, such as Apple iTunes, have thousands of artist names which conflict because they are identical or confusingly similar (See Appendix E for artist naming conflict examples of identical or confusingly similar artists who share the same artist name according to music data aggregator MusicBrainz). For example, there are over 10 artists called Bliss globally distributed on major digital retailers. On the same token there are over 10 artists called Rain globally who are distributed on digital music retailers or music streaming services. This is also confirmed by Rovi, a company which manages music artist metadata databases for some of the world's largest digital music retailers (such as Apple iTunes) and popular music apps (such as Shazam). According to the Wall Street Journal:

The last decade's digital revolution not only transformed the way people listen to music, it changed the way bands establish identities. In the past, identically named acts often carved out livings in separate regions, oblivious or indifferent to one another. Now, it takes only moments for a musician to create an online profile and upload songs, which can potentially reach listeners around the world."

"*There are about 1.4 million artist names, including 29 individual musicians named John Williams, in the database of Rovi Corp, which owns Web sites including AllMusic.com and licenses editorial content to Apple's iTunes and other music services. Last year, Rovi added an average of 6,521 new names a month to its database. And the repeats are piling up. Eighteen acts, past and present, laid claim to the most common name in Rovi's files: Bliss.*

[43] DotMusic's Globally Protected Marks List, http://music.us/icann/GPML.pdf

[44] music Accreditation Requirements for Music Community Member Organizations (MCMO), http://music.us/DotMusic_Music_Community_MCMO_Application.pdf , Section 2.0, Pg.2

Next up: Mirage and One, with 15 iterations each, followed by Gemini, Legacy, Paradox and Rain.[45]

There are also cases of popular artists involved in disputes over their names, including famous bands such as Bush[46] and One Direction. According to the Hollywood Reporter:

With only so many great band names out there, the history of pop music is replete with disputes: Dinosaur vs. Dinosaur Jr., Death from Above vs. Death from Above 1979, Galaxie 500 vs. Galaxie. In some instances, bands simply agree to change their name. For instance, Pink Floyd was originally called The Tea Set before finding out about a band with the same name. Same goes for The Grateful Dead, originally called The Warlocks, or The Chemical Brothers, originally called The Dust Brothers. Other times, bands have been forced to add prefixes or suffixes to make a distinction to an existing band: See The Charlatans UK, The English Beat or Wham UK.[47]

To enhance fairness, equal opportunity for registration and to serve the public interest, multiple registration requests for the same name made by different entities during the MCMO Launch Phase will be resolved by auction.

Because the string identifies all music constituents – commercial, non-commercial and amateurs – many will not have a verifiable membership with a community organization. The Landrush Launch phase will enable all the remaining global music community entities not belonging to a verifiable community organization to register a .music domain. Just like in the MCMO Landrush phase multiple registration requests for the same name will be resolved through auctions.

The last phase, General Availability, will make .music domains available to the entire global music community as defined on a first-come, first-serve basis, regardless whether community members belong to a community organization or not, just as long as they can identify the community they belong to which is consistent with the definition of the Community: "the strictly delineation and organized logical alliance of communities related to music." All Community members are aware of and recognize their inclusion in the defined Community because of their active participation in this clearly defined Community. This ensures inclusion of the entire global community the string represents and exclusion of unrelated-entities not associated with the music string. This way there is a clear alignment between the string .MUSIC and the Community defined.

Furthermore, beyond identifying what community they belong to, all global Music Community members must authenticate themselves through a two-step email and phone validation process to ensure accountability, safety and quality control:

REGISTRY DATA VALIDATION
While DotMusic will hold the thick WHOIS data provided through registrars, we will also validate elements of the received WHOIS data:

1) *The registrant's email address through validation links*
2) *The registrant's phone number through validated PIN-codes*

[45] Wall Street Journal, From ABBA to ZZ Top, All the Good Band Names Are Taken. Internet Age Raises Stakes for Being First, http://online.wsj.com/news/articles/SB10001424052748703357104575045584007339958, February 17, 2010
[46] http://exclaim.ca/MusicSchool/NeedToKnow/how_to_understand_naming_issues
[47] http://www.hollywoodreporter.com/thr-esq/simon-cowells-record-label-sued-310179

> *Upon successful completion of these two steps, DotMusic will provide the registrant their Music Community membership details; used to join/access the Premium Channels.* (Application Answer to Question 20e)

This is the same two-factor authentication process conducted by many popular banks to ensure safety and to prevent fraudsters and impersonators from malicious conduct or illegitimate activity.

DotMusic is the only .music Applicant that uses this mandatory two-step factor authentication method tied to the Name Selection and the Content and Use policies and the .music Eligibility process. This authentication methodology describes the verification process DotMusic will use to determine that community members are who they say they are and are validated. The importance of MCMOs and the two-step validation process is rooted in the community-based purpose of ensuring .music is a trusted, music-related TLD that is restricted to community members, who have fulfilled all Eligibility, Name Selection and Content and Use criteria and have passed identity verifications to eliminate abuse and fraud. This is to serve the public interest and to ensure .music will be used in a manner that is aligned with .music's articulated community-based purpose. Each MCMO will be given access to the database of registrants that have been verified in association with their membership with them. If an MCMO does not acknowledge a registrant as a verified member then the registrant will be incompliant with the Registration Policies and will be given opportunity to appeal and "fix" their incompliance or else their registration would be terminated:

> *If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.* (Application Answer to Question 20e)

ii. Name Selection: To prevent cybersquatting, impersonation and bad actors from registering a Music Community member's name, DotMusic requires that a registrant follows naming conditions which only allows members to register domains with their name (or part thereof) or acronym or "Doing Business As" or description recognizing them. According to the Application:

> *Names Selection Policy – to ensure only music-related names are registered as domains under .MUSIC, with the following restrictions:*
> 1) *A name of (entire or portion of) the musician, band, company, organization, e.g. the registrants "doing business as" name*
> 2) *An acronym representing the registrant*
> 3) *A name that recognizes or generally describes the registrant, or*
> 4) *A name related to the mission or activities of the registrant* (Application Answer to Question 20e)

Furthermore, DotMusic's Policies state that a registrant can:

> *"not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community"* (Application Answer to Question 20e)

Also DotMusic's Policies reiterate that the:

> "*Globally Protected Marks List (GPML) will ensure major music brands and established artists, such as RIAA-certified platinum-selling bands, are protected not cybersquatted. These are reserved at all times.*" (Application Answer to Question 20e)

The Name Selection policy was developed to prevent registration of domain names by 3rd parties that have no rights to the names registered. In conjunction the Globally Protected Marks List, the naming conditions will protect famous music brands from cybersquatting while reducing the loopholes that allow music fan registration of famous music artist names if they do not use them in bad faith.[48]

iii. Content & Use: To keep content relevant, ensure higher quality content and prevent registrants from engaging in unrelated activities on .music domains, DotMusic requires that registrants engage in only music-related activities in relation to the Use of the .music domain. Furthermore, to prevent unrelated content, DotMusic requires that registrants only post music-related content:

> *The .MUSIC Use policy, enhanced safeguards and Premium Channels will benefit registrants, IP rights holders and their music-related content and will help them achieve higher search engine rankings that would replace fraudulent sites that provide free or otherwise illegal music. As a result musicians, creators and other rights holders will enjoy more visibility and an additional income stream that otherwise was provided to illegal sites. This way .MUSIC can reduce the costs and expenses imposed upon the Music Community to fight piracy.* (Answer 18c)
>
> *.MUSIC will effectively differentiate itself by addressing the key online usage issues of safety, trust, consistency, brand recognition as well as communicate a website's content subject-matter: music-related content.* (Answer 20c)
>
> *Directly communicating that the content is music- related and representing the Community in a positive and beneficial manner consistent with the .MUSIC Purpose and Use policy* (Application Answer to Question 20d)
>
> *Creating music-related intangible inputs that add economic and social value. Connecting music-related content in a meaningful and organized manner that will benefit both the Community and Internet users. (*Answer 20d)
>
> *Use only for music-related activities* (Application Answer to Question 20e)

Content and Use policies, in conjunction with the registrant authentication, Eligibility and Name Selection policies, will also help increase the search ranking of .MUSIC domains. According to Google, its search engine will highly weigh trust, security and high quality content (i.e. content that is considered relevant, safe and legitimate) as ranking signals for its search engine results.[49]

Parking pages are also prohibited because they provide a low level of engagement with users and are treated by search engines as low quality sites which never appear in the top of search engine results for popular terms:

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[48] There are UDRP domain name dispute cases that music fans have prevailed over famous music artists These include UDRP cases ruling against Lady Gaga (LadyGaga.org, See http://domains.adrforum.com/domains/decisions/1403808.htm), Van Halen (EdwardVanHalen.com, See http://www.wipo.int/amc/en/domains/decisions/html/2000/d2000-1313.html), Bruce Springsteen (BruceSpringsteen.com, See http://www.wipo.int/amc/en/domains/decisions/html/2000/d2000-1532 html) and Tupac Shakur (Tupac.com, See http://www.disputes.org/decisions/0348.htm).

[49] See Google, http://insidesearch.blogspot.com/2012/08/an-update-to-our-search-algorithms html and http://googlewebmastercentral.blogspot.com/2014/08/https-as-ranking-signal html

> *PARKING PAGES: DotMusic will prohibit the use of parked pages. .MUSIC sites will be subject to the content and use restrictions described in response to question 18b and question 20e. Parked sites can only be used as temporary pages assigned to a domain at the time of registration and stay in place until the registrant has a website developed and ready to go live in a reasonable time period* (Application Answer to Question 18c iii)

Furthermore, DotMusic requires that the music content on .music sites is licensed or owned by the registrant.

> *Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit.* (Application Answer to Question 20e)

Any .music domain name which is challenged by 3rd-parties to have unlicensed content will be locked temporarily and then terminated if the registrant does not appeal the challenge with the Registry and fix the compliance matter. The registrant can appeal the 3rd-party challenge to fix the compliance matter if the registrant believes they are in compliance and not violating any copyright violation. Any repeat offenders will be subject to an indefinite ban from registration:

> *If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. Repeat offenders will be placed on a special monitoring list that DotMusic staff will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely.* (Application Answer to Question 20e)

The following Content and Use requirements apply:

- *Use only for music-related activities*
- *Comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities*
- *Do not post or submit content that is illegal, threatening, abusive, harassing, defamatory, libelous, deceptive, fraudulent, invasive of another's privacy, or tortious*
- *Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit*
- *Immediately notify us if there is a security breach, other member incompliance or illegal activity on .MUSIC sites*
- *Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community*
- *Do not use any automated process to access or use the .MUSIC sites or any process, whether automated or manual, to capture data or content from any service for any reason*
- *Do not use any service or any process to damage, disable, impair, or otherwise attack .MUSIC sites or the networks connected to .MUSIC sites* (Application Answer to Question 20e)

If there is a non-spurious and reasonable allegation/notification of Content/Use policy incompliance, then DotMusic places the domain in lockdown/takedown mode. If the registrant does not fix the compliance matter in a reasonable time then the domain is terminated. Repeat offenders will be blacklisted. Also, this

enforcement applies to other policies as well, such as Eligibility, Name Selection, the music Globally Protected Marks List, Parking Pages and other restrictions DotMusic has to serve the global music community and public interest in a meaningful and music-tailored manner. These Content & Use policies will provide a better quality and safer user experience and are in alignment with DotMusic's Mission to ensure that .music will be a trusted domain. These policies also safeguard the Community since they (i) prevent domain hopping; (ii) take down mass copyright infringers; (iii) confirm that the poster of music content has the expressed authorization to post music-related content; (iv) place permanent blocks on domains registered by blacklisted mass copyright infringers; strengthen copyright and trademark enforcement by facilitating complaint submissions from trusted senders; promote transparency by including the true name and address of operator if domain makes available any music owned or posted by a third party, while also preventing the abuse of privacy and proxy services to conduct illegal activities.

According to the DotMusic Application, the ".MUSIC Mission and Purpose is creating a trusted, safe online haven for music consumption" and "protecting intellectual property and fighting piracy." The TLD will be exclusive to the Community and "will incorporate enhanced safeguards and Use policies to protect creators, intellectual property and rights holders."

DotMusic has developed "policies to protect intellectual property, fight piracy and ensure .MUSIC domains are allocated using fair methods so that music consumers and Internet users are assured the highest level of trust and authenticity when they visit a .MUSIC domain."

"A Global Protected Marks List (GPML) will reserve all major music brands and established artists, such as RIAA-certified platinum-selling bands. The music-themed domain is built with usage polices that will enable taking down infringing sites, protecting trademarks and help the exploitation of copyrights by providing a safe haven for legal music distribution, consumption and licensing." (See Application Answer to Question 18).

"DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee[50] [PAB]." (See Application Answer to Question 20).

DotMusic has a Content and Use registration policy agreement focused on protecting copyright "tailored to solve issues currently related to intellectual property infringement. Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations." Registrants must:

i. "Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit;"
ii. "Immediately notify [DotMusic] if there is a security breach, other member incompliance or illegal activity on .MUSIC sites;"
iii. "Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community." (See Application Answer to Question 20).

"Any allegation that a domain is not used for legitimate music purposes or otherwise infringes on the .MUSIC Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.

[50] DotMusic will be launched under a community-based, multi-stakeholder governance structure of fair representation encompassing all music constituent types.

Repeat offenders will be placed on a special monitoring list. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains."

"DotMusic reserves the right to deny, cancel or transfer any registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry… DotMusic reserves the right to freeze a domain during resolution of a dispute. DotMusic reserves the right to terminate a domain for failure by the registrant to demonstrate it meets .MUSIC policies." (See Application Answer to Question 20).

A global music community coalition led by the RIAA "on behalf of over 15 national and international trade associations" -- who "represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world's music"[51] -- expressed its support for .MUSIC to be under a "community" application model, including encouraging statements in support of DotMusic's policies that stated that the coalition "was encouraged to see" that DotMusic "included several measures to deter and address copyright infringement within that TLD."[52] DotMusic has incorporated all RIAA-recommended copyright protection provisions in its policies that are subject to the Music Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") in the case of disputes. These enhanced safeguard provisions to protection copyright and intellectual property to protect the global music community and serve the global public interest by instilling consumer trust and safety include:

Stopping Domain Hopping:
All domains that trusted senders (such as the RIAA or other legitimate, globally-recognized and relevant music organizations) have sent over 10K notices against will be on the block domain list, which will continually be updated, unless there is evidence that the domain has been authorized by most of the applicable rights holders to use the content in question. At least a two third (2/3) vote from the .MUSIC Advisory Committee is required to permit the domain to remain live.

Take Down Policies:
Development and application of policies that:

- Make it a violation of .MUSIC policies if registrant does not comply with DotMusic's Content and Use policy to protect copyright. A notice about one piece of content on site being abused will require registrant to search for and remove all instances of that content on/available via their site i.e. registrant will be given reasonable time to fix the compliance matter or else will have their domain terminated;
- Require a stringent repeat infringer policy.

The takedown process and timeline after complaint is received about a pirate engaging in mass copyright infringement on a .MUSIC domain is as follows:

1. The DotMusic Registry receives complaint.

2. The DotMusic compliance team assesses whether the complaint is legitimate/reasoned or spurious in nature. The decision is made within 2-7 days depending on the complexity of the complaint.

3. If the complaint is accepted then the registrar is notified that the domain will be frozen and suspended. The registrar had to agree to the DotMusic TOS beforehand so has to follow our policies. The registrar has 7 days to notify the registrant and wait for a response from the registrant. If the issue is not resolved within 7 days then the registrar notifies DotMusic that the issue was not resolved.

[51] https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf , Pg.3, Appendix A
[52] https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf , Pg.1

4. Upon notification of the registrar that the issue was not resolved then DotMusic notifies Afilias to suspend and lockdown the domain name. The action response to suspend and lockdown the domain by Afilias is within 48hrs. The registrant can no longer transfer the domain and cannot make any changes to their domain. The registrant then has 2 weeks to fix the compliance matter.

5. If the compliance matter is not resolved then the domain is terminated.

6. The registrant can appeal the decision with NAF or WIPO within 30 days after the domain is terminated. It will cost them a few thousand dollars but the odds are stacked up against them to prevail since the registrant must prove that the takedown and termination was not of reasoned nature.

7. UDRP cases usually take 60 days to be decided. The typical timeline for a UDRP case, from filing of a complaint to completion of the process is 60 days, (which is relatively short compared to the uncertain timelines with court litigation). Also, only one document needs to be submitted by the Complainant, and one Response filed by the Respondent. Once a complaint has been filed, a Respondent has 20 days to respond, and WIPO/NAF will assign a Panelist within 5 days after a response has been made. Panelists are required to issue a decision to the relevant domain name registrar within 14 days of being assigned, and then the registrar is required to carry out the decision within 10 days.

Authorization:
Confirmation that "content that they otherwise have the right to post" means that the poster has express authorization to post the content.

Permanent Block:
Blocked domains will not be made available for registration by any third party unless there is a two third (2/3) vote by the Advisory Committee to permit the string to be put back in the pool for registration.

Privacy / Proxy:
Requirement that privacy/proxy services will be compliant with DotMusic's Name Selection policy (mandating that the domain is the name of the registrant, their acronym, "doing business as," description of their mission or activities) and discloses the beneficial registrant as per DotMusic's Registration Policies. If such disclosure is not made then the registrant will not be allowed to proceed with registration. If the domain is deemed incompliant while the domain is live then the domain will be suspended and the registrant will be given reasonable time to fix the compliance matter. If the registrant fails to fix the compliance matter then the domain will be terminated.

True name and address:
If a .MUSIC domain makes available any music owned or posted by a third party via the site (directly or indirectly), the domain must prominently post on the site the true name of the website operator, a contact person at the operator, phone number, physical address, and email address at which the contact person may be contacted.

Trusted Sender Complaint:.
If .MUSIC receives a complaint from a trusted sender (such as the RIAA or any other legitimate, globally-recognized and relevant music organization), then DotMusic will investigate the complaint and suspend the domain, giving the registrant reasonable time to fix the compliance matter. The site will be suspended during the pendency of any dispute resolution that may occur regarding the complaint. The domain will be terminated if the registrant does not fix the compliance matter or fails to respond to the complaint.

iv. Pricing: In tandem with the verification and other restricted registration requirements, DotMusic will incorporate a moderate, competitive price setting as another Enhanced Safeguard to protect .music from abuse:

The .MUSIC registration fee will adopt a moderate, competitive pricing point taking into consideration Community feedback and outreach, the TLD's premium value proposition, differentiation, security and safety concerns, and other significant factors such as:

1) *Most Community members are price sensitive since they operate in a highly competitive, fragmented environment with decreasing average music consumer spending that is aggravated by rampant piracy and competition from other forms of entertainment and substitute products/services.*

2) *As illustrated by the McAfee's 2011 "Mapping the Mal Web" Report[53], pricing is one of the most influential factors considered by registrants aiming to conduct malicious activity and abuse. Low priced domains have a higher likelihood for abuse. Prices in the middle to higher end are enough of a sufficient financial barrier to entry to reduce the number of registrants offering low quality content not useful to most Internet users, such as parking pages. Premium pricing will also help reduce cybersquatting and piracy. Registrants are more likely to register a cheaper domain to conduct illegal activity since it is less financially risky.*

DotMusic will not be low price leader in the domain space because low price leadership will have an adverse effect on DotMusic's objective to brand .MUSIC as a differentiated, value-added domain. Competing on price alone is not an effective strategy for DotMusic because it usually leads to commoditization and a low-margin business that relies primarily on the core benefit of the TLD: the branded music-themed meaning of a novelty domain extension. Adopting a moderate, competitive pricing strategy will complement DotMusic's goal to continually invest in the TLD to create innovative services, provide new offerings, opportunities and benefits to registrants beyond a branded TLD and achieve augmented and potential product differentiation. Furthermore, DotMusic's goal is to align consumer perception of a differentiated TLD with an optimal domain price that communicates the premium nature of .MUSIC, its unique value proposition and benefits.

The .MUSIC price will also include registrant participation in the .MUSIC Premium Channels. DotMusic will offer the Music Community an affordable domain to build a unique and exclusive presence online, ensuring the cost of the domain is optimally priced to prevent malicious behavior and abuse traditionally experienced in lower priced domains and domains that lack enhanced safeguards. (Application Answer to Question 18c ii)

By appropriately setting a moderate price for a .music registration, a necessary economic barrier will be raised to prevent bad actors from registration while not being too costly for legitimate Music Community members. The price will deter bad actors from registering .music domain and force them to look at cheaper top-level domain alternatives to conduct malicious activities from.

Non-regulated sector specific strings (such as .COM or newly applied-for strings, such as .WEB or .ONLINE) should be globally-accessible and open. However, strings in a regulated sector that relate to niche industries that are highly dependent on copyright monetization on the Internet and are reliant on the DNS for core activities must be protected with appropriate enhanced safeguards under a multi-stakeholder community

[53] http://us.mcafee.com/en-us/local/docs/MTMW_Report.pdf

model of governance. A highly sensitive .music domain which is vulnerable to abuse and piracy cannot be served as an open string without restrictions or appropriate authentication of registrants.

An open string without enhanced safeguards to protect intellectual property will not have the wide support of the Music Community nor would it have the support of ICANN's Government Advisory Committee (GAC) which has reiterated its support for community Applications "with demonstrable support" and re-affirmed the position of DotMusic's Application that enhanced safeguards for .music's regulated sector serve the global public interest and must be a mandatory public commitment.[54] DotMusic exceeds the safeguards contained in the ICANN NGPC Resolutions that pertained to Category 1 Advice. GAC agrees that DotMusic's Community-based commitments are aligned to serve the public interest and advised ICANN to give "preferential treatment for all applications which have demonstrable community support" such as DotMusic. Furthermore, in a letter[55] sent to ICANN on February 4th, 2014, the Director of the European Commission of the EU fully endorsed the "GAC view that community applications and applications with community support should be given preferential treatment" because they serve the public interest. At the Singapore ICANN meeting in March 2014, GAC reiterated that advice advised ICANN "to protect the public interest and improve outcomes for communities."[56] ICANN approved this GAC advice in Resolutions to take "better account of community views and improving outcomes for communities."[57] As such, the exclusion of entities which have a tangential relationship with music serves the global public interest since it mitigates abuse and fulfills the Mission of DotMusic to launch a safe, trusted and authenticated community-based .music top-level domain.

The objective of DotMusic is to incorporate registration-related policies with Enhanced Safeguards. Given the popularity and sensitive nature of the regulated applied-for string, DotMusic has ensured that weak policies that are vulnerable to abuse – including the lack of appropriate safeguards and controls – are not contained in the DotMusic Application. DotMusic's strategy of the incorporation of Enhanced Safeguards in its Registration Policies ensures that unintended consequences, which create opportunities for rampant abuse and misuse of DNS-related registration services by bad actors, are eliminated in a proactive manner under strict enforcement measures. This Public Interest Commitment will ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

C. Commitment to incorporate coherent and music-specific Enforcement measures, including appropriate appeals mechanisms to ensure that DotMusic is accountable to the Community.

Sensitive strings that are vulnerable to intellectual property infringement, such as .music, will be subject to significant abuse. Reactive enforcement policies are not enough to protect the interests of music creators. This is consistent with the findings outlined by the Economist in its most recent Special Report on Cyber Security that "prevention is better than cure" and its recommendations to incorporate proactive, defensive policies and enforcement rather than relying on merely reactive enforcement policies to prevent malicious abuse:

> *Companies, markets and countries are increasingly under attack from cyber-criminals. They need to get much better at protecting themselves… Securing cyberspace is hard because the architecture of the internet was designed to promote connectivity, not security. Its founders focused on getting it to*

[54] ICANN NGPC Resolutions, https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf, Annex 2, February 5th, 2014
[55] http://forum.icann.org/lists/comments-new-gtld-auction-rules-16dec13/msg00016 html
[56] https://gacweb.icann.org/download/attachments/27132037/Final%20Communique%20-%20Singapore%202014.pdf?version=2&modificationDate=1396429776778&api=v2 (Pg.4, Section 3, 1a)
[57] GAC Register #18, http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-10sep13-en.pdf

> *work and did not worry much about threats… A recent estimate by the Centre for Strategic and International Studies (CSIS) puts the annual global cost of digital crime and intellectual-property theft at $445 billion… All too often breaches are caused by simple blunders… Over the next few years billions of new devices will be fitted with tiny computers that connect them to the web and make them more useful dubbed "the internet of things.*[58] *Cybercrimes often involve multiple jurisdictions, which makes investigations complicated and time-consuming. And good cybersleuths are hard to find.*[59]*Ideally, organizations should avoid catching an infection in the first place – but that requires them to get better at a basic security hygiene.*[60] *The rise of organized crime on the internet and the imminent arrival of the internet of things will only increase concerns about widening the security gap. Prevention is better than cure. More vigilance and better defenses can make cyberspace a lot safer*.[61]

ICANN's new gTLD Program launch has the potential to create new opportunities and to better integrate the creative sectors with the digital economy. However the launch also poses serious threats to those engaged in creating, producing and disseminating creative music works. The music sector has historically been vulnerable to online theft, infringement and other fraud. It continues to experience unacceptably high levels of such abuse. If .music is launched without adequate safeguards, it would likely become a haven for continued and increased copyright infringement, criminal and illegal activity. That would be disastrous for the creative global music sectors, jobs, economic growth and competitiveness.

DotMusic has incorporated proactive Enhanced Safeguards to reduce these serious risks (See Section B, Commitment to Enhanced Safeguards), while maximizing the potential benefits of a trusted .music that will foster a haven for legal music consumption and licensing. In addition, DotMusic's Registration Policies include specific both coherent proactive and reactive Enforcement measures with appropriate appeals mechanisms. DotMusic's Enforcement Registration Policy exceeds minimum requirements mandated by ICANN because .music's community-based purpose is to ensure proper enforcement of DotMusic's Enhanced Safeguards (See B, Enhanced Safeguards Commitment) and appropriate Community accountability mechanisms (such as the Policy Advisory Board/Committee and appeals mechanisms). DotMusic has incorporated comprehensive Enforcement measures consistent with its community-based purpose and aligned with its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (″MPCIDRP″) which goes beyond the ICANN UDRP/URS/PDDRP/RRDRP which are established under the new gTLD Program.

According to the Application:

> *Compliance & Enforcement: DotMusic will take proactive and reactive measures to enforce its Policies. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes*.

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[58] Martin Giles, The Economist Special Report on Cyber Security, Defending the Digital Frontier, http://www.economist.com/news/special-report/21606416-companies-markets-and-countries-are-increasingly-under-attack-cyber-criminals. Cisco's Internet Business Solutions Group (IBSG) predicts some 25 billion devices will be connected by 2015, and 50 billion by 2020, http://share.cisco.com/internet-of-things.html)

[59] Martin Giles, The Economist Special Report on Cyber Security, Hackers Inc, http://www.economist.com/news/special-report/21606421-cyber-attackers-have-multiplied-and-become-far-more-professional-hackers-inc

[60] Martin Giles, The Economist Special Report on Cyber Security, Digital Disease Control, Basic Security Hygiene Goes A Long Way, http://www.economist.com/news/special-report/21606417-basic-security-hygiene-goes-long-way-digital-disease-control

[61] Martin Giles, The Economist Special Report on Cyber Security, Remedies: Prevention Is Better Than Cure, http://www.economist.com/news/special-report/21606424-more-vigilance-and-better-defences-can-make-cyberspace-lot-safer-prevention-better

Allegation that a domain is not used for legitimate music purposes or otherwise infringes on Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP").

The MPCIDRP is not a replacement for alleged violation of the UDRP/URS/PDDRP/RRDRP, which shall be enforced under the provisions contained therein.

The DRP's are required in the registrars' registration agreements with registrants. Proceedings must be brought by interested 3rd-parties in accordance with associated policies and procedures to dispute resolution providers. DotMusic will conduct random compliance checks across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established Policies.

If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. Repeat offenders of Policies will be placed on a special monitoring list that DotMusic will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely. DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and discussed publicly at Community events. (Application Answer to Question 18b)

Any violation of the .MUSIC Policies will be enforced on a case-by-case, fact-specific basis:

1. Any allegation that a domain is not used for legitimate music purposes or otherwise infringes on the .MUSIC Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") as described in our response to question #28.

2. Any alleged violation of the UDRP shall be enforced under the provisions contained therein, as modified by the URS.

The MPCIDRP, UDRP, and URS are required in the registrars' registration agreements with registrants. Proceedings under the MPCIDRP, UDRP, and URS must be brought by interested third parties in accordance with the associated policies and procedures.

DotMusic will conduct random compliance efforts across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established .MUSIC Policies.

If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.

Repeat offenders will be placed on a special monitoring list that DotMusic staff will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely.

DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and will present them publicly to enable Music Community constituents to provide feedback. DotMusic will also conduct registrar and registrant surveys based

on the level of registrant satisfaction concerning .MUSIC usability and how to improve value proposition.

DotMusic reserves the right to deny, cancel or transfer any registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry, to comply with any applicable laws, government rules or requirements, requests of law enforcement, in compliance with any dispute resolution process, or to avoid any liability, civil or criminal, on the part of DotMusic, as well as its affiliates, subsidiaries, officers, directors and employees. DotMusic reserves the right to freeze a domain during resolution of a dispute. DotMusic reserves the right to terminate a domain for failure by the registrant to demonstrate it meets .MUSIC policies. (Application Answer to Question 20e).

DotMusic will implement multiple dispute resolution policies to address dispute over any names not reserved by the above provisions; see response to question #20e and #28 and #29. In particular all domains awarded to registrants are subject to the Uniform Domain Name Dispute Resolution Policy (UDRP), and to any properly-situated court proceeding. DotMusic will ensure appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance at the second level. DotMusic will institute a provision in the registry-registrar agreements and the registrar-registrant agreements, to suspend domains names in the event of a dispute. DotMusic may exercise that right in the case of a dispute over a geographic name. (Application Answer to Question 22)

DotMusic, working with Afilias, will take the requisite operational and technical steps to promote WHOIS data accuracy, limit domain abuse, remove outdated and inaccurate data, and other security measures to ensure the integrity of the TLD. The specific measures include, but are not limited to:

- *Posting a TLD Anti-Abuse Policy that clearly defines abuse, and provide point-of-contact information for reporting suspected abuse;*
- *Committing to rapid identification and resolution of abuse, including suspensions;*
- *Ensuring completeness of WHOIS information at the time of registration;*
- *Performing data validations of WHOIS elements at time of registration and exploring mechanisms for re-evaluation when registrants update such information;*
- *Publishing and maintaining procedures for removing orphan glue records for names removed from the zone,*
- *Introducing the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP") to ensure eligibility requirements, use and naming policies as established in response to question #20e, and;*
- *Establishing measures to deter WHOIS abuse, including rate-limiting, determining data syntax validity, and implementing and enforcing requirements from the Registry-Registrar Agreement.*

The Abuse Policy stated below will be enacted under the contractual authority of the registry operator through the Registry-Registrar Agreement, and the obligations will be passed on to and made binding upon registrants. This policy will be posted on the TLD web site along with contact information for registrants or users to report suspected abuse. The policy is designed to address the malicious use of domain names. The registry operator and its registrars will make reasonable attempts to limit significant harm to Internet users. This policy is not intended to take the place of the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS), and it is not to be used as an alternate form of dispute resolution or as a brand protection mechanism. Its intent is not to burden law-abiding or innocent registrants and domain users; rather,

the intent is to deter those who use domain names maliciously by engaging in illegal or fraudulent activity.

Repeat violations of the Abuse policy will result in a case-by-case review of the abuser(s), and the registry operator reserves the right to escalate the issue, with the intent of levying sanctions that are allowed under the TLD anti-abuse policy.

.MUSIC Anti-Abuse Policy:

The following Anti-Abuse Policy is effective upon launch of the TLD. Malicious use of domain names will not be tolerated. The nature of such abuses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. The registry operator definition of abusive use of a domain includes, without limitation, the following:

- *Illegal or fraudulent actions;*
- *Spam: The use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums;*
- *Phishing: The use of counterfeit web pages that are designed to trick recipients into divulging sensitive data such as personally identifying information, usernames, passwords, or financial data;*
- *Pharming: The redirecting of unknowing users to fraudulent sites or services, typically through, but not limited to, DNS hijacking or poisoning;*
- *Willful distribution of malware: The dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and Trojan horses.*
- *Malicious fast-flux hosting: Use of fast-flux techniques with a botnet to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities.*
- *Botnet command and control: Services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct distributed denial-of-service attacks (DDoS attacks);*
- *Illegal Access to Other Computers or Networks: Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g. port scan, stealth scan, or other information gathering activity).*

Pursuant to the Registry-Registrar Agreement, registry operator reserves the right at its sole discretion to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary:

1. *to protect the integrity and stability of the registry;*
2. *to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process;*
3. *to avoid any liability, civil or criminal, on the part of registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees;*
4. *per the terms of the registration agreement and this Anti-Abuse Policy, or*
5. *to correct mistakes made by registry operator or any registrar in connection with a domain name registration. Registry operator also reserves the right to place upon registry lock, hold, or similar status a domain name during resolution of a dispute.*

The policy stated above will be accompanied by notes about how to submit a report to the registry operator's abuse point of contact, and how to report an orphan glue record suspected of being used in connection with malicious conduct (see below).

Abuse point of contact and procedures for handling abuse complaints:

The registry operator will establish an abuse point of contact. This contact will be a role-based e-mail address of the form "abuse@registry.MUSIC". This e-mail address will allow multiple staff members to monitor abuse reports on a 24×7 basis, and then work toward closure of cases as each situation calls for. For tracking purposes, the registry operator will have a ticketing system with which all complaints will be tracked internally. The reporter will be provided with the ticket reference identifier for potential follow-up. Afilias will integrate its existing ticketing system with the registry operator's to ensure uniform tracking and handling of the complaint. This role-based approach has been used successfully by ISPs, e-mail service providers, and registrars for many years, and is considered a global best practice.

The registry operator's designated abuse handlers will then evaluate complaints received via the abuse system address. They will decide whether a particular issue is of concern, and decide what action, if any, is appropriate.

.MUSIC Community Specific Protections:

In protection of the interests of the Music Community, in line with the .MUSIC mission established in response to question #18, DotMUSIC reserves the right to deny, cancel, transfer and registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry, to comply with ay applicable laws, government rules or requirements, requests of law enforcement agencies, in compliance with any dispute resolution process result, or to avoid any liability, civil, or criminal, on the part of the registry operator, its affiliates, subsidiaries, officers, directors, and employees. DotMusic reserves the right to lock a domain name during resolution of a dispute. DotMusic reserves the right to terminate a domain at any time for failure of the registrant to demonstrate that it meets all established requirements under .MUSIC policies.

.MUSIC has established specific protection mechanisms as described in the response to question #20e. As a means to cure any disputes concerning adherence to the .MUSIC requirements and policies, DotMUSIC is establishing the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). All .MUSIC registrants will be bound by this policy by means of the .MUSIC Registration Agreement.

The MPCIDRP may be invoked by any third party in order to solve a dispute with a registrant over the registration or use of the registration in violation of the .MUSIC policies. A dispute filing can take place with any approved MPCIDRP dispute resolution provider and must specify how the domain name is in violation of the purposes contemplated by the definition and qualification of a .MUSIC. The details of the MPCIDRP will be published prior to the launch of .MUSIC. Details of the process, proceedings, and supplemental rules a complainant must follow will be developed in coordination with respective dispute resolution providers and it will also be published prior to launch of .MUSIC. (Application Answer to Question 28)

According to the DotMusic Application:

"The .MUSIC Mission and Purpose is creating a trusted, safe online haven for music consumption…protecting intellectual property and fighting piracy." The TLD will be exclusive to the Community and "*will incorporate enhanced safeguards and Use policies to protect creators, intellectual property and rights holders.*" DotMusic has developed "*policies to protect intellectual property, fight piracy and ensure .MUSIC domains are allocated using fair methods so that music consumers and Internet users are assured the highest level of trust and authenticity when they visit a .MUSIC domain.*"

"*A Global Protected Marks List (GPML) will reserve all major music brands and established artists, such as RIAA-certified platinum-selling bands. The music-themed domain is built with usage polices that will enable taking down infringing sites, protecting trademarks and help the exploitation of copyrights by providing a safe haven for legal music distribution, consumption and licensing.*" (Application Answer to Question 18).

"DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee[62] [PAB]." (Application Answer to Question 20).

DotMusic has a Content and Use registration policy agreement focused on protecting copyright "tailored to solve issues currently related to intellectual property infringement. Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations." Registrants must:

iv. "Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit;"
v. "Immediately notify [DotMusic] if there is a security breach, other member incompliance or illegal activity on .MUSIC sites;"
vi. "Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community." (Application Answer to Question 20).

Any allegation that a domain is not used for legitimate music purposes or otherwise infringes on the .MUSIC Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. Repeat offenders will be placed on a special monitoring list. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains. (Application Answer to Question 20).

"DotMusic reserves the right to deny, cancel or transfer any registration that it deems necessary, in its discretion, to protect the integrity and stability of the registry… DotMusic reserves the right to freeze a domain during resolution of a dispute. DotMusic reserves the right to terminate a domain for failure by the registrant to demonstrate it meets .MUSIC policies." (Application Answer to Question 20).

DotMusic has incorporated a wide array of appeals mechanisms, whereby registrants have the right to request a review of a decision to revoke their right to hold a domain name and have reasonable time to file an appeal to fix the Registration Policy incompliance:

[62] DotMusic will be launched under a community-based, multi-stakeholder governance structure of fair representation encompassing all music constituent types. The RIAA will be given a seat on the table with representation on the PAB.

If a Registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. (Application Answer to Question 20e).

DotMusic has numerous proactive and reactive Enforcement Policies, which include:

(i) Random compliance checks on registered domains:

DotMusic will conduct random compliance efforts across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established .MUSIC Policies. (Application Answer to Question 20e).

(ii) Mandates that .music registrants must report any illegal activity or Registrant Policy incompliance using a registrant crowdsourcing and an MCMO trusted sender enforcement model for complaints:

Immediately notify us if there is a security breach, other member incompliance or illegal activity on .MUSIC sites. (Application Answer to Question 20e)

The MPCIDRP may be invoked by any third party in order to solve a dispute with a registrant over the registration or use of the registration in violation of the .MUSIC policies. (Application Answer to Question 28)

The Registrant-powered crowdsourcing enforcement measure will serve the public interest because it is a scalable, proactive and reliable enforcement mechanism for reporting intellectual property infringement, filtering inappropriate content and strengthening Registration Policy compliance and security.

For additional proactive enforcement, DotMusic may also incorporate crawler and music fingerprinting screening technology in addition to the random compliance checks for proactive Enforcement. Using primarily automated digital fingerprinting technology, DotMusic can thwart piracy on .music domains and deter bad actors from spreading copyrighted content by leveraging this proactive and automated screening process. According to the Application:

DotMusic and Afilias may also engage in proactive screening of its zone for malicious use of the domains in the TLD. (Application Answer to Question 28).

DotMusic has incorporated extensive and specific Enforcement Appeals mechanisms for registrants and 3rd-parties to fix incompliance matters or settle disputes. According to the Application:

.MUSIC Community Specific Protections:

DotMusic reserves the right to lock a domain name during resolution of a dispute. DotMusic reserves the right to terminate a domain at any time for failure of the registrant to demonstrate that it meets all established requirements under .MUSIC policies.

As a means to cure any disputes concerning adherence to the .MUSIC requirements and policies, DotMUSIC is establishing the .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). All .MUSIC registrants will be bound by this policy by means of the .MUSIC Registration Agreement.

The MPCIDRP may be invoked by any third party in order to solve a dispute with a registrant over the registration or use of the registration in violation of the .MUSIC policies. A dispute filing can take place with any approved MPCIDRP dispute resolution provider and must specify how the domain name is in violation of the purposes contemplated by the definition and qualification of a .MUSIC. The details of the MPCIDRP will be published prior to the launch of .MUSIC. Details of the process, proceedings, and supplemental rules a complainant must follow will be developed in coordination with respective dispute resolution providers and it will also be published prior to launch of .MUSIC. (Application Answer to Question 28)

The DotMusic MPCIDRP Dispute Resolution Provider is the National Arbitration Forum. Comprehensive Dispute Resolution Processes and Appeals Mechanisms have been created under the music-tailored MPCIDRP. The MPCIDRP is music-tailored process beyond what is mandated by ICANN for new gTLD registries for challenges pertaining to registrant Registration Policy compliance and intellectual property infringement (which includes both trademark and copyright violations). Appeals mechanisms available under the MPCIDRP include:

i. *Reinstatement Reconsideration*

(1) If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.

(2) If a domain name registration is found to conflict with an entry on the GPML, the registration will be terminated.

For a domain name terminated by the Registry, the registrant may appeal the termination with the Registry. If the domain name is not reinstated, the registrant may bring a request for reinstatement reconsideration to the Provider. Reinstatement reconsideration must be brought within 30 days of the Registry's final determination.

ii. *Copyright Infringement Appeal*

(1) Registrant can appeal removal of content that was removed by the Registry

(2) Registrant can appeal registry decision not to remove content

iii. *Music Community Member Organization (MCMO) Eligibility Reconsideration Request*

An organization that was denied qualification as a MCMO by the Registry may appeal that determination at the Registry. If the organization is still declined membership, the application organization may bring a request for reinstatement reconsideration to the Provider. A MCMO Eligibility reconsideration request must be brought within 30 days of the Registry's final determination.

iv. *Geographic Public Interest Appeal*

Governments/public authorities/IGOs may challenge abuses of names with national or geographic significance with the Registry. This Registry determination can be appealed with the National Arbitration Forum dispute resolution provider if the Registry failed to follow Registration Policy procedures. A Geographic Public Interest Appeal must be brought within 90 days of the Registry's final determination.

v. *Policy Advisory Board (PAB) Decision Appeal*

A majority of the PAB may direct the Registry to take action against a Registrant for registrations that substantially and negatively affect the objectives of the .MUSIC Registry. This PAB determination and Registry implementation can be appealed by a Registrant with the National

Arbitration Forum. A PAB Decision Appeal must be brought within 30 days of the Registry's final determination. (See Appendix F and National Arbitration Forum Dispute Resolution Provider's MPCIDRP page for .music[63]).

D. Commitment to Innovation and Solving Community Problems to Support the Community

DotMusic will serve the public interest and the global Music Community by offering innovative services that would provide solutions for .music registrants and that would increase music discovery, networking opportunities and an array of options for legal monetization and licensing on a global scale. These purpose-driven innovative services include the Premium Channels and the Music Licensing Song Registry.

According to the Application:

> *DotMusic will also provide non-registry services and activities which have been established through ongoing outreach efforts. Community members need to be able to distinguish themselves from illegal or unlicensed sites. Ensuring monies flow to rightful owners and the Music Community is critical to the .MUSIC Mission. Purpose-driven services and activities are:*
>
> 1. *Development of Music Community Social Network Premium Domain Channels (Channels) sorted by category types, e.g. genres. It will leverage Search Engine Optimization (SEO) best practices to improve .MUSIC website search result rankings. The objective is for .MUSIC domains to signal a badge of trust that enables search engines to provide music consumers more relevant and safer search results while reducing infringing and unlicensed rogue sites. Premium Channel development will also include a global Song Registry*
> 2. *Promoting arts and music through sponsorships, events and Music Community activities; Enriching society with artistic and cultural diversity;*
> 3. *Advancing music education and the study of music in school curriculum by donating proceeds of domain registrations to relevant causes*
> 4. *Re-inventing music discovery and search innovation by leading the way to establish the Industry standard for official music sites to benefit the at-large global Music Community and the Internet*
> 5. *Enabling legal music licensing via a global Song Registry akin to the International Music Registry (IMR - www.wipo.int/imr) & Global Repertoire Database (GRD - www.globalrepertoiredatabase.com /International Copyright Enterprise) initiatives.* (Application Answer to Question 18a)
>
> *PREMIUM CHANNELS*
>
> *DotMusic has conducted an extensive communications outreach campaign and research activities within the Community to identify needs for value-added services beyond .MUSIC domains. It has been affirmed that the Community has a need for*
>
> (i) *a faster, easier and simpler* way to *license songs* on a *global basis and*

[63] National Arbitration Forum (NAF), The .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"), http://domains.adrforum.com/main.aspx?itemID=2195. Please download the DotMusic MPCIDRP document at http://domains.adrforum.com/resource.aspx?id=2190 for more detail on DotMusic's specific appeals/reconsideration request mechanisms under the MPCIDRP.

(ii) differentiated online *resources of information about music, containing regional, national* and *local Community member information*, powered by their *associated dynamic content, services or products.*

Premium Channels will offer opportunities to promote cultural diversity and unique music content. The level of information and content shared in the Premium Channels will be at the sole discretion of registrants. Registrants can promote themselves, their content, share contact information, communicate, network and engage in commerce with music consumers and each other.

Unlike using search engines, the Premium Channels will provide Internet users a quick and intuitive search mechanism through direct navigation discovery. For example, a music consumer searching for "reggae music" can directly visit "www.reggae.music" to find registrants that offer reggae-related music, content, services and products. Premium Channels will:

- *Promote Community members*
- *Increase legal commerce/business/collaboration*
- *Facilitate the sharing of contact information & enable more efficient communication*
- *Provide a quick and intuitive reference to music-related content through direct navigation*
- *Offer networking opportunities & increased exposure*
- *Promote cultural diversity, the arts & music education*
- *Differentiate Community members from each other*
- *Promote interaction, communication & support amongst the Community*
- *Promote music innovation*

The Premium Channels will also include the development of a global Song Registry to facilitate a faster, easier and simpler way to legally license registrant songs. (Application Answer to Question 18a)

DotMusic is the only .music applicant that will incorporate Premium Channels to increase music discovery and opportunities for .music registrants to build their music identities online, connect with other artists, professionals or companies and provide possibilities for business deals or new ventures.

At registration, all .music registrants will be required to choose their classification type sorted based on NAICS codes under these four categories:

(i) Musicians or (ii) Musical Groups (both these categories will represent a substantial majority of .music registrations. They are classified as *Musical Groups and Artists* under NAICS code 711130 which is equivalent to *Musicians and Musical Groups* under ISIC code 9214 – See Application Answer to Question 20a);
(iii) Music Professionals (See Application Answer to Question 20a to see to see how these types of music entities are sorted based on corresponding NAICS codes); or
(iv) Music Companies (See Application Answer to Question 20a to see to see how these types of music entities are sorted based on corresponding NAICS codes)

The Premium Channels will be delineated and organized using .music premium domains. For example, Musicians or Musical Groups will be able to categorize their .music identity beyond their parent classification type based on genre, language and location[64] e.g. a French rock artist from Paris, France will

[64] According to the DotMusic Application: *DotMusic will block all country and territory names as registrations under .MUSIC. To accomplish this DotMusic will prior to launch (i) place the names on a reserved list that can solely be released as second-level registrations under .MUSIC by an agreement with the respective country or territory and*

be able to list their .music domain identity in five (5) Premium Channels (using their Community ID number that they will receive after completing registration authentication): www.Artist.music, www.Rock.music, www.Paris.music, and www.France.music (See Appendix G for Premium Channel examples).

Other entity categories include the Music Professionals entity classification (e.g. a music lawyer registrant would be found under the www.lawyer.music Premium Channel) or the Music Companies entity classification (e.g. a record label registrant would be found under the www.recordlabel.music Premium Channel). These Premium Channels will increase .music registrant discovery and achieve better search engine ranking because of improved music-related relevancy and higher quality content.

In addition to Premium Channels, DotMusic will also incorporate a Song Registry consistent with its community-based purpose to create a safe haven for legal music consumption and licensing:

> *The Premium Channels will also include the development of a global Song Registry to facilitate a faster, easier and simpler way to legally license registrant songs… DotMusic will provide Premium Channels and a Song Registry where the Community and Internet users can network, share information and engage in commerce in a trusted, secure ecosystem – a safe haven for legal music consumption and song licensing ensuring monies flow to the Community not unlicensed sites*. (Application Answer to Question 18b i)
>
> *STRATEGIC INNOVATION - Fostering open innovation by building Premium Channels and developing a Premium Channel global Song Registry to enable easier, faster and simpler way to license music… Community buy-in is critical to establish these legal standards to facilitate safer, trusted and enhanced commerce on the web while fighting piracy and unlicensed sites. The music-themed domain is built with usage polices that will enable taking down infringing sites, protecting trademarks and help the exploitation of copyrights by providing a safe haven for legal music distribution, consumption and licensing.* (Application Answer to Question 18c iii)
>
> *Community buy-in is critical to establish these legal standards to facilitate safer, trusted and enhanced commerce on the web while fighting piracy and unlicensed sites. The music-themed domain is built with usage polices that will enable taking down infringing sites, protecting trademarks and help the exploitation of copyrights by providing a safe haven for legal music distribution, consumption and licensing.*
>
> *The goal is to create a secure Industry standard domain matching Community needs with enhanced safeguards not available in current TLDs. Standards save money and drive productivity. The music-themed TLD will be launched in an intuitive, simple manner to leverage the interoperability, effectiveness and efficiency of the open web and the DNS. By using the same standards communicating data becomes easier and cheaper ensuring more revenue is distributed across the whole digital music supply chain to the rightful entities not rogue sites. The DotMusic Song Registry will also benefit the Community by enabling registrants to legally license their works territorially in a simple, fast and easy way. This way IP can be utilized and commercialized more efficiently to assist the Community to better serve an entire music value chain globally*. (Application Answer to Question 18c iii)

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with ICANN; and (ii) include in its registration policies that country and territory names are prohibited at lower levels… DotMusic will be working closely with the International Federation of Arts Councils and Culture Agencies, with national members from over 70 countries comprised of governments' Ministries of Culture and Arts Councils covering all continents, to ensure country names protection and the promotion of government-related cultural and music initiatives (Application Answer to Question 22).

DotMusic has submitted public comments to the U.S. Library of Congress pertaining to the need of a comprehensive global Song Registry for music licensing.[65] According to the U.S. Library of Congress:

> *The digital age offers increased possibilities for broadened dissemination of music and sound recordings in ways unimaginable in prior eras. However, technological, institutional, and legal impediments to increased access have created daunting challenges for libraries and archives*.[66]
>
> *An efficient, low-cost or gratis system is needed for licensing to libraries and archives digital files of music content not available in the commercial marketplace at a reasonable rate that would allow them to more effectively perform dissemination services*.[67]

There is a growing need for a global, comprehensive database of information related to music works, which will enable a quick, easy and simple to pay for music in a marketplace that requires efficiency and speed. Global access to complete information about music works does not yet exist. The DotMusic Song Registry could provide a solution since today it is challenge to license music because of the difficulties of locating or identifying who owns specific song rights in order to clear the song for licensing purposes. The DotMusic Song Registry will serve the public interest by providing a comprehensive music licensing registry that provides proper attribution to music works on a global scale.

The Chairman of the Recording Industry Association of America, Cary Sherman, emphasized the need for a micro-licensing platform to make it easier for occasional users of music to get proper licensing at a reasonable rate:

> *So many uses of music go unlicensed, and it's a lost opportunity in so many ways. It's obviously lost revenue. The fact is that so many businesses and individuals use music to enhance their products, their services, their events, shows music's value. We aren't talking about music-centric businesses -- those are taken care of. We're talking about the app developer who wants to use a clip of music in the background. Or the wedding videographer who wants to include music in his videos. Or the company that wants to use music in presentations at corporate retreats.*
>
> *Many of these businesses want licenses, but haven't a clue how to get them. We haven't done a very good job of making it easy for them. Technology now makes it feasible to offer easy-to-get licenses for all our music, for all kinds of uses; and creating a market for that could mean many millions of dollars of new revenue each year. Our collective future is looking brighter. And our future is collective. Never before have the interests of record companies and publishers been more closely aligned. Never before have we been as interdependent as we are right now. We're in this together."*[68]

The DotMusic Song Registry will enable music licensing clearance by providing reliable and updated information on what rights holder owns what rights in what territory. This way, licensees will be able to find the appropriate rights holders to obtain license clearance and to determine terms of use. Such a

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[65] DotMusic's Public Comments to the Library of Congress at http://www.copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/DotMusic_MLS_2014.pdf. See Library of Congress Music Licensing Study, http://copyright.gov/docs/musiclicensingstudy

[66] Gregory A. Lukow, Library of Congress, http://www.copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/Library_of_Congress_MLS_2014.pdf, 2014, P.1

[67] Ibid, P.5

[68] Ed Christman, *RIAA & NMPA Eyeing Simplified Music Licensing System, Could Unlock 'Millions' in New Revenue*, Billboard (June 13, 2013), http://www.billboard.com/biz/articles/news/record-labels/1566550/riaa-nmpa-eyeing-simplified-music-licensing-system-could

comprehensive music registry with a globally-connected database is needed because of the licensing demand that exists in the marketplace to license music repertoires of works in different territories under different media formats. The music registry will include all .music registrant creators associated with a music-related copyright to enable the remuneration and attribution of music rights for efficient compensation by assigning authoritative unique IDs - Globally Unique Identifiers (GUI) - to match rights with works.

Steve Marks, the Chief of Digital Business and General Counsel of the RIAA, emphasizes:

> *The musical work licensing systems that were developed for early twentieth century uses are being pressed beyond their limits by new technologies, consumer demands and business models requiring licenses for use of musical works as part of finished music products.*[69]

Today's Domain Name System (DNS), which at its core is a reliable globally-distributed system, can provide this music marketplace licensing solution because the DNS already uses unique IP addresses assigned to each computer that is registered with ICANN. Such a music song registry is essential to meet the demands of the proliferation of music works and User Generated Content related to music. The .MUSIC registry will enable the efficient recording and enumeration of music works so that attribution and compensation is directly tied to rights holders, whether this is to obtain permission for direct licensing or to process a statutory license payment.

The DotMusic Song Registry will serve the public interest because it is dedicated in promoting and protecting the ability of .music registrant creators who seek to earn a living from their creativity. DotMusic's objective is to ensure that authors and creators are entitled to fair compensation for their creative work. DotMusic reaffirms these Public Interest Commitments which are aligned with DotMusic articulated community-based purpose and principles of non-discrimination, collaboration and ensuring fair compensation.

The DotMusic Song Registry will adopt universal standards for the identification of musical works and sound recordings. Currently, the music sector has numerous international standards for the identification of music to facilitate legal music monetization globally:

- The International Standard Music Number (ISMN[70]);
- International Standard Name Identifier (ISNI[71]);
- International Standard Musical Work Code (ISWC[72]);
- International Standard Recording Code (ISRC[73]); and

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[69] Steven Marks, Recording Industry Association of America (RIAA), http://www.copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/Recording_Industry_Association_of_America_MLS_2014.pdf, P.6

[70] The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

[71] The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

[72] The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

- International Standard Audiovisual Number (ISAN[74])

The objective of DotMusic's authenticated, verified and trusted community-based .MUSIC domain and its Song Registry is to create new Industry standards for the legal distribution and monetization of music. This will benefit the Music Community by facilitating a more efficient system of trusted data exchange between the Community and prospective licensees. This will help spur legitimate licensing monetization in a safe, credible and effective manner. Such standards (which require the exact matching and identification of music works associated with their corresponding rights holders) will benefit the licensing process by making it easier, more accurate, and more efficient. The objective of DotMusic is for the .music top-level domain to be adopted as a globally-recognized Industry standard for official, trusted and validated music domains (such as in the case of other music-related international standards such as ISMN, ISNI, ISAN, ISRC and ISWC). This adoption will benefit the global Music Community and serve the public interest.

3. Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

The DotMusic Application will serve the global public interest and the global Music Community. It does not require any additional commitments beyond what is contained in its Application.

[73] The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

[74] See http://www.isan.org/about/ and http://www.iso.org/iso/catalogue_detail?csnumber=28779 and http://www.iso.org/iso/catalogue_detail?csnumber=35581

Appendix A

.music Application Specifications

DotMusic Limited .MUSIC community application overview and policies

	DotMusic Limited
"Also Known As"	.MUSIC™
Application ID	1-1115-14110
Total Top-Level Domain Applications	1 (Focused)
Type of Application	Community (Restricted)
.music-focused Social Media Presence	Extensive
Policy Advisory Board & Constituent Governance Seats	Yes
Community Member Organization Eligibility Requirement	Only during MCMO Launch Phase[1]
Community Member Organization Resellers/Partners	Yes
Music Organization Accreditation Requirements	Yes. Eligible organizations get priority in MCMO Phase
Who Can Register (Eligibility)	Entire global Music Community with requisite awareness of community
Phone & Email Two-Step Authentication	Yes
Protect Famous Music Artist/Brand Names	Music Globally Protected Marks List (GPML)
Domain Naming Conditions	Yes. 1. Entity name (or portion of); or
	2. Doing Business As; or
	3. Acronyn (AKA); or
	4. Name recognizing entity; or
	5. Name describing entity
Use:	
Only Legal Music Activities	Yes. Only legal music activities allowed
Only Music-Related Activity Usage	Yes. Only music usage allowed
Prohibits registering of domain	
with established artist's/brand's name	Yes
Content:	
Only Music-Related Content	Yes. Only music content allowed
Quality Content Control (Parking Pages)	Yes. Parking pages are not allowed
Enforcement & Appeals Mechanisms	Extensive & coherent set tailored to music
IP, Registration Policy Compliance & Appeals Provider	National Arbitration Forum (NAF)
Music-Focused Registration Policy Dispute Resolution	MPCIDRP
Music-tailored Copyright Protection Provisions	Extensive. Agreed to all RIAA safeguards and provisions.[2]
Community Definition	Organized & delineated logical alliance of music communities
Community Size	Majority. Considerable millions of members.
No Relevant Opposition*	No relevant opposition. Only applicant without a community objection.
.music-focused Social Media Engagement	Extensive. 5+ million across all media
.music Community TLD Support Petition	1.5+ million signed petition
Public Community Outreach Campaign	200+ public events (2008-Present)
Trademark for .music	Yes. Over 40 countries and regions
Community Premium Channels	Yes. Sorted by Type, Genre, Language, Geography, Keyword.[3]
Global Legal Song Licensing Registry based on DNS	Yes

[1] DotMusic gives priority to members of Music Organizations during MCMO Phase. During General Availability all Community members (including non-MCMO members) can register .MUSIC.

[2] DotMusic has more enhanced safeguards than all MUSIC applicants combined. DotMusic has incorporated all RIAA P protection provisions that include stopping domain hopping, takedown policies, authorizations, permanent blocks, privacy/proxy, true name/address and trusted sender complaint policies.

[3] The Premium Channels available to all validated community members are sorted/delineated according to NAICS community type (Musician/Band/Professional/Company), Genre (e.g www Rock music), Language (e.g French music), Geography (e.g London music / France.music) and Keywords (e.g Lyrics.music).

* According to ICANN's Final CPE Guidelines: "The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination." (P.22) "To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or iled for the purpose of obstruction will not be considered relevant." (P.20). "The following principles characterize the EIU evaluation process for gTLD applications: All EIU evaluators must ensure that no con licts of interest exist." (P.22) Any opposition filed by a competitor applicant or a competitor's supporter is a conflict of interest and is not considered relevant.

For More Info on .MUSIC™ (DotMusic) visit: www.music.us

Appendix B

Community Definition, Community Majority Rationale & Serving Public Interest

List of Music Community Member Organizations ("MCMOs")*

*MCMO List will be updated as more organizations are expected to become eligible .music-accredited Music Community Member Organizations

MUSIC COMMUNITY DEFINITION, MCMOs AND SERVING PUBLIC INTEREST

Music Community Definition and Global Music Community Representation/Inclusion

The definition of the Community is "a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music." (See Application Answer to Question 20a, the "Community"). Supporting music-related organizations of relevance constituting a majority of the Community are referred to in the Application as Music Community Member Organizations ("MCMOs"). MCMOs require .music-accreditation[1] from DotMusic which meet community-based criteria consistent with ICANN Applicant Guidebook's criteria for Community Establishment.[2]

Members of MCMOs will able to register their domains during a priority-based phase. This eligibility launch phase policy serves the public interest because it safeguards music entities that are already established and have a strong presence online. Furthermore, the objective of prioritizing registration for members of recognized MCMOs is to spur music community and industry adoption, while preventing cybersquatting of names. However, since a portion of the Community does not belong to eligible MCMOs, DotMusic will allow community members that do not belong to MCMOs to register domains just as long as they belong and identify themselves to a music community and have a requisite awareness of that community that they identify with. This way DotMusic serves both the global public interest and the music community because its eligibility policies do not discriminate against legitimate community members or exclude a significant portion of the community that would naturally associate itself with the string.

DotMusic's definition of the Community covers all Community members associated with the string with a requisite awareness of the Community validated through their straight-forward association with a music-related community they identify with. The Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

As mentioned in the Application, "registrants will be verified using Community-organized, unified "criteria taken from holistic perspective with due regard of Community particularities" that "invoke a formal membership (Application Answer to Question 20a)." The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, promotion, performance and distribution of music worldwide.

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[1] .music Accreditation Requirements for Music Community Member Organizations (MCMO), http://music.us/DotMusic_Music_Community_MCMO_Application.pdf, Section 2.0, Pg.2

[2] Applicant Guidebook, Community Establishment, http://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf, Pg. 194-196 and CPE Final Guidelines, http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf, Pg. 3-5

The defined Community and expressions of support serve the public interest because they represent a majority of the overall music community with a clear and straightforward association and the requisite awareness of participation in the Community as defined.

DotMusic's MCMOs collectively represent a majority of the Community. They include, but are not limited to "digital distributors representing most of the music distributed on the leading legal music stores (See Rationale in Application Answer to Question 20f)." These music distributor MCMOs (also known as aggregators) **represent the majority of music produced, marketed, distributed, performed and consumed globally** and are responsible for compensating artists, rights holders and labels after a sale is generated on any of the legal digital music stores, such as iTunes. Some examples include Tunecore (which represents 60% of all new digital music sales. Tunecore is also affiliated with ASCAP, BMI and SESAC and registers songs in over 60 countries[3]), Reverbnation (the world's largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals), CD Baby (the world's largest online distributor of independent music, with over 400,000 albums and 4 million tracks in its catalog). Another example is the world's leading legal digital lyrics distributor Lyricfind which covers a majority of music lyrics worldwide (Lyricfind tracks, reports, and pays royalties to 2,000 music publishers, including all four majors – EMI Music Publishing, Universal Music Publishing Group, Warner/Chappell Music Publishing, and Sony/ATV Music Publishing). Other organizations include Adrev, a network with over 36 billion views annually, which administrates and manages over 6 million music copyrights across 26.5 million music videos for Youtube creators.[4] Its Content ID services are all-encompassing, from indie artists to major publishers. Adrev partners include the world's largest music companies, such as Universal, Sony/ATV, Warner Chappel, BMG and Imagem. Another global music rights administration network is INDmusic, a music community of over 3.9 million network members, over 1900 channel music partners and a network reach of over 3.5 billion monthly network views, covering popular platforms such as Youtube, Soundcloud and Dailymotion.[5]

DotMusic's digital music distributors and supporting organizations (which include overlapping community members that also belong to other music organizations) represent over 90% -- a majority -- of all music distributed and consumed globally. Ingrooves, a DotMusic supporter is associated with Universal Music Group (Universal has 32.8% music market share[6] and affiliated with Ingrooves[7]). Likewise, TheOrchard, another DotMusic supporter is associated with Sony Music (Sony Music has 29.1% music market share[8] and affiliated with TheOrchard[9]). Furthermore, the DotMusic supporting organization LyricFind is associated with the music lyrics licensing of 2,000 music publishers, including all four majors – EMI Music Publishing, Universal Music Publishing Group, Warner/Chappell Music

[3] http://www.tunecore.com/index/what_is_tunecore
[4] http://www.adrev.net
[5] http://www.indmusicnetwork.com
[6] http://www.billboard.com/biz/articles/news/1510504/universal-music-still-market-top-dog-in-2012
[7] http://www.universalmusic.com/corporate/detail/544
[8] http://www.billboard.com/biz/articles/news/1510504/universal-music-still-market-top-dog-in-2012
[9] http://www.billboard.com/biz/articles/news/1098586/orchard-ioda-merging-sony-music-to-invest-in-new-company-sources

Publishing, and Sony/ATV Music Publishing.[10] William Morris Endeavour (WME), the world's largest entertainment agency, represents artists and songwriters associated with independent and major label as well as major publishers. WME diverse talent includes leading multi-platinum selling artists such as Adele, Alanis Morissette, Aretha Franklin, Backstreet Boys, Barry Manilow, Beastie Boys, Billy Idol, Brian Setzer, Bruno Mars, Calvin Harris, Carly Rae Jepsen, CeeLo, Chris Cornell, Ciara, Deadmau5, Depeche Mode, Drake, Duran Duran, Eddie Vedder, Foo Fighters, Gnarls Barkley, Goo Goo Dolls, Ice Cube, James Blake, Jane's Addiction, Janet Jackson, Josh Groban, Justin Timberlake, The Killers, Lady Gaga, LL Cool J, LMFAO, Lynyrd Skynyrd, Morrissey, Nas, Neil Diamond, Nine Inch Nails, Norah Jones, Pearl Jam, Pet Shop Boys, Pete Yorn, Peter Frampton, Peter Gabriel, Pharrell Williams, The Prodigy, Psy, Rage Against The Machine, Red Hot Chili Peppers, Rihanna, Roger Waters, Selena Gomez, Seth McFarlane, Sex Pistols, Sheryl Crow, Slash, Snoop Dogg, Soundgarden, System of a Down, Tom Waits, Tom Petty & The Heartbreakers, Trent Reznor, Usher, Weird Al Yankovic, Yanni, Ziggy Marley and many others.[11] This structure of the Community is strictly organized and delineated through diverse symbiotic and overlapping communities related to music.[12]

Other examples include MCMOs representing the global independent music community and a majority of music released internationally. These include the Worldwide Independent Network (WIN)[13] representing the global independent music community; Merlin (Merlin)[14] a global rights agency representing 20,000 labels in 39 countries; the Association of Independent Music (AIM)[15]; the Independent Music Companies Association (Impala)[16] representing over 4,000 international music labels; and the American Association of Independent Music (A2IM)[17] with Label members representing the U.S independent music community and Associate members including Apple iTunes (the world's largest music retailer with 63% global music market share,[18] 37 million songs[19] and a community of 800 million registered member accounts[20]), Spotify (a music streaming company available in 58 countries with 30 million songs and 50 million members[21]), Pandora (the world's largest internet music radio company with 250 registered members[22]), Vevo (the world's leading all-premium music video and entertainment platform with 8 billion monthly views globally[23]) and others.

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[10] http://www.lyricfind.com/about-lyricfind/
[11] http://www.wmeentertainment.com/0/cta/music/
[12] For example, Lady Gaga – represented by DotMusic supporting organization William Morris Endeavor – is also a member of numerous overlapping music organizations and music communities such as Vevo. Other examples of overlapping communities that Lady Gaga is represented through include a major label, a performance rights organization, a major publisher and numerous collection societies and so forth. DotMusic's community represents a majority of the community taking into consideration these symbiotic, overlapping memberships that illustrate a strictly delineated and organized community based on a logical alliance of communities of similar nature related to music (See definition of the community in Q20a).
[13] http://winformusic.org
[14] http://www.merlinnetwork.org
[15] http://www.musicindie.com/home
[16] http://www.impalamusic.org/node/15
[17] http://a2im.org
[18] http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share
[19] https://www.apple.com/itunes/features/
[20] http://www.cnet.com/news/apple-itunes-nears-800-million-mark/
[21] https://press.spotify.com/us/information/
[22] http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/
[23] http://www.vevo.com/c/EN/US/about

The DotMusic Application serves the global public interest because it has at least one entity that is dedicated to the community

According to the Applicant Guidebook: *"With respect to "Delineation" and "Extension," it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature… viable as such, provided the requisite awareness and recognition of the community is at hand among the members."* (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several "international federation of national communities of a similar nature."

Dedicated Community: International Federation of Arts Councils and Culture Agencies (IFACCA):

Another example is the only international federation of national communities relating to government culture agencies and arts councils which have an integral association with music globally (See support letter from the International Federation of Arts Councils and Culture Agencies - IFACCA).

The International Federation of Arts Councils and Culture Agencies (IFACCA) is the only international federation that represents government culture agencies and arts councils globally, institutions that play the most pivotal role with respect to music.[24] IFACCA's membership – which has formal membership fees -- covers the majority of music entities globally, regardless whether they are commercial, non-commercial or amateurs. The size of the community represented is in the considerable millions. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The "Size" covered reaches over a hundred million music entities i.e. "considerable size with millions of constituents" per Application Answer to Question 20a. The string "music" falls under the jurisdiction of each country's Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.[25] The UNESCO strategic partnership[26] is relevant, especially since UNESCO founded the International Music Council (the "IMC") in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.[27]

For example, government activities in the clearly delineated and organized music community include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a

[24] http://www.ifacca.org/membership/current_members/
[25] http://www.ifacca.org/strategic_partners/
[26] http://www.ifacca.org/strategic_partners/
[27] http://www.imc-cim.org/about-imc-separator/who-we-are html

"statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.[28]

Ministries of culture and arts councils (that comprise IFACCA's membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture and arts councils that comprise IFACCA's membership support the "performing arts" and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.[29] Other small government Ministries of Culture, such as Albania,[30] or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,[31] all provide critical support and substantial advocacy for music. Such government institutions also collaborate and advocate through their funded country-based pavilion initiatives at Midem, the world's largest music conference.[32] Therefore, while is seems quite obvious, out of caution, Objector submits the following evidence to support the direct association, and strong correlation, of IFACCA members with the music community and the string, .MUSIC.

Government ministries and arts councils provide critical support for the music community, including commercial music organizations and a significant portion of the community that Objector asserts Applicant is discriminating against - fans, DIY and independent artists and music bloggers. By way of example, government ministries' and arts councils' substantial connection to and support of "music" is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA's membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).[33]
- The Australian Government/Council For The Arts invested $51.2 million for the nation's orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.[34]

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[28] U.S Copyright Office, http://www.copyright.gov/carp/m200a html

[29] 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 "Music" (http://www moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

[30] http://www.culturalpolicies net/down/albania_012011.pdf

[31] 2010-11 Annual Report from India Ministry of Culture, http://www.indiaculture nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf

[32] http://my.midem.com/en/contact-us/pavilion-representatives/

[33] 2011 Annual Report from New Zealand Ministry of Culture: http://www.mch.govt.nz/files/Annual%20report%202011%202012%20pdf%20version%20(D-0448383).PDF

[34] 2011 Annual Report for the Australia Council for the Arts, http://www.australiacouncil.gov.au/__data/assets/pdf_file/0016/142351/Australia-Council-Annual-Report-201112.pdf, Page 28

- Canada Council for the Arts is Canada's national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).[35] The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.[36]
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.[37]
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception[38] and has a strong focus on music as outlined in its Strategic Plan[39] with Congress requested to provide $154,465,000 for fiscal year 2014.[40]
- The National Arts Council of South Africa invested 2,536,131R in Music and 9,995,000R in Orchestras and has focused strongly on the "Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa"[41]
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.[42]
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.[43]

Each of IFACCA's members has a clear association with, and mandate to support the music arts in their countries (in at least 165 member countries). In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Dedicated Community: The International Federation of Musicians (FIM):

One example is the only international federation of musicians (See support letter from the International Federation of Musicians - FIM) which has official relations with the United Nations Economic and Social Council (ECOSOC)(Ros C); the United Nations Educational, Scientific and Cultural Organization (UNESCO) (Consultative Status); the World Intellectual Property Organization (WIPO) (Permanent Observer Status); and the Organisation internationale de la Francophonie (OIF). FIM is a member of International Music Council (IMC) founded in 1949 by UNESCO, which represents over 200 million

[35] 2011 Annual Report for Canada Council for the Arts, http://www.canadacouncil.ca/NR/rdonlyres/6F7549BB-F4E5-4B8B-95F4-1FF9FAFB9186/0/CanadaCouncilAnnualReport2012_COMPLETE.pdf
[36] http://www.pch.gc.ca/eng/1294862453819/1294862453821
[37] Department for Culture, The Importance of Music, A National Plan for Music Education, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180973/DFE-00086-2011.pdf, Page 4, 2011
[38] 2011 Annual report for the National Endowment of the Arts, http://www nea.gov/about/11Annual/2011-NEA-Annual-Report.pdf, Page 2
[39] NEA Strategic Plan 2012-2016, www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf
[40] http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/
[41] 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
[42] Singapore Arts Council, http://www nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c
[43] http://www.taiteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf, Page 1 and Page 23

music constituents from over 150 countries and over 1000 organizations.[44] FIM's aim is to "protect and elevate the economic, social and artistic status and interests of musicians, both in their role as performers and as producers of the recording of their own performances."[45]

Dedicated Community: A2IM & Global Independent Music Coalition:

A clear example of an "entity dedicated to the community" with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.[46]

The reach of A2IM Associate[47] membership covers hundreds of millions of entities (i.e. the reach of A2IM's total membership "geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are members of A2IM include:

- **Apple iTunes**[48] – iTunes accounts for 63% of global digital music market[49] - a majority – with a registered community of 800 million registered members[50] available in 119 countries who abide to strict terms of service and boundaries[51] and have downloaded over 25 billion songs[52] from iTunes' catalog of over 43 million songs[53] covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.[54]
- **Pandora**[55] – Pandora is the world's largest streaming music radio with a community of over 250 million registered members.[56]
- **Spotify**[57] – Spotify is the world's largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[58]

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[44] http://www.imc-cim.org/about-imc-separator/who-we-are html
[45] http://ngo-db.unesco.org/r/or/en/1100025135
[46] http://a2im.org/about-joining/
[47] http://a2im.org/groups/tag/associate+members/
[48] http://a2im.org/groups/itunes
[49] http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share
[50] http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
[51] http://www.apple.com/legal/internet-services/itunes/ww/index.html
[52] http://www.apple.com/pr/library/2013/02/06iTunes-Store-Sets-New-Record-with-25-Billion-Songs-Sold.html
[53] https://www.apple.com/itunes/features/
[54] https://www.apple.com/itunes/working-itunes/sell-content/music-faq html
[55] http://a2im.org/groups/pandora
[56] http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1, Pg.9

- **Vevo**[59] – Vevo is the world's leading all-premium music video community and platform with over 8 billion monthly views globally.[60]
- **Youtube**[61] – Youtube is the world's largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[62] of which 38.4% is music-related.[63]
- **Reverbnation**[64] – Reverbnation[65] is one of the world's largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.
- **BMG**[66] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[67]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[68]), China (China Audio Video Association[69]) and Germany (Initiative Musik).[70]

A2IM also has Affiliate[71] associations within the global music community. These include Affiliates such as MusicFirst,[72] the Copyright Alliance,[73] the Worldwide Independent Network (WIN)[74] and Merlin.[75] A2IM also represents a Coalition representing the interests of the Global Independent Music Community.[76] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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[57] http://a2im.org/groups/spotify
[58] https://press.spotify.com/us/information/
[59] http://a2im.org/groups/vevo/
[60] http://www.vevo.com/c/EN/US/about
[61] http://a2im.org/groups/youtube/
[62] https://www.youtube.com/yt/press/statistics html
[63] http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
[64] http://a2im.org/groups/reverb-nation/
[65] http://www.reverbnation.com/about
[66] http://a2im.org/groups/bmg-rights/
[67] http://www.bmg.com/category/about-us/history/
[68] http://a2im.org/groups/french-music-export-office
[69] http://a2im.org/groups/china-audio-video-association-cava
[70] http://a2im.org/groups/initiative-musik-gmbh
[71] http://a2im.org/groups/tag/associate+members/
[72] http://musicfirstcoalition.org/coalition,The **musicFIRST Coalition**, with founding members A2IM, RIAA, and Recording Academy represents musicians, recording artists, managers, music businesses, and performance right advocates. http://musicfirstcoalition.org/coalition
[73] http://www.copyrightalliance.org/members
[74] http://www.winformusic.org/
[75] http://www.merlinnetwork.org/
[76] https://www.icann.org/en/system/files/correspondence/bengloff-to-chehade-et-al-20aug14-en.pdf and http://a2im.org/wp-content/uploads/2015/03/A2IM_Independent_Community_Letter_to_ICANN_March_7_2015.pdf

Cumulatively, A2IM's Label and Associate Membership, A2IM's Affiliates and the A2IM's Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

A2IM is a globally-recognized institution and is an important advocate of international music trade activities.[77] A2IM has a presence of mechanisms for participation in activities, membership and leadership with a strict, clear membership and a formal Board of Directors with voting rights, an institutional purpose related to the benefit of the associated community" including a public and clear Mission Statement and Purpose, "performance of regular activities that benefit the associated community" including international activities and events benefitting members, and "level of formal boundaries around the community" including requiring members to formally apply to become members with eligibility requirements to be closely associated with the clearly delineated community invoked and pay annual membership to remain a member. For example, DotMusic Limited had to apply to become an A2IM member and also has to pay an annual membership fee to remain an A2IM member.

Formal boundaries are in place to facilitate a delineated process in which rights holders are compensated and to eliminate piracy and copyright infringement e.g. A2IM member iTunes formally requires hundreds of millions of music fans to create formal Apple accounts and abide to strict terms of service to consume music and to ensure that royalties are paid using clearly delineated, organized systems that identify rights-holders corresponding to each song sold or streamed to compensate the appropriate music rights holders.

Dedicated global music community coalition supporting the .MUSIC "community" application model, including DotMusic's measures to deter and address copyright infringement:

Another global music community coalition led by the RIAA "on behalf of over 15 national and international trade associations" also expressed its support for .MUSIC to be under a "community" application model, including encouraging statements in support of DotMusic's policies that stated that the coalition "was encouraged to see" that DotMusic "included several measures to deter and address copyright infringement within that TLD." The "coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world's music"[78] – a majority of global music.[79]

Note: DotMusic expects that more MCMOs will be added to the list of .music-accredited MCMOs below, including Music Community organizations with overlapping memberships with the current MCMO list. MCMOs can apply to join by submitting a complete MCMO Application to community@music.us.[80] For latest list of MCMOs, please visit: http://music.us

[77] U.S Government International Trade Commission, http://www.usitc.gov/publications/332/pub4393.pdf, 3-9 and C-3, http://www.usitc.gov/search-ui/search/C.view=default/results?s=&sa=0&hf=20&q=A2IM, May 2013
[78] https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf , Pg.1
[79] https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf , Pg.3, Appendix A
[80] See http://music.us/DotMusic_Music_Community_MCMO_Application.pdf

MUSIC COMMUNITY MEMBER ORGANIZATIONS (MCMOs)

(IN ALPHABETICAL ORDER)

A & R WorldWide

A&R Worldwide is a globally renowned, independent, forward thinking, multi-faceted and all-encompassing platform, specializing in music and its implementation in the global marketplace. Its unprecedented network of international relationships and insider music industry knowledge deliver a one-stop solution for talent discovery, development, consulting and marketing services.

The company's vast subscriber reach of over 12,000 music industry professionals with a vested interest in music, worldwide influence, emerging brands, variety of promotional platforms and extensive track record serve as a central hub between the artist, entertainment industry and the consumer. Over the years A&R Worldwide and its team have assisted with brokering thousands of deals and opportunities, including signings, licensing, synch placements, publishing, booking agents, management, brand tie-ins and key media support, etc.

Some of the artists and/or their representatives that A&R Worldwide's team have supported include: Coldplay, Lady Gaga, Dido, Adele, Katy Perry, Keane, LMFAO, Robyn, Lily Allen, Jessie J, The Temper Trap, La Roux, Ting Tings, Duffy, Faithless, Sia, Muse, Missy Higgins, Bonnie McKee, Fatboy Slim, Avril Lavigne, Sugababes, Bitter:Sweet, Nova Delai, Kate Havenevik, Bloodpit, Just Jack, Ella Rouge, Disco Ensemble, Sam Sparro, Wolfmother, Vassy, Teddybears, Steriogram, Airbourne, Sixpence None The Richer, Frank Turner, Evermore, Laura Izibor, Klaxons, Frou Frou, Imogen Heap, Dead Letter Circus, SoShy, The Dares, Carolina Liar, Jem, Gary Jules, The Noisettes, Pilate Speed, McQueen, Dúné, Pint Shot Riot, Howling Bells, Capra, Skybombers, Mexicolas, Pete & The Pirates, Miss Li, The Crimea, King Blues, Headway, The Rifles, Scouting For Girls, Yoav (formerly known as Y), Swingfly, Linda Kiraly, Tina Dico, Rob Dougan, Corinne Bailey Rae, The Chevin, Makeshift Innocence, and many others.

A&R Worldwide assists artists and/or their support teams, as well as top executives and decision-makers in various arenas, not only through personal consultation, but also by offering access to our vast global Rolodex of relationships and insight with A&R executives, label heads, film/TV/gaming music supervisors, music publishers, artist managers, producers, concert bookers/promoters, broadcast media, trendsetter radio outlets, online/digital/mobile platforms, distribution networks, press/media, advertising agencies, international trade organizations, consumer brands, technology companies and trade fairs/seminars.

In fact, A&R Worldwide also produces and programs its own annual international music, media, technology and entertainment conference: the critically acclaimed MUSEXPO in Los Angeles as well as the events the Worldwide Radio Summit (with our partners AllAccess Media Group), Global Synch and Consumer Brands Summit, and the A&R Expo. In the past, A&R Worldwide has hosted MUSEXPO Europe (London), and One Movement/MUSEXPO (Perth, Australia). These events provide intimate networking opportunities and bring together some of the world's top executive minds, emerging talent, influential figures from the music, media, technology and press realms.

A&R Worldwide has decades of professional music and media industry experiences in both the US and international markets. A&R Worldwide is recognized by many of the most influential music and

entertainment industry executives from around the globe for its ability to discover and develop talent, playing a key role in assisting artists with multiple needs well before their local, regional, national and international successes.

Website: http://www.anrworldwide.com/mission.php

Adrev

AdRev is music multi-channel music network providing YouTube music creators the opportunity to improve monetization, discovery, programming, audience growth and production quality for their YouTube music video content. Adrev administrates and manages over 6 million music copyrights across 26.5 million music videos. The Adrev network has over 36 billion views annually.

Founded in 2011, AdRev has grown from humble beginnings as a Content ID admin and digital media licensing service to a multi-channel network generating over 3 billion monthly views. As experts in rights management Adrev understands how to handle 3rd party claims so that its partners can operate within appropriate copyright policy.

Adrev provides artists the opportunity to promote and monetize their YouTube channel and music videos. By partnering with AdRev, artists get immediate access to a suite of benefits including dedicated support with video and channel optimization, unlimited access to a music and sound effect library we've licensed for your YouTube videos, access to all of the YouTube partner features, and more.

Adrev has grown into a multifaceted business that includes a YouTube MCN but also includes Content ID services for everybody from indie artists to major publishers. Partners include the world's largest music companies, such as Universal, Sony, Warner Chappel, BMG and Imagem.

Inc. named AdRev the #2 fastest growing media company in 2014. AdRev handles a broad range of music including the production music libraries of Universal Publishing Production Music, Warner/Chappell Production Music, Extreme Music (Sony/ATV), Selectracks (BMG), 5 Alarm Music (Imagem); master recordings of Universal Pictures Film Music, including Pharrell Williams' "Happy"; songs recorded by bestselling artists Eminem, T.I., Creedence Clearwater Revival, Imagine Dragons, Bob Dylan, Robbie Robertson, The Rolling Stones, The Who, Wu Tang Clan, Two Steps from Hell, Celldweller, Dino Merlin; and YouTube stars Kurt Hugo Schneider, Mack Z and comedian Kat Williams.

Website: http://www.adrev.net

Music video/Youtube creator signup: http://talent.adrev.net/connect

Alberta Music Industry Association. Part of the Canadian Music Coalition

The Alberta Music Industry Association is a non-profit, service-based association dedicated to helping professionals in the music industry to succeed in their careers.

The Alberta Recording Arts Foundation was founded in 1980 by Bob McCord from CISN Radio in accordance to the licensing agreement that was required by the CRTC for radio broadcasting. This led to the incorporation of the Alberta Recording Industries Association (ARIA) in 1984 under the Societies Act of Alberta. Its official mandate was to "participate and assist in the overall development and improvement of the Alberta and Canadian recorded music industry, especially as it relates to Alberta."

The criteria of who was eligible to be a full member changed at that time to consisting of incorporated business members only. Artists were no longer allowed to become members who had voting rights or could hold a position on the Board unless they owned and operated a limited company. Therefore studios, record labels, publishers and distributors made up the majority of the board with the business membership fee priced at $250.00/yr.

From 1995 to 1999 ARIA collaborated with the music industry associations of Manitoba, Alberta and Saskatchewan and staged independent music festivals and conferences known as the All Indie Weekend. With this common project, these three industry associations worked in tandem toward the shared vision of developing the infrastructure of the independent music industry in Alberta, Saskatchewan, and Manitoba.

After four successful All Indie Weekends, these MIA's decided to join forces and resources to create a new entity in further promoting prairie music to the world, calling it the Prairie Music Alliance Inc. (May 1999). In 2001 ARIA ratified the by-laws changing the criteria for membership. Full members with voting rights and consideration for Board positions constituted…"those companies and individuals whose principal source of income is earned from the following activities in the Alberta music industry: Artists, songwriters, publicists/promoters, producers, engineers, studios, labels, publishers, distributors, artists managers, public broadcasters."

The Associate and Sustaining Memberships were introduced at that time as well. The Western Canadian Music Alliance Inc. (January 2003) was formed in late 2002 when the Prairie Music Alliance expanded, inviting the Music Industry Associations of BC and the Yukon to join forces in creating a new entity. The vision of developing the infrastructure of a regional music industry is intact and now shared across these five provinces.

In October of 2007 the members of the Alberta Recording Industries Association voted to change the name to the Alberta Music Industry Association. This was in line with other music industry associations in the country who were striving to be looked upon as an all-inclusive resource for the music industry.

Currently, Alberta Music has a permanent staff of five, with offices in Edmonton and Calgary (January 1). The organization frequently runs information sessions and workshops, provides financial tour support, assistance in attending festival/conferences and produces showcase opportunities for artists at events like Canadian Music Week (Toronto), The Great Escape (Brighton) and Reeperbahn (Hamburg).

The Mission Statement is "Building, connecting and inspiring a dynamic Alberta music industry."

- The Alberta Music Industry Association is a non-profit, service-based association dedicated to helping professionals in the music industry to succeed in their careers. We are here to build, connect and inspire a dynamic Alberta music industry.

- Member Services – grants, programs, advice, workshops, etc.
- External advocacy work – work with other organizations, government, advocacy, partnerships.
- Maintain the support and growth of the Western Canadian Music Alliance.

The Alberta Music Industry Association serves:

- Bands/Artists, Managers, Publicists, Labels, Studios, Producers, Engineers...well, everyone in the Alberta music industry

Partners include:

- Government (Provincial and Municipal)
- Radio Broadcasters (through Canadian Content Development Programs)
- FACTOR (Foundation to Assist Canadians Talent On Recordings)

Establishment Date: 1980

Community Activities: http://www.albertamusic.org/about

Membership Information: http://www.albertamusic.org/membership

Altafonte Music Network

Altafonte the #1 music distributor for Spanish independent labels, covering services for all formats from streaming of singles to vinyl albums.

[PIAS] Entertainment Group and Altafonte have formed an alliance in Iberia and Latin America. As part this [PIAS] agreement we: represent [PIAS]'s labels; do physical distribution of CD's, DVD's, and vinyl; direct and carry out marketing and promotion campaigns; administer related rights; and digitally represent some of the artists from their digital catalogue. This alliance has made them the largest independent physical supplier in Spain and Portugal.

Altafonte is also the leading independent digital distribution company in Iberia and Latin America. It has agreements and alliances with leading labels, producers, distributors, management entities, communication companies, and concert/festival promoters. These alliances span countries including Spain, Portugal, Mexico, Cuba, Colombia, Chile, Uruguay and Argentina, among others. Altafonte actively operates in all of these markets while providing professional services throughout the region.

Altafonte also focuses its attention on the music industry in the United States, where the strong presence of Latin music and culture continues to grow.

Altafonte distributes digital and physical music to over 100 platforms worldwide including Apple iTunes, Spotify, Amazon, Google Play, Youtube, Vevo, 7Digital, Rdio, Vodafone, Rhapsody, Shazam, Napster, Deezer, Pandora, Slacker, Ovi, Orange and others.

Website: http://altafonte.com/en/

American Association of Independent Music (A2IM)

A2IM, launched in 2005, helps independent music labels improve business by promoting access and parity through advocacy, education and connection-building with one another and affiliated businesses. The Independent Music Sector has introduced, developed and supported nearly every new musical form which has impacted our society since the beginning of the recording industry. In the present day – perhaps more than ever – the independents are vital to the continued advancement of cultural diversity and innovation in music.

A2IM is a not-for-profit trade organization with over 270 independent Label Members (which include labels for globally top-selling artists such as Adele and Taylor Swift) and over 140 globally-recognized Associate members. A2IM serves the Independent music community as a unified voice representing a sector that, according to Billboard Magazine, comprises over 34.5% of the U.S music industry's market share, as much as 80% of the music industry's releases, a significant portion globally. The organization represents the Independents' interests in the marketplace, in the media, on Capitol Hill, and as part of the global music community.

A2IM also has over 140 Associate Members, such as Apple iTunes that **accounts for 63% of global digital music market** according to Apple Insider with a catalog of over 26 million songs, available in 119 countries. Other Associate A2IM members include Pandora (72.4m active users), Spotify (6m paid subscribers, 24 million active users in 35 countries) and Youtube, the largest video site in the world. Other A2IM Associate members also include entities associated with global governments, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik), which represent significant economies in the music sector.

Establishment Date: 2005

Community Activities: http://a2im.org/mission/

Membership information: http://a2im.org/about-joining/

Archive of Contemporary Music (ARC)

The ARChive of Contemporary Music (ARC) is a not-for-profit archive, music library and research center located in New York City since 1985.

ARC contains more than 2.25 million sound recordings (22 + million songs). ARC preserves two copies of each recording, in all known formats, and has electronically catalogued more than 300,000 sound recordings – more than any other public, university or private library. ARC also houses more than three million pieces of attendant support material including photographs, videos, DVDs, books, magazines, press kits, sheet music, ephemera and memorabilia.

The value of ARC's collection is not only in the rareness of many of its recordings, but in the breadth, size and organization of the collection. For every signed and unique copy of an early Rolling Stones LP, there are hundreds of relevant, formative, relatively unknown recordings that contributed to its creation, and thousands that benefit from its existence.

The ARChive collects, preserves and provides information on the popular music of all cultures and races throughout the world from 1950 to the present. The ARC grows daily as hundreds of record companies, publishers, distributors, collectors, artists and music fans from around the world donate new materials to the ARC. In addition to sound recordings the ARChive actively collects all books, magazines, videos, films, photographs, press kits, newspapers clippings, memorabilia and ephemera relating to the history of popular music. ARC also maintains a variety of informational databases other than those on recordings and books, notably its Music Index of 52,000+ people working in the music industry.

The ARChive was established because for decades the recording industry had neglected the preservation of its own heritage, and over the years many irreplaceable recordings and artifacts have been misplaced or destroyed. Even as the new medium of CDs placed many out of print recordings back in circulation, many re-issues have different or truncated material, and many CDs themselves are already out of print. When we began the recording industry was doing little to preserve its own heritage, as the film industry recently did after realizing that nearly half of all films produced before 1950 have been lost. The 21st century heralds the demise of the object in any form; even more reason for the scrupulous preservation of original releases of musical works.

In general libraries and sound archives have also been slow or resistant to preserving emerging popular music. Most considered popular music "commercial" and therefore less worthy of saving–or more able to survive on its own. The ARChive is America's first non-affiliated popular music archive. We believe that all forms of popular music — jazz, be-bop, bluegrass, country, rock, rap, blues, enka, reggae, calypso, zydeco, zouk and countless others — are important culturally. Not only do they entertain, they reveal to the world a great deal about a people and their values.

The ARChive of Contemporary Music was founded by B. George, the current director, and David Wheeler (1957-1997). The collection is maintained by Senior Archivist Fred Patterson. Archivist in charge of our book scanning projects is Quinn MacRorie. Those pesky day to day things are done by volunteers from the community and interns from many different schools and universities. Bill Levay is our newest archivist and tech person.

Mission statement: To collect, preserve and provide information on the popular music of all cultures and races throughout the world, produced from 1945 to the present.

Website: http://arcmusic.org

Associação Brasileira da Música Independente (ABMI) – Member of the Brazilian Coalition

The Brazilian Association of Independent Music (ABMI) was founded in January 2002. ABMI operates in the Brazilian market and global to promote the production and distribution of independent Brazilian music. Currently, the association represents the majority of record labels in Brazil.

ABMI also has an international presence to promote Brazilian music globally. The ABMI is a member of the WIN - Worldwide Independent Network – the worldwide association of independent record companies and associations, with more than 800 associates worldwide. ABMI also actively participates in Merling representing over 20,000 labels from 39 countries. Merlin focuses purely on the interests of the global independent music sector.

Establishment: 2002 http://abmi.com.br/website/abmi.asp?id_secao=3

Community Activities: http://abmi.com.br/website/abmi.asp?id_secao=3&id=9

Membership information: http://abmi.com.br/website/faq.asp?id_secao=9

Associação de Músicos Artistas e Editoras Independentes (AMAEI) / Portuguese Independent Music Association

The Portuguese Independent Music Association represents the Portuguese music sector. AMAEI members include:

- **Associated Publishers:** Independent Publishers than those of AFP or AFI. It is understood by "independent" that are not owned by a larger corporate structure, which exceeds the scope of the Association.
- **Musicians:** Independent artists without publishing contracts with major publishers, interested primarily in issues of copyright, or if edit by independent publishers, who own the rights to their own "Masters".
- **Artists:** Are artists AMAEI independent artists still unedited;
- **Associates:** Professional of the surrounding area of independent music, not necessarily linked to issues that want to join the AMAEI. Are, for example, agents or managers with or without corporate structure (SMEs) itself, which primarily work independent artists, agents, PR (PR's), shops with a focus on independent music, websites and platforms to disseminate independent music, *bloggers*, DJs , VJ's, Radios College, etc..
- **Friends of AMAEI:** Friends of St. AMAEI any commercial entities wishing to promote their services or geared to the independent music sector products preferred, directly to the Associates, through a contribution to the funding of the Association or one or more of its specific programs.

Website: http://amaei.pt/

Association of Independent Music (AIM)

AIM is a trade body established in 1999 to provide a collective voice for the UK's independent music industry. AIM represents over 800 member companies, from the largest and most respected labels in the World, to small start-ups and individual artists releasing their own music for the first time. AIM promotes this exciting and diverse sector globally and provides a range of services to members, enabling member companies to grow, grasp new opportunities and break into new markets.

The UK's independent music sector produces some of the most exciting and popular music in the World, and makes a huge contribution to the country's economy. AIM's 850+ members span every musical genre and every corner of the UK. They are a vibrant, entrepreneurial and diverse bunch who have one thing in common: the music comes first.

AIM oversees a sector whose artists have claimed six of the last ten Mercury Music Prizes and regularly accounts for 30% of all UK artist album awards (silver, gold, platinum). Artists signed to member labels include: Adele, Amadou and Miriam, Arctic Monkeys, Bon Iver, Bjork, Caro Emerald, Franz Ferdinand, Friendly Fires, Grimes, Netsky, Radiohead, Roots Manuva, Royksopp, The Prodigy, Queens of the Stone Age, The Strokes, The Walkmen, The White Stripes and thousands of others.

Website: www.musicindie.com

Membership Information: http://musicindie.com/membership

Australian Music Industry and Regional Coalition

The Austrialian music industry and regional coalition was created to promote music from Australian and all of its regions. The .MUSIC Initiative will work with the music coalition to ensure the protection of Australian geographic names consistent with ICANN Government Advisory Committee (GAC) advice and to advance the promotion of Australian music, culture and the arts internationally.

Coalition members include:

- Australian Independent Record Labels Association (AIR). Website: AIR.org.au
- Contemporary Music Services Tasmania. Website: musictasmania.org
- Music Australian Capital Territory
- Music New South Wales (Music NSW). Website: MusicNSW.com
- Music South Australia. MusicSA.com.au
- Music Victoria. Website: MusicVictoria.com.au
- Northern Territory Music Industry Association. Website: MusicNT.com.au
- Queensland Music Network. Website: Qmusic.com.au
- Western Australian Music Industry Association (WAM). Website: WAM.asn.au

AudioMicro

AudioMicro provides over 150,000 royalty-free stock music tracks from Grammy award-winning artists and over 310,000 sound effects from Oscar-winning sound effects artists. Clients include Microsoft, CBS, Discovery and other leading brands.

AudioMicro operates a network of digital content licensing marketplaces, each targeted at a specific vertical —royalty free stock music, sound effects, YouTube music video monetization and photos.

Website: http://www.audiomicro.com

Member Registration: http://www.audiomicro.com/register

Bandzoogle

Bandzoogle, founded in 2004, is a music-focused advanced website builder platform for tens of thousands of bands around the world. Bandzoogle provides online tools for musicians to build a professional website, promote their music, and sell directly to fans. The all-in-one platform lets an artist's website become the hub of all their online activity, with a built-in store, fan management tools, email and text message blasts, detailed reporting and integration with social networks. Thousands of bands use Bandzoogle to build their music websites and growing.

Establishment: 2004

Community Activities: https://bandzoogle.com/about-us

Membership information: https://bandzoogle.com/try-it-free

Believe Digital

Created in 2004, Believe Digital is the largest, leading digital distributor and services provider for independent artists and labels. Innovative digital distribution and promotion technology integrated with over 350 digital music stores in the world, including all major online and wireless digital music stores. Believe Digital's distribution network includes a wide range of digital music services such as iTunes, Amazon, Deezer, Google, Virgin, Rdio and Spotify, video streaming services such as YouTube and Dailymotion, and mobile services such Vodafone, H3G, Orange, Telecom Italia and many more. Believe has an extensive network of offices (UK, USA, France, Italy, Germany, Spain, Portugal) to efficiently coordinate international promotion of its music artists. Believe Digital's innovative digital distribution and promotion technology is integrated with several hundred digital music stores worldwide distributing millions of songs. Believe Digital has direct agreements with digital music services to guarantee higher revenues and quick and efficient digital distribution for labels and artists.

Believe Digital has offices in France, Italy, Germany, UK, US, Canada, Spain, Brazil, Turkey, Russia, Mexico, Singapore, Poland, Malaysia, Argentina, Chile and Indonesia with more opening worldwide.

Establishment: 2004

Community Activities: http://www.believedigital.com/network

BFM Digital

BFM Digital is a global digital music company committed to serving the independent music community, linking artists to the digital marketplace.

BFM Digital is a global digital music company committed to serving the global music community and delivering quality music, spoken word and video content to leading online retailers worldwide. Representing a diverse catalog of indie labels, artists and publishers, BFM distributes to all of the major music services including iTunes, Amazon, Rhapsody, eMusic, Napster, Walmart, Nokia and many more.

With an unparalleled commitment to personalized service, BFM works closely with their content providers from around the world to ensure maximum exposure of their catalog by customizing marketing efforts and building strong relationships with BFM's digital store partners.

Establishment: 2010

Website: http://bfmdigital.com

Distribution partners: http://bfmdigital.com/we/bfm-distribution-partners

BMAT

BMAT provides global music identification that monitors over 16 million songs and growing in over 3000 radios and televisions across more than 60 countries worldwide.

The BMAT Vericast solution provides real time recognition and auditable reporting based on an audio fingerprint that is resistant to signal alterations such as voice over, broadcast mastering or noisy channel degradation.

With continuous and precise tracking, Vericast guarantees accurate emission reports, making it ideal for transparent and efficient royalty distribution.

BMAT's Airplay Monitoring:

- reports title, artist, label, ISRC, ISWC, channel, duration, date and time
- recognition rate >99,9% (90% for background music)
- standard minimum time of recognition: 4 seconds
- content ingestion formats: DDEX, amazon, itunes-XML, ID3-tag, XML, XLS
- broadcast formats: DVB-S, DVB-C, DVB-T, UHF, VHF, AM, FM
- content update feeds from Universal, SONY, EMI, Warner, The Orchard, Ingrooves

BMAT also offers music curation services. BMAT's Ella service provides audio analysis, search and recommendation engine for media services to understand and personalize music.

Ella provides perceptual coherent music browse and discovery through the various fields of knowledge available: context (title, artist, labels, release date, country, language, release date, popularity…), content (mood, voice presence, pitch, key, chord progression, beats per minute…), and user data (buying history, listening behavior, playlist habits…).

BMAT's Music Curation Services include:

- REST-Based Web Service API (XML, JSON, M3U, XSPF)
- support for Debian and Redhat distros
- powered by a constantly growing song database of 16M tracks
- multi-million track capacity in 1 server
- supporting all popular media formats: MP3, OGG, MPEG, WMA, AVI…

BMAT represents clients (see http://www.bmat.com/clients/) that include Performing Rights Organizations and Collection Societies such as:

- AADI: a non profit-making organisation that, since 1954, has been responsible for the collection, management and distribution of the performing rights of musicians in Argentina. It is a member of the Federation of Ibero-Latin American Performers.
- ACUM: a non-profit corporation administering the rights assigned to it by its members: authors, composers, lyricists, poets, arrangers and music publishers in Israel.
- AFP: defends the rights and interests of the Phonographic Industry in Portugal. Its main activities are combating piracy of copyrighted works and monitoring the legislative process at the local and international dissemination of statistical data.

- AGADU: was established in 1929 as a non-profit copyright collecting society in Uruguay. AGADU defends the rights of national and foreign authors.
- AGATA: Lithuanian Neighbouring Rights Association, is collecting society acting on behalf of performers and phonogram producers. Since 2002 AGATA is a member of AEPO-ARTIS and SCAPR.
- AGEDI: the Spanish Performing Right Organization managing the intellectual property rights of phonographic producers.
- AIE (Artistas Intérpretes o Ejecutantes): the Spanish Collecting Society authorized by the Ministry of Culture in Spain to defend the rights of the performers.
- AKKA/LAA: the Latvian authors' society. AKKA/LAA brings together diverse authors by collectively implementing the management of their creation rights.
- APA (Associated Authors from Paraguay): a non-profit and private collecting society, which collects and distributes royalties related with authors' rights.
- APDAYC: the association of authors and composers in Peru.
- ARTISJUS: the Hungarian bureau for the protection of authors' rights.
- ASCAP: an organization owned and run by its members, is the leading U.S. Performing Rights Organization representing over 520,000 songwriters, composers and music publishers.
- AudioGest: founded in 2002 as a collection and distribution entity for the recording industry. Today, AudioGest represents all phonographic repertoire available in Portugal.
- BMI: founded in 1939 by forward-thinkers who wanted to represent songwriters in emerging genres, like jazz, blues and country, and protect the public performances of their music. *BMI* is a leader in music rights management, advocates for the value of music, representing more than 8.5 million works of more than 650,000 copyright owners.
- CAPIF: represents the music industry in Argentina. It is a non-profit organization composed of multinational and independent record companies.
- COMPASS: an organisation created to protect and promote the copyright interests of composers, authors (and their heirs) and publishers of musical works and their related lyrics.
- COSCAP: with its 322 composer, author and publisher members, as well as 298 performer and producer members – is widely recognized as the Barbados' main music industry association.
- COTT: is the premier collecting society for composers and for the protection of musical works in Trinidad and Tobago
- CUD (Cámara Uruguaya del Disco): a non-profit organization that represents phonographic producers and since 2005 is been recognized as a Collecting Society by the IFPI.
- ECCO: administers copyright and related rights on behalf of its members in the Eastern Caribbean.
- FILSCAP: the Filipino Society of Composers, Authors and Publishers, Inc. is the association of composers, lyric-writers and music publishers to administer the public performance and reproduction rights of original musical works.
- GDA: is a public, non-profit organization in Portugal that represents artists' rights when their creations are composed, commercializated or used in Portugal.
- HKRIA: was established in October 2008. It is a not-for-profit copyright management organization to handle the copyrights of members who are record companies from Hong Kong and overseas.
- JACAP: commenced operations in 1999 to take over the operations of the local Performing Right Society London (PRS) agency in the collective administration of music copyright in Jamaica.
- JAMMS: was incorporated in 2006 as a private, non-profit organization established under the Copyright Act of Jamaica, to administer the intellectual property rights granted to 'Record Producers'.

- Koda: represents approximately 40,000 Danish composers, songwriters and music publishers. Through reciprocal contracts with rights societies in more than 115 countries.
- LaIPA: represents more than 1,200 Latvian performers and more than 700,000 foreign performers in Latvia; Latvian and foriegn producers; as well as, major and independent record labels.
- LATGA-A: is a collective copyright management association established by Lithuanian authors and creative unions back in 1990.
- MESAM: the Turkish society for musical performing and mechanical reproduction rights.
- MPC Music Company Limited is a music licensing company in Thailand. MPC was formed in 2003 to license and control public performance rights for MCT and Phonorights.
- MÜ-YAP: was established in 2000 to represent neighbouring rights of phonogram producers. Currently, the society has 92 members, representing nearly 80% of the music industry in Turkey.
- Muyorbir: was established in 200 by 52 founding members. Today, MUYORBIR represents 95% of the recorded production companies of Turkish music industry.
- PPL: licenses U.K/ recorded music played in public or broadcast and then distributes the licence fees to its performer and recording rightholder members.
- PRODUCE: Panamanian Society of Phonographic Producers, is a non-profit civil organization that seeks to safeguard the interests of national and international phonogram producers, whose recordings are being marketed in the Republic of Panama.
- PROFOVI: a private, non-profit organization that represents and defends the intellectual property rights of phonographic music producers of Chile.
- Promusicae (Productores de Música de España): a trade group representing the Spanish recording industry.
- Public Performance (Malaysia) or PPM: established in 1988, is a wholly owned non-profit subsidiary of the Recording Industry Association of Malaysia (RIM). PPM represents all eligible Malaysian recording companies who are members of RIM.
- Recorded Music NZ: is the industry representation, advocacy and licensing organisation for recording artists and their labels in New Zealand.
- SABAM: is the Belgian Society of Authors, Composers and Publishers. Founded in 1922, SABAM today consists of thousands of artists from every artistic discipline imaginable.
- SACEM: is the French association that collects payments of artists' rights and distributing these royalties to the original songwriters, composers and music publishers.
- SAYCE: is a non-profit collecting society from Ecuador and member of the CISAC group (The International Confederation of Authors and Composers Societies).
- SAYCO: is the collecting society for authors and composers rights in Columbia. SAYCO administers copyright and related rights on behalf of its members.
- SBACEM: is the Brazilian Society of Authors, Composers and Music Writers, based in the city of Rio de Janeiro, founded on April 9, 1946.
- SCD: is the only music rights collecting society in Chile. SCD's main objective is to manage music rights of Chilean authors and foreign musicians in Chile.
- SESAC: was founded in 1930, making it the second oldest PRO in the United States. SESEC's headquarters is in Nashville and it has offices in New York, Los Angeles and London. SESAC currently licenses the public performances of more than 400,000 songs on behalf of its 30,000 affiliated songwriters, composers and music publishers, which include such familiar names as Bob Dylan, Neil Diamond, RUSH, Charli XCX (PRS), Disclosure (PRS), Zac Brown, Mumford & Sons (PRS), Lady Antebellum, The Avett Brothers, Shirley Caesar, Paul Shaffer and Thompson Square. SESAC has long represented the music on some of TV's biggest shows including Grey's Anatomy, How I Met Your Mother, Parenthood, Dateline NBC, Dr. Phil, Seinfeld, and The Doctors among many others and is the PRO of choice among many of Hollywood's most sought-after film and television composers including Christophe Beck, Jeff

Beal, Danny Lux, Jon Ehrlich, Dennis C. Brown, Bruce Miller and Paul Shaffer among many others.

- SGACEDOM (General Society of Dominican Authors, Composers and Music Publishers): is a non-profit collecting society established in 1996.
- SGAE: is a private entity dedicated to the defence and collective management of intellectual property rights in Spain. SGAE represents more than 103,000 members.
- SGP: the collecting society of Paraguay, was established to administer and defend the rights of artistes and producers whenever their music is used in public places.
- SIAE: is the performing rights society of authors and publishers for Italy. SIAE's Headquarters and registered office is located in Rome.
- SOBODAYCOM: is the society representing authors and composers in Bolivia.
- SOMEXFON (Sociedad Mexicana de Productores de Fonogramas, Videogramas y Multimedia, Sociedad de Gestión Colectiva): is the collective management society that is responsible for the collection, at the national level, of the royalties for the public use of the recorded music catalog it represents.
- SOPROFON: is the Performing Rights Organization managing the intellectual property rights of phonographic producers in the Republic of Ecuador.
- SPA: is a limited liability cooperative, established in 1925 to manage authors' rights. It is the sole entity of its kind in Portugal, representing more than 20,000 Portuguese authors and authors from about 200 sister societies in 90 foreign countries.
- SPAC: is a non-profit Collective Management Entity nonprofit in Panama. Its mission is to preserve copyrights and efficiently manage the resulting economic use of public works of national and foreign members of the organization.
- SUDEI: founded in 1951, is the first collective rights management association for music interpreters in Uruguay.
- Teosto: is the copyright organization for composers, lyric writers, arrangers and music publishers in Finland.
- UACRR: administers public performance rights, mechanical recording and reproduction rights, and dramatic rights. UACRR is the only internationally recognized Ukrainian collecting society.
- UNIMPRO: is a collective management society representing the recording music industry of Peru.
- UPFR: is the collecting society covering copyright related rights owed to music producers in Romania.
- ZIMURA Zimbabwe Music Rights Association: is an association of composers and publishers of music established to protect the rights of Zimbabwe author members under the copyright law.
- ZPAV: is an association of producers of phonograms and videograms in Poland. Founded in 1991, ZPAV has been authorized by the Ministry of Culture to act as a collective rights management organization.

BMAT also represents clients (see http://www.bmat.com/clients/) that include major music labels and major music publishers such as:

- EMI Music Publishing: part of the EMI Group, also known as EMI Music, or simply EMI, is headquartered in London, United Kingdom.
- SONY/ATV Music Publishing: was established in 1995 as a joint venture between Sony Corporation and ATV Music Publishing.
- Universal Music Group: is the world largest music content company with market leading positions in recorded music, music publishing, and merchandising.

Establishment Date: 2006

Website: http://www.bmat.com

Distribution partners and clients represented: http://www.bmat.com/clients

Brasil Musica & Artes (BM&A) – Member of the Brazilian Coalition

The BM&A (Brasil Música & Artes), is a non-profit organization, set up in July 2001 with the objective of encouraging and organizing the promotion of Brazilian music abroad, working with artists, record companies, distributors, exporters, collection societies and cultural entities. It carries out activities on behalf of the whole sector, including organizing seminars, and workshops, carrying out international market studies and trade fairs, and promotion (media, promotional material, international showcases, and partnerships with foreign institutions etc).

Establishment: 2001

Community Activities: http://bma.org.br/site/sobre.php

Membership information: http://bma.org.br/site/associados.php

Brazil Music Coalition

The Brazilian music coalition was created to promote music from Brazil. The .MUSIC Initiative will work with the music coalition to ensure the protection of Brazilian geographic names consistent with ICANN Government Advisory Committee (GAC) advice and advance the promotion of music, culture and the arts internationally across all countries.

Coalition members include:

- Brazilian Association of Independent Music (ABMI). Website: ABMI.com.br
- Brazil Music Exchange (Brasil Musica & Artes). Website: BMA.org.br

BroadJam

Broadjam, founded in 1999, is an online music community of over 120,000 musicians providing web-based promotional tools and services for independent musicians, the music industry and fans around the world. Broadjams's music library has over 500,000 songs.

Broadjam provides web-based promotional tools and services for independent musicians, the music industry and fans around the world. One of the world's largest web communities focused on independent music, Broadjam.com hosts a massive online database of searchable songs by artists from all 50 U.S. states and over 150 countries worldwide. The Broadjam Pro Services group designs and builds custom technology for music industry clients such as Warner/Chappell, Academy of Country Music, Peavey, Yamaha and others.

Establishment: 1999

Community Activities: http://www.broadjam.com/aboutus/index.php

Membership information: http://www.broadjam.com/signup/broadjam/index.php (musician membership) and http://www.broadjam.com/signup/broadjam/index.php?fm=1 (fan membership)

Canadian Independent Music Association (CIMA)

The Canadian Independent Music Association (CIMA), founded in 1975, is the not-for-profit national trade association representing the English-language, Canadian-owned sector of the music industry. CIMA's membership consists of Canadian-owned companies and representatives of Canadian-owned companies involved in every aspect of the music, sound recording and music-related industries. They are exclusively small businesses which include: record producers, record labels, recording studios, managers, agents, licensors, music video producers and directors, creative content owners, artists and others professionally involved in the sound recording and music video industries.

CIMA's mandate is to develop and advocate policies and services that serve to support a strong and economically stable Canadian independent music and sound recording industry, ensuring the long-term development of the sector and to raise the profile of Canadian independent music both in Canada and around the world.

CIMA continues to take a leadership role in improving the economic viability and well-being of the independent music and sound recording sector in important areas such as cultural industry policies and programs; intellectual property and copyright law; tax laws and tariffs; international export and trade development programs; and professional development.

Establishment: 1975

Community activities: http://www.cimamusic.ca/about-cima/

Membership Information: http://www.cimamusic.ca/membership/

Canadian Music Industry and Provincial Music Industry Associations Coalition

The Canadian music industry and provincial music industry associations coalition was created to promote music from Canada and all of its provinces. The .MUSIC Initiative will work with the music coalition to ensure the protection of Canadian geographic names consistent with ICANN Government Advisory Committee (GAC) advice and to advance the promotion of Canadian music, culture and the arts internationally.

CIMA has successfully recruited the support of Canada's Provincial Music Industry Associations as active participants in the national coalition to support your .MUSIC initiative. What this means, is through CIMA (a national music trade association) and the provincial and territorial music industry associations (MIAs), the coalition truly represents a coast-to-coast community of music interests, from British Columbia in the west to Nova Scotia in the east. In addition to BC and Nova Scotia, the coalition will also include the provincial MIAs from Saskatchewan, Alberta, Manitoba, Ontario, Newfoundland, Prince Edward Island and New Brunswick.

CIMA and its partners look forward to working with the .MUSIC Initiative and to ensure that Canada's music industry as a whole takes advantage of and benefits from a safe and trusted top-level domain, through your innovative .MUSIC initiative.

Coalition members include:

- Canadian Independent Music Association (CIMA). Website: CIMAmusic.ca
- Alberta Music Industry Association. Website: AMIA.ca
- Manitoba Music. Website: ManitobaMusic.com
- Music British Columbia Assocation (BC). Website: MusicBC.org
- Music New Brunswick (NB). Website: MusicNB.org
- Music Newfoundland (NL). Website: MusicNL.ca
- Music Nova Scotia. Website: MusicNovaScotia.ca
- Music Ontario
- Music Prince Edward Island (PEI). Website: MusicPEI.com
- Saskatchewan Recording Industry Association. Website: SaskMusic.org

Canadian Music Week

Canadian Music Week began in 1981, and has grown to become one of Canada's largest and most influential media and music conferences. It draws top industry professionals to participate in a four-day program of activities. Designed to stimulate the exchange of market intelligence, increase dialogue and provide networking opportunities, Canadian Music Week continues to present the ideal platform for more than 2,000 national and international delegates.

Canadian Music Week is recognized as one of the premier entertainment events in North America focusing on the business of music. We bring together Sound Recording, New Media and Broadcast for one spectacular week of events… Combining informative, intensive conferences, a cutting edge trade exhibition, award shows, film festival, comedy festival and Canada's biggest New Music Festival. The Canadian Music Week festival spans 5 nights of performances, with 1,000 showcasing bands at more than 60 live music venues in downtown Toronto.

Website: CMW.net

CD Baby

CD Baby was founded in 1998. From its humble roots as a late-90's garage startup to their current standing as the biggest online distributor of independent music in the world, CD Baby has established itself as one of the most trusted names in the music business. With a supportive, hands-on approach to artist and label-relations, and a friendly, knowledgeable customer service team (who can actually be reached by phone), CD Baby has built a loyal client base of over 300,000 artists and millions of music-fans around the globe.

CD Baby is the **world's largest online distributor of independent music, with over 400,000 albums and 4 million tracks in its catalog**. CDBaby has paid out over $250 million to its artists.

Website: CDBaby.com

CMJ Network

CMJ. is a music events/online media company which hosts an annual festival in New York City, the CMJ Music Marathon. At CMJ.com, it publishes top 30 lists sent by stations which subscribe at a cost of a few hundred dollars a year. CMJ formerly published these lists in CMJ New Music Report, it also used to publish CMJ New Music Monthly, which was a magazine with interviews, reviews, and special features. Each monthly magazine came with a mix CD of 15–24 songs by well-established bands, unsigned bands and everything in between. The staff puts together CMJ Music Marathon, a convention and music festival, each autumn, in New York. A second festival: the CMJ Rock Hall Music Fest, took place in Cleveland in 2005 and 2006.

The company was started by Robert Haber in 1978 as the College Media Journal, a bi-weekly trade magazine aimed at college radio programmers and became CMJ New Music Report in 1982.Today, the CMJ Network connects music fans and music industry professionals with the best in new music through interactive media, live events and print. CMJ.com offers a digital music discovery service, information resources and community to new music fans, professionals and artists. CMJ Events produces the legendary CMJ Music Marathon, the largest and longest-running music industry event of its kind, in addition to live events and tours across the US. The weekly music-business trade magazine CMJ New Music Report is the primary source for exclusive charts of non-commercial and college radio. airplay. CMJ Access is an integrated marketing agency specializing in providing its clients unparalleled access to the college and young adult demographic and emerging music world.

Website: CMJ.com

Conductors Guild

Throughout its 35-year history the Conductors Guild has served as an advocate for the conducting profession throughout the world. Its membership of over 1,600 represents conductors on a global scale. The Conductors Guild was founded in 1975 at the San Diego Conference of the American Symphony Orchestra League, and it continued for a decade as a subsidiary of that organization. In 1985 the Guild became independent. Since 1985, the Guild has expanded its services and solidified its role as a collective voice for conductors' interests worldwide.

The Guild is concerned with the art and the craft of conducting, with practical problems encountered within the profession, with repertoire, and with the multiple roles that Music Directors must fulfill in orchestras, choruses, opera and ballet companies, wind ensembles, bands, musical theater, and other instrumental and vocal ensembles, whether these are professional or amateur, functioning independently or within the context of colleges, universities, and secondary or primary schools. The Guild's overall goal is to enhance the professionalism of conductors by serving as a clearing house for knowledge and information regarding the art and practice of conducting; further, to support the artistic growth of orchestras, bands, choruses and other conducted ensembles. The Guild has a broader potential role as well: to communicate to the music community the views and opinions of the conducting profession, for which the Guild can serve as a collective voice.

Website: ConductorsGuild.org

Membership Information: http://www.conductorsguild.org/membership/

Contemporary Music Services Tasmania (Music Tasmania) – Member of the Australian Coalition

Music Tasmania, formerly Contemporary Music Services Tasmania (CMST), is the peak body for Tasmania's contemporary music community.

Music Tasmania exists to proactively foster a network of support for Tasmanian musicians and music workers across a broad range of genres and business practices. Our objective is to engage with stakeholders to activate infrastructure, disseminate knowledge, and create developmental opportunities for original, contemporary Tasmanian music, to prosper locally, nationally, and internationally.

Music Tasmania's recent deliverables include: a rehearsal facility in Hobart, coordinating Tasmania's annual music showcase *Amplified*, providing educational resources and professional development opportunities, providing advice and referral services to its members, enhancing the profile and communication of Tasmanian music activities to local and national audiences, and advocating for Tasmanian musicians and music workers on issues of local and national significance.

Community Activities: http://www.musictasmania.org/about-cmst

Membership information: http://www.musictasmania.org/membership

Dashgo

Dashgo provides global music rights administration for 200,000 songs and digital distribution for over 10,000 artists.

Dashgo also provides monetization that is both global and hyper local. DashGo works to maximize the value of music catalogs in partnership with clients and align incentives, reaching over 30 worldwide digital platforms, such as Youtube, Spotify, iTunes, Amazon, Google Play, Beats, Shazam and others. Dashgo prides ourselves with longtime direct relationships and integration with download, streaming & radio services as well as collecting music royalties directly from SoundExchange.

Dashgo also is a YouTube MCN and is fully YouTube Certified with a strong network of creators and partners to help monetize sound recordings, compositions and music videos. The Dashgo music video network includes over 238,000 music videos, 1.2 million members with a reach of over 5.4 billion annual views.

Dashgo provides artists with full control over their music, providing management of music releases from a single platform. Dashgo also collects music royalties monthly, including providing UPCs, ISRCs, encoding and delivery to hundreds of the most popular digital music distributors. Dashgo also gives artists social analytics of their music to help track their performance across many social networks and internet radio stations.

Dashgo also provides labels with a unified, industry-leading dashboard to manage all of its artists' releases with complete encoding, metadata, and content archiving. Dashgo also gives labels comprehensive royalty reporting with complete label, artist, and publisher reporting to fit the label's needs and is Fully Harry Fox Agency reporting compliant.

Website: http://dashgo.com/login

DiscMakers

Founded in 1946, Disc Makers is the undisputed leader in optical disc manufacturing for independent artists, filmmakers, and businesses. Many of its 400 team members are musicians and filmmakers themselves. The company has pioneered many of the features currently taken for granted in the music and film industry: complete turnkey packages, integrated in-house manufacturing, board packages like jackets and Digipaks, promotional posters and value added promo services, quality unparalleled in the industry, the industry's only money-back guarantee, and turn times no one else can touch.

The company operates the most vertically integrated manufacturing facility in the industry out of its Pennsauken, NJ facility, and produced over 40,000 titles in 2010 and the number is still growing. Disc Makers will furnish from 1 to 1,000 discs (or tens of thousands when ordered). Disc Makers continues to be firmly focused on its mission: helping independents – whether musicians, filmmakers, or small businesses – compete head to head with companies much larger than themselves. In short, Disc Makers empowers artists to do what they love.

Website: DiscMakers.com

Echo Nest / Spotify

Founded in 2005, the Echo Nest is the industry's leading music intelligence company, providing developers with the deepest understanding of music content and music fans. Leading music services (Clear Channel's iHeartradio, MOG, Rdio, SiriusXM, Spotify, Warner Music), editorial, video and social media networks (BBC.com, Foursquare, MTV, Twitter, VEVO, Yahoo!), connected device manufacturers (doubleTwist, Nokia) and big brands (Coca Cola, Intel, Microsoft, Reebok) and a community of about 7,000 independent app developers use the Echo Nest platform and solutions to build smarter music experiences that help fans to better discover, share and interact with the music they love. The Echo Nest's customer base reaches over 100 million music fans every month through more than 400 apps and sites powered by The Echo Nest/ Powered by the world's only machine learning system that actively reads about and listens to music everywhere on the web, The Echo Nest opens up a massive repository of dynamic music data to application developers to re-shape how we all experience music.

The Echo Nest's Dynamic Music Data solution is the most comprehensive, constantly updated, socially connected feed of music information. Every day EchoNest aggregates a real-time feed of the best images, bios, blog posts, news, social conversations, and more -- **across millions of artists and 30 million+ songs**. The Echo Nest's intelligent stream of music data helps customers show their millions of fans what's actually happening in the music world, right now, while eliminating costly dependencies on stale metadata sources.

Website: Echonest.com

Flanders Music Centre

Flanders Music Centre is an organization established by the Flemish government to support the professional music sector and to promote Flemish music in Belgium and abroad.

The Flanders Music Centre promotes Flemish performers, composers and the Flemish professional music scene in general. It does this successfully by dividing its attentions between all musical genres, ranging from pop music to contemporary.

The Flanders Music Centre also provides information and advice about the business aspects of the music industry in Flanders. The Music Centre functions, above all, as the spokesperson for the music sector to the government and is continuing its efforts in the further development of the music scene in Flanders.

Website: FlandersMusic.be

France Music Coalition

The French music coalition was created to promote music from France. The .MUSIC Initiative will work with the music coalition to ensure the protection of French geographic names consistent with ICANN Government Advisory Committee (GAC) advice and advance the promotion of music, culture and the arts internationally across all countries.

Coalition members include:

- French Music Export (Bureau Export). Website: French-Music.org
- Believe Européen de Distribution et Services Numériques aux Artistes & Labels Indépendants: Website: Believe.fr
- Carnet De Route, Groupe de Créations Françaises Festives. Website: Groupe-CarnetdeRoute.fr
- Francophonie Diffusion. Website: FrancoDiff.org
- IRMA - Centre d'Information et de Ressources pour les Musiques Actuelles. Website: IRMA.asso.fr
- Music Story. Website: Music-Story.com

Francophonie Diffusion

Created in February 1993, Francophonie Diffusion promotes artists and music from the Francophone area through a worldwide network of more than 1000 medias (radio stations, online media), festivals and music supervisors worldwide located in 100 countries, provinces or territories. Francophonie Diffusion has been involved for 20 years in the promotion of artists from the Francophone area.

In addition to its role in the export of Francophone music, Francophonie Diffusion tends to initiate communication between all Francophone partners (radio broadcasters, online media, festivals, music supervisors, artists, record labels, agents, private and governemental operators) towards a common framework. Francophonie Diffusion constantly expands its international network and sets up exchanges and co-op programs between all partners providing professional tools especially designed for their needs.

Website: FrancoDiff.org

French Music Export (Bureau Export)

French Music Export Office (Bureau Export) is a French non-profit organization and network created in 1993, that helps French and international music professionals work together to develop Frenchproduced music around the world and to promote professional exchange between France and other territories. BureauExport members include labels, publishers, distributors, promoters, artist management offices or ensembles.

BureauExport is a global network whose mission is to help French music professionals develop their artists internationally, covering all styles of music***** (electronic, jazz, pop, rock, world, urban, classical). bureauexport has offices around the world, based in Berlin (for Germany / Austria / Switzerland / Benelux / Eastern Europe), London (for United Kingdom/Ireland), New York (for United States), Tokyo (for Japan), São Paulo (for Brazil), with a central office in Paris (for other territories).

Website: French-Music.org

Global Rock Summit

The Global Rock Summit (GRS) is an international rock music conference aimed at bringing together all aspects of the multi-billion dollar global rock music industry in one annual, focused gathering with a view of helping to further stimulate a very buoyant but often much overlooked sector of the music industry.

With many global companies working in the rock sector, the Global Rock Summit encourages these companies to enhance their business and creative activities around the time of the GRS, and in doing so, help draw more business opportunities to all in attendance.

Through a number of forums featuring rock's leading visionaries as well as unparalleled networking opportunities, the GRS brings together global music colleagues vested in all things rock. The event will provide its attendees (artists, managers, labels, publishers, agents, promoters, brands, media, etc. from all of rock music's many sub-genres"), with unique perspectives from around the world as well as the opportunity to further their creative and commercial opportunities.

Website: http://www.globalrocksummit.com

Hacate Entertainment Group

Hacate Entertainment Group is a music publishing company based in Oslo, Norway with a sister company in New York City. Hacate represents music of all genres, of the present and the past, from all over the world, to all over the world.

The company provides traditional music publishing representation (with a strong emphasis on synchronization licensing), music business consultation services for artists and companies, rights clearance (music, film/TV clip, logo, name & likeness) and music supervision. HEG is the Norwegian representative of BMG Chrysalis and represents the synch rights in Norway of Mars Music, Misty Music, Playground Music, Scandinavian Songs and Sony Music.

Establishment Date: 1989

Website: http://hacate.com

Horus Music

Horus Music, founded in 2006, is an independent music distributor, music publisher and record label based in the Midlands, UK distributing to 600 music download, streaming and mobile stores (such as iTunes, Amazon, Spotify, Rdio, Youtube, GooglePlay, Deezer, Rdio, Vevo, 7Digital, Shazam and others) globally in over 120 countries.

Website: HorusMusic.co.uk

IKON Russia

IKON is one of Russia's largest music organizations focusing in management, booking, promotion, events, records and publishing. IKON was founded in 2000 by Vlad Davydov, a Russian businessman, by the time already well known in professional circles in Russia and abroad. In May 2006 IKON was rated by Forbes as Russia's leading entertainment buyer.

In its early stages the company mainly acted as a booking agency in Russia and CIS booking or organizing performances of international pop stars such as Jamiroquai, Ricky Martin, Dannii Minogue, Bond, Benny Benassi, Geri Halliwell, Craig David, Sugababes, Bomfunk MCs, Shakira, Paul Oakenfold, Junkie XL, Asian Dub Foundation, Panjabi MC, Fluke, Duran Duran, UB40, Ten Sharp, Basement Jaxx, Touch and Go and many others. The company's catalog currently works from artists such as: David Guetta (FRA), Paul Oakenfold (UK / USA), Inusa DAWUDA (GER), Vacuum (Sweden), Touch & Go (UK), Ten Sharp (HOL), Gorchitza (UA), Ivan Dorn (UA). On the territory of the Russian Federation, together with partners, IKON manages the rights to the works of a number of other well-known foreign and domestic authors and performers

IKON provides business management, booking, distribution, production and promotion services for foreign artists in Russia and CIS in cooperation with leading Russian TV channels Muz TV, MTV, STS, Channel One, NTV, TV Center, MusicBox, A-One, O2TV; radio stations Europa Plus, DFM, Megapolis FM, Radio Mayak, Love Radio, NRJ, Radio Maximum, Radio Frame, Silver Rain Radio; major international publishing houses and print magazines Axel Springer AG (OK!), Bauer Media Group (Bravo), C-Media (Billboard), Hachette Filipacchi Media (Maxim), Hubert Burda Media (Playboy), Sanoma Magazines (Men's Health), Forward Media Group (Hello!), InStyle Magazine, F5, MK, KP; and popular web portals Mail.ru, PromoDJ.ru, Newsmusic.ru., Rutube.ru, Tata.ru, Muz.ru, Zvuki.ru, Loungemusic.ru, Intremoda.ru.

The company’s own communication department, a broad network of partners - venues, promoters, event agencies, entertainment brokers - in total more than 6000 contacts in Russia and the CIS, as well as direct cooperation with major channels of physical and digital distribution are key factors that allow artists signed by IKON to succeed in Russia and CIS. IKON has been working directly with major international brands such as Marlboro, L&M, West, Snickers, Burn, Adrenaline Rush, Coca-Cola, Pepsi, Parliament, Lamborghini, Jaguar, Audi, Volkswagen, Russian Standard, Bacardi, Martini, Martell, Nokia, Motorola, Sony, Samsung developing unique BTL strategies, providing consulting services and artists for communication campaigns, organizing over 1000 public concerts and corporate shows with major international stars in over 10 years.

Website: IKON.su

IMPALA (Independent Music Companies Association)

Formed in April 2000 by prominent independent labels and national trade associations, IMPALA has over 4,000 members. IMPALA is a non-profit making organisation with a scientific and artistic purpose, dedicated to cultural SMEs, the key to growth and jobs in Europe. IMPALA enables the independents to leverage collective strength to punch above their weight. IMPALA's mission is to grow the independent music sector, promote cultural diversity and cultural entrepreneurship, improve political access and modernise the perception of the music industry.

Some Label Members include:

- 8 Ball Music
- !K7 Records
- Beggars Group
- Kobalt
- CLS records
- Cobalt Music Helladisc
- Musikvertrieb
- Naïve
- Cosmos Music Group
- [PIAS] Music Group
- Edel Music AG
- Playground Music Scandinavia
- Epitaph
- Red Bullet Productions
- Everlasting Records
- [PIAS] Rough Trade Distribution
- Wagram Music

Some National Association members: include:

- AMAEI - Associação de Músicos Artistas e Editoras Independentes
- PMI - Produttori Musicali Indipendenti
- AIM - Association of Independent Music
- SOM - Swedish Association of Independents
- BIMA - Belgian Independent Music Association
- STOMP - Stichting Onafhankelijk Muziek Producenten
- DUP - Danish Association of Independents
- UFI - Union Fonografica Independiente
- FONO - Norwegian Association of Independents
- UPFI - Union des producteurs phonographiques français indépendants
- Indieco- Finnish Association of Independents
- VUT - German Association of Independents
- PIL - Israeli Federation of Independent Record Producers

Website: http://www.impalamusic.org

Membership Information: http://www.impalamusic.org/node/5

iMusician Digital

iMusician Digital, founded in 2007, is a digital distribution for independent bands and Musicians (with or without a label), labels and managements, based in Zurich, Berlin and Melbourne. iMusician puts artists' music into nearly 200 online music stores worldwide like iTunes, Amazon, 7Digital, Napster, eMusic or Spotify; available globally from Europe to America to Japan. iMusician also officially registers artists' music to ensure copyright is protected and for the proper monetization of artists' works.

Website: iMusicianDigital.com

Independent Music New Zealand (IMNZ)

Independent Music New Zealand (IMNZ) is a non-profit trade association – the New Zealand voice for independent record labels and distributors. Our members release the bulk of New Zealand music, including commercially successful artists as well as niche music genres. IMNZ started in 2001. These labels and distributors collectively represent the majority of all musical acts in New Zealand, producing the best music on the planet – but hey we're totally biased about that!

Independent Music New Zealand monitors and advocates for our members rights, working to spread their message, and lobbies for any changes to the industry that will benefit local labels and their artists. Some of the issues where it is important to represent the interests of our members include government legislation and the copyright act, quotas, commercial and noncommercial radio, parallel importing, government funding allocation and music policy, online licensing, piracy, synchronisation licensing and many others.

IMNZ is centrally located in Auckland, which provides easy access to our members, the majority of whom are based in the North Island. The IMNZ office is maintained at 7 Great North Road, Ponsonby. IMNZ is funded by member subscriptions and contributions from NZ Music Commission and PPNZ.

IMNZ's Vision: "A thriving independent music industry and culture in New Zealand"

The three IMNZ core objectives are:
1. To advocate the values and interests of our members and the New Zealand independent sector; working with the government, other cultural agencies and music industry bodies;
2. To aid the development and knowledge of our members by providing them all the necessary tools to develop their art and grow their business; and
3. To provide collective group benefits for our members and their businesses.
IMNZ is for New Zealand owned record labels and distributors. Eligibility for IMNZ membership requires a majority of New Zealand ownership of the label/distributor (or parent company) and the majority of your releases must be by New Zealand artists.

Website: http://www.indies.co.nz/imnz/

Membership Information: http://www.indies.co.nz/imnz/join-imnz/

INDMusic Network

INDMusic is a global music rights administration network which is YouTube Certified MCN. INDMusic has proprietary digital tools and services that help increase revenue and audience development on emerging platforms including YouTube, SoundCloud and Dailymotion. INDMUSIC helps the global music community and its channel partners monetize their content on multiple platforms without sacrificing creative control or rights to their music content.

The INDMusic community is composed of over 3.9 million network members and over 1900 channel partners. INDMusic community's network reach is over 3.5 billion monthly network views.

Website: http://www.indmusicnetwork.com

Community Sign-up: http://www.indmusicnetwork.com/join

INgrooves Fontana

INgrooves Fontana combines the best-in-class digital and physical distribution to empower the independent music community. It is a leading digital media distribution and technology company that provides clients customized marketing, promotion, sync licensing and administrative support to help maximize the earnings potential of specific music and video releases or catalogues. At the heart of INgrooves Fontana is ONE Digital: a proprietary, end-to-end digital asset management platform that automates many distribution and administration functions. INgrooves Fontana's platform is a content hub that connects directly to all leading online and mobile stores worldwide and distributes more than 300,000 songs globally.

Website: INgroovesFontana.com

International Association of Music Information Centres (IAMIC)

The International Association of Music Information Centres (IAMIC) is a global network of organizations which document and promote the music from our time. IAMIC "supports the work of 40 member organizations in 37 countries.

Music Information Centers across the world bear fundamental similarities: they provide specialized music resources for music students, performers, composers and music teachers; they act as visitor centers for any member of the public with an interest in learning about national musical heritage; they develop audiences for new music through educational and promotional projects.

Some members include:

- Australia (Australian Music Centre)
- Austria (MICA - Music Information Center Austria)
- Belgium (Flanders Music Centre) Belgium (CEBEDEM - Belgian Centre for Music Documentation)
- Belgium (MATRIX)
- Brazil (CIDDIC-Brasil/UNICAMP)
- Canada (Canadian Music Centre)
- Croatia (Croatian Music Information Centre KDZ)
- Cyprus (Cyprus Music Information Center - CyMIC)
- Czech Republic (Czech Music Information Centre)
- Denmark (Danish Arts Agency - Music Centre)
- England (Sound and Music - SAM)
- Estonia (Estonian Music Information Centre)
- Finland (Finnish Music Information Centre Fimic)
- France (CDMC - Centre de documentation de la musique contemporaine)
- Georgia (Georgian Music Information Centre)
- Germany (German Music Information Centre)
- Greece (Greek Music Information Centre / Institute for Research on Music and Acoustics)
- Hungary (BMC Hungarian Music Information Center)
- Iceland (Iceland Music Information Centre)
- Ireland (Contemporary Music Centre, Ireland)
- Israel (Israel Music Information Centre / Israel Music Institute)
- Italy (CIDIM / AMIC)
- Latvia (Latvian Music Information Centre - LMIC)
- Lithuania (Lithuanian Music Information and Publishing Centre)
- Luxembourg (Luxembourg Music Information Centre)
- Netherlands (Netherlands Music Information Centre)
- New Zealand (Centre for New Zealand Music - SOUNZ)
- Norway (Music Information Centre Norway)
- Poland (Polish Music Information Centre)
- Portugal (Portuguese Music Research & Information Centre / Miso Music Portugal)
- Scotland (Scottish Music Centre)
- Slovakia (Music Centre Slovakia)
- Slovenia (Slovene Music Information Centre)
- South Africa (Music Communication Centre of Southern Africa - MCCOSA)
- Sweden (Svensk Musik)
- Switzerland (Fondation SUISA pour la musique)

- U.S.A. (American Music Center)
- Wales (Ty Cerdd - Welsh Music Information Centre)

Website: IAMIC.net

Membership Information: http://www.iamic.net/join-iamic/

International Federation of Arts Councils and Culture Agencies

International Federation of Arts Councils and Culture Agencies (IFACCA) is the global network of arts councils and ministries of culture. with national members from over 70 countries comprised of governments' Ministries of Culture and Arts Councils covering all continents.

IFACCA has over 70 members, across all continents. A list of IFACCA members is available here [http://www.ifacca.org/membership/current_members/]. Please note that while the dotMusic project has been given in-principle approval by the board of IFACCA, it has not been endorsed by individual member organisations.

- Albania (Ministry of Tourism, Culture, Youth & Sport)
- Armenia (Ministry of Culture)
- Australia (Australia Council for the Arts)
- Bahamas (Ministry of Youth, Sports & Culture)
- Belgium (Ministry of the Flemish Community, Arts & Heritage)
- Belize (National Institute of Culture & History)
- Botswana (Department of Arts & Culture, Ministry of Youth, Sport & Culture)
- Bulgaria (National Culture Fund)
- Cambodia (Ministry of Culture & Fine Arts)
- Canada (Canada Council for the Arts)
- Cayman Islands (Cayman National Cultural Foundation)
- Chile (Consejo Nacional de la Cultura y las Artes)
- China (CFLAC - China Federation of Literary & Art Circles)
- Cook Islands (Ministry of Cultural Development)
- Cuba (Ministerio de Cultura de la República de Cuba)
- Denmark (Kulturstyrelsen - Danish Agency for Culture)
- England (Arts Council England)
- Fiji (Fiji Arts Council)
- Finland (Arts Council of Finland)
- France (Ministère de la Culture et de la Communication de France)
- Gambia (National Council for Arts & Culture of The Gambia)
- Grenada (Grenada Arts Council)
- Guyana (National Trust of Guyana, Ministry of Culture, Youth and Sport)
- Iceland (Ministry of Education, Science & Culture)
- India (Ministry of Culture)
- Ireland (Arts Council of Ireland - An Chomhairle Ealaíon)
- Jamaica (Ministry of Youth, Sport & Culture)
- Kenya (Bomas of Kenya)
- Lithuania (Ministry of Culture)
- Luxembourg (Ministère de la Culture)
- Malawi (Ministry of Tourism, Wildlife & Culture)
- Malaysia (Ministry of Information, Communication & Culture)
- Maldives (Ministry of Tourism, Arts & Culture)
- Malta (Malta Council for Culture and the Arts)
- Mongolia (Ministry of Education, Culture & Science)
- Mozambique (Ministério da Cultura)
- Namibia (National Arts Council of Namibia)
- Netherlands (Raad voor Cultuur - Council for Culture)
- New Zealand (Creative New Zealand - Toi Aotearoa)

- Niger (Ministere de la Communication, des Nouvelles Techonologies de l'Information et de la Culture)
- Northern Ireland (Arts Council of Northern Ireland)
- Norway (Norsk Kulturråd - Arts Council Norway)
- Palau (Ministry of Community & Cultural Affairs)
- Papua New Guinea (Ministry of Culture & Tourism)
- Portugal (Direcção-Geral das Artes)
- Qatar (Ministry of Culture, Arts & Heritage)
- Romania (Ministry of Culture & National Heritage)
- Saudi Arabia (Ministry of Culture & Information)
- Scotland (Creative Scotland)
- Senegal (Ministère de la Culture et du Tourisme)
- Seychelles (Ministry of Community Development, Youth, Sport & Culture)
- Singapore (National Arts Council of Singapore)
- Solomon Islands (Ministry of Culture & Tourism)
- South Africa (National Arts Council of South Africa)
- South Korea (Arts Council Korea)
- Spain (Secretaría de Estado de Cultura, España)
- Swaziland (Swaziland National Council of Arts and Culture)
- Sweden (Statens Kulturråd - Swedish Arts Council)
- Switzerland (Pro Helvetia - Swiss Arts Council)
- Tanzania (Basata: National Arts Council) Tunisia (Ministry of Culture)
- United Arab Emirates (Sharjah Museums Council)
- U.S.A. (National Endowment for the Arts)
- Vietnam (Ministry of Culture, Sports & Tourism)
- Wales (Cygnor Celfyddydau Cymru - Arts Council of Wales)
- Zambia (National Arts Council of Zambia)
- Zimbabwe (National Arts Council of Zimbabwe)

The DotMusic/DotArtist Initative along with its .MUSIC Arts and Culture Fund is an affiliate member of IFACCA. The Initiative will work with IFACCA to ensure the protection of country geographic names consistent with ICANN Government Advisory Committee (GAC) advice and advance the promotion of music, culture and the arts internationally across all countries.

Website: IFACCA.org

Membership Information: http://ifacca.org/membership/join/

International Music Managers Forum (IMMF)

The IMMF is the umbrella Executive Organisation utilising a collaborative network of MMF National Organisations formed in 1992 from over 22 countries comprising of over 1,000 individual entertainment manager members. The IMMF connects music managers around the world to share experiences, opportunities, information and resources.

Music conferences are a very good way keep in touch. In past years the IMMF has been involved in Conference programming, keynote events, breakout sessions specific to managers. IMMF has also 'Showcased' new artists at events at Midem (France), Popkomm (Germany), Reeperbahn Festival (Germany), c/o Pop (Germany), Musikmesse (Germany), In The City (UK), The Great Escape (UK), Go North (UK), Music and Media (Finland), Eurosonic (Netherlands), Festival In (Portugal), Monkey Week (Spain), BIME (Spain), Westway Festival (Portugal), Vienna Waves (Austria), Exit Festival (Serbia), Medimex (Italy), Tallinn Music Week (Latvia), Sonic Visions (Luxembourg), Big Sound (Australia), Musexpo (USA), SXSW (USA), Canadian Music Week (Canada), the World Creators Summit and WOMEX; many others.

The General Assembly of the IMMF is held twice a year at Midem and the Reeperbahn Festival to discuss IMMF Network's international strategies. At the last General Assembly at the Reeperbahn Festival September 2013, MMF representatives from 13 participating countries agreed on bilateral partnership programs among all members. The core aim is to improve cooperation amongst MMF members.

Only organizations which represent groups of individual or corporate entities acting as music managers may directly join as full members of the IMMF: The AAM Australia, MMF Australia, MMF Belgium, MMF Canada, MMF Denmark, MMF Estonia ,MMF France, MMF Finland, IMUC Germany, MMF Ireland, MMF Italy, MMF Luxembourg, MMF New Zealand, MMF Netherlands, MMF Norway, MMF Portugal, MMF South Africa, MMF Spain, MMF Sweden, MMF UK, MMF USA and MMF West Africa. The MMF Latin America is in foundation.

Individuals or companies who are music managers outside of the areas covered by existing member organizations may join the MMF nearest them either in geographic, social, cultural, or linguistic terms as International Members. The IMMF has vital relationships with: Council of Authors and Composers of Music / Center of International Arts Management (CIAM) Featured Artists Coalition (FAC) Dachorganisation der Musikschaffenden (DOMUS) International Federation of Musicians (FIM) Merlin Network International Confederation of Authors and Composers (CISAC).

Website: http://immf.com/

Membership Information: http://immf.com/membership/

IRMA

The Center for Information and Resources for Contemporary Music -- Le centre d'Information et de Ressources pour les Musiques Actuelles (IRMA) -- is an organization associated with the French Ministry of Culture and Communication and supported by music industry.

IRMA is an organization open to all constituents involved in contemporary music and provides information, guidance, advice and training. IRMA provides resources connecting all components of the music world, a place of exchange and tools for structuring practices and professions within music. Activities include publications:

- The Irma designs, manufactures and sells l'Officiel de la Musique as well as many directories, professional guides (collections Métiers de la musique) or thematic (collections Musique & société,).
- IRMA also distributes many professional books, including those published by professional organizations of music (Adami, Prodiss, SNEP).
- Irma has a specialized library of hundreds of books related to the music sector (legislation, technical, cultural policy and management, musicology).

Building on its expertise and capabilities, IRMA also works with governments, institutions, organizations, leaders and partners in the music industry in the context of collective issues of general interest relating to music.

Establishment Date: 1986

Website: http://www.irma.asso.fr

Lithuanian Music Information and Publishing Centre (LMIPC)

Lithuanian Music Information and Publishing Centre (LMIPC) was established in 1995 on the initiative of the Lithuanian Composers' Union. From 2001 LMIPC works as a non-governmental public company, founded by the Lithuanian Composers' Union. From 2006 LMIPC also runs Music Export Lithuania project aiming to maintain close contacts with all relevant parties in the Lithuanian music industry and facilitate exports of the Lithuanian music production in partnership with the Agency of Lithuanian Copyright Protection Association.

The LMIPC's mission statement is to make music created by the Lithuanian artists accessible, to get it performed and heard. In carrying out its role the centre documents, provides access, and actively promotes music by the Lithuanian artists.

Its mission statement is to make music created by the Lithuanian artists accessible, to get it performed and heard. In carrying out its role the centre documents, it provides access, and actively promotes music by the Lithuanian artists. The centre serves the needs of people professionally involved with music.

The LMIPC pursues the active promotion of Lithuanian classical and contemporary music among performers, organizers of music events, broadcasters, journalists, sending and giving out the packages of CDs, scores, catalogues, brochures, and other material, as well as organizes visits to Lithuania for music journalists and other interested parties. The LMIPC also collaborates with the international recording companies, licensing the recordings for release in various markets world-wide.

Website: MIC.lt

Luxembourg Export Office

Music:LX / Luxembourg Export Office is a non-profit organization and network created in 2009 with the aim to develop Luxembourg music of all genres around the world and to promote professional exchange between Luxembourg and other territories.

Music:LX helps its artists financially with the promotion of releases outside of Luxembourg and international tours and showcases. Music:LX participates on part of the transport and accommodation costs during a tour and takes in charge the costs of a PR agent to do the promotional work for a release abroad.

music:LX helps establish and consolidate relationships between Luxembourgian artists and international music professionals. We do so through organized meetings in both international territories and Luxembourg, along with networking events at different conferences/fairs including Eurosonic, MaMA, Jazzahead, WOMEX, Printemps de Bourges, CMJ, Sonic Visions and many others.

Website: MusicLX.lu

LyricFind

LyricFind is the world's leader in legal lyric solutions. Founded in 2004, LyricFind exists to fill the void of the most popular music content on the Internet – lyrics. In order to provide a successful lyrics service, LyricFind has not only **amassed licensing from over 2,000 music publishers, including all four majors – EMI Music Publishing, Universal Music Publishing Group, Warner/Chappell Music Publishing, and Sony/ATV Music Publishing** – but has also built a quality-controlled, vetted database of those lyrics available for licensing. Additionally, LyricFind works closely with The Harry Fox Agency to aggregate licensing from publishers.

Behind the scenes, LyricFind tracks, reports, and pays royalties to those publishers on a song-by-song and territory-by-territory basis. Additionally, LyricFind has a customized search solution available to licensees to identify music based on lyrics, and answer that age-old question of "What's that song?" LyricFind powers lyrics for many brands and over 1,000 different music sites and mobile applications such as Shazam, Bing, Lyrics.com, Cox, Slacker, Virgin, mSpot, Rhapsody and others.

Website: LyricFind.com

MMNY (Make Music New York)

MMNY is based on France's "*Fête de la Musique*," a national musical holiday inaugurated in 1982. Ever since, the music festival has become an international phenomenon, celebrated on the same day in more than 726 cities in 108 countries, including Germany, Italy, Greece, Russia, Lebanon, Ivory Coast, Australia, Peru, Colombia, Ecuador, Mexico, Canada, and Japan.

Now in its ninth year, **Make Music New York**, "the largest music event ever to grace Gotham" (*Metro New York*), is a unique festival of 1,000+ free concerts, all on June 21st, the first day of summer. MMNY takes place simultaneously with similar festivities in more than 726 cities around the world — a global celebration of music making.

From 10 in the morning to 10 at night, musicians of all ages, creeds, and musical persuasions — from hip hop to opera, Latin jazz to punk rock — perform on streets, sidewalks, stoops, plazas, cemeteries, parks and gardens. From high school bands to marquee names, MMNY is open to anyone who wants to take part, enjoyed by everyone who wants to attend.

Over 1,000 MMNY concerts have taken place in each of the last five years.

MMNY Participating Cities:

North Africa and Middle East:

Algeria: Oran **Egypt**: Cairo **Israel**: Jerusalem **Jordan**: Amman **Lebanon**: Beirut **Morroco**: Tangiers **Palestinian Territories**: Gaza, Nablus, Ramallah **Tunisia**: El Kef, Sfax, Sousse, Tunis

Sub-Saharan Africa:

Benin: Cotonou **Burkina Faso**: Ouagadougou **Burundi**: Bujumbura **Cameroon**: Douala, Garoua **Cape Verde**: Assomada **Chad**: N'Djamena **Comoros**: Fomboni, Moroni, Mutsamudu **Congo**: Brazzaville, Kinshasa, Lubumbashi, Pointe-Noire **Cote d'Ivoire**: Abidjian, Aboisso, Biankuma, Daloa, Dimbokro, Facobly, Grand-Bassam, Grand-Lahou, Korhogo, Man, Tortya, Yamoussoukro **Djibouti**: Djibouti **Equatorial Guinea**: Malabo **Gabon**: Libreville **Gambia**: Banjul **Guinea**: Conakry **Kenya**: Nairobi **Madagascar**: Ambatondrazaka, Antananarivo, Fandriana, Mjunga/Mahajanga, Moramanga, Sambava, Tamatave, Tolagnaro **Mozambique**: Maputo **Namibia**: Oshakati, Keetmanshoop, Windhoek **Niger**: Niamey, Zinder **São Tomé and Príncipe**: São Tomé **Senegal**: Dakar, Kaolack, Saint-Louis **Seychelles**: Victoria **South Sudan**: Juba **Tanzania**: Dar es Salaam **Togo**: Lomé **Uganda**: Kampala **Zambia**: Lusaka

Americas:

Argentina: Bella Vista, Buenos Aires, Cordoba **Barbados**: Bridgetown **Bolivia**: La Paz **Brazil**: Belèm, Campo Grande, Curitiba, Santos **Canada**: Notre-Dame-de-Lourdes, Quebec City, Sainte Agathe des Monts, Toronto, Vancouver **Chile**: Puerto Montt **Colombia**: Barranquilla, Bogota, Cali, Cartagena, Manizales, Medellin, Pereira, Valledupar **Dominican Republic**: Santo Domingo **Ecuador**: Cuenca, Guayaquil, Loja, Portoviejo, Quito **Guatemala**: Guatemala City **Haiti**: Cap-Haïtien, Port-au-Prince **Honduras**: Tegucigalpa **Jamaica**: Kingston **Mexico**: Cabo San Lucas, Juarez, Mexico

City, Puebla, Querétaro, San José del Cabo, San Luis Potosi, Toluca, Villahermosa, Xalapa **Nicaragua**: Leon, Managa, Matagalpa **Panama**: Panama City **Paraguay**: Asunción **Peru**: Ancash, Apurímac, Arequipa, Ayacucho, Cajamarca, Callao, Cusco, Huancavelica, Ica, Iquitos, Junìn, La Libertad, Lambayeque, Lima, Loreto, Moquegua, Piura, Puno, San Martìn, Ucayali, Trujillo **Saint Lucia**: Castries **Salvador**: San Salvador **Suriname**: Paramaribo **Trinidad and Tobago**: Port d'Espagne **United States**: Austin, Boston, Cambridge (MA), Chicago, Denver, Downey (CA), Issaquah (WA), Kalamazoo (MI), Laguna Beach (CA), Los Angeles, Madison (WI), Miami, Montclair (NJ), Nashville, New York City, Normal (IL), Oakland, Palo Alto, Pasadena, Philadelphia, Plymouth (NH), Portland (ME), Portland (OR), Riverside (CA), Santa Fe, Syracuse (NY) **Uruguay**: Montevideo **Venezuela**: Barinas, Barquisimeto, Caracas, Maracaibo, Maracay, Mérida, Puerto La Cruz, Valencia

Asia and Pacific:

Australia: Adelaide, Brisbane, Canberra, Melbourne, Perth, Sydney **Bangladesh**: Dhaka **China**: Beijing, Foshan, Guangzhou, Hong Kong, Jinan, Macau, Qingdao, Shanghai, Wuhan **Fiji**: Suva **India**: Ahmedabad, Bangalore, Chennai, Hyderabad, Kolkata, Mumbai, New Delhi, Pondicherry, Pune **Indonesia**: Bandung, Jakarta, Surabaya, Yogyakarta **Japan**: Himeji, Ibaraki, Kamakura, Kobe, Kyoto, Minoo, Moriyama, Nara, Nishinomiya, Ohtsu, Osaka, Sapporo, Shima, Suita, Takatsuki, Tokyo **Malasia**: Kuala Lumpur **Nepal**: Dharan, Kathmandu, Pokhara **New Zealand**: Christchurch, Wellington **Pakistan**: Karachi, Lahore **Philippines**: Manilla **Singapore**: Singapore South Korea **Sri Lanka**: Colombo **Taiwan**: Taipei **Uzbekistan**: Tachkent **Vanatu**: Lowanatom, Luganville, Motalava, Norsup, Port-Vila **Vietnam**: Hanoi

Europe:

Albania: Tirana **Andorra**: Andorra la Vella **Armenia**: Erevan **Austria**: Innsbruck, Vienna **Belgium**: [Nationwide] **Bosnia-Herzegovina**: Banja Luka, Bijeljina, Doboj, Istocno Sarajevo, Prijedor, Zvornik **Bulgaria**: Varna **Croatia**: Split, Zagreb **Cyprus**: Limassol **Czech Republic**: Ceske Budejovice, Plzen, Prague, Trebic **France**: [Nationwide] **Germany**: Annaberg-Buchholz, Aschersleben, Bamberg, Berlin, Brême, Bühl, Burg, Cologne, Dessau, Dresde, Erfurt, Erlangen, Essen, Francfort-sur-le-Main, Görlitz, Greifswald, Halle, Hanovre, Hennigsdorf, Homburg, Hoyerswerda, Jena, Kamenz, Karlsruhe, Landau, Leipzig, Löbau, Magdeburg, Meiningen, Plaue, Potsdam, Quedlinburg, Rathenow, Recklinghausen, Rostock, Salzwedel, Sangerhausen, Sarrebruck, Weilburg, Weimar, Weingarten, Wolfsburg **Great Britain**: Edinburgh, Glasgow, London, Manchester, Warrington **Greece**: Agios Dimitrios, Agrinio, Amaliada, Athens, Didymoteicho, Domokos, Drama, Edessa, Filippiada, Heraklion, Kallithea, Kavala, Komotini, Kos, Kythera, Larissa, Levadia, Moschato-Tavros, Naxos, Paros, Preveza, Salamina, Santorini, Serres, Thessaloniki, Veria, Volos, Xanthi **Ireland**: [Nationwide] **Italy**: Abbiategrasso, Acquasparta, Albenga, Altamura, Arco, Ascoli Piceno, Asti, Bibbiena, Biella, Bitonto, Bologna, Brescia, Brunico, Caposele, Carapelle, Carloforte, Castellammare di Stabbia, Cogne, Colleferro, Filadelfia, Firenze, Forlì, Francavilla al Mare, Galatina, Gela, Ischia, Ispica, Lanuvio, Ledro, Lentini, Lucca, Maglie, Marino, Martina Franca, Mestre, Milano, Modena, Moncalieri, Montalcino, Moriondo Torinese, Nago Torbole, Napoli, Padova, Palermo, Pellizzano, Perugia, Pescara, Potenza, Ranco, Rome, Salerno, San Mauro Pascoli, San Pellegrino Terme, San Vito dei Normanni, Sant'Agata d'Esaro, Santa Teresa Gallura, Schio, Senigallia,

Seregno, Siderno, Siena, Siracusa-Ortigia, Sona, Spello, Tortolì, Trieste, Udine **Kosovo**: Pristina **Luxembourg**: [Nationwide] **Macedonia**: Tetovo **Netherlands**: Amsterdam, The Hague, Roosendaal **Poland**: Bukowiec, Czestochowa, Olsztyn, Toruń, Warsaw **Portugal**: Lisbon, Santarem **Romania**: Bucharest, Cluj-Napoca, Iasi, Pitesti, Timisoara **Russia**: Yekaterinburg, Irkutsk, Moscow, Novosibirsk, Nizhny Novgorod, Perm, Rostov-on-Don, Rybinsk, Samara, Saratov, Tolyatti, Vladivostok, Voronezh **Serbia**: Belgrade **Slovakia**: Banska Bystrica **Spain**: Aguilar de Campoo, Burjassot, Cartagena, La Puebla de Alfindén, Logroño, Madrid, San Cristóbal de La Laguna, Tres Cantos, Valencia, Valladolid, Vilagarcia de Arousa **Switzerland**: Chaux-de-Fonds, Châtel-Saint-Denis, Fribourg, Geneva, Lausanne, Monthey, Morges, Neuchâtel, Nyon, Thun, Yverdon les Bains **Turkey**: Ismir **Ukraine**: Lviv

Establishment Date: 1989

Website: http://makemusicny.org/about/around-the-world/

Manitoba Music, Part of the Canadian Music Coalition

Manitoba Music is the hub of Manitoba's vibrant music community.

We are a member-based, not-for-profit industry association representing over 750 members in all facets of the music industry, including artists and bands, studios, agents, managers, songwriters, venues, promoters, producers, and beyond. Manitoba Music serves all genres, from rock to roots, hip-hop to hardcore, country to classical, and everything in between.

Through our programs and services, we provide information, education, communication, advocacy, industry development, and networking opportunities to nurture, develop and promote the growth and sustainability of the Manitoba music industry.

Manitoba Music has a state-of-the art resource centre, a website that overflows with mp3s and profiles, resources and news, a comprehensive series of industry-related workshops, a far-reaching market development program, and the only Aboriginal music program of its kind in the world.

Mission Statement: To develop and sustain the Manitoba music community and industry to their fullest potential.

Vision Statement: Manitoba Music is known worldwide as the hub of Manitoba's vibrant music community.

Our Values and Beliefs:
Manitoba Music believes in and will demonstrate, through its policy and actions, the values of:

- Integrity
- Transparency
- Accountability
- Inclusivity
- Foresight

Manitoba Music believes:

- Music is an integral part of Manitoba's cultural identity and should be recognized as such;
- The music and sound recording industries are significant contributors to economic development in Manitoba;
- The Manitoba music industry is increasing its artistic, creative, technological and competitive presence within the global music industry;
- Fair and equitable compensation for the use of copyrighted creations should be an inherent right of the creator;
- Partnering, community involvement, and cooperative development are essential for the continuing growth of the Manitoba music and sound recording industries;
- Manitoba Music supports, believes in, and will endeavor to reflect the diversity of our society and our industry.

SERVICES :
Members have access to a wealth of information and resources pertaining to all aspects of the music industry locally, nationally, and internationally.

Consultations
Manitoba Music staff is always available to answer questions and provide consultations on just about any topic pertaining to members' careers, including funding applications, assistance with press kit development, assistance with MROC, information on rights and royalties, and advice on career development.

Music Industry Resource Centre
Our Resource Centre houses a library of foundational material, a definitive collection of music by Manitoba artists and labels, library of industry books, contact directories, subscriptions to relevant trade publications, computers, office equipment, and a many additional resources to help our members learn about the business of music.

Professional Development
Throughout the year, Manitoba Music hosts professional development events, including workshops and panels, featuring top industry professionals and songwriters from across Canada and beyond. We also provide mentor sessions, one-on-one training with our staff, as well as informal discussions with successful local artists and industry professionals.

Information
We keep our members informed about variety of topics, including deadlines, funding information, performance opportunities, and important industry developments through our weekly e-newsletter, quarterly printed newsletter, website, social networking sites, and through direct one-on-one contact.

Represent and Promote:

manitobamusic.com
Our popular website is a tool to help promote our members and the Manitoba music scene both here at home and around the globe. Features include comprehensive concert listings, streaming radio, weekly music downloads, a searchable artist and industry directory, profiles for all our members, and a variety of useful resources for music fans, artists, and industry alike. The site routinely gets over 50,000 pageviews per month and has over 11,000 regular users who keep coming back for all the latest news and music. Manitobamusic.com is also a source for music supervisors and talent buyers searching for music for their projects.

Social Networking
Manitoba Music maintains a strong presence on social networking sites, notably Facebook and Twitter, to broadcast information and to direct the public to manitobamusic.com.

Manitoba Music Industry Directory
Manitoba Music publishes an annual Manitoba Music Industry Directory to keep our members, the public, media, and industry stakeholders informed about the Manitoba music industry. The Directory is distributed locally at music businesses and nationally at major music industry conferences including NXNE, CMW, and BreakOut West.

Partnerships
Manitoba Music places a strong focus on the development of partnerships with regional and national organizations as well as members of the local cultural communities. These partnerships allow us to access new communities while strengthening and expanding our own. The partnerships come in many forms, from co-productions of professional development events to showcases and concert presentations to joint

market development initiatives. These relationships are key to further expansion and promotion of our music industry.

Open Mics
Manitoba Music and the Winnipeg Folk Festival co-present a regular series of open mic nights at The Folk Exchange, hosted by a different Manitoba Music member on the third Friday of each month (except June, July, and August).

Live Music Events and Showcases
Manitoba Music presents and co-presents a number of live music events throughout the year. These activities are aimed at increasing the profile of Manitoba Music and local artists within the community at events such as The Ex, Festival du Voyageur, Winnipeg Folk Festival, and public concerts at The Forks. In addition, local artist showcases are produced for visiting industry personnel such as speakers in the Music Works professional development series.

Data Gathering
Manitoba Music is the voice of the Manitoba music industry in communications with government and other stakeholders. We conduct and distribute industry research and gather data on the size, makeup, and economic growth of the industry. We also gather integral information on the accomplishments of our industry, including awards and nominations, showcases, touring, new music releases, film/TV placements, and more.

Positions and Representations
Manitoba Music has representation with the following organizations:

- Foundation Assisting Canadian Talent on Recordings (FACTOR)
- Western Canadian Music Alliance (WCMA)
- Winnipeg Host Committee
- Manitoba Aboriginal Host Committee
- Canadian Council of Music Industry Associations (CCMIA)
- Canadian Academy of Recording Arts & Sciences (CARAS-Juno Awards)
- Cultural Human Resources Council (CHRC), Music Industry Training Development Initiative
- Alliance for Manitoba Sector Councils
- Canadian Folk Music Awards
- Unison Benevolent Fund

Develop Aboriginal Music
The Aboriginal Music Program (AMP) is designed to help Aboriginal people develop sustainable careers in Manitoba's music industry. The program is a first for Canada's music industry and was launched April 1, 2004. It utilizes the organization's established networks, resources and services as a foundation with which to provide additional support and profile for Aboriginal music industry workers in Manitoba.

Aboriginal Music Program Goals

- Raise the profile of Manitoba Aboriginal artists on a local, regional and national level through the creation of marketing materials and showcase opportunities;
- Empower Aboriginal artists to achieve their career objectives through greater exposure to players in the mainstream industry and the Aboriginal music sector;
- Strengthen Aboriginal artists' understanding of the industry through targeted professional development opportunities tied directly to positive experiences at real music industry events;

- Create opportunities for senior and established Aboriginal artists to mentor emerging Aboriginal artists; and,
- Assist in the development new partnerships between Aboriginal artists, industry service providers, and development organizations.

The Aboriginal Music Program also maintains a dedicated website, aboriginalmusic.ca, which hosts artist and industry profiles, concert listings, artist and industry directory, and more.

Export Marketing
Sustainable music industry careers for artists and many industry entrepreneurs are based on the ability to successfully export through touring, releasing recorded music, sub-publishing, and securing media placements in other territories. Manitoba Music works to continually understand and communicate the factors that lead to successful export marketing, tracks the export marketing activities of the local industry, and runs programs and projects to support increased levels of success in export marketing for Manitoba artists and companies.

Market Development
Manitoba Music recognizes the importance in maintaining and increasing the level of connectedness between the Manitoba music industry and the broader industry. This is accomplished by increasing awareness of both Manitoba music (the artists and companies) and Manitoba Music (the brand) locally, nationally, and internationally, and by creating opportunities for the establishment and growth of market penetration and business relationships. Through the Market Development Program, Manitoba Music engages in pan-industry promotion and targeted market development support through trade missions, industry showcases, marketing events, online marketing, and public events and activities.

Market Access
Through the Market Access Program, Manitoba Music supports the travel and marketing expenses for artists and industry personnel who travel to other markets for showcases and business meetings where the goal is to open new markets and develop new business relationships.

Showcases
Manitoba Music promotes local artists at home and at major music conferences and festivals by presenting and supporting showcase performances. Showcases are most often an opportunity for artists to perform for others within the industry including current and future potential business partners and team members, and are an essential step in becoming known within the industry and building a support team.

Establishment Date: 2000

Community Activities: http://www.manitobamusic.com/about

Membership information: http://www.manitobamusic.com/become-a-member

Website: ManitobaMusic.com

Marcato Digital

Marcato Digital is web-based artist management and festival management software for music artist communications, booking scheduling, keeping track of contacts and venues, storing files in a centralized file manager, automatically pushing upcoming gigs to social networking sites, and generating printable tour itineraries and press kits.

Website: MarcatoDigital.com

Membran Entertainment Group

The Membran Entertainment Group and in particular the music production division, is today one of the music industry's leading European independents. Membran produces, sells and distributes its comprehensive media products both independently and through its experienced partners – not only nationally but worldwide. Be it in the traditional retail outlets, the digital world or non-traditional as branded entertainment: Memberan not only thinks and adapts in all the directions that the continually evolving world of entertainment demands - but it continues to exploit its potential to the maximum, using a powerful and global distribution network.

Membran's array of "in-house" labels offer productions in all styles and genres of music – ranging from jazz, classical, pop and rock, as well as a wide spectrum of genre and "theme" compilations and special limited edition exclusive boxes. Through its label-management services, Membran offers third party labels, artists or producers a complete service ranging from A to Z to enable the successful marketing, promotion and distribution of music designed for today's digital age worldwide.

Since its foundation in 1968 the company has expanded, becoming stronger and unique due to the huge numbers of classical music productions; Membran has not only received numerous awards and Media Prizes such as from the Association of German Music Schools, the German Record Critics' Prize, various nominations for the MIDEM Classical Award and more, making Membran a world leader in the Classical world – but the company also devotes its attentions to developments in the modern world of entertainment, continually broadening its horizons in the process. Both national and international acts and signings find their way to Membran, celebrating chart entries and enjoying the attention of both media and public as a result.

Website: Membran.net

Merlin Network

Merlin is the global rights agency for the independent label sector, representing over 20,000 labels from 39 countries representing the interests of the global independent music sector.

Merlin ensures that independents have a vehicle which can protect and enhance the strength, diversity and unique interests of its members and enhance their ability to compete in the ever changing world of digital music; and ensures that digital services have the access to the widest range of independent repertoire possible.

The organisation acts to ensure its members have effective access to new and emerging revenue streams and that their rights are appropriately valued and protected in the digital realm.

Merlin represents clearly the most commercially valuable single basket of rights outside of those held by the three "major" labels.

Merlin offers Digital Services the opportunity to efficiently and globally license - via a single deal, instead of hundreds of individual local deals – the world's most important and commercially successful music labels. Since its launch Merlin has established itself as a key partner to the world's leading new-generation digital music services including Google Play, Spotify, Deezer, Beats Music, Sony Music Unlimited, Rdio, rara.com, YouTube and Muve Music.

The independent sector is the fastest growing sector in the music business, representing not only a huge breadth and diversity of local music on a territory-by-territory basis, but also an increasing number of hit, commercial chart acts.

Website: http://www.merlinnetwork.org

Membership Information: http://www.merlinnetwork.org/merlincriteria/

Musexpo

MUSEXPO, the "United Nations of Music and Media," brings together all sectors of the global music business. It is one of the music industry's most essential and longest-running internationally-focused conference and showcase forums.

MUSEXPO focuses on the evolving global music market and give you an overview of the opportunities shaping today and tomorrow's music business. It's a must-attend event for those who are looking to enhance their knowledge and relationships, as well as, access new creative and commercial opportunities.

MUSEXPO is open to executives, entrepreneurs, creatives (artists, songwriters, producers, etc.) from all arenas including: labels, publishers, managers, music supervisors, agents, promoters, brands, media, PR, digital, mobile, technology platforms and anyone else who has a passion or vested stake in music.

MUSEXPO is the only event of its kind that unites the global music industry as one community. In addition to its exceptional program and showcases, it's one of the best music industry networking events thanks to its focused and boutique environment.

Many talented artists have showcased at MUSEXPO since its inception back in 2005 and have gone on to secure recording, publishing, management and music placement contracts, as well as being launched on to the global stage as a result of the event.

Past MUSEXPO showcase artists have included **Katy Perry** (EMI) **LMFAO** (Cherrytree/Interscope), **Jessie J** (Lava / Universal Republic), **The Temper Trap** (Infectious Records), **Soshy** (Sony Music Int'l), **Evermore** (Sire Records/Warner Music), **A Fine Frenzy** (EMI), **Laura Izibor** (Atlantic), **Ida Maria** (Mercury/Island), **Teddybears** (Atlantic), **Missy Higgins** (Warner Bros.), **FrankMuzik** (Island), **One Night Only** (Mercury) **Erik Hassle** (Universal) and many others.

During the past decade, some of the world's most inspiring and influential music, media and technology executives who are helping shape the future of our global music business have participated at MUSEXPO, including **Larry King** (former CNN host); **Jimmy Kimmel** ("Jimmy Kimmel Live," ABC); **Lucian Grainge**, Chairman & CEO, Universal Music Group; **Harvey Goldsmith**, Founder, Harvey Goldsmith Presents; **Tim Westergren**, Founder, Pandora; **Tom Anderson**, Co-Founder, MySpace; **Daniel Glass**, Chairman & CEO, Glassnote Entertainment; **Chad Hurley**, Co-Founder, YouTube; **Will.i.Am** (**The Black Eyed Peas**); **Ian Rogers**, CEO, Beats Music; **Jeff Smith**, Head of Music, BBC Radio 2 & 6 Music (UK); **George Ergatoudis**, Head of Music, BBC Radio 1 & 1Xtra (UK); **Grammy**-winning **songwriter Diane Warren; Craig Kallman**, Chairman & CEO, Atlantic Records; **Steve Schnur**, Worldwide Executive of Music & Marketing, EA Games; **Nigel Lythgoe**, Executive Producer, "American Idol" and "So You Think You Can Dance"; **Michael Rapino**, Chairman & CEO, Live Nation; **Marty Bandier**, Chairman & CEO, Sony/ATV (Worldwide), **Zane Lowe**, DJ, BBC Radio 1 (UK); **Kevin Wall**, Founder & CEO, Control Room & Live Earth; **Richard Russell**, Founder, XL Recordings (UK); **Chris Barton**, Co-Founder, Shazam; **Michael Chugg**, President & Founder, Chugg Entertainment (Australasia); **Troy Carter**, Founder, Atom Factory Inc. (Worldwide Manager, **John Legend**); **Dave Navarro** (Ex-**Red Hot Chili Peppers**, **Jane's Addiction**); **Terry McBride**, Founder & CEO, Nettwerk; **Alex Patsavas**, Founder, Chop Shop Music Supervision ("Grey's Anatomy", *Twilight, New Moon, Eclipse*); **Peter Edge**, Chairman & CEO, RCA Records Group; **Steve Strange**, Partner, X-ray Touring (**Eminem**, **The Ting Tings**); **Jason Carter**, Editor, BBC Radio 1 Live Music, BBC 1Xtra Live Music & BBC Introducing (UK); **Marty Diamond**, Head Talent Booker, Paradigm Agency (**Coldplay**, **Black Eyed Peas)**; **Chris Scaddan**, Manager, Triple J Radio (Australia); **Joe Belliotti**, Director, Global Entertainment, Coca-Cola; **Martin Kierszenbaum**, Chairman of Cherrytree Records, President of A&R,

Pop & Rock, Interscope Records & President of International Operations for Interscope Geffen A&M; **Perez Hilton**, Founder, ***PerezHilton.com***; **Richard Kingsmill**, Music Director, Triple J Radio (Australia); **Rob Wells**, President Digital, Universal Music Group (Worldwide); **Seymour Stein**, Chairman & CEO, Sire Records Group among hundreds of others.

Website: http://www.musexpo.net

Music Austria (MICA)

MICA - Music Austria is the professional partner for musicians in Austria.Music Information Centre Austria (MICA/Music Austria), funded by the Austrian Federal Ministry for Education, Arts and Culture is the professional partner for musicians in Austria, founded in 1994 as an independent, non-profit association, on the initiative of the Republic of Austria.

Objectives include the support of contemporary musicians living in Austria with advice and information and the distribution of local music through promotion in Austria and abroad. MICA has national and international networks and is a member of EMO (European Music Office), IAMIC (International Association of Music Information Centres), IAML (International Association of Music Libraries, Archives and Documentation Centres) and the IMC (International Music Council).

Website: MusicAustria.at

MusicBrainz

MusicBrainz is the largest community-maintained open source encyclopedia of music information globally. The MusicBrainz music community has nearly 1.3 million members with a database covering nearly 1 million artists and nearly 18 million songs from over 200 countries.

In 2000, Gracenote took over the free CDDB music data project and commercialized it, essentially charging users for access to the very data they had themselves contributed. In response, Robert Kaye founded MusicBrainz. The project has since grown rapidly from a one-man operation to an international music community who appreciate both music and music metadata. Along the way, the scope of the project has expanded from its origins as a mere a CDDB replacement to today, where MusicBrainz has become a true encyclopedia of music.

As an encyclopedia and as a community, MusicBrainz exists solely to collect as much information about music as we can. MusicBrainz does not discriminate or prefer one "type" of music over another though, in fact it collects information about as many different types of music as possible, whether it is published/unpublished, popular/fringe, western/non-western, or human/non-human

Website: http://musicbrainz.org/doc/About

Membership sign-up: http://musicbrainz.org/register

MusicBrainz's member and database statistics: http://musicbrainz.org/statistics

Music British Columbia Assocation (BC), Part of the Canadian Music Coalition

Representing the British Columbia music industry, Music BC is a non-profit society dedicated to providing information, education, funding, advocacy, awareness and networking opportunities to nurture, develop and promote the spirit, growth, and sustainability of the BC Music community. Music BC (formerly known as The Pacific Music Industry Association or PMIA) has been in operation for over 20 years, serving the music industry of British Columbia. Music BC is the only provincial music association that serves all genres, all territories and all participants in the industry from artists, to managers, agents, broadcasters, recording studios, producers and all other industry professionals.

Music BC serves as the regional affiliate for FACTOR, as well as MROC, and is a member of the Western Canadian Music Alliance which produces the Western Canadian Music Awards and BreakOut West Festival. Music BC is the voice of the BC Music industry provincially (lobbying for funding support, tax credits and creators rights), nationally (meeting with Minister of Heritage as part of the Council of Canadian Music Industry Associations, lobbying for sustained funding for the arts and copyright reform), internationally (representing BC artists at the world's music trade shows such as MIDEM in Cannes, France, promoting BC talent through the Canadian consulates world-wide). It has previously participated in a joint federal/Provincial study of the BC Music Industry, which became the focal point of lobbying efforts.

Music BC provides education in many areas concerning the music business: Career Development Series (which has been a cornerstone program for Music BC), an e-Newsletter (which deals with many topical issues concerning the business), a resource library full of reference books, directories and trade magazines dealing with the music industry, and much more. Music BC also provides networking opportunities for members of the music community – its "SchMusic BC" parties have become a very popular way for connecting different players in the industry. It also offers showcasing opportunities at Canadian Music Week in Toronto, with a showcase that has become one of the "must-see" events of the festival. These events are a perfect opportunity for showcasing BC artists, networking between all levels of industry professionals, to celebrate the successes of the music business and to provide education through the international conference.

Music BC helps to fund and support the development of BC artists. We also administer the MITAP Travel Assistance Program of behalf of the Province of British Columbia. Music BC also has developed its own Music Assistance Program which involves travel assistance, demonstration record recording, compilation CD promotion, licensing opportunities and other programs for our members.

Another artist development program administered by Music BC is the PEAK Performance Project, produced in concert with 102.7 The PEAK FM. The PEAK Performance Project is a seven-year, $5.29 million contest open to all musicians over 18 in British Columbia that incorporates not only significant funding towards participants' musical careers, but an intensive educational component.Music BC also organizes and participates in trade missions for the purpose of export marketing of BC talent. We have planned trade missions to Europe, Japan, Los Angeles and more; in addition to presenting showcases of BC artists at conferences such as MIDEM, CMW, Folk Alliance, BreakOut West and more.

Establishment Date: 1994

Website: MusicBC.org Community activities: http://www.musicbc.org/about-us/

Membership information: http://membership.musicbc.org/

The Music Business Registry

The Music Business Registry is the leading company in global music business contact information providing the music industry's only real-time contact management system and most comprehensive directories focusing on music. It began in 1992 with its first title - The A&R Registry. This exclusive directory is the only international A&R Directory, which covers cities such as Los Angeles, New York, Nashville, Atlanta, Toronto, Vancouver and London. It is updated and reprinted every 8 weeks.

Over the last 18 years, the Music Business Registry has developed 3 additional music-related registries:

- The Film/Television Music Guide which is the Music & Film Industries only directory devoted to listing all of the contacts for the placement of music into Film & Television programming;
- The Music Publisher Registry: A directory of all of the creative executives at the music publishing companies; and
- The Music Attorney, Business & Legal Affairs Registry: An international directory of all of the music business attorneys working in cities that include Los Angeles, New York, Nashville, Atlanta, Toronto, Vancouver, London as well all of the business and legal affairs personnel at the record labels, music publishers and the film studio and television network music departments.

Other resources include the Indie Bible, the only resource that is totally dedicated to musicians and songwriters with access to over 4200 international music publications and 3400 international radio stations that are seeking music content.

Website: http://www.musicregistry.com

Music Centre Slovakia

Music Centre Slovakia is a government state-subsidized institution established by the Ministry of Culture of the Slovak Republic. Its mission is to encourage Slovak music culture by organizing concerts, bringing pieces of Slovak composers to the stages, publishing sheet music and music books, documenting the music life in Slovakia and promoting Slovak music culture abroad.

The origins of a State institution involved in organizing music life in Slovakia go back to 1969, the year when the Slovkoncert agency was founded, operating as a guarantor in the field of music festivals and concerts both of "classical" and "popular" music. In 1997, it was integrated in the National Music Centre, while in 1999 the Slovkoncert was turned into the Music Centre consisting of four departments: documentation, publishing, external relations and economy.

Website: HC.sk

Music and Entertainment Industry Educators Association (MEIEA)

The Music and Entertainment Industry Educators Association (MEIEA®) is an international organization that was formed in 1979 to bring together educators with leaders of the music and entertainment industries. The primary goal of MEIEA® is to facilitate an exchange of information between educators and practitioners in order to prepare students for careers in the music and entertainment industries.

In order to seek professional practical knowledge and functional strategies in education, MEIEA® endeavors to:

- Provide resources for the exchange of information and knowledge about all aspects of the music and entertainment industries;
- Foster scholarly research on the music and entertainment industries as well as on music and entertainment industries education;
- Assist institutions with the development of music and entertainment industries programs and curricula;
- Facilitate interaction between the music and entertainment industries and music and entertainment industries' educators and affiliated educational institutions;
- Promote student interests in the music and entertainment industries.

MEIEA is a non-profit organization dedicated to the advancement of education in the music and entertainment industries. Institutional membership is available to institutions of higher education. In order to be considered for membership, the institution must be recognized, licensed, and/or accredited as a post-secondary educational institution. Organizations and business entities interested in supporting the mission and activities of MEIEA are encouraged to become sponsors of MEIEA through charitable support. Sponsor support is greatly appreciated and tax-deductible.

Support of MEIEA activities by companies, institutions, individuals, and organizations that value music and entertainment industry education is greatly appreciated by MEIEA's members.

Website: http://www.meiea.org/

Membership Information: http://www.meiea.org/schools.html

MusicJustMusic

MusicJust Music was founded in 2004. Based on proprietary automation software and excellent global partner relations, award winning MusicJustMusic offers Worldwide Digital Distribution for music & music related content, as well as other software & services for the music business of the 21st century. Digital Distribution is provided for Artists, Record Labels & Enterprises of music rights simultaneously into over 600 online and mobile music stores in over 79 countries, reaching about 97% of the consumers buying legally music as downloads worldwide.

MusicJustMusic's state-of-the-art browser-based MJM 3.0 technology allows clients to fulfill every aspect of their distribution, from any computer & cell phone with internet connection alike. More than a webtool with instant worldwide market access, this web app becomes the music manager's Mobile Music Office™. MusicJustMusic's partners are the leaders of the digital revolution & most of the important global entertainment players, lifestyle brands, Internet providers & mobile carriers. MusicJustMusic 's goal is to unite the best in music of any genre with the best in technology.

Website: MusicJustMusic.com

Music Kickup

Music Kickup is the new way for musicians to sell music and build their careers. Music Kickup Distribution is the worlds's first 100% free distribution platform for all major digital services, including iTunes, Spotify, Deezer and Google Play.

Music Kickup is an artist representative and technology company focused on building tools and services to empower musicians and the music industry, and to encourage global collaboration and business. Music Kickup was founded in 2011. Backed by a strong seed round and the Finnish government we currently have operations in Helsinki, New York, Singapore, London and Shanghai.

Website: https://www.musickickup.com/

Music Matters

Music Matters is Asia Pacific's award-winning, pioneer music industry conference and festival and is a destination for digital and live entertainment businesses.

Pioneer music industry event in Asia Pacific and South Asia, Music Matters in Singapore and MixRadio Music Connects in Mumbai bring industry leaders and businesses together to discuss actual trends and explore new business opportunities through keynotes, panels, workshops and networking sessions. Supplemented in Singapore by a 4-night music festival and a creative Academy for artists, the conference gives a 360° vision of the music industry in Asia.

The Music Matters Academy was launched in 2011 as an initiative to give back and nurture Asia's emerging talent by mentoring them on a path to music industry success. It is produced by, with and for the Asian music community and features some of the world's most accomplished executives, artist managers, and creative minds to provide guidance and insight to aspiring professionals.

Website: http://musicmatters.asia

Music New Brunswick (NB). A Part of the Canadian Music Coalition

Music/Musique NB (MNB) is a provincial music industry association that provides a support network for musicians, managers, and businesses that are involved in the creation of music within the province of New Brunswick. MNB is a non-profit association with ties on regional, provincial, and national levels with government agencies and departments who enable us to lobby and promote our industry and our artists whenever possible. MNB's primary responsibility is to represent the interests of its members and foster the New Brunswick music industry.

MNB offers its members:

- Specialized workshops and seminars
- One-on-one consultations
- Business referrals
- Networking opportunities
- Showcasing opportunities

- Receiving information regarding funding programs and opportunities
- Advertising events in MNB's newsletter and social media
- Receiving the latest industry news and deadlines
- Access to resource center

Establishment date: 2006

Community activities: http://musicnb.org/About/tabid/78/Default.aspx

Membership information: http://musicnb.org/Membership/tabid/84/Default.aspx

Music New South Wales (Music NSW) – Member of Australian Coalition

MusicNSW is the Peak Body for Contemporary Music in NSW.
It is not for profit Industry Association set up to represent, promote and develop the contemporary music industry in New South Wales, Australia, in addition to managing a number of Music Development projects.MusicNSW exists to support the creative and economic expansion of the NSW contemporary Music Industry through advocacy, resource assistance, activating growth of industry infrastructure, delivery of tailored initiatives and provision of advice and referrals.

Its objectives are to:

- To ensure that the interests of the NSW contemporary music industry are adequately addressed by the media, government and cultural bodies.
- To empower communities around NSW to retain their musical identity and foster audiences for local material.
- To provide the NSW contemporary music industry with advice and resources and have available systemized information that can be updated regularly and disseminated widely.
- To increase industry professionalism and skills at all levels and sectors of the NSW contemporary music industry through education and training.
- To develop regional, national and international recording and performance opportunities for NSW musicians.
- To provide coordination services between musicians, grass roots music organisations, industry bodies and government bodies.

Advocacy and Representation
MusicNSW continues to grow and develop in its representation and advocacy role.

With increasing demands for assistance from the range of sectors that make up the industry and government at all levels, MusicNSW takes an active role in developing statewide strategies to improve services to contemporary music.

Project Development
MusicNSW continues to develop projects based on identified industry needs. Through our core projects (Indent, Whichway and Sound Summit) MusicNSW develops programs specific to increasing access and opportunities to and within the music industry.

Partners include:

- AMIN (The Australian Music Industry Network)
- Arts NSW
- APRA [Australian Performing Rights Association]
- OCYP [Office of Children and Young People]
- Arts NSW
- Australia Council for the Arts

Community Activities: http://www.musicnsw.com/about/

Membership information: http://www.musicnsw.com/friends-with-benefits/

Music Nova Scotia

Since 1989, Music Nova Scotia has been working to foster, develop and promote the full potential of the music industry in Nova Scotia. Based in Halifax, this non-profit member services association is devoted to advancing the careers of music industry professionals in songwriting, publishing, live performance, representation, production and distribution, and to help ensure that Nova Scotian musicians are heard on the world stage.

Music Nova Scotia is a non-profit organization with a mandate to encourage the creation, development, growth and promotion of Nova Scotia's music industry. Music Nova Scotia exists to grow and nurture the Nova Scotia music industry, to retain Nova Scotia own natural resource and promote investment, by:

- Providing education, information and resources to its membership
- Acting as the advocate for the industry to all levels of government and private enterprise
- Supporting membership in the promotion of the export of Nova Scotia music regionally, nationally and internationally

Membership is mainly made up of Nova Scotians but some join from other regions of the East Coast as well as across Canada. Members include songwriters, musicians, agents, managers, promoters, distributors, associations, lawyers, accountants and other industry professionals.

Website: MusicNovaScotia.ca

Music Services Asia

Music Services Asia (MSA) provides a fundamental foundation platform for development, recognition and international standard codes of practice for digital music, music charts and radio shows with a special focus on the Southeast Asian region. MSA utilises Singapore as the business hub for these services to ensure sustainable growth from a sound infrastructure that is both pro-business and pro-consumer related.

Music Services Asia provides an array of services that include:

- Asia music charts: Compiled from digital sales, radio and TV plays statistics, Music Services Asia will form the basis for the most thoroughly researched, online music charts for the Southeast Asian Region.
- Business directory (Music Matters Connects): Discover and network with over thousands of Asian music businesses in over 130 categories across more than 20 Asian countries. Search for contact details for music industry businesses operating throughout Asia.
- Music news (Music Weekly): Music Weekly digital magazine is a comprehensive source of industry information, interviews and performance announcements and opportunities happening in the Southeast Asian region and abroad.
- Digital distribution.

Establishment Date: 2011

Website: http://www.musicservices.asia/about-msa/

Music South Australia – Member of Australian Coalition

The South Australian Contemporary Music Company Ltd T/As Music SA (formerly AusmusicSA) was established on July 23, 1997.

Music SA is a not-for-profit organisation committed to promoting, supporting and developing contemporary music in South Australia.

MUSIC SA delivers projects for the benefit of the SA Music Industry including

- A comprehensive SA Music Industry website
- Contemporary music workshops and training programs in schools
- Professional Development, Advice and Consultancy service for SA artists and practitioners
- Music Business events and seminars
- Contemporary music showcases and live performance opportunities
- Accredited music business training program
- Secondary School Vocational Education Training (VET) programs

The MusicSA website is the only complete SA website designed for - and by - the music industry. It is dedicated to the promotion of SA music artists and to the support of industry practitioners. As a project arm of MUSIC SA, MusicSA.com.au is managed/updated on a daily basis by the Music SA Digital Marketing Manager.

MusicSA.com.au is the ultimate resource for South Australian music, and features the largest online artist directory dedicated exclusively to SA artists, as well as thousands of MP3s, industry news articles, details on gigs and events, reviews, a venue and business directory, contests and much more. As a one-stop-shop for information on the local scene, content on the website is focussed on South Australia as a means of showcasing the state's industry to website visitors from SA, across the country and around the world.

MusicSA.com.au is a major resource for music lovers of all types, and the site always encourages contributions in content, questions and suggestions.

Establishment: 1997

Community Activities: http://www.musicsa.com.au/about/default.aspx

Membership information: http://www.musicsa.com.au/artists/getlisted.aspx
http://www.musicsa.com.au/businesses/getlisted.aspx http://www.musicsa.com.au/venues/getlisted.aspx

Music Story

Music Story provides editorial content to online stores that sell music so biographies, album reviews, recommendations. Music Story is a source of information for music artists in the music world and beyond all music lovers. Maintained continuously updated by a team from the music press, the base Music Story is a documentary highlighting background digital artists and musical works of all kinds and all ages. As a genuine online music encyclopedia, Music Story deals in depth with all the popular music and informs you about recent events.

Website: Music-Story.com

Music Victoria – Member of the Australian Coalition

Music Victoria is the independent voice of the Victorian contemporary music industry.

An independent, not-for-profit, non-Government organisation, Music Victoria represents musicians, venues, music businesses and music lovers across the contemporary music community in Victoria.

Music Victoria provides advocacy on behalf of the music industry, actively supports the development of the Victorian music community, and celebrates and promotes Victorian music.

Music Victoria's mission is: *To champion Victorian music*

Music Victoria exists to support the growth, participation and development of the Victorian contemporary music industry. It aims to be broadly inclusive of the contemporary music industry across all music genres, industry sectors and professions and to be accessible for metropolitan and regional Victoria. In all its activities, it aims to add value to music makers.

Victoria attracts, supports and creates a cultural community that is recognised nationally and internationally as unique and valuable both economically and culturally. We need to protect and develop this.

The recent issues affecting Victoria's live music venues have shown just how important it is for music in this state to have an organisation representing its interests to ensure that talented individuals and businesses in our music community continue to flourish and that the voice of this community is included in the decision making processes of Government and the community at large.

Music Victoria exists to support and represent the Victorian music industry and community.

- Promotion and celebration of Victorian artists, music businesses and the industry as a whole.
- Professional development for Victorian artists and music businesses as well as the development of the industry as a whole, including implementing a program to arm artists with the requisite skills to run their music careers as successful and sustainable small businesses.
- Leading the development of a regional Victoria touring circuit to assist musicians with touring regional area and addressing barriers that regional musicians face trying to break into the capital city markets around Australia.
- Provide programs in partnership with the Sounds Australia music export initiative to develop pathways to put more Victorian musicians on the world stage.
- Advocacy on behalf of the Victorian music industry to all levels of Government and the wider community.

Music Victoria is currently meeting the following industry service needs:

- ***Representation***

Music Victoria is providing a strategic and representative voice for the Victorian music industry at the state and national level to ensure that there is a co-ordinated response to emerging issues faced by the industry as well as responding to other economic and cultural opportunities.

Music Victoria is currently advocating the interests of the industry on critical bodies such the Liquor Control Advisory Council (LCAC), the Australian Music Industry Network (AMIN) and the Arts Industry Council of Victoria. It is also strengthening its relationship with Arts Victoria and developing its relationship with Regional Arts Victoria, Tourism Victoria, the City of Melbourne, and local councils.

- ***Leadership***

The music industry in Victoria is a disparate group engaged in a wide range of activities. They have shared needs but also individual and sometimes conflicting objectives. Music Victoria is currently engaged in reconciling differences and presenting a united voice to Government to contribute to setting the policy agenda now and into the future.

- ***Providing a forum***

As part of the Victorian Music Council, Music Victoria is providing a forum for different members of the music community to discuss and mediate their differences and find consensus on solutions. Sub-committees may also be established to facilitate debate and address issues.

- ***Access to well informed specialists***

In order to ensure that the policy debate within the industry is evidence based, Music Victoria is engaging with specialists who will undertake research, provide commentary and, where appropriate, deliver written reports.

- ***Research, Information and Education***

Music Victoria will undertake its survey of industry trends and needs each year in order to track the development of the industry in Victoria and identify policy and industry development needs. Its research will be specific and issues-based and will not seek to duplicate research already undertaken elsewhere.

- ***Skills and professional development***

Music Victoria will map the industry to identify skills gaps, support industry development initiatives and advocate for programs to equip the industry with the necessary skills to expand their opportunities through professional development and coaching.

- ***Identifying role of music industry in wider social policy challenges***

Music Victoria will develop relationships across Government to identify and promote the role that music can play in addressing wider social issues. This could include, for example, the role of music in promoting mental health.

Community Activities: http://www.musicvictoria.com.au/about

Membership information: http://www.musicvictoria.com.au/become-a-member-of-music-victoria

Music Xray

Music Xray facilitates a more efficient, lower cost, and less risky A&R process. Itsr growing platform with a community of over 100,000 artists enables the industry to open the doors of opportunity to musicians and songwriters everywhere and to harness the most powerful tools ever built specifically for those who conduct A&R.

As long as there are commercial opportunities for music there will be industry professionals making the decisions regarding which songs and artists are chosen. Those decision makers will use the best tools available to streamline, organize, and optimize their work while reducing the risk of making choices that don't meet their business objectives. Music Xray creates those tools and makes them available online while simultaneously leveling the playing field for musicians, making it less about who you know and more about pure talent, skill, and market appeal.

Music Xray's Fan Targeting campaigns guarantee potential fans listen, which isn't always a given in today's "attention economy" If they hear compelling music they convert from potential fans to direct fans and artists learn which of their songs convert new fans quickly and cost-effectively.

Website: MusicXray.com

National Association of Recording Industry Professionals

The National Association of Recording Industry Professionals(NARIP) promotes education, career advancement and good will among record executives. Established in 1998 and based in Los Angeles, NARIP has chapters in New York, Atlanta, San Francisco, Phoenix, Houston, Las Vegas, Philadelphia and London, and reaches 100,000+ people in the music industries globally. Headquartered in Los Angeles, the entertainment capital of the world, NARIP has chapters in New York, San Francisco, Phoenix, Las Vegas, Houston, Atlanta, Philadelphia and London.

Website: NARIP.com

Membership Information: http://www.narip.com/?page_id=13923

Nimbit

Nimbit, founded in 2002, is the music industry's premier direct-to-fan platform for today's music business. Nimbit provides the easiest solution for self-managed artists, managers, and emerging labels to grow and engage their fanbase, and sell their music and merch online. Thousands of artists use Nimbit every day to get fans excited and to give them more ways to support their careers.

Nimbit has also partnered with ASCAP since 2004, to offer "ASCAP Web Tools" for ASCAP members. Other partners include Jango to offer the "Nimbit Store for Jango" which allows artists to sell music and merchandise directly to new fans who have discovered their music through airplay on Jango internet radio as well as PledgeMusic to create "PledgeStore" which was designed to give PledgeMusic artists the ability sell direct to fans and generate additional funding after their fundraising campaign has ended.

Website: Nimbit.com

Membership Information: https://members.nimbit.com/signup

Northern Territory Music Industry Association – Member of Australian Coalition

MusicNT exists to support the growth and development of original contemporary music in the Northern Territory. MusicNT Inc. is the non-profit member based music organisation for the Northern Territory representing, developing and servicing the Territory's original music industry.

As the lead contemporary music development body, MusicNT has a focus on developing and strengthening networks with national music industry representatives as well as strengthening links with regional centres throughout the Territory.

Community Activities: http://www.musicnt.com.au/about/who-we-are/

NUE Agency

NUE Agency is an international boutique talent agency which represents music talent. NUE Agency specializes in concerts, tours, endorsements, and content. The NUE Agency sits at the center of music, brands and technology, leading the way into the next chapter of the music industry.

NUE Agency is the parent company of aveNUE Music Partnerships, an operation designed to help distribute and promote artists through brand partnerships that are on the cusp of breaking through in the music industry but want to stay away from potentially restrictive major label deals. NUE Agency also operates SoundCtrl aimed at covering developments in music and technology.

In 2013, INC Magazine awarded NUE Agency the 267th position on INC Magazine's 500 list of the fastest growing privately owned companies in the United Stated. The NUE Agency was also recently named to INC 500's list as the 3rd fastest growing media company in the United States.

NUE brings together artists and the world's leading brands, such as Spotify, Google Play, Pandora, Myspace, Virgin, Microsoft, Samsung and others.

Establishment Date: 2006

Website: http://www.nueagency.com

OneRPM

ONErpm (ONE Revolution People's Music) provides digital distribution and fan engagement for the global music community. It was founded in 2010 by Emmanuel Zunz and Matthew Olim, the latter one of the co-founders of CDNow, a pioneer in digital music which was acquired by Amazon in 2000.

The company offers such services as direct-to-fan sales, distribution to multiple web outlets including iTunes, Spotify, Amazon MP3, Rdio, Google Music, Deezer, eMusic, YouTube, music sharing widgets and an app that allows artist to stream and sell music on Facebook.

With offices in New York and São Paulo, the company distributes music from artists like Metric, Tame Impala, and important Brazilian artists like Erasmo Carlos, BNegão, Chitãozinho & Xororó, Emicida, and Leoni. The OneRPM community has over 15,000 artists around the world and over 60,000 fans registered on the site.

Website: https://www.onerpm.com

Artist/Label/Fan signup: https://www.onerpm.com/account/form_signup

Youtube Creator signup: https://www.onerpm.com/account/form_signup?name=&acc_type=youtube

The Orchard

The Orchard was founded in 1997 to foster independence and creativity in the music industry. The Orchard is a pioneering music and video distribution company operating in more than 25 global markets, provides an innovative and comprehensive sales and marketing platform for content owners. In 2004, the Orcahrd become the first independent distributor to hit one million paid downloads and streams.

With industry-leading technology and operations, The Orchard's creative, tailored approach streamlines its clients' business complexity while amplifying reach and revenue across hundreds of digital and mobile outlets around the world, as well as physical retailers in North America and Europe. In 2012, both The Orchard and IODA combined their businesses under The Orchard to create a new market leader in comprehensive digital distribution services.

Website: TheOrchard.com

OurStage

Ourstage.com is web and mobile-based music community offering free music streaming, discovery, and editorial content is made up of undiscovered artists interested in exposure, music lovers and industry professionals committed to bringing talent to the masses. It is owned and operated by OurStage Inc., headquartered in Chelmsford, Massachusetts. Founded in 2007, OurStage.com holds monthly sponsored competitions for artists to compete, win prizes, and publicize themselves.

OurStage.com's proprietary judging software allows its users to listen, judge and rank music artists. The site was originally developed as a crowdsourced way to hear new music and raise it up through the charts. OurStage allows streaming music for free to users through its web site or an iPhone app, with 40 styles of music including rock, pop, urban, and country music.

Local, regional, and national competitions award cash prizes or music industry opportunities to winners chosen through fan judging or by industry experts. Competitions have included Guitar Center's Your Next Record with Keith Urban, Drake's Thank Me Later Competition, the Lilith Local Talent Search as part of Lilith Fair 2010, and John Mayer's Side Stage Warfare Competition. OurStage past and present partners and sponsors include Intel and Cakewalk, AOL, CMJ Network, MTV and Clear Channel.

OurStage is quickly becoming the world's central platform for new music discovery and promotion. On OurStage, artists, fans and industry professionals come together to discover, judge, & enjoy the best new music and the best new artists online. OurStage has grown every quarter since going live in 2007 and currently has over 200,000 artists using our platform and 4.5million registered users.

Website: OurStage.com

Patchwork Music

Founded in 2007, Patchwork Music provides touring services for bands (Tour management, production, sound engineers, backline crew, drivers), is a band management and booking agency and provides programming and production services for music festivals and events.

Patchwork Music clients past and present include:

- Glastonbury Festivals Ltd
- Cambridge City Council
- Music Beyond Mainstream
- Femi Kuti
- Brownswood Records
- Brahler ICS Ltd
- Temple Of Sound
- Creative Partnerships
- Takepart Arts
- Totally Sound Ltd
- Amp Fiddler
- Junction CDC Ltd
- The Roadmender, Northampton
- Cambridge Arts Theatre
- Da Lata
- South Hill Park Trust Ltd
- UCLES
- Cambridgeshire County Council
- The Eden Project
- ADeC
- Cambridge Folk Club
- Eagle Records
- Fenland Arts
- Imago Productions
- Cambridge Film and Television Production
- Oil Experts
- Harmony in the Community
- Liverpool Philharmonic Hall & Events Ltd
- Fun Da Mental
- Kyte
- Real World Records

Patchwork Music events past and present include:

- Glastonbury Festival
- Harwich Childrens Carnival
- Portsmouth International Festival of the Sea
- Strawberry Fair
- South Hill Park Out There Festival
- Shambala Festival
- Echo festival
- Ashton Court Festival

- Respect in the West
- Bristol Harbour Festival
- Cambridge Folk Festival
- Cambridge Fireworks display
- Trade Justice Lobby
- Make Poverty History march, Edinburgh
- Bath International and Jazz Festival
- TDK Cross Central
- Lodestar Festival
- Hope St Feast
- Liverpool Irish Festival
- Liverpool Arabic Arts Festival

Website: PatchworkMusic.co.uk

Planetary Group

Planetary Group is an artist development firm founded in 1996. Over the past 15 years Planetary has worked with a variety of musicians from all genres, signed and unsigned, self-released, indie and major labels.

Planetary helps create a solid foundation for new artists, and take all artists to new levels. The radio department structures a campaign that targets college radio, AAA, non-commercial, and commercial-specialty shows. The stations are solicited for airplay and feedback regarding the release. In addition, radio interviews and in-studio performances are coordinated in touring markets wherever possible. Planetary's radio and tour support can provide the necessary groundwork that would ensure advance exposure in music artists' pending tour markets.

In addition to airplay, increased public interest and awareness comes about through features, interviews, reviews, previews, and anything else that attracts people in the digital world. The digital marketing side of Planetary offers national campaigns for record releases, tour press to alert local media to shows, and a smaller tastemaker campaigns geared towards blogs. Planetary digital marketing focuses on online media exclusively, and at online & print with tour press. Planetary digital marketing provides a network for music to be heard via working relationships with writers, freelancers, bloggers, and site owners. Planetary strives to get music listened to, and then facilitates the writers' work by providing what they need to cover the music.

Planetary Design compliments these promotional efforts by creating everything an artist needs to build their brand. Simply put, the Planetary Group creates beautifully simple websites that embody their client's aesthetic built with a sturdy foundation of the latest web standards. With a strong focus on content distribution and social media integration, the Planetary Group implores the end user to engage in an interactive community wherein website content is shared and eventually spread to the world at large.

Website: PlanetaryOnTheWeb.com

PledgeMusic

PledgeMusic is global direct-to-fan platform that provides artists and labels with the tools needed to get fans to engage early. PledgeMusic has staff internationally in New York, Los Angeles, Boston, Nashville, London, and Germany. With an arsenal of tools including PledgeMusic's website, preordering system, iPhone app, email marketing, social media dashboard, data collection widgets, and more, artists and labels can let fans become partners in the creative process. PledgeMusic invites fans to go behind the scenes with one of a kind exclusives and bonus content.

Content creators retain 100% of all ownership rights, so PledgeMusic is able to operate as a standalone platform or work in conjunction with traditional record deals and marketing. In a nutshell, it's everything an artist or label needs to fund, pre-sell, sell, and release their music while connecting directly with fans.

Once a project is given the green-light, it can be linked to social networks (Facebook, Twitter, YouTube, etc.) and our app will track the project's progress, while fans can add badges to their own sites and pages. For direct-to-fan campaigns, PledgeMusic releases the funds in three payments (on funding, release, and fulfillment). For pre-order campaigns, we disburse money immediately when the campaign is released and fulfilled.

PledgeMusic also maintains partnerships with major players in the digital and physical music spheres, and provides numerous options to help record, produce, manufacture, market, and distribute your music, merchandise, and tickets. Finally, PledgeMusic provides artists the option to raise money for the charity of their choosing.

PledgeMusic offers two distinct options for campaigns:

1. A PledgeMusic direct-to-fan campaign offers all-or-nothing fundraising. This is our traditional campaign type, and allows fans to pledge without any transfer of money until a specific fundraising goal is met. This type of campaign is perfect for independent artists, and those wishing to raise money to record or set up an album release, tour, or video.
2. A PledgeMusic preorder campaign is similar to other e-commerce preorder campaigns, but bundles in all the communication and marketing tools that make PledgeMusic great. These tools allow artists to connect and market directly to their core fans, and spread the word beyond. For this type of campaign, fans are charged immediately upon pledging. This type of campaign is designed for labels and artists who have already completed a recording, and are looking for a strategic way to pre-sell and market it.

Membership information: https://www.pledgemusic.com/sign_up/artist (Artists) and (http://www.pledgemusic.com/#session_sign_up Fan Funders)

Community activities: http://www.pledgemusic.com/learn/artists

Pleimo

Pleimo is an international music streaming platform which aggregates bands and music fans around the world. It offers a 360-degree platform for 250,000 artists to manage and promote their music. Music fans can also subscribe and listen to Pleimo's catalog of over 5,000,000 songs. Pleimo has offices in Brazil, United Kingdom, Philippines, Portugal and China.

Membership Information: https://www.pleimo.com/plans/subscribe/artists (artists) and https://www.pleimo.com/plans (fans)

Community activities: https://www.pleimo.com/about

Queensland Music Network – Member of the Australian Coalition

QMusic is Queensland's music industry development association, and is focused on promoting the artistic value, cultural worth and commercial potential of Queensland music.

In 1994, QMusic received its first round of funding, and has been running solidly since 1995.

QMusic has become first point of contact and interface for emerging artists and industry workers within the wider music industry. QMusic is an active voice for the Queensland music industry on a national and international level. QMusic is a member of AMIN (Australian Music Industry Network) which is a network of state based music organisations that provides a national voice for policy development and advocacy issues for the music industry.

Signature events such as BIGSOUND and the Queensland Music Awards promote networking and collaboration that contributes to building the profile of the Queensland music industry.

Situated in Brisbane's Fortitude Valley, Australia's only dedicated entertainment precinct, QMusic provides a physical and virtual base from which music industry professionals from all sectors and regions can establish networks, create partnerships and share the information that will drive the next generation of Australian music.

QMusic is incorporated under the Associations Incorporation Act and is governed by a management committee representing the diverse needs of the industry and the sector. The founding goals of the organisation still remain - to establish a state-wide music industry network for the sharing of knowledge and information.

QMusic acknowledges that Aboriginal and Torres Strait Islanders are the custodians of the land and recognise the disadvantage caused by colonisation and dispossession.

QMusic acknowledges the importance of music in Aboriginal and Torres Strait Islander cultures and the critical role it plays in the broader Australian music context and Australian culture overall.

QMusic is committed to building opportunities for Aboriginal and Torres Strait Islander artists and music businesses.

Vision

QMusic develops, services, and represents all sectors of Queensland music as a creative and economic powerhouse within the national and international arena.

Strategic Intent

QMusic is dedicated to building a dynamic environment that progresses a sustainable music industry and generates creative and economic returns to artists.

Values

- The cultural, economic and social importance of music
- Learning and innovation

- Partnerships
- Music and social diversity
- Knowledge and commitment of our people
- Professional practice
- Possibilities

Goals

1. Enhance industry capacity (service artists)
2. Expand Queensland music profile
3. Deliver signature events and build public participation
4. Increase internal capability

Establishment: 1994

Community Activities: http://www.qmusic.com.au/index.cfm?contentID=625

Membership information: http://www.qmusic.com.au/?contentID=612

Redeye Distribution

Redeye Distribution is an independent music distribution company founded in 1996 in Chapel Hill, North Carolina. In addition, Redeye has two in-house labels: Yep Roc Records and Eleven Thirty Records. Redey has won the National Association of Recording Merchandisers (NARM) Distributor of the Year Award (Small Division) seven times (2000, 2002–2007) and were redesignated as a Medium Division distributor by NARM in 2008.

Based in Haw River, NC (near Raleigh/Durham/Chapel Hill), Redeye began in 1996 by focusing on the rich independent music of the southeast and providing the artists that made up the scene with a distribution option to give them access to all retail accounts located in their region. Since then, Redeye has charted a course of steady, sustainable growth by developing a strong physical and digital distribution network both nationally and internationally and providing a multitude of services to our partners.

Redeye's 5000-plus title catalog is representative of a wide range of the best independent music available. Regardless of genre, the unifying element of the catalog is an overall commitment to quality. Its network of international partners includes the finest retail partners from around the globe, touching every territory worldwide. They distribute music to chain stores such as Best Buy as well as every domestic one-stop distributor in the United States. Redeye is also a major distributor on the digital front, servicing all major DSPs such as iTunes, Spotify, YouTube and more.

Website: http://www.redeyeusa.com/

Reverbnation

Reverbnation, founded in 2006, is home to one of the **world's largest music communities**. ReverbNation provides over **3.66 million music industry professionals** — artists, managers, labels, venues, festivals/events — with powerful, easy-to-use technology to promote and prosper online.

Reverbnation's wide array of distribution and promotional solutions provide the hands-on tools and actionable insights that allow musicians and industry professionals to reach their goals in an increasingly complex music world. Reverbnation operates worldwide with customers on every continent. In fact, over 30 million visitors go to Reverbnation.com every month.

Website: Reverbnation.com

Membership Information: http://www.reverbnation.com/signup?signup_source=home

SF Music Tech

The SF MusicTech Summit brings together visionaries in the evolving music/business/technology ecosystem, along with the best and brightest developers, entrepreneurs, investors, service providers, journalists, musicians, and organizations who work with them at the convergence of culture and commerce. We meet to do business and discuss, in a proactive, conducive to dealmaking environment. The SF MusicTech Fund invests in early stage internet music and technology companies discovered at the SF MusicTech Summit.

Website: http://sfmusictech.com

SonicBids

Sonicbids, founded in 2001, enables artists to book gigs and market themselves online. It connects more than 400,000 artists with 30,000 promoters and brands from over 100 different countries and 100 million music fans. Additionally, the company's recently launched Social Music Marketing™ product suite enables brand marketers to reach and engage music fans and consumers using rich music-oriented content.

Sonicbids has been the launching pad for many of today's hottest artists and has many exclusive partnerships with premier events like South By Southwest (SXSW), Bonnaroo Music and Arts Festival, CMJ Music Marathon, Spain's Primavera Pro and Canada's North By Northeast (NXNE). Consumer brand customers include Renaissance Hotels, Anheuser Busch and Diesel Industry.

Website: SonicBids.com

Membership Information: https://www.sonicbids.com/signup/

Spoonz Music Group

Spoonz Music Group is one of the world's leading talent agency and booking, promotion and touring organizations for music. Its roster consists of the world's leading and most successful music artists. These artists include:

- 50Cent,
- Akon,
- Alicia Keys,
- Beyonce,
- Busta Rhymes,
- Chris Brown,
- Ciara,
- Drake,
- John Legend,
- Jay-Z,
- Kanye West,
- Jennifer Hudson,
- LL Cool J,
- Little Wayne,
- LMFAO,
- Ludacris,
- Method Man,
- Nas,
- Nelly,
- Ne Yo,
- Micky Minaj,
- Pitbull,
- R Kelly,
- Rihanna,
- Robin Thicke,
- Rick Ross,
- Snoop Dogg,
- T.I,
- T-Pain,
- Tyrese,
- Usher
- And many more.

Website: http://www.spoonzmusicgroupinc.com/

StoryAmp

Story Amp is the world's leading music community for music artists, music publicists and music journalists. It provides artists and publicists the opportunity to connect and network with over 7000 music journalists globally.

Website: https://www.storyamp.com
Artist Sign-up: https://www.storyamp.com/artists#signup
Music Journalist Sign-up: https://www.storyamp.com/journalists#signup

Sync Exchange

Sync Exchange is a global music licensing marketplace. Its company's core mission is to help musicians, rights holders, composers and music supervisors better connect.

Website: http://syncexchange.com/

Syndicate

The Syndicate is a 16-year-old, award-winning music marketing agency. The Syndicate is a 16-year-old, award-winning music and comedy marketing agency. Clients include Taco Bell, multiple Grammy award-winning artists and record labels. We've helped sell hundreds of millions of albums for acts such as Maroon 5, Daft Punk, The Killers, Kings of Leon and Pearl Jam. The Syndicate has strong relationships with over 6,500 media outlets including 500 college and commercial radio stations, 400 field marketing reps and hundreds of executives within every field of the entertainment business.

Website: http://www.thesyn.com/

Tommy Boy / New Music Seminar

Tommy Boy is an independent record label started in 1981 by Tom Silverman. The label is widely recognized for significant contribution to the development of hip hop music, dance music, and electronica.

Website: TommyBoy.com

The New Music Seminar (NMS) is the ultimate destination founded by Tom Silverman where artists, industry players, and companies are provided the knowledge, tools, and connections they need to succeed and build the New Music Business. The mission of the New Music Seminar is to grow a sustainable and better music business to allow creators the best opportunity to succeed. The NMS strives to enable more artists to achieve success and encourages new levels of investment in music and artists. In its 15-year run, the first series of seminars annually attracted more than 8,000 participants from 35 countries, and was considered one of the most influential Music Business Conferences in the World.

Website: http://newmusicseminar.com

Trigger Creative Conference

Trigger Creative Conference is a music industry event which takes places simultaneously with the Peace & Love-festival: a meeting place for Swedish and the world's biggest artist, branche elite and more than 40.000 happy festival visitors. Trigger works together with Swedish largest music festival – and takes place in the heart of the festival area. Trigger Creative Conference is Sweden's leading innovative conference for the music industry. Participants from all branches of the popular music community gather to share fresh and constructive thinking through discussions, debates and new working methods on how to help the future of the industry.

Website: Triggercc.com

TuneCore

TuneCore is the **world's leading digital distributor for online music and video**. Founded in 2005, TuneCore offers musicians and other rights-holders the opportunity to place their music into online retailers such as iTunes, GooglePlay, AmazonMP3, Zune Marketplace, Rhapsody, eMusic, Spotify, and others for sale. TuneCore distributes between 15,000 - 20,000 newly recorded releases a month, this is more music being distributed monthly than all the major labels combined in 100 years. Tunecore registers musicians' songs worldwide in over 60 countries and is affiliated with ASCAP, BMI and SESAC. Tunecore partnered with INDMUSIC, YouTube's largest independent music network, to monetize both music compositions and sound recordings for maximum YouTube earnings potential.

The TuneCore artist community has made over $405.6 million in revenue and sold over 6.1 billion total downloads and streams, since TuneCore launched in 2006**, representing over 60% of all new music sales**. TuneCore is a partner with hundreds of thousands of artists and labels, ranging from indie artists to high profile performers, including: Drake, The Civil Wars, Sonic Youth, Beck, Jay-Z, Aretha Franklin, Keith Richards, Blood On The Dance Floor, Public Enemy, Willie Nelson, They Might Be Giants, Donna Summer, MGM Studios, Moby, Girl Talk & Brian Eno. This market share continues to grow significantly quarterly. In addition, many of TuneCore's artist customers dominate the iTunes, Amazon and other music retail charts outselling and out earning well over 98% of major label releases.

Website: TuneCore.com

Virtual Label

Virtual Label provides direct access to all the major and secondary worldwide digital service providers. It provides significant value for its artists and labels by not only identifying new services but by actively marketing to existing services and being at the forefront of all emerging services worldwide.

Virtual Label is successful in securing significant visibility for new releases and catalog on iTunes, Amazon MP3, eMusic, Spotify, Rdio, Google Play and more. Virtual Label utilizes a proprietary content management system to quickly and easily deliver over 30,000 songs from its catalog worldwide to new and existing services.

Virtual Label has digital partnerships with

- 24-7
- 7digital
- 88tc88 (China)
- Amazon MP3 (NA, EU and Japan)
- Amoeba Music
- Archambault/Zik (Canada)
- AT&T
- Beatport
- Bleep
- Boomkat
- Createspace (Amazon's Disc On Demand)
- Deezer
- Dub Store Inc. (Japan)
- elWatusi
- eMusic (North America and Europe)
- Google Play
- Gracenote
- HMV (Canada)
- iMesh
- iMusica (Brazil)
- iTunes (Worldwide)
- JB Hi-Fi (Australia)
- Juno
- MOG
- Music Unlimited
- Muve Music
- ONErpm
- Pandora
- Psonar
- Pulselocker
- Pure Tracks (Canada)
- Qobuz (France)

- Rara
- Rdio
- Rhapsody
- Satellite
- Shazam
- Slacker
- Songza
- Spotify
- Vevo
- Virgin Mega (France)
- Wasabeat (Japan)
- WiMP
- WDA (ringtones and mobile)
- Xbox
- YouTube
- Zik
- Zvooq (Russia)

Establishment Date: 2000

Website: http://virtuallabel.biz/sections/services

Western Australian Music Industry Association (WAM) – Member of the Australian Coalition

Committed to championing Western Australia's music industry since 1987, WAM (West Australian Music) is the peak music body responsible for supporting, nurturing and growing all forms of contemporary music in WA. WAM champions all forms and levels of WA music, locally, nationally and internationally.

Establishment: 1997

Community Activities: http://wam.org.au/what-we-do/

Membership information: http://wam.org.au/membership/

William Morris Endeavor (WME)

William Morris Endeavor (also known as WME) is one of the world's largest music talent agencies with offices in Beverly Hills, New York City, London, Miami, Nashville, and Dallas. The company was founded in April 2009, after the merger of the William Morris Agency and the Endeavor Agency.

The WME talent agency represents leading music artists including:

1-800-Dinosaur
2 Chainz
2ManyDJs
A$AP Rocky
A Perfect Circle
Adele
Adventure Club
AFI
Afrojack
The Airborne Toxic Event
Al Green
Alanis Morissette
Alberta Cross
Alesso
Alex Clare
Alexa Goddard
Alicia Keys
All Time Low
Allie X
Aloe Blacc
Amos Lee
Andrew Combs
Angel
Angus & Julia Stone
Angus Stone
Annie
Annie Eve
Antemasque
Antony & the Johnsons
Aretha Franklin
Ásgeir
Astro
Atmosphere
Autre Ne Veut
Axwell
The B-52s
BabyMetal
Backstreet Boys
Bag Raiders
Banks
Barry Manilow
Basement Jaxx

Beady Eye
Beastie Boys
Bebe Rexha
Ben Lee
Benjamin Booker
Beth Hart
Beth Orton
Better Than Ezra
Biffy Clyro
Big Business
Big Talk
Billy Idol
The Birds of Satan
Birdy
Biting Elbows
Bjork
Black Pistol Fire
Blaqk Audio
Blue October
Bo Ningen
Boa
Booka Shade
Boots
Borgore
Bosnian Rainbows
Brad Caleb Kane
Brandon Flowers
The Bravery
Bret Michaels
Brian Littrell
Brian Setzer
Bridget Everett
Brody Dalle
Broken Bells
Bruno Mars
Bryan Ferry
The Bryan Ferry Orchestra
The Bunny Gang
Burns
Buzzcocks
Caifanes
Calvin Harris
Carly Rae Jepsen
Cat Power
CeeLo
The Chemical Brothers
Cher Lloyd
Chevy Metal
Children's Hospital
Chris Botti
Chris Cornell

Chris Isaak
Chris Lake
Chris Malinchak
Christina Perri
Chuckie
Ciara
Clare Maguire
Coasts
Coheed and Cambria
Colbie Caillat
Collective Soul
Colony House
Conway
The Courteeners
Crash
Crass Mammoth
Crowded House
The Crystal Method
Curtis Harding
Damian Jr. Gong Marley
Danger Mouse
Daniel Rossen
Dappy
Dark Rooms
Dead Can Dance
Deadmau5
The Dead Weather
Death Grips
Department of Eagles
Depeche Mode
Devotchka
Die Antwoord
Dinosaur Jr.
Divine Fits
DJ Shadow
DJ Snoopadelic
Dot Hacker
Down
Drake
Duffy
Duran Duran
Eagles of Death Metal
EarlWolf
Echo & the Bunnymen
Ed Kowalczyk
Ed Roland
Eddie Vedder
Eden XO
Editors
Edward Sharpe & The Magnetic Zeros
Elbow

Elijah Blake
Ellie Goulding
Emilia Mitiku
Empire of the Sun
Eric Prydz
Erik Hassle
Erol Alkan
Esperanza Spalding
Eva Shaw
Eva Simons
The Expendables
FKA Twigs
The Faint
Faith No More
Family Reunion
Fantomas
Fatboy Slim
Feed Me
Feeder
The Fire Theft
Firekid
Fistful of Mercy
Fitz And The Tantrums
Five Finger Death Punch
The Flaming Lips
Flogging Molly
Fly Golden Eagle
Foo Fighters
Foster the People
Frank Ocean
The Fratellis
Frontier Ruckus
Fuck Buttons
Galantis
Gareth Emery
Gary Barlow
Gary Clark Jr.
George Ezra
The Ghost of a Saber Tooth Tiger
Gin Blossoms
Glasser
Glasvegas
Gnarls Barkley
Godsmack
Gogol Bordello
Goldfrapp
Goo Goo Dolls
Grace Mitchell
Greyson Chance
Grimes
Grizzly Bear

Groove Armada
Hard-Fi
Heitor Pereira
hitRECord
The Hives
HOLYCHILD
Holy Ghost!
How To Destroy Angels
Hozier
Hugh Jackman
Hugh Laurie
Hurts
Ice Cube
Idris Elba Presents 7 Wallace
Iration
J. Roddy Walston & The Business
Jack White
Jacques Lu Cont
Jake Bugg
James
James Bay
James Blake
James Lavelle
James Murphy
Jane's Addiction
Janet Jackson
Jazmine Sullivan
Jeff The Brotherhood
Jeremy Enigk
Jesse Kinch
Jimmy Cliff
Joe Banfi
John C. Reilly
John Grant
John Legend
John Rzeznik
Johnny Marr
Jojo
Jon Batiste And Stay Human
Joseph Gordon-Levitt
Josh Groban
Juanes
Judith Hill
Julia Stone
Julian Marley & The Uprising
Just A Gent
Justin Timberlake
Katharine McPhee
KC & The Sunshine Band
K'Naan
Karmin

Kasabian
Kaskade
Kat Edmonson
Kat Graham
Katey Sagal & The Forest Rangers
Katy Tiz
Kenny Wayne Shepherd Band
Keziah Jones
Kid Cudi
Kiesza
The Killers
Kimbra
Kina Grannis
The Knocks
Kopecky
Kyp Malone
Lady Gaga
Lapsley
Laura Marling
Le Butcherettes
Leftfield
Leighton Meester
Les Rythmes Digitales
Lewis Watson
Lil Dicky
Lindsey Stirling
The Little Willies feat. Norah Jones
LL Cool J
LMFAO
The Lonely Biscuits
Logic
Louis XIV
LP
Luis Miguel
Lynyrd Skynyrd
M.I.A.
Madcon
Madisen Ward and The Mama Bear
Madness
Mandy Moore
Mansionair
Mark Knopfler
Mark Lanegan
The Mars Volta
Massive Attack
Matt Morris
Matthew Koma
Max Schneider
Maximo Park
Maximum Balloon
Maxwell

MckNasty
Meg Myers
Megan Nicole
Melody Gardot
Melvins
Mercury Rev
The Mercy Beat
Mew
Michael Kiwanuka
Michael Smith
Michael Woods
Michelle Branch
Miguel
Miike Snow
Mike Scott
Mike Tompkins
Milow
Mini Mansions
Minus The Bear
Miranda Cosgrove
Moderat
Modestep
Mogwai
Mondo Cane
Moon Taxi
Morcheeba
Mord Fustang
Morrissey
Motion City Soundtrack
MOVEMENT
Mr. Bungle
Murder City Devils
Museum of Love
My Crazy Girlfriend
Mystery Skulls
N.E.R.D.
Nas
Neil Diamond
Nero
Nervo
Night Ranger
Nico & Vinz
Nine Inch Nails
NONONO
Norah Jones
Nostalghia
Odd Future
The Olms
One Day As A Lion
Orbital
The Orwells

Outkast
P.O.D.
Palms
Paolo Nutini
Parachute
Paris Hilton
Passion Pit
Pat Benatar and Neil Giraldo
Patrick Wolf
Patti LaBelle
Paul Kalkbrenner
Paul Reubens
Pauly D
Pearl Jam
Peeping Tom
Pepper
Pet Shop Boys
Pete Tong
Pete Yorn
Peter Frampton
Peter Gabriel
Pharrell Williams
Philip H. Anselmo & The Illegals
Pixies
Polarsets
Porcelain Black
Preservation Hall Jazz Band
Primus
Princess
Priscilla Ahn
The Prodigy
Psy
Public Access T.V.
Pujol
Puscifer
Puss N Boots
Queens of the Stone Age
Quicksand
R3hab
The Raconteurs
Rage Against The Machine
Rain Machine
Ratking
Red Hot Chili Peppers
Redfoo
Refused
Rihanna
Rival Schools
The Robert Cray Band
Robert DeLong
Robert Rodriguez's Chingon Band

Robin Guthrie
Roger Hodgson: The Voice of Supertramp
Roger Sanchez
Roger Waters
Room 94
Roxy Music
Royal Blood
Rozzi Crane
Ruen Brothers
Russell Crowe and the Ordinary Fear of God
Ryuichi Sakamoto
Sam Romans
Sam Smith
Saul Hernandez
Savoy
Scars On Broadway
Scuba
Sean Lennon
Sean Paul
Sebastian Ingrosso
Selena Gomez
Serj Tankian
Seth McFarlane
Seth Troxler
Sex Pistols
Shamir
Shane Harper
Shermanology
Sheryl Crow
Shinedown
The Shins
Shpongle
Sick Puppies
Sidney Samson
Sister Hazel
Skye
Slash
Sleepwave
Sleigh Bells
Slint
SM Town Live
Snoop Dogg
Snoop Lion
Sol Cat
Sons of Fathers
Soulsavers
Soulwax
Sound City Players
Soundgarden
Spookyland
Spoon

St. Lucia
Star Wars: In Concert
Stars in Stereo
Steel Pulse
Stephen "Ragga" Marley
Steve Aoki
Steve Earle
Steve Martin
Stray Cats
Sugar Ray
Sully Erna
Sunny Day Real Estate
Sunset Sons
Swedish House Mafia
Switchfoot
Syd Arthur
System of a Down
Takaya
Tamar Braxton
Taylor Hawkins and the- Coattail Riders
Teachers
The Temper Trap (South America)
Tenacious D
Tenterhook
The Rides
Them Crooked Vultures
Thenewno2
Thievery Corporation
Timo Maas
Tokio Hotel
Tom Waits
Tom Petty & The Heartbreakers
Tom Staar
Tomahawk
Tool
Toots & The Maytals
Trans-Siberian Orchestra
Trentemoller
Trent Reznor
Tres MTs
Trombone Shorty & Orleans Avenue
TV on the Radio
TVXQ!
Tyler The Creator
Tyler Ward
Underworld
Usher
Vicky Cryer
The Vines
Wale
Watch the Duck

The Waterboys
The Weeknd
Weezer
Weird Al Yankovic
Whinnie Williams
The Whip
The White Buffalo
The Whitest Boy Alive
Wolfmother
X Japan
XTRMST
Yanni
Yoshiki
The Young Evils
Yusuf/Cat Stevens
Zane Lamprey
Zane Lowe
Zara Larsson
Zebra Katz
Zella Day
Zero 7
Zhu
Ziggy Marley
And others.

Establishment: 2009

Website: http://www.wmeentertainment.com

Music artist roster: http://www.wmeentertainment.com/0/cta/music/

World Independent Network (WIN)

The Worldwide Independent Music Industry Network (WIN) supports independent music trade associations globally. WIN is a global forum that represents the independent music industry globally. It was launched in 2006 in response to business, creative and market access issues faced by the independent sector everywhere. For independent music companies and their national trade associations worldwide, WIN is a collective voice. It also acts as an advocate, instigator and facilitator for its membership.

WIN exists to support the independent music community through interaction with representative trade organisations and groups, and working directly with international music industry bodies on issues of global significance.

For independent music companies and their national trade associations worldwide, WIN is a collective voice and platform. When appropriate it also acts as an advocate, instigator and facilitator for its continually growing membership. WIN is also a focal point for collecting and sharing knowledge about the indie sector at national and international levels. WIN takes its direction from the WIN Council of leading independent music company heads from all the key markets around the world.

WIN's membership stretches across every continent, with trade associations in all the well-developed legitimate music markets taking a particularly active role – including AIM (UK), A2IM (USA), AIR (Australia), CIMA (Canada), VUT (Germany), IMNZ (New Zealand) , AIRCO (South Africa), UFI (Spain); APROFIP (Peru); ABMI (Brazil) – and Impala representing the whole of Europe.

WIN's priorities are set by the global membership, and included the creation of Merlin, the world's first independent global new media rights licensing agency.

Some key issues on WIN's agenda include:

- Monitoring the policies and effectiveness of collective rights management and licensing organisations for independent rights holders
- Working directly with collecting societies to ensure independent rights holders' interests are properly represented internationally
- Providing legal and commercial support to independent trade associations
- Development of independent trade associations and representative groups in countries where they do not yet exist
- Supporting member trade associations in national copyright, legislative and related issues
- Future protection and development of independent music companies in a rapidly changing market.

WIN members include:

- American Association of Independent Music (USA)
- Associacao Brasileria da Musica Independente (Brazil)
- Association Quebecoise de l'industrie du disque, du spectacle et de la video (Quebec)
- Peruvian Association of Independent Phonographic Producers (Peru)
- Association of Independent Music (UK)

- Australian Independent Record Labels Association (Australia)
- South African Association of Independent Record Companies (South Africa) -
- Associao de Musicos Artistas e Editoras Independentes (Portugal)
- Belgian Independent Music Association (Belgium)
- Association for French Record Companies (France)
- Canadian Independent Music Association (Canada)
- Danish Independent Record Association (Denmark)
- Federation of Music Producers Japan (Japan)
- Association for Norwegian Record Companies (Norway)
- Independent Music Copnanies Association (Europe)
- Independent Music New Zealand (New Zealand)
- Finnish indie labels and producers association (Finland)
- Independent Label Council of Japan (Japan)
- Record Labels Industry Association of Korea (South Korea)
- Svenska Oberoende Musikproducenter (Sweden)
- Stichting onafhankelijke muziek producenten (Netherlands)
- Union Fonogragrafica Independiente (Spain)
- Union des Producteurs Phonographiques Francais Independants (France)
- Austrian Association of Independent Music (Austria)
- German Association of Independent Music Companies (Germany)

Website: http://winformusic.org

Membership Information: http://winformusic.org/win-members/

YouLicense

YouLicense is an online music licensing marketplace. YouLicense's platform enables artists and those seeking musical content to conduct business directly with one another in a safe and secure environment. Its unique search engine and standardized contracts allow for a quick and easy process.

YouLicense provides licensing for independent artists, labels, publishers and other content owners for music, film, television, advertising, and video games. Additionally, YouLicense aims to lead the global music industry in developing and monetizing the emerging field of long-tail music licensing, consisting of "media pro-sumers" producer consumers) seeking music licenses for a range of digital and non-commercial usages such as wedding DVDs, live events, in-store music, photo slideshows, videos, presentations and many other uses.

YouLicense provides an open online licensing marketplace for independent artists and companies, including record labels and publishers. YouLicense currently hosts over 20,000 music licensing stores, and 350,000 music recordings.

YouLicense provides a marketplace to license music for Film & Television, Advertising Campaigns, Music on Hold, Mobile Phone Content, Web Content and Audio Projects.

The world of music licensing is known to be complex, exclusive and expensive. It is often the case that those seeking to license music have great difficulty obtaining what they need and that only a small percentage of artists and composers have the means to offer their music for licensing.

The aim of YouLicense is to break down these limitations and simplify the process.

YouLicense is non-exclusive and welcomes anyone with musical content to upload music and offer licenses for sale. This allows for a large range of musical content; from ringtones to sheet music to songs and beats; and is combined with a unique search engine to increase the chances of finding the much needed musical content.

YouLicense makes music license and copyright trade a simpler and more direct process, offering a service which is inexpensive and secure.

Establishment Date: 2007

Website: http://www.youlicense.com/About.aspx

Appendix C

MCMO Application &

Eligibility Requirements

COMMUNITY APPLICATION: .MUSIC ACCREDITATION FOR MUSIC COMMUNITY MEMBER ORGANIZATIONS (MCMOs)

.music MCMO Application Information

Questions: community@music.us

The global music Community is defined as a "strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music." Priortiy MCMO Launch Phase .music registrations are only restricted to members of .music-accredited MCMOs.

For DotMusic Use Only.

[ ] Accepted

[ ] Rejected

NOTE: This Application Form is developed in A4 size and available in both PDF and fillable DOC formats. Please scale to print on Letter size paper if necessary.

Hard Copy Submission:

.MUSIC™(DotMusic™)
950 S. Flower St #1404
Los Angeles, CA 90015
United States

Email Submission:

community@music.us

Applicant MUST include the words: ".music Community MCMO" in the Subject of the Email.

Applicants are reminded that you MUST accept and agree to be bound by the Terms and Conditions upon the submission of your Application to DotMusic. Applications that do not comply with the requirements to become an MCMO and be part of the .MUSIC Community will be disqualified at the sole discretion of DotMusic per its .MUSIC Application's policies.

1.0	Music Community Member Organization (MCMO) Application Form for .music Community
1.1	**Please indicate your organization's name**
1.2	**Please provide details about your organizations's music community-related activities**
	Website: Establishment Date: Activities:
1.3	**Please provide details why and how you qualify as a .MUSIC-Accredited Music Community Member Organization**

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2.0 .MUSIC-Accreditation Requirements for a Music Community Member Organization (MCMO)

2.1 Does your music organization fulfill the following .MUSIC Accreditation Requirements for MCMOs?

1. Clear delineation: The Community organization must have clear and straightforward membership and the requisite awareness and recognition from those members. The following non-exhaustive list denotes elements of straightforward membership definitions: fees, skill and/or accreditation-requirements, privileges or benefits entitled to members, certifications aligned with community goals etc

2. Organized: The Community organization must administer its members with documented evidence of community activities

3. Community organization must relate to music in a non-tangential or non-peripheral manner.

4. Membership aligns with the Nexus of the Community and the String, which is explicitly relevant to music. Any tangential or implicit associations with the Nexus of the Community and the String will not be regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such an unclear, dispersed or unbound tangential relationship would not constitute a qualifying membership of an accredited MCMO and would be ineligible for registration.

5. Community organization activities are aligned with the .MUSIC Mission and Purpose.

6. Membership is of non-negligible size.

7. Membership geographic dispersion is either international or national (i.e. organizations with merely local memberships do not qualify).

8. Forward-looking longevity: Membership pursuits are of a lasting, non-transient nature (i.e. will continue to exist in the future).

9. Membership activities must be involved in the legal production and/or the distribution and/or the promotion of music (i.e. related to music).

10. The Community organization's functions must legally comply with the string's regulated sector in relation to copyright and clearly abide to the sector's clearly, delineated systems to ensure fair compensation and proper allocation of royalties to Community rights holders.

YES:

2.2 What is your organization's Mission Statement?

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.MUSIC COMMUNITY MCMO APPLICATION FORM

3.0 Applicant Information

3.1 Primary Contact

Position:		Title: ☐ Mr. ☐ Ms. ☐ Other:	
First Name:		Middle Name / Initial:	
Last Name:			
Principal Address:			
Email:		Mobile:	
Telephone:		Facsimile:	

3.2 Secondary Contact (OPTIONAL)

Position:		Title: ☐ Mr. ☐ Ms. ☐ Other:	
First Name:		Middle Name / Initial:	
Last Name:			
Principal Address:			
Email:		Mobile:	
Telephone:		Facsimile:	

3.3 .music Reseller Interest

Check box below if you are interested in becoming a .music reseller under an ICANN-Accredited Registrar

Reseller:	

Please provide other relevant references to support your qualifications:

4.0 Terms and Conditions

Acknowledgement and Acceptance of Terms and Conditions

The terms ".MUSIC" and "DotMusic herein refer to DotMusic Limited, the community applicant for the .MUSIC gTLD.

DotMusic is the global registry community applicant for the .MUSIC top level domain. Upon successful delegation of .MUSIC after contention resolution, DotMusic will enter into an agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") as the Registry Operator for the .MUSIC" community-based top-level domain. DotMusic Limited is incorporated in Cyprus.

Under DotMusic's agreement with ICANN, DotMusic's delegated authority includes creating policies and procedures to ensure Eligibility criteria are met by registrants. The MCMO domain allocation method is designed to allocate domain names based on Eligibility criteria which mandate that registrations during the MCMO Launch Phase are restrrcted to only Community members of MCMOs.

The terms "Applicant" or "MCMO Applicant" as used herein refer to all music entities who have submitted an Application to us for consideration to become a .MUSIC-accredited Music Community Member Organization (MCMO).

DotMusic's MCMO Eligibility criteria, subject to the following Terms and Conditions, may be updated and revised by us from time to time by posting the revised version at the DotMusic's Websites if required to meet our Application's requirements.

You accept and agree to be bound by the Terms and Conditions upon your submission of your Application to us. If you have any questions about the Terms and Conditions, or about the MCMO Application, please contact us at community@music.us

☐ **I hereby accept and agree to be bound by the Terms and Conditions upon the submission of this MCMO Application to DotMusic.**

You must check the above box to acknowledge and accept these Terms and Conditions to complete this Application Form.

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5.0 Disclaimer of Liability

Disclaimer of Liability and Indemnity

In no event shall DotMusic be liable for any direct, indirect, incidental, special, consequential, or exemplary damages resulting from or relating to the Community MCMO Application nor shall DotMusic be liable for the cost of procurement of substitute services.

Without limiting the foregoing, DotMusic expressly disclaims any liability resulting from: the conduct of or Applicant's participation in the Application process; data non-delivery between the Applicant and DotMusic; processing and/or consideration of Applicant's Proposal; ruling of a court or tribunal from competent jurisdictions; errors, omissions or misstatements; and/or natural or unnatural events beyond DotMusic's control.

Indemnity

The Applicant agrees to indemnify, to the maximum extent permitted by law, defend and hold harmless DotMusic and its directors, officers, employees and agents from and against any and all claims, damages, liabilities, costs and expenses, including reasonable legal fees and expenses, arising out of or relating to the Applicant's Community MCMO Application.

Arbitration

Any claim arising out of or relating to the Community MCMO process shall be resolved through Arbitration with the National Arbitration Forum (NAF).

6.0 Applicant's Certification

By signing below, the Applicant's .MUSIC-Accreditation Application Form shall be deemed an express representation and certification by the Applicant that:

- The Applicant has read and understands the Terms and Conditions of MCMO Eligibility, investigated all aspects of the Terms and Conditions, and is aware of the applicable facts pertaining to the MCMO Application, its procedures, and its requirements;
- The Applicant has read and understands the Application and the Application Form and investigated all aspects of the Application, and is aware of the applicable facts pertaining to the Application, its representations, procedures, and its requirements;
- All information and representations provided by the Applicant to DotMusic, including all information and representations set forth in the Application, are current, complete, reliable, and accurate;
- The Applicant will update its Application in the event that it discovers any errors or that material changes

6.0	Applicant's Certification

occur affecting the completeness, reliability or accuracy of information contained within;

- The Applicant acknowledges and agrees to all terms, conditions, and requirements contained in these Terms and Conditions and the Application Form;
- The Applicant is able to deliver the services and products as specified in the Application; and,
- The Applicant understands and acknowledges that, if its Application is approved and opts to become a reseller, it must agree to and sign an approved ICANN-accredited Reseller Contract before DotMusic will advance the Applicant to be an authorized reseller
- The Applicant understands and acknowledges that it will not be able to transfer the MCMO qualification to a third-party without the expressed written consent of DotMusic.

Authorized By (Name):		Position:	
Organization's Name:			
Signature:			Date:
X			(DD/MM/YYYY)

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Appendix D

.music Globally Protected Marks List

(“GPML”)*

*The .music GPML is current as of 2012 and subject to change as more eligible famous artists and music brands qualify for GPML inclusion.

Music Globally Protected Marks List (GPML)

Music Brands

&

Music Artists

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Disclaimer: This GPML Document is subject to change. Only artists exceeding 1 million units in sales of global digital and physical units are eligible for inclusion in the GPML. Brands are eligible if they are globally-recognized and have been mentioned in established music trade publications. Please provide DotMusic with evidence that such criteria is met at community@music.us if you would like your artist name of brand name to be included in the DotMusic GPML.

GLOBALLY PROTECTED MARKS LIST (GPML) - MUSIC ARTISTS
DOTMUSIC (.MUSIC)

? and the Mysterians
10 Years
10,000 Maniacs
10cc
12 Stones
13th Floor Elevators
1910 Fruitgum Co.
2 Unlimited
3 Doors Down
30 Seconds to Mars
311
38 Special
4 Non Blondes
5 Royales, The
50 Cent
54-40
5ive
5th Dimension, The
69 Eyes, The
77's, The
90 Day Men, The
98 Degrees
999
A House
Aaliyah
Abair, Mindi
ABBA
Abbott, Gregory
ABC
Abdul, Paula
Abigail's Ghost
Abraham
AC/DC
Accept
Ace
Ace of Base
Ace, Johnny
Acetone
Acoustic Alchemy
Acuff, Roy
Ad Infinitum
Ad Libs, The
Adams, Bryan
Adams, Ryan

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Disclaimer: This GPML Document is subject to change. Only artists exceeding 1 million units in sales of global digital and physical units are eligible for inclusion in the GPML. Brands are eligible if they are globally-recognized and have been mentioned in established music trade publications. Please provide DotMusic with evidence that such criteria is met at community@music.us if you would like your artist name of brand name to be included in the DotMusic GPML

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Adderly, Cannonball
Addrisi Brothers, The
Adele
Adkins, Trace
Aeoliah
Aerosmith
Afghan Whigs
AFI
Afrika Bambaataa
After 7
After Midnight Project
After the Fire
Against Me
Agalloch
Agents of Good Roots
Aguilera, Christina
a-ha
Aiken, Clay
Air
Air Supply
Airborne Toxic Event, The
Airplay
Akens, Jewel
Akon
Al B. Sure
Alabama
Alaimo, Steve
Alarm, The
Albert, Morris
Albright, Gerald
Alexander, Arthur
Alias
Alice in Chains
Alien Ant Farm
Aliens, The
Alkaline Trio
All About Eve
All Saints
All Time Low
All-4-One
All-American Rejects
Allan, Gary
Allen, Kris
Allen, Lily
Allman Brothers Band, The
Almond, Marc
Almost Famous

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Almost, The
Alpert, Herb & the Tijuana Brass
Alphaville
Alter Bridge
Aluminum Group
Aly & AJ
Amazing Rhythm Aces
Amber
Amboy Dukes
Ambrosia
America
American Breed, The
American Hi-Fi
American Music Club
Ames Brothers, The
Ames, Ed
Amethystium
Amorphis
Amos, Tori
Amulet
Anabret
Anastacia
Anastasio, Trey
Anathema
Anberlin
Anderson, Bill
Anderson, Carl
Anderson, Laurie
Anderson, Leroy
Anderson, Lynn
Andrews Sisters, The
Andrews, Julie
Andy, Horace
Anekdoten
Angel
Angels & Airwaves
Angels, The
Angels, The (II)
Anglagard
Animal Collective
Animal Liberation Orchestra
Animal Logic
Animal Nightlife
Animals, The
Animotion
Anka, Paul
Annette

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Annuals
Ansell, Martin
Answer, The
Ant, Adam
Anthony, Marc
Anthrax
Anti-Nowhere League
Antony and the Johnsons
Aparo, Angie
Aphex Twin
Aphrodite's Child
Apocalyptica
Apple, Fiona
April Wine
Aqualung
Arc Angels, The
Arcade Fire
Arcadia
Archer, Tasmin
Archies, The
Archuleta, David
Arctic Monkeys
Arena
Argent
Aries9
Ark
Arkenstone, David
Armatrading, Joan
Armored Saint
Armstrong, Louis
Army of Anyone
Army of Me
Arnold, Eddy
Arrested Development
Art of Noise, The
Arthur, Joseph
As Tall as Lions
Ash
Ashanti
Ashcroft, Richard
Ashes Divide
Ashford & Simpson
Asia
Asleep at the Wheel
Associates
Association, The
Astley, Jon

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Astley, Rick
At the Drive-In
ATC
Athenaeum
Atkins, Chet
Atlanta Rhythm Section
Atlantic Starr
Atlas Sound
Atomic Rooster
Atreyu
Attaway, Murray
Audience
Audioslave
Auerbach, Dan
Augie March
Aunt Betty's
Austin, Patti
Australian Crawl
Auteurs, The
Autograph
AutoVaughn
Autry, Gene
Autumn Shade
Autumns, The
Avalanches, The
Avalon, Frankie
Avenged Sevenfold
Avengers, The
Average White Band, The
Avett Brothers, The
Avi Buffalo
Axiom
Ayler, Albert
Ayreon
Aztec Camera
Aztec Two-Step
B.T. Express
B-52s, The
Babyface
Babys, The
Bachelors, The
Bachman, Randy
Bachman, Tal
Bachman-Turner Overdrive
Backstreet Boys
Bad Brains
Bad City

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Bad Company
Bad English
Bad Religion
Badalamenti, Angelo
Badfinger
Badlands
Badloves
Badly Drawn Boy
Baerwald, David
Baez, Joan
Baha Men
Bailey, Philip
Bainbridge, Merrill
Baker, Anita
Baker, Chet
Baker, George Selection
Baker, LaVern
Balancing Act, The
Baldry, Long John
Balin, Marty
Ball, Kenny & His Jazzmen
Ballard, Hank & the Midnighters
Balloon Farm
Baltimora
Banana Splits, The
Bananarama
Band of Horses
Band of Skulls
Band Perry, The
Band, The
Bangles
Barcelona
Barclay James Harvest
Bare Wires
Bare, Bobby
Bareilles, Sara
Barenaked Ladies
Bar-Kays, The
Barlow, Gary
Barnes, Jimmy
Barrett, Syd
Barry, John Orchestra
Barry, Len
Barton, Eileen
Basement Jaxx
Basia
Basie, Count

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Basil, Toni
Bass, Fontella
Bassey, Shirley
Bat For Lashes
Battles
Bauhaus
Baxter, Les & His Orchestra
Bay City Rollers
Be Bop Deluxe
Beach Boys, The
Beach House
Beasley, Walter
Beastie Boys
Beat Farmers, The
Beat, The
Beatles, The
Beau Brummels, The
Beau, Toby
Beautiful South, The
Beauty Room, The
Beaver
Beck
Beck, Jeff
Beckley, Gerry
Bedingfield, Daniel
Bedingfield, Natasha
Bee Gees
Been, Michael
Bega, Lou
Beginning of the End
Belafonte, Harry
Belew, Adrian
Bell & James
Bell Biv Devoe
Bell X1
Bell, Archie & the Drells
Bell, Chris
Bell, William
Bella
Bellamy Brothers
Belle and Sebastian
Belle, Regina
Bells, The
Belly
Beltram, Joey
Belvin, Jesse
Benatar, Pat

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Benedictine Monks of Santo Domingo De Silos
Bennett, Tony
Benoit, David
Benson, Brendan
Benson, George
Bentall, Barney
Bentley, Dierks
Benton, Brook
Berigan, Bunny
Berlin
Bernard, Seth and Daisy May
Berry, Chuck
Berry, Dave
Besnard Lakes, The
Beta Band, The
Better Than Ezra
Beyonce
BH Surfers
Bice, Bo
Bieber, Justin
Big & Rich
Big Audio Dynamite
Big Bad Voodoo Daddy
Big Blue Ball
Big Bopper
Big Country
Big Head Todd & the Monsters
Big Pink, The
Big Star
Bilk, Mr. Acker
Biohazard
Birch, Diane
Bird, Andrew
Birds of Avalon
Bishop, Elvin
Bishop, Stephen
Bjork
Black Angels, The
Black Box
Black Country Communion
Black Crowes, The
Black Dub
Black Flag
Black Keys, The
Black Lab
Black Label Society
Black Light Burns

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Black Mountain
Black Oak Arkansas
Black Rebel Motorcycle Club
Black Sabbath
Black Stone Cherry
Black, Clint
Black, Frank
Blackbyrds
Blackfield
Blackfoot
Blackmore's Night
Black's, Bill Combo
Blades, The
Blaine, Marcie
Blakey, Art
Bland, Billy
Bland, Bobby Blue
Blank Theory, The
Blasters, The
Blessid Union of Souls
Blige, Mary J.
Blind Faith
Blind Melon
Blind Pilot
Blink 182
Blitzen Trapper
Bloc Party
Block, Rory
Blondie
Blood, Sweat & Tears
Bloodrock
Bloodstone
Bloom, Bobby
Bloomfield, Michael
Blow Monkeys, The
Blow, Kurtis
Blue Cheer
Blue Mink
Blue Nile, The
Blue October
Blue Oyster Cult
Blue Rodeo
Blue Swede
Blues Image
Blues Magoos
Blues Project, The
Blues Traveler

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Bluetones, The
Blunstone, Colin
Blunt, James
Blur
Boa, Phillip & the Voodoo Club
Boards of Canada
Bob & Earl
Bobaflex
Bobbettes, The
BoDeans, The
Bofill, Angela
Bogguss, Suzy
Bolshoi, The
Bolton, Michael
Bon Iver
Bon Jovi
Bon Jovi, Jon
Bonamassa, Joe
Bonds, Gary U.S.
Bonham, Tracy
Bonnie Prince Billy
Bonoff, Karla
Boo Radleys, The
Boo, Betty
Book of Love
Booker T. & the MG's
Boomtown Rats, The
Boone, Daniel
Boone, Debby
Boone, Pat
Boss Hog
Bostic, Earl
Boston
Botti, Chris
Bottle Rockets
Bourgeois Tagg
Bow Wow Wow
Bowersox, Crystal
Bowie, David
Bowling For Soup
Box of Frogs
Box Tops, The
Boy George
Boy Meets Girl
Boyce, Tommy
Boys Don't Cry
Boys Like Girls

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Boyz II Men
Bozzio Levin Stevens
Brad
Brady, Paul
Bragg, Billy
Branch, Michelle
Brand New
Brand New Heavies
Brand X
Brandy
Branigan, Laura
Bratz
Brave Belt
Bravery, The
Braxton, Toni
Bread
Breakfast Club
Breaking Benjamin
Breathe
Brecker Brothers
Breeders, The
Bremers, Beverly
Brenda & the Tabulations
Brennan, Maire
Brenston, Jackie
Brewer & Shipley
Brewer, Teresa
Brick
Brickell, Edie & New Bohemians
Brickman, Jim
Bricolage
Bridges, Alicia
Bright Eyes
Brightman, Sarah
Briley, Martin
Brinsley Schwarz
Bristol, Johnny
British Sea Power
Britny Fox
Broken Bells
Broken Halo
Broken Social Scene
Broken West, The
Bromberg, David
Bronski Beat
Brooke, Jonatha
Brooklyn Bridge

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Brooks & Dunn
Brooks, Garth
Brooks, Meredith
Brother Bones & His Shadows
Brother Cane
Brotherhood of Man, The
Brothers Four, The
Brothers Johnson, The
Broussard, Marc
Brown, Arthur
Brown, Bobby
Brown, Chris
Brown, James
Brown, Julie
Brown, Maxine
Brown, Peter
Brown, Ruth
Brown, Zac Band
Browne, Duncan
Browne, Jackson
Browns, The
Brownsville Station
Brubeck, Dave
Bruce, Jack
Bryant, Anita
Bryson, Peabo
BT
Buble, Michael
Buchanan, Roy
Buckcherry
Buckethead
Buckingham, Lindsey
Buckinghams, The
Buckley, Jeff
Buckley, Tim
Bucks Fizz
Buckshot Lefonque
Buckwheat Zydeco
Budgie
Buffalo
Buffalo Springfield
Buffett, Jimmy
Buggles, The
Built to Spill
Bunton, Emma
Buoys
Burden Brothers

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Burdon, Eric
Burke, Solomon
Burnett, T-Bone
Burnette, Johnny
Burnette, Rocky
Burning Hearts
Burning Spear
Burtnik, Glen
Bush
Bush, Kate
Bushwhack
Butcher, Jon
Butler, Jerry
Butler, John Trio
Butler, Jonathan
Butterfield, Paul Blues Band
Buzzcocks, The
Byrd, Tracy
Byrds, The
Byrne, David
C & C Music Factory
C.J. & Co.
Cabaret Voltaire
Cabrera, Ryan
Cactus
Cadillacs, The
Caedmon's Call
Cafferty, John & the Beaver Brown Band
Caillat, Colby
Cain, Tane
Cairo
Cake
Caldwell, Bobby
Cale, J.J.
Cale, John
Calexico
Call, The
Callier, Terry
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Calloway
Calloway, Cab
Camel
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Camera Obscura
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Campbell, Glen
Campbell, Tevin

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Camper van Beethoven
Can
Candlebox
Canned Heat
Cannon, Ace
Cannon, Freddy
Canvas
Canyon
Capaldi, Jim
Capps, Grayson
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Captain Beefheart
Captain Beyond
Cara, Irene
Caravan
Carbon Leaf
Cardigans, The
Carey, Mariah
Carey, Tony
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Carlile, Brandi
Carlisle, Belinda
Carlton, Carl
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Carlton, Vanessa
Carmen, Eric
Carmichael, Hoagy
Carnes, Kim
Carolina Liar
Carpenter, Mary Chapin
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Carr, James
Carr, Vikki
Carrack, Paul
Carradine, Keith
Carroll, Jason Michael
Cars, The
Carson, Jeff
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Carter, Clarence
Carter, Mel
Casablancas, Julian
Cascades, The
Case, Neko
Cash, Alvin

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Cash, Johnny
Cash, Rosanne
Casinos, The
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Cassidy, David
Cassidy, Shaun
Cast
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Castor, Jimmy Bunch, The
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Catatonia
Catherine Wheel
Cave, Nick & the Bad Seeds
Cavo
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Celtic Thunder
Cetera, Peter
Chad & Jeremy
Chairmen of the Board
Chamberlain, Richard
Chambers Brothers
Chameleons
Champaign
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Chandler, Gene
Chandlier, Crystal
Channel, Bruce
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Chapman, Michael
Chapman, Tracy
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Charles, Ray
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Chase
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Checker, Chubby
Chemical Brothers, The
Cher
Cherry, Eagle-Eye
Cherry, Neneh
Chesney, Kenny
Chesnutt, Mark
Chesterfield Kings
Chevelle
Chic

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Chicago
Chicken Shack
Chickenfoot
Chicory Tip
Chieftains, The
Chiffons, The
Child, Jane
Childs, Toni
Chi-Lites, The
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Chilton, Alex
China Crisis
Chk Chk Chk
Chocolate Watchband
Chordettes, The
Christie, Lou
Chroma Key
Chronic Future
Chumbawamba
Church, Charlotte
Church, The
Ciani, Suzanne
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City and Colour
City Boy
City Drive, The
Clannad
Clanton, Jimmy
Clap Your Hands Say Yeah
Clapton, Eric
Clark, Dave Five
Clark, Dee
Clark, Guy
Clark, Louis
Clark, Petula
Clark, Roy
Clark, Sanford
Clark, Terri
Clarke, Stanley
Clarkson, Kelly
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Classics IV
Clay, Otis
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Cleftones, The
Clegg, Johnny

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Clemons, Clarence
Click Five, The
Clientele, The
Cliff, Jimmy
Climax
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Cline, Patsy
Clinic
Clooney, Rosemary
Clovers, The
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Clutch
Clyne, Roger & the Peacemakers
Coasters, The
Cochran, Eddie
Cochrane, Tom
Cock Robin
Cockburn, Bruce
Cocker, Jarvis
Cocker, Joe
Cocktail Slippers
CocoRosie
Cocteau Twins
Coe, David Allan
Coheed & Cambria
Cohen, Leonard
Cohn, Marc
Cold
Cold Blood
Cold Chisel
Coldplay
Cole, Cheryl
Cole, Cozy
Cole, Holly
Cole, Jude
Cole, Lloyd and the Commotions
Cole, Nat King
Cole, Natalie
Cole, Paula
Coleman, Ornette
Collective Soul
Collins, Albert
Collins, Edwyn
Collins, Judy
Collins', Paul Beat, The
Collins, Phil
Collins, Tyler

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Coloma
Color Me Badd
Colosseum
Colter, Jessi
Coltrane, Chi
Coltrane, John
Colvin, Shawn
Commagere, Juliette
Commander Cody
Commodores
Communards
Como, Perry
Comsat Angels
Con Funk Shun
Concrete Blonde
Conley, Arthur
Conley, Earl Thomas
Connells, The
Connick, Harry Jr.
Conniff, Ray
Conti, Bill
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Cooder, Ry
Cook, David
Cooke, Sam
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Coolidge, Rita
Cooper, Alice
Cope, Julian
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Corea, Chick
Cornelius Brothers & Sister Rose
Cornell, Chris
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Corrosion of Conformity
Corrs, The
Cortez, Dave Baby
Costa, Nikka
Costello, Elvis & the Attractions
Coster, Tom
Cotton, Danielia
Cotton, Gene
Count Five
Counting Crows
Country Joe & the Fish
Covay, Don

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Coven
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Cover Girls, The
Coverdale, David
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Cowboy Junkies
Cowsills, The
Cox, Deborah
Crack the Sky
Cracker
Craddock, Billy "Crash"
Cramer, Floyd
Cranberries, The
Cranes, The
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Crash Test Dummies
Crawford, Johnny
Crawford, Michael
Cray, Robert Band
Crazy 8s
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Cream
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Creedence Clearwater Revival
Crenshaw, Marshall
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Crests, The
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Crewe, Bob Generation
Croce, Jim
Cropper, Steve
Crosby, Bing
Crosby, David
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Cross, Christopher
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Crow, Sheryl
Crowded House
Crowell, Rodney
Crows, The
Crusaders, The
Cruz, Taio
Cruzados
Cry of Love
Crystal Castles

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Crystal Method, The
Crystal Stilts
Crystals, The
Cuby & the Blizzards
Cuff Links, The
Cullum, Jamie
Cult, The
Culture
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Cummings, Burton
Cure, The
Currie, Justin
Currington, Billy
Curry, Tim
Curve
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Cut Copy
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Cymarron
Cyrkle, The
Cyrus, Billy Ray
Cyrus, Miley
Czar
Dada
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Dale, Dick & His Del-Tones
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Dalloways, The
Daltrey, Roger
Damian, Michael
Damita Jo
Damn Yankees
Damned, The
Damone, Vic
Dana, Vic
Dancing Fantasy
Dando, Evan
Dandy Warhols, The
D'Angelo
Daniels, Charlie Band
Danleers, The
Danny & the Juniors
Danzig
D'Arby, Terence Trent
Darin, Bobby

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Darkness, The
Darren, James
Dashboard Confessional
Daughtry
David & David
David, Craig
Davies, Ray
Davis, Governor Jimmie
Davis, Mac
Davis, Miles
Davis, Paul
Davis, Sammy Jr.
Davis, Skeeter
Davis, Spencer Group
Davis, Tyrone
Day to Remember, A
Day, Bobby
Day, Doris
Day, Howie
Dayne, Taylor
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Daysleepers, The
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Deacon Blue
Dead Can Dance
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Dead Milkmen, The
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Dead Soul Tribe
Dead Weather, The
Deadstring Brothers
Dean, Jimmy
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Death Cab For Cutie
Death in Vegas
DeBarge
Deburgh, Chris
Decemberists, The
Dee, Joey & the Starliters
Dee, Kiki
Deee-Lite
Deep Blue Something
Deep Purple
Deerhunter
Dees, Rick and His Cast of Idiots

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Def Leppard
Default
DeFranco Family
Deftones
Dekker, Desmond
Del Amitri
Del Fuegos, The
Delaney & Bonnie
Delerium
Delerue, Georges
Delfonics, The
Delgado Brothers, The
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Del-Lords, The
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DeLuca, Rocco and the Burden
Del-Vetts, The
Dennis, Cathy
Denny, Sandy
Denver, John
Deodato
Depeche Mode
Derek
Derek & the Dominos
Derringer, Rick
DeSario, Teri
Descendents
Desert Rose Band
DeShannon, Jackie
Des'ree
Destiny's Child
Destroyer
Detroit Cobras
Detroit Emeralds
DeVaughn, William
Devo
Devonsquare
DeVorzon, Barry and Perry Botkin Jr.
Dexy's Midnight Runners
DeYoung, Dennis
Diablos, The
Diamond Rio
Diamond, Neil
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Dickies, The
Diddley, Bo
Dido
Diesel
Diffie, Joe
DiFranco, Ani
Digby, Marie
Digital Underground
DiMeola, Al
Dimmu Borgir
Dinning, Mark
Dino
Dino, Desi and Billy
Dinosaur Jr.
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Dion
Dion, Celine
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Dirty Projectors, The
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Dissociatives, The
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Dixie Chicks
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Dixon, Gabe Band, The
Doc Holliday
Dodos, The
Doggett, Bill
Dokken
Dolby, Thomas
Domino, Fats
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Donaldson, Bo and the Heywoods
Donaldson, Lou
Donegan, Lonnie and His Skiffle Group
Donnas, The
Donner, Ral
Donovan

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Doobie Brothers, The
Doors, The
Dore, Charlie
Dorham, Kenny
Dorsey, Jimmy
Dorsey, Lee
Dorsey, Tommy
Double
Douglas Spotted Eagle
Douglas, Carl
Dove, Ronnie
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Dozier, Lamont
Dr. Feelgood
Dr. Hook
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Drake, Nick
Dramarama
Dramatics, The
Draper, Rusty
Dream Academy, The
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Droge, Pete
Dropkick Murphys
Drowning Pool
Dru Hill
Dudley, Dave
Duff, Hilary
Duffy
Duhks, The
Duke Spirit, The
Duke, George
Dukes of Stratosphear, The
Dulfer, Candy
Dumptruck
Dundas, David
DuPree, Robbie
Duprees, The
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Dury, Ian
Dylan, Bob
Dylan, Jakob
Dyser, Joey
Dyson, Ronnie
Eagles
Eaglesmith, Fred
Earl Greyhound
Earle, Justin Townes
Earle, Steve
Earlies, The
Early November, The
Earshot
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East River Pipe
Easton, Sheena
Easybeats, The
Echo and the Bunnymen
Echobelly
Echoes
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Eddie & the Hot Rods
Eddy, Duane
Edison Lighthouse
Editors
Edmunds, Dave
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Edwards, Cliff
Edwards, Jonathan
Edwards, Kathleen
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Egan, Walter
Eiffel 65
Eight Seconds
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El Chicano
Elastica
Elbow
Electric Flag

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Electric Light Orchestra
Electric Prunes, The
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Elegants
Eleventh Dream Day
Elfman, Danny
Elliman, Yvonne
Ellington, Duke
Elliott, Mama Cass
Ellis, Shirley
Eloy
Ely, Joe
Embrace
Emerson, Lake & Palmer
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Empire of the Sun
En Vogue
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England Dan & John Ford Coley
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Enigma
Eno, Brian
Enuff Z'nuff
Enya
Erasure
Erickson, Roky
Escape Club, The
Escovedo, Alejandro
Espers
Essex, David
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Estefan, Gloria
Estelle
Eternal
Etheridge, Melissa
Eubanks, Kevin
Euphoria
Eurogliders
Europe
Eurythmics
Evan & Jaron
Evanescence
Evans, Faith
Evans, Paul

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Evans, Sara
Eve 6
Everclear
Everett, Betty
Evergrey
Everly Brothers, The
Evermore
Every Mother's Son
Everything But the Girl
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Exploding Hearts, The
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Fabian
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Fagen, Donald
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Faith, Percy
Faithfull, Marianne
Falco
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Faltermeyer, Harold
Fanfarlo
Fantastic Johnny C, The
Fargo, Donna
Farlowe, Chris
Farm, The
Farnham, John
Farris, Dionne
Fastbacks
Fastball
Fastway
Fatboy Slim

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Fates Warning
Faust
Faze Action
Feargal Sharkey
Feeder
Feelies, The
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Feinstein, Michael
Feist
Felder, Don
Feliciano, Jose
Fender, Freddy
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Fergie
Ferguson, Jay
Ferguson, Maynard
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Ferrick, Melissa
Ferry, Bryan
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Finch
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Finger Eleven
Finn Brothers, The
Finn, Tim
Finntroll
Fiorillo, Elisa
Fire Inc.
Firefall
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Firm, The
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Fischer-Z
Fishbone
Fisher, Eddie
Fisher, Miss Toni
Fistful of Mercy
Fitzgerald, Ella

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Five Americans, The
Five Du-Tones, The
Five For Fighting
Five Keys, The
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Five Satins, The
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Flack, Roberta
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Flaming Lips, The
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Fogelberg, Dan
Fogerty, John
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Folds, Ben
Folk Implosion
Fontane Sisters, The
Foo Fighters
Fool's Garden
Forbert, Steve
Ford, Frankie
Ford, Lita
Ford, Tennessee Ernie
Fordham, Julia

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Foreign Exchange, The
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Forester Sisters
Format, The
Forrest, Jimmy
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Foster, David
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Fox, Samantha
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Framing Hanley
Frampton, Peter
Francis, Connie
Franke & the Knockouts
Frankenreiter, Donavon
Frankie Goes To Hollywood
Franklin, Aretha
Franks, Michael
Franz Ferdinand
Fratellis
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Fred, John & His Playboy Band
Freddie and the Dreamers
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Free Movement
Freeman, Bobby
Frehley, Ace
French Kicks
Frey, Glenn
Fricke, Janie
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Friends of Distinction, The
Frightened Rabbit
Fripp, Robert

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Frisell, Bill
Frizzell, Lefty
Frogg Café
From First to Last
Front 242
Frost
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Frou Frou
Frozen Ghost
Frusciante, John
Fuel
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Full Circle
Fuller, Bobby Four
Fulson, Lowell
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Fun Lovin' Criminals
Furtado, Nelly
Future Sound of London, The
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Gabriel, Peter
Galahad
Galaxie 500
Gallagher, Rory
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Game Theory
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Gang of Four
Gap Band, The
Garbage
Garcia, Jerry
Garfunkel, Art
Garland, Judy
Garnett, Gale
Garrett, Leif
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Gaslight Anthem, The
Gates, David
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Gatlin, Larry
Gaye, Marvin
Gayle, Crystal
Gaynor, Gloria
Geddes, David

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Geiger, Teddy
Geils, J. Band
Geldof, Bob
Gene Loves Jezebel
General Public
Generation X
Genesis
Gentle Giant
Gentry, Bobbie
Gentrys, The
Georgia Satellites
Gerry and the Pacemakers
Getz, Stan
Giant
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Gibb, Andy
Gibbs, Georgia
Gibbs, Terri
Gibson, Debbie
Gibson, Don
Gilbert, Paul
Gilder, Nick
Gill, Johnny
Gill, Vince
Gillan, Ian
Gillespie, Dizzy
Gilley, Mickey
Gilmer, Jimmy & the Fireballs
Gilmour, David
Gin Blossoms
Ginuwine
Girls Aloud
Giuffria
Glaser, Tompall
Glass Hammer
Glass Harp
Glass Tiger
Glass, Philip
Glasvegas
Gledhill, Mindy
Glitter, Gary
Glover, Dana
Glover, Roger
Gnarls Barkley
Go West
Go-Betweens, The
God is an Astronaut

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Godfathers, The
Godley & Creme
Godsmack
Godspeed You Black Emperor
Gogol Bordello
Go-Go's
Gold, Andrew
Golden Earring
Golden Shoulders
Golden Smog
Goldfrapp
Goldsboro, Bobby
Gomez
Gomm, Ian
Gong
Goo Goo Dolls
Good Charlotte
Good the Bad & the Queen, The
Good, Matthew Band
Goodman, Benny
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Gordon, Nina
Gore, Lesley
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Gorme, Eydie
Gossip, The
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Goulet, Robert
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Gracie, Charlie
Graham, Larry
Gramm, Lou
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Grandmaster Flash
Grant Lee Buffalo
Grant, Amy
Grant, Earl
Grant, Eddy
Grant, Gogi
Grant, Jenn
Grant, Natalie
Grapes of Wrath, The

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Grass Roots, The
Grateful Dead, The
Gravenhurst
Gray, David
Gray, Dobie
Gray, Macy
Great Big Sea
Great Lake Swimmers
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Great Society, The
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Greaves, R.B.
Grecco, Cyndi
Green Day
Green, Al
Greenbaum, Norman
Greene, Lorne
Greenwood, Lee
Grey Eye Glances
Griffin, Patty
Griffith, Nanci
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Groban, Josh
Groce, Larry
Groove Armada
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Gross, Henry
Groundhogs
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Grusin, Dave
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Guetta, David
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Guilt Machine, The
Guitar Slim
Guns N' Roses
Gus Gus
Guster
Guthrie, Arlo
Guthrie, Woody
Gutter Twins, The

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Guy, Buddy
Gypsy
H.I.M.
H.P. Lovecraft
Hackett, Steve
Haddaway
Hadouken
Hagar, Sammy
Haggard, Merle
Haircut 100
Haley, Bill and His Comets
Hall & Oates
Hall, Daryl
Hall, Kristen
Hall, Tom T.
Hamilton, Anthony
Hamilton, George IV
Hamilton, Joe Frank & Reynolds
Hamilton, Roy
Hamlisch, Marvin
Hammer, Jan
Hammond, Albert
Hammond, Albert Jr.
Hampton, Lionel
Hancock, Herbie
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Happenings, The
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Harcourt, Ed
Hardcastle, Paul
Hardin, Tim
Harding, John Wesley
Harem Scarem
Harley, Steve and Cockney Rebel
Harnen, Jimmy
Harper, Ben
Harper, Roy
Harpo, Slim
Harris, Emmylou
Harris, Major
Harris, Rolf
Harris, Sam
Harris, Thurston
Harris, Wynonie
Harrison, George

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Harrison, Jerry
Harrison, Wilbert
Harry, Deborah
Hart, Corey
Hartman, Dan
Harvey, Alex
Harvey, PJ
Haste the Day
Hatfield, Juliana
Hathaway, Donny
Hawkins, Coleman
Hawkins, Edwin Singers
Hawkins, Ronnie
Hawkins, Screamin' Jay
Hawkins, Sophie B.
Hawkwind
Hawthorne Heights
Hay, Colin
Hayden
Hayes, Isaac
Haywood, Leon
Head East
Head, Murray
Head, Roy
Headlights
Healey, Jeff Band
Heap, Imogen
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Hebb, Bobby
Hedley
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Helio Sequence, The
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Helms, Bobby
Hendrix, Jimi
Hendryx, Nona
Henley, Don
Henry Cow
Henry, Clarence Frogman
Henry, Joe
Heptones, The
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Herman, Woody
Herman's Hermits
Hernandez, Patrick
Hest, Ari
Hewett, Howard
Hewitt, Jennifer Love
Hiatt, John
Hicks, Taylor
Hi-Five
Higgins, Bertie
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Highway 101
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Hill, Dan
Hill, Faith
Hill, Jessie
Hill, Jordan
Hill, Lauryn
Hillage, Steve
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Hinder
Hine, Rupert
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Hitchcock, Robyn and the Egyptians
Hives, The
Ho, Don
Hockey
Hodgson, Roger
Hoge, Will
Hold Steady, The
Hole
Holiday, Billie
Holliday, Jennifer
Hollies, The
Holloway, Brenda
Holly, Buddy
Hollywood Argyles
Holman, Eddie
Holmes, Clint
Holmes, Rupert
Homeroom
Honey Cone, The
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Honeymoon Suite
Hoobastank
Hoodoo Gurus
Hooker, John Lee
Hooters
Hootie & the Blowfish
Hope, Bob
Hopkin, Mary
Horne, Lena
Hornsby, Bruce and the Range
Horrors, The
Horton, Johnny
Hot
Hot Butter
Hot Chip
Hot Chocolate
Hot Leg
Hot Tuna
Hothouse Flowers
House of Love, The
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Howard, Eddy
Howe, Steve
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Hugh, Grayson
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Humperdinck, Engelbert
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Hunter, Ivory Joe
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Hyland, Brian

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Ian, Janis
Icarus Line
Ice Age
Iced Earth
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Idol, Billy
If I Rocked
Ifield, Frank
Iglesias, Enrique
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Imbruglia, Natalie
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Information Society
Ingram, James
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Innocence Mission, The
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Iron Butterfly
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Isaak, Chris
Isbell, Jason
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Ives, Burl
Jacks, Susan

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Jacks, Terry
Jackson 5, The
Jackson, Alan
Jackson, Chuck
Jackson, Freddie
Jackson, Janet
Jackson, Jermaine
Jackson, Joe
Jackson, Lucious
Jackson, Mahalia
Jackson, Michael
Jackson, Millie
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Jadis
Jagger, Mick
Jaggerz, The
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James, Bob
James, Colin
James, Elmore
James, Etta
James, Harry
James, Joni
James, Rick
James, Sonny
James, Tommy
James, Tommy and the Shondells
Jamiroquai
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Jankowski, Hank
Jansch, Bert
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Jarre, Jean-Michel
Jarreau, Al
Jarrett, Keith
Jars of Clay
Jason and the Scorchers
Jawbox
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Jay & the Americans

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Jay & the Techniques
Jayhawks
Jaynetts, The
Jean, Wyclef
Jefferson Starship
Jeffreys, Garland
Jellyfish
Jennings, Waylon
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Jesus & Mary Chain, The
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Jet
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Jets Overhead
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Jett, Joan & the Blackhearts
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Jive Five, The
Jo Jo Gunne
Jodeci
Joel, Billy
John, Elton
John, Little Willie
John, Robert
Johnny & the Hurricanes
Johnny Hates Jazz
Johns, Sammy
Johnson, Don
Johnson, Eric
Johnson, Jack
Johnson, Jamey
Johnson, Jesse
Johnson, Marc
Johnson, Marv
Johnson, Michael
Johnson, Puff
Johnson, Robert
Jonas Brothers
Jones, Freddy Band
Jones, George
Jones, Howard
Jones, Jack
Jones, Jimmy
Jones, Joe "Boogaloo"
Jones, Michael

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Jones, Norah
Jones, Quincy
Jones, Rickie Lee
Jones, Tom
Joplin, Janis
Jordan, Louis
Jordan, Montell
Jordan, Stanley
Journey
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Joy Division
Judas Priest
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Jupiter Coyote
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Justis, Bill and His Orchestra
Kadison, Joshua
Kaempfert, Bert
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Kaiser Chiefs
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Kallen, Kitty
Kamelot
Kamoze, Ini
Kane Gang, The
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Karas, Anton
Karmakanic
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Katrina and the Waves
Kayak
Kaye, Sammy
KBC Band
KC & the Sunshine Band
Keaggy, Phil
Keane
Keb Mo
Keene, Tommy
Keisha
Keith

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Kelley, Josh
Kelly, Gene
Kelly, Paul
Kelly, R.
Kemp, Tara
Kendricks, Eddie
Kenna
Kennedy, Joyce
Kenner, Chris
Kenny G
Kenton, Stan
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Kernkraft 400
Kershaw, Nik
Kershaw, Sammy
Kessel, Barney
Keys, Alicia
Khan, Chaka
Kid Creole & the Coconuts
Kid Rock
Kidd, Johnny & the Pirates
Kidman, Nicole
Kihn, Greg Band
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Kim, Andy
King Crimson
King Curtis
King Floyd
King Harvest
King Kong
King, Albert
King, B.B.
King, Ben E.
King, Carole
King, Claude
King, Earl
King, Evelyn Champagne
King, Freddy
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Kings of Convenience
Kings of Leon
King's X
Kings, The
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Kinks, The
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Kinsey Report
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Klugh, Earl
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Knight, Gladys & the Pips
Knight, Jean
Knopfler, Mark
Knox, Buddy
Kongos, John
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Krall, Diana
Kramer, Billy J. & the Dakotas
Krauss, Alison & Union Station
Kravitz, Lenny
Kreviazuk, Chantal
Kristofferson, Kris
Kroeger, Chad
Krokus
Kula Shaker
Kutless
Kylesa
Kyuss
L.T.D.
L7
La Roux
LaBelle
LaBelle, Patti

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Labradford
LaBrie, James
Lachey, Nick
Lacuna Coil
Lady Antebellum
Lady GaGa
Ladybug Transistor
Ladysmith Black Mambazo
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Lai, Francis
Laine, Frankie
Lake
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Lambert, Adam
Lambert, Miranda
LaMond, George
LaMontagne, Ray
Lance, Major
Landberk
Lane, Cristy
Lang, Jonny
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Lanois, Daniel
Lanz, David
Lanza, Mario
Larsen-Feiten Band
Larson, Nicolette
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Laswell, Greg
Lateef, Yusef
Lattisaw, Stacy
Lauper, Cyndi
Lavender Diamond
Lavigne, Avril
Law, The
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Lawrence, Vicki
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Leaves' Eyes
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Led Zeppelin
Lee, Albert
Lee, Amos
Lee, Ben
Lee, Brenda

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Lee, Dickey
Lee, Geddy
Lee, Johnny
Lee, Laura
Lee, Peggy
Left Banke, The
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Legend, John
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Lennon, John
Lennon, Julian
Lennox, Annie
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Levert
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Lewis, Barbara
Lewis, Bobby
Lewis, Donna
Lewis, Ephraim
Lewis, Gary & the Playboys
Lewis, Huey & the News
Lewis, Jerry Lee
Lewis, Leona
Lewis, Ramsey
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Lifehouse
Lightfoot, Gordon
Lighthouse
Lighthouse Family
Lightman, Toby
Lightning Dust
Lightning Seeds
Lillian Axe
Limahl
Limp Bizkit
Lind, Bob
Lindley, David
Lindsay, Mark

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Linkin Park
Lipps, Inc.
Liquid Tension Experiment
Lisa Lisa and Cult Jam
Little Anthony & the Imperials
Little Big Town
Little Boots
Little Eva
Little Feat
Little Milton
Little Richard
Little River Band
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Lively Ones, The
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Lloyd Webber, Andrew
Lloyd, Alex
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Loeb, Lisa
Lofgren, Nils
Loggins & Messina
Loggins, Dave
Loggins, Kenny
Lohan, Lindsay
London, Julie
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Lopez, Jennifer
Lopez, Priscilla
Lopez, Trini
Loring, Gloria
Los del Rio
Los Lobos
Los Lonely Boys
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Lostprophets
Loudermilk, John D.
Loudness

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Louvin Brothers, The
Love
Love and Rockets
Love Sculpture
Love Unlimited
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Loveless, Patty
Loverboy
Lovett, Lyle
Lovin' Spoonful, The
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Lowe, Jim
Lowe, Nick
Lucksmiths, The
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Lukather, Steve
Luke, Robin
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Lyman, Arthur Group
Lymon, Frankie and the Teenagers
Lynch, Ray
Lynn, Barbara
Lynn, Cheryl
Lynn, Loretta
Lynn, Vera
Lynne, Gloria
Lynne, Jeff
Lynne, Shelby
Lynyrd Skynyrd
Lyons, Dana
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M.C. Hammer
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MacAlpine, Tony
MacColl, Kirsty
MacGregor, Mary
Mack, Lonnie
MacRae, Gordon
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Madness
Madonna

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Mae, Audra
Magazine
Magellan
Magic Dirt
Magnetic Fields
Magnolia Electric Co.
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Main Ingredient, The
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Malkmus, Stephen
Malmsteen, Yngwie
Malo, Raul
Mamas and the Papas, The
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Mancini, Henry
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Mangione, Chuck
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Mann, Aimee
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Mardones, Benny
Margot & the Nuclear So and So's
Marie, Teena
Marillion
Marilyn Manson
Marina & the Diamonds
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Marketts, The
Mar-Keys
Marley, Bob & the Wailers
Marley, Ziggy and the Melody Makers

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Marmalade
Maroon 5
Mars Volta, The
Mars, Bruno
Marsalis, Branford
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Marshall Tucker Band, The
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Martha & the Muffins
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Martin, Bobbi
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Martin, Marilyn
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Marx, Richard
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Masekela, Hugh
Mason, Barbara
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Mauriat, Paul
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Mayall, John
Mayer, John
Mayfield, Curtis
Mayfield, Percy
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McCain, Edwin
McCall, C.W.
McCann, Peter
McCartney, Jesse
McCartney, Paul
McClinton, Delbert
McComas, Brian
McCoo, Marilyn & Billy Davis Jr.
McCormick, Gayle
McCoy, Van
McCoys, The
McCracklin, Jimmy
McCrae, George
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McDaniels, Gene
McDermott, Michael
McDonald, Michael
McEntire, Reba
McFadden & Whitehead
McFerrin, Bobby
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McGarrigle, Kate and Anna
McGovern, Maureen
McGraw, Tim
McGuinn, Roger
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McKee, Maria
McKennitt, Loreena
McKenzie, Scott
McKnight, Brian
McLachlan, Sarah
McLean, Don
McMeikan, Joanna
McPhatter, Clyde
McPhee, Katharine
McTell, Ralph
McVie, Christine
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Medeiros, Glenn
Medley, Bill
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Mehldau, Brad
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Melanie
Mellencamp, John Cougar
Mello-Kings, The
Melody Club
Melua, Katie
Melvin, Harold and the Blue Notes
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Mendes, Sergio
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Merchant, Natalie
Mercier-Descloux, Lizzy
Mercury Rev
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Merritt, Tift
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Messina, Jo Dee
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Micachu
Michael, George
Michaels, Lee
Michaelson, Ingrid
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Midler, Bette
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Midon, Raul
Mighty Lemon Drops
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Mike & the Mechanics
Milburn, Amos
Miller, Frankie
Miller, Glenn
Miller, Jody
Miller, Julie
Miller, Mitch & His Orchestra

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Miller, Rhett
Miller, Roger
Miller, Steve Band
Milli Vanilli
Mills Brothers, The
Mills, Frank
Mills, Stephanie
Milsap, Ronnie
Mimms, Garnet & the Enchanters
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Mitchell, Kim
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Moke
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Monae, Janelle
Money, Eddie
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Monkees, The
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Monotones, The
Monro, Matt
Monroe Brown
Monroe, Bill
Monroe, Marilyn
Monroe, Michael
Monroe, Vaughn
Monster Magnet
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Montez, Chris
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Montgomery, John Michael
Montgomery, Wes
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Moore, Dorothy
Moore, Gary
Moore, Jackie
Moore, Mandy
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Moorer, Allison
Morales, Michael
Morgan, Jaye P.
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Morgan, Lorrie
Morissette, Alanis
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Moroder, Giorgio
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Morrison, Mark
Morrison, Van
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Morse, Neal
Morse, Steve Band
Mostly Autumn
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Mother Love Bone
Mother Superior
Mother's Finest

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Motley Crue
Motorhead
Mott the Hoople
Mould, Bob
Mountain
Mountain Goats, The
Mouse and the Traps
Mouskouri, Nana
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Moyet, Alison
MoZella
Mr. Big
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Mraz, Jason
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Muldaur, Maria
Mullins, Shawn
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Mungo Jerry
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Murphey, Michael Martin
Murphy, Eddie
Murphy, Peter
Murphy, Walter Band
Murray, Anne
Murvin, Junior
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My Chemical Romance
My Darkest Days
My Morning Jacket
My Robot Friend
Myers, Billie
Myles, Alannah
Mystery Machine
Mythos
'N Sync
Nada Surf

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Najee
Naked Eyes
Nalick, Anna
Nantucket
Napoleon XIV
Nash, Graham
Nash, Johnny
Nashville Teens, The
Nathanson, Matt
National, The
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Neely, Sam
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Nesmith, Michael
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Nevil, Robbie
Neville Brothers, The
Neville, Aaron
New Birth, The
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New Christy Minstrels, The
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New Kids on the Block
New Model Army
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New Pornographers, The
New Radicals
New Riders of the Purple Sage, The
New Seekers, The
New Vaudeville Band, The
New York Dolls
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Newman, A.C.
Newman, Randy
Newsboys
Newsom, Joanna
Newton, Juice
Newton, Wayne
Newton-John, Olivia
Next
Ne-Yo
Nice, The
Nicholas, Paul
Nickel Creek
Nickelback
Nicks, Stevie
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Night Ranger
Nightingale
Nightingale, Maxine
Nightwish
Nilsson, Harry
Nine Inch Nails
Nirvana
Nitty Gritty Dirt Band
Nitzer Ebb
Nitzinger
Nixon, Mami
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No Doubt
No Mercy
No Vacancy
Nobles, Cliff & Co.
Nocturnal Rites
NOFX
Noisettes
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Nolan, Kenny
No-Man
Notting Hillbillies, The
Nova, Aldo
Nova, Heather
NRBQ
Nu Shooz
Nugent, Ted
Numan, Gary
Nunn, Terri
Nutini, Paolo
Nylons, The

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Nyro, Laura
O.A.R.
O.S.I.
Oak Ridge Boys
Oakey, Philip
Oasis
Ocasek, Ric
Ocean
Ocean Blue, The
Ocean Colour Scene
Ocean, Billy
Oceansize
Ochs, Phil
O'Connor, Sinead
O'Day, Alan
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Off Course
Offspring, The
Oh Well
O'hearn, Patrick
Ohio Express
Ohio Players
Oingo Boingo
O'jays, The
OK Go
O'Keefe, Danny
Old '97s
Oldfield, Mike
Oleander
Olive
Oliver
Olsson, P.J.
Olympics, The
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One Less Reason
O'Neal, Alexander
OneRepublic
Ones, The
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Ono, Yoko
Operator
Opeth
Opiate For the Masses
Optic Nerve, The
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Orb, The
Orbison, Roy

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Orbit, William
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Orchestral Manoeuvres in the Dark
Ord, Maren
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Orlando, Tony & Dawn
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Orrico, Stacie
Orton, Beth
Osborne, Jeffrey
Osborne, Joan
Osbourne, Ozzy
Oslin, K.T.
Osmond, Donny
Osmond, Marie
Osmonds, The
O'Sullivan, Gilbert
Otcasek, Christopher
Other Ones, The
Otis, Johnny
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Outfield, The
Outkast
Outlaws, The
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Outworld
Over the Rhine
Overstreet, Paul
Owens, Buck
Owl City
Oysterhead
Ozark Mountain Daredevils
O-zone
Ozric Tentacles
P.O.D.
Paatos
Pablo Cruise
Pacific
Pacific Gas & Electric
Pack, David
Page, Jimmy

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Page, Patti
Page, Tommy
Paige, Elaine
Paige, Jennifer
Pain of Salvation
Painkiller Hotel
Pains of Being Pure at Heart, The
Painted Hills
Paisley, Brad
Paley Brothers
Pallas
Palmer, Robert
Paloalto
Pancho's Lament
Panda Bear
Panic at the Disco
Pantera
Papa Roach
Paper Lace
Parachute Club
Paradise Lost
Paramore
Paris Sisters, The
Parker, Charlie
Parker, Fess
Parker, Graham
Parker, Ray Jr.
Parker, Robert
Parks, Van Dyke
Parliament
Parliaments, The
Parr, John
Parsons, Alan Project
Parsons, Gram
Parton, Dolly
Partridge Family, The
Passengers
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Patinkin, Mandy
Patton, Charley
Patton, Robbie
Paul & Paula
Paul, Billy
Paul, Les
Paul, Sean
Paulini
Pausini, Laura

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Pavement
Paycheck, Johnny
Payne, Freda
Peaches & Herb
Peacock, Alice
Pearl Jam
Pearls Before Swine
Pebbles
Peebles, Ann
Peeler
Pelican
Pendergrass, Teddy
Pendragon
Pendulum
Penguins, The
Peniston, Ce Ce
Penn, Michael
Pennywise
Pentangle
Pepper
Pere Ubu
Perfect Circle, A
Perkins, Carl
Perry, Katy
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Persuaders, The
Pet Shop Boys
Peter & Gordon
Peter Bjorn and John
Peter, Paul & Mary
Peters, Bernadette
Petersen, Paul
Peterson, Oscar
Peterson, Ray
Petra
Petrucci, John
Petty, Tom and the Heartbreakers
Peyroux, Madeleine
Phair, Liz
Phantom Planet
Phideaux
Phillips, Esther
Phillips, Glen
Phillips, Grant Lee
Phillips, Phil with the Twilights
Phish
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Pickett, Bobby Boris
Pickett, Wilson
Pierce, Webb
Pilgrim, Billy
Pilot
Pink
Pink Floyd
Pipettes, The
Pitney, Gene
Pixies
Place to Bury Strangers, A
Placebo
Plain White T's
Planet P Project
Plant, Robert
Plaskett, Joel
Plasmatics
Plastilina Mosh
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Player
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PM Dawn
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Poindexter, Buster
Point Blank
Pointer Sisters, The
Pointer, Bonnie
Poison
Police, The
Ponty, Jean-Luc
Pop Will Eat Itself
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Poppy Family, The
Porcupine Tree
Port O'Brien
Portastatic
Porter, Cole
Portishead
Posey, Sandy
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Post, Mike
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Powderfinger
Power Station, The
Powter, Daniel
Pozo Seco Singers, The
Prado, Perez
Pratt & McClain
Prefab Sprout
Prekop, Sam
Presets, The
Presidents of the United States of America
Presley, Elvis
Presley, Lisa Marie
Preston, Billy
Preston, Johnny
Preston, Robert
Pretenders, The
Pretty Poison
Pretty Things, The
Price, Alan
Price, Lloyd
Price, Ray
Pride, Charley
Priest, Maxi
Prima, Louis
Primal Scream
Primitive Radio Gods
Primitives, The
Primus
Prince
Prine, John
Prism
Proclaimers, The
Procol Harum
Prodigy, The
Producers, The
Professor Longhair
Propaganda
Protheroe, Brian
Pseudo Echo
Psychedelic Furs
Public Image Ltd.
Puckett, Gary and the Union Gap
Puddle of Mudd
Puente, Tito
Pulp
Pure Prairie League
Pure Reason Revolution

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Purify, James & Bobby
Pursuit of Happiness, The
Pylon
Quantum Jump
Quarterflash
Quartz
Quatro, Suzi
Queen
Queen Killing Kings, The
Queens of the Stone Age
Queensryche
Quicksilver Messenger Service
Quiet Riot
Quietdrive
R.E.M.
Ra Ra Riot
Rabbitt, Eddie
Raconteurs, The
Radiators, The
Radin, Joshua
Radio Dept.
Radio Free Vestibule
Radiohead
Rae, Corinne Bailey
Rafferty, Gerry
Rage Against the Machine
Railroad Earth
Rain Parade, The
Rain Tree Crow
Rainbow
Raindrops, The
Rainmakers, The
Raitt, Bonnie
Ralston, John
Ram Jam
Rammstein
Ramones, The
Ramses
Rancid
Randolph, Boots
Randolph, Robert and the Family Band
Randy & the Rainbows
Rapture, The
Rare Earth
Rascal Flatts
Rasmus, The
Raspberries, The

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Ratt
Ravens, The
Raveonettes, The
Rawls, Lou
Ray, Goodman & Brown
Ray, Johnnie
Raye, Collin
Razorlight
Rea, Chris
Ready For The World
Real Estate
Real Life
Real McCoy, The
Reasoning, The
Reatard, Jay
Reckless Kelly
Red 7
Red Hot Chili Peppers
Red House Painters
Red Jumpsuit Apparatus, The
Red Rider
Redbone, Leon
Redd Kross
Redding, Otis
Reddy, Helen
Redemption
Redeye
Reed, Dan Network
Reed, Jerry
Reed, Jimmy
Reed, Lou
Reel 2 Real
Reel Big Fish
Reels, The
Reese, Della
Reeves, Jim
Reflections, The
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Refreshments
Reigning Sound, The
Rembrandts, The
Renaissance
Reno, Mike
Rentals, The
REO Speedwagon
Replacements, The
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Reunion
Rev Theory
Revere, Paul and the Raiders
Revis
Reyne, James
Reynolds, Debbie
Reynolds, Jody
Rhett and Link
Rhianna
Rhythm Heritage
Rhythm Syndicate
Rialto
Rice, Chris
Rice, Damien
Rich, Charlie
Rich, Tony Project
Richard, Cliff
Richards, Keith
Richey, Kim
Richie, Lionel
Ricki-Lee
Riddle, Nelson
Ride
Ridgway, Stan
Right Said Fred
Righteous Brothers, The
Rihanna
Riley, Billy Lee
Riley, Jeannie C.
Rimes, LeAnn
Rip Chords, The
Riperton, Minnie
Rippingtons, The
Rise Against
Ritchie Family, The
Ritenour, Lee
Ritter, Tex
Riverboat Gamblers
Rivers, Johnny
Riverside
Rivieras, The
Roachford
Robbins, Marty
Roberts, Austin
Robertson, Robbie
Robin S.
Robinson, Miles Benjamin Anthony

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Robinson, Smokey
Robinson, Vicki Sue
Robyn
Roches, The
Rocket Scientists
Rocket Summer
Rockpile
Rockwell
Rodgers, Jimmie
Rodgers, Jimmie (II)
Rodgers, Nile
Rodrigo y Gabriela
Roe, Tommy
Roger
Roger/Zapp
Rogers Sisters, The
Rogers, Kenny
Rogers, Roy
Rogue Wave
Rolling Stones, The
Rollins Band
Romantics, The
Romeo Void
Ronettes, The
Ronny & The Daytonas
Ronson, Mark
Ronstadt, Linda
Rooftop Singers, The
Rooney
Rorschach Test
Rose Royce
Rose, David
Rosie and the Originals
Ross, Diana
Rossington Collins Band
Roswick
Roth, David Lee
Rowland, Bruce
Roxette
Roxy Music
Royal Guardsmen, The
Royal Hunt
Royal Teens, The
Royal Trux
Royal, Billy Joe
Royksopp
RPWL

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RTZ
Ruby and the Romantics
Rubyhorse
Rudess, Jordan
Ruffin, David
Ruffin, Jimmy
Ruffner, Mason
Rufus
Rumer
Runaways, The
Rundgren, Todd
Runk, Bobby
Rusby, Kate
Rush
Rush, Jennifer
Rush, Merrilee
Rush, Otis
Rush, Tom
Rushen, Patrice
Russell, Arthur
Russell, Bobby
Russell, Brenda
Russell, Leon
Russian Circles
Rusted Root
Rutherford, Mike
Rydell, Bobby
Ryder, Mitch
S.O.S. Band, The
Sabaton
Sade
Sadler, Sgt. Barry
Safire
Saga
Sager, Carole Bayer
Sagittarius
Saigon Kick
Saint Etienne
Sainte-Marie, Buffy
Saints, The
Sakamoto, Kyu
Salsoul Orchestra
Salt 'N Pepa
Sam & Dave
Sam the Sham & the Pharaohs
Sambora, Richie
Samson

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Sanborn, David
Sandbox
Sanders, Pharoah
Sandoval, Hope
Sandpipers, The
Sands, Tommy
Sandy Coast
Sanford/Townsend Band, The
Sang, Samantha
Santamaria, Mongo
Santana
Santo & Johnny
Santogold
Saosin
Sargent, Laurie
Satchel
Satriani, Joe
Saturday Looks Good to Me
Saturday People, The
Saturdays, The
Savage Garden
Savatage
Saves the Day
Savina, Carlo
Saving Abel
Savoy Brown
Sawyer Brown
Saxon
Say Anything
Sayer, Leo
Scaggs, Boz
Scandal
Scanners
Scarbury, Joey
Schenker, Michael Group
Schifrin, Lalo
Schiller
Schilling, Peter
Schon, Neal
School of Fish
School of Rock
School of Seven Bells
School, The
Schuur, Diane
Scialfa, Patti
Scissor Sisters
Scofield, John

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Scorpions
Scott, Freddie
Scott, Jack
Scott, Linda
Scott, Tom
Scott-Heron, Gil
Screaming Trees
Script, The
Scritti Politti
Seabear
Seal
Seals & Crofts
Seals, Dan
Searchers, The
Sebadoh
Sebastian, John
Secada, Jon
Secret Garden
Secret Machines
Secret Sphere
Section 25
Sedaka, Neil
Seduction
Seeds, The
Seeger, Pete
Seekers, The
Seether
Seger, Bob & the Silver Bullet Band
Selena
Sembello, Michael
Semisonic
Sensations, The
Sense Field
Senses Fail
September
Sepultura
Setzer, Brian Orchestra
Seven Mary Three
Seven Nations
Seven Wiser
Sevendust
Seventh Day Slumber
Seventh Key
Seville, David
Sex Pistols, The
Sexton, Charlie
Shadow Gallery

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Shadowfax
Shadows Fall
Shadows of Knight, The
Shadows, The
Shaggy
Shai
Shakespear's Sister
Shakin' Street
Shakira
Shalamar
Shamen, The
Shand, Remy
Shangri-Las, The
Shanice
Shannon
Shannon, Del
Shapiro, Helen
Sharp, Dee Dee
Sharpe, Edward and the Magnetic Zeros
Shaw, Artie
Shaw, Tommy
She & Him
Shear, Jules
Shearwater
SheDaisy
Sheik, Duncan
Sheila E.
Shelley, Pete
Shelton, Blake
Shelton, Ricky Van
Shep & the Limelites
Shepard, Vonda
Shepherd, Kenny Wayne
Sheppard, T.G.
Sheriff
Sherman, Bobby
Shinedown
Shins, The
Shiny Toy Guns
Shirelles, The
Shirley & Company
Shirley & Lee
Shocked, Michelle
Shocking Blue, The
Shooting Star
Shore, Dinah
Shout Out Out Out Out

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Showmen, The
Shriekback
Sianspheric
Siberry, Jane
Sick Puppies
Sieges Even
Sigur Ros
Silencers, The
Silhouettes, The
Silk
Sill, Judee
Silver Convention
Silverchair
Silversun Pickups
Silvertide
Simon and Garfunkel
Simon, Carly
Simon, Joe
Simon, Paul
Simone, Nina
Simple Minds
Simple Plan
Simply Red
Simpson, Jessica
Sinatra, Frank
Sinatra, Nancy
Singing Nun, The
Single Gun Theory
Siouxsie & the Banshees
Sir Douglas Quintet
Sir Lord Baltimore
Sister Hazel
Sister Sledge
Sisters of Mercy
Six By Seven
Six Parts Seven, The
Sixpence None the Richer
Sixx A.M.
Skaggs, Ricky
Skid Row
Skillet
Sky Architect
Skylark
Skyliners, The
Slade
Slash
Slaughter

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Slayer
Sleater-Kinney
Sledge, Percy
Slint
Slipknot
Sloan
Sloan, P.F.
Slowdrive
Sly and the Family Stone
Smash Mouth
Smashing Pumpkins, The
Smile Empty Soul
Smith, Elliott
Smith, Frankie
Smith, Huey "Piano"
Smith, Hurricane
Smith, Jimmy
Smith, Michael W.
Smith, O.C.
Smith, Patti
Smith, Rex
Smith, Sammi
Smithereens, The
Smiths, The
Smoke, The
Smokie
Smyth, Patty
Snap
Sneaker
Snider, Todd
Sniff 'n' the Tears
Snow Patrol
Snow, Hank
Snow, Phoebe
Social Distortion
Soft Boys, The
Soft Cell
Soft Machine, The
Soft Pack, The
Soho
Solarcade
Some, Belouis
Something Corporate
Something Happens
Son Volt
Sonata Arctica
Sonic Youth

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Sonics, The
Sonny & Cher
Sons of the Pioneers
Soul Asylum
Soul II Soul
Soul, David
Soul, Jimmy
Souljazz Orchestra, The
Soulsavers
Soundgarden
Sounds From the Ground
Sounds, The
Soundtrack of Our Lives, The
Soup Dragons, The
South, Joe
Souther, J.D.
Souther-Hillman-Furay Band, The
Southside Johnny & the Asbury Jukes
Spacehog
Spacemen 3
Spandau Ballet
Spaniels, The
Spanky and Our Gang
Sparklehorse
Sparks
Sparks, Jordin
Sparro, Sam
Spears, Britney
Special EFX
Specials
Spektor, Regina
Spencer, Jon Blues Explosion
Spencer, Tracie
Spice Girls
Spin Doctors
Spinal Tap
Spinners, The
Spiral Starecase
Spirit
Spiritualized
Splender
Split Enz
Spock's Beard
Sponge
Spooky Tooth
Spoon
Spores, The

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Springfield, Dusty
Springfield, Rick
Springsteen, Bruce
Spylab
Spyro Gyra
Spys
Squeeze
Squier, Billy
Squirrel Nut Zippers
St. Peters, Crispian
Stabbing Westward
Stabilizers
Stacey Q
Stafford, Jim
Stafford, Jo
Stafford, Terry
Staind
Stampeders
Standard Fare
Standells, The
Stanley Brothers, The
Stanley, Michael Band
Stansfield, Lisa
Staple Singers, The
Starbuck
Stardeath and White Dwarfs
Stardust
Starland Vocal Band
Starpoint
Starr, Brenda K.
Starr, Edwin
Starr, Kay
Starr, Ringo
Starry Eyed and Laughing
Stars
Stars on 45
Starsailor
Starz
Static-X
Statler Brothers, The
Staton, Candi
Status Quo
Steadman
Stealers Wheel
Steam
Steel Breeze
Steele, Jevetta

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Steelheart
Steely Dan
Stefani, Gwen
Stellastarr
Stephenson, Van
Steppenwolf
Stereolab
Stereomud
Stereophonics
Stevens, Cat
Stevens, Connie
Stevens, Ray
Stevens, Shakin'
Stevens, Sufjan
Stevenson, B.W.
Stevie B
Stewart, Al
Stewart, Amii
Stewart, Billy
Stewart, Jermaine
Stewart, John
Stewart, Rod
Stickfigure
Stills, Stephen
Sting
Stone Foxes, The
Stone Poneys
Stone Roses, The
Stone Sour
Stone Temple Pilots
Stone, Joss
Stooges, The
Stories
Storm, Gale
Story of the Year
Story, Liz
Stradlin, Izzy
Strait, George
Straitjacket Fits
Strange Advance
Strangeloves, The
Stranglers, The
Stratovarius
Strawberry Alarm Clock
Strawbs, The
Stray Cats, The
Strays Don't Sleep

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Stream of Passion
Streetheart
Streets, The
Streisand, Barbra
String-A-Longs
Strokes, The
Strong, Barrett
Stryper
Stuart, Marty
Style Council, The
Stylistics, The
Styx
Subdudes
Sublime
Submersed
Suede
Sugar
Sugar Ray
Sugarcubes
Sugarhill Gang
Sugarland
Sugarloaf
Sum 41
Summer Cats
Summer, Donna
Summer, Henry Lee
Sun City Girls
Sun Kil Moon
Sundays, The
Sunset Love
Sunstorm
Supagroup
Super Furry Animals
Superchunk
Supergrass
Supertramp
Supremes, The
Surface
Surfaris, The
Surfer Blood
Survivor
Sutherland Brothers
Swan Lake
Swan, Billy
Swann, Bettye
Swayze, Patrick
Sweat, Keith

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Sweet
Sweet Inspirations, The
Sweet Sensation
Sweet, Matthew
Sweethearts of the Rodeo
Swift, Taylor
Swing Out Sister
Swingin' Medallions
Swinging Blue Jeans
Switchfoot
Sword, The
SWV (Sisters With Voices)
Sylvan
Sylvers, The
Sylvester
Sylvia
Sylvian, David
Symphony X
Syndicate of Sound
System of a Down
System, The
T. Rex
Ta Mara & the Seen
Taco
Taj Mahal
Take 6
Take That
Taking Back Sunday
Talisman
Talk Talk
Talking Heads
Tallest Man on Earth, The
Tally Hall
Tame Impala
Tams, The
Tangent, The
Tangerine Dream
Tankian, Serj
Tanner, Marc Band
Taproot
Tarkio
Tarsha
Taste of Honey, A
Tate, Howard
Tatum, Art
Tavares
Taylor, Hound Dog

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Taylor, James
Taylor, Johnnie
Taylor, Koko
Taylor, Livingston
Taylor, R. Dean
Taylor, Steve
T-Bones, The
Tea Party, The
Teardrop Explodes, The
Tears For Fears
Technotronic
Teddy Bears
Tedeschi, Susan
Teenage Fanclub
Tegan and Sara
Television
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Temper Trap, The
Tempest
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Temple of the Dog
Tempo, Nino
Temptations, The
Ten Seconds
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Tenacious D
Tepper, Robert
Terrell, Tammi
Tesh, John
Tesla
Test Your Reflex
Tex, Joe
Texas
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The The
Them
Them Crooked Vultures
Theory of a Deadman
Thermals, The
They Might Be Giants
Thicke, Robin
Thin Lizzy
Thinkman
Third Day
Third Eye Blind
This Day & Age
This Mortal Coil

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Thomas, B.J.
Thomas, Carla
Thomas, Ian
Thomas, Irma
Thomas, Rob
Thomas, Rufus
Thomas, Timmy
Thompson Twins
Thompson, Ali
Thompson, Lea
Thompson, Richard
Thompson, Sue
Thorn, Tracey
Thorogood, George & the Destroyers
Thorpe, Billy
Three Days Grace
Three Degrees, The
Three Dog Night
Three O'Clock, The
Threshold
Thrice
Thrills, The
Thriving Ivory
Throwing Muses
Thunderball
Thunderclap Newman
Thursday
TI
Tiffany
Tikaram, Tanita
Til Tuesday
Tillis, Pam
Tillotson, Johnny
Timbaland
Timberlake, Justin
Timbuk 3
Time, The
Times Two
Timex Social Club
Timmy T
Tin Machine
Tindersticks
Ting Tings, The
Titus Andronicus
TLC
Toad the Wet Sprocket
Toadies

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Tobymac
Tokens
Tokyo Police Club
Tollak
Tom Tom Club
Tonic
Tony Toni Tone
Too Much Joy
Tool
Toots and the Maytals
Topol
Torche
Torme, Mel
Tornadoes, The
Tortoise
Tosh, Peter
Toto
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Toussaint, Allen
Tower of Power
Townshend, Pete
Toys, The
T'Pau
Traffic
Tragically Hip, The
Train
Trammps, The
Transatlantic
Translator
Trans-Siberian Orchestra
Trapeze
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Trash Can Sinatras
Trashmen, The
Traveling Wilburys
Travers, Pat
Travis
Travis, Randy
Travolta, John
Trembling Blue Stars
Tremeloes
Tresvant, Ralph
Tribal Tech
Trick Pony
Trio
Tripping Daisy
Tritt, Travis

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Triumph
Triumvirat
Troggs, The
Trooper
Trower, Robin
Trucks, Derek Band
True, Andrea Connection
Truth, The
Tubes, The
Tucek, Sarabeth
Tucker, Tanya
Tunstall, KT
Turin Brakes
Turner, Big Joe
Turner, Ike & Tina
Turner, Sammy
Turner, Tina
Turtles, The
Tutone, Tommy
TV on the Radio
Twain, Shania
Twilight Sad, The
Twilley, Dwight
Twillie, Carmen
Twisted Sister
Twitty, Conway
Tyler, Bonnie
Tyler, Jonathan & the Northern Lights
Tymes, The
Type O Negative
Tyrannosaurus Rex
U.K.
U2
UB40
UFO
Ugly Kid Joe
Ullman, Tracey
Ultravox
Uncle Kracker
Uncle Tupelo
Under the Influence of Giants
Under the Sun
Underground Resistance
Underoath
Undertones
Underwood, Carrie
Underworld

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Undisputed Truth, The
United States of America
Unwritten Law
Urban, Keith
Ure, Midge
Urge Overkill
Uriah Heep
Ursa Major
Ursa Major (II)
USA for Africa
Used, The
Utopia
Vai, Steve
Vale, Jerry
Valens, Ritchie
Valli, Frankie
Vampire Weekend
Van Der Graaf Generator
Van Dyke, Leroy
Van Halen
Van Shelton, Ricky
Van Zandt, Townes
Vance, Foy
Vanden Plas
Vandenberg
Vandross, Luther
Vangelis
Vanilla Fudge
Vanity Fare
Vannelli, Gino
Vanwarmer, Randy
Vapors, The
Vassar, Phil
VAST
Vaughan Brothers
Vaughan, Sarah
Vaughan, Stevie Ray
Vaughn, Billy & His Orchestra
Vedder, Eddie
Vee, Bobby
Veer Union, The
Vega, Suzanne
Velocity Girl
Velvet Crush
Velvet Revolver
Velvet Underground, The
Ventures, The

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Vera, Billy & the Beaters
Verlaine, Tom
Verne, Larry
Verona
Vertical Horizon
Veruca Salt
Verve Pipe, The
Verve, The
Vestals, The
Vibrators, The
Vida Blue
Videos
Village People
Village Stompers, The
Vincent, Gene
Vines, The
Vinton, Bobby
Violent Femmes
Visage
Visible Wind
Vitamin C
Vivian Girls
Vixen
Vogues, The
Vollenweider, Andreas
Von Bondies, The
Vonray
W.A.S.P.
Wade, Adam
Wagner, Jack
Wagoner, Porter
Wainwright, Loudon III
Wainwright, Rufus
Waite, John
Waits, Tom
Wakelin, Johnny & the Kinshasa Band
Wakeman, Rick
Walkabouts, The
Walker Brothers
Walker, Butch
Walker, Clay
Walker, Jr. & the All Stars
Walker, T-Bone
Walkmen, The
Wall of Voodoo
Wallace, Jerry
Waller, Fats

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Wallflowers, The
Walsh, Joe
Wang Chung
War
Ward, Anita
Ward, Billy & His Dominoes
Ward, M.
Wariner, Steve
Warlord
Warnes, Jennifer
Warpaint
Warrant
Warwick, Dee Dee
Warwick, Dionne
Was (Not Was)
Washed Out
Washington, Baby
Washington, Dinah
Washington, Grover Jr.
Watanabe, Sadao
Watchtower
Waterboys, The
Waters, Crystal
Waters, Kim
Waters, Muddy
Waters, Roger
Watershed
Watkins, Sean
Watley, Jody
Watson, Doc
Watson, Johnny Guitar
We All Together
We Five
Weather Report
Weavers, The
Ween
Weezer
Weiland, Scott
Weissberg, Eric
Welch, Bob
Welch, Gillian
Welch, Lenny
Welk, Lawrence
Weller, Paul
Wells, Junior
Wells, Kitty
Wells, Mary

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Wendy and Lisa
Wesley, Fred & the JB's
West Coast Pop Art Experimental Band
West Indian Girl
West, Dottie
West, Matthew
Westerberg, Paul
Westlife
Wet Wet Wet
Wet Willie
Wham
Wheat
When In Rome
Whiskeytown
Whispers, The
White Denim
White Lies
White Lion
White Rabbits
White Stripes, The
White Willow
White Zombie
White, Barry
White, Brooke
White, Karyn
White, Matt
White, Snowy
White, Tony Joe
WhiteHeart
Whitesnake
Whitley, Chris
Whitley, Keith
Whitman, Slim
Whittaker, Roger
Who, The
Whodini
Widespread Panic
Wiedlin, Jane
Wilco
Wild Cherry
Wilde, Kim
Wilder, Matthew
Wildhearts, The
Will To Power
Williams, Andy
Williams, Dar
Williams, Deniece

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Williams, Don
Williams, Hank
Williams, Hank Jr.
Williams, John
Williams, Keller
Williams, Larry
Williams, Lucinda
Williams, Mason
Williams, Maurice and the Zodiacs
Williams, Otis
Williams, Robbie
Williams, Roger
Williams, Vanessa
Willis, Chuck
Wills, Mark
Wilson Phillips
Wilson, Al
Wilson, Ann
Wilson, Brian
Wilson, Dennis
Wilson, Gretchen
Wilson, J. Frank and the Cavaliers
Wilson, Jackie
Wilson, Meri
Wilson, Nancy
Wilson, Steven
Winans, Bebe & Cece
Winchester, Jesse
Winehouse, Amy
Wing and a Prayer Fife and Drum Corps, The
Winger
Wingfield, Pete
Wink
Winston, George
Winter, Edgar Group
Winter, Johnny
Winwood, Steve
Wire
Wire Train
Wishbone Ash
Withers, Bill
Within Temptation
Wizzard
Wolf Parade
Wolf, Kate
Wolf, Patrick
Wolf, Peter

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Wolfgang Press
Wolfmother
Womack, Bobby
Womack, Lee Ann
Wonder, Stevie
Wonders, The
Wonderwall
Wood, Brenton
Woodentops, The
Wooley, Sheb
World Leader Pretend
World Party
Worley, Darryl
Wray, Link
Wreckage
Wreckers, The
Wright, Betty
Wright, Charles and the Watts 103rd Street Rhythm Band
Wright, Gary
Wright, Lizz
Wyatt, Robert
Wynette, Tammy
Wynn, Steve
Wynonna
X
Xscape
XTC
XX, The
Y&T
Yankee Grey
Yankovic, Frankie
Yankovic, Weird Al
Yanni
Yarbrough & Peoples
Yarbrough, Glenn
Yardbirds, The
Yaz
Yeah Yeah Yeahs
Year Zero, The
Yearwood, Trisha
Yello
Yellow Magic Orchestra
Yellowcard
Yellowjackets
Yes
Yo La Tengo
Yoakam, Dwight

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Yorn, Pete
You Am I
Young Fresh Fellows
Young Rascals, The
Young, Eli Band
Young, Faron
Young, John Paul
Young, Kathy with the Innocents
Young, Neil
Young, Paul
Young, Will
Youngbloods, The
Yuro, Timi
Zager & Evans
Zapp & Roger
Zappa, Dweezil
Zappa, Frank
Zebra
Zero 7
Zero One
Zeus
Zevon, Warren
Zhane
Zombie, Rob
Zombies, The
Zumpano
ZZ Top

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Appendix E

Artist Naming Conflicts

Artist Name Example: Bliss

Search Results

Last updated: 2014-06-29 15:10 UTC

« ‹ 1 2 3 4 5 6 7 8 9 › » Page 1 of 60

Found 1,488 results for "bliss"

Score	Name	Sort Name	Type	Gender	Area	Begin	Begin Area	End	End Area
100	Bliss (Yonatan Marcow, psychedelic, trance, Israel)	Bliss	Person	Male	Israel				
100	Bliss (Trance artist, released Bliss)	Bliss	Person	Male	United States				
100	Bliss (Hong Kong canto-pop duo)	Bliss	Group		Hong Kong				
100	Bliss (UK yoga/meditation, Lucinda Drayton & Andrew Blissett)	Bliss	Group		United Kingdom				
100	Bliss (UK Goth Metal act, key track "You Spin Me Round" cover)	Bliss	Group		United Kingdom	1996		1999	
100	Bliss (US, Georgia alternative band, xmas rock track "Santa vs Magneto")	Bliss	Group		United States				
100	Bliss (Australian rock band from the late nineties)	Bliss	Group		Australia				
100	Bliss (downtempo/ambient act from Denmark)	Bliss	Group		Denmark				
100	Bliss (Rock group founded in Coventry, UK)	Bliss	Group		United Kingdom				
100	Bliss (60s group, single "Lifetime")	Bliss							
100	Bliss (Greek grunge band)	Bliss	Group		Greece	2000			
100	Bliss (Australian rapper)	Bliss	Person	Male	Australia				
100	Bliss (Belgian trance duo)	Bliss	Group		Belgium				
100	Bliss (unknown trance artist, track "Wind")	Bliss							
100	Bliss (Danish electronic quartet)	Bliss	Group		Denmark				
100	Bliss (Harikesa Swami)	Bliss							
100	Bliss ((Floyd Fisher, Krisco, Maria Nocera))	Bliss							
100	Bliss (Downtempo/world music act from Denmark)	Bliss							
100	Bliss (US rapper aka J Lighten)	Bliss	Person	Male	United States				
100	Bliss	Bliss							
100	Bliss (Desiree, Ascended Masters)	Bliss	Person	Female					
100	Bliss (Canadian pop girl group)	Bliss	Group		Canada				
100	Bliss (Electronic hardcore artist working with Central Rock Records and Bit Music)	Bliss							
99	Bliss (Three-boy band from Manchester, UK)	Bliss	Group		United Kingdom				
97	Bliss (Demoscene composer)	Bliss,Henrik José	Person	Male	Sweden				

« ‹ 1 2 3 4 5 6 7 8 9 › » Page 1 of 60

Appendix F

.MUSIC Policy & Copyright Infringement Dispute Resolution Process

("MPCIDRP")

Appeals & Dispute Resolution Process

By DRP National Arbitration Forum (NAF)

.MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP")

Background

This .MUSIC Policy & Copyright Infringement Dispute Resolution Process (the "MPCIDRP") is incorporated by reference into the Registration Agreement for each domain name registered in the .MUSIC top-level domain ("TLD"). This MPCIDRP shall become effective as of April 1st, 2014 and remain in effect as long as the Registry Operator maintains the eligibility criteria or restrictions. This MPCIDRP may be invoked by filing an appeal or a formal complaint with the National Arbitration Forum. The Rules governing the MPCIDRP process may be found at: http://domains.adrforum.com.

Registration policies are bound by the .MUSIC Policy and Copyright Infringement Dispute Resolution Process ("MPCIDRP"). The .MUSIC Registry's MPCIDRP measures outline the conditions that need to be met when registering a .MUSIC domain name. These conditions include registrant compliance with:

Eligibility Criteria;

Validation or Verification;

Name Selection Rules;

Content and Use Restrictions; and

Enforcement Measures.

By way of example, Registrants must belong to a strictly delineated and organized music organization with clear and straightforward membership (defined as a Music Community Member Organization (MCMO). The "Music Community" is further recognized as the "*strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities (MCMOs) of similar nature that relate to music*." Entities will be denied registration if they only have a tangential relationship with the Music Community as it is defined, because such entity would not have the requisite awareness and recognition of the Community and would not invoke any formal membership with the Music Community. Likewise, .MUSIC Eligibility Requirements and Policies, provide that such an entity does not qualify as a Music Community Member because there would be a misalignment between the Music Community definition and the .MUSIC string. All of the following requirements and qualifications must be met by a MCMO:

i. Clear delineation: The Community organization must have clear and straightforward membership and the requisite awareness and recognition from those members.
ii. Organized: The Community organization must administer the community members and have membership rules (e.g. Terms of Service or Membership Code of Conduct).
iii. Community organization must relate to music in a non-tangential or non-peripheral manner.
iv. Membership aligns with the Nexus of the Community and the String, which is explicitly relevant to music. Any tangential or implicit associations with the Nexus of the Community and the String will not be regarded as delineated memberships since they would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships would not constitute a qualifying membership of an accredited MCMO and would be ineligible for registration.
v. Community organization activities are aligned with the .MUSIC Mission and Purpose.
vi. Membership is of non-negligible size.
vii. Membership geographic dispersion is either international or national (i.e. organizations with merely local memberships do not qualify).
viii. Forward-looking longevity: Membership pursuits are of a lasting, non-transient nature (i.e. will continue to exist in the future).
ix. Membership activities must be involved in the legal production and/or the distribution and/or the promotion of music (i.e. of the same nature).
x. The Community organization's functions must legally comply with the string's regulated sector in relation to copyright and clearly abide to the sector's clearly, delineated systems to ensure fair compensation and proper allocation of royalties to Community rights holders.

The Community as defined is comprised of clearly delineated and organized MCMOs which were identified by the Registry to meet the Community-defined qualifications. A music organization can also apply to become a .MUSIC-accredited MCMO and must prove it fulfills MCMO qualification requirements. The .MUSIC MCMO Accreditation Application and Eligibility Requirements can be found at http://music.us/DotMusic_Music_Community_MCMO_Application.pdf.

The MPCIDRP includes mitigation measures, such as investigation of non-compliance with the .MUSIC policies, including rules pertaining to domain name registrations (eligibility and name selection restrictions), rules on content and use (such as abuse and copyright infringement rules) and appropriate dispute resolution appeals mechanisms.

Registrants who do not prevail in a MPCIDRP Dispute Resolution will have a one-time opportunity to file a Re-consideration Request Appeal around the Policy decision. The Re-consideration appeal will be conducted by the Dispute Resolution Provider (DRP) and the Registry and must include a stated reason for request of re-consideration.

Any Registrant taken down or suspended for a Registry-related violation will also have the option to submit an Appeal for Re-Instatement if they remedy the non-compliance issue to comply with the .MUSIC policies.

DotMusic reserves the right to terminate a domain for failure by the registrant to demonstrate it meets established rules and requirements under .MUSIC Policies through this Appeals process.

When a domain name is terminated it is placed on hold under the Redemption Grace Period. During this period, a domain name is placed in the Pending Delete Restorable status. The domain name can remain in this state for up to 30 days and will not be included in the zone file.

The Appeal Process is a method that the original registrant can use at this stage to re-activate the domain name before it is released into the pool of available domains. During this period any requests to modify or otherwise update the domain will be rejected. If the registrant is successful in their Appeal the domain will be restored and it is moved into Pending Restore status and then OK status. If after 30 days there is no Appeal filed by the registrant then the domain is moved into Pending Delete Scheduled For Release status before the domain is released back into the pool of available domains. During the Pending Delete stage, a domain name is placed in Pending Delete Scheduled For Release status for 5 days, and all Internet services associated with the domain will remain disabled without any possibility of the domain to be restored. After 5 days the domain is released back into the pool of available domains.

1. Purpose

Domain names in the TLD can be registered or reserved subject to eligibility or restriction requirements. This MPCIDRP describes standards that will be applied to resolve challenges to names registered in the TLD on the basis of failure to meet or maintain the eligibility or restriction criteria required by the Registry. This MPCIDRP will not be applied to Registry-reserved names in the TLD.

2. Applicable Disputes

A registered domain name in the TLD will be subject to an administrative proceeding upon submission of a complaint showing by a preponderance of the evidence that the registration was improper under one or more of the circumstances in this section.

The Registry may, through an Annex to this Policy, denote what evidence must be submitted to the Panel and/or a limiting date by which claims may be submitted pursuant to this MPCIDRP, for a specified TLD.

a. Community "Eligibility" Restrictions for Registrants and MCMOs

A complaint under this section shall be required to show that a registered domain name in the TLD does not comply with the provisions of the Registry's Registration Eligibility criteria. The complaint must show:

(i) At the time the challenged domain name was registered, the Registry's registration "Eligibility" criteria were not met, including requirements for

maintaining the registration, naming conditions and restrictions on domain transfers to third parties that otherwise fail to meet the Registration Policy requirements. The complainant must show that the Registrant is not a bona-fide member of the Music Community and does not have a formally, invoked membership with a .MUSIC-accredited Music Community Member Organization (referred to as "MCMOs") as per the Registry's definition of Community. The definition of the Community is a "clearly delineated and organized logical alliance of communities (referred to as "MCMOs") of the same nature related to music."

The Complainant shall submit a copy of the Registry's Eligibility criteria and show the absence of a clear and straightforward membership with the Registry's defined Community with a Complaint based on MPCIDRP para. 2(a).

b. "Name Selection" and "Globally Protected Marks List" ("GPML") Restrictions

A complaint under this section shall be required to show that a registered domain name in the TLD does not comply with the provisions of the Registry's Name Selection Restrictions, including restrictions pertaining to famous music names under the music Globally Protected Marks List (GPML). The complaint may show:

After the challenged domain name was registered, the registrant failed to comply with the Registry's Name Selection requirements and naming conditions for registration consistent with the Registry's articulated community-based mission pertaining to increase trust, protect intellectual property, prevent user-confusion and eliminate malicious abuse. The Complainant shall submit a copy of the Registry's Name Selection criteria with a Complaint based on MPCIDRP para. 2(b).

c. Community "Content and Use" restrictions

A complaint under this section shall be required to show that a registered domain name in the TLD does not comply with the provisions of the Registry's "Content and Use" criteria. The complaint must show either:

i. At the time the challenged domain name was registered, the Registry's "Content and Use" criteria were not met; or
ii. After the challenged domain name was registered, the registrant failed to continue to comply with the Registry's ongoing "Content and Use" restrictions or requirements for maintaining the registration.

The Complainant shall submit a copy of the Registry's "Content and Use" criteria, including evidence regarding any requirement for the registrant to maintain the "Content and Use" restrictions, with a Complaint based on MPCIDRP para. 2(c).

Registrants may not license, sub-delegate or otherwise transfer .music domain names to third parties that otherwise fail to meet the Registration Policy requirements.

3. Appeal Processes

Applicants and others may appeal (or request reconsiderations of) various decisions made by the Registry under the .music Registration Policies. Appeals and requests for reconsideration must be made following the relevant provider Rules and must be made within the time period specified. Requests for appeal or reconsideration must specify the error made by the Registry. The decisions available for appeal to the Provider are:

The Appeals available under this MPCIDRP include:

i. **Reinstatement Reconsideration**

(1) If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated.

(2) If a domain name registration is found to conflict with an entry on the GPML, the registration will be terminated.

For a domain name terminated by the Registry, the registrant may appeal the termination with the Registry. If the domain name is not reinstated, the registrant may bring a request for reinstatement reconsideration to the Provider. A reinstatement reconsideration must be brought within 30 days of the Registry's final determination.

ii. Copyright Infringement Appeal

(1) Registrant can appeal removal of content that was removed by the Registry

(2) Registrant can appeal registry decision not to remove content

iii. **Music Community Member Organization (MCMO) Eligibility Reconsideration Request**

An organization that was denied qualification as a MCMO by the Registry may appeal that determination at the Registry. If the organization is still declined membership, the application organization may bring a request for reinstatement reconsideration to the Provider. A MCMO Eligibility reconsideration request must be brought within 30 days of the Registry's final determination.

iv. **Geographic Public Interest Appeal**

Governments/public authorities/IGOs may challenge abuses of names with national or geographic significance with the Registry. This Registry determination can be appealed with the National Arbitration Forum dispute resolution provider if the Registry failed to follow Registration Policy procedures. A Geographic Public Interest Appeal must be brought within 90 days of the Registry's final determination.

v. **Policy Advisory Board (PAB) Decision Appeal**

A majority of the PAB may direct the Registry to take action against a Registrant for registrations that substantially and negatively affect the objectives of the .MUSIC Registry. This PAB determination and Registry implementation can be appealed by a

Registrant with the National Arbitration Forum. A PAB Decision Appeal must be brought within 30 days of the Registry's final determination.

vi. A **Civil Court Action** filed in civil court. Any legal decision by such a court supersedes any MPCIDRP Appeal or UDRP or URS decision. No further action will be taken until the Registry receives (1) satisfactory evidence of a resolution or settlement between the parties; (2) satisfactory evidence that the lawsuit has been dismissed or withdrawn; or (3) a copy of an order from such court dismissing the lawsuit or stating that the domain name holder does not have the right to continue to use the domain name. ICANN-accredited domain name registrars, which have agreed to abide by UDRP and MPCIDRP decisions, must implement a decision after a period of ten days, unless the decision is appealed in court in that time. The panel decisions are mandatory in the sense that accredited registrars are bound to take the necessary steps to enforce a decision, such as transferring the name concerned. However, under the UDRP and MPCIDRP, either party retains the option to take the dispute to a court of competent jurisdiction for independent resolution.

4. Remedies

The remedies available to a complainant for a proceeding under this MPCIDRP shall be:

a. Ineligible at Registration

If the Panel finds that the domain name was ineligible for registration under MPCIDRP 2(a) and MPCIDRP 2(c)(i), the sole remedy shall be cancellation of the registration and return of the cancelled domain name to the pool of available names available for registration in the TLD. If the Complainant independently qualifies to register the domain name, such application may be made via the standard registration process.

b. Improper Maintenance of Eligibility

The remedies for a Complaint filed under MPCIDRP 2(b) and MPCIDRP 2(c) (ii) are either:

i. The Panel may allow the Respondent up to 14 days to bring the registration into compliance and submit proof of compliance and ongoing eligibility; and/or
ii. The Panel may order cancellation of the registration and return of the cancelled domain name to the pool of available names available for registration in the TLD. If the Complainant independently qualifies to register the domain name, such application may be made via the standard Registration process.

c. Appeals and Requests for Reconsideration

For appeals and reconsideration requests brought under Section 3(i, iii ,iv, and v), the sole remedy available shall be a decision directing the Registry to perform the requested reinstatement, membership acceptance, or geographic name termination.

5. Procedure

a. Dispute Resolution Provider / Selection of Procedure

A Complaint under this MPCIDRP shall be submitted to the National Arbitration Forum ("Provider") by submitting the complaint directly to that Provider. The Provider will administer the proceeding and select a qualified and eligible Panel ("Panel"). The Provider shall establish Rules, setting forth a fee schedule and other technical and process requirements for a dispute under this MPCIDRP ("Rules"). The proceedings under this MPCIDRP will be conducted according to this MPCIDRP and the applicable Rules of the Provider.

b. Registry's or Registrar's Involvement

(1) Neither the Registry nor registrar will participate in the administration or conduct of any proceeding before a Panel, except to the extent that Registry decisions may be reconsidered by the Provider in certain cases (see section 3) and the Registry may provide to the Panel reasons for its decision. In any event, neither the Registry nor the registrar is or will be liable as a result of any decisions rendered by the Panel. Any domain names in the TLD involved in a MPCIDRP proceeding will be locked against transfer to another domain name holder or another registrar during the course of a proceeding. The contact details of the holder of a registered domain name in the TLD will be provided to the Provider by the registrar's publicly available Whois database record for the relevant registrant. The Registry and the applicable registrar will comply with any Panel decision and make all appropriate changes to the status of the domain name registration(s) in their Whois databases.

(2) Decisions made by the Provider under this Policy may be reviewed by the .MUSIC Registry upon request, on the grounds that the Provider failed to follow the Policy or Rules. In no event is the substantive decision by the Panel subject to review by the Registry. If the Provider is found by the Registry to have deviated from the Policy or Rules, the Provider shall rehear the case in accordance with the Policy and Rules before a new Panelist; the rehearing shall be done without additional charges to the Parties.

c. Parties

The registrant of a registered domain name in the TLD or the Registry, in case of a Reconsideration or Appeal, shall be promptly notified by the Provider of the commencement of a dispute under this MPCIDRP, and shall have thirty (30) days in which it may contest the allegations of the complaint or show other cause why the complaint should not be granted in accordance with this MPCIDRP or the conditions under which the domain name in the TLD has been registered or used. In all cases, the burden of proof shall be on the complainant, and default or other failure of the holder of the registered name shall not constitute an admission to any allegation of the complaint. The Provider shall promptly notify all named parties in the dispute, as well as the registrar and the Registry of any decision made by a Panel.

d. Decisions

(i) The Panel may state the basis on which the decision is issued in summary format and may include such commentary or guidance as the Panel deems appropriate;

(ii) the decision shall state whether a registered name in the TLD is to be cancelled or the status quo maintained; and

(iii) decisions made under this MPCIDRP will be publicly published by the Provider on its website.

e. Implementation

If a Panel's decision requires a change to the status of a registered name, the registrar and/or Registry will wait ten (10) business days after communication of the decision before implementing that decision, unless the registrant submits to the Registry (with a copy to the Provider) during that ten (10) day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the registrant has commenced a lawsuit to preserve its claimed rights in a court of competent jurisdiction over the parties and the domain name. If such documentation is received no further action shall be taken until the Registry receives (i) evidence satisfactory to the Registry of an agreed resolution between the parties; (ii) evidence satisfactory to Registry that registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing such lawsuit or otherwise directing disposition of the domain name.

f. Representations and Warranties Parties to a dispute under this MPCIDRP shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

6. Maintaining the Status Quo

During a proceeding under the MPCIDRP, the domain name shall be locked against transfers between registrants and/or registrars. In the event the domain name(s) is due to expire during a proceeding, the name shall proceed to a temporarily reserved status if it is not renewed by the registrant; the MPCIDRP proceeding, in that case, shall be terminated.

7. Indemnification / Hold Harmless The parties shall hold the registrar, the Registry, the Provider, and the Panel harmless from any claim arising from operation of the MPCIDRP. Neither party may name the registrar, the Registry, the Provider, or the Panel as a party or otherwise include the registrar, the Registry, the Provider, or the Panel in any judicial proceeding relating to the dispute or the administration of the MPCIDRP policy. The parties shall indemnify, defend and hold harmless the registrar, the Registry, the Provider, the Panel and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this MPCIDRP. Neither the registrar, the Registry, Provider, the Panel and their respective employees, contractors, agents and service providers shall be liable to a party for any act or omission in connection with any administrative

proceeding under this MPCIDRP or the corresponding Rules. The complainant shall be directly and solely liable to the registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of the domain name(s) in the TLD.

8. Relation To Other Dispute Resolution Policies This MPCIDRP is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Uniform Rapid Suspension System ("URS") and any Charter, Nexus, or Eligibility Dispute Policies adopted by ICANN or the Registry. The conditions herein may constitute lack of legitimate interests and/or bad faith as appropriate under the UDRP or URS in relation to domain names in the TLD.

9. Effect of Other Proceedings The administrative proceeding under the MPCIDRP shall not prevent either party from submitting a dispute concerning the domain name in the TLD to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending MPCIDRP administrative proceeding or after such proceeding is concluded. Upon notice of such other proceeding, the MPCIDRP proceeding will be suspended or terminated (in the sole discretion of the Panel) in deference to the outcome of such other proceeding. If a domain name in the TLD is subject to a UDRP proceeding, the factors set forth in the MPCIDRP may be alleged in such proceeding as applicable terms of legitimate rights or registration and use under the UDRP in addition to any allegations or defenses available.

10. MPCIDRP Modifications The Registry reserves the right to modify this MPCIDRP at any time subject to the terms of its Memorandum of Understanding with the Forum or if it is deemed that any Rules could likely compromise the Registry's operations, security and technical stability. Such revised MPCIDRP shall be posted on the Registry website at least ten (10) calendar days before it becomes effective; unless this MPCIDRP has already been invoked by the submission of a complaint, in which event the version of the MPCIDRP in effect at the time it was invoked will apply until the dispute is concluded, all such changes will be binding with respect to any dispute, whether the dispute arose before, on or after the effective date of the change. In the event that registrant objects to a change in this MPCIDRP, the sole remedy is to cancel the registration, provided that registrant will not be entitled to a refund of any fees paid in connection with such registration.

Appendix G

.MUSIC Premium Channels

Examples:

www.French.music

www.Jazz.music

www.Metal.music

www.Rock.music

Première Vidéo
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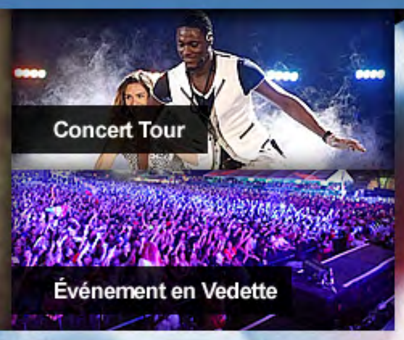

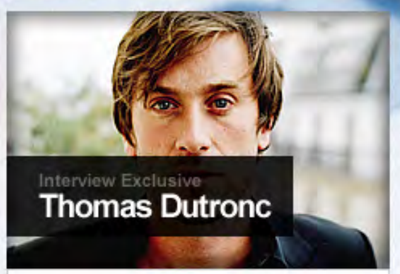

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Nouvelles brèves et événements

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— 10 Janvier 2010

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— 12 Janvier 2010

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Jazz Music

Music Video Events Social Business Shop Register & Log in

Search keywords in Jazz Search

Exclusive Live Concert

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Latest news & events

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— 10 January 2010

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— 12 January 2010

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Features
- Listen to music
- Play videos
- Attend events
- Social network
- Shop merchandise

About us
- About us
- About the domains
- Contact information
- Legal terms
- Privacy policy

Resources
- For artists
- For professionals
- For fans & audience
- Concerts & events
- Special features

Account
- Register & Sign-up
- My account
- Browse profiles
- Manage options

Metallica

Homepage
Discography
Events
Biography
Photo gallery
Lyrics
Tags
Tabs
Merchandise
News
Discussions

It's the sort of story that scriptwriters would get laughed out of conference rooms for entering. The sort of story that illustrates perfect synchronicity between hunger, passion and time. The sort of story that only happens every 30-odd years. And the sort of story that would approximately 500 pages to do it true justice. Metallica. A household name. The 7th biggest selling act in American history. Who'd have thought it when, on October 28th, 1981, drummer Lars Ulrich made guitar player/singer James Hetfield an offer he couldn't refuse: "I've got a track saved for my band on Brian Slagel's new Metal Blade label."

The truth is, Lars didn't have a band at that time, but he did that day when James joined him. The two recorded their first track on a cheap recorder with James performing singing duties, rhythm guitar duties and bass guitar duties. Lars dutifully pounded the drums, helped with musical arrangements and acted as manager. Hetfield's friend and housemate Ron McGovney was eventually talked into taking up bass and Dave Mustaine took lead guitar duties.

The band adopted the moniker Metallica after a suggestion from Bay Area friend Ron Quintana, and they quickly began gigging in the Los Angeles area opening for bands like Saxon. Eventually recording a fully-fledged demo called No Life Til Leather, Metallica quickly saw the tape whistle around the metal tape-trading underground and become a hot commodity, with San Francisco and New York particularly receptive.

Origin: Los Angeles, California, United States

Genre: Heavy metal, thrash metal, hard rock, speed metal

Activity: 1981–present

Labels: Elektra, Vertigo, Megaforce

Associated: Megadeth, Slayer, Anthrax

www.metallica.com
www.metallica.music

Discography

Albums EP Live Hits Remix Compilation Special

Death Magnetic (2004)

Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

St. Anger (2002)

Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

Ride the Lightning (1999)

Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

Six Feet Under (2001)

Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

View the complete discography

News & Events

Metallica World Magnetic Tour 2010

It's the sort of story that scriptwriters would get laughed out of conference rooms for entering. The sort of story that illustrates perfect synchronicity between hunger, passion and time. The sort of story that only happens every 30-odd years. And the sort of story that would approximately 500 pages to do it true justice. Metallica. A household name.

- Buy tickets 19 January 2010 - Estadio San Marcos, Lima, Peru
- Buy tickets 22 January 2010 - Stadium, Buenos Aires, Argentina
- Buy tickets 24 January 2010 - Perito Moreno, Lima, Peru

Metallica Special Concert

Praesent sapien purus, condimentum vitae venenatis eget, interdum in leo. Aliquam ullamcorper lacus quis orci hendrerit pharetra. Mauris sed sapien justo. Maecenas in velit id lorem bibendum lobortis ac quis leo.

Mauris gravida magna eu nisi semper eget luctus metus sodales. Etiam pellentesque, justo eget euismod lacinia, nisi turpis vulputate dui, in elementum leo odio ac odio. In volutpat ante sit amet enim euismod malesuada. Read more

Buy tickets

View more news & events

Fans

Etiam **2.798.359** pellentesque, justo eget euismod lacinia, nisi turpis dui.

View more fans

Photo gallery

Visit the gallery

Merchandise

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$24.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$6.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$88.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$126.99 Buy item

Viva la Vida or Death and all His Friends

The Exclusive Version of the fourth studio album by alternative rock band Coldplay, released in 2008

Learn more or Buy now

Coldplay

Coldplay are an English alternative rock band formed in 1996 by lead vocalist Chris Martin and lead guitarist Jonny Buckland at University College London. After forming Pectoralz, Guy Berryman joined the group as a bassist and they changed their name to Starfish. Will Champion joined as a drummer, backing vocalist, and multi-instrumentalist, completing the lineup. Manager Phil Harvey is often considered an unofficial fifth member. The band renamed themselves "Coldplay" in 1998, before recording and releasing three EPs; Safety in 1998, Brothers & Sisters as a single in 1999 and The Blue Room in the same year. The latter was their first release on a major label, after signing to Parlophone.

Coldplay's early material was compared to acts such as Radiohead, Jeff Buckley, U2, and Travis. They achieved worldwide fame with the release of the single "Yellow" in 2000, followed by their debut album released in the same year, Parachutes, which was nominated for the Mercury Prize. The band's second album, A Rush of Blood to the Head (2002), won multiple awards, including NME's Album of the Year. Their next release, X&Y, received a slightly less enthusiastic yet still generally positive reception upon its release in 2005. The band's fourth studio album, Viva la Vida or Death and All His Friends (2008), was produced by Brian Eno and released again to largely favourable reviews, earning several Grammy nominations and wins.

Origin: London, England

Genre: Alternative rock

Activity: 1996–present

Lables: EMI, Parlophone, Capitol, Fierce Panda

Associated: Apparatjik

www.coldplay.com
www.coldplay.music

Homepage
Discography
Events
Biography
Photo gallery
Lyrics
Tags
Tabs
Merchandise
News
Discussions

View the complete discography

Discography

Albums EP Live Hits Remix Compilation Special

Parachutes (2000)
Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

A Rush of Blood to the Head (2002)
Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

X&Y (2005)
Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

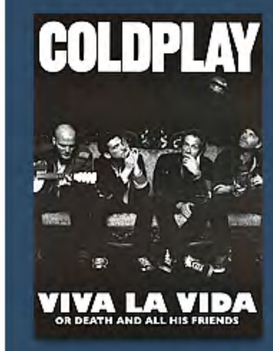
View album

Viva la Vida or Death and All His Friends (2008)
Released: 22 Nov 2004
Recorded: Nov 2003 - Aug 2004
Genre: Rock, Metal
Length: 48 minutes and 46 seconds

View album

View the complete discography

News & Events



Viva la Vida or Death and all His Friends

Praesent sapien purus, condimentum vitae venenatis eget, interdum in leo. Aliquam ullamcorper lacus quis orci hendrerit pharetra. Mauris sed sapien justo. Maecenas in velit id lorem bibendum lobortis ac quis leo.

Mauris gravida magna eu nisi semper eget luctus metus sodales. Etiam pellentesque, justo eget euismod lacinia, nisi turpis vulputate dui, in elementum leo odio ac odio. In volutpat ante sit amet enim euismod malesuada. Read more

Buy tickets

Powderfinger, The Fillmore

Praesent sapien purus, condimentum vitae venenatis eget, interdum in leo. Aliquam ullamcorper lacus quis orci hendrerit pharetra. Mauris sed sapien justo. Maecenas in velit id lorem bibendum lobortis ac quis leo.

Mauris gravida magna eu nisi semper eget luctus metus sodales. Etiam pellentesque, justo eget euismod lacinia, nisi turpis vulputate dui, in elementum leo odio ac odio. In volutpat ante sit amet enim euismod malesuada. Read more

Buy tickets

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Fans

Etiam **2.798.359** pellentesque, justo eget euismod lacinia, nisi turpis dui.

View more fans

Photo gallery

Visit the gallery

Merchandise

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$24.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$6.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$88.99 Buy item

Mauris sed sapien justo. Maecs in velit id lorem bibendum lobortis ac quis leo. Etiam pellentesque.

$126.99 Buy item

Appendix H

Global Music Community Communication Outreach Campaign (2008-2014)

Events & Other Engagements

ICANN (Cairo, Egypt): 2-7 November, 2008

Midem (Cannes, France): 18-21 January, 2009

ICANN (Mexico City, Mexico): 1-6 March, 2009

SXSW (Austin, USA): 18-22 March, 2009

Leadership Music Digital Summit (Nashville, USA): 23-25 March, 2009

Musexpo (Hollywood/Los Angeles, USA): 26-29 April, 2009

Harvard Business School (Cambridge/Boston, USA): May 2009

ICANN (Sydney, Australia): 21-26 June, 2009

Digital Music Forum West (Hollywood/Los Angeles, USA): 7-8 October, 2009

Digital Hollywood (Santa Monica, USA): 19-22 October, 2009

ICANN (Seoul, South Korea): 25-30 October, 2009 [SPONSOR]

San Francisco Music Tech (San Francisco, USA): 7 December, 2009 [SPONSOR]

Mashable (New York, USA): 17 December, 2009

CES (Las Vegas, USA): 7-10 January, 2010

ICANN Studienkreis (Barcelona, Spain): 21-22 January, 2010

Midem (Cannes, France), 23-27 January, 2010

Social Media Week (New York, USA), 1-5 February, 2010 [SPONSOR]

Harvard Business School (Cambridge/Boston, USA), February, 2010

ICANN (Nairobi, Kenya), 7-12 March, 2010

SXSW (Austin, USA): 17-21 March, 2010

ASCAP "I Create Music" Expo (Los Angeles, USA): 22-24 April, 2010

Musexpo (Hollywood/Los Angeles, USA): 25-28 April, 2010

Digital Hollywood (Los Angeles, USA): 3-6 May, 2010

San Francisco Music Tech (San Francisco, USA): 17 May, 2010 [SPONSOR]

Soundctrl Internet Week (New York, USA): 10 June, 2010 [SPONSOR]

ICANN (Brussels, Belgium): 20-25, June, 2010 [SPONSOR]

New Music Seminar (New York, USA): 19-21, July, 2010

North Music Park Thing (San Diego, USA): 13-14, August, 2010 [SPONSOR]

Bandwidth Conference (San Francisco, USA): 19-20, August, 2010 [SPONSOR]

Berlin Music Week (Berlin, Germany): 6-12, September, 2010

All2getherNow Music & Culture (Berlin, Germany): 6-10, Sept, 2010 [SPONSOR]

Popkomm (Berlin, Germany): 8-10, September, 2010 [SPONSOR]

Tag Strategic & Midem Event (West Hollywood, USA): 22, September, 2010

Social Media Week (Los Angeles, USA): Sep 23, 2010

Future of Music Policy Summit (Washington DC, USA): 3-5, Oct, 2010 [SPONSOR]

Digital Music Forum West (Los Angeles, USA): 6-7, October, 2010

CMJ Music Marathon (New York, USA): 19-23, October, 2010 [SPONSOR]

Billboard (Los Angeles, USA): 27-28, October, 2010 [SPONSOR]

New Noise Music Conference & Festival (Santa Barbara, USA): 4-6 November, 2010

The Underground, Presented By Microsoft (Los Angeles, USA): 9 November, 2010

Entertainment & Sports Law Symposium (Minneapolis, USA): 12, November, 2010

Miami Music Festival (Miami, USA): 12-14, November, 2010 [SPONSOR]

San Francisco Music Tech (San Francisco, USA): 6, December, 2010

ICANN Meeting (Cartagena, Colombia): 5-10, December, 2010 [SPONSOR]

CES (Las Vegas, USA): 6-9, January, 2011

Midem (Cannes, France): 22-26, January, 2011

.nxt Conference (San Francisco, USA): 9-10, February, 2011

New Music Seminar (Los Angeles, USA): 14-16, February, 2011 [SPONSOR]

Digital Music Forum East (New York, USA): 24, February, 2011

Experience Music Project, UCLA (Los Angeles, USA): 25-27, February, 2011

USC Lloyd Greif Entrepreneur Day (Los Angeles, USA): 5, March, 2011

Canadian Music Week (Toronto, Canada): 9-13, March, 2011

ICANN Meeting 40 (San Francisco, USA): 13-18, March, 2011

SXSW (Austin, USA): 11-20, March, 2011 [SPONSOR]

Music & Entertainment Industry Educators Assoc (L.A, USA): 1-2, April 2011

Summit Series: Summit at Sea (Miami, USA): 8-11, April, 2011

Rethink Music (Boston, USA): 25-27, April, 2011

ASCAP Expo (Los Angeles, USA): 28-30, April, 2011

Musexpo (Los Angeles, USA): 1-4, May, 2011

Digital Hollywood (Santa Monica, USA): 2-5, May, 2011

NARM (Los Angeles, USA): 9-12, May, 2011

SoundCtrl FlashFWD / Internet Week (NYC, USA): 8, June, 2011 [SPONSOR]

ICANN Meeting 41 (Singapore): 19-24, June, 2011

Dot Nxt (San Francisco, USA): 24-26, August, 2011

Popkomm (Berlin, Germany): 7-9, September, 2011

New Domains Conference on new TLDs (Munich, Germany): 26-7, September, 2011

T.R.A.F.F.I.C (Fort Lauderdale, USA): 14-19 October, 2011

CMJ Music Marathon (New York, USA): 18-22, October, 2011

ICANN Meeting 42 (Dakar, Senegal/Africa): 23-28, October, 2011

WOMEX (Copenhagen, Denmark) October 26-30, 2011

Finnish-America Chamber of Commerce Music Panel (New York, NY) November 1, 2011

Association of Performing Arts Presenters and Jazz Connects (New York, NY) January 5-10, 2012

Midem (Cannes, France): 28-31, January, 2012

SF Music Tech (San Francisco, USA): 13, February, 2012

A2IM Licensing Day (New York, USA): 15, February, 2012

SoundCtrl Music Hub, Social Media Week (New York, USA): 16, February, 2012

SXSW (Austin, TX, USA): 9-18, March, 2012

ICANN Meeting 43 (San Jose, Costa Rica): 11-16, March, 2012

Canadian Music Week (Toronto, CA), March 21-25, 2012

Sync Up (New Orleans, Louisiana) May 4-5, 2012

NARM (Los Angeles, USA): May 7-10, 2012

Music Matters (Singapore): May 22-26, 2012

Song Summit (Sydney, Australia): May 26-28, 2012

New Music Seminar (New York, USA): June 17-19, 2012

A2IM Indie Week (New York, NY) June 19-21, 2012

ICANN Meeting 44 (Prague, Czech Republic): 24-29, June, 2012

Trigger Creative Conference (Borlange, Sweden): June 27-29, 2012

Brasil Music Exchange (Rio de Janeiro, Brazil) July 16-18, 2012

U.S A2IM Trade Mission (Seoul, Korea, China and Hong Kong): September 6-13, 2012

Cutting Edge (New Orleans, Louisiana): September 26-30th, 2012

T.R.A.F.F.I.C (Fort Lauderdale, USA): 7-10 October, 2012

SF Music Tech (San Francisco, USA): October 9, 2012

ICANN Meeting 45 (Toronto, Canada): 14-19 October, 2012

CMJ (New York, USA): 15-19 October, 2012

MU:CON (Seoul, Korea): November 2-3, 2012

Soft Launch Paishouba (Beijing, China): November 4,5, 2012

Nokia Music Connects (Mumbai, India): November 6-7, 2012

Billboard Futuresound (San Francisco, USA): November 15-16, 2012

Association of Performing Arts Presenters and Jazz Connects (New York, NY): January 10-15, 2013

Midem (Cannes, France): 26-28 January, 2013

Folk Alliance (Toronto, Canada): Feb 19-23, 2013

SF Music Tech (San Francisco, USA): February 28, 2013

IM4U (Kuala Lumpur, Malaysia): March 2-3, 2013

SXSW (Austin, USA): March 12-17, 2013

Canadian Music Week (Toronto, Canada): 19-24 March, 2013

ICANN Meeting (Beijing, China): April 7-11, 2013)

ABMI Conference and U.S A2IM Trade Mission (Rio de Janeiro, Brazil), April 17-20, 2012

NARM (Los Angeles, USA): May 6-9, 2013

Music Matters Asia (Singapore): May 21-25, 2013

SF Music Tech (San Francisco), May 28, 2013

World Creators Summit (Washington DC, USA), June 4-5, 2013

New Music Seminar (New York, USA): June 9-11, 2013

SF Music Tech (San Francisco): May 28, 2013

World Creators Summit (Washington DC, USA): June 4-5, 2013

A2IM Indie Week (New York, NY): June 18-20, 2013

Sync Summit (New York, NY): June 19-20, 2013

Trigger Creative Conference (Borlange, Sweden): June 26-29, 2013

YouBloom (Dublin, Ireland): June 29-30, 2013

ICANN Meeting (Durban, South Africa): 14-18 July, 2013

Chicago Music Summit (Chicago, Illinois): September 19-20, 2013

SF Music Tech (San Francisco), October 1, 2013

MU:CON (Seoul, Korea): October 10-12, 2013

CMJ (New York, NY): October 15-17), 2013

MaMA (Paris, France): October 17-18, 2013

T.R.A.F.F.I.C (Fort Lauderdale, USA): 20-23 October, 2013

Festival Innovation and Creativity (Lisbon, Portugal): November 14-17, 2013

ICANN Meeting (Buenos Aires, Argentina): 17-21 November, 2013

Sync Summit (Los Angeles, CA): December 4-5, 2013

NamesCon, (Las Vegas, USA): January 13-15, 2014

Midem (Cannes, France): Jan 25-28, 2014

SXSW (Austin, USA): March 7-16, 2014

ICANN Meeting (Singapore): 23-27 March, 2014

DomainFest (Los Angeles, USA): March 31 – April 2, 2014

A2IM LA Chapter Event & Music Biz/NARM Reception (Los Angeles, U.S.A): May 6th, 2014

Canadian Music Week (Toronto, Canada): 6-10 May, 2014

SF Music Tech (San Francisco, USA): May 20, 2014

T.R.A.F.F.I.C (Las Vegas, USA): May 28-31, 2014

ICANN Meeting (London, UK): 22-26 June, 2014

The communication outreach campaign is ongoing. For the most recent outreach campaign information and upcoming events visit http://music.us/events.htm

Appendix I

Wikipedia
"Music Community"

Music Community. In Wikipedia. Retrieved November 26, 2014, from https://en.wikipedia.org/wiki/Music_community

Music community

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants, such as record labels, operating within what is commonly-known as the music industry, and non-commercial participants, such as amateur musicians. It comprises of "networks of musicians, promoters, and interested people",[1][2] and consists of an "ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music."[3]

UNESCO identifies the music community as a "community of identity", implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music.[4] The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity.[5]It refers to music-related individuals and organizations in a shared environment with shared understandings and practices, modes of production and distribution.[6] The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values.[7]

Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices.[8][9] The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions between music creators, their value chain, distribution channel and fans subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial. Music performances give people in the music community an opportunity to voice their emotions, values, lifestyle, and economic and social conditions through sound, rhythm, and community.[10]

In the place of the continued commercialism of music, the quest for identity and meaning has been rekindled with music both musicians and audiences.[11] How music is consumed in a space can affect the cultural meaning of places and people's interactions in places.[12] With new frameworks for music consumption, communication, distribution and reception being adopted, many elements have been re-negotiated and re-modified, often altering our traditional understandings of music audiences and their role in these practices. The popularity of social media and online communities in particular brought forth a number of online explorations of music audience and fan behavior.[13]

1 References

[1] Spring, Ken. "Behind the Rave: Structure and Agency in a Rave Scene." in Music Scenes: Local, Translocal, and Virtual. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. Pages 48-63

[2] Rebecca Elizabeth Ball, Portland's Independent Music Scene: Formation of Community Identities and Alternative Urban Cultural Landscapes, 2010, Page 50

[3] Michael Talbot, Business of Music, Liverpool University Press, 2002, Page 171

[4] Understanding the Community, UNESCO, Pages 3-5

[5] Bennett, Andy and Richard A. Peterson. Introduction. Music Scenes: Local, Translocal, and Virtual. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. 1-16, Page 134

[6] Ruth H. Finnegan. The Hidden Musicians: Music-Making in an English Town. Cambridge: Cambridge University Press, 1989. Pages 31-32

[7] Michael Monaghan. How to Disappear Completely: An Ethnographic Study of the Contemporary Musical World in Oxford, Identifying, Analysing and Interrelating Comparable Online and Offline Communities, Cardiff School of Creative and Cultural Industries, 2008, Page 23 and Page 28

[8] Grazian, David. "The Symbolic Economy of Authenticity in the Chicago Blues Scene." in Music Scenes: Local, Translocal, and Virtual. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. Pages 31-47

[9] Rebecca Elizabeth Ball, 2010 Portland's Independent Music Scene: Formation of Community Identities and Alternative Urban Cultural Landscapes, Page 27

[10] Smith, Susan J. "Beyond Geography's Visible Worlds: A Cultural Politics of Music." Progress in Human Geography. 21.4 (1997): 505-529. Sage Journals Online.Web. 3 January 2010

[11] Connell, John, and Chris Gibson. "World Music: Deterritorializing Place and Identity." Progress and Human Geography. 28.3 (2004): Page 132 and Page 277. Sage Journals Online. Web. 19 March 2009

[12] Connell, John, and Chris Gibson. “World Music: Deterritorializing Place and Identity.” Progress and Human Geography. 28.3 (2004): 342-361. Sage Journals Online. Web. 19 March 2009

[13] Lucy Bennet, Music audiences: An introduction, Participations.org, 2012

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- **Music community** *Source:* http://en.wikipedia.org/wiki/Music%20community?oldid=632403850 *Contributors:* Dr. Blofeld

2.2 Images

2.3 Content license

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http://www.music.us

Exhibit A4

SUMMARY -- PRINCIPLES, RECOMMENDATIONS & IMPLEMENTATION GUIDELINES

1. This section sets out, in table form, the set of Principles, proposed Policy Recommendations and Guidelines that the Committee has derived through its work. The addition of new gTLDs will be done in accordance with ICANN's primary mission which is to ensure the security and stability of the DNS and, in particular, the Internet's root server system[24].

2. The Principles are a combination of GNSO Committee priorities, ICANN staff implementation principles developed in tandem with the Committee and the March 2007 GAC Public Policy Principles on New Top-Level Domains. The Principles are supported by all GNSO Constituencies.[25]

3. ICANN's Mission and Core Values were key reference points for the development of the Committee's Principles, Recommendations and Implementation Guidelines. These are referenced in the right-hand column of the tables below.

4. The Principles have support from all GNSO Constituencies.

	PRINCIPLES	MISSION & CORE VALUES
A	New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.	M1 & CV1 & 2, 4-10
B	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.	M1-3 & CV 1, 4 & 6
C	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.	M3 & CV 4-10
D	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.	M1-3 & CV 1
E	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under the terms of ICANN's registry agreement.	M1-3 & CV 1
F	A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.	M1-3 & CV 1
G	The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.	

	RECOMMENDATIONS[26]	MISSION & CORE VALUES
1	ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.	M1-3 & CV1-11
2	Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.	M1-3 & C1-6-11
3	Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).	CV3
4	Strings must not cause any technical instability.	M1-3 & CV 1
5	Strings must not be a Reserved Word[27].	M1-3 & CV 1 & 3

6*	Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).	M3 & CV 4
7	Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.	M1-3 & CV1
8	Applicants must be able to demonstrate their financial and organisational operational capability.	M1-3 & CV1
9	There must be a clear and pre-published application process using objective and measurable criteria.	M3 & CV6-9
10	There must be a base contract provided to applicants at the beginning of the application process.	CV7-9
11	[Replaced with Recommendation 20 and Implementation Guideline P and inserted into Term of Reference 3 Allocation Methods section]	
12	Dispute resolution and challenge processes must be established prior to the start of the process.	CV7-9
13	Applications must initially be assessed in rounds until the scale of demand is clear.	CV7-9

14	The initial registry agreement term must be of a commercially reasonable length**.**	CV5-9
15	There must be renewal expectancy.	CV5-9
16	Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.	CV5-9
17	A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.	M1 & CV1
18	If an applicant offers an IDN service, then ICANN's IDN guidelines[28] must be followed.	M1 & CV1
19	Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.	M1 & CV1
20*	An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.	

* The NCUC submitted Minority Statements on Recommendations 6 and 20. The remainder of the Recommendations have support from all GNSO Constituencies.

	IMPLEMENTATION GUIDELINES	MISSION & CORE VALUES
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.	CV 2, 5, 6, 8 & 9
IG B	Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process.	CV 5, 6, 8 & 9

	Application fees may differ for applicants.	
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IG E	The application submission date will be at least four months after the issue of the Request for Proposal and ICANN will promote the opening of the application round.	CV 9 & 10
IG F*	If there is contention for strings, applicants may[29]: i) resolve contention between them within a pre-established timeframe ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and; iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.	CV 7-10
IG H*	Where an applicant lays any claim that the TLD is intended to support a particular community such as a sponsored TLD, or any other TLD intended for a specified community, that claim will be taken on trust with the following exceptions: (i) the claim relates to a string that is also subject to another application and the claim to support a community is being used to gain priority for the application; and (ii) a formal objection process is initiated. Under these exceptions, Staff Evaluators will devise criteria and	CV 7 - 10

	procedures to investigate the claim. Under exception (ii), an expert panel will apply the process, guidelines, and definitions set forth in IG P.	
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from which a small panel would be constituted for each objection).

Guidelines

The task of the panel is the determination of substantial opposition.

a) **substantial** – in determining substantial the panel will assess the following: signification portion, community, explicitly targeting, implicitly targeting, established institution, formal existence, detriment

b) **significant portion** – in determining significant portion the panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.

c) **community** – community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community. It may be a closely related community which believes it is impacted.

d) **explicitly targeting** – explicitly targeting means there is a description of the intended use of the TLD in the application.

e) i**mplicitly targeting** – implicitly targeting means that the objector makes an assumption of targeting or that the objector believes there may be confusion by users over its intended use.

f) **established institution** – an institution that has been in formal existence for at least 5 years. In exceptional cases, standing may be granted to an institution that has been in existence for

	fewer than 5 years. Exceptional circumstances include but are not limited to a re-organization, merger or an inherently younger community. The following ICANN organizations are defined as established institutions: GAC, ALAC, GNSO, ccNSO, ASO. g) **formal existence** – formal existence may be demonstrated by appropriate public registration, public historical evidence, validation by a government, intergovernmental organization, international treaty organization or similar. **h) detriment** – the objector must provide sufficient evidence to allow the panel to determine that there would be a likelihood of detriment to the rights or legitimate interests of the community or to users more widely.	
IG Q	ICANN staff will provide an automatic reply to all those who submit public comments that will explain the objection procedure.	
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* The NCUC submitted Minority Statements on Implementation Guidelines F, H & P. The remainder of the Implementation Guidelines have support from all GNSO Constituencies.

1. This set of implementation guidelines is the result of detailed discussion, particularly with respect to the two *ICANN Staff Discussion Points*[31] documents that were prepared to facilitate consultation with the GNSO Committee about the implementation impacts of the proposed policy Recommendations. The Implementation Guidelines will be used to inform the final Implementation Plan which is approved by the ICANN Board

2. The *Discussion Points* documents contain draft flowcharts which have been developed by the Implementation Team and which will be updated, based on the final vote of the GNSO Council and the direction of the ICANN Board. The *Discussion Points* documents have been used in the ongoing internal implementation discussions that have focused on ensuring that draft recommendations proposed by the Committee are implementable in an efficient and transparent manner[32]. The flowchart setting out the proposed Contention Evaluation Process is a more detailed component within the Application Evaluation Process and will be amended to take into account the inputs from Recommendation 20 and its related Implementation Guidelines.

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4. The following sections set out in detail the explanation for the Committee's recommendations for each Term of Reference.

Exhibit A5

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Final Report - Introduction of New Generic Top-Level Domains

Last Updated: 4 September 2009

Date: 8 August 2007

ICANN Generic Names Supporting Organisation

Final Report

Introduction of New Generic Top-Level Domains

8 August 2007

Part A: Final Report

Introduction of New Generic Top-Level Domains

ABSTRACT

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SUMMARY -- PRINCIPLES, RECOMMENDATIONS & IMPLEMENTATION GUIDELINES

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TERM OF REFERENCE -- SELECTION CRITERIA

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Annex B – Nominating Committee Appointee Avri Doria: Individual Comments

Annex C – NCUC Minority Statement: Recommendation 20 and Implementation Guidelines F, H & P

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FINAL REPORT: PART B

ABSTRACT

This is the Generic Names Supporting Organization's Final Report on the Introduction of New Top-Level Domains. The Report is in two parts. Part A contains the substantive discussion of the Principles, Policy Recommendations and Implementation Guidelines and Part B contains a range of supplementary materials that have been used by the Committee during the course of the Policy Development Process.

The GNSO Committee on New Top-Level Domains consisted of all GNSO Council members. All mee ings were open to a wide range of interested stakeholders and observers. A set of participation data is found in Part B.

Many of the terms found here have specific meaning within the context of ICANN and new top-level domains discussion. A full glossary of terms is available in the Reference Material section at the end of Part A.

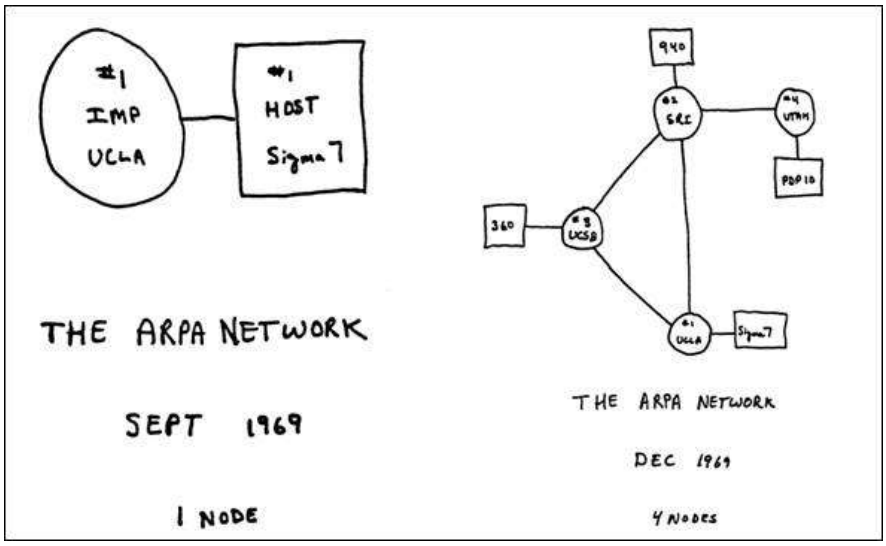
BACKGROUND

1. The Internet Corporation for Assigned Names and Numbers (ICANN) is responsible for the overall coordination of "the global Internet's system of unique iden ifiers" and ensuring the "stable and secure operation of the Internet's unique identifier systems. In particular, ICANN coordinates the "alloca ion and assignment of the three sets of unique identifiers for the Internet". These are "domain names"(forming a system called he DNS); Internet protocol (IP) addresses and autonomous system (AS) numbers and Protocol port and parameter numbers". ICANN is also responsible for the "operation and evolution of the DNS root name server system and policy development reasonably and appropriately related to these technical functions". These elements are all contained in ICANN's Mission and Core Values[1] in addition to provisions which enable policy development work that, once approved by the ICANN Board, become binding on the organiza ion. The results of he policy development process found here relate to the introduction of new generic top-level domains.

2. This document is the *Final Report* of the Generic Names Suppor ing Organisation's (GNSO) Policy Development Process (PDP) hat has been conducted using ICANN's Bylaws and policy development guidelines that relate to he work of the GNSO. This *Report* reflects a comprehensive examination of four Terms of Reference designed to establish a stable and ongoing process that facilitates the introduction of new top-level domains. The policy development process (PDP) is part of he Generic Names Supporting Organisation's (GNSO) mandate within he ICANN structure. However, close consulta ion with other ICANN Supporting Organisations and Advisory Committees has been an integral part of the process. The consultations and negotiations have also included a wide range of interested stakeholders from within and outside the ICANN community[2].

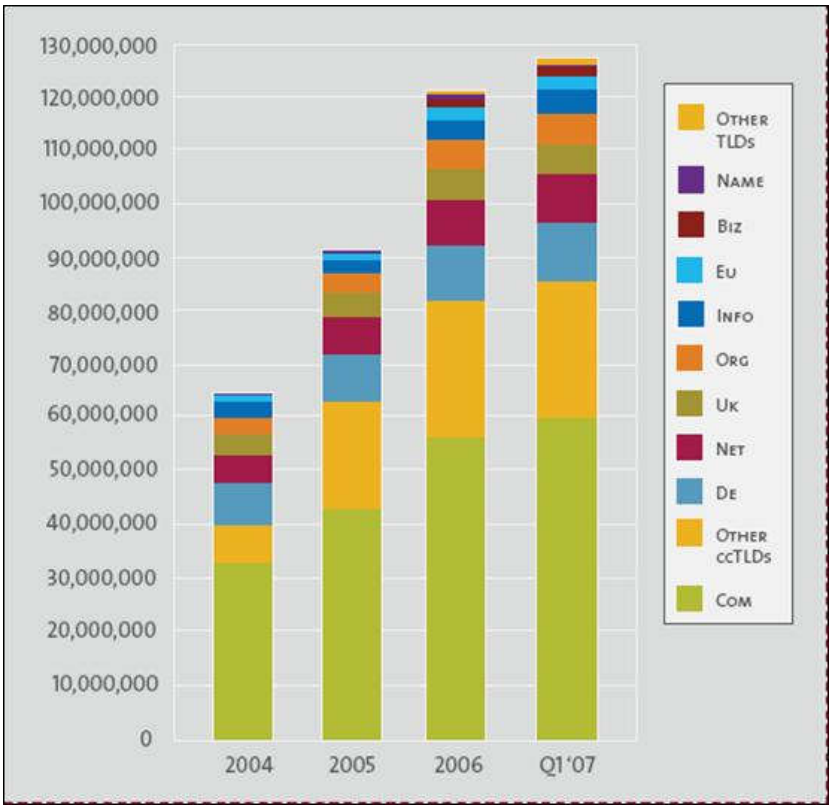
3. The *Final Report* is in two parts. This document is Part A and contains the full explanation of each of the Principles, Recommendations and Implementation Guidelines that the Committee has developed since December 2005[3]. Part B of the *Report* contains a wide range of supplementary materials which have been used in the policy development process including Constituency Impact Statements (CIS), a series of Working Group Reports on important sub-elements of the Committee's deliberations, a collection of external reference materials, and the procedural documentation of the policy development process[4].

4. The finalisation of the policy for the introduction of new top-level domains is part of a long series of events that have dramatically changed he nature of the Internet. The 1969 ARPANET diagram shows the initial design of a network that is now global in its reach and an integral part of many lives and businesses. The policy recommendations found here illustrate he complexity of the Internet of 2007 and, as a package, propose a system to add new top-level domains in an orderly and transparent way. The ICANN Staff Implementation Team, consisting of policy, operational and legal staff members, has worked closely with he Committee on all aspects of the policy development process[5]. The ICANN Board has received regular information and updates about the process and the substantive results of the Committee's work.



5. The majority of the early work on the introduction of new top-level domains is found in the IETF's Request for Comment series. RFC 1034[6] is a fundamental resource that explains key concepts of the naming system. Read in conjunction with RFC920[7], an historical picture emerges of how and why he domain name system hierarchy has been organised. Postel & Reynolds set out in their RFC920 introduction about the "General Purpose Domains" that ..."While he initial domain name "ARPA" arises from the history of the development of this system and environment, in the future most of the top level names will be very general categories like "government", "education", or "commercial". The motiva ion is to provide an organization name that is free of undesirable semantics."

6. In 2007, the Internet is multi-dimensional and its development is driven by widespread access to inexpensive communications technologies in many parts of the world. In addition, global travel is now relatively inexpensive, efficient and readily available to a diverse range of travellers. As a consequence, citizens no longer automatically associate themselves with countries but with international communities of linguis ic, cultural or professional interests independent of physical location. Many people now exercise multiple citizenship rights, speak many different languages and quite often live far from where hey were born or educated. The 2007 OECD *Factbook*[8] provides comprehensive sta istics about the impact of migration on OECD member countries. In essence, many populations are fluid and changing due in part to easing labour movement restrictions but also because technology enables workers to live in one place and work in another rela ively easily. As a result, companies and organizations are now global and operate across many geographic borders and jurisdictions. The following illustration[9] shows how rapidly he number of domain names under registration has increased and one could expect that trend to continue wi h the introduction of new top-level domains.



7. A key driver of change has been the introduction of competition in the registration of domain names through ICANN Accredited Registrars[10]. In June 2007, there were more han 800 accredited registrars who register names for end users with ongoing downward pressure on he prices end-users pay for domain name registration.

8. ICANN's work on he introduc ion of new top-level domains has been underway since 1999. By mid-1999, Working Group C[11] had quickly reached consensus on two issues, namely that "...ICANN should add new gTLDs to he root. The second is that ICANN should begin the deployment of new gTLDs with an initial rollout of six to ten new gTLDs, followed by an evaluation period". This work was undertaken throughout 2000 and saw the introduction of, for example, .coop, aero and .biz.

9. After an evaluation period, a further round of sponsored TLDs was introduced during 2003 and 2004 which included, amongst others, .mobi and .travel[12].

10. The July 2007 zone file survey statis ics from www.registrarstats.com[13] shows that there are sligh ly more than 96,000,000 top level domains registered across a selection of seven top-level domains including .com, .net and .info. Evidence from potential new applicants provides more impetus to implement a system that enables the ongoing introduction of new top level domains[14]. In addition, interest from Internet users who could use Internationalised Domain Names (IDNs) in a wide variety of scripts beyond ASCII is growing rapidly.

11. To arrive at the full set of policy recommendations which are found here, the Committee considered he responses to a Call for Expert Papers issued at he beginning of the policy development process[15], and which was augmented by a full set of GNSO Constituency Statements[16]. These are all found in Part B of the *Final Report* and should be read in conjunction with this document. In addition, the Committee received detailed responses from the Implementation Team about proposed policy recommenda ions and he implementation of he recommendations package as an on-line applica ion process that could be used by a wide array of poten ial applicants.

12. The Committee reviewed and analysed a wide variety of materials including Working Group C's findings, the evaluation reports from the 2003 & 2004 round of sponsored top-level domains and a full range of other historic materials[17].

13. In the past, a number of different approaches to new top level domains have been considered including the formulation of a structured taxonomy[18] of names, for example, .auto, .books, .travel and .music. The Committee has opted to enable potential applicants to self-select strings that are ei her the most appropriate for their customers or potentially he most marketable. It is expected that applicants will apply for targeted community strings such as .travel for he travel industry and .cat for the Catalan community as well as some generic strings. The Committee identified five key drivers for the introduction of new top-level domains.

(i) It is consistent with the reasons ar iculated in 1999 when the first proof-of-concept round was initiated

(ii) There are no technical impediments to the introduction of new top-level domains as evidenced by the two previous rounds

(iii) Expanding the domain name space to accommodate the introduction of bo h new ASCII and internationalised domain name (IDN) top-level domains will give end users more choice about the nature of heir presence on the Internet. In addition, users will be able to use domain names in heir language of choice.

(iv) There is demand for addi ional top-level domains as a business opportunity. The GNSO Committee expects that this business opportunity will stimulate competition at the registry service level which is consistent with ICANN's Core Value 6.

(v) No compelling reason has been ar iculated to not proceed with accepting applications for new top-level domains.

14. The remainder of his Report is structured around the four *Terms of Reference*. This includes an explana ion of the Principles that have guided the work taking into account the Governmental Advisory Committee's March 2007 *Public Policy Principles for New gTLDs*[19]; a comprehensive set of Recommendations which has majority Committee support and a set of Implementation Guidelines which has been discussed in great detail with the ICANN Staff Implementation Team. The Implementation Team has released two *ICANN Staff Discussion Points* documents (in November 2006 and June 2007). Version 2 provides detailed analysis of the proposed recommendations from an implementa ion standpoint and provides suggestions about the way in which the implementa ion plan may come toge her. The ICANN Board will make the final decision about he actual structure of the application and evaluation process.

15. In each of the sections below the Committee's recommendations are discussed in more detail with an explanation of the rationale for the decisions. The recommendations have been the subject of numerous public comment periods and intensive discussion across a range of stakeholders including ICANN's GNSO Constituencies, ICANN Supporting Organisations and Advisory Committees and members of the broader Internet-using public that is interested in ICANN's work[20]. In particular, detailed work has been conducted through he Interna ionalised Domain Names Working Group (IDN-WG)[21], the Reserved Names Working Group (RN-WG)[22] and the Protecting he Rights of Others Working Group (PRO-WG) [23]. The Working Group Reports are found in full in Part B of the *Final Report* along with he March 2007 GAC Public Policy Principles for New Top-Level Domains, Constituency Impact Statements. A minority statement from the NCUC about Recommendations 6 & 20 are found Annexes for this document along with individual comments from Nominating Committee appointee Ms Avri Doria.

SUMMARY -- PRINCIPLES, RECOMMENDATIONS & IMPLEMENTATION GUIDELINES

1. This section sets out, in table form, the set of Principles, proposed Policy Recommendations and Guidelines that the Committee has derived through its work. The addition of new gTLDs will be done in accordance with ICANN's primary mission which is to ensure the security and stability of the DNS and, in particular, the Internet's root server system[24].

2. The Principles are a combination of GNSO Committee priori ies, ICANN staff implementation principles developed in tandem with the Committee and the March 2007 GAC Public Policy Principles on New Top-Level Domains. The Principles are supported by all GNSO Constituencies.[25]

3. ICANN's Mission and Core Values were key reference points for the development of the Committee's Principles, Recommendations and Implementation Guidelines. These are referenced in the right-hand column of the tables below.

4. The Principles have support from all GNSO Constituencies.

	PRINCIPLES	**MISSION & CORE VALUES**
A	**New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way.**	**M1 & CV1 & 2, 4-10**
B	Some new generic top-level domains should be internationalised domain names (IDNs) subject to the approval of IDNs being available in the root.	M1-3 & CV 1, 4 & 6
C	The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addi ion the introduction of new top-level domain application process has the potential to promote competi ion in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.	M3 & CV 4-10
D	A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of he Internet.	M1-3 & CV 1
E	A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under the terms of ICANN's registry agreement.	M1-3 & CV 1
F	**A set of operational criteria must be set out in contractual conditions in the registry agreement to ensure compliance with ICANN policies.**	**M1-3 & CV 1**
G	**The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.**	

	RECOMMENDATIONS[26]	**MISSION & CORE VALUES**
1	**ICANN must implement a process that allows the introduction of new top-level domains.** **The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination.** **All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.**	**M1-3 & CV1-11**

2	Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.	M1-3 & C1-6-11
3	Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in he Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).	CV3
4	Strings must not cause any technical instability.	M1-3 & CV 1
5	Strings must not be a Reserved Word[27].	M1-3 & CV 1 & 3
6*	**Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.** **Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).**	**M3 & CV 4**
7	**Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.**	**M1-3 & CV1**
8	Applicants must be able to demonstrate heir financial and organisa ional operational capability.	M1-3 & CV1
9	**There must be a clear and pre-published application process using objective and measurable criteria.**	**M3 & CV6-9**
10	**There must be a base contract provided to applicants at the beginning of the application process.**	**CV7-9**
11	**[Replaced with Recommendation 20 and Implementation Guideline P and inserted into Term of Reference 3 Allocation Methods section]**	
12	**Dispute resolution and challenge processes must be established prior to the start of the process.**	**CV7-9**
13	Applications must initially be assessed in rounds until the scale of demand is clear.	**CV7-9**
14	The initial registry agreement term must be of a commercially reasonable leng h**.**	**CV5-9**
15	**There must be renewal expectancy.**	**CV5-9**
16	**Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved.**	**CV5-9**
17	**A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.**	**M1 & CV1**
18	If an applicant offers an IDN service, then ICANN's IDN guidelines[28] must be followed.	M1 & CV1
19	Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.	M1 & CV1
20*	An application will be rejected if an expert panel determines that there is substantial opposi ion to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.	

* The NCUC submitted Minority Statements on Recommenda ions 6 and 20. The remainder of the Recommendations have support from all GNSO Constituencies.

	IMPLEMENTATION GUIDELINES	**MISSION & CORE VALUES**
IG A	The application process will provide a pre-defined roadmap for applicants that encourages the submission of applications for new top-level domains.	CV 2, 5, 6, 8 & 9
IG B	Application fees will be designed to ensure hat adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants.	CV 5, 6, 8 & 9

IG C	ICANN will provide frequent communica ions with applicants and the public including comment forums.	CV 9 & 10
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4. The following sections set out in detail he explanation for the Committee's recommendations for each Term of Reference.

TERM OF REFERENCE ONE -- WHETHER TO INTRODUCE NEW TOP-LEVEL DOMAINS

1. **Recommendation 1 Discussion – All GNSO Constituencies supported the introduction of new top-level domains.**

2. The GNSO Committee was asked to address the ques ion of whether to introduce new top-level domains. The Committee recommends that ICANN should implement a process that allows the introduction of new top level domains and that work should proceed to develop policies that will enable the introduction of new generic top-level domains, taking into account the recommendations found in the latter sections of the *Report* concerning Selection Criteria (Term of Reference 2), Allocation Methods (Term of Reference 3) and Policies for Contractual Conditions (Term of Reference 4).

3. ICANN's work on he introduc ion of new top-level domains has been ongoing since 1999. The early work included the 2000 Working Group C Report[33] that also asked he question of "whether there should be new TLDs". By mid-1999, the Working Group had quickly reached consensus on two issues, namely that "...ICANN should add new gTLDs to the root. The second is that ICANN should begin the deployment of new gTLDs with an initial rollout of six to ten new gTLDs,

followed by an evaluation period". This work was undertaken throughout 2000 and saw the introduction of, for example, .coop, .aero and .biz.

4. After an evaluation period, a further round of sponsored TLDs was introduced during 2003 and 2004 which included, amongst others, .mobi and .travel.

5. In addressing Term of Reference One, the Committee arrived at its recommendation by reviewing and analysing a wide variety of materials including Working Group C's findings; the evaluation reports from the 2003-2004 round of sponsored top-level domains and full range of other historic materials which are posted at http://gnso.icann.org/issues/new-gtlds//

6. In addition, he Committee considered the responses to a Call for Expert Papers issued at the beginning of the policy development process[34]. These papers augmented a full set of GNSO Constituency Statements[35] and a set of Cons ituency Impact Statements[36] that addressed specific elements of the Principles, Recommendations and Implementation Guidelines.

7. The Committee was asked, at its February 2007 Los Angeles meeting, to confirm its ra ionale for recommending that ICANN introduce new top-level domains. In summary, there are five threads which have emerged:

(i) It is consistent with the reasons ar iculated in 1999 when the first proof-of-concept round was initiated

(ii) There are no technical impediments to the introduction of new top-level domains as evidenced by the two previous rounds

(iii) It is hoped that expanding the domain name space to accommodate the introduction of bo h new ASCII and internationalised domain name (IDN) top-level domains will give end users more choice about the nature of their presence on the Internet. In addition, users will be able to use domain names in their language of choice.

(iv) In addition, the introduction of a new top-level domain application process has the potential to promote competition in the provision of registry services, and to add to consumer choice, market differentiation and geographic and service-provider diversity which is consistent with ICANN's Core Value 6.

(v) No compelling reason has been ar iculated to not proceed with accepting applications for new top-level domains.

8. Article X, Part 7, Section E of he GNSO's Policy Development Process requires the submission of "constituency impact statements" which reflect he poten ial implementa ion impact of policy recommendations. By 4 July 2007 all GNSO Constituencies had submitted Constituency Impact Statements (CIS) to he gtld-council mailing list[37]. Each of those statements is referred to throughout the next sections[38] and are found in full in Part B of the *Report*. The NCUC submitted Minority Statements on Recommendations 6 & 20 and on Implementa ion Guidelines F, H & P. These statements are found in full here in Annex A & C, respectively, as they relate specifically to the finalised text of those two recommendations. GNSO Committee Chair and Nominating Committee appointee Ms Avri Doria also submitted individual comments on the recommendation package. Her comments are found in Annex B here.

9. All Constituencies support he introduction of new TLDs par icularly if the application process is transparent and objective. For example, the ISPCP said that, "...the ISPCP is highly supportive of he principles defined in this section, especially wi h regards to the statement in [principle A] (A): New generic top-level domains must be introduced in an orderly, imely and predictable way. Network operators and ISPs must ensure their customers do not encounter problems in addressing heir emails, and in their web searching and access activities, since this can cause customer dissatisfaction and overload help-desk complaints. Hence this principle is a vital component of any addition sequence to the gTLD namespace. The various criteria as defined in D, E and F, are also of great importance in contributing to minimise he risk of moving forward with any new gTLDs, and our constituency urges ICANN to ensure they are scrupulously observed during the applications evaluation process". The Business Constituency's (BC) CIS said that "...If the outcome is the best possible there will be a beneficial impact on business users from: a reduc ion in the competitive concentration in the Registry sector; increased choice of domain names; lower fees for registration and ownership; increased opportunities for innova ive on-line business models." The Registrar Constituency (RC) agreed with this view stating hat "...new gTLDs present an opportunity to Registrars in the form of additional products and associated services to offer to its customers. However, that opportunity comes wi h the costs if implementing the new gTLDs as well as the efforts required to do the appropriate business analysis to determine which of he new gTLDs are appropriate for its particular business model."

10. The Registry Constituency (RyC) said hat "...Regarding increased competition, the RyC has consistently supported he introduction of new gTLDs because we believe that: there is a clear demand for new TLDs; competition creates more choices for potential registrants; introducing new TLDs with different purposes increases the public benefit; new gTLDS will result in creativity and differentiation in the domain name industry; he total market for all TLDs, new and old, will be expanded." In summary, the Committee recommended, "ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process". Given that this recommendation has support from all Constituencies, the following sec ions set out he other Terms of Reference recommendations.

TERM OF REFERENCE -- SELECTION CRITERIA

1. **Recommendation 2 Discussion -- Strings must not be confusingly similar to an existing top-level domain.**

i) This recommenda ion has support from all the GNSO Constituencies. Ms Doria accepted the recommendation with the concern expressed below[39].

ii) The list of existing top-level domains is maintained by IANA and is listed in full on ICANN's website[40]. Naturally,

as he application process enables the opera ion of new top-level domains this list will get much longer and the test more complex. The RyC, in its Impact Statement, said that "...This recommendation is especially important to the RyC. ... It is of prime concern for the RyC that the introduction of new gTLDs results in a ubiquitous experience for Internet users that minimizes user confusion. gTLD registries will be impacted operationally and financially if new gTLDs are introduced hat create confusion with currently existing gTLD strings or wi h strings that are introduced in he future. There is a strong possibility of significant impact on gTLD registries if IDN versions of existing ASCII gTLDs are introduced by registries different than the ASCII gTLD registries. Not only could here be user confusion in both email and web applications, but dispute resolu ion processes could be greatly complicated." The ISPCP also stated that this recommenda ion was "especially important in he avoidance of any negative impact on network activities." The RC stated that "...Registrars would likely be hesitant to offer confusingly similar gTLDs due to customer demand and support concerns. On the other hand, applying the concept too broadly would inhibit gTLD applicants and ultimately limit choice to Registrars and their customers".

iii) There are two other key concepts within this recommenda ion. The first is the issue of "confusingly similar" [41] and the second "likelihood of confusion". There is extensive experience within the Committee with respect to trademark law and the issues found below have been discussed at leng h, both within the Committee and amongst the Implementation Team.

iv) The Committee used a wide variety of existing law[42], international treaty agreements and covenants to arrive at a common understanding that strings should not be confusingly similar either to exis ing top-level domains like .com and .net or to existing trademarks[43]. For example, the Committee considered the World Trade Organisation's TRIPS agreement, in particular Article 16 which discusses the rights which are conferred to a trademark owner [44] In particular, the Committee agreed upon an expecta ion that strings must avoid increasing opportuni ies for entities or individuals, who operate in bad fai h and who wish to defraud consumers. The Committee also considered the Universal Declaration of Human Rights[45] and the Interna ional Covenant on Civil and Political Rights which address the "freedom of expression" element of the Committee's deliberations.

v) The Committee also benefited from the work of the Protecting the Rights of Others Working Group (PRO-WG). The PRO-WG presented its *Final Report*[46] to the Committee at the June 2007 San Juan meeting. The Committee agreed that the Working Group could develop some reference implementation guidelines on rights protection mechanisms that may inform potential new TLD applicants during the application process. A small ad-hoc group of interested volunteers are preparing those materials for consideration by the Council by mid-October 2007.

vi) The Committee had access to a wide range of differing approaches to rights holder protection mechanisms including the United Kingdom, he USA, Jordan, Egypt and Australia[47].

vii) In addition, the Committee referred to he 1883 *Paris Convention on the Protection of Industrial Property*[48]. It describes the notion of confusion and describes creating confusion as "to create confusion by any means whatever" {Article 10bis (3) (1} and, fur her, being "liable to mislead the public" {Article 10bis (3) (3)}. The treatment of confusingly similar is also contained in European Union law (currently covering twenty-seven countries) and is structured as follows. "...because of its identity with or similarity to... here exists a likelihood of confusion on he part of he public...; he likelihood of confusion includes the likelihood of association..." {Article 4 (1) (b) of the 1988 EU Trade Mark directive 89/104/EEC}. Article 8 (1) (b) of the 1993 European Union Trade Mark regulation 40/94 is also relevant.

viii)In the United States, existing trade mark law requires applicants for trademark registration to state under penalty of perjury hat "...to the best of the verifier's knowledge and belief, no o her person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive..." which is contained in Section 1051 (3) (d) of the US Trademark Act 2005 (found at http://www bitlaw.com/source/15usc/1051.html.)[49]

ix) In Australia, the Australian Trade Marks Act 1995 Section 10 says that "...For the purposes of this Act, a trade mark is taken to be deceptively similar to another trade mark if it so nearly resembles that other trade mark that it is likely to deceive or cause confusion" (found at http://www.ipaustralia.gov.au/resources/legislation_index.shtml)

x) A number of different trademark offices provide guidance on how to interpret confusion. For example, the European Union Trade Mark Office provides guidance on how to interpret confusion. *"...confusion may be visual, phonetic or conceptual. A mere aural similarity may create a likelihood of confusion. A mere visual similarity may create a likelihood of confusion. Confusion is based on the fact that the relevant public does not tend to analyse a word in detail but pays more attention to the distinctive and dominant components. Similarities are more significant than dissimilarities. The visual comparison is based on an analysis of the number and sequence of the letters, the number of words and the structure of the signs. Further particularities may be of relevance, such as the existence of special letters or accents that may be perceived as an indication of a specific language. For words, the visual comparison coincides with the phonetic comparison unless in the relevant language the word is not pronounced as it is written. It should be assumed that the relevant public is either unfamiliar with that foreign language, or even if it understands the meaning in that foreign language, will still tend to pronounce it in accordance with the phonetic rules of their native language. The length of a name may influence the effect of differences. The shorter a name, the more easily the public is able to perceive all its single elements. Thus, small differences may frequently lead in short words to a different overall impression. In contrast, the public is less aware of differences between long names. The overall phonetic impression is particularly influenced by the number and sequence of syllables."* (found at http://oami.europa.eu/en/mark/marque/direc.htm).

xi) An extract from he United Kingdom's Trade Mark Office's Examiner's Guidance Manual is useful in explaining further the Committee's approach to developing its Recommendation. *"For likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average consumer. Likelihood of association is not an alternative to likelihood of confusion, "but serves to define its scope". Mere association, in the sense that the later mark brings the earlier mark to mind is insufficient to find a likelihood of confusion, unless the average consumer, in bringing the earlier mark to mind, is led to expect the goods or services of both marks to be under the control of one single trade source. "The risk that the public might believe that the*

goods/services in question come from the same undertaking or, as the case may be, from economically-linked undertakings, constitutes a likelihood of confusion...". (found at http://www.patent gov.uk/tm/t-decisionmaking /t-law/t-law-manual.htm)

xii) The Committee also looked in detail at he exis ing provisions of ICANN's Registrar Accreditation Agreement, particularly Sec ion 3.7.7.9[50] which says that "...The Registered Name Holder shall represent that, to he best of the Registered Name Holder's knowledge and belief, neither he registration of the Registered Name nor the manner in which it is directly or indirectly used infringes the legal rights of any hird party."

xiii)The implica ions of the introduction of Internationalised Domain Names (IDNs) are, in the main, the same as for ASCII top-level domains. On 22 March 2007 he IDN-WG released its *Outcomes Report*[51] that the Working Group presented to the GNSO Committee. The Working Group's exploration of IDN-specific issues confirmed that the new TLD recommendations are valid for IDN TLDs. The full IDN WG Report is found in Part B of the *Report.*

xiv) The technical testing for IDNs at the top-level is not yet completed although strong progress is being made. Given this and the other work that is taking place around the introduction of IDNs at the top-level, there are some critical factors hat may impede the immediate acceptance of new IDN TLD applications. The conditions under which those applications would be assessed would remain the same as for ASCII TLDs.

xv) Detailed work continues on the preparation of an Implementation Plan that reflects both the Principles and he Recommendations. The proposed Implementation Plan deals wi h a comprehensive range of potentially controversial (for whatever reason) string applica ions which balances the need for reasonable protec ion of exis ing legal rights and he capacity to innovate with new uses for top level domains that may be attractive to a wide range of users[52].

xvi) The draft Implementation Plan (included in the *Discussion Points* document), illustrates the flow of the application and evaluation process and includes a detailed dispute resolu ion and extended evaluation tracks designed to resolve objections to applicants or applications.

xvii) There is tension between those on the Committee who are concerned about the protection of existing TLD strings and those concerned with he protection of trademark and other rights as compared to those who wish, as far as possible, to preserve freedom of expression and creativity. The *Implementation Plan* sets out a series of tests to apply the recommendation during the application evaluation process.

2. **Recommendation 3 Discussion -- Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).**

i. This recommendation has support from all GNSO Constituencies. Ms Doria supported the recommenda ion with concern expressed below[53].

ii. This recommendation was discussed in detail in the lead up to the Committee's 7 June 2007 conference call and it was agreed that further work would be beneficial. That work was conducted through a series of teleconferences and email exchanges. The Committee decided to leave the recommendation text as it had been drafted and insert a new Principle G that reads "...The string evalua ion process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law."

iii. Prior to this, the Committee engaged in comprehensive discussion about this recommendation and took advice from a number of experts within he group[54]. The original text of the recommendation has been modified to recognise that an applicant would be bound by the laws of the country where they are located and an applicant may be bound by another country hat has jurisdiction over them. In addition, the original formulation hat included "freedom of speech" was modified to read the more generally applicable "freedom of expression".

iv. Before reaching agreement on the final text, the IPC and the NCUC, in their respective Constituency Impact Statements (CIS), had differing views. The NCUC argued hat "... here is no recognition that trade marks (and o her legal rights have legal limits and *defenses.*" The IPC says "agreed [to the recommenda ion], and, as stated before, appropriate mechanisms must be in place to address conflicts that may arise between any proposed new string and the IP rights of o hers."

3. **Recommendation 4 Discussion -- Strings must not cause any technical instability.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. It was agreed by the Committee hat he string should not cause any technical issues that hreatened the stability and security of the Internet.

iii. In its CIS, he ISPCP stated that "...this is especially important in the avoidance of any nega ive impact on network activities...The ISPCP considers recommendations 7 and 8 to be fundamental. The technical, financial, organizational and operational capability of he applicant are the evaluators' instruments for preventing potential nega ive impact on a new string on the activi ies of our sector (and indeed of many other sectors)." The IPC also agreed that "technical and operational stability are imperative to any new gTLD introduction." The RC said "...This is important to Registrars in hat unstable registry and/or zone operations would have a serious and costly impact on its operations and customer service and support."

iv. The Security and Stability Advisory Committee (SSAC) has been involved in general discussions about new top level domains and will be consulted formally to confirm hat he implementation of he recommendations will not cause

any technical instability.

v. A reserved word list, which includes strings which are reserved for technical reasons, has been recommended by the RN-WG. This table is found in the section below.

4. **Recommendation 5 Discussion -- Strings must not be a Reserved Word.**[55]

i. This recommendation is supported by all GNSO Constituencies. Ms Doria supported the recommendation but expressed some concerns outlined in the footnote below.[56]

ii. The RN WG developed a definition of "reserved word" in the context of new TLDs which said ".. depending on the specific reserved name category as well as the type (ASCII or IDN), the reserved name requirements recommended may apply in any one or more of the following levels as indicated:

1. At the top level regarding gTLD string restrictions
2. At the second-level as contractual conditions
3. At the third-level as contractual conditions for any new gTLDs hat offer domain name registra ions at the third-level.

iii. The no ion of "reserved words" has a specific meaning within the ICANN context. Each of the existing ICANN registry contracts has provisions within it that govern the use of reserved words. Some of these recommendations will become part of the contractual conditions for new registry operators.

iv. The Reserved Names Working Group (RN-WG) developed a series of recommendations across a broad spectrum of reserved words. The Working Group's *Final Report*[57] was reviewed and the recommendations updated by the Committee at ICANN's Puerto Rico meeting and, wi h respect to the recommenda ions relating to IDNs, with IDN experts. The final recommendations are included in he following table.

	Reserved Name Category	Domain Name Level(s)	Recommendation
1	ICANN & IANA	All ASCII	The names listed as ICANN and IANA names will be reserved at all levels.
2	ICANN & IANA	Top level, IDN	Any names that appear in the IDN evaluation facility[58] which consist exclusively of translations of 'example' or 'test' hat appear in the document at http://www icann.org/topics/idn/idn-evaluation-plan-v2%209.pdf shall be reserved.
3	ICANN & IANA	2nd & 3rd levels, IDN	Any names that appear in the IDN evaluation facility which consist exclusively of translations of 'example' or 'test' that appear in the document at http://www.icann.org/topics/idn/idn-evaluation-plan-v2%209.pdf shall be reserved.
4	Symbols	All	We recommend that the current practice be maintained, so that no symbols other than the '-' [hyphen] be considered for use, with further allowance for any equivalent marks that may explicitly be made available in future revisions of the IDNA protocol.
5	Single and Two Character IDNs	IDNA-valid strings at all levels	Single and two-character U-labels on the top level and second level of a domain name should not be restricted in general. At the top level, requested strings should be analyzed on a case-by-case basis in the new gTLD process depending on the script and language used in order to determine whether the string should be granted for allocation in the DNS wi h particular caution applied to U-labels in Latin script (see Recommendation 10 below). Single and two character labels at the second level and the third level if applicable should be available for registration, provided they are consistent wi h the IDN Guidelines.
6	Single Letters	Top Level	We recommend reservation of single letters at the top level based on technical ques ions raised. If sufficient research at a later date demonstrates that the technical issues and concerns are addressed, the topic of releasing reservation status can be reconsidered.
7	Single Letters and Digits	2nd Level	In future gTLDS we recommend hat single letters and single digits be available at the second (and third level if applicable).
8	Single and Two Digits	Top Level	A top-level label must not be a plausible component of an IPv4 or IPv6 address. (e g., .3, .99, .123, .1035, .0xAF, .1578234)
9	Single Letter, Single Digit Combinations	Top Level	Applications may be considered for single letter, single digit combinations at he top level in accordance wi h the terms set forth in the new gTLD process. Examples include .3F, .A1, .u7.
10	Two Letters	Top Level	We recommend that the current practice of allowing two letter names at the top level, only for ccTLDs, remains at this time.[59] Examples include .AU, .DE, .UK.
11	Any combination of Two Letters, Digits	2nd Level	Registries may propose release provided that measures to avoid confusion with any corresponding country codes are implemented.[60] Examples include ba.aero, ub.cat, 53.com, 3M.com, e8.org.
12	Tagged Names	Top Level ASCII	In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in both the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved at the top-level [61]
13	N/A	Top Level IDN	For each IDN gTLD proposed, applicant must provide both the "ASCII compa ible encoding" ("A-label") and the "Unicode display form" ("U-label")[62] For example: • If the Chinese word for 'Beijing' is proposed as a new gTLD, the applicant would be required to provide the A-label (xn--1lq90i) and the U-label (北京). • If the Japanese word for 'Tokyo' is proposed as a new gTLD, the applicant would be required to provide the A-label (xn--1lqs71d) and the U-label (東京).

	Reserved Name Category	Domain Name Level(s)	Recommendation
14	Tagged Names	2nd Level ASCII	The current reservation requirement be reworded to say, "*In the absence of standardization activity and appropriate IANA registration,* all labels with hyphens in both the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved in ASCII at he second (2nd) level.[63] – added words in *italics.* (Note hat names starting with "xn--" may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry.)
15	Tagged Names	3rd Level ASCII	All labels with hyphens in both the hird and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved in ASCII at the third (3rd level) for gTLD registries that register names at the third level."[64] – added words in *italics.* (Note that names starting with "xn--" may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry)
16	NIC, WHOIS, WWW	Top ASCII	The following names must be reserved: nic, whois, www.
17	NIC, WHOIS, WWW	Top IDN	Do not try to translate nic, whois and www into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist.
18	NIC, WHOIS, WWW	Second and Third* ASCII	The following names must be reserved for use in connection with the operation of the registry for the Registry TLD: nic, whois, www Registry Operator may use them, but upon conclusion of Registry Operator's designation as operator of the registry for the Registry TLD, they shall be transferred as specified by ICANN. (*Third level only applies in cases where a registry offers registrations at the third level)
19	NIC, WHOIS, WWW	Second and Third* IDN	Do not try to translate nic, whois and www into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist, except on a case by case basis as proposed by given registries. (*Third level only applies in cases where a registry offers registrations at he third level)
20	Geographic and geopolitical	Top Level ASCII and IDN	There should be no geographical reserved names (i.e., no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc.). The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge, therefore no additional protection mechanisms are needed. Potential applicants for a new TLD need to represent that the use of the proposed string is not in viola ion of he national laws in which the applicant is incorporated. However, new TLD applicants interested in applying for a TLD that incorporates a country, territory, or place name should be advised of the GAC Principles, and the advisory role vested to it under the ICANN Bylaws. Additionally, a summary overview of the obstacles encountered by previous applicants involving similar TLDs should be provided to allow an applicant to make an informed decision. Potential applicants should also be advised that the failure of he GAC, or an individual GAC member, to file a challenge during the TLD applica ion process, does not constitute a waiver of the authority vested to the GAC under the ICANN Bylaws. *Note New gTLD Recommendation 20*
21	Geographic and geopolitical	All Levels ASCII and IDN	The term 'geopolitical names' should be avoided until such time that a useful definition can be adopted. The basis for this recommendation is founded on he poten ial ambiguity regarding the definition of the term, and the lack of any specific defini ion of it in the WIPO Second Report on Domain Names or GAC recommendations. *Note New gTLD Recommendation 20*
22	Geographic and geopolitical	Second Level & Third Level if applicable, ASCII & IDN	The consensus view of the working group is given he lack of any established international law on the subject, conflicting legal opinions, and conflicting recommendations emerging from various governmental fora, the current geographical reservation provision contained in the sTLD contracts during the 2004 Round should be removed, and harmonized with the more recently executed .COM, .NET, .ORG, .BIZ and .INFO registry contracts. The only exception to this consensus recommendation is those registries incorporated/organized under countries that require addi ional protection for geographical iden ifiers. In this instance, the registry would have to incorporate appropriate mechanisms to comply wi h their national/local laws.

	Reserved Name Category	Domain Name Level(s)	Recommendation
			For those registries incorporated/organized under the laws of those countries that have expressly supported the guidelines of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications as adopted by the WIPO General Assembly, it is strongly recommended (but not mandated) that hese registries take appropriate action to promptly implement protections that are in line with these WIPO guidelines and are in accordance with he relevant national laws of the applicable Member State. *Note New gTLD Recommendation 20*
23	gTLD Reserved Names	Second & Third Level ASCII and IDN (when applicable)	Absent justification for user confusion[65], he recommendation is that gTLD strings should no longer be reserved from registration for new gTLDs at the second or when applicable at the third level. Applicants for new gTLDs should take into consideration possible abusive or confusing uses of existing gTLD strings at the second level of their corresponding gTLD, based on he nature of their gTLD, when developing the startup process for their gTLD.
24	Controversial Names	All Levels, ASCII & IDN	There should not be a new reserved names category for Controversial Names.
25	Controversial Names	Top Level, ASCII & IDN	There should be a list of disputed names created as a result of the dispute process to be created by the new gTLD process. *Note New gTLD Recommendation 6*
26	Controversial Names	Top Level, ASCII & IDN	In the event of he initia ion of a CN-DRP process, applica ions for that label will be placed in a HOLD status that would allow for he dispute to be further examined. If the dispute is dismissed or otherwise resolved favorably, the applications will reenter the processing queue. The period of time allowed for dispute should be finite and should be relegated to the CN-DRP process. The external dispute process should be defined to be objec ive, neutral, and transparent. The outcome of any dispute shall not result in he development of new categories of Reserved Names.[66] *Note New gTLD Recommendation 6*
27	Controversial Names	Top Level, ASCII & IDN	The new GTLD Controversial Names Dispute Resolution Panel should be established as a standing mechanism that is convened at the time a dispute is initiated. Preliminary elements of that process are provided in this report but further work is needed in this area. *Note New gTLD Recommendation 6*
28	Controversial Names	Top Level, ASCII & IDN	Wi hin the dispute process, disputes would be initiated by the ICANN Advisory Committees (e.g, ALAC or GAC) or supporting organizations (e.g, GNSO or ccNSO). As these organizations do not currently have formal processes for receiving, and deciding on such activities, these processes would need to be defined: o The Advisory Groups and the Supporting Organizations, using heir own processes and consistent with heir organizational structure, will need to define procedures for deciding on any requests for dispute initiation. o Any consensus or other formally supported posi ion from an ICANN Advisory Committee or ICANN Suppor ing Organization must document he position of each member within that committee or organization (i e., support, opposition, abstention) in compliance with both the spirit and letter of the ICANN bylaws regarding openness and transparency. *Note New gTLD Recommendation 6*
29	Controversial Names	Top Level, ASCII & IDN	Further work is needed to develop predictable and transparent criteria that can be used by the Controversial Resolution Panel. These criteria must take into account the need to: § Protect freedom of expression § Affirm the fundamental human rights, in the dignity and worth of the human person and the equal rights of men and women § Take into account sensitivities regarding terms with cultural and religious significance *Note New gTLD Recommendation 6*
30	Controversial Names	Top Level, ASCII & IDN	In any dispute resolu ion process, or sequence of issue resolution processes, the Controversial name category should be the last category considered.

	Reserved Name Category	Domain Name Level(s)	Recommendation
			Note New gTLD Recommendation 6

v. With respect to geographic terms, the NCUC's CIS stated that "...We oppose any attempts to create lists of reserved names. Even examples are to be avoided as they can only become prescriptive. We are concerned that geographic names should not be fenced off from the commons of language and rather should be free for he use of all.. Moreover, the proposed recommendation does not make allowance for the duplication of geographic names outside the ccTLDs – where he real issues arise and the means of resolving competing use and fair and nomina ive use."

vi. The GAC's Public Policy Principle 2 2 states that "ICANN should avoid country, territory or place names, and country, territory or regional language or people descrip ions, unless in agreement with the relevant government or public authorities."

vii. The Implementation Team has developed some suggestions about how this recommendation may be implemented. Those suggestions and the process flow were incorporated into the Version 2 of the ICANN Staff *Discussion Points* document for consideration by the Committee.

5. **Recommendation 6 Discussion -- Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.**
Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention of the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).

i. This Recommendation is supported by all GNSO Constituencies except the NCUC. The NCUC has submitted a Minority Statement which is found in full in Annex A. The NCUC's earlier Cons ituency Impact Statement is found, along with all the GNSO Constituency Impact Statements, in Part B of this report. Ms Doria has submitted individual comments[67]. The Committee has discussed this recommendation in great detail and has attempted to address the experiences of the 2003-2004 sTLD round and the complex issues surrounding the xxx applica ion. The Committee has also recognised the GAC's Public Policy Principles, most notably Principle 2.1 a) and b) which refer to both freedom of expression and terms with significance in a variety of contexts. In addition, the Committee recognises the tension respecting freedom of expression and being sensitive to the legitimate concerns others have about offensive terms. The NCUC's earlier CIS says "...we oppose any string criteria based on morality and public order".

ii. Other Constituencies did not address this recommendation in their CISs. The Implementation Team has tried to balance these views by establishing an Implementation Plan that recognises the prac ical effect of opening a new top-level domain application system that will attract applica ions hat some members of the community do not agree with. Whilst ICANN does have a technical co-ordination remit, it must also put in place a system of handling objections to strings or to applicants, using pre-published criteria, that is fair and predictable for applicants. It is also necessary to develop guidance for independent evaluators tasked with making decisions about objections.

iii. In its consideration of public policy aspects of new top-level domains the Committee examined the approach taken in a wide variety of jurisdictions to issues of morality and public order. This was done not to make decisions about acceptable strings but to provide a series of poten ial tests for independent evaluators to use should an objection be raised to an application. The use of the phrase "morality and public order" within the recommendation was done to set some guidelines for potential applicants about areas that may raise objections. The phrasing was also intended to set parameters for potential objectors so that any objection to an application could be analysed within the framework of broadly accepted legal norms that independent evaluators could use across a broad spectrum of possible objections. The Committee also sought to ensure hat he objections process would have parameters set for who could object. Those suggested parameters are found within the Implementation Guidelines.

iv. In reaching its decision about the recommenda ion, the Committee sought to be consistent wi h, for example, Article 3 (1) (f) of the 1988 European Union Trade Mark Directive 89/104/EEC and within Article 7 (1) (f) of the 1993 European Union Trade Mark Regulation 40/94. In addition, the phrasing "contrary to morality or public order and in particular of such a nature as to deceive the public" comes from Article 6quinques (B)(3) of the 1883 *Paris Convention*. The reference to the *Paris Convention* remains relevant to domain names even though, when it was drafted, domain names were completely unheard of.

v. The concept of "morality" is captured in Article 19 United Nations Convention on Human Rights (http://www.unhchr.ch /udhr/lang/eng htm) says "...Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas hrough any media and regardless of frontiers." Article 29 continues by saying that "...In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for he purpose of securing due recognition and respect for the rights and freedoms of o hers and of meeting he just requirements of morality, public order and the general welfare in a democratic society".

vi. The EU Trade Mark Office's Examiner's guidelines provides assistance on how to interpret morality and deceit. "...Contrary to morality or public order. Words or images which are offensive, such as swear words or racially derogatory images, or which are blasphemous are not acceptable. There is a dividing line between this and words which might be considered in poor taste. The latter do not offend against this provision." The further element is deception of the public which is treated in the following way. "...Deceive the public. To deceive the public, is for

instance as to the nature, quality or geographical origin. For example, a word may give rise to a real expectation of a particular locality which is untrue." For more information, see Sections 8.7 and 8.8 at http://oami europa.eu /en/mark/marque/direc.htm

vii. The UK Trade Mark office provides similar guidance in its Examiner's Guidance Manual. "Marks which offend fall broadly into three types: those with criminal connotations, those wi h religious connota ions and explicit/taboo signs. Marks offending public policy are likely to offend accepted principles of morality, e.g. illegal drug terminology, although the question of public policy may not arise against marks offending accepted principles of morality, for example, taboo swear words. If a mark is merely distasteful, an objec ion is unlikely to be justified, whereas if it would cause outrage or would be likely significan ly to undermine religious, family or social values, then an objection will be appropriate. Offence may be caused on matters of race, sex, religious belief or general matters of taste and decency. Care should be taken when words have a religious significance and which may provoke greater offence han mere distaste, or even outrage, if used to parody a religion or its values. Where a sign has a very sacred status to members of a religion, mere use may be enough to cause outrage." For more information, see http://www.patent.gov.uk/tm/t-decisionmaking/t-law/t-law-manual htm)

viii. This recommenda ion has been the subject of detailed Committee and small group work in an attempt to reach consensus about both the text of the recommendation and the examples included as guidance about generally accepted legal norms. The work has been informed by detailed discussion wi hin the GAC and through interac ions between the GNSO Committee and the GAC.

6. **Recommendation 7 Discussion -- Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. The Committee agreed hat he technical requirements for applicants would include compliance with a minimum set of technical standards and that this requirement would be part of the new registry operator's contractual conditions included in he proposed base contract. The more detailed discussion about technical requirements has been moved to the contractual conditions section.

iii. Reference was made to numerous Requests for Comment (RFCs) and other technical standards which apply to existing registry operators. For example, Appendix 7 of the June 2005 .net agreement[68] provides a comprehensive listing of technical requirements in addition to other technical specifications in o her parts of the agreement. These requirements are consistent with that which is expected of all current registry operators. These standards would form the basis of any new top-level domain operator requirements.

iv. This recommendation is referred to in two CISs. "The ISPCP considers recommendations 7 and 8 to be fundamental. The technical, financial, organisational and operational capabili ies of the applicant are he evaluators' instruments for preventing poten ial negative impact on a new string on the activities of our sector (and indeed of many other sectors)." The NCUC submitted "...we record that this must be limited to transparent, predictable and minimum technical requirements only. These must be published. They must then be adhered to neutrally, fairly and without discrimination."

v. The GAC supported this direction in its Public Policy Principles 2.6, 2.10 and 2.11.

7. **Recommendation 8 Discussion -- Applicants must be able to demonstrate their financial and organisational operational capability.**

i. This recommendation is supported by all GNSO Constituencies and accepted with concern by Ms Doria[69].

ii. The Committee discussed his requirement in detail and determined that it was reasonable to request his information from potential applicants. It was also consistent with past practices including he prior new TLD rounds in 2000 and 2003-2004; the net and .org rebids and the conditions associated with ICANN registrar accredita ion.

iii. This is also consistent with best practice procurement guidelines recommended by the World Bank (www.worldbank.org), the OECD (www.oecd.org) and he Asian Development Bank (www.adb.org) as well as a range of federal procurement agencies such as the UK telecommunications regulator, Ofcom; the US Federal Communications Commission and major public companies.

iv. The challenging aspect of this recommendation is to develop robust and objective criteria against which applicants can be measured, recognising a vast array of business conditions and models. This will be an important element of the ongoing development of the Implementation Plan.

v. The ISPCP discussed the importance of this recommendation in its CIS, as found in Recommendation 7 above.

vi. The NCUC's CIS addressed this recommendation by saying "...we support this recommendation to the extent that the criteria is truly limited to minimum financial and organizational operationally capability...All criteria must be transparent, predictable and minimum. They must be published. They must then be adhered to neutrally, fairly and without discrimination."

vii. The GAC echoed these views in its Public Policy Principle 2.5 that said "...the evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initia ion of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process."

8. **Recommendation 9 Discussion -- There must be a clear and pre-published process using objective and measurable criteria.**

i. This recommendation is supported by all GNSO Constituencies and by Ms Doria. It is consistent with ICANN's previous TLD rounds in 2000 and 2003-2004 and with its re-bid of both he .net and .org registry contracts.

ii. It is also consistent with ICANN's Mission and Core Values especially 7, 8 and 9 which address openness in decision-making processes and he timeliness of those processes.

iii. The Committee decided that the "process" criteria for introducing new top-level domains would follow a pre-published application system including the levying of an application fee to recover the costs of the application process. This is consistent with ICANN's approach to the introduction of new TLDs in the previous 2000 and 2004 round for new top-level domains.

iv. The RyC reiterated its support for this recommendation in its CIS. It said that "...this Recommendation is of major importance to the RyC because the majority of cons ituency members incurred unnecessarily high costs in previous rounds of new gTLD introductions as a result of excessively long time periods from application submittal until hey were able to start their business. We believe that a significant part of the delays were related to selection criteria and processes that were too subjective and not very measurable. It is critical in our opinion that the process for the introduction of new gTLDs be predictable in terms of evalua ion requirements and timeframes so that new applicants can properly scope their costs and develop reliable implementation plans." The NCUC said that "...we strongly support this recommendation and again stress he need for all criteria to be limited to minimum opera ional, financial, and technical considerations. We all stress the need that all evaluation criteria be objective and measurable."

9. **Recommendation 10 Discussion -- There must be a base contract provided to applicants at the beginning of the process.**

i. This recommendation is supported by all GNSO Constituencies and by Ms Doria.

ii. The General Counsel's office has been involved in discussions about the provision of a base contract which would assist applicants both during the applica ion process and in any subsequent contract negotiations.

iii. A framework for the base contract was developed for discussion at the June 2007 ICANN meeting in Puerto Rico. The base contract will not be completed until the policy recommendations are in place. Completion of the policy recommendations will enable the completion of a draft base contract that would be available to applicants prior to the start of the new gTLD process, that is, prior to the beginning of the four-month window preceding the application submittal period.

iv. The RyC, in its CIS, said, "...like the comments for Recommenda ion 9, we believe that this recommenda ion will facilitate a more cost-effective and timely application process and thereby minimize the negative impacts of a process that is less well-defined and objective. Having a clear understanding of base contractual requirements is essential for a new gTLD applicant in developing a complete business plan."

10. **Recommendation 11 Discussion** -- (This recommendation has been removed and is left inten ionally blank. Note Recommenda ion 20 and its Implementation Guidelines).

11. **Recommendation 12 Discussion -- Dispute resolution and challenge processes must be established prior to the start of the process.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. The Committee has provided clear direction on its expectations that all he dispute resolu ion and challenge processes would be established prior to the opening of the applica ion round. The full system will be published prior to an application round starting. However, the finalisation of this process is contingent upon a completed set of recommendations being agreed; a public comment period and he final agreement of the ICANN Board.

iii. The draft Implementation Plan in the Implementa ion Team *Discussion Points* document sets out the way in which the ICANN Staff proposes that disputes between applicants and challenge processes may be handled. Expert legal and other professional advice from, for example, auctions experts is being sought to augment the Implementation Plan.

TERM OF REFERENCE THREE -- ALLOCATION METHODS

12. **Recommendation 13 Discussion -- Applications must initially be assessed in rounds until the scale of demand is clear.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. This recommendation sets out the principal allocation methods for TLD applications. The narrative here should be read in conjunction with the draft flowcharts and the draft Request for Proposals.

iii. An application round would be opened on Day 1 and closed on an agreed date in the future with an unspecified number of applications to be processed within that round.

iv. This recommendation may be amended, after an evaluation period and report that may suggest modifications to his system. The development of objective "success metrics" is a necessary part of the evaluation process that could take place within the new TLDs Project Office.

v. The ISPCP expressed its support for this recommendation. Its CIS said that "...this is an essential element in the deployment of new gTLDs, as it enables any technical difficul ies to be quickly identified and sorted out, working with reduced numbers of new strings at a time, rather than many all at once. Recommenda ion 18 on the use of IDNs is also important in preventing any negative impact on network operators and ISPs."

13. **Recommendation 20 Discussion -- An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.**

i. This recommendation is supported by the majority of GNSO Constituencies. Ms Doria supports the recommendation but has concerns about its implementa ion[70]. The NCUC has submitted a Minority Statement which is found in full in Annex C about the recommendation and its associated Implementation Guidelines F, H and P.

ii. This recommendation was developed during he preparations for the Committee's 7 June 2007 conference call and during subsequent Committee deliberations. The intention was to factor into the process the very likely possibility of objections to applications from a wide variety of stakeholders.

iii. The language used here is relatively broad and the implementation impact of the proposed recommendation is discussed in

detail in the Implementation Team's *Discussion Points* document.

iv. The NCUC's response to this recommendation in its earlier CIS says, in part, "...recommendation 20 swallows up any attempt to narrow the string criteria to technical, operational and financial evaluations. It asks for objections based on en irely subjective and unknowable criteria and for unlimited reasons and by unlimited parties." This view has, in part, been addressed in the Implementation Team's proposed plan but this requires further discussion and agreement by the Committee.

TERM OF REFERENCE FOUR -- CONTRACTUAL CONDITIONS

14. **Recommendation 14 Discussion -- The initial registry agreement term must be of a commercially reasonable length.**

i. The remainder of he recommendations address Term of Reference Four on policies for contractual conditions and should be read in conjunction with Recommenda ion 10 on the provision of a base contract prior to he opening of an application round. The recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. This recommendation is consistent with the existing registry contract provisions found in, for example, he .com and .biz agreements.

iii. These conditions would form the baseline conditions of term length for new TLD operators. It was determined that a term of ten years would reasonably balance the start up costs of registry operations with reasonable commercial terms.

iv. The RyC commented on this recommendation in its CIS saying that "...the members of the RyC have learned first hand hat operating a registry in a secure and stable manner is a capital intensive venture. Extensive infrastructure is needed both for redundant registration systems and global domain name constellations. Even the most successful registries have taken many years to recoup their initial investment costs. The RyC is convinced hat these two recommendations [14 & 15] will make it easier for new applicants to raise the initial capital necessary and to continue to make investments needed to ensure the level of service expected by registrants and users of their TLDs. These two recommendations will have a very positive impact on new gTLD registries and in turn on the quality of he service they will be able to provide to the Internet community."

15. **Recommendation 15 -- There must be renewal expectancy.**

i. This recommendation is consistent with he exis ing registry contract provisions found in, for example, the .com and .biz agreements and is supported by all Constituencies. Ms Doria supported the recommendation and provided the comments found in the footnote below [71]

ii. These conditions would form the baseline conditions of term length for new TLD operators. It was determined that a term of ten years would reasonably balance the start up costs of registry operations with reasonable commercial terms.

iii. See the CIS comments from the RyC in the previous sec ion.

16. **Recommendation 16 -- Registries must apply existing Consensus Policies**[72] **and adopt new Consensus Policies as they are approved.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. The full set of existing ICANN registry contracts can be found here http://www.icann.org/registries/agreements.htm and ICANN's seven current Consensus Policies are found at http://www.icann.org/general/consensus-policies htm.

iii. ICANN develops binding Consensus Policies through its policy development processes, in his case, through the GNSO[73].

17. **Recommendation 17 -- A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. Referring to the recommendations on contractual conditions above, this section sets out the discussion of the policies for contractual conditions for new top-level domain registry operators. The recommendations are consistent wi h the exis ing provisions for registry operators which were the subject of detailed community input throughout 2006[74].

iii. The Committee developed its recommendations during the Brussels and Amsterdam face-to-face consultations, wi h assistance from the ICANN General Counsel's office. The General Counsel's office has also provided a draft base contract which will be completed once the policy recommendations are agreed. Reference should also be made to Recommenda ion 5 on reserved words as some of the findings could be part of he base contract.

iv. The Committee has focused on the key principles of consistency, openness and transparency. It was also determined that a scalable and predictable process is consistent with industry best prac ice standards for services procurement. The Committee referred in particular to standards within the broadcasting, telecommunications and Internet services industries to examine how regulatory agencies in those environments conducted, for example, spectrum auctions, broadcasting licence distribution and media ownership frameworks.

v. Since then ICANN has developed and published a new approach to its compliance activities. These are found on ICANN's website at http://www icann.org/compliance/ and will be part of the development of base contract materials.

vi. The Committee found a number of expert reports[75] beneficial. In particular, the World Bank report on mobile licensing conditions provides some guidance on best practice principles for considering broader market investment conditions. "...A major challenge facing regulators in developed and developing countries alike is the need to strike he right balance between ensuring certainty for market players and preserving flexibility of the regulatory process to accommodate the rapidly changing market, technological and policy conditions. As much as possible, policy makers and regulators should strive to promote investors' confidence and give incentives for long-term investment. They can do his by favouring the principle of 'renewal expectancy', but also by promoting regulatory certainty and predictability through a fair, transparent and participatory renewal process. For example, by providing details for license renewal or reissue, clearly establishing what is the discretion offered to the licensing body, or ensuring sufficient lead-times and transitional arrangements in the event of non-renewal or changes in licensing conditions. Public consulta ion procedures and guaranteeing the right to appeal regulatory decisions maximizes the prospects for a successful renewal process. As technological changes and convergence and technologically neutral approaches gain importance, regulators and policy makers need to be ready to adapt and evolve licensing procedures and practices to the new environment."

vii. The Recommenda ions which he Committee has developed with respect to he introduc ion of new TLDs are consistent

with he World Bank principles.

18. **Recommendation 18 Discussion -- If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria. The introduction of internationalised domain names at the root presents ICANN with a series of implementation challenges. This recommendation would apply to any new gTLD (IDN or ASCII TLD) offering IDN services. The ini ial technical testing[76] has been completed and a series of live root tests will take place during the remainder of 2007.

ii. The Committee recognises that there is ongoing work in other parts of the ICANN organisation that needs to be factored into the application process that will apply to IDN applications. The work includes the President's Committee on IDNs and the GAC and ccNSO joint working group on IDNs.

19. **Recommendation 19 Discussion -- Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars.**

i. This recommendation is supported by all GNSO Constituencies and Ms Doria.

ii. There is a long history associated with the separation of registry and registrar operations for top-level domains. The structural separa ion of VeriSign's registry operations from Network Solutions registrar operations explains much of the ongoing policy to require the use of ICANN accredited registrars.

iii. In order to facilitate the stable and secure opera ion of the DNS, the Committee agreed that it was prudent to continue the current requirement that registry operators be obliged to use ICANN accredited registrars.

iv. ICANN's Registrar Accreditation Agreement has been in place since 2001[77]. Detailed informa ion about the accreditation of registrars can be found on the ICANN website[78]. The accreditation process is under active discussion but the critical element of requiring the use of ICANN accredited registrars remains constant.

v. In its CIS, the RyC noted hat "...the RyC has no problem with his recommendation for larger gTLDs; the requirement to use accredited registrars has worked well for them. But it has not always worked as well for very small, specialized gTLDs. The possible impact on the latter is hat hey can be at he mercy of registrars for whom here is no good business reason to devote resources. In the New gTLD PDP, it was noted that this requirement would be less of a problem if the impacted registry would become a registrar for its own TLD, with appropriate controls in place. The RyC agrees wi h this line of reasoning but current registry agreements forbid registries from doing this. Dialog with the Registrars Constituency on this topic was initiated and is ongoing, the goal being to mutually agree on terms hat could be presented for consideration and might provide a workable solu ion."

NEXT STEPS

1. Under the GNSO's Policy Development Process, the production of this *Final Report* completes Stage 9. The next steps are to conduct a twenty-day public comment period running from 10 August to 30 August 2007. The GNSO Council is due to meet on 6 September 2007 to vote on the package of principles, policy recommendations and implementation guidelines.

2. After the GNSO Council have voted he Council Report to the Board is prepared. The GNSO's PDP guidelines stipulate that "the Staff Manager will be present at the final meeting of the Council, and will have five (5) calendar days after the meeting to incorporate the views of the Council into a report to be submitted to the Board (the "Board Report"). The Board Report must contain at least the following:

    a. A clear statement of any Supermajority Vote recommendation of the Council;

    b. If a Supermajority Vote was not reached, a clear statement of all posi ions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) he constituency(ies) that held he position;

    c. An analysis of how the issue would affect each constituency, including any financial impact on the cons ituency;

    d. An analysis of the period of time hat would likely be necessary to implement the policy;

    e. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest;

    f. The Final Report submitted to he Council; and

    g. A copy of the minutes of the Council deliberation on the policy issue, including the all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

3. It is expected that, according to he Bylaws, "...The Board will meet to discuss the GNSO Council recommendation as soon as feasible after receipt of the Board Report from the Staff Manager. In he event that the Council reached a Supermajority Vote, the Board shall adopt the policy according to the Council Supermajority Vote recommendation unless by a vote of more than sixty-six (66%) percent of the Board determines that such policy is not in the best interests of the ICANN community or ICANN. In the event that the Board determines not to act in accordance with the Council Supermajority Vote recommenda ion, the Board shall (i) articulate the reasons for its determination in a report to he Council (the "Board Statement"); and (ii) submit the Board Statement to the Council. The Council shall review the Board Statement for discussion with the Board within twenty (20) calendar days after the Council's receipt of the Board Statement. The Board shall determine he method (e.g., by teleconference, e-mail, or otherwise) by which the Council and Board will discuss the Board Statement. At the conclusion of he Council and Board discussions, the Council shall meet to affirm or modify its recommenda ion, and communicate that conclusion (he "Supplemental Recommendation") to the Board, including an explana ion for its current recommendation. In the event that the Council is able to reach a Supermajority Vote on the Supplemental Recommendation, the Board shall adopt the recommendation unless more than sixty-six (66%) percent of the Board determines that such policy is not in the interests of the ICANN community or ICANN. In any case in which the Council is not able to reach Supermajority, a majority vote of the Board will be sufficient to act. When a final decision on a GNSO Council Recommendation or Supplemental Recommendation is timely, the Board shall take a preliminary vote and, where practicable, will publish a tentative decision that allows for a ten (10) day period of public comment prior to a final decision by he Board."

4. The final stage in the PDP is the implementation of the policy which is also governed by the Bylaws as follows, "...Upon a final decision of the Board, the Board shall, as appropriate, give authorization or direction to he ICANN staff to take all necessary steps to implement the policy."

Annex A – NCUC Minority Statement: Recommendation 6

STATEMENT OF DISSENT ON RECOMMENDATION #6 OF

GNSO's NEW GTLD REPORT FROM

the Non-Commercial Users Constituency (NCUC)

20 July 2007

NCUC supports most of the recommendations in the GNSO's Final Report, but Recommendation #6 is one we cannot support.[79]

We oppose Recommendation #6 for the following reasons:

1) It will completely undermine ICANN's efforts to make the gTLD application process predictable, and instead make the evaluation process arbitrary, subjective and political;

2) It will have the effect of suppressing free and diverse expression;

3) It exposes ICANN to litigation risks;

4) It takes ICANN too far away from its technical coordination mission and into areas of legislating morality and public order.

We also believe that he objective of Recommendation #6 is unclear, in that much of its desirable substance is already covered by Recommendation #3. At a minimum, we believe that the words "relating to morality and public order" must be struck from the recommendation.

1) Predictability, Transparency and Objectivity

Recommendation #6 poses severe implementa ion problems. It makes it impossible to achieve the GNSO's goals of predictable and transparent evalua ion criteria for new gTLDs.

Principle 1 of the New gTLD Report states that he evaluation process must be "predictable," and Recommendation #1 states that the evaluation criteria must be transparent, predictable, and fully available to applicants prior to their application.

NCUC strongly supports hose guidelines. But no gTLD applicant can possibly know in advance what people or governments in a far away land will object to as "immoral" or contrary to "public order." When applications are challenged on these grounds, applicants cannot possibly know what decision an expert panel – which will be assembled on an ad hoc basis with no precedent to draw on – will make about it.

Decisions by expert panels on "morality and public order" *must* be subjective and arbitrary, because there is no settled and well-established international law regarding the relationship between TLD strings and morality and public order. There is no single "community standard" of morality hat ICANN can apply to all applicants in every corner of he globe. What is considered "immoral" in Teheran may be easily accepted in Los Angeles or Stockholm; what is considered a threat to "public order" in China and Russia may not be in Brazil and Qatar.

2) Suppression of expression of controversial views

gTLD applicants will respond to the uncertainty inherent in a vague "morality and public order" standard and lack of clear standards by suppressing and avoiding any ideas that might generate controversy. Applicants will have to invest sizable sums of money to develop a gTLD application and see it through the ICANN process. Most of them will avoid risking a challenge under Recommendation #6. In other words, the presence of Recommendation #6 will result in self-censorship by most applicants.

That policy would strip citizens everywhere of their rights to express controversial ideas because someone else finds them offensive. This policy recommendation ignores interna ional and national laws, in par icular freedom of expression guarantees that permit the expression of "immoral" or otherwise controversial speech on the Internet.

3) Risk of litigation

Some people in the ICANN community are under he mistaken impression that suppressing controversial gTLDs will protect it from litiga ion. No hing could be further from the truth. By introducing subjective and culturally divisive standards into the evaluation process Recommendation #6 will increase the likelihood of litiga ion.

ICANN operates under au hority from the US Commerce Department. It is undisputed hat he US Commerce Department is prohibited from censoring the expression of US citizens in the manner proposed by Recommendation #6. The US Government cannot "contract away" the constitutional protections of its citizens to ICANN any more than it can engage in the censorship itself.

Adoption of Recommendation #6 invites litiga ion against ICANN to determine whether its censorship policy is compatible with the US First Amendment. An ICANN decision to suppress a gTLD string that would be permitted under US law could and probably would lead to legal challenges to the decision as a form of US Government ac ion.

If ICANN left he adjudication of legal rights up to courts, it could avoid the legal risk and legal liability that this policy of censorship brings upon it.

4) ICANN's mission and core values

Recommendation #6 exceeds the scope of ICANN's technical mission. It asks ICANN to create rules and adjudicate disputes about what is permissible expression. It enables it to censor expression in domain names that would be lawful in some countries. It would require ICANN and "expert panels" to make decisions about permitting top-level domain names based on arbitrary "morality" judgments and o her subjective criteria. Under Recommendation #6, ICANN will evaluate domain names based on ideas about "morality and public order" -- concepts for which there are varying interpreta ions, in both law and culture, in various parts of the world. Recommendation #6 risks turning ICANN into the arbiter of "morality" and "appropriate" public policy through global rules.

This new role for ICANN conflicts with its intended narrow technical mission, as embodied in its mission and core values.

ICANN holds no legitimate authority to regulate in this entirely non-technical area and adjudicate the legal rights of others. This recommendation takes the adjudication of people's rights to use domain names out of the hands of democratically elected representatives and into the hands of "expert panels" or ICANN staff and board with no public accountability.

Besides exceeding he scope of ICANN's authority, Recommendation #6 seems unsure of its objective. It mandates "morality and public order" in domain names, but then lists, as examples of the type of rights to protect, the WTO TRIPS Agreement and all 24 World Intellectual Property (WIPO) Treaties, which deal with economic and trade rights, and have little to do with "morality and public order". Protection for intellectual property rights was fully covered in Recommendation #3, and no explanation has been provided as to why intellectual property rights would be listed again in a recommendation on "morality and public order", an entirely separate concept.

In conclusion Recommendation #6 exceeds ICANN's authority, ignores Internet users' free expression rights, and its adop ion would impose an enormous burden on and liability for ICANN. It should not be adopted by the Board of Directors in the final policy decision for new gtlds.

Annex B – Nominating Committee Appointee Avri Doria[80]: Individual Comments

Comments from Avri Doria

The "Personal level of support" indications fall into 3 categories:

- I Support: these are principles, recommendations or guidelines that are compatible with my personal opinions
- I Support with concerns: While these principles, recommendations and guidelines are not incompatible with my personal opinions, I have some concerns about them.
- I Accept with concern: these recommendations and guidelines do not necessarily correspond to my personal opinions, but I am able to accept them in hat hey have he broad support of the committee. I do, however, have concerns wi h these recommendations and guideline.

I believe these comments are consistent with comments I have made throughout the process and do not constitute new input.

Principles

#	Personal level of support	Explana ion
A	Support	
B	Support with concerns	While I strongly support the introduction of IDN TLDS, I am concerned that the unresolved issues with IDN ccTLD equivalents may interfere with the introduction of IDN TLDs. I am also concerned that some of these issues could impede the introduction of some new ASCII TLDs dealing wi h geographically related identifiers.
C	Support	
D	Support with concerns	While I favor the establishment of a minimum set of necessary technical criteria, I am concerned that this set actually be the basic minimum set necessary to protect the stability, security and global interoperability.
E-G	Support	

Recommendations

#	Level of support	Explanation
1	Support	
2	Accept with concern	My concern involves using definitions that rely on legal terminology established for trademarks for what I believe should be a policy based on technical criteria. I In the first instance I believe that this is essentially a technical issue that should have been resolved with reference to typography, homologues, or hographic neighbourhood, transliteration and other technically defined attributes of a name that would make it unacceptable. There is a large body of scientific and technical knowledge and description in this field that we could have drawn on. I By using terms that rely on he legal language of trademark law, I believe we have created an implicit redundancy between recommendations 2 and 3. I.e., I believe both 2 and 3 can be used to protect trademarks and other intellectual property rights, and while 3 has specific limitations, 2 remains open to full and varied interpretation. I As we begin to consider IDNs, I am concerned that the interpreta ions of confusingly similar may be used to eliminate many potential TLDs based on transla ion. That is, when a translation may have the same or similar meaning to an existing TLD, that the new name may be eliminated because it is considered confusing to users who know both languages.
3	Support with concerns	My first concern relates to the protection of what can be called the linguis ic commons. While it is true that much of trademark law and practice does protect general vocabulary and common usage from trademark protection, I am not sure that this is always the case in practice. I am also not convinced that trademark law and policy that applies to specific product type within a specific locale is entirely compatible with a general and global naming system.
4	Support	
5	Support with concerns	Until such time as the technical work on IDNAbis is completed, I am concerned about establishing reserved name rules connected to IDNs. My primary concern involves policy decisions made in ICANN for reserved names becoming hard coded in the IDNAbis technical solution and thus becoming technical constraints that are no longer open to future policy reconsidera ion.

#	Level of support	Explanation
6	Accept with concern	My primary concern focuses on he term 'morality'. While public order is frequen ly codified in national laws and occasionally in international law and conven ions, the defini ion of what constitutes morality is not generally codified, and when it is, I believe it could be referenced as public order. This concern is related to the broad set of definitions used in the world to define morality. By including morality in the list of allowable exclusions we have made the possible exclusion list indefinitely large and have subjected the process to the consideration of all possible religious and ethical systems. ICANN or he panel of reviewers will also have to decide between different sets of moral principles, e.g, a morality that holds that people should be free to express themselves in all forms of media and those who believe that people should be free from exposure to any expression hat is prohibited by heir faith or moral principles. This recommendation will also subject the process to the fashion and occasional demagoguery of political correctness. I do not understand how ICANN or any expert panel will be able to judge hat something should be excluded based on reasons of morality without defining, at least de-facto, an ICANN definition of morality? And while I am not a strict constructionist and sometimes allow for the broader interpretation of ICANN's mission, I do not believe it includes the definition of a system of morality.
7	Support	
8	Accept with concern	While I accept hat a prospective registry must show adequate operational capability, creating a financial criteria is of concern. There may be many different ways of satisfying the requirement for operational capability and stability hat may not be demonstrable in a financial statement or tradi ional business plan. E g., in the case of an less developed community, the registry may rely on volunteer effort from knowledgeable technical experts. Ano her concern I have with financial requirements and high application fees is that hey may act to discourage applications from developing nations or indigenous and minority peoples that have a different set of financial opportunities or capabilities then those recognized as acceptable wi hin an expensive and highly developed region such as Los Angeles or Brussels.
9,10, 12-14	Support	
15	Support with concerns	In general I support the idea that a registry that is doing a good job should have the expectancy of renewal. I do, however, believe that a registry, especially a registry with general market dominance, or specific or local market dominance, should be subject to comment from the relevant user public and to evaluation of that public comment before renewal. When performance is satisfactory, there should an expectation of renewal. When performance is not satisfactory, there should be some procedure for correcting he situation before renewal.
16-19	Support	
20	Support with concerns	In general I support the policy though I do have concerns about the implementation which I discuss below in relation to IG (P)

Implementation Guidelines

#	Level of support	Explanation
A-E	Support	
F	Accept with concern	In designing a New gTLD process, one of the original design goals had been to design a predictable and imely process that did not include the involvement of he Board of Directors except for very rare and exceptional cases and perhaps in the due diligence check of a final approval. My concern is hat the use of Board in step (iii) may make them a regular part of many of the application procedure and may overload both the Board and the process. If every dispute can fall through to Board consideration in he process sieve, then the incentive to resolve the dispute earlier will be lessened.
G-M	Support	
N	Support with concerns	I strongly support the idea of financial assistance programs and fee reduction for less developed communities. I am concerned that not providing pricing that enables applications from less developed countries and communities may serve to increase the divide between the haves and the haves nots in the Internet and may lead to a foreign 'land grab' of choice TLD names, especially IDN TLD names in a new form of resource colonialism because only those with well developed funding capability will be able to participate in the process as currently planned.
O	Support	

#	Level of support	Explanation
P	Support with concerns	While I essentially agree with the policy recommendation and its implementation guideline, its social justice and fairness depends heavily on the implementation issues. While the implementation details are not yet settled, I have serious concerns about the published draft plans of the ICANN staff in this regard. The current proposal involves using fees to prevent vexa ious or unreasonable objections. In my personal opinion this would be a cause of social injustice in the applica ion of the policy as it would prejudice the objection policy in favor of the rich. I also believe that an objection policy based on financial means would allow for well endowed entities to object to any term they found objectionable, hence enabling them to be as vexatious as they wish to be. In order for an objection system to work properly, it must be fair and it must allow for any applicant to understand the basis on which they might have to answer an objection. If the policy and implementation are clear about objections only being considered when they can be shown to cause irreparable harm to a community then it may be possible to build a just process. In addition to the necessity for there to be strict filters on which potential objections are actually processed for further review by an objections review process, it is essential hat an external and impartial professional review panel have a clear basis for judging any objections. I do not believe that the ability to pay for a review will provide a reasonable criteria, nor do I believe that financial barriers are an adequate filter for stopping vexatious or unreasonable objections though they are a sufficient barrier for the poor. I believe that ICANN should investigate other methods for balancing the need to allow even the poorest to raise an issue of irreparable harm while filtering out unreasonable disputes. I believe, as recommend in the Reserved Names Working group report, that the ALAC and GAC may be an important part of the solu ion. IG (P) currently includes support for treating ALAC and GAC as established institutions in regard to raising objections to TLD concerns. I believe this is an important part of the policy recommenda ion and should be retained in the implementation. I believe hat it should be possible for he ALAC or GAC, through some internal procedure that they define, to take up the cause of the individual complainant and to request a review by the external expert review panel. Some have argued that this is unacceptable because it operationalizes these Advisory Committees. I believe we do have precedence for such an operational role for volunteers within ICANN and that it is in keeping with their respective roles and responsibilities as representatives of the user community and of the interna ional community of nations. I strongly recommend that such a solution be included in he Implementation of the New gTLD process.
Q	Support	

Annex C – NCUC Minority Statement: Recommendation 20 and Implementation Guidelines F, H & P

STATEMENT OF DISSENT ON RECOMMENDATION #20 &

IMPLEMENTATION GUIDELINES F, H, & P IN THE

GNSO NEW GTLD COMMITTEE'S FINAL REPORT

FROM THE

NON-COMMERCIAL USERS CONSTITUENCY (NCUC)

RE: DOMAIN NAME OBJECTION AND REJECTION PROCESS

25 July 2007

Text of Recommendation #20:

"An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted."

Text of Implementation Guideline F:

If there is contention for strings, applicants may:

i) resolve contention between them within a pre-established timeframe

ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement a process will be put in place to enable efficient resolution of contention and;

iii) the ICANN Board may be used to make a final decision, using advice from staff and expert panels.

Text of Implementation Guideline H:

External dispute providers will give decisions on complaints.

Text of Implementation Guideline P:

The following process, definitions, and guidelines refer to Recommendation 20.

Process

Opposition must be objection based.

Determination will be made by a dispute resolution panel constituted for the purpose.

The objector must provide verifiable evidence that it is an established institution of the community (perhaps like the RSTEP pool of panelists from which a small panel would be constituted for each objection).

Guidelines

The task of the panel is he determina ion of substantial opposition.

a) substantial

In determining substantial the panel will assess the following: significant portion, community, explici ly targeting, implici ly targeting, established institution, formal existence, detriment.

b) significant portion:

In determining significant por ion the panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.

c) community

Community should be interpreted broadly and will include for example an economic sector, a cultural community, or a linguistic community. It may also be a closely related community which believes it is impacted.

d) explicitly targeting

Explicitly targeting means there is a description of the intended use of the TLD in the application.

e) implicitly targeting

Implicitly targeting means that the objector makes an assumption of targeting or hat he objector believes there may be confusion by users over its intended use.

f) established institution

An institution that has been in formal existence for at least 5 years. In excep ional cases, standing may be granted to an

institution that has been in existence for fewer then 5 years. Exceptional circumstance include but are not limited to reorganisa ion, merger, or an inherently younger community. The following ICANN organizations are defined as established institutions: GAC, ALAC, GNSO, ccNSO, ASO.

g) formal existence

Formal existence may be demonstrated by: appropriate public registration, public historical evidence, validation by a government, intergovernmental organization, international treaty organisation or similar.

h) detriment

<< A >> Evidence of detriment to the community or to users more widely must be provided.
<< B >> [A likelihood of detriment to the community or to users more widely must be provided.]

Recommendation #20

The Non-Commercial Users Constituency (NCUC) Dissenting Statement on Recommendation #20 of the New GTLD Committee's Final Report[81] should be read in combination with Implementation Guidelines F, H & P, which detail the implementation of Recommendation #20. This statement should also be read in conjunction with its statement[82] of 13 June 2007 on he committee's draft report.

NCUC cannot support the committee's proposal for ICANN to establish a broad objection and rejection process for domain names that empowers ICANN and its "experts" to adjudicate the legal rights of domain name applicants (and objectors). The proposal would also empower ICANN and its "experts" to invent en irely new rights to domain names that do not exist in law and that will compete wi h existing legal rights to domains.

However "good-intentioned", the proposal would inevitably set up a system that decides legal rights based on subjective beliefs of "expert panels" and the amount of insider lobbying. The proposal would give "established institutions" veto power over applica ions for domain names to he detriment of innovators and start-ups. The proposal is further flawed because it makes no allowances for generic words to which no community claims exclusive "ownership" of. Instead, it wants to assign rights to use language based on subjective standards and will over-regulate to the detriment of competi ion, innovation, and free expression.

There is no limitation on the type of objec ions that can be raised to kill a domain name, no requirement that actual harm be shown to deny an application, and no recourse for he wrongful denial of legal rights by ICANN and its experts under his proposal. An applicant must be able to appeal decisions of ICANN and its experts to courts, who have more competence and authority to decide the applicant's legal rights. Legal due process requires maintaining a right to appeal these decisions to real courts.

The proposal is hopelessly flawed and will result in the improper rejection of many legitimate domain names. The reasons permitted to object to a domain are infinite in number. Anyone may make an objection; and an application will automatically be rejected upon a very low threshold of "detriment" or an even lower standard of "a likelihood of detriment" to anyone. Not a difficult bar to meet.

If ICANN attempted to put this policy proposal into prac ice it would intertwine itself in general policy debates, cultural clashes, business feuds, religious wars, and national politics, among a few of the disputes ICANN would have to rule on through this domain name policy.

The proposal operates under false assumptions of "communities" hat can be defined, and that parties can be rightfully appointed representatives of "the community" by ICANN. The proposal gives preference to "established institutions" for domain names, and leaves applicants' without the backing of "established institutions" with little right to a top-level domain. The proposal operates to the detriment of small-scale start-ups and innovators who are clever enough to come up with an idea for a domain first, but lack the insider-connections and financial resources necessary to convince an ICANN panel of heir worthiness.

It will be excessively expensive to apply for either a controversial or a popular domain name, so only well-financed "established institutions" will have bo h the standing and financial wherewithal to be awarded a top-level domain. The proposal privileges who is awarded a top-level domain, and hus discourages diversity of thought and the free flow of information by making it more difficult to obtain information on controversial ideas or from innovative new-comers.

Implementation Guideline F

NCUC does not agree wi h the part of Implementation Guideline F that empowers ICANN identified "communities" to support or oppose applications. Why should all "communities" agree before a domain name can be issued? How to decide who speaks for a "community"?

NCUC also notes that ICANN's Board of Directors would make the final decisions on applications and thus the legal rights of applicants under proposed IG-F. ICANN Board Members are not democratically elected, accountable to the public in any meaningful way, or trained in the adjudica ion of legal rights. Final decisions regarding legal rights should come from legitimate law-making processes, such as courts.

"Expert panels" or corporate officers are not obligated to respect an applicant's free expression rights and there is no recourse for a decision by the panel or ICANN for rights wrongfully denied. None of the "expert" panelists are democra ically elected, nor accountable to the public for their decisions. Yet hey will take decisions on the boundaries between free expression and trademark rights in domain names; and "experts" will decide what ideas are too controversial to be permitted in a domain name under this process.

Implementation Guideline H

Implementation Guideline H recommends a system to adjudicate legal rights that exists entirely outside of legitimate democra ic law-making processes. The process sets up a system of unaccountable "private law" where "experts" are free to pick and choose favored laws, such as trademark rights, and ignore disfavored laws, such as free expression guarantees.

IG-H operates under the false premise that external dispute providers are authorized to adjudicate he legal rights of domain name applicants and objectors. It further presumes that such expert panels will be qualified to adjudicate the legal rights of

applicants and others. But undertaking he creation of an entirely new international dispute resolution process for the adjudication of legal rights and the creation of new rights is not something that can be delegated to a team of experts. Existing international law that takes into account conflict of laws, choice of laws, jurisdiction, standing, and due process must be part of any legi imate process; and the applicant's legal rights including freedom of expression rights must be respected in the process.

Implementation Guideline P

"The devil is in the details" of Implementation Guideline P as it describes in greater detail the proposed adversarial dispute process to adjudicate legal rights to top-level domain names in Recommendation #20. IG-P mandates the rejection of an application if here is "substantial opposition" to it according to ICANN's expert panel. But "substantial" is defined in such as way so as to actually mean "insubstantial" and as a result many legitimate domain names would be rejected by such an extremely low standard for killing an application.

Under IG-P, opposition against and support for an applica ion must be made by an "established institution" for it to count as "significant", again favoring major industry players and mainstream cultural institutions over cultural diversity, innovative individuals, small niche, and medium-sized Internet businesses.

IG-P states that "community" should be interpreted broadly, which will allow for the maximum number of objections to a domain name to count against an applica ion. It includes examples of " he economic sector, cultural community or linguistic community" as those who have a right to complain about an applica ion. It also includes any "related community which believes it is impacted." So anyone who claims to represent a community and believes to be impacted by a domain name can file a complaint and have standing to object to another's application.

There is no requirement that he objection be based on legal rights or the operational capacity of the applicant. There is no requirement that the objection be reasonable or the belief about impact to be reasonable. There is no requirement that the harm be actual or verifiable. The standard for "community" is entirely subjec ive and based on the personal beliefs of the objector.

The definition of "implicitly targeting" further confirms this subjective standard by inviting objections where "the objector makes the assumption of targe ing" and also where "the objector believes here may be confusion by users". Such a subjec ive process will inevitably result in the rejection of many legi imate domain names.

Picking such a subjective standard conflicts wi h Principle A in the Final Report that states domain names must be introduced in a "predictable way", and also with Recommendation 1 that states "All applicants for a new gTLD registry should be evaluated against transparent and predictable criteria, fully available to the applicants prior to he ini ia ion of the process." The subjectivity and unpredictability invited into the process by Recommendation #20 turn Principle A and Recommendation 1 from the same report upside down.

Besides the inherent subjectivity, the standard for killing applications is remarkably low. An applica ion need not be intended to serve a particular community for "community-based" objections to kill the application under the proposal. Anyone who believed that he or she was part of the targeted community or who believes others face "detriment" have standing to object to a domain name, and the objection weighs in favor of "significant opposi ion". This standard is even lower than the "reasonable person" standard, which would at least require that the belief be "reasonable" for it to count against an applicant. The proposed standard for rejec ing domains is so low it even permits unreasonable beliefs about a domain name to weigh against an applicant.

If a domain name does cause confusion, exis ing trademark law and unfair competition law have dealt with it for years and already balanced intellectual property rights against free expression rights in domain names. There is neither reason nor authority for ICANN processes to overtake the adjudication of legal rights and invite unreasonable and illegitimate objections to domain names.

IG-P falsely assumes that the number of years in operation is indicative of one's right to use language. It privileges enti ies over 5 years old with objection rights that will effectively veto innovative start-ups who cannot afford the dispute resolution process and will be forced to abandon their application to the incumbents.

IG-P sets the threshold for harm that must be shown to kill an application for a domain name remarkably low. Indeed harm need not be actual or verified for an application to be killed based on "substantial opposition" from a single objector.

Whether the committee selects the unbounded definition for "detriment" that includes a "likelihood of detriment" or he narrower definition of "evidence of detriment" as he standard for killing an applica ion for a domain name is largely irrelevant. The difference is akin to re-arranging the deck chairs on the Titanic. ICANN will become bogged down with the approval of domain names ei her way, although it is worth noting that "likelihood of detriment" is a very long way from "substantial harm" and an easy standard to meet, so will result in many more domain names being rejected.

The definitions and guidelines detailed in IG-P invite a lobby-fest between competing businesses, instill the "heckler's veto" into domain name policy, privilege incumbents, price out of the market non-commercial applicants, and give third-parties who have no legal rights to domain names the power to block applications for those domains. A better standard for killing an application for non-technical reasons would be for a domain name to be shown to be illegal in the applicant's jurisdiction before it can rejected.

In conclusion, the committee's recommendation for domain name objection and rejection processes are far too broad and unwieldy to be put into practice. They would stifle freedom of expression, innovation, cultural diversity, and market compe ition. Rather than follow existing law, the proposal would set up an illegitimate process that usurps jurisdic ion to adjudicate peoples' legal rights (and create new rights) in a process designed to favor incumbents. The adoption of this "free-for-all" objection and rejection process will further call into question ICANN's legitimacy to govern and its ability to serve the global public interest that respects he rights of all citizens.

NCUC respectfully submits that ICANN will best serve the global public interest by resisting the temptation to stray from its technical mandate and meddle in international lawmaking as proposed by Rec. #20 and IG-F, IG-H, and IG-P of the New GTLD Committee Final Report.

REFERENCE MATERIAL -- GLOSSARY[83]

TERM	ACRONYM & EXPLANATION

A-label	The A-label is what is transmitted in the DNS protocol and this is the ASCII-compa ible (ACE) form of an IDNA string; for example "xn--11b5bs1di".
ASCII Compatible Encoding	ACE ACE is a system for encoding Unicode so each character can be transmitted using only the letters a-z, 0-9 and hyphens. Refer also to http://www.ietf.org /rfc/rfc3467.txt?number=3467
American Standard Code for Information Exchange	ASCII ASCII is a common numerical code for computers and o her devices hat work with text. Computers can only understand numbers, so an ASCII code is the numerical representation of a character such as 'a' or '@'. See above referenced RFC for more information.
Advanced Research Projects Agency	ARPA http://www.darpa.mil/body/arpa_darpa.html
Commercial & Business Users Constituency	CBUC http://www.bizconst.org/
Consensus Policy	A defined term in all ICANN registry contracts usually found in Article 3 (Covenants). See, for example, http://www icann.org/tlds/agreements/biz/registry-agmt-08dec06.htm
Country Code Names Supporting Organization	ccNSO http://ccnso.icann.org/
Country Code Top Level Domain	ccTLD Two letter domains, such as .uk (United Kingdom), .de (Germany) and .jp (Japan) (for example), are called country code top level domains (ccTLDs) and correspond to a country, territory, or other geographic location. The rules and policies for registering domain names in the ccTLDs vary significan ly and ccTLD registries limit use of the ccTLD to citizens of the corresponding country. Some ICANN-accredited registrars provide registra ion services in the ccTLDs in addition to registering names in .biz, .com, .info, .name, net and .org, however, ICANN does not specifically accredit registrars to provide ccTLD registration services. For more information regarding registering names in ccTLDs, including a complete database of designated ccTLDs and managers, please refer to http://www.iana.org/cctld/cc ld.htm.
Domain Names	The term **domain name** has mul iple related meanings: A name that iden ifies a computer or computers on he internet. These names appear as a component of a Web site's URL, e.g. www.wikipedia.org. This type of domain name is also called a hostname. The product that Domain name registrars provide to their customers. These names are often called **registered domain names**. Names used for other purposes in the Domain Name System (DNS), for example the special name which follows the @ sign in an email address, or the Top-level domains like .com, or he names used by the Session Initiation Protocol (VoIP), or DomainKeys. http://en.wikipedia.org/wiki/Domain_names
Domain Name System	The Domain Name System (DNS) helps users to find their way around the Internet. Every computer on the Internet has a unique address - just like a telephone number - which is a ra her complicated string of numbers. It is called its "IP address" (IP stands for "Internet Protocol"). IP Addresses are hard to remember. The DNS makes using the Internet easier by allowing a familiar string of letters (the "domain name") to be used instead of the arcane IP address. So instead of typing 207.151.159.3, you can type www internic.net. It is a "mnemonic" device that makes addresses easier to remember.
Generic Top Level Domain	gTLD Most TLDs with three or more characters are referred to as "generic" TLDs, or "gTLDs". They can be subdivided into two types, "sponsored" TLDs (sTLDs) and "unsponsored TLDs (uTLDs), as described in more detail below. In the 1980s, seven gTLDs (.com, .edu, gov, .int, .mil, .net, and .org) were created. Domain names may be registered in three of hese (.com, .net, and .org) without restriction; the other four have limited purposes. In 2001 & 2002 four new unsponsored TLDs (.biz, .info, name, and .pro) were introduced. The o her three new TLDs (.aero, .coop, and .museum) were

	sponsored. Generally speaking, an unsponsored TLD operates under policies established by the global Internet community directly through the ICANN process, while a sponsored TLD is a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. The sponsor thus carries out delegated policy-formulation responsibili ies over many matters concerning the TLD.
Governmental Advisory Committee	GAC http://gac.icann.org/web/index.shtml
Intellectual Property Constituency	IPC http://www.ipcons ituency.org/
Internet Service & Connection Providers Constituency	ISPCP
Internationalized Domain Names	IDNs IDNs are domain names represented by local language characters. These domain names may contain characters with diacritical marks (required by many European languages) or characters from non-Latin scripts like Arabic or Chinese.
Internationalized Domain Names in Application	IDNA IDNA is a protocol that makes it possible for applica ions to handle domain names with non-ASCII characters. IDNA converts domain names with non-ASCII characters to ASCII labels that the DNS can accurately understand. These standards are developed within the IETF (http://www.ietf.org)
Internationalized Domain Names – Labels	IDN A Label The A-label is what is transmitted in the DNS protocol and this is the ASCII-compa ible ACE) form of an IDN A string. For example "xn-1lq90i". IDN U Label The U-label is what should be displayed to the user and is the representation of the IDN in Unicode. For example "北京" ("Beijing" in Chinese). LDH Label The LDH-label strictly refers to an all-ASCII label that obeys the "hostname" (LDH) conventions and that is not an IDN; for example "icann" in the domain name "icann.org"
Internationalized Domain Names Working Group	IDN-WG http://forum.icann.org/lists/gnso-idn-wg/
Letter Digit Hyphen	LDH The hostname convention used by domain names before internationalization. This meant that domain names could only practically contain the letters a-z, digits 0-9 and the hyphen "-". The term "LDH code points" refers to this subset. Wi h the introduction of IDNs this rule is no longer relevant for all domain names. The LDH-label strictly refers to an all-ASCII label that obeys the "hostname" (LDH) conventions and that is not an IDN; for example "icann" in the domain name "icann.org".
Nominating Committee	NomCom http://nomcom.icann.org/
Non-Commercial Users Constituency	NCUC http://www.ncdnhc.org/
Policy Development Process	PDP See http://www.icann.org/general/archive-bylaws/bylaws-28feb06.htm#AnnexA
Protecting the Rights of Others Working Group	PRO-WG See the mailing list archive at http://forum.icann.org/lists/gnso-pro-wg/
Punycode	Punycode is the ASCII-compatible encoding algorithm described in Internet standard [RFC3492]. This is he method that will encode IDNs into sequences of ASCII characters in order for the Domain Name System (DNS) to understand and manage the names. The intention is that domain name registrants and users will never see this encoded form of a domain name. The sole purpose is for the DNS to be able to resolve for example a web-address containing local characters.

Registrar	Domain names ending with .aero, .biz, .com, .coop, info, .museum, .name, net, .org, and .pro can be registered through many different companies (known as "registrars") that compete with one another. A listing of these companies appears in the Accredited Registrar Directory. The registrar asks registrants to provide various contact and technical information that makes up the domain name registration. The registrar keeps records of the contact information and submits the technical information to a central directory known as he "registry."
Registrar Constituency	RC http://www.icann-registrars.org/
Registry	A registry is the authorita ive, master database of all domain names registered in each Top Level Domain. The registry operator keeps the master database and also generates the "zone file" which allows computers to route Internet traffic to and from top-level domains anywhere in the world. Internet users don't interact directly with the registry operator. Users can register names in TLDs including .biz, .com, .info, .net, .name, .org by using an ICANN-Accredited Registrar.
Registry Constituency	RyC http://www.gtldregistries.org/
Request for Comment A full list of all Requests for Comment http://www.rfc-editor.org/rfcxx00.html Specific references used in this report are shown in the next column. This document uses language, for example, "should", "must" and "may", consistent with RFC2119.	RFC ftp://ftp.rfc-editor.org/in-notes/rfc1591.txt ftp://ftp.rfc-editor.org/in-notes/rfc2119.txt ftp://ftp.rfc-editor.org/in-notes/rfc2606.txt
Reserved Names Working Group	RN-WG See the mailing list archive at http://forum.icann.org/lists/gnso-rn-wg/
Root server	A **root nameserver** is a DNS server that answers requests for the root namespace domain, and redirects requests for a particular top-level domain to that TLD's nameservers. Although any local implementation of DNS can implement its own private root nameservers, the term "root nameserver" is generally used to describe he thirteen well-known root nameservers that implement the root namespace domain for the Internet's official global implementation of the Domain Name System. All domain names on the Internet can be regarded as ending in a full stop character e.g. "en.wikipedia.org.". This final dot is generally implied rather than explicit, as modern DNS software does not actually require that the final dot be included when attemp ing to translate a domain name to an IP address. The empty string after the final dot is called he root domain, and all other domains (i.e. .com, .org, .net, etc.) are contained wi hin the root domain. http://en.wikipedia.org/wiki/Root_server
Sponsored Top Level Domain	sTLD A Sponsor is an organization to which some policy making is delegated from ICANN. The sponsored TLD has a Charter, which defines the purpose for which the sponsored TLD has been created and will be operated. The Sponsor is responsible for developing policies on the delegated topics so that the TLD is operated for the benefit of a defined group of stakeholders, known as the Sponsored TLD Community, that are most directly interested in the operation of the TLD. The Sponsor also is responsible for selec ing the registry operator and to varying degrees for establishing the roles played by registrars and their rela ionship with the registry operator. The Sponsor must exercise its delegated authority according to fairness standards and in a manner that is representative of the Sponsored TLD Community.
U-label	The U-label is what should be displayed to the user and is the representation of the Internationalized Domain Name (IDN) in Unicode.
Unicode Consortium	A not-for-profit organization found to develop, extend and promote use of the Unicode standard. See http://www.unicode.org
Unicode	Unicode is a commonly used single encoding scheme that provides a unique number for each character across a wide variety of languages and scripts. The Unicode standard contains tables that list the code points for each local character identified. These tables continue to expand as more characters are digitalized.

Continue to Final Report: Part B

[1] http://www.icann.org/general/archive-bylaws/bylaws-28feb06.htm#I

[2] The ICANN "community" is a complex matrix of intersecting organizations and which are represented graphically here. http://www.icann.org/structure/

[3] The *Final Report* is Step 9 in he GNSO's policy development process which is set out in full at http://www.icann.org /general/archive-bylaws/bylaws-28feb06 htm#AnnexA.

[4] Found here http://gnso.icann.org/issues/new-g lds/.

[5] The ICANN Staff *Discussion Points* documents can be found at http://gnso.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06.pdf and http://gnso.icann.org/drafts/PDP-Dec05-StaffMemo-19-jun-07.pdf

[6] Authored in 1987 by Paul Mockapetris and found at http://www.ietf.org/rfc/rfc1034

[7] Authored in October 1984 by Jon Postel and J Reynolds and found at http://www ietf.org/rfc/rfc920

[8] Found at http://www.oecd.org/dataoecd/15/37/38336539 pdf

[9] From Verisign's June 2007 *Domain Name Industry Brief.*

[10] The full list is available here http://www icann.org/registrars/accredited-list.html

[11] Report found at http://www.icann.org/dnso/wgc-report-21mar00.htm

[12] Found at http://www.icann.org/announcements/announcement-31aug04.htm

[13] http://www.registrarstats.com/Public/ZoneFileSurvey.aspx

[14] Verisign produce a regular report on the domain name industry. http://www verisign.com/Resources /Naming_Services_Resources/Domain_Name_Industry_Brief/index.html

[15] The announcement is here http://icann.org/announcements/announcement-03jan06.htm and the results are here http://gnso.icann.org/issues/new-gtlds/new-gtld-pdp-input.htm

[16] Found here http://gnso.icann.org/issues/new-gtlds/new-gtld-pdp-input.htm

[17] http://gnso.icann.org/issues/new-gtlds//

[18] For example, see the GA List discussion thread found at http://gnso icann.org/mailing-lists/archives/ga/msg03337.html & earlier discussion on IANA lists http://www.iana.org/comments/26sep1998-02oct1998/msg00016.html. The 13 June 2002 paper regarding a taxonomy for non-ASCII TLDs is also illuminating http://www icann.org/committees/idn/registry-selection-paper-13jun02.htm

[19] Found here http://gac.icann.org/web/home/gTLD_principles.pdf

[20] A list of the working materials of the new TLDs Committee can be found at http://gnso.icann.org/issues/new-gtlds/.

[21] The Outcomes Report for the IDN-WG is found http://gnso.icann.org/drafts/idn-wg-fr-22mar07 htm. A full set of resources which the WG is using is found at http://gnso.icann.org/issues/idn-tlds/.

[22] The Final Report of the RN-WG is found at http://gnso.icann.org/drafts/rn-wg-fr19mar07.pdf

[23] The Final Report of the PRO-WG is found at http://gnso.icann.org/drafts/GNSO-PRO-WG-final-01Jun07.pdf

[24] The root server system is explained here http://en.wikipedia.org/wiki/Rootserver

[25] Ms Doria supports all of the Principles but expressed concern about Principle B by saying "...While I strongly support the introduction of IDN TLDS, I am concerned that the unresolved issues with IDN ccTLD equivalents may interfere with the introduction of IDN TLDs. I am also concerned that some of these issues could impede the introduction of some new ASCII TLDs dealing with geographically related identifiers" and Principle D "...While I favor the establishment of a minimum set of necessary technical criteria, I am concerned that this set actually be the basic minimum set necessary to protect the stability, security and global interoperability."

[26] Note he updated recommendation text sent to the gtld-council list after the 7 June meeting. http://forum.icann.org/lists /gtld-council/msg00520.html

[27] Reserved word limitations will be included in the base contract that will be available to applicants prior to the start of the application round.

[28] http://www.icann.org/general/idn-guidelines-22feb06.htm

[29] The Implementation Team sought advice from a number of auction specialists and examined other industries in which auctions were used to make clear and binding decisions. Further expert advice will be used in developing the implementa ion of the application process to ensure the fairest and most appropriate method of resolving contention for strings.

[30] Detailed work is being undertaken, lead by he Corporate Affairs Department, on establishing a translation framework for ICANN documentation. This element of the Implementation Guidelines may be addressed separately.

[31] http://gnso.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06 pdf

[32] Consistent with ICANN's commitments to accountability and transparency found at http://www.icann.org/announcements /announcement-26jan07b.htm

[33] Found at http://www.icann.org/dnso/wgc-report-21mar00.htm

[34] The announcement is here http://icann.org/announcements/announcement-03jan06.htm and the results are here http://gnso.icann.org/issues/new-gtlds/new-gtld-pdp-input.htm

[35] Found here http://gnso.icann.org/issues/new-gtlds/new-gtld-pdp-input.htm

[36] Found here http://forum icann.org/lists/gtld-council/

[37] Archived at http://forum.icann.org/lists/gtld-council/

[38] Business Constituency http://forum.icann.org/lists/g ld-council/msg00501.html, Intellectual Property Constituency http://forum.icann.org/lists/gtld-council/msg00514.html, Internet Service Providers http://forum.icann.org/lists/gtld-council /msg00500 html, NCUC http://forum.icann.org/lists/gtld-council/msg00530.html, Registry Constituency http://forum.icann.org /lists/gtld-council/msg00494.html

[39] "My concern involves using definitions that rely on legal terminology established for trademarks for what I believe should be a policy based on technical criteria.

In the first instance I believe that this is essentially a technical issue that should have been resolved with reference to typography, homologues, orthographic neighbourhood, transliteration and other technically defined attributes of a name that would make it unacceptable. There is a large body of scientific and technical knowledge and descrip ion in this field that we could have drawn on.

By using terms hat rely on the legal language of trademark law, I believe we have created an implicit redundancy between recommenda ions 2 and 3. I e., I believe both 2 and 3 can be used to protect trademarks and other intellectual property rights, and while 3 has specific limitations, 2 remains open to full and varied interpretation.

As we begin to consider IDNs, I am concerned that the interpretations of confusingly similar may be used to eliminate many potential TLDs based on translation. That is, when a translation may have the same or similar meaning to an existing TLD, that the new name may be eliminated because it is considered confusing to users who know both languages."

[40] http://data.iana.org/TLD/tlds-alpha-by-domain.txt

[41] See section 4A -- http://www.icann.org/udrp/udrp-policy-24oct99.htm.

[42] In addi ion to the expertise within the Committee, the NCUC provided, as part of its Constituency Impact Statement expert outside advice from Professor Chris ine Haight Farley which said, in part, "...A determination about whether use of a mark by ano her is "confusingly similar" is simply a first step in he analysis of infringement. As he committee correctly notes, account will be taken of visual, phonetic and conceptual similarity. But this determination does not end he analysis. Delta Dental and Delta Airlines are confusingly similar, but are not like to cause confusion, and therefore do not infringe. ... In trademark law, where here is confusing similarity and the mark is used on similar goods or services, a likelihood of confusion will usually be found. European trademark law recognizes this point perhaps more readily hat U.S. trademark law. As a result, sometimes "confusingly similar" is used as shorthand for "likelihood of confusion". However, these concepts must remain distinct in domain name policy where there is no opportunity to consider how the mark is being used."

[43] In addi ion, advice was sought from experts wi hin WIPO who continue to provide guidance on this and other elements of dispute resolution procedures.

[44] Kristina Rosette provided the reference to the *Agreement on Trade-Related Aspects of Intellectual Property Rights* which is found online at http://www.wto.org/english/tratop_e/trips_e/t_agm1_e.htm

".. *Article 16Rights Conferred* 1. The owner of a registered trademark shall have he exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described above shall not prejudice any existing prior rights, nor shall they affect he possibility of Members making rights available on the basis of use...."

[45] http://www.ohchr.org/english/bodies/hrc/comments.htm

[46] http://gnso.icann.org/drafts/GNSO-PRO-WG-final-01Jun07 pdf

[47] Charles Sha'ban provided a range of examples from Arabic speaking countries. For example, in Jordan, Ar icle 7Trademarks eligible for registration are1- A trademark shall be registered if it is distinc ive, as to words, letters, numbers, figures, colors, or other signs or any combination thereof and visually perceptible.2- For the purposes of this Article, "distinctive" shall mean applied in a manner which secures distinguishing the goods of the proprietor of the trademark from those of other persons. Ar icle 8Marks which may not be registered as trademarks. The following may not be registered as trademarks: 10- A mark identical with one belonging to a different proprietor which is already entered in the register in respect of the same goods or class of goods for which the mark is intended to be registered, or so closely resembling such trademark to the extent that it may lead to deceiving third parties.

12- The trademark which is identical or similar to, or constitutes a translation of, a well-known trademark for use on similar or identical goods to hose for which that one is well-known for and whose use would cause confusion with the well-known mark, or for use of different goods in such a way as to prejudice the interests of the owner of the well-known mark and leads to believing that there is a connection between its owner and those goods as well as the marks which are similar or iden ical to the honorary badges, flags, and other insignia as well as he names and abbreviations relating to international or regional organizations or those that offend our Arab and Islamic age-old values.

In Oman for example, Article 2 of the Sultan Decree No. 38/2000 states:

"The following shall not be considered as trademarks and shall not be registered as such: If he mark is identical, similar to a degree which causes confusion, or a translation of a trademark or a commercial name known in the Sultanate of Oman with respect to identical or similar goods or services belonging to another business, or if it is known and registered in the Sultanate of Oman on goods and service which are neither identical nor similar to those for which the mark is sought to be registered provided that the usage of the mark on those goods or services in this last case will suggest a connection between those goods or services and the owner of he known trademark and such use will cause damage to the interests of the owner of the known trademark."

Although the laws In Egypt do not have specific provisions regarding confusion they stress in great detail the importance of distinctiveness of a trade mark.

Article 63 in the IP Law of Egypt No.82 for the year 2002 states:

"A trademark is any sign distinguishing goods, whether products or services, and include is particular names represented in a distinctive manner, signatures, words, letters, numerals, design, symbols, signposts, stamps, seal, drawings, engravings, a

combination of distinctly formed colors and any other combination of these elements if used, or meant to be used, to distinguish the precedents of a particular industry, agriculture, forest or mining venture or any goods, or to indicate the origin of products or goods or their quality, category, guarantee, preparation process, or to indicate the provision of any service. In all cases, a trademark shall be a sign that is recognizable by sight."

[48] Found at http://www.wipo.int/treaties/en/ip/paris/trtdocs_wo020.ht with 171 contracting parties.

[49] Fur her information can be found at the US Patent and Trademark Office's website http://www.uspto.gov/

[50] Found at http://www.icann.org/registrars/ra-agreement-17may01.htm#3

[51] Found at http://gnso.icann.org/drafts/idn-wg-fr-22mar07.htm.

[52] The 2003 correspondence between ICANN's then General Counsel and the then GAC Chairman is also useful http://www.icann.org/correspondence/touton-letter-to-tarmizi-10feb03 htm.

[53] "My first concern relates to the protection of what can be called the linguistic commons. While it is true that much of trademark law and practice does protect general vocabulary and common usage from trademark protection, I am not sure that this is always the case in practice. I am also not convinced that trademark law and policy hat applies to specific product type within a specific locale is entirely compatible with a general and global naming system."

[54] For example, David Maher, Jon Bing, Steve Metalitz, Philip Sheppard and Michael Palage.

[55] Reserved Word has a specific meaning in the ICANN context and includes, for example, the reserved word provisions in ICANN's existing registry contracts. See http://www.icann.org/registries/agreements htm.

[56] "Until such time as he technical work on IDNAbis is completed, I am concerned about establishing reserved name rules connected to IDNs. My primary concern involves policy decisions made in ICANN for reserved names becoming hard coded in the IDNAbis technical solution and thus becoming technical constraints that are no longer open to future policy reconsideration."

[57] Found online at http://gnso.icann.org/issues/new-gtlds/final-report-rn-wg-23may07.htm and in full in Part B of the *Report*.

[58] The Committee are aware that the terminology used here for the purposes of policy recommendations requires further refinement and may be at odds with similar terminology developed in other context. The terminology may be imprecise in other contexts than the general discussion about reserved words found here.

[59] The subgroup was encouraged by the ccNSO not to consider removing the restric ion on two-letter names at the top level. IANA has based its allocation of two-letter names at the top level on the ISO 3166 list. There is a risk of collisions between any interim allocations, and ISO 3166 assignments which may be desired in the future.

[60] The existing gTLD registry agreements provide for a method of potential release of two-character LDH names at the second level. In addi ion, two character LDH strings at the second level may be released through the process for new registry services, which process involves analysis of any technical or security concerns and provides opportunity for public input. Technical issues related to the release of two-letter and/or number strings have been addressed by the RSTEP Report on GNR's proposed registry service. The GAC has previously noted he WIPO II Report statement that "If ISO 3166 alpha-2 country code elements are to be registered as domain names in he gTLDs, it is recommended that this be done in a manner that minimises the potential for confusion with he ccTLDs."

[61] Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character posi ions (e g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves any names having any of a combination of 1296 different prefixes (36x36).

[62] Internet Draft IDNAbis Issues: http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-01.txt (J. Klensin), Section 3.1.1.1

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[64] Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character posi ions (e g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves any names having any of a combination of 1296 different prefixes (36x36).

[65] With its recommenda ion, the sub-group takes into consideration that justification for potential user confusion (i e., the minority view) as a result of removing the contractual condition to reserve gTLD strings for new TLDs may surface during one or more public comment periods.

[66] Note hat his recommendation is a continuation of the recommenda ion in the original RN-WG report, modified to synchronize with the additional work done in the 30-day extension period.

[67] Ms Doria said "...My primary concern focuses on the term 'morality'. While public order is frequently codified in na ional laws and occasionally in international law and conventions, the definition of what constitutes morality is not generally codified, and when it is, I believe it could be referenced as public order. This concern is related to the broad set of definitions used in the world to define morality. By including morality in the list of allowable exclusions we have made the possible exclusion list indefinitely large and have subjected the process to the consideration of all possible religious and e hical systems. ICANN or the panel of reviewers will also have to decide between different sets of moral principles, e.g, a morality that holds that people should be free to express hemselves in all forms of media and those who believe that people should be free from exposure to any expression that is prohibited by their faith or moral principles. This recommendation will also subject the process to the fashion and occasional demagoguery of political correctness. I do not understand how ICANN or any expert panel will be able to judge that some hing should be excluded based on reasons of morality without defining, at least de-facto, an ICANN definition of morality? And while I am not a strict construc ionist and sometimes allow for the broader interpretation of ICANN's mission, I do not believe it includes the definition of a system of morality."

[68] http://www.icann.org/tlds/agreements/net/appendix7.html

[69] 'While I accept that a prospective registry must show adequate operational capability, creating a financial criteria is of concern. There may be many different ways of satisfying the requirement for operational capability and stability that may not

be demonstrable in a financial statement or traditional business plan. E g., in the case of an less developed community, the registry may rely on volunteer effort from knowledgeable technical experts.

Another concern I have with financial requirements and high applica ion fees is hat hey may act to discourage applications from developing nations or indigenous and minority peoples that have a different set of financial opportunities or capabilities then those recognized as acceptable within an expensive and highly developed region such as Los Angeles or Brussels."

[70] "In general I support the policy though I do have concerns about the implementation which I discuss below in relation to IG (P)".

[71] "In general I support the idea that a registry hat is doing a good job should have the expectancy of renewal. I do, however, believe that a registry, especially a registry with general market dominance, or specific or local market dominance, should be subject to comment from he relevant user public and to evaluation of that public comment before renewal. When performance is satisfactory, there should an expectation of renewal. When performance is not satisfactory, there should be some procedure for correcting the situation before renewal."

[72] Consensus Policies has a particular meaning within the ICANN environment. Refer to http://www.icann.org/general /consensus-policies.htm for he full list of ICANN's Consensus Policies.

[73] http://www.icann.org/general/bylaws.htm#AnnexA

[74] http://www.icann.org/registries/agreements.htm

[75] The full list of reports is found in the Reference section at the end of the document.

[76] http://www.icann.org/announcements/announcement-4-07mar07.htm

[77] Found at http://www.icann.org/registrars/ra-agreement-17may01.htm

[78] Found at http://www.icann.org/registrars/accreditation.htm.

[79] Text of Recommendation #6: "Strings must not be contrary to generally accepted legal norms relating to morality and public order that are enforceable under generally accepted and internationally recognized principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the Interna ional Covenant on Civil and Poli ical Rights (ICCPR), the Convention on the Elimina ion of all forms of Discrimina ion Against Women (CEDAW) and he Interna ional Conven ion on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)."

[80] Ms Doria took over from former GNSO Council Chairman (and GNSO new TLDs Committee Chairman) Dr Bruce Tonkin on 7 June 2007. Ms Doria's term runs until 31 January 2008.

[81] Available at: http://forum icann.org/lists/gtld-council/pdfOQqgaRNrXf.pdf

[82] Available at: http://ipjustice.org/wp/2007/06/13/ncuc-newgtld-stmt-june2007/

[83] This glossary has been developed over the course of he policy development process. Refer here to ICANN's glossary of terms http://www.icann.org/general/glossary.htm for further information.

Comments concerning the layout, construction and functionality of this site should be sent to webmaster [at] gnso icann.org

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Exhibit A6

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

Independent Review Process Panel

In the Matter of an Independent Review Process

Between:

Booking.com B.V.

Applicant

-and-

ICDR Case No: 50-20-1400-0247

Internet Corporation for Assigned Names and Numbers (ICANN)

Respondent

FINAL DECLARATION

The Panel:

Hon. A. Howard Matz
David H. Bernstein, Esq.
Stephen L. Drymer (Chair)

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DECLARATION

WE, THE UNDERSIGNED PANELISTS, members of the Independent Review Process Panel ("**IRP Panel**" or "**Panel**"), having been designated in accordance with ICANN Bylaws dated 11 April 2013, hereby issue the following Final Declaration ("**Declaration**"):[1]

I. INTRODUCTION

1. This Declaration is issued in the context of an Independent Review Process ("**IRP**") as provided for in Article IV, Section 3 of the Bylaws of the Internet Corporation for Assigned Names and Numbers ("**ICANN**"; "**ICANN Bylaws**" or "**Bylaws**"). In accordance with those Bylaws, the conduct of this IRP is governed by the International Arbitration Rules of the International Centre for Dispute Resolution as amended and in effect June 1, 2009 ("**ICDR**"; "**ICDR Rules**") as supplemented by the Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process ("**Supplementary Procedures**").

2. The subject matter of the dispute here concerns alleged conduct by the ICANN Board in relation to one particular facet of the process by which new generic top-level domains ("**gTLDs**", also known as gTLD "**strings**") are applied for, reviewed and delegated into the Internet's domain name system ("**DNS**") root zone.

3. As explained in this Declaration, the Applicant, Booking.com, alleges that, in establishing and overseeing the process by which so-called *string similarity reviews* are conducted, and in refusing to reconsider and overturn a decision to place Booking.com's applied-for gTLD string .hotels in a so-called *string contention set*, the Board acted in a manner inconsistent with applicable policies, procedures and rules as set out in ICANN's Articles of Incorporation, Bylaws and gTLD Applicant Guidebook ("**Guidebook**").

4. Reading between the lines of the parties' submissions, the Panel senses that both sides would welcome the opportunity to contribute to an exchange that might result in enabling disputants in future cases to avoid having to resort to an IRP to resolve issues such as have arisen here. Certainly the Panel considers that the present matter would ideally have been resolved amicably by the parties. This is particularly true given that the matter here concerns two of ICANN's guiding principles – transparency and fairness – as applied to one of ICANN's most essential activities – the delegation of new gTLDs[2] – in circumstances in which various members of the Internet community, including certain members of the ICANN Board's New gTLD Program Committee, have expressed their own concerns regarding the string similarity review process. That being the case, though, the Panel does not shy away from the duty imposed by the Bylaws to address the questions before it and to render the

[1] As requested by the ICDR, the Declaration was provided to the ICDR in draft form on 26 January 2015 for non-substantive comments on the text (if any). It was returned to the Panel on 2 March 2015.

[2] As stated in the very first sentence of the Guidebook: "New gTLDs have been in the forefront of ICANN's agenda since its creation."

present Declaration, in accordance with, and within the constraints of the Bylaws, the ICDR Rules and the Supplementary Procedures.

II. THE PARTIES

A. The Applicant: Booking.com

5. The Applicant, Booking.com, is a limited liability company established under the law of the Netherlands. Booking.com describes itself as "the number one online hotel reservation service in the world, offering over 435,605 hotels and accommodations."[3] Booking.com's primary focus is on the U.S. and other English-language markets.

6. Booking.com is represented in this IRP by Mr. Flip Petillion and Mr. Jan Janssen of the law firm *Crowell & Moring* in Brussels, Belgium.

B. The Respondent: ICANN

7. The Respondent, ICANN, is a California not-for-profit public benefit corporation, formed in 1998. As set forth in Article I, Section 1 of its Bylaws, ICANN's mission is "to coordinate, at the overall level, the global Internet's system of unique identifiers, and in particular to ensure the stable and secure option of the Internet's unique identifier systems." ICANN describes itself as "a complex organization that facilitates input from a wide variety of Internet stakeholders. ICANN has a Board of Directors and staff members from around the globe, as well as an Ombudsman. ICANN, however, is much more than just the corporation—it is a community of participants."[4]

8. ICANN is represented in this IRP by Mr. Jeffrey A. LeVee, Esq. and Ms. Kate Wallace, Esq. of the law firm *Jones Day* in Los Angeles, California, USA.

III. FACTUAL AND PROCEDURAL BACKGROUND – IN BRIEF

9. We recount here certain uncontested elements of the factual and procedural background to the present IRP. Other facts are addressed in subsequent parts of the Declaration, where the parties' respective claims and the Panel's analysis are discussed.

A. ICANN's Adoption of the New gTLD Program and the Applicant Guidebook

10. Even before the introduction of ICANN's New gTLD Program ("**Program**"), in 2011, ICANN had, over time, gradually expanded the DNS from the original six gTLDs (.com; .edu; .gov; .mil; .net; .org) to 22 gTLDs and over 250 two-letter country-code TLDs.[5] Indeed, as noted above, the introduction of new gTLDs has been "in the forefront of ICANN's agenda" for as long as ICANN has existed.

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[3] Request, ¶ 10.

[4] Response, ¶ 11-12.

[5] Request, ¶ 12; see also Guidebook, *Preamble*.

11. The Program has its origins in what the Guidebook refers to as "carefully deliberated policy development work" by the ICANN community.[6]

12. In 2005, ICANN's Generic Names Supporting Organization ("**GNSO**"), one of the groups that coordinates global Internet policy at ICANN, commenced a policy development process to consider the introduction of new gTLDs.[7] As noted in the Guidebook:

> *Representatives from a wide variety of stakeholder groups – governments, individuals, civil society, business and intellectual property constituencies, and the technology community – were engaged in discussions for more than 18 months on such questions as the demand, benefits and risks of new gTLDs, the selection criteria that should be applied, how gTLDs should be allocated, and the contractual conditions that should be required for new gTLD registries going forward.*

13. In October 2007, the GNSO formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.

14. In June 2008, the ICANN Board decided to adopt the policies recommended by the GNSO.[8] As explained in the Guidebook, ICANN's work next focused on implementation of these recommendations, which it saw as "creating an application and evaluation process for new gTLDs that is aligned with the policy recommendations and provides a clear roadmap for applicants to reach delegation, including Board approval."[9]

15. This process concluded with the decision by the ICANN Board in June 2011 to implement the New gTLD Program and its foundational instrument, the Guidebook.[10]

16. As described by ICANN in these proceedings, the Program "constitutes by far ICANN's most ambitious expansion of the Internet's naming system. The Program's goals include

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[6] Guidebook, *Preamble*

[7] Request, ¶ 13, Reference Material 7, "Public Comment Forum for Terms of Reference for New gTLDs (6 December 2005), http://www.icann.org/en/news/announcements/announcement-06dec05-en.htm#TOR; Reference Material 8, "GNSO Issues Report, Introduction of New Top-Level Domains (5 December 2005) at pp. 3-4. See also Guidebook, *Preamble.* Booking.com refers to the GNSO as "ICANN's main policy-making body for generic top-level domains". Article X of ICANN's Articles of Incorporation provides: "There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains" (Section 1); the GNSO shall consist of "a number of Constituencies" and "four Stakeholder Groups" (Section 2).

[8] Guidebook, *Preamble*. A review of this policy process can be found at http://gnso.icann.org/issues/new-gtlds (last accessed on January 15, 2015).

[9] Guidebook, *Preamble*: "This implementation work is reflected in the drafts of the applicant guidebook that were released for public comment, and in the explanatory papers giving insight into rationale behind some of the conclusions reached on specific topics. Meaningful community input has led to revisions of the draft applicant guidebook."

[10] RM 10 (ICANN resolution). The Guidebook (in its 30 May 2011 version) is one of seven "elements" of the Program implemented in 2011. The other elements were: a draft communications plan; "operational readiness activities"; a program to ensure support for applicants from developing countries; "a process for handling requests for removal of cross-ownership restrictions on operators of existing gTLDs who want to participate in the [Program]"; budgeted expenditures; and a timetable.

enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs ...".[11]

17. The Guidebook is "continuously iterated and revised", and "provides details to gTLD applicants and forms the basis for ICANN's evaluation of new gTLD applications."[12] As noted by Booking.com, the Guidebook "is the crystallization of Board-approved consensus policy concerning the introduction of new gTLDs."[13]

B. Booking.com's Application for .hotels, and the Outcome

18. In accordance with the process set out in the Guidebook, Booking.com filed an application (Application ID 1-1016-75482) for the gTLD string .hotels.

19. At the same time, Despegar Online SRL ("**Despegar**"), a corporation established under the law of Uruguay, applied (Application ID 1-1249-87712) for the string .hoteis.

20. "Hoteis" is the Portuguese word for "hotels".

21. According to Booking.com, Despegar is "a competitor of Booking.com".[14] Booking.com claims that it intends "to operate .hotels as a secure Internet environment providing hotel reservation services for consumers, hotels, and other stakeholders,"[15] while Despegar similarly intends .hoteis to be dedicated primarily to "individuals that are interested in, and businesses that offer, hotel- and travel-related content."[16] That being said, a key difference between the two applications, as Booking.com acknowledges, is that Booking.com intends to focus the services it will offer under its proposed gTLD "on the U.S. (with its strongly Anglos-Saxon traditions) and other English-language markets,"[17] whereas Despegar intends to target "Portuguese-speaking" markets."[18]

22. As part of the Initial Evaluation to which all applied-for gTLDS were subject, .hotels and .hoteis were each required to undergo so-called *string review* in accordance with the Guidebook, the first component of which is a process known as *string similarity review*. As provided by the Guidebook, the string similarity review was conducted by an independent

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[11] Response, ¶ 14.

[12] Response, ¶ 14. The resolution (RM 10) adopting the Guidebook explicitly "authorizes staff to make further updates and changes to the Applicant Guidebook as necessary and appropriate, including as the possible result of new technical standards, reference documents, or policies that might be adopted during the course of the application process, and to prominently publish notice of such changes."

[1313] Request, ¶ 13. See also Guidebook, Module 1-2: "This Applicant Guidebook is the implementation of Board approved consensus policy concerning the introduction of new gTLDs, and has been revised extensively via public comment and consultation over a two-year period."

[1414] Request, ¶ 17.

[15] Request, ¶ 5.

[16] Request, ¶ 17. See also Despegar Application for .hoteis (Request, Annex 2), § 18(a).

[17] Request, ¶ 16.

[18] Request, ¶ 17. See also Despegar Application for .hoteis (Request, Annex 2), § 18(a).

String Similarity Panel ("**SSP**") selected and engaged by ICANN for this purpose. (Extracts of the relevant provisions of the Guidebook can be found below, at Part IV of this Declaration.) ICANN engaged InterConnect Communications Ltd. ("**ICC**"), a company registered under the law of England and Wales, specializing in communications sector strategy, policy and associated regulatory frameworks,[19] in cooperation with University College London, to act as the SSP.

23. On 26 February 2013 ICANN published the results of all of the string similarity reviews for all of the applications for new gTLDs submitted as part of the Program. The announcement revealed, among other things, that two "non-exact match" contention sets had been created: .hotels & .hoteis; and .unicorn & .unicom.[20] Booking.com's applied for string .hotels (as well as the .hoteis, .uncorn and .unicom strings) had thus failed the string similarity review.

24. The results of the string similarity review were notified to Booking.com by ICANN that same day. In its letter of 26 February 2013 ICANN wrote:

> *After careful consideration and extensive review performed against the criteria in Section 2.2.1.1 of the Applicant Guidebook, the String Similarity Panel has found that the applied-for string (.hotels) is visually similar to another applied-for string (.hoteis), creating a probability of user confusion.*
>
> *Due to this finding, the ... two strings have been placed in a contention set.*[21]

25. The impact of being put into a contention set is that the proposed strings in the set will not be delegated in the root zone unless and until the applicants reach agreement on which single string should proceed (with the other proposed string therefore rejected), or until after an auction is conducted, with the highest bidder being given the right to proceed to the next step in the review process.

C. DIDP Request and Request for Reconsideration

26. On 28 March 2013 Booking.com submitted a request for information under ICANN's Documentary Information Disclosure Policy ("**DIDP Request**") asking for "all documents directly and indirectly relating to (1) the standard used to determine whether gTLD strings are confusingly similar, and (2) the specific determination that .hotels and .hoteis are confusingly similar."[22]

27. On the same date, Booking.com also filed a formal Request for Reconsideration ("**Request for Reconsideration**"). The "specific action(s)" that Booking.com asked to be reconsidered were: the decision to place .hotels and .hoteis in a contention set; and the decision not to

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[19] See http://www.icc-uk.com/

[20] Request, Annex 3. ICANN published document dated 26 February 2013. As its name suggests, a "non-exact match" connotes a determination that two different (non-identical) strings are visually similar within the meaning of the Guidebook. Another752 applied-for gTLDs were put into 230 identical contention sets.

[21] Request, Annex 3, ICANN letter dated 26 February 2013.

[22] Request, ¶ 30 and Annex 3.

provide a "detailed analysis or a reasoned basis" for the decision to place .hotels in contention.[23]

28. ICANN responded to the DIDP Request on 27 April 2013. Although ICANN provided certain information regarding the review process, in its response to the DIDP Request, ICANN also noted:

> *The SSP is responsible for the development of its own process documentation and methodology for performing the string similarity review, and is also responsible for the maintenance of its own work papers. Many of the items that are sought from ICANN within the [DIDP] Request are therefore not in existence within ICANN and cannot be provided in response to the DIDP Request. ICANN will, however, shortly be posting the SSP's String Similarity Process and Workflow on the New gTLD microsite ...*[24]

29. By letter dated 9 May 2013 Booking.com replied to ICANN, writing that "ICANN's response fails to provide any additional information or address any of Booking.com's concerns as conveyed in its DIDP Request or Request for Reconsideration."[25] On 14 May 2013, ICANN answered that it "intends to post the string similarity process documentation on or before … 17 May 2013."[26] ICANN further informed Booking.com that "ICANN will afford you 30 days from the posting of the process document for the submission of a revised Request for Reconsideration."[27]

30. On 7 June 2013, ICANN published the "String Similarity New gTLD Evaluation Panel [i.e., the SSP] – Process Description" ("**SSP Process Description**").[28]

31. On 26 June 2013 Booking.com wrote to ICANN regarding both its DIDP Request and its 28 March 2013 Request for Reconsideration. In its letter, Booking.com noted among other things that "the generalized information ICANN thus far has provided does not explain a rationale for or analysis for the decision to put .hotels and .hoteis in a contention set and therefore does not allow Booking.com to appropriately amend its Request for Reconsideration." The letter concluded by stating: "Considering ICANN's obligations of transparency and accountability, there cannot be any 'compelling reason for confidentiality'.

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[23] Request, Annex 12, §3. The Request for Reconsideration (which appears to be in the form of a template) expressly states at §2 that it is a "Request for Reconsideration of … Staff [vs. Board] action/inaction." The cover letter attaching the Request states that, "[d]espite the fact that the origin of the decisions is unclear, this Reconsideration Request is being submitted as a reconsideration of a 'Staff action'. In the event that the decisions referenced above are determined to be a 'Board action', this request may be amended." As explained below, the Request for Reconsideration was amended on 7 July 2013. That amendment did not alter the stated nature of the request in §2 or the description of the specific actions that Booking.com sought to have reconsidered (§3). Unless otherwise indicated, all further references in this Declaration to the Request for Reconsideration are understood to be the *amended* Request for Reconsideration.

[24] Request, Annex 5.

[25] Request, Annex 6.

[26] Request, Annex 7.

[27] Request, Annex 7.

[28] Request, Annex 8.

And … there are numerous compelling reasons for publication of [the information requested by Booking.com]."[29]

32. ICANN responded on 25 July 2013, explaining among other things that "the evaluation of the .hotels string by the SSP panel was performed according to the [SSP Process Description] …" and "[t]he SSP's work was subjected to quality review, as has been publicly discussed."[30] Approximately six months later, on 9 January 2014, ICANN posted a letter dated 18 December 2013 addressed to ICANN by the SSP Manager at ICC (Mr. Mark McFadden) providing a further "summary of the process, quality control mechanisms and some considerations surrounding the non-exact contention sets for the string similarity evaluation …" ("**SSP Manager's Letter**").[31] According to that Letter:

> *When ALL of the following features of a pairwise comparison [of non-exact match strings] are evident the evaluators found the string pair to be confusingly similar:*
>
> *• Strings of similar visual length on the page;*
>
> *• Strings within +/- 1 character of each other;*
>
> *• Strings where the majority of characters are the same and in the same position in each string; and*
>
> *• The two strings possess letter combinations that visually appear similar to other letters in the same position in each string*
>
> *o For example rn~m & l~i*

33. Meanwhile, on 7 July 2013 Booking.com had submitted its amended Request for Reconsideration. In its letter attaching the amended Request for Reconsideration, Booking.com stated: "Booking.com reserves the right to further amend its Request for Reconsideration upon receipt of the information it previously requested and urges ICANN to publish the requested information as specified in our letter of 26 June 2013."[32]

34. By virtue of Article IV, Section 3 of the Bylaws, ICANN's Board Governance Committee ("**BGC**") is charged with evaluating and making recommendation to the Board with respect to requests for reconsideration. The Board's New gTLD Program Committee ("**NGPC**") receives and acts on such recommendations on behalf of the ICANN Board. In accordance with this procedure, Booking.com's Request for Reconsideration was evaluated by the BGC. In a detailed analysis dated 1 August 2013, the BGC "conclude[d] that Booking.com has not

[29] Request, Annex 9.

[30] Request, Annex 10.

[31] Request, Annex 11.

[32] Request, Annex 13.

stated proper grounds for reconsideration and we therefor recommend that Booking.com's request be denied" ("**BGC Recommendation**").[33]

35. At a telephone meeting held on 10 September 2013 the NGPC, "bestowed with the powers of the Board", considered, discussed and accepted the BGC Recommendation. Booking.com's Request for Reconsideration was denied.[34]

D. The Cooperative Engagement Process

36. Booking.com thereafter filed a request for a Cooperative Engagement Process ("**CEP**") on 25 September 2013, with a view to attempting to reach an amicable resolution of its dispute with ICANN. In its CEP request, Booking.com wrote:

> *Booking.com is of the opinion that Resolution 2013.09.10.NG02 [the Board resolution denying its Request for Reconsideration] violates various provisions of ICANN's Bylaws and Articles of Incorporation. In particular Booking.com considers that ICANN's adoption of [the Resolution] is in violation of Articles I, II(3), II and IV of the ICANN Bylaws as well as Article 4 of ICANN's Articles of Incorporation. In addition, Booking.com considers that ICANN has acted in violation of Articles 3, 5, 7 and 9 of ICANN's Affirmation of Commitment …*[35]

37. The CEP ultimately did not result in a resolution, and Booking.com duly commenced the present IRP.

38. One further point should be made, here, prior to describing the commencement and conduct of the present IRP proceedings: The determination by the SSP that .hotels and .hoteis are so visually similar as to give rise to the probability of user confusion, and the resulting placement of those applied-for strings into a contention set, does *not* mean that Booking.com's application for .hotels has been denied or that .hotels will not proceed to delegation to the root zone. Rather, as noted above and explained in the extracts from the Guidebook reproduced below, the Guidebook establishes a process for resolving such contention, under which the applicants for the contending strings in the set – here, Booking.com and Despegar – may resolve the contention by negotiation, failing which the matter will proceed to auction. Ultimately, no matter the outcome of these IRP proceedings, Booking.com may yet be successful and .hotels may yet be delegated into the Internet root zone. However, the fact that .hotels has been put into a contention set does raise the risk that .hotels may never be delegated into the root zone, or that it may be more costly for Booking.com to obtain approval of its proposed string. It also has caused a significant delay in the potential delegation of the string into the root zone (which could prove to be detrimental to the ultimate success of Booking.com's proposed string if other applicants

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[33] Request, Annex 14, BGC Recommendation dated 1 August 2013, p.9. See also Request, Annex 15, NGPC Resolution dated 10 September 2013. As noted in footnote 1 to the BGC Recommendation, the Recommendation was ultimately finalized and submitted for posting on 21 August 2013.

[34] Request, Annex 15, NGPC Resolution dated 10 September 2013.

[35] Request, Annex 17.

whose strings were not put into a contention set are able to establish themselves as pioneer providers of hotel- and travel-related services under a different new gTLD).

E. The IRP Proceedings

39. On 19 March 2014, Booking.com submitted a Notice of Independent Review, dated 18 March 2014, as well as a Request for Independent Review Process ("**Request**") accompanied by numerous supporting documents and reference materials.

40. In accordance with Article IV, Section 3(9) of the ICANN Bylaws, Booking.com requested that a three-member IRP panel be constituted to consider and determine the Request. As the omnibus standing panel referred to in Article IV, Section 3(6) of the ICANN Bylaws had yet to be established, Booking.com further proposed, in accordance with Article 6 of the ICDR Rules, that each party appoint one panelist, with the third (the Chair of the panel) to be appointed by the two party-appointed panelists.

41. On 25 April 2014, ICANN submitted a Response to ICANN's Request with supporting documents ("**Response**").

42. The parties having thereafter agreed on the number of panelists and the method of their appointment, David H. Bernstein, Esq. was duly appointed as panelist by Booking.com on 1 May 2014, and the Hon. A Howard Matz was duly appointed as panelist by ICANN on 30 May 2014.

43. On 17 July 2014, the ICDR notified the parties that Mr. Stephen L. Drymer had been duly nominated by the two party-appointed panelists as Chair of the Panel. Mr. Drymer's appointment became effective and the Panel was duly constituted as of 1 August 2014.

44. On 21 August 2014, further to consultations among the panelists and between the Panel and the parties, the Panel convened a preparatory conference with the parties (by telephone) for the purpose of discussing organizational matters, including a timetable for any further written statements or oral argument. Both parties requested the opportunity to make supplemental submissions and to present oral argument.

45. On 22 August 2014 the Panel issued Procedural Order No. 1 in which, among other things, it established a Procedural Timetable for the IRP. As specifically requested by the parties, the Procedural Order and Timetable provided for the submission of additional written statements by the parties as well as for a brief oral hearing to take place by telephone, all on dates proposed by and agreed between the parties.[36]

46. In accordance with the Procedural Timetable, on 6 October 2014 Booking.com submitted its Reply to ICANN's Response, accompanied by additional documents ("**Reply**").

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[36] Paragraph 6 of Procedural Order No. 1 provided that, in its forthcoming Reply to ICANN's Response, "Booking.com shall only address two issues raised in Respondent's Response: (1) the nature and scope of the IRP requested; (2) the nature of the relief sought by Claimant." Paragraph 7 of Procedural Order No. 1 provided that "Respondent's Sur-Reply … shall address only the issues raised in the Reply."

47. In accordance with the Procedural Timetable, ICANN submitted a Sur-Reply on 20 November 2014 ("**Sur-Reply**").

F. The Hearing

48. As provided by Procedural Order No. 1 and the Procedural Timetable, a hearing was held (by telephone) on 10 December 2011, commencing at 9:00 PST/18:00 CET.

49. In the light of the significance of the issues raised by the parties, and given the many questions prompted by those issues and by the parties' extensive written submissions and supporting materials, the Panel indicated that it would allow the hearing to continue beyond the approximately one hour originally envisaged. The hearing ultimately lasted two and one-half hours. Counsel for each party made extensive oral submissions, including rebuttal and sur-rebuttal submissions, and responded to the panelists' questions.

50. Prior to the close of the hearing each party declared that it had no objection concerning the conduct of the proceedings, that it had no further oral submissions that it wished to make, and that it considered that it had had a full opportunity to present its case and to be heard.

51. As agreed and ordered prior to the close of the hearing, the parties were provided the opportunity to file limited additional materials post-hearing, in relation to a certain question asked of them by the Panel. This was done, and, on 13 December 2014, the proceedings were declared closed.

IV. ICANN ARTICLES, BYLAWS AND POLICIES – KEY ELEMENTS

52. We set out here the key elements of ICANN's Articles of Association, Bylaws and policies on which the parties rely in their submissions and to which the Panel will refer later in this Declaration.

A. Articles of Association

> *4. The Corporation shall operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law and, to the extent appropriate and consistent with these Articles and its Bylaws, through open and transparent processes that enable competition and open entry in Internet-related markets. To this effect, the Corporation shall cooperate as appropriate with relevant international organizations.*
>
> *[Underlining added]*

B. Bylaws

> ***ARTICLE I: MISSION AND CORE VALUES***
>
> *Section 1. MISSION*
>
> *The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers,*

and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

[…]

Section 2. CORE VALUES

In performing its mission, the following core values should guide the decisions and actions of ICANN:

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.

2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.

3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.

4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.

5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.

6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.

7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.

8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.

9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.

10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.

11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN

body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

[…]

ARTICLE III: TRANSPARENCY

Section 1. PURPOSE

ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.

[…]

ARTICLE IV: ACCOUNTABILITY AND REVIEW

Section 1. PURPOSE

In carrying out its mission as set out in these Bylaws, ICANN should be accountable to the community for operating in a manner that is consistent with these Bylaws, and with due regard for the core values set forth in Article I of these Bylaws. The provisions of this Article, creating processes for reconsideration and independent review of ICANN actions and periodic review of ICANN's structure and procedures, are intended to reinforce the various accountability mechanisms otherwise set forth in these Bylaws, including the transparency provisions of Article III and the Board and other selection mechanisms set forth throughout these Bylaws.

Section 2. RECONSIDERATION

1. ICANN shall have in place a process by which any person or entity materially affected by an action of ICANN may request review or reconsideration of that action by the Board.

2. Any person or entity may submit a request for reconsideration or review of an ICANN action or inaction ("Reconsideration Request") to the extent that he, she, or it have been adversely affected by:

a. one or more staff actions or inactions that contradict established ICANN policy(ies); or

b. one or more actions or inactions of the ICANN Board that have been taken or refused to be taken without consideration of material information, except where the party submitting the request could have submitted, but did not submit, the information for the Board's consideration at the time of action or refusal to act; or

c. one or more actions or inactions of the ICANN Board that are taken as a result of the Board's reliance on false or inaccurate material information.

3. The Board has designated the Board Governance Committee to review and consider any such Reconsideration Requests. The Board Governance Committee shall have the authority to:

a. evaluate requests for review or reconsideration;

b. summarily dismiss insufficient requests;

c. evaluate requests for urgent consideration;

d. conduct whatever factual investigation is deemed appropriate;

e. request additional written submissions from the affected party, or from other parties;

f. make a final determination on Reconsideration Requests regarding staff action or inaction, without reference to the Board of Directors; and

g. make a recommendation to the Board of Directors on the merits of the request, as necessary.

[…]

Section 3. INDEPENDENT REVIEW OF BOARD ACTIONS

1. In addition to the reconsideration process described in Section 2 of this Article, ICANN shall have in place a separate process for independent third-party review of Board actions alleged by an affected party to be inconsistent with the Articles of Incorporation or Bylaws.

2. Any person materially affected by a decision or action by the Board that he or she asserts is inconsistent with the Articles of Incorporation or Bylaws may submit a request for independent review of that decision or action. In order to be materially affected, the person must suffer injury or harm that is directly and causally connected to the Board's alleged violation of the Bylaws or the Articles of Incorporation, and not as a result of third parties acting in line with the Board's action.

3. A request for independent review must be filed within thirty days of the posting of the minutes of the Board meeting (and the accompanying Board Briefing Materials, if available) that the requesting party contends demonstrates that ICANN violated its Bylaws or Articles of Incorporation. Consolidated requests may be appropriate when the causal connection between the circumstances of the requests and the harm is the same for each of the requesting parties.

4. Requests for such independent review shall be referred to an Independent Review Process Panel ("IRP Panel"), which shall be charged with comparing contested actions of the Board to the Articles of Incorporation and Bylaws, and with declaring whether the Board has acted consistently with the provisions of those Articles of Incorporation and Bylaws. The IRP Panel must apply a defined standard of review to the IRP request, focusing on:

a. did the Board act without conflict of interest in taking its decision?;

b. did the Board exercise due diligence and care in having a reasonable amount of facts in front of them?; and

c. did the Board members exercise independent judgment in taking the decision, believed to be in the best interests of the company [ICANN]?

[…]

11. The IRP Panel shall have the authority to:

> *a. summarily dismiss requests brought without standing, lacking in substance, or that are frivolous or vexatious;*
>
> *b. request additional written submissions from the party seeking review, the Board, the Supporting Organizations, or from other parties;*
>
> *c. declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws; and*
>
> *d. recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the opinion of the IRP;*
>
> *e. consolidate requests for independent review if the facts and circumstances are sufficiently similar; and*
>
> *f. determine the timing for each proceeding.*
>
> *[…]*
>
> *14. Prior to initiating a request for independent review, the complainant is urged to enter into a period of cooperative engagement with ICANN for the purpose of resolving or narrowing the issues that are contemplated to be brought to the IRP. […]*
>
> *15. Upon the filing of a request for an independent review, the parties are urged to participate in a conciliation period for the purpose of narrowing the issues that are stated within the request for independent review. A conciliator will be appointed from the members of the omnibus standing panel by the Chair of that panel. […]*
>
> *16. Cooperative engagement and conciliation are both voluntary. However, if the party requesting the independent review does not participate in good faith in the cooperative engagement and the conciliation processes, if applicable, and ICANN is the prevailing party in the request for independent review, the IRP Panel must award to ICANN all reasonable fees and costs incurred by ICANN in the proceeding, including legal fees.*
>
> *[…]*
>
> *18. The IRP Panel should strive to issue its written declaration no later than six months after the filing of the request for independent review. The IRP Panel shall make its declaration based solely on the documentation, supporting materials, and arguments submitted by the parties, and in its declaration shall specifically designate the prevailing party. The party not prevailing shall ordinarily be responsible for bearing all costs of the IRP Provider, but in an extraordinary case the IRP Panel may in its declaration allocate up to half of the costs of the IRP Provider to the prevailing party based upon the circumstances, including a consideration of the reasonableness of the parties' positions and their contribution to the public interest. Each party to the IRP proceedings shall bear its own expenses.*
>
> *[Underlining added]*

53. Lest there be any misunderstanding as regards the proper subject matter of IRP proceedings or the role of the Panel, we note that, as was clearly established during the hearing, it is common ground between the parties that the term "action" (or "actions") as used in Article IV, Section 3 of the Bylaws is to be understood as action(s) *or inaction(s)* by the ICANN Board. The Panel observes that this understanding comports not only with the provisions of Article

IV, Section 2 of the Bylaws concerning "Reconsideration", which expressly refer to "actions or inactions of the ICANN Board", but with the clear intent of Section 3 itself, which stipulates at sub-section 11 that "[t]he IRP Panel shall have the authority to: … (c) declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws."

C. The gTLD Applicant Guidebook

54. As noted above and as understood by all, the Guidebook is (to borrow Booking.com's phrase) "the crystallization of Board-approved consensus policy concerning the introduction of new gTLDs."[37]

55. The Guidebook is divided into "Modules", each of which contains various sections and sub-sections. The three Modules of primary relevance here are Modules 1, 2 and 4. Module 1, titled "Introduction to the gTLD Application Process," provides an "overview of the process for applying for a new generic top-level domains."[38] Module 2, titled "Evaluation Procedures," describes the "evaluation procedures and criteria used to determine whether applied-for gTLDs are approved for delegation."[39] Module 4, titled "String Contention Procedures," concerns "situations in which contention over applied-for gTLD strings occurs, and the methods available to applicants for resolving such contention cases."

(i) Initial Evaluation

56. As explained in Module 1, "[i]mmediately following the close of the application submission period, ICANN will begin checking all applications for completeness."[40] Initial Evaluation begins "immediately after the administrative completeness check concludes. All complete applications will be reviewed during Initial Evaluation."[41]

57. Initial Evaluation is comprised of two main elements or types or review: *string review*, which concerns the applied-for gTLD string; and *applicant review*, which concerns the entity applying for the gTLD and its proposed registry services. It is the first of these – string review, including more specifically the component known as *string similarity review* – that is particularly relevant.

(ii) String Review, including String Similarity Review

58. String review is itself comprised of several components, each of which constitutes a separate assessment or review of the applied-for gTLD string, conducted by a separate reviewing body or panel. As explained in Module 2:

> *The following assessments are performed in the Initial Evaluation:*

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[37] Request, ¶ 13.

[38] Module 1-2. Each Module of the Guidebook is paginated separately. "Module 1-2" refers to Guidebook Module 1, page 2.

[39] Module 2-2.

[40] Guidebook, §1.1.2.2: "Administrative Completeness Check", Module 1-5.

[41] Guidebook, §1.1.2.5: "Initial Evaluation", Module 1-8 (underlining added).

- *String Reviews*
  - *String similarity*
  - *Reserved names*
  - *DNS stability*
  - *Geographic names*

[…]

An application must pass all these reviews to pass the Initial Evaluation. Failure to pass any one of these reviews will result in a failure to pass the Initial Evaluation.[42]

59. As indicated, all complete applications are subject to Initial Evaluation, which means that all applied-for gTLD strings are subject to string review. String review is further described in Module 2 as follows:

> *[String review] focuses on the applied-for gTLD string to test:*
>
> - *Whether the applied-for gTLD string is so similar to other strings that it would create a probability of user confusion;*
> - *Whether the applied-for gTLD string might adversely affect DNS security or stability; and*
> - *Whether evidence of requisite government approval is provided in the case of certain geographic names.*[43]

60. The various assessments or reviews (i.e., string similarity, reserved names, DNS stability, etc.) that comprise string review are elaborated at Section 2.2.1 of Module 2. As mentioned, the most relevant of these reviews for our purposes is *string similarity review*, which is described in detail at Section 2.2.1.1. Because of the central importance of the string similarity review process in the context of the present dispute, this section of the Guidebook is reproduced here at some length:

> ***2.2.1.1 String Similarity Review***
>
> *This review involves a preliminary comparison of each applied-for gTLD string against existing TLDs, Reserved Names (see subsection 2.2.1.2), and other applied-for strings. The objective of this review is to prevent user confusion and loss of confidence in the DNS resulting from delegation of many similar strings.*
>
> *Note: In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.*

[42] Module 2-2. The same is true of applicant review, which is also comprised of various assessments concerning the applicant entity.

[43] Guidebook, §2.2: "Initial Evaluation", Module 2-4 (underlining added). See also Module 1-9: "String reviews include a determination that the applied-for gTLD string is not likely to cause security or stability problems in the DNS …"

The visual similarity check that occurs during Initial Evaluation is intended to augment the objection and dispute resolution process (see Module 3, Dispute Resolution Procedures) that addresses all types of similarity.

This similarity review will be conducted by an independent String Similarity Panel.

2.2.1.1.1 Reviews Performed

The String Similarity Panel's task is to identify visual string similarities that would create a probability of user confusion.

The panel performs this task of assessing similarities that would lead to user confusion in four sets of circumstances, when comparing:

[…]

- *Applied-for gTLD strings against other applied-for gTLD strings;*

[…]

***Similarity to Other Applied-for gTLD Strings (String Contention Sets)** – All applied-for gTLD strings will be reviewed against one another to identify any similar strings. In performing this review, the String Similarity Panel will create contention sets that may be used in later stages of evaluation.*

A contention set contains at least two applied-for strings identical or similar to one another. Refer to Module 4, String Contention Procedures, for more information on contention sets and contention resolution.

[…]

2.2.1.1.2 Review Methodology

The String Similarity Panel is informed in part by an algorithmic score for the visual similarity between each applied-for string and each of other existing and applied- for TLDs and reserved names. The score will provide one objective measure for consideration by the panel, as part of the process of identifying strings likely to result in user confusion. In general, applicants should expect that a higher visual similarity score suggests a higher probability that the application will not pass the String Similarity review. However, it should be noted that the score is only indicative and that the final determination of similarity is entirely up to the Panel's judgment.

The algorithm, user guidelines, and additional background information are available to applicants for testing and informational purposes. [footnote in the original: See http://icann.sword-group.com/algorithm/] Applicants will have the ability to test their strings and obtain algorithmic results through the application system prior to submission of an application.

[…]

The panel will examine all the algorithm data and perform its own review of similarities between strings and whether they rise to the level of string confusion. In cases of strings in scripts not yet supported by the algorithm, the panel's assessment process is entirely manual.

> *The panel will use a common standard to test for whether string confusion exists, as follows:*
>
> ***Standard for String Confusion –*** *String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.*
>
> ***2.2.1.1.3 Outcomes of the String Similarity Review***
>
> *An application that fails the String Similarity review due to similarity to an existing TLD will not pass the Initial Evaluation, and no further reviews will be available. Where an application does not pass the String Similarity review, the applicant will be notified as soon as the review is completed.*
>
> *An application for a string that is found too similar to another applied-for gTLD string will be placed in a contention set.*[44]
>
> *[Underlining added]*

61. Module 4 of the Guidebook, as mentioned, concerns "situations in which contention over applied-for gTLD strings occurs, and the methods available to applicants for resolving such contention cases." As explained in Module 4:

> ***4.1 String Contention***
>
> *String contention occurs when either:*
>
> *1. Two or more applicants for an identical gTLD string successfully complete all previous stages of the evaluation and dispute resolution processes; or*
>
> *2. Two or more applicants for similar gTLD strings successfully complete all previous stages of the evaluation and dispute resolution processes, and the similarity of the strings is identified as creating a probability of user confusion if more than one of the strings is delegated.*
>
> *ICANN will not approve applications for proposed gTLD strings that are identical or that would result in user confusion, called contending strings. If either situation above occurs, such applications will proceed to contention resolution through either community priority evaluation, in certain cases, or through an auction. Both processes are described in this module. A group of applications for contending strings is referred to as a contention set.*

[44] Module 2-5 to 2-9. As regards the concept of string contention, see also Guidebook, §1.1.2.10: "String Contention", Module 1-13: "String contention applies only when there is more than one qualified application for the same or similar gTLD strings. String contention refers to the scenario in which there is more than one qualified application for the identical gTLD string or for similar gTLD strings. In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone."

(In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.)

4.1.1 Identification of Contention Sets

Contention sets are groups of applications containing identical or similar applied-for gTLD strings. Contention sets are identified during Initial Evaluation, following review of all applied-for gTLD strings. ICANN will publish preliminary contention sets once the String Similarity review is completed, and will update the contention sets as necessary during the evaluation and dispute resolution stages.

Applications for identical gTLD strings will be automatically assigned to a contention set.

[…]

The String Similarity Panel will also review the entire pool of applied-for strings to determine whether the strings proposed in any two or more applications are so similar that they would create a probability of user confusion if allowed to coexist in the DNS. The panel will make such a determination for each pair of applied-for gTLD strings. The outcome of the String Similarity review described in Module 2 is the identification of contention sets …

[…]

As described elsewhere in this guidebook, cases of contention might be resolved by community priority evaluation [NB: community priority evaluation applies only to so-called "community" applications; it is not relevant *here] or an agreement among the parties. Absent that, the last-resort contention resolution mechanism will be an auction.*

[…]

62. As provided in Module 4, the two methods relevant to resolving a contention such as between .hotels and .hoteis are *self-resolution* (i.e., an agreement between the two applicants for the contending strings) and *auction*:

4.1.3 Self-Resolution of String Contention

Applicants that are identified as being in contention are encouraged to reach a settlement or agreement among themselves that resolves the contention. This may occur at any stage of the process, once ICANN publicly posts the applications received and the preliminary contention sets on its website.

Applicants may resolve string contention in a manner whereby one or more applicants withdraw their applications.

[…]

4.3 Auction: Mechanism of Last Resort

It is expected that most cases of contention will be resolved by the community priority evaluation, or through voluntary agreement among the involved applicants. Auction is a tie-breaker method for resolving string contention among the applications within a contention set, if the contention has not been resolved by other means.

63. Module 5 of the Guidebook, titled *Transition to Delegation*, describes "the final steps required of an applicant for completion of the process, including execution of a registry agreement with ICANN and preparing for delegation of the new gTLD into the root zone."[45] Section 5.1 states:

> *ICANN's Board of Directors has ultimate responsibility for the New gTLD Program. The Board reserves the right to individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet community. Under exceptional circumstances, the Board may individually consider a gTLD application. For example, the Board might individually consider an application as a result of GAC Advice on New gTLDs or of the use of an ICANN accountability mechanism.*[46]
>
> *[Underlining added]*

V. SUMMARY OF THE PARTIES' POSITIONS

64. The following brief summary of the parties' respective positions is provided with a view solely to assisting the reader to understand the present Declaration. It is *not* intended to recapitulate – and it does not recapitulate – the entirety of the parties' allegations and arguments. Additional references to the parties' positions, including submissions made by them in the course of the proceedings, are contained in the discussion at Part VI below.

A. Booking.com's position

(i) The Panel's Authority

65. Booking.com submits that the mandate of the Panel is "to determine whether the contested actions of the ICANN Board are consistent with applicable rules".[47] According to Booking.com:

> *The set of rules against which the actions of the ICANN Board must be assessed includes: (i) ICANN's Articles of Incorporation and Bylaws – both of which must be interpreted in light of ICANN's Affirmation of Commitments, and both of which require compliance with inter alia International law and generally accepted good governance principles – and (ii) secondary rules created by ICANN, such as the Applicant Guidebook. In setting up, implementing and supervising its policies and processes, the Board must comply with the fundamental principles embodied in these rules. That obligation includes a duty to ensure compliance with its obligations to act in good faith, transparently, fairly, and in a manner that is non-discriminatory and ensures due process.*[48]

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[45] Module 5-2.

[46] Module 5-4.

[47] Reply, ¶ 3.

[48] Reply, ¶ 3.

66. Booking.com submits that IRP panels have broad authority to evaluate actions of the ICANN Board. An overly restrictive interpretation of the standard of review, such as proposed by ICANN in these proceedings, would, says Booking.com, "fail to ensure accountability on the part of ICANN and would be incompatible with ICANN's commitment to maintain (and improve) robust mechanisms for accountability, as required by Article 9.1 of ICANN's Affirmation of Commitments and ICANN's core values.[49]

(ii) Booking.com's Claims

67. The purpose of the IRP initiated by Booking.com is, in its own words, "to challenge the ICANN Board's handling of Booking.com's application for the new gTLD .hotels."[50] This includes the determination of the SSP to place .hotels and .hoteis in contention and the refusal of the Board (and its committees) to revise that determination. Elsewhere in its submissions, Booking.com makes an even broader claim; it asserts that it challenges the conduct of the ICANN Board in relation to what Booking.com refers to as the *setting up*, *implementation, supervision* and *review* of the entire of string similarity review process, and the Board's alleged failure "to ensure due process and to respect its fundamental obligations to ensure good faith, transparency, fairness and non-discrimination" throughout.[51]

68. In effect, Booking.com's specific claims can be divided into two broad categories: claims related to the string similarity review process generally; and claims related to the particular case of .hotels.

69. Booking.com professes that this case "is not about challenging a decision on the merits [i.e., the decision to place .hotels in contention]"; it is about "ICANN's failure to respect fundamental [procedural] rights and principles in handling New gTLD applications, in particular in the context of String Similarity Review."[52]

70. Booking.com also repeatedly emphasizes – and this is crucial – that *it does not challenge the validity or fairness of the process as set out in the Guidebook.* Rather, as indicated, it contests "the way in which that process was established, implemented and supervised by (or under the authority of) the ICANN Board."[53] Equally crucial, as will be seen, is Booking.com's acknowledgment that *the established process was followed* in the case of the review of .hotels.

a. The string similarity review process

71. According to Booking.com, the problem began when the ICANN Board failed to "provide transparency in the SSP selection process," in particular by failing "to make clear how

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[49] Reply, ¶ 6.

[50] Reply, ¶ 7.

[51] Reply, ¶ 15.

[52] Reply, ¶ 14.

[53] Reply, ¶ 17.

[ICANN] would evaluate candidate responses or how it ultimately did so."[54] The problem was compounded by the selection of ICC/University College London to perform string similarity reviews as the independent SSP. In Booking.com's words:

> *[T]he identities of the unsuccessful candidates (if any) to perform the String Similarity Review remain unknown. Applicants have never been given any information in relation to the candidate responses that were submitted. … There is no indication that any other candidate expressed an interest in performing the String Similarity Review. No information has been provided as to the steps (if any) taken by ICANN to reach out to other potential candidates. Numerous questions remain: How did ICANN deal with the situation if there was only one (or only a very few) respondent(s) wishing to perform the String Similarity Review? How did this impact on the discussions with InterConnect Communications? What are the terms of ICANN's contract with InterConnect Communications?*[55]

72. Booking.com also faults ICANN for "allowing the appointed SSP to develop and perform an unfair and arbitrary review process", specifically, by allowing the SSP "to perform the String Similarity Review (i) without any (documented) plan or methodology ... (ii) without providing any transparency regarding the evaluators or the evaluation criteria ... and (iii) without informing applicants of its reasoning …".[56]

73. Among other things, Booking.com takes ICANN to task for establishing and posting the SSP Process Description and the SSP Manager's Letter (see Part III.C above) only long after the string similarity review process had ended.[57]

74. It also alleges that the factors identified in the SSP Manager's Letter are "arbitrary and baseless … not supported by any methodology capable of producing compelling and defensible conclusions … [which] has allowed applications with at least equally serious visual string similarity concerns – such as .parts/.paris, .maif/.mail, .srt/.srl, .vote/.voto and .date/.data … – to proceed while singling out .hotels/.hoteis."[58] According to Booking.com: "The failure to take actual human performance into account is at odds with the standard for assessment, *i.e.*, the likelihood of confusion on the part of the average Internet user. Hence, the approach is directly contrary to ICANN's own policy."[59]

75. Booking.com further contends that the SSP process is unfair and non-transparent due to the fact that the identity of SSP members has never been publicly disclosed.[60]

76. Further, Booking.com argues that the process is unfair, non-transparent and arbitrary – and thus violates ICANN policy – for failing to provide for a "well-documented rationale" for each

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[54] Reply, ¶ 20.

[55] Reply, ¶ 20.

[56] Reply, ¶ 23.

[57] Reply, ¶ 24.

[58] Reply, ¶ 25.

[59] Reply, ¶ 25.

[60] Reply, ¶ 26-27.

SSP determination. In the absence of reasons for each string similarity determination, says Booking.com, "there is no basis on which decisions can be evaluated and, where appropriate, challenged."[61]

77. Another ground for Booking.com's challenge is the alleged failure by the ICANN Board to providing "effective supervision or quality control" of the SSP: "If nobody but the evaluator has any insight into how the evaluation was carried out, no effective quality control can be performed."[62] Nor, according to Booking.com, does the quality review of the SSP's work supposedly performed by JAS Advisers (the independent consultant engaged by ICANN for this purpose) overcome the problem of a lack of transparency:

> *Booking.com is not aware that any selection process was put in place in relation to the appointment of JAS Advisors to perform the String Similarity Review quality control. No criteria for performing the quality control were published. When ICANN was looking for evaluators, no call for expressions of interest or similar document was issued for the selection of quality controllers.*[63]

78. In any case, says Booking.com, the "quality control review over a random sampling of applications to, among other things, test whether the process [set out in the Guidebook] was followed," which ICANN claims was performed on the SSP's work,[64] could not provide adequate quality control of the string similarity review process.[65] Finally, Booking.com argues that the arbitrary and unfair result of the string similarity review concerning .hotels – *i.e.,* the decision to place .hotels and .hoteis in contention – demonstrates that, "whatever quality control review ICANN may have engaged in …must therefore have been deficient."[66]

b. The case of .hotels

79. Booking.com argues, in part on the basis of expert evidence which it adduces in this IRP proceeding,[67] that "[t]here is no probability of user confusion if both .hotels and .hoteis were delegated as gTLD strings into the Internet root zone … The SSP could not have reasonably found that the average reasonable Internet user is likely to be confused between the two strings."[68] It continues:

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[61] Reply, ¶ 28-29.

[62] Reply, ¶ 30.

[63] Reply, ¶ 31. Booking.com states that it "doubts" that any quality review was in fact performed, whether by JAS Advisers or any other entity.

[64] Response, ¶ 30.

[65] Reply, ¶ 34.

[66] Reply, ¶ 38.

[67] Request, Annex 20, Expert Report of Prof. Dr. Piet Desmet of the Faculty of Arts, Department of Linguistics of Leuven University, dated 10 March 2014. Portions of the work underlying Prof. Desmet's report were performed by Dr. Emmanuel Keuleers, Research Fellow in the Department of Experimental Psychology at Ghent University.

[68] Request, ¶ 58.

> *Since .hotels and .hoteis are not confusingly similar, the determination that they are is contradictory to ICANN policy as established in the Applicant Guidebook. Acceptance of the determination, and repeated failure to remedy the wrongful determination, is a failure to act with due diligence and independent judgment, and a failure to neutrally and fairly apply established policies as required by Bylaws and Articles of Incorporation.*[69]

80. According to Booking.com, the Board should have acted to overturn the determination of the SSP either in the context of the Request for Reconsideration or under the authority accorded it by Module 5-4 of the Guidebook to "individually consider a gTLD application".[70]

81. Booking.com claims that its DIDP Request alerted the Board to the need to intervene to "correct the errors in the process" related to .hotels, and that its Request for Reconsideration of the SSP determination further informed the Board of the many errors in the SSP's review of .hotels, "giving the Board ample opportunity to correct those errors."[71] Booking.com claims that the Board's failure, when responding to the DIDP Request, "to offer any insight into the SSP's reasoning", its refusal to reconsider and overturn the SSP determination regarding .hotels on the sole ground (says Booking.com) that "the Reconsideration process 'is not available as a mechanism to re-try the decisions of evaluation panels'", and its failure to investigate Booking.com's complaints of a lack of fairness and transparency in the SSP process, constitute violations of ICANN's governing rules regarding string similarity review.[72]

82. According to Booking.com, among the most compelling evidence of ICANN's failure in this regard are the statements made on the record by several members of the NGPC during its 10 September 2013 meeting at which Booking.com's Request for Reconsideration was denied.[73] Given the importance that the Panel attaches to these statements, they are addressed in some detail in the Analysis in Part VI, below.

83. In its written submissions Booking.com asks the Panel to grant the following relief:

> *Finding that ICANN breached its Articles of Incorporation, its Bylaws, and the gTLD Applicant Guidebook;*
>
> *Requiring that ICANN reject the determination that .hotels and .hoteis are confusingly similar and disregard the resulting contention set;*
>
> *Awarding Booking.com its costs in this proceeding; and*

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[69] Request, ¶ 59.

[70] Reply, ¶ 39.

[71] Reply, ¶ 41.

[72] Reply, ¶ 41. In the passage of Booking.com's submissions referred to here (as elsewhere), Booking.com speaks of violations of ICANN's obligations of "due process", which, it says, comprise concepts such as the right to be heard, the right to receive reasons for decisions, publicity, etc. For reasons explained in Part VI, below, the Panel prefers to use the terms *fairness* and *transparency* to connote the essence of ICANN's obligations under review in this IRP.

[73] See Part II.C, above.

> *Awarding such other relief as the Panel may find appropriate or Booking.com may request.*

84. At the hearing Booking.com *further* requested that the Panel not only require ICANN to disregard the SSP determination regarding .hotels/.hoteis, but also order ICANN to "delegate both .hotels and .hoteis."

B. ICANN's position

85. ICANN's position is best summed up by ICANN itself:

> *Booking.com's IRP Request is really about Booking.com's disagreement with the merits of the String Similarity Panel's conclusion that .hotels and .hoteis are confusingly similar. But the Panel's determination does not constitute Board action, and the Independent Review Process is not available as a mechanism to re-try the decisions of an independent evaluation panel. The IRP Panel is tasked only with comparing contested actions of the ICANN Board to ICANN's Bylaws and Articles of Incorporation; it is not within the IRP Panel's mandate to evaluate whether the String Similarity Panel's conclusion that .hotels and .hoteis are confusingly similar was wrong.*[74]

86. According to ICANN, the Board "did exactly what it was supposed to do under its Bylaws, its Articles of Incorporation, and the Guidebook."[75]

(i) The Panel's Authority

87. Throughout its submissions ICANN repeatedly stresses what it says is the very limited authority enjoyed by IRP panels.

88. As provided in Article IV, Section 3(4) of ICANN's Bylaws, ICANN observes that this Panel (as all IRP panels) is charged only with "comparing contested actions of the Board to the Articles of Incorporation and Bylaws, and with declaring whether the Board has acted consistently with the provisions of those Articles of Incorporation and Bylaws."[76]

89. ICANN notes that, in undertaking this *compare-and-declare* mission, the Panel is further constrained to apply the very specific "standard of review" set out in Bylaw Article IV, Section 3(4), which requires the Panel to focus on three particular questions: "did the Board act without conflict of interest in taking its decision?"; "did the Board exercise due diligence and care in having a reasonable amount of facts in front of them?"; and "did the Board members exercise independent judgment in taking the decision, believed to be in the best interests of the company [ICANN]?"[77]

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[74] Response, ¶ 9.

[75] Response, ¶ 8. Both parties agree that, as submitted by Booking.com, the "rules" at issue, against which the conduct of the ICANN Board is to be assessed, include the relevant provisions of the Guidebook.

[76] See for example Response, ¶2, ¶ 9.

[77] Response, ¶ 2.

90. ICANN further asserts that the IRP process "is not available as a mechanism to challenge the actions or inactions of ICANN staff or third parties that may be involved in ICANN activities,"[78] such as the action of the SSP which resulted in .hotels and .hoteis being placed in contention. Nor, says ICANN, may the IRP process be used as an "appeal mechanism" by which to overturn substantive decisions – such as the determination that .hotels and .hoteis are confusingly visually similar – with which an applicant may disagree.[79]

91. In this regard ICANN states that the affirmative relief sought by Booking.com – specifically, a declaration requiring that ICANN "reject the determination that .hotels and .hoteis are confusingly similar and disregard the resulting contention set" and (as requested at the hearing) that ICANN "delegate both .hotels and .hoteis" – exceeds the authority of the Panel.[80]

(ii) ICANN's Response to Booking.com's Claims

a. The string similarity review process

92. According to ICANN, "[e]arly on in the iterations of the Guidebook, it was determined that, in the initial evaluation stage, the String Similarity Panel would only examine strings for visual confusion;" and "[i]f applied-for strings are determined to so nearly resemble each other visually that it is likely to deceive or cause confusion, the string will be placed in a contention set, which is then resolved pursuant to the contention set resolution processes in Module 4 of the Guidebook."[81]

93. According to ICANN, it was also determined early on that, as stated in Section 2.2.1.1 of the Guidebook, "[t]his similarity review will be conducted by an independent String Similarity Panel," not by ICANN itself. ICC was duly selected to perform the string similarity review further to "an open and public request for proposals," pursuant to which, as the successful bidder, "ICC was responsible for the development of its own process documents and methodology for performing the String Similarity Review consistent with the provisions of the Guidebook."[82] ICANN emphasizes that "the Guidebook does not provide for any process by which ICANN (or anyone else) may conduct a substantive review of ICC's results."[83]

94. In ICANN's submission, the alternative proposed by Booking.com, that "the ICANN Board – and the ICANN Board alone – was obligated to perform the String Similarity Review for the more than 1,900 new gTLD applications submitted," is "untenable and is not supported by ICANN's Bylaws or Articles."[84] As noted by ICANN, the Guidebook defines six distinct

[78] Response, ¶ 3.

[79] Response, ¶ 49.

[80] Response, ¶ 55.

[81] Response, ¶ 15 (underlining in original).

[82] Response, ¶ 16.

[83] Response, ¶ 17.

[84] Sur-Reply, ¶ 7.

review processes that every gTLD application is required to go through, including string similarity review; each of those review processes was conducted by independent experts specifically engaged by ICANN staff for the purpose.

95. ICANN submits that "there simply is no requirement – under ICANN's governing documents or imposed by law – that would mandate that the ICANN Board inject itself into the day-to-day affairs of the evaluation process in the manner Booking.com proposes."[85] It asserts that, consistent with well-settled legal principles, "neither ICANN's Bylaws, nor the Articles, nor the Guidebook requires the ICANN Board to conduct any analysis of the decisions of third party experts retained to evaluate string similarity."[86]

96. Moreover, ICANN asserts that "[s]imply because the ICANN Board has the discretion [under Section 5.1 (Module 5-4) of the Guidebook] to consider individual applications does not mean it is required to do so or that it should do so, particularly at an initial evaluation stage."[87]

97. ICANN claims that that Booking.com's repeated invocation of the Board's so-called obligation to ensure "due process" in the administration of the New gTLD Program is misplaced. First, neither applicable California law nor any provision of the Bylaws, Articles of Incorporation or Guidebook "specifically affords any gTLD applicant a right to procedural 'due process' similar to that which is afforded in courts of law."[88] Second, because ICANN conducts its activities in the public interest it nevertheless provides "more opportunity for parties to be heard and to dispute actions taken"[89] than most private corporate entities. Third, the "decision to proceed with the New gTLD Program followed many years of discussion, debate and deliberation within the ICANN community, including participation from end users, civil society, technical experts, business groups, governments and others."[90] Fourth, and perhaps most importantly, "ICANN adhered to the policies and procedures articulated in its Bylaws, Articles of Incorporation, and the Guidebook, the latter of which was adopted only after being publicly vetted with ICANN's stakeholders and the broader Internet community."[91]

98. ICANN's response to Booking.com's various allegations regarding particular elements of the string similarity review process – including for example the selection of the SSP, the publication of the SSP's methodology, the anonymity of the individuals SSP members, the supposed lack of quality control – is essentially three-fold: first, the actions challenged by Booking.com are *not Board actions*, but actions of ICANN staff or third parties, which cannot

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[85] Sur-Reply, ¶ 10.

[86] Sur-Reply, ¶ 10.

[87] Sur-Reply, ¶ 11. It was established during the hearing that the several references to this discretionary authority in ICANN's written and oral submissions refer specifically to the authority conferred by Section 5.1 (Module 5-4) of the Guidebook.

[88] Sur-Reply, ¶ 18.

[89] Sur-Reply, ¶ 18.

[90] Sur-Reply, ¶ 18, fn 18.

[91] Sur-Reply, ¶ 18, fn 18.

be challenged by means of IRP proceedings; second, in any case, Booking.com's claims are *factually incorrect*, and there has been no violation of the Bylaws, Articles of Incorporation or Guidebook; third, Booking.com's claims are *time-barred* given that Article IV, Section 3(3) of the Bylaws requires that IRP requests "must be filed within thirty days of the posting of the minutes of the Board meeting … that the requesting party contends demonstrates that ICANN violated its Bylaws or Articles of Incorporation."[92]

b. The case of .hotels

99. ICANN's position as regards the determination to place .hotels and .hoteis in contention is similar in many respects to its position regarding the string similarity review process generally. ICANN argues that the Board played no role whatsoever in performing the review of .hotels; that the SSP's determination was in any event well supported and there was no violation of applicable rules; and that the Guidebook does not provide for any process by which ICANN (or any other body, including an IRP panel) may conduct a substantive review of a string similarity determination.

100. In any event, ICANN asserts that .hotels and .hoteis in fact meet every one of the visual similarity criteria applied by the SSP, as set out in the SSP Manager's Letter. Moreover, .hotels and .hoteis scored a stunning 99% for visual similarity under the publicly available SWORD algorithm which, as provided by Section 2.2.1.1.2 (Module 2-7) of the Guidebook, establishes "one objective measure for consideration by the [SSP]". According to ICANN (in response to a question posed by the Panel during the hearing), this was the highest algorithmic score among the comparison of all non-identical pairs within the 1917 new gTLD applications received by ICANN;[93] the only other pair of non-exact match strings found to be confusingly visually similar – .unicorn and .unicom – scored only 94%.[94]

101. According to ICANN, "it was not clearly 'wrong,' as Booking.com argues, for the [SSP] to find that .hotels/.hoteis are confusingly similar.[95]

102. In conclusion, ICANN states that its conduct with respect to Booking.com's application for .hotels, including in evaluating Booking.com's Request for Reconsideration, was fully consistent with ICANN's Articles of Incorporation, its Bylaws and the procedures established in the Guidebook; and the fact that Booking.com disagrees with the SSP's determination to put .hotels and .hoteis in a contention set does not give rise to an IRP.

103. ICANN asks the Panel to deny Booking.com's IRP Request.

VI. ANALYSIS

A. The Panel's Authority

[92] Sur-Reply, ¶ 20-42.

[93] A number of these applications were subsequently withdrawn.

[94] Identical pairs, of course, received a score of 100% for visual similarity under the SWORD algorithm.

[95] Response, ¶ 53.

104. The jurisdiction and authority of an IRP panel is expressly prescribed – and expressly limited – by the ICANN Bylaws. To recap, Article IV, Section 3 of the Bylaws provides:

> *4. [The IRP Panel] shall be charged with comparing contested actions of the Board to the Articles of Incorporation and Bylaws, and with declaring whether the Board has acted consistently with the provisions of those Articles of Incorporation and Bylaws. The IRP Panel must apply a defined standard of review to the IRP request, focusing on:*
>
> *a. did the Board act without conflict of interest in taking its decision?;*
>
> *b. did the Board exercise due diligence and care in having a reasonable amount of facts in front of them?; and*
>
> *c. did the Board members exercise independent judgment in taking the decision, believed to be in the best interests of the company [ICANN]?*
>
> *[…]*
>
> *11. The IRP Panel shall have the authority to:*
>
> *[…]*
>
> *c. declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws; and*
>
> *d. recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the opinion of the IRP;*
>
> *[…]*
>
> *18. […] The IRP Panel shall make its declaration based solely on the documentation, supporting materials, and arguments submitted by the parties […]*
>
> *[Underlining added]*

105. Similarly, Article 8 of the Supplementary Procedures reads:

> ***8. Standard of Review***
>
> *The IRP is subject to the following standard of review: (i) did the ICANN Board act without conflict of interest in taking its decision; (ii) did the ICANN Board exercise due diligence and care in having sufficient facts in front of them; (iii) did the ICANN Board members exercise independent judgment in taking the decision, believed to be in the best interests of the company?*
>
> *If a requestor demonstrates that the ICANN Board did not make a reasonable inquiry to determine it had sufficient facts available, ICANN Board members had a conflict of interest in participating in the decision, or the decision was not an exercise in independent judgment, believed by the ICANN Board to be in the best interests of the company, after taking account of the Internet community and the global public interest, the requestor will have established proper grounds for review.*

106. There is no dispute as regards the Panel's duty to compare the actions of the Board to ICANN's Articles of Incorporation and Bylaws (and, in this case, Guidebook) with a view to

declaring whether those actions are inconsistent with applicable policies. Where the parties disagree is with respect to the standard of review to be applied by the Panel in assessing Board conduct.

107. ICANN submits that its Bylaws "specify that a deferential standard of review be applied when evaluating the actions of the ICANN Board … the rules are clear that the appointed IRP Panel is neither asked to, nor allowed to, substitute its judgment for that of the Board."[96] Booking.com argues that this "is simply wrong. No such specification is made in ICANN's Bylaws or elsewhere, and a restrictive interpretation of the standard of review would … fail to ensure accountability on the part of ICANN and would be incompatible with ICANN's commitment to maintain (and improve) robust mechanisms for accountability."[97]

108. In the opinion of the Panel, there can be no question but that the provisions of the ICANN Bylaws establishing the Independent Review Process and defining the role of an IRP panel specify that the ICANN Board enjoys a large degree of discretion in its decisions and actions. So long as the Board acts without conflict of interest and with due care, it is entitled – indeed, required – to exercise its independent judgment in acting in what it believes to be the best interests of ICANN. The only substantive check on the conduct of the ICANN Board is that such conduct may not be inconsistent with the Articles of Incorporation or Bylaws – or, the parties agree, with the Guidebook. In that connection, the Panel notes that Article 1, Section 2 of the Bylaws also clearly states that in exercising its judgment, the Board (indeed "[a]ny ICANN body making a recommendation or decision") shall itself "determine which core values are most relevant and how they apply to the specific circumstances of the case at hand."

109. In other words, in making decisions the Board is required to conduct itself reasonably in what it considers to be ICANN's best interests; where it does so, the only question is whether its actions are or are not consistent with the Articles, Bylaws and, in this case, with the policies and procedures established in the Guidebook.

110. There is also no question but that the authority of an IRP panel to compare contested actions of the Board to the Articles of Incorporation and Bylaws, and to declare whether the Board has acted consistently with the Articles and Bylaws, does not extend to opining on the nature of those instruments. Nor, in this case, does our authority extend to opining on the nature of the policies or procedures established in the Guidebook. In this regard it is recalled that Booking.com itself repeatedly stresses that it does not contest the validity or fairness of the string similarity review process as set out in the Guidebook, but merely whether ICANN's actions were consistent with various elements of that process. Stated differently, our role in this IRP includes assessing whether the applicable rules – in this case, the rules regarding string similarity review – were followed, not whether such rules are appropriate or advisable.

111. Nevertheless, this does not mean that the IRP Panel may only review ICANN Board actions or inactions under the deferential standard advocated by ICANN in these proceedings. Rather, as explained below, the IRP Panel is charged with "objectively" determining whether

[96] Response, ¶ 24.

[97] Reply, ¶ 6.

or not the Board's actions are in fact consistent with the Articles, Bylaws and Guidebook, which the Panel understands as requiring that the Board's conduct be appraised independently, and without any presumption of correctness.

112. In the only other IRP of which the Panel is aware in which such questions were addressed in a published decision, the distinguished members of the IRP panel had this to say about the role of an IRP panel, and the applicable standard of review, in appraising Board action:

> *The Internet Corporation for Assigned Names and Numbers is a not-for profit corporation established under the law of the State of California. That law embodies the 'business judgment rule'. Section 309 of the California Corporations Code provides that a director must act 'in good faith, in a manner such director believes to be in the best interests of the corporation and its shareholders…' and shields from liability directors who follow its provisions. However ICANN is no ordinary non-profit California corporation. The Government of the United States vested regulatory authority of vast dimension and pervasive global reach in ICANN. In 'recognition of the fact that the Internet is an international network of networks, owned by no single nation, individual or organization' – including ICANN -- ICANN is charged with 'promoting the global public interest in the operational stability of the Internet…' ICANN 'shall operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law…' Thus, while a California corporation, it is governed particularly by the terms of its Articles of Incorporation and Bylaws, as the law of California allows. Those Articles and Bylaws, which require ICANN to carry out its activities in conformity with relevant principles of international law, do not specify or imply that the International [sic] Review Process provided for shall (or shall not) accord deference to the decisions of the ICANN Board. The fact that the Board is empowered to exercise its judgment in the application of ICANN's sometimes competing core values does not necessarily import that that judgment must be treated deferentially by the IRP. In the view of the Panel, the judgments of the ICANN Board are to be reviewed and appraised by the Panel objectively, not deferentially. The business judgment rule of the law of California, applicable to directors of California corporations, profit and nonprofit, in the case of ICANN is to be treated as a default rule that might be called upon in the absence of relevant provisions of ICANN's Articles and Bylaws and of specific representations of ICANN … that bear on the propriety of its conduct. In the instant case, it is those Articles and Bylaws, and those representations, measured against the facts as the Panel finds them, which are determinative.*[98]
>
> *[Underlining added.]*

113. While on no way bound by that decision, we agree with its conclusions in this respect.

114. At the end of the day we fail to see any significant difference between the parties' positions in this regard. The process is clear, and both parties acknowledge, that the Panel is tasked with determining whether or not the Board's actions are consistent with ICANN's Articles of Incorporation, Bylaws and the Guidebook. Such a determination calls for what the panel in

[98] ICDR Case No. 50 117 T 00224 08, *ICM Registry, LLC* v. *ICANN*, Declaration dated 19 February 2010 ("*ICM Registry*"), ¶ 136.

the *ICM Registry* matter called an "objective" appraisal of Board conduct as measured against the policies and rules set out in those instruments; all agree that it is the Articles, Bylaws and Guidebook which are determinative.

115. That being said, we also agree with ICANN to the extent that, in determining the consistency of Board action with the Articles, Bylaws and Guidebook, an "IRP Panel is neither asked to, nor allowed to, substitute its judgment for that of the Board." In other words, it is not for the Panel to opine on whether the Board could have acted differently than it did; rather, our role is to assess whether the Board's action was consistent with applicable rules found in the Articles, Bylaws and Guidebook. Nor, as stated, is it for us to purport to appraise the policies and procedures established by ICANN in the Guidebook (since, again, this IRP is not a challenge to those policies and procedures themselves[99]), but merely to apply them to the facts.

116. With the foregoing firmly in mind, the Panel turns now to the issues to be determined in order to resolve the present dispute.

B. The String Similarity Review Process

117. The Panel is not unsympathetic to Booking.com's complaints regarding the string similarity review process as established by the Guidebook. There is no question but that that process lacks certain elements of transparency and certain practices that are widely associated with requirements of fairness. For example, the Guidebook provides no means for applicants to provide evidence or make submissions to the SSP (or any other ICANN body) and so be fully "heard" on the substantive question of the similarity of their applied-for gTLD strings to others.

118. Indeed, as stated at the outset of this Declaration, these observations and the concerns that they engender were voiced by several members of the ICANN Board's New gTLD Program Committee which voted to accept the BGC's Recommendation to deny Booking.com's Request for Reconsideration. The Panel can do no better than reproduce the statements made by the NGPC members in this respect, as recorded in the minutes of the NGPC's 10 September 2013 meeting:[100]

[99] As discussed in more detail in the following section (at para. 117 and following) and again at Part IV of this Declaration, the important questions that Booking.com highlights in its pleadings, as to whether the string similarity review process is consistent with ICANN's guiding principles of transparency and fairness, and regarding the published views of various members of ICANN's NGPC in this respect, are matters which the ICANN Board, in its discretion, may wish to consider on its own motion in the context of the present case, in accordance with its authority under Section 5.1 (Module 5-4) of the Guidebook, or when it issues the Guidebook for round two of the New gTLD Program. Those questions include a lack of clarity surrounding the way in which the string similarity review is conducted by the SSP, and the absence of any means for applicants to be heard in the string similarity review process where they may have evidence to adduce or arguments to make (such as the evidence and arguments presented by Booking.com to this Panel), which could in fact be relevant to the SSP's determination.

[100] Request, Annex 16.

- Mr. George Sadowski stated his intention to abstain from the vote because, although "he understood that the BGC did the right thing, [he] thought the end result that was contrary to ICANN's … and the user's best interests."

- Ms. Olga Madruga-Forti also stated her intention to abstain from voting on the BGC recommendation "because there was not sufficient rationale provided for why the string similarity review panel made its determination."

- In response to a comment by the Chair that the Request for Reconsideration deserved to be denied "[b]ecause the process was followed," Mr. Ray Plzak "agreed that the process was followed, but noted that the process needs to be reviewed to potentially add a mechanism that would allow persons who don't agree with the outcome to make an objection, other than using a Reconsideration Request."

- Mr. Plzak "recommended the Committee send a strong signal to the BGC, or adopt a resolution recommending that the BGC consider development of a different mechanism to provide an avenue for the community to appeal the outcome of a decision based on the merits."

- Ms. Madruga-Forti agreed and "recommended that in the future, a remand or appeals mechanism may help alleviate the concerns noted."

- Mr. Bill Graham also agreed with Mr. Plzak's suggestion, and noted that "generally, there is a considerable level of discomfort and dissatisfaction with the process as expressed by Committee members."

- The Chair "agreed with [Mr. Graham's] sentiment."

- The General Counsel and Secretary noted that ICANN … "has tried to encourage more use of the ombudsman, or other accountability mechanisms for these types of concerns."

119. Ultimately, five members of the NGPC voted in favour of the resolution accepting the BGC's Recommendation; two members were unavailable to vote; and four members abstained. The abstaining members offered the following voting statements:

- Mr. Plzak stated that he abstained from voting "because he is disappointed in what is being done to remedy the situation. [He] would like to see more resolve to fix the process."

- Ms. Madruga-Forti stated that:

> *[T]he BGC has done an appropriate job of applying a limited review standard to the application for reconsideration, but unfortunately, in this circumstance, to apply that limited review accompanied by a lack of information regarding the rationale of the string similarity review panel is not possible in a logical and fair manner. The public interest would not be served by applying the limited review standard without proper information on the basis and reasoning for the decision of the panel. In my opinion, the public interest would be better served by abstaining and continuing to explore ways to*

establish a better record of the rationale of the string similarity review panel in circumstances such as this.

- Mr. Kuo-Wei Wu agreed with Ms. Madruga-Forti's and Mr. Plzak's voting statements.

- Mr. Sadowsky provided the following detailed statement:

I have a strong concern regarding the ratification of the BGC recommendation to deny the reconsideration request regarding string contention between .hoteis and .hotels, and I therefore have therefore abstained when the vote on this issue was taken.

The reconsideration process is a very narrowly focused instrument, relying solely upon investigating deviations from established and agreed upon process. As such, it can be useful, but it is limited in scope. In particular, it does not address situations where process has in fact been followed, but the results of such process have been regarded, sometimes quite widely, as being contrary to what might be best for significant or all segments of the … community and/or Internet users in general.

The rationale underlying the rejection of the reconsideration claim is essentially that the string similarity process found that there was likely to be substantial confusion between the two, and that therefore they belonged in a contention set. Furthermore, no process has been identified as having been violated and therefore there is nothing to reconsider. As a Board member who is aware of ICANN's … Bylaws, I cannot vote against the motion to deny reconsideration. The motion appears to be correct based upon the criteria in the Bylaws that define the reconsideration process and the facts in this particular case. However, I am increasingly disturbed by the growing sequence of decisions that are based upon a criterion for user confusion that, in my opinion, is not only both incomplete and flawed, but appears to work directly against the concept that users should not be confused. I am persuaded by the argument made by the proponents of reconsideration in this case that users will in fact not be confused by .hoteis and .hotels, since if they enter the wrong name, they are very likely to be immediately confronted by information in a language that they did not anticipate.

Confusion is a perceptual issue. String similarity is only one consideration in thinking about perceptual confusion and in fact it is not always an issue. In my opinion, much more perceptual confusion will arise between .hotel and .hotels than between .hotels and .hoteis. Yet if we adhere strictly to the Guidebook and whatever instructions have or have not been given to string similarity experts, it is my position that we work against implementing decisions that assist in avoiding user confusion, and we work in favor of decisions that are based upon an incorrect, incomplete and flawed ex ante analysis of the ICANN Network real issues with respect to user confusion.

The goal of the string similarity process is the minimization of user confusion and ensuring user trust in using the DNS ... The string similarity exercise is one of the means in the new gTLD … process to minimize such confusion and to strengthen user trust. In placing our emphasis, and in fact our decisions, on string similarity only, we are unwittingly substituting the means for the goal, and making decisions regarding the goal on the basis of a means test. This is a disservice to the Internet user community.

I cannot and will not vote in favor of a motion that reflects, directly or indirectly, an unwillingness to depart from what I see as such a flawed position and which does not reflect In my opinion an understanding of the current reality of the situation.

120. These statements reflect to an important degree the Panel's own analysis.

121. The elements of the string similarity review process were established and widely published several years ago, after extensive consultation and debate among ICANN stakeholders and the Internet community. Booking.com correctly describes the process established (or "crystallized") in the Guidebook as a component of "a consensus policy" concerning the introduction of new gTLDs.[101]

122. The Guidebook makes clear that, as part of the initial evaluation to which all applied-for gTLDs are subject, each string would be reviewed for a number of factors, one of which is "string similarity", which involves a determination of "whether the applied-for gTLD string is so similar to other strings that it would create a probability of user confusion"[102]. The term "user" is elaborated elsewhere in the Guidebook, which speaks of confusion arising "in the mind of the average, reasonable Internet user."[103]

123. The Guidebook explains that string similarity review comprises merely a "visual similarity check",[104] with a view to identifying only "visual string similarities that would create a probability of user confusion."[105]

124. The Guidebook makes clear that string similarity reviews would be conducted by an independent third party – the SSP – that would have wide (though not complete) discretion both in formulating its methodology and in determining string similarity on the basis of that methodology.

125. Section 2.2.1.1.2 of the Guidebook, titled "Review Methodology", provides that the SSP "is informed in part by an algorithmic score for … visual similarity," which "will provide one objective measure for consideration by the [SSP]." Section 2.2.1.1.2 further states that, in addition to "examin[ing] all the algorithm data," the SSP will "perform its own review of similarities between strings and whether they rise to the level of string confusion." It is noted that the objective algorithmic score is to be treated as "only indicative". Crucially, "the final determination of similarity is entirely up to the [SSP's] judgment." (Underlining added)

126. In sum, the Guidebook calls for the SSP to determine whether two strings are so "visually similar" as to create a "probability of confusion" in the mind of an "average, reasonable Internet user." In making this determination, the SSP is informed by an "algorithmic score", to ensure that the process comprises at least one "objective measure". However, the algorithmic score is not determinative. The SSP also develops and performs "its own review". At the end of the day, the determination is entirely a matter of "the [SSP's] judgment."

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[101] Request, ¶ 13.

[102] Guidebook, §2.2 (Module 2-4).

[103] Guidebook, §2.2.1.1.2. (Underlining added)

[104] Guidebook, §2.2.1.1. (Underlining added)

[105] Guidebook, §2.2.1.1.1. (Underlining added)

127. By its very nature this process is highly discretionary. It is also, to an important degree, subjective. The Guidebook provides no definition of "visual similarity", nor any indication of how such similarity is to be objectively measured other than by means of the SWORD algorithm. The Guidebook provides no definition of "confusion," nor any definition or description of an "average, reasonable Internet user." As Mr. Sadowski of the NGPC put it: "Confusion is a perceptual issue." (Mr. Sadowski further noted: "String similarity is only one consideration in thinking about perceptual confusion, and in fact it is not always an issue.) The Guidebook mandates the SSP to develop and apply "its own review" of visual similarity and "whether similarities rise to the level of user confusion", in addition to SWORD algorithm, which is intended to be merely "indicative", yet provides no substantive guidelines in this respect.

128. Nor does the process as it exists provide for gTLD applicants to benefit from the sort of procedural mechanisms – for example, to inform the SSP's review, to receive reasoned determinations from the SSP, or to appeal the merits of those determinations – which Booking.com claims are required under the applicable rules. Clearly, certain ICANN NGPC members themselves consider that such input would be desirable and that changes to the process are required in order for the string similarity review process to attain its true goal, which Mr. Sadowsky referred to as "the minimization of user confusion and ensuring user trust in using the DNS". However, as even the abstaining members of the NGPC conceded, the fact is that the sort of mechanisms that Booking.com asserts are required (and which those NGPC members believe should be required) are simply not part of the string similarity review process as currently established. As to whether they *should* be, it is not our place to express an opinion, though we note that such additional mechanisms surely would be consistent with the principles of transparency and fairness.

129. We add that we agree with ICANN that the time has long since passed for Booking.com or any other interested party to ask an IRP panel to review the actions of the ICANN Board in relation to the establishment of the string similarity review process, including Booking.com's claims that specific elements of the process and the Board decisions to implement those elements are inconsistent with ICANN's Articles and Bylaws. Any such claims, even if they had any merit, are long since time-barred by the 30-day limitation period set out in Article IV, Section 3(3) of the Bylaws. As ICANN expressed during the hearing, if Booking.com believed that there were problems with the Guidebook, it should have objected at the time the Guidebook was first implemented.

130. When asked during the hearing about its failure to object timely, Booking.com argued that it could not have known how the Board's actions – that is, how the process established in the Guidebook – would affect it prior to the submission of its application for .hotels. However, that is not a persuasive or meritorious answer. As did all stakeholders, Booking.com had the opportunity to challenge the Board's adoption of the Guidebook, at the time, if it considered any of its elements to be inconsistent with ICANN's Articles of Incorporation or Bylaws.

C. The Case of .hotels

131. In the light of the preceding analysis of Booking.com's challenge concerning the ICANN Board's actions in relation to the string similarity review process generally, the Panel is not

persuaded by its challenge concerning the Board's conduct in relation to the review of .hotels specifically.

132. There are two principal elements to this part of Booking.com's case: a challenge in relation to the process followed by the SSP; and a challenge in relation to the Board's handling of Booking.com's Request for Reconsideration of the SSP's determination. However, the fundamental obstacle to Booking.com's case is that *the established process was followed* in all respects.

133. Booking.com itself acknowledges that "the process was followed" by the SSP, which determined that .hotels and .hoteis were so visually similar as to warrant being placed in a contention set. So too did all of the NGPC members who commented on the matter recognize that "the process was followed" – for all their stated misgivings concerning the outcome of the process.

134. The same is true of the Request for Reconsideration. The Panel is struck by the extent and thoughtfulness not only of the NGPC's consideration of the issue, certain aspects of which are discussed above, but of the BGC's detailed analysis and its Recommendation to the NGPC, on the basis of which Booking.com's Request for Reconsideration was denied. Contrary to Booking.com's allegations, in neither instance was this merely a blind acceptance of a decision of a subordinate body. In fact, the reconsideration process itself, however limited and perhaps imperfect it may be, is inconsistent with Booking.com's claims of lack of "due process".

135. Although not addressed in great detail by the parties, the Panel considers several observations made by the BGC in its 1 August 2013 Recommendation to be particularly apposite:

> ▪ *These standing requirements [for Requests for Reconsideration] are intended to protect the reconsideration process from abuse and to ensure that it is not used as a mechanism simply to challenge an action with which someone disagrees, but that it is limited to situations where the staff [or the Board] acted in contravention of established policies.*[106]
>
> ▪ *Although the String Similarity Review was performed by a third party, ICANN has determined that the Reconsideration process can properly be invoked for challenges of the third party's decisions where it can be stated that either the vendor failed to follow its process in reaching the decision, or that ICANN staff failed to follow its process in accepting that decision.*[107]
>
> ▪ *Booking.com does not suggest that the process for String Similarity Review set out in the Applicant Guidebook was not followed, or that ICANN staff violated any established ICANN policy in accepting the [SSP] decision on placing .hotels and .hoteis in contention sets. Instead, Booking.com is supplanting what it believes the review*

[106] BGC Recommendation, p. 2.

[107] BGC Recommendation, p. 4. The BGC explains that "Because the basis for the Request is not Board conduct, regardless of whether the 20 December 2012 version, or the 11 April 2013 version, of the Reconsideration Bylaws is operative, the BGC's analysis and recommendation below would not change."

methodology for assessing visual similarity should have been, as opposed to the methodology set out at Section 2.2.1.1.2 of the Applicant Guidebook. In asserting a new review methodology, Booking.com is asking the BGC (and the Board through the New gTLD Program Committee (NGPC)) to make a substantive evaluation of the confusability of the strings and to reverse the decision. In the context of the New gTLD Program, the Reconsideration process is not however intended for the Board to perform a substantive review of [SSP] decisions. While Booking.com may have multiple reasons as to why it believes that its application for .hotels should not be in contention set with .hoteis, Reconsideration is not available as a mechanism to re-try the decisions of the evaluation panels.[108]

- *Booking.com also claims that its assertions regarding the non-confusability of the .hotels and .hoteis strings demonstrate that "it is contrary to ICANN policy to put them in a contention set." (Request, pages 6-7.) This is just a differently worded attempt to reverse the decision of the [SSP]. No actual policy or process is cited by Booking.com, only the suggestion that – according to Booking.com – the standards within the Applicant Guidebook on visual similarity should have resulted in a different outcome for the .hotels string. This is not enough for Reconsideration.*[109]

- *Booking.com argues that the contention set decision was taken without material information, including Booking.com's linguistic expert's opinion, or other "information that would refute the mistaken contention that there is likely to be consumer confusion between '.hotels' and '.hoteis.'" (Request, page 7.) However, there is no process point in the String Similarity Review for applicants to submit additional information. This is in stark contrast to the reviews set out in Section 2.2.2 of the Applicant Guidebook, including the Technical/Operational review and the Financial Review, which allow for the evaluators to seek clarification or additional information through the issuance of clarifying questions. (AGB, Section 2.2.2.3 (Evaluation Methodology).)*[110]

- *Just as the process does not call for additional applicant inputs into the visual similarity review, Booking.com's call for further information on the decision to place .hotels and .hoteis in a contention set … is similarly not rooted in any established ICANN process at issue.[…] While applicants may avail themselves of accountability mechanism to challenge decisions, the use of an accountability mechanism when there is no proper ground to bring a request for review under the selected mechanism does not then provide opportunity for additional substantive review of decisions already taken.*[111]

- *[W]hile we understand the impact that Booking.com faces by being put in a contention set, and that it wishes for more narrative information regarding the [SSP's] decision, no such narrative is called for in the process.*[112]

- *The Applicant Guidebook sets out the methodology used when evaluating visual similarity of strings. The process documentation provided by the String Similarity Review Panel describes the steps followed by the [SSP] in applying the methodology*

[108] BGC Recommendation, p. 5.

[109] BGC Recommendation, p. 6.

[110] BGC Recommendation, p. 6.

[111] BGC Recommendation, pp. 6-7.

[112] BGC Recommendation, p. 7.

> *set out in the Applicant Guidebook. ICANN then coordinates a quality assurance review over a random selection of [SSP's] reviews to gain confidence that the methodology and process were followed. That is the process used for a making and assessing a determination of visual similarity. Booking.com's disagreement as to whether the methodology should have resulted in a finding of visual similarity does not mean that ICANN (including the third party vendors performing String Similarity Review) violated any policy in reaching the decision (nor does it support a conclusion that the decision was actually wrong).*[113]
>
> - *The [SSP] reviewed all applied for strings according to the standards and methodology of the visual string similarity review set out in the Applicant Guidebook. The Guidebook clarifies that once contention sets are formed by the [SSP], ICANN will notify the applicants and will publish results on its website. (AGB, Section 2.2.1.1.1.) That the [SSP] considered its output as "advice" to ICANN (as stated in its process documentation) is not the end of the story. Whether the results are transmitted as "advice" or "outcomes" or "reports", the important query is what ICANN was expected to do with that advice once it was received. ICANN had always made clear that it would rely on the advice of its evaluators in the initial evaluation stage of the New gTLD Program, subject to quality assurance measures. Therefore, Booking.com is actually proposing a new and different process when it suggests that ICANN should perform substantive review (instead of process testing) over the results of the String Similarity Review Panel's outcomes prior to the finalization of contention sets.*[114]
>
> - *As there is no indication that either the [SSP] or ICANN staff violated any established ICANN policy in reaching or accepting the decision on the placement of .hotels and .hoteis in a non-exact contention set, this Request should not proceed.*[115]

136. These excerpts of the BGC Recommendation not only illustrate the seriousness with which Booking.com's Request for Reconsideration was heard, they mirror considerations to which we fully subscribe and which we find apply as well, with equal force and effect, in the context of Booking.com's IRP Request.

137. It simply cannot be said – indeed, it is not even alleged by Booking.com – that the established process was not followed by the ICANN Board or any third party either in the initial string similarity review of .hotels or in the reconsideration process.

138. Booking.com was asked at the hearing to identify *with particularity* the ICANN Board's actions (including inactions) in this case that it claims are inconsistent with ICANN's Articles of Incorporation, Bylaws or the Guidebook and regarding which it asks the Panel to render a declaration. It identified four:

- The Board's adoption of certain provisions of the Guidebook, including the allegedly ill-defined, unfair and non-transparent procedures for selecting the SSP and supervising the SSP's performance of the string similarity review process. As discussed, any claims in this regard are time-barred.

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[113] BGC Recommendation, p. 7.

[114] BGC Recommendation, p. 8.

[115] BGC Recommendation, p. 10.

- The Board's acceptance of the SSP determination. As ICANN argues, there was no action (or inaction) by the Board here, no decision made (or not made) by the Board or any other body to accept the SSP's determination. The Guidebook provides that applied-for strings "*will* be placed in contention set" where the SSP determines the existence of visual similarity likely to give rise to user confusion. Simply put, under the Guidebook the Board is neither required nor entitled to intervene at this stage to accept or not accept the SSP's determination. Booking.com is correct that the Board could nevertheless have stepped in and reversed the SSP determination under Section 5.1 (Module 5-4) of the Guidebook, but did not do so; that inaction is addressed below.

- The Board's denial of Booking.com's Request for Reconsideration. As discussed above, there is nothing in the evidence that even remotely suggests that ICANN's conduct in this regard was inconsistent with its Articles, Bylaws or the Guidebook. On the contrary, we have already stated that the detailed analysis performed by the BGC and the extensive consideration of the BGC Recommendation by the NGCP undermine any claim that ICANN failed to exercise due care and independent judgment, or that its handling of the Request for Reconsideration was inconsistent with applicable rules or policy. As discussed above, just as in the present IRP, the question in the reconsideration process is whether the established process was followed. This was the question that the BGC and NGPC asked themselves in considering Booking.com's Request for Reconsideration, and which they properly answered in the affirmative in denying Booking.com's request.

- The Board's refusal to "step in" and exercise its authority under Section 5.1 (Module 5-4) of the Guidebook to "individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet community." As pointed out by ICANN during the hearing, the fact that the ICANN Board enjoys such discretion and may choose to exercise it any time does not mean that it is bound to exercise it, let alone at the time and in the manner demanded by Booking.com. In any case, the Panel does not believe that the Board's inaction in this respect was inconsistent with ICANN's Articles of Incorporation or Bylaws or indeed with ICANN's guiding principles of transparency and fairness, given (1) Booking.com's concession that the string similarity review process was followed; (2) the indisputable conclusion that any challenge to the adoption of the SSP process itself is time-barred; (3) the manifestly thoughtful consideration given to Booking.com's Request for Reconsideration by the BGC; and (4), the fact that, notwithstanding its protestations to the contrary, Booking.com's real dispute seems to be with the process itself rather than how the process was applied in this case (given that, as noted, Booking.com concedes that the process was indeed followed).

139. The Panel further considers that these – in addition to any and all other potential (and allegedly reviewable) actions identified by Booking.com during the course of these proceedings – fail on the basis of Booking.com's dual acknowledgement that it does not challenge the validity or fairness of the string similarity review process, and that that process was duly followed in this case.

140. Finally, the panel notes that Booking.com's claim – largely muted during the hearing – regarding alleged "discrimination" as regards the treatment of its application for .hotels also founders on the same ground. Booking.com acknowledges that the established string similarity review process was followed; and there is absolutely no evidence whatsoever that .hotels was treated any differently than any other applied-for gTLD string in this respect. The mere fact that the *result* of the string similarity review of .hotels differed from the results of the reviews of the vast majority of other applied-for strings does not suggest discriminatory treatment. In any event, the Panel cannot but note the obvious, which is that .hotels is not alone in having been placed in contention by the SSP. So too was .hoteis; and so too were .unicom and .unicorn. Moreover, and once again, it is recalled that Booking.com does not claim to challenge the merits of the string similarity review, that is, the determination that .hotels and .hoteis are so visually similar as to warrant placement in a contention set.

D. Conclusion

141. In launching this IRP, Booking.com no doubt realized that it faced an uphill battle. The very limited nature of IRP proceedings is such that any IRP applicant will face significant obstacles in establishing that the ICANN Board acted inconsistently with ICANN's Articles of Incorporation or Bylaws. In fact, Booking.com acknowledges those obstacles, albeit inconsistently and at times indirectly.

142. Booking.com purports to challenge "the way in which the [string similarity review] process was established, implemented and supervised by (or under the authority of) the ICANN Board"; yet it also claims that it *does not challenge the validity or fairness of the string similarity review process as set out in the Guidebook.* It asks the Panel to overturn the SSP's determination in this case and to substitute an alternate result, in part on the basis of its own "expert evidence" regarding similarity and the probability of user confusion as between .hotels and .hoteis; yet it claims that it *does not challenge the merits of* the SSP determination and it acknowledges that *the process set out in the Guidebook was duly followed* in the case of its application for .hotels.

143. In sum, Booking.com has failed to overcome the very obstacles that it recognizes exist.

144. The Panel finds that Booking.com has failed to identify any instance of Board action or inaction, including any action or inaction of ICANN staff or a third party (such as ICC, acting as the SSP), that could be considered to be inconsistent with ICANN's Articles of Incorporation or Bylaws or with the policies and procedures established in the Guidebook. This includes the challenged actions of the Board (or any staff or third party) in relation to what Booking.com calls the implementation and supervision of the string similarity review process generally, as well as the challenged actions of the Board (or any staff or third party) in relation to the string similarity review of .hotels in particular.

145. More particularly, the Panel finds that the string similarity review performed in the case of .hotels was not inconsistent with the Articles or Bylaws or with what Booking.com refers to as the "applicable rules" as set out in the Guidebook.

146. To the extent that the Board's adoption and implementation of specific elements of the new gTLD Program and Guidebook, including the string similarity review process, could

potentially be said to be inconsistent with the principles of transparency or fairness that underlie ICANN's Articles and Incorporation and Bylaws (which the Panel does not say is the case), the time to challenge such action has long since passed.

147. Booking.com's IRP Request must be denied.

VII. THE PREVAILING PARTY; COSTS

148. Article IV, Section 3(18) of the Bylaws requires that the Panel "specifically designate the prevailing party." This designation is germane to the allocation of costs, given that Article IV, Section 3(18) provides that the "party not prevailing shall ordinarily be responsible for bearing all costs of the IRP Provider."

149. The same provision of the Bylaws also states that "in an extraordinary case the IRP Panel may in its declaration allocate up to half of the costs of the IRP Provider to the prevailing party based upon the circumstances, including a consideration of the reasonableness of the parties' positions and their contribution to the public interest. Each party to the IRP proceedings shall bear its own expenses."

150. Similarly, the Supplementary Procedures state, at Article 11:

> *The IRP PANEL shall fix costs in its DECLARATION. The party not prevailing in an IRP shall ordinarily be responsible for bearing all costs of the proceedings, but under extraordinary circumstances the IRP PANEL may allocate up to half of the costs to the*
>
> *prevailing party, taking into account the circumstances of the case, including the reasonableness of the parties' positions and their contribution to the public interest.*
>
> *In the event the Requestor has not availed itself, in good faith, of the cooperative engagement or conciliation process, and the requestor is not successful in the Independent Review, the IRP PANEL must award ICANN all reasonable fees and costs incurred by ICANN in the IRP, including legal fees.*

151. The "IRP Provider" is the ICDR, and, in accordance with the ICDR Rules, the costs to be allocated between the parties – what the Bylaws call the "costs of the IRP Provider", and the Supplementary Procedures call the "costs of the proceedings" – include the fees and expenses of the Panel members and of the ICDR (we refer to all of these costs as "**IRP costs**").

152. ICANN is undoubtedly the prevailing party in this case. That being said, the Panel considers that the nature and significance of the issues raised by Booking.com, and the contribution to the "public interest" of its submissions, are such that it is appropriate and reasonable that the IRP costs be shared equally by the parties. We consider that the extraordinary circumstances of case – in which some members of ICANN's New gTLD Program Committee have publicly declared that, in their view, the rules on the basis of which Booking.com's claims fail should be reconsidered by ICANN – warrants such a holding.

153. The Panel cannot grant Booking.com the relief that it seeks. A panel such as ours can only declare whether, on the facts as we find them, the challenged actions of ICANN are

or are not inconsistent with ICANN's Articles of Incorporation and Bylaws. We have found that the actions in question are not inconsistent with those instruments. The process established by ICANN under its Articles of Incorporation and Bylaws and set out in the Guidebook was followed, and the time to challenge that process (which Booking.com asserts is not its intention in these proceedings in any event) has long passed.

154. However, we can – and we do – acknowledge certain legitimate concerns regarding the string similarity review process raised by Booking.com, discussed above, which are evidently shared by a number of prominent and experienced ICANN NGPC members. And we can, and do, encourage ICANN to consider whether it wishes to address these issues in an appropriate manner and forum, for example, when drafting the Guidebook for round two of the New gTLD Program or, more immediately, in the exercise of its authority under Section 5.1 (Module 5-4) of the Guidebook (which it may choose to exercise at any time, in its discretion) to consider whether, notwithstanding the result of the string similarity review of .hotels and .hoteis, approval of both of Booking.com's and Despegar's proposed strings would be in the best interest of the Internet community.

FOR THE FOREGOING REASONS, the Panel hereby declares:

(1) Booking.com's IRP Request is denied;

(2) ICANN is the prevailing party;

(3) In view of the circumstances, each party shall bear one-half of the costs of the IRP Provider, including the fees and expenses of the Panel members and the fees and expenses of the ICDR. As a result, the administrative fees and expenses of the ICDR, totaling US$4,600.00, as well as the compensation and expenses of the Panelists totaling US$163,010.05 are to be borne equally. Therefore, ICANN shall pay to Booking.com the amount of US$2,300.00 representing that portion of said fees and expenses in excess of the apportioned costs previously incurred by Booking.com

(4) This Final Declaration may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute the Final Declaration of this IRP Panel.

Hon. A. Howard Matz
Date: March 2, 2015

David H. Bernstein
Date:

Stephen L. Drymer,
Chair of the IRP Panel
Date:

I, Hon. A. Howard Matz, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is the Final Declaration of the IRP Panel.

March 2, 2015
Date

Hon. A. Howard Matz

I, David H, Bernstein, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is the Final Declaration of the IRP Panel.

Date

David H, Bernstein

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Date

Stephen L. Drymer

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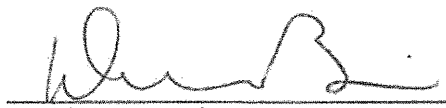
March 2, 2015
Date



David H, Bernstein

I, Stephen L. Drymer, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is the Final Declaration of the IRP Panel.

Date

Stephen L. Drymer

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Hon. A. Howard Matz
Date:

David H. Bernstein
Date:

Stephen L. Drymer,
Chair of the IRP Panel
Date: 3 March 2015

I, Hon. A. Howard Matz, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is the Final Declaration of the IRP Panel.

Date

Hon. A. Howard Matz

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Date

David H. Bernstein

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3 March 2015

Date

Stephen L. Drymer

Exhibit A7

March 12th 2012

Statement of Work No:[2]

ICANN New gTLD Program

Application Evaluation Services – Community Priority Evaluation and Geographic Names

March 12th, 2012

Mr.Akram Atallah
Chief Operating Officer
Internet Corporation for Assigned Names & Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292

Mr.Atallah,

The Economist Intelligence Unit, NA, Incorporated ("**Panel Firm**") will provide the Internet Corporation for Assigned Names and Numbers ("**ICANN**") with professional services to assist in the new Generic Top-Level Domain (gTLD) program in relation to the Community Priority and Geographic Names Panels. This Statement of Work ("**SOW**") outlines the activities to be performed and work product to be provided along with anticipated professional fees and expenses. The engagement team is expected to begin work on or about June 2012 with targeted completion of this SOW within 12 to 20 months from that date. If these dates change due to changes or other circumstances impacting the gTLD program, ICANN and Panel Firm will adjust dates and the start time accordingly (and anticipated professional fees and expenses to the extent applicable) via a Change Request. It is acknowledged that any modification of professional fees and expenses may impact the allocation of applications to Panel Firm.

1. Background

This SOW is entered into pursuant to the *New gTLD Program Consulting Services Agreement* between Panel Firm and ICANN dated 26 July 2011 ("**Master Agreement**").

Unless expressly defined in this SOW, any capitalized terms will have the meaning given to them in the Master Agreement. In this SOW, "Panelist" has the same meaning as "Panelist" or "Evaluation Panelist" in Section 2.4.3 of the Applicant Guidebook.

2. Scope and Objectives

The objectives of this SOW are to outline the scope, approach, activities and deliverables related to providing panel evaluation assistance to ascertain whether each application assigned to Panel Firm (subject to any conflict handling) has successfully met the criteria set forth in the *19 September 2011* New gTLD Applicant Guidebook (**"Applicant Guidebook"**). Panel evaluation services will be conducted by applying scoring or other criteria in the Applicant Guidebook as well as the guidance provided in the mandatory evaluator training and the gTLD Evaluation Principles Guide provided by ICANN and developed for evaluation panels. Panel Firm will provide evaluation panel services to ICANN during the opening round[1]("round one") of the new gTLD application program for the following appointed panel(s):

- **Community Priority Evaluation Panel**

This panel will be responsible for reviewing each (subject to conflicts as dealt with below) community-based application in Contention Sets, where community priority evaluation has been elected, to determine if the application fulfils the community priority criteria pursuant to the requirements outlined in Applicant Guidebook Section 4.2 Community Priority Evaluation.

The review will occur during the String Contention resolution period following the end of Initial Evaluation and/or Extended Evaluation, if applicable. The objectives and scope of the community priority evaluation panel will be to score the assigned application on the four criteria described in the Applicant Guidebook. The results of this review will be comprised of individual scoring for each criteria, including rationale, and a panel summary for each application reviewed in a format defined by ICANN and agreed on by Panel Firm. The summary includes an overall pass/fail result. The Panel Firm will consider application information forwarded by ICANN, including Community Priority panel application comments.

Non-Responsive Information Never Disclosed in this IRP

[1] "opening round" is distinct from an application batch. The opening round may be broken-up into multiple batches at ICANN's discretion. This SOW covers services provided in all batches that comprise the first initial application round under the Applicant Guidebook.

3. Approach, Activities and Deliverables

Panel Evaluation Approach and Activities

As part of the String Contention phase, Panel Firm will perform the panel evaluation services outlined above for assigned applications. ICANN's new gTLD Program Office ("**Program Office**") will assign applications for evaluation by Panel Firms generally based on a number of factors such as conflicts of interest with a particular applicant, scalability or capacity to complete timely evaluations. ICANN reserves the right to allocate applications to Panel Firm as it deems appropriate to ensure all application processing considerations and requirements are being met.

Note: "Panellist" has the same meaning as "Panelist" or "Evaluation Panelist" in Section 2.4.3 of the Applicant Guidebook.

The approach for evaluating each application is as follows:

String Contention Periods:

Note, the String Contention periods will occur in two separate phases. The first phase will run concurrent with Extended Evaluation and will cover applications that have passed Initial Evaluation and do not have any Objection(s)filed against them or associated GAC Advice presented to the Board. The second phase will run after the Extended Evaluation and Dispute Resolution Periods have closed and the Board has addressed any associated GAC Advice.

Review and Evaluate: Community Priority Evaluation (CPE)

The approach begins with the review and evaluation of the questions, related responses and supporting documentation provided by the applicants for each application. Panellists will perform the evaluation and analysis of the applicant's responses to the Community questions against the established criteria in the Applicant Guidebook and will follow the procedures outlined in the gTLD Evaluation Principles guide.

The detailed activities and analysis for the CPE during the String Contention resolution period are as follows:

1. Review each question, response and supporting documentation (where relevant). Note that ICANN will provide to Panel Firm all relevant and necessary information submitted to it as part of the application as well as supplemental material in support of the application as relates to its community status. Where Panel Firm determines

that additional application information or supporting material that ICANN has received is necessary to conduct the Community Priority Evaluation and requests that material, ICANN will provide it subject to any restrictions.

2. Establish that there is adequate information and supporting documentation to provide a basis for evaluation. If the information and supporting information is inadequate, Panellists will escalate to management according to the established Program Office processes. Adequate information and supporting documentation is defined as follows:

    a. Complete – the response and supporting documentation provided by the applicant is sufficient for the Panel to perform the review

    b. Appropriate – the response and supporting documentation provided by the applicant is relevant to the specific question and/or set of questions

3. Determine whether additional subject-matter support is required to interpret the supporting documentation provided by the applicant. For example, if the supporting documentation provided is in a language other than English, Panel Firm may translate the documentation or provide a subject-matter professional who would be similarly capable of reviewing and analysing the documentation. In addition, if the response and/or supporting documentation require additional technical expertise due to additional complexity, uniqueness, etc., Panel Firm will provide the necessary skill sets to review and analyse the documentation.

4. Evaluate the provided response and supporting documentation (where relevant) to each question to ascertain compliance to the Application criteria

5. Provide a recommended score according to the scoring schedule linked to each question or set of questions (i.e., 0 – fails requirement, 1/2- meets requirements, 2/3 – exceeds requirements).

Non-Responsive Information Never Disclosed in this IRP

Non-Responsive Information Never Disclosed in this IRP

Document and Summarize

As part of the overall panel evaluation approach, Panel Firm will document their evaluation activities and results and provide a summary of the analysis performed to reach the recommended result— [illegible] Non-Responsive Information Never Disclosed in this IRP or a score, for Community Priority applicants—by question or area in the application. Documentation of the evaluation activities and results will be prepared and a summary of the rationale for each score will be documented in the TLD Application System (**TAS**) according to guidelines established by the Program Office and agreed on by Panel Firm.

The detailed activities to document and summarize the Community Priority evaluation and analysis are as follows:

1. Document the evaluation and analysis for each question to demonstrate how the Panellist determined a score for each question based on the established criteria
2. Provide a summary of the rationale and recommended score for each question.

Non-Responsive Information Never Disclosed in this IRP

Complete and Support

As part of the overall panel evaluation approach, Panel Firm will perform an internal management/quality control review of the completed evaluation activities and approve the rationale and recommended result– Non-Responsive Information Never Disclosed in this IRP or a score, for Community Priority applicants—prior to submitting to ICANN. In addition, Panellists and/or Panel Firm management will also provide ad-hoc support and documentation as requested by ICANN's Quality Control function as part of the overall gTLD evaluation quality control process (see Quality Control below).

The detailed activities to complete and support the Community Priority Evaluation and analysis are as follows:

1. Review the evaluation and analysis performed by the Panellists and the summary of the rationale and recommended scores based on overall reasonableness and adherence to the established criteria in the Applicant Guidebook and the gTLD Evaluation Principles guide.

2. Approve the rationale and recommended scores to finalize and complete the evaluation

3. Provide an overall summary of the evaluation, rationale, and recommended scores to ICANN for final review and approval

Non-Responsive Information Never Disclosed in this IRP

Non-Responsive Information Never Disclosed in this IRP

Quality Control

Panel Firm acknowledges that consistency of application processing is a key success factor for the new gTLD program. As such, ICANN is requiring certain critical phases of application processing be subject to a Quality Control (QC) program.

The QC program will consist of procedural/administrative completeness checks. It is planned that the QC program will review a total of 35% of applications for procedural completeness.

Further details of Panel Firm's obligations under the QC program are described in Section 8 below.

Panel Evaluation Key Deliverables

The key deliverables for panel evaluations are as follows:

- A completed Evaluator Template (from the New gTLD Evaluation Principles guide) for each application reviewed;
- A summary of the rationale and recommended score for each question for CPE applicants; and
- Non-Responsive Information Never Disclosed in this IRP

In general, the above will be captured via TAS or as otherwise reasonably requested in the event of the Contingency Plan in Section 7 below.

A matrix outlining the program responsibilities for the above steps and deliverables is contained in Exhibit C of this SOW.

** Note: While the detailed documentation of the evaluation analysis is not a key deliverable to ICANN, Panel Firm will provide copies of application evaluation work paper documentation to ICANN if requested. Refer to Section 9(B). Retention Requirements.

Project Management Approach

Panel Firm will provide on-going project management support in an effort to facilitate the completion of evaluation activities to be on time and within budget (to the extent within Panel Firm's control). As part of the overall gTLD program, Panel Firm's project management team will work with the Program Office to ensure that the evaluations are completed consistently and completely in adherence to the Applicant Guidebook and in accordance with processes established by the Program Office.

Panel Firm will establish a project management approach to manage, coordinate and monitor the evaluation activities based on Panel Firm's proprietary engagement management standards and ICANN's gTLD Program Governance requirements. Panel Firm will tailor certain project management processes to directly support the Program Office governance processes. These include:

- Status reporting – Panel Firm will manage evaluation activities progress for each application and provide reasonable on-going status updates to the Program Office as defined in the governance procedures and agreed on by Panel Firm. Panel Firm will manage resources and overall capacity for its evaluation services and provide status update reports to the Program Office as reasonably requested.
- Conflict check - Panel Firm will implement a process to identify and communicate potential conflicts of interest to support Program Office application allocation process
- Other support – Panel Firm will provide support, as reasonably requested by the Program Office, as it relates to its appointed evaluation panels including:
    - Issue management – the processes to ensure program level issues are identified and resolved in a timely manner to minimize the impact to the execution of the gTLD Program.
    - Vendor management – the processes necessary to manage all aspects of the vendor relationship including contract administration and performance.
    - Resource and budgeting – the processes to manage scheduling (scalability &capacity) of resources and program budget across all phases of the gTLD program.

- Communication – the processes to manage communication between various key stakeholders to ensure accurate and timely flow of information as reasonably required
- Continuous Improvement – the processes to identify and implement improvements to the overall gTLD program. Panel firms, during status reporting, will provide feedback on process improvement opportunities as they are identified

Project Management Reporting

- Provide on-going status reports to Program Office to monitor progress, capacity, budget, and other areas as highlighted above.

An overview matrix summarizing the program responsibilities and deliverables is contained in Exhibit C of this SOW.

4. Conflict of Interest and Code of Conduct

Note: "Panellist" has the same meaning as "Panelist" or "Evaluation Panelist" in Section 2.4.3 of the Applicant Guidebook.

Panel Firm will ensure that its Panellists are advised and made aware of their obligation to comply with the Conflict of Interest Guidelines and Code of Conduct Guidelines (as set out in Section 2.4.3 of the Applicant Guidebook).

Each Panellist assigned is expected to have read and perform services in compliance with Conflict of Interest Guidelines and Code of Conduct Guidelines. ICANN may require Panellists to submit a signed acknowledgement in the format set out in Exhibit B of this SOW. ICANN may alternatively permit Panel Firm to collect and manage individual Panellists' signed acknowledgement consistent with Exhibit B of this SOW within its own consolidated and documented central register which ICANN (or its nominated QC service provider) may request to inspect and verify compliance.

In accordance with the Conflict of Interest Guidelines, Panel Firm will confirm its implementation of a satisfactory Conflict of Interest monitoring and disclosure protocol with ICANN.

Panel Firm will require that it and each Panellist working under this Statement of Work during the Compliance Period (as defined in the Applicant Guidebook)must:

(a) Not engage in any direct or indirect communication with any Applicant regarding the gTLD application process; and

(b) Obtain ICANN's prior written approval(which will not be unreasonably withheld or delayed)in relation to the content of any proposed press release or other public communication concerning the evaluation services, reference to ICANN as a

customer of the Panel Firm or any other subject matter under this SOW prior to any release or publication.

Panel Firm shall be entitled to decline any assigned application or applications it considers, in good faith, will raise the prospect of a conflict of interest or is inconsistent with its professional obligations or requirements. Panel Firm will promptly notify ICANN where it wishes to excuse itself from an assigned application or applications due to conflict or professional obligations. ICANN will re-assign any such application or applications to be evaluated by another panel firm.

ICANN understands that Panel Firm may discuss confidential information regarding gTLD application process handling, co-ordination and process improvements with other panel firms. Confidential information that specifically identifies an applicant or the commercial terms and conditions of the Master Agreement or this SOW must not be disclosed or shared with other panels firms.

5. Personnel and Contractors

Panel Firm will notify ICANN of any Panellists or project management personnel, including sub-contractors, being removed from this engagement within a commercially reasonable time frame after such event (e.g. no less than 30 days where practical, otherwise as soon practical) unless such removal is part of Panel Firm's ordinary resource management and scaling activities. In addition, ICANN reserves the right to:

a. Direct the prompt removal of any Panellist or sub-contractor from the performance of evaluation services by written notice due to any material or ongoing breach of either the Code of Conduct or Conflict of Interest Guidelines by that individual;

(b) By written notice for any other reasonable grounds in the interests of the new gTLD Program as determined by ICANN; and

(c) Interview and reasonably reject/approve replacement candidates.

Panel Firm must:

(a) Ensure that Panellists assigned to conduct evaluations have successfully completed the relevant new gTLD panellist training developed by ICANN;

(b) Agree to be bound by the TLD Application System (TAS) Terms of Use (in the form set out in Exhibit A to this SOW and as may be generally amended by ICANN from time to time) in connection with any use of the TAS to perform the evaluation services under this SOW; and

(c) Comply with the confidentiality obligations under the Master Agreement with ICANN.

Where Panel Firm engages independent third party sub-contractors to assist with the evaluation services, Panel Firm will ensure that each contractor is contractually bound by an obligation of confidentiality broadly consistent with the confidentiality obligations of the Panel Firm under the Master Agreement.

6. Service-Level Agreements

Unless otherwise indicated, to ensure ICANN is able to meet all published timelines in the Applicant Guidebook, Panel firm will comply with the following service level metrics:

- The initial set of Panellists for round one must successfully complete the gTLD Training Program
- Any subsequent Panellist joining at a later date must successfully complete the gTLD training program prior to commencing evaluation analysis
- A Conflict of Interest report (format and detail as determined by ICANN and agreed by Panel Firm) must be completed and submitted to ICANN within four weeks after the close of the Application Window, which is expected to be 12 April 2012
- Community Priority Panel -final evaluation results for an application will be provided to ICANN within 15 business days from being assigned. Note: time extensions as agreed will be allowed to address permitted exceptions such as clarifications by ICANN or from the Applicant.
- Non-Responsive Information Never Disclosed in this IRP

7. gTLD Program Contingencies

In addition to the termination provisions set forth in the Master Agreement, ICANN reserves the right, without prejudice to Panel Firm's rights in respect of fees and costs, to notify the Panel Firm that evaluation services under this SOW will be suspended or terminated (as the case may be) where ICANN determines that the New gTLD Program is being suspended or terminated due to external contingencies impacting the continuation of the New gTLD Program. This includes, but is not limited to, litigation initiated by a governmental authority or regulatory agency, a determination or directive from a court, governmental authority or regulatory agency with competent jurisdiction, or a threat to the security or stability of the Internet or the Domain Name System (DNS).

As noted in the Applicant Guidebook, if a significant number of applications are received beyond stated processing capacity, ICANN will invoke a batching process. Under these circumstances the processes and timelines outlined in this SOW (along, potentially, with the fees) will be impacted. ICANN will work with Panel Firm to determine the impact and agree upon a mutually acceptable approach.

In the event that the TLD Application System is or becomes unavailable for an unscheduled or extended period (including due to unauthorized security intrusions, hacking or denial of service attacks), ICANN will invoke its processing contingency plan and work with panels to receive evaluation results via an alternate, secure mechanism. Under these circumstances the processes and timelines outlined in this SOW may be impacted.

8. gTLD Program Quality Control (QC)

Panel Firm will reasonably co-operate and provide reasonably requested documentation to ICANN and its appointed independent Quality Control service provider for the purposes of helping it to verify that Panel Firm's evaluation services have been and are performed in accordance with QC Guidelines. ICANN agrees that its appointed independent Quality Control service provider will be bound by at least the same confidentiality undertakings as Panel Firm.

Reasonable written notice will be given to Panel Firm prior to any QC request.

The detailed activities to provide support to on-going gTLD evaluation process Quality Control requirements include the following:

1. For each completed application review, Panel Firm will complete an ICANN provided Application Evaluation Process Log (AEP Log) to confirm that all activities in the evaluation process have been properly completed. ICANN will agree upon the contents of the AEP Log with Panel Firm prior to commencement of evaluations.

2. For each application selected for procedural completeness review, the Panel Firm will provide evidence that all steps described above in "Panel Evaluation Approach and Activities" have been completed.

3. Access to working papers as required verifying Panel Firm's compliance.

Panellists and managers shall be available to participate in a resolution process in the event a discrepancy is found during QC. The above tasks are subject to change. Notification of any change will be communicated by ICANN and agreed to with Panel Firm.

9. Advisories and ICANN policies

(A) Security

Panel Firm will access ICANN's TLD Application System ("**TAS**") from a secure device (to an agreed level of security), and take reasonable security precautions within Panel Firm's networks and devices that are used to connect to TAS.

Panel Firm will either comply with reasonable written data security requirements that ICANN may provide from time to time in connection with performing the evaluation services or provide an explanation of why it is unable or unwilling to do so.

To the extent compliance with data security requirements results in a material change to the scope of services, schedule and/or fees/expenses for such services, ICANN will work with the Panel Firm to discuss the impact and agree a revision of costs and time schedules to reflect such circumstances, and formalise such changes via a Change Request

(B) Retention Requirements

All source documents created by Panel Firm or a Panellist in connection with any evaluation services (including Panel Firm and Panellist working papers and notes) must be retained for a minimum of 5 years from the completion of application reviews for the opening round. Panel Firm will provide copies of application evaluation working paper documentation to ICANN if requested.

(C) Advisories and Compliance

To the extent ICANN publishes or updates reasonable advisories and/or policies and notifies such advisories/policies/updates from time to time to evaluation panellists and the Panel Firm in relation to the performance of Evaluation Services, the Panel Firm will either comply with such advisories and/or policies or provide an explanation of why it is unable or unwilling so to do. Panel firm acknowledges that non-compliance with updates to reasonable advisories and/or policies may impact the allocation of applications for evaluation.

To the extent compliance with any new advisory or ICANN policy results in a material change to the scope of services, schedule and/or fees/expenses for such services, ICANN will work with the Panel Firm to discuss the impact and agree a revision of costs and time schedules to reflect such circumstances, and formalise such changes via a Change Request.

10. Terms and Conditions

This SOW is governed by the terms and conditions of the Master Agreement which are incorporated by reference.

The following provisions are agreed to be supplemental to the terms and conditions of the Master Agreement ("**Supplemental SOW Terms**"). To the extent of any inconsistency between the Supplemental SOW Terms and the Master Agreement, the Supplemental SOW Terms will prevail.

(a) Fees

In the event that Panel Firm evaluation services under this SOW are suspended or terminated by ICANN for any reason other than for breach by Panel Firm of the SOW or Master Agreement terms, Panel Firm will be entitled to full payment for services performed under this SOW up to the time of notification of suspension or termination of services.

(b) Panel Firm's role and use of the Panel Firm's name

The parties acknowledge and agree the following in relation to Panel Firm's role under this SOW:-

(i) the Panel Firm acts as a service provider to ICANN, assessing applications and recommending an outcome, as well as to provide (as applicable) a written explanation setting out its rationale;

(ii) ICANN will be free in its complete discretion to decide whether to follow Panel Firm's determination and to issue a decision on that basis or not;

(iii) ICANN will be solely responsible to applicants and other interested parties for the decisions it decides to issue and the Panel Firm shall have no responsibility nor liability to ICANN for any decision issued by ICANN except to the extent the Panel Firm's evaluation and recommendation of a relevant application constitutes wilful misconduct or is fraudulent, negligent or in breach of any of the Panel Firm obligations under this SOW;

(iv) each decision and all associated materials must be issued by ICANN in its own name only, without any reference to the Panel Firm unless agreed in writing in advance;

(v) ICANN will make no use of the Panel Firm's name, brand or logo without its prior approval in writing, and where so approved, ICANN shall refer to EIU as an "Appointed Evaluation Panel Firm"; and

(vi) ICANN will not identify Panel Firm evaluation services with any individual or specific applicants, applications or results of the evaluation except in accordance with this SOW and the Master Agreement.

(vii) ICANN shall procure that each applicant agrees in advance that it will accept ICANN's final decision and waives any rights it may have to take any action against ICANN and its service providers (including, for the avoidance of any doubt, the Panel Firm).

11. Professional Fees

Confidential Information Never Disclosed in this IRP

Fees

Confidential Information Never Disclosed in this IRP

Confidential Information Never Disclosed in this IRP

12. Change Control

(a) A "Change Request" is a request to amend this SOW or any document attached to it or referred to in this SOW. Either party may initiate a Change Request in writing. A Change Request will document details of the impact that the proposed change will have on any of the terms of this SOW and include, if relevant, any additional costs or timing changes.

(b) On receipt of a Change Request either party will use reasonable commercial efforts to respond within 5 business days (or other agreed extended period) of receipt as to their acceptance or otherwise of the Change Request.

(c) A Change Request shall become a " SOW Amendment" when the Change Request is agreed and signed by authorized representatives of both parties. An agreed SOW Amendment will be incorporated into this SOW and will amend this SOW as documented and agreed. The reasonable costs of implementing a SOW Amendment and any

amendments to the Professional Fees (if any) will be borne as set out in the SOW Amendment.

(d) If either party is unwilling to accept a Change Request suggested by the other (or any term of any Change Request) then this SOW will continue unchanged.

For Economist Intelligence Unit (Panel Firm)	For ICANN
Name: Vinay Shah	Name: AKRAM ATALLAH
Title: Finance Director	Title: COO
Date: March 16, 2012	Date: 3/19/12

[Exhibit A]

TLD Application System (TAS) Terms of Use & Privacy Statement

TLD APPLICATION SYSTEM (TAS) – TERMS OF USE – PANEL FIRM

THE FOLLOWING TERMS OF USE GOVERN ANY ACCESS OR USE OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS' ("**ICANN**") TLD APPLICATION SYSTEM ("**TAS**") BY EVALUATION PANEL FIRMS. PANEL FIRM AGREES TO BE BOUND BY AND COMPLY WITH THESE TERMS OF USE.

1. DEFINITIONS

"Commencement Date" means the date that the User receives a user name and password to access the TAS.

"Panel Firm" or "You" means an evaluation panel firm appointed by ICANN to evaluate assigned TLD application(s) under ICANN's new gTLD Program.

"User" means an authorized employee or contractor of a Panel Firm who has been provided access to the TAS.

2. AUTHORITY

You represent and warrant that Users are an employee or contractor of Panel Firm and have been authorized to access TAS on behalf of Panel Firm.

3. USE LICENSE

3.1 License Grant. Subject to complying with these Terms of Use, ICANN grants to You from the Commencement Date, a limited, non-sublicenseable, non-exclusive, non-transferable license to use the TAS ("**License**") for the sole purpose of reviewing and evaluating TLD application(s) assigned to Panel Firm.

3.2 Username and Password. You agree that any User TAS log-in and password must not be shared. You are responsible for maintaining the confidentiality of User account log-in and password information, and for the security of User's computer to access the TAS. In the event of a breach of security, You agree to immediately instruct Users to change their password and to promptly (and in any event, within one business day) notify ICANN of such breach in writing., You will remain liable for compliance with these Terms of Use and any use or activity of the TAS under your Users' log-in access (including any violations of these Terms of Use or if You allow another individual or organization to access or use the TAS using your Users' log-in credentials).

3.3 Restrictions. You must not: (a) reverse engineer, disassemble, decompile or otherwise attempt to access or determine TAS source code, (b) re-distribute or sublicense access to the TAS, or any part thereof, to any third party; (c) engage in any malicious or illegal behavior in connection with access or use of the TAS (including without limitation, submitting malicious code or engaging in other activity designed to compromise the availability, security or data of the TAS); (d) remove, modify or obscure any copyright, trademark or other proprietary rights notices that are contained in or on software accessed under this License; or (e) allow, assist or permit a third party to do any of the foregoing.

3.4 Technical Support. ICANN or a third party on ICANN's behalf will provide technical support for TAS services.

4. INTELLECTUAL PROPERTY RIGHTS

The TAS and all intellectual property rights therein, is licensed to You, not sold. All rights in the TAS not provided to You under these Terms of Use are expressly retained by ICANN and its licensors.

5. PERSONAL INFORMATION

You acknowledge that any personal or identifying information You consent to submit to the TAS is collected, stored and used for the purposes of processing and evaluating an application under ICANN's new gTLD Program. ICANN will handle personal information collected in accordance with its gTLD Program privacy statement at http://newgtlds.icann.org/en/applicants/agb/program-privacy, which is incorporated herein by this reference.

6. TERMINATION

6.1 ICANN may terminate the License if You commit a breach of any of the Terms of Use and if capable of remedy, fail to remedy the breach within fourteen (14) calendar days of receiving written notice from ICANN. Notwithstanding the foregoing, ICANN may immediately terminate the License if (a) You commit a breach of Section 3.3 or Section 8 of the Terms of Use, or (b) the contract between Panel Firm and ICANN with respect to the provision of evaluation services is terminated.

6.2 You may terminate the License and your personal login by written or email notification to ICANN via ICANN's customer support contact address.

6.3 In the event of termination, You must cease using the TAS. You further acknowledge that ICANN may terminate your Users' password, account and use of the TAS immediately upon the effective date of termination.

7. DISCLAIMER & LIMITATION OF LIABILITY

7.1 USE OF THE TAS AND THIS LICENSE IS PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS. TO THE FULLEST EXTENT PERMITTED BY LAW, ICANN, ITS OFFICERS, DIRECTORS, EMPLOYEES, LICENSORS AND AGENTS DISCLAIM ALL WARRANTIES, EXPRESS OR IMPLIED, IN CONNECTION WITH THE TAS AND AN APPLICANT'S OR USER'S USE OF THE TAS. ICANN MAKES NO WARRANTIES OR REPRESENTATIONS ABOUT THE FITNESS FOR USE, NON-INFRINGEMENT, AVAILABILITY OR RELIABILITY OF THE TAS OR THAT THE TAS IS ERROR-FREE.

7.2 IN NO EVENT SHALL ICANN, ITS OFFICERS, DIRECTORS, EMPLOYEES, LICENSORS OR AGENTS, BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES WHATSOEVER RESULTING FROM ANY (I) ERRORS, MISTAKES, OR INACCURACIES IN THE TAS OR TAS DATA, (II) INJURY OR DAMAGE, OF ANY NATURE WHATSOEVER, RESULTING FROM ACCESS TO AND USE OF THE TAS, (III) INTERRUPTION OR CESSATION OF TRANSMISSION TO OR FROM THE TAS, (IV) BUGS, VIRUSES, TROJAN HORSES, OR THE LIKE, WHICH MAY BE TRANSMITTED TO OR THROUGH THE TAS BY ANY THIRD PARTY, (V) DENIAL OF SERVICE OR ANY MALACIOUS SECURITY EXPLOIT INVOLVING THE TAS, AND/OR (VI) LOSS OR DAMAGE OF ANY KIND INCURRED AS A RESULT OF ANY USE, COMPROMISE OR LOSS OF PESONAL DATA AND CONTENT POSTED, TRANSMITTED, OR OTHERWISE MADE AVAILABLE VIA THE TAS, WHETHER BASED ON WARRANTY, CONTRACT, TORT, OR ANY OTHER LEGAL THEORY, AND WHETHER OR NOT APPLICANT OR USER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING LIMITATION OF LIABILITY SHALL APPLY TO THE FULLEST EXTENT PERMITTED BY LAW IN ANY APPLICABLE JURISDICTION.

8. THIRD PARTY PROVIDER SUBLICENSE TERMS

The TAS incorporates software licensed from Microsoft Corporation. You agree to the following terms and conditions in relation to use of these Microsoft products in accessing or using the TAS:

8.1 High Risk Use. You must not use the software under this License in any application or situation where the software failure could lead to death or serious bodily injury of any person, or to severe physical or environmental damage.

8.2 You must not remove any copyright, trademark, or patent notices contained in or on the software products under this License. You have no right under this agreement to use any Microsoft logos in any manner whatsoever. You must use the appropriate trademark, product descriptor, and trademark symbol (either "™" or "®") and clearly indicate Microsoft's (or Microsoft's suppliers') ownership of such marks whenever a Microsoft product is first referenced in any written or visual communication. A listing of Microsoft's trademarks can be found at http://www.microsoft.com/trademarks. You must not undertake any action that will interfere with or diminish Microsoft's (or Microsoft's suppliers') right, title and/or interest in the trademark(s) or trade name(s). At Microsoft's request, You must provide samples of all your written or visual materials that use a Microsoft product name.

8.3 You acknowledge that your name, address, and country in which you are located may be provided to Microsoft in monthly end use reports under Microsoft sublicensing requirements.

9. GENERAL

9.1 ICANN may modify these Terms of Use via written or electronic notice to You. Any access or use of the TAS by You, following such notification, will be treated as your acceptance of the revised Terms of Use.

9.2 Sections 4 to 9 survive any termination or expiry of the License.

9.3 Any non-English translation of these Terms of Use that ICANN may make available are for convenience only. In the event of any inconsistency between the translated version and the English version, the English version of these Terms of Use will prevail.

9.4 These Terms of Use are governed by the laws of the State of California.

New gTLD Program

Personal Data Privacy Statement

The Internet Corporation for Assigned Names and Numbers' ("ICANN") respects and is committed to ensuring the protection of personal information collected from the Applicant and new gTLD Program participants, including users of the TLD Application System ("User"), and used in connection with new gTLD Program application process (the "Program"). ICANN will handle all personal information provided under the Program as described in this Personal Data Privacy Statement ("Privacy Statement").

By participating in the Program, including using the TLD Application System ("TAS"), the User and the Applicant accept the practices described in this Privacy Statement. In addition to this Privacy Statement, ICANN has established Terms of Use that set forth the general rules and policies governing the use of the TAS. You can review the Terms of Use by visiting <www.ICANN.org/_____>.

1. International Transfers

The Program may be operated and administered entirely outside the jurisdiction where the User and/or Applicant are domiciled. Please note that any personal information provided to ICANN in connection with the Program will be transferred to and processed in the United States. On his/her own behalf, and on behalf of the Applicant and each of its relevant personnel, the User hereby consents to these transfers, and is solely responsible for ensuring that the personal information provided to ICANN and its designees complies with the laws of the User's and Applicant's jurisdiction(s).

2. Personal Information Collection and Use

Application submission. The Program application submission generally involves the collection and use of minimal personal information. The types of personal information ICANN collects will be: name, postal address, telephone phone number, and email address. This personal information is used to initially process and administer the Program application, including background checks of certain Applicant's personnel. This information will also be used by ICANN, its service providers, and agents to provide general support services and to process TLD applications for the Program.

Application administration: As part of the application process, ICANN may request certain personal information about the Applicant's directors and officers, and other relevant personnel, such as full name, date of birth, city and country of primary residence and country of birth. ICANN and its service providers use this information to conduct necessary background checks and other evaluations as part of the Program's application process, in accordance with the requirements of the <Applicant Guidebook Terms and Conditions>. This use is based on consent provided by agreeing to the <TAS Terms of Use > and the <Applicant Guidebook Terms and Conditions>. In certain circumstances, the results of initial background checks may require ICANN to request additional personal information to conclude necessary background checks or other Program application evaluations.

Support information. ICANN receives personal information as part of general support queries, email, feedback, comment or other communications with our Customer Service Center or other ICANN staff regarding the Program. ICANN may retain those communications in order to process inquiries, respond to requests and improve the TAS. ICANN may include your personal information in publishing your comments or feedback on the ICANN website for the benefit of others or to comply with ICANN's accountability and transparency principles located at http://www.icann.org/en/accountability/overview-en.htm and disclosure policies located at http://www.icann.org/en/transparency/didp-en.htm. ICANN may monitor or record your call or communication sessions with the Applicant Support Center for quality assurance and staff training purposes, or as a record of communication.

Sensitive personal information. ICANN does not collect sensitive personal information (e.g. personal medical or health information, racial or ethnic origin, or political opinions, etc.) in connection with the Program. You will be notified if such sensitive personal information is necessary in connection with the Program, such as to conduct further background checks.

In addition, when using the TAS, ICANN may collect the following types of non-identifying information:

Automatically logged information: The TAS automatically records information that the browser sends whenever the TAS is used. This information may include information such as IP address, browser type, internet service provider (ISP), date/time stamp, page viewed, and other similar data. ICANN uses this information to administer the TAS, general web page analytics, track the use of TAS and to develop Program support. This information is not linked to personally identifiable information.

Cookies: Cookies and other user tracking devices (e.g., local shared objects) may be stored on the User's computer when using TAS. A cookie is a small text file that is stored on a user's computer for record-keeping purposes. ICANN uses session ID cookies to confirm that a User is logged in. These cookies terminate once the User closes the browser. ICANN may also deploy persistent cookies to improve TAS, including by storing user preferences and tracking user trends. While most browsers are set to accept cookies and other tracking devices by default, Users are always free to decline cookies if the browser permits, but some parts of TAS may not work properly. The browser manufacturer has information on changing the default setting for that specific browser. The User acknowledges the use of such tracking devices as noted in this Privacy Statement, and hereby consents to having such tracking devices stored on the User's computer.

3. Sharing of Personal Information

ICANN will share personal information with Program evaluation panelists, contractors and other agents for the purpose of processing TLD applications on ICANN's behalf, and providing other services for the Program. ICANN requires that these parties agree to handle this information in compliance with appropriate confidentiality obligations and security measures.

ICANN will provide personal information to third parties, government authorities and agencies as and when required to: (i) comply with applicable laws, regulations, legal process or enforceable governmental request; (ii) protect ICANN's or a third party's legal rights; (iii) receive contracted services or use of licensed products from third party providers; (iv) comply with any court order or legal proceeding; (v) comply with ICANN's accountability and transparency principles and disclosure policy; (vi) detect, prevent or otherwise address fraud or other criminal activity or errors, security or technical issues; or (vii) protect against imminent harm to the rights, property or safety of ICANN, our users or the public as required or permitted by law.

ICANN will not sell or otherwise share any personal information with third parties for marketing purposes. ICANN will not provide any personal information to third parties for commercial services in relation to the Program unless the User and/or the relevant Applicant personnel have given specific permission or direction.

4. Information Security and Integrity

ICANN will use industry standard safeguards, including firewalls, security patches and anti-virus programs to protect the confidentiality of personal information collected as part of the Program. When using TAS, personal information will be encrypted using secure socket layer technology ("SSL").

Access to personal information is restricted to ICANN staff, contractors and agents who need to know this information to manage the Program activities on behalf of ICANN. ICANN staff, contractors and agents will be bound by confidentiality obligations and, where appropriate, they may be subject to discipline, including termination and prosecution, if they breach these confidentiality obligations.

ICANN will take reasonable steps to ensure that personal information collected is relevant to its intended use and is complete.

ICANN's Program website contain links to other third party websites which are subject to the respective privacy polices of those third parties. ICANN is not responsible for the privacy practices of such linked third party sites, and their owners and operators.

Due to the open communication nature of the Internet, ICANN cannot represent, warrant or guarantee that communications stored on ICANN servers will be free from unauthorized access by third parties, loss, misuse or alterations. While ICANN will take reasonable and appropriate security measures noted above to protect against unauthorized access, disclosure, alteration or destruction of personal information received, ICANN DISCLAIMS ANY AND ALL LIABILITY FOR UNAUTHORIZED ACCESS OR USE OR COMPROMISE OF YOUR PERSONAL INFORMATION SUBMITTED THROUGH THE TAS. USERS AND APPLICANTS ARE HEREBY ADVISED THAT THEY SUBMIT SUCH PERSONAL INFORMATION AT THEIR OWN RISK.

5. Accessing and Updating Personal Information

The User and other authorized Applicant personnel may view stored personal information in relation to the Applicant and User profile, or a TLD application by accessing the relevant information screens within the TAS. As submitted information is used in evaluation checks and processes, submitted information cannot be modified without contacting our Customer Service Center. ICANN will endeavor to respond to requests to access, correct or update any other personal information ICANN retain in connection with the Program. Requests may be sent by email to our Customer Service Center at newgtld@icann.org .

ICANN will retain personal information stored on our servers in accordance with our general archival practices.

6. Changes to this Privacy Statement

Please note that ICANN may revise this Privacy Statement from time to time throughout the Program. ICANN will post any Privacy Statement changes on the Program's website. If the changes are material, ICANN may also provide notification via email according to the registered TAS log-in email for the Applicant. The Applicant's continued participation in the Program application process, including the User's use of TAS, after such change will be deemed acceptance by the User and the Applicant of the revised Privacy Statement.

7. Questions or Contacting ICANN

If you have any questions about this Privacy Statement, please feel free to contact ICANN at newgtld@icann.org or write to:

Att: Customer Service Center
ICANN
4676 Admiralty Way, Suite 330

Marina del Rey, CA 90292-6601
USA

Last revision: December 30, 2011 {to view archived versions, click <here>}

Exhibit B

Panelist Acknowledgement Form

I acknowledge and confirm that:

(a) I have read and understand the Guidelines listed below; and

(b) I must always comply with these Guidelines in connection with my performance of any Panellist evaluation work for ICANN's new gTLD Program.

Guidelines	Initials
Code of Conduct (Applicant Guidebook Section 2.4.3)	_____
Conflict of Interest (Applicant Guidebook Section 2.4.3)	_____
TAS Terms of Use	_____

Name: _____

Signature: _____

Panel Firm: _____

Date: _____

Instructions:

1. A completed and signed form must be received and maintained by Panel Firm before a personal login for the TAS will be issued to a Panellist.

2. On request, Panel Firm will provide a copy of this form to ICANN's new gTLD Program Office.

If you have any questions in regards to this Form, please contact ICANN's new gTLD Program Office.

Exhibit C

Program Responsibilities

The following table is intended to be a general summary of key program responsibilities outlined in this SOW. This table is not intended to be an exhaustive list or replace other responsibilities set out in this SOW.

Evaluation Process Task		ICANN	Panel
0 Pre-Evaluation			
0.1	Agree to Code of Conduct		✓
0.2	Training participation and certification of evaluation panelists		✓
	Conflict of Interest		
0.3	Agree to conflict of interest policy		✓
0.4	Provide list of Applicants	✓	
0.5	Complete conflict of interest check against Applicant listing		✓
1 String Contention Procedures and Evaluation (Initial and Extended Evaluation, as applicable)			
1.1	Assign Application(s) to Panels	✓	
1.2	Collect & Provide Application Comments	✓	
1.3	Read & Consider Application Comments in Evaluation		✓
1.4	Request Clarifications to Applicant as Necessary		✓
1.5	Provide Clarifications to Applicant & Obtain Response	✓	
1.6	Consider Clarification Responses in Evaluation		✓
1.7	Evaluate & Score Question, Provide Summary		✓
1.8	Complete all Required Evaluation Templates		✓
1.9	Maintainevaluation documentation per ICANN retentionpolicies		✓
1.10	Provide Evaluation Results, Summaries & Templates to ICANN		✓
2 Program Management			
2.1	Manage/Scale Resources based on application volume	✓	✓
2.2	Report Status (using required templates)		✓
2.3	Attend status & ad hoc meetings	✓	✓
	Quality Control		
2.4	Perform Issue Management	✓	✓
2.5	Document Issues (using required templates)	✓	✓
2.6	Attend issue tracking meetings	✓	✓
2.7	Perform QC Process Reviews	✓	
2.8	Respond to QC Info Requests		✓
2.9	Participate in QC Reconciliation as Applicable		✓
	Continuous Improvement (CI)		
2.10	Manage CI Processes/Implement Changes	✓	
2.11	Adopt & Integrate Changes	✓	✓
2.12	Participate in CI Meetings	✓	✓

Exhibit D

Confidential Information Never Disclosed in this IRP

Confidential Information Never Disclosed in this IRP

Exhibit A8

DECLARATION OF EIU Contact Information Redacted

I, EIU Contact Information Redacted, declare as follows:

1. I am the EIU Contact Information Redacted of The Economist Intelligence Unit ("EIU") and have been employed by the EIU for seventeen years. I have personal knowledge of the matters set forth herein and am competent to testify thereto. I am responsible for all business and content aspects of the EIU's public policy business, which includes relationships with governments, regulators, NGOs and non-profits. I have led the EIU's engagement with ICANN since the EIU first responded to ICANN's Request for Proposals in 2009. I negotiated the EIU's services contract with ICANN and have communicated regularly during the last six years with ICANN's senior management on the gTLD program. During this time, I also served as EIU Contact Information Redacted for EIU's work on behalf of ICANN.

2. I make this declaration in conjunction with the Independent Review proceeding that Dot Registry has initiated against ICANN, ICDR Case No. 01-14-0001-5004. I understand that the Panel in the proceeding has ordered that certain documents in ICANN's possession that reflect communications with the EIU should be produced to Dot Registry, and the EIU does not object to this disclosure in connection with the Panel's work. Indeed, ICANN has now posted on its website the contract between ICANN and the EIU. As discussed herein, however, the EIU requests that the disclosure be limited for use in the Independent Review proceeding only so that these documents do not enter the public realm, for example, by being posted on ICANN's website or used by other gTLD applicants.

3. The EIU is a privately held company working as a vendor to ICANN. We are not a gTLD decision-maker but simply a consultant to ICANN. Beginning in 2010, when we began contract discussions with ICANN, the EIU made it clear to ICANN that its public involvement in the application review process should be limited. The parties agreed that EIU, while performing its contracted functions, would operate largely in the background, and that ICANN would be solely responsible for all legal matters pertaining to the application process. Although the names of all vendors, including EIU, were disclosed on the ICANN website, ICANN assured us that the EIU would have no direct involvement with the applicants.

4. One of the EIU's functions was to perform Community Priority Evaluations or "CPE" for gTLD applicants that submitted the necessary paperwork to have their applications considered as "community" applications. Dot Registry is one such applicant. In this regard, ICANN told the EIU that the EIU's work papers would not be disclosed or published beyond a limited number of general-process documents. The EIU therefore had an expectation of privacy and believes that it would be inappropriate for our communications with ICANN to be at risk of public release.

5. Release of our communications with ICANN would undoubtedly have a chilling effect on future communications between EIU and ICANN, and could compromise the quality of future Community Priority Evaluations. All gTLD applications are evaluated in accordance with the gTLD Applicant Guidebook (the "Guidebook"), and there are occasions where questions arise as to processes under the Guidebook. Accordingly, the EIU and ICANN have engaged in many discussions around processes (e.g., issuing clarifying questions to applicants) and ensuring that the analysis

set forth in the evaluation results is clear, concise and consistent with the Guidebook. This has, at times, necessitated wide-ranging discussions. Such open and frank discussions would be much less likely to occur if the EIU knew that its communications with ICANN were subject to public disclosure. As a result, if the Panel orders the production of documents without confidentiality protections, the EIU is quite concerned that the quality and consistency of future CPE determinations would be negatively impacted.

6. There is also a significant risk that an applicant or other party to the application process – including Dot Registry and other applicants that have been involved in the CPE process or have monitored CPE applications of other applicants – will take an email or other communication between ICANN and the EIU out of context, thereby misinterpreting or misunderstanding it or the ultimate result of the EIU's work. Indeed, by definition, any excerpt taken from an e-mail or other document will be out of context (for example, a single word, phrase, or data point) because it is only a snapshot of a long and iterative process. From the EIU's perspective, this poses substantial reputational risk to the company because inaccurate, inappropriate or incorrect judgments could be made about EIU's role and views based on individual communications. The EIU is part of The Economist Group, a well-known and highly regarded publishing company, publisher of The Economist magazine. Given the adversarial nature of ICANN's accountability processes—disappointed applicants hiring legal counsel to challenge ICANN's processes—the EIU and its parent company face considerable, and we believe inappropriate, reputational risk. The EIU has always strictly followed the procedures laid out in the Guidebook. The reputation of EIU and its parent firm, which have been

carefully built and preserved over more than 170 years, should not be subject to damage in the public arena because of administrative or legal challenges that are solely and exclusively the province of ICANN.

7. Although it is our understanding that, under the Guidebook and the application that all gTLD applicants submitted, gTLD applicants are not entitled to file lawsuits against ICANN or its vendors (including the EIU) to challenge ICANN's determinations, we remained concerned that disappointed applicants may seek legal redress against the EIU. While such suits would be groundless and frivolous, the EIU would be forced to defend them, imposing potentially considerable costs on our company.

8. The EIU is performing its CPE services for ICANN under a fixed price-per-application process. Administrative challenges by applicants to ICANN have, of necessity, required the further and extensive participation of EIU staff; this has already posed a considerable cost and resource burden on EIU, which we are unlikely to be able to recover from ICANN. If our communications with ICANN are at risk of disclosure through the current process, other disappointed applicants are likely to seek similar redress. This could open the floodgates and compel ICANN to make additional and extensive requests of EIU, imposing yet more costs on EIU (such as additional consultations with our legal counsel, document review, etc).

9. Finally, if the IRP Panel rejects ICANN's request to keep the EIU's documents confidential, the EIU would, at a minimum, request that the names of any individuals employed by, or working for, EIU be redacted from emails or other documents that are produced. The Guidebook does not require the disclosure of these names to applicants, and the EIU has not disclosed any of the names to applicants. There

is considerable risk to the personal safety of our staff if these names are published. On a number of occasions during the CPE period, applicants and other third parties have improperly contacted EIU staff or contractors regarding evaluations. ICANN has explicitly stated that such contact by applicants and third parties with EIU staff and contractors should not happen. Nonetheless, it has occurred. More importantly, a reading of blogs, web posts and other public communications associated with the ICANN application process makes it clear that some members of the wider community are hostile, angry and feel aggrieved by the new gTLD process. We believe it would be extremely inappropriate to place our staff at risk of harassment, or of personal harm, by potentially disclosing their identities through any of the ICANN administrative proceedings.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and accurate. This declaration was signed on April 13th, 2015 at 4:30pm.

EIU Contact Information Redacted

Exhibit A9

New gTLD Program Consulting Agreement

This Consulting Master Services Agreement (together with the Exhibits and Attachments hereto, this "Agreement") is effective as of July 26, 2011 (the "Effective Date"), by and between the Internet Corporation for Assigned Names and Numbers ("ICANN"), a California nonprofit public benefit corporation, with its principal offices located at 4676 Admiralty Way, Suite 330, Marina del Rey, CA, USA 90292 and The Economist Intelligence Unit, NA, Incorporated, with its principal offices located at 750 Third Avenue, 5th Floor, New York, NY 10017, hereinafter referred to as "Contractor".

WHEREAS, Contractor and ICANN desire to enter into an agreement for the performance by Contractor of certain professional consulting services in connection with activities being conducted by ICANN.

NOW THEREFORE, in consideration of the foregoing, the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. SERVICES: Contractor shall provide to ICANN such professional consulting services as are set forth in statements of work (each a "Statement of Work") signed by and in a form acceptable to both parties, which shall set forth the manner of the work which will be provided to ICANN pursuant to this Agreement (the "Services") and the products and materials to be produced by Contractor pursuant to the Services (the "Products"). Any Services provided hereunder shall be rendered by Contractor in a manner consistent with industry standards, and shall be provided in accordance with all applicable laws. Contractor's Services shall not be exclusive to ICANN, provided that during the term of Contractor's engagement hereunder, Contractor will not render services that prevent, interfere or conflict with, or delay the prompt performance of the Services.

2. TERM: Contractor shall render the Services on the date or dates set forth on any Statements of Work entered into hereunder.

3. COMPENSATION: Subject to all the provisions of this Agreement, including, but not limited to, the "Supplemental Terms" (attached hereto as Exhibit A) and any and all Statements of Work, ICANN agrees to pay Contractor as full and complete consideration for Contractor's services hereunder, and Contractor agrees to accept, the sum as set out in the applicable Statement of Work, payable in US Dollars for the Services, which shall be paid in accordance with the payment schedule set forth in such Statement of Work.

4. RIGHTS:

(a) In consideration of the amounts payable by ICANN pursuant to Section 3, and subject to Section 4(b), Contractor assigns to ICANN exclusive ownership rights, in perpetuity of all copyright in and to the Products.

(b) Notwithstanding any provision of this Agreement, any and all rights (including without limitation copyright, trademarks and rights in data) in and to any content, data, brands and materials included in the Products that are in existence prior to the commencement of the Services to be provided under any and all Statements of Work (the "Pre-Existing Materials") shall not be transferred to ICANN and shall remain the exclusive property of Contractor or its licensors. Contractor grants to ICANN a non-exclusive, perpetual, royalty free license (including the right to sublicense to other parties) to use, reproduce, modify and distribute any Pre-Existing Materials on condition that: (i) such Pre-Existing Materials are used as part of the Products they are provided within and only as required in order to use the Products; and (ii) no modification shall be made that misrepresents or distorts the content or meaning of such Pre-Existing Materials.

(c) The transfer in Section 4(a) shall, subject to Section 4(b), include the right to apply for any and all patents arising from the Products and to register any copyright subsisting therein (collectively, the "Legal Rights")

(d) Save as set out in any applicable Statement of Work, Contractor will not be entitled to any royalty, commission or other payment with respect to the Products or Legal Rights in addition to the fees payable for the services to be provided under such Statement of Work.

(e) Contractor warrants that all Products will be Contractor's original work and do not infringe any copyrights, trade secrets, trademarks, patents or other proprietary rights of any third party.

5. INDEPENDENT CONTRACTOR STATUS: Contractor acknowledges and agrees that Contractor is an Independent Contractor and that Contractor's employees or agents, if any, are not employees or agents of ICANN for any purpose, including but not limited to national or local withholding or employer taxation obligations. Contractor agrees to indemnify and hold ICANN harmless (including attorney's fees and costs incurred by ICANN) should Contractor fail to meet Contractor's obligations with respect to its employees with regard to the payment or withholding of social security and other taxes, federal and state (or other such political or governmental subdivision) income taxes, unemployment insurance, and similar items should ICANN be held liable or responsible therefore. Contractor retains the sole right to control or direct the manner in which the Services are to be performed. Without limiting the foregoing, ICANN retains the right to inspect, to stop work, to prescribe alterations, and generally supervise Contractor's work to insure its conformity with the applicable Statement of Work. Contractor acknowledges that Contractor has no authority for or on behalf of ICANN to make, enter into or amend any contracts or agreements or to take any action which would impose liability on ICANN, without the express written consent of an authorized officer of ICANN. Contractor represents to ICANN that Contractor is engaged in an independent calling and will comply with all laws regarding business permits and licenses that may be required to carry out Contractor's obligations under this Agreement.

6. IMMIGRATION LAW: With respect to each of Contractor's employees who render services to ICANN hereunder, Contractor shall be responsible for compliance with all applicable immigration laws, including the U.S. Immigration Reform and Control Act of 1986, and with all employment eligibility verification provisions required by law.

7. INTERPRETATION: In the event of a conflict between: (i) this Agreement; and (ii) any Statement(s) of Work, the terms of the applicable Statement of Work shall prevail.

[signature page follows]

The parties shall indicate their acceptance of this Agreement by signing in the appropriate space provided below.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

By: _____
Signature

AKRAM ATALLAH, COO
Print Name and Title

Date: 8/9/11

THE ECONOMIST INTELLIGENCE UNIT, NA, INCORPORATED

By: _____
Signature

J. Nast Dir. Operations
Print Name and Title

Date: 7/26/2011

EXHIBIT A
SUPPLEMENTAL TERMS

1. RIGHTS OBLIGATIONS: Except as set forth in the applicable Statement of Work, Contractor agrees that ICANN shall have the exclusive right, but not the obligation, to register copyright and file applications for patents throughout the world to protect ICANN's Legal Rights in and to the Products and that Contractor shall, upon the request of ICANN, perform (at no cost to Contractor) such legal acts and execute and deliver to ICANN, any such documents, applications and assignments reasonably requested by ICANN to register ICANN's Legal Rights in and to the Products.

2. FORCE MAJEURE: In the event of an occurrence of an event of force majeure, as the term is generally understood, ICANN shall have the right to suspend this Agreement and shall have the right, but not the obligation, to extend this Agreement by the length of any such suspension. If an event of force majeure continues for eight (8) consecutive weeks, ICANN shall have the right to terminate this Agreement.

3. WARRANTIES: Contractor represents and warrants to ICANN as follows:

(a) Contractor is fully authorized to enter into, and perform its obligations under this Agreement. This Agreement creates lawful, valid, and binding obligations, enforceable against Contractor in accordance with its terms.

(b) Contractor has the right to grant all rights granted herein, including but not limited to all necessary literary, artistic, musical and/or intellectual property rights, and is free to enter into and fully perform this Agreement.

(c) The exercise of rights granted herein, the performance of the Services and the delivery of the Products will not infringe on any of the following rights of any third party: copyright, trademark, or other intellectual property rights.

(d) Contractor has not entered and shall not enter into any arrangement or agreement that will interfere or conflict with the rights granted to ICANN hereunder.

4. INDEMNITY

(a) Indemnification of Contractor. To the fullest extent permitted by applicable law, ICANN shall indemnify Contractor, its members, directors, officers, partners, principals, agents and employees against all claims by third parties (including ICANN affiliates) and resulting liabilities, losses, damages, costs and expenses (including reasonable external and internal legal costs) ("Liabilities") arising out of: (i) the third party's use of or reliance on any Product; and/or (ii) any objection the third party may have to its content, reasoning and/or conclusions; provided,

however, that there shall be excluded from any such indemnification any such Liabilities that arise out of or are based upon any fraud, bad faith, willful misconduct or gross negligence of Contractor or any of Contractor's members, directors, officers, partners, principals, agents and employees provided, further, that Contractor shall not make any admission of liability, agreement or compromise with respect to such claims and shall promptly notify ICANN in writing of such claim and give full and complete authority, information and assistance for the defense of same. ICANN shall not be responsible for any compromise of such claim made by Contractor or Contractor's agents without the ICANN's consent.

(b) Indemnification of ICANN. To the fullest extent permitted by applicable law, Contractor shall indemnify ICANN and ICANN's members, directors, officers, partners, principals, agents and employees against all claims by third parties (including Contractor affiliates) and resulting Liabilities that arise out of or are based upon any fraud, bad faith, willful misconduct or gross negligence of Contractor or any of Contractor's members, directors, officers, partners, principals, agents and employees, provided that ICANN shall not make any admission of liability, agreement or compromise with respect to such claims and shall promptly notify Contractor in writing of such claim and give full and complete authority, information and assistance for the defense of same. Contractor shall not be responsible for any compromise of such claim made by ICANN or ICANN's agents without the Contractor's consent.

(c) Notice and Acknowledgement. ICANN will ensure that whenever a Product prepared by the Contractor is disclosed to a third party, ICANN has provided written notice to the third party in substantially the form of Appendix 1 hereto (the "Notice"), and ensure that such Notice has been acknowledged in writing by such third party and returned to Contractor and ICANN prior to disclosure of the Product.

5. CONFIDENTIALITY

(a) Each party acknowledges that it may disclose Confidential Information (as defined below) to the other in connection with this Agreement. The party receiving the Confidential Information will: (i) maintain it in confidence, except to the extent necessary to carry out the purposes of this Agreement, in which event confidentiality and use restrictions will be imposed upon the parties to whom such disclosures are made; (ii) use at least the same degree of care in maintaining its secrecy as it uses in maintaining the secrecy of its own Confidential Information, but in no event less than a reasonable degree of care; (iii) at the disclosing party's option, destroy or return all copies, notes, packages, diagrams, computer memory media and all other materials containing any portion of the Confidential Information to the disclosing party promptly following the earlier of (A) such party's request, (B) completion of the intended use of the Confidential Information, or (C) termination of this Agreement; and (iv) not use the Confidential Information other than for purposes of fulfilling its obligations under this Agreement. "Confidential Information" means all proprietary, secret or confidential information or data relating to either of the parties and its operations, employees, products or services, and any Personal Information. "Personal Information" means personally identifiable information relating to such party's employees, consumers and potential consumers. Each party will notify

the other party immediately upon discovery of any lost or altered Confidential Information.

(b) Information will not be considered Confidential Information to the extent, but only to the extent, that such information: (i) is already known to the receiving party free of any restriction at the time it is obtained from the other party; (ii) is subsequently learned from an independent third party free of any restriction and without breach of this Agreement; (iii) becomes publicly available through no wrongful act of either party; (iv) is independently developed by one party without reference to any Confidential Information of the other; or (v) is required to be disclosed by law, regulation, court order or subpoena, provided that the disclosing party will exercise reasonable efforts to notify the other party prior to disclosure. The parties agree also that the existence and terms of this Agreement are confidential and shall not be disclosed by either party without prior consent in writing by the other party.

6. SURVIVING OBLIGATIONS: The parties' representations, warranties, and indemnity obligations shall remain in effect following the termination or expiration of this Agreement.

7. ASSIGNMENT: Neither party may without prior consent in writing assign this Agreement or any of its rights or obligations hereunder.

8. REMEDIES: In recognition of the relative risks and benefits of this Agreement to both ICANN and Contractor, ICANN agrees that, to the fullest extent permitted by law, except for claims for indemnification under Section 4, any liability of Contractor (including its consultants, employees, and agents) for damages to ICANN shall be limited to an amount equal to the total amount paid to Contractor pursuant to this Agreement. EXCEPT FOR CLAIMS FOR INDEMNIFICATION UNDER SECTION 4, IN NO EVENT SHALL ANY PARTY TO THIS AGREEMENT OR ANY OF ITS DIRECTORS, OFFICERS, EMPLOYEES, AGENTS OR SUBCONTRACTORS BE LIABLE TO THE OTHER PARTY UNDER ANY THEORY OF TORT, CONTRACT, STRICT LIABILITY OR OTHER LEGAL OR EQUITABLE THEORY FOR LOST PROFITS, EXEMPLARY, PUNITIVE, SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL DAMAGES OR THE LIKE, EACH OF WHICH IS HEREBY EXCLUDED BY AGREEMENT OF THE PARTIES REGARDLESS OF WHETHER SUCH DAMAGES WERE FORESEEABLE OR WHETHER EITHER PARTY OR ANY ENTITY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

9. TERMINATION:

(a) Each Party shall have the right to terminate this Agreement or any Statement of Work for convenience. Termination under this provision will be effective thirty (30) days after written notice by one party to the other; provided, that ICANN will be required to make payment for all work in progress and Products actually delivered under any active Statement of Work in the event of a termination of this Agreement or the applicable Statement of Work pursuant to this Section 9(a); and, provided, further, that, without prejudice to the generality of Section 7 of the Agreement to which these Supplemental Terms are attached, the termination provisions of each Statement of Work, if any, will supersede this Section 9(a).

(b) Each party shall have the right to terminate this Agreement if such party has a good faith belief, based on the facts then available, that the other party has engaged in any of the following conduct: fraud, misappropriation or embezzlement of funds, or gross misconduct. Termination under this provision shall be effective immediately upon receipt of notice by the relevant party.

(c) Other Provisions: Either party shall have the right to terminate this Agreement pursuant to other provisions contained throughout this Agreement, including but not limited to Section 2 (if ICANN) of these Supplemental Terms. Nothing contained within this provision shall negate or override its rights to terminate contained within other provisions herein, and it may elect at its option the most favorable applicable termination provision or provisions contained within this Agreement.

10. DEFAULT:

(a) If either party fails, refuses or neglects to perform any of its material obligations hereunder, for any reason other than incapacity, such party shall be in "default" of this Agreement. If either party refuses or states that it will refuse to comply with any of its material obligations hereunder, such refusal or statement may be treated by the other party as an immediate default, regardless of whether the time for performance of such obligation or obligations has arrived. Further, a party may, at any time, make a written request for the other party to confirm in writing its intentions and willingness to comply with its obligations hereunder, either generally or with respect to any particular matter. If, within five (5) days from delivery of such request at the address for notices set forth herein (exclusive of Saturdays, Sundays and federal holidays), the recipient of the request fails to deliver the requested information to the other party, such failure may be treated by such other party as an immediate default.

(b) Either party may suspend this Agreement with respect to performance of its obligations while any default of the other party continues.

11. CURING PROVISION: Neither party shall bring or make any claim that the other party has breached any of the provisions hereunder unless such party has first made a written demand to cure such failure, and the other party has not satisfied the obligations within ten (10) business days of receipt of such demand. The written demand shall specify the provision claimed to be breached, the date such obligation or performance was to have been satisfied and any other identifying specifics.

12. MISCELLANEOUS:

(a) No Implied Waiver: No failure on the part of ICANN or Contractor to exercise and no delay in exercising, and no course of dealing with respect to any right, power or privilege under this Agreement shall operate as a wavier thereof, nor shall any single or partial exercise of any right, power or privilege under this Agreement preclude the exercise of any other right, power or privilege.

(b) Counterparts: This Agreement may be executed in two or more counterparts (and by different parties on separate counterparts) each of which shall be an original, but all of which together shall constitute one and the same instrument.

(c) No Violation of Law: If any provision of this Agreement shall be deemed invalid or unenforceable as written, it shall be construed, to the greatest extent possible, in a manner which shall render it valid and enforceable, and any limitations on the scope or duration of any such provision necessary to make it valid and enforceable shall be deemed to a part hereof; no invalidity or unenforceability shall affect any other portion of this Agreement.

(d) Choice of Law and Submission to Jurisdiction: This Agreement shall be governed by applicable U.S. federal law and by the laws of the State of California applicable to contracts entered into and to be wholly performed within the State of California. Contractor and ICANN hereby submit and consent to the jurisdiction of the State and Federal Courts located in Los Angeles County, California, USA.

(e) Paragraph Headings: Paragraph headings contained in this Agreement are for convenience and shall not be considered for any purpose in construing this Agreement.

13. NOTICES: Any notice given under this Agreement will be in writing and will be effective (a) upon receipt if (i) delivered by hand or (ii) sent via overnight mail by a nationally recognized express delivery service; or (b) three (3) days after deposit in the U.S. mail, postage prepaid, certified mail return receipt requested, when addressed as follows:

To ICANN:
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, California 90292

Attn: General Counsel

To Contractor:
The Economist Intelligence Unit, NA, Incorporated
750 Third Avenue, 5th Floor, New York, NY 10017

Attn: Contracts Manager, Americas

with a copy to:

Group General Counsel, The Economist Group, 25 St James's Street, London SW1 A 1HG

14. ENTIRE AGREEMENT: This Agreement cancels and supersedes all prior negotiations and understandings between ICANN and Contractor relating hereto. This Agreement is not valid or binding unless and until in writing and signed by a duly authorized officer of ICANN and Contractor. No amendment, modification, extension, release, discharge or waiver of this Agreement, or any provision hereof, shall be valid or binding unless in writing and signed by a duly authorized officer of ICANN and Contractor. No oral agreement shall be binding on ICANN or Contractor unless and until reduced to writing and signed by a duly authorized officer of ICANN and Contractor.

Appendix 1
Form of Notice and Acknowledgement

[Name of Third Party]
Address Attention:

The advice, recommendations and information in the document included with this notice were prepared for the sole benefit of the Internet Corporation for Assigned Names and Numbers (ICANN), based on the specific facts and circumstances of ICANN, and its use is limited to the scope of The Economist Intelligence Unit, NA, Incorporated's ("EIU") engagement for ICANN. It has been provided to you for informational purposes only and you are not authorized by EIU to rely upon it and any such reliance by you or anyone else shall be at your or their own risk. You acknowledge and agree that EIU accepts no responsibility or liability in respect of the advice, recommendations or other information in such document to any person or organization other than ICANN. You shall have no right to disclose the advice, recommendations or other information in such document to anyone else without including a copy of this notice and, unless disclosure is required by law or to fulfill a professional obligation required under applicable professional standards, obtaining a signed acknowledgement of this notice from the party to whom disclosure is made and you provide a copy thereof to ICANN and EIU. You acknowledge and agree that you will be responsible for any damages suffered by EIU as a result of your failure to comply with the terms of this notice.

Please acknowledge your acceptance of the foregoing by signing and returning to us a copy of this letter.

Very truly yours,

ICANN

By: _____
Name:
Title:

Accepted and Agreed to on this ___ day of ____, 20__ by:
[Name of Third Party]

By: _____
Name:
Title:

Exhibit A10

Governmental Advisory Committee

Singapore, 27 March 2014

GAC Communiqué - Singapore[1]

I. INTRODUCTION

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore during the week of 22 March 2014. Sixty-one (61) GAC Members attended the meeting and ten (10) Observers. The GAC expresses warm thanks to the local hosts IDA and SGNIC for their support.

II. Inter-constituencies Activities

1. GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC met with GNSO members of the GAC-GNSO Consultation Group and agreed a charter for the group. The Group will consider processes for smooth and timely information exchange; early engagement of GAC in GNSO PDP work; resolving early stage conflicts; and accommodating the different working methods of the two organisations.

2. Discussion of Brand Registry Issues

The GAC discussed the Brand Registry Group proposal for a streamlined process under an addendum to the Registry Agreement for the approval of country names and 2-letter and character codes at the second level. While the GAC has no major concerns about brand owners seeking approval for such names, this approval should be done directly with the countries concerned rather than through a GAC-level operational process. Individual GAC members can assist with proposals relevant to their particular country if requested. GAC suggests that consideration be given to establishing a register of countries that do not require individual requests to be made.

[1] To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings and older GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive.

3. **GAC Leadership Meeting with At-Large Advisory Committee (ALAC) Leadership**

The GAC and ALAC leadership groups met and discussed a range of issues. There are common concerns with regard to new gTLD Public Interest Commitments (as noted by the GAC in this communiqué).

4. **Meeting with Country Code Name Supporting Organisation (ccNSO)**

The GAC met with the ccNSO and noted progress by the Framework of Interpretation Working Group, with further dialogue to be progressed inter-sessionally. GAC and ccNSO will explore possible approaches to more effective interaction across all relevant issues.

5. **Meeting with Root Server System Advisory Committee (RSSAC)**

The GAC met with RSSAC and discussed a range of issues including the RSSAC's new structure; transparency of proceedings; and potential role in the IANA functions transition process.

6. **Briefing on Meeting Strategy Working Group (MSWG)**

GAC Members of the MSWG presented the Group's report to the GAC. The MSWG is a cross community Working Group with the mandate to gather information, exchange ideas and propose changes to future ICANN meetings at both a strategic and operational level.

III. Internal Matters

1. **New Members –** The GAC welcomes Croatia, Grenada and the Solomon Islands as Members.
2. **Future Rounds of New gTLDs** – The working group on issues for future rounds of new gTLDs reported on its progress.
3. **Working Methods** – Terms of reference were agreed for the working group on GAC working methods. Specific deliverables will be identified for the London meeting.
4. The GAC paid homage to the late Pankaj Agrawala who served as the GAC vice chair during the period of 2005-2007.

IV. GAC Advice to the Board[2]

1. Internet Assigned Numbers Authority (IANA) Functions: US Government Announcement

The GAC received a briefing from Assistant Secretary Larry Strickling of the National Telecommunications and Information Administration regarding the announcement of 14 March 2014 that the United States Government would transition key Internet domain name functions to the global multistakeholder community. This is a timely step in the process of making Internet governance truly global, and marks major progress in the development of a multi-stakeholder model.

The GAC also notes that a number of conditions were stated in the announcement in order that this transition be effected.

The GAC welcomes that ICANN will convene global stakeholders to develop a proposal for this transition and takes note of the preliminary timeline proposed by ICANN (http://www.icann.org/en/about/agreements/iana/functions-transfer-process-14mar14-en.pdf). The GAC is willing to participate in, and contribute to, this process and underlines that the consultations and discussions should reach out to all parties, including those governments that are not presently members of the GAC and also not part of the ICANN multistakeholder community.

The GAC also recommends that ICANN make full use of existing events and fora to ensure a broader engagement in these important discussions, including the forthcoming NETmundial meeting (Brazil, 23-24 April 2014), and the Internet Governance Forum (Turkey, 2-5 September 2014).

2. Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) Strings

The GAC welcomed the response of the Board to its advice in the Beijing Communiqué regarding safeguards for new gTLDs.

a. The GAC requests

i. Clarification from the New gTLD Program Committee (NGPC) on a number of implementation issues. These relate to the implications of changes in WHOIS verification and checks for the accuracy of WHOIS

[2] To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice

generally and for law enforcement and end users; security checks to detect risks of harm (eg phishing, malware, botnets etc); complaint mechanisms; verification and validation of Category 1 registrants' credentials and the lack of binding nature of the public interest commitments; operation of the Public Interest Commitment Dispute Resolution Procedure; and restricted registration policies (Category 2). These queries are set out in more detail in an Attachment to this communiqué.

3. Community Applications

The GAC reiterates its advice from the Beijing and Durban Communiqués regarding preferential treatment for all applications which have demonstrable community support.

1. **The GAC advises**
    a. ICANN to continue to protect the public interest and improve outcomes for communities, and to work with the applicants in an open and transparent manner in an effort to assist those communities. The GAC further notes that a range of issues relating to community applications will need to be dealt with in future rounds.

4. Specific Strings

a. .spa

Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalised its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.

b. .amazon

The GAC expresses its concerns with the time the Board is taking in evaluating the GAC Objection Advice on the application of the domain name .amazon, as stated in the GAC communiqué, approved in Durban, last July. Therefore the GAC urges the ICANN Board to settle as a high priority its decision according to Module 3.1 part I of the Applicant Guidebook.

c. .ram and .indians

Further to its Durban Communiqué, **the GAC advises the ICANN Board that:**

a. The GAC recognizes that religious terms are sensitive issues. The application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations. The GAC notes that the Government of India has requested that the application not be proceeded with; and
b. as noted in the Durban communiqué, the Government of India has requested that the application for .indians not proceed.

d. .wine and .vin

The GAC notes the NGPC Resolution 2014.03.22.NG01 concerning .wine and .vin as well as its rationale. In the final deliberation of the Board there appears to be at least one process violation and procedural error, including in relation to ByLaws Article XI-A, Section 1 subsection 6 which states:

"6. Opportunity to Comment. The Governmental Advisory Committee, in addition to the Supporting Organizations and other Advisory Committees, shall have an opportunity to comment upon any external advice received prior to any decision by the Board."

The GAC therefore advises:

That the Board reconsider the matter before delegating these strings.

The GAC needs to consider the above elements more fully. In the meantime concerned GAC members believe the applicants and interested parties should be encouraged to continue their negotiations with a view to reach an agreement on the matter.

5. Singular and Plural Versions of the Same String

The GAC reiterates the Beijing advice that allowing singular and plural versions of the same strings could lead to consumer harm. Permitting this practice risks confusing internet users and could making users more vulnerable to deceptive practices that exploit this confusion.

6. WHOIS

The GAC notes the work being accomplished by the Expert Working Group on New gTLD Directory Services (WHOIS). The GAC will work inter-sessionally on privacy issues up until the ICANN 50 London meeting.

7. Data Retention and Data Provision Waivers

The GAC welcomes the explanation provided to the GAC by ICANN in relation to the state of play of the granting of the Data Retention Specification waiver foreseen in the Registrar Accreditation Agreement, in compliance with national laws. Some members asked ICANN not to take legal action against those Registrars in order to fulfill their data retention requirements pending a decision on these waivers. They further recalled that waivers might be necessary for data provision requirements accordingly in the Registry Agreement.

8. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

The GAC recalls its previous public policy advice from the Toronto, Beijing, Durban and Buenos Aires Communiqués regarding protection for IGO names and acronyms at the top and second levels and awaits the Board's response regarding implementation of the GAC advice.

9. Protection of Red Cross/Red Crescent Names

Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world.

I. The GAC advises that, for clarity, this should also include:

a. the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin.

b. The full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Languages.

10. Accountability and Transparency

The GAC agreed on a revised charter for continuation of the Board-GAC Recommendation Implementation Review Team (BGRI), with responsibility for progressing relevant recommendations from the final report of the Accountability and Transparency Review Team (ATRT2). Some areas of the report are the subject of ongoing GAC working groups and some are GAC internal matters, which will feed into the overall ATRT2 process.

The GAC has established a working group to develop guidelines on ICANN-government and IGO engagement, and will work with the ICANN Global Stakeholder Engagement team, and within the BGRI process, to progress relevant recommendations from the ATRT2 report.

11. Tracking of Key Issues

I. **The GAC requests:**

a. that the Board consider ways in which ICANN and the GAC can work more closely in ensuring that key issues are tracked in a more concise and structured way, so that the GAC is able to provide timely and comprehensive advice. For example, the multiple streams of activity being dealt with regard to Registrar Accreditation Agreement, data protection, and data retention issues, WHOIS (e.g. Expert Working Group, privacy and proxy services, etc). The GAC would benefit from some form of comprehensive overview by ICANN of such related issues prior to the meetings.

12. Briefings on Compliance

I. The GAC requests:

a. that the Board facilitate ICANN staff briefings for each meeting on compliance with ICANN safeguards for registry operators, registrars and registrants.

13. NETmundial Meeting

The GAC expresses its thanks for a briefing provided by Ambassador Benedicto Fonseca of Brazil on the NETmundial meeting to be held in Sao Paulo on 23-24 April 2014.

14. High Level Meeting

The GAC received a briefing from the United Kingdom and discussed arrangements for the high level meeting to be held in London on 23 June 2014 in conjunction with the ICANN and GAC meetings. The meeting will focus on ICANN's role in the evolving internet ecosystem; and enhancing the role of governments in the ICANN model and the future role of the GAC. The GAC acknowledges the funding ICANN currently makes available to GAC members from developing countries to support their attendance at ICANN and GAC meetings.

I. The GAC requests:

a. That additional funding for travel be provided to ensure that the high level meeting scheduled for London has representation from the widest range of countries, including Ministers and their staff from developing countries, in line with existing GAC travel support guidelines.

***

The GAC warmly thanks all the SOs/ACs who jointly met with the GAC as well as all those among the ICANN community who have contributed to the dialogue with the GAC in Singapore

V. Next Meeting

The GAC will meet during the period of the 50th ICANN meeting in London, United Kingdom.

Attachment to GAC Singapore Communique

GAC Advice Implementation Questions for Singapore, March 2014

The GAC is pleased to share an assessment of several aspects of the NGPC's proposed approach to: the Overarching Safeguards applicable to all new gTLDs; the implementation of Category 1 and Category 2 Safeguards; and the Public Interest Commitment Dispute Resolution Process (PICDRP). Our assessment has resulted in several implementation questions set forth below.

- Will ICANN provide periodic updates to the GAC regarding the activities carried out by the Compliance Department on the effective implementation of the Safeguards (all categories)?

1. **Safeguards Applicable to all New gTLDs:**

- With regard to **Safeguard 1,** related to WHOIS verification and checks, the NGPC has shifted responsibility from individual Registry Operators (who have the direct relationships with Registrars) to ICANN to perform "periodic sampling" of WHOIS data across registries in an effort to identify potentially inaccurate records.
    - Can the NGPC clarify the advantages and/or disadvantages of having ICANN perform the WHOIS checks/audits versus the Registry Operators?
    - Does the NGPC believe ICANN has sufficient resources in place to conduct these audits, or will additional resources be necessary to conduct WHOIS checks across all Registry Operators?
    - Can the NGPC clarify the meaning of "periodic sampling" (e.g. how large will the sampling be, using what criteria, how often, etc.)? With a periodic sampling approach, will it be possible to identify/Registrars with the highest percentages of deliberately false, inaccurate or incomplete WHOIS records in previous checks?
    - Will ICANN circulate/make publicly available to the community, detailed statistical reports of how inaccurate WHOIS records were identified and resolved?
    - What steps does the NGPC think are needed to ensure inaccurate or incomplete WHOIS records are addressed? Will Registry Operators take steps to notify Registrars of inaccurate or incomplete WHOIS records? If so, will this notification trigger an obligation from the Registrar to solicit accurate and complete information from the Registrant?
- **Safeguard 3** pertains to Security Checks undertaken by Registry Operators to periodically analyze whether domains in its gTLD are being used for threats to security, such as

pharming, phishing, malware and botnets. While the NGPC has incorporated aspects of Safeguard 3 into the Public Interest Commitment Specification 11, it also calls on ICANN to seek "community participation" to develop a framework for Registry Operators to respond to identified security risks that pose an actual risk of harm. Pending the development of such a framework, it is not clear whether Registry Operators are obliged to notify a Registrar to take immediate actions in response to such security threats (including suspending the domain name in appropriate situations).

  - How does ICANN define "immediate action;" what precise timeframe constitutes "immediate action"?
  - How does ICANN define "security risk"?
  - How does ICANN define "harm"?
  - What is the status of the NGPC's plan to develop a framework for Registry Operators to respond to identified security risks that pose an actual risk of harm?
  - In the interim before an agreed framework is developed, how does ICANN intend to address such security threats?
  - Will Registry Operators be expected or obliged to notify a Registrar to take immediate action in response to a security threat that poses an actual risk of harm?

- **Safeguard 5** addresses Complaint Mechanisms, to ensure that Registry Operators provide a means by which complaints can be submitted related to: WHOIS data inaccuracy, trademark or copyright infringement, counterfeiting, fraudulent or deceptive practices, the use of malware, botnets, phishing, piracy, or other unlawful activities. The NGPC has incorporated this Safeguard in the Base Registry Agreement (e.g. Section 2.8, Specification 6, section 4.1). It is not clear, however, whether Registry Operators are required to respond to complaints from sources other than governments, law enforcement or other quasi-governmental entities.

  - What mechanisms will be used by Registry Operators for taking complaints from sources other than government entities (e.g. victims)?
  - How will inaccurate WHOIS information be corrected? Will Registry Operators be responsible for ensuring that Registrars require Registrants to correct inaccurate WHOIS information?
  - What constitutes reasonable steps for the Registry to investigate and respond to any reports from law enforcement, governmental and quasi-governmental bodies?

2. Category 1 and Category 2 Safeguards:

With regard to strings falling under **Category 1** advice, we are seeking further clarity from the NGPC on the following:

- Is it the NGPC's intention to create a separate base Registry Agreement for those Registry Operators whose strings fall under Category 1? Or does the NGPC expect such Registry Operators to incorporate the Category 1 PIC Spec into their specific Registry Agreement?

- In amending the GAC's advice that Registry Operators verify and validate a domain name registrant's credentials to a requirement that such registrants need only "represent" that they have such credentials, has the NGPC considered other measures to prevent consumer fraud and deception that could occur through false representations?

- How will ICANN prevent Category 1 registrants (i.e., those associated with market sectors that have clear and/or regulated entry requirements) that lack the proper credentials/licenses from doing business with the public under the guise of the Category 1 strings?

- How will ICANN ensure that Registrants report changes regarding the validity of their licenses/credentials?

- Has the NGPC considered the greater risks of fraud and deception that will occur as a result of failing to implement the GAC's:

    - the validation and verification requirements;

    - the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and

    - the requirement to conduct periodic post-registration checks to ensure that Registrants' continue to possess valid credentials and generally conduct their activities in the interests of the consumers they serve

- Can the NGPC confirm whether the PIC Dispute Resolution Process (PICDRP) is the sole remedy available to regulators or industry self-regulators to rectify fraudulent registrations in strings representing regulated sectors, and if so, will the NGPC either reconsider its proposed approach or develop a faster remedy to mitigate harm to consumers?

With regard to **Category 2** safeguards, we are seeking further clarity on the following:

- For those Registry Operators affirmatively seeking exclusive registration policies, how does the NGPC intend to assess such Operators' assertions of serving the public interest?

- Has the NGPC considered that transparency alone might not only be insufficient to deter unduly preferential or discriminatory registration policies, but it will be equally difficult for anyone seeking redress to meet the standard of harm required in the PICDRP? In other words, if Specification 11 Section C is limited to a transparency commitment, then the harm stemming from discriminatory registration policies that are publicized cannot be amended or corrected through a PICDRP.

- Will ICANN monitor Change Requests made by those applicants that claim they are moving from a closed to an open environment?

3. Public Interest Commitment Dispute Resolution Process (PICDRP):

- In the case of clearly deficient PICs, will ICANN formally require applicants to restate their PICs or address their inconsistencies?

- Will ICANN turn PICs into real binding commitments not subject to unilateral modification or revocation by the applicant?

A. **Timeframe for consideration of a PIC Spec complaint is unclear.** The PICDRP does not specifically detail the timeframes in which ICANN will review and enforce the results of PICDRP disputes. Based on time calculations derived from PICDRP document, it may take up to **105** days for a dispute resolution, in addition to the undefined time periods for ICANN to conduct preliminary review, time for ICANN to investigate itself or form a standing panel; and time for ICANN to impose remedial measure:

In addition, there are questions related to specific provisions in the PICDRP, including:

- **Preliminary Review** (Section B.1.3)**:** How long will ICANN take to complete preliminary review? No timetable has been provided. In certain cases, *.e.g.*, botnets, malware, etc., time is of the essence.

- **Standing Panel** (Section B.3.3; B.4): When will ICANN make determination of investigating the report itself or handing it to the Standing Panel? What criteria will ICANN use to make this determination? Who will be on the Standing Panel? How long will ICANN take to choose members of the Standing Panel? Will it be

ICANN staff, private industry, and government? How long will it take to institute Standing Panel?

B. **<u>Standing for Law Enforcement and Appropriate Government Agencies to Report</u>:**

The PICDRP requires reporters of PIC violations to state how the reporters "have been harmed." This requirement seems to require the reporter itself to have suffered harm. Although law enforcement is not harmed, law enforcement is acting on behalf of the public, who have been harmed.

- Will government entities or law enforcement have standing to raise concerns re: non-compliance with the Public Interest Commitments?
- If government entities and law enforcement do have such standing to raise public policy related concerns, would this be cost-free?
- How would law enforcement or other government entities (who act to protect the public) raise violations of the Public Interest Commitments?

C. **Clerical Mistakes by Reporter:**

- Does the Reporter have a chance to correct clerical or incomplete data before it is dismissed by ICANN (B.1.1.2)?

D. **ICANN vs. PICDRP?**

- What will determine whether a dispute regarding the Public Interest Commitments is enforced via ICANN directly versus the PICDRP? (See B.2.3.3)

E. **No Final Resolution:**

- There appears to be a critical loophole in the PICDRP, in that there may be no resolution to the report of non-compliance. If the Registry Operator disagrees with the proposed remedial measure, they can invoke yet another alternate dispute resolution process (see B.4.4.6), all of which would occur after potentially more than 105 days has elapsed.

F. **Remedial Measures:**

- In the event that a Registry Operator fails to resolve its non-compliance, what would be the remedial measures that ICANN will consider and how long will ICANN take to determine the appropriate remedial measure? Under what

circumstances would ICANN elect not impose a serious remedial measure? (B.4.4.5)

G. **Repeat Offenders:**

- ICANN does not specify what sanctions (e.g. financial or otherwise) will be imposed on repeat offenders. (See B.5.5.4)

4. Auctions

Is ICANN able to provide more detailed information confirming that rules for auctions are consistent with its Bylaws, its not-for profit status, the objectives of the new gTLD Program and the Applicant Guidebook to promote competition, diversity, innovation and consumer choice?

Exhibit A11

Annex 1 to NGPC Resolution No. 2013.09.10.NG03

ICANN Board New gTLD Program Committee Scorecard in response to GAC Durban Communiqué

10 September 2013

This document contains the NGPC's notes on the GAC Durban Communiqué issued 17 July 2013 <https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Communique_Durban_20130717.pdf?version=1&modificationDate=1374215119858&api=v2>. Refer to the GAC Register of Advice for the full text of each item of advice in the GAC Durban Communiqué <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>.

Each GAC scorecard item is noted with a "1A", "1B", or "2":

- "1A" indicates that the NGPC's proposed position is consistent with GAC advice as described in the Scorecard.
- "1B" indicates that the NGPC's proposed position is consistent with GAC advice as described in the Scorecard in principle, with some revisions to be made.
- "2" indicates that the NGPC's current position is not consistent with GAC advice as described in the Scorecard, and further discussion with the GAC is required following relevant procedures in the ICANN Bylaws.

This is a preliminary draft, unapproved by the NGPC. ICANN reserves the right to make additional changes after further discussions and review of public comments.

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
1. 2013-07-18 – Obj- Amazon (Communiqué §1.1.a.i.1)	The GAC Advise the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)		Per § 3.1 of the AGB, the applicant submitted a response to the ICANN Board. Given the volume of information presented, the NGPC continues to consider the information presented by the applicant and proposes to take action at a future NGPC meeting.
2. 2013-07-18 – Obj- Thai (Communiqué §1.1.a.i.2)	The GAC Advise the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .thai (application number 1-2112-4478)	1A	The NGPC accepts this advice. The AGB provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved." (AGB § 3.1) The NGPC directs staff that pursuant to the GAC advice and Section 3.1 of the Applicant Guidebook, Application number 1-2112-4478 for .thai will not be approved. In accordance with the AGB the applicant may withdraw (pursuant to AGB § 1.5.1) or seek relief according to ICANN's accountability mechanisms (see ICANN Bylaws, Articles IV and V) subject to the appropriate standing and procedural requirements.
3. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.1)	The GAC Advises the Board to leave the following applications for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .spa (application number 1-1309-12524 and 1-1619-92115)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
4. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.2)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .yun (application number 1-1318-12524	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.
5. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.3)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .guangzhou (IDN in Chinese - application number 1-1121-22691)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires.
6. 2013-07-18 – gTLDStrings (Communiqué §1.1.b.i.i.4)	The GAC Advises the Board to leave the following application for further consideration and advises the ICANN Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .shenzhen (IDN in Chinese - application number 1-1121-82863)	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings, subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN Public meeting in Buenos Aires..

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
7. 2013-07-18 – wine and vin (Communiqué §2.a.i)	The GAC advises the ICANN Board that the GAC considered the two strings .vin and .wine and due to the complexity of the matter was unable to conclude at this meeting. As a result the GAC agreed to take thirty days additional time with a view to conclude on the matter.	1A	The NGPC accepts this advice. The NGPC stands ready to hear from the GAC on 29 August 2013 regarding its conclusion on applications for .vin and .wine.[1]
8. 2013-07-18 – date and persiangulf (Communiqué §3.a.i)	The GAC has finalized its consideration of the following string, and does not object to it proceeding: .date (application number 1-1247-30301)	1A	ICANN will continue to process the application in accordance with the established procedures in the AGB.
9. 2013-07-18 – date and persiangulf (Communiqué §3.a.ii)	The GAC has finalized its consideration of the following string, and does not object to it proceeding: .persiangulf (application number 1-2128-55439)	1A	ICANN will continue to process the application in accordance with the established procedures in the AGB. The NGPC notes that community objections have been filed with the International Centre for Expertise of the ICC against .PERSIANGULF.
10. 2013-07-18 –Indians and ram (Communiqué §4.a.i)	The GAC Advises the ICANN Board that the GAC has noted the concerns expressed by the Government of India not to proceed with the applications for .indians and .ram.	1A	The NGPC notes the concerns expressed in this advice.

[1] Note: The NGPC received a subsequent email from the GAC Chair on 10 September and a letter on 11 September advising that the GAC had finalized its consideration of the strings .wine and .vin, and that the applications should proceed through the normal application process. <http://www.icann.org/en/news/correspondence/dryden-to-crocker-09sep13-en> The NGPC acknowledges receipt of the correspondence and will discuss it at its next meeting.

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
11. 2013-07-18 –IGO Acronyms (Communiqué §5.c.i.a)	The GAC advises the ICANN Board that the GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would: (a) provide notification to an IGO if a potential registrant seeks to register a domain name matching the acronym of an IGO at the second level, giving the IGO a reasonable opportunity to express concerns, if any.	1A	The NGPC accepts the GAC advice to continue ongoing discussions with the GAC and the IGOs regarding protections of IGO acronyms.
12. 2013-07-18 –IGO Acronyms (Communiqué §5.c.i.b)	The GAC advises the ICANN Board that the GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would: (b) allow for an independent third party to review any such registration request, in the event of a disagreement between an IGO and potential registrant.	1A	The NGPC accepts the GAC advice to continue discussions with the GAC and the IGOs regarding protections of IGO acronyms.
13. 2013-07-18 –IGO Acronyms (Communiqué §5.c.ii)	The initial protections for IGO acronyms confirmed by the NGPC at its meeting of 2 July 2013 should remain in place until the dialogue between the GAC, NGPC, and IGO representatives ensuring the implementation of preventative protection for IGO acronyms at the second level is completed.	1A	The NGPC accepts this advice. On 17 July 2013, the NGPC adopted a resolution requiring registry operators to continue to implement temporary protections for the precise IGO names and acronyms on the "IGO List" posted as Annex 1 to Resolution 2013.07.02NG03 – 2013.07.02.NG06 until the first meeting of the NGPC following the ICANN 48 Meeting in Buenos Aires or until the NGPC makes a further determination on the GAC Advice re IGO protections, whichever is earlier. If the NGPC and GAC do not reach an agreement on outstanding implementation issues in that timeframe, and subject to any matters that arise during the discussions, registry operators will be required to protect only the IGO names identified on the "IGO List". http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-17jul13-en.htm#1.a

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
14. 2013-07-18 –IOCRC (Communiqué §5.a.i(sic))	The GAC advises the ICANN Board that the same complementary cost neutral mechanisms to be worked out (as above in 4.c.i. (sic)) for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).	1A	As noted above, the NGPC accepts the GAC advice to continue discussions with the GAC and the IGOs regarding protections of IGO acronyms. The NGPC accepts this advice to adopt any mechanism(s) that may be agreed to by the GAC and the NGPC for the protection of IGO acronyms in order to protect the acronyms of the ICRC/CICR and IFRC/FICR. Additionally, the NGPC directs staff to require registry operators to implement temporary protections for acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR) until the first meeting of the NGPC following the ICANN 48 Meeting in Buenos Aires.
15. 2013-07-18 –Category 1 (Communiqué §6.i.1)	The GAC has met with the NGPC to discuss the Committee's response to GAC advice contained in the Beijing Communiqué on safeguards that should apply to Category 1 new gTLDs. The GAC Advises the ICANN Board that the GAC will continue the dialogue with the NGPC on this issue.	1A	The NGPC accepts this advice. The NGPC looks forward to continuing the dialogue with the GAC on this issue.
16. 2013-07-18 – GeoNames (Communiqué §7.a.i)	The GAC recommends that ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.	1A	The NGPC accepts this recommendation. The NGPC stands ready to hear from the GAC regarding possible refinements, for future rounds, of the Applicant Guidebook with respect to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
17. 2013-07-18 – Community Applications (Communiqué §7.b.i)	The GAC reiterates its advice from the Beijing Communiqué regarding preferential treatment for all applications which have demonstrable community support, while noting community concerns over the high costs for pursuing a Community Objection process as well as over the high threshold for passing Community Priority Evaluation.	1A	The NGPC accepts the reiteration of the GAC's earlier advice from the Beijing Communiqué. The NGPC accepted this advice<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm#1.a> and stated as follows: Criterion 4 for the Community Priority Evaluation process takes into account "community support and/or opposition to the application" in determining whether to award priority to a community application in a contention set. (Note however that if a contention set is not resolved by the applicants or through a community priority evaluation then ICANN will utilize an auction as the objective method for resolving the contention.)
18. 2013-07-18 – Community Applications (Communiqué §7.b.ii.a)	Therefore the GAC advises the ICANN Board to consider to take better account of community views, and improve outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN's formal community processes to date.	1A	The NGPC accepts this advice. The NGPC will consider taking better account of community views and improving outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN's formal community processes to date. The NGPC notes that in general it may not be possible to improve any outcomes for communities beyond what may result from the utilization of the AGB's community processes while at the same time remaining within the existing framework.
19. 2013-07-18 –Security and Stability (Communiqué §8.a.i.)	The GAC shares the security and stability concerns expressed by the SSAC regarding Internal Name Certificates and Dotless Domains. The GAC requests the ICANN Board to provide a written briefing about how ICANN considers this SSAC advice with a view to implementation as soon as possible. The GAC believes that all such stability and security analysis should be made publicly available prior to the delegation of new gTLDS.	1A	The NGPC will provide a written briefing regarding how ICANN considers this SSAC advice with a view to implementation as soon as possible. The NGPC agrees with the GAC that all such stability and security analysis should be made publicly available prior to the delegation of new gTLDS. The NGPC notes the publication of the "Name Collision in The DNS" Study" and the "Dotless Domain Name Security and Stability Study Report."

GAC Register #	Summary of GAC Advice		NGPC Response/Notes
20. 2013-07-18 –Security and Stability(Communiqué §8.a.ii.a)	The GAC Advises the ICANN Board to: as a matter of urgency consider the recommendations contained in the SSAC Report on Dotless Domains (SAC053) and Internal Name Certificates (SAC057).	1A	The NGPC accepts this advice. On 5 August, ICANN opened a public comment forum on staff proposed efforts to mitigate potential impact resulting from name collisions as New gTLDs are delegated into the root zone. At its 13 August 2013 meeting, the NGPC affirmed that dotless domains are prohibited <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13aug13-en.htm#1>.
21. 2013-07-18 –Registry/ Registrar Agreements (Communiqué §9.a)	It was noted that there are provisions in the Registry Agreement and Registrar Accreditation Agreement that may conflict with applicable law in certain countries, in particular privacy and data retention, collection and processing law. The importance of having adequate procedures to avoid these conflicts was highlighted.	1A	The NGPC acknowledges the GAC's highlighting of the importance of having adequate procedures to avoid conflicts between provisions in the Registry Agreement and the Registrar Accreditation Agreement and applicable law in certain countries, in particular privacy and data retention, collection and processing law. First, ICANN's Registry Agreements and Registrar Accreditation Agreements already require contracted parties to abide by applicable law; ICANN cannot and will not require any of its contracted parties to violate laws. Through its contract development, ICANN has already demonstrated its understanding of the import of allowing contracted parties to obtain waivers of provisions that would conflict with laws, such as through the inclusion of a provision in the Registrar Accreditation Agreement to address conflicts of laws related to data retention. ICANN will also be working to achieve modifications of the existing ICANN Procedure for Handling Whois Conflicts with Privacy Law, including seeking input from the GAC on modifications.

Exhibit A12-1

Community Priority Evaluation (CPE) Guidelines

Prepared by The Economist Intelligence Unit

Interconnection between Community Priority Evaluation (CPE) Guidelines and the Applicant Guidebook (AGB)

The CPE Guidelines are an accompanying document to the AGB, and are meant to provide additional clarity around the process and scoring principles outlined in the AGB. This document does not modify the AGB framework, nor does it change the intent or standards laid out in the AGB. The Economist Intelligence Unit (EIU) is committed to evaluating each applicant under the criteria outlined in the AGB. The CPE Guidelines are intended to increase transparency, fairness and predictability around the assessment process.

Criterion #1: Community Establishment

This section relates to the community as explicitly identified and defined according to statements in the application. (The implicit reach of the applied-for string is not considered here, but taken into account when scoring Criterion #2, "Nexus between Proposed String and Community.")

Measured by

1-A Delineation

1-B Extension

A maximum of 4 points is possible on the Community Establishment criterion, and each sub-criterion has a maximum of 2 possible points.

1-A Delineation

AGB Criteria	Evaluation Guidelines
Scoring	
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.	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?*
Definitions	
"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	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?*

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.	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.
"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.	"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.
"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.	"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?*
Criterion 1-A guidelines	
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	With respect to the Community, consider the following: • *Are community members aware of the existence of the community as defined by the applicant?* • *Do community members recognize the community as defined by the applicant?*

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.	• *Is there clear evidence of such awareness and recognition?*

1-B Extension

AGB Criteria	Evaluation Guidelines
Scoring	
Extension: 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	The following questions must be scored when evaluating the application: *Is the community of considerable size?* *Does the community demonstrate longevity?*
Definitions	
"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.	
"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."	Consider the following: • *Is the designated community large in terms of membership and/or geographic dispersion?*

"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.	Consider the following: • *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)?*
Criterion 1-B Guidelines	
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.	

Criterion #2: Nexus between Proposed String and Community

This section evaluates the relevance of the string to the specific community that it claims to represent.

Measured by

2-A Nexus

2-B Uniqueness

A maximum of 4 points is possible on the Nexus criterion, and with the Nexus sub-criterion having a maximum of 3 possible points, and the Uniqueness sub-criterion having a maximum of 1 possible point.

2-A Nexus

AGB Criteria	Evaluation Guidelines
Scoring	
Nexus: 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	The following question 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.*
Definitions	
"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.	"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.
"Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.	"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.*
Criterion 2-A Guidelines	
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," 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.	

2-B Uniqueness

AGB Criteria	Evaluation Guidelines
Scoring	
Uniqueness: 1=String has no other significant meaning beyond	The following question must be scored when evaluating the application:

identifying the community described in the application. 0=String does not fulfill the requirement for a score of 1.	*Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application?*
Definitions	
"Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.	"Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.
"Significant meaning" relates to the public in general, with consideration of the community language context added	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.*
Criterion 2-B Guidelines	
"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." 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."	

Criterion #3: Registration Policies

This section evaluates the applicant's registration policies as indicated in the application. Registration policies are the conditions that the future registry will set for prospective registrants, i.e. those desiring to register second-level domain names under the registry.

Measured by

3-A Eligibility

3-B Name Selection

3-C Content and Use

3-D Enforcement

A maximum of 4 points is possible on the Registration Policies criterion and each sub-criterion has a maximum of 1 possible point.

3-A Eligibility

AGB Criteria	Evaluation Guidelines
Scoring	
Eligibility: 1= Eligibility restricted to community members 0= Largely unrestricted approach to eligibility	The following question must be scored when evaluating the application: *Is eligibility for being allowed as a registrant restricted?*
Definitions	
"Eligibility" means the qualifications that organizations or individuals must have in order to be allowed as registrants by the registry.	
Criterion 3-A Guidelines	
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.	

3-B Name Selection

AGB Criteria	Evaluation Guidelines
Scoring	
Name selection: 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	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?*
Definitions	
"Name selection" means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.	Consider the following: • *Are the name selection rules consistent with the entity's mission statement?*
Criterion 3-B Guidelines	
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.	

3-C Content and Use

AGB Criteria	Evaluation Guidelines

Scoring	
Content and use: 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	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?*
Definitions	
"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.	Consider the following: • *Are the content and use rules consistent with the applicant's mission statement?*
Criterion 3-C Guidelines	
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.	

3-D Enforcement

AGB Criteria	Evaluation Guidelines
Scoring	
Enforcement 1= Policies include specific enforcement measures	The following question must be scored when evaluating the application:

(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	*Do the policies include specific enforcement measures constituting a coherent set with appropriate appeal mechanisms?*
Definitions	
"Enforcement" means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.	"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*
Criterion 3-D Guidelines	
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.	

Criterion #4: Community Endorsement

This section evaluates community support and/or opposition to the application. Support and opposition will be scored in relation to the communities explicitly addressed in the application, with due regard for communities implicitly addressed by the string.

Measured by

4-A Support

4-B Opposition

A maximum of 4 points is possible on the Community Endorsement criterion and each sub-criterion (Support and Opposition) has a maximum of 2 possible points.

4-A Support

AGB Criteria	Evaluation Guidelines
Scoring	
Support: 2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community 1= Documented support from at least one group with relevance, but insufficient support for a score of 2 0= Insufficient proof of support for a score of 1	The following questions must be scored when evaluating the application: *Is the applicant the recognized community institution or member organization?* To assess this question please consider the following: a. *Consider whether the community institution or member organization is the clearly recognized representative of the community.* If the applicant meets this provision, proceed to Letter(s) of support and their verification. If it does not, or if there is more than one recognized community institution or member organization (and the applicant is one of them), consider the following: *Does the applicant have documented*

	support from the recognized community institution(s)/member organization(s) to represent the community? If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following: *Does the applicant have documented authority to represent the community?* If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following: *Does the applicant have support from at least one group with relevance?* If the applicant meets this provision, proceed to Letter(s) of support and their verification. ➢ Instructions on letter(s) of support requirements are located below, in **Letter(s) of support and their verification**
Definitions	
"Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.	
"Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.	The institution(s)/organization(s) could be deemed relevant when not identified in the application but has an association to the applied-for string.
Criterion 4-A Guidelines	
With respect to "Support," it follows that documented support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations.	**Letter(s) of support and their verification:** Letter(s) of support must be evaluated to determine both the relevance of the organization and the validity of the documentation and must meet the criteria spelled out below. The letter(s) of support is an input used to determine the relevance of the organization and the validity of

Also with respect to "Support," the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2. The applicant will score a 1 for "Support" if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on "Support" if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant community will not be required for a score of 2 regarding support. To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.	the documentation. Consider the following: Are there multiple institutions/organizations supporting the application, with documented support from institutions/organizations representing a majority of the overall community addressed? Does the applicant have support from the majority of the recognized community institution/member organizations? Has the applicant provided full documentation that it has authority to represent the community with its application? A majority of the overall community may be determined by, but not restricted to, considerations such as headcount, the geographic reach of the organizations, or other features such as the degree of power of the organizations. <u>Determining relevance and recognition</u> *Is the organization relevant and/or recognized as per the definitions above?* <u>Letter requirements & validity</u> *Does the letter clearly express the organization's support for the community-based application?* *Does the letter demonstrate the organization's understanding of the string being requested?* *Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?* To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or

	expressions of support received.

4-B Opposition

AGB Criteria	Evaluation Guidelines
Scoring	
Opposition: 2= No opposition of relevance 1= Relevant opposition from one group of non-negligible size 0= Relevant opposition from two or more groups of non-negligible size	The following question must be scored when evaluating the application: *Does the application have any opposition that is deemed relevant?*
Definitions	
"Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.	Consider the following: For "non-negligible" size, "relevant" and "relevance" consider: • *If the application has opposition from communities that are deemed to be relevant.* • *If a web search may help determine relevance and size of the objecting organization(s).* • *If there is opposition by some other reputable organization(s), such as a quasi-official, publicly recognized organization(s) or a peer organization(s)?* • *If there is opposition from a part of the community explicitly or implicitly addressed?*
Criterion 4-B Guidelines	
When scoring "Opposition," previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." To be taken into account as relevant opposition, such objections or	**Letter(s) of opposition and their verification:** Letter(s) of opposition should be evaluated to determine both the relevance of the organization and the validity of the documentation and should meet the criteria spelled out below. Determining relevance and recognition *Is the organization relevant and/or*

comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.	*recognized as per the definitions above?* Letter requirements & validity *Does the letter clearly express the organization's opposition to the applicant's application?* *Does the letter demonstrate the organization's understanding of the string being requested?* *Is the documentation submitted by the organization valid (i.e. the organization exists and the letter is authentic)?* To be considered relevant opposition, such documentation should contain a description of the process and rationale used in arriving at the expression of opposition. Consideration of opposition is not based merely on the number of comments or expressions of opposition received.

Verification of letter(s) of support and opposition

Additional information on the verification of letter(s) of support and opposition:

- Changes in governments may result in new leadership at government agencies. As such, the signatory need only have held the position as of the date the letter was signed or sealed.
- A contact name should be provided in the letter(s) of support or opposition.
- The contact must send an email acknowledging that the letter is authentic, as a verbal acknowledgement is not sufficient.
- In cases where the letter was signed or sealed by an individual who is not currently holding that office or a position of authority, the letter is valid only if the individual was the appropriate authority at the time that the letter was signed or sealed.

About the Community Priority Evaluation Panel and its Processes

The Economist Intelligence Unit (EIU) is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 900 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The EIU was selected as a Panel Firm for the gTLD evaluation process based on a number of criteria, including:

- The panel will be an internationally recognized firm or organization with significant demonstrated expertise in the evaluation and assessment of proposals in which the relationship of the proposal to a defined public or private community plays an important role.
- The provider must be able to convene a linguistically and culturally diverse panel capable, in the aggregate, of evaluating Applications from a wide variety of different communities.
- The panel must be able to exercise consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and
- The panel must be able to document the way in which it has done so in each case.

The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination. Consistency of approach in scoring Applications will be of particular importance.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators must ensure that no conflicts of interest exist.
- 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.
- EIU evaluators are selected based on their knowledge of specific countries, regions and/or industries, as they pertain to Applications.
- Language skills will also considered in the selection of evaluators and the assignment of specific Applications.
- All applications will be evaluated and scored, in the first instance by two evaluators, working independently.
- 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.

- The EIU will work closely with ICANN when questions arise and when additional information may be required to evaluate an application.
- The EIU will fully cooperate with ICANN's quality control process.

Exhibit A12-2

COMMUNITY PRIORITY EVALUATION PANEL AND ITS PROCESSES

Overview

At the time of submitting the new gTLD application, applicants had the opportunity to designate themselves as a community-based application, as prescribed in the section 1.2.3 of the Applicant Guidebook (AGB).

Community Priority Evaluation (CPE) is defined in section 4.2 of the AGB, and allows a community based-application to undergo an evaluation against the criteria as defined in section 4.2.3 of the AGB, to determine if the application warrants the minimum score of 14 points (out of a maximum of 16 points) to earn priority and thus win the contention set.

Only community-based applicants are eligible to participate in a community priority evaluation. A determination by a community priority panel, appointed by ICANN, must be made before a community name is awarded to an applicant. This determination will be based on the string and the completeness and validity of supporting documentation.

There are two possible outcomes to a Community Priority Evaluation:

- Determination that the application met the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Prevailed.
- Determination that the application did not meet the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Did not prevail.

Section 4.2.2 of the AGB prescribes that the Community Priority Evaluations will be conducted by an independent panel. ICANN selected the Economist Intelligence Unit (EIU) as the panel firm for Community Priority Evaluations.

The Economist Intelligence Unit

The Economist Intelligence Unit (EIU) was selected as a Panel Firm for the gTLD evaluation process. The EIU is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 500 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The evaluation process respects the principles of fairness, transparency, avoidance of potential conflicts of interest, and non-discrimination. Consistency of approach in scoring applications is of particular importance. In this regard, the Economist Intelligence Unit has more than six decades of experience building evaluative frameworks and benchmarking models for its clients, including governments, corporations, academic institutions and NGOs. Applying scoring systems to complex questions is a core competence.

EIU evaluators and core team

The Community Priority Evaluation panel comprises a core team, in addition to several independent[1] evaluators. The core team comprises a Project Manager, who oversees the Community Priority Evaluation project, a Project Coordinator, who is in charge of the day-to-day management of the project and provides guidance to the independent evaluators, and other senior staff members, including The Economist Intelligence Unit's Executive Editor and Global Director of Public Policy. Together, this team assesses the evaluation results. Each application is assessed by seven individuals: two independent evaluators, and the core team, which comprises five people.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators, including the core team, have ensured that no conflicts of interest exist.
- All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment. This process included a pilot training process, which has been followed by regular training sessions to ensure that all evaluators have the same understanding of the evaluation process and procedures.
- EIU evaluators are highly qualified, they speak several languages and have expertise in applying criteria and standardized methodologies across a broad variety of issues in a consistent and systematic manner.
- Language skills and knowledge of specific regions are also considered in the selection of evaluators and the assignment of specific applications.

CPE Evaluation Process

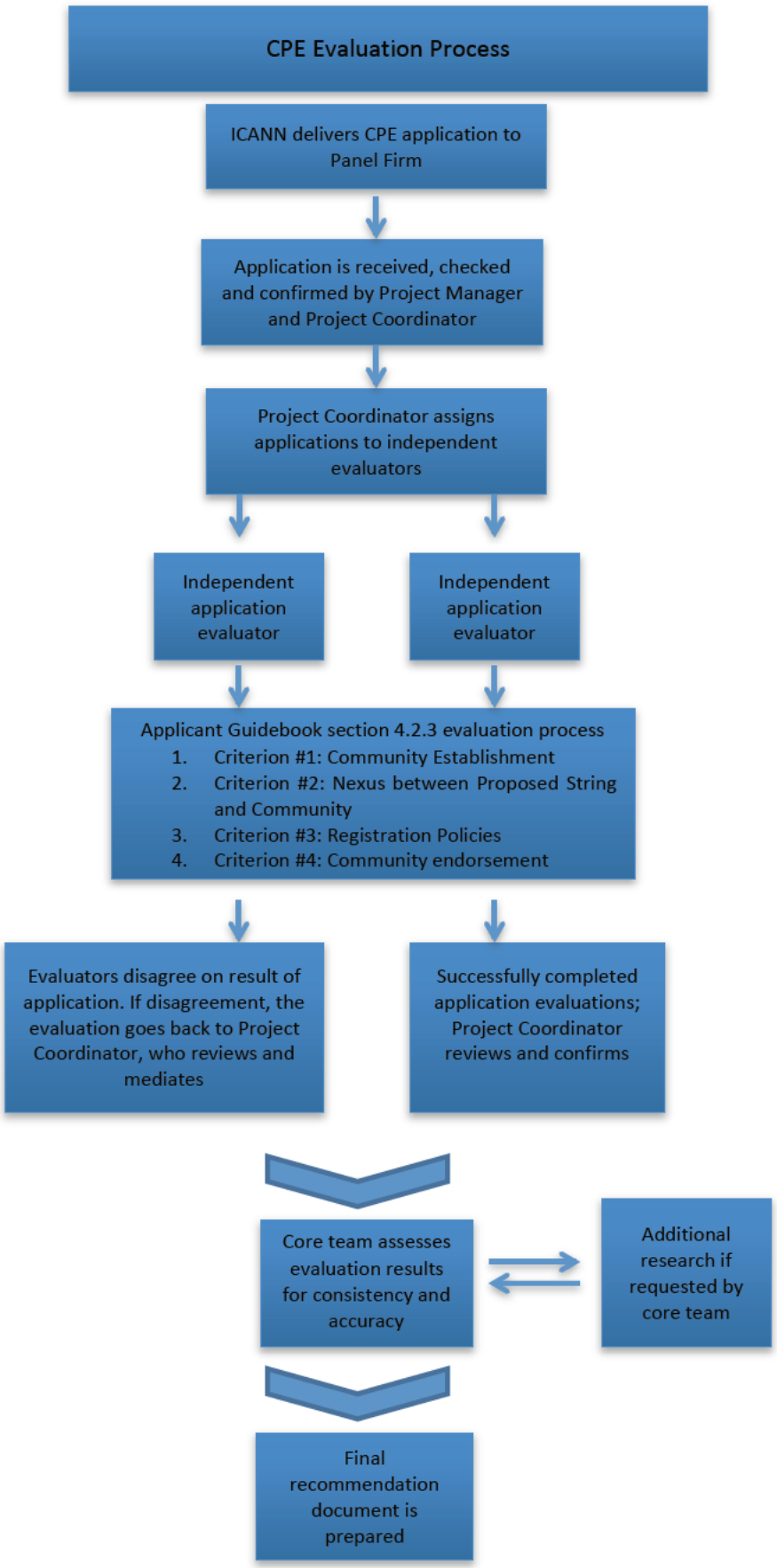
The EIU evaluates applications for gTLDs once they become eligible for review under CPE. The evaluation process as described in section 4.2.3 of the Applicant Guidebook and discussed in the CPE Guidelines document is described below:

- The Panel Firm's Project Manager is notified by ICANN that an application for a gTLD is ready for CPE, and the application ID and public comments are delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website. The EIU Project Manager reviews the application and associated materials, in conjunction with the EIU Project Coordinator. The Project Coordinator assigns the application to each of two evaluators, who work independently to assess and score the application.
- Each evaluator reviews the application and accompanying documentation, such as letter(s) of support and opposition. Based on this information and additional independent research, the evaluators assign scores to the four CPE criteria as defined in the Applicant Guidebook.
- As part of this process, one of the two evaluators assigned to assess the same string is asked to verify the letters of support and opposition. (Please see "Verification of letter(s) of support and opposition" section for further details.)
- When evaluating an application the CPE Panel also considers the public application comments. The public comments are provided to EIU by ICANN following the close of the 14-day window associated with the CPE invitation. For every comment of support/opposition received, the designated evaluator assesses the relevance of the organization of the poster along with the content of the comment. A separate verification of the comment author is not performed as the Application Comments

[1] The term "independent" means that the evaluators do not have any conflict of interest with CPE applicants. It also means that the evaluators sit outside the core EIU team; they provide individual evaluation results based on their assessment of the AGB criteria, application materials, and secondary research without any influence from core team members.

system requires that users register themselves with an active email account before they are allowed to post any comments. However, the evaluator will check the affiliated website to ascertain if the person sending the comment(s) is at that entity/organization named, unless the comment has been sent in an individual capacity.

- Once the two evaluators have completed this process, the evaluation results are reviewed by the Project Coordinator, who checks them for completeness and consistency with the procedures of the Applicant Guidebook.
- If the two evaluators disagree on one or more of the scores, the Project Coordinator mediates and works to achieve consensus, where possible.
- The Project Director and Project Coordinator, along with other members of the core team, meet to discuss the evaluators' results and to verify compliance with the Applicant Guidebook. Justifications for the scores are further refined and articulated in this phase.
- If the core team so decides, additional research may be carried out to answer questions that arise during the review, especially as they pertain to the qualitative aspects of the Applicant Guidebook scoring procedures.
- If the core team so decides, the EIU may provide a clarifying question (CQ) to be issued via ICANN to the applicant to clarify statements in the application materials and/or to inform the applicant that letter(s) of support could not be verified.
- When the core team achieves consensus on the scores for each application, an explanation, or justification, for each score is prepared. A final document with all scores and justifications for a given application, including a determination of whether the application earned the requisite 14 points for prevailing, is presented to ICANN.
- The Economist Intelligence Unit works with ICANN when questions arise or when additional process information may be required to evaluate an application.
- The Panel Firm exercises consistent judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case.


CPE Evaluation Process
ICANN delivers CPE application to Panel Firm
Application is received, checked and confirmed by Project Manager and Project Coordinator
Project Coordinator assigns applications to independent evaluators
Independent application evaluator
Independent application evaluator
Applicant Guidebook section 4.2.3 evaluation process
1. Criterion #1: Community Establishment
2. Criterion #2: Nexus between Proposed String and Community
3. Criterion #3: Registration Policies
4. Criterion #4: Community endorsement
Evaluators disagree on result of application. If disagreement, the evaluation goes back to Project Coordinator, who reviews and mediates
Successfully completed application evaluations; Project Coordinator reviews and confirms
Core team assesses evaluation results for consistency and accuracy
Additional research if requested by core team
Final recommendation document is prepared

Verification of letter(s) of support and opposition

As part of this CPE evaluation process, one of the two evaluators assigned to assess the same string verifies the letters of support and opposition. This process is outlined below:

- On a regular basis, the EIU reviews ICANN's public correspondence page (http://newgtlds.icann.org/en/program-status/correspondence) for recently received correspondence to assess whether it is relevant to an ongoing evaluation. If it is relevant, the public correspondence is provided to the evaluators assigned to the evaluation for review.
- For every letter of support/opposition received, the designated evaluator assesses both the relevance of the organization and the validity of the documentation. Only one of the two evaluators is responsible for the letter verification process.
- With few exceptions, verification emails are sent to every entity that has sent a letter(s) of support or opposition to validate their identity and authority.
- The exceptions noted above regarding sending verification letter(s) include but may not be limited to:
    - If there are no contact details included in the letter(s). However, the evaluator will attempt to obtain this information through independent research.
    - If the person sending the letters(s) does not represent an organization. However, if the content of the letter(s) suggests that the individual sending a letter has sent this letter(s) on behalf of an organization/entity the evaluator will attempt to validate this affiliation.
- The verification email for letter(s) of support/opposition requests the following information from the author of the letter:
    - Confirmation of the authenticity of the organization(s) letter.
    - Confirmation that the sender of the letter has the authority to indicate the organization(s) support/opposition for the application.
    - In instances where the letter(s) of support do not clearly and explicitly endorse the applicant, the verification email asks for confirmation as to whether or not the organization(s) explicitly supports the community based application.
- To provide every opportunity for a response, the evaluator regularly contacts the organization for a response by email and phone for a period of at least a month.
- A verbal acknowledgement is not sufficient. The contacted individual must send an email to the EIU acknowledging that the letter is authentic.

Exhibit A13

gTLD Applicant Guidebook

Version 2012-06-04

4 June 2012

Preamble

New gTLD Program Background

New gTLDs have been in the forefront of ICANN's agenda since its creation. The new gTLD program will open up the top level of the Internet's namespace to foster diversity, encourage competition, and enhance the utility of the DNS.

Currently the namespace consists of 22 gTLDs and over 250 ccTLDs operating on various models. Each of the gTLDs has a designated "registry operator" and, in most cases, a Registry Agreement between the operator (or sponsor) and ICANN. The registry operator is responsible for the technical operation of the TLD, including all of the names registered in that TLD. The gTLDs are served by over 900 registrars, who interact with registrants to perform domain name registration and other related services. The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market. When the program launches its first application round, ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

The program has its origins in carefully deliberated policy development work by the ICANN community. In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations. Representatives from a wide variety of stakeholder groups—governments, individuals, civil society, business and intellectual property constituencies, and the technology community—were engaged in discussions for more than 18 months on such questions as the demand, benefits and risks of new gTLDs, the selection criteria that should be applied, how gTLDs should be allocated, and the contractual conditions that should be required for new gTLD registries going forward. The culmination of this policy development process was a decision by the ICANN Board of Directors to adopt the community-developed policy in June 2008. A thorough brief to the policy process and outcomes can be found at http://gnso.icann.org/issues/new-gtlds.

ICANN's work next focused on implementation: creating an application and evaluation process for new gTLDs that is aligned with the policy recommendations and provides a clear roadmap for applicants to reach delegation, including Board approval. This implementation work is reflected in the drafts of the applicant guidebook that were released for public comment, and in the explanatory papers giving insight into rationale behind some of the conclusions reached on specific topics. Meaningful community input has led to revisions of the draft applicant guidebook. In parallel, ICANN has established the resources needed to successfully launch and operate the program. This process concluded with the decision by the ICANN Board of Directors in June 2011 to launch the New gTLD Program.

For current information, timelines and activities related to the New gTLD Program, please go to http://www.icann.org/en/topics/new-gtld-program.htm.

gTLD Applicant Guidebook

(v. 2012-06-04)

Module 1

4 June 2012

Module 1

Introduction to the gTLD Application Process

This module gives applicants an overview of the process for applying for a new generic top-level domain, and includes instructions on how to complete and submit an application, the supporting documentation an applicant must submit with an application, the fees required, and when and how to submit them.

This module also describes the conditions associated with particular types of applications, and the stages of the application life cycle.

Prospective applicants are encouraged to read and become familiar with the contents of this entire module, as well as the others, before starting the application process to make sure they understand what is required of them and what they can expect at each stage of the application evaluation process.

For the complete set of the supporting documentation and more about the origins, history and details of the policy development background to the New gTLD Program, please see http://gnso.icann.org/issues/new-gtlds/.

This Applicant Guidebook is the implementation of Board-approved consensus policy concerning the introduction of new gTLDs, and has been revised extensively via public comment and consultation over a two-year period.

1.1 Application Life Cycle and Timelines

This section provides a description of the stages that an application passes through once it is submitted. Some stages will occur for all applications submitted; others will only occur in specific circumstances. Applicants should be aware of the stages and steps involved in processing applications received.

1.1.1 Application Submission Dates

The user registration and application submission periods open at **00:01 UTC 12 January 2012**.

The user registration period closes at **23:59 UTC 29 March 2012.** New users to TAS will not be accepted beyond this

time. Users already registered will be able to complete the application submission process.

Applicants should be aware that, due to required processing steps (i.e., online user registration, application submission, fee submission, and fee reconciliation) and security measures built into the online application system, it might take substantial time to perform all of the necessary steps to submit a complete application. Accordingly, applicants are encouraged to submit their completed applications and fees as soon as practicable after the Application Submission Period opens. Waiting until the end of this period to begin the process may not provide sufficient time to submit a complete application before the period closes. Accordingly, new user registrations will not be accepted after the date indicated above.

The application submission period closes at **23:59 UTC 12 April 2012.**

To receive consideration, all applications must be submitted electronically through the online application system by the close of the application submission period.

An application will not be considered, in the absence of exceptional circumstances, if:

- It is received after the close of the application submission period.
- The application form is incomplete (either the questions have not been fully answered or required supporting documents are missing). Applicants will not ordinarily be permitted to supplement their applications after submission.
- The evaluation fee has not been paid by the deadline. Refer to Section 1.5 for fee information.

ICANN has gone to significant lengths to ensure that the online application system will be available for the duration of the application submission period. In the event that the system is not available, ICANN will provide alternative instructions for submitting applications on its website.

1.1.2 Application Processing Stages

This subsection provides an overview of the stages involved in processing an application submitted to ICANN. Figure 1-1 provides a simplified depiction of the process. The shortest and most straightforward path is marked with bold lines, while certain stages that may or may not be

applicable in any given case are also shown. A brief description of each stage follows.

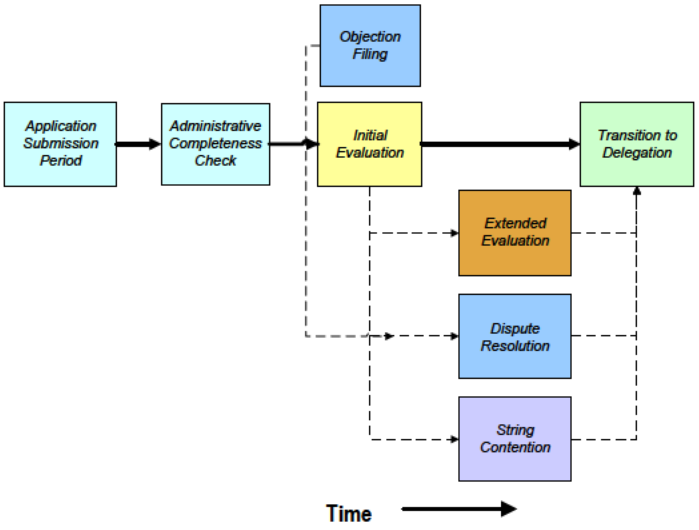


Figure 1-1 – Once submitted to ICANN, applications will pass through multiple stages of processing.

1.1.2.1 Application Submission Period

At the time the application submission period opens, those wishing to submit new gTLD applications can become registered users of the TLD Application System (TAS).

After completing the user registration, applicants will supply a deposit for each requested application slot (see section 1.4), after which they will receive access to the full application form. To complete the application, users will answer a series of questions to provide general information, demonstrate financial capability, and demonstrate technical and operational capability. The supporting documents listed in subsection 1.2.2 of this module must also be submitted through the online application system as instructed in the relevant questions.

Applicants must also submit their evaluation fees during this period. Refer to Section 1.5 of this module for additional information about fees and payments.

Each application slot is for one gTLD. An applicant may submit as many applications as desired; however, there is no means to apply for more than one gTLD in a single application.

Following the close of the application submission period, ICANN will provide applicants with periodic status updates on the progress of their applications.

1.1.2.2 Administrative Completeness Check

Immediately following the close of the application submission period, ICANN will begin checking all applications for completeness. This check ensures that:

- All mandatory questions are answered;
- Required supporting documents are provided in the proper format(s); and
- The evaluation fees have been received.

ICANN will post the public portions of all applications considered complete and ready for evaluation within two weeks of the close of the application submission period. Certain questions relate to internal processes or information: applicant responses to these questions will not be posted. Each question is labeled in the application form as to whether the information will be posted. See posting designations for the full set of questions in the attachment to Module 2.

The administrative completeness check is expected to be completed for all applications in a period of approximately 8 weeks, subject to extension depending on volume. In the event that all applications cannot be processed within this period, ICANN will post updated process information and an estimated timeline.

1.1.2.3 Comment Period

Public comment mechanisms are part of ICANN's policy development, implementation, and operational processes. As a private-public partnership, ICANN is dedicated to: preserving the operational security and stability of the Internet, promoting competition, achieving broad representation of global Internet communities, and developing policy appropriate to its mission through bottom-up, consensus-based processes. This necessarily involves the participation of many stakeholder groups in a public discussion.

ICANN will open a comment period (the Application Comment period) at the time applications are publicly posted on ICANN's website (refer to subsection 1.1.2.2). This period will allow time for the community to review and submit comments on posted application materials

(referred to as "application comments.") The comment forum will require commenters to associate comments with specific applications and the relevant panel. Application comments received within a 60-day period from the posting of the application materials will be available to the evaluation panels performing the Initial Evaluation reviews. This period is subject to extension, should the volume of applications or other circumstances require. **To be considered by evaluators, comments must be received in the designated comment forum within the stated time period.**

Evaluators will perform due diligence on the application comments (i.e., determine their relevance to the evaluation, verify the accuracy of claims, analyze meaningfulness of references cited) and take the information provided in these comments into consideration. In cases where consideration of the comments has impacted the scoring of the application, the evaluators will seek clarification from the applicant. Statements concerning consideration of application comments that have impacted the evaluation decision will be reflected in the evaluators' summary reports, which will be published at the end of Extended Evaluation.

Comments received after the 60-day period will be stored and available (along with comments received during the comment period) for other considerations, such as the dispute resolution process, as described below.

In the new gTLD application process, all applicants should be aware that comment fora are a mechanism for the public to bring relevant information and issues to the attention of those charged with handling new gTLD applications. Anyone may submit a comment in a public comment forum.

Comments and the Formal Objection Process: A distinction should be made between application comments, which may be relevant to ICANN's task of determining whether applications meet the established criteria, and formal objections that concern matters outside those evaluation criteria. The formal objection process was created to allow a full and fair consideration of objections based on certain limited grounds outside ICANN's evaluation of applications on their merits (see subsection 3.2).

Public comments will not be considered as formal objections. Comments on matters associated with formal objections will not be considered by panels during Initial Evaluation. These comments will be available to and may

be subsequently considered by an expert panel during a dispute resolution proceeding (see subsection 1.1.2.9). However, in general, application comments have a very limited role in the dispute resolution process.

String Contention: Comments designated for the Community Priority Panel, as relevant to the criteria in Module 4, may be taken into account during a Community Priority Evaluation.

Government Notifications: Governments may provide a notification using the application comment forum to communicate concerns relating to national laws. However, a government's notification of concern will not in itself be deemed to be a formal objection. A notification by a government does not constitute grounds for rejection of a gTLD application. A government may elect to use this comment mechanism to provide such a notification, in addition to or as an alternative to the GAC Early Warning procedure described in subsection 1.1.2.4 below.

Governments may also communicate directly to applicants using the contact information posted in the application, e.g., to send a notification that an applied-for gTLD string might be contrary to a national law, and to try to address any concerns with the applicant.

General Comments: A general public comment forum will remain open through all stages of the evaluation process, to provide a means for the public to bring forward any other relevant information or issues.

1.1.2.4 GAC Early Warning

Concurrent with the 60-day comment period, ICANN's Governmental Advisory Committee (GAC) may issue a GAC Early Warning notice concerning an application. This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments.

The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs (see subsection 1.1.2.7) or of a formal objection (see subsection 1.1.2.6) at a later stage in the process.

A GAC Early Warning typically results from a notice to the GAC by one or more governments that an application might be problematic, e.g., potentially violate national law or raise sensitivities. A GAC Early Warning may be issued for any reason.[1] The GAC may then send that notice to the Board – constituting the GAC Early Warning. ICANN will notify applicants of GAC Early Warnings as soon as practicable after receipt from the GAC. The GAC Early Warning notice may include a nominated point of contact for further information.

GAC consensus is not required for a GAC Early Warning to be issued. Minimally, the GAC Early Warning must be provided in writing to the ICANN Board, and be clearly labeled as a GAC Early Warning. This may take the form of an email from the GAC Chair to the ICANN Board. For GAC Early Warnings to be most effective, they should include the reason for the warning and identify the objecting countries.

Upon receipt of a GAC Early Warning, the applicant may elect to withdraw the application for a partial refund (see subsection 1.5.1), or may elect to continue with the application (this may include meeting with representatives from the relevant government(s) to try to address the concern). To qualify for the refund described in subsection 1.5.1, the applicant must provide notification to ICANN of its election to withdraw the application within 21 calendar days of the date of GAC Early Warning delivery to the applicant.

To reduce the possibility of a GAC Early Warning, all applicants are encouraged to identify potential sensitivities in advance of application submission, and to work with the relevant parties (including governments) beforehand to mitigate concerns related to the application.

1.1.2.5 Initial Evaluation

Initial Evaluation will begin immediately after the administrative completeness check concludes. All complete applications will be reviewed during Initial Evaluation. At the beginning of this period, background screening on the applying entity and the individuals named in the application will be conducted. Applications

[1] While definitive guidance has not been issued, the GAC has indicated that strings that could raise sensitivities include those that "purport to represent or that embody a particular group of people or interests based on historical, cultural, or social components of identity, such as nationality, race or ethnicity, religion, belief, culture or particular social origin or group, political opinion, membership of a national minority, disability, age, and/or a language or linguistic group (non-exhaustive)" and "those strings that refer to particular sectors, such as those subject to national regulation (such as .bank, .pharmacy) or those that describe or are targeted to a population or industry that is vulnerable to online fraud or abuse."

must pass this step in conjunction with the Initial Evaluation reviews.

There are two main elements of the Initial Evaluation:

1. String reviews (concerning the applied-for gTLD string). String reviews include a determination that the applied-for gTLD string is not likely to cause security or stability problems in the DNS, including problems caused by similarity to existing TLDs or reserved names.

2. Applicant reviews (concerning the entity applying for the gTLD and its proposed registry services). Applicant reviews include a determination of whether the applicant has the requisite technical, operational, and financial capabilities to operate a registry.

By the conclusion of the Initial Evaluation period, ICANN will post notice of all Initial Evaluation results. Depending on the volume of applications received, such notices may be posted in batches over the course of the Initial Evaluation period.

The Initial Evaluation is expected to be completed for all applications in a period of approximately 5 months. If the volume of applications received significantly exceeds 500, applications will be processed in batches and the 5-month timeline will not be met. The first batch will be limited to 500 applications and subsequent batches will be limited to 400 to account for capacity limitations due to managing extended evaluation, string contention, and other processes associated with each previous batch.

If batching is required, a secondary time-stamp process will be employed to establish the batches. (Batching priority will not be given to an application based on the time at which the application was submitted to ICANN, nor will batching priority be established based on a random selection method.)

The secondary time-stamp process will require applicants to obtain a time-stamp through a designated process which will occur after the close of the application submission period. The secondary time stamp process will occur, if required, according to the details to be published on ICANN's website. (Upon the Board's approval of a final designation of the operational details of the "secondary timestamp" batching process, the final plan will be added as a process within the Applicant Guidebook.)

If batching is required, the String Similarity review will be completed on all applications prior to the establishment of evaluation priority batches. For applications identified as part of a contention set, the entire contention set will be kept together in the same batch.

If batches are established, ICANN will post updated process information and an estimated timeline.

Note that the processing constraints will limit delegation rates to a steady state even in the event of an extremely high volume of applications. The annual delegation rate will not exceed 1,000 per year in any case, no matter how many applications are received.[2]

1.1.2.6 Objection Filing

Formal objections to applications can be filed on any of four enumerated grounds, by parties with standing to object. The objection filing period will open after ICANN posts the list of complete applications as described in subsection 1.1.2.2, and will last for approximately 7 months.

Objectors must file such formal objections directly with dispute resolution service providers (DRSPs), not with ICANN. The objection filing period will close following the end of the Initial Evaluation period (refer to subsection 1.1.2.5), with a two-week window of time between the posting of the Initial Evaluation results and the close of the objection filing period. Objections that have been filed during the objection filing period will be addressed in the dispute resolution stage, which is outlined in subsection 1.1.2.9 and discussed in detail in Module 3.

All applicants should be aware that third parties have the opportunity to file objections to any application during the objection filing period. Applicants whose applications are the subject of a formal objection will have an opportunity to file a response according to the dispute resolution service provider's rules and procedures. An applicant wishing to file a formal objection to another application that has been submitted would do so within the objection filing period, following the objection filing procedures in Module 3.

Applicants are encouraged to identify possible regional, cultural, property interests, or other sensitivities regarding TLD strings and their uses before applying and, where

[2] See "Delegation Rate Scenarios for New gTLDs" at http://icann.org/en/topics/new-gtlds/delegation-rate-scenarios-new-gtlds-06oct10-en.pdf for additional discussion.

possible, consult with interested parties to mitigate any concerns in advance.

1.1.2.7 Receipt of GAC Advice on New gTLDs

The GAC may provide public policy advice directly to the ICANN Board on any application. The procedure for GAC Advice on New gTLDs described in Module 3 indicates that, to be considered by the Board during the evaluation process, the GAC Advice on New gTLDs must be submitted by the close of the objection filing period. A GAC Early Warning is not a prerequisite to use of the GAC Advice process.

If the Board receives GAC Advice on New gTLDs stating that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN Board that the application should not be approved. If the Board does not act in accordance with this type of advice, it must provide rationale for doing so.

See Module 3 for additional detail on the procedures concerning GAC Advice on New gTLDs.

1.1.2.8 Extended Evaluation

Extended Evaluation is available only to certain applicants that do not pass Initial Evaluation.

Applicants failing certain elements of the Initial Evaluation can request an Extended Evaluation. If the applicant does not pass Initial Evaluation and does not expressly request an Extended Evaluation, the application will proceed no further. The Extended Evaluation period allows for an additional exchange of information between the applicant and evaluators to clarify information contained in the application. The reviews performed in Extended Evaluation do not introduce additional evaluation criteria.

An application may be required to enter an Extended Evaluation if one or more proposed registry services raise technical issues that might adversely affect the security or stability of the DNS. The Extended Evaluation period provides a time frame for these issues to be investigated. Applicants will be informed if such a review is required by the end of the Initial Evaluation period.

Evaluators and any applicable experts consulted will communicate the conclusions resulting from the additional review by the end of the Extended Evaluation period.

At the conclusion of the Extended Evaluation period, ICANN will post summary reports, by panel, from the Initial and Extended Evaluation periods.

If an application passes the Extended Evaluation, it can then proceed to the next relevant stage. If the application does not pass the Extended Evaluation, it will proceed no further.

The Extended Evaluation is expected to be completed for all applications in a period of approximately 5 months, though this timeframe could be increased based on volume. In this event, ICANN will post updated process information and an estimated timeline.

1.1.2.9 Dispute Resolution

Dispute resolution applies only to applicants whose applications are the subject of a formal objection.

Where formal objections are filed and filing fees paid during the objection filing period, independent dispute resolution service providers (DRSPs) will initiate and conclude proceedings based on the objections received. The formal objection procedure exists to provide a path for those who wish to object to an application that has been submitted to ICANN. Dispute resolution service providers serve as the fora to adjudicate the proceedings based on the subject matter and the needed expertise. Consolidation of objections filed will occur where appropriate, at the discretion of the DRSP.

As a result of a dispute resolution proceeding, either the applicant will prevail (in which case the application can proceed to the next relevant stage), or the objector will prevail (in which case either the application will proceed no further or the application will be bound to a contention resolution procedure). In the event of multiple objections, an applicant must prevail in all dispute resolution proceedings concerning the application to proceed to the next relevant stage. Applicants will be notified by the DRSP(s) of the results of dispute resolution proceedings.

Dispute resolution proceedings, where applicable, are expected to be completed for all applications within approximately a 5-month time frame. In the event that volume is such that this timeframe cannot be accommodated, ICANN will work with the dispute resolution service providers to create processing procedures and post updated timeline information.

1.1.2.10 String Contention

String contention applies only when there is more than one qualified application for the same or similar gTLD strings.

String contention refers to the scenario in which there is more than one qualified application for the identical gTLD string or for similar gTLD strings. In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.

Applicants are encouraged to resolve string contention cases among themselves prior to the string contention resolution stage. In the absence of resolution by the contending applicants, string contention cases are resolved either through a community priority evaluation (if a community-based applicant elects it) or through an auction.

In the event of contention between applied-for gTLD strings that represent geographic names, the parties may be required to follow a different process to resolve the contention. See subsection 2.2.1.4 of Module 2 for more information.

Groups of applied-for strings that are either identical or similar are called contention sets. All applicants should be aware that if an application is identified as being part of a contention set, string contention resolution procedures will not begin until all applications in the contention set have completed all aspects of evaluation, including dispute resolution, if applicable.

To illustrate, as shown in Figure 1-2, Applicants A, B, and C all apply for .EXAMPLE and are identified as a contention set. Applicants A and C pass Initial Evaluation, but Applicant B does not. Applicant B requests Extended Evaluation. A third party files an objection to Applicant C's application, and Applicant C enters the dispute resolution process. Applicant A must wait to see whether Applicants B and C successfully complete the Extended Evaluation and dispute resolution phases, respectively, before it can proceed to the string contention resolution stage. In this example, Applicant B passes the Extended Evaluation, but Applicant C does not prevail in the dispute resolution proceeding. String contention resolution then proceeds between Applicants A and B.

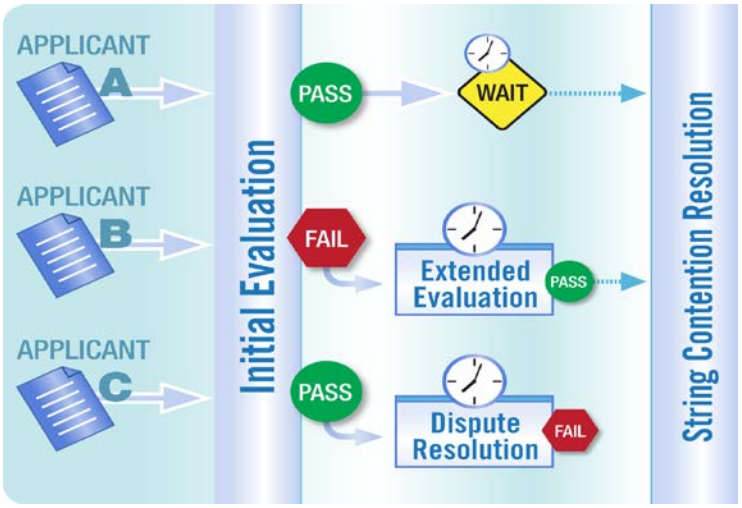


Figure 1-2 – All applications in a contention set must complete all previous evaluation and dispute resolution stages before string contention resolution can begin.

Applicants prevailing in a string contention resolution procedure will proceed toward delegation of the applied-for gTLDs.

String contention resolution for a contention set is estimated to take from 2.5 to 6 months to complete. The time required will vary per case because some contention cases may be resolved in either a community priority evaluation or an auction, while others may require both processes.

1.1.2.11 Transition to Delegation

Applicants successfully completing all the relevant stages outlined in this subsection 1.1.2 are required to carry out a series of concluding steps before delegation of the applied-for gTLD into the root zone. These steps include execution of a registry agreement with ICANN and completion of a pre-delegation technical test to validate information provided in the application.

Following execution of a registry agreement, the prospective registry operator must complete technical set-up and show satisfactory performance on a set of technical tests before delegation of the gTLD into the root zone may be initiated. If the pre-delegation testing requirements are not satisfied so that the gTLD can be delegated into the root zone within the time frame specified in the registry agreement, ICANN may in its sole and absolute discretion elect to terminate the registry agreement.

Once all of these steps have been successfully completed, the applicant is eligible for delegation of its applied-for gTLD into the DNS root zone.

It is expected that the transition to delegation steps can be completed in approximately 2 months, though this could take more time depending on the applicant's level of preparedness for the pre-delegation testing and the volume of applications undergoing these steps concurrently.

1.1.3 Lifecycle Timelines

Based on the estimates for each stage described in this section, the lifecycle for a straightforward application could be approximately 9 months, as follows:

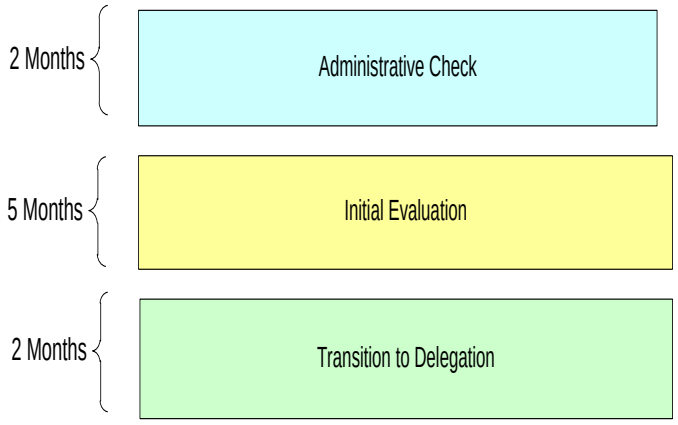


Figure 1-3 – A straightforward application could have an approximate 9-month lifecycle.

The lifecycle for a highly complex application could be much longer, such as 20 months in the example below:

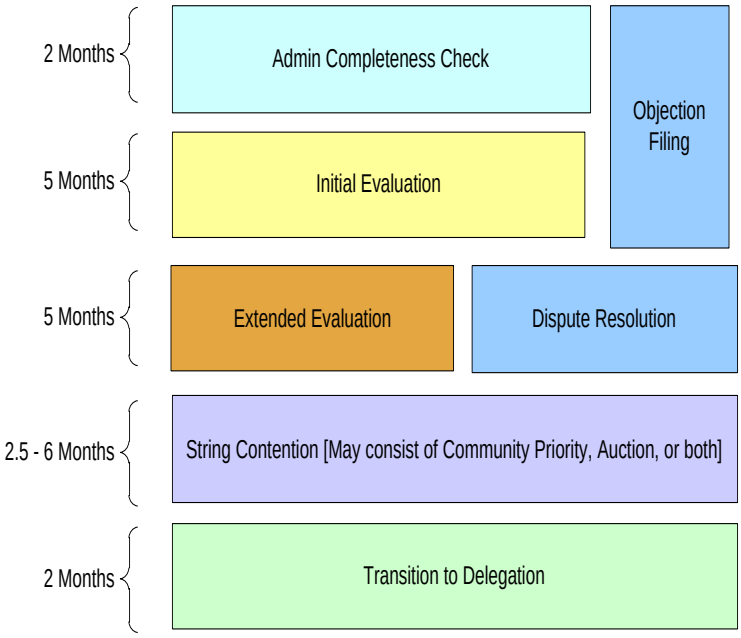


Figure 1-4 – A complex application could have an approximate 20-month lifecycle.

1.1.4 Posting Periods

The results of application reviews will be made available to the public at various stages in the process, as shown below.

Period	Posting Content
During Administrative Completeness Check	Public portions of all applications (posted within 2 weeks of the start of the Administrative Completeness Check).
End of Administrative Completeness Check	Results of Administrative Completeness Check.
GAC Early Warning Period	GAC Early Warnings received.
During Initial Evaluation	Status updates for applications withdrawn or ineligible for further review. Contention sets resulting from String Similarity review.

Period	Posting Content
End of Initial Evaluation	Application status updates with all Initial Evaluation results.
GAC Advice on New gTLDs	GAC Advice received.
End of Extended Evaluation	Application status updates with all Extended Evaluation results. Evaluation summary reports from the Initial and Extended Evaluation periods.
During Objection Filing/Dispute Resolution	Information on filed objections and status updates available via Dispute Resolution Service Provider websites. Notice of all objections posted by ICANN after close of objection filing period.
During Contention Resolution (Community Priority Evaluation)	Results of each Community Priority Evaluation posted as completed.
During Contention Resolution (Auction)	Results from each auction posted as completed.
Transition to Delegation	Registry Agreements posted when executed. Pre-delegation testing status updated.

1.1.5 Sample Application Scenarios

The following scenarios briefly show a variety of ways in which an application may proceed through the evaluation process. The table that follows exemplifies various processes and outcomes. This is not intended to be an exhaustive list of possibilities. There are other possible combinations of paths an application could follow.

Estimated time frames for each scenario are also included, based on current knowledge. Actual time frames may vary depending on several factors, including the total number

of applications received by ICANN during the application submission period. It should be emphasized that most applications are expected to pass through the process in the shortest period of time, i.e., they will not go through extended evaluation, dispute resolution, or string contention resolution processes. Although most of the scenarios below are for processes extending beyond nine months, it is expected that most applications will complete the process within the nine-month timeframe.

Scenario Number	Initial Evaluation	Extended Evaluation	Objection(s) Filed	String Contention	Approved for Delegation Steps	Estimated Elapsed Time
1	Pass	N/A	None	No	Yes	9 months
2	Fail	Pass	None	No	Yes	14 months
3	Pass	N/A	None	Yes	Yes	11.5 – 15 months
4	Pass	N/A	Applicant prevails	No	Yes	14 months
5	Pass	N/A	Objector prevails	N/A	No	12 months
6	Fail	Quit	N/A	N/A	No	7 months
7	Fail	Fail	N/A	N/A	No	12 months
8	Fail	Pass	Applicant prevails	Yes	Yes	16.5 – 20 months
9	Fail	Pass	Applicant prevails	Yes	No	14.5 – 18 months

Scenario 1 – Pass Initial Evaluation, No Objection, No Contention – In the most straightforward case, the application passes Initial Evaluation and there is no need for an Extended Evaluation. No objections are filed during the objection period, so there is no dispute to resolve. As there is no contention for the applied-for gTLD string, the applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD. Most applications are expected to complete the process within this timeframe.

Scenario 2 – Extended Evaluation, No Objection, No Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. As with Scenario 1, no objections are filed

during the objection period, so there is no dispute to resolve. As there is no contention for the gTLD string, the applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD.

Scenario 3 – Pass Initial Evaluation, No Objection, Contention – In this case, the application passes the Initial Evaluation so there is no need for Extended Evaluation. No objections are filed during the objection period, so there is no dispute to resolve. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, the application prevails in the contention resolution, so the applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD.

Scenario 4 – Pass Initial Evaluation, Win Objection, No Contention – In this case, the application passes the Initial Evaluation so there is no need for Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing (refer to Module 3, Objection Procedures). The objection is heard by a dispute resolution service provider panel that finds in favor of the applicant. The applicant can enter into a registry agreement and the application can proceed toward delegation of the applied-for gTLD.

Scenario 5 – Pass Initial Evaluation, Lose Objection – In this case, the application passes the Initial Evaluation so there is no need for Extended Evaluation. During the objection period, multiple objections are filed by one or more objectors with standing for one or more of the four enumerated objection grounds. Each objection is heard by a dispute resolution service provider panel. In this case, the panels find in favor of the applicant for most of the objections, but one finds in favor of the objector. As one of the objections has been upheld, the application does not proceed.

Scenario 6 – Fail Initial Evaluation, Applicant Withdraws – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant decides to withdraw the application rather than continuing with Extended Evaluation. The application does not proceed.

Scenario 7 – Fail Initial Evaluation, Fail Extended Evaluation -- In this case, the application fails one or more aspects of the Initial Evaluation. The applicant requests Extended Evaluation for the appropriate elements. However, the

application fails Extended Evaluation also. The application does not proceed.

Scenario 8 – Extended Evaluation, Win Objection, Pass Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing. The objection is heard by a dispute resolution service provider panel that finds in favor of the applicant. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, the applicant prevails over other applications in the contention resolution procedure, the applicant can enter into a registry agreement, and the application can proceed toward delegation of the applied-for gTLD.

Scenario 9 – Extended Evaluation, Objection, Fail Contention – In this case, the application fails one or more aspects of the Initial Evaluation. The applicant is eligible for and requests an Extended Evaluation for the appropriate elements. Here, the application passes the Extended Evaluation. During the objection filing period, an objection is filed on one of the four enumerated grounds by an objector with standing. The objection is heard by a dispute resolution service provider that finds in favor of the applicant. However, there are other applications for the same or a similar gTLD string, so there is contention. In this case, another applicant prevails in the contention resolution procedure, and the application does not proceed.

Transition to Delegation – After an application has successfully completed Initial Evaluation, and other stages as applicable, the applicant is required to complete a set of steps leading to delegation of the gTLD, including execution of a registry agreement with ICANN, and completion of pre-delegation testing. Refer to Module 5 for a description of the steps required in this stage.

1.1.6 Subsequent Application Rounds

ICANN's goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed. The goal is for the next application round to begin within one year of the close of the application submission period for the initial round.

ICANN has committed to reviewing the effects of the New gTLD Program on the operations of the root zone system after the first application round, and will defer the delegations in a second application round until it is determined that the delegations resulting from the first round did not jeopardize root zone system security or stability.

It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term.

1.2 Information for All Applicants

1.2.1 Eligibility

Established corporations, organizations, or institutions in good standing may apply for a new gTLD. Applications from individuals or sole proprietorships will not be considered. Applications from or on behalf of yet-to-be-formed legal entities, or applications presupposing the future formation of a legal entity (for example, a pending Joint Venture) will not be considered.

ICANN has designed the New gTLD Program with multiple stakeholder protection mechanisms. Background screening, features of the gTLD Registry Agreement, data and financial escrow mechanisms are all intended to provide registrant and user protections.

The application form requires applicants to provide information on the legal establishment of the applying entity, as well as the identification of directors, officers, partners, and major shareholders of that entity. The names and positions of individuals included in the application will be published as part of the application; other information collected about the individuals will not be published.

Background screening at both the entity level and the individual level will be conducted for all applications to confirm eligibility. This inquiry is conducted on the basis of the information provided in questions 1-11 of the application form. ICANN may take into account information received from any source if it is relevant to the criteria in this section. If requested by ICANN, all applicants will be required to obtain and deliver to ICANN and ICANN's background screening vendor any consents or agreements of the entities and/or individuals named in questions 1-11 of the application form necessary to conduct background screening activities.

ICANN will perform background screening in only two areas: (1) General business diligence and criminal history; and (2) History of cybersquatting behavior. The criteria used for criminal history are aligned with the "crimes of trust" standard sometimes used in the banking and finance industry.

In the absence of exceptional circumstances, applications from any entity with or including any individual with convictions or decisions of the types listed in (a) – (m) below will be automatically disqualified from the program.

a. within the past ten years, has been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that ICANN deems as the substantive equivalent of any of these;

b. within the past ten years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of the funds of others;

c. within the past ten years has been convicted of any willful tax-related fraud or willful evasion of tax liabilities;

d. within the past ten years has been convicted of perjury, forswearing, failing to cooperate with a law enforcement investigation, or making false statements to a law enforcement agency or representative;

e. has ever been convicted of any crime involving the use of computers, telephony systems, telecommunications or the Internet to facilitate the commission of crimes;

f. has ever been convicted of any crime involving the use of a weapon, force, or the threat of force;

g. has ever been convicted of any violent or sexual offense victimizing children, the

elderly, or individuals with disabilities;

h. has ever been convicted of the illegal sale, manufacture, or distribution of pharmaceutical drugs, or been convicted or successfully extradited for any offense described in Article 3 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[3];

i. has ever been convicted or successfully extradited for any offense described in the United Nations Convention against Transnational Organized Crime (all Protocols)[4] [5];

j. has been convicted, within the respective timeframes, of aiding, abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes above (i.e., within the past 10 years for crimes listed in (a) - (d) above, or ever for the crimes listed in (e) – (i) above);

k. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents), within the respective timeframes listed above for any of the listed crimes (i.e., within the past 10 years for crimes listed in (a) – (d) above, or ever for the crimes listed in (e) – (i) above);

l. is the subject of a disqualification imposed by ICANN and in effect at the time the application is considered;

m. has been involved in a pattern of adverse, final decisions indicating that the applicant

[3] http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html

[4] http://www.unodc.org/unodc/en/treaties/CTOC/index.html

[5] It is recognized that not all countries have signed on to the UN conventions referenced above. These conventions are being used solely for identification of a list of crimes for which background screening will be performed. It is not necessarily required that an applicant would have been convicted pursuant to the UN convention but merely convicted of a crime listed under these conventions, to trigger these criteria.

or individual named in the application was engaged in cybersquatting as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), the Anti-Cybersquatting Consumer Protection Act (ACPA), or other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP or bad faith or reckless disregard under the ACPA or other equivalent legislation. Three or more such decisions with one occurring in the last four years will generally be considered to constitute a pattern.

n. fails to provide ICANN with the identifying information necessary to confirm identity at the time of application or to resolve questions of identity during the background screening process;

o. fails to provide a good faith effort to disclose all relevant information relating to items (a) – (m).

Background screening is in place to protect the public interest in the allocation of critical Internet resources, and ICANN reserves the right to deny an otherwise qualified application based on any information identified during the background screening process. For example, a final and legally binding decision obtained by a national law enforcement or consumer protection authority finding that the applicant was engaged in fraudulent and deceptive commercial practices as defined in the Organization for Economic Co-operation and Development (OECD) Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders[6] may cause an application to be rejected. ICANN may also contact the applicant with additional questions based on information obtained in the background screening process.

All applicants are required to provide complete and detailed explanations regarding any of the above events as part of the application. Background screening information will not be made publicly available by ICANN.

Registrar Cross-Ownership -- ICANN-accredited registrars are eligible to apply for a gTLD. However, all gTLD registries

[6] http://www.oecd.org/document/56/0,3746,en_2649_34267_2515000_1_1_1_1,00.html

are required to abide by a Code of Conduct addressing, *inter alia*, non-discriminatory access for all authorized registrars. ICANN reserves the right to refer any application to the appropriate competition authority relative to any cross-ownership issues.

Legal Compliance -- ICANN must comply with all U.S. laws, rules, and regulations. One such set of regulations is the economic and trade sanctions program administered by the Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury. These sanctions have been imposed on certain countries, as well as individuals and entities that appear on OFAC's List of Specially Designated Nationals and Blocked Persons (the SDN List). ICANN is prohibited from providing most goods or services to residents of sanctioned countries or their governmental entities or to SDNs without an applicable U.S. government authorization or exemption. ICANN generally will not seek a license to provide goods or services to an individual or entity on the SDN List. In the past, when ICANN has been requested to provide services to individuals or entities that are not SDNs, but are residents of sanctioned countries, ICANN has sought and been granted licenses as required. In any given case, however, OFAC could decide not to issue a requested license.

1.2.2 Required Documents

All applicants should be prepared to submit the following documents, which are required to accompany each application:

1. **Proof of legal establishment –** Documentation of the applicant's establishment as a specific type of entity in accordance with the applicable laws of its jurisdiction.
2. **Financial statements –** Applicants must provide audited or independently certified financial statements for the most recently completed fiscal year for the applicant. In some cases, unaudited financial statements may be provided.

As indicated in the relevant questions, supporting documentation should be submitted in the original language. English translations are not required.

All documents must be valid at the time of submission. Refer to the Evaluation Criteria, attached to Module 2, for additional details on the requirements for these documents.

Some types of supporting documentation are required only in certain cases:

1. ***Community endorsement –*** If an applicant has designated its application as community-based (see section 1.2.3), it will be asked to submit a written endorsement of its application by one or more established institutions representing the community it has named. An applicant may submit written endorsements from multiple institutions. If applicable, this will be submitted in the section of the application concerning the community-based designation.

   At least one such endorsement is required for a complete application. The form and content of the endorsement are at the discretion of the party providing the endorsement; however, the letter must identify the applied-for gTLD string and the applying entity, include an express statement of support for the application, and supply the contact information of the entity providing the endorsement.

   Written endorsements from individuals need not be submitted with the application, but may be submitted in the application comment forum.

2. ***Government support or non-objection*** – If an applicant has applied for a gTLD string that is a geographic name (as defined in this Guidebook), the applicant is required to submit documentation of support for or non-objection to its application from the relevant governments or public authorities. Refer to subsection 2.2.1.4 for more information on the requirements for geographic names. If applicable, this will be submitted in the geographic names section of the application.

3. ***Documentation of third-party funding commitments –*** If an applicant lists funding from third parties in its application, it must provide evidence of commitment by the party committing the funds. If applicable, this will be submitted in the financial section of the application.

1.2.3 Community-Based Designation

All applicants are required to designate whether their application is **community-based**.

1.2.3.1 Definitions

For purposes of this Applicant Guidebook, a **community-based gTLD** is a gTLD that is operated for the benefit of a clearly delineated community. Designation or non-

designation of an application as community-based is entirely at the discretion of the applicant. Any applicant may designate its application as community-based; however, each applicant making this designation is asked to substantiate its status as representative of the community it names in the application by submission of written endorsements in support of the application. Additional information may be requested in the event of a community priority evaluation (refer to section 4.2 of Module 4). An applicant for a community-based gTLD is expected to:

1. Demonstrate an ongoing relationship with a clearly delineated community.
2. Have applied for a gTLD string strongly and specifically related to the community named in the application.
3. Have proposed dedicated registration and use policies for registrants in its proposed gTLD, including appropriate security verification procedures, commensurate with the community-based purpose it has named.
4. Have its application endorsed in writing by one or more established institutions representing the community it has named.

For purposes of differentiation, an application that has not been designated as community-based will be referred to hereinafter in this document as a **standard application.** A standard gTLD can be used for any purpose consistent with the requirements of the application and evaluation criteria, and with the registry agreement. A standard applicant may or may not have a formal relationship with an exclusive registrant or user population. It may or may not employ eligibility or use restrictions. Standard simply means here that the applicant has not designated the application as community-based.

1.2.3.2 Implications of Application Designation

Applicants should understand how their designation as community-based or standard will affect application processing at particular stages, and, if the application is successful, execution of the registry agreement and subsequent obligations as a gTLD registry operator, as described in the following paragraphs.

Objection / Dispute Resolution – All applicants should understand that a formal objection may be filed against any application on community grounds, even if the applicant has not designated itself as community-based or

declared the gTLD to be aimed at a particular community. Refer to Module 3, Objection Procedures.

String Contention – Resolution of string contention may include one or more components, depending on the composition of the contention set and the elections made by community-based applicants.

- A **settlement between the parties** can occur at any time after contention is identified. The parties will be encouraged to meet with an objective to settle the contention. Applicants in contention always have the opportunity to resolve the contention voluntarily, resulting in the withdrawal of one or more applications, before reaching the contention resolution stage.

- A **community priority evaluation** will take place only if a community-based applicant in a contention set elects this option. All community-based applicants in a contention set will be offered this option in the event that there is contention remaining after the applications have successfully completed all previous evaluation stages.

- An **auction** will result for cases of contention not resolved by community priority evaluation or agreement between the parties. Auction occurs as a contention resolution means of last resort. If a community priority evaluation occurs but does not produce a clear winner, an auction will take place to resolve the contention.

Refer to Module 4, String Contention Procedures, for detailed discussions of contention resolution procedures.

Contract Execution and Post-Delegation – A community-based applicant will be subject to certain post-delegation contractual obligations to operate the gTLD in a manner consistent with the restrictions associated with its community-based designation. Material changes to the contract, including changes to the community-based nature of the gTLD and any associated provisions, may only be made with ICANN's approval. The determination of whether to approve changes requested by the applicant will be at ICANN's discretion. Proposed criteria for approving such changes are the subject of policy discussions.

Community-based applications are intended to be a narrow category, for applications where there are

unambiguous associations among the applicant, the community served, and the applied-for gTLD string. Evaluation of an applicant's designation as community-based will occur only in the event of a contention situation that results in a community priority evaluation. However, any applicant designating its application as community-based will, if the application is approved, be bound by the registry agreement to implement the community-based restrictions it has specified in the application. This is true even if there are no contending applicants.

1.2.3.3 Changes to Application Designation

An applicant may not change its designation as standard or community-based once it has submitted a gTLD application for processing.

1.2.4 Notice concerning Technical Acceptance Issues with New gTLDs

All applicants should be aware that approval of an application and entry into a registry agreement with ICANN do not guarantee that a new gTLD will immediately function throughout the Internet. Past experience indicates that network operators may not immediately fully support new top-level domains, even when these domains have been delegated in the DNS root zone, since third-party software modification may be required and may not happen immediately.

Similarly, software applications sometimes attempt to validate domain names and may not recognize new or unknown top-level domains. ICANN has no authority or ability to require that software accept new top-level domains, although it does prominently publicize which top-level domains are valid and has developed a basic tool to assist application providers in the use of current root-zone data.

ICANN encourages applicants to familiarize themselves with these issues and account for them in their startup and launch plans. Successful applicants may find themselves expending considerable efforts working with providers to achieve acceptance of their new top-level domains.

Applicants should review http://www.icann.org/en/topics/TLD-acceptance/ for background. IDN applicants should also review the material concerning experiences with IDN test strings in the root zone (see http://idn.icann.org/).

1.2.5 Notice concerning TLD Delegations

ICANN is only able to create TLDs as delegations in the DNS root zone, expressed using NS records with any corresponding DS records and glue records. There is no policy enabling ICANN to place TLDs as other DNS record types (such as A, MX, or DNAME records) in the root zone.

1.2.6 Terms and Conditions

All applicants must agree to a standard set of Terms and Conditions for the application process. The Terms and Conditions are available in Module 6 of this guidebook.

1.2.7 Notice of Changes to Information

If at any time during the evaluation process information previously submitted by an applicant becomes untrue or inaccurate, the applicant must promptly notify ICANN via submission of the appropriate forms. This includes applicant-specific information such as changes in financial position and changes in ownership or control of the applicant.

ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round.

Failure to notify ICANN of any change in circumstances that would render any information provided in the application false or misleading may result in denial of the application.

1.2.8 Voluntary Designation for High Security Zones

An ICANN stakeholder group has considered development of a possible special designation for "High Security Zone Top Level Domains" ("HSTLDs"). The group's Final Report can be found at http://www.icann.org/en/topics/new-gtlds/hstld-final-report-11mar11-en.pdf.

The Final Report may be used to inform further work. ICANN will support independent efforts toward developing voluntary high-security TLD designations, which may be available to gTLD applicants wishing to pursue such designations.

1.2.9 Security and Stability

Root Zone Stability: There has been significant study, analysis, and consultation in preparation for launch of the

New gTLD Program, indicating that the addition of gTLDs to the root zone will not negatively impact the security or stability of the DNS.

It is estimated that 200-300 TLDs will be delegated annually, and determined that in no case will more than 1000 new gTLDs be added to the root zone in a year. The delegation rate analysis, consultations with the technical community, and anticipated normal operational upgrade cycles all lead to the conclusion that the new gTLD delegations will have no significant impact on the stability of the root system. Modeling and reporting will continue during, and after, the first application round so that root-scaling discussions can continue and the delegation rates can be managed as the program goes forward.

All applicants should be aware that delegation of any new gTLDs is conditional on the continued absence of significant negative impact on the security or stability of the DNS and the root zone system (including the process for delegating TLDs in the root zone). In the event that there is a reported impact in this regard and processing of applications is delayed, the applicants will be notified in an orderly and timely manner.

1.2.10 Resources for Applicant Assistance

A variety of support resources are available to gTLD applicants. Financial assistance will be available to a limited number of eligible applicants. To request financial assistance, applicants must submit a separate financial assistance application in addition to the gTLD application form.

To be eligible for consideration, all financial assistance applications must be received by **23:59 UTC 12 April 2012.** Financial assistance applications will be evaluated and scored against pre-established criteria.

In addition, ICANN maintains a webpage as an informational resource for applicants seeking assistance, and organizations offering support.

See http://newgtlds.icann.org/applicants/candidate-support for details on these resources.

1.2.11 Updates to the Applicant Guidebook

As approved by the ICANN Board of Directors, this Guidebook forms the basis of the New gTLD Program. ICANN reserves the right to make reasonable updates and

changes to the Applicant Guidebook at any time, including as the possible result of new technical standards, reference documents, or policies that might be adopted during the course of the application process. Any such updates or revisions will be posted on ICANN's website.

1.3 Information for Internationalized Domain Name Applicants

Some applied-for gTLD strings are expected to be Internationalized Domain Names (IDNs). IDNs are domain names including characters used in the local representation of languages not written with the basic Latin alphabet (a - z), European-Arabic digits (0 - 9), and the hyphen (-). As described below, IDNs require the insertion of A-labels into the DNS root zone.

1.3.1 IDN-Specific Requirements

An applicant for an IDN string must provide information indicating compliance with the IDNA protocol and other technical requirements. The IDNA protocol and its documentation can be found at http://icann.org/en/topics/idn/rfcs.htm.

Applicants must provide applied-for gTLD strings in the form of both a **U-label** (the IDN TLD in local characters) and an **A-label**.

An A-label is the ASCII form of an IDN label. Every IDN A-label begins with the IDNA ACE prefix, "xn--", followed by a string that is a valid output of the Punycode algorithm, making a maximum of 63 total ASCII characters in length. The prefix and string together must conform to all requirements for a label that can be stored in the DNS including conformance to the LDH (host name) rule described in RFC 1034, RFC 1123, and elsewhere.

A U-label is the Unicode form of an IDN label, which a user expects to see displayed in applications.

For example, using the current IDN test string in Cyrillic script, the U-label is <**испытание**> and the A-label is <**xn--80akhbyknj4f>.** An A-label must be capable of being produced by conversion from a U-label and a U-label must be capable of being produced by conversion from an A-label.

Applicants for IDN gTLDs will also be required to provide the following at the time of the application:

1. Meaning or restatement of string in English. The applicant will provide a short description of what the string would mean or represent in English.
2. Language of label (ISO 639-1). The applicant will specify the language of the applied-for gTLD string, both according to the ISO codes for the representation of names of languages, and in English.
3. Script of label (ISO 15924). The applicant will specify the script of the applied-for gTLD string, both according to the ISO codes for the representation of names of scripts, and in English.
4. Unicode code points. The applicant will list all the code points contained in the U-label according to its Unicode form.
5. Applicants must further demonstrate that they have made reasonable efforts to ensure that the encoded IDN string does not cause any rendering or operational problems. For example, problems have been identified in strings with characters of mixed right-to-left and left-to-right directionality when numerals are adjacent to the path separator (i.e., the dot).[7]

   If an applicant is applying for a string with known issues, it should document steps that will be taken to mitigate these issues in applications. While it is not possible to ensure that all rendering problems are avoided, it is important that as many as possible are identified early and that the potential registry operator is aware of these issues. Applicants can become familiar with these issues by understanding the IDNA protocol (see http://www.icann.org/en/topics/idn/rfcs.htm), and by active participation in the IDN wiki (see http://idn.icann.org/) where some rendering problems are demonstrated.
6. **[Optional]** - Representation of label in phonetic alphabet. The applicant may choose to provide its applied-for gTLD string notated according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/). Note that this information will not be evaluated or scored. The information, if provided, will be used as a guide to ICANN in responding to inquiries or speaking of the application in public presentations.

[7] See examples at http://stupid.domain.name/node/683

1.3.2 IDN Tables

An IDN table provides the list of characters eligible for registration in domain names according to the registry's policy. It identifies any multiple characters that are considered equivalent for domain name registration purposes ("variant characters"). Variant characters occur where two or more characters can be used interchangeably.

Examples of IDN tables can be found in the Internet Assigned Numbers Authority (IANA) IDN Repository at http://www.iana.org/procedures/idn-repository.html.

In the case of an application for an IDN gTLD, IDN tables must be submitted for the language or script for the applied-for gTLD string (the "top level tables"). IDN tables must also be submitted for each language or script in which the applicant intends to offer IDN registrations at the second or lower levels.

Each applicant is responsible for developing its IDN Tables, including specification of any variant characters. Tables must comply with ICANN's IDN Guidelines[8] and any updates thereto, including:

- Complying with IDN technical standards.
- Employing an inclusion-based approach (i.e., code points not explicitly permitted by the registry are prohibited).
- Defining variant characters.
- Excluding code points not permissible under the guidelines, e.g., line-drawing symbols, pictographic dingbats, structural punctuation marks.
- Developing tables and registration policies in collaboration with relevant stakeholders to address common issues.
- Depositing IDN tables with the IANA Repository for IDN Practices (once the TLD is delegated).

An applicant's IDN tables should help guard against user confusion in the deployment of IDN gTLDs. Applicants are strongly urged to consider specific linguistic and writing system issues that may cause problems when characters are used in domain names, as part of their work of defining variant characters.

[8] *See* http://www.icann.org/en/topics/idn/implementation-guidelines.htm

To avoid user confusion due to differing practices across TLD registries, it is recommended that applicants cooperate with TLD operators that offer domain name registration with the same or visually similar characters.

As an example, languages or scripts are often shared across geographic boundaries. In some cases, this can cause confusion among the users of the corresponding language or script communities. Visual confusion can also exist in some instances between different scripts (for example, Greek, Cyrillic and Latin).

Applicants will be asked to describe the process used in developing the IDN tables submitted. ICANN may compare an applicant's IDN table with IDN tables for the same languages or scripts that already exist in the IANA repository or have been otherwise submitted to ICANN. If there are inconsistencies that have not been explained in the application, ICANN may ask the applicant to detail the rationale for differences. For applicants that wish to conduct and review such comparisons prior to submitting a table to ICANN, a table comparison tool will be available.

ICANN will accept the applicant's IDN tables based on the factors above.

Once the applied-for string has been delegated as a TLD in the root zone, the applicant is required to submit IDN tables for lodging in the IANA Repository of IDN Practices. For additional information, see existing tables at http://iana.org/domains/idn-tables/, and submission guidelines at http://iana.org/procedures/idn-repository.html.

1.3.3 IDN Variant TLDs

A variant TLD string results from the substitution of one or more characters in the applied-for gTLD string with variant characters based on the applicant's top level tables.

Each application contains one applied-for gTLD string. The applicant may also declare any variant strings for the TLD in its application. However, no variant gTLD strings will be delegated through the New gTLD Program until variant management solutions are developed and implemented.[9] Declaring variant strings is informative only and will not imply any right or claim to the declared variant strings.

[9] The ICANN Board directed that work be pursued on variant management in its resolution on 25 Sep 2010, http://www.icann.org/en/minutes/resolutions-25sep10-en.htm#2.5.

When a variant delegation process is established, applicants may be required to submit additional information such as implementation details for the variant TLD management mechanism, and may need to participate in a subsequent evaluation process, which could contain additional fees and review steps.

The following scenarios are possible during the gTLD evaluation process:

a. Applicant declares variant strings to the applied-for gTLD string in its application. If the application is successful, the applied-for gTLD string will be delegated to the applicant. The declared variant strings are noted for future reference. These declared variant strings will not be delegated to the applicant along with the applied-for gTLD string, nor will the applicant have any right or claim to the declared variant strings.

   Variant strings listed in successful gTLD applications will be tagged to the specific application and added to a "Declared Variants List" that will be available on ICANN's website. A list of pending (i.e., declared) variant strings from the IDN ccTLD Fast Track is available at http://icann.org/en/topics/idn/fast-track/string-evaluation-completion-en.htm.

   ICANN may perform independent analysis on the declared variant strings, and will not necessarily include all strings listed by the applicant on the Declared Variants List.

b. Multiple applicants apply for strings that are identified by ICANN as variants of one another. These applications will be placed in a contention set and will follow the contention resolution procedures in Module 4.

c. Applicant submits an application for a gTLD string and does not indicate variants to the applied-for gTLD string. ICANN will not identify variant strings unless scenario (b) above occurs.

Each variant string declared in the application must also conform to the string requirements in section 2.2.1.3.2.

Variant strings declared in the application will be reviewed for consistency with the top-level tables submitted in the application. Should any declared variant strings not be

based on use of variant characters according to the submitted top-level tables, the applicant will be notified and the declared string will no longer be considered part of the application.

Declaration of variant strings in an application does not provide the applicant any right or reservation to a particular string. Variant strings on the Declared Variants List may be subject to subsequent additional review per a process and criteria to be defined.

It should be noted that while variants for second and lower-level registrations are defined freely by the local communities without any ICANN validation, there may be specific rules and validation criteria specified for variant strings to be allowed at the top level. It is expected that the variant information provided by applicants in the first application round will contribute to a better understanding of the issues and assist in determining appropriate review steps and fee levels going forward.

1.4 Submitting an Application

Applicants may complete the application form and submit supporting documents using ICANN's TLD Application System (TAS). To access the system, each applicant must first register as a TAS user.

As TAS users, applicants will be able to provide responses in open text boxes and submit required supporting documents as attachments. Restrictions on the size of attachments as well as the file formats are included in the instructions on the TAS site.

Except where expressly provided within the question, all application materials must be submitted in English.

ICANN will not accept application forms or supporting materials submitted through other means than TAS (that is, hard copy, fax, email), unless such submission is in accordance with specific instructions from ICANN to applicants.

1.4.1 Accessing the TLD Application System

The TAS site will be accessible from the New gTLD webpage (http://www.icann.org/en/topics/new-gtld-program.htm), and will be highlighted in communications regarding the opening of the application submission period. Users of TAS will be expected to agree to a standard set of terms of use

including user rights, obligations, and restrictions in relation to the use of the system.

1.4.1.1 User Registration

TAS user registration (creating a TAS user profile) requires submission of preliminary information, which will be used to validate the identity of the parties involved in the application. An overview of the information collected in the user registration process is below:

No.	Questions
1	Full legal name of Applicant
2	Principal business address
3	Phone number of Applicant
4	Fax number of Applicant
5	Website or URL, if applicable
6	Primary Contact: Name, Title, Address, Phone, Fax, Email
7	Secondary Contact: Name, Title, Address, Phone, Fax, Email
8	Proof of legal establishment
9	Trading, subsidiary, or joint venture information
10	Business ID, Tax ID, VAT registration number, or equivalent of Applicant
11	Applicant background: previous convictions, cybersquatting activities
12	Deposit payment confirmation and payer information

A subset of identifying information will be collected from the entity performing the user registration, in addition to the applicant information listed above. The registered user could be, for example, an agent, representative, or

employee who would be completing the application on behalf of the applicant.

The registration process will require the user to request the desired number of application slots. For example, a user intending to submit five gTLD applications would complete five application slot requests, and the system would assign the user a unique ID number for each of the five applications.

Users will also be required to submit a deposit of USD 5,000 per application slot. This deposit amount will be credited against the evaluation fee for each application. The deposit requirement is in place to help reduce the risk of frivolous access to the online application system.

After completing the registration, TAS users will receive access enabling them to enter the rest of the application information into the system. Application slots will be populated with the registration information provided by the applicant, which may not ordinarily be changed once slots have been assigned.

No new user registrations will be accepted after **23:59 UTC 29 March 2012.**

ICANN will take commercially reasonable steps to protect all applicant data submitted from unauthorized access, but cannot warrant against the malicious acts of third parties who may, through system corruption or other means, gain unauthorized access to such data.

1.4.1.2 Application Form

Having obtained the requested application slots, the applicant will complete the remaining application questions. An overview of the areas and questions contained in the form is shown here:

No.	Application and String Information
12	Payment confirmation for remaining evaluation fee amount
13	Applied-for gTLD string
14	IDN string information, if applicable
15	IDN tables, if applicable

16	Mitigation of IDN operational or rendering problems, if applicable
17	Representation of string in International Phonetic Alphabet (Optional)
18	Mission/purpose of the TLD
19	Is the application for a community-based TLD?
20	If community based, describe elements of community and proposed policies
21	Is the application for a geographic name? If geographic, documents of support required
22	Measures for protection of geographic names at second level
23	Registry Services: name and full description of all registry services to be provided
	Technical and Operational Questions (External)
24	Shared registration system (SRS) performance
25	EPP
26	Whois
27	Registration life cycle
28	Abuse prevention & mitigation
29	Rights protection mechanisms
30(a)	Security
	Technical and Operational Questions (Internal)
30(b)	Security
31	Technical overview of proposed registry
32	Architecture

33	Database capabilities
34	Geographic diversity
35	DNS service compliance
36	IPv6 reachability
37	Data backup policies and procedures
38	Escrow
39	Registry continuity
40	Registry transition
41	Failover testing
42	Monitoring and fault escalation processes
43	DNSSEC
44	IDNs (Optional)
	Financial Questions
45	Financial statements
46	Projections template: costs and funding
47	Costs: setup and operating
48	Funding and revenue
49	Contingency planning: barriers, funds, volumes
50	Continuity: continued operations instrument

1.4.2 Customer Service during the Application Process

Assistance will be available to applicants throughout the application process via the Applicant Service Center (ASC). The ASC will be staffed with customer service agents

to answer questions relating to the New gTLD Program, the application process, and TAS.

1.4.3 Backup Application Process

If the online application system is not available, ICANN will provide alternative instructions for submitting applications.

1.5 Fees and Payments

This section describes the fees to be paid by the applicant. Payment instructions are also included here.

1.5.1 gTLD Evaluation Fee

The gTLD evaluation fee is required from all applicants. This fee is in the amount of USD 185,000. The evaluation fee is payable in the form of a 5,000 deposit submitted at the time the user requests an application slot within TAS, and a payment of the remaining 180,000 submitted with the full application. ICANN will not begin its evaluation of an application unless it has received the full gTLD evaluation fee by **23:59 UTC 12 April 2012**.

The gTLD evaluation fee is set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded and revenue neutral and is not subsidized by existing contributions from ICANN funding sources, including generic TLD registries and registrars, ccTLD contributions and RIR contributions.

The gTLD evaluation fee covers all required reviews in Initial Evaluation and, in most cases, any required reviews in Extended Evaluation. If an extended Registry Services review takes place, an additional fee will be incurred for this review (see section 1.5.2). There is no additional fee to the applicant for Extended Evaluation for geographic names, technical and operational, or financial reviews.

Refunds -- In certain cases, refunds of a portion of the evaluation fee may be available for applications that are withdrawn before the evaluation process is complete. An applicant may request a refund at any time until it has executed a registry agreement with ICANN. The amount of the refund will depend on the point in the process at which the withdrawal is requested, as follows:

Refund Available to Applicant	Percentage of Evaluation Fee	Amount of Refund
Within 21 calendar days of a GAC Early	80%	USD 148,000

Refund Available to Applicant	Percentage of Evaluation Fee	Amount of Refund
Warning		
After posting of applications until posting of Initial Evaluation results	70%	USD 130,000
After posting Initial Evaluation results	35%	USD 65,000
After the applicant has completed Dispute Resolution, Extended Evaluation, or String Contention Resolution(s)	20%	USD 37,000
After the applicant has entered into a registry agreement with ICANN		None

Thus, any applicant that has not been successful is eligible for at least a 20% refund of the evaluation fee if it withdraws its application.

An applicant that wishes to withdraw an application must initiate the process through TAS. Withdrawal of an application is final and irrevocable. Refunds will only be issued to the organization that submitted the original payment. All refunds are paid by wire transfer. Any bank transfer or transaction fees incurred by ICANN, or any unpaid evaluation fees, will be deducted from the amount paid. Any refund paid will be in full satisfaction of ICANN's obligations to the applicant. The applicant will have no entitlement to any additional amounts, including for interest or currency exchange rate changes.

Note on 2000 proof-of-concept round applicants --
Participants in ICANN's proof-of-concept application process in 2000 may be eligible for a credit toward the evaluation fee. The credit is in the amount of USD 86,000 and is subject to:

- submission of documentary proof by the applicant that it is the same entity, a successor in interest to the same entity, or an affiliate of the same entity that applied previously;
- a confirmation that the applicant was not awarded any TLD string pursuant to the 2000 proof–of-concept application round and that the applicant has no legal claims arising from the 2000 proof-of-concept process; and
- submission of an application, which may be modified from the application originally submitted in 2000, for the same TLD string that such entity applied for in the 2000 proof-of-concept application round.

Each participant in the 2000 proof-of-concept application process is eligible for at most one credit. A maximum of one credit may be claimed for any new gTLD application submitted according to the process in this guidebook. Eligibility for this credit is determined by ICANN.

1.5.2 Fees Required in Some Cases

Applicants may be required to pay additional fees in certain cases where specialized process steps are applicable. Those possible additional fees[10] include:

- ***Registry Services Review Fee –*** If applicable, this fee is payable for additional costs incurred in referring an application to the Registry Services Technical Evaluation Panel (RSTEP) for an extended review. Applicants will be notified if such a fee is due. The fee for a three-member RSTEP review team is anticipated to be USD 50,000. In some cases, five-member panels might be required, or there might be increased scrutiny at a greater cost. The amount of the fee will cover the cost of the RSTEP review. In the event that reviews of proposed registry services can be consolidated across multiple applications or applicants, ICANN will apportion the fees in an equitable manner. In every case, the applicant will be advised of the cost before initiation of the review. Refer to subsection 2.2.3 of Module 2 on Registry Services review.

[10] The estimated fee amounts provided in this section 1.5.2 will be updated upon engagement of panel service providers and establishment of fees.

- ***Dispute Resolution Filing Fee –*** This amount must accompany any filing of a formal objection and any response that an applicant files to an objection. This fee is payable directly to the applicable dispute resolution service provider in accordance with the provider's payment instructions. ICANN estimates that filing fees could range from approximately USD 1,000 to USD 5,000 (or more) per party per proceeding. Refer to the appropriate provider for the relevant amount. Refer to Module 3 for dispute resolution procedures.

- ***Advance Payment of Costs –*** In the event of a formal objection, this amount is payable directly to the applicable dispute resolution service provider in accordance with that provider's procedures and schedule of costs. Ordinarily, both parties in the dispute resolution proceeding will be required to submit an advance payment of costs in an estimated amount to cover the entire cost of the proceeding. This may be either an hourly fee based on the estimated number of hours the panelists will spend on the case (including review of submissions, facilitation of a hearing, if allowed, and preparation of a decision), or a fixed amount. In cases where disputes are consolidated and there are more than two parties involved, the advance payment will occur according to the dispute resolution service provider's rules.

  The prevailing party in a dispute resolution proceeding will have its advance payment refunded, while the non-prevailing party will not receive a refund and thus will bear the cost of the proceeding. In cases where disputes are consolidated and there are more than two parties involved, the refund of fees will occur according to the dispute resolution service provider's rules.

  ICANN estimates that adjudication fees for a proceeding involving a fixed amount could range from USD 2,000 to USD 8,000 (or more) per proceeding. ICANN further estimates that an hourly rate based proceeding with a one-member panel could range from USD 32,000 to USD 56,000 (or more) and with a three-member panel it could range from USD 70,000 to USD 122,000 (or more). These estimates may be lower if the panel does not call for written submissions beyond the objection and response, and does not allow a hearing. Please

refer to the appropriate provider for the relevant amounts or fee structures.

- ***Community Priority Evaluation Fee –*** In the event that the applicant participates in a community priority evaluation, this fee is payable as a deposit in an amount to cover the cost of the panel's review of that application (currently estimated at USD 10,000). The deposit is payable to the provider appointed to handle community priority evaluations. Applicants will be notified if such a fee is due. Refer to Section 4.2 of Module 4 for circumstances in which a community priority evaluation may take place. An applicant who scores at or above the threshold for the community priority evaluation will have its deposit refunded.

ICANN will notify the applicants of due dates for payment in respect of additional fees (if applicable). This list does not include fees (annual registry fees) that will be payable to ICANN following execution of a registry agreement.

1.5.3 Payment Methods

Payments to ICANN should be submitted by **wire transfer**. Instructions for making a payment by wire transfer will be available in TAS.[11]

Payments to Dispute Resolution Service Providers should be submitted in accordance with the provider's instructions.

1.5.4 Requesting a Remittance Form

The TAS interface allows applicants to request issuance of a remittance form for any of the fees payable to ICANN. This service is for the convenience of applicants that require an invoice to process payments.

1.6 Questions about this Applicant Guidebook

For assistance and questions an applicant may have in the process of completing the application form, applicants should use the customer support resources available via the ASC. Applicants who are unsure of the information being sought in a question or the parameters for acceptable documentation are encouraged to communicate these questions through the appropriate

[11] Wire transfer is the preferred method of payment as it offers a globally accessible and dependable means for international transfer of funds. This enables ICANN to receive the fee and begin processing applications as quickly as possible.

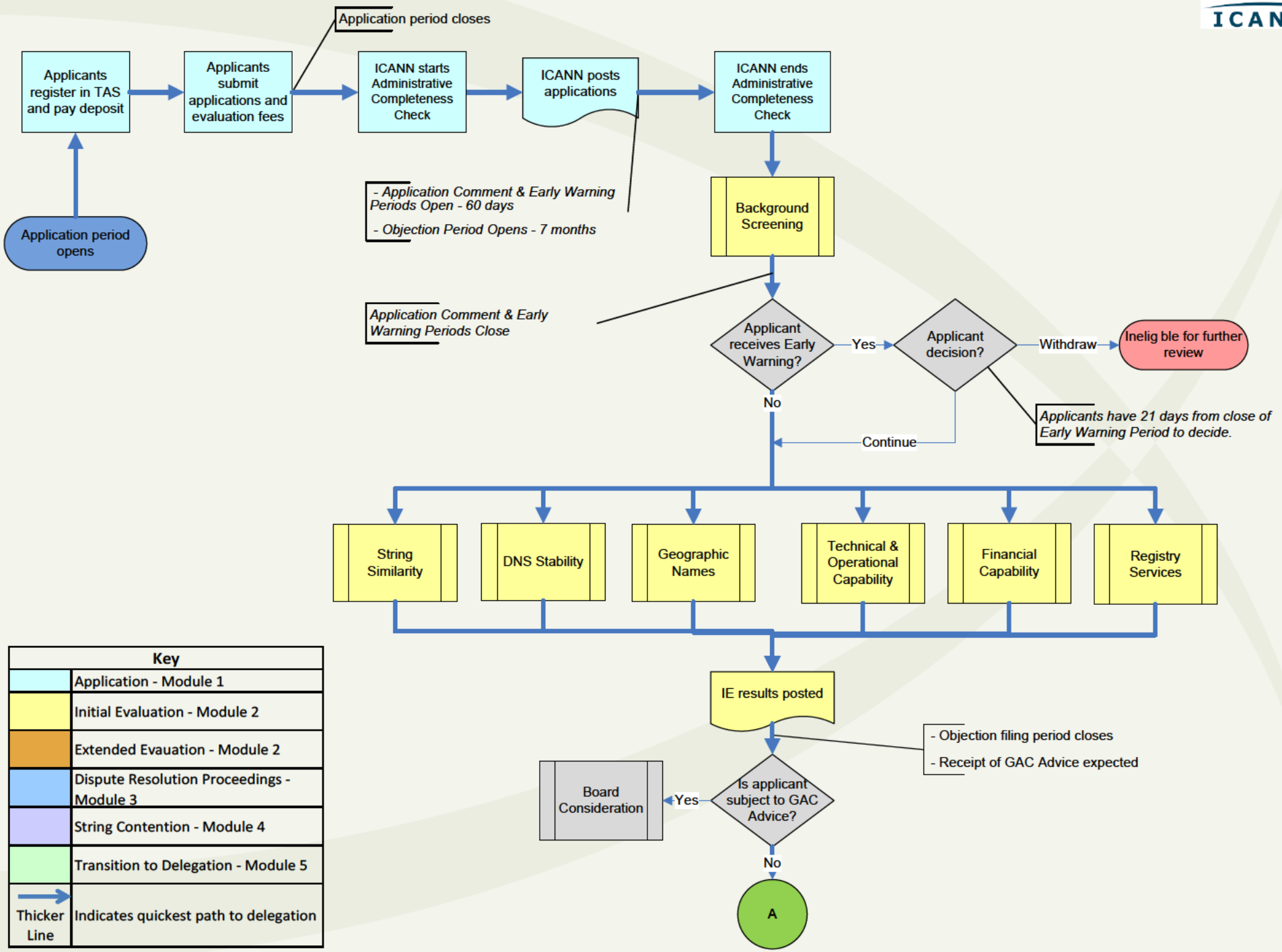
support channels before the application is submitted. This helps avoid the need for exchanges with evaluators to clarify information, which extends the timeframe associated with processing the application.

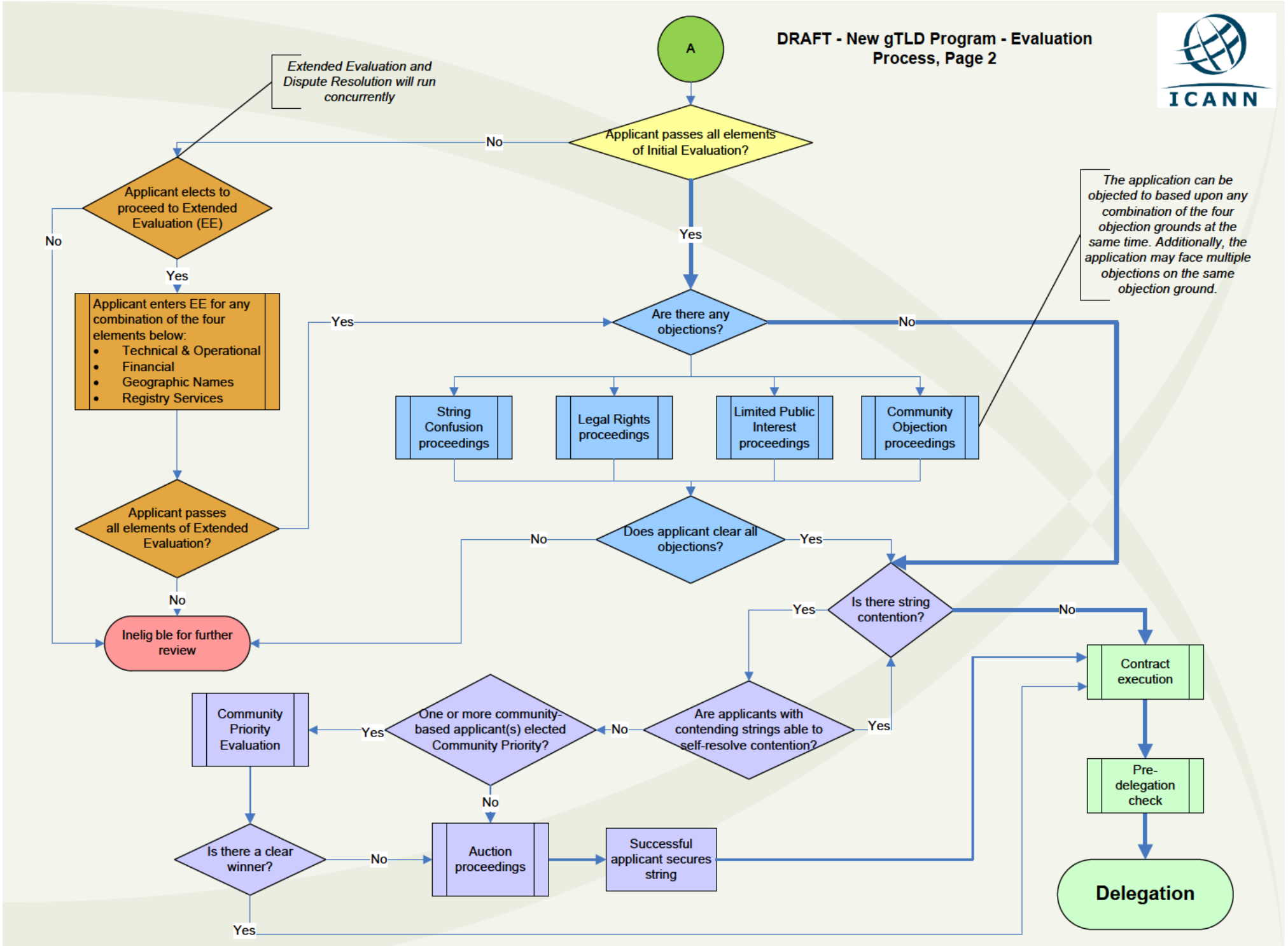
Currently, questions may be submitted via <newgtld@icann.org>. To provide all applicants equitable access to information, ICANN will make all questions and answers publicly available.

All requests to ICANN for information about the process or issues surrounding preparation of an application must be submitted to the ASC. ICANN will not grant requests from applicants for personal or telephone consultations regarding the preparation of an application. Applicants that contact ICANN for clarification about aspects of the application will be referred to the ASC.

Answers to inquiries will only provide clarification about the application forms and procedures. ICANN will not provide consulting, financial, or legal advice.

DRAFT - New gTLD Program - Evaluation Process




DRAFT - New gTLD Program - Evaluation Process, Page 2
ICANN
A
Extended Evaluation and Dispute Resolution will run concurrently
Applicant passes all elements of Initial Evaluation?
No
Yes
Applicant elects to proceed to Extended Evaluation (EE)
No
Yes
Applicant enters EE for any combination of the four elements below:
Technical & Operational
Financial
Geographic Names
Registry Services
Applicant passes all elements of Extended Evaluation?
Yes
No
Inelig ble for further review
Are there any objections?
Yes
No
The application can be objected to based upon any combination of the four objection grounds at the same time. Additionally, the application may face multiple objections on the same objection ground.
String Confusion proceedings
Legal Rights proceedings
Limited Public Interest proceedings
Community Objection proceedings
Does applicant clear all objections?
No
Yes
Is there string contention?
Yes
No
Are applicants with contending strings able to self-resolve contention?
Yes
No
One or more community-based applicant(s) elected Community Priority?
Yes
No
Community Priority Evaluation
Is there a clear winner?
No
Yes
Auction proceedings
Successful applicant secures string
Contract execution
Pre-delegation check
Delegation

gTLD Applicant Guidebook

(v. 2012-06-04)

Module 2

4 June 2012

Module 2

Evaluation Procedures

This module describes the evaluation procedures and criteria used to determine whether applied-for gTLDs are approved for delegation. All applicants will undergo an Initial Evaluation and those that do not pass all elements may request Extended Evaluation.

The first, required evaluation is the **Initial Evaluation**, during which ICANN assesses an applied-for gTLD string, an applicant's qualifications, and its proposed registry services.

The following assessments are performed in the **Initial Evaluation**:

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

An application must pass all these reviews to pass the Initial Evaluation. Failure to pass any one of these reviews will result in a failure to pass the Initial Evaluation.

Extended Evaluation may be applicable in cases in which an applicant does not pass the Initial Evaluation. See Section 2.3 below.

2.1 Background Screening

Background screening will be conducted in two areas:

(a) General business diligence and criminal history; and

(b) History of cybersquatting behavior.

The application must pass both background screening areas to be eligible to proceed. Background screening results are evaluated according to the criteria described in section 1.2.1. Due to the potential sensitive nature of the material, applicant background screening reports will not be published.

The following sections describe the process ICANN will use to perform background screening.

2.1.1 General business diligence and criminal history

Applying entities that are publicly traded corporations listed and in good standing on any of the world's largest 25 stock exchanges (as listed by the World Federation of Exchanges) will be deemed to have passed the general business diligence and criminal history screening. The largest 25 will be based on the domestic market capitalization reported at the end of the most recent calendar year prior to launching each round.[1]

Before an entity is listed on an exchange, it must undergo significant due diligence including an investigation by the exchange, regulators, and investment banks. As a publicly listed corporation, an entity is subject to ongoing scrutiny from shareholders, analysts, regulators, and exchanges. All exchanges require monitoring and disclosure of material information about directors, officers, and other key personnel, including criminal behavior. In totality, these requirements meet or exceed the screening ICANN will perform.

For applicants not listed on one of these exchanges, ICANN will submit identifying information for the entity, officers, directors, and major shareholders to an international background screening service. The service provider(s) will use the criteria listed in section 1.2.1 and return results that match these criteria. Only publicly available information will be used in this inquiry.

ICANN is in discussions with INTERPOL to identify ways in which both organizations can collaborate in background screenings of individuals, entities and their identity documents consistent with both organizations' rules and regulations. Note that the applicant is expected to disclose potential problems in meeting the criteria in the application, and provide any clarification or explanation at the time of application submission. Results returned from

[1] See http://www.world-exchanges.org/statistics/annual/2010/equity-markets/domestic-market-capitalization

the background screening process will be matched with the disclosures provided by the applicant and those cases will be followed up to resolve issues of discrepancies or potential false positives.

If no hits are returned, the application will generally pass this portion of the background screening.

2.1.2 History of cybersquatting

ICANN will screen applicants against UDRP cases and legal databases as financially feasible for data that may indicate a pattern of cybersquatting behavior pursuant to the criteria listed in section 1.2.1.

The applicant is required to make specific declarations regarding these activities in the application. Results returned during the screening process will be matched with the disclosures provided by the applicant and those instances will be followed up to resolve issues of discrepancies or potential false positives.

If no hits are returned, the application will generally pass this portion of the background screening.

2.2 Initial Evaluation

The Initial Evaluation consists of two types of review. Each type is composed of several elements.

String review: The first review focuses on the applied-for gTLD string to test:

- Whether the applied-for gTLD string is so similar to other strings that it would create a probability of user confusion;
- Whether the applied-for gTLD string might adversely affect DNS security or stability; and
- Whether evidence of requisite government approval is provided in the case of certain geographic names.

Applicant review: The second review focuses on the applicant to test:

- Whether the applicant has the requisite technical, operational, and financial capability to operate a registry; and
- Whether the registry services offered by the applicant might adversely affect DNS security or stability.

2.2.1 String Reviews

In the Initial Evaluation, ICANN reviews every applied-for gTLD string. Those reviews are described in greater detail in the following subsections.

2.2.1.1 String Similarity Review

This review involves a preliminary comparison of each applied-for gTLD string against existing TLDs, Reserved Names (see subsection 2.2.1.2), and other applied-for strings. The objective of this review is to prevent user confusion and loss of confidence in the DNS resulting from delegation of many similar strings.

Note: In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.

The visual similarity check that occurs during Initial Evaluation is intended to augment the objection and dispute resolution process (see Module 3, Dispute Resolution Procedures) that addresses all types of similarity.

This similarity review will be conducted by an independent String Similarity Panel.

2.2.1.1.1 Reviews Performed

The String Similarity Panel's task is to identify visual string similarities that would create a probability of user confusion.

The panel performs this task of assessing similarities that would lead to user confusion in four sets of circumstances, when comparing:

- Applied-for gTLD strings against existing TLDs and reserved names;
- Applied-for gTLD strings against other applied-for gTLD strings;
- Applied-for gTLD strings against strings requested as IDN ccTLDs; and
- Applied-for 2-character IDN gTLD strings against:
    - Every other single character.
    - Any other 2-character ASCII string (to protect possible future ccTLD delegations).

Similarity to Existing TLDs or Reserved Names – This review involves cross-checking between each applied-for string and the lists of existing TLD strings and Reserved Names to determine whether two strings are so similar to one another that they create a probability of user confusion.

In the simple case in which an applied-for gTLD string is identical to an existing TLD or reserved name, the online application system will not allow the application to be submitted.

Testing for identical strings also takes into consideration the code point variants listed in any relevant IDN table. For example, protocols treat equivalent labels as alternative forms of the same label, just as "foo" and "Foo" are treated as alternative forms of the same label (RFC 3490).

All TLDs currently in the root zone can be found at http://iana.org/domains/root/db/.

IDN tables that have been submitted to ICANN are available at http://www.iana.org/domains/idn-tables/.

Similarity to Other Applied-for gTLD Strings (String Contention Sets) – All applied-for gTLD strings will be reviewed against one another to identify any similar strings. In performing this review, the String Similarity Panel will create contention sets that may be used in later stages of evaluation.

A contention set contains at least two applied-for strings identical or similar to one another. Refer to Module 4, String Contention Procedures, for more information on contention sets and contention resolution.

ICANN will notify applicants who are part of a contention set as soon as the String Similarity review is completed. (This provides a longer period for contending applicants to reach their own resolution before reaching the contention resolution stage.) These contention sets will also be published on ICANN's website.

Similarity to TLD strings requested as IDN ccTLDs -- Applied-for gTLD strings will also be reviewed for similarity to TLD strings requested in the IDN ccTLD Fast Track process (see http://www.icann.org/en/topics/idn/fast-track/). Should a conflict with a prospective fast-track IDN ccTLD be identified, ICANN will take the following approach to resolving the conflict.

If one of the applications has completed its respective process before the other is lodged, that TLD will be delegated. A gTLD application that has successfully completed all relevant evaluation stages, including dispute resolution and string contention, if applicable, and is eligible for entry into a registry agreement will be considered complete, and therefore would not be disqualified by a newly-filed IDN ccTLD request. Similarly, an IDN ccTLD request that has completed evaluation (i.e., is validated) will be considered complete and therefore would not be disqualified by a newly-filed gTLD application.

In the case where neither application has completed its respective process, where the gTLD application does not have the required approval from the relevant government or public authority, a validated request for an IDN ccTLD will prevail and the gTLD application will not be approved. The term "validated" is defined in the IDN ccTLD Fast Track Process Implementation, which can be found at http://www.icann.org/en/topics/idn.

In the case where a gTLD applicant has obtained the support or non-objection of the relevant government or public authority, but is eliminated due to contention with a string requested in the IDN ccTLD Fast Track process, a full refund of the evaluation fee is available to the applicant if the gTLD application was submitted prior to the publication of the ccTLD request.

Review of 2-character IDN strings — In addition to the above reviews, an applied-for gTLD string that is a 2-character IDN string is reviewed by the String Similarity Panel for visual similarity to:

a) Any one-character label (in any script), and

b) Any possible two-character ASCII combination.

An applied-for gTLD string that is found to be too similar to a) or b) above will not pass this review.

2.2.1.1.2 *Review Methodology*

The String Similarity Panel is informed in part by an algorithmic score for the visual similarity between each applied-for string and each of other existing and applied-for TLDs and reserved names. The score will provide one objective measure for consideration by the panel, as part of the process of identifying strings likely to result in user confusion. In general, applicants should expect that a higher visual similarity score suggests a higher probability

that the application will not pass the String Similarity review. However, it should be noted that the score is only indicative and that the final determination of similarity is entirely up to the Panel's judgment.

The algorithm, user guidelines, and additional background information are available to applicants for testing and informational purposes.[2] Applicants will have the ability to test their strings and obtain algorithmic results through the application system prior to submission of an application.

The algorithm supports the common characters in Arabic, Chinese, Cyrillic, Devanagari, Greek, Japanese, Korean, and Latin scripts. It can also compare strings in different scripts to each other.

The panel will also take into account variant characters, as defined in any relevant language table, in its determinations. For example, strings that are not visually similar but are determined to be variant TLD strings based on an IDN table would be placed in a contention set. Variant TLD strings that are listed as part of the application will also be subject to the string similarity analysis.[3]

The panel will examine all the algorithm data and perform its own review of similarities between strings and whether they rise to the level of string confusion. In cases of strings in scripts not yet supported by the algorithm, the panel's assessment process is entirely manual.

The panel will use a common standard to test for whether string confusion exists, as follows:

Standard for String Confusion – String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.

2.2.1.1.3 Outcomes of the String Similarity Review

An application that fails the String Similarity review due to similarity to an existing TLD will not pass the Initial Evaluation,

[2] *See* http://icann.sword-group.com/algorithm/

[3] In the case where an applicant has listed Declared Variants in its application (see subsection 1.3.3), the panel will perform an analysis of the listed strings to confirm that the strings are variants according to the applicant's IDN table. This analysis may include comparison of applicant IDN tables with other existing tables for the same language or script, and forwarding any questions to the applicant.

and no further reviews will be available. Where an application does not pass the String Similarity review, the applicant will be notified as soon as the review is completed.

An application for a string that is found too similar to another applied-for gTLD string will be placed in a contention set.

An application that passes the String Similarity review is still subject to objection by an existing TLD operator or by another gTLD applicant in the current application round. That process requires that a string confusion objection be filed by an objector having the standing to make such an objection. Such category of objection is not limited to visual similarity. Rather, confusion based on any type of similarity (including visual, aural, or similarity of meaning) may be claimed by an objector. Refer to Module 3, Dispute Resolution Procedures, for more information about the objection process.

An applicant may file a formal objection against another gTLD application on string confusion grounds. Such an objection may, if successful, change the configuration of the preliminary contention sets in that the two applied-for gTLD strings will be considered in direct contention with one another (see Module 4, String Contention Procedures). The objection process will not result in removal of an application from a contention set.

2.2.1.2 Reserved Names and Other Unavailable Strings

Certain names are not available as gTLD strings, as detailed in this section.

2.2.1.2.1 Reserved Names

All applied-for gTLD strings are compared with the list of top-level Reserved Names to ensure that the applied-for gTLD string does not appear on that list.

Top-Level Reserved Names List

AFRINIC	*IANA-SERVERS*	*NRO*
ALAC	*ICANN*	*RFC-EDITOR*
APNIC	*IESG*	*RIPE*
ARIN	*IETF*	*ROOT-SERVERS*
ASO	*INTERNIC*	*RSSAC*
CCNSO	*INVALID*	*SSAC*
*EXAMPLE**	*IRTF*	*TEST**
GAC	*ISTF*	*TLD*

GNSO	*LACNIC*	*WHOIS*
GTLD-SERVERS	*LOCAL*	*WWW*
IAB	*LOCALHOST*	
IANA	*NIC*	
*Note that in addition to the above strings, ICANN will reserve translations of the terms "test" and "example" in multiple languages. The remainder of the strings are reserved only in the form included above.		

If an applicant enters a Reserved Name as its applied-for gTLD string, the application system will recognize the Reserved Name and will not allow the application to be submitted.

In addition, applied-for gTLD strings are reviewed during the String Similarity review to determine whether they are similar to a Reserved Name. An application for a gTLD string that is identified as too similar to a Reserved Name will not pass this review.

2.2.1.2.2 Declared Variants

Names appearing on the Declared Variants List (see section 1.3.3) will be posted on ICANN's website and will be treated essentially the same as Reserved Names, until such time as variant management solutions are developed and variant TLDs are delegated. That is, an application for a gTLD string that is identical or similar to a string on the Declared Variants List will not pass this review.

2.2.1.2.3 Strings Ineligible for Delegation

The following names are prohibited from delegation as gTLDs in the initial application round. Future application rounds may differ according to consideration of further policy advice.

These names are not being placed on the Top-Level Reserved Names List, and thus are not part of the string similarity review conducted for names on that list. Refer to subsection 2.2.1.1: where applied-for gTLD strings are reviewed for similarity to existing TLDs and reserved names, the strings listed in this section are not reserved names and accordingly are not incorporated into this review.

Applications for names appearing on the list included in this section will not be approved.

International Olympic Committee		
OLYMPIC	OLYMPIAD	OLYMPIQUE
OLYMPIADE	OLYMPISCH	OLÍMPICO
OLIMPÍADA	أوليمبي	أوليمبياد
奥林匹克	奥林匹亚	奥林匹克
奧林匹亞	Ολυμπιακοί	Ολυμπιάδα
올림픽	올림피아드	Олимпийский
Олимпиада		

International Red Cross and Red Crescent Movement		
REDCROSS	REDCRESCENT	REDCRYSTAL
REDLIONANDSUN	MAGENDDAVIDADOM	REDSTAROFDAVID
CROIXROUGE	CROIX-ROUGE	CROISSANTROUGE
CROISSANT-ROUGE	CRISTALROUGE	CRISTAL-ROUGE
מגן דוד אדום	CRUZROJA	MEDIALUNAROJA
CRISTALROJO	Красный Крест	Красный Полумесяц
Красный Кристалл	الصليب ألأحمر	الهلال ألأحمر
البلورة الحمراء	الكريستالة الحمراء	紅十字
红十字	紅新月	红新月
紅水晶	红水晶	

2.2.1.3 DNS Stability Review

This review determines whether an applied-for gTLD string might cause instability to the DNS. In all cases, this will involve a review for conformance with technical and other requirements for gTLD strings (labels). In some exceptional cases, an extended review may be necessary to investigate possible technical stability problems with the applied-for gTLD string.

Note: All applicants should recognize issues surrounding invalid TLD queries at the root level of the DNS.

Any new TLD registry operator may experience unanticipated queries, and some TLDs may experience a non-trivial load of unanticipated queries. For more information, see the Security and Stability Advisory Committee (SSAC)'s report on this topic at http://www.icann.org/en/committees/security/sac045.pdf. Some publicly available statistics are also available at http://stats.l.root-servers.org/.

ICANN will take steps to alert applicants of the issues raised in SAC045, and encourage the applicant to prepare to minimize the possibility of operational difficulties that would pose a stability or availability problem for its registrants and users. However, this notice is merely an advisory to applicants and is not part of the evaluation, unless the string raises significant security or stability issues as described in the following section.

2.2.1.3.1 DNS Stability: String Review Procedure

New gTLD labels must not adversely affect the security or stability of the DNS. During the Initial Evaluation period, ICANN will conduct a preliminary review on the set of applied-for gTLD strings to:

- ensure that applied-for gTLD strings comply with the requirements provided in section 2.2.1.3.2, and
- determine whether any strings raise significant security or stability issues that may require further review.

There is a very low probability that extended analysis will be necessary for a string that fully complies with the string requirements in subsection 2.2.1.3.2 of this module. However, the string review process provides an additional safeguard if unanticipated security or stability issues arise concerning an applied-for gTLD string.

In such a case, the DNS Stability Panel will perform an extended review of the applied-for gTLD string during the Initial Evaluation period. The panel will determine whether the string fails to comply with relevant standards or creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, and will report on its findings.

If the panel determines that the string complies with relevant standards and does not create the conditions

described above, the application will pass the DNS Stability review.

If the panel determines that the string does not comply with relevant technical standards, or that it creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, the application will not pass the Initial Evaluation, and no further reviews are available. In the case where a string is determined likely to cause security or stability problems in the DNS, the applicant will be notified as soon as the DNS Stability review is completed.

2.2.1.3.2 String Requirements

ICANN will review each applied-for gTLD string to ensure that it complies with the requirements outlined in the following paragraphs.

If an applied-for gTLD string is found to violate any of these rules, the application will not pass the DNS Stability review. No further reviews are available.

Part I -- Technical Requirements for all Labels (Strings) – The technical requirements for top-level domain labels follow.

1.1 The ASCII label (i.e., the label as transmitted on the wire) must be valid as specified in technical standards *Domain Names: Implementation and Specification* (RFC 1035), and *Clarifications to the DNS Specification* (RFC 2181) and any updates thereto. This includes the following:

1.1.1 The label must have no more than 63 characters.

1.1.2 Upper and lower case characters are treated as identical.

1.2 The ASCII label must be a valid host name, as specified in the technical standards *DOD Internet Host Table Specification* (RFC 952), *Requirements for Internet Hosts — Application and Support* (RFC 1123), and *Application Techniques for Checking and Transformation of Names (RFC 3696), Internationalized Domain Names in Applications (IDNA)(RFCs 5890-5894), and any updates thereto.* This includes the following:

1.2.1 The ASCII label must consist entirely of letters (alphabetic characters a-z), or

1.2.2 The label must be a valid IDNA A-label (further restricted as described in Part II below).

Part II -- Requirements for Internationalized Domain Names – These requirements apply only to prospective top-level domains that contain non-ASCII characters. Applicants for these internationalized top-level domain labels are expected to be familiar with the Internet Engineering Task Force (IETF) IDNA standards, Unicode standards, and the terminology associated with Internationalized Domain Names.

2.1 The label must be an A-label as defined in IDNA, converted from (and convertible to) a U-label that is consistent with the definition in IDNA, and further restricted by the following, non-exhaustive, list of limitations:

2.1.1 Must be a valid A-label according to IDNA.

2.1.2 The derived property value of all codepoints used in the U-label, as defined by IDNA, must be PVALID or CONTEXT (accompanied by unambiguous contextual rules).[4]

2.1.3 The general category of all codepoints, as defined by IDNA, must be one of (Ll, Lo, Lm, Mn, Mc).

2.1.4 The U-label must be fully compliant with Normalization Form C, as described in *Unicode Standard Annex #15: Unicode Normalization Forms.* See also examples in http://unicode.org/faq/normalization.html.

2.1.5 The U-label must consist entirely of characters with the same directional property, or fulfill the requirements of the Bidi rule per RFC 5893.

2.2 The label must meet the relevant criteria of the ICANN *Guidelines for the Implementation of Internationalised Domain Names*. See http://www.icann.org/en/topics/idn/implementatio

[4] It is expected that conversion tools for IDNA will be available before the Application Submission period begins, and that labels will be checked for validity under IDNA. In this case, labels valid under the previous version of the protocol (IDNA2003) but not under IDNA will not meet this element of the requirements. Labels that are valid under both versions of the protocol will meet this element of the requirements. Labels valid under IDNA but not under IDNA2003 may meet the requirements; however, applicants are strongly advised to note that the duration of the transition period between the two protocols cannot presently be estimated nor guaranteed in any specific timeframe. The development of support for IDNA in the broader software applications environment will occur gradually. During that time, TLD labels that are valid under IDNA, but not under IDNA2003, will have limited functionality.

n-guidelines.htm. This includes the following, non-exhaustive, list of limitations:

2.2.1 All code points in a single label must be taken from the same script as determined by the Unicode Standard Annex #24: Unicode Script Property (See http://www.unicode.org/reports/tr24/).

2.2.2 Exceptions to 2.2.1 are permissible for languages with established orthographies and conventions that require the commingled use of multiple scripts. However, even with this exception, visually confusable characters from different scripts will not be allowed to co-exist in a single set of permissible code points unless a corresponding policy and character table are clearly defined.

Part III - Policy Requirements for Generic Top-Level Domains – These requirements apply to all prospective top-level domain strings applied for as gTLDs.

3.1 Applied-for gTLD strings in ASCII must be composed of three or more visually distinct characters. Two-character ASCII strings are not permitted, to avoid conflicting with current and future country codes based on the ISO 3166-1 standard.

3.2 Applied-for gTLD strings in IDN scripts must be composed of two or more visually distinct characters in the script, as appropriate.[5] Note, however, that a two-character IDN string will not be approved if:

3.2.1 It is visually similar to any one-character label (in any script); or

3.2.2 It is visually similar to any possible two-character ASCII combination.

See the String Similarity review in subsection 2.2.1.1 for additional information on this requirement.

[5] Note that the Joint ccNSO-GNSO IDN Working Group (JIG) has made recommendations that this section be revised to allow for single-character IDN gTLD labels. See the JIG Final Report at http://gnso.icann.org/drafts/jig-final-report-30mar11-en.pdf. Implementation models for these recommendations are being developed for community discussion.

2.2.1.4 Geographic Names Review

Applications for gTLD strings must ensure that appropriate consideration is given to the interests of governments or public authorities in geographic names. The requirements and procedure ICANN will follow in the evaluation process are described in the following paragraphs. Applicants should review these requirements even if they do not believe their intended gTLD string is a geographic name. All applied-for gTLD strings will be reviewed according to the requirements in this section, regardless of whether the application indicates it is for a geographic name.

2.2.1.4.1 Treatment of Country or Territory Names[6]

Applications for strings that are country or territory names will not be approved, as they are not available under the New gTLD Program in this application round. A string shall be considered to be a country or territory name if:

i. it is an alpha-3 code listed in the ISO 3166-1 standard.

ii. it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language.

iii. it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language.

iv. it is the short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency.

v. it is a separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module.

vi. it is a permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or

[6] Country and territory names are excluded from the process based on advice from the Governmental Advisory Committee in recent communiqués providing interpretation of Principle 2.2 of the GAC Principles regarding New gTLDs to indicate that strings which are a meaningful representation or abbreviation of a country or territory name should be handled through the forthcoming ccPDP, and other geographic strings could be allowed in the gTLD space if in agreement with the relevant government or public authority.

removal of grammatical articles like "the." A transposition is considered a change in the sequence of the long or short–form name, for example, "RepublicCzech" or "IslandsCayman."

vii. it is a name by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization.

2.2.1.4.2 Geographic Names Requiring Government Support

The following types of applied-for strings are considered geographic names and must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

1. An application for any string that is a representation, in any language, of the *capital city name* of any country or territory listed in the ISO 3166-1 standard.

2. An application for a *city name*, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.

   City names present challenges because city names may also be generic terms or brand names, and in many cases city names are not unique. Unlike other types of geographic names, there are no established lists that can be used as objective references in the evaluation process. Thus, city names are not universally protected. However, the process does provide a means for cities and applicants to work together where desired.

   An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if:

   (a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and

(b) The applied-for string is a city name as listed on official city documents.[7]

3. An application for any string that is an exact match of a *sub-national place name*, such as a county, province, or state, listed in the ISO 3166-2 standard.

4. An application for a string listed as a UNESCO region[8] or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list.[9]

   In the case of an application for a string appearing on either of the lists above, documentation of support will be required from at least 60% of the respective national governments in the region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region.

   Where the 60% rule is applied, and there are common regions on both lists, the regional composition contained in the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" takes precedence.

An applied-for gTLD string that falls into any of 1 through 4 listed above is considered to represent a geographic name. In the event of any doubt, it is in the applicant's interest to consult with relevant governments and public authorities and enlist their support or non-objection prior to submission of the application, in order to preclude possible objections and pre-address any ambiguities concerning the string and applicable requirements.

Strings that include but do not match a geographic name (as defined in this section) will not be considered geographic names as defined by section 2.2.1.4.2, and therefore will not require documentation of government support in the evaluation process.

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[7] City governments with concerns about strings that are duplicates, nicknames or close renderings of a city name should not rely on the evaluation process as the primary means of protecting their interests in a string. Rather, a government may elect to file a formal objection to an application that is opposed by the relevant community, or may submit its own application for the string.

[8] *See* http://www.unesco.org/new/en/unesco/worldwide/.

[9] *See* http://unstats.un.org/unsd/methods/m49/m49regin.htm.

For each application, the Geographic Names Panel will determine which governments are relevant based on the inputs of the applicant, governments, and its own research and analysis. In the event that there is more than one relevant government or public authority for the applied-for gTLD string, the applicant must provide documentation of support or non-objection from all the relevant governments or public authorities. It is anticipated that this may apply to the case of a sub-national place name.

It is the applicant's responsibility to:

- identify whether its applied-for gTLD string falls into any of the above categories; and
- identify and consult with the relevant governments or public authorities; and
- identify which level of government support is required.

Note: the level of government and which administrative agency is responsible for the filing of letters of support or non-objection is a matter for each national administration to determine. Applicants should consult within the relevant jurisdiction to determine the appropriate level of support.

The requirement to include documentation of support for certain applications does not preclude or exempt applications from being the subject of objections on community grounds (refer to subsection 3.1.1 of Module 3), under which applications may be rejected based on objections showing substantial opposition from the targeted community.

2.2.1.4.3 Documentation Requirements

The documentation of support or non-objection should include a signed letter from the relevant government or public authority. Understanding that this will differ across the respective jurisdictions, the letter could be signed by the minister with the portfolio responsible for domain name administration, ICT, foreign affairs, or the Office of the Prime Minister or President of the relevant jurisdiction; or a senior representative of the agency or department responsible for domain name administration, ICT, foreign affairs, or the Office of the Prime Minister. To assist the applicant in determining who the relevant government or public authority may be for a potential geographic name, the applicant may wish to consult with the relevant

Governmental Advisory Committee (GAC) representative.[10]

The letter must clearly express the government's or public authority's support for or non-objection to the applicant's application and demonstrate the government's or public authority's understanding of the string being requested and its intended use.

The letter should also demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available, i.e., entry into a registry agreement with ICANN requiring compliance with consensus policies and payment of fees. (See Module 5 for a discussion of the obligations of a gTLD registry operator.)

A sample letter of support is available as an attachment to this module.

Applicants and governments may conduct discussions concerning government support for an application at any time. Applicants are encouraged to begin such discussions at the earliest possible stage, and enable governments to follow the processes that may be necessary to consider, approve, and generate a letter of support or non-objection.

It is important to note that a government or public authority is under no obligation to provide documentation of support or non-objection in response to a request by an applicant.

It is also possible that a government may withdraw its support for an application at a later time, including after the new gTLD has been delegated, if the registry operator has deviated from the conditions of original support or non-objection. Applicants should be aware that ICANN has committed to governments that, in the event of a dispute between a government (or public authority) and a registry operator that submitted documentation of support from that government or public authority, **ICANN will comply with a legally binding order** from a court in the jurisdiction of the government or public authority that has given support to an application.

2.2.1.4.4 Review Procedure for Geographic Names

A Geographic Names Panel (GNP) will determine whether each applied-for gTLD string represents a geographic

[10] *See* https://gacweb.icann.org/display/gacweb/GAC+Members

name, and verify the relevance and authenticity of the supporting documentation where necessary.

The GNP will review all applications received, not only those where the applicant has noted its applied-for gTLD string as a geographic name. For any application where the GNP determines that the applied-for gTLD string is a country or territory name (as defined in this module), the application will not pass the Geographic Names review and will be denied. No additional reviews will be available.

For any application where the GNP determines that the applied-for gTLD string is not a geographic name requiring government support (as described in this module), the application will pass the Geographic Names review with no additional steps required.

For any application where the GNP determines that the applied-for gTLD string is a geographic name requiring government support, the GNP will confirm that the applicant has provided the required documentation from the relevant governments or public authorities, and that the communication from the government or public authority is legitimate and contains the required content. ICANN may confirm the authenticity of the communication by consulting with the relevant diplomatic authorities or members of ICANN's Governmental Advisory Committee for the government or public authority concerned on the competent authority and appropriate point of contact within their administration for communications.

The GNP may communicate with the signing entity of the letter to confirm their intent and their understanding of the terms on which the support for an application is given.

In cases where an applicant has not provided the required documentation, the applicant will be contacted and notified of the requirement, and given a limited time frame to provide the documentation. If the applicant is able to provide the documentation before the close of the Initial Evaluation period, and the documentation is found to meet the requirements, the applicant will pass the Geographic Names review. If not, the applicant will have additional time to obtain the required documentation; however, if the applicant has not produced the required documentation by the required date (at least 90 calendar days from the date of notice), the application will be considered incomplete and will be ineligible for further review. The applicant may reapply in subsequent application rounds, if desired, subject to the fees and requirements of the specific application rounds.

If there is more than one application for a string representing a certain geographic name as described in this section, and the applications have requisite government approvals, the applications will be suspended pending resolution by the applicants. If the applicants have not reached a resolution by either the date of the end of the application round (as announced by ICANN), or the date on which ICANN opens a subsequent application round, whichever comes first, the applications will be rejected and applicable refunds will be available to applicants according to the conditions described in section 1.5.

However, in the event that a contention set is composed of multiple applications with documentation of support from the same government or public authority, the applications will proceed through the contention resolution procedures described in Module 4 when requested by the government or public authority providing the documentation.

If an application for a string representing a geographic name is in a contention set with applications for similar strings that have not been identified as geographical names, the string contention will be resolved using the string contention procedures described in Module 4.

2.2.2 Applicant Reviews

Concurrent with the applied-for gTLD string reviews described in subsection 2.2.1, ICANN will review the applicant's technical and operational capability, its financial capability, and its proposed registry services. Those reviews are described in greater detail in the following subsections.

2.2.2.1 Technical/Operational Review

In its application, the applicant will respond to a set of questions (see questions 24 – 44 in the Application Form) intended to gather information about the applicant's technical capabilities and its plans for operation of the proposed gTLD.

Applicants are not required to have deployed an actual gTLD registry to pass the Technical/Operational review. It will be necessary, however, for an applicant to demonstrate a clear understanding and accomplishment of some groundwork toward the key technical and operational aspects of a gTLD registry operation. Subsequently, each applicant that passes the technical evaluation and all other steps will be required to complete

a pre-delegation technical test prior to delegation of the new gTLD. Refer to Module 5, Transition to Delegation, for additional information.

2.2.2.2 Financial Review

In its application, the applicant will respond to a set of questions (see questions 45-50 in the Application Form) intended to gather information about the applicant's financial capabilities for operation of a gTLD registry and its financial planning in preparation for long-term stability of the new gTLD.

Because different registry types and purposes may justify different responses to individual questions, evaluators will pay particular attention to the consistency of an application across all criteria. For example, an applicant's scaling plans identifying system hardware to ensure its capacity to operate at a particular volume level should be consistent with its financial plans to secure the necessary equipment. That is, the evaluation criteria scale with the applicant plans to provide flexibility.

2.2.2.3 Evaluation Methodology

Dedicated technical and financial evaluation panels will conduct the technical/operational and financial reviews, according to the established criteria and scoring mechanism included as an attachment to this module. These reviews are conducted on the basis of the information each applicant makes available to ICANN in its response to the questions in the Application Form.

The evaluators may request clarification or additional information during the Initial Evaluation period. For each application, clarifying questions will be consolidated and sent to the applicant from each of the panels. The applicant will thus have an opportunity to clarify or supplement the application in those areas where a request is made by the evaluators. These communications will occur via TAS. Unless otherwise noted, such communications will include a 2-week deadline for the applicant to respond. Any supplemental information provided by the applicant will become part of the application.

It is the applicant's responsibility to ensure that the questions have been fully answered and the required documentation is attached. Evaluators are entitled, but not obliged, to request further information or evidence from an applicant, and are not obliged to take into account any information or evidence that is not made

available in the application and submitted by the due date, unless explicitly requested by the evaluators.

2.2.3 Registry Services Review

Concurrent with the other reviews that occur during the Initial Evaluation period, ICANN will review the applicant's proposed registry services for any possible adverse impact on security or stability. The applicant will be required to provide a list of proposed registry services in its application.

2.2.3.1 Definitions

Registry services are defined as:

1. operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry zone servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by the registry agreement;

2. other products or services that the registry operator is required to provide because of the establishment of a consensus policy; and

3. any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator.

Proposed registry services will be examined to determine if they might raise significant stability or security issues. Examples of services proposed by existing registries can be found at http://www.icann.org/en/registries/rsep/. In most cases, these proposed services successfully pass this inquiry.

Registry services currently provided by gTLD registries can be found in registry agreement appendices. See http://www.icann.org/en/registries/agreements.htm.

A full definition of registry services can be found at http://www.icann.org/en/registries/rsep/rsep.html.

For purposes of this review, security and stability are defined as follows:

Security – an effect on security by the proposed registry service means (1) the unauthorized disclosure, alteration, insertion or destruction of registry data, or (2) the unauthorized access to or disclosure of information or

resources on the Internet by systems operating in accordance with all applicable standards.

Stability – an effect on stability means that the proposed registry service (1) does not comply with applicable relevant standards that are authoritative and published by a well-established, recognized, and authoritative standards body, such as relevant standards-track or best current practice RFCs sponsored by the IETF, or (2) creates a condition that adversely affects the throughput, response time, consistency, or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant standards-track or best current practice RFCs and relying on registry operator's delegation information or provisioning services.

2.2.3.2 Customary Services

The following registry services are customary services offered by a registry operator:

- Receipt of data from registrars concerning registration of domain names and name servers
- Dissemination of TLD zone files
- Dissemination of contact or other information concerning domain name registrations (e.g., port-43 WHOIS, Web-based Whois, RESTful Whois)
- DNS Security Extensions

The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD.

Any additional registry services that are unique to the proposed gTLD registry should be described in detail. Directions for describing the registry services are provided at http://www.icann.org/en/registries/rsep/rrs_sample.html.

2.2.3.3 TLD Zone Contents

ICANN receives a number of inquiries about use of various record types in a registry zone, as entities contemplate different business and technical models. Permissible zone contents for a TLD zone are:

- Apex SOA record.
- Apex NS records and in-bailiwick glue for the TLD's DNS servers.

- NS records and in-bailiwick glue for DNS servers of registered names in the TLD.
- DS records for registered names in the TLD.
- Records associated with signing the TLD zone (i.e., RRSIG, DNSKEY, NSEC, and NSEC3).

An applicant wishing to place any other record types into its TLD zone should describe in detail its proposal in the registry services section of the application. This will be evaluated and could result in an extended evaluation to determine whether the service would create a risk of a meaningful adverse impact on security or stability of the DNS. Applicants should be aware that a service based on use of less-common DNS resource records in the TLD zone, even if approved in the registry services review, might not work as intended for all users due to lack of application support.

2.2.3.4 Methodology

Review of the applicant's proposed registry services will include a preliminary determination of whether any of the proposed registry services could raise significant security or stability issues and require additional consideration.

If the preliminary determination reveals that there may be significant security or stability issues (as defined in subsection 2.2.3.1) surrounding a proposed service, the application will be flagged for an extended review by the Registry Services Technical Evaluation Panel (RSTEP), see http://www.icann.org/en/registries/rsep/rstep.html). This review, if applicable, will occur during the Extended Evaluation period (refer to Section 2.3).

In the event that an application is flagged for extended review of one or more registry services, an additional fee to cover the cost of the extended review will be due from the applicant. Applicants will be advised of any additional fees due, which must be received before the additional review begins.

2.2.4 Applicant's Withdrawal of an Application

An applicant who does not pass the Initial Evaluation may withdraw its application at this stage and request a partial refund (refer to subsection 1.5 of Module 1).

2.3 Extended Evaluation

An applicant may request an Extended Evaluation if the application has failed to pass the Initial Evaluation elements concerning:

- Geographic names (refer to subsection 2.2.1.4). There is no additional fee for an extended evaluation in this instance.
- Demonstration of technical and operational capability (refer to subsection 2.2.2.1). There is no additional fee for an extended evaluation in this instance.
- Demonstration of financial capability (refer to subsection 2.2.2.2). There is no additional fee for an extended evaluation in this instance.
- Registry services (refer to subsection 2.2.3). Note that this investigation incurs an additional fee (the Registry Services Review Fee) if the applicant wishes to proceed. See Section 1.5 of Module 1 for fee and payment information.

An Extended Evaluation does not imply any change of the evaluation criteria. The same criteria used in the Initial Evaluation will be used to review the application in light of clarifications provided by the applicant.

From the time an applicant receives notice of failure to pass the Initial Evaluation, eligible applicants will have 15 calendar days to submit to ICANN the Notice of Request for Extended Evaluation. If the applicant does not explicitly request the Extended Evaluation (and pay an additional fee in the case of a Registry Services inquiry) the application will not proceed.

2.3.1 Geographic Names Extended Evaluation

In the case of an application that has been identified as a geographic name requiring government support, but where the applicant has not provided sufficient evidence of support or non-objection from all relevant governments or public authorities by the end of the Initial Evaluation period, the applicant has additional time in the Extended Evaluation period to obtain and submit this documentation.

If the applicant submits the documentation to the Geographic Names Panel by the required date, the GNP will perform its review of the documentation as detailed in

section 2.2.1.4. If the applicant has not provided the documentation by the required date (at least 90 calendar days from the date of the notice), the application will not pass the Extended Evaluation, and no further reviews are available.

2.3.2 Technical/Operational or Financial Extended Evaluation

The following applies to an Extended Evaluation of an applicant's technical and operational capability or financial capability, as described in subsection 2.2.2.

An applicant who has requested Extended Evaluation will again access the online application system (TAS) and clarify its answers to those questions or sections on which it received a non-passing score (or, in the case of an application where individual questions were passed but the total score was insufficient to pass Initial Evaluation, those questions or sections on which additional points are possible). The answers should be responsive to the evaluator report that indicates the reasons for failure, or provide any amplification that is not a material change to the application. Applicants may not use the Extended Evaluation period to substitute portions of new information for the information submitted in their original applications, i.e., to materially change the application.

An applicant participating in an Extended Evaluation on the Technical / Operational or Financial reviews will have the option to have its application reviewed by the same evaluation panelists who performed the review during the Initial Evaluation period, or to have a different set of panelists perform the review during Extended Evaluation.

The Extended Evaluation allows an additional exchange of information between the evaluators and the applicant to further clarify information contained in the application. This supplemental information will become part of the application record. Such communications will include a deadline for the applicant to respond.

ICANN will notify applicants at the end of the Extended Evaluation period as to whether they have passed. If an application passes Extended Evaluation, it continues to the next stage in the process. If an application does not pass Extended Evaluation, it will proceed no further. No further reviews are available.

2.3.3 Registry Services Extended Evaluation

This section applies to Extended Evaluation of registry services, as described in subsection 2.2.3.

If a proposed registry service has been referred to the Registry Services Technical Evaluation Panel (RSTEP) for an extended review, the RSTEP will form a review team of members with the appropriate qualifications.

The review team will generally consist of three members, depending on the complexity of the registry service proposed. In a 3-member panel, the review could be conducted within 30 to 45 calendar days. In cases where a 5-member panel is needed, this will be identified before the extended evaluation starts. In a 5-member panel, the review could be conducted in 45 calendar days or fewer.

The cost of an RSTEP review will be covered by the applicant through payment of the Registry Services Review Fee. Refer to payment procedures in section 1.5 of Module 1. The RSTEP review will not commence until payment has been received.

If the RSTEP finds that one or more of the applicant's proposed registry services may be introduced without risk of a meaningful adverse effect on security or stability, these services will be included in the applicant's registry agreement with ICANN. If the RSTEP finds that the proposed service would create a risk of a meaningful adverse effect on security or stability, the applicant may elect to proceed with its application without the proposed service, or withdraw its application for the gTLD. In this instance, an applicant has 15 calendar days to notify ICANN of its intent to proceed with the application. If an applicant does not explicitly provide such notice within this time frame, the application will proceed no further.

2.4 Parties Involved in Evaluation

A number of independent experts and groups play a part in performing the various reviews in the evaluation process. A brief description of the various panels, their evaluation roles, and the circumstances under which they work is included in this section.

2.4.1 Panels and Roles

The **String Similarity Panel** will assess whether a proposed gTLD string creates a probability of user confusion due to similarity with any reserved name, any existing TLD, any requested IDN ccTLD, or any new gTLD string applied for in the current application round. This occurs during the String Similarity review in Initial Evaluation. The panel may also review IDN tables submitted by applicants as part of its work.

The **DNS Stability Panel** will determine whether a proposed string might adversely affect the security or stability of the DNS. This occurs during the DNS Stability String review in Initial Evaluation.

The **Geographic Names Panel** will review each application to determine whether the applied-for gTLD represents a geographic name, as defined in this guidebook. In the event that the string is a geographic name requiring government support, the panel will ensure that the required documentation is provided with the application and verify that the documentation is from the relevant governments or public authorities and is authentic.

The **Technical Evaluation Panel** will review the technical components of each application against the criteria in the Applicant Guidebook, along with proposed registry operations, in order to determine whether the applicant is technically and operationally capable of operating a gTLD registry as proposed in the application. This occurs during the Technical/Operational reviews in Initial Evaluation, and may also occur in Extended Evaluation if elected by the applicant.

The **Financial Evaluation Panel** will review each application against the relevant business, financial and organizational criteria contained in the Applicant Guidebook, to determine whether the applicant is financially capable of maintaining a gTLD registry as proposed in the application. This occurs during the Financial review in Initial Evaluation, and may also occur in Extended Evaluation if elected by the applicant.

The **Registry Services Technical Evaluation Panel (RSTEP)** will review proposed registry services in the application to determine if they pose a risk of a meaningful adverse impact on security or stability. This occurs, if applicable, during the Extended Evaluation period.

Members of all panels are required to abide by the established Code of Conduct and Conflict of Interest guidelines included in this module.

2.4.2 Panel Selection Process

ICANN has selected qualified third-party providers to perform the various reviews, based on an extensive selection process.[11] In addition to the specific subject matter expertise required for each panel, specified qualifications are required, including:

- The provider must be able to convene – or have the capacity to convene - globally diverse panels and be able to evaluate applications from all regions of the world, including applications for IDN gTLDs.
- The provider should be familiar with the IETF IDNA standards, Unicode standards, relevant RFCs and the terminology associated with IDNs.
- The provider must be able to scale quickly to meet the demands of the evaluation of an unknown number of applications. At present it is not known how many applications will be received, how complex they will be, and whether they will be predominantly for ASCII or non-ASCII gTLDs.
- The provider must be able to evaluate the applications within the required timeframes of Initial and Extended Evaluation.

2.4.3 Code of Conduct Guidelines for Panelists

The purpose of the New gTLD Program ("Program") Code of Conduct ("Code") is to prevent real and apparent conflicts of interest and unethical behavior by any Evaluation Panelist ("Panelist").

Panelists shall conduct themselves as thoughtful, competent, well prepared, and impartial professionals throughout the application process. Panelists are expected to comply with equity and high ethical standards while assuring the Internet community, its constituents, and the public of objectivity, integrity, confidentiality, and credibility. Unethical actions, or even the appearance of compromise, are not acceptable. Panelists are expected

[11] http://newgtlds.icann.org/about/evaluation-panels-selection-process

to be guided by the following principles in carrying out their respective responsibilities. This Code is intended to summarize the principles and nothing in this Code should be considered as limiting duties, obligations or legal requirements with which Panelists must comply.

Bias -- Panelists shall:

- not advance personal agendas or non-ICANN approved agendas in the evaluation of applications;
- examine facts as they exist and not be influenced by past reputation, media accounts, or unverified statements about the applications being evaluated;
- exclude themselves from participating in the evaluation of an application if, to their knowledge, there is some predisposing factor that could prejudice them with respect to such evaluation; and
- exclude themselves from evaluation activities if they are philosophically opposed to or are on record as having made generic criticism about a specific type of applicant or application.

Compensation/Gifts -- Panelists shall not request or accept any compensation whatsoever or any gifts of substance from the Applicant being reviewed or anyone affiliated with the Applicant. (Gifts of substance would include any gift greater than USD 25 in value).

If the giving of small tokens is important to the Applicant's culture, Panelists may accept these tokens; however, the total of such tokens must not exceed USD 25 in value. If in doubt, the Panelist should err on the side of caution by declining gifts of any kind.

Conflicts of Interest -- Panelists shall act in accordance with the "New gTLD Program Conflicts of Interest Guidelines" (see subsection 2.4.3.1).

Confidentiality -- Confidentiality is an integral part of the evaluation process. Panelists must have access to sensitive information in order to conduct evaluations. Panelists must maintain confidentiality of information entrusted to them by ICANN and the Applicant and any other confidential information provided to them from whatever source,

except when disclosure is legally mandated or has been authorized by ICANN. "Confidential information" includes all elements of the Program and information gathered as part of the process – which includes but is not limited to: documents, interviews, discussions, interpretations, and analyses – related to the review of any new gTLD application.

Affirmation -- All Panelists shall read this Code prior to commencing evaluation services and shall certify in writing that they have done so and understand the Code.

2.4.3.1 Conflict of Interest Guidelines for Panelists

It is recognized that third-party providers may have a large number of employees in several countries serving numerous clients. In fact, it is possible that a number of Panelists may be very well known within the registry / registrar community and have provided professional services to a number of potential applicants.

To safeguard against the potential for inappropriate influence and ensure applications are evaluated in an objective and independent manner, ICANN has established detailed Conflict of Interest guidelines and procedures that will be followed by the Evaluation Panelists. To help ensure that the guidelines are appropriately followed ICANN will:

- Require each Evaluation Panelist (provider and individual) to acknowledge and document understanding of the Conflict of Interest guidelines.
- Require each Evaluation Panelist to disclose all business relationships engaged in at any time during the past six months.
- Where possible, identify and secure primary and backup providers for evaluation panels.
- In conjunction with the Evaluation Panelists, develop and implement a process to identify conflicts and re-assign applications as appropriate to secondary or contingent third party providers to perform the reviews.

Compliance Period -- All Evaluation Panelists must comply with the Conflict of Interest guidelines beginning with the opening date of the Application Submission period and ending with the public announcement by ICANN of the

final outcomes of all the applications from the Applicant in question.

Guidelines -- The following guidelines are the minimum standards with which all Evaluation Panelists must comply. It is recognized that it is impossible to foresee and cover all circumstances in which a potential conflict of interest might arise. In these cases the Evaluation Panelist should evaluate whether the existing facts and circumstances would lead a reasonable person to conclude that there is an actual conflict of interest.

Evaluation Panelists and Immediate Family Members:

- Must not be under contract, have or be included in a current proposal to provide Professional Services for or on behalf of the Applicant during the Compliance Period.
- Must not currently hold or be committed to acquire any interest in a privately-held Applicant.
- Must not currently hold or be committed to acquire more than 1% of any publicly listed Applicant's outstanding equity securities or other ownership interests.
- Must not be involved or have an interest in a joint venture, partnership or other business arrangement with the Applicant.
- Must not have been named in a lawsuit with or against the Applicant.
- Must not be a:
    - Director, officer, or employee, or in any capacity equivalent to that of a member of management of the Applicant;
    - Promoter, underwriter, or voting trustee of the Applicant; or
    - Trustee for any pension or profit-sharing trust of the Applicant.

Definitions--

Evaluation Panelist: An Evaluation Panelist is any individual associated with the review of an application. This includes

any primary, secondary, and contingent third party Panelists engaged by ICANN to review new gTLD applications.

Immediate Family Member: Immediate Family Member is a spouse, spousal equivalent, or dependent (whether or not related) of an Evaluation Panelist.

Professional Services: include, but are not limited to legal services, financial audit, financial planning / investment, outsourced services, consulting services such as business / management / internal audit, tax, information technology, registry / registrar services.

2.4.3.2 Code of Conduct Violations

Evaluation panelist breaches of the Code of Conduct, whether intentional or not, shall be reviewed by ICANN, which may make recommendations for corrective action, if deemed necessary. Serious breaches of the Code may be cause for dismissal of the person, persons or provider committing the infraction.

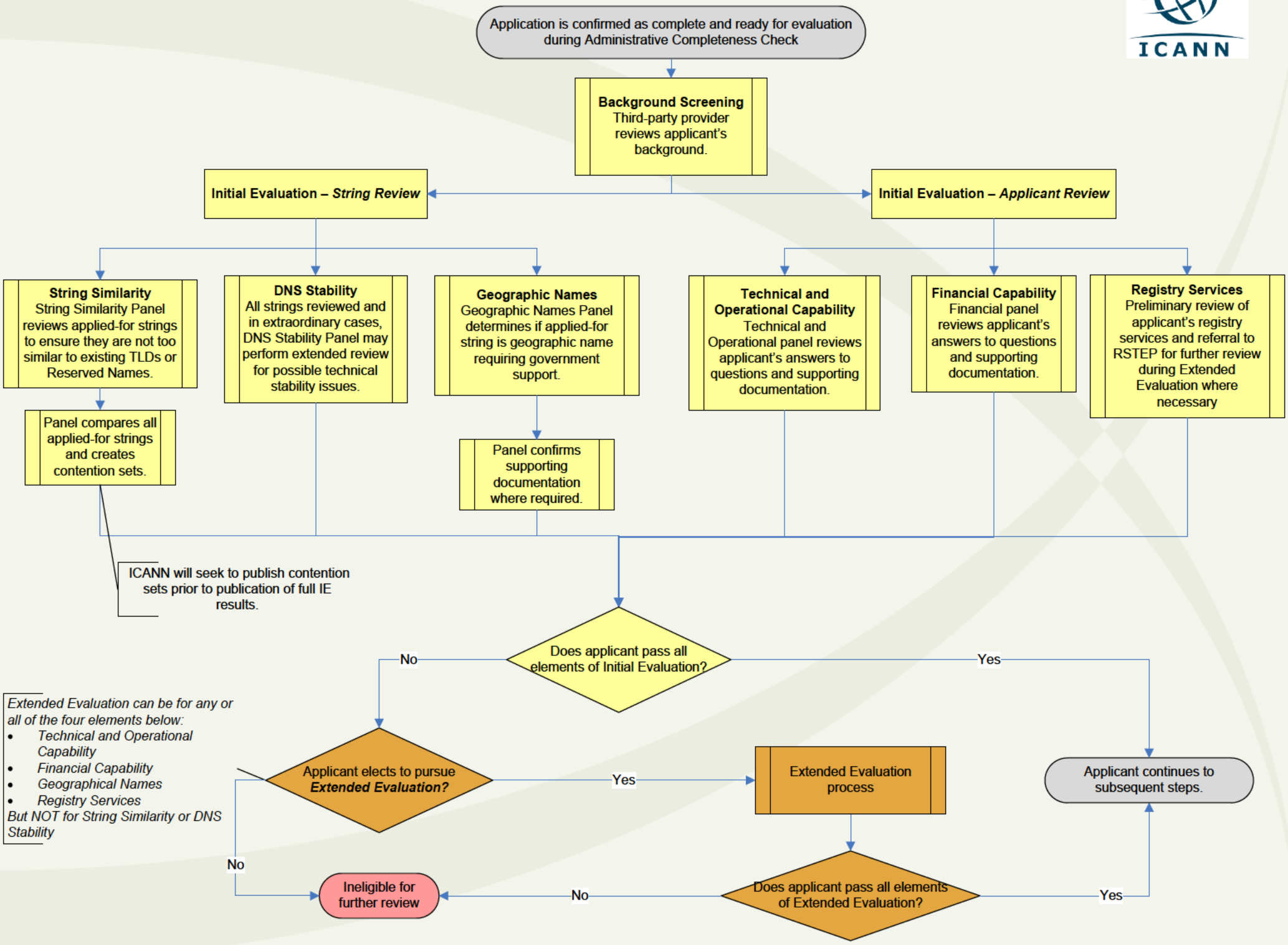
In a case where ICANN determines that a Panelist has failed to comply with the Code of Conduct, the results of that Panelist's review for all assigned applications will be discarded and the affected applications will undergo a review by new panelists.

Complaints about violations of the Code of Conduct by a Panelist may be brought to the attention of ICANN via the public comment and applicant support mechanisms, throughout the evaluation period. Concerns of applicants regarding panels should be communicated via the defined support channels (see subsection 1.4.2). Concerns of the general public (i.e., non-applicants) can be raised via the public comment forum, as described in Module 1.

2.4.4 Communication Channels

Defined channels for technical support or exchanges of information with ICANN and with evaluation panels are available to applicants during the Initial Evaluation and Extended Evaluation periods. Contacting individual ICANN staff members, Board members, or individuals engaged by ICANN to perform an evaluation role in order to lobby for a particular outcome or to obtain confidential information about applications under review is not appropriate. In the interests of fairness and equivalent treatment for all applicants, any such individual contacts will be referred to the appropriate communication channels.

DRAFT - New gTLD Program – Initial Evaluation and Extended Evaluation



Annex: Separable Country Names List

gTLD application restrictions on country or territory names are tied to listing in property fields of the ISO 3166-1 standard. Notionally, the ISO 3166-1 standard has an "English short name" field which is the common name for a country and can be used for such protections; however, in some cases this does not represent the common name. This registry seeks to add additional protected elements which are derived from definitions in the ISO 3166-1 standard. An explanation of the various classes is included below.

Separable Country Names List

Code	English Short Name	Cl.	Separable Name
ax	Åland Islands	B1	Åland
as	American Samoa	C	Tutuila
		C	Swain's Island
ao	Angola	C	Cabinda
ag	Antigua and Barbuda	A	Antigua
		A	Barbuda
		C	Redonda Island
au	Australia	C	Lord Howe Island
		C	Macquarie Island
		C	Ashmore Island
		C	Cartier Island
		C	Coral Sea Islands
bo	Bolivia, Plurinational State of	B1	Bolivia
bq	Bonaire, Sint Eustatius and Saba	A	Bonaire
		A	Sint Eustatius
		A	Saba
ba	Bosnia and Herzegovina	A	Bosnia
		A	Herzegovina
br	Brazil	C	Fernando de Noronha Island
		C	Martim Vaz Islands
		C	Trinidade Island
io	British Indian Ocean Territory	C	Chagos Archipelago
		C	Diego Garcia
bn	Brunei Darussalam	B1	Brunei
		C	Negara Brunei Darussalam
cv	Cape Verde	C	São Tiago
		C	São Vicente
ky	Cayman Islands	C	Grand Cayman
cl	Chile	C	Easter Island
		C	Juan Fernández Islands
		C	Sala y Gómez Island
		C	San Ambrosio Island
		C	San Félix Island
cc	Cocos (Keeling) Islands	A	Cocos Islands
		A	Keeling Islands
co	Colombia	C	Malpelo Island
		C	San Andrés Island
		C	Providencia Island
km	Comoros	C	Anjouan
		C	Grande Comore
		C	Mohéli
ck	Cook Islands	C	Rarotonga
cr	Costa Rica	C	Coco Island
ec	Ecuador	C	Galápagos Islands
gq	Equatorial Guinea	C	Annobón Island
		C	Bioko Island

		C	Río Muni
fk	Falkland Islands (Malvinas)	B1	Falkland Islands
		B1	Malvinas
fo	Faroe Islands	A	Faroe
fj	Fiji	C	Vanua Levu
		C	Viti Levu
		C	Rotuma Island
pf	French Polynesia	C	Austral Islands
		C	Gambier Islands
		C	Marquesas Islands
		C	Society Archipelago
		C	Tahiti
		C	Tuamotu Islands
		C	Clipperton Island
tf	French Southern Territories	C	Amsterdam Islands
		C	Crozet Archipelago
		C	Kerguelen Islands
		C	Saint Paul Island
gr	Greece	C	Mount Athos
		B1	**
gd	Grenada	C	Southern Grenadine Islands
		C	Carriacou
gp	Guadeloupe	C	la Désirade
		C	Marie-Galante
		C	les Saintes
hm	Heard Island and McDonald Islands	A	Heard Island
		A	McDonald Islands
va	Holy See (Vatican City State)	A	Holy See
		A	Vatican
hn	Honduras	C	Swan Islands
in	India	C	Amindivi Islands
		C	Andaman Islands
		C	Laccadive Islands
		C	Minicoy Island
		C	Nicobar Islands
ir	Iran, Islamic Republic of	B1	Iran
ki	Kiribati	C	Gilbert Islands
		C	Tarawa
		C	Banaba
		C	Line Islands
		C	Kiritimati
		C	Phoenix Islands
		C	Abariringa
		C	Enderbury Island
kp	Korea, Democratic People's Republic of	C	North Korea
kr	Korea, Republic of	C	South Korea
la	Lao People's Democratic Republic	B1	Laos
mk	Macedonia, the Former Yugoslav Republic of	B1	**
my	Malaysia	C	Sabah
		C	Sarawak
mh	Marshall Islands	C	Jaluit
			Kwajalein
			Majuro
mu	Mauritius	C	Agalega Islands
		C	Cargados Carajos Shoals
		C	Rodrigues Island
fm	Micronesia, Federated States of	B1	Micronesia

		C	Caroline Islands (see also pw)
		C	Chuuk
		C	Kosrae
		C	Pohnpei
		C	Yap
md	Moldova, Republic of	B1	Moldova
		C	Moldava
nc	New Caledonia	C	Loyalty Islands
mp	Northern Mariana Islands	C	Mariana Islands
		C	Saipan
om	Oman	C	Musandam Peninsula
pw	Palau	C	Caroline Islands (see also fm)
		C	Babelthuap
ps	Palestinian Territory, Occupied	B1	Palestine
pg	Papua New Guinea	C	Bismarck Archipelago
		C	Northern Solomon Islands
		C	Bougainville
pn	Pitcairn	C	Ducie Island
		C	Henderson Island
		C	Oeno Island
re	Réunion	C	Bassas da India
		C	Europa Island
		C	Glorioso Island
		C	Juan de Nova Island
		C	Tromelin Island
ru	Russian Federation	B1	Russia
		C	Kaliningrad Region
sh	Saint Helena, Ascension, and Tristan de Cunha	A	Saint Helena
		A	Ascension
		A	Tristan de Cunha
		C	Gough Island
		C	Tristan de Cunha Archipelago
kn	Saint Kitts and Nevis	A	Saint Kitts
		A	Nevis
pm	Saint Pierre and Miquelon	A	Saint Pierre
		A	Miquelon
vc	Saint Vincent and the Grenadines	A	Saint Vincent
		A	The Grenadines
		C	Northern Grenadine Islands
		C	Bequia
		C	Saint Vincent Island
ws	Samoa	C	Savai'i
		C	Upolu
st	Sao Tome and Principe	A	Sao Tome
		A	Principe
sc	Seychelles	C	Mahé
		C	Aldabra Islands
		C	Amirante Islands
		C	Cosmoledo Islands
		C	Farquhar Islands
sb	Solomon Islands	C	Santa Cruz Islands
		C	Southern Solomon Islands
		C	Guadalcanal
za	South Africa	C	Marion Island
		C	Prince Edward Island
gs	South Georgia and the South Sandwich Islands	A	South Georgia
		A	South Sandwich Islands

sj	Svalbard and Jan Mayen	A	Svalbard
		A	Jan Mayen
		C	Bear Island
sy	Syrian Arab Republic	B1	Syria
tw	Taiwan, Province of China	B1	Taiwan
		C	Penghu Islands
		C	Pescadores
tz	Tanzania, United Republic of	B1	Tanzania
tl	Timor-Leste	C	Oecussi
to	Tonga	C	Tongatapu
tt	Trinidad and Tobago	A	Trinidad
		A	Tobago
tc	Turks and Caicos Islands	A	Turks Islands
		A	Caicos Islands
tv	Tuvalu	C	Fanafuti
ae	United Arab Emirates	B1	Emirates
us	United States	B2	America
um	United States Minor Outlying Islands	C	Baker Island
		C	Howland Island
		C	Jarvis Island
		C	Johnston Atoll
		C	Kingman Reef
		C	Midway Islands
		C	Palmyra Atoll
		C	Wake Island
		C	Navassa Island
vu	Vanuatu	C	Efate
		C	Santo
ve	Venezuela, Bolivarian Republic of	B1	Venezuela
		C	Bird Island
vg	Virgin Islands, British	B1	Virgin Islands
		C	Anegada
		C	Jost Van Dyke
		C	Tortola
		C	Virgin Gorda
vi	Virgin Islands, US	B1	Virgin Islands
		C	Saint Croix
		C	Saint John
		C	Saint Thomas
wf	Wallis and Futuna	A	Wallis
		A	Futuna
		C	Hoorn Islands
		C	Wallis Islands
		C	Uvea
ye	Yemen	C	Socotra Island

Maintenance

A Separable Country Names Registry will be maintained and published by ICANN Staff.

Each time the ISO 3166-1 standard is updated with a new entry, this registry will be reappraised to identify if the changes to the standard warrant changes to the entries in this registry. Appraisal will be based on the criteria listing in the "Eligibility" section of this document.

Codes reserved by the ISO 3166 Maintenance Agency do not have any implication on this registry, only entries derived from normally assigned codes appearing in ISO 3166-1 are eligible.

If an ISO code is struck off the ISO 3166-1 standard, any entries in this registry deriving from that code must be struck.

Eligibility

Each record in this registry is derived from the following possible properties:

Class A: The ISO 3166-1 English Short Name is comprised of multiple, separable parts whereby the country is comprised of distinct sub-entities. Each of these separable parts is eligible in its own right for consideration as a country name. For example, "Antigua and Barbuda" is comprised of "Antigua" and "Barbuda."

Class B: The ISO 3166-1 English Short Name (1) or the ISO 3166-1 English Full Name (2) contains additional language as to the type of country the entity is, which is often not used in common usage when referencing the country. For example, one such short name is "The Bolivarian Republic of Venezuela" for a country in common usage referred to as "Venezuela."

** Macedonia is a separable name in the context of this list; however, due to the ongoing dispute listed in UN documents between the Hellenic Republic (Greece) and the Former Yugoslav Republic of Macedonia over the name, no country will be afforded attribution or rights to the name "Macedonia" until the dispute over the name has been resolved. See http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/240/37/IMG/N9324037.pdf.

Class C: The ISO 3166-1 Remarks column containing synonyms of the country name, or sub-national entities, as denoted by "often referred to as," "includes", "comprises", "variant" or "principal islands".

In the first two cases, the registry listing must be directly derivative from the English Short Name by excising words and articles. These registry listings do not include vernacular or other non-official terms used to denote the country.

Eligibility is calculated in class order. For example, if a term can be derived both from Class A and Class C, it is only listed as Class A.

Attachment to Module 2

Sample Letter of Government Support

[This letter should be provided on official letterhead]

ICANN
Suite 330, 4676 Admiralty Way
Marina del Rey, CA 90292

Attention: New gTLD Evaluation Process

Subject: Letter for support for [TLD requested]

This letter is to confirm that [government entity] fully supports the application for [TLD] submitted to ICANN by [applicant] in the New gTLD Program. As the [Minister/Secretary/position] I confirm that I have the authority of the [x government/public authority] to be writing to you on this matter. [Explanation of government entity, relevant department, division, office, or agency, and what its functions and responsibilities are]

The gTLD will be used to [explain your understanding of how the name will be used by the applicant. This could include policies developed regarding who can register a name, pricing regime and management structures.] [Government/public authority/department] has worked closely with the applicant in the development of this proposal.

The [x government/public authority] supports this application, and in doing so, understands that in the event that the application is successful, [applicant] will be required to enter into a Registry Agreement with ICANN. In doing so, they will be required to pay fees to ICANN and comply with consensus policies developed through the ICANN multi-stakeholder policy processes.

[Government / public authority] further understands that, in the event of a dispute between [government/public authority] and the applicant, ICANN will comply with a legally binding order from a court in the jurisdiction of [government/public authority].

[Optional] This application is being submitted as a community-based application, and as such it is understood that the Registry Agreement will reflect the community restrictions proposed in the application. In the event that we believe the registry is not complying with these restrictions, possible avenues of recourse include the Registry Restrictions Dispute Resolution Procedure.

[Optional] I can advise that in the event that this application is successful [government/public authority] will enter into a separate agreement with the applicant. This agreement will outline the conditions under which we support them in the operation of the TLD, and circumstances under which we would withdraw that support. ICANN will not be a party to this agreement, and enforcement of this agreement lies fully with [government/public authority].

[Government / public authority] understands that the Geographic Names Panel engaged by ICANN will, among other things, conduct due diligence on the authenticity of this documentation. I would request that if additional information is required during this process, that [name and contact details] be contacted in the first instance.

Thank you for the opportunity to support this application.

Yours sincerely

Signature from relevant government/public authority

Attachment to Module 2

Evaluation Questions and Criteria

Since ICANN was founded in 1998 as a not-for-profit, multi-stakeholder organization, one of its key mandates has been to promote competition in the domain name market. ICANN's mission specifically calls for the corporation to maintain and build on processes that will ensure competition and consumer interests – without compromising Internet security and stability. This includes the consideration and implementation of new gTLDs. It is ICANN's goal to make the criteria and evaluation as objective as possible.

While new gTLDs are viewed by ICANN as important to fostering choice, innovation and competition in domain registration services, the decision to launch these coming new gTLD application rounds followed a detailed and lengthy consultation process with all constituencies of the global Internet community.

Any public or private sector organization can apply to create and operate a new gTLD. However the process is not like simply registering or buying a second-level domain name. Instead, the application process is to evaluate and select candidates capable of running a registry, a business that manages top level domains such as, for example, .COM or .INFO. Any successful applicant will need to meet published operational and technical criteria in order to preserve Internet stability and interoperability.

I. Principles of the Technical and Financial New gTLD Evaluation Criteria

- Principles of conservatism. This is the first round of what is to be an ongoing process for the introduction of new TLDs, including Internationalized Domain Names. Therefore, the criteria in this round require applicants to provide a thorough and thoughtful analysis of the technical requirements to operate a registry and the proposed business model.

- The criteria and evaluation should be as objective as possible.

    - With that goal in mind, an important objective of the new TLD process is to diversify the namespace, with different registry business models and target audiences. In some cases, criteria that are objective, but that ignore the differences in business models and target audiences of new registries, will tend to make the process exclusionary. For example, the business model for a registry targeted to a small community need not possess the same robustness in funding and technical infrastructure as a registry intending to compete with large gTLDs. Therefore purely objective criteria such as a requirement for a certain amount of cash on hand will not provide for the flexibility to consider different business models. The process must provide for an objective evaluation framework, but allow for adaptation according to the differing models applicants will present. Within that framework, applicant responses will be evaluated against the criteria in light of the proposed model.

    - Therefore the criteria should be flexible: able to scale with the overall business approach, providing that the planned approach is consistent and coherent, and can withstand highs and lows.

- Criteria can be objective in areas of registrant protection, for example:
  - Providing for funds to continue operations in the event of a registry failure.
  - Adherence to data escrow, registry failover, and continuity planning requirements.

- The evaluation must strike the correct balance between establishing the business and technical competence of the applicant to operate a registry (to serve the interests of registrants), while not asking for the detailed sort of information or making the judgment that a venture capitalist would. ICANN is not seeking to certify business success but instead seeks to encourage innovation while providing certain safeguards for registrants.

- New registries must be added in a way that maintains DNS stability and security. Therefore, ICANN asks several questions so that the applicant can demonstrate an understanding of the technical requirements to operate a registry. ICANN will ask the applicant to demonstrate actual operational technical compliance prior to delegation. This is in line with current prerequisites for the delegation of a TLD.

- Registrant protection is emphasized in both the criteria and the scoring. Examples of this include asking the applicant to:

  - Plan for the occurrence of contingencies and registry failure by putting in place financial resources to fund the ongoing resolution of names while a replacement operator is found or extended notice can be given to registrants,
  - Demonstrate a capability to understand and plan for business contingencies to afford some protections through the marketplace,
  - Adhere to DNS stability and security requirements as described in the technical section, and
  - Provide access to the widest variety of services.

II. Aspects of the Questions Asked in the Application and Evaluation Criteria

The technical and financial questions are intended to inform and guide the applicant in aspects of registry start-up and operation. The established registry operator should find the questions straightforward while inexperienced applicants should find them a natural part of planning.

Evaluation and scoring (detailed below) will emphasize:

- How thorough are the answers? Are they well thought through and do they provide a sufficient basis for evaluation?

- Demonstration of the ability to operate and fund the registry on an ongoing basis:

  - Funding sources to support technical operations in a manner that ensures stability and security and supports planned expenses,
  - Resilience and sustainability in the face of ups and downs, anticipation of contingencies,
  - Funding to carry on operations in the event of failure.

- Demonstration that the technical plan will likely deliver on best practices for a registry and identification of aspects that might raise DNS stability and security issues.

- Ensures plan integration, consistency and compatibility (responses to questions are not evaluated individually but in comparison to others):
  - Funding adequately covers technical requirements,
  - Funding covers costs,
  - Risks are identified and addressed, in comparison to other aspects of the plan.

III. Scoring

Evaluation

- The questions, criteria, scoring and evaluation methodology are to be conducted in accordance with the principles described earlier in section I. With that in mind, globally diverse evaluation panelists will staff evaluation panels. The diversity of evaluators and access to experts in all regions of the world will ensure application evaluations take into account cultural, technical and business norms in the regions from which applications originate.

- Evaluation teams will consist of two independent panels. One will evaluate the applications against the financial criteria. The other will evaluate the applications against the technical & operational criteria. Given the requirement that technical and financial planning be well integrated, the panels will work together and coordinate information transfer where necessary. Other relevant experts (e.g., technical, audit, legal, insurance, finance) in pertinent regions will provide advice as required.

- Precautions will be taken to ensure that no member of the Evaluation Teams will have any interest or association that may be viewed as a real or potential conflict of interest with an applicant or application. All members must adhere to the Code of Conduct and Conflict of Interest guidelines that are found in Module 2.

- Communications between the evaluation teams and the applicants will be through an online interface. During the evaluation, evaluators may pose a set of clarifying questions to an applicant, to which the applicant may respond through the interface.

Confidentiality: ICANN will post applications after the close of the application submission period. The application form notes which parts of the application will be posted.

Scoring

- Responses will be evaluated against each criterion. A score will be assigned according to the scoring schedule linked to each question or set of questions. In several questions, 1 point is the maximum score that may be awarded. In several other questions, 2 points are awarded for a response that exceeds requirements, 1 point is awarded for a response that meets requirements and 0 points are awarded for a response that fails to meet requirements. Each question must receive at least a score of "1," making each a "pass/fail" question.

- In the Continuity question in the financial section(see Question #50), up to 3 points are awarded if an applicant provides, at the application stage, a financial instrument that will guarantee ongoing registry operations in the event of a business failure. This extra

point can serve to guarantee passing the financial criteria for applicants who score the minimum passing score for each of the individual criteria. The purpose of this weighting is to reward applicants who make early arrangements for the protection of registrants and to accept relatively riskier business plans where registrants are protected.

- There are 21 Technical & Operational questions. Each question has a criterion and scoring associated with it. The scoring for each is 0, 1, or 2 points as described above. One of the questions (IDN implementation) is optional. Other than the optional questions, all Technical & Operational criteria must be scored a 1 or more or the application will fail the evaluation.

- The total technical score must be equal to or greater than 22 for the application to pass. That means the applicant can pass by:

  - Receiving a 1 on all questions, including the optional question, and a 2 on at least one mandatory question; or
  - Receiving a 1 on all questions, excluding the optional question and a 2 on at least two mandatory questions.

  This scoring methodology requires a minimum passing score for each question and a slightly higher average score than the per question minimum to pass.

- There are six Financial questions and six sets of criteria that are scored by rating the answers to one or more of the questions. For example, the question concerning registry operation costs requires consistency between the technical plans (described in the answers to the Technical & Operational questions) and the costs (described in the answers to the costs question).

- The scoring for each of the Financial criteria is 0, 1 or 2 points as described above with the exception of the Continuity question, for which up to 3 points are possible. All questions must receive at least a 1 or the application will fail the evaluation.

- The total financial score on the six criteria must be 8 or greater for the application to pass. That means the applicant can pass by:

  - Scoring a 3 on the continuity criteria, or
  - Scoring a 2 on any two financial criteria.

- Applications that do not pass Initial Evaluation can enter into an extended evaluation process as described in Module 2. The scoring is the same.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
Applicant Information	1	Full legal name of the Applicant (the established entity that would enter into a Registry Agreement with ICANN)	Y	Responses to Questions 1 - 12 are required for a complete application. Responses are not scored.			
	2	Address of the principal place of business of the Applicant. This address will be used for contractual purposes. No Post Office boxes are allowed.	Y				
	3	Phone number for the Applicant's principal place of business.	Y				
	4	Fax number for the Applicant's principal place of business.	Y				
	5	Website or URL, if applicable.	Y				
Primary Contact for this Application	6	Name	Y	The primary contact is the individual designated with the primary responsibility for management of the application, including responding to tasks in the TLD Application System (TAS) during the various application phases. Both contacts listed should also be prepared to receive inquiries from the public.			
		Title	Y				
		Date of birth	N				
		Country of birth	N				
		Address	N				
		Phone number	Y				
		Fax number	Y				
		Email address	Y				
Secondary Contact for this Application	7	Name	Y	The secondary contact is listed in the event the primary contact is unavailable to continue with the application process.			
		Title	Y				
		Date of birth	N				
		Country of birth	N				
		Address	N				
		Phone number	Y				
		Fax number	Y				

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		Email address	Y				
Proof of Legal Establishment	8	(a) Legal form of the Applicant. (e.g., partnership, corporation, non-profit institution).	Y				
		(b) State the specific national or other jurisdiction that defines the type of entity identified in 8(a).	Y	In the event of questions regarding proof of establishment, the applicant may be asked for additional details, such as the specific national or other law applying to this type of entity			
		(c) Attach evidence of the applicant's establishment as the type of entity identified in Question 8(a) above, in accordance with the applicable laws identified in Question 8(b).	Y	Applications without valid proof of legal establishment will not be evaluated further. Supporting documentation for proof of legal establishment should be submitted in the original language.			
	9	(a) If the applying entity is publicly traded, provide the exchange and symbol.	Y				
		(b) If the applying entity is a subsidiary, provide the parent company.	Y				
		(c) If the applying entity is a joint venture, list all joint venture partners.	Y				
	10	Business ID, Tax ID, VAT registration number, or equivalent of the Applicant.	N				
Applicant Background	11	(a) Enter the full name, date and country of birth, contact information (permanent residence), and position of all directors (i.e., members of the applicant's Board of Directors, if applicable).	Partial	Applicants should be aware that the names and positions of the individuals listed in response to this question will be published as part of the application. The contact information listed for individuals is for identification purposes only and will not be published as part of the application. Background checks may be conducted on individuals named in the applicant's response to question 11. Any material misstatement or misrepresentation (or omission of material information) may cause the application to be rejected. The applicant certifies that it has obtained permission for the posting of the names and positions of individuals included in this application.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		(b) Enter the full name, date and country of birth, contact information (permanent residence), and position of all officers and partners. Officers are high-level management officials of a corporation or business, for example, a CEO, vice president, secretary, chief financial officer. Partners would be listed in the context of a partnership or other such form of legal entity.	Partial				
		(c) Enter the full name and contact information of all shareholders holding at least 15% of shares, and percentage held by each. For a shareholder entity, enter the principal place of business. For a shareholder individual, enter the date and country of birth and contact information (permanent residence).	Partial				
		(d) For an applying entity that does not have directors, officers, partners, or shareholders, enter the full name, date and country of birth, contact information (permanent residence), and position of all individuals having overall legal or executive responsibility for the applying entity.	Partial				
		(e) Indicate whether the applicant or any of the individuals named above: i. within the past ten years, has been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that is the substantive equivalent of any of these; ii. within the past ten years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of funds of others; iii. within the past ten years has been convicted of any willful tax-related fraud or willful evasion of tax liabilities; iv. within the past ten years has been convicted of perjury, forswearing, failing to cooperate with a law enforcement investigation, or making false statements to a law enforcement agency or representative;	N	ICANN may deny an otherwise qualified application based on the background screening process. See section 1.2.1 of the guidebook.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		v. has ever been convicted of any crime involving the use of computers, telephony systems, telecommunications or the Internet to facilitate the commission of crimes; vi. has ever been convicted of any crime involving the use of a weapon, force, or the threat of force; vii. has ever been convicted of any violent or sexual offense victimizing children, the elderly, or individuals with disabilities; viii. has ever been convicted of the illegal sale, manufacture, or distribution of pharmaceutical drugs, or been convicted or successfully extradited for any offense described in Article 3 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988; ix. has ever been convicted or successfully extradited for any offense described in the United Nations Convention against Transnational Organized Crime (all Protocols); x. has been convicted, within the respective timeframes, of aiding, abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes (i.e., within the past 10 years for crimes listed in (i) - (iv) above, or ever for the crimes listed in (v) – (ix) above); xi. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents) within the respective timeframes listed above for any of the listed crimes (i.e., within the past 10 years for crimes listed in (i) – (iv) above, or ever for the crimes listed in (v) – (ix) above); xii. is the subject of a disqualification imposed by ICANN and in effect at the time of this application. If any of the above events have occurred, please provide details.					

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		(f) Indicate whether the applicant or any of the individuals named above have been involved in any decisions indicating that the applicant or individual named in the application was engaged in cybersquatting, as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), Anti-cybersquatting Consumer Protection Act (ACPA), or other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP or bad faith or reckless disregard under the ACPA or equivalent legislation.	N	ICANN may deny an otherwise qualified application based on the background screening process. See section 1.2.1 of the guidebook for details.			
		(g) Disclose whether the applicant or any of the individuals named above has been involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made. Provide an explanation related to each such instance.	N	ICANN may deny an otherwise qualified application based on the background screening process. See section 1.2.1 of the guidebook for details.			
		(h) Provide an explanation for any additional background information that may be found concerning the applicant or any individual named in the application, which may affect eligibility, including any criminal convictions not identified above.	N				
Evaluation Fee	12	(a) Enter the confirmation information for payment of the evaluation fee (e.g., wire transfer confirmation number).	N	The evaluation fee is paid in the form of a deposit at the time of user registration, and submission of the remaining amount at the time the full application is submitted. The information in question 12 is required for each payment. The full amount in USD must be received by ICANN. Applicant is responsible for all transaction fees and exchange rate fluctuation. Fedwire is the preferred wire mechanism; SWIFT is also acceptable. ACH is not recommended as these funds will take longer to clear and could affect timing of the application processing.			
		(b) Payer name	N				
		(c) Payer address	N				

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		(d) Wiring bank	N				
		(e) Bank address	N				
		(f) Wire date	N				
Applied-for gTLD string	13	Provide the applied-for gTLD string. If applying for an IDN, provide the U-label.	Y	Responses to Questions 13-17 are not scored, but are used for database and validation purposes. The U-label is an IDNA-valid string of Unicode characters, including at least one non-ASCII character.			
	14	(a) If applying for an IDN, provide the A-label (beginning with "xn--").	Y				
		(b) If an IDN, provide the meaning, or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.	Y				
		(c) If an IDN, provide the language of the label (both in English and as referenced by ISO-639-1).	Y				
		(d) If an IDN, provide the script of the label (both in English and as referenced by ISO 15924).	Y				
		(e) If an IDN, list all code points contained in the U-label according to Unicode form.	Y	For example, the string "HELLO" would be listed as U+0048 U+0065 U+006C U+006C U+006F.			
	15	(a) If an IDN, upload IDN tables for the proposed registry. An IDN table must include: 1. the applied-for gTLD string relevant to the tables, 2. the script or language designator (as defined in BCP 47), 3. table version number, 4. effective date (DD Month YYYY), and 5. contact name, email address, and phone number. Submission of IDN tables in a standards-based format is encouraged.	Y	In the case of an application for an IDN gTLD, IDN tables must be submitted for the language or script for the applied-for gTLD string. IDN tables must also be submitted for each language or script in which the applicant intends to offer IDN registrations at the second level (see question 44). IDN tables should be submitted in a machine-readable format. The model format described in Section 5 of RFC 4290 would be ideal. The format used by RFC 3743 is an acceptable alternative. Variant generation algorithms that are more complex (such as those with contextual			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				rules) and cannot be expressed using these table formats should be specified in a manner that could be re-implemented programmatically by ICANN. Ideally, for any complex table formats, a reference code implementation should be provided in conjunction with a description of the generation rules.			
		(b) Describe the process used for development of the IDN tables submitted, including consultations and sources used.	Y				
		(c) List any variants to the applied-for gTLD string according to the relevant IDN tables.	Y	Variant TLD strings will not be delegated as a result of this application. Variant strings will be checked for consistency and, if the application is approved, will be entered on a Declared IDN Variants List to allow for future allocation once a variant management mechanism is established for the top level. Inclusion of variant TLD strings in this application is for information only and confers no right or claim to these strings upon the applicant.			
	16	Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.	Y				
	17	OPTIONAL. Provide a representation of the label according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/).	Y	If provided, this information will be used as a guide to ICANN in communications regarding the application.			
Mission/Purpose	18	(a) Describe the mission/purpose of your proposed gTLD.	Y	The information gathered in response to Question 18 is intended to inform the post-launch review of the New gTLD Program, from the perspective of assessing the relative costs and benefits achieved in the expanded gTLD space. For the application to be considered complete, answers to this section must be fulsome and sufficiently quantitative and detailed to inform future study on plans vs. results.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				The New gTLD Program will be reviewed, as specified in section 9.3 of the Affirmation of Commitments. This will include consideration of the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of (a) the application and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion. The information gathered in this section will be one source of input to help inform this review. This information is not used as part of the evaluation or scoring of the application, except to the extent that the information may overlap with questions or evaluation areas that are scored. An applicant wishing to designate this application as community-based should ensure that these responses are consistent with its responses for question 20 below.			
		(b) How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?	Y	Answers should address the following points: i. What is the goal of your proposed gTLD in terms of areas of specialty, service levels, or reputation? ii. What do you anticipate your proposed gTLD will add to the current space, in terms of competition, differentiation, or innovation? iii. What goals does your proposed gTLD have in terms of user experience? iv. Provide a complete description of the applicant's intended registration policies in support of the goals listed above. v. Will your proposed gTLD impose any measures for			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				protecting the privacy or confidential information of registrants or users? If so, please describe any such measures. Describe whether and in what ways outreach and communications will help to achieve your projected benefits.			
	18	(c) What operating rules will you adopt to eliminate or minimize social costs (e.g., time or financial resource costs, as well as various types of consumer vulnerabilities)? What other steps will you take to minimize negative consequences/costs imposed upon consumers?	Y	Answers should address the following points: i. How will multiple applications for a particular domain name be resolved, for example, by auction or on a first-come/first-serve basis? ii. Explain any cost benefits for registrants you intend to implement (e.g., advantageous pricing, introductory discounts, bulk registration discounts). iii. Note that the Registry Agreement requires that registrars be offered the option to obtain initial domain name registrations for periods of one to ten years at the discretion of the registrar, but no greater than ten years. Additionally, the Registry Agreement requires advance written notice of price increases. Do you intend to make contractual commitments to registrants regarding the magnitude of price escalation? If so, please describe your plans.			
Community-based Designation	19	Is the application for a community-based TLD?	Y	There is a presumption that the application is a standard application (as defined in the Applicant Guidebook) if this question is left unanswered.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				The applicant's designation as standard or community-based cannot be changed once the application is submitted.			
	20	(a) Provide the name and full description of the community that the applicant is committing to serve. In the event that this application is included in a community priority evaluation, it will be scored based on the community identified in response to this question. The name of the community does not have to be formally adopted for the application to be designated as community-based.	Y	Descriptions should include: • How the community is delineated from Internet users generally. Such descriptions may include, but are not limited to, the following: membership, registration, or licensing processes, operation in a particular industry, use of a language. • How the community is structured and organized. For a community consisting of an alliance of groups, details about the constituent parts are required. • When the community was established, including the date(s) of formal organization, if any, as well as a description of community activities to date. • The current estimated size of the community, both as to membership and geographic extent.		Responses to Question 20 will be regarded as firm commitments to the specified community and reflected in the Registry Agreement, provided the application is successful. Responses are not scored in the Initial Evaluation. Responses may be scored in a community priority evaluation, if applicable. Criteria and scoring methodology for the community priority evaluation are described in Module 4 of the Applicant Guidebook.	
		(b) Explain the applicant's relationship to the community identified in 20(a).	Y	Explanations should clearly state: • Relations to any community organizations. • Relations to the community and its constituent parts/groups. • Accountability mechanisms of the applicant to the community.			
		(c) Provide a description of the community-based purpose of the applied-for gTLD.	Y	Descriptions should include: • Intended registrants in the TLD. • Intended end-users of the TLD. • Related activities the applicant has carried out or intends to carry out in service of this purpose. • Explanation of how the purpose is of a lasting nature.			
		(d) Explain the relationship between the applied-for gTLD string and the community identified in 20(a).	Y	Explanations should clearly state: • relationship to the established name, if any, of the community.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				• relationship to the identification of community members. • any connotations the string may have beyond the community.			
		(e) Provide a complete description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD. Policies and enforcement mechanisms are expected to constitute a coherent set.	Y	Descriptions should include proposed policies, if any, on the following: • Eligibility: who is eligible to register a second-level name in the gTLD, and how will eligibility be determined. • Name selection: what types of second-level names may be registered in the gTLD. • Content/Use: what restrictions, if any, the registry operator will impose on how a registrant may use its registered name. • Enforcement: what investigation practices and mechanisms exist to enforce the policies above, what resources are allocated for enforcement, and what appeal mechanisms are available to registrants.			
		(f) Attach any written endorsements for the application from established institutions representative of the community identified in 20(a). An applicant may submit written endorsements by multiple institutions, if relevant to the community.	Y	At least one such endorsement is required for a complete application. The form and content of the endorsement are at the discretion of the party providing the endorsement; however, the letter must identify the applied-for gTLD string and the applying entity, include an express statement support for the application, and the supply the contact information of the entity providing the endorsement. Endorsements from institutions not mentioned in the response to 20(b) should be accompanied by a clear description of each such institution's relationship to the community. Endorsements presented as supporting documentation for this question should be submitted in the original language.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
Geographic Names	21	(a) Is the application for a geographic name?	Y	An applied-for gTLD string is considered a geographic name requiring government support if it is: (a) the capital city name of a country or territory listed in the ISO 3166-1 standard; (b) a city name, where it is clear from statements in the application that the applicant intends to use the gTLD for purposes associated with the city name; (c) a sub-national place name listed in the ISO 3166-2 standard; or (d) a name listed as a UNESCO region or appearing on the "Composition of macro geographic (continental) or regions, geographic sub-regions, and selected economic and other groupings" list. See Module 2 for complete definitions and criteria. An application for a country or territory name, as defined in the Applicant Guidebook, will not be approved.			
		(b) If a geographic name, attach documentation of support or non-objection from all relevant governments or public authorities.	N	See the documentation requirements in Module 2 of the Applicant Guidebook. Documentation presented in response to this question should be submitted in the original language.			
Protection of Geographic Names	22	Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD. This should include any applicable rules and procedures for reservation and/or release of such names.	Y	Applicants should consider and describe how they will incorporate Governmental Advisory Committee (GAC) advice in their management of second-level domain name registrations. See "Principles regarding New gTLDs" at https://gacweb.icann.org/display/GACADV/New+gTLDs. For reference, applicants may draw on existing methodology developed for the reservation and release of country names in the .INFO top-level domain. See the Dot Info Circular at https://gacweb.icann.org/display/GACADV/New+gTLDs . Proposed measures will be posted for public comment as part of the application. However, note that procedures for release of geographic names at the second level			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				must be separately approved according to Specification 5 of the Registry Agreement. That is, approval of a gTLD application does not constitute approval for release of any geographic names under the Registry Agreement. Such approval must be granted separately by ICANN.			
Registry Services	23	Provide name and full description of all the Registry Services to be provided. Descriptions should include both technical and business components of each proposed service, and address any potential security or stability concerns. The following registry services are customary services offered by a registry operator: A. Receipt of data from registrars concerning registration of domain names and name servers. B. Dissemination of TLD zone files. C. Dissemination of contact or other information concerning domain name registrations (e.g., port-43 WHOIS, Web-based Whois, RESTful Whois service). D. Internationalized Domain Names, where offered. E. DNS Security Extensions (DNSSEC). The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD. Additional proposed registry services that are unique to the registry must also be described.	Y	Registry Services are defined as the following: (1) operations of the Registry critical to the following tasks: (i) the receipt of data from registrars concerning registrations of domain names and name servers; (ii) provision to registrars of status information relating to the zone servers for the TLD; (iii) dissemination of TLD zone files; (iv) operation of the Registry zone servers; and (v) dissemination of contact and other information concerning domain name server registrations in the TLD as required by the Registry Agreement; and (2) other products or services that the Registry Operator is required to provide because of the establishment of a Consensus Policy; (3) any other products or services that only a Registry Operator is capable of providing, by reason of its designation as the Registry Operator. A full definition of Registry Services can be found at http://www.icann.org/en/registries/rsep/rsep.html. Security: For purposes of this Applicant Guidebook, an effect on security by the proposed Registry Service means (1) the unauthorized disclosure, alteration, insertion or destruction of Registry Data, or (2) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with applicable standards. Stability: For purposes of this Applicant Guidebook, an effect on stability shall mean that the proposed Registry Service (1) is not compliant with applicable relevant standards that are authoritative and published by a well-established, recognized and		Responses are not scored. A preliminary assessment will be made to determine if there are potential security or stability issues with any of the applicant's proposed Registry Services. If any such issues are identified, the application will be referred for an extended review. See the description of the Registry Services review process in Module 2 of the Applicant Guidebook. Any information contained in the application may be considered as part of the Registry Services review. If its application is approved, applicant may engage in only those registry services defined in the application, unless a new request is submitted to ICANN in accordance with the Registry Agreement.	

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
				authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs sponsored by the IETF, or (2) creates a condition that adversely affects the throughput, response time, consistency or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs and relying on Registry Operator's delegation information or provisioning.			
Demonstration of Technical & Operational Capability (External)	24	Shared Registration System (SRS) Performance: describe • the plan for operation of a robust and reliable SRS. SRS is a critical registry function for enabling multiple registrars to provide domain name registration services in the TLD. SRS must include the EPP interface to the registry, as well as any other interfaces intended to be provided, if they are critical to the functioning of the registry. Please refer to the requirements in Specification 6 (section 1.2) and Specification 10 (SLA Matrix) attached to the Registry Agreement; and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer should include, but is not limited to: • A high-level SRS system description; • Representative network diagram(s); • Number of servers; • Description of interconnectivity with other registry systems; • Frequency of synchronization between servers; and • Synchronization scheme (e.g., hot standby, cold standby).	Y	The questions in this section (24-44) are intended to give applicants an opportunity to demonstrate their technical and operational capabilities to run a registry. In the event that an applicant chooses to outsource one or more parts of its registry operations, the applicant should still provide the full details of the technical arrangements. Note that the resource plans provided in this section assist in validating the technical and operational plans as well as informing the cost estimates in the Financial section below. Questions 24-30(a) are designed to provide a description of the applicant's intended technical and operational approach for those registry functions that are outward-facing, i.e., interactions with registrars, registrants, and various DNS users. Responses to these questions will be published to allow review by affected parties.	0-1	Complete answer demonstrates: (1) a plan for operating a robust and reliable SRS, one of the five critical registry functions; (2) scalability and performance consistent with the overall business approach, and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) evidence of compliance with Specification 6 (section 1.2) to the Registry Agreement.	1 - meets requirements: Response includes (1) An adequate description of SRS that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Details of a well-developed plan to operate a robust and reliable SRS; (3) SRS plans are sufficient to result in compliance with Specification 6 and Specification 10 to the Registry Agreement; (4) SRS is consistent with the technical, operational and financial approach described in the application; and (5) Demonstrates that adequate technical resources are already on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		A complete answer is expected to be no more than 5 pages. (As a guide, one page contains approximately 4000 characters).					
	25	Extensible Provisioning Protocol (EPP): provide a detailed description of the interface with registrars, including how the applicant will comply with EPP in RFCs 3735 (if applicable), and 5730-5734. If intending to provide proprietary EPP extensions, provide documentation consistent with RFC 3735, including the EPP templates and schemas that will be used. Describe resourcing plans (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 5 pages. If there are proprietary EPP extensions, a complete answer is also expected to be no more than 5 pages per EPP extension.	Y		0-1	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements; (2) a technical plan scope/scale consistent with the overall business approach and planned size of the registry; and (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; (4) ability to comply with relevant RFCs; (5) if applicable, a well-documented implementation of any proprietary EPP extensions; and (6) if applicable, how proprietary EPP extensions are consistent with the registration lifecycle as described in Question 27.	**1 - meets requirements**: Response includes (1) Adequate description of EPP that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Sufficient evidence that any proprietary EPP extensions are compliant with RFCs and provide all necessary functionalities for the provision of registry services; (3) EPP interface is consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates that technical resources are already on hand, or committed or readily available. **0 - fails requirements**: Does not meet all the requirements to score 1.
	26	Whois: describe • how the applicant will comply with Whois specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement; • how the Applicant's Whois service will comply with RFC 3912; and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer should include, but is not limited to:	Y	The Registry Agreement (Specification 4) requires provision of Whois lookup services for all names registered in the TLD. This is a minimum requirement. Provision for Searchable Whois as defined in the scoring column is a requirement for achieving a score of 2 points.	0-2	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements, (one of the five critical registry functions); (2) a technical plan scope/scale consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the	**2 – exceeds requirements**: Response meets all the attributes for a score of 1 and includes: (1) A Searchable Whois service: Whois service includes web-based search capabilities by domain name, registrant name, postal address, contact names, registrar IDs, and Internet Protocol addresses without arbitrary limit. Boolean search capabilities may be offered. The service shall include appropriate precautions to avoid abuse of this feature (e.g., limiting access to legitimate authorized users), and the

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		• A high-level Whois system description; • Relevant network diagram(s); • IT and infrastructure resources (e.g., servers, switches, routers and other components); • Description of interconnectivity with other registry systems; and • Frequency of synchronization between servers. To be eligible for a score of 2, answers must also include: • Provision for Searchable Whois capabilities; and • A description of potential forms of abuse of this feature, how these risks will be mitigated, and the basis for these descriptions. A complete answer is expected to be no more than 5 pages.				planned costs detailed in the financial section; (4) ability to comply with relevant RFCs; (5) evidence of compliance with Specifications 4 and 10 to the Registry Agreement; and (6) if applicable, a well-documented implementation of Searchable Whois.	application demonstrates compliance with any applicable privacy laws or policies. 1 - meets requirements: Response includes (1) adequate description of Whois service that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Evidence that Whois services are compliant with RFCs, Specifications 4 and 10 to the Registry Agreement, and any other contractual requirements including all necessary functionalities for user interface; (3) Whois capabilities consistent with the technical, operational, and financial approach as described in the application; and (4) demonstrates an adequate level of resources that are already on hand or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.
	27	Registration Life Cycle: provide a detailed description of the proposed registration lifecycle for domain names in the proposed gTLD. The description must: • explain the various registration states as well as the criteria and procedures that are used to change state; • describe the typical registration lifecycle of create/update/delete and all intervening steps such as pending, locked, expired, and transferred that may apply; • clearly explain any time elements that are involved - for instance details of add-grace or redemption grace periods, or notice periods for renewals or transfers; and • describe resourcing plans for this aspect of the criteria (number and	Y		0-1	Complete answer demonstrates: (1) complete knowledge and understanding of registration lifecycles and states; (2) consistency with any specific commitments made to registrants as adapted to the overall business approach for the proposed gTLD; and (3) the ability to comply with relevant RFCs.	1 - meets requirements: Response includes (1) An adequate description of the registration lifecycle that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Details of a fully developed registration life cycle with definition of various registration states, transition between the states, and trigger points; (3) A registration lifecycle that is consistent with any commitments to registrants and with technical, operational, and financial plans described in the application; and (4) Demonstrates an adequate level of

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		description of personnel roles allocated to this area). The description of the registration lifecycle should be supplemented by the inclusion of a state diagram, which captures definitions, explanations of trigger points, and transitions from state to state. If applicable, provide definitions for aspects of the registration lifecycle that are not covered by standard EPP RFCs. A complete answer is expected to be no more than 5 pages.					resources that are already on hand or committed or readily available to carry out this function. **0 - fails requirements**: Does not meet all the requirements to score 1.
	28	Abuse Prevention and Mitigation: Applicants should describe the proposed policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. A complete answer should include, but is not limited to: • An implementation plan to establish and publish on its website a single abuse point of contact responsible for addressing matters requiring expedited attention and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller; • Policies for handling complaints regarding abuse; • Proposed measures for removal of orphan glue records for names removed from the zone when provided with evidence in written form that the glue is present in connection with malicious conduct (see Specification 6); and • Resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). To be eligible for a score of 2, answers must include measures to promote Whois accuracy as well as measures from one other area as	Y	Note that, while orphan glue often supports correct and ordinary operation of the DNS, registry operators will be required to take action to remove orphan glue records (as defined at http://www.icann.org/en/committees/security/sac048.pdf) when provided with evidence in written form that such records are present in connection with malicious conduct.	0-2	Complete answer demonstrates: (1) Comprehensive abuse policies, which include clear definitions of what constitutes abuse in the TLD, and procedures that will effectively minimize potential for abuse in the TLD; (2) Plans are adequately resourced in the planned costs detailed in the financial section; (3) Policies and procedures identify and address the abusive use of registered names at startup and on an ongoing basis; and (4) When executed in accordance with the Registry Agreement, plans will result in compliance with contractual requirements.	**2 – exceeds requirements**: Response meets all the attributes for a score of 1 and includes: (1) Details of measures to promote Whois accuracy, using measures specified here or other measures commensurate in their effectiveness; and (2) Measures from at least one additional area to be eligible for 2 points as described in the question. **1 - meets requirements** Response includes: (1) An adequate description of abuse prevention and mitigation policies and procedures that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Details of well-developed abuse policies and procedures; (3) Plans are sufficient to result in compliance with contractual requirements; (4) Plans are consistent with the technical, operational, and financial approach described in the application, and any commitments made to registrants; and (5) Demonstrates an adequate level of resources that are on hand, committed, or readily available to

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		described below. • Measures to promote Whois accuracy (can be undertaken by the registry directly or by registrars via requirements in the Registry-Registrar Agreement (RRA)) may include, but are not limited to: o Authentication of registrant information as complete and accurate at time of registration. Measures to accomplish this could include performing background checks, verifying all contact information of principals mentioned in registration data, reviewing proof of establishment documentation, and other means. o Regular monitoring of registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete Whois data; and o If relying on registrars to enforce measures, establishing policies and procedures to ensure compliance, which may include audits, financial incentives, penalties, or other means. Note that the requirements of the RAA will continue to apply to all ICANN-accredited registrars. • A description of policies and procedures that define malicious or abusive behavior, capture metrics, and establish Service Level Requirements for resolution, including service levels for responding to law enforcement requests. This may include rapid takedown or suspension systems and sharing information regarding malicious or abusive behavior with industry partners; • Adequate controls to ensure proper access to domain functions (can be undertaken by the registry directly or by					carry out this function. 0 – fails requirements Does not meet all the requirements to score 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		registrars via requirements in the Registry-Registrar Agreement (RRA)) may include, but are not limited to: o Requiring multi-factor authentication (i.e., strong passwords, tokens, one-time passwords) from registrants to process update, transfers, and deletion requests; o Requiring multiple, unique points of contact to request and/or approve update, transfer, and deletion requests; and o Requiring the notification of multiple, unique points of contact when a domain has been updated, transferred, or deleted. A complete answer is expected to be no more than 20 pages.					
	29	Rights Protection Mechanisms: Applicants must describe how their registry will comply with policies and practices that minimize abusive registrations and other activities that affect the legal rights of others, such as the Uniform Domain Name Dispute Resolution Policy (UDRP), Uniform Rapid Suspension (URS) system, and Trademark Claims and Sunrise services at startup. A complete answer should include: • A description of how the registry operator will implement safeguards against allowing unqualified registrations (e.g., registrations made in violation of the registry's eligibility restrictions or policies), and reduce opportunities for behaviors such as phishing or pharming. At a minimum, the registry operator must offer a Sunrise period and a Trademark Claims service during the required time periods, and implement decisions rendered under the URS on an ongoing basis; and • A description of resourcing plans for the	Y		0-2	Complete answer describes mechanisms designed to: (1) prevent abusive registrations, and (2) identify and address the abusive use of registered names on an ongoing basis.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes: (1) Identification of rights protection as a core objective, supported by a well-developed plan for rights protection; and (2) Mechanisms for providing effective protections that exceed minimum requirements (e.g., RPMs in addition to those required in the registry agreement). 1 - meets requirements: Response includes (1) An adequate description of RPMs that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) A commitment from the applicant to implement of rights protection mechanisms sufficient to comply with minimum requirements in Specification 7; (3) Plans that are sufficient to result in compliance with contractual requirements;

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		initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). To be eligible for a score of 2, answers must also include additional measures specific to rights protection, such as abusive use policies, takedown procedures, registrant pre-verification, or authentication procedures, or other covenants. A complete answer is expected to be no more than 10 pages.					(4) Mechanisms that are consistent with the technical, operational, and financial approach described in the application; and (5) Demonstrates an adequate level of resources that are on hand, committed, or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score a 1.
	30	(a) Security Policy: provide a summary of the security policy for the proposed registry, including but not limited to: • indication of any independent assessment reports demonstrating security capabilities, and provisions for periodic independent assessment reports to test security capabilities; • description of any augmented security levels or capabilities commensurate with the nature of the applied for gTLD string, including the identification of any existing international or industry relevant security standards the applicant commits to following (reference site must be provided); • list of commitments made to registrants concerning security levels. To be eligible for a score of 2, answers must also include: • Evidence of an independent assessment report demonstrating effective security controls (e.g., ISO 27001). A summary of the above should be no more than 20 pages. Note that the complete security policy for the registry is required to be submitted in accordance with 30(b).	Y	Criterion 5 calls for security levels to be appropriate for the use and level of trust associated with the TLD string, such as, for example, financial services oriented TLDs. "Financial services" are activities performed by financial institutions, including: 1) the acceptance of deposits and other repayable funds; 2) lending; 3) payment and remittance services; 4) insurance or reinsurance services; 5) brokerage services; 6) investment services and activities; 7) financial leasing; 8) issuance of guarantees and commitments; 9) provision of financial advice; 10) portfolio management and advice; or 11) acting as a financial clearinghouse. Financial services is used as an example only; other strings with exceptional potential to cause harm to consumers would also be expected to deploy appropriate levels of security.	0-2	Complete answer demonstrates: (1) detailed description of processes and solutions deployed to manage logical security across infrastructure and systems, monitoring and detecting threats and security vulnerabilities and taking appropriate steps to resolve them; (2) security capabilities are consistent with the overall business approach and planned size of the registry; (3) a technical plan adequately resourced in the planned costs detailed in the financial section; (4) security measures are consistent with any commitments made to registrants regarding security levels; and (5) security measures are appropriate for the applied-for gTLD string (For example, applications for strings with unique trust implications, such as financial services-oriented strings, would be expected to provide a commensurate level of security).	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes: (1) Evidence of highly developed and detailed security capabilities, with various baseline security levels, independent benchmarking of security metrics, robust periodic security monitoring, and continuous enforcement; and (2) an independent assessment report is provided demonstrating effective security controls are either in place or have been designed, and are commensurate with the applied-for gTLD string. (This could be ISO 27001 certification or other well-established and recognized industry certifications for the registry operation. If new independent standards for demonstration of effective security controls are established, such as the High Security Top Level Domain (HSTLD) designation, this could also be included. An illustrative example of an independent standard is the proposed set of requirements described in http://www.icann.org/en/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf.) 1 - meets requirements: Response includes:

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							(1) Adequate description of security policies and procedures that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) A description of adequate security capabilities, including enforcement of logical access control, threat analysis, incident response and auditing. Ad-hoc oversight and governance and leading practices being followed; (3) Security capabilities consistent with the technical, operational, and financial approach as described in the application, and any commitments made to registrants; (4) Demonstrates that an adequate level of resources are on hand, committed or readily available to carry out this function; and (5) Proposed security measures are commensurate with the nature of the applied-for gTLD string. 0 - fails requirements: Does not meet all the requirements to score 1.
Demonstration of Technical & Operational Capability (Internal)	30	(b) Security Policy: provide the complete security policy and procedures for the proposed registry, including but not limited to: • system (data, server, application / services) and network access control, ensuring systems are maintained in a secure fashion, including details of how they are monitored, logged and backed up; • resources to secure integrity of updates between registry systems and nameservers, and between nameservers, if any; • independent assessment reports demonstrating security capabilities (submitted as attachments), if any; • provisioning and other measures that mitigate risks posed by denial of service attacks; • computer and network incident response	N	Questions 30(b) – 44 are designed to provide a description of the applicant's intended technical and operational approach for those registry functions that are internal to the infrastructure and operations of the registry. To allow the applicant to provide full details and safeguard proprietary information, responses to these questions will not be published.			

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		policies, plans, and processes; • plans to minimize the risk of unauthorized access to its systems or tampering with registry data; • intrusion detection mechanisms, a threat analysis for the proposed registry, the defenses that will be deployed against those threats, and provision for periodic threat analysis updates; • details for auditing capability on all network access; • physical security approach; • identification of department or group responsible for the registry's security organization; • background checks conducted on security personnel; • description of the main security threats to the registry operation that have been identified; and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area).					
	31	Technical Overview of Proposed Registry: provide a technical overview of the proposed registry. The technical plan must be adequately resourced, with appropriate expertise and allocation of costs. The applicant will provide financial descriptions of resources in the next section and those resources must be reasonably related to these technical requirements. The overview should include information on the estimated scale of the registry's technical operation, for example, estimates for the number of registration transactions and DNS queries per month should be provided for the first two years of operation. In addition, the overview should account for geographic dispersion of incoming network traffic such as DNS, Whois, and registrar transactions.	N	To the extent this answer is affected by the applicant's intent to outsource various registry operations, the applicant should describe these plans (e.g., taking advantage of economies of scale or existing facilities). However, the response must include specifying the technical plans, estimated scale, and geographic dispersion as required by the question.	0-1	Complete answer demonstrates: (1) complete knowledge and understanding of technical aspects of registry requirements; (2) an adequate level of resiliency for the registry's technical operations; (3) consistency with planned or currently deployed technical/operational solutions; (4) consistency with the overall business approach and planned size of the registry; (5) adequate resourcing for technical plan in the	1 - meets requirements: Response includes: (1) A description that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Technical plans consistent with the technical, operational, and financial approach as described in the application; (3) Demonstrates an adequate level of resources that are on hand, committed, or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.

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		If the registry serves a highly localized registrant base, then traffic might be expected to come mainly from one area. This high-level summary should not repeat answers to questions below. Answers should include a visual diagram(s) to highlight dataflows, to provide context for the overall technical infrastructure. Detailed diagrams for subsequent questions should be able to map back to this high-level diagram(s). The visual diagram(s) can be supplemented with documentation, or a narrative, to explain how all of the Technical & Operational components conform. A complete answer is expected to be no more than 10 pages.				planned costs detailed in the financial section; and (6) consistency with subsequent technical questions.	
	32	Architecture: provide documentation for the system and network architecture that will support registry operations for the proposed scale of the registry. System and network architecture documentation must clearly demonstrate the applicant's ability to operate, manage, and monitor registry systems. Documentation should include multiple diagrams or other components including but not limited to: • Detailed network diagram(s) showing the full interplay of registry elements, including but not limited to SRS, DNS, Whois, data escrow, and registry database functions; • Network and associated systems necessary to support registry operations, including: ▪ Anticipated TCP / IP addressing scheme, ▪ Hardware (i.e., servers, routers, networking components, virtual machines and key characteristics (CPU and RAM, Disk space, internal network connectivity, and make and model)), ▪ Operating system and versions, and ▪ Software and applications (with version information) necessary to support registry operations, management, and monitoring • General overview of capacity planning, including bandwidth allocation plans; • List of providers / carriers; and • Resourcing plans for the initial	N		0-2	Complete answer demonstrates: (1) detailed and coherent network architecture; (2) architecture providing resiliency for registry systems; (3) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; and (4) a technical plan that is adequately resourced in the planned costs detailed in the financial section.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes (1) Evidence of highly developed and detailed network architecture that is able to scale well above stated projections for high registration volumes, thereby significantly reducing the risk from unexpected volume surges and demonstrates an ability to adapt quickly to support new technologies and services that are not necessarily envisaged for initial registry startup; and (2) Evidence of a highly available, robust, and secure infrastructure. 1 - meets requirements: Response includes (1) An adequate description of the architecture that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Plans for network architecture describe all necessary elements; (3) Descriptions demonstrate adequate network architecture providing robustness and security of the

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). To be eligible for a score of 2, answers must also include evidence of a network architecture design that greatly reduces the risk profile of the proposed registry by providing a level of scalability and adaptability (e.g., protection against DDoS attacks) that far exceeds the minimum configuration necessary for the expected volume. A complete answer is expected to be no more than 10 pages.					registry; (4) Bandwidth and SLA are consistent with the technical, operational, and financial approach as described in the application; and (5) Demonstrates an adequate level of resources that are on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.
	33	Database Capabilities: provide details of database capabilities including but not limited to: • database software; • storage capacity (both in raw terms [e.g., MB, GB] and in number of registrations / registration transactions); • maximum transaction throughput (in total and by type of transaction); • scalability; • procedures for object creation, editing, and deletion, and user and credential management; • high availability; • change management procedures; • reporting capabilities; and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A registry database data model can be included to provide additional clarity to this response. Note: Database capabilities described should be in reference to registry services and not necessarily related support functions such as Personnel or Accounting, unless such services are inherently intertwined with the delivery of registry services. To be eligible for a score of 2, answers must also	N		0-2	Complete answer demonstrates: (1) complete knowledge and understanding of database capabilities to meet the registry technical requirements; (2) database capabilities consistent with the overall business approach and planned size of the registry; and (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes (1) Highly developed and detailed description of database capabilities that are able to scale well above stated projections for high registration volumes, thereby significantly reducing the risk from unexpected volume surges and demonstrates an ability to adapt quickly to support new technologies and services that are not necessarily envisaged for registry startup; and (2) Evidence of comprehensive database capabilities, including high scalability and redundant database infrastructure, regularly reviewed operational and reporting procedures following leading practices. 1 - meets requirements: Response includes (1) An adequate description of database capabilities that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Plans for database capabilities

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		include evidence of database capabilities that greatly reduce the risk profile of the proposed registry by providing a level of scalability and adaptability that far exceeds the minimum configuration necessary for the expected volume. A complete answer is expected to be no more than 5 pages.					describe all necessary elements; (3) Descriptions demonstrate adequate database capabilities, with database throughput, scalability, and database operations with limited operational governance; (4) Database capabilities are consistent with the technical, operational, and financial approach as described in the application; and (5) Demonstrates that an adequate level of resources that are on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.
	34	Geographic Diversity: provide a description of plans for geographic diversity of: a. name servers, and b. operations centers. Answers should include, but are not limited to: • the intended physical locations of systems, primary and back-up operations centers (including security attributes), and other infrastructure; • any registry plans to use Anycast or other topological and geographical diversity measures, in which case, the configuration of the relevant service must be included; • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). To be eligible for a score of 2, answers must also include evidence of a geographic diversity plan that greatly reduces the risk profile of the proposed registry by ensuring the continuance of all vital business functions (as identified in the applicant's continuity plan in Question 39) in the event of a natural or other disaster) at the principal place of business or point of presence.	N		0-2	Complete answer demonstrates: (1) geographic diversity of nameservers and operations centers; (2) proposed geo-diversity measures are consistent with the overall business approach and planned size of the registry; and (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes (1) Evidence of highly developed measures for geo-diversity of operations, with locations and functions to continue all vital business functions in the event of a natural or other disaster at the principal place of business or point of presence; and (2) A high level of availability, security, and bandwidth. 1 - meets requirements: Response includes (1) An adequate description of Geographic Diversity that substantially demonstrates the applicant's capabilities and knowledge required to meet this element; (2) Plans provide adequate geo-diversity of name servers and operations to continue critical registry functions in the event of a temporary outage at the principal place of business or point of presence; (3) Geo-diversity plans are consistent

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		A complete answer is expected to be no more than 5 pages.					with technical, operational, and financial approach as described in the application; and (4) Demonstrates adequate resources that are on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.
	35	DNS Service: describe the configuration and operation of nameservers, including how the applicant will comply with relevant RFCs. All name servers used for the new gTLD must be operated in compliance with the DNS protocol specifications defined in the relevant RFCs, including but not limited to: 1034, 1035, 1982, 2181, 2182, 2671, 3226, 3596, 3597, 3901, 4343, and 4472. • Provide details of the intended DNS Service including, but not limited to: A description of the DNS services to be provided, such as query rates to be supported at initial operation, and reserve capacity of the system. Describe how your nameserver update methods will change at various scales. Describe how DNS performance will change at various scales. • RFCs that will be followed – describe how services are compliant with RFCs and if these are dedicated or shared with any other functions (capacity/performance) or DNS zones. • The resources used to implement the services - describe complete server hardware and software, including network bandwidth and addressing plans for servers. Also include resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). • Demonstrate how the system will	N	Note that the use of DNS wildcard resource records as described in RFC 4592 or any other method or technology for synthesizing DNS resource records or using redirection within the DNS by the registry is prohibited in the Registry Agreement. Also note that name servers for the new gTLD must comply with IANA Technical requirements for authoritative name servers: http://www.iana.org/procedures/nameserver-requirements.html.	0-1	Complete answer demonstrates: (1) adequate description of configurations of nameservers and compliance with respective DNS protocol-related RFCs; (2) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; (4) evidence of compliance with Specification 6 to the Registry Agreement; and (5) evidence of complete knowledge and understanding of requirements for DNS service, one of the five critical registry functions.	1 - meets requirements: Response includes: (1) Adequate description of DNS service that that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Plans are sufficient to result in compliance with DNS protocols (Specification 6, section 1.1) and required performance specifications Specification 10, Service Level Matrix; (3) Plans are consistent with technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		function - describe how the proposed infrastructure will be able to deliver the performance described in Specification 10 (section 2) attached to the Registry Agreement. Examples of evidence include: • Server configuration standard (i.e., planned configuration). • Network addressing and bandwidth for query load and update propagation. • Headroom to meet surges. A complete answer is expected to be no more than 10 pages.					
	36	IPv6 Reachability: provide a description of plans for providing IPv6 transport including, but not limited to: • How the registry will support IPv6 access to Whois, Web-based Whois and any other Registration Data Publication Service as described in Specification 6 (section 1.5) to the Registry Agreement. • How the registry will comply with the requirement in Specification 6 for having at least two nameservers reachable over IPv6. • List all services that will be provided over IPv6, and describe the IPv6 connectivity and provider diversity that will be used. • Resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 5 pages.	N	IANA nameserver requirements are available at http://www.iana.org/procedures/nameserver-requirements.html.	0-1	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements; (2) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) evidence of compliance with Specification 6 to the Registry Agreement.	1 - meets requirements: Response includes (1) Adequate description of IPv6 reachability that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) A description of an adequate implementation plan addressing requirements for IPv6 reachability, indicating IPv6 reachability allowing IPv6 transport in the network over two independent IPv6 capable networks in compliance to IPv4 IANA specifications, and Specification 10; (3) IPv6 plans consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
	37	Data Backup Policies & Procedures: provide • details of frequency and procedures for backup of data, • hardware, and systems used for backup, • data format, • data backup features, • backup testing procedures, • procedures for retrieval of data/rebuild of database, • storage controls and procedures, and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 5 pages.	N		0-1	Complete answer demonstrates: (1) detailed backup and retrieval processes deployed; (2) backup and retrieval process and frequency are consistent with the overall business approach and planned size of the registry; and (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section.	1 - meets requirements: Response includes (1) Adequate description of backup policies and procedures that substantially demonstrate the applicant's capabilities and knowledge required to meet this element; (2) A description of leading practices being or to be followed; (3) Backup procedures consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, or committed or readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score a 1.
	38	Data Escrow: describe • how the applicant will comply with the data escrow requirements documented in the Registry Data Escrow Specification (Specification 2 of the Registry Agreement); and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 5 pages	N		0-1	Complete answer demonstrates: (1) complete knowledge and understanding of data escrow, one of the five critical registry functions; (2) compliance with Specification 2 of the Registry Agreement; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) the escrow arrangement is consistent with the overall business approach and size/scope of the registry.	1 – meets requirements: Response includes (1) Adequate description of a Data Escrow process that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Data escrow plans are sufficient to result in compliance with the Data Escrow Specification (Specification 2 to the Registry Agreement); (3) Escrow capabilities are consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, committed, or readily available to carry out this function. 0 – fails requirements: Does not meet all the requirements to score a 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
	39	Registry Continuity: describe how the applicant will comply with registry continuity obligations as described in Specification 6 (section 3) to the registry agreement. This includes conducting registry operations using diverse, redundant servers to ensure continued operation of critical functions in the case of technical failure. Describe resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). The response should include, but is not limited to, the following elements of the business continuity plan: • Identification of risks and threats to compliance with registry continuity obligations; • Identification and definitions of vital business functions (which may include registry services beyond the five critical registry functions) versus other registry functions and supporting operations and technology; • Definitions of Recovery Point Objectives and Recovery Time Objective; and • Descriptions of testing plans to promote compliance with relevant obligations. To be eligible for a score of 2, answers must also include: • A highly detailed plan that provides for leading practice levels of availability; and • Evidence of concrete steps such as a contract with a backup provider (in addition to any currently designated service operator) or a maintained hot site. A complete answer is expected to be no more than 15 pages.	N	For reference, applicants should review the ICANN gTLD Registry Continuity Plan at http://www.icann.org/en/registries/continuity/gtld-registry-continuity-plan-25apr09-en.pdf. A Recovery Point Objective (RPO) refers to the point in time to which data should be recovered following a business disruption or disaster. The RPO allows an organization to define a window of time before a disruption or disaster during which data may be lost and is independent of the time it takes to get a system back on-line.If the RPO of a company is two hours, then when a system is brought back on-line after a disruption/disaster, all data must be restored to a point within two hours before the disaster. A Recovery Time Objective (RTO) is the duration of time within which a process must be restored after a business disruption or disaster to avoid what the entity may deem as unacceptable consequences. For example, pursuant to the draft Registry Agreement DNS service must not be down for longer than 4 hours. At 4 hours ICANN may invoke the use of an Emergency Back End Registry Operator to take over this function. The entity may deem this to be an unacceptable consequence therefore they may set their RTO to be something less than 4 hours and would build continuity plans accordingly. Vital business functions are functions that are critical to the success of the operation. For example, if a registry operator provides an additional service beyond the five critical registry functions, that it deems as central to its TLD, or supports an operation that is central to the TLD, this might be identified as a vital business function.	0-2	Complete answer demonstrates: (1) detailed description showing plans for compliance with registry continuity obligations; (2) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) evidence of compliance with Specification 6 to the Registry Agreement.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes: (1) Highly developed and detailed processes for maintaining registry continuity; and (2) Evidence of concrete steps, such as a contract with a backup service provider or a maintained hot site. 1 - meets requirements: Response includes: (1) Adequate description of a Registry Continuity plan that substantially demonstrates capability and knowledge required to meet this element; (2) Continuity plans are sufficient to result in compliance with requirements (Specification 6); (3) Continuity plans are consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, committed readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score a 1.
	40	Registry Transition: provide a Service Migration plan (as described in the Registry Transition Processes) that could be followed in the event	N		0-1	Complete answer demonstrates: (1) complete knowledge and	1 - meets requirements: Response includes (1) Adequate description of a registry

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		that it becomes necessary to permanently transition the proposed gTLD to a new operator. The plan must take into account, and be consistent with the vital business functions identified in the previous question. Elements of the plan may include, but are not limited to: • Preparatory steps needed for the transition of critical registry functions; • Monitoring during registry transition and efforts to minimize any interruption to critical registry functions during this time; and • Contingency plans in the event that any part of the registry transition is unable to move forward according to the plan. A complete answer is expected to be no more than 10 pages.				understanding of the Registry Transition Processes; and (2) a technical plan scope/scale consistent with the overall business approach and planned size of the registry.	transition plan that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) A description of an adequate registry transition plan with appropriate monitoring during registry transition; and (3) Transition plan is consistent with the technical, operational, and financial approach as described in the application. 0 - fails requirements: Does not meet all the requirements to score a 1.
	41	Failover Testing: provide • a description of the failover testing plan, including mandatory annual testing of the plan. Examples may include a description of plans to test failover of data centers or operations to alternate sites, from a hot to a cold facility, registry data escrow testing, or other mechanisms. The plan must take into account and be consistent with the vital business functions identified in Question 39; and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). The failover testing plan should include, but is not limited to, the following elements: • Types of testing (e.g., walkthroughs, takedown of sites) and the frequency of testing; • How results are captured, what is done	N		0-1	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements; (2) a technical plan scope/scale consistent with the overall business approach and planned size of the registry; and (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section.	1 - meets requirements: Response includes (1) An adequate description of a failover testing plan that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) A description of an adequate failover testing plan with an appropriate level of review and analysis of failover testing results; (3) Failover testing plan is consistent with the technical, operational, and financial approach as described in the application; and (4) Demonstrates an adequate level of resources that are on hand, committed or readily available to carry out this function. 0 – fails requirements Does not meet all the requirements to score a 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		with the results, and with whom results are shared; • How test plans are updated (e.g., what triggers an update, change management processes for making updates); • Length of time to restore critical registry functions; • Length of time to restore all operations, inclusive of critical registry functions; and • Length of time to migrate from one site to another. A complete answer is expected to be no more than10 pages.					
	42	Monitoring and Fault Escalation Processes: provide • a description of the proposed (or actual) arrangements for monitoring critical registry systems (including SRS, database systems, DNS servers, Whois service, network connectivity, routers and firewalls). This description should explain how these systems are monitored and the mechanisms that will be used for fault escalation and reporting, and should provide details of the proposed support arrangements for these registry systems. • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). To be eligible for a score of 2, answers must also include: • Meeting the fault tolerance / monitoring guidelines described • Evidence of commitment to provide a 24x7 fault response team. A complete answer is expected to be no more than 10 pages.	N		0-2	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements; (2) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) consistency with the commitments made to registrants and registrars regarding system maintenance.	2 - exceeds requirements: Response meets all attributes for a score of 1 and includes (1) Evidence showing highly developed and detailed fault tolerance/monitoring and redundant systems deployed with real-time monitoring tools / dashboard (metrics) deployed and reviewed regularly; (2) A high level of availability that allows for the ability to respond to faults through a 24x7 response team. 1 - meets requirements: Response includes (1) Adequate description of monitoring and fault escalation processes that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Evidence showing adequate fault tolerance/monitoring systems planned with an appropriate level of monitoring and limited periodic review being performed; (3) Plans are consistent with the technical, operational, and financial approach described in the application; and (4) Demonstrates an adequate level of resources that are on hand,

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							committed or readily available to carry out this function. **0 - fails requirements**: Does not meet all the requirements to score 1.
	43	DNSSEC: Provide • The registry's DNSSEC policy statement (DPS), which should include the policies and procedures the proposed registry will follow, for example, for signing the zone file, for verifying and accepting DS records from child domains, and for generating, exchanging, and storing keying material; • Describe how the DNSSEC implementation will comply with relevant RFCs, including but not limited to: RFCs 4033, 4034, 4035, 5910, 4509, 4641, and 5155 (the latter will only be required if Hashed Authenticated Denial of Existence will be offered); and • resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 5 pages. Note, the DPS is required to be submitted as part of the application	N		0-1	Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements, one of the five critical registry functions; (2) a technical plan scope/scale that is consistent with the overall business approach and planned size of the registry; (3) a technical plan that is adequately resourced in the planned costs detailed in the financial section; and (4) an ability to comply with relevant RFCs.	**1 - meets requirements**: Response includes (1) An adequate description of DNSSEC that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) Evidence that TLD zone files will be signed at time of launch, in compliance with required RFCs, and registry offers provisioning capabilities to accept public key material from registrants through the SRS ; (3) An adequate description of key management procedures in the proposed TLD, including providing secure encryption key management (generation, exchange, and storage); (4) Technical plan is consistent with the technical, operational, and financial approach as described in the application; and (5) Demonstrates an adequate level of resources that are already on hand, committed or readily available to carry out this function. **0 - fails requirements**: Does not meet all the requirements to score 1.

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	44	OPTIONAL. IDNs: • State whether the proposed registry will support the registration of IDN labels in the TLD, and if so, how. For example, explain which characters will be supported, and provide the associated IDN Tables with variant characters identified, along with a corresponding registration policy. This includes public interfaces to the databases such as Whois and EPP. • Describe how the IDN implementation will comply with RFCs 5809-5893 as well as the ICANN IDN Guidelines at http://www.icann.org/en/topics/idn/implementation-guidelines.htm. • Describe resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). A complete answer is expected to be no more than 10 pages plus attachments.	N	IDNs are an optional service at time of launch. Absence of IDN implementation or plans will not detract from an applicant's score. Applicants who respond to this question with plans for implementation of IDNs at time of launch will be scored according to the criteria indicated here. IDN tables should be submitted in a machine-readable format. The model format described in Section 5 of RFC 4290 would be ideal. The format used by RFC 3743 is an acceptable alternative. Variant generation algorithms that are more complex (such as those with contextual rules) and cannot be expressed using these table formats should be specified in a manner that could be re-implemented programmatically by ICANN. Ideally, for any complex table formats, a reference code implementation should be provided in conjunction with a description of the generation rules.	0-1	IDNs are an optional service. Complete answer demonstrates: (1) complete knowledge and understanding of this aspect of registry technical requirements; (2) a technical plan that is adequately resourced in the planned costs detailed in the financial section; (3) consistency with the commitments made to registrants and the technical, operational, and financial approach described in the application; (4) issues regarding use of scripts are settled and IDN tables are complete and publicly available; and (5) ability to comply with relevant RFCs.	1 - meets requirements for this optional element: Response includes (1) Adequate description of IDN implementation that substantially demonstrates the applicant's capability and knowledge required to meet this element; (2) An adequate description of the IDN procedures, including complete IDN tables, compliance with IDNA/IDN guidelines and RFCs, and periodic monitoring of IDN operations; (3) Evidence of ability to resolve rendering and known IDN issues or spoofing attacks; (4) IDN plans are consistent with the technical, operational, and financial approach as described in the application; and (5) Demonstrates an adequate level of resources that are on hand, committed readily available to carry out this function. 0 - fails requirements: Does not meet all the requirements to score a 1.
Demonstration of Financial Capability	45	Financial Statements: provide • audited or independently certified financial statements for the most recently completed fiscal year for the applicant, and • audited or unaudited financial statements for the most recently ended interim financial period for the applicant for which this information may be released. For newly-formed applicants, or where financial statements are not audited, provide: • the latest available unaudited financial statements; and • an explanation as to why audited or independently certified financial statements are not available. At a minimum, the financial statements should be provided for the legal entity listed as the applicant.	N	The questions in this section (45-50) are intended to give applicants an opportunity to demonstrate their financial capabilities to run a registry. Supporting documentation for this question should be submitted in the original language.	0-1	Audited or independently certified financial statements are prepared in accordance with International Financial Reporting Standards (IFRS) adopted by the International Accounting Standards Board (IASB) or nationally recognized accounting standards (e.g., GAAP). This will include a balance sheet and income statement reflecting the applicant's financial position and results of operations, a statement of shareholders equity/partner capital, and a cash flow statement. In the event the applicant is an entity newly formed for the purpose of applying for a gTLD and with little to no operating history	1 - meets requirements: Complete audited or independently certified financial statements are provided, at the highest level available in the applicant's jurisdiction. Where such audited or independently certified financial statements are not available, such as for newly-formed entities, the applicant has provided an explanation and has provided, at a minimum, unaudited financial statements. 0 - fails requirements: Does not meet all the requirements to score 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		Financial statements are used in the analysis of projections and costs. A complete answer should include: • balance sheet; • income statement; • statement of shareholders equity/partner capital; • cash flow statement, and • letter of auditor or independent certification, if applicable.				(less than one year), the applicant must submit, at a minimum, pro forma financial statements including all components listed in the question. Where audited or independently certified financial statements are not available, applicant has provided an adequate explanation as to the accounting practices in its jurisdiction and has provided, at a minimum, unaudited financial statements.	
	46	Projections Template: provide financial projections for costs and funding using Template 1, Most Likely Scenario (attached). Note, if certain services are outsourced, reflect this in the relevant cost section of the template. The template is intended to provide commonality among TLD applications and thereby facilitate the evaluation process. A complete answer is expected to be no more than 10 pages in addition to the template.	N		0-1	Applicant has provided a thorough model that demonstrates a sustainable business (even if break-even is not achieved through the first three years of operation). Applicant's description of projections development is sufficient to show due diligence.	1 - meets requirements: (1) Financial projections adequately describe the cost, funding and risks for the application (2) Demonstrates resources and plan for sustainable operations; and (3) Financial assumptions about the registry operations, funding and market are identified, explained, and supported. 0 - fails requirements: Does not meet all of the requirements to score a 1.
	47	Costs and capital expenditures: in conjunction with the financial projections template, describe and explain: • the expected operating costs and capital expenditures of setting up and operating the proposed registry; • any functions to be outsourced, as indicated in the cost section of the template, and the reasons for outsourcing; • any significant variances between years in any category of expected costs; and • a description of the basis / key assumptions including rationale for the costs provided in the projections template. This may include an	N	This question is based on the template submitted in question 46.	0-2	Costs identified are consistent with the proposed registry services, adequately fund technical requirements, and are consistent with proposed mission/purpose of the registry. Costs projected are reasonable for a registry of size and scope described in the application. Costs identified include the funding costs (interest expenses and fees) related to the continued operations instrument described in Question 50 below.	2 - exceeds requirements: Response meets all of the attributes for a score of 1 and: (1) Estimated costs and assumptions are conservative and consistent with an operation of the registry volume/scope/size as described by the applicant; (2) Estimates are derived from actual examples of previous or existing registry operations or equivalent; and (3) Conservative estimates are based on those experiences and describe a range of anticipated costs and use the high end of those estimates.

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		executive summary or summary outcome of studies, reference data, or other steps taken to develop the responses and validate any assumptions made. As described in the Applicant Guidebook, the information provided will be considered in light of the entire application and the evaluation criteria. Therefore, this answer should agree with the information provided in Template 1 to: 1) maintain registry operations, 2) provide registry services described above, and 3) satisfy the technical requirements described in the Demonstration of Technical & Operational Capability section. Costs should include both fixed and variable costs. To be eligible for a score of two points, answers must demonstrate a conservative estimate of costs based on actual examples of previous or existing registry operations with similar approach and projections for growth and costs or equivalent. Attach reference material for such examples. A complete answer is expected to be no more than 10 pages.				Key assumptions and their rationale are clearly described and may include, but are not limited to: • Key components of capital expenditures; • Key components of operating costs, unit operating costs, headcount, number of technical/operating/ equipment units, marketing, and other costs; and • Costs of outsourcing, if any.	1 - meets requirements: (1) Cost elements are reasonable and complete (i.e., cover all of the aspects of registry operations: registry services, technical requirements and other aspects as described by the applicant); (2) Estimated costs and assumptions are consistent and defensible with an operation of the registry volume/scope/size as described by the applicant; and (3) Projections are reasonably aligned with the historical financial statements provided in Question 45. 0 - fails requirements: Does not meet all the requirements to score a 1.
		(b) Describe anticipated ranges in projected costs. Describe factors that affect those ranges. A complete answer is expected to be no more than 10 pages.	N				
	48	(a) Funding and Revenue: Funding can be derived from several sources (e.g., existing capital or proceeds/revenue from operation of the proposed registry). Describe: I) How existing funds will provide resources for both: a) start-up of operations, and b) ongoing operations; II) the revenue model including projections for transaction volumes and price (if the applicant does not intend to rely on registration revenue in order to cover the costs of the registry's	N	Supporting documentation for this question should be submitted in the original language.	0-2	Funding resources are clearly identified and adequately provide for registry cost projections. Sources of capital funding are clearly identified, held apart from other potential uses of those funds and available. The plan for transition of funding sources from available capital to revenue from operations (if applicable) is described.	2 - exceeds requirements: Response meets all the attributes for a score of 1 and (1) Existing funds (specifically all funds required for start-up) are quantified, on hand, segregated in an account available only to the applicant for purposes of the application only, ; (2) If on-going operations are to be at least partially resourced from existing funds (rather than revenue from on-going operations) that funding is segregated and

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		operation, it must clarify how the funding for the operation will be developed and maintained in a stable and sustainable manner); III) outside sources of funding (the applicant must, where applicable, provide evidence of the commitment by the party committing the funds). Secured vs unsecured funding should be clearly identified, including associated sources of funding (i.e., different types of funding, level and type of security/collateral, and key items) for each type of funding; IV) Any significant variances between years in any category of funding and revenue; and V) A description of the basis / key assumptions including rationale for the funding and revenue provided in the projections template. This may include an executive summary or summary outcome of studies, reference data, or other steps taken to develop the responses and validate any assumptions made; and VI) Assurances that funding and revenue projections cited in this application are consistent with other public and private claims made to promote the business and generate support. To be eligible for a score of 2 points, answers must demonstrate: I) A conservative estimate of funding and revenue; and II) Ongoing operations that are not dependent on projected revenue. A complete answer is expected to be no more than 10 pages.				Outside sources of funding are documented and verified. Examples of evidence for funding sources include, but are not limited to: • Executed funding agreements; • A letter of credit; • A commitment letter; or • A bank statement. Funding commitments may be conditional on the approval of the application. Sources of capital funding required to sustain registry operations on an on-going basis are identified. The projected revenues are consistent with the size and projected penetration of the target markets. Key assumptions and their rationale are clearly described and address, at a minimum: • Key components of the funding plan and their key terms; and • Price and number of registrations.	earmarked for this purpose only in an amount adequate for three years operation; (3) If ongoing operations are to be at least partially resourced from revenues, assumptions made are conservative and take into consideration studies, reference data, or other steps taken to develop the response and validate any assumptions made; and (4) Cash flow models are prepared which link funding and revenue assumptions to projected actual business activity. 1 - meets requirements: (1) Assurances provided that materials provided to investors and/or lenders are consistent with the projections and assumptions included in the projections templates; (2) Existing funds (specifically all funds required for start-up) are quantified, committed, identified as available to the applicant; (3) If on-going operations are to be at least partially resourced from existing funds (rather than revenue from on-going operations) that funding is quantified and its sources identified in an amount adequate for three years operation; (4) If ongoing operations are to be at least partially resourced from revenues, assumptions made are reasonable and are directly related to projected business volumes, market size and penetration; and (5) Projections are reasonably aligned with the historical financial statements provided in Question 45. 0 - fails requirements: Does not meet all the requirements to score a 1.

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		(b) Describe anticipated ranges in projected funding and revenue. Describe factors that affect those ranges. A complete answer is expected to be no more than 10 pages.	N				
	49	(a) Contingency Planning: describe your contingency planning: • Identify any projected barriers/risks to implementation of the business approach described in the application and how they affect cost, funding, revenue, or timeline in your planning; • Identify the impact of any particular regulation, law or policy that might impact the Registry Services offering; and • Describe the measures to mitigate the key risks as described in this question. A complete answer should include, for each contingency, a clear description of the impact to projected revenue, funding, and costs for the 3-year period presented in Template 1 (Most Likely Scenario). To be eligible for a score of 2 points, answers must demonstrate that action plans and operations are adequately resourced in the existing funding and revenue plan even if contingencies occur. A complete answer is expected to be no more than10 pages.	N		0-2	Contingencies and risks are identified, quantified, and included in the cost, revenue, and funding analyses. Action plans are identified in the event contingencies occur. The model is resilient in the event those contingencies occur. Responses address the probability and resource impact of the contingencies identified.	2 - exceeds requirements: Response meets all attributes for a score of 1 and: (1) Action plans and operations are adequately resourced in the existing funding and revenue plan even if contingencies occur. 1 - meets requirements: (1) Model adequately identifies the key risks (including operational, business, legal, jurisdictional, financial, and other relevant risks); (2) Response gives consideration to probability and resource impact of contingencies identified; and (3) If resources are not available to fund contingencies in the existing plan, funding sources and a plan for obtaining them are identified. 0 - fails requirements: Does not meet all the requirements to score a 1.
		(b) Describe your contingency planning where funding sources are so significantly reduced that material deviations from the implementation model are required. In particular, describe: • how on-going technical requirements will be met; and • what alternative funding can be reasonably raised at a later time. Provide an explanation if you do not believe there is any chance of reduced funding.	N				

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		Complete a financial projections template (Template 2, Worst Case Scenario) A complete answer is expected to be no more than 10 pages, in addition to the template.					
		(c) Describe your contingency planning where activity volumes so significantly exceed the high projections that material deviation from the implementation model are required. In particular, how will on-going technical requirements be met? A complete answer is expected to be no more than 10 pages.	N				
	50	(a) Provide a cost estimate for funding critical registry functions on an annual basis, and a rationale for these cost estimates commensurate with the technical, operational, and financial approach described in the application. The critical functions of a registry which must be supported even if an applicant's business and/or funding fails are: (1) DNS resolution for registered domain names Applicants should consider ranges of volume of daily DNS queries (e.g., 0-100M, 100M-1B, 1B+), the incremental costs associated with increasing levels of such queries, and the ability to meet SLA performance metrics. (2) Operation of the Shared Registration System Applicants should consider ranges of volume of daily EPP transactions (e.g., 0-200K, 200K-2M, 2M+), the incremental costs associated with	N	Registrant protection is critical and thus new gTLD applicants are requested to provide evidence indicating that the critical functions will continue to be performed even if the registry fails. Registrant needs are best protected by a clear demonstration that the basic registry functions are sustained for an extended period even in the face of registry failure. Therefore, this section is weighted heavily as a clear, objective measure to protect and serve registrants. The applicant has two tasks associated with adequately making this demonstration of continuity for critical registry functions. First, costs for maintaining critical registrant protection functions are to be estimated (Part a). In evaluating the application, the evaluators will adjudge whether the estimate is reasonable given the systems architecture and overall business approach described elsewhere in the application. The Continuing Operations Instrument (COI) is invoked by ICANN if necessary to pay for an Emergency Back End Registry Operator (EBERO) to maintain the five critical registry functions for a period of three to five years. Thus, the cost estimates are tied to the cost for a third party to provide the functions, not	0-3	Figures provided are based on an accurate estimate of costs. Documented evidence or detailed plan for ability to fund on-going critical registry functions for registrants for a period of three years in the event of registry failure, default or until a successor operator can be designated. Evidence of financial wherewithal to fund this requirement prior to delegation. This requirement must be met prior to or concurrent with the execution of the Registry Agreement.	3 - exceeds requirements: Response meets all the attributes for a score of 1 and: (1) Financial instrument is secured and in place to provide for on-going operations for at least three years in the event of failure. 1 - meets requirements: (1) Costs are commensurate with technical, operational, and financial approach as described in the application; and (2) Funding is identified and instrument is described to provide for on-going operations of at least three years in the event of failure. 0 - fails requirements: Does not meet all the requirements to score a 1.

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		increasing levels of such queries, and the ability to meet SLA performance metrics. (3) Provision of Whois service Applicants should consider ranges of volume of daily Whois queries (e.g., 0-100K, 100k-1M, 1M+), the incremental costs associated with increasing levels of such queries, and the ability to meet SLA performance metrics for both web-based and port-43 services. (4) Registry data escrow deposits Applicants should consider administration, retention, and transfer fees as well as daily deposit (e.g., full or incremental) handling. Costs may vary depending on the size of the files in escrow (i.e., the size of the registry database). (5) Maintenance of a properly signed zone in accordance with DNSSEC requirements. Applicants should consider ranges of volume of daily DNS queries (e.g., 0-100M, 100M-1B, 1B+), the incremental costs associated with increasing levels of such queries, and the ability to meet SLA performance metrics. List the estimated annual cost for each of these functions (specify currency used). A complete answer is expected to be no more than 10 pages.		to the applicant's actual in-house or subcontracting costs for provision of these functions. Refer to guidelines at http://www.icann.org/en/announcements/announcement-3-23dec11-en.htm regarding estimation of costs. However, the applicant must provide its own estimates and explanation in response to this question.			
		(b) Applicants must provide evidence as to how the funds required for performing these critical registry functions will be available and guaranteed to fund registry operations (for the protection of registrants in the new gTLD) for a	N	Second (Part b), methods of securing the funds required to perform those functions for at least three years are to be described by the applicant in accordance with the criteria below. Two types of instruments will fulfill			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		minimum of three years following the termination of the Registry Agreement. ICANN has identified two methods to fulfill this requirement: (i) Irrevocable standby letter of credit (LOC) issued by a reputable financial institution. • The amount of the LOC must be equal to or greater than the amount required to fund the registry operations specified above for at least three years. In the event of a draw upon the letter of credit, the actual payout would be tied to the cost of running those functions. • The LOC must name ICANN or its designee as the beneficiary. Any funds paid out would be provided to the designee who is operating the required registry functions. • The LOC must have a term of at least five years from the delegation of the TLD. The LOC may be structured with an annual expiration date if it contains an evergreen provision providing for annual extensions, without amendment, for an indefinite number of periods until the issuing bank informs the beneficiary of its final expiration or until the beneficiary releases the LOC as evidenced in writing. If the expiration date occurs prior to the fifth anniversary of the delegation of the TLD, applicant will be required to obtain a replacement instrument. • The LOC must be issued by a reputable financial institution insured at the highest level in its jurisdiction. Documentation should indicate by whom the issuing institution is insured (i.e., as opposed to by whom the institution is rated). • The LOC will provide that ICANN or its designee shall be unconditionally entitled to a release of funds (full or partial) thereunder upon delivery of written notice by ICANN or its designee. • Applicant should attach an original copy of the executed letter of credit or a draft of the letter of credit containing the full terms and conditions. If not yet executed, the Applicant will be required to provide ICANN with an original copy of the executed LOC prior to or concurrent with the execution of the Registry Agreement. • The LOC must contain at least the following required elements: o Issuing bank and date of issue. o Beneficiary: ICANN / 4676 Admiralty		this requirement. The applicant must identify which of the two methods is being described. The instrument is required to be in place at the time of the execution of the Registry Agreement. Financial Institution Ratings: The instrument must be issued or held by a financial institution with a rating beginning with "A" (or the equivalent) by any of the following rating agencies: A.M. Best, Dominion Bond Rating Service, Egan-Jones, Fitch Ratings, Kroll Bond Rating Agency, Moody's, Morningstar, Standard & Poor's, and Japan Credit Rating Agency. If an applicant cannot access a financial institution with a rating beginning with "A," but a branch or subsidiary of such an institution exists in the jurisdiction of the applying entity, then the instrument may be issued by the branch or subsidiary or by a local financial institution with an equivalent or higher rating to the branch or subsidiary. If an applicant cannot access any such financial institutions, the instrument may be issued by the highest-rated financial institution in the national jurisdiction of the applying entity, if accepted by ICANN. Execution by ICANN: For any financial instruments that contemplate ICANN being a party, upon the written request of the applicant, ICANN may (but is not obligated to) execute such agreement prior to submission of the applicant's application if the agreement is on terms acceptable to ICANN. ICANN encourages applicants to deliver a written copy of any such agreement (only if it requires ICANN's signature) to ICANN as soon as possible to facilitate ICANN's review. If the financial instrument requires ICANN's signature, then the applicant will receive 3 points for question 50 (for the instrument being "secured and in place") only if ICANN executes the agreement prior to submission of the application. ICANN will determine, in			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		Way, Suite 330 / Marina del Rey, CA 90292 / US, or its designee. o Applicant's complete name and address. o LOC identifying number. o Exact amount in USD. o Expiry date. o Address, procedure, and required forms whereby presentation for payment is to be made. o Conditions: ▪ Partial drawings from the letter of credit may be made provided that such payment shall reduce the amount under the standby letter of credit. ▪ All payments must be marked with the issuing bank name and the bank's standby letter of credit number. ▪ LOC may not be modified, amended, or amplified by reference to any other document, agreement, or instrument. ▪ The LOC is subject to the International Standby Practices (ISP 98) International Chamber of Commerce (Publication No. 590), or to an alternative standard that has been demonstrated to be reasonably equivalent. (ii) A <u>deposit into an irrevocable cash escrow account</u> held by a reputable financial institution. • The amount of the deposit must be equal to or greater than the amount required to fund registry operations for at least three years. • Cash is to be held by a third party financial institution which will not allow the funds to be commingled with the Applicant's operating funds or other funds and may only be accessed by ICANN or its designee if certain conditions are met. • The account must be held by a reputable financial institution insured at the highest level in its jurisdiction. Documentation should indicate by whom the issuing institution is insured (i.e., as opposed to by whom the institution is rated). • The escrow agreement relating to the escrow account will provide that ICANN or its designee shall be unconditionally entitled to a release of funds (full or partial) thereunder upon delivery of written notice by ICANN or its designee. • The escrow agreement must have a term		its sole discretion, whether to execute and become a party to a financial instrument. The financial instrument should be submitted in the original language.			

	#	Question	Included in public posting	Notes	Scoring Range	Criteria	Scoring
		of five years from the delegation of the TLD. • The funds in the deposit escrow account are not considered to be an asset of ICANN. • Any interest earnings less bank fees are to accrue to the deposit, and will be paid back to the applicant upon liquidation of the account to the extent not used to pay the costs and expenses of maintaining the escrow. • The deposit plus accrued interest, less any bank fees in respect of the escrow, is to be returned to the applicant if the funds are not used to fund registry functions due to a triggering event or after five years, whichever is greater. • The Applicant will be required to provide ICANN an explanation as to the amount of the deposit, the institution that will hold the deposit, and the escrow agreement for the account at the time of submitting an application. • Applicant should attach evidence of deposited funds in the escrow account, or evidence of provisional arrangement for deposit of funds. Evidence of deposited funds and terms of escrow agreement must be provided to ICANN prior to or concurrent with the execution of the Registry Agreement.					

Instructions: TLD Applicant – Financial Projections

The application process requires the applicant to submit two cash basis Financial Projections.

The first projection (Template 1) should show the Financial Projections associated with the Most Likely scenario expected. This projection should include the forecasted registration volume, registration fee, and all costs and capital expenditures expected during the start-up period and during the first three years of operations. Template 1 relates to Question 46 (Projections Template) in the application.

We also ask that applicants show as a separate projection (Template 2) the Financial Projections associated with a realistic Worst Case scenario. Template 2 relates to Question 49 (Contingency Planning) in the application.

For each Projection prepared, please include Comments and Notes on the bottom of the projection (in the area provided) to provide those reviewing these projections with information regarding:

1. Assumptions used, significant variances in Operating Cash Flows and Capital Expenditures from year-to-year;
2. How you plan to fund operations;
3. Contingency planning

As you complete Template 1 and Template 2, please reference data points and/or formulas used in your calculations (where appropriate).

Section I – Projected Cash inflows and outflows

Projected Cash Inflows

Lines A and B. Provide the number of forecasted registrations and the registration fee for years 1, 2, and 3. Leave the *Start-up* column blank. The start-up period is for cash costs and capital expenditures only; there should be no cash projections input to this column.

Line C. Multiply lines A and B to arrive at the *Registration Cash Inflow* for line C.

Line D. Provide projected cash inflows from any other revenue source for years 1, 2, and 3. For any figures provided on line *D*, please disclose the source in the *Comments/Notes* box of Section I. Note, do not include funding in Line *D as that is covered in Section VI*.

Line E. Add lines *C* and *D* to arrive at the total cash inflow.

Projected Operating Cash Outflows

Start up costs - For all line items (F thru L) Please describe the total period of time this start-up cost is expected to cover in the *Comments/Notes* box.

Line F. Provide the projected labor costs for marketing, customer support, and technical support for start-up, year 1, year 2, and year 3. Note, other labor costs should be put in line *L* (*Other Costs*) and specify the type of labor and associated projected costs in the *Comments/Notes* box of this section.

Line G. *Marketing Costs* represent the amount spent on advertising, promotions, and other marketing activities. This amount should not include labor costs included in Marketing Labor (line *F)*.

Lines H through K. Provide projected costs for facilities, G&A, interests and taxes, and Outsourcing for start-up as well as for years 1, 2, and 3. Be sure to list the type of activities that are being outsourced. You may combine certain activities from the same provider as long as an appropriate description of the services being combined is listed in the *Comments/Notes* box.

Line L. Provide any other projected operating costs for start-up, year 1, year 2, year 3. Be sure to specify the type of cost in the *Comments/Notes* box.

Line M. Add lines *F* through *L* to arrive at the total costs for line *M*.

Line N. Subtract line *E* from line *M* to arrive at the projected net operation number for line *N*.

Section IIa – Breakout of Fixed and Variable Operating Cash Outflows

Line A. Provide the projected variable operating cash outflows including labor and other costs that are not fixed in nature. Variable operating cash outflows are expenditures that fluctuate in relationship with increases or decreases in production or level of operations.

Line B. Provide the projected fixed operating cash outflows. Fixed operating cash outflows are expenditures that do not generally fluctuate in relationship with increases or decreases in production or level of operations. Such costs are generally necessary to be incurred in order to operate the base line operations of the organization or are expected to be incurred based on contractual commitments.

Line C – Add lines *A* and *B* to arrive at total Fixed and Variable Operating Cash Outflows for line *C*. This must equal Total Operating Cash Outflows from Section I, Line *M*.

Section IIb – Breakout of Critical Registry Function Operating Cash Outflows

Lines A – E. Provide the projected cash outflows for the five critical registry functions. If these functions are outsourced, the component of the outsourcing fee representing these functions must be separately identified and provided. These costs are based on the applicant's cost to manage these functions and should be calculated separately from the Continued Operations Instrument (COI) for Question 50.

Line F. If there are other critical registry functions based on the applicant's registry business model then the projected cash outflow for this function must be provided with a description added to the *Comment/Notes* box. This projected cash outflow may also be included in the 3-year reserve.

Line G. Add lines *A* through *F* to arrive at the Total Critical Registry Function Cash Outflows.

Section III – Projected Capital Expenditures

Lines A through C. Provide projected hardware, software, and furniture & equipment capital expenditures for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box.

Line D. Provide any projected capital expenditures as a result of outsourcing. This should be included for start-up and years 1, 2, and 3. Specify the type of expenditure and describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box of Section III.

Line E – Please describe "other" capital expenditures in the *Comments/Notes* box.

Line F. Add lines *A* through *E* to arrive at the Total Capital Expenditures.

Section IV – Projected Assets & Liabilities

Lines A through C. Provide projected cash, account receivables, and other current assets for start-up as well as for years 1, 2, and 3. For *Other Current Assets*, specify the type of asset and describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box.

Line D. Add lines *A*, *B*, *C* to arrive at the Total Current Assets.

Lines E through G. Provide projected accounts payable, short-term debt, and other current liabilities for start-up as well as for years 1, 2, and 3. For *Other Current Liabilities*, specify the type of liability and describe the total period of time the start-up up cost is expected to cover in the *Comments/Notes* box.

Line H. Ad lines *E* through *G* to arrive at the total current liabilities.

Lines I through K. Provide the projected fixed assets (PP&E), the 3-year reserve, and long-term assets for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box.

Line L. Ad lines *I* through *K* to arrive at the total long-term assets.

Line M. Provide the projected long-term debt for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box

Section V – Projected Cash Flow

Cash flow is driven by *Projected Net Operations* (Section I), *Projected Capital Expenditures* (Section III), and *Projected Assets & Liabilities* (Section IV).

Line A. Provide the projected net operating cash flows for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box.

Line B. Provide the projected capital expenditures for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box of Section V.

Lines C through F. Provide the projected change in non-cash current assets, total current liabilities, debt adjustments, and other adjustments for start-up as well as for years 1, 2, and 3. Please describe the total period of time the start-up cost is expected to cover in the *Comments/Notes* box.

Line G. Add lines *A* through *F* to arrive at the projected net cash flow for line *H*.

Section VI – Sources of Funds

Lines A & B. Provide projected funds from debt and equity at start-up. Describe the sources of debt and equity funding as well as the total period of time the start-up is expected to cover in the *Comments/Notes* box. Please also provide evidence the funding (e.g., letter of commitment).

Line C. Add lines *A* and *B* to arrive at the total sources of funds for line *C*.

General Comments – Regarding Assumptions Used, Significant Variances Between Years, etc.

Provide explanations for any significant variances between years (or expected in years beyond the timeframe of the template) in any category of costing or funding.

General Comments – Regarding how the Applicant Plans to Fund Operations

Provide general comments explaining how you will fund operations. Funding should be explained in detail in response to question 48.

General Comments – Regarding Contingencies

Provide general comments to describe your contingency planning. Contingency planning should be explained in detail in response to question 49.

TLD Applicant -- Financial Projections : **Sample**

In local currency (unless noted otherwise)

Sec.	Reference / Formula	Start-up Costs	Live / Operational Year 1	Year 2	Year 3	Comments / Notes
						Provide name of local currency used.
I) Projected Cash Inflows and Outflows						
A) Forecasted registration volume		-	62 000	81 600	105 180	Registration was forecasted based on recent market surveys which we have attached and disccused below.
B) Registration fee		$ -	$ 5.00	$ 5.50	$ 6.05	We do not anticipate sign ficant increases in Registration Fees subsequent to year 3.
C) Registration cash inflows	**A * B**	-	310 000	448 800	636 339	
D) Other cash inflows		-	35 000	48 000	62 000	Other cash inflows represent advertising monies expected from display ads on our website.
E) Total Cash Inflows		-	345 000	496 800	698 339	
Projected Operating Cash Outflows						
F) Labor:						
i) Marketing Labor		25 000	66 000	72 000	81 000	Costs are further detailed and explained in response to question 47.
ii) Customer Support Labor		5 000	68 000	71 000	74 000	
iii) Technical Labor		32 000	45 000	47 000	49 000	
G) Marketing		40 000	44 000	26 400	31 680	
H) Facilities		7 000	10 000	12 000	14 400	
I) General & Administrative		14 000	112 000	122 500	136 000	
J) Interest and Taxes		27 500	29 000	29 800	30 760	
K) Outsourcing Operating Costs, if any (list the type of activities being outsourced):						Provide a list and associated cost for each outsourced function.
i) Hot site maintenance		5 000	7 500	7 500	7 500	Outsourcing hot site to ABC Company cost based on number of servers hosted and customer support
ii) Partial Registry Functions		32 000	37 500	41 000	43 000	Outsourced certain registry and other functions to ABC registry (*applicant shou d list outsourced functions*). Costs for each year are based on expected domains under management
iii) {list type of activities being outsourced}		-	-	-	-	
iv) {list type of activities being outsourced}		-	-	-	-	
v) {list type of activities being outsourced}		-	-	-	-	
vi) {list type of activities being outsourced}		-	-	-	-	
L) Other Operating Costs		12 200	18 000	21 600	25 920	
M) Total Operating Cash Outflows		199 700	437 000	450 800	493 260	
N) Projected Net Operating Cash flow	**E - M**	(199 700)	(92 000)	46 000	205 079	
IIa) Break out of Fixed and Variable Operating Cash Outflows						
A) Total Variable Operating Costs		92 000	195 250	198 930	217 416	Variable Costs: -Start Up equals all labor plus 75% of marketing. -Years 1 through 3 equal 75% of all labor plus 50% of Marketing and 30% of G&A and Other Operating Costs
B) Total Fixed Operating Costs		107 700	241 750	251 870	275 844	Fixed Costs: equals Total Costs less Variable Costs
C) Total Operating Cash Outflows	**= Sec. I) M**	199 700	437 000	450 800	493 260	
	CHECK	-	-	-	-	Check that II) C equals I) N.
IIb) Break out of Critical Registry Function Operating Cash Outflows						Note: these are based on the applicant's cost to manage these functions and should be calculated separately from the Continued Operations Instrument (COI) for Question 50
A) Operation of SRS			5 000	5 500	6 050	Commensurate with Question 24
B) Provision of Whois			6 000	6 600	7 260	Commensurate with Question 26
C) DNS Resolution for Registered Domain Names			7 000	7 700	8 470	Commensurate with Question 35
D) Registry Data Escrow			8 000	8 800	9 680	Commensurate with Question 38
E) Maintenance of Zone in accordance with DNSSEC			9 000	9 900	10 890	Commensurate with Question 43
F) Other						
G) Total Critical Function Cash Outflows		-	35 000	38 500	42 350	
III) Projected Capital Expenditures						
A) Hardware		98 000	21 000	16 000	58 000	-Hardware & Software have a useful life of 3 years
B) Software		32 000	18 000	24 000	11 000	
C) Furniture & Other Equipment		43 000	22 000	14 000	16 000	-Furniture & other equipment have a useful l fe of 5 years
D) Outsourcing Capital Expenditures, if any (list the type of capital expenditures)						
i)		-	-	-	-	List and describe each identifiable type of outsourcing.
ii)		-	-	-	-	List and describe each identifiable type of outsourcing.
iii)		-	-	-	-	List and describe each identifiable type of outsourcing.
iv)		-	-	-	-	List and describe each identifiable type of outsourcing.
v)		-	-	-	-	List and describe each identifiable type of outsourcing.
vi)		-	-	-	-	List and describe each identifiable type of outsourcing.
E) Other Capital Expenditures						
F) Total Capital Expenditures		173 000	61 000	54 000	85 000	
IV) Projected Assets & Liabilities						
A) Cash		668 300	474 300	413 00	471 679	
B) Accounts receivable			70 000	106 000	160 000	
C) Other current assets			40 000	60 000	80 000	
D) Total Current Assets		668 300	584 300	579 00	711 679	
E) Accounts payable		41 000	110 000	113 000	125 300	
F) Short-term Debt						
G) Other Current Liabilities						
H) Total Current Liabilities		41 000	110 000	113 000	125 300	
I) Total Property, Plant & Equipment (PP&E)	**= Sec III) F: cumulative**	173 000	234 000	288 000	373 000	
	Prior Years Cur Yr					
J) 3-year Reserve		186 000	186 000	186 000	186 000	Should equal amount calculated for Question 50
K) Other Long-term Assets						
L) Total Long-term Assets		359 000	420 000	474 000	559 000	
M) Total Long-term Debt		1 000 000	1 000 000	1 000 000	1 000 000	Principal payments on the line of credit with XYZ Bank will not be incurred until Year 5. Interest wi l be paid as incurred and is reflected in Sec I) J.
V) Projected Cash flow (excl. 3-year Reserve)						
A) Net operating cash flows	**= Sec. I) N**	(199 700)	(92 000)	46 000	205 079	
B) Capital expenditures	**= Sec. III) FE**	(173 000)	(61 000)	(54 000)	(85 000)	
C) Change in Non Cash Current Assets	**= Sec. IV) (B C): Prior Yr - Cur Yr**	n/a	(110 000)	(56 000)	(74 000)	
D) Change in Total Current Liab lities	**= Sec. IV) H: Cur Yr - Prior Yr**	41 000	69 000	3 000	12 300	The $41k in Start Up Costs represents an offset of the Accounts Payable reflected in the Projected balance sheet. Subsequent years are based on changes in Current Liabi ities where Prior Year is subtracted from the Current year
E) Debt Adjustments	**= Sec IV) F and M: Cur Yr - Prior Yr**	n/a	-	-	-	
F) Other Adjustments						
G) Projected Net Cash flow		**(331,700)**	**(194,000)**	**(61,000)**	**58,379**	
VI) Sources of funds						
A) Debt:						
i) On-hand at time of application		1 000 000				See below for comments on funding. Revenues are further detailed and explained in response to question 48.
ii) Contingent and/or committed but not yet on-hand						
B) Equity:						
i) On-hand at time of application						
ii) Contingent and/or committed but not yet on-hand		-				
C) Total Sources of funds		1 000 000				

General Comments (Notes Regarding Assumptions Used, Significant Variances Between Years, etc.):

We expect the number of registrations to grow at approximately 30% per year with an increase in the registration fee of $1 per year for the first three years. These volume assumptions are based on the attached (i) market data and (ii) published benchmark regsitry growth. Fee assumptions are aligned with the growth plan and anticipated demand based on the regsitration curve. We anticipate our costs will increase at a controlled pace over the first three years except for marketing costs which will be higher in the start-up and first year as we establish our brand name and work to increase registrations. Operating costs are supported by the attached (i) benchmark report for a basket of similar registries and (ii) a build-up of costs based on our current operations. Our capital expenditures will be greatest in the start-up phase and then our need to invest in computer hardware and software will level off after the start-up period. Capital expenses are based on contract drafts and discussions held with vendors. We have included and referenced the hardware costs to support the estimates. Our investment in Furniture and Equipment will be greatest in the start-up period as we build our infrastructure and then decrease in the following periods.
Start-up: Our start-up phase is anticpated to comprise [X] months in line with benchmark growth curves indicated by prior start-ups and published market data. Our assumptions were derived from the attached support.

Comments regarding how the Applicant plans to Fund operations:

We have recently negotiated a line of credit with XYZ Bank (a copy of the fully executed line of credit agreement has been included with our application) and this funding will allow us to purchase necessary equipment and pay for employees and other Operating Costs during our start-up period and the first few years of operations. We expect that our business operation wi l be self funded (i.e. revenue from operations will cover all anticipated costs and capital expenditures) by the second half of our second year in operation; we also expect to become profitable with positive cash flow in year three.

General Comments regarding contingencies:

Although we expect to be cash flow positive by the end of year 2 the recently negotiated line of credit will cover our operating costs for the first 4 years of operation if necessary. We have also entered into an agreement with XYZ Co. to assume our registrants should our business model not have the ability to sustain itself in future years. Agreement with XYZ Co. has been included with our application. A full description of risks and a range of potential outcomes and impacts are included in our responses to Question 49. These responses have quantified the impacts of certain probabilites and our negotiated funding and action plans as shown are adequate to fund our our Worst Case Scenerio.

Template 1 - Financial Projections: **Most Likely**

In local currency (unless noted otherwise)

Sec.			Reference / Formula	Start-up Costs	Live / Operational Year 1	Year 2	Year 3	Comments / Notes
								Provide name of local currency used.
I) Projected Cash inflows and outflows								
	A) Forecasted registration volume							
	B) Registration fee							
	C) Registration cash inflows				-	-	-	
	D) Other cash inflows							
		E) Total Cash Inflows		-	-	-	-	
Projected Operating Cash Outflows								
	F) Labor:							
		i) Marketing Labor						
		ii) Customer Support Labor						
		iii) Technical Labor						
	G) Marketing							
	H) Facilities							
	I) General & Administrative							
	J) Interest and Taxes							
	K) Outsourcing Operating Costs, if any (list the type of activities being outsourced):							
	i)	{list type of activities being outsourced}						
	ii)	{list type of activities being outsourced}						
	iii)	{list type of activities being outsourced}						
	iv)	{list type of activities being outsourced}						
	v)	{list type of activities being outsourced}						
	vi)	{list type of activities being outsourced}						
	L) Other Operating costs							
		M) Total Operating Cash Outflows		-	-	-	-	
		N) Projected Net Operating Cash flow		-	-	-	-	
IIa) Break out of Fixed and Variable Operating Cash Outflows								
	A) Total Variable Operating Costs							
	B) Total Fixed Operating Costs							
		C) Total Operating Cash Outflows		-	-	-	-	
			CHECK	-	-	-	-	
IIb) Break out of Critical Function Operating Cash Outflows								
	A) Operation of SRS							
	B) Provision of Whois							
	C) DNS Resolution for Registered Domain Names							
	D) Registry Data Escrow							
	E) Maintenance of Zone in accordance with DNSSEC							
		G) Total Critical Registry Function Cash Outflows		-	-	-	-	
		H) 3-year Total		-				
III) Projected Capital Expenditures								
	A) Hardware							
	B) Software							
	C) Furniture & Other Equipment							
	D) Outsourcing Capital Expenditures, if any (list the type of capital expenditures)							
	i)							
	ii)							
	iii)							
	iv)							
	v)							
	vi)							
	E) Other Capital Expenditures							
		F) Total Capital Expenditures		-	-	-	-	
IV) Projected Assets & Liabilities								
	A) Cash							
	B) Accounts receivable							
	C) Other current assets							
		D) Total Current Assets		-	-	-	-	
	E) Accounts payable							
	F) Short-term Debt							
	G) Other Current Liabilities							
		H) Total Current Liabilities		-	-	-	-	
	I) Total Property, Plant & Equipment (PP&E)			-	-	-	-	
	J) 3-year Reserve				-	-	-	
	K) Other Long-term Assets							
		L) Total Long-term Assets		-	-	-	-	
	M) Total Long-term Debt							
V) Projected Cash flow (excl. 3-year Reserve)								
	A) Net operating cash flows			-	-	-	-	
	C) Capital expenditures			-	-	-	-	
	D) Change in Non Cash Current Assets			n/a	-	-	-	
	E) Change in Total Current Liabilities			-	-	-	-	
	F) Debt Adjustments			n/a	-	-	-	
	G) Other Adjustments							
		H) Projected Net Cash flow		-	-	-	-	
VI) Sources of funds								
	A) Debt:							
		i) On-hand at time of application						
		ii) Contingent and/or committed but not yet on-hand						
	B) Equity:							
		i) On-hand at time of application						
		ii) Contingent and/or committed but not yet on-hand						
		C) Total Sources of funds		-				

General Comments (Notes Regarding Assumptions Used, Significant Variances Between Years, etc.):

Comments regarding how the Applicant plans to Fund operations:

General Comments regarding contingencies:

Template 2 - Financial Projections: **Worst Case**

In local currency (unless noted otherwise)

Sec.		Reference / Formula	Start-up Costs	Live / Operational Year 1	Year 2	Year 3	Comments / Notes
							Provide name of local currency used.
I) Projected Cash inflows and outflows							
	A) Forecasted registration volume						
	B) Registration fee						
	C) Registration cash inflows			-	-	-	
	D) Other cash inflows						
	E) Total Cash Inflows		-	-	-	-	
Projected Operating Cash Outflows							
	F) Labor:						
	i) Marketing Labor						
	ii) Customer Support Labor						
	iii) Technical Labor						
	G) Marketing						
	H) Facilities						
	I) General & Administrative						
	J) Interest and Taxes						
	K) Outsourcing Operating Costs, if any (list the type of activities being outsourced):						
	i) {list type of activities being outsourced}						
	ii) {list type of activities being outsourced}						
	iii) {list type of activities being outsourced}						
	iv) {list type of activities being outsourced}						
	v) {list type of activities being outsourced}						
	vi) {list type of activities being outsourced}						
	L) Other Operating costs						
	M) Total Operating Cash Outflows		-	-	-	-	
	N) Projected Net Operating Cash flow		-	-	-	-	
IIa) Break out of Fixed and Variable Operating Cash Outflows							
	A) Total Variable Operating Costs						
	B) Total Fixed Operating Costs						
	C) Total Operating Cash Outflows		-	-	-	-	
		CHECK	-	-	-	-	
IIb) Break out of Critical Function Operating Cash Outflows							
	A) Operation of SRS						
	B) Provision of Whois						
	C) DNS Resolution for Registered Domain Names						
	D) Registry Data Escrow						
	E) Maintenance of Zone in accordance with DNSSEC						
	G) Total Critical Registry Function Cash Outflows		-	-	-	-	
	H) 3-year Total		-				
III) Projected Capital Expenditures							
	A) Hardware						
	B) Software						
	C) Furniture & Other Equipment						
	D) Outsourcing Capital Expenditures, if any (list the type of capital expenditures)						
	i)						
	ii)						
	iii)						
	iv)						
	v)						
	vi)						
	E) Other Capital Expenditures						
	F) Total Capital Expenditures		-	-	-	-	
IV) Projected Assets & Liabilities							
	A) Cash						
	B) Accounts receivable						
	C) Other current assets						
	D) Total Current Assets		-	-	-	-	
	E) Accounts payable						
	F) Short-term Debt						
	G) Other Current Liabilities						
	H) Total Current Liabilities		-	-	-	-	
	I) Total Property, Plant & Equipment (PP&E)		-	-	-	-	
	J) 3-year Reserve			-	-	-	
	K) Other Long-term Assets						
	L) Total Long-term Assets		-	-	-	-	
	M) Total Long-term Debt						
V) Projected Cash flow (excl. 3-year Reserve)							
	A) Net operating cash flows		-	-	-	-	
	C) Capital expenditures		-	-	-	-	
	D) Change in Non Cash Current Assets		n/a	-	-	-	
	E) Change in Total Current Liabilities		-	-	-	-	
	F) Debt Adjustments		n/a	-	-	-	
	G) Other Adjustments						
	H) Projected Net Cash flow		-	-	-	-	
VI) Sources of funds							
	A) Debt:						
	i) On-hand at time of application						
	ii) Contingent and/or committed but not yet on-hand						
	B) Equity:						
	i) On-hand at time of application						
	ii) Contingent and/or committed but not yet on-hand						
	C) Total Sources of funds		-				

General Comments (Notes Regarding Assumptions Used, Significant Variances Between Years, etc.):

Comments regarding how the Applicant plans to Fund operations:

General Comments regarding contingencies:

gTLD Applicant Guidebook

(v. 2012-06-04)

Module 3

4 June 2012

Module 3

Objection Procedures

This module describes two types of mechanisms that may affect an application:

I. The procedure by which ICANN's Governmental Advisory Committee may provide GAC Advice on New gTLDs to the ICANN Board of Directors concerning a specific application. This module describes the purpose of this procedure, and how GAC Advice on New gTLDs is considered by the ICANN Board once received.

II. The dispute resolution procedure triggered by a formal objection to an application by a third party. This module describes the purpose of the objection and dispute resolution mechanisms, the grounds for lodging a formal objection to a gTLD application, the general procedures for filing or responding to an objection, and the manner in which dispute resolution proceedings are conducted.

This module also discusses the guiding principles, or standards, that each dispute resolution panel will apply in reaching its expert determination.

All applicants should be aware of the possibility that a formal objection may be filed against any application, and of the procedures and options available in the event of such an objection.

3.1 GAC Advice on New gTLDs

ICANN's Governmental Advisory Committee was formed to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.

The process for GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.

GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns

raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors.

The GAC can provide advice on any application. For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period (see Module 1).

GAC Advice may take one of the following forms:

I. The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved.

II. The GAC advises ICANN that there are concerns about a particular application "dot-example." The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision.

III. The GAC advises ICANN that an application should not proceed unless remediated. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook (such as securing the approval of one or more governments), that is implemented by the applicant.

Where GAC Advice on New gTLDs is received by the Board concerning an application, ICANN will publish the Advice and endeavor to notify the relevant applicant(s) promptly. The applicant will have a period of 21 calendar days from the publication date in which to submit a response to the ICANN Board.

ICANN will consider the GAC Advice on New gTLDs as soon as practicable. The Board may consult with independent experts, such as those designated to hear objections in the New gTLD Dispute Resolution Procedure, in cases where the issues raised in the GAC advice are pertinent to one of the subject matter areas of the objection procedures. The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).

3.2 Public Objection and Dispute Resolution Process

The independent dispute resolution process is designed to protect certain interests and rights. The process provides a path for formal objections during evaluation of the applications. It allows a party with standing to have its objection considered before a panel of qualified experts.

A formal objection can be filed only on four enumerated grounds, as described in this module. A formal objection initiates a dispute resolution proceeding. In filing an application for a gTLD, the applicant agrees to accept the applicability of this gTLD dispute resolution process. Similarly, an objector accepts the applicability of this gTLD dispute resolution process by filing its objection.

As described in section 3.1 above, ICANN's Governmental Advisory Committee has a designated process for providing advice to the ICANN Board of Directors on matters affecting public policy issues, and these objection procedures would not be applicable in such a case. The GAC may provide advice on any topic and is not limited to the grounds for objection enumerated in the public objection and dispute resolution process.

3.2.1 Grounds for Objection

A formal objection may be filed on any one of the following four grounds:

String Confusion Objection – The applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string in the same round of applications.

Legal Rights Objection – The applied-for gTLD string infringes the existing legal rights of the objector.

Limited Public Interest Objection – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

Community Objection – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

The rationales for these objection grounds are discussed in the final report of the ICANN policy development process for new gTLDs. For more information on this process, see

http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm.

3.2.2 Standing to Object

Objectors must satisfy standing requirements to have their objections considered. As part of the dispute proceedings, all objections will be reviewed by a panel of experts designated by the applicable Dispute Resolution Service Provider (DRSP) to determine whether the objector has standing to object. Standing requirements for the four objection grounds are:

Objection ground	Who may object
String confusion	Existing TLD operator or gTLD applicant in current round. In the case where an IDN ccTLD Fast Track request has been submitted before the public posting of gTLD applications received, and the Fast Track requestor wishes to file a string confusion objection to a gTLD application, the Fast Track requestor will be granted standing.
Legal rights	Rightsholders
Limited public interest	No limitations on who may file – however, subject to a "quick look" designed for early conclusion of frivolous and/or abusive objections
Community	Established institution associated with a clearly delineated community

3.2.2.1 String Confusion Objection

Two types of entities have standing to object:

- An existing TLD operator may file a string confusion objection to assert string confusion between an applied-for gTLD and the TLD that it currently operates.
- Any gTLD applicant in this application round may file a string confusion objection to assert string confusion between an applied-for gTLD and the gTLD for which it has applied, where string confusion between the two applicants has not already been found in the Initial Evaluation. That is, an applicant does not have standing to object to another application with which it is already in a contention set as a result of the Initial Evaluation.

In the case where an existing TLD operator successfully asserts string confusion with an applicant, the application will be rejected.

In the case where a gTLD applicant successfully asserts string confusion with another applicant, the only possible

outcome is for both applicants to be placed in a contention set and to be referred to a contention resolution procedure (refer to Module 4, String Contention Procedures). If an objection by one gTLD applicant to another gTLD application is unsuccessful, the applicants may both move forward in the process without being considered in direct contention with one another.

3.2.2.2 Legal Rights Objection

A rightsholder has standing to file a legal rights objection. The source and documentation of the existing legal rights the objector is claiming (which may include either registered or unregistered trademarks) are infringed by the applied-for gTLD must be included in the filing.

An intergovernmental organization (IGO) is eligible to file a legal rights objection if it meets the criteria for registration of a .INT domain name[1]:

a) An international treaty between or among national governments must have established the organization; and

b) The organization that is established must be widely considered to have independent international legal personality and must be the subject of and governed by international law.

The specialized agencies of the UN and the organizations having observer status at the UN General Assembly are also recognized as meeting the criteria.

3.2.2.3 Limited Public Interest Objection

Anyone may file a Limited Public Interest Objection. Due to the inclusive standing base, however, objectors are subject to a "quick look" procedure designed to identify and eliminate frivolous and/or abusive objections. An objection found to be manifestly unfounded and/or an abuse of the right to object may be dismissed at any time.

A Limited Public Interest objection would be manifestly unfounded if it did not fall within one of the categories that have been defined as the grounds for such an objection (see subsection 3.5.3).

A Limited Public Interest objection that is manifestly unfounded may also be an abuse of the right to object. An objection may be framed to fall within one of the

[1] See also http://www.iana.org/domains/int/policy/.

accepted categories for Limited Public Interest objections, but other facts may clearly show that the objection is abusive. For example, multiple objections filed by the same or related parties against a single applicant may constitute harassment of the applicant, rather than a legitimate defense of legal norms that are recognized under general principles of international law. An objection that attacks the applicant, rather than the applied-for string, could be an abuse of the right to object.[2]

The quick look is the Panel's first task, after its appointment by the DRSP and is a review on the merits of the objection. The dismissal of an objection that is manifestly unfounded and/or an abuse of the right to object would be an Expert Determination, rendered in accordance with Article 21 of the New gTLD Dispute Resolution Procedure.

In the case where the quick look review does lead to the dismissal of the objection, the proceedings that normally follow the initial submissions (including payment of the full advance on costs) will not take place, and it is currently contemplated that the filing fee paid by the applicant would be refunded, pursuant to Procedure Article 14(e).

3.2.2.4 Community Objection

Established institutions associated with clearly delineated communities are eligible to file a community objection. The community named by the objector must be a community strongly associated with the applied-for gTLD string in the application that is the subject of the objection. To qualify for standing for a community objection, the objector must prove both of the following:

[2] The jurisprudence of the European Court of Human Rights offers specific examples of how the term "manifestly ill-founded" has been interpreted in disputes relating to human rights. Article 35(3) of the European Convention on Human Rights provides: "The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application." The ECHR renders reasoned decisions on admissibility, pursuant to Article 35 of the Convention. (Its decisions are published on the Court's website http://www.echr.coe.int.) In some cases, the Court briefly states the facts and the law and then announces its decision, without discussion or analysis. E.g., Decision as to the Admissibility of Application No. 34328/96 by Egbert Peree against the Netherlands (1998). In other cases, the Court reviews the facts and the relevant legal rules in detail, providing an analysis to support its conclusion on the admissibility of an application. Examples of such decisions regarding applications alleging violations of Article 10 of the Convention (freedom of expression) include: Décision sur la recevabilité de la requête no 65831/01 présentée par Roger Garaudy contre la France (2003); Décision sur la recevabilité de la requête no 65297/01 présentée par Eduardo Fernando Alves Costa contre le Portugal (2004).

The jurisprudence of the European Court of Human Rights also provides examples of the abuse of the right of application being sanctioned, in accordance with ECHR Article 35(3). See, for example, Décision partielle sur la recevabilité de la requête no 61164/00 présentée par Gérard Duringer et autres contre la France et de la requête no 18589/02 contre la France (2003).

It is an established institution – Factors that may be considered in making this determination include, but are not limited to:

- Level of global recognition of the institution;
- Length of time the institution has been in existence; and
- Public historical evidence of its existence, such as the presence of a formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process.

It has an ongoing relationship with a clearly delineated community – Factors that may be considered in making this determination include, but are not limited to:

- The presence of mechanisms for participation in activities, membership, and leadership;
- Institutional purpose related to the benefit of the associated community;
- Performance of regular activities that benefit the associated community; and
- The level of formal boundaries around the community.

The panel will perform a balancing of the factors listed above, as well as other relevant information, in making its determination. It is not expected that an objector must demonstrate satisfaction of each and every factor considered in order to satisfy the standing requirements.

3.2.3 Dispute Resolution Service Providers

To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground.

- The International Centre for Dispute Resolution has agreed to administer disputes brought pursuant to string confusion objections.
- The Arbitration and Mediation Center of the World Intellectual Property Organization has agreed to administer disputes brought pursuant to legal rights objections.

- The International Center of Expertise of the International Chamber of Commerce has agreed to administer disputes brought pursuant to Limited Public Interest and Community Objections.

ICANN selected DRSPs on the basis of their relevant experience and expertise, as well as their willingness and ability to administer dispute proceedings in the new gTLD Program. The selection process began with a public call for expressions of interest[3] followed by dialogue with those candidates who responded. The call for expressions of interest specified several criteria for providers, including established services, subject matter expertise, global capacity, and operational capabilities. An important aspect of the selection process was the ability to recruit panelists who will engender the respect of the parties to the dispute.

3.2.4 Options in the Event of Objection

Applicants whose applications are the subject of an objection have the following options:

The applicant can work to reach a settlement with the objector, resulting in withdrawal of the objection or the application;

The applicant can file a response to the objection and enter the dispute resolution process (refer to Section 3.2); or

The applicant can withdraw, in which case the objector will prevail by default and the application will not proceed further.

If for any reason the applicant does not file a response to an objection, the objector will prevail by default.

3.2.5 Independent Objector

A formal objection to a gTLD application may also be filed by the Independent Objector (IO). The IO does not act on behalf of any particular persons or entities, but acts solely in the best interests of the public who use the global Internet.

In light of this public interest goal, the Independent Objector is limited to filing objections on the grounds of Limited Public Interest and Community.

[3] *See* http://www.icann.org/en/announcements/announcement-21dec07.htm.

Neither ICANN staff nor the ICANN Board of Directors has authority to direct or require the IO to file or not file any particular objection. If the IO determines that an objection should be filed, he or she will initiate and prosecute the objection in the public interest.

Mandate and Scope - The IO may file objections against "highly objectionable" gTLD applications to which no objection has been filed. The IO is limited to filing two types of objections: (1) Limited Public Interest objections and (2) Community objections. The IO is granted standing to file objections on these enumerated grounds, notwithstanding the regular standing requirements for such objections (see subsection 3.1.2).

The IO may file a Limited Public Interest objection against an application even if a Community objection has been filed, and vice versa.

The IO may file an objection against an application, notwithstanding the fact that a String Confusion objection or a Legal Rights objection was filed.

Absent extraordinary circumstances, the IO is not permitted to file an objection to an application where an objection has already been filed on the same ground.

The IO may consider public comment when making an independent assessment whether an objection is warranted. The IO will have access to application comments received during the comment period.

In light of the public interest goal noted above, the IO shall not object to an application unless at least one comment in opposition to the application is made in the public sphere.

Selection – The IO will be selected by ICANN, through an open and transparent process, and retained as an independent consultant. The Independent Objector will be an individual with considerable experience and respect in the Internet community, unaffiliated with any gTLD applicant.

Although recommendations for IO candidates from the community are welcomed, the IO must be and remain independent and unaffiliated with any of the gTLD applicants. The various rules of ethics for judges and international arbitrators provide models for the IO to declare and maintain his/her independence.

The IO's (renewable) tenure is limited to the time necessary to carry out his/her duties in connection with a single round of gTLD applications.

Budget and Funding – The IO's budget would comprise two principal elements: (a) salaries and operating expenses, and (b) dispute resolution procedure costs – both of which should be funded from the proceeds of new gTLD applications.

As an objector in dispute resolution proceedings, the IO is required to pay filing and administrative fees, as well as advance payment of costs, just as all other objectors are required to do. Those payments will be refunded by the DRSP in cases where the IO is the prevailing party.

In addition, the IO will incur various expenses in presenting objections before DRSP panels that will not be refunded, regardless of the outcome. These expenses include the fees and expenses of outside counsel (if retained) and the costs of legal research or factual investigations.

3.3 Filing Procedures

The information included in this section provides a summary of procedures for filing:

- Objections; and
- Responses to objections.

For a comprehensive statement of filing requirements applicable generally, refer to the New gTLD Dispute Resolution Procedure ("Procedure") included as an attachment to this module. In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail.

Note that the rules and procedures of each DRSP specific to each objection ground must also be followed. See http://newgtlds.icann.org/en/program-status/objection-dispute-resolution.

3.3.1 Objection Filing Procedures

The procedures outlined in this subsection must be followed by any party wishing to file a formal objection to an application that has been posted by ICANN. Should an applicant wish to file a formal objection to another gTLD application, it would follow these same procedures.

- All objections must be filed electronically with the appropriate DRSP by the posted deadline date.

Objections will not be accepted by the DRSPs after this date.

- All objections must be filed in English.
- Each objection must be filed separately. An objector wishing to object to several applications must file a separate objection and pay the accompanying filing fees for each application that is the subject of an objection. If an objector wishes to object to an application on more than one ground, the objector must file separate objections and pay the accompanying filing fees for each objection ground.

Each objection filed by an objector must include:

- The name and contact information of the objector.
- A statement of the objector's basis for standing; that is, why the objector believes it meets the standing requirements to object.
- A description of the basis for the objection, including:
  - A statement giving the specific ground upon which the objection is being filed.
  - A detailed explanation of the validity of the objection and why it should be upheld.
- Copies of any documents that the objector considers to be a basis for the objection.

Objections are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

An objector must provide copies of all submissions to the DRSP associated with the objection proceedings to the applicant.

The DRSP will publish, and regularly update a list on its website identifying all objections as they are filed. ICANN will post on its website a notice of all objections filed once the objection filing period has closed.

3.3.2 Objection Filing Fees

At the time an objection is filed, the objector is required to pay a filing fee in the amount set and published by the relevant DRSP. If the filing fee is not paid, the DRSP will

dismiss the objection without prejudice. See Section 1.5 of Module 1 regarding fees.

Funding from ICANN for objection filing fees, as well as for advance payment of costs (see subsection 3.4.7 below) is available to the At-Large Advisory Committee (ALAC). Funding for ALAC objection filing and dispute resolution fees is contingent on publication by ALAC of its approved process for considering and making objections. At a minimum, the process for objecting to a gTLD application will require: bottom-up development of potential objections, discussion and approval of objections at the Regional At-Large Organization (RALO) level, and a process for consideration and approval of the objection by the At-Large Advisory Committee.

Funding from ICANN for objection filing fees, as well as for advance payment of costs, is available to individual national governments in the amount of USD 50,000 with the guarantee that a minimum of one objection per government will be fully funded by ICANN where requested. ICANN will develop a procedure for application and disbursement of funds.

Funding available from ICANN is to cover costs payable to the dispute resolution service provider and made directly to the dispute resolution service provider; it does not cover other costs such as fees for legal advice.

3.3.3 Response Filing Procedures

Upon notification that ICANN has published the list of all objections filed (refer to subsection 3.3.1), the DRSPs will notify the parties that responses must be filed within 30 calendar days of receipt of that notice. DRSPs will not accept late responses. Any applicant that fails to respond to an objection within the 30-day response period will be in default, which will result in the objector prevailing.

- All responses must be filed in English.
- Each response must be filed separately. That is, an applicant responding to several objections must file a separate response and pay the accompanying filing fee to respond to each objection.
- Responses must be filed electronically.

Each response filed by an applicant must include:

- The name and contact information of the applicant.

- A point-by-point response to the claims made by the objector.
- Any copies of documents that it considers to be a basis for the response.

Responses are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

Each applicant must provide copies of all submissions to the DRSP associated with the objection proceedings to the objector.

3.3.4 Response Filing Fees

At the time an applicant files its response, it is required to pay a filing fee in the amount set and published by the relevant DRSP, which will be the same as the filing fee paid by the objector. If the filing fee is not paid, the response will be disregarded, which will result in the objector prevailing.

3.4 Objection Processing Overview

The information below provides an overview of the process by which DRSPs administer dispute proceedings that have been initiated. For comprehensive information, please refer to the New gTLD Dispute Resolution Procedure (included as an attachment to this module).

3.4.1 Administrative Review

Each DRSP will conduct an administrative review of each objection for compliance with all procedural rules within 14 calendar days of receiving the objection. Depending on the number of objections received, the DRSP may ask ICANN for a short extension of this deadline.

If the DRSP finds that the objection complies with procedural rules, the objection will be deemed filed, and the proceedings will continue. If the DRSP finds that the objection does not comply with procedural rules, the DRSP will dismiss the objection and close the proceedings without prejudice to the objector's right to submit a new objection that complies with procedural rules. The DRSP's review or rejection of the objection will not interrupt the time limit for filing an objection.

3.4.2 Consolidation of Objections

Once the DRSP receives and processes all objections, at its discretion the DRSP may elect to consolidate certain objections. The DRSP shall endeavor to decide upon

consolidation prior to issuing its notice to applicants that the response should be filed and, where appropriate, shall inform the parties of the consolidation in that notice.

An example of a circumstance in which consolidation might occur is multiple objections to the same application based on the same ground.

In assessing whether to consolidate objections, the DRSP will weigh the efficiencies in time, money, effort, and consistency that may be gained by consolidation against the prejudice or inconvenience consolidation may cause. The DRSPs will endeavor to have all objections resolved on a similar timeline. It is intended that no sequencing of objections will be established.

New gTLD applicants and objectors also will be permitted to propose consolidation of objections, but it will be at the DRSP's discretion whether to agree to the proposal.

ICANN continues to strongly encourage all of the DRSPs to consolidate matters whenever practicable.

3.4.3 Mediation

The parties to a dispute resolution proceeding are encouraged—but not required—to participate in mediation aimed at settling the dispute. Each DRSP has experts who can be retained as mediators to facilitate this process, should the parties elect to do so, and the DRSPs will communicate with the parties concerning this option and any associated fees.

If a mediator is appointed, that person may not serve on the panel constituted to issue an expert determination in the related dispute.

There are no automatic extensions of time associated with the conduct of negotiations or mediation. The parties may submit joint requests for extensions of time to the DRSP according to its procedures, and the DRSP or the panel, if appointed, will decide whether to grant the requests, although extensions will be discouraged. Absent exceptional circumstances, the parties must limit their requests for extension to 30 calendar days.

The parties are free to negotiate without mediation at any time, or to engage a mutually acceptable mediator of their own accord.

3.4.4 Selection of Expert Panels

A panel will consist of appropriately qualified experts appointed to each proceeding by the designated DRSP. Experts must be independent of the parties to a dispute resolution proceeding. Each DRSP will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing an expert for lack of independence.

There will be one expert in proceedings involving a string confusion objection.

There will be one expert, or, if all parties agree, three experts with relevant experience in intellectual property rights disputes in proceedings involving an existing legal rights objection.

There will be three experts recognized as eminent jurists of international reputation, with expertise in relevant fields as appropriate, in proceedings involving a Limited Public Interest objection.

There will be one expert in proceedings involving a community objection.

Neither the experts, the DRSP, ICANN, nor their respective employees, directors, or consultants will be liable to any party in any action for damages or injunctive relief for any act or omission in connection with any proceeding under the dispute resolution procedures.

3.4.5 Adjudication

The panel may decide whether the parties shall submit any written statements in addition to the filed objection and response, and may specify time limits for such submissions.

In order to achieve the goal of resolving disputes rapidly and at reasonable cost, procedures for the production of documents shall be limited. In exceptional cases, the panel may require a party to produce additional evidence.

Disputes will usually be resolved without an in-person hearing. The panel may decide to hold such a hearing only in extraordinary circumstances.

3.4.6 Expert Determination

The DRSPs' final expert determinations will be in writing and will include:

- A summary of the dispute and findings;

- An identification of the prevailing party; and
- The reasoning upon which the expert determination is based.

Unless the panel decides otherwise, each DRSP will publish all decisions rendered by its panels in full on its website.

The findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

3.4.7 Dispute Resolution Costs

Before acceptance of objections, each DRSP will publish a schedule of costs or statement of how costs will be calculated for the proceedings that it administers under this procedure. These costs cover the fees and expenses of the members of the panel and the DRSP's administrative costs.

ICANN expects that string confusion and legal rights objection proceedings will involve a fixed amount charged by the panelists while Limited Public Interest and community objection proceedings will involve hourly rates charged by the panelists.

Within ten (10) calendar days of constituting the panel, the DRSP will estimate the total costs and request advance payment in full of its costs from both the objector and the applicant. Each party must make its advance payment within ten (10) calendar days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the parties will be credited against the amounts due for this advance payment of costs.

The DRSP may revise its estimate of the total costs and request additional advance payments from the parties during the resolution proceedings.

Additional fees may be required in specific circumstances; for example, if the DRSP receives supplemental submissions or elects to hold a hearing.

If an objector fails to pay these costs in advance, the DRSP will dismiss its objection and no fees paid by the objector will be refunded.

If an applicant fails to pay these costs in advance, the DSRP will sustain the objection and no fees paid by the applicant will be refunded.

After the hearing has taken place and the panel renders its expert determination, the DRSP will refund the advance payment of costs to the prevailing party.

3.5 Dispute Resolution Principles (Standards)

Each panel will use appropriate general principles (standards) to evaluate the merits of each objection. The principles for adjudication on each type of objection are specified in the paragraphs that follow. The panel may also refer to other relevant rules of international law in connection with the standards.

The objector bears the burden of proof in each case.

The principles outlined below are subject to evolution based on ongoing consultation with DRSPs, legal experts, and the public.

3.5.1 String Confusion Objection

A DRSP panel hearing a string confusion objection will consider whether the applied-for gTLD string is likely to result in string confusion. String confusion exists where a string so nearly resembles another that it is likely to deceive or cause confusion. For a likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.

3.5.2 Legal Rights Objection

In interpreting and giving meaning to GNSO Recommendation 3 ("Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"), a DRSP panel of experts presiding over a legal rights objection will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark ("mark") or IGO name or acronym (as identified in the treaty establishing the organization), or unjustifiably impairs the distinctive character or the reputation of the objector's mark or IGO name or acronym, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark or IGO name or acronym.

In the case where the objection is based on trademark rights, the panel will consider the following non-exclusive factors:

1. Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound, or meaning, to the objector's existing mark.

2. Whether the objector's acquisition and use of rights in the mark has been bona fide.

3. Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of the objector, of the applicant or of a third party.

4. Applicant's intent in applying for the gTLD, including whether the applicant, at the time of application for the gTLD, had knowledge of the objector's mark, or could not have reasonably been unaware of that mark, and including whether the applicant has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.

5. Whether and to what extent the applicant has used, or has made demonstrable preparations to use, the sign corresponding to the gTLD in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise by the objector of its mark rights.

6. Whether the applicant has marks or other intellectual property rights in the sign corresponding to the gTLD, and, if so, whether any acquisition of such a right in the sign, and use of the sign, has been bona fide, and whether the purported or likely use of the gTLD by the applicant is consistent with such acquisition or use.

7. Whether and to what extent the applicant has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by the applicant is consistent therewith and bona fide.

8. Whether the applicant's intended use of the gTLD would create a likelihood of confusion with the objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.

In the case where a legal rights objection has been filed by an IGO, the panel will consider the following non-exclusive factors:

1. Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound or meaning, to the name or acronym of the objecting IGO;

2. Historical coexistence of the IGO and the applicant's use of a similar name or acronym. Factors considered may include:

    a. Level of global recognition of both entities;

    b. Length of time the entities have been in existence;

    c. Public historical evidence of their existence, which may include whether the objecting IGO has communicated its name or abbreviation under Article 6*ter* of the Paris Convention for the Protection of Industrial Property.

3. Whether and to what extent the applicant has used, or has made demonstrable preparations to use, the sign corresponding to the TLD in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise of the objecting IGO's name or acronym;

4. Whether and to what extent the applicant has been commonly known by the sign corresponding to the applied-for gTLD, and if so, whether any purported or likely use of the gTLD by the applicant is consistent therewith and bona fide; and

5. Whether the applicant's intended use of the applied-for gTLD would create a likelihood of confusion with the objecting IGO's name or acronym as to the source, sponsorship, affiliation, or endorsement of the TLD.

3.5.3 Limited Public Interest Objection

An expert panel hearing a Limited Public Interest objection will consider whether the applied-for gTLD string is contrary to general principles of international law for morality and public order.

Examples of instruments containing such general principles include:

- The Universal Declaration of Human Rights (UDHR)

- The International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The International Convention on the Elimination of All Forms of Racial Discrimination
- Declaration on the Elimination of Violence against Women
- The International Covenant on Economic, Social, and Cultural Rights
- The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
- The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
- Slavery Convention
- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention on the Rights of the Child

Note that these are included to serve as examples, rather than an exhaustive list. It should be noted that these instruments vary in their ratification status. Additionally, states may limit the scope of certain provisions through reservations and declarations indicating how they will interpret and apply certain provisions. National laws not based on principles of international law are not a valid ground for a Limited Public Interest objection.

Under these principles, everyone has the right to freedom of expression, but the exercise of this right carries with it special duties and responsibilities. Accordingly, certain limited restrictions may apply.

The grounds upon which an applied-for gTLD string may be considered contrary to generally accepted legal norms relating to morality and public order that are recognized under principles of international law are:

- Incitement to or promotion of violent lawless action;
- Incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin, or other similar types of

discrimination that violate generally accepted legal norms recognized under principles of international law;

- Incitement to or promotion of child pornography or other sexual abuse of children; or
- A determination that an applied-for gTLD string would be contrary to specific principles of international law as reflected in relevant international instruments of law.

The panel will conduct its analysis on the basis of the applied-for gTLD string itself. The panel may, if needed, use as additional context the intended purpose of the TLD as stated in the application.

3.5.4 Community Objection

The four tests described here will enable a DRSP panel to determine whether there is substantial opposition from a significant portion of the community to which the string may be targeted. For an objection to be successful, the objector must prove that:

- The community invoked by the objector is a clearly delineated community; and
- Community opposition to the application is substantial; and
- There is a strong association between the community invoked and the applied-for gTLD string; and
- The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. Each of these tests is described in further detail below.

Community – The objector must prove that the community expressing opposition can be regarded as a clearly delineated community. A panel could balance a number of factors to determine this, including but not limited to:

- The level of public recognition of the group as a community at a local and/or global level;
- The level of formal boundaries around the community and what persons or entities are considered to form the community;

- The length of time the community has been in existence;
- The global distribution of the community (this may not apply if the community is territorial); and
- The number of people or entities that make up the community.

If opposition by a number of people/entities is found, but the group represented by the objector is not determined to be a clearly delineated community, the objection will fail.

Substantial Opposition – The objector must prove substantial opposition within the community it has identified itself as representing. A panel could balance a number of factors to determine whether there is substantial opposition, including but not limited to:

- Number of expressions of opposition relative to the composition of the community;
- The representative nature of entities expressing opposition;
- Level of recognized stature or weight among sources of opposition;
- Distribution or diversity among sources of expressions of opposition, including:
  - Regional
  - Subsectors of community
  - Leadership of community
  - Membership of community
- Historical defense of the community in other contexts; and
- Costs incurred by objector in expressing opposition, including other channels the objector may have used to convey opposition.

If some opposition within the community is determined, but it does not meet the standard of substantial opposition, the objection will fail.

Targeting – The objector must prove a strong association between the applied-for gTLD string and the community represented by the objector. Factors that could be

balanced by a panel to determine this include but are not limited to:

- Statements contained in application;
- Other public statements by the applicant;
- Associations by the public.

If opposition by a community is determined, but there is no strong association between the community and the applied-for gTLD string, the objection will fail.

Detriment – The objector must prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. An allegation of detriment that consists only of the applicant being delegated the string instead of the objector will not be sufficient for a finding of material detriment.

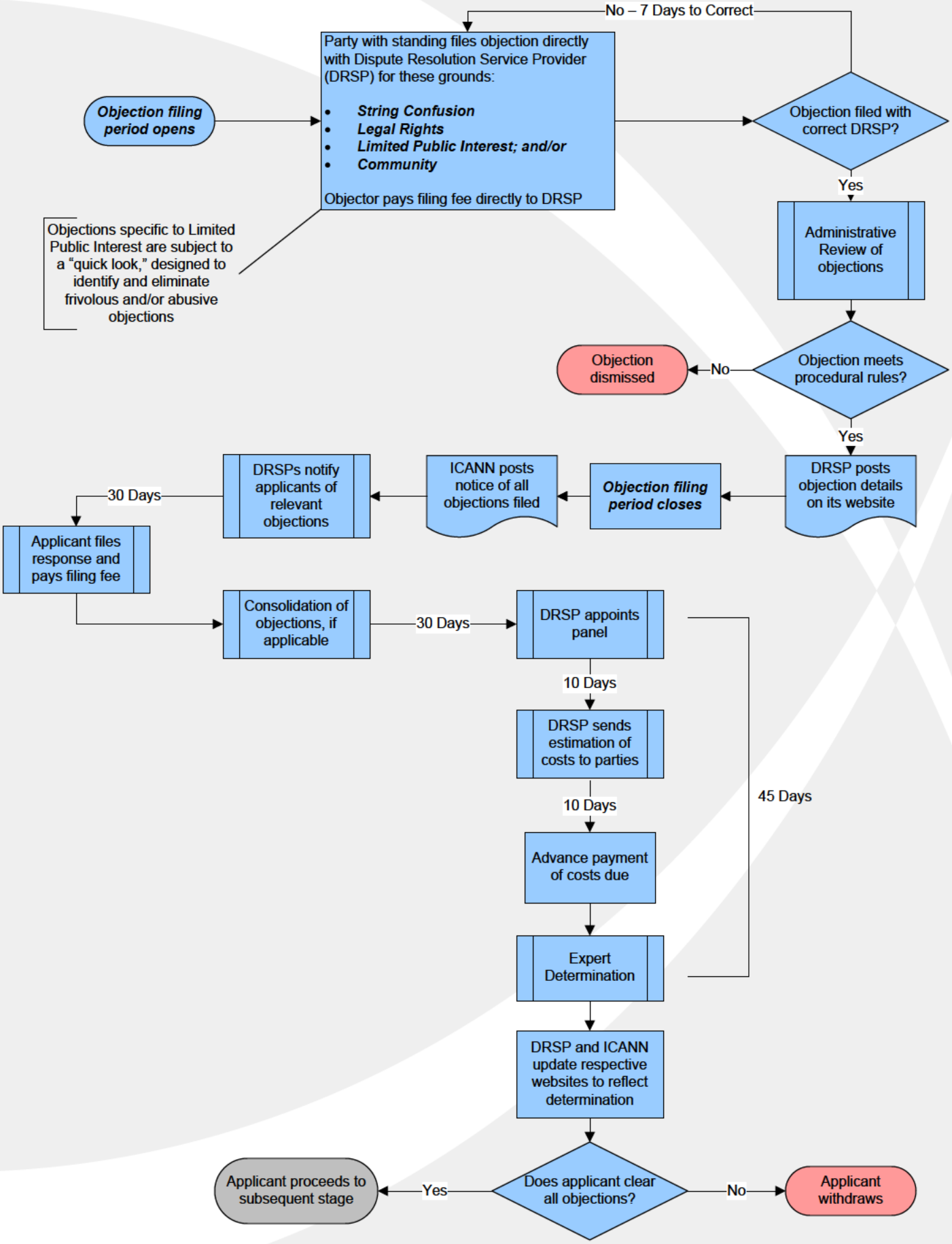
Factors that could be used by a panel in making this determination include but are not limited to:

- Nature and extent of damage to the reputation of the community represented by the objector that would result from the applicant's operation of the applied-for gTLD string;
- Evidence that the applicant is not acting or does not intend to act in accordance with the interests of the community or of users more widely, including evidence that the applicant has not proposed or does not intend to institute effective security protection for user interests;
- Interference with the core activities of the community that would result from the applicant's operation of the applied-for gTLD string;
- Dependence of the community represented by the objector on the DNS for its core activities;
- Nature and extent of concrete or economic damage to the community represented by the objector that would result from the applicant's operation of the applied-for gTLD string; and
- Level of certainty that alleged detrimental outcomes would occur.

If opposition by a community is determined, but there is no likelihood of material detriment to the targeted community resulting from the applicant's operation of the applied-for gTLD, the objection will fail.

The objector must meet all four tests in the standard for the objection to prevail.

DRAFT - New gTLD Program – Objection and Dispute Resolution



Attachment to Module 3

New gTLD Dispute Resolution Procedure

These Procedures were designed with an eye toward timely and efficient dispute resolution. As part of the New gTLD Program, these Procedures apply to all proceedings administered by each of the dispute resolution service providers (DRSP). Each of the DRSPs has a specific set of rules that will also apply to such proceedings.

NEW GTLD DISPUTE RESOLUTION PROCEDURE

Article 1. ICANN's New gTLD Program

(a) The Internet Corporation for Assigned Names and Numbers ("ICANN") has implemented a program for the introduction of new generic Top-Level Domain Names ("gTLDs") in the internet. There will be a succession of rounds, during which applicants may apply for new gTLDs, in accordance with terms and conditions set by ICANN.

(b) The new gTLD program includes a dispute resolution procedure, pursuant to which disputes between a person or entity who applies for a new gTLD and a person or entity who objects to that gTLD are resolved in accordance with this New gTLD Dispute Resolution Procedure (the "Procedure").

(c) Dispute resolution proceedings shall be administered by a Dispute Resolution Service Provider ("DRSP") in accordance with this Procedure and the applicable DRSP Rules that are identified in Article 4(b).

(d) By applying for a new gTLD, an applicant accepts the applicability of this Procedure and the applicable DRSP's Rules that are identified in Article 4(b); by filing an objection to a new gTLD, an objector accepts the applicability of this Procedure and the applicable DRSP's Rules that are identified in Article 4(b). The parties cannot derogate from this Procedure without the express approval of ICANN and from the applicable DRSP Rules without the express approval of the relevant DRSP.

Article 2. Definitions

(a) The "Applicant" or "Respondent" is an entity that has applied to ICANN for a new gTLD and that will be the party responding to the Objection.

(b) The "Objector" is one or more persons or entities who have filed an objection against a new gTLD for which an application has been submitted.

(c) The "Panel" is the panel of Experts, comprising one or three "Experts," that has been constituted by a DRSP in accordance with this Procedure and the applicable DRSP Rules that are identified in Article 4(b).

(d) The "Expert Determination" is the decision upon the merits of the Objection that is rendered by a Panel in a proceeding conducted under this Procedure and the applicable DRSP Rules that are identified in Article 4(b).

(e) The grounds upon which an objection to a new gTLD may be filed are set out in full in Module 3 of the Applicant Guidebook. Such grounds are identified in this Procedure, and are based upon the Final Report on the Introduction of New Generic Top-Level Domains, dated 7 August 2007, issued by the ICANN Generic Names Supporting Organization (GNSO), as follows:

(i) "String Confusion Objection" refers to the objection that the string comprising the potential gTLD is confusingly similar to an existing top-level domain or another string applied for in the same round of applications.

(ii) "Existing Legal Rights Objection" refers to the objection that the string comprising the potential new gTLD infringes the existing legal rights of others

that are recognized or enforceable under generally accepted and internationally recognized principles of law.

(iii) "Limited Public Interest Objection" refers to the objection that the string comprising the potential new gTLD is contrary to generally accepted legal norms relating to morality and public order that are recognized under principles of international law.

(iv) "Community Objection" refers to the objection that there is substantial opposition to the application from a significant portion of the community to which the string may be explicitly or implicitly targeted.

(f) "DRSP Rules" are the rules of procedure of a particular DRSP that have been identified as being applicable to objection proceedings under this Procedure.

Article 3. Dispute Resolution Service Providers

The various categories of disputes shall be administered by the following DRSPs:

(a) String Confusion Objections shall be administered by the International Centre for Dispute Resolution.

(b) Existing Legal Rights Objections shall be administered by the Arbitration and Mediation Center of the World Intellectual Property Organization.

(c) Limited Public Interest Objections shall be administered by the International Centre for Expertise of the International Chamber of Commerce.

(d) Community Objections shall be administered by the International Centre for Expertise of the International Chamber of Commerce.

Article 4. Applicable Rules

(a) All proceedings before the Panel shall be governed by this Procedure and by the DRSP Rules that apply to a particular category of objection. The outcome of the proceedings shall be deemed an Expert Determination, and the members of the Panel shall act as experts.

(b) The applicable DRSP Rules are the following:

(i) For a String Confusion Objection, the applicable DRSP Rules are the ICDR Supplementary Procedures for ICANN's New gTLD Program.

(ii) For an Existing Legal Rights Objection, the applicable DRSP Rules are the WIPO Rules for New gTLD Dispute Resolution.

(iii) For a Limited Public Interest Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC), as supplemented by the ICC as needed.

(iv) For a Community Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC), as supplemented by the ICC as needed.

(c) In the event of any discrepancy between this Procedure and the applicable DRSP Rules, this Procedure shall prevail.

(d) The place of the proceedings, if relevant, shall be the location of the DRSP that is administering the proceedings.

(e) In all cases, the Panel shall ensure that the parties are treated with equality, and that each party is given a reasonable opportunity to present its position.

Article 5. Language

(a) The language of all submissions and proceedings under this Procedure shall be English.

(b) Parties may submit supporting evidence in its original language, provided and subject to the authority of the Panel to determine otherwise, that such evidence is accompanied by a certified or otherwise official English translation of all relevant text.

Article 6. Communications and Time Limits

(a) All communications by the Parties with the DRSPs and Panels must be submitted electronically. A Party that wishes to make a submission that is not available in electronic form (e.g., evidentiary models) shall request leave from the Panel to do so, and the Panel, in its sole discretion, shall determine whether to accept the non-electronic submission.

(b) The DRSP, Panel, Applicant, and Objector shall provide copies to one another of all correspondence (apart from confidential correspondence between the Panel and the DRSP and among the Panel) regarding the proceedings.

(c) For the purpose of determining the date of commencement of a time limit, a notice or other communication shall be deemed to have been received on the day that it is transmitted in accordance with paragraphs (a) and (b) of this Article.

(d) For the purpose of determining compliance with a time limit, a notice or other communication shall be deemed to have been sent, made or transmitted if it is dispatched in accordance with paragraphs (a) and (b) of this Article prior to or on the day of the expiration of the time limit.

(e) For the purpose of calculating a period of time under this Procedure, such period shall begin to run on the day following the day when a notice or other communication is received.

(f) Unless otherwise stated, all time periods provided in the Procedure are calculated on the basis of calendar days

Article 7. Filing of the Objection

(a) A person wishing to object to a new gTLD for which an application has been submitted may file an objection ("Objection"). Any Objection to a proposed new gTLD must be filed before the published closing date for the Objection Filing period.

(b) The Objection must be filed with the appropriate DRSP, using a model form made available by that DRSP, with copies to ICANN and the Applicant.

(c) The electronic addresses for filing Objections (the specific addresses shall be made available once they are created by providers):

(i) A String Confusion Objection must be filed at: [●].

(ii) An Existing Legal Rights Objection must be filed at: [●].

(iii) A Limited Public Interest Objection must be filed at: [●].

(iv) A Community Objection must be filed at: [●].

(d) All Objections must be filed separately:

(i) An Objector who wishes to object to an application on more than one ground must file separate objections with the appropriate DRSP(s).

(ii) An Objector who wishes to object to more than one gTLD must file separate objections to each gTLD with the appropriate DRSP(s).

(e) If an Objection is filed with the wrong DRSP, that DRSP shall promptly notify the Objector of the error and that DRSP shall not process the incorrectly filed Objection. The Objector may then cure the error by filing its Objection with the correct DRSP within seven (7) days of receipt of the error notice, failing which the Objection shall be disregarded. If the Objection is filed with the correct DRSP within seven (7) days of receipt of the error notice but after the lapse of the time for submitting an Objection stipulation by Article 7(a) of this Procedure, it shall be deemed to be within this time limit.

Article 8. Content of the Objection

(a) The Objection shall contain, *inter alia*, the following information:

(i) The names and contact information (address, telephone number, email address, etc.) of the Objector;

(ii) A statement of the Objector's basis for standing; and

(iii) A description of the basis for the Objection, including:

(aa) A statement of the ground upon which the Objection is being filed, as stated in Article 2(e) of this Procedure;

(bb) An explanation of the validity of the Objection and why the objection should be upheld.

(b) The substantive portion of the Objection shall be limited to 5,000 words or 20 pages, whichever is less, excluding attachments. The Objector shall also describe and provide copies of any supporting or official documents upon which the Objection is based.

(c) At the same time as the Objection is filed, the Objector shall pay a filing fee in the amount set in accordance with the applicable DRSP Rules and include evidence of such payment in the Objection. In the event that the filing fee is not paid within ten (10) days of the receipt of the Objection by the DRSP, the Objection shall be dismissed without prejudice.

Article 9. Administrative Review of the Objection

(a) The DRSP shall conduct an administrative review of the Objection for the purpose of verifying compliance with Articles 5-8 of this Procedure and the applicable DRSP Rules, and inform the Objector, the Applicant and ICANN of the result of its review within

fourteen (14) days of its receipt of the Objection. The DRSP may extend this time limit for reasons explained in the notification of such extension.

(b) If the DRSP finds that the Objection complies with Articles 5-8 of this Procedure and the applicable DRSP Rules, the DRSP shall confirm that the Objection shall be registered for processing.

(c) If the DRSP finds that the Objection does not comply with Articles 5-8 of this Procedure and the applicable DRSP Rules, the DRSP shall have the discretion to request that any administrative deficiencies in the Objection be corrected within five (5) days. If the deficiencies in the Objection are cured within the specified period but after the lapse of the time limit for submitting an Objection stipulated by Article 7(a) of this Procedure, the Objection shall be deemed to be within this time limit.

(d) If the DRSP finds that the Objection does not comply with Articles 5-8 of this Procedure and the applicable DRSP Rules, and the deficiencies in the Objection are not corrected within the period specified in Article 9(c), the DRSP shall dismiss the Objection and close the proceedings, without prejudice to the Objector's submission of a new Objection that complies with this Procedure, provided that the Objection is filed within the deadline for filing such Objections. The DRSP's review of the Objection shall not interrupt the running of the time limit for submitting an Objection stipulated by Article 7(a) of this Procedure.

(e) Immediately upon registering an Objection for processing, pursuant to Article 9(b), the DRSP shall post the following information about the Objection on its website: (i) the proposed string to which the Objection is directed; (ii) the names of the Objector and the Applicant; (ii) the grounds for the Objection; and (iv) the dates of the DRSP's receipt of the Objection.

Article 10. ICANN's Dispute Announcement

(a) Within thirty (30) days of the deadline for filing Objections in relation to gTLD applications in a given round, ICANN shall publish a document on its website identifying all of the admissible Objections that have been filed (the "Dispute Announcement"). ICANN shall also directly inform each DRSP of the posting of the Dispute Announcement.

(b) ICANN shall monitor the progress of all proceedings under this Procedure and shall take steps, where appropriate, to coordinate with any DRSP in relation to individual applications for which objections are pending before more than one DRSP.

Article 11. Response to the Objection

(a) Upon receipt of the Dispute Announcement, each DRSP shall promptly send a notice to: (i) each Applicant for a new gTLD to which one or more admissible Objections have been filed with that DRSP; and (ii) the respective Objector(s).

(b) The Applicant shall file a response to each Objection (the "Response"). The Response shall be filed within thirty (30) days of the transmission of the notice by the DRSP pursuant to Article 11(a).

(c) The Response must be filed with the appropriate DRSP, using a model form made available by that DRSP, with copies to ICANN and the Objector.

(d) The Response shall contain, inter alia, the following information:

(i) The names and contact information (address, telephone number, email address, etc.) of the Applicant; and

(ii) A point-by-point response to the statements made in the Objection.

(e) The substantive portion of the Response shall be limited to 5,000 words or 20 pages, whichever is less, excluding attachments. The Applicant shall also describe and provide copies of any supporting or official documents upon which the Response is based.

(f) At the same time as the Response is filed, the Applicant shall pay a filing fee in the amount set and published by the relevant DRSP (which shall be the same as the filing fee paid by the Objector) and include evidence of such payment in the Response. In the event that the filing fee is not paid within ten (10) days of the receipt of the Response by the DRSP, the Applicant shall be deemed to be in default, any Response disregarded and the Objection shall be deemed successful.

(g) If the DRSP finds that the Response does not comply with Articles 11(c) and (d)(1) of this Procedure and the applicable DRSP Rules, the DRSP shall have the discretion to request that any administrative deficiencies in the Response be corrected within five (5) days. If the administrative deficiencies in the Response are cured within the specified period but after the lapse of the time limit for submitting a Response pursuant to this Procedure, the Response shall be deemed to be within this time limit.

(g) If the Applicant fails to file a Response to the Objection within the 30-day time limit, the Applicant shall be deemed to be in default and the Objection shall be deemed successful. No fees paid by the Applicant will be refunded in case of default.

Article 12. Consolidation of Objections

(a) The DRSP is encouraged, whenever possible and practicable, and as may be further stipulated in the applicable DRSP Rules, to consolidate Objections, for example, when more than one Objector has filed an Objection to the same gTLD on the same grounds. The DRSP shall endeavor to decide upon consolidation prior to issuing its notice pursuant to Article 11(a) and, where appropriate, shall inform the parties of the consolidation in that notice.

(b) If the DRSP itself has not decided to consolidate two or more Objections, any Applicant or Objector may propose the consolidation of Objections within seven (7) days of the notice given by the DRSP pursuant to Article 11(a). If, following such a proposal, the DRSP decides to consolidate certain Objections, which decision must be made within 14 days of the notice given by the DRSP pursuant to Article 11(a), the deadline for the Applicant's Response in the consolidated proceeding shall be thirty (30) days from the Applicant's receipt of the DRSP's notice of consolidation.

(c) In deciding whether to consolidate Objections, the DRSP shall weigh the benefits (in terms of time, cost, consistency of decisions, etc.) that may result from the consolidation against the possible prejudice or inconvenience that the consolidation may cause. The DRSP's determination on consolidation shall be final and not subject to appeal.

(d) Objections based upon different grounds, as summarized in Article 2(e), shall not be consolidated.

Article 13. The Panel

(a) The DRSP shall select and appoint the Panel of Expert(s) within thirty (30) days after receiving the Response.

(b) Number and specific qualifications of Expert(s):

(i) There shall be one Expert in proceedings involving a String Confusion Objection.

(ii) There shall be one Expert or, if all of the Parties so agree, three Experts with relevant experience in intellectual property rights disputes in proceedings involving an Existing Legal Rights Objection.

(iii) There shall be three Experts recognized as eminent jurists of international reputation, one of whom shall be designated as the Chair. The Chair shall be of a nationality different from the nationalities of the Applicant and of the Objector, in proceedings involving a Limited Public Interest Objection.

(iv) There shall be one Expert in proceedings involving a Community Objection.

(c) All Experts acting under this Procedure shall be impartial and independent of the parties. The applicable DRSP Rules stipulate the manner by which each Expert shall confirm and maintain their impartiality and independence.

(d) The applicable DRSP Rules stipulate the procedures for challenging an Expert and replacing an Expert.

(e) Unless required by a court of law or authorized in writing by the parties, an Expert shall not act in any capacity whatsoever, in any pending or future proceedings, whether judicial, arbitral or otherwise, relating to the matter referred to expert determination under this Procedure.

Article 14. Costs

(a) Each DRSP shall determine the costs for the proceedings that it administers under this Procedure in accordance with the applicable DRSP Rules. Such costs shall cover the fees and expenses of the members of the Panel, as well as the administrative fees of the DRSP (the "Costs").

(b) Within ten (10) days of constituting the Panel, the DRSP shall estimate the total Costs and request the Objector and the Applicant/Respondent each to pay in advance the full amount of the Costs to the DRSP. Each party shall make its advance payment of Costs within ten (10) days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the Parties shall be credited against the amounts due for this advance payment of Costs.

(c) The DRSP may revise its estimate of the total Costs and request additional advance payments from the parties during the proceedings.

(d) Failure to make an advance payment of Costs:

(i) If the Objector fails to make the advance payment of Costs, its Objection shall be dismissed and no fees that it has paid shall be refunded.

(ii) If the Applicant fails to make the advance payment of Costs, the Objection will be deemed to have been sustained and no fees that the Applicant has paid shall be refunded.

(e) Upon the termination of the proceedings, after the Panel has rendered its Expert Determination, the DRSP shall refund to the prevailing party, as determined by the Panel, its advance payment(s) of Costs.

Article 15. Representation and Assistance

(a) The parties may be represented or assisted by persons of their choice.

(b) Each party or party representative shall communicate the name, contact information and function of such persons to the DRSP and the other party (or parties in case of consolidation).

Article 16. Negotiation and Mediation

(a) The parties are encouraged, but not required, to participate in negotiations and/or mediation at any time throughout the dispute resolution process aimed at settling their dispute amicably.

(b) Each DRSP shall be able to propose, if requested by the parties, a person who could assist the parties as mediator.

(c) A person who acts as mediator for the parties shall not serve as an Expert in a dispute between the parties under this Procedure or any other proceeding under this Procedure involving the same gTLD.

(d) The conduct of negotiations or mediation shall not, *ipso facto*, be the basis for a suspension of the dispute resolution proceedings or the extension of any deadline under this Procedure. Upon the joint request of the parties, the DRSP or (after it has been constituted) the Panel may grant the extension of a deadline or the suspension of the proceedings. Absent exceptional circumstances, such extension or suspension shall not exceed thirty (30) days and shall not delay the administration of any other Objection.

(e) If, during negotiations and/or mediation, the parties agree on a settlement of the matter referred to the DRSP under this Procedure, the parties shall inform the DRSP, which shall terminate the proceedings, subject to the parties' payment obligation under this Procedure having been satisfied, and inform ICANN and the parties accordingly.

Article 17. Additional Written Submissions

(a) The Panel may decide whether the parties shall submit any written statements in addition to the Objection and the Response, and it shall fix time limits for such submissions.

(b) The time limits fixed by the Panel for additional written submissions shall not exceed thirty (30) days, unless the Panel, having consulted the DRSP, determines that exceptional circumstances justify a longer time limit.

Article 18. Evidence

In order to achieve the goal of resolving disputes over new gTLDs rapidly and at reasonable cost, procedures for the production of documents shall be limited. In exceptional cases, the Panel may require a party to provide additional evidence.

Article 19. Hearings

(a) Disputes under this Procedure and the applicable DRSP Rules will usually be resolved without a hearing.

(b) The Panel may decide, on its own initiative or at the request of a party, to hold a hearing only in extraordinary circumstances.

(c) In the event that the Panel decides to hold a hearing:

(i) The Panel shall decide how and where the hearing shall be conducted.

(ii) In order to expedite the proceedings and minimize costs, the hearing shall be conducted by videoconference if possible.

(iii) The hearing shall be limited to one day, unless the Panel decides, in exceptional circumstances, that more than one day is required for the hearing.

(iv) The Panel shall decide whether the hearing will be open to the public or conducted in private.

Article 20. Standards

(a) For each category of Objection identified in Article 2(e), the Panel shall apply the standards that have been defined by ICANN.

(b) In addition, the Panel may refer to and base its findings upon the statements and documents submitted and any rules or principles that it determines to be applicable.

(c) The Objector bears the burden of proving that its Objection should be sustained in accordance with the applicable standards.

Article 21. The Expert Determination

(a) The DRSP and the Panel shall make reasonable efforts to ensure that the Expert Determination is rendered within forty-five (45) days of the constitution of the Panel. In specific circumstances such as consolidated cases and in consultation with the DRSP, if significant additional documentation is requested by the Panel, a brief extension may be allowed.

(b) The Panel shall submit its Expert Determination in draft form to the DRSP's scrutiny as to form before it is signed, unless such scrutiny is specifically excluded by the applicable DRSP Rules. The modifications proposed by the DRSP to the Panel, if any, shall address only the form of the Expert Determination. The signed Expert Determination shall be communicated to the DRSP, which in turn will communicate that Expert Determination to the Parties and ICANN.

(c) When the Panel comprises three Experts, the Expert Determination shall be made by a majority of the Experts.

(d) The Expert Determination shall be in writing, shall identify the prevailing party and shall state the reasons upon which it is based. The remedies available to an Applicant or an Objector pursuant to any proceeding before a Panel shall be limited to the success or dismissal of an Objection and to the refund by the DRSP to the prevailing party, as determined by the Panel in its Expert Determination, of its advance payment(s) of Costs pursuant to Article 14(e) of this Procedure and any relevant provisions of the applicable DRSP Rules.

(e) The Expert Determination shall state the date when it is made, and it shall be signed by the Expert(s). If any Expert fails to sign the Expert Determination, it shall be accompanied by a statement of the reason for the absence of such signature.

(f) In addition to providing electronic copies of its Expert Determination, the Panel shall provide a signed hard copy of the Expert Determination to the DRSP, unless the DRSP Rules provide for otherwise.

(g) Unless the Panel decides otherwise, the Expert Determination shall be published in full on the DRSP's website.

Article 22. Exclusion of Liability

In addition to any exclusion of liability stipulated by the applicable DRSP Rules, neither the Expert(s), nor the DRSP and its employees, nor ICANN and its Board members, employees and consultants shall be liable to any person for any act or omission in connection with any proceeding conducted under this Procedure.

Article 23. Modification of the Procedure

(a) ICANN may from time to time, in accordance with its Bylaws, modify this Procedure.

(b) The version of this Procedure that is applicable to a dispute resolution proceeding is the version that was in effect on the day when the relevant application for a new gTLD is submitted.

gTLD Applicant Guidebook

(v. 2012-06-04)

Module 4

4 June 2012

Module 4

String Contention Procedures

This module describes situations in which contention over applied-for gTLD strings occurs, and the methods available to applicants for resolving such contention cases.

4.1 String Contention

String contention occurs when either:

1. Two or more applicants for an identical gTLD string successfully complete all previous stages of the evaluation and dispute resolution processes; or

2. Two or more applicants for similar gTLD strings successfully complete all previous stages of the evaluation and dispute resolution processes, and the similarity of the strings is identified as creating a probability of user confusion if more than one of the strings is delegated.

ICANN will not approve applications for proposed gTLD strings that are identical or that would result in user confusion, called contending strings. If either situation above occurs, such applications will proceed to contention resolution through either community priority evaluation, in certain cases, or through an auction. Both processes are described in this module. A group of applications for contending strings is referred to as a contention set.

(In this Applicant Guidebook, "similar" means strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.)

4.1.1 Identification of Contention Sets

Contention sets are groups of applications containing identical or similar applied-for gTLD strings. Contention sets are identified during Initial Evaluation, following review of all applied-for gTLD strings. ICANN will publish preliminary contention sets once the String Similarity review is completed, and will update the contention sets as necessary during the evaluation and dispute resolution stages.

Applications for identical gTLD strings will be automatically assigned to a contention set. For example, if Applicant A and Applicant B both apply for .TLDSTRING, they will be identified as being in a contention set. Such testing for identical strings also takes into consideration the code point variants listed in any relevant IDN table. That is, two or more applicants whose applied-for strings or designated variants are variant strings according to an IDN table submitted to ICANN would be considered in direct contention with one another. For example, if one applicant applies for string A and another applies for string B, and strings A and B are variant TLD strings as defined in Module 1, then the two applications are in direct contention.

The String Similarity Panel will also review the entire pool of applied-for strings to determine whether the strings proposed in any two or more applications are so similar that they would create a probability of user confusion if allowed to coexist in the DNS. The panel will make such a determination for each pair of applied-for gTLD strings. The outcome of the String Similarity review described in Module 2 is the identification of contention sets among applications that have direct or indirect contention relationships with one another.

Two strings are in **direct contention** if they are identical or similar to one another. More than two applicants might be represented in a direct contention situation: if four different applicants applied for the same gTLD string, they would all be in direct contention with one another.

Two strings are in **indirect contention** if they are both in direct contention with a third string, but not with one another. The example that follows explains direct and indirect contention in greater detail.

In Figure 4-1, Strings A and B are an example of direct contention. Strings C and G are an example of indirect contention. C and G both contend with B, but not with one another. The figure as a whole is one contention set. A contention set consists of all applications that are linked by string contention to one another, directly or indirectly.

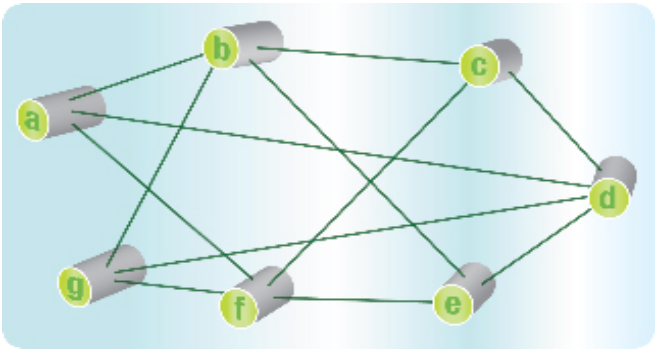


Figure 4-1 – This diagram represents one contention set, featuring both directly and indirectly contending strings.

While preliminary contention sets are determined during Initial Evaluation, the final configuration of the contention sets can only be established once the evaluation and dispute resolution process stages have concluded. This is because any application excluded through those processes might modify a contention set identified earlier.

A contention set may be augmented, split into two sets, or eliminated altogether as a result of an Extended Evaluation or dispute resolution proceeding. The composition of a contention set may also be modified as some applications may be voluntarily withdrawn throughout the process.

Refer to Figure 4-2: In contention set 1, applications D and G are eliminated. Application A is the only remaining application, so there is no contention left to resolve.

In contention set 2, all applications successfully complete Extended Evaluation and Dispute Resolution, so the original contention set remains to be resolved.

In contention set 3, application F is eliminated. Since application F was in direct contention with E and J, but E and J are not in contention with one other, the original contention set splits into two sets: one containing E and K in direct contention, and one containing I and J.

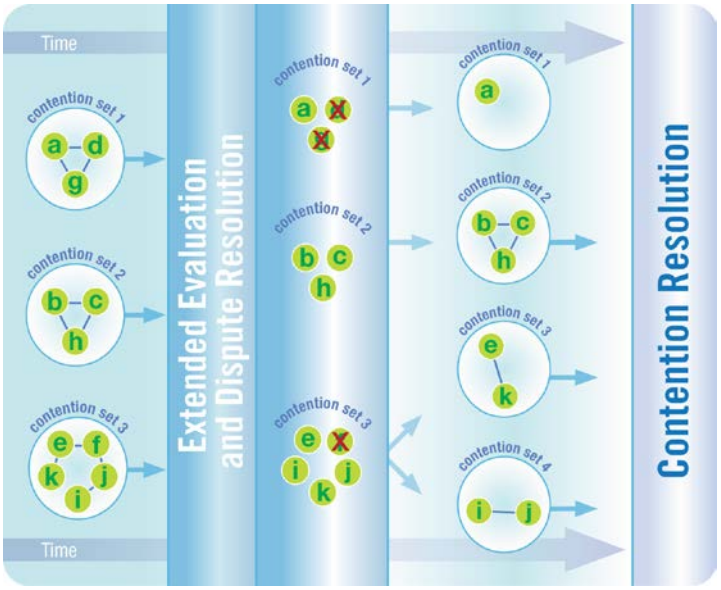


Figure 4-2 – Resolution of string contention cannot begin until all applicants within a contention set have completed all applicable previous stages.

The remaining contention cases must then be resolved through community priority evaluation or by other means, depending on the circumstances. In the string contention resolution stage, ICANN addresses each contention set to achieve an unambiguous resolution.

As described elsewhere in this guidebook, cases of contention might be resolved by community priority evaluation or an agreement among the parties. Absent that, the last-resort contention resolution mechanism will be an auction.

4.1.2 *Impact of String Confusion Dispute Resolution Proceedings on Contention Sets*

If an applicant files a string confusion objection against another application (refer to Module 3), and the panel finds that user confusion is probable (that is, finds in favor of the objector), the two applications will be placed in direct contention with each other. Thus, the outcome of a dispute resolution proceeding based on a string confusion objection would be a new contention set structure for the relevant applications, augmenting the original contention set.

If an applicant files a string confusion objection against another application, and the panel finds that string

confusion does not exist (that is, finds in favor of the responding applicant), the two applications will not be considered in direct contention with one another.

A dispute resolution outcome in the case of a string confusion objection filed by another applicant will not result in removal of an application from a previously established contention set.

4.1.3 Self-Resolution of String Contention

Applicants that are identified as being in contention are encouraged to reach a settlement or agreement among themselves that resolves the contention. This may occur at any stage of the process, once ICANN publicly posts the applications received and the preliminary contention sets on its website.

Applicants may resolve string contention in a manner whereby one or more applicants withdraw their applications. An applicant may not resolve string contention by selecting a new string or by replacing itself with a joint venture. It is understood that applicants may seek to establish joint ventures in their efforts to resolve string contention. However, material changes in applications (for example, combinations of applicants to resolve contention) will require re-evaluation. This might require additional fees or evaluation in a subsequent application round. Applicants are encouraged to resolve contention by combining in a way that does not materially affect the remaining application. Accordingly, new joint ventures must take place in a manner that does not materially change the application, to avoid being subject to re-evaluation.

4.1.4 Possible Contention Resolution Outcomes

An application that has successfully completed all previous stages and is no longer part of a contention set due to changes in the composition of the contention set (as described in subsection 4.1.1) or self-resolution by applicants in the contention set (as described in subsection 4.1.3) may proceed to the next stage.

An application that prevails in a contention resolution procedure, either community priority evaluation or auction, may proceed to the next stage.

In some cases, an applicant who is not the outright winner of a string contention resolution process can still proceed. This situation is explained in the following paragraphs.

If the strings within a given contention set are all identical, the applications are in direct contention with each other and there can only be one winner that proceeds to the next step.

However, where there are both direct and indirect contention situations within a set, more than one string may survive the resolution.

For example, consider a case where string A is in contention with B, and B is in contention with C, but C is not in contention with A. If A wins the contention resolution procedure, B is eliminated but C can proceed since C is not in direct contention with the winner and both strings can coexist in the DNS without risk for confusion.

4.2 Community Priority Evaluation

Community priority evaluation will only occur if a community-based applicant selects this option. Community priority evaluation can begin once all applications in the contention set have completed all previous stages of the process.

The community priority evaluation is an independent analysis. Scores received in the applicant reviews are not carried forward to the community priority evaluation. Each application participating in the community priority evaluation begins with a score of zero.

4.2.1 Eligibility for Community Priority Evaluation

As described in subsection 1.2.3 of Module 1, all applicants are required to identify whether their application type is:

- Community-based; or
- Standard.

Applicants designating their applications as community-based are also asked to respond to a set of questions in the application form to provide relevant information if a community priority evaluation occurs.

Only community-based applicants are eligible to participate in a community priority evaluation.

At the start of the contention resolution stage, all community-based applicants within remaining contention sets will be notified of the opportunity to opt for a community priority evaluation via submission of a deposit by a specified date. Only those applications for which a deposit has been received by the deadline will be scored in the community priority evaluation. Following the evaluation, the deposit will be refunded to applicants that score 14 or higher.

Before the community priority evaluation begins, the applicants who have elected to participate may be asked to provide additional information relevant to the community priority evaluation.

4.2.2 Community Priority Evaluation Procedure

Community priority evaluations for each eligible contention set will be performed by a community priority panel appointed by ICANN to review these applications. The panel's role is to determine whether any of the community-based applications fulfills the community priority criteria. Standard applicants within the contention set, if any, will not participate in the community priority evaluation.

If a single community-based application is found to meet the community priority criteria (see subsection 4.2.3 below), that applicant will be declared to prevail in the community priority evaluation and may proceed. If more than one community-based application is found to meet the criteria, the remaining contention between them will be resolved as follows:

- In the case where the applications are in indirect contention with one another (see subsection 4.1.1), they will both be allowed to proceed to the next stage. In this case, applications that are in direct contention with any of these community-based applications will be eliminated.
- In the case where the applications are in direct contention with one another, these applicants will proceed to an auction. If all parties agree and present a joint request, ICANN may postpone the auction for a three-month period while the parties attempt to reach a settlement before proceeding to auction. This is a one-time option; ICANN will grant no more than one such request for each set of contending applications.

If none of the community-based applications are found to meet the criteria, then all of the parties in the contention set (both standard and community-based applicants) will proceed to an auction.

Results of each community priority evaluation will be posted when completed.

Applicants who are eliminated as a result of a community priority evaluation are eligible for a partial refund of the gTLD evaluation fee (see Module 1).

4.2.3 Community Priority Evaluation Criteria

The Community Priority Panel will review and score the one or more community-based applications having elected the community priority evaluation against four criteria as listed below.

The scoring process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). This calls for a holistic approach, taking multiple criteria into account, as reflected in the process. The scoring will be performed by a panel and be based on information provided in the application plus other relevant information available (such as public information regarding the community represented). The panel may also perform independent research, if deemed necessary to reach informed scoring decisions.

It should be noted that a qualified community application eliminates all directly contending standard applications, regardless of how well qualified the latter may be. This is a fundamental reason for very stringent requirements for qualification of a community-based application, as embodied in the criteria below. Accordingly, a finding by the panel that an application does not meet the scoring threshold to prevail in a community priority evaluation is not necessarily an indication the community itself is in some way inadequate or invalid.

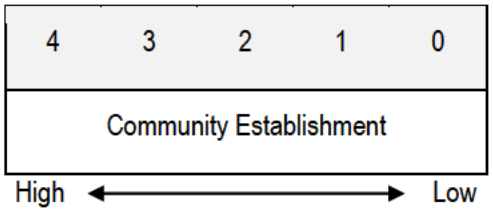
The sequence of the criteria reflects the order in which they will be assessed by the panel. The utmost care has been taken to avoid any "double-counting" - any negative aspect found in assessing an application for one criterion

should only be counted there and should not affect the assessment for other criteria.

An application must score at least 14 points to prevail in a community priority evaluation. The outcome will be determined according to the procedure described in subsection 4.2.2.

Criterion #1: Community Establishment (0-4 points)

A maximum of 4 points is possible on the Community Establishment criterion:



As measured by:

A. Delineation (2)

2	1	0
Clearly delineated, organized, and pre-existing community.	Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2.	Insufficient delineation and pre-existence for a score of 1.

B. Extension (2)

2	1	0
Community of considerable size and longevity.	Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2.	Community of neither considerable size nor longevity.

This section relates to the community as explicitly identified and defined according to statements in the application. (The implicit reach of the applied-for string is not

considered here, but taken into account when scoring Criterion #2, "Nexus between Proposed String and Community.")

Criterion 1 Definitions

- "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.
- "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.
- "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.
- "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.
- "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.

Criterion 1 Guidelines

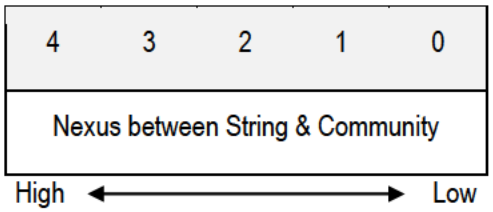
With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international 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.

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

Criterion #2: Nexus between Proposed String and Community (0-4 points)

A maximum of 4 points is possible on the Nexus criterion:



As measured by:

A. Nexus (3)

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

3	2	0

name.

B. Uniqueness (1)

1	0
String has no other significant meaning beyond identifying the community described in the application.	String does not fulfill the requirement for a score of 1.

This section evaluates the relevance of the string to the specific community that it claims to represent.

Criterion 2 Definitions

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

Criterion 2 Guidelines

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," 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.

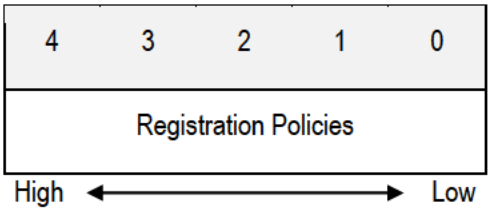
With respect to "Uniqueness," "significant meaning" relates to the public in general, with consideration of the community language context added.

"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."

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."

Criterion #3: Registration Policies (0-4 points)

A maximum of 4 points is possible on the Registration Policies criterion:



As measured by:

A. Eligibility (1)

1	0
Eligibility restricted to community members.	Largely unrestricted approach to eligibility.

B. Name selection (1)

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

C. Content and use (1)

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

D. Enforcement (1)

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

This section evaluates the applicant's registration policies as indicated in the application. Registration policies are the conditions that the future registry will set for prospective registrants, i.e. those desiring to register second-level domain names under the registry.

Criterion 3 Definitions

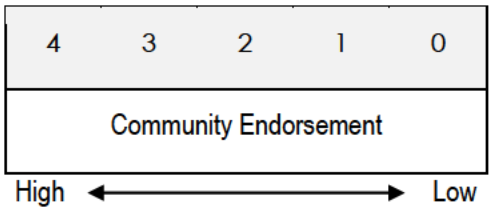
- "Eligibility" means the qualifications that entities or individuals must have in order to be allowed as registrants by the registry.
- "Name selection" means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.
- "Content and use" means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.
- "Enforcement" means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.

Criterion 3 Guidelines

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 is within the boundaries of the location.

With respect to "Name selection," "Content and use," and "Enforcement," scoring of applications against these sub-criteria 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.

Criterion #4: Community Endorsement (0-4 points)



As measured by:

A. Support (2)

2	1	0
Applicant is, or has documented support from, the recognized community institution(s)/ member organization(s) or has otherwise documented authority to represent the community.	Documented support from at least one group with relevance, but insufficient support for a score of 2.	Insufficient proof of support for a score of 1.

B. Opposition (2)

2	1	0
No opposition of relevance.	Relevant opposition from one group of non-negligible size.	Relevant opposition from two or more groups of non-negligible size.

This section evaluates community support and/or opposition to the application. Support and opposition will be scored in relation to the communities explicitly addressed as stated in the application, with due regard for the communities implicitly addressed by the string.

Criterion 4 Definitions

- "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by

the community members as representative of the community.

- "Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied-for string would be considered relevant.

Criterion 4 Guidelines

With respect to "Support," it follows that documented support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations.

Also with respect to "Support," the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2.

The applicant will score a 1 for "Support" if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on "Support" if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant community will not be required for a score of 2 regarding support.

To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.

When scoring "Opposition," previous objections to the application as well as public comments during the same application round will be taken into account and assessed

in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.

4.3 Auction: Mechanism of Last Resort

It is expected that most cases of contention will be resolved by the community priority evaluation, or through voluntary agreement among the involved applicants. Auction is a tie-breaker method for resolving string contention among the applications within a contention set, if the contention has not been resolved by other means.

An auction will not take place to resolve contention in the case where the contending applications are for geographic names (as defined in Module 2). In this case, the applications will be suspended pending resolution by the applicants.

An auction will take place, where contention has not already been resolved, in the case where an application for a geographic name is in a contention set with applications for similar strings that have not been identified as geographic names.

In practice, ICANN expects that most contention cases will be resolved through other means before reaching the auction stage. However, there is a possibility that significant funding will accrue to ICANN as a result of one or more auctions.[1]

[1] The purpose of an auction is to resolve contention in a clear, objective manner. It is planned that costs of the new gTLD program will offset by fees, so any funds coming from a last resort contention resolution mechanism such as auctions would result (after paying for the auction process) in additional funding. Any proceeds from auctions will be reserved and earmarked until the uses of funds are determined. Funds must be used in a manner that supports directly ICANN's Mission and Core Values and also allows ICANN to maintain its not for profit status.

Possible uses of auction funds include formation of a foundation with a clear mission and a transparent way to allocate funds to projects that are of interest to the greater Internet community, such as grants to support new gTLD applications or registry operators from communities in subsequent gTLD rounds, the creation of an ICANN-administered/community-based fund for specific projects for the benefit of the Internet community, the creation of a registry continuity fund for the protection of registrants (ensuring that funds would be in place to support the operation of a gTLD registry until a successor could be found), or establishment of a security fund to expand use of secure protocols, conduct research, and support standards development organizations in accordance with ICANN's security and stability mission.

4.3.1 Auction Procedures

An auction of two or more applications within a contention set is conducted as follows. The auctioneer successively increases the prices associated with applications within the contention set, and the respective applicants indicate their willingness to pay these prices. As the prices rise, applicants will successively choose to exit from the auction. When a sufficient number of applications have been eliminated so that no direct contentions remain (i.e., the remaining applications are no longer in contention with one another and all the relevant strings can be delegated as TLDs), the auction will be deemed to conclude. At the auction's conclusion, the applicants with remaining applications will pay the resulting prices and proceed toward delegation. This procedure is referred to as an "ascending-clock auction."

This section provides applicants an informal introduction to the practicalities of participation in an ascending-clock auction. It is intended only as a general introduction and is only preliminary. The detailed set of Auction Rules will be available prior to the commencement of any auction proceedings. If any conflict arises between this module and the auction rules, the auction rules will prevail.

For simplicity, this section will describe the situation where a contention set consists of two or more applications for identical strings.

All auctions will be conducted over the Internet, with participants placing their bids remotely using a web-based software system designed especially for auction. The auction software system will be compatible with current versions of most prevalent browsers, and will not require the local installation of any additional software.

Auction participants ("bidders") will receive instructions for access to the online auction site. Access to the site will be password-protected and bids will be encrypted through SSL. If a bidder temporarily loses connection to the Internet, that bidder may be permitted to submit its bids in a given auction round by fax, according to procedures described

The amount of funding resulting from auctions, if any, will not be known until all relevant applications have completed this step. Thus, a detailed mechanism for allocation of these funds is not being created at present. However, a process can be pre-established to enable community consultation in the event that such funds are collected. This process will include, at a minimum, publication of data on any funds collected, and public comment on any proposed models.

in the auction rules. The auctions will generally be conducted to conclude quickly, ideally in a single day.

The auction will be carried out in a series of auction rounds, as illustrated in Figure 4-3. The sequence of events is as follows:

1. For each auction round, the auctioneer will announce in advance: (1) the start-of-round price, (2) the end-of-round price, and (3) the starting and ending times of the auction round. In the first auction round, the start-of-round price for all bidders in the auction will be USD 0. In later auction rounds, the start-of-round price will be its end-of-round price from the previous auction round.

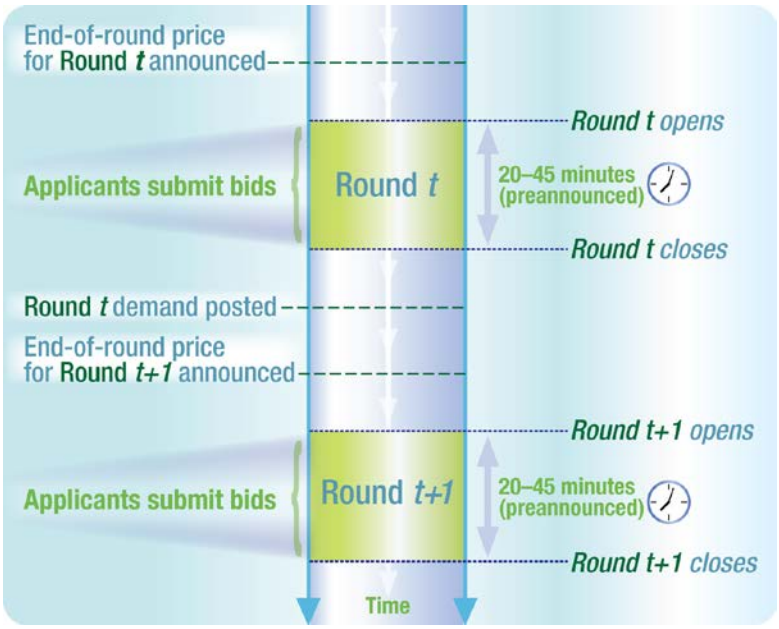


Figure 4-3 – Sequence of events during an ascending-clock auction.

2. During each auction round, bidders will be required to submit a bid or bids representing their willingness to pay within the range of intermediate prices between the start-of-round and end-of-round prices. In this way a bidder indicates its willingness to stay in the auction at all prices through and including the end-of-auction round price, or its wish to exit the auction at a price less than the end-of-auction round price, called the exit bid.

3. Exit is irrevocable. If a bidder exited the auction in a previous auction round, the bidder is not permitted to re-enter in the current auction round.

4. Bidders may submit their bid or bids at any time during the auction round.

5. Only bids that comply with all aspects of the auction rules will be considered valid. If more than one valid bid is submitted by a given bidder within the time limit of the auction round, the auctioneer will treat the last valid submitted bid as the actual bid.

6. At the end of each auction round, bids become the bidders' legally-binding offers to secure the relevant gTLD strings at prices up to the respective bid amounts, subject to closure of the auction in accordance with the auction rules. In later auction rounds, bids may be used to exit from the auction at subsequent higher prices.

7. After each auction round, the auctioneer will disclose the aggregate number of bidders remaining in the auction at the end-of-round prices for the auction round, and will announce the prices and times for the next auction round.

    - Each bid should consist of a single price associated with the application, and such price must be greater than or equal to the start-of-round price.

    - If the bid amount is strictly less than the end-of-round price, then the bid is treated as an exit bid at the specified amount, and it signifies the bidder's binding commitment to pay up to the bid amount if its application is approved.

    - If the bid amount is greater than or equal to the end-of-round price, then the bid signifies that the bidder wishes to remain in the auction at all prices in the current auction round, and it signifies the bidder's binding commitment to pay up to the end-of-round price if its application is approved. Following such bid, the application cannot be eliminated within the current auction round.

    - To the extent that the bid amount exceeds the end-of-round price, then the bid is also treated as a proxy bid to be carried forward to the next auction round. The bidder will be permitted to change the proxy bid amount in the next auction round, and the amount of the proxy bid will not constrain the bidder's ability to submit any valid bid amount in the next auction round.

- No bidder is permitted to submit a bid for any application for which an exit bid was received in a prior auction round. That is, once an application has exited the auction, it may not return.

- If no valid bid is submitted within a given auction round for an application that remains in the auction, then the bid amount is taken to be the amount of the proxy bid, if any, carried forward from the previous auction round or, if none, the bid is taken to be an exit bid at the start-of-round price for the current auction round.

8. This process continues, with the auctioneer increasing the price range for each given TLD string in each auction round, until there is one remaining bidder at the end-of-round price. After an auction round in which this condition is satisfied, the auction concludes and the auctioneer determines the clearing price. The last remaining application is deemed the successful application, and the associated bidder is obligated to pay the clearing price.

Figure 4-4 illustrates how an auction for five contending applications might progress.

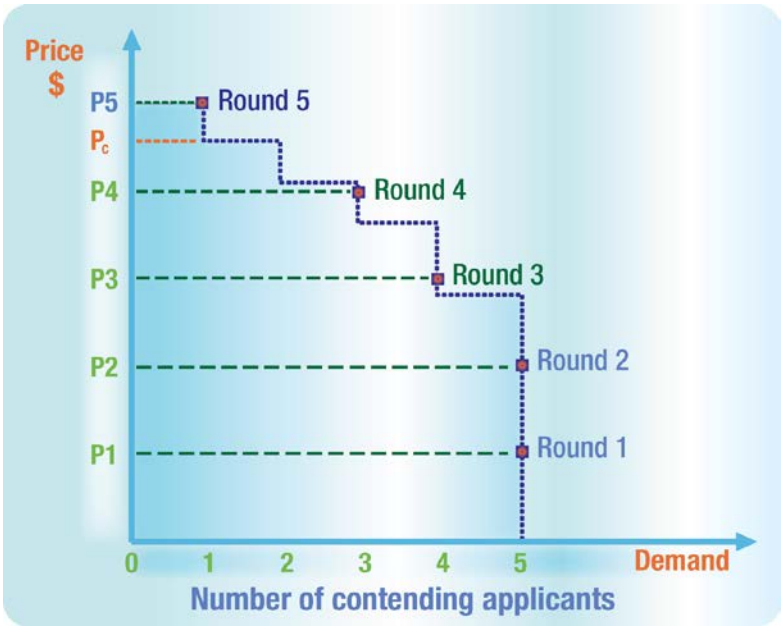


Figure 4-4 – Example of an auction for five mutually-contending applications.

- Before the first auction round, the auctioneer announces the end-of-round price P_1.
- During Auction round 1, a bid is submitted for each application. In Figure 4-4, all five bidders submit bids of at least P_1. Since the aggregate demand exceeds one, the auction proceeds to Auction round 2. The auctioneer discloses that five contending applications remained at P_1 and announces the end-of-round price P_2.
- During Auction round 2, a bid is submitted for each application. In Figure 4-4, all five bidders submit bids of at least P_2. The auctioneer discloses that five contending applications remained at P_2 and announces the end-of-round price P_3.
- During Auction round 3, one of the bidders submits an exit bid at slightly below P_3, while the other four bidders submit bids of at least P_3. The auctioneer discloses that four contending applications remained at P_3 and announces the end-of-round price P_4.
- During Auction round 4, one of the bidders submits an exit bid midway between P_3 and P_4, while the other three remaining bidders submit bids of at least P_4. The auctioneer discloses that three contending applications remained at P_4 and announces the end-of-auction round price P_5.
- During Auction round 5, one of the bidders submits an exit bid at slightly above P_4, and one of the bidders submits an exit bid at P_c midway between P_4 and P_5. The final bidder submits a bid greater than P_c. Since the aggregate demand at P_5 does not exceed one, the auction concludes in Auction round 5. The application associated with the highest bid in Auction round 5 is deemed the successful application. The clearing price is P_c, as this is the lowest price at which aggregate demand can be met.

To the extent possible, auctions to resolve multiple string contention situations will be conducted simultaneously.

4.3.1.1 Currency

For bids to be comparable, all bids in the auction will be submitted in any integer (whole) number of US dollars.

4.3.1.2 Fees

A bidding deposit will be required of applicants participating in the auction, in an amount to be determined. The bidding deposit must be transmitted by wire transfer to a specified bank account specified by ICANN or its auction provider at a major international bank, to be received in advance of the auction date. The amount of the deposit will determine a bidding limit for each bidder: the bidding deposit will equal 10% of the bidding limit; and the bidder will not be permitted to submit any bid in excess of its bidding limit.

In order to avoid the need for bidders to pre-commit to a particular bidding limit, bidders may be given the option of making a specified deposit that will provide them with unlimited bidding authority for a given application. The amount of the deposit required for unlimited bidding authority will depend on the particular contention set and will be based on an assessment of the possible final prices within the auction.

All deposits from non-defaulting losing bidders will be returned following the close of the auction.

4.3.2 Winning Bid Payments

Any applicant that participates in an auction will be required to sign a bidder agreement that acknowledges its rights and responsibilities in the auction, including that its bids are legally binding commitments to pay the amount bid if it wins (i.e., if its application is approved), and to enter into the prescribed registry agreement with ICANN—together with a specified penalty for defaulting on payment of its winning bid or failing to enter into the required registry agreement.

The winning bidder in any auction will be required to pay the full amount of the final price within 20 business days of the end of the auction. Payment is to be made by wire transfer to the same international bank account as the bidding deposit, and the applicant's bidding deposit will be credited toward the final price.

In the event that a bidder anticipates that it would require a longer payment period than 20 business days due to verifiable government-imposed currency restrictions, the bidder may advise ICANN well in advance of the auction and ICANN will consider applying a longer payment period to all bidders within the same contention set.

Any winning bidder for whom the full amount of the final price is not received within 20 business days of the end of an auction is subject to being declared in default. At their sole discretion, ICANN and its auction provider may delay the declaration of default for a brief period, but only if they are convinced that receipt of full payment is imminent.

Any winning bidder for whom the full amount of the final price is received within 20 business days of the end of an auction retains the obligation to execute the required registry agreement within 90 days of the end of auction. Such winning bidder who does not execute the agreement within 90 days of the end of the auction is subject to being declared in default. At their sole discretion, ICANN and its auction provider may delay the declaration of default for a brief period, but only if they are convinced that execution of the registry agreement is imminent.

4.3.3 Post-Default Procedures

Once declared in default, any winning bidder is subject to immediate forfeiture of its position in the auction and assessment of default penalties. After a winning bidder is declared in default, the remaining bidders will receive an offer to have their applications accepted, one at a time, in descending order of their exit bids. In this way, the next bidder would be declared the winner subject to payment of its last bid price. The same default procedures and penalties are in place for any runner-up bidder receiving such an offer.

Each bidder that is offered the relevant gTLD will be given a specified period—typically, four business days—to respond as to whether it wants the gTLD. A bidder who responds in the affirmative will have 20 business days to submit its full payment. A bidder who declines such an offer cannot revert on that statement, has no further obligations in this context and will not be considered in default.

The penalty for defaulting on a winning bid will equal 10% of the defaulting bid.[2] Default penalties will be charged against any defaulting applicant's bidding deposit before the associated bidding deposit is returned.

[2] If bidders were given the option of making a specified deposit that provided them with unlimited bidding authority for a given application and if the winning bidder utilized this option, then the penalty for defaulting on a winning bid will be the lesser of the following: (1) 10% of the defaulting bid, or (2) the specified deposit amount that provided the bidder with unlimited bidding authority.

4.4 Contention Resolution and Contract Execution

An applicant that has been declared the winner of a contention resolution process will proceed by entering into the contract execution step. (Refer to section 5.1 of Module 5.)

If a winner of the contention resolution procedure has not executed a contract within 90 calendar days of the decision, ICANN has the right to deny that application and extend an offer to the runner-up applicant, if any, to proceed with its application. For example, in an auction, another applicant who would be considered the runner-up applicant might proceed toward delegation. This offer is at ICANN's option only. The runner-up applicant in a contention resolution process has no automatic right to an applied-for gTLD string if the first place winner does not execute a contract within a specified time. If the winning applicant can demonstrate that it is working diligently and in good faith toward successful completion of the steps necessary for entry into the registry agreement, ICANN may extend the 90-day period at its discretion. Runner-up applicants have no claim of priority over the winning application, even after what might be an extended period of negotiation.

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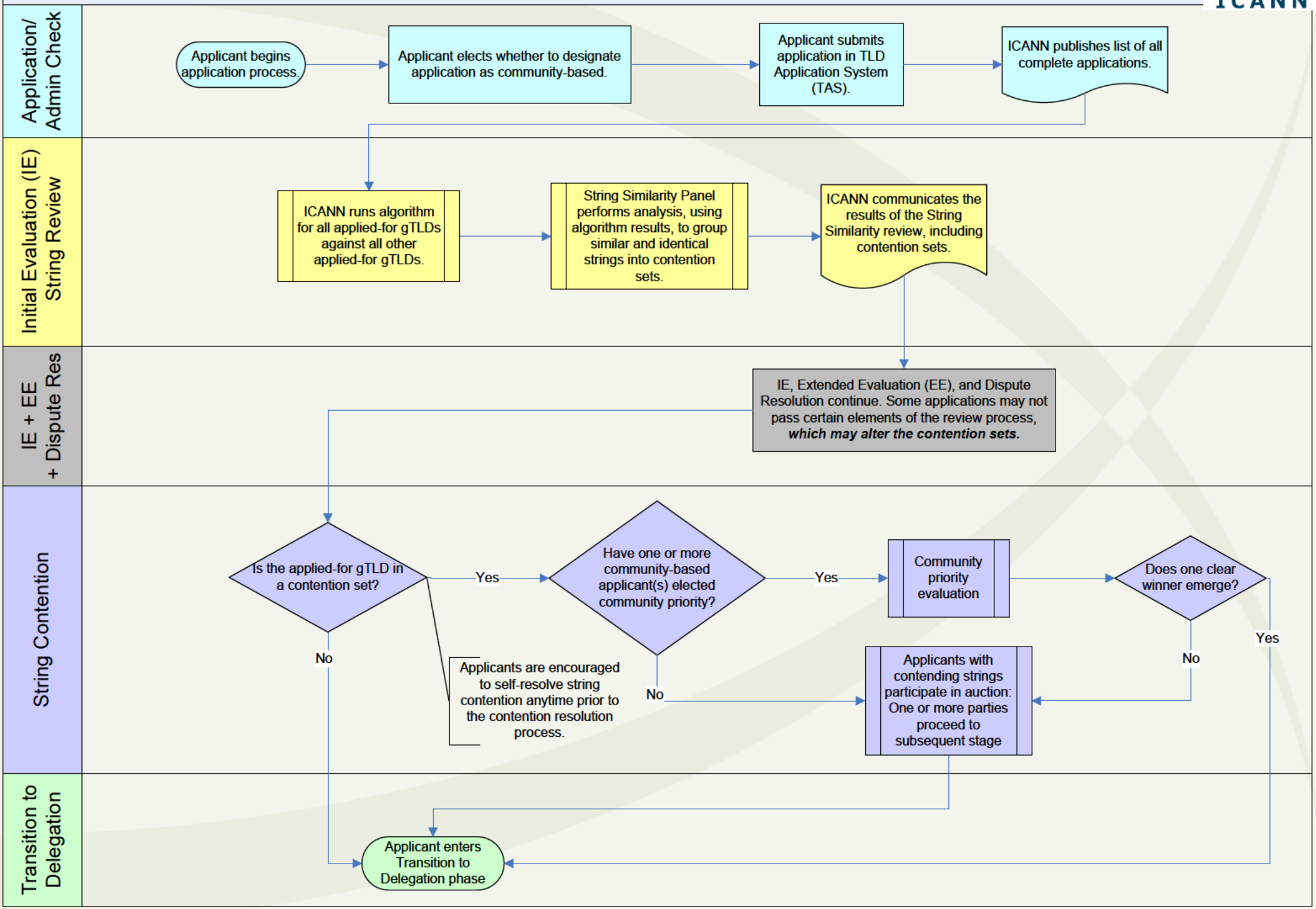


gTLD Applicant Guidebook

(v. 2012-06-04)

Module 5

4 June 2012

Module 5

Transition to Delegation

This module describes the final steps required of an applicant for completion of the process, including execution of a registry agreement with ICANN and preparing for delegation of the new gTLD into the root zone.

5.1 Registry Agreement

All applicants that have successfully completed the evaluation process—including, if necessary, the dispute resolution and string contention processes—are required to enter into a registry agreement with ICANN before proceeding to delegation.

After the close of each stage in the process, ICANN will send a notification to those successful applicants that are eligible for execution of a registry agreement at that time.

To proceed, applicants will be asked to provide specified information for purposes of executing the registry agreement:

1. Documentation of the applicant's continued operations instrument (see Specification 8 to the agreement).

2. Confirmation of contact information and signatory to the agreement.

3. Notice of any material changes requested to the terms of the agreement.

4. The applicant must report: (i) any ownership interest it holds in any registrar or reseller of registered names, (ii) if known, any ownership interest that a registrar or reseller of registered names holds in the applicant, and (iii) if the applicant controls, is controlled by, or is under common control with any registrar or reseller of registered names. ICANN retains the right to refer an application to a competition authority prior to entry into the registry agreement if it is determined that the registry-registrar cross-ownership

arrangements might raise competition issues. For this purpose "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise.

To ensure that an applicant continues to be a going concern in good legal standing, ICANN reserves the right to ask the applicant to submit additional updated documentation and information before entering into the registry agreement.

ICANN will begin processing registry agreements one month after the date of the notification to successful applicants. Requests will be handled in the order the complete information is received.

Generally, the process will include formal approval of the agreement without requiring additional Board review, so long as: the application passed all evaluation criteria; there are no material changes in circumstances; and there are no material changes to the base agreement. There may be other cases where the Board requests review of an application.

Eligible applicants are expected to have executed the registry agreement within nine (9) months of the notification date. Failure to do so may result in loss of eligibility, at ICANN's discretion. An applicant may request an extension of this time period for up to an additional nine (9) months if it can demonstrate, to ICANN's reasonable satisfaction, that it is working diligently and in good faith toward successfully completing the steps necessary for entry into the registry agreement.

The registry agreement can be reviewed in the attachment to this module. Certain provisions in the agreement are labeled as applicable to governmental and intergovernmental entities only. Private entities, even if supported by a government or IGO, would not ordinarily be eligible for these special provisions.

All successful applicants are expected to enter into the agreement substantially as written. Applicants may request and negotiate terms by exception; however, this extends

the time involved in executing the agreement. In the event that material changes to the agreement are requested, these must first be approved by the ICANN Board of Directors before execution of the agreement.

ICANN's Board of Directors has ultimate responsibility for the New gTLD Program. The Board reserves the right to individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet community. Under exceptional circumstances, the Board may individually consider a gTLD application. For example, the Board might individually consider an application as a result of GAC Advice on New gTLDs or of the use of an ICANN accountability mechanism.

5.2 Pre-Delegation Testing

Each applicant will be required to complete pre-delegation technical testing as a prerequisite to delegation into the root zone. This pre-delegation test must be completed within the time period specified in the registry agreement.

The purpose of the pre-delegation technical test is to verify that the applicant has met its commitment to establish registry operations in accordance with the technical and operational criteria described in Module 2.

The test is also intended to indicate that the applicant can operate the gTLD in a stable and secure manner. All applicants will be tested on a pass/fail basis according to the requirements that follow.

The test elements cover both the DNS server operational infrastructure and registry system operations. In many cases the applicant will perform the test elements as instructed and provide documentation of the results to ICANN to demonstrate satisfactory performance. At ICANN's discretion, aspects of the applicant's self-certification documentation can be audited either on-site at the services delivery point of the registry or elsewhere as determined by ICANN.

5.2.1 Testing Procedures

The applicant may initiate the pre-delegation test by submitting to ICANN the Pre-Delegation form and accompanying documents containing all of the following information:

- All name server names and IPv4/IPv6 addresses to be used in serving the new TLD data;
- If using anycast, the list of names and IPv4/IPv6 unicast addresses allowing the identification of each individual server in the anycast sets;
- If IDN is supported, the complete IDN tables used in the registry system;
- A test zone for the new TLD must be signed at test time and the valid key-set to be used at the time of testing must be provided to ICANN in the documentation, as well as the TLD DNSSEC Policy Statement (DPS);
- The executed agreement between the selected escrow agent and the applicant; and
- Self-certification documentation as described below for each test item.

ICANN will review the material submitted and in some cases perform tests in addition to those conducted by the applicant. After testing, ICANN will assemble a report with the outcome of the tests and provide that report to the applicant.

Any clarification request, additional information request, or other request generated in the process will be highlighted and listed in the report sent to the applicant.

ICANN may request the applicant to complete load tests considering an aggregated load where a single entity is performing registry services for multiple TLDs.

Once an applicant has met all of the pre-delegation testing requirements, it is eligible to request delegation of its applied-for gTLD.

If an applicant does not complete the pre-delegation steps within the time period specified in the registry agreement, ICANN reserves the right to terminate the registry agreement.

5.2.2 Test Elements: DNS Infrastructure

The first set of test elements concerns the DNS infrastructure of the new gTLD. In all tests of the DNS infrastructure, all requirements are independent of whether IPv4 or IPv6 is used. All tests shall be done both over IPv4 and IPv6, with reports providing results according to both protocols.

UDP Support -- The DNS infrastructure to which these tests apply comprises the complete set of servers and network infrastructure to be used by the chosen providers to deliver DNS service for the new gTLD to the Internet. The documentation provided by the applicant must include the results from a system performance test indicating available network and server capacity and an estimate of expected capacity during normal operation to ensure stable service as well as to adequately address Distributed Denial of Service (DDoS) attacks.

Self-certification documentation shall include data on load capacity, latency and network reachability.

Load capacity shall be reported using a table, and a corresponding graph, showing percentage of queries responded against an increasing number of queries per second generated from local (to the servers) traffic generators. The table shall include at least 20 data points and loads of UDP-based queries that will cause up to 10% query loss against a randomly selected subset of servers within the applicant's DNS infrastructure. Responses must either contain zone data or be NXDOMAIN or NODATA responses to be considered valid.

Query latency shall be reported in milliseconds as measured by DNS probes located just outside the border routers of the physical network hosting the name servers, from a network topology point of view.

Reachability will be documented by providing information on the transit and peering arrangements for the DNS server locations, listing the AS numbers of the transit providers or peers at each point of presence and available bandwidth at those points of presence.

TCP support -- TCP transport service for DNS queries and responses must be enabled and provisioned for expected load. ICANN will review the capacity self-certification documentation provided by the applicant and will perform TCP reachability and transaction capability tests across a

randomly selected subset of the name servers within the applicant's DNS infrastructure. In case of use of anycast, each individual server in each anycast set will be tested.

Self-certification documentation shall include data on load capacity, latency and external network reachability.

Load capacity shall be reported using a table, and a corresponding graph, showing percentage of queries that generated a valid (zone data, NODATA, or NXDOMAIN) response against an increasing number of queries per second generated from local (to the name servers) traffic generators. The table shall include at least 20 data points and loads that will cause up to 10% query loss (either due to connection timeout or connection reset) against a randomly selected subset of servers within the applicant's DNS infrastructure.

Query latency will be reported in milliseconds as measured by DNS probes located just outside the border routers of the physical network hosting the name servers, from a network topology point of view.

Reachability will be documented by providing records of TCP-based DNS queries from nodes external to the network hosting the servers. These locations may be the same as those used for measuring latency above.

DNSSEC support -- Applicant must demonstrate support for EDNS(0) in its server infrastructure, the ability to return correct DNSSEC-related resource records such as DNSKEY, RRSIG, and NSEC/NSEC3 for the signed zone, and the ability to accept and publish DS resource records from second-level domain administrators. In particular, the applicant must demonstrate its ability to support the full life cycle of KSK and ZSK keys. ICANN will review the self-certification materials as well as test the reachability, response sizes, and DNS transaction capacity for DNS queries using the EDNS(0) protocol extension with the "DNSSEC OK" bit set for a randomly selected subset of all name servers within the applicant's DNS infrastructure. In case of use of anycast, each individual server in each anycast set will be tested.

Load capacity, query latency, and reachability shall be documented as for UDP and TCP above.

5.2.3 Test Elements: Registry Systems

As documented in the registry agreement, registries must provide support for EPP within their Shared Registration System, and provide Whois service both via port 43 and a web interface, in addition to support for the DNS. This section details the requirements for testing these registry systems.

System performance -- The registry system must scale to meet the performance requirements described in Specification 10 of the registry agreement and ICANN will require self-certification of compliance. ICANN will review the self-certification documentation provided by the applicant to verify adherence to these minimum requirements.

Whois support -- Applicant must provision Whois services for the anticipated load. ICANN will verify that Whois data is accessible over IPv4 and IPv6 via both TCP port 43 and via a web interface and review self-certification documentation regarding Whois transaction capacity. Response format according to Specification 4 of the registry agreement and access to Whois (both port 43 and via web) will be tested by ICANN remotely from various points on the Internet over both IPv4 and IPv6.

Self-certification documents shall describe the maximum number of queries per second successfully handled by both the port 43 servers as well as the web interface, together with an applicant-provided load expectation.

Additionally, a description of deployed control functions to detect and mitigate data mining of the Whois database shall be documented.

EPP Support -- As part of a shared registration service, applicant must provision EPP services for the anticipated load. ICANN will verify conformance to appropriate RFCs (including EPP extensions for DNSSEC). ICANN will also review self-certification documentation regarding EPP transaction capacity.

Documentation shall provide a maximum Transaction per Second rate for the EPP interface with 10 data points corresponding to registry database sizes from 0 (empty) to the expected size after one year of operation, as determined by applicant.

Documentation shall also describe measures taken to handle load during initial registry operations, such as a land-rush period.

IPv6 support -- The ability of the registry to support registrars adding, changing, and removing IPv6 DNS records supplied by registrants will be tested by ICANN. If the registry supports EPP access via IPv6, this will be tested by ICANN remotely from various points on the Internet.

DNSSEC support -- ICANN will review the ability of the registry to support registrars adding, changing, and removing DNSSEC-related resource records as well as the registry's overall key management procedures. In particular, the applicant must demonstrate its ability to support the full life cycle of key changes for child domains. Inter-operation of the applicant's secure communication channels with the IANA for trust anchor material exchange will be verified.

The practice and policy document (also known as the DNSSEC Policy Statement or DPS), describing key material storage, access and usage for its own keys is also reviewed as part of this step.

IDN support -- ICANN will verify the complete IDN table(s) used in the registry system. The table(s) must comply with the guidelines in http://iana.org/procedures/idn-repository.html.

Requirements related to IDN for Whois are being developed. After these requirements are developed, prospective registries will be expected to comply with published IDN-related Whois requirements as part of pre-delegation testing.

Escrow deposit -- The applicant-provided samples of data deposit that include both a full and an incremental deposit showing correct type and formatting of content will be reviewed. Special attention will be given to the agreement with the escrow provider to ensure that escrowed data can be released within 24 hours should it be necessary. ICANN may, at its option, ask an independent third party to demonstrate the reconstitutability of the registry from escrowed data. ICANN may elect to test the data release process with the escrow agent.

5.3 Delegation Process

Upon notice of successful completion of the ICANN pre-delegation testing, applicants may initiate the process for delegation of the new gTLD into the root zone database.

This will include provision of additional information and completion of additional technical steps required for delegation. Information about the delegation process is available at http://iana.org/domains/root/.

5.4 Ongoing Operations

An applicant that is successfully delegated a gTLD will become a "Registry Operator." In being delegated the role of operating part of the Internet's domain name system, the applicant will be assuming a number of significant responsibilities. ICANN will hold all new gTLD operators accountable for the performance of their obligations under the registry agreement, and it is important that all applicants understand these responsibilities.

5.4.1 What is Expected of a Registry Operator

The registry agreement defines the obligations of gTLD registry operators. A breach of the registry operator's obligations may result in ICANN compliance actions up to and including termination of the registry agreement. Prospective applicants are encouraged to review the following brief description of some of these responsibilities.

Note that this is a non-exhaustive list provided to potential applicants as an introduction to the responsibilities of a registry operator. For the complete and authoritative text, please refer to the registry agreement.

A registry operator is obligated to:

Operate the TLD in a stable and secure manner. The registry operator is responsible for the entire technical operation of the TLD. As noted in RFC 1591[1]:

"The designated manager must do a satisfactory job of operating the DNS service for the domain. That is, the actual management of the assigning of domain names, delegating subdomains and operating nameservers must be done with technical competence. This includes keeping

[1] See http://www.rfc-editor.org/rfc/rfc1591.txt

the central IR[2] (in the case of top-level domains) or other higher-level domain manager advised of the status of the domain, responding to requests in a timely manner, and operating the database with accuracy, robustness, and resilience."

The registry operator is required to comply with relevant technical standards in the form of RFCs and other guidelines. Additionally, the registry operator must meet performance specifications in areas such as system downtime and system response times (see Specifications 6 and 10 of the registry agreement).

Comply with consensus policies and temporary policies. gTLD registry operators are required to comply with consensus policies. Consensus policies may relate to a range of topics such as issues affecting interoperability of the DNS, registry functional and performance specifications, database security and stability, or resolution of disputes over registration of domain names.

To be adopted as a consensus policy, a policy must be developed by the Generic Names Supporting Organization (GNSO)[3] following the process in Annex A of the ICANN Bylaws.[4] The policy development process involves deliberation and collaboration by the various stakeholder groups participating in the process, with multiple opportunities for input and comment by the public, and can take significant time.

Examples of existing consensus policies are the Inter-Registrar Transfer Policy (governing transfers of domain names between registrars), and the Registry Services Evaluation Policy (establishing a review of proposed new registry services for security and stability or competition concerns), although there are several more, as found at http://www.icann.org/en/general/consensus-policies.htm.

gTLD registry operators are obligated to comply with both existing consensus policies and those that are developed in the future. Once a consensus policy has been formally adopted, ICANN will provide gTLD registry operators with notice of the requirement to implement the new policy and the effective date.

[2] IR is a historical reference to "Internet Registry," a function now performed by ICANN.
[3] http://gnso.icann.org
[4] http://www.icann.org/en/general/bylaws.htm#AnnexA

In addition, the ICANN Board may, when required by circumstances, establish a temporary policy necessary to maintain the stability or security of registry services or the DNS. In such a case, all gTLD registry operators will be required to comply with the temporary policy for the designated period of time.

For more information, see Specification 1 of the registry agreement.

Implement start-up rights protection measures. The registry operator must implement, at a minimum, a Sunrise period and a Trademark Claims service during the start-up phases for registration in the TLD, as provided in the registry agreement. These mechanisms will be supported by the established Trademark Clearinghouse as indicated by ICANN.

The Sunrise period allows eligible rightsholders an early opportunity to register names in the TLD.

The Trademark Claims service provides notice to potential registrants of existing trademark rights, as well as notice to rightsholders of relevant names registered. Registry operators may continue offering the Trademark Claims service after the relevant start-up phases have concluded.

For more information, see Specification 7 of the registry agreement and the Trademark Clearinghouse model accompanying this module.

Implement post-launch rights protection measures. The registry operator is required to implement decisions made under the Uniform Rapid Suspension (URS) procedure, including suspension of specific domain names within the registry. The registry operator is also required to comply with and implement decisions made according to the Trademark Post-Delegation Dispute Resolution Policy (PDDRP).

The required measures are described fully in the URS and PDDRP procedures accompanying this module. Registry operators may introduce additional rights protection measures relevant to the particular gTLD.

Implement measures for protection of country and territory names in the new gTLD. All new gTLD registry operators are required to provide certain minimum protections for country and territory names, including an initial reservation requirement and establishment of applicable rules and

procedures for release of these names. The rules for release can be developed or agreed to by governments, the GAC, and/or approved by ICANN after a community discussion. Registry operators are encouraged to implement measures for protection of geographical names in addition to those required by the agreement, according to the needs and interests of each gTLD's particular circumstances. (See Specification 5 of the registry agreement).

Pay recurring fees to ICANN. In addition to supporting expenditures made to accomplish the objectives set out in ICANN's mission statement, these funds enable the support required for new gTLDs, including: contractual compliance, registry liaison, increased registrar accreditations, and other registry support activities. The fees include both a fixed component (USD 25,000 annually) and, where the TLD exceeds a transaction volume, a variable fee based on transaction volume. See Article 6 of the registry agreement.

Regularly deposit data into escrow. This serves an important role in registrant protection and continuity for certain instances where the registry or one aspect of the registry operations experiences a system failure or loss of data. (See Specification 2 of the registry agreement.)

Deliver monthly reports in a timely manner. A registry operator must submit a report to ICANN on a monthly basis. The report includes registrar transactions for the month and is used by ICANN for calculation of registrar fees. (See Specification 3 of the registry agreement.)

Provide Whois service. A registry operator must provide a publicly available Whois service for registered domain names in the TLD. (See Specification 4 of the registry agreement.)

Maintain partnerships with ICANN-accredited registrars. A registry operator creates a Registry-Registrar Agreement (RRA) to define requirements for its registrars. This must include certain terms that are specified in the Registry Agreement, and may include additional terms specific to the TLD. A registry operator must provide non-discriminatory access to its registry services to all ICANN-accredited registrars with whom it has entered into an RRA, and who are in compliance with the requirements. This includes providing advance notice of pricing changes to all

registrars, in compliance with the time frames specified in the agreement. (See Article 2 of the registry agreement.)

Maintain an abuse point of contact. A registry operator must maintain and publish on its website a single point of contact responsible for addressing matters requiring expedited attention and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. A registry operator must also take reasonable steps to investigate and respond to any reports from law enforcement, governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD. (See Article 2 and Specification 6 of the registry agreement.)

Cooperate with contractual compliance audits. To maintain a level playing field and a consistent operating environment, ICANN staff performs periodic audits to assess contractual compliance and address any resulting problems. A registry operator must provide documents and information requested by ICANN that are necessary to perform such audits. (See Article 2 of the registry agreement.)

Maintain a Continued Operations Instrument. A registry operator must, at the time of the agreement, have in place a continued operations instrument sufficient to fund basic registry operations for a period of three (3) years. This requirement remains in place for five (5) years after delegation of the TLD, after which time the registry operator is no longer required to maintain the continued operations instrument. (See Specification 8 to the registry agreement.)

Maintain community-based policies and procedures. If the registry operator designated its application as community-based at the time of the application, the registry operator has requirements in its registry agreement to maintain the community-based policies and procedures it specified in its application. The registry operator is bound by the Registry Restrictions Dispute Resolution Procedure with respect to disputes regarding execution of its community-based policies and procedures. (See Article 2 to the registry agreement.)

Have continuity and transition plans in place. This includes performing failover testing on a regular basis. In the event that a transition to a new registry operator becomes necessary, the registry operator is expected to cooperate

by consulting with ICANN on the appropriate successor, providing the data required to enable a smooth transition, and complying with the applicable registry transition procedures. (See Articles 2 and 4 of the registry agreement.)

Make TLD zone files available via a standardized process. This includes provision of access to the registry's zone file to credentialed users, according to established access, file, and format standards. The registry operator will enter into a standardized form of agreement with zone file users and will accept credential information for users via a clearinghouse. (See Specification 4 of the registry agreement.)

Implement DNSSEC. The registry operator is required to sign the TLD zone files implementing Domain Name System Security Extensions (DNSSEC) in accordance with the relevant technical standards. The registry must accept public key material from registrars for domain names registered in the TLD, and publish a DNSSEC Policy Statement describing key material storage, access, and usage for the registry's keys. (See Specification 6 of the registry agreement.)

5.4.2 What is Expected of ICANN

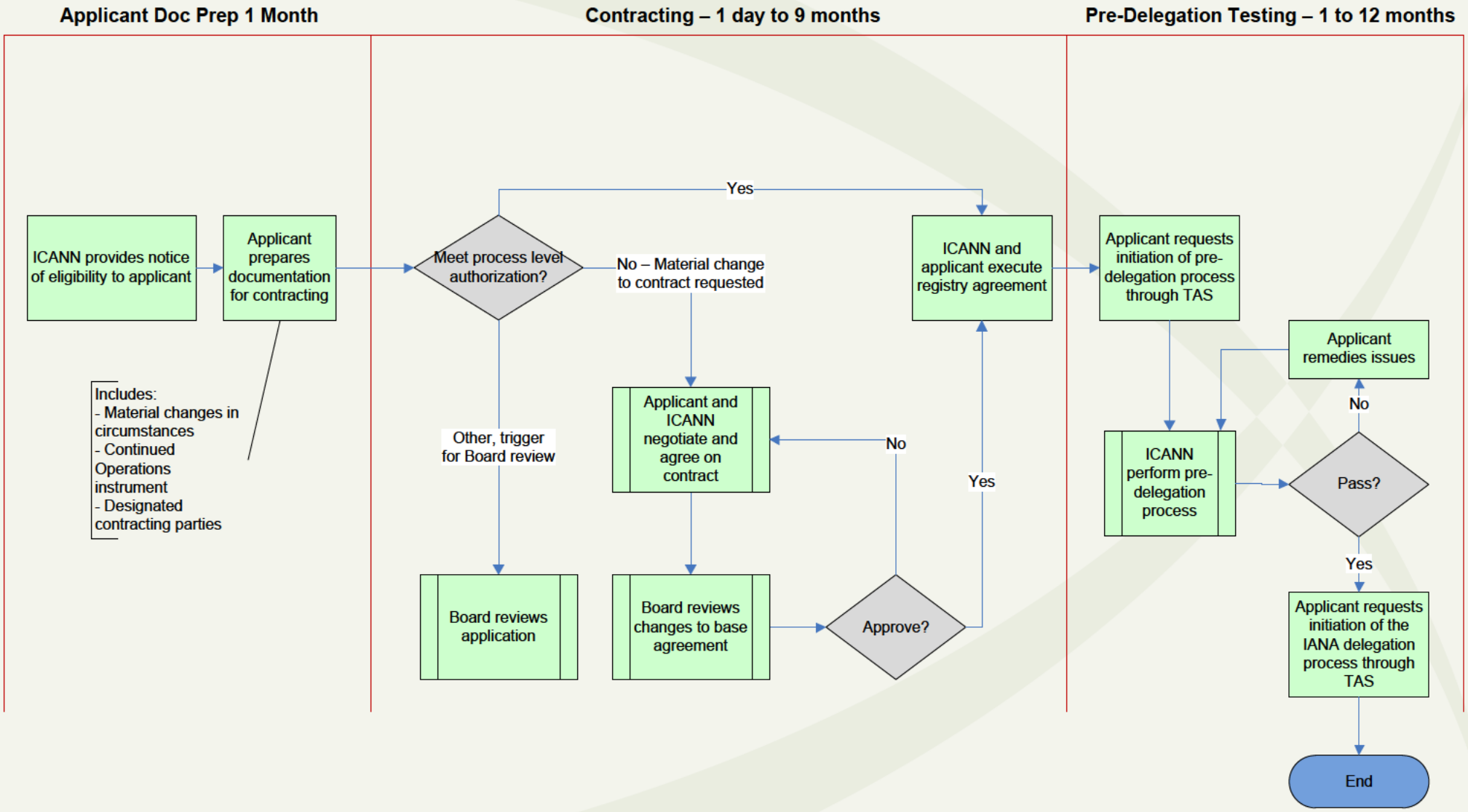
ICANN will continue to provide support for gTLD registry operators as they launch and maintain registry operations. ICANN's gTLD registry liaison function provides a point of contact for gTLD registry operators for assistance on a continuing basis.

ICANN's contractual compliance function will perform audits on a regular basis to ensure that gTLD registry operators remain in compliance with agreement obligations, as well as investigate any complaints from the community regarding the registry operator's adherence to its contractual obligations. See http://www.icann.org/en/compliance/ for more information on current contractual compliance activities.

ICANN's Bylaws require ICANN to act in an open and transparent manner, and to provide equitable treatment among registry operators. ICANN is responsible for maintaining the security and stability of the global Internet, and looks forward to a constructive and cooperative relationship with future gTLD registry operators in furtherance of this goal.

Draft – New gTLD Program - Transition to Delegation

(Timeframes are estimates only)



New gTLD Agreement

This document contains the registry agreement associated with the Applicant Guidebook for New gTLDs.

Successful gTLD applicants would enter into this form of registry agreement with ICANN prior to delegation of the new gTLD. (Note: ICANN reserves the right to make reasonable updates and changes to this proposed agreement during the course of the application process, including as the possible result of new policies that might be adopted during the course of the application process).

REGISTRY AGREEMENT

This REGISTRY AGREEMENT (this "Agreement") is entered into as of _____ (the "Effective Date") between Internet Corporation for Assigned Names and Numbers, a California nonprofit public benefit corporation ("ICANN"), and _____, a _____ ("Registry Operator").

ARTICLE 1.

DELEGATION AND OPERATION OF TOP–LEVEL DOMAIN; REPRESENTATIONS AND WARRANTIES

1.1 Domain and Designation. The Top-Level Domain to which this Agreement applies is ____ (the "TLD"). Upon the Effective Date and until the end of the Term (as defined in Section 4.1), ICANN designates Registry Operator as the registry operator for the TLD, subject to the requirements and necessary approvals for delegation of the TLD and entry into the root-zone.

1.2 Technical Feasibility of String. While ICANN has encouraged and will continue to encourage universal acceptance of all top-level domain strings across the Internet, certain top-level domain strings may encounter difficulty in acceptance by ISPs and webhosters and/or validation by web applications. Registry Operator shall be responsible for ensuring to its satisfaction the technical feasibility of the TLD string prior to entering into this Agreement.

1.3 Representations and Warranties.

(a) Registry Operator represents and warrants to ICANN as follows:

(i) all material information provided and statements made in the registry TLD application, and statements made in writing during the negotiation of this Agreement, were true and correct in all material respects at the time made, and such information or statements continue to be true and correct in all material respects as of the Effective Date except as otherwise previously disclosed in writing by Registry Operator to ICANN;

(ii) Registry Operator is duly organized, validly existing and in good standing under the laws of the jurisdiction set forth in the preamble hereto, and Registry Operator has all requisite power and authority and obtained all necessary approvals to enter into and duly execute and deliver this Agreement; and

(iii) Registry Operator has delivered to ICANN a duly executed instrument that secures the funds required to perform registry functions for the TLD in the event of the termination or expiration of this Agreement (the "Continued Operations Instrument"), and such instrument is a binding obligation of the parties thereto, enforceable against the parties thereto in accordance with its terms.

(b) ICANN represents and warrants to Registry Operator that ICANN is a nonprofit public benefit corporation duly organized, validly existing and in good standing under the laws of the State of California, United States of America. ICANN has all requisite power and authority and obtained all necessary corporate approvals to enter into and duly execute and deliver this Agreement.

ARTICLE 2.

COVENANTS OF REGISTRY OPERATOR

Registry Operator covenants and agrees with ICANN as follows:

2.1 Approved Services; Additional Services. Registry Operator shall be entitled to provide the Registry Services described in clauses (a) and (b) of the first paragraph of Section 2.1 in the specification at [*see specification 6*] ("Specification 6") and such other Registry Services set forth on Exhibit A (collectively, the "Approved Services"). If Registry Operator desires to provide any Registry Service that is not an Approved Service or is a modification to an Approved Service (each, an "Additional Service"), Registry Operator shall submit a request for approval of such Additional Service pursuant to the Registry Services Evaluation Policy at http://www.icann.org/en/registries/rsep/rsep.html, as such policy may be amended from time to time in accordance with the bylaws of ICANN (as amended from time to time, the "ICANN Bylaws") applicable to Consensus Policies (the "RSEP"). Registry Operator may offer Additional Services only with the written approval of ICANN, and, upon any such approval, such Additional Services shall be deemed Registry Services under this Agreement. In its reasonable discretion, ICANN may require an amendment to this Agreement reflecting the provision of any Additional Service which is approved pursuant to the RSEP, which amendment shall be in a form reasonably acceptable to the parties.

2.2 Compliance with Consensus Policies and Temporary Policies. Registry Operator shall comply with and implement all Consensus Policies and Temporary Policies found at <http://www.icann.org/general/consensus-policies.htm>, as of the Effective Date and as may in the future be developed and adopted in accordance with the ICANN Bylaws, provided such future Consensus Polices and Temporary Policies are adopted in accordance with the procedure and relate to those topics and subject to those limitations set forth at [*see specification 1*]* ("Specification 1").

2.3 Data Escrow. Registry Operator shall comply with the registry data escrow procedures posted at [*see specification 2*]*.

2.4 Monthly Reporting. Within twenty (20) calendar days following the end of each calendar month, Registry Operator shall deliver to ICANN reports in the format posted in the specification at [*see specification 3*]*.

2.5 Publication of Registration Data. Registry Operator shall provide public access to registration data in accordance with the specification posted at [*see specification 4*]* ("Specification 4").

2.6 Reserved Names. Except to the extent that ICANN otherwise expressly authorizes in writing, Registry Operator shall comply with the restrictions on registration of character strings set forth at [*see specification 5*]* ("Specification 5"). Registry Operator may establish policies concerning the reservation or blocking of additional character strings within the TLD at its discretion. If Registry Operator is the registrant for any domain names in the Registry TLD (other than the Second-Level Reservations for Registry Operations from Specification 5), such registrations must be through an ICANN accredited registrar. Any such registrations will be considered Transactions (as defined in Section 6.1) for purposes of calculating the Registry-Level Transaction Fee to be paid to ICANN by Registry Operator pursuant to Section 6.1.

2.7 Registry Interoperability and Continuity. Registry Operator shall comply with the Registry Interoperability and Continuity Specifications as set forth in Specification 6.

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

2.8 Protection of Legal Rights of Third Parties. Registry Operator must specify, and comply with, a process and procedures for launch of the TLD and initial registration-related and ongoing protection of the legal rights of third parties as set forth in the specification at [*see specification 7*]* ("Specification 7"). Registry Operator may, at its election, implement additional protections of the legal rights of third parties. Any changes or modifications to the process and procedures required by Specification 7 following the Effective Date must be approved in advance by ICANN in writing. Registry Operator must comply with all remedies imposed by ICANN pursuant to Section 2 of Specification 7, subject to Registry Operator's right to challenge such remedies as set forth in the applicable procedure described therein. Registry Operator shall take reasonable steps to investigate and respond to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD. In responding to such reports, Registry Operator will not be required to take any action in contravention of applicable law.

2.9 Registrars.

(a) Registry Operator must use only ICANN accredited registrars in registering domain names. Registry Operator must provide non-discriminatory access to Registry Services to all ICANN accredited registrars that enter into and are in compliance with the registry-registrar agreement for the TLD; provided, that Registry Operator may establish non-discriminatory criteria for qualification to register names in the TLD that are reasonably related to the proper functioning of the TLD. Registry Operator must use a uniform non-discriminatory agreement with all registrars authorized to register names in the TLD. Such agreement may be revised by Registry Operator from time to time; provided, however, that any such revisions must be approved in advance by ICANN.

(b) If Registry Operator (i) becomes an Affiliate or reseller of an ICANN accredited registrar, or (ii) subcontracts the provision of any Registry Services to an ICANN accredited registrar, registrar reseller or any of their respective Affiliates, then, in either such case of (i) or (ii) above, Registry Operator will give ICANN prompt notice of the contract, transaction or other arrangement that resulted in such affiliation, reseller relationship or subcontract, as applicable, including, if requested by ICANN, copies of any contract relating thereto; provided, that ICANN will not disclose such contracts to any third party other than relevant competition authorities. ICANN reserves the right, but not the obligation, to refer any such contract, transaction or other arrangement to relevant competition authorities in the event that ICANN determines that such contract, transaction or other arrangement might raise competition issues.

(c) For the purposes of this Agreement: (i) "Affiliate" means a person or entity that, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person or entity specified, and (ii) "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise.

2.10 Pricing for Registry Services.

(a) With respect to initial domain name registrations, Registry Operator shall provide ICANN and each ICANN accredited registrar that has executed the registry-registrar agreement for the TLD advance written notice of any price increase (including as a result of the elimination of any refunds, rebates, discounts, product tying or other programs which had the effect of reducing the price charged to registrars, unless such refunds, rebates, discounts, product tying or other programs are of a limited

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duration that is clearly and conspicuously disclosed to the registrar when offered) of no less than thirty (30) calendar days. Registry Operator shall offer registrars the option to obtain initial domain name registrations for periods of one to ten years at the discretion of the registrar, but no greater than ten years.

(b) With respect to renewal of domain name registrations, Registry Operator shall provide ICANN and each ICANN accredited registrar that has executed the registry-registrar agreement for the TLD advance written notice of any price increase (including as a result of the elimination of any refunds, rebates, discounts, product tying, Qualified Marketing Programs or other programs which had the effect of reducing the price charged to registrars) of no less than one hundred eighty (180) calendar days. Notwithstanding the foregoing sentence, with respect to renewal of domain name registrations: (i) Registry Operator need only provide thirty (30) calendar days notice of any price increase if the resulting price is less than or equal to (A) for the period beginning on the Effective Date and ending twelve (12) months following the Effective Date, the initial price charged for registrations in the TLD, or (B) for subsequent periods, a price for which Registry Operator provided a notice pursuant to the first sentence of this Section 2.10(b) within the twelve (12) month period preceding the effective date of the proposed price increase; and (ii) Registry Operator need not provide notice of any price increase for the imposition of the Variable Registry-Level Fee set forth in Section 6.3. Registry Operator shall offer registrars the option to obtain domain name registration renewals at the current price (i.e. the price in place prior to any noticed increase) for periods of one to ten years at the discretion of the registrar, but no greater than ten years.

(c) In addition, Registry Operator must have uniform pricing for renewals of domain name registrations ("Renewal Pricing"). For the purposes of determining Renewal Pricing, the price for each domain registration renewal must be identical to the price of all other domain name registration renewals in place at the time of such renewal, and such price must take into account universal application of any refunds, rebates, discounts, product tying or other programs in place at the time of renewal. The foregoing requirements of this Section 2.10(c) shall not apply for (i) purposes of determining Renewal Pricing if the registrar has provided Registry Operator with documentation that demonstrates that the applicable registrant expressly agreed in its registration agreement with registrar to higher Renewal Pricing at the time of the initial registration of the domain name following clear and conspicuous disclosure of such Renewal Pricing to such registrant, and (ii) discounted Renewal Pricing pursuant to a Qualified Marketing Program (as defined below). The parties acknowledge that the purpose of this Section 2.10(c) is to prohibit abusive and/or discriminatory Renewal Pricing practices imposed by Registry Operator without the written consent of the applicable registrant at the time of the initial registration of the domain and this Section 2.10(c) will be interpreted broadly to prohibit such practices. For purposes of this Section 2.10(c), a "Qualified Marketing Program" is a marketing program pursuant to which Registry Operator offers discounted Renewal Pricing, provided that each of the following criteria is satisfied: (i) the program and related discounts are offered for a period of time not to exceed one hundred eighty (180) calendar days (with consecutive substantially similar programs aggregated for purposes of determining the number of calendar days of the program), (ii) all ICANN accredited registrars are provided the same opportunity to qualify for such discounted Renewal Pricing; and (iii) the intent or effect of the program is not to exclude any particular class(es) of registrations (e.g., registrations held by large corporations) or increase the renewal price of any particular class(es) of registrations. Nothing in this Section 2.10(c) shall limit Registry Operator's obligations pursuant to Section 2.10(b).

(d) Registry Operator shall provide public query-based DNS lookup service for the TLD (that is, operate the Registry TLD zone servers) at its sole expense.

2.11 Contractual and Operational Compliance Audits.

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

(a) ICANN may from time to time (not to exceed twice per calendar year) conduct, or engage a third party to conduct, contractual compliance audits to assess compliance by Registry Operator with its representations and warranties contained in Article 1 of this Agreement and its covenants contained in Article 2 of this Agreement. Such audits shall be tailored to achieve the purpose of assessing compliance, and ICANN will (a) give reasonable advance notice of any such audit, which notice shall specify in reasonable detail the categories of documents, data and other information requested by ICANN, and (b) use commercially reasonable efforts to conduct such audit in such a manner as to not unreasonably disrupt the operations of Registry Operator. As part of such audit and upon request by ICANN, Registry Operator shall timely provide all responsive documents, data and any other information necessary to demonstrate Registry Operator's compliance with this Agreement. Upon no less than five (5) business days notice (unless otherwise agreed to by Registry Operator), ICANN may, as part of any contractual compliance audit, conduct site visits during regular business hours to assess compliance by Registry Operator with its representations and warranties contained in Article 1 of this Agreement and its covenants contained in Article 2 of this Agreement.

(b) Any audit conducted pursuant to Section 2.11(a) will be at ICANN's expense, unless (i) Registry Operator (A) controls, is controlled by, is under common control or is otherwise Affiliated with, any ICANN accredited registrar or registrar reseller or any of their respective Affiliates, or (B) has subcontracted the provision of Registry Services to an ICANN accredited registrar or registrar reseller or any of their respective Affiliates, and, in either case of (A) or (B) above, the audit relates to Registry Operator's compliance with Section 2.14, in which case Registry Operator shall reimburse ICANN for all reasonable costs and expenses associated with the portion of the audit related to Registry Operator's compliance with Section 2.14, or (ii) the audit is related to a discrepancy in the fees paid by Registry Operator hereunder in excess of 5% to ICANN's detriment, in which case Registry Operator shall reimburse ICANN for all reasonable costs and expenses associated with the entirety of such audit. In either such case of (i) or (ii) above, such reimbursement will be paid together with the next Registry-Level Fee payment due following the date of transmittal of the cost statement for such audit.

(c) Notwithstanding Section 2.11(a), if Registry Operator is found not to be in compliance with its representations and warranties contained in Article 1 of this Agreement or its covenants contained in Article 2 of this Agreement in two consecutive audits conducted pursuant to this Section 2.11, ICANN may increase the number of such audits to one per calendar quarter.

(d) Registry Operator will give ICANN immediate notice of the commencement of any of the proceedings referenced in Section 4.3(d) or the occurrence of any of the matters specified in Section 4.3(f).

2.12 Continued Operations Instrument. Registry Operator shall comply with the terms and conditions relating to the Continued Operations Instrument set forth in the specification at [*see specification 8*].

2.13 Emergency Transition. Registry Operator agrees that in the event that any of the registry functions set forth in Section 6 of Specification 10 fails for a period longer than the emergency threshold for such function set forth in Section 6 of Specification 10, ICANN may designate an emergency interim registry operator of the registry for the TLD (an "Emergency Operator") in accordance with ICANN's registry transition process (available at _____) (as the same may be amended from time to time, the "Registry Transition Process") until such time as Registry Operator has demonstrated to ICANN's reasonable satisfaction that it can resume operation of the registry for the TLD without the reoccurrence of such failure. Following such demonstration, Registry Operator may transition back into operation of the registry for the TLD pursuant to the procedures set out in the Registry Transition Process,

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provided that Registry Operator pays all reasonable costs incurred (i) by ICANN as a result of the designation of the Emergency Operator and (ii) by the Emergency Operator in connection with the operation of the registry for the TLD, which costs shall be documented in reasonable detail in records that shall be made available to Registry Operator. In the event ICANN designates an Emergency Operator pursuant to this Section 2.13 and the Registry Transition Process, Registry Operator shall provide ICANN or any such Emergency Operator with all data (including the data escrowed in accordance with Section 2.3) regarding operations of the registry for the TLD necessary to maintain operations and registry functions that may be reasonably requested by ICANN or such Emergency Operator. Registry Operator agrees that ICANN may make any changes it deems necessary to the IANA database for DNS and WHOIS records with respect to the TLD in the event that an Emergency Operator is designated pursuant to this Section 2.13. In addition, in the event of such failure, ICANN shall retain and may enforce its rights under the Continued Operations Instrument and Alternative Instrument, as applicable.

2.14 Registry Code of Conduct. In connection with the operation of the registry for the TLD, Registry Operator shall comply with the Registry Code of Conduct as set forth in the specification at [*see specification 9*].

2.15 Cooperation with Economic Studies. If ICANN initiates or commissions an economic study on the impact or functioning of new generic top-level domains on the Internet, the DNS or related matters, Registry Operator shall reasonably cooperate with such study, including by delivering to ICANN or its designee conducting such study all data reasonably necessary for the purposes of such study requested by ICANN or its designee, provided, that Registry Operator may withhold any internal analyses or evaluations prepared by Registry Operator with respect to such data. Any data delivered to ICANN or its designee pursuant to this Section 2.15 shall be fully aggregated and anonymized by ICANN or its designee prior to any disclosure of such data to any third party.

2.16 Registry Performance Specifications. Registry Performance Specifications for operation of the TLD will be as set forth in the specification at [*see specification 10*]*. Registry Operator shall comply with such Performance Specifications and, for a period of at least one year, shall keep technical and operational records sufficient to evidence compliance with such specifications for each calendar year during the Term.

2.17 Personal Data. Registry Operator shall (i) notify each ICANN-accredited registrar that is a party to the registry-registrar agreement for the TLD of the purposes for which data about any identified or identifiable natural person ("Personal Data") submitted to Registry Operator by such registrar is collected and used under this Agreement or otherwise and the intended recipients (or categories of recipients) of such Personal Data, and (ii) require such registrar to obtain the consent of each registrant in the TLD for such collection and use of Personal Data. Registry Operator shall take reasonable steps to protect Personal Data collected from such registrar from loss, misuse, unauthorized disclosure, alteration or destruction. Registry Operator shall not use or authorize the use of Personal Data in a way that is incompatible with the notice provided to registrars.

2.18 *[Note: For Community-Based TLDs Only]* Obligations of Registry Operator to TLD Community. Registry Operator shall establish registration policies in conformity with the application submitted with respect to the TLD for: (i) naming conventions within the TLD, (ii) requirements for registration by members of the TLD community, and (iii) use of registered domain names in conformity with the stated purpose of the community-based TLD. Registry Operator shall operate the TLD in a manner that allows the TLD community to discuss and participate in the development and modification of policies and practices for the TLD. Registry Operator shall establish procedures for the enforcement of registration policies for the TLD, and resolution of disputes concerning compliance with TLD registration

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policies, and shall enforce such registration policies. Registry Operator agrees to implement and be bound by the Registry Restrictions Dispute Resolution Procedure as set forth at [*insert applicable URL*] with respect to disputes arising pursuant to this Section 2.18.]

ARTICLE 3.

COVENANTS OF ICANN

ICANN covenants and agrees with Registry Operator as follows:

3.1 Open and Transparent. Consistent with ICANN's expressed mission and core values, ICANN shall operate in an open and transparent manner.

3.2 Equitable Treatment. ICANN shall not apply standards, policies, procedures or practices arbitrarily, unjustifiably, or inequitably and shall not single out Registry Operator for disparate treatment unless justified by substantial and reasonable cause.

3.3 TLD Nameservers. ICANN will use commercially reasonable efforts to ensure that any changes to the TLD nameserver designations submitted to ICANN by Registry Operator (in a format and with required technical elements specified by ICANN at http://www.iana.org/domains/root/ will be implemented by ICANN within seven (7) calendar days or as promptly as feasible following technical verifications.

3.4 Root-zone Information Publication. ICANN's publication of root-zone contact information for the TLD will include Registry Operator and its administrative and technical contacts. Any request to modify the contact information for the Registry Operator must be made in the format specified from time to time by ICANN at http://www.iana.org/domains/root/.

3.5 Authoritative Root Database. To the extent that ICANN is authorized to set policy with regard to an authoritative root server system, ICANN shall use commercially reasonable efforts to (a) ensure that the authoritative root will point to the top-level domain nameservers designated by Registry Operator for the TLD, (b) maintain a stable, secure, and authoritative publicly available database of relevant information about the TLD, in accordance with ICANN publicly available policies and procedures, and (c) coordinate the Authoritative Root Server System so that it is operated and maintained in a stable and secure manner; provided, that ICANN shall not be in breach of this Agreement and ICANN shall have no liability in the event that any third party (including any governmental entity or internet service provider) blocks or restricts access to the TLD in any jurisdiction.

ARTICLE 4.

TERM AND TERMINATION

4.1 Term. The term of this Agreement will be ten years from the Effective Date (as such term may be extended pursuant to Section 4.2, the "Term").

4.2 Renewal.

(a) This Agreement will be renewed for successive periods of ten years upon the expiration of the initial Term set forth in Section 4.1 and each successive Term, unless:

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

(i) Following notice by ICANN to Registry Operator of a fundamental and material breach of Registry Operator's covenants set forth in Article 2 or breach of its payment obligations under Article 6 of this Agreement, which notice shall include with specificity the details of the alleged breach, and such breach has not been cured within thirty (30) calendar days of such notice, (A) an arbitrator or court has finally determined that Registry Operator has been in fundamental and material breach of such covenant(s) or in breach of its payment obligations, and (B) Registry Operator has failed to comply with such determination and cure such breach within ten (10) calendar days or such other time period as may be determined by the arbitrator or court; or

(ii) During the then current Term, Registry Operator shall have been found by an arbitrator (pursuant to Section 5.2 of this Agreement) on at least three (3) separate occasions to have been in fundamental and material breach (whether or not cured) of Registry Operator's covenants set forth in Article 2 or breach of its payment obligations under Article 6 of this Agreement.

(b) Upon the occurrence of the events set forth in Section 4.2(a) (i) or (ii), the Agreement shall terminate at the expiration of the then current Term.

4.3 Termination by ICANN.

(a) ICANN may, upon notice to Registry Operator, terminate this Agreement if: (i) Registry Operator fails to cure (A) any fundamental and material breach of Registry Operator's representations and warranties set forth in Article 1 or covenants set forth in Article 2, or (B) any breach of Registry Operator's payment obligations set forth in Article 6 of this Agreement, each within thirty (30) calendar days after ICANN gives Registry Operator notice of such breach, which notice will include with specificity the details of the alleged breach, (ii) an arbitrator or court has finally determined that Registry Operator is in fundamental and material breach of such covenant(s) or in breach of its payment obligations, and (iii) Registry Operator fails to comply with such determination and cure such breach within ten (10) calendar days or such other time period as may be determined by the arbitrator or court.

(b) ICANN may, upon notice to Registry Operator, terminate this Agreement if Registry Operator fails to complete all testing and procedures (identified by ICANN in writing to Registry Operator prior to the date hereof) for delegation of the TLD into the root zone within twelve (12) months of the Effective Date. Registry Operator may request an extension for up to additional twelve (12) months for delegation if it can demonstrate, to ICANN's reasonable satisfaction, that Registry Operator is working diligently and in good faith toward successfully completing the steps necessary for delegation of the TLD. Any fees paid by Registry Operator to ICANN prior to such termination date shall be retained by ICANN in full.

(c) ICANN may, upon notice to Registry Operator, terminate this Agreement if (i) Registry Operator fails to cure a material breach of Registry Operator's obligations set forth in Section 2.12 of this Agreement within thirty (30) calendar days of delivery of notice of such breach by ICANN, or if the Continued Operations Instrument is not in effect for greater than sixty (60) consecutive calendar days at any time following the Effective Date, (ii) an arbitrator or court has finally determined that Registry Operator is in material breach of such covenant, and (iii) Registry Operator fails to cure such breach within ten (10) calendar days or such other time period as may be determined by the arbitrator or court.

(d) ICANN may, upon notice to Registry Operator, terminate this Agreement if (i) Registry Operator makes an assignment for the benefit of creditors or similar act, (ii) attachment, garnishment or similar proceedings are commenced against Registry Operator, which proceedings are a material threat to Registry Operator's ability to operate the registry for the TLD, and are not dismissed within sixty (60) days of their commencement, (iii) a trustee, receiver, liquidator or equivalent is appointed in place of Registry Operator or maintains control over any of Registry Operator's property, (iv) execution is levied upon any property of Registry Operator, (v) proceedings are instituted by or against Registry Operator under any bankruptcy, insolvency, reorganization or other laws relating to the relief of debtors and such proceedings are not dismissed within thirty (30) days of their commencement, or (vi) Registry Operator files for protection under the United States Bankruptcy Code, 11 U.S.C. Section 101 et seq., or a foreign equivalent or liquidates, dissolves or otherwise discontinues its operations or the operation of the TLD.

(e) ICANN may, upon thirty (30) calendar days' notice to Registry Operator, terminate this Agreement pursuant to Section 2 of Specification 7, subject to Registry Operator's right to challenge such termination as set forth in the applicable procedure described therein.

(f) ICANN may, upon notice to Registry Operator, terminate this Agreement if (i) Registry Operator knowingly employs any officer that is convicted of a misdemeanor related to financial activities or of any felony, or is judged by a court of competent jurisdiction to have committed fraud or breach of fiduciary duty, or is the subject of a judicial determination that ICANN reasonably deems as the substantive equivalent of any of the foregoing and such officer is not terminated within thirty (30) calendar days of Registry Operator's knowledge of the foregoing, or (ii) any member of Registry Operator's board of directors or similar governing body is convicted of a misdemeanor related to financial activities or of any felony, or is judged by a court of competent jurisdiction to have committed fraud or breach of fiduciary duty, or is the subject of a judicial determination that ICANN reasonably deems as the substantive equivalent of any of the foregoing and such member is not removed from Registry Operator's board of directors or similar governing body within thirty (30) calendar days of Registry Operator's knowledge of the foregoing.

(g) [*Applicable to intergovernmental organizations or governmental entities only.*] ICANN may terminate this Agreement pursuant to Section 7.14.

4.4 Termination by Registry Operator.

(a) Registry Operator may terminate this Agreement upon notice to ICANN if, (i) ICANN fails to cure any fundamental and material breach of ICANN's covenants set forth in Article 3, within thirty (30) calendar days after Registry Operator gives ICANN notice of such breach, which notice will include with specificity the details of the alleged breach, (ii) an arbitrator or court has finally determined that ICANN is in fundamental and material breach of such covenants, and (iii) ICANN fails to comply with such determination and cure such breach within ten (10) calendar days or such other time period as may be determined by the arbitrator or court.

(b) Registry Operator may terminate this Agreement for any reason upon one hundred eighty (180) calendar day advance notice to ICANN.

4.5 Transition of Registry upon Termination of Agreement. Upon expiration of the Term pursuant to Section 4.1 or Section 4.2 or any termination of this Agreement pursuant to Section 4.3 or Section 4.4, Registry Operator shall provide ICANN or any successor registry operator that may be designated by ICANN for the TLD in accordance with this Section 4.5 with all data (including the data

escrowed in accordance with Section 2.3) regarding operations of the registry for the TLD necessary to maintain operations and registry functions that may be reasonably requested by ICANN or such successor registry operator. After consultation with Registry Operator, ICANN shall determine whether or not to transition operation of the TLD to a successor registry operator in its sole discretion and in conformance with the Registry Transition Process; provided, however, that if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) transitioning operation of the TLD is not necessary to protect the public interest, then ICANN may not transition operation of the TLD to a successor registry operator upon the expiration or termination of this Agreement without the consent of Registry Operator (which shall not be unreasonably withheld, conditioned or delayed). For the avoidance of doubt, the foregoing sentence shall not prohibit ICANN from delegating the TLD pursuant to a future application process for the delegation of top-level domains, subject to any processes and objection procedures instituted by ICANN in connection with such application process intended to protect the rights of third parties. Registry Operator agrees that ICANN may make any changes it deems necessary to the IANA database for DNS and WHOIS records with respect to the TLD in the event of a transition of the TLD pursuant to this Section 4.5. In addition, ICANN or its designee shall retain and may enforce its rights under the Continued Operations Instrument and Alternative Instrument, as applicable, regardless of the reason for termination or expiration of this Agreement.

[*Alternative* ***Section 4.5 Transition of Registry upon Termination of Agreement*** *text for intergovernmental organizations or governmental entities or other special circumstances*:

"**Transition of Registry upon Termination of Agreement.** Upon expiration of the Term pursuant to Section 4.1 or Section 4.2 or any termination of this Agreement pursuant to Section 4.3 or Section 4.4, in connection with ICANN's designation of a successor registry operator for the TLD, Registry Operator and ICANN agree to consult each other and work cooperatively to facilitate and implement the transition of the TLD in accordance with this Section 4.5. After consultation with Registry Operator, ICANN shall determine whether or not to transition operation of the TLD to a successor registry operator in its sole discretion and in conformance with the Registry Transition Process. In the event ICANN determines to transition operation of the TLD to a successor registry operator, upon Registry Operator's consent (which shall not be unreasonably withheld, conditioned or delayed), Registry Operator shall provide ICANN or such successor registry operator for the TLD with any data regarding operations of the TLD necessary to maintain operations and registry functions that may be reasonably requested by ICANN or such successor registry operator in addition to data escrowed in accordance with Section 2.3 hereof. In the event that Registry Operator does not consent to provide such data, any registry data related to the TLD shall be returned to Registry Operator, unless otherwise agreed upon by the parties. Registry Operator agrees that ICANN may make any changes it deems necessary to the IANA database for DNS and WHOIS records with respect to the TLD in the event of a transition of the TLD pursuant to this Section 4.5. In addition, ICANN or its designee shall retain and may enforce its rights under the Continued Operations Instrument and Alternative Instrument, as applicable, regardless of the reason for termination or expiration of this Agreement."]

4.6 Effect of Termination. Upon any expiration of the Term or termination of this Agreement, the obligations and rights of the parties hereto shall cease, provided that such expiration or termination of this Agreement shall not relieve the parties of any obligation or breach of this Agreement accruing prior to such expiration or termination, including, without limitation, all accrued payment obligations arising under Article 6. In addition, Article 5, Article 7, Section 2.12, Section 4.5, and this

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Section 4.6 shall survive the expiration or termination of this Agreement. For the avoidance of doubt, the rights of Registry Operator to operate the registry for the TLD shall immediately cease upon any expiration of the Term or termination of this Agreement.

ARTICLE 5.

DISPUTE RESOLUTION

5.1 Cooperative Engagement. Before either party may initiate arbitration pursuant to Section 5.2 below, ICANN and Registry Operator, following initiation of communications by either party, must attempt to resolve the dispute by engaging in good faith discussion over a period of at least fifteen (15) calendar days.

5.2 Arbitration. Disputes arising under or in connection with this Agreement, including requests for specific performance, will be resolved through binding arbitration conducted pursuant to the rules of the International Court of Arbitration of the International Chamber of Commerce. The arbitration will be conducted in the English language and will occur in Los Angeles County, California. Any arbitration will be in front of a single arbitrator, unless (i) ICANN is seeking punitive or exemplary damages, or operational sanctions, or (ii) the parties agree in writing to a greater number of arbitrators. In either case of clauses (i) or (ii) in the preceding sentence, the arbitration will be in front of three arbitrators with each party selecting one arbitrator and the two selected arbitrators selecting the third arbitrator. In order to expedite the arbitration and limit its cost, the arbitrator(s) shall establish page limits for the parties' filings in conjunction with the arbitration, and should the arbitrator(s) determine that a hearing is necessary, the hearing shall be limited to one (1) calendar day, provided that in any arbitration in which ICANN is seeking punitive or exemplary damages, or operational sanctions, the hearing may be extended for one (1) additional calendar day if agreed upon by the parties or ordered by the arbitrator(s) based on the arbitrator(s) independent determination or the reasonable request of one of the parties thereto. The prevailing party in the arbitration will have the right to recover its costs and reasonable attorneys' fees, which the arbitrator(s) shall include in the awards. In the event the arbitrators determine that Registry Operator has been repeatedly and willfully in fundamental and material breach of its obligations set forth in Article 2, Article 6 or Section 5.4 of this Agreement, ICANN may request the arbitrators award punitive or exemplary damages, or operational sanctions (including without limitation an order temporarily restricting Registry Operator's right to sell new registrations). In any litigation involving ICANN concerning this Agreement, jurisdiction and exclusive venue for such litigation will be in a court located in Los Angeles County, California; however, the parties will also have the right to enforce a judgment of such a court in any court of competent jurisdiction.

[Alternative **Section 5.2 Arbitration** text for intergovernmental organizations or governmental entities or other special circumstances:

"**Arbitration.** Disputes arising under or in connection with this Agreement, including requests for specific performance, will be resolved through binding arbitration conducted pursuant to the rules of the International Court of Arbitration of the International Chamber of Commerce. The arbitration will be conducted in the English language and will occur in Geneva, Switzerland, unless another location is mutually agreed upon by Registry Operator and ICANN. Any arbitration will be in front of a single arbitrator, unless (i) ICANN is seeking punitive or exemplary damages, or operational sanctions, or (ii) the parties agree in writing to a greater number of arbitrators. In either case of clauses (i) or (ii) in the preceding sentence, the arbitration will be in front of three arbitrators with each party selecting one arbitrator and the two selected arbitrators selecting the third arbitrator. In order to expedite the arbitration and limit its cost, the arbitrator(s) shall establish page limits for the parties' filings in conjunction with the

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arbitration, and should the arbitrator(s) determine that a hearing is necessary, the hearing shall be limited to one (1) calendar day, provided that in any arbitration in which ICANN is seeking punitive or exemplary damages, or operational sanctions, the hearing may be extended for one (1) additional calendar day if agreed upon by the parties or ordered by the arbitrator(s) based on the arbitrator(s) independent determination or the reasonable request of one of the parties thereto. The prevailing party in the arbitration will have the right to recover its costs and reasonable attorneys' fees, which the arbitrator(s) shall include in the awards. In the event the arbitrators determine that Registry Operator has been repeatedly and willfully in fundamental and material breach of its obligations set forth in Article 2, Article 6 or Section 5.4 of this Agreement, ICANN may request the arbitrators award punitive or exemplary damages, or operational sanctions (including without limitation an order temporarily restricting Registry Operator's right to sell new registrations). In any litigation involving ICANN concerning this Agreement, jurisdiction and exclusive venue for such litigation will be in a court located in Geneva, Switzerland, unless an another location is mutually agreed upon by Registry Operator and ICANN; however, the parties will also have the right to enforce a judgment of such a court in any court of competent jurisdiction."]

5.3 Limitation of Liability. ICANN's aggregate monetary liability for violations of this Agreement will not exceed an amount equal to the Registry-Level Fees paid by Registry Operator to ICANN within the preceding twelve-month period pursuant to this Agreement (excluding the Variable Registry-Level Fee set forth in Section 6.3, if any). Registry Operator's aggregate monetary liability to ICANN for breaches of this Agreement will be limited to an amount equal to the fees paid to ICANN during the preceding twelve-month period (excluding the Variable Registry-Level Fee set forth in Section 6.3, if any), and punitive and exemplary damages, if any, awarded in accordance with Section 5.2. In no event shall either party be liable for special, punitive, exemplary or consequential damages arising out of or in connection with this Agreement or the performance or nonperformance of obligations undertaken in this Agreement, except as provided in Section 5.2. Except as otherwise provided in this Agreement, neither party makes any warranty, express or implied, with respect to the services rendered by itself, its servants or agents, or the results obtained from their work, including, without limitation, any implied warranty of merchantability, non-infringement or fitness for a particular purpose.

5.4 Specific Performance. Registry Operator and ICANN agree that irreparable damage could occur if any of the provisions of this Agreement was not performed in accordance with its specific terms. Accordingly, the parties agree that they each shall be entitled to seek from the arbitrator specific performance of the terms of this Agreement (in addition to any other remedy to which each party is entitled).

ARTICLE 6.

FEES

6.1 Registry-Level Fees. Registry Operator shall pay ICANN a Registry-Level Fee equal to (i) the Registry Fixed Fee of US$6,250 per calendar quarter and (ii) the Registry-Level Transaction Fee. The Registry-Level Transaction Fee will be equal to the number of annual increments of an initial or renewal domain name registration (at one or more levels, and including renewals associated with transfers from one ICANN-accredited registrar to another, each a "Transaction"), during the applicable calendar quarter multiplied by US$0.25; provided, however that the Registry-Level Transaction Fee shall not apply until and unless more than 50,000 Transactions have occurred in the TLD during any calendar quarter or any four calendar quarter period (the "Transaction Threshold") and shall apply to each Transaction that occurred during each quarter in which the Transaction Threshold has been met, but shall not apply to each quarter in which the Transaction Threshold has not been met. Registry Operator shall pay the Registry-

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Level Fees on a quarterly basis by the 20th day following the end of each calendar quarter (i.e., on April 20, July 20, October 20 and January 20 for the calendar quarters ending March 31, June 30, September 30 and December 31) of the year to an account designated by ICANN.

6.2 Cost Recovery for RSTEP. Requests by Registry Operator for the approval of Additional Services pursuant to Section 2.1 may be referred by ICANN to the Registry Services Technical Evaluation Panel ("RSTEP") pursuant to that process at http://www.icann.org/en/registries/rsep/. In the event that such requests are referred to RSTEP, Registry Operator shall remit to ICANN the invoiced cost of the RSTEP review within ten (10) business days of receipt of a copy of the RSTEP invoice from ICANN, unless ICANN determines, in its sole and absolute discretion, to pay all or any portion of the invoiced cost of such RSTEP review.

6.3 Variable Registry-Level Fee.

(a) If the ICANN accredited registrars (as a group) do not approve pursuant to the terms of their registrar accreditation agreements with ICANN the variable accreditation fees established by the ICANN Board of Directors for any ICANN fiscal year, upon delivery of notice from ICANN, Registry Operator shall pay to ICANN a Variable Registry-Level Fee, which shall be paid on a fiscal quarter basis, and shall accrue as of the beginning of the first fiscal quarter of such ICANN fiscal year. The fee will be calculated and invoiced by ICANN on a quarterly basis, and shall be paid by Registry Operator within sixty (60) calendar days with respect to the first quarter of such ICANN fiscal year and within twenty (20) calendar days with respect to each remaining quarter of such ICANN fiscal year, of receipt of the invoiced amount by ICANN. The Registry Operator may invoice and collect the Variable Registry-Level Fees from the registrars who are party to a registry-registrar agreement with Registry Operator (which agreement may specifically provide for the reimbursement of Variable Registry-Level Fees paid by Registry Operator pursuant to this Section 6.3); provided, that the fees shall be invoiced to all ICANN accredited registrars if invoiced to any. The Variable Registry-Level Fee, if collectible by ICANN, shall be an obligation of Registry Operator and shall be due and payable as provided in this Section 6.3 irrespective of Registry Operator's ability to seek and obtain reimbursement of such fee from registrars. In the event ICANN later collects variable accreditation fees for which Registry Operator has paid ICANN a Variable Registry-Level Fee, ICANN shall reimburse the Registry Operator an appropriate amount of the Variable Registry-Level Fee, as reasonably determined by ICANN. If the ICANN accredited registrars (as a group) do approve pursuant to the terms of their registrar accreditation agreements with ICANN the variable accreditation fees established by the ICANN Board of Directors for a fiscal year, ICANN shall not be entitled to a Variable-Level Fee hereunder for such fiscal year, irrespective of whether the ICANN accredited registrars comply with their payment obligations to ICANN during such fiscal year.

(b) The amount of the Variable Registry-Level Fee will be specified for each registrar, and may include both a per-registrar component and a transactional component. The per-registrar component of the Variable Registry-Level Fee shall be specified by ICANN in accordance with the budget adopted by the ICANN Board of Directors for each ICANN fiscal year. The transactional component of the Variable Registry-Level Fee shall be specified by ICANN in accordance with the budget adopted by the ICANN Board of Directors for each ICANN fiscal year but shall not exceed US$0.25 per domain name registration (including renewals associated with transfers from one ICANN-accredited registrar to another) per year.

6.4 Adjustments to Fees. Notwithstanding any of the fee limitations set forth in this Article 6, commencing upon the expiration of the first year of this Agreement, and upon the expiration of each year thereafter during the Term, the then current fees set forth in Section 6.1 and Section 6.3 may be

adjusted, at ICANN's discretion, by a percentage equal to the percentage change, if any, in (i) the Consumer Price Index for All Urban Consumers, U.S. City Average (1982-1984 = 100) published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index (the "CPI") for the month which is one (1) month prior to the commencement of the applicable year, over (ii) the CPI published for the month which is one (1) month prior to the commencement of the immediately prior year. In the event of any such increase, ICANN shall provide notice to Registry Operator specifying the amount of such adjustment. Any fee adjustment under this Section 6.4 shall be effective as of the first day of the year in which the above calculation is made.

6.5 Additional Fee on Late Payments. For any payments thirty (30) calendar days or more overdue under this Agreement, Registry Operator shall pay an additional fee on late payments at the rate of 1.5% per month or, if less, the maximum rate permitted by applicable law.

ARTICLE 7.

MISCELLANEOUS

7.1 Indemnification of ICANN.

(a) Registry Operator shall indemnify and defend ICANN and its directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all third-party claims, damages, liabilities, costs, and expenses, including reasonable legal fees and expenses, arising out of or relating to intellectual property ownership rights with respect to the TLD, the delegation of the TLD to Registry Operator, Registry Operator's operation of the registry for the TLD or Registry Operator's provision of Registry Services, provided that Registry Operator shall not be obligated to indemnify or defend any Indemnitee to the extent the claim, damage, liability, cost or expense arose: (i) due to the actions or omissions of ICANN, its subcontractors, panelists or evaluators specifically related to and occurring during the registry TLD application process (other than actions or omissions requested by or for the benefit of Registry Operator), or (ii) due to a breach by ICANN of any obligation contained in this Agreement or any willful misconduct by ICANN. This Section shall not be deemed to require Registry Operator to reimburse or otherwise indemnify ICANN for costs associated with the negotiation or execution of this Agreement, or with monitoring or management of the parties' respective obligations hereunder. Further, this Section shall not apply to any request for attorney's fees in connection with any litigation or arbitration between or among the parties, which shall be governed by Article 5 or otherwise awarded by a court or arbitrator.

[Alternative **Section 7.1(a)** text for intergovernmental organizations or governmental entities:

"Registry Operator shall use its best efforts to cooperate with ICANN in order to ensure that ICANN does not incur any costs associated with claims, damages, liabilities, costs and expenses, including reasonable legal fees and expenses, arising out of or relating to intellectual property ownership rights with respect to the TLD, the delegation of the TLD to Registry Operator, Registry Operator's operation of the registry for the TLD or Registry Operator's provision of Registry Services, provided that Registry Operator shall not be obligated to provide such cooperation to the extent the claim, damage, liability, cost or expense arose due to a breach by ICANN of any of its obligations contained in this Agreement or any willful misconduct by ICANN. This Section shall not be deemed to require Registry Operator to reimburse or otherwise indemnify ICANN for costs associated with the negotiation or execution of this Agreement, or with monitoring or management of the parties' respective obligations hereunder. Further, this Section shall not apply to any request for attorney's fees in connection with any

litigation or arbitration between or among the parties, which shall be governed by Article 5 or otherwise awarded by a court or arbitrator."]

(b) For any claims by ICANN for indemnification whereby multiple registry operators (including Registry Operator) have engaged in the same actions or omissions that gave rise to the claim, Registry Operator's aggregate liability to indemnify ICANN with respect to such claim shall be limited to a percentage of ICANN's total claim, calculated by dividing the number of total domain names under registration with Registry Operator within the TLD (which names under registration shall be calculated consistently with Article 6 hereof for any applicable quarter) by the total number of domain names under registration within all top level domains for which the registry operators thereof are engaging in the same acts or omissions giving rise to such claim. For the purposes of reducing Registry Operator's liability under Section 7.1(a) pursuant to this Section 7.1(b), Registry Operator shall have the burden of identifying the other registry operators that are engaged in the same actions or omissions that gave rise to the claim, and demonstrating, to ICANN's reasonable satisfaction, such other registry operators' culpability for such actions or omissions. For the avoidance of doubt, in the event that a registry operator is engaged in the same acts or omissions giving rise to the claims, but such registry operator(s) do not have the same or similar indemnification obligations to ICANN as set forth in Section 7.1(a) above, the number of domains under management by such registry operator(s) shall nonetheless be included in the calculation in the preceding sentence. [***Note: This Section 7.1(b) is inapplicable to intergovernmental organizations or governmental entities.***]

7.2 Indemnification Procedures. If any third-party claim is commenced that is indemnified under Section 7.1 above, ICANN shall provide notice thereof to Registry Operator as promptly as practicable. Registry Operator shall be entitled, if it so elects, in a notice promptly delivered to ICANN, to immediately take control of the defense and investigation of such claim and to employ and engage attorneys reasonably acceptable to ICANN to handle and defend the same, at Registry Operator's sole cost and expense, provided that in all events ICANN will be entitled to control at its sole cost and expense the litigation of issues concerning the validity or interpretation of ICANN's policies, Bylaws or conduct. ICANN shall cooperate, at Registry Operator's cost and expense, in all reasonable respects with Registry Operator and its attorneys in the investigation, trial, and defense of such claim and any appeal arising therefrom, and may, at its own cost and expense, participate, through its attorneys or otherwise, in such investigation, trial and defense of such claim and any appeal arising therefrom. No settlement of a claim that involves a remedy affecting ICANN other than the payment of money in an amount that is fully indemnified by Registry Operator will be entered into without the consent of ICANN. If Registry Operator does not assume full control over the defense of a claim subject to such defense in accordance with this Section 7.2, ICANN will have the right to defend the claim in such manner as it may deem appropriate, at the cost and expense of Registry Operator and Registry Operator shall cooperate in such defense. [***Note: This Section 7.2 is inapplicable to intergovernmental organizations or governmental entities.***]

7.3 Defined Terms. For purposes of this Agreement, unless such definitions are amended pursuant to a Consensus Policy at a future date, in which case the following definitions shall be deemed amended and restated in their entirety as set forth in such Consensus Policy, Security and Stability shall be defined as follows:

(a) For the purposes of this Agreement, an effect on "Security" shall mean (1) the unauthorized disclosure, alteration, insertion or destruction of registry data, or (2) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

(b) For purposes of this Agreement, an effect on "Stability" shall refer to (1) lack of compliance with applicable relevant standards that are authoritative and published by a well-established and recognized Internet standards body, such as the relevant Standards-Track or Best Current Practice Requests for Comments ("RFCs") sponsored by the Internet Engineering Task Force; or (2) the creation of a condition that adversely affects the throughput, response time, consistency or coherence of responses to Internet servers or end systems operating in accordance with applicable relevant standards that are authoritative and published by a well-established and recognized Internet standards body, such as the relevant Standards-Track or Best Current Practice RFCs, and relying on Registry Operator's delegated information or provisioning of services.

7.4 No Offset. All payments due under this Agreement will be made in a timely manner throughout the Term and notwithstanding the pendency of any dispute (monetary or otherwise) between Registry Operator and ICANN.

7.5 Change in Control; Assignment and Subcontracting. Neither party may assign this Agreement without the prior written approval of the other party, which approval will not be unreasonably withheld. Notwithstanding the foregoing, ICANN may assign this Agreement in conjunction with a reorganization or re-incorporation of ICANN to another nonprofit corporation or similar entity organized in the same legal jurisdiction in which ICANN is currently organized for the same or substantially the same purposes. For purposes of this Section 7.5, a direct or indirect change of control of Registry Operator or any material subcontracting arrangement with respect to the operation of the registry for the TLD shall be deemed an assignment. ICANN shall be deemed to have reasonably withheld its consent to any such a direct or indirect change of control or subcontracting arrangement in the event that ICANN reasonably determines that the person or entity acquiring control of Registry Operator or entering into such subcontracting arrangement (or the ultimate parent entity of such acquiring or subcontracting entity) does not meet the ICANN-adopted registry operator criteria or qualifications then in effect. In addition, without limiting the foregoing, Registry Operator must provide no less than thirty (30) calendar days advance notice to ICANN of any material subcontracting arrangements, and any agreement to subcontract portions of the operations of the TLD must mandate compliance with all covenants, obligations and agreements by Registry Operator hereunder, and Registry Operator shall continue to be bound by such covenants, obligations and agreements. Without limiting the foregoing, Registry Operator must also provide no less than thirty (30) calendar days advance notice to ICANN prior to the consummation of any transaction anticipated to result in a direct or indirect change of control of Registry Operator. Such change of control notification shall include a statement that affirms that the ultimate parent entity of the party acquiring such control meets the ICANN-adopted specification or policy on registry operator criteria then in effect, and affirms that Registry Operator is in compliance with its obligations under this Agreement. Within thirty (30) calendar days of such notification, ICANN may request additional information from Registry Operator establishing compliance with this Agreement, in which case Registry Operator must supply the requested information within fifteen (15) calendar days. If ICANN fails to expressly provide or withhold its consent to any direct or indirect change of control of Registry Operator or any material subcontracting arrangement within thirty (30) (or, if ICANN has requested additional information from Registry Operator as set forth above, sixty (60)) calendar days of the receipt of written notice of such transaction from Registry Operator, ICANN shall be deemed to have consented to such transaction. In connection with any such transaction, Registry Operator shall comply with the Registry Transition Process.

7.6 Amendments and Waivers.

(a) If ICANN determines that an amendment to this Agreement (including to the Specifications referred to herein) and all other registry agreements between ICANN and the Applicable

Registry Operators (the "Applicable Registry Agreements") is desirable (each, a "Special Amendment"), ICANN may submit a Special Amendment for approval by the Applicable Registry Operators pursuant to the process set forth in this Section 7.6, provided that a Special Amendment is not a Restricted Amendment (as defined below). Prior to submitting a Special Amendment for such approval, ICANN shall first consult in good faith with the Working Group (as defined below) regarding the form and substance of a Special Amendment. The duration of such consultation shall be reasonably determined by ICANN based on the substance of the Special Amendment. Following such consultation, ICANN may propose the adoption of a Special Amendment by publicly posting such amendment on its website for no less than thirty (30) calendar days (the "Posting Period") and providing notice of such amendment by ICANN to the Applicable Registry Operators in accordance with Section 7.8. ICANN will consider the public comments submitted on a Special Amendment during the Posting Period (including comments submitted by the Applicable Registry Operators).

(b) If, within two (2) calendar years of the expiration of the Posting Period (the "Approval Period"), (i) the ICANN Board of Directors approves a Special Amendment (which may be in a form different than submitted for public comment) and (ii) such Special Amendment receives Registry Operator Approval (as defined below), such Special Amendment shall be deemed approved (an "Approved Amendment") by the Applicable Registry Operators (the last date on which such approvals are obtained is herein referred to as the "Amendment Approval Date") and shall be effective and deemed an amendment to this Agreement upon sixty (60) calendar days notice from ICANN to Registry Operator (the "Amendment Effective Date"). In the event that a Special Amendment is not approved by the ICANN Board of Directors or does not receive Registry Operator Approval within the Approval Period, the Special Amendment will have no effect. The procedure used by ICANN to obtain Registry Operator Approval shall be designed to document the written approval of the Applicable Registry Operators, which may be in electronic form.

(c) During the thirty (30) calendar day period following the Amendment Approval Date, Registry Operator (so long as it did not vote in favor of the Approved Amendment) may apply in writing to ICANN for an exemption from the Approved Amendment (each such request submitted by Registry Operator hereunder, an "Exemption Request"). Each Exemption Request will set forth the basis for such request and provide detailed support for an exemption from the Approved Amendment. An Exemption Request may also include a detailed description and support for any alternatives to, or a variation of, the Approved Amendment proposed by such Registry Operator. An Exemption Request may only be granted upon a clear and convincing showing by Registry Operator that compliance with the Approved Amendment conflicts with applicable laws or would have a material adverse effect on the long-term financial condition or results of operations of Registry Operator. No Exemption Request will be granted if ICANN determines, in its reasonable discretion, that granting such Exemption Request would be materially harmful to registrants or result in the denial of a direct benefit to registrants. Within ninety (90) calendar days of ICANN's receipt of an Exemption Request, ICANN shall either approve (which approval may be conditioned or consist of alternatives to or a variation of the Approved Amendment) or deny the Exemption Request in writing, during which time the Approved Amendment will not amend this Agreement; provided, that any such conditions, alternatives or variations shall be effective and, to the extent applicable, will amend this Agreement as of the Amendment Effective Date. If the Exemption Request is approved by ICANN, the Approved Amendment will not amend this Agreement. If such Exemption Request is denied by ICANN, the Approved Amendment will amend this Agreement as of the Amendment Effective Date (or, if such date has passed, such Approved Amendment shall be deemed effective immediately on the date of such denial), provided that Registry Operator may, within thirty (30) calendar days following receipt of ICANN's determination, appeal ICANN's decision to deny the Exemption Request pursuant to the dispute resolution procedures set forth in Article 5. The Approved

Amendment will be deemed not to have amended this Agreement during the pendency of the dispute resolution process. For avoidance of doubt, only Exemption Requests submitted by Registry Operator that are approved by ICANN pursuant to this Section 7.6(c) or through an arbitration decision pursuant to Article 5 shall exempt Registry Operator from any Approved Amendment, and no exemption request granted to any other Applicable Registry Operator (whether by ICANN or through arbitration) shall have any effect under this Agreement or exempt Registry Operator from any Approved Amendment.

(d) Except as set forth in this Section 7.6, no amendment, supplement or modification of this Agreement or any provision hereof shall be binding unless executed in writing by both parties, and nothing in this Section 7.6 shall restrict ICANN and Registry Operator from entering into bilateral amendments and modifications to this Agreement negotiated solely between the two parties. No waiver of any provision of this Agreement shall be binding unless evidenced by a writing signed by the party waiving compliance with such provision. No waiver of any of the provisions of this Agreement or failure to enforce any of the provisions hereof shall be deemed or shall constitute a waiver of any other provision hereof, nor shall any such waiver constitute a continuing waiver unless otherwise expressly provided. For the avoidance of doubt, nothing in this Section 7.6 shall be deemed to limit Registry Operator's obligation to comply with Section 2.2.

(e) For purposes of this Section 7.6, the following terms shall have the following meanings:

(i) "Applicable Registry Operators" means, collectively, the registry operators of the top-level domains party to a registry agreement that contains a provision similar to this Section 7.6, including Registry Operator.

(ii) "Registry Operator Approval" means the receipt of each of the following: (A) the affirmative approval of the Applicable Registry Operators whose payments to ICANN accounted for two-thirds of the total amount of fees (converted to U.S. dollars, if applicable) paid to ICANN by all the Applicable Registry Operators during the immediately previous calendar year pursuant to the Applicable Registry Agreements, and (B) the affirmative approval of a majority of the Applicable Registry Operators at the time such approval is obtained. For avoidance of doubt, with respect to clause (B), each Applicable Registry Operator shall have one vote for each top-level domain operated by such Registry Operator pursuant to an Applicable Registry Agreement.

(iii) "Restricted Amendment" means the following: (i) an amendment of Specification 1, (ii) except to the extent addressed in Section 2.10 hereof, an amendment that specifies the price charged by Registry Operator to registrars for domain name registrations, (iii) an amendment to the definition of Registry Services as set forth in the first paragraph of Section 2.1 of Specification 6, or (iv) an amendment to the length of the Term.

(iv) "Working Group" means representatives of the Applicable Registry Operators and other members of the community that ICANN appoints, from time to time, to serve as a working group to consult on amendments to the Applicable Registry Agreements (excluding bilateral amendments pursuant to Section 7.6(d)).

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

7.7 No Third-Party Beneficiaries. This Agreement will not be construed to create any obligation by either ICANN or Registry Operator to any non-party to this Agreement, including any registrar or registered name holder.

7.8 General Notices. Except for notices pursuant to Section 7.6, all notices to be given under or in relation to this Agreement will be given either (i) in writing at the address of the appropriate party as set forth below or (ii) via facsimile or electronic mail as provided below, unless that party has given a notice of change of postal or email address, or facsimile number, as provided in this agreement. All notices under Section 7.6 shall be given by both posting of the applicable information on ICANN's web site and transmission of such information to Registry Operator by electronic mail. Any change in the contact information for notice below will be given by the party within thirty (30) calendar days of such change. Notices, designations, determinations, and specifications made under this Agreement will be in the English language. Other than notices under Section 7.6, any notice required by this Agreement will be deemed to have been properly given (i) if in paper form, when delivered in person or via courier service with confirmation of receipt or (ii) if via facsimile or by electronic mail, upon confirmation of receipt by the recipient's facsimile machine or email server, provided that such notice via facsimile or electronic mail shall be followed by a copy sent by regular postal mail service within two (2) business days. Any notice required by Section 7.6 will be deemed to have been given when electronically posted on ICANN's website and upon confirmation of receipt by the email server. In the event other means of notice become practically achievable, such as notice via a secure website, the parties will work together to implement such notice means under this Agreement.

If to ICANN, addressed to:
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina Del Rey, California 90292
Telephone: 1-310-823-9358
Facsimile: 1-310-823-8649
Attention: President and CEO

With a Required Copy to: General Counsel
Email: (As specified from time to time.)

If to Registry Operator, addressed to:
[_____]
[_____]
[_____]
Telephone:
Facsimile:
Attention:

With a Required Copy to:
Email: (As specified from time to time.)

7.9 Entire Agreement. This Agreement (including those specifications and documents incorporated by reference to URL locations which form a part of it) constitutes the entire agreement of the parties hereto pertaining to the operation of the TLD and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, between the parties on that subject.

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7.10 English Language Controls. Notwithstanding any translated version of this Agreement and/or specifications that may be provided to Registry Operator, the English language version of this Agreement and all referenced specifications are the official versions that bind the parties hereto. In the event of any conflict or discrepancy between any translated version of this Agreement and the English language version, the English language version controls. Notices, designations, determinations, and specifications made under this Agreement shall be in the English language.

7.11 Ownership Rights. Nothing contained in this Agreement shall be construed as establishing or granting to Registry Operator any property ownership rights or interests in the TLD or the letters, words, symbols or other characters making up the TLD string.

7.12 Severability. This Agreement shall be deemed severable; the invalidity or unenforceability of any term or provision of this Agreement shall not affect the validity or enforceability of the balance of this Agreement or of any other term hereof, which shall remain in full force and effect. If any of the provisions hereof are determined to be invalid or unenforceable, the parties shall negotiate in good faith to modify this Agreement so as to effect the original intent of the parties as closely as possible.

7.13 Court Orders. ICANN will respect any order from a court of competent jurisdiction, including any orders from any jurisdiction where the consent or non-objection of the government was a requirement for the delegation of the TLD. Notwithstanding any other provision of this Agreement, ICANN's implementation of any such order will not be a breach of this Agreement.

[Note: The following section is applicable to intergovernmental organizations or governmental entities only.]

7.14 Special Provision Relating to Intergovernmental Organizations or Governmental Entities.

(a) ICANN acknowledges that Registry Operator is an entity subject to public international law, including international treaties applicable to Registry Operator (such public international law and treaties, collectively hereinafter the "Applicable Laws"). Nothing in this Agreement and its related specifications shall be construed or interpreted to require Registry Operator to violate Applicable Laws or prevent compliance therewith. The Parties agree that Registry Operator's compliance with Applicable Laws shall not constitute a breach of this Agreement.

(b) In the event Registry Operator reasonably determines that any provision of this Agreement and its related specifications, or any decisions or policies of ICANN referred to in this Agreement, including but not limited to Temporary Policies and Consensus Policies (such provisions, specifications and policies, collectively hereinafter, "ICANN Requirements"), may conflict with or violate Applicable Law (hereinafter, a "Potential Conflict"), Registry Operator shall provide detailed notice (a "Notice") of such Potential Conflict to ICANN as early as possible and, in the case of a Potential Conflict with a proposed Consensus Policy, no later than the end of any public comment period on such proposed Consensus Policy. In the event Registry Operator determines that there is Potential Conflict between a proposed Applicable Law and any ICANN Requirement, Registry Operator shall provide detailed Notice of such Potential Conflict to ICANN as early as possible and, in the case of a Potential Conflict with a proposed Consensus Policy, no later than the end of any public comment period on such proposed Consensus Policy.

(c) As soon as practicable following such review, the parties shall attempt to resolve the Potential Conflict by cooperative engagement pursuant to the procedures set forth in Section 5.1. In

addition, Registry Operator shall use its best efforts to eliminate or minimize any impact arising from such Potential Conflict between Applicable Laws and any ICANN Requirement. If, following such cooperative engagement, Registry Operator determines that the Potential Conflict constitutes an actual conflict between any ICANN Requirement, on the one hand, and Applicable Laws, on the other hand, then ICANN shall waive compliance with such ICANN Requirement (provided that the parties shall negotiate in good faith on a continuous basis thereafter to mitigate or eliminate the effects of such non-compliance on ICANN), unless ICANN reasonably and objectively determines that the failure of Registry Operator to comply with such ICANN Requirement would constitute a threat to the Security and Stability of Registry Services, the Internet or the DNS (hereinafter, an "ICANN Determination"). Following receipt of notice by Registry Operator of such ICANN Determination, Registry Operator shall be afforded a period of ninety (90) calendar days to resolve such conflict with an Applicable Law. If the conflict with an Applicable Law is not resolved to ICANN's complete satisfaction during such period, Registry Operator shall have the option to submit, within ten (10) calendar days thereafter, the matter to binding arbitration as defined in subsection (d) below. If during such period, Registry Operator does not submit the matter to arbitration pursuant to subsection (d) below, ICANN may, upon notice to Registry Operator, terminate this Agreement with immediate effect.

(d) If Registry Operator disagrees with an ICANN Determination, Registry Operator may submit the matter to binding arbitration pursuant to the provisions of Section 5.2, except that the sole issue presented to the arbitrator for determination will be whether or not ICANN reasonably and objectively reached the ICANN Determination. For the purposes of such arbitration, ICANN shall present evidence to the arbitrator supporting the ICANN Determination. If the arbitrator determines that ICANN did not reasonably and objectively reach the ICANN Determination, then ICANN shall waive Registry Operator's compliance with the subject ICANN Requirement. If the arbitrators or pre-arbitral referee, as applicable, determine that ICANN did reasonably and objectively reach the ICANN Determination, then, upon notice to Registry Operator, ICANN may terminate this Agreement with immediate effect.

(e) Registry Operator hereby represents and warrants that, to the best of its knowledge as of the date of execution of this Agreement, no existing ICANN Requirement conflicts with or violates any Applicable Law.

(f) Notwithstanding any other provision of this Section 7.14, following an ICANN Determination and prior to a finding by an arbitrator pursuant to Section 7.14(d) above, ICANN may, subject to prior consultations with Registry Operator, take such reasonable technical measures as it deems necessary to ensure the Security and Stability of Registry Services, the Internet and the DNS. These reasonable technical measures shall be taken by ICANN on an interim basis, until the earlier of the date of conclusion of the arbitration procedure referred to in Section 7.14(d) above or the date of complete resolution of the conflict with an Applicable Law. In case Registry Operator disagrees with such technical measures taken by ICANN, Registry Operator may submit the matter to binding arbitration pursuant to the provisions of Section 5.2 above, during which process ICANN may continue to take such technical measures. In the event that ICANN takes such measures, Registry Operator shall pay all costs incurred by ICANN as a result of taking such measures. In addition, in the event that ICANN takes such measures, ICANN shall retain and may enforce its rights under the Continued Operations Instrument and Alternative Instrument, as applicable.

* * * * *

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

By: _____
[_____]
President and CEO
Date:

[Registry Operator]

By: _____
[_____]
[_____]
Date:

* Final text will be posted on ICANN website; agreement reference to be replaced by hyperlink.

EXHIBIT A

Approved Services

SPECIFICATION 1

CONSENSUS POLICIES AND TEMPORARY POLICIES SPECIFICATION

1. **Consensus Policies.**

1.1. "***Consensus Policies***" are those policies established (1) pursuant to the procedure set forth in ICANN's Bylaws and due process, and (2) covering those topics listed in Section 1.2 of this document. The Consensus Policy development process and procedure set forth in ICANN's Bylaws may be revised from time to time in accordance with the process set forth therein.

1.2. Consensus Policies and the procedures by which they are developed shall be designed to produce, to the extent possible, a consensus of Internet stakeholders, including the operators of gTLDs. Consensus Policies shall relate to one or more of the following:

1.2.1. issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet or Domain Name System ("DNS");

1.2.2. functional and performance specifications for the provision of Registry Services;

1.2.3. Security and Stability of the registry database for the TLD;

1.2.4. registry policies reasonably necessary to implement Consensus Policies relating to registry operations or registrars;

1.2.5. resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names); or

1.2.6. restrictions on cross-ownership of registry operators and registrars or registrar resellers and regulations and restrictions with respect to registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or registrar reseller are affiliated.

1.3. Such categories of issues referred to in Section 1.2 shall include, without limitation:

1.3.1. principles for allocation of registered names in the TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);

1.3.2. prohibitions on warehousing of or speculation in domain names by registries or registrars;

1.3.3. reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration); and

1.3.4. maintenance of and access to accurate and up-to-date information concerning domain name registrations; and procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination.

1.4. In addition to the other limitations on Consensus Policies, they shall not:

1.4.1. prescribe or limit the price of Registry Services;

1.4.2. modify the terms or conditions for the renewal or termination of the Registry Agreement;

1.4.3. modify the limitations on Temporary Policies (defined below) or Consensus Policies;

1.4.4. modify the provisions in the registry agreement regarding fees paid by Registry Operator to ICANN; or

1.4.5. modify ICANN's obligations to ensure equitable treatment of registry operators and act in an open and transparent manner.

2. **Temporary Policies.** Registry Operator shall comply with and implement all specifications or policies established by the Board on a temporary basis, if adopted by the Board by a vote of at least two-thirds of its members, so long as the Board reasonably determines that such modifications or amendments are justified and that immediate temporary establishment of a specification or policy on the subject is necessary to maintain the stability or security of Registry Services or the DNS ("***Temporary Policies***").

2.1. Such proposed specification or policy shall be as narrowly tailored as feasible to achieve those objectives. In establishing any Temporary Policy, the Board shall state the period of time for which the Temporary Policy is adopted and shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws.

2.1.1. ICANN shall also issue an advisory statement containing a detailed explanation of its reasons for adopting the Temporary Policy and why the Board believes such Temporary Policy should receive the consensus support of Internet stakeholders.

2.1.2. If the period of time for which the Temporary Policy is adopted exceeds 90 days, the Board shall reaffirm its temporary adoption every 90 days for a total period not to exceed one year, in order to maintain such Temporary Policy in effect until such time as it becomes a Consensus Policy. If the one year period expires or, if during such one year period, the Temporary Policy does not become a Consensus Policy and is not reaffirmed by the Board, Registry Operator shall no longer be required to comply with or implement such Temporary Policy.

3. **Notice and Conflicts.** Registry Operator shall be afforded a reasonable period of time following notice of the establishment of a Consensus Policy or Temporary Policy in which to comply with such policy or specification, taking into account any urgency involved. In the event of a conflict between Registry Services and Consensus Policies or any Temporary Policy, the Consensus Polices or Temporary Policy shall control, but only with respect to subject matter in conflict.

SPECIFICATION 2
DATA ESCROW REQUIREMENTS

Registry Operator will engage an independent entity to act as data escrow agent ("***Escrow Agent***") for the provision of data escrow services related to the Registry Agreement. The following Technical Specifications set forth in Part A, and Legal Requirements set forth in Part B, will be included in any data escrow agreement between Registry Operator and the Escrow Agent, under which ICANN must be named a third-party beneficiary. In addition to the following requirements, the data escrow agreement may contain other provisions that are not contradictory or intended to subvert the required terms provided below.

PART A – TECHNICAL SPECIFICATIONS

1. **Deposits**. There will be two types of Deposits: Full and Differential. For both types, the universe of Registry objects to be considered for data escrow are those objects necessary in order to offer all of the approved Registry Services.
   1.1 "**Full Deposit**" will consist of data that reflects the state of the registry as of 00:00:00 UTC on each Sunday.
   1.2 "**Differential Deposit**" means data that reflects all transactions that were not reflected in the last previous Full or Differential Deposit, as the case may be. Each Differential Deposit will contain all database transactions since the previous Deposit was completed as of 00:00:00 UTC of each day, but Sunday. Differential Deposits must include complete Escrow Records as specified below that were not included or changed since the most recent full or Differential Deposit (i.e., newly added or modified domain names).

2. **Schedule for Deposits**. Registry Operator will submit a set of escrow files on a daily basis as follows:
   2.1 Each Sunday, a Full Deposit must be submitted to the Escrow Agent by 23:59 UTC.
   2.2 The other six days of the week, the corresponding Differential Deposit must be submitted to Escrow Agent by 23:59 UTC.

3. **Escrow Format Specification.**
   3.1 **Deposit's Format.** Registry objects, such as domains, contacts, name servers, registrars, etc. will be compiled into a file constructed as described in draft-arias-noguchi-registry-data-escrow, see [1]. The aforementioned document describes some elements as optional; Registry Operator will include those elements in the Deposits if they are available. Registry Operator will use the draft version available at the time of signing the Agreement, if not already an RFC. Once the specification is published as an RFC, Registry Operator will implement that specification, no later than 180 days after. UTF-8 character encoding will be used.

   3.2 **Extensions.** If a Registry Operator offers additional Registry Services that require submission of additional data, not included above, additional "extension schemas" shall be defined in a case by case base to represent that data. These "extension schemas" will be specified as described in [1]. Data related to the "extensions schemas" will be included in the deposit file described in section 3.1. ICANN and the respective Registry shall work together to agree on such new objects' data escrow specifications.

4. **Processing of Deposit files.** The use of compression is recommended in order to reduce electronic data transfer times, and storage capacity requirements. Data encryption will be used to ensure the privacy of registry escrow data. Files processed for compression and encryption will be in the binary OpenPGP format as per OpenPGP Message Format - RFC 4880, see [2]. Acceptable algorithms for Public-key cryptography, Symmetric-key cryptography, Hash and Compression are those enumerated in RFC 4880, not marked as deprecated in OpenPGP IANA Registry, see [3], that are also royalty-free. The process to follow for a data file in original text format is:
   (1) The file should be compressed. The suggested algorithm for compression is ZIP as per RFC 4880.
   (2) The compressed data will be encrypted using the escrow agent's public key. The suggested algorithms for Public-key encryption are Elgamal and RSA as per RFC 4880. The suggested algorithms for Symmetric-key encryption are TripleDES, AES128 and CAST5 as per RFC 4880.
   (3) The file may be split as necessary if, once compressed and encrypted is larger than the file size limit agreed with the escrow agent. Every part of a split file, or the whole file if split is not used, will be called a processed file in this section.
   (4) A digital signature file will be generated for every processed file using the Registry's private key. The digital signature file will be in binary OpenPGP format as per RFC 4880 [2], and will not be compressed or encrypted. The suggested algorithms for Digital signatures are DSA and RSA as per RFC 4880. The suggested algorithm for Hashes in Digital signatures is SHA256.
   (5) The processed files and digital signature files will then be transferred to the Escrow Agent through secure electronic mechanisms, such as, SFTP, SCP, HTTPS file upload, etc. as agreed between the Escrow Agent and the Registry Operator. Non-electronic delivery through a physical medium such as CD-ROMs, DVD-ROMs, or USB storage devices may be used if authorized by ICANN.
   (6) The Escrow Agent will then validate every (processed) transferred data file using the procedure described in section 8.

5. **File Naming Conventions.** Files will be named according to the following convention: {gTLD}_{YYYY-MM-DD}_{type}_S{#}_R{rev}.{ext} where:
   5.1 {gTLD} is replaced with the gTLD name; in case of an IDN-TLD, the ASCII-compatible form (A-Label) must be used;
   5.2 {YYYY-MM-DD} is replaced by the date corresponding to the time used as a timeline watermark for the transactions; i.e. for the Full Deposit corresponding to 2009-08-02T00:00Z, the string to be used would be “2009-08-02”;
   5.3 {type} is replaced by:
      (1) “full”, if the data represents a Full Deposit;
      (2) “diff”, if the data represents a Differential Deposit;
      (3) “thin”, if the data represents a Bulk Registration Data Access file, as specified in section 3 of Specification 4;
   5.4 {#} is replaced by the position of the file in a series of files, beginning with “1”; in case of a lone file, this must be replaced by “1”.
   5.5 {rev} is replaced by the number of revision (or resend) of the file beginning with “0”:
   5.6 {ext} is replaced by “sig” if it is a digital signature file of the quasi-homonymous file. Otherwise it is replaced by “ryde”.

6. **Distribution of Public Keys.** Each of Registry Operator and Escrow Agent will distribute its public key to the other party (Registry Operator or Escrow Agent, as the case may be) via email to an email address to be specified. Each party will confirm receipt of the other party's public key with a reply email, and the distributing party will subsequently reconfirm the authenticity of the key transmitted via offline methods, like in person meeting, telephone, etc. In this way, public key transmission is authenticated to a user able to send and receive mail via a mail server operated by the distributing party. Escrow Agent, Registry and ICANN will exchange keys by the same procedure.

7. **Notification of Deposits**. Along with the delivery of each Deposit, Registry Operator will deliver to Escrow Agent and to ICANN a written statement (which may be by authenticated e-mail) that includes a copy of the report generated upon creation of the Deposit and states that the Deposit has been inspected by Registry Operator and is complete and accurate. Registry Operator will include the Deposit's "id" and "resend" attributes in its statement. The attributes are explained in [1].

8. **Verification Procedure**.
   (1) The signature file of each processed file is validated.
   (2) If processed files are pieces of a bigger file, the latter is put together.
   (3) Each file obtained in the previous step is then decrypted and uncompressed.
   (4) Each data file contained in the previous step is then validated against the format defined in [1].
   (5) If [1] includes a verification process, that will be applied at this step.
   If any discrepancy is found in any of the steps, the Deposit will be considered incomplete.

9. **References**.
[1] Domain Name Data Escrow Specification (work in progress), http://tools.ietf.org/html/draft-arias-noguchi-registry-data-escrow
[2] OpenPGP Message Format, http://www.rfc-editor.org/rfc/rfc4880.txt
[3] OpenPGP parameters, http://www.iana.org/assignments/pgp-parameters/pgp-parameters.xhtml

PART B – LEGAL REQUIREMENTS

1. **Escrow Agent**. Prior to entering into an escrow agreement, the Registry Operator must provide notice to ICANN as to the identity of the Escrow Agent, and provide ICANN with contact information and a copy of the relevant escrow agreement, and all amendment thereto. In addition, prior to entering into an escrow agreement, Registry Operator must obtain the consent of ICANN to (a) use the specified Escrow Agent, and (b) enter into the form of escrow agreement provided. ICANN must be expressly designated a third-party beneficiary of the escrow agreement. ICANN reserves the right to withhold its consent to any Escrow Agent, escrow agreement, or any amendment thereto, all in its sole discretion.

2. **Fees**. Registry Operator must pay, or have paid on its behalf, fees to the Escrow Agent directly. If Registry Operator fails to pay any fee by the due date(s), the Escrow Agent will give ICANN written notice of such non-payment and ICANN may pay the past-due fee(s) within ten business days after receipt of the written notice from Escrow Agent. Upon payment of the past-due fees by ICANN, ICANN shall have a claim for such amount against Registry Operator, which Registry Operator shall be required to submit to ICANN together with the next fee payment due under the Registry Agreement.

3. **Ownership**. Ownership of the Deposits during the effective term of the Registry Agreement shall remain with Registry Operator at all times. Thereafter, Registry Operator shall assign any such ownership rights (including intellectual property rights, as the case may be) in such Deposits to ICANN. In the event that during the term of the Registry Agreement any Deposit is released from escrow to ICANN, any intellectual property rights held by Registry Operator in the Deposits will automatically be licensed on a non-exclusive, perpetual, irrevocable, royalty-free, paid-up basis to ICANN or to a party designated in writing by ICANN.

4. **Integrity and Confidentiality**. Escrow Agent will be required to (i) hold and maintain the Deposits in a secure, locked, and environmentally safe facility, which is accessible only to authorized representatives of Escrow Agent, (ii) protect the integrity and confidentiality of the Deposits using commercially reasonable measures and (iii) keep and safeguard each Deposit for one year. ICANN and Registry Operator will be provided the right to inspect Escrow Agent's applicable records upon reasonable prior notice and during normal business hours. Registry Operator and ICANN will be provided with the right to designate a third-party auditor to audit Escrow Agent's compliance with the technical specifications and maintenance requirements of this Specification 2 from time to time.

   If Escrow Agent receives a subpoena or any other order from a court or other judicial tribunal pertaining to the disclosure or release of the Deposits, Escrow Agent will promptly notify the Registry Operator and ICANN unless prohibited by law. After notifying the Registry Operator and ICANN, Escrow Agent shall allow sufficient time for Registry Operator or ICANN to challenge any such order, which shall be the responsibility of Registry Operator or ICANN; provided, however, that Escrow Agent does not waive its rights to present its position with respect to any such order. Escrow Agent will cooperate with the Registry Operator or ICANN to support efforts to quash or limit any subpoena, at such party's expense. Any party requesting additional assistance shall pay Escrow Agent's standard charges or as quoted upon submission of a detailed request.

5. **Copies**. Escrow Agent may be permitted to duplicate any Deposit, in order to comply with the terms and provisions of the escrow agreement.

6. **Release of Deposits**. Escrow Agent will make available for electronic download (unless otherwise requested) to ICANN or its designee, within twenty-four hours, at the Registry Operator's expense, all Deposits in Escrow Agent's possession in the event that the Escrow Agent receives a request from Registry Operator to effect such delivery to ICANN, or receives one of the following written notices by ICANN stating that:

6.1 the Registry Agreement has expired without renewal, or been terminated; or

6.2 ICANN failed, with respect to (a) any Full Deposit or (b) five Differential Deposits within any calendar month, to receive, within five calendar days after the Deposit's scheduled delivery date, notification of receipt from Escrow Agent; (x) ICANN gave notice to Escrow Agent and Registry Operator of that failure; and (y) ICANN has not, within seven calendar days after such notice, received notice from Escrow Agent that the Deposit has been received; or

6.3 ICANN has received notification from Escrow Agent of failed verification of a Full Deposit or of failed verification of five Differential Deposits within any calendar month and (a) ICANN gave notice to Registry Operator of that receipt; and (b) ICANN has not, within seven calendar days after such notice, received notice from Escrow Agent of verification of a remediated version of such Full Deposit or Differential Deposit; or

6.4 Registry Operator has: (i) ceased to conduct its business in the ordinary course; or (ii) filed for bankruptcy, become insolvent or anything analogous to any of the foregoing under the laws of any jurisdiction anywhere in the world; or

6.5 Registry Operator has experienced a failure of critical registry functions and ICANN has asserted its rights pursuant to Section 2.13 of the Registry Agreement; or

6.6 a competent court, arbitral, legislative, or government agency mandates the release of the Deposits to ICANN.

Unless Escrow Agent has previously released the Registry Operator's Deposits to ICANN or its designee, Escrow Agent will deliver all Deposits to ICANN upon termination of the Registry Agreement or the Escrow Agreement.

7. Verification of Deposits.

7.1 Within twenty-four hours after receiving each Deposit or corrected Deposit, Escrow Agent must verify the format and completeness of each Deposit and deliver to ICANN a copy of the verification report generated for each Deposit. Reports will be delivered electronically, as specified from time to time by ICANN.

7.2 If Escrow Agent discovers that any Deposit fails the verification procedures, Escrow Agent must notify, either by email, fax or phone, Registry Operator and ICANN of such nonconformity within twenty-four hours after receiving the non-conformant Deposit. Upon notification of such verification failure, Registry Operator must begin developing modifications, updates, corrections, and other fixes of the Deposit necessary for the Deposit to pass the verification procedures and deliver such fixes to Escrow Agent as promptly as possible.

8. Amendments. Escrow Agent and Registry Operator shall amend the terms of the Escrow Agreement to conform to this Specification 2 within ten (10) calendar days of any amendment or modification to this Specification 2. In the event of a conflict between this Specification 2 and the Escrow Agreement, this Specification 2 shall control.

9. Indemnity. Registry Operator shall indemnify and hold harmless Escrow Agent and each of its directors, officers, agents, employees, members, and stockholders ("Escrow Agent Indemnitees")

absolutely and forever from and against any and all claims, actions, damages, suits, liabilities, obligations, costs, fees, charges, and any other expenses whatsoever, including reasonable attorneys' fees and costs, that may be asserted by a third party against any Escrow Agent Indemnitees in connection with the Escrow Agreement or the performance of Escrow Agent or any Escrow Agent Indemnitees thereunder (with the exception of any claims based on the misrepresentation, negligence, or misconduct of Escrow Agent, its directors, officers, agents, employees, contractors, members, and stockholders). Escrow Agent shall indemnify and hold harmless Registry Operator and ICANN, and each of their respective directors, officers, agents, employees, members, and stockholders ("Indemnitees") absolutely and forever from and against any and all claims, actions, damages, suits, liabilities, obligations, costs, fees, charges, and any other expenses whatsoever, including reasonable attorneys' fees and costs, that may be asserted by a third party against any Indemnitee in connection with the misrepresentation, negligence or misconduct of Escrow Agent, its directors, officers, agents, employees and contractors.

SPECIFICATION 3

FORMAT AND CONTENT FOR REGISTRY OPERATOR MONTHLY REPORTING

Registry Operator shall provide one set of monthly reports per gTLD to _____ with the following content. ICANN may request in the future that the reports be delivered by other means and using other formats. ICANN will use reasonable commercial efforts to preserve the confidentiality of the information reported until three months after the end of the month to which the reports relate.

1. Per-Registrar Transactions Report. This report shall be compiled in a comma separated-value formatted file as specified in RFC 4180. The file shall be named "gTLD-transactions-yyyymm.csv", where "gTLD" is the gTLD name; in case of an IDN-TLD, the A-label shall be used; "yyyymm" is the year and month being reported. The file shall contain the following fields per registrar:

Field #	Field Name	Description
01	registrar-name	registrar's full corporate name as registered with IANA
02	iana-id	http://www.iana.org/assignments/registrar-ids
03	total-domains	total domains under sponsorship
04	total-nameservers	total name servers registered for TLD
05	net-adds-1-yr	number of domains successfully registered with an initial term of one year (and not deleted within the add grace period)
06	net-adds-2-yr	number of domains successfully registered with an initial term of two years (and not deleted within the add grace period)
07	net-adds-3-yr	number of domains successfully registered with an initial term of three years (and not deleted within the add grace period)
08	net-adds-4-yr	number of domains successfully registered with an initial term of four years (and not deleted within the add grace period)
09	net-adds-5-yr	number of domains successfully registered with an initial term of five years (and not deleted within the add grace period)
10	net-adds-6-yr	number of domains successfully registered with an initial term of six years (and not deleted within the add grace period)
11	net-adds-7-yr	number of domains successfully registered with an initial term of seven years (and not deleted within the add grace period)

12	net-adds-8-yr	number of domains successfully registered with an initial term of eight years (and not deleted within the add grace period)
13	net-adds-9-yr	number of domains successfully registered with an initial term of nine years (and not deleted within the add grace period)
14	net-adds-10-yr	number of domains successfully registered with an initial term of ten years (and not deleted within the add grace period)
15	net-renews-1-yr	number of domains successfully renewed either automatically or by command with a new renewal period of one year (and not deleted within the renew grace period)
16	net-renews-2-yr	number of domains successfully renewed either automatically or by command with a new renewal period of two years (and not deleted within the renew grace period)
17	net-renews-3-yr	number of domains successfully renewed either automatically or by command with a new renewal period of three years (and not deleted within the renew grace period)
18	net-renews-4-yr	number of domains successfully renewed either automatically or by command with a new renewal period of four years (and not deleted within the renew grace period)
19	net-renews-5-yr	number of domains successfully renewed either automatically or by command with a new renewal period of five years (and not deleted within the renew grace period)
20	net-renews-6-yr	number of domains successfully renewed either automatically or by command with a new renewal period of six years (and not deleted within the renew grace period)
21	net-renews-7-yr	number of domains successfully renewed either automatically or by command with a new renewal period of seven years (and not deleted within the renew grace period)
22	net-renews-8-yr	number of domains successfully renewed either automatically or by command with a new renewal period of eight years (and not deleted within the renew grace period)
23	net-renews-9-yr	number of domains successfully renewed either

		automatically or by command with a new renewal period of nine years (and not deleted within the renew grace period)
24	net-renews-10-yr	number of domains successfully renewed either automatically or by command with a new renewal period of ten years (and not deleted within the renew grace period)
25	transfer-gaining-successful	transfers initiated by this registrar that were ack'd by the other registrar – either by command or automatically
26	transfer-gaining-nacked	transfers initiated by this registrar that were n'acked by the other registrar
27	transfer-losing-successful	transfers initiated by another registrar that this registrar ack'd – either by command or automatically
28	transfer-losing-nacked	transfers initiated by another registrar that this registrar n'acked
29	transfer-disputed-won	number of transfer disputes in which this registrar prevailed
30	transfer-disputed-lost	number of transfer disputes this registrar lost
31	transfer-disputed-nodecision	number of transfer disputes involving this registrar with a split or no decision
32	deleted-domains-grace	domains deleted within the add grace period
33	deleted-domains-nograce	domains deleted outside the add grace period
34	restored-domains	domain names restored from redemption period
35	restored-noreport	total number of restored names for which the registrar failed to submit a restore report
36	agp-exemption-requests	total number of AGP (add grace period) exemption requests
37	agp-exemptions-granted	total number of AGP (add grace period) exemption requests granted
38	agp-exempted-domains	total number of names affected by granted AGP (add grace period) exemption requests
39	attempted-adds	number of attempted (successful and failed) domain name create commands

The first line shall include the field names exactly as described in the table above as a “header line” as described in section 2 of RFC 4180. The last line of each report shall include totals for each column across all registrars; the first field of this line shall read “Totals” while the second field shall be left empty in that line. No other lines besides the ones described above shall be included. Line breaks shall be <U+000D, U+000A> as described in RFC 4180.

2. Registry Functions Activity Report. This report shall be compiled in a comma separated-value formatted file as specified in RFC 4180. The file shall be named "gTLD-activity-yyyymm.csv", where "gTLD" is the gTLD name; in case of an IDN-TLD, the A-label shall be used; "yyyymm" is the year and month being reported. The file shall contain the following fields:

Field #	Field Name	Description
01	operational-registrars	number of operational registrars at the end of the reporting period
02	ramp-up-registrars	number of registrars that have received a password for access to OT&E at the end of the reporting period
03	pre-ramp-up-registrars	number of registrars that have requested access, but have not yet entered the ramp-up period at the end of the reporting period
04	zfa-passwords	number of active zone file access passwords at the end of the reporting period
05	whois-43-queries	number of WHOIS (port-43) queries responded during the reporting period
06	web-whois-queries	number of Web-based Whois queries responded during the reporting period, not including searchable Whois
07	searchable-whois-queries	number of searchable Whois queries responded during the reporting period, if offered
08	dns-udp-queries-received	number of DNS queries received over UDP transport during the reporting period
09	dns-udp-queries-responded	number of DNS queries received over UDP transport that were responded during the reporting period
10	dns-tcp-queries-received	number of DNS queries received over TCP transport during the reporting period
11	dns-tcp-queries-responded	number of DNS queries received over TCP transport that were responded during the reporting period
12	srs-dom-check	number of SRS (EPP and any other interface) domain name "check" requests responded during the reporting period
13	srs-dom-create	number of SRS (EPP and any other interface) domain name "create" requests responded during the reporting period
14	srs-dom-delete	number of SRS (EPP and any other interface) domain name "delete" requests responded during the reporting period
15	srs-dom-info	number of SRS (EPP and any other interface) domain name "info" requests responded during the reporting period
16	srs-dom-renew	number of SRS (EPP and any other interface) domain name

		"renew" requests responded during the reporting period
17	srs-dom-rgp-restore-report	number of SRS (EPP and any other interface) domain name RGP "restore" requests responded during the reporting period
18	srs-dom-rgp-restore-request	number of SRS (EPP and any other interface) domain name RGP "restore" requests delivering a restore report responded during the reporting period
19	srs-dom-transfer-approve	number of SRS (EPP and any other interface) domain name "transfer" requests to approve transfers responded during the reporting period
20	srs-dom-transfer-cancel	number of SRS (EPP and any other interface) domain name "transfer" requests to cancel transfers responded during the reporting period
21	srs-dom-transfer-query	number of SRS (EPP and any other interface) domain name "transfer" requests to query about a transfer responded during the reporting period
22	srs-dom-transfer-reject	number of SRS (EPP and any other interface) domain name "transfer" requests to reject transfers responded during the reporting period
23	srs-dom-transfer-request	number of SRS (EPP and any other interface) domain name "transfer" requests to request transfers responded during the reporting period
24	srs-dom-update	number of SRS (EPP and any other interface) domain name "update" requests (not including RGP restore requests) responded during the reporting period
25	srs-host-check	number of SRS (EPP and any other interface) host "check" requests responded during the reporting period
26	srs-host-create	number of SRS (EPP and any other interface) host "create" requests responded during the reporting period
27	srs-host-delete	number of SRS (EPP and any other interface) host "delete" requests responded during the reporting period
28	srs-host-info	number of SRS (EPP and any other interface) host "info" requests responded during the reporting period
29	srs-host-update	number of SRS (EPP and any other interface) host "update" requests responded during the reporting period
30	srs-cont-check	number of SRS (EPP and any other interface) contact "check" requests responded during the reporting period
31	srs-cont-create	number of SRS (EPP and any other interface) contact "create" requests responded during the reporting period

32	srs-cont-delete	number of SRS (EPP and any other interface) contact "delete" requests responded during the reporting period
33	srs-cont-info	number of SRS (EPP and any other interface) contact "info" requests responded during the reporting period
34	srs-cont-transfer-approve	number of SRS (EPP and any other interface) contact "transfer" requests to approve transfers responded during the reporting period
35	srs-cont-transfer-cancel	number of SRS (EPP and any other interface) contact "transfer" requests to cancel transfers responded during the reporting period
36	srs-cont-transfer-query	number of SRS (EPP and any other interface) contact "transfer" requests to query about a transfer responded during the reporting period
37	srs-cont-transfer-reject	number of SRS (EPP and any other interface) contact "transfer" requests to reject transfers responded during the reporting period
38	srs-cont-transfer-request	number of SRS (EPP and any other interface) contact "transfer" requests to request transfers responded during the reporting period
39	srs-cont-update	number of SRS (EPP and any other interface) contact "update" requests responded during the reporting period

The first line shall include the field names exactly as described in the table above as a "header line" as described in section 2 of RFC 4180. No other lines besides the ones described above shall be included. Line breaks shall be <U+000D, U+000A> as described in RFC 4180.

SPECIFICATION 4

SPECIFICATION FOR REGISTRATION DATA PUBLICATION SERVICES

1. **Registration Data Directory Services.** Until ICANN requires a different protocol, Registry Operator will operate a WHOIS service available via port 43 in accordance with RFC 3912, and a web-based Directory Service at <whois.nic.TLD> providing free public query-based access to at least the following elements in the following format. ICANN reserves the right to specify alternative formats and protocols, and upon such specification, the Registry Operator will implement such alternative specification as soon as reasonably practicable.

1.1. The format of responses shall follow a semi-free text format outline below, followed by a blank line and a legal disclaimer specifying the rights of Registry Operator, and of the user querying the database.

1.2. Each data object shall be represented as a set of key/value pairs, with lines beginning with keys, followed by a colon and a space as delimiters, followed by the value.

1.3. For fields where more than one value exists, multiple key/value pairs with the same key shall be allowed (for example to list multiple name servers). The first key/value pair after a blank line should be considered the start of a new record, and should be considered as identifying that record, and is used to group data, such as hostnames and IP addresses, or a domain name and registrant information, together.

1.4. **Domain Name Data:**

1.4.1. **Query format:** whois EXAMPLE.TLD

1.4.2. **Response format:**

Domain Name: EXAMPLE.TLD
Domain ID: D1234567-TLD
WHOIS Server: whois.example.tld
Referral URL: http://www.example.tld
Updated Date: 2009-05-29T20:13:00Z
Creation Date: 2000-10-08T00:45:00Z
Registry Expiry Date: 2010-10-08T00:44:59Z
Sponsoring Registrar: EXAMPLE REGISTRAR LLC
Sponsoring Registrar IANA ID: 5555555
Domain Status: clientDeleteProhibited
Domain Status: clientRenewProhibited
Domain Status: clientTransferProhibited
Domain Status: serverUpdateProhibited
Registrant ID: 5372808-ERL
Registrant Name: EXAMPLE REGISTRANT
Registrant Organization: EXAMPLE ORGANIZATION
Registrant Street: 123 EXAMPLE STREET
Registrant City: ANYTOWN
Registrant State/Province: AP
Registrant Postal Code: A1A1A1
Registrant Country: EX

Registrant Phone: +1.5555551212
Registrant Phone Ext: 1234
Registrant Fax: +1.5555551213
Registrant Fax Ext: 4321
Registrant Email: EMAIL@EXAMPLE.TLD
Admin ID: 5372809-ERL
Admin Name: EXAMPLE REGISTRANT ADMINISTRATIVE
Admin Organization: EXAMPLE REGISTRANT ORGANIZATION
Admin Street: 123 EXAMPLE STREET
Admin City: ANYTOWN
Admin State/Province: AP
Admin Postal Code: A1A1A1
Admin Country: EX
Admin Phone: +1.5555551212
Admin Phone Ext: 1234
Admin Fax: +1.5555551213
Admin Fax Ext:
Admin Email: EMAIL@EXAMPLE.TLD
Tech ID: 5372811-ERL
Tech Name: EXAMPLE REGISTRAR TECHNICAL
Tech Organization: EXAMPLE REGISTRAR LLC
Tech Street: 123 EXAMPLE STREET
Tech City: ANYTOWN
Tech State/Province: AP
Tech Postal Code: A1A1A1
Tech Country: EX
Tech Phone: +1.1235551234
Tech Phone Ext: 1234
Tech Fax: +1.5555551213
Tech Fax Ext: 93
Tech Email: EMAIL@EXAMPLE.TLD
Name Server: NS01.EXAMPLEREGISTRAR.TLD
Name Server: NS02.EXAMPLEREGISTRAR.TLD
DNSSEC: signedDelegation
DNSSEC: unsigned
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.5. **Registrar Data:**

1.5.1. **Query format:** whois "registrar Example Registrar, Inc."

1.5.2. **Response format:**

Registrar Name: Example Registrar, Inc.
Street: 1234 Admiralty Way
City: Marina del Rey
State/Province: CA
Postal Code: 90292
Country: US
Phone Number: +1.3105551212
Fax Number: +1.3105551213

Email: registrar@example.tld
WHOIS Server: whois.example-registrar.tld
Referral URL: http://www. example-registrar.tld
Admin Contact: Joe Registrar
Phone Number: +1.3105551213
Fax Number: +1.3105551213
Email: joeregistrar@example-registrar.tld
Admin Contact: Jane Registrar
Phone Number: +1.3105551214
Fax Number: +1.3105551213
Email: janeregistrar@example-registrar.tld
Technical Contact: John Geek
Phone Number: +1.3105551215
Fax Number: +1.3105551216
Email: johngeek@example-registrar.tld
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.6. **Nameserver Data:**

1.6.1. **Query format:** whois "NS1.EXAMPLE.TLD" or whois "nameserver (IP Address)"

1.6.2. **Response format:**

Server Name: NS1.EXAMPLE.TLD
IP Address: 192.0.2.123
IP Address: 2001:0DB8::1
Registrar: Example Registrar, Inc.
WHOIS Server: whois.example-registrar.tld
Referral URL: http://www. example-registrar.tld
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.7. The format of the following data fields: domain status, individual and organizational names, address, street, city, state/province, postal code, country, telephone and fax numbers, email addresses, date and times should conform to the mappings specified in EPP RFCs 5730-5734 so that the display of this information (or values return in WHOIS responses) can be uniformly processed and understood.

1.8. **Searchability**. Offering searchability capabilities on the Directory Services is optional but if offered by the Registry Operator it shall comply with the specification described in this section.

1.8.1. Registry Operator will offer searchability on the web-based Directory Service.

1.8.2. Registry Operator will offer partial match capabilities, at least, on the following fields: domain name, contacts and registrant's name, and contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.).

1.8.3. Registry Operator will offer exact-match capabilities, at least, on the following fields: registrar id, name server name, and name server's IP address (only applies to IP addresses stored by the registry, i.e., glue records).

1.8.4. Registry Operator will offer Boolean search capabilities supporting, at least, the following logical operators to join a set of search criteria: AND, OR, NOT.

1.8.5. Search results will include domain names matching the search criteria.

1.8.6. Registry Operator will: 1) implement appropriate measures to avoid abuse of this feature (e.g., permitting access only to legitimate authorized users); and 2) ensure the feature is in compliance with any applicable privacy laws or policies.

2. **Zone File Access**

2.1. **Third-Party Access**

2.1.1. **Zone File Access Agreement.** Registry Operator will enter into an agreement with any Internet user that will allow such user to access an Internet host server or servers designated by Registry Operator and download zone file data. The agreement will be standardized, facilitated and administered by a Centralized Zone Data Access Provider (the "CZDA Provider"). Registry Operator will provide access to zone file data per Section 2.1.3 and do so using the file format described in Section 2.1.4. Notwithstanding the foregoing, (a) the CZDA Provider may reject the request for access of any user that does not satisfy the credentialing requirements in Section 2.1.2 below; (b) Registry Operator may reject the request for access of any user that does not provide correct or legitimate credentials under Section 2.1. 2 or where Registry Operator reasonably believes will violate the terms of Section 2.1.5. below; and, (c) Registry Operator may revoke access of any user if Registry Operator has evidence to support that the user has violated the terms of Section 2.1.5.

2.1.2. **Credentialing Requirements.** Registry Operator, through the facilitation of the CZDA Provider, will request each user to provide it with information sufficient to correctly identify and locate the user. Such user information will include, without limitation, company name, contact name, address, telephone number, facsimile number, email address, and the Internet host machine name and IP address.

2.1.3. **Grant of Access.** Each Registry Operator will provide the Zone File FTP (or other Registry supported) service for an ICANN-specified and managed URL (specifically, <TLD>.zda.icann.org where <TLD> is the TLD for which the registry is responsible) for the user to access the Registry's zone data archives. Registry Operator will grant the user a non-exclusive, non-transferable, limited right to access Registry Operator's Zone File FTP server, and to transfer a copy of the top-level domain zone files, and any associated cryptographic checksum files no more than once per 24 hour period using FTP, or other data transport and access protocols that may be prescribed by ICANN. For every zone file access server, the zone files are in the top-level directory called <zone>.zone.gz, with <zone>.zone.gz.md5 and <zone>.zone.gz.sig to verify downloads. If the Registry Operator also provides historical data, it will use the naming pattern <zone>-yyyymmdd.zone.gz, etc.

2.1.4. **File Format Standard**. Registry Operator will provide zone files using a sub-format of the standard Master File format as originally defined in RFC 1035, Section 5, including all the records present in the actual zone used in the public DNS. Sub-format is as follows:

1. Each record must include all fields in one line as: <domain-name> <TTL> <class> <type> <RDATA>.
2. Class and Type must use the standard mnemonics and must be in lower case.

3. TTL must be present as a decimal integer.
4. Use of /X and /DDD inside domain names is allowed.
5. All domain names must be in lower case.
6. Must use exactly one tab as separator of fields inside a record.
7. All domain names must be fully qualified.
8. No $ORIGIN directives.
9. No use of "@" to denote current origin.
10. No use of "blank domain names" at the beginning of a record to continue the use of the domain name in the previous record.
11. No $INCLUDE directives.
12. No $TTL directives.
13. No use of parentheses, e.g., to continue the list of fields in a record across a line boundary.
14. No use of comments.
15. No blank lines.
16. The SOA record should be present at the top and (duplicated at) the end of the zone file.
17. With the exception of the SOA record, all the records in a file must be in alphabetical order.
18. One zone per file. If a TLD divides its DNS data into multiple zones, each goes into a separate file named as above, with all the files combined using tar into a file called <tld>.zone.tar.

2.1.5. **Use of Data by User.** Registry Operator will permit user to use the zone file for lawful purposes; provided that, (a) user takes all reasonable steps to protect against unauthorized access to and use and disclosure of the data, and (b) under no circumstances will Registry Operator be required or permitted to allow user to use the data to, (i) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than user's own existing customers, or (ii) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator or any ICANN-accredited registrar.

2.1.6. **Term of Use.** Registry Operator, through CZDA Provider, will provide each user with access to the zone file for a period of not less than three (3) months. Registry Operator will allow users to renew their Grant of Access.

2.1.7. **No Fee for Access.** Registry Operator will provide, and CZDA Provider will facilitate, access to the zone file to user at no cost.

2.2 Co-operation

2.2.1. **Assistance**. Registry Operator will co-operate and provide reasonable assistance to ICANN and the CZDA Provider to facilitate and maintain the efficient access of zone file data by permitted users as contemplated under this Schedule.

2.3 ICANN Access. Registry Operator shall provide bulk access to the zone files for the TLD to ICANN or its designee on a continuous basis in the manner ICANN may reasonably specify from time to time.

2.4 Emergency Operator Access. Registry Operator shall provide bulk access to the zone files for the TLD to the Emergency Operators designated by ICANN on a continuous basis in the manner ICANN may reasonably specify from time to time.

3. **Bulk Registration Data Access to ICANN**

3.1. **Periodic Access to Thin Registration Data.** In order to verify and ensure the operational stability of Registry Services as well as to facilitate compliance checks on accredited registrars, Registry Operator will provide ICANN on a weekly basis (the day to be designated by ICANN) with up-to-date Registration Data as specified below. Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN.

3.1.1. **Contents**. Registry Operator will provide, at least, the following data for all registered domain names: domain name, domain name repository object id (roid), registrar id (IANA ID), statuses, last updated date, creation date, expiration date, and name server names. For sponsoring registrars, at least, it will provide: registrar name, registrar repository object id (roid), hostname of registrar Whois server, and URL of registrar.

3.1.2. **Format**. The data will be provided in the format specified in Specification 2 for Data Escrow (including encryption, signing, etc.) but including only the fields mentioned in the previous section, i.e., the file will only contain Domain and Registrar objects with the fields mentioned above. Registry Operator has the option to provide a full deposit file instead as specified in Specification 2.

3.1.3, **Access**. Registry Operator will have the file(s) ready for download as of 00:00:00 UTC on the day designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, though ICANN may request other means in the future.

3.2. **Exceptional Access to Thick Registration Data.** In case of a registrar failure, de-accreditation, court order, etc. that prompts the temporary or definitive transfer of its domain names to another registrar, at the request of ICANN, Registry Operator will provide ICANN with up-to-date data for the domain names of the losing registrar. The data will be provided in the format specified in Specification 2 for Data Escrow. The file will only contain data related to the domain names of the losing registrar. Registry Operator will provide the data within 2 business days. Unless otherwise agreed by Registry Operator and ICANN, the file will be made available for download by ICANN in the same manner as the data specified in Section 3.1. of this Specification.

SPECIFICATION 5

SCHEDULE OF RESERVED NAMES AT THE SECOND LEVEL IN GTLD REGISTRIES

Except to the extent that ICANN otherwise expressly authorizes in writing, Registry Operator shall reserve (i.e., Registry Operator shall not register, delegate, use or otherwise make available such labels to any third party, but may register such labels in its own name in order to withhold them from delegation or use) names formed with the following labels from initial (i.e. other than renewal) registration within the TLD:

1. **Example. The label "EXAMPLE**" shall be reserved at the second level and at all other levels within the TLD at which Registry Operator makes registrations.

2. **Two-character labels**. All two-character labels shall be initially reserved. The reservation of a two-character label string may be released to the extent that Registry Operator reaches agreement with the government and country-code manager. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.

3. **Tagged Domain Names.** Labels may only include hyphens in the third and fourth position if they represent valid internationalized domain names in their ASCII encoding (for example "xn--ndk061n").

4. **Second-Level Reservations for Registry Operations.** The following names are reserved for use in connection with the operation of the registry for the TLD. Registry Operator may use them, but upon conclusion of Registry Operator's designation as operator of the registry for the TLD they shall be transferred as specified by ICANN: NIC, WWW, IRIS and WHOIS.

5. **Country and Territory Names.** The country and territory names contained in the following internationally recognized lists shall be initially reserved at the second level and at all other levels within the TLD at which the Registry Operator provides for registrations:

    5.1. the short form (in English) of all country and territory names contained on the ISO 3166-1 list, as updated from time to time, including the European Union, which is exceptionally reserved on the ISO 3166-1 list, and its scope extended in August 1999 to any application needing to represent the name European Union <http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166-1_decoding_table.htm#EU>;

    5.2. the United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World; and

    5.3. the list of United Nations member states in 6 official United Nations languages prepared by the Working Group on Country Names of the United Nations Conference on the Standardization of Geographical Names;

    provided, that the reservation of specific country and territory names may be released to the extent that Registry Operator reaches agreement with the applicable government(s), provided, further, that

Registry Operator may also propose release of these reservations, subject to review by ICANN's Governmental Advisory Committee and approval by ICANN.

SPECIFICATION 6

REGISTRY INTEROPERABILITY AND CONTINUITY SPECIFICATIONS

1. **Standards Compliance**

1.1. **DNS.** Registry Operator shall comply with relevant existing RFCs and those published in the future by the Internet Engineering Task Force (IETF) including all successor standards, modifications or additions thereto relating to the DNS and name server operations including without limitation RFCs 1034, 1035, 1982, 2181, 2182, 2671, 3226, 3596, 3597, 4343, and 5966.

1.2. **EPP**. Registry Operator shall comply with relevant existing RFCs and those published in the future by the Internet Engineering Task Force (IETF) including all successor standards, modifications or additions thereto relating to the provisioning and management of domain names using the Extensible Provisioning Protocol (EPP) in conformance with RFCs 5910, 5730, 5731, 5732, 5733 and 5734. If Registry Operator implements Registry Grace Period (RGP), it will comply with RFC 3915 and its successors. If Registry Operator requires the use of functionality outside the base EPP RFCs, Registry Operator must document EPP extensions in Internet-Draft format following the guidelines described in RFC 3735. Registry Operator will provide and update the relevant documentation of all the EPP Objects and Extensions supported to ICANN prior to deployment.

1.3. **DNSSEC**. Registry Operator shall sign its TLD zone files implementing Domain Name System Security Extensions ("DNSSEC"). During the Term, Registry Operator shall comply with RFCs 4033, 4034, 4035, 4509 and their successors, and follow the best practices described in RFC 4641 and its successors. If Registry Operator implements Hashed Authenticated Denial of Existence for DNS Security Extensions, it shall comply with RFC 5155 and its successors. Registry Operator shall accept public-key material from child domain names in a secure manner according to industry best practices. Registry shall also publish in its website the DNSSEC Practice Statements (DPS) describing critical security controls and procedures for key material storage, access and usage for its own keys and secure acceptance of registrants' public-key material. Registry Operator shall publish its DPS following the format described in "DPS-framework" (currently in draft format, see http://tools.ietf.org/html/draft-ietf-dnsop-dnssec-dps-framework) within 180 days after the "DPS-framework" becomes an RFC.

1.4. **IDN**. If the Registry Operator offers Internationalized Domain Names ("IDNs"), it shall comply with RFCs 5890, 5891, 5892, 5893 and their successors. Registry Operator shall comply with the ICANN IDN Guidelines at <http://www.icann.org/en/topics/idn/implementation-guidelines.htm>, as they may be amended, modified, or superseded from time to time. Registry Operator shall publish and keep updated its IDN Tables and IDN Registration Rules in the IANA Repository of IDN Practices as specified in the ICANN IDN Guidelines.

1.5. **IPv6**. Registry Operator shall be able to accept IPv6 addresses as glue records in its Registry System and publish them in the DNS. Registry Operator shall offer public IPv6 transport for, at least, two of the Registry's name servers listed in the root zone with the corresponding IPv6 addresses registered with IANA. Registry Operator should follow "DNS IPv6 Transport Operational Guidelines" as described in BCP 91 and the recommendations and considerations described in RFC 4472. Registry Operator shall offer public IPv6 transport for its Registration Data Publication Services as defined in Specification 4 of this Agreement; e.g. Whois (RFC 3912), Web based Whois. Registry Operator shall offer public IPv6 transport for its Shared Registration System (SRS) to any Registrar, no later than six months after receiving the first request in writing from a gTLD accredited Registrar willing to operate with the SRS over IPv6.

2. Registry Services

2.1. **Registry Services**. "Registry Services" are, for purposes of the Registry Agreement, defined as the following: (a) those services that are operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry DNS servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by this Agreement; (b) other products or services that the Registry Operator is required to provide because of the establishment of a Consensus Policy as defined in Specification 1; (c) any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator; and (d) material changes to any Registry Service within the scope of (a), (b) or (c) above.

2.2. **Wildcard Prohibition**. For domain names which are either not registered, or the registrant has not supplied valid records such as NS records for listing in the DNS zone file, or their status does not allow them to be published in the DNS, the use of DNS wildcard Resource Records as described in RFCs 1034 and 4592 or any other method or technology for synthesizing DNS Resources Records or using redirection within the DNS by the Registry is prohibited. When queried for such domain names the authoritative name servers must return a "Name Error" response (also known as NXDOMAIN), RCODE 3 as described in RFC 1035 and related RFCs. This provision applies for all DNS zone files at all levels in the DNS tree for which the Registry Operator (or an affiliate engaged in providing Registration Services) maintains data, arranges for such maintenance, or derives revenue from such maintenance.

3. Registry Continuity

3.1. **High Availability**. Registry Operator will conduct its operations using network and geographically diverse, redundant servers (including network-level redundancy, end-node level redundancy and the implementation of a load balancing scheme where applicable) to ensure continued operation in the case of technical failure (widespread or local), or an extraordinary occurrence or circumstance beyond the control of the Registry Operator.

3.2. **Extraordinary Event**. Registry Operator will use commercially reasonable efforts to restore the critical functions of the registry within 24 hours after the termination of an extraordinary event beyond the control of the Registry Operator and restore full system functionality within a maximum of 48 hours following such event, depending on the type of critical function involved. Outages due to such an event will not be considered a lack of service availability.

3.3. **Business Continuity**. Registry Operator shall maintain a business continuity plan, which will provide for the maintenance of Registry Services in the event of an extraordinary event beyond the control of the Registry Operator or business failure of Registry Operator, and may include the designation of a Registry Services continuity provider. If such plan includes the designation of a Registry Services continuity provider, Registry Operator shall provide the name and contact information for such Registry Services continuity provider to ICANN. In the case of an extraordinary event beyond the control of the Registry Operator where the Registry Operator cannot be contacted, Registry Operator consents that ICANN may contact the designated Registry Services continuity provider, if one exists. Registry Operator shall conduct Registry Services Continuity testing at least once per year.

4. Abuse Mitigation

4.1. **Abuse Contact**. Registry Operator shall provide to ICANN and publish on its website its accurate contact details including a valid email and mailing address as well as a primary contact for handling inquires related to malicious conduct in the TLD, and will provide ICANN with prompt notice of any changes to such contact details.

4.2. **Malicious Use of Orphan Glue Records**. Registry Operators shall take action to remove orphan glue records (as defined at http://www.icann.org/en/committees/security/sac048.pdf) when provided with evidence in written form that such records are present in connection with malicious conduct.

5. Supported Initial and Renewal Registration Periods

5.1. **Initial Registration Periods**. Initial registrations of registered names may be made in the registry in one (1) year increments for up to a maximum of ten (10) years. For the avoidance of doubt, initial registrations of registered names may not exceed ten (10) years.

5.2. **Renewal Periods**. Renewal of registered names may be made in one (1) year increments for up to a maximum of ten (10) years. For the avoidance of doubt, renewal of registered names may not extend their registration period beyond ten (10) years from the time of the renewal.

SPECIFICATION 7

MINIMUM REQUIREMENTS FOR RIGHTS PROTECTION MECHANISMS

1. **Rights Protection Mechanisms.** Registry Operator shall implement and adhere to any rights protection mechanisms ("RPMs") that may be mandated from time to time by ICANN. In addition to such RPMs, Registry Operator may develop and implement additional RPMs that discourage or prevent registration of domain names that violate or abuse another party's legal rights. Registry Operator will include all ICANN mandated and independently developed RPMs in the registry-registrar agreement entered into by ICANN-accredited registrars authorized to register names in the TLD. Registry Operator shall implement in accordance with requirements established by ICANN each of the mandatory RPMs set forth in the Trademark Clearinghouse (posted at [url to be inserted when final Trademark Clearinghouse is adopted]), which may be revised by ICANN from time to time. Registry Operator shall not mandate that any owner of applicable intellectual property rights use any other trademark information aggregation, notification, or validation service in addition to or instead of the ICANN-designated Trademark Clearinghouse.

2. **Dispute Resolution Mechanisms.** Registry Operator will comply with the following dispute resolution mechanisms as they may be revised from time to time:

a. the Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) and the Registration Restriction Dispute Resolution Procedure (RRDRP) adopted by ICANN (posted at [urls to be inserted when final procedure is adopted]). Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PDDRP or RRDRP panel and to be bound by any such determination; and

b. the Uniform Rapid Suspension system ("URS") adopted by ICANN (posted at [url to be inserted]), including the implementation of determinations issued by URS examiners.

SPECIFICATION 8

CONTINUED OPERATIONS INSTRUMENT

1. The Continued Operations Instrument shall (a) provide for sufficient financial resources to ensure the continued operation of the critical registry functions related to the TLD set forth in Section [__] of the Applicant Guidebook posted at [url to be inserted upon finalization of Applicant Guidebook] (which is hereby incorporated by reference into this Specification 8) for a period of three (3) years following any termination of this Agreement on or prior to the fifth anniversary of the Effective Date or for a period of one (1) year following any termination of this Agreement after the fifth anniversary of the Effective Date but prior to or on the sixth (6^{th}) anniversary of the Effective Date, and (b) be in the form of either (i) an irrevocable standby letter of credit, or (ii) an irrevocable cash escrow deposit, each meeting the requirements set forth in Section [__] of the Applicant Guidebook posted at [url to be inserted upon finalization of Applicant Guidebook] (which is hereby incorporated by reference into this Specification 8). Registry Operator shall use its best efforts to take all actions necessary or advisable to maintain in effect the Continued Operations Instrument for a period of six (6) years from the Effective Date, and to maintain ICANN as a third party beneficiary thereof. Registry Operator shall provide to ICANN copies of all final documents relating to the Continued Operations Instrument and shall keep ICANN reasonably informed of material developments relating to the Continued Operations Instrument. Registry Operator shall not agree to, or permit, any amendment of, or waiver under, the Continued Operations Instrument or other documentation relating thereto without the prior written consent of ICANN (such consent not to be unreasonably withheld). The Continued Operations Instrument shall expressly state that ICANN may access the financial resources of the Continued Operations Instrument pursuant to Section 2.13 or Section 4.5 [*insert for government entity*: or Section 7.14] of the Registry Agreement.

2. If, notwithstanding the use of best efforts by Registry Operator to satisfy its obligations under the preceding paragraph, the Continued Operations Instrument expires or is terminated by another party thereto, in whole or in part, for any reason, prior to the sixth anniversary of the Effective Date, Registry Operator shall promptly (i) notify ICANN of such expiration or termination and the reasons therefor and (ii) arrange for an alternative instrument that provides for sufficient financial resources to ensure the continued operation of the Registry Services related to the TLD for a period of three (3) years following any termination of this Agreement on or prior to the fifth anniversary of the Effective Date or for a period of one (1) year following any termination of this Agreement after the fifth anniversary of the Effective Date but prior to or on the sixth (6) anniversary of the Effective Date (an "Alternative Instrument"). Any such Alternative Instrument shall be on terms no less favorable to ICANN than the Continued Operations Instrument and shall otherwise be in form and substance reasonably acceptable to ICANN.

3. Notwithstanding anything to the contrary contained in this Specification 8, at any time, Registry Operator may replace the Continued Operations Instrument with an alternative

instrument that (i) provides for sufficient financial resources to ensure the continued operation of the Registry Services related to the TLD for a period of three (3) years following any termination of this Agreement on or prior to the fifth anniversary of the Effective Date or for a period one (1) year following any termination of this Agreement after the fifth anniversary of the Effective Date but prior to or on the sixth (6) anniversary of the Effective Date, and (ii) contains terms no less favorable to ICANN than the Continued Operations Instrument and is otherwise in form and substance reasonably acceptable to ICANN. In the event Registry Operation replaces the Continued Operations Instrument either pursuant to paragraph 2 or this paragraph 3, the terms of this Specification 8 shall no longer apply with respect to the original Continuing Operations Instrument, but shall thereafter apply with respect to such replacement instrument(s).

SPECIFICATION 9

Registry Operator Code of Conduct

1. In connection with the operation of the registry for the TLD, Registry Operator will not, and will not allow any parent, subsidiary, Affiliate, subcontractor or other related entity, to the extent such party is engaged in the provision of Registry Services with respect to the TLD (each, a "Registry Related Party"), to:

    a. directly or indirectly show any preference or provide any special consideration to any registrar with respect to operational access to registry systems and related registry services, unless comparable opportunities to qualify for such preferences or considerations are made available to all registrars on substantially similar terms and subject to substantially similar conditions;

    b. register domain names in its own right, except for names registered through an ICANN accredited registrar that are reasonably necessary for the management, operations and purpose of the TLD, provided, that Registry Operator may reserve names from registration pursuant to Section 2.6 of the Registry Agreement;

    c. register names in the TLD or sub-domains of the TLD based upon proprietary access to information about searches or resolution requests by consumers for domain names not yet registered (commonly known as, "front-running");

    d. allow any Affiliated registrar to disclose user data to Registry Operator or any Registry Related Party, except as necessary for the management and operations of the TLD, unless all unrelated third parties (including other registry operators) are given equivalent access to such user data on substantially similar terms and subject to substantially similar conditions; or

    e. disclose confidential registry data or confidential information about its Registry Services or operations to any employee of any DNS services provider, except as necessary for the management and operations of the TLD, unless all unrelated third parties (including other registry operators) are given equivalent access to such confidential registry data or confidential information on substantially similar terms and subject to substantially similar conditions.

2. If Registry Operator or a Registry Related Party also operates as a provider of registrar or registrar-reseller services, Registry Operator will, or will cause such Registry Related Party to, ensure that such services are offered through a legal entity separate from Registry Operator, and maintain separate books of accounts with respect to its registrar or registrar-reseller operations.

3. Registry Operator will conduct internal reviews at least once per calendar year to

ensure compliance with this Code of Conduct. Within twenty (20) calendar days following the end of each calendar year, Registry Operator will provide the results of the internal review, along with a certification executed by an executive officer of Registry Operator certifying as to Registry Operator's compliance with this Code of Conduct, via email to an address to be provided by ICANN. (ICANN may specify in the future the form and contents of such reports or that the reports be delivered by other reasonable means.) Registry Operator agrees that ICANN may publicly post such results and certification.

4. Nothing set forth herein shall: (i) limit ICANN from conducting investigations of claims of Registry Operator's non-compliance with this Code of Conduct; or (ii) provide grounds for Registry Operator to refuse to cooperate with ICANN investigations of claims of Registry Operator's non-compliance with this Code of Conduct.

5. Nothing set forth herein shall limit the ability of Registry Operator or any Registry Related Party, to enter into arms-length transactions in the ordinary course of business with a registrar or reseller with respect to products and services unrelated in all respects to the TLD.

6. Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest.

SPECIFICATION 10

REGISTRY PERFORMANCE SPECIFICATIONS

1. **Definitions**

1.1. **DNS.** Refers to the Domain Name System as specified in RFCs 1034, 1035, and related RFCs.

1.2. **DNSSEC proper resolution.** There is a valid DNSSEC chain of trust from the root trust anchor to a particular domain name, e.g., a TLD, a domain name registered under a TLD, etc.

1.3. **EPP.** Refers to the Extensible Provisioning Protocol as specified in RFC 5730 and related RFCs.

1.4. **IP address.** Refers to IPv4 or IPv6 addresses without making any distinction between the two. When there is need to make a distinction, IPv4 or IPv6 is used.

1.5. **Probes.** Network hosts used to perform (DNS, EPP, etc.) tests (see below) that are located at various global locations.

1.6. **RDDS.** Registration Data Directory Services refers to the collective of WHOIS and Web-based WHOIS services as defined in Specification 4 of this Agreement.

1.7. **RTT.** Round-Trip Time or **RTT** refers to the time measured from the sending of the first bit of the first packet of the sequence of packets needed to make a request until the reception of the last bit of the last packet of the sequence needed to receive the response. If the client does not receive the whole sequence of packets needed to consider the response as received, the request will be considered unanswered.

1.8. **SLR.** Service Level Requirement is the level of service expected for a certain parameter being measured in a Service Level Agreement (SLA).

2. **Service Level Agreement Matrix**

	Parameter	SLR (monthly basis)
DNS	DNS service availability	0 min downtime = 100% availability
	DNS name server availability	≤ 432 min of downtime (≈ 99%)
	TCP DNS resolution RTT	≤ 1500 ms, for at least 95% of the queries
	UDP DNS resolution RTT	≤ 500 ms, for at least 95% of the queries
	DNS update time	≤ 60 min, for at least 95% of the probes
RDDS	RDDS availability	≤ 864 min of downtime (≈ 98%)
	RDDS query RTT	≤ 2000 ms, for at least 95% of the queries
	RDDS update time	≤ 60 min, for at least 95% of the probes
EPP	EPP service availability	≤ 864 min of downtime (≈ 98%)
	EPP session-command RTT	≤ 4000 ms, for at least 90% of the commands
	EPP query-command RTT	≤ 2000 ms, for at least 90% of the commands
	EPP transform-command RTT	≤ 4000 ms, for at least 90% of the commands

Registry Operator is encouraged to do maintenance for the different services at the times and dates of statistically lower traffic for each service. However, note that there is no provision for planned outages or similar; any downtime, be it for maintenance or due to system failures, will be noted simply as downtime and counted for SLA purposes.

3. **DNS**

3.1. **DNS service availability**. Refers to the ability of the group of listed-as-authoritative name servers of a particular domain name (e.g., a TLD), to answer DNS queries from DNS probes. For the service to be considered available at a particular moment, at least, two of the delegated name servers registered in the DNS must have successful results from "**DNS tests**" to each of their public-DNS registered "**IP addresses**" to which the name server resolves. If 51% or more of the DNS testing probes see the service as unavailable during a given time, the DNS service will be considered unavailable.

3.2. **DNS name server availability.** Refers to the ability of a public-DNS registered "**IP address**" of a particular name server listed as authoritative for a domain name, to answer DNS queries from an Internet user. All the public DNS-registered "**IP address**" of all name servers of the domain name being monitored shall be tested individually. If 51% or more of the DNS testing probes get undefined/unanswered results from "**DNS tests**" to a name server "**IP address**" during a given time, the name server "**IP address**" will be considered unavailable.

3.3. **UDP DNS resolution RTT.** Refers to the **RTT** of the sequence of two packets, the UDP DNS query and the corresponding UDP DNS response. If the **RTT** is 5 times greater than the time specified in the relevant **SLR**, the **RTT** will be considered undefined.

3.4. **TCP DNS resolution RTT.** Refers to the **RTT** of the sequence of packets from the start of the TCP connection to its end, including the reception of the DNS response for only one DNS query. If the **RTT** is 5 times greater than the time specified in the relevant **SLR**, the **RTT** will be considered undefined.

3.5. **DNS resolution RTT.** Refers to either "**UDP DNS resolution RTT**" or "**TCP DNS resolution RTT**".

3.6. **DNS update time.** Refers to the time measured from the reception of an EPP confirmation to a transform command on a domain name, until the name servers of the parent domain name answer "**DNS queries**" with data consistent with the change made. This only applies for changes to DNS information.

3.7. **DNS test.** Means one non-recursive DNS query sent to a particular "**IP address**" (via UDP or TCP). If DNSSEC is offered in the queried DNS zone, for a query to be considered answered, the signatures must be positively verified against a corresponding DS record published in the parent zone or, if the parent is not signed, against a statically configured Trust Anchor. The answer to the query must contain the corresponding information from the Registry System, otherwise the query will be considered unanswered. A query with a "**DNS resolution RTT**" 5 times higher than the corresponding SLR, will be considered unanswered. The possible results to a DNS test are: a number in milliseconds corresponding to the "**DNS resolution RTT**" or, undefined/unanswered.

3.8. **Measuring DNS parameters.** Every minute, every DNS probe will make an UDP or TCP "**DNS test**" to each of the public-DNS registered "**IP addresses**" of the name servers of the domain

name being monitored. If a "**DNS test**" result is undefined/unanswered, the tested IP will be considered unavailable from that probe until it is time to make a new test.

3.9. **Collating the results from DNS probes.** The minimum number of active testing probes to consider a measurement valid is 20 at any given measurement period, otherwise the measurements will be discarded and will be considered inconclusive; during this situation no fault will be flagged against the SLRs.

3.10. **Distribution of UDP and TCP queries.** DNS probes will send UDP or TCP "**DNS test**" approximating the distribution of these queries.

3.11. **Placement of DNS probes.** Probes for measuring DNS parameters shall be placed as near as possible to the DNS resolvers on the networks with the most users across the different geographic regions; care shall be taken not to deploy probes behind high propagation-delay links, such as satellite links.

4. **RDDS**

4.1. **RDDS availability.** Refers to the ability of all the RDDS services for the TLD, to respond to queries from an Internet user with appropriate data from the relevant Registry System. If 51% or more of the RDDS testing probes see any of the RDDS services as unavailable during a given time, the RDDS will be considered unavailable.

4.2. **WHOIS query RTT.** Refers to the **RTT** of the sequence of packets from the start of the TCP connection to its end, including the reception of the WHOIS response. If the **RTT** is 5-times or more the corresponding SLR, the **RTT** will be considered undefined.

4.3. **Web-based-WHOIS query RTT.** Refers to the **RTT** of the sequence of packets from the start of the TCP connection to its end, including the reception of the HTTP response for only one HTTP request. If Registry Operator implements a multiple-step process to get to the information, only the last step shall be measured. If the **RTT** is 5-times or more the corresponding SLR, the **RTT** will be considered undefined.

4.4. **RDDS query RTT.** Refers to the collective of "**WHOIS query RTT**" and "**Web-based-WHOIS query RTT**".

4.5. **RDDS update time**. Refers to the time measured from the reception of an EPP confirmation to a transform command on a domain name, host or contact, up until the servers of the RDDS services reflect the changes made.

4.6. **RDDS test.** Means one query sent to a particular "**IP address**" of one of the servers of one of the RDDS services. Queries shall be about existing objects in the Registry System and the responses must contain the corresponding information otherwise the query will be considered unanswered. Queries with an **RTT** 5 times higher than the corresponding SLR will be considered as unanswered. The possible results to an RDDS test are: a number in milliseconds corresponding to the **RTT** or undefined/unanswered.

4.7. **Measuring RDDS parameters.** Every 5 minutes, RDDS probes will select one IP address from all the public-DNS registered "**IP addresses**" of the servers for each RDDS service of the TLD being monitored and make an "**RDDS test**" to each one. If an "**RDDS test**" result is

undefined/unanswered, the corresponding RDDS service will be considered as unavailable from that probe until it is time to make a new test.

4.8. **Collating the results from RDDS probes.** The minimum number of active testing probes to consider a measurement valid is 10 at any given measurement period, otherwise the measurements will be discarded and will be considered inconclusive; during this situation no fault will be flagged against the SLRs.

4.9. **Placement of RDDS probes.** Probes for measuring RDDS parameters shall be placed inside the networks with the most users across the different geographic regions; care shall be taken not to deploy probes behind high propagation-delay links, such as satellite links.

5. **EPP**

5.1. **EPP service availability.** Refers to the ability of the TLD EPP servers as a group, to respond to commands from the Registry accredited Registrars, who already have credentials to the servers. The response shall include appropriate data from the Registry System. An EPP command with "**EPP command RTT**" 5 times higher than the corresponding SLR will be considered as unanswered. If 51% or more of the EPP testing probes see the EPP service as unavailable during a given time, the EPP service will be considered unavailable.

5.2. **EPP session-command RTT.** Refers to the **RTT** of the sequence of packets that includes the sending of a session command plus the reception of the EPP response for only one EPP session command. For the login command it will include packets needed for starting the TCP session. For the logout command it will include packets needed for closing the TCP session. EPP session commands are those described in section 2.9.1 of EPP RFC 5730. If the **RTT** is 5 times or more the corresponding SLR, the **RTT** will be considered undefined.

5.3. **EPP query-command RTT.** Refers to the **RTT** of the sequence of packets that includes the sending of a query command plus the reception of the EPP response for only one EPP query command. It does not include packets needed for the start or close of either the EPP or the TCP session. EPP query commands are those described in section 2.9.2 of EPP RFC 5730. If the **RTT** is 5-times or more the corresponding SLR, the **RTT** will be considered undefined.

5.4. **EPP transform-command RTT.** Refers to the **RTT** of the sequence of packets that includes the sending of a transform command plus the reception of the EPP response for only one EPP transform command. It does not include packets needed for the start or close of either the EPP or the TCP session. EPP transform commands are those described in section 2.9.3 of EPP RFC 5730. If the **RTT** is 5 times or more the corresponding SLR, the **RTT** will be considered undefined.

5.5. **EPP command RTT.** Refers to "**EPP session-command RTT**", "**EPP query-command RTT**" or "**EPP transform-command RTT**".

5.6. **EPP test.** Means one EPP command sent to a particular "**IP address**" for one of the EPP servers. Query and transform commands, with the exception of "create", shall be about existing objects in the Registry System. The response shall include appropriate data from the Registry System. The possible results to an EPP test are: a number in milliseconds corresponding to the "**EPP command RTT**" or undefined/unanswered.

5.7. **Measuring EPP parameters.** Every 5 minutes, EPP probes will select one "**IP address**" of the EPP servers of the TLD being monitored and make an "**EPP test**"; every time they should alternate between the 3 different types of commands and between the commands inside each category. If an "**EPP test**" result is undefined/unanswered, the EPP service will be considered as unavailable from that probe until it is time to make a new test.

5.8. **Collating the results from EPP probes.** The minimum number of active testing probes to consider a measurement valid is 5 at any given measurement period, otherwise the measurements will be discarded and will be considered inconclusive; during this situation no fault will be flagged against the SLRs.

5.9. **Placement of EPP probes.** Probes for measuring EPP parameters shall be placed inside or close to Registrars points of access to the Internet across the different geographic regions; care shall be taken not to deploy probes behind high propagation-delay links, such as satellite links.

6. Emergency Thresholds

The following matrix presents the Emergency Thresholds that, if reached by any of the services mentioned above for a TLD, would cause the Emergency Transition of the Critical Functions as specified in Section 2.13. of this Agreement.

Critical Function	Emergency Threshold
DNS service (all servers)	4-hour downtime / week
DNSSEC proper resolution	4-hour downtime / week
EPP	24-hour downtime / week
RDDS (WHOIS/Web-based WHOIS)	24-hour downtime / week
Data Escrow	Breach of the Registry Agreement caused by missing escrow deposits as described in Specification 2, Part B, Section 6.

7. Emergency Escalation

Escalation is strictly for purposes of notifying and investigating possible or potential issues in relation to monitored services. The initiation of any escalation and the subsequent cooperative investigations do not in themselves imply that a monitored service has failed its performance requirements.

Escalations shall be carried out between ICANN and Registry Operators, Registrars and Registry Operator, and Registrars and ICANN. Registry Operators and ICANN must provide said emergency operations departments. Current contacts must be maintained between ICANN and Registry Operators and published to Registrars, where relevant to their role in escalations, prior to any processing of an Emergency Escalation by all related parties, and kept current at all times.

7.1. Emergency Escalation initiated by ICANN

Upon reaching 10% of the Emergency thresholds as described in Section 6, ICANN's emergency operations will initiate an Emergency Escalation with the relevant Registry Operator. An Emergency Escalation consists of the following minimum elements: electronic (i.e., email or SMS) and/or voice contact notification to the Registry Operator's emergency operations department with detailed information concerning the issue being escalated, including evidence of monitoring failures, cooperative trouble-shooting of the monitoring failure between ICANN staff and the Registry Operator, and the

commitment to begin the process of rectifying issues with either the monitoring service or the service being monitoring.

7.2. **Emergency Escalation initiated by Registrars**

Registry Operator will maintain an emergency operations departments prepared to handle emergency requests from registrars. In the event that a registrar is unable to conduct EPP transactions with the Registry because of a fault with the Registry Service and is unable to either contact (through ICANN mandated methods of communication) the Registry Operator, or the Registry Operator is unable or unwilling to address the fault, the registrar may initiate an Emergency Escalation to the emergency operations department of ICANN. ICANN then may initiate an Emergency Escalation with the Registry Operator as explained above.

7.3. **Notifications of Outages and Maintenance**

In the event that a Registry Operator plans maintenance, they will provide related notice to the ICANN emergency operations department, at least, 24 hours ahead of that maintenance. ICANN's emergency operations department will note planned maintenance times, and suspend Emergency Escalation services for the monitored services during the expected maintenance outage period.

If Registry Operator declares an outage, as per their contractual obligations with ICANN, on services under SLA and performance requirements, it will notify the ICANN emergency operations department. During that declared outage, ICANN's emergency operations department will note and suspend Emergency Escalation services for the monitored services involved.

8. **Covenants of Performance Measurement**

8.1. **No interference.** Registry Operator shall not interfere with measurement **Probes**, including any form of preferential treatment of the requests for the monitored services. Registry Operator shall respond to the measurement tests described in this Specification as it would do with any other request from Internet users (for DNS and RDDS) or registrars (for EPP).

8.2. **ICANN testing registrar.** Registry Operator agrees that ICANN will have a testing registrar used for purposes of measuring the **SLR**s described above. Registry Operator agrees to not provide any differentiated treatment for the testing registrar other than no billing of the transactions. ICANN shall not use the registrar for registering domain names (or other registry objects) for itself or others, except for the purposes of verifying contractual compliance with the conditions described in this Agreement.

TRADEMARK CLEARINGHOUSE
4 JUNE 2012

1. PURPOSE OF CLEARINGHOUSE

1.1 The Trademark Clearinghouse is a central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of trademark holders. ICANN will enter into an arms-length contract with service provider or providers, awarding the right to serve as a Trademark Clearinghouse Service Provider, i.e., to accept, authenticate, validate and facilitate the transmission of information related to certain trademarks.

1.2 The Clearinghouse will be required to separate its two primary functions: (i) authentication and validation of the trademarks in the Clearinghouse; and (ii) serving as a database to provide information to the new gTLD registries to support pre-launch Sunrise or Trademark Claims Services. Whether the same provider could serve both functions or whether two providers will be determined in the tender process.

1.3 The Registry shall only need to connect with one centralized database to obtain the information it needs to conduct its Sunrise or Trademark Claims Services regardless of the details of the Trademark Clearinghouse Service Provider's contract(s) with ICANN.

1.4 Trademark Clearinghouse Service Provider may provide ancillary services, as long as those services and any data used for those services are kept separate from the Clearinghouse database.

1.5 The Clearinghouse database will be a repository of authenticated information and disseminator of the information to a limited number of recipients. Its functions will be performed in accordance with a limited charter, and will not have any discretionary powers other than what will be set out in the charter with respect to authentication and validation. The Clearinghouse administrator(s) cannot create policy. Before material changes are made to the Clearinghouse functions, they will be reviewed through the ICANN public participation model.

1.6 Inclusion in the Clearinghouse is not proof of any right, nor does it create any legal rights. Failure to submit trademarks into the Clearinghouse should not be perceived to be lack of vigilance by trademark holders or a waiver of any rights, nor can any negative influence be drawn from such failure.

2. SERVICE PROVIDERS

2.1 The selection of Trademark Clearinghouse Service Provider(s) will be subject to predetermined criteria, but the foremost considerations will be the ability to store, authenticate, validate and disseminate the data at the highest level of technical stability

and security without interference with the integrity or timeliness of the registration process or registry operations.

2.2 Functions – Authentication/Validation; Database Administration. Public commentary has suggested that the best way to protect the integrity of the data and to avoid concerns that arise through sole-source providers would be to separate the functions of database administration and data authentication/validation.

2.2.1 One entity will authenticate registrations ensuring the word marks qualify as registered or are court-validated word marks or word marks that are protected by statute or treaty. This entity would also be asked to ensure that proof of use of marks is provided, which can be demonstrated by furnishing a signed declaration and one specimen of current use.

2.2.2 The second entity will maintain the database and provide Sunrise and Trademark Claims Services (described below).

2.3 Discretion will be used, balancing effectiveness, security and other important factors, to determine whether ICANN will contract with one or two entities - one to authenticate and validate, and the other to, administer in order to preserve integrity of the data.

2.4 Contractual Relationship.

2.4.1 The Clearinghouse shall be separate and independent from ICANN. It will operate based on market needs and collect fees from those who use its services. ICANN may coordinate or specify interfaces used by registries and registrars, and provide some oversight or quality assurance function to ensure rights protection goals are appropriately met.

2.4.2 The Trademark Clearinghouse Service Provider(s) (authenticator/validator and administrator) will be selected through an open and transparent process to ensure low costs and reliable, consistent service for all those utilizing the Clearinghouse services.

2.4.3 The Service Provider(s) providing the authentication of the trademarks submitted into the Clearinghouse shall adhere to rigorous standards and requirements that would be specified in an ICANN contractual agreement.

2.4.4 The contract shall include service level requirements, customer service availability (with the goal of seven days per week, 24 hours per day, 365 days per year), data escrow requirements, and equal access requirements for all persons and entities required to access the Trademark Clearinghouse database.

2.4.5 To the extent practicable, the contract should also include indemnification by Service Provider for errors such as false positives for participants such as Registries, ICANN, Registrants and Registrars.

2.5. Service Provider Requirements. The Clearinghouse Service Provider(s) should utilize regional marks authentication service providers (whether directly or through sub-contractors) to take advantage of local experts who understand the nuances of the trademark in question. Examples of specific performance criteria details in the contract award criteria and service-level-agreements are:

2.5.1 provide 24 hour accessibility seven days a week (database administrator);
2.5.2 employ systems that are technically reliable and secure (database administrator);
2.5.3 use globally accessible and scalable systems so that multiple marks from multiple sources in multiple languages can be accommodated and sufficiently cataloged (database administrator and validator);
2.5.4 accept submissions from all over the world - the entry point for trademark holders to submit their data into the Clearinghouse database could be regional entities or one entity;
2.5.5 allow for multiple languages, with exact implementation details to be determined;
2.5.6 provide access to the Registrants to verify and research Trademark Claims Notices;
2.5.7 have the relevant experience in database administration, validation or authentication, as well as accessibility to and knowledge of the various relevant trademark laws (database administrator and authenticator); and
2.5.8 ensure through performance requirements, including those involving interface with registries and registrars, that neither domain name registration timeliness, nor registry or registrar operations will be hindered (database administrator).

3. CRITERIA FOR TRADEMARK INCLUSION IN CLEARINGHOUSE

3.1 The trademark holder will submit to one entity – a single entity for entry will facilitate access to the entire Clearinghouse database. If regional entry points are used, ICANN will publish an information page describing how to locate regional submission points. Regardless of the entry point into the Clearinghouse, the authentication procedures established will be uniform.

3.2 The standards for inclusion in the Clearinghouse are:

3.2.1 Nationally or regionally registered word marks from all jurisdictions.
3.2.2 Any word mark that has been validated through a court of law or other judicial proceeding.

3.2.3 Any word mark protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion.

3.2.4 Other marks that constitute intellectual property.

3.2.5 Protections afforded to trademark registrations do not extend to applications for registrations, marks within any opposition period or registered marks that were the subject of successful invalidation, cancellation or rectification proceedings.

3.3 The type of data supporting entry of a registered word mark into the Clearinghouse must include a copy of the registration or the relevant ownership information, including the requisite registration number(s), the jurisdictions where the registrations have issued, and the name of the owner of record.

3.4 Data supporting entry of a judicially validated word mark into the Clearinghouse must include the court documents, properly entered by the court, evidencing the validation of a given word mark.

3.5 Data supporting entry into the Clearinghouse of word marks protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion, must include a copy of the relevant portion of the statute or treaty and evidence of its effective date.

3.6 Data supporting entry into the Clearinghouse of marks that constitute intellectual property of types other than those set forth in sections 3.2.1-3.2.3 above shall be determined by the registry operator and the Clearinghouse based on the services any given registry operator chooses to provide.

3.7 Registrations that include top level extensions such as “icann.org” or “.icann” as the word mark will not be permitted in the Clearinghouse regardless of whether that mark has been registered or it has been otherwise validated or protected (e.g., if a mark existed for icann.org or .icann, neither will not be permitted in the Clearinghouse).

3.8 All mark holders seeking to have their marks included in the Clearinghouse will be required to submit a declaration, affidavit, or other sworn statement that the information provided is true and current and has not been supplied for an improper purpose. The mark holder will also be required to attest that it will keep the information supplied to the Clearinghouse current so that if, during the time the mark is included in the Clearinghouse, a registration gets cancelled or is transferred to another entity, or in the case of a court- or Clearinghouse-validated mark the holder abandons use of the mark, the mark holder has an affirmative obligation to notify the Clearinghouse. There will be penalties for failing to keep information current. Moreover, it is anticipated that there will be a process whereby registrations can be

removed from the Clearinghouse if it is discovered that the marks are procured by fraud or if the data is inaccurate.

3.9 As an additional safeguard, the data will have to be renewed periodically by any mark holder wishing to remain in the Clearinghouse. Electronic submission should facilitate this process and minimize the cost associated with it. The reason for periodic authentication is to streamline the efficiencies of the Clearinghouse and the information the registry operators will need to process and limit the marks at issue to the ones that are in use.

4. USE OF CLEARINGHOUSE DATA

4.1 All mark holders seeking to have their marks included in the Clearinghouse will have to consent to the use of their information by the Clearinghouse. However, such consent would extend only to use in connection with the stated purpose of the Trademark Clearinghouse Database for Sunrise or Trademark Claims services. The reason for such a provision would be to presently prevent the Clearinghouse from using the data in other ways without permission. There shall be no bar on the Trademark Clearinghouse Service Provider or other third party service providers providing ancillary services on a non-exclusive basis.

4.2 In order not to create a competitive advantage, the data in the Trademark Clearinghouse should be licensed to competitors interested in providing ancillary services on equal and non-discriminatory terms and on commercially reasonable terms if the mark holders agree. Accordingly, two licensing options will be offered to the mark holder: (a) a license to use its data for all required features of the Trademark Clearinghouse, with no permitted use of such data for ancillary services either by the Trademark Clearinghouse Service Provider or any other entity; or (b) license to use its data for the mandatory features of the Trademark Clearinghouse and for any ancillary uses reasonably related to the protection of marks in new gTLDs, which would include a license to allow the Clearinghouse to license the use and data in the Trademark Clearinghouse to competitors that also provide those ancillary services. The specific implementation details will be determined, and all terms and conditions related to the provision of such services shall be included in the Trademark Clearinghouse Service Provider's contract with ICANN and subject to ICANN review.

4.3 Access by a prospective registrant to verify and research Trademark Claims Notices shall not be considered an ancillary service, and shall be provided at no cost to the Registrant. Misuse of the data by the service providers would be grounds for immediate termination.

5. DATA AUTHENTICATION AND VALIDATION GUIDELINES

5.1 One core function for inclusion in the Clearinghouse would be to authenticate that the data meets certain minimum criteria. As such, the following minimum criteria are suggested:

5.1.1 An acceptable list of data authentication sources, i.e. the web sites of patent and trademark offices throughout the world, third party providers who can obtain information from various trademark offices;

5.1.2 Name, address and contact information of the applicant is accurate, current and matches that of the registered owner of the trademarks listed;

5.1.3 Electronic contact information is provided and accurate;

5.1.4 The registration numbers and countries match the information in the respective trademark office database for that registration number.

5.2 For validation of marks by the Clearinghouse that were not protected via a court, statute or treaty, the mark holder shall be required to provide evidence of use of the mark in connection with the bona fide offering for sale of goods or services prior to application for inclusion in the Clearinghouse. Acceptable evidence of use will be a signed declaration and a single specimen of current use, which might consist of labels, tags, containers, advertising, brochures, screen shots, or something else that evidences current use.

6. MANDATORY RIGHTS PROTECTION MECHANISMS

All new gTLD registries will be required to use the Trademark Clearinghouse to support its pre-launch or initial launch period rights protection mechanisms (RPMs). These RPMs, at a minimum, must consist of a Trademark Claims service and a Sunrise process.

6.1 Trademark Claims service

6.1.1 New gTLD Registry Operators must provide Trademark Claims services during an initial launch period for marks in the Trademark Clearinghouse. This launch period must occur for at least the first 60 days that registration is open for general registration.

6.1.2 A Trademark Claims service is intended to provide clear notice to the prospective registrant of the scope of the mark holder's rights in order to minimize the chilling effect on registrants (Trademark Claims Notice). A form that describes the required elements is attached. The specific statement by

prospective registrant warrants that: (i) the prospective registrant has received notification that the mark(s) is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge, the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice.

6.1.3 The Trademark Claims Notice should provide the prospective registrant access to the Trademark Clearinghouse Database information referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. These links (or other sources) shall be provided in real time without cost to the prospective registrant. Preferably, the Trademark Claims Notice should be provided in the language used for the rest of the interaction with the registrar or registry, but it is anticipated that at the very least in the most appropriate UN-sponsored language (as specified by the prospective registrant or registrar/registry).

6.1.4 If the domain name is registered in the Clearinghouse, the registrar (again through an interface with the Clearinghouse) will promptly notify the mark holders(s) of the registration after it is effectuated.

6.1.5 The Trademark Clearinghouse Database will be structured to report to registries when registrants are attempting to register a domain name that is considered an "Identical Match" with the mark in the Clearinghouse. "Identical Match" means that the domain name consists of the complete and identical textual elements of the mark. In this regard: (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) only certain special characters contained within a trademark are spelled out with appropriate words describing it (@ and &); (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name may either be (i) omitted or (ii) replaced by spaces, hyphens or underscores and still be considered identical matches; and (d) no plural and no "marks contained" would qualify for inclusion.

6.2 Sunrise service

6.2.1 Sunrise registration services must be offered for a minimum of 30 days during the pre-launch phase and notice must be provided to all trademark holders in the Clearinghouse if someone is seeking a sunrise registration. This notice will be provided to holders of marks in the Clearinghouse that are an Identical Match to the name to be registered during Sunrise.

6.2.2 Sunrise Registration Process. For a Sunrise service, sunrise eligibility requirements (SERs) will be met as a minimum requirement, verified by Clearinghouse data, and

incorporate a Sunrise Dispute Resolution Policy (SDRP).

6.2.3 The proposed SERs include: (i) ownership of a mark (that satisfies the criteria in section 7.2 below), (ii) optional registry elected requirements re: international class of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

6.2.4 The proposed SDRP must allow challenges based on at least the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

6.2.5 The Clearinghouse will maintain the SERs, validate and authenticate marks, as applicable, and hear challenges.

7. PROTECTION FOR MARKS IN CLEARINGHOUSE

The scope of registered marks that must be honored by registries in providing Trademarks Claims services is broader than those that must be honored by registries in Sunrise services.

7.1 For Trademark Claims services - Registries must recognize and honor all word marks that have been or are: (i) nationally or regionally registered; (ii) court-validated; or (iii) specifically protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion. No demonstration of use is required.

7.2 For Sunrise services - Registries must recognize and honor all word marks: (i) nationally or regionally registered and for which proof of use – which can be a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (ii) that have been court-validated; or (iii) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008.

8. COSTS OF CLEARINGHOUSE

Costs should be completely borne by the parties utilizing the services. Trademark holders will pay to register the Clearinghouse, and registries will pay for Trademark Claims and Sunrise services. Registrars and others who avail themselves of Clearinghouse services will pay the Clearinghouse directly.

TRADEMARK NOTICE

[In English and the language of the registration agreement]

You have received this Trademark Notice because you have applied for a domain name which matches at least one trademark record submitted to the Trademark Clearinghouse.

You may or may not be entitled to register the domain name depending on your intended use and whether it is the same or significantly overlaps with the trademarks listed below. ***Your rights to register this domain name may or may not be protected as noncommercial use or "fair use" by the laws of your country. [in bold italics or all caps]***

Please read the trademark information below carefully, including the trademarks, jurisdictions, and goods and service for which the trademarks are registered. Please be aware that not all jurisdictions review trademark applications closely, so some of the trademark information below may exist in a national or regional registry which does not conduct a thorough or substantive review of trademark rights prior to registration. ***If you have questions, you may want to consult an attorney or legal expert on trademarks and intellectual property for guidance.***

If you continue with this registration, you represent that, you have received and you understand this notice and to the best of your knowledge, your registration and use of the requested domain name will not infringe on the trademark rights listed below.
The following [number] Trademarks are listed in the Trademark Clearinghouse:

1. Mark: Jurisdiction: Goods: [click here for more if maximum character count is exceeded] International Class of Goods and Services or Equivalent if applicable: Trademark Registrant: Trademark Registrant Contact:

[with links to the TM registrations as listed in the TM Clearinghouse]

2. Mark: Jurisdiction: Goods: [click here for more if maximum character count is exceeded] International Class of Goods and Services or Equivalent if applicable: Trademark Registrant:

Trademark Registrant Contact:
****** [with links to the TM registrations as listed in the TM Clearinghouse]

X. 1. Mark: Jurisdiction: Goods: [click here for more if maximum character count is exceeded] International Class of Goods and Services or Equivalent if applicable: Trademark Registrant: Trademark Registrant Contact:

UNIFORM RAPID SUSPENSION SYSTEM ("URS")
4 JUNE 2012

DRAFT PROCEDURE

1. Complaint

1.1 Filing the Complaint

a) Proceedings are initiated by electronically filing with a URS Provider a Complaint outlining the trademark rights and the actions complained of entitling the trademark holder to relief.

b) Each Complaint must be accompanied by the appropriate fee, which is under consideration. The fees will be non-refundable.

c) One Complaint is acceptable for multiple related companies against one Registrant, but only if the companies complaining are related. Multiple Registrants can be named in one Complaint only if it can be shown that they are in some way related. There will not be a minimum number of domain names imposed as a prerequisite to filing.

1.2 Contents of the Complaint

The form of the Complaint will be simple and as formulaic as possible. There will be a Form Complaint. The Form Complaint shall include space for the following:

1.2.1 Name, email address and other contact information for the Complaining Party (Parties).

1.2.2 Name, email address and contact information for any person authorized to act on behalf of Complaining Parties.

1.2.3 Name of Registrant (i.e. relevant information available from Whois) and Whois listed available contact information for the relevant domain name(s).

1.2.4 The specific domain name(s) that are the subject of the Complaint. For each domain name, the Complainant shall include a copy of the currently available Whois information and a description and copy, if available, of the offending portion of the website content associated with each domain name that is the subject of the Complaint.

1.2.5 The specific trademark/service marks upon which the Complaint is based and pursuant to which the Complaining Parties are asserting their rights to them, for which goods and in connection with what services.

1.2.6 A statement of the grounds upon which the Complaint is based setting forth facts showing that the Complaining Party is entitled to relief, namely:

1.2.6.1. that the registered domain name is identical or confusingly similar to a word mark: (i) for which the Complainant holds a valid national or regional registration and that is in current use; or (ii) that has been validated through court proceedings; or (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

a. Use can be shown by demonstrating that evidence of use – which can be a declaration and one specimen of current use in commerce - was submitted to, and validated by, the Trademark Clearinghouse)

b. Proof of use may also be submitted directly with the URS Complaint.

and

1.2.6.2. that the Registrant has no legitimate right or interest to the domain name; and

1.2.6.3. that the domain was registered and is being used in bad faith.

A non-exclusive list of circumstances that demonstrate bad faith registration and use by the Registrant include:

a. Registrant has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of pocket costs directly related to the domain name; or

b. Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct; or

c. Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor; or

d. By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location.

1.2.7 A box in which the Complainant may submit up to 500 words of explanatory free form text.

1.2.8. An attestation that the Complaint is not being filed for any improper basis and that there is a sufficient good faith basis for filing the Complaint.

2. Fees

2.1 URS Provider will charge fees to the Complainant. Fees are thought to be in the range of USD 300 per proceeding, but will ultimately be set by the Provider.

2.2 Complaints listing fifteen (15) or more disputed domain names registered by the same registrant will be subject to a Response Fee which will be refundable to the prevailing party. Under no circumstances shall the Response Fee exceed the fee charged to the Complainant.

3. Administrative Review

3.1 Complaints will be subjected to an initial administrative review by the URS Provider for compliance with the filing requirements. This is a review to determine that the Complaint contains all of the necessary information, and is not a determination as to whether a *prima facie* case has been established.

3.2 The Administrative Review shall be conducted within two (2) business days of submission of the Complaint to the URS Provider.

3.3 Given the rapid nature of this Procedure, and the intended low level of required fees, there will be no opportunity to correct inadequacies in the filing requirements.

3.4 If a Complaint is deemed non-compliant with filing requirements, the Complaint will be dismissed without prejudice to the Complainant filing a new complaint. The initial filing fee shall not be refunded in these circumstances.

4. Notice and Locking of Domain

4.1 Upon completion of the Administrative Review, the URS Provider must immediately notify the registry operator (via email) ("Notice of Complaint") after the Complaint has been deemed compliant with the filing requirements. Within 24 hours of receipt of the Notice of Complaint from the URS Provider, the registry operator shall "lock" the domain, meaning the registry shall restrict all changes to the registration data, including transfer and deletion of the domain names, but the name will continue to resolve. The registry operator will notify the URS Provider immediately upon locking the domain name ("Notice of Lock").

4.2 Within 24 hours after receiving Notice of Lock from the registry operator, the URS Provider shall notify the Registrant of the Complaint, sending a hard copy of the Notice of Complaint to the addresses listed in the Whois contact information, and providing an electronic copy of the Complaint, advising of the locked status, as well as the potential

effects if the Registrant fails to respond and defend against the Complaint. Notices must be clear and understandable to Registrants located globally. The Notice of Complaint shall be in English and translated by the Provider into the predominant language used in the registrant's country or territory.

4.3 All Notices to the Registrant shall be sent through email, fax (where available) and postal mail. The Complaint and accompanying exhibits, if any, shall be served electronically.

4.4 The URS Provider shall also electronically notify the registrar of record for the domain name at issue via the addresses the registrar has on file with ICANN.

5. The Response

5.1 A Registrant will have 14 calendar days from the date the URS Provider sent its Notice of Complaint to the Registrant to electronically file a Response with the URS Provider. Upon receipt, the Provider will electronically send a copy of the Response, and accompanying exhibits, if any, to the Complainant.

5.2 No filing fee will be charged if the Registrant files its Response prior to being declared in default or not more than thirty (30) days following a Determination. For Responses filed more than thirty (30) days after a Determination, the Registrant should pay a reasonable non-refundable fee for re-examination, plus a Response Fee as set forth in section 2.2 above if the Complaint lists twenty-six (26) or more disputed domain names against the same registrant. The Response Fee will be refundable to the prevailing party.

5.3 Upon request by the Registrant, a limited extension of time to respond may be granted by the URS Provider if there is a good faith basis for doing so. In no event shall the extension be for more than seven (7) calendar days.

5.4 The Response shall be no longer than 2,500 words, excluding attachments, and the content of the Response should include the following:

5.4.1 Confirmation of Registrant data.

5.4.2 Specific admission or denial of each of the grounds upon which the Complaint is based.

5.4.3 Any defense which contradicts the Complainant's claims.

5.4.4 A statement that the contents are true and accurate.

5.5 In keeping with the intended expedited nature of the URS and the remedy afforded to a successful Complainant, affirmative claims for relief by the Registrant will not be permitted except for an allegation that the Complainant has filed an abusive Complaint.

5.6 Once the Response is filed, and the URS Provider determines that the Response is compliant with the filing requirements of a Response (which shall be on the same day),

the Complaint, Response and supporting materials will immediately be sent to a qualified Examiner, selected by the URS Provider, for review and Determination. All materials submitted are considered by the Examiner.

5.7 The Response can contain any facts refuting the claim of bad faith registration by setting out any of the following circumstances:

5.7.1 Before any notice to Registrant of the dispute, Registrant's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

5.7.2 Registrant (as an individual, business or other organization) has been commonly known by the domain name, even if Registrant has acquired no trademark or service mark rights; or

5.7.3 Registrant is making a legitimate or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Such claims, if found by the Examiner to be proved based on its evaluation of all evidence, shall result in a finding in favor of the Registrant.

5.8 The Registrant may also assert Defenses to the Complaint to demonstrate that the Registrant's use of the domain name is not in bad faith by showing, for example, one of the following:

5.8.1 The domain name is generic or descriptive and the Registrant is making fair use of it.

5.8.2 The domain name sites are operated solely in tribute to or in criticism of a person or business that is found by the Examiner to be fair use.

5.8.3 Registrant's holding of the domain name is consistent with an express term of a written agreement entered into by the disputing Parties and that is still in effect.

5.8.4 The domain name is not part of a wider pattern or series of abusive registrations because the Domain Name is of a significantly different type or character to other domain names registered by the Registrant.

5.9 Other factors for the Examiner to consider:

5.9.1 Trading in domain names for profit, and holding a large portfolio of domain names, are of themselves not indicia of bad faith under the URS. Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute. The Examiner must review each case on its merits.

5.9.2 Sale of traffic (i.e. connecting domain names to parking pages and earning click-per-view revenue) does not in and of itself constitute bad faith under the URS.

Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute. The Examiner will take into account:

5.9.2.1. the nature of the domain name;

5.9.2.2. the nature of the advertising links on any parking page associated with the domain name; and

5.9.2.3. that the use of the domain name is ultimately the Registrant's responsibility.

6. Default

6.1 If at the expiration of the 14-day answer period (or extended period if granted), the Registrant does not submit an answer, the Complaint proceeds to Default.

6.2 In either case, the Provider shall provide Notice of Default via email to the Complainant and Registrant, and via mail and fax to Registrant. During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information.

6.3 All Default cases proceed to Examination for review on the merits of the claim.

6.4 If after Examination in Default cases, the Examiner rules in favor of Complainant, Registrant shall have the right to seek relief from Default via de novo review by filing a Response at any time up to six months after the date of the Notice of Default. The Registrant will also be entitled to request an extension of an additional six months if the extension is requested before the expiration of the initial six-month period.

6.5 If a Response is filed after: (i) the Respondent was in Default (so long as the Response is filed in accordance with 6.4 above); and (ii) proper notice is provided in accordance with the notice requirements set forth above, the domain name shall again resolve to the original IP address as soon as practical, but shall remain locked as if the Response had been filed in a timely manner before Default. The filing of a Response after Default is not an appeal; the case is considered as if responded to in a timely manner.

6.5 If after Examination in Default case, the Examiner rules in favor of Registrant, the Provider shall notify the Registry Operator to unlock the name and return full control of the domain name registration to the Registrant.

7. Examiners

7.1 One Examiner selected by the Provider will preside over a URS proceeding.

7.2 Examiners should have demonstrable relevant legal background, such as in trademark law, and shall be trained and certified in URS proceedings. Specifically, Examiners shall be provided with instructions on the URS elements and defenses and how to conduct the examination of a URS proceeding.

7.3 Examiners used by any given URS Provider shall be rotated to the extent feasible to avoid "forum or examiner shopping." URS Providers are strongly encouraged to work equally with all certified Examiners, with reasonable exceptions (such as language needs, non-performance, or malfeasance) to be determined on a case by case analysis.

8. Examination Standards and Burden of Proof

8.1 The standards that the qualified Examiner shall apply when rendering its Determination are whether:

8.1.2 The registered domain name is identical or confusingly similar to a word mark: (i) for which the Complainant holds a valid national or regional registration and that is in current use; or (ii) that has been validated through court proceedings; or (iii) that is specifically protected by a statute or treaty currently in effect and that was in effect at the time the URS Complaint is filed; and

8.1.2.1 Use can be shown by demonstrating that evidence of use – which can be a declaration and one specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse.

8.1.2.2 Proof of use may also be submitted directly with the URS Complaint.

8.1.2 The Registrant has no legitimate right or interest to the domain name; and

8.1.3 The domain was registered and is being used in a bad faith.

8.2 The burden of proof shall be clear and convincing evidence.

8.3 For a URS matter to conclude in favor of the Complainant, the Examiner shall render a Determination that there is no genuine issue of material fact. Such Determination may include that: (i) the Complainant has rights to the name; and (ii) the Registrant has no rights or legitimate interest in the name. This means that the Complainant must present adequate evidence to substantiate its trademark rights in the domain name (e.g., evidence of a trademark registration and evidence that the domain name was registered and is being used in bad faith in violation of the URS).

8.4 If the Examiner finds that the Complainant has not met its burden, or that genuine issues of material fact remain in regards to any of the elements, the Examiner will reject the Complaint under the relief available under the URS. That is, the Complaint shall be dismissed if the Examiner finds that evidence was presented or is available to the Examiner to indicate that the use of the domain name in question is a non-infringing use or fair use of the trademark.

8.5 Where there is any genuine contestable issue as to whether a domain name registration and use of a trademark are in bad faith, the Complaint will be denied, the URS proceeding will be terminated without prejudice, e.g., a UDRP, court proceeding or

another URS may be filed. The URS is not intended for use in any proceedings with open questions of fact, but only clear cases of trademark abuse.

8.6 To restate in another way, if the Examiner finds that all three standards are satisfied by clear and convincing evidence and that there is no genuine contestable issue, then the Examiner shall issue a Determination in favor of the Complainant. If the Examiner finds that any of the standards have not been satisfied, then the Examiner shall deny the relief requested, thereby terminating the URS proceeding without prejudice to the Complainant to proceed with an action in court of competent jurisdiction or under the UDRP.

9. Determination

9.1 There will be no discovery or hearing; the evidence will be the materials submitted with the Complaint and the Response, and those materials will serve as the entire record used by the Examiner to make a Determination.

9.2 If the Complainant satisfies the burden of proof, the Examiner will issue a Determination in favor of the Complainant. The Determination will be published on the URS Provider's website. However, there should be no other preclusive effect of the Determination other than the URS proceeding to which it is rendered.

9.3 If the Complainant does not satisfy the burden of proof, the URS proceeding is terminated and full control of the domain name registration shall be returned to the Registrant.

9.4 Determinations resulting from URS proceedings will be published by the service provider in a format specified by ICANN.

9.5 Determinations shall also be emailed by the URS Provider to the Registrant, the Complainant, the Registrar, and the Registry Operator, and shall specify the remedy and required actions of the registry operator to comply with the Determination.

9.6 To conduct URS proceedings on an expedited basis, examination should begin immediately upon the earlier of the expiration of a fourteen (14) day Response period (or extended period if granted), or upon the submission of the Response. A Determination shall be rendered on an expedited basis, with the stated goal that it be rendered within three (3) business days from when Examination began. Absent extraordinary circumstances, however, Determinations must be issued no later than five (5) days after the Response is filed. Implementation details will be developed to accommodate the needs of service providers once they are selected. (The tender offer for potential service providers will indicate that timeliness will be a factor in the award decision.)

10. Remedy

10.1 If the Determination is in favor of the Complainant, the decision shall be immediately transmitted to the registry operator.

10.2 Immediately upon receipt of the Determination, the registry operator shall suspend the domain name, which shall remain suspended for the balance of the registration period and would not resolve to the original web site. The nameservers shall be redirected to an informational web page provided by the URS Provider about the URS. The URS Provider shall not be allowed to offer any other services on such page, nor shall it directly or indirectly use the web page for advertising purposes (either for itself or any other third party). The Whois for the domain name shall continue to display all of the information of the original Registrant except for the redirection of the nameservers. In addition, the Whois shall reflect that the domain name will not be able to be transferred, deleted or modified for the life of the registration.

10.3 There shall be an option for a successful Complainant to extend the registration period for one additional year at commercial rates.

10.4 No other remedies should be available in the event of a Determination in favor of the Complainant.

11. Abusive Complaints

11.1 The URS shall incorporate penalties for abuse of the process by trademark holders.

11.2 In the event a party is deemed to have filed two (2) abusive Complaints, or one (1) "deliberate material falsehood," that party shall be barred from utilizing the URS for one-year following the date of issuance of a Determination finding a complainant to have: (i) filed its second abusive complaint; or (ii) filed a deliberate material falsehood.

11.3 A Complaint may be deemed abusive if the Examiner determines:

11.3.1 it was presented solely for improper purpose such as to harass, cause unnecessary delay, or needlessly increase the cost of doing business; and

11.3.2 (i) the claims or other assertions were not warranted by any existing law or the URS standards; or (ii) the factual contentions lacked any evidentiary support

11.4 An Examiner may find that Complaint contained a deliberate material falsehood if it contained an assertion of fact, which at the time it was made, was made with the knowledge that it was false and which, if true, would have an impact on the outcome on the URS proceeding.

11.5 Two findings of "deliberate material falsehood" shall permanently bar the party from utilizing the URS.

11.6 URS Providers shall be required to develop a process for identifying and tracking barred parties, and parties whom Examiners have determined submitted abusive complaints or deliberate material falsehoods.

11.7 The dismissal of a complaint for administrative reasons or a ruling on the merits, in itself, shall not be evidence of filing an abusive complaint.

11.8 A finding that filing of a complaint was abusive or contained a deliberate materially falsehood can be appealed solely on the grounds that an Examiner abused his/her discretion, or acted in an arbitrary or capricious manner.

12. Appeal

12.1 Either party shall have a right to seek a de novo appeal of the Determination based on the existing record within the URS proceeding for a reasonable fee to cover the costs of the appeal. An appellant must identify the specific grounds on which the party is appealing, including why the appellant claims the Examiner's Determination was incorrect.

12.2 The fees for an appeal shall be borne by the appellant. A limited right to introduce new admissible evidence that is material to the Determination will be allowed upon payment of an additional fee, provided the evidence clearly pre-dates the filing of the Complaint. The Appeal Panel, to be selected by the Provider, may request, in its sole discretion, further statements or documents from either of the Parties.

12.3 Filing an appeal shall not change the domain name's resolution. For example, if the domain name no longer resolves to the original nameservers because of a Determination in favor or the Complainant, the domain name shall continue to point to the informational page provided by the URS Provider. If the domain name resolves to the original nameservers because of a Determination in favor of the registrant, it shall continue to resolve during the appeal process.

12.4 An appeal must be filed within 14 days after a Determination is issued and any Response must be filed 14 days after an appeal is filed.

12.5 If a respondent has sought relief from Default by filing a Response within six months (or the extended period if applicable) of issuance of initial Determination, an appeal must be filed within 14 days from date the second Determination is issued and any Response must be filed 14 days after the appeal is filed.

12.6 Notice of appeal and findings by the appeal panel shall be sent by the URS Provider via e-mail to the Registrant, the Complainant, the Registrar, and the Registry Operator.

12.7 The Providers' rules and procedures for appeals, other than those stated above, shall apply.

13. Other Available Remedies

The URS Determination shall not preclude any other remedies available to the appellant, such as UDRP (if appellant is the Complainant), or other remedies as may be available in a court of competition jurisdiction. A URS Determination for or against a party shall not prejudice the

party in UDRP or any other proceedings.

14. Review of URS

A review of the URS procedure will be initiated one year after the first Examiner Determination is issued. Upon completion of the review, a report shall be published regarding the usage of the procedure, including statistical information, and posted for public comment on the usefulness and effectiveness of the procedure.

TRADEMARK POST-DELEGATION DISPUTE RESOLUTION PROCEDURE (TRADEMARK PDDRP)
4 JUNE 2012

1. Parties to the Dispute

The parties to the dispute will be the trademark holder and the gTLD registry operator. ICANN shall not be a party.

2. Applicable Rules

2.1 This procedure is intended to cover Trademark post-delegation dispute resolution proceedings generally. To the extent more than one Trademark PDDRP provider ("Provider") is selected to implement the Trademark PDDRP, each Provider may have additional rules that must be followed when filing a Complaint. The following are general procedures to be followed by all Providers.

2.2 In the Registry Agreement, the registry operator agrees to participate in all post-delegation procedures and be bound by the resulting Determinations.

3. Language

3.1 The language of all submissions and proceedings under the procedure will be English.

3.2 Parties may submit supporting evidence in their original language, provided and subject to the authority of the Expert Panel to determine otherwise, that such evidence is accompanied by an English translation of all relevant text.

4. Communications and Time Limits

4.1 All communications with the Provider must be submitted electronically.

4.2 For the purpose of determining the date of commencement of a time limit, a notice or other communication will be deemed to have been received on the day that it is transmitted to the appropriate contact person designated by the parties.

4.3 For the purpose of determining compliance with a time limit, a notice or other communication will be deemed to have been sent, made or transmitted on the day that it is dispatched.

4.4 For the purpose of calculating a period of time under this procedure, such period will begin to run on the day following the date of receipt of a notice or other communication.

4.5 All references to day limits shall be considered as calendar days unless otherwise specified.

5. Standing

5.1 The mandatory administrative proceeding will commence when a third-party complainant ("Complainant") has filed a Complaint with a Provider asserting that the Complainant is a trademark holder (which may include either registered or unregistered marks as defined below) claiming that one or more of its marks have been infringed, and thereby the Complainant has been harmed, by the registry operator's manner of operation or use of the gTLD.

5.2 Before proceeding to the merits of a dispute, and before the Respondent is required to submit a substantive Response, or pay any fees, the Provider shall appoint a special one-person Panel to perform an initial "threshold" review ("Threshold Review Panel").

6. Standards

For purposes of these standards, "registry operator" shall include entities directly or indirectly controlling, controlled by or under common control with a registry operator, whether by ownership or control of voting securities, by contract or otherwise where 'control' means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, whether by ownership or control of voting securities, by contract or otherwise.

6.1 Top Level:

A complainant must assert and prove, by clear and convincing evidence, that the registry operator's affirmative conduct in its operation or use of its gTLD string that is identical or confusingly similar to the complainant's mark, causes or materially contributes to the gTLD doing one of the following*:*

(a) taking unfair advantage of the distinctive character or the reputation of the complainant's mark; or

(b) impairing the distinctive character or the reputation of the complainant's mark; or

(c) creating a likelihood of confusion with the complainant's mark.

An example of infringement at the top-level is where a TLD string is identical to a trademark and then the registry operator holds itself out as the beneficiary of the mark.

6.2 Second Level

Complainants are required to prove, by clear and convincing evidence that, through the registry operator's affirmative conduct:

(a) there is a substantial pattern or practice of specific bad faith intent by the registry operator to profit from the sale of trademark infringing domain names; and

(b) the registry operator's bad faith intent to profit from the systematic registration of domain names within the gTLD that are identical or confusingly similar to the complainant's mark, which:

(i) takes unfair advantage of the distinctive character or the reputation of the complainant's mark; or

(ii) impairs the distinctive character or the reputation of the complainant's mark, or

(iii) creates a likelihood of confusion with the complainant's mark.

In other words, it is not sufficient to show that the registry operator is on notice of possible trademark infringement through registrations in the gTLD. The registry operator is not liable under the PDDRP solely because: (i) infringing names are in its registry; or (ii) the registry operator knows that infringing names are in its registry; or (iii) the registry operator did not monitor the registrations within its registry.

A registry operator is not liable under the PDDRP for any domain name registration that: (i) is registered by a person or entity that is unaffiliated with the registry operator; (ii) is registered without the direct or indirect encouragement, inducement, initiation or direction of any person or entity affiliated with the registry operator; and (iii) provides no direct or indirect benefit to the registry operator other than the typical registration fee (which may include other fees collected incidental to the registration process for value added services such enhanced registration security).

An example of infringement at the second level is where a registry operator has a pattern or practice of actively and systematically encouraging registrants to register second level domain names and to take unfair advantage of the trademark to the extent and degree that bad faith is apparent. Another example of infringement at the second level is where a registry operator has a pattern or practice of acting as the registrant or beneficial user of infringing registrations, to monetize and profit in bad faith.

7. Complaint

7.1 Filing:

The Complaint will be filed electronically. Once the Administrative Review has been completed and the Provider deems the Complaint be in compliance, the Provider will electronically serve the Complaint and serve a paper notice on the registry operator that is the subject of the Complaint ("Notice of Complaint") consistent with the contact information listed in the Registry Agreement.

7.2 Content:

7.2.1 The name and contact information, including address, phone, and email address, of the Complainant, and, to the best of Complainant's knowledge, the name and address of the current owner of the registration.

7.2.2 The name and contact information, including address, phone, and email address of any person authorized to act on behalf of Complainant.

7.2.3 A statement of the nature of the dispute, and any relevant evidence, which shall include:

(a) The particular legal rights claim being asserted, the marks that form the basis for the dispute and a short and plain statement of the basis upon which the Complaint is being filed.

(b) A detailed explanation of how the Complainant's claim meets the requirements for filing a claim pursuant to that particular ground or standard.

(c) A detailed explanation of the validity of the Complaint and why the Complainant is entitled to relief.

(d) A statement that the Complainant has at least 30 days prior to filing the Complaint notified the registry operator in writing of: (i) its specific concerns and specific conduct it believes is resulting in infringement of Complainant's trademarks and (ii) it willingness to meet to resolve the issue.

(e) An explanation of how the mark is used by the Complainant (including the type of goods/services, period and territory of use – including all on-line usage) or otherwise protected by statute, treaty or has been validated by a court or the Clearinghouse.

(f) Copies of any documents that the Complainant considers to evidence its basis for relief, including evidence of current use of the Trademark at issue in the Complaint and domain name registrations.

(g) A statement that the proceedings are not being brought for any improper purpose.

(h) A statement describing how the registration at issue has harmed the trademark owner.

7.3 Complaints will be limited 5,000 words and 20 pages, excluding attachments, unless the Provider determines that additional material is necessary.

7.4 At the same time the Complaint is filed, the Complainant will pay a non-refundable filing fee in the amount set in accordance with the applicable Provider rules. In the event that the filing fee is not paid within 10 days of the receipt of the Complaint by the Provider, the Complaint will be dismissed without prejudice.

8. Administrative Review of the Complaint

8.1 All Complaints will be reviewed by the Provider within five (5) business days of submission to the Provider to determine whether the Complaint contains all necessary information and complies with the procedural rules.

8.2 If the Provider finds that the Complaint complies with procedural rules, the Complaint will be deemed filed, and the proceedings will continue to the Threshold Review. If the Provider finds that the Complaint does not comply with procedural rules, it will electronically notify the Complainant of such non-compliant and provide the Complainant five (5) business days to submit an amended Complaint. If the Provider does not receive an amended Complaint within the five (5) business days provided, it will dismiss the Complaint and close the proceedings without prejudice to the Complainant's submission of a new Complaint that complies with procedural rules. Filing fees will not be refunded.

8.3 If deemed compliant, the Provider will electronically serve the Complaint on the registry operator and serve the Notice of Complaint consistent with the contact information listed in the Registry Agreement.

9. Threshold Review

9.1 Provider shall establish a Threshold Review Panel, consisting of one panelist selected by the Provider, for each proceeding within five (5) business days after completion of Administrative Review and the Complaint has been deemed compliant with procedural rules.

9.2 The Threshold Review Panel shall be tasked with determining whether the Complainant satisfies the following criteria:

9.2.1 The Complainant is a holder of a word mark that: (i) is nationally or regionally registered and that is in current use; or (ii) has been validated through court proceedings; or (iii) that is specifically protected by a statute or treaty at the time the PDDRP complaint is filed;

9.2.1.1 Use can be shown by demonstrating that evidence of use – which can be a declaration and one specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse

9.2.1.2 Proof of use may also be submitted directly with the Complaint.

9.2.2 The Complainant has asserted that it has been materially harmed as a result of trademark infringement;

9.2.3 The Complainant has asserted facts with sufficient specificity that, if everything the Complainant asserted is true, states a claim under the Top Level Standards herein
OR

The Complainant has asserted facts with sufficient specificity that, if everything the Complainant asserted is true, states a claim under the Second Level Standards herein;

9.2.4 The Complainant has asserted that: (i) at least 30 days prior to filing the Complaint the Complainant notified the registry operator in writing of its specific concerns and specific conduct it believes is resulting in infringement of Complainant's trademarks, and it willingness to meet to resolve the issue; (ii) whether the registry operator responded to the Complainant's notice of specific concerns; and (iii) if the registry operator did respond, that the Complainant attempted to engage in good faith discussions to resolve the issue prior to initiating the PDDRP.

9.3 Within ten (10) business days of date Provider served Notice of Complaint, the registry operator shall have the opportunity, but is not required, to submit papers to support its position as to the Complainant's standing at the Threshold Review stage. If the registry operator chooses to file such papers, it must pay a filing fee.

9.4 If the registry operator submits papers, the Complainant shall have ten (10) business days to submit an opposition.

9.5 The Threshold Review Panel shall have ten (10) business days from due date of Complainant's opposition or the due date of the registry operator's papers if none were filed, to issue Threshold Determination.

9.6 Provider shall electronically serve the Threshold Determination on all parties.

9.7 If the Complainant has not satisfied the Threshold Review criteria, the Provider will dismiss the proceedings on the grounds that the Complainant lacks standing and declare that the registry operator is the prevailing party.

9.8 If the Threshold Review Panel determines that the Complainant has standing and satisfied the criteria then the Provider to will commence the proceedings on the merits.

10. Response to the Complaint

10.1 The registry operator must file a Response to each Complaint within forty-five (45) days after the date of the Threshold Review Panel Declaration.

10.2 The Response will comply with the rules for filing of a Complaint and will contain the name and contact information for the registry operator, as well as a point-by-point response to the statements made in the Complaint.

10.3 The Response must be filed with the Provider and the Provider must serve it upon the Complainant in electronic form with a hard-copy notice that it has been served.

10.4 Service of the Response will be deemed effective, and the time will start to run for a Reply, upon confirmation that the electronic Response and hard-copy notice of the Response was sent by the Provider to the addresses provided by the Complainant.

10.5 If the registry operator believes the Complaint is without merit, it will affirmatively plead in its Response the specific grounds for the claim.

11. Reply

11.1 The Complainant is permitted ten (10) days from Service of the Response to submit a Reply addressing the statements made in the Response showing why the Complaint is not "without merit." A Reply may not introduce new facts or evidence into the record, but shall only be used to address statements made in the Response. Any new facts or evidence introduced in a Response shall be disregarded by the Expert Panel.

11.2 Once the Complaint, Response and Reply (as necessary) are filed and served, a Panel will be appointed and provided with all submissions.

12. Default

12.1 If the registry operator fails to respond to the Complaint, it will be deemed to be in default.

12.2 Limited rights to set aside the finding of default will be established by the Provider, but in no event will they be permitted absent a showing of good cause to set aside the finding of default.

12.3 The Provider shall provide notice of Default via email to the Complainant and registry operator.

12.4 All Default cases shall proceed to Expert Determination on the merits.

13. Expert Panel

13.1 The Provider shall establish an Expert Panel within 21 days after receiving the Reply, or if no Reply is filed, within 21 days after the Reply was due to be filed.

13.2 The Provider shall appoint a one-person Expert Panel, unless any party requests a three- member Expert Panel. No Threshold Panel member shall serve as an Expert Panel member in the same Trademark PDDRP proceeding.

13.3 In the case where either party requests a three-member Expert Panel, each party (or each side of the dispute if a matter has been consolidated) shall select an Expert and the two selected Experts shall select the third Expert Panel member. Such selection shall be made pursuant to the Providers rules or procedures. Trademark PDDRP panelists within a Provider shall be rotated to the extent feasible.

13.4 Expert Panel member must be independent of the parties to the post-delegation challenge. Each Provider will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing a panelist for lack of independence.

14. Costs

14.1 The Provider will estimate the costs for the proceedings that it administers under this procedure in accordance with the applicable Provider rules. Such costs will be estimated to cover the administrative fees of the Provider, the Threshold Review Panel and the Expert Panel, and are intended to be reasonable.

14.2 The Complainant shall be required to pay the filing fee as set forth above in the "Complaint" section, and shall be required to submit the full amount of the Provider estimated administrative fees, the Threshold Review Panel fees and the Expert Panel fees at the outset of the proceedings. Fifty percent of that full amount shall be in cash (or cash equivalent) to cover the Complainant's share of the proceedings and the other 50% shall be in either cash (or cash equivalent), or in bond, to cover the registry operator's share if the registry operator prevails.

14.3 If the Panel declares the Complainant to be the prevailing party, the registry operator is required to reimburse Complainant for all Panel and Provider fees incurred. Failure to do shall be deemed a violation of the Trademark PDDRP and a breach of the Registry Agreement, subject to remedies available under the Agreement up to and including termination.

15. Discovery

15.1 Whether and to what extent discovery is allowed is at the discretion of the Panel, whether made on the Panel's own accord, or upon request from the Parties.

15.2 If permitted, discovery will be limited to that for which each Party has a substantial need.

15.3 In extraordinary circumstances, the Provider may appoint experts to be paid for by the Parties, request live or written witness testimony, or request limited exchange of documents.

15.4 At the close of discovery, if permitted by the Expert Panel, the Parties will make a final evidentiary submission, the timing and sequence to be determined by the Provider in consultation with the Expert Panel.

16. Hearings

16.1 Disputes under this Procedure will be resolved without a hearing unless either party requests a hearing or the Expert Panel determines on its own initiative that one is necessary.

16.2 If a hearing is held, videoconferences or teleconferences should be used if at all possible. If not possible, then the Expert Panel will select a place for hearing if the Parties cannot agree.

16.3 Hearings should last no more than one day, except in the most extraordinary circumstances.

16.4 All dispute resolution proceedings will be conducted in English.

17. Burden of Proof

The Complainant bears the burden of proving the allegations in the Complaint; the burden must be by clear and convincing evidence.

18. Remedies

18.1 Since registrants are not a party to the action, a recommended remedy cannot take the form of deleting, transferring or suspending registrations (except to the extent registrants have been shown to be officers, directors, agents, employees, or entities under common control with a registry operator).

18.2 Recommended remedies will not include monetary damages or sanctions to be paid to any party other than fees awarded pursuant to section 14.

18.3 The Expert Panel may recommend a variety of graduated enforcement tools against the registry operator if it the Expert Panel determines that the registry operator is liable under this Trademark PDDRP, including:

18.3.1 Remedial measures for the registry to employ to ensure against allowing future infringing registrations, which may be in addition to what is required under the registry agreement, except that the remedial measures shall not:

(a) Require the Registry Operator to monitor registrations not related to the names at issue in the PDDRP proceeding; or

(b) Direct actions by the registry operator that are contrary to those required under the Registry Agreement;

18.3.2 Suspension of accepting new domain name registrations in the gTLD until such time as the violation(s) identified in the Determination is(are) cured or a set period of time;

OR,

18.3.3 In extraordinary circumstances where the registry operator acted with malice, providing for the termination of a Registry Agreement.

18.4 In making its recommendation of the appropriate remedy, the Expert Panel will consider the ongoing harm to the Complainant, as well as the harm the remedies will create for other, unrelated, good faith domain name registrants operating within the gTLD.

18.5 The Expert Panel may also determine whether the Complaint was filed "without merit," and, if so, award the appropriate sanctions on a graduated scale, including:

18.5.1 Temporary bans from filing Complaints;

18.5.2 Imposition of costs of registry operator, including reasonable attorney fees; and

18.5.3 Permanent bans from filing Complaints after being banned temporarily.

18.6 Imposition of remedies shall be at the discretion of ICANN, but absent extraordinary circumstances, those remedies will be in line with the remedies recommended by the Expert Panel.

19. The Expert Panel Determination

19.1 The Provider and the Expert Panel will make reasonable efforts to ensure that the Expert Determination is issued within 45 days of the appointment of the Expert Panel and absent good cause, in no event later than 60 days after the appointment of the Expert Panel.

19.2 The Expert Panel will render a written Determination. The Expert Determination will state whether or not the Complaint is factually founded and provide the reasons for that Determination. The Expert Determination should be publicly available and searchable on the Provider's web site.

19.3 The Expert Determination may further include a recommendation of specific remedies. Costs and fees to the Provider, to the extent not already paid, will be paid within thirty (30) days of the Expert Panel's Determination.

19.4 The Expert Determination shall state which party is the prevailing party.

19.5 While the Expert Determination that a registry operator is liable under the standards of the Trademark PDDRP shall be taken into consideration, ICANN will have the authority to impose the remedies, if any, that ICANN deems appropriate given the circumstances of each matter.

20. Appeal of Expert Determination

20.1 Either party shall have a right to seek a de novo appeal of the Expert Determination of liability or recommended remedy based on the existing record within the Trademark PDDRP proceeding for a reasonable fee to cover the costs of the appeal.

20.2 An appeal must be filed with the Provider and served on all parties within 20 days after an Expert Determination is issued and a response to the appeal must be filed within 20

days after the appeal. Manner and calculation of service deadlines shall in consistent with those set forth in Section 4 above, "Communication and Time Limits."

20.3 A three-member Appeal Panel is to be selected by the Provider, but no member of the Appeal Panel shall also have been an Expert Panel member.

20.4 The fees for an appeal in the first instance shall be borne by the appellant.

20.5 A limited right to introduce new admissible evidence that is material to the Determination will be allowed upon payment of an additional fee, provided the evidence clearly pre-dates the filing of the Complaint.

20.6 The Appeal Panel may request at its sole discretion, further statements or evidence from any party regardless of whether the evidence pre-dates the filing of the Complaint if the Appeal Panel determines such evidence is relevant.

20.7 The prevailing party shall be entitled to an award of costs of appeal.

20.8 The Providers rules and procedures for appeals, other than those stated above, shall apply.

21. Challenge of a Remedy

21.1 ICANN shall not implement a remedy for violation of the Trademark PDDRP for at least 20 days after the issuance of an Expert Determination, providing time for an appeal to be filed.

21.2 If an appeal is filed, ICANN shall stay its implementation of a remedy pending resolution of the appeal.

21.3 If ICANN decides to implement a remedy for violation of the Trademark PDDRP, ICANN will wait ten (10) business days (as observed in the location of its principal office) after notifying the registry operator of its decision. ICANN will then implement the decision unless it has received from the registry operator during that ten (10) business-day period official documentation that the registry operator has either: (a) commenced a lawsuit against the Complainant in a court of competent jurisdiction challenging the Expert Determination of liability against the registry operator, or (b) challenged the intended remedy by initiating dispute resolution under the provisions of its Registry Agreement. If ICANN receives such documentation within the ten (10) business day period, it will not seek to implement the remedy in furtherance of the Trademark PDDRP until it receives: (i) evidence of a resolution between the Complainant and the registry operator; (ii) evidence that registry operator's lawsuit against Complainant has been dismissed or withdrawn; or (iii) a copy of an order from the dispute resolution provider selected pursuant to the Registry Agreement dismissing the dispute against ICANN whether by reason of agreement of the parties or upon determination of the merits.

21.4 The registry operator may challenge ICANN's imposition of a remedy imposed in furtherance of an Expert Determination that the registry operator is liable under the PDDRP, to the extent a challenge is warranted, by initiating dispute resolution under the provisions of its Registry Agreement. Any arbitration shall be determined in accordance with the parties' respective rights and duties under the Registry Agreement. Neither the Expert Determination nor the decision of ICANN to implement a remedy is intended to prejudice the registry operator in any way in the determination of the arbitration dispute. Any remedy involving a termination of the Registry Agreement must be according to the terms and conditions of the termination provision of the Registry Agreement.

21.5 Nothing herein shall be deemed to prohibit ICANN from imposing remedies at any time and of any nature it is otherwise entitled to impose for a registry operator's non-compliance with its Registry Agreement.

22. Availability of Court or Other Administrative Proceedings

22.1 The Trademark PDDRP is not intended as an exclusive procedure and does not preclude individuals from seeking remedies in courts of law, including, as applicable, review of an Expert Determination as to liability.

22.2 In those cases where a Party submits documented proof to the Provider that a Court action involving the same Parties, facts and circumstances as the Trademark PDDRP was instituted prior to the filing date of the Complaint in the Trademark PDDRP, the Provider shall suspend or terminate the Trademark PDDRP.

REGISTRY RESTRICTIONS DISPUTE RESOLUTION PROCEDURE (RRDRP)[1]
4 JUNE 2012

1. Parties to the Dispute

The parties to the dispute will be the harmed established institution and the gTLD registry operator. ICANN shall not be a party.

2. Applicable Rules

2.1 This procedure is intended to cover these dispute resolution proceedings generally. To the extent more than one RRDRP provider ("Provider") is selected to implement the RRDRP, each Provider may have additional rules and procedures that must be followed when filing a Complaint. The following are the general procedure to be followed by all Providers.

2.2 In any new community-based gTLD registry agreement, the registry operator shall be required to agree to participate in the RRDRP and be bound by the resulting Determinations.

3. Language

3.1 The language of all submissions and proceedings under the procedure will be English.

3.2 Parties may submit supporting evidence in their original language, provided and subject to the authority of the RRDRP Expert Panel to determine otherwise, that such evidence is accompanied by an English translation of all relevant text.

4. Communications and Time Limits

4.1 All communications with the Provider must be filed electronically.

4.2 For the purpose of determining the date of commencement of a time limit, a notice or other communication will be deemed to have been received on the day that it is transmitted to the appropriate contact person designated by the parties.

4.3 For the purpose of determining compliance with a time limit, a notice or other communication will be deemed to have been sent, made or transmitted on the day that it is dispatched.

[1] Initial complaints that a Registry has failed to comply with registration restrictions shall be processed through a Registry Restriction Problem Report System (RRPRS) using an online form similar to the Whois Data Problem Report System (WDPRS) at InterNIC.net. A nominal processing fee could serve to decrease frivolous complaints. The registry operator shall receive a copy of the complaint and will be required to take reasonable steps to investigate (and remedy if warranted) the reported non-compliance. The Complainant will have the option to escalate the complaint in accordance with this RRDRP, if the alleged non-compliance continues. Failure by the Registry to address the complaint to complainant's satisfaction does not itself give the complainant standing to file an RRDRP complaint.

4.4 For the purpose of calculating a period of time under this procedure, such period will begin to run on the day following the date of receipt of a notice or other communication.

4.5 All references to day limits shall be considered as calendar days unless otherwise specified.

5. Standing

5.1 The mandatory administrative proceeding will commence when a third-party complainant ("Complainant") has filed a Complaint with a Provider asserting that the Complainant is a harmed established institution as a result of the community-based gTLD registry operator not complying with the registration restrictions set out in the Registry Agreement.

5.2 Established institutions associated with defined communities are eligible to file a community objection. The "defined community" must be a community related to the gTLD string in the application that is the subject of the dispute. To qualify for standing for a community claim, the Complainant must prove both: it is an established institution, and has an ongoing relationship with a defined community that consists of a restricted population that the gTLD supports.

5.3 Complainants must have filed a claim through the Registry Restriction Problem Report System (RRPRS) to have standing to file an RRDRP.

5.4 The Panel will determine standing and the Expert Determination will include a statement of the Complainant's standing.

6. Standards

6.1 For a claim to be successful, the claims must prove that:

6.1.1 The community invoked by the objector is a defined community;

6.1.2 There is a strong association between the community invoked and the gTLD label or string;

6.1.3 The TLD operator violated the terms of the community-based restrictions in its agreement;

6.1.4 There is a measureable harm to the Complainant and the community named by the objector.

7. Complaint

7.1 Filing:

The Complaint will be filed electronically. Once the Administrative Review has been completed and the Provider deems the Complaint to be in compliance, the Provider will electronically serve the Complaint and serve a hard copy and fax notice on the registry operator consistent with the contact information listed in the Registry Agreement.

7.2 Content:

7.2.1 The name and contact information, including address, phone, and email address, of the Complainant, the registry operator and, to the best of Complainant's knowledge, the name and address of the current owner of the registration.

7.2.2 The name and contact information, including address, phone, and email address of any person authorized to act on behalf of Complainant.

7.2.3 A statement of the nature of the dispute, which must include:

7.2.3.1 The particular registration restrictions in the Registry Agreement with which the registry operator is failing to comply; and

7.2.3.2 A detailed explanation of how the registry operator's failure to comply with the identified registration restrictions has caused harm to the complainant.

7.2.4 A statement that the proceedings are not being brought for any improper purpose.

7.2.5 A statement that the Complainant has filed a claim through the RRPRS and that the RRPRS process has concluded.

7.2.6 A statement that Complainant has not filed a Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) complaint relating to the same or similar facts or circumstances.

7.3 Complaints will be limited to 5,000 words and 20 pages, excluding attachments, unless the Provider determines that additional material is necessary.

7.4 Any supporting documents should be filed with the Complaint.

7.5 At the same time the Complaint is filed, the Complainant will pay a filing fee in the amount set in accordance with the applicable Provider rules. In the event that the filing fee is not paid within 10 days of the receipt of the Complaint by the Provider, the Complaint will be dismissed without prejudice to the Complainant to file another complaint.

8. Administrative Review of the Complaint

8.1 All Complaints will be reviewed within five (5) business days of submission by panelists designated by the applicable Provider to determine whether the Complainant has complied with the procedural rules.

8.2 If the Provider finds that the Complaint complies with procedural rules, the Complaint will be deemed filed, and the proceedings will continue. If the Provider finds that the Complaint does not comply with procedural rules, it will electronically notify the Complainant of such non-compliance and provide the Complainant five (5) business days to submit an amended Complaint. If the Provider does not receive an amended Complaint within the five (5) business days provided, it will dismiss the Complaint and close the proceedings without prejudice to the Complainant's submission of a new Complaint that complies with procedural rules. Filing fees will not be refunded if the Complaint is deemed not in compliance.

8.3 If deemed compliant, the Provider will electronically serve the Complaint on the registry operator and serve a paper notice on the registry operator that is the subject of the Complaint consistent with the contact information listed in the Registry Agreement.

9. Response to the Complaint

9.1 The registry operator must file a response to each Complaint within thirty (30) days of service the Complaint.

9.2 The Response will comply with the rules for filing of a Complaint and will contain the names and contact information for the registry operator, as well as a point by point response to the statements made in the Complaint.

9.3 The Response must be electronically filed with the Provider and the Provider must serve it upon the Complainant in electronic form with a hard-copy notice that it has been served.

9.4 Service of the Response will be deemed effective, and the time will start to run for a Reply, upon electronic transmission of the Response.

9.5 If the registry operator believes the Complaint is without merit, it will affirmatively plead in it Response the specific grounds for the claim.

9.6 At the same time the Response is filed, the registry operator will pay a filing fee in the amount set in accordance with the applicable Provider rules. In the event that the filing fee is not paid within ten (10) days of the receipt of the Response by the Provider, the Response will be deemed improper and not considered in the proceedings, but the matter will proceed to Determination.

10 Reply

10.1 The Complainant is permitted ten (10) days from Service of the Response to submit a Reply addressing the statements made in the Response showing why the Complaint is not "without merit." A Reply may not introduce new facts or evidence into the record, but shall only be used to address statements made in the Response. Any new facts or evidence introduced in a Response shall be disregarded by the Expert Panel.

10.2 Once the Complaint, Response and Reply (as necessary) are filed and served, a Panel will be appointed and provided with all submissions.

11. Default

11.1 If the registry operator fails to respond to the Complaint, it will be deemed to be in default.

11.2 Limited rights to set aside the finding of default will be established by the Provider, but in no event will it be permitted absent a showing of good cause to set aside the finding of Default.

11.3 The Provider shall provide Notice of Default via email to the Complainant and registry operator.

11.4 All Default cases shall proceed to Expert Determination on the merits.

12. Expert Panel

12.1 The Provider shall select and appoint a single-member Expert Panel within (21) days after receiving the Reply, or if no Reply is filed, within 21 days after the Reply was due to be filed.

12.2 The Provider will appoint a one-person Expert Panel unless any party requests a three-member Expert Panel.

12.3 In the case where either party requests a three-member Expert Panel, each party (or each side of the dispute if a matter has been consolidated) shall select an Expert and the two selected Experts shall select the third Expert Panel member. Such selection shall be made pursuant to the Provider's rules or procedures. RRDRP panelists within a Provider shall be rotated to the extent feasible.

12.4 Expert Panel members must be independent of the parties to the post-delegation challenge. Each Provider will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing an Expert for lack of independence.

13. Costs

13.1 The Provider will estimate the costs for the proceedings that it administers under this procedure in accordance with the applicable Provider Rules. Such costs will cover the administrative fees, including the Filing and Response Fee, of the Provider, and the Expert Panel fees, and are intended to be reasonable.

13.2 The Complainant shall be required to pay the Filing fee as set forth above in the "Complaint" section, and shall be required to submit the full amount of the other Provider-estimated administrative fees, including the Response Fee, and the Expert Panel fees at the outset of the proceedings. Fifty percent of that full amount shall be in cash (or cash equivalent) to cover the Complainant's share of the proceedings and the other 50% shall be in either cash (or cash equivalent), or in bond, to cover the registry operator's share if the registry operator prevails.

13.3 If the Panel declares the Complainant to be the prevailing party, the registry operator is required to reimburse Complainant for all Panel and Provider fees incurred, including the Filing Fee. Failure to do shall be deemed a violation of the RRDRP and a breach of the Registry Agreement, subject to remedies available under the Agreement up to and including termination.

13.4 If the Panel declares the registry operator to be the prevailing party, the Provider shall reimburse the registry operator for its Response Fee.

14. Discovery/Evidence

14.1 In order to achieve the goal of resolving disputes rapidly and at a reasonable cost, discovery will generally not be permitted. In exceptional cases, the Expert Panel may require a party to provide additional evidence.

14.2 If permitted, discovery will be limited to that for which each Party has a substantial need.

14.3 Without a specific request from the Parties, but only in extraordinary circumstances, the Expert Panel may request that the Provider appoint experts to be paid for by the Parties, request live or written witness testimony, or request limited exchange of documents.

15. Hearings

15.1 Disputes under this RRDRP will usually be resolved without a hearing.

15.2 The Expert Panel may decide on its own initiative, or at the request of a party, to hold a hearing. However, the presumption is that the Expert Panel will render Determinations based on written submissions and without a hearing.

15.3 If a request for a hearing is granted, videoconferences or teleconferences should be used if at all possible. If not possible, then the Expert Panel will select a place for hearing if the parties cannot agree.

15.4 Hearings should last no more than one day, except in the most exceptional circumstances.

15.5 If the Expert Panel grants one party's request for a hearing, notwithstanding the other party's opposition, the Expert Panel is encouraged to apportion the hearing costs to the requesting party as the Expert Panel deems appropriate.

15.6 All dispute resolution proceedings will be conducted in English.

16. Burden of Proof

The Complainant bears the burden of proving its claim; the burden should be by a preponderance of the evidence.

17. Recommended Remedies

17.1 Since registrants of domain names registered in violation of the agreement restriction are not a party to the action, a recommended remedy cannot take the form of deleting, transferring or suspending registrations that were made in violation of the agreement restrictions (except to the extent registrants have been shown to be officers, directors, agents, employees, or entities under common control with a registry operator).

17.2 Recommended remedies will not include monetary damages or sanctions to be paid to any party other than fees awarded pursuant to section 13.

17.3 The Expert Panel may recommend a variety of graduated enforcement tools against the registry operator if the Expert Panel determines that the registry operator allowed registrations outside the scope of its promised limitations, including:

17.3.1 Remedial measures, which may be in addition to requirements under the registry agreement, for the registry to employ to ensure against allowing future registrations that do not comply with community-based limitations; except that the remedial measures shall not:

(a) Require the registry operator to monitor registrations not related to the names at issue in the RRDRP proceeding, or

(b) direct actions by the registry operator that are contrary to those required under the registry agreement

17.3.2 Suspension of accepting new domain name registrations in the gTLD until such time as the violation(s) identified in the Determination is(are) cured or a set period of time;

OR,

17.3.3 In extraordinary circumstances where the registry operator acted with malice providing for the termination of a registry agreement.

17.3 In making its recommendation of the appropriate remedy, the Expert Panel will consider the ongoing harm to the Complainant, as well as the harm the remedies will create for other, unrelated, good faith domain name registrants operating within the gTLD.

18. The Expert Determination

18.1 The Provider and the Expert Panel will make reasonable efforts to ensure that the Expert Determination is rendered within 45 days of the appointment of the Expert Panel and absent good cause, in no event later than 60 days after the appointment of the Expert Panel.

18.2 The Expert Panel will render a written Determination. The Expert Determination will state whether or not the Complaint is factually founded and provide the reasons for its

Determination. The Expert Determination should be publicly available and searchable on the Provider's web site.

18.3 The Expert Determination may further include a recommendation of specific remedies. Costs and fees to the Provider, to the extent not already paid, will be paid within thirty (30) days of the Expert Determination.

18.4 The Expert Determination shall state which party is the prevailing party.

18.5 While the Expert Determination that a community-based restricted gTLD registry operator was not meeting its obligations to police the registration and use of domains within the applicable restrictions shall be considered, ICANN shall have the authority to impose the remedies ICANN deems appropriate, given the circumstances of each matter.

19. Appeal of Expert Determination

19.1 Either party shall have a right to seek a de novo appeal of the Expert Determination based on the existing record within the RRDRP proceeding for a reasonable fee to cover the costs of the appeal.

19.2 An appeal must be filed with the Provider and served on all parties within 20 days after an Expert Determination is issued and a response to the appeal must be filed within 20 days after the appeal. Manner and calculation of service deadlines shall in consistent with those set forth in Section 4 above, "Communication and Time Limits."

19.3 A three-member Appeal Panel is to be selected by the Provider, but no member of the Appeal Panel shall also have been an Expert Panel member.

19.4 The fees for an appeal in the first instance shall be borne by the appellant.

19.5 A limited right to introduce new admissible evidence that is material to the Determination will be allowed upon payment of an additional fee, provided the evidence clearly pre-dates the filing of the Complaint.

19.6 The Appeal Panel may request at its sole discretion, further statements or evidence from any party regardless of whether the evidence pre-dates the filing of the Complaint if the Appeal Panel determines such evidence is relevant.

19.7 The prevailing party shall be entitled to an award of costs of appeal.

19.8 The Providers rules and procedures for appeals, other than those stated above, shall apply.

20. Breach

20.1 If the Expert determines that the registry operator is in breach, ICANN will then proceed to notify the registry operator that it is in breach. The registry operator will be given the opportunity to cure the breach as called for in the Registry Agreement.

20.2 If registry operator fails to cure the breach then both parties are entitled to utilize the options available to them under the registry agreement, and ICANN may consider the recommended remedies set forth in the Expert Determination when taking action.

20.3 Nothing herein shall be deemed to prohibit ICANN from imposing remedies at any time and of any nature it is otherwise entitled to impose for a registry operator's non-compliance with its Registry Agreement.

21. Availability of Court or Other Administrative Proceedings

21.1 The RRDRP is not intended as an exclusive procedure and does not preclude individuals from seeking remedies in courts of law, including, as applicable, review of an Expert Determination as to liability.

21.2 The parties are encouraged, but not required to participate in informal negotiations and/or mediation at any time throughout the dispute resolution process but the conduct of any such settlement negotiation is not, standing alone, a reason to suspend any deadline under the proceedings.

gTLD Applicant Guidebook

(v. 2012-06-04)

Module 6

4 June 2012

Module 6

Top-Level Domain Application – Terms and Conditions

By submitting this application through ICANN's online interface for a generic Top Level Domain (gTLD) (this application), applicant (including all parent companies, subsidiaries, affiliates, agents, contractors, employees and any and all others acting on its behalf) agrees to the following terms and conditions (these terms and conditions) without modification. Applicant understands and agrees that these terms and conditions are binding on applicant and are a material part of this application.

1. Applicant warrants that the statements and representations contained in the application (including any documents submitted and oral statements made and confirmed in writing in connection with the application) are true and accurate and complete in all material respects, and that ICANN may rely on those statements and representations fully in evaluating this application. Applicant acknowledges that any material misstatement or misrepresentation (or omission of material information) may cause ICANN and the evaluators to reject the application without a refund of any fees paid by Applicant. Applicant agrees to notify ICANN in writing of any change in circumstances that would render any information provided in the application false or misleading.

2. Applicant warrants that it has the requisite organizational power and authority to make this application on behalf of applicant, and is able to make all agreements, representations, waivers, and understandings stated in these terms and conditions and to enter into the form of registry agreement as posted with these terms and conditions.

3. Applicant acknowledges and agrees that ICANN has the right to determine not to proceed with any and all applications for new gTLDs, and that there is no assurance that any additional gTLDs will be created. The decision to review, consider and approve an application to establish one or more

gTLDs and to delegate new gTLDs after such approval is entirely at ICANN's discretion. ICANN reserves the right to reject any application that ICANN is prohibited from considering under applicable law or policy, in which case any fees submitted in connection with such application will be returned to the applicant.

4. Applicant agrees to pay all fees that are associated with this application. These fees include the evaluation fee (which is to be paid in conjunction with the submission of this application), and any fees associated with the progress of the application to the extended evaluation stages of the review and consideration process with respect to the application, including any and all fees as may be required in conjunction with the dispute resolution process as set forth in the application. Applicant acknowledges that the initial fee due upon submission of the application is only to obtain consideration of an application. ICANN makes no assurances that an application will be approved or will result in the delegation of a gTLD proposed in an application. Applicant acknowledges that if it fails to pay fees within the designated time period at any stage of the application review and consideration process, applicant will forfeit any fees paid up to that point and the application will be cancelled. Except as expressly provided in this Application Guidebook, ICANN is not obligated to reimburse an applicant for or to return any fees paid to ICANN in connection with the application process.

5. Applicant shall indemnify, defend, and hold harmless ICANN (including its affiliates, subsidiaries, directors, officers, employees, consultants, evaluators, and agents, collectively the ICANN Affiliated Parties) from and against any and all third-party claims, damages, liabilities, costs, and expenses, including legal fees and expenses, arising out of or relating to: (a) ICANN's or an ICANN Affiliated Party's consideration of the application, and any approval rejection or withdrawal of the application; and/or (b) ICANN's or an ICANN Affiliated Party's reliance on information provided by applicant in the application.

6. Applicant hereby releases ICANN and the ICANN Affiliated Parties from any and all claims by applicant that arise out of, are based upon, or are in any way related to, any action, or failure to act, by ICANN or any ICANN Affiliated Party in connection with ICANN's or an ICANN Affiliated Party's review of this application, investigation or verification, any characterization or description of applicant or the information in this application, any withdrawal of this application or the decision by ICANN to recommend, or not to recommend, the approval of applicant's gTLD application. APPLICANT AGREES NOT TO CHALLENGE, IN COURT OR IN ANY OTHER JUDICIAL FORA, ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE APPLICATION, AND IRREVOCABLY WAIVES ANY RIGHT TO SUE OR PROCEED IN COURT OR ANY OTHER JUDICIAL FOR A ON THE BASIS OF ANY OTHER LEGAL CLAIM AGAINST ICANN AND ICANN AFFILIATED PARTIES WITH RESPECT TO THE APPLICATION. APPLICANT ACKNOWLEDGES AND ACCEPTS THAT APPLICANT'S NONENTITLEMENT TO PURSUE ANY RIGHTS, REMEDIES, OR LEGAL CLAIMS AGAINST ICANN OR THE ICANN AFFILIATED PARTIES IN COURT OR ANY OTHER JUDICIAL FORA WITH RESPECT TO THE APPLICATION SHALL MEAN THAT APPLICANT WILL FOREGO ANY RECOVERY OF ANY APPLICATION FEES, MONIES INVESTED IN BUSINESS INFRASTRUCTURE OR OTHER STARTUP COSTS AND ANY AND ALL PROFITS THAT APPLICANT MAY EXPECT TO REALIZE FROM THE OPERATION OF A REGISTRY FOR THE TLD; PROVIDED, THAT APPLICANT MAY UTILIZE ANY ACCOUNTABILITY MECHANISM SET FORTH IN ICANN'S BYLAWS FOR PURPOSES OF CHALLENGING ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE APPLICATION. APPLICANT ACKNOWLEDGES THAT ANY ICANN AFFILIATED PARTY IS AN EXPRESS THIRD PARTY BENEFICIARY OF THIS SECTION 6 AND MAY ENFORCE EACH PROVISION OF THIS SECTION 6 AGAINST APPLICANT.

7. Applicant hereby authorizes ICANN to publish on ICANN's website, and to disclose or publicize in any other manner, any materials submitted to, or obtained or generated by, ICANN and the ICANN Affiliated Parties in connection with the application, including evaluations, analyses and any other

materials prepared in connection with the evaluation of the application; provided, however, that information will not be disclosed or published to the extent that this Applicant Guidebook expressly states that such information will be kept confidential, except as required by law or judicial process. Except for information afforded confidential treatment, applicant understands and acknowledges that ICANN does not and will not keep the remaining portion of the application or materials submitted with the application confidential.

8. Applicant certifies that it has obtained permission for the posting of any personally identifying information included in this application or materials submitted with this application. Applicant acknowledges that the information that ICANN posts may remain in the public domain in perpetuity, at ICANN's discretion. Applicant acknowledges that ICANN will handle personal information collected in accordance with its gTLD Program privacy statement http://newgtlds.icann.org/en/applicants/agb/program-privacy, which is incorporated herein by this reference. If requested by ICANN, Applicant will be required to obtain and deliver to ICANN and ICANN's background screening vendor any consents or agreements of the entities and/or individuals named in questions 1-11 of the application form necessary to conduct these background screening activities. In addition, Applicant acknowledges that to allow ICANN to conduct thorough background screening investigations:

    a. Applicant may be required to provide documented consent for release of records to ICANN by organizations or government agencies;

    b. Applicant may be required to obtain specific government records directly and supply those records to ICANN for review;

    c. Additional identifying information may be required to resolve questions of identity of individuals within the applicant organization;

d. Applicant may be requested to supply certain information in the original language as well as in English.

9. Applicant gives ICANN permission to use applicant's name in ICANN's public announcements (including informational web pages) relating to Applicant's application and any action taken by ICANN related thereto.

10. Applicant understands and agrees that it will acquire rights in connection with a gTLD only in the event that it enters into a registry agreement with ICANN, and that applicant's rights in connection with such gTLD will be limited to those expressly stated in the registry agreement. In the event ICANN agrees to recommend the approval of the application for applicant's proposed gTLD, applicant agrees to enter into the registry agreement with ICANN in the form published in connection with the application materials. (Note: ICANN reserves the right to make reasonable updates and changes to this proposed draft agreement during the course of the application process, including as the possible result of new policies that might be adopted during the course of the application process). Applicant may not resell, assign, or transfer any of applicant's rights or obligations in connection with the application.

11. Applicant authorizes ICANN to:

a. Contact any person, group, or entity to request, obtain, and discuss any documentation or other information that, in ICANN's sole judgment, may be pertinent to the application;

b. Consult with persons of ICANN's choosing regarding the information in the application or otherwise coming into ICANN's possession, provided, however, that ICANN will use reasonable efforts to ensure that such persons maintain the confidentiality of information in the application that this Applicant Guidebook expressly states will be kept confidential.

12. For the convenience of applicants around the world, the application materials published by ICANN in the English language have been translated into certain other languages frequently used around the world. Applicant recognizes that the English language version of the application materials (of which these terms and conditions is a part) is the version that binds the parties, that such translations are non-official interpretations and may not be relied upon as accurate in all respects, and that in the event of any conflict between the translated versions of the application materials and the English language version, the English language version controls.

13. Applicant understands that ICANN has a long-standing relationship with Jones Day, an international law firm, and that ICANN intends to continue to be represented by Jones Day throughout the application process and the resulting delegation of TLDs. ICANN does not know whether any particular applicant is or is not a client of Jones Day. To the extent that Applicant is a Jones Day client, by submitting this application, Applicant agrees to execute a waiver permitting Jones Day to represent ICANN adverse to Applicant in the matter. Applicant further agrees that by submitting its Application, Applicant is agreeing to execute waivers or take similar reasonable actions to permit other law and consulting firms retained by ICANN in connection with the review and evaluation of its application to represent ICANN adverse to Applicant in the matter.

14. ICANN reserves the right to make reasonable updates and changes to this applicant guidebook and to the application process, including the process for withdrawal of applications, at any time by posting notice of such updates and changes to the ICANN website, including as the possible result of new policies that might be adopted or advice to ICANN from ICANN advisory committees during the course of the application process. Applicant acknowledges that ICANN may make such updates and changes and agrees that its application will be subject to any such updates and changes. In the event that Applicant has completed and submitted its application prior to

such updates or changes and Applicant can demonstrate to ICANN that compliance with such updates or changes would present a material hardship to Applicant, then ICANN will work with Applicant in good faith to attempt to make reasonable accommodations in order to mitigate any negative consequences for Applicant to the extent possible consistent with ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems.

Exhibit A14

New gTLD Program
Community Priority Evaluation Report
Report Date: 11 June 2014

Application ID:	1-1032-95136
Applied-for String:	HOTEL
Applicant Name:	HOTEL Top-Level-Domain s.a.r.l

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	**Prevailed**

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring 15 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	3	4
#3: Registration Policies	4	4
#4: Community Endorsement	4	4
Total	15	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment 4/4 Point(s)

1-A Delineation *2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition, and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("HOTEL") is:

> The .hotel namespace will exclusively serve the global Hotel Community. The string "Hotel" is an internationally agreed word that has a clear definition of its meaning: According to DIN EN ISO 18513:2003, "A hotel is an establishment with services and additional facilities where accommodation and in most cases meals are available." Therefore only entities which fulfil this definition are members of the Hotel Community and eligible to register a domain name under .hotel. .hotel domains will be available for registration to all companies which are member of the Hotel Community on a local, national and international level. The registration of .hotel domain names shall be dedicated to all entities and organizations representing such entities which fulfil the ISO definition quoted above:
> 1. Individual Hotels
> 2. Hotel Chains
> 3. Hotel Marketing organizations representing members from 1. and/or 2.
> 4. International, national and local Associations representing Hotels and Hotel Associations representing members from 1. and/or 2.
> 5. Other Organizations representing Hotels, Hotel Owners and other solely Hotel related organizations representing on members from 1. and/or 2.
> These categories are a logical alliance of members, with the associations and the marketing organizations maintaining membership lists, directories and registers that can be used, among other public lists, directories and registers, to verify eligibility against the .hotel Eligility requirements.

This community definition shows a clear and straightforward membership. The community is clearly defined because membership requires entities/associations to fulfill the ISO criterion for what constitutes a hotel. Furthermore, association with the hotel sector can be verified through membership lists, directories and registers.

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with the hotel industry and the provision of specific hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Delineation.

Organization

Two conditions need to be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application has at least one entity mainly dedicated to the community. There are, in fact, several entities that are mainly dedicated to the community, such as the International Hotel and Restaurant Association (IH&RA), Hospitality Europe (HOTREC), the American Hotel & Lodging Association (AH&LA) and China Hotel Association (CHA), among others. According to the application,

> Among those associations the International Hotel and Restaurant Association (IH&RA) is the oldest one, which was founded in 1869/1946, is the only global business organization representing the hotel industry worldwide and it is the only global business organization representing the hospitality industry (hotels and restaurants) worldwide. Officially recognized by United Nations as the voice of the private sector globally, IH&RA monitors and lobbies all international agencies on behalf of this industry. Its members represent more than 300,000 hotels and thereby the majority of hotels worldwide.

The community as defined in the application has documented evidence of community activities. This is confirmed by detailed information on IH&RA's website, as well as information on other hotel association websites.

The Community Priority Evaluation panel determined that the community as defined in the application

satisfies both the conditions to fulfill the requirements for Organization.

Pre-existence
To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. Hotels have existed in their current form since the 19th century, and the oldest hotel association is IH&RA, which, according to the entity's website, was first established in 1869 as the All Hotelmen Alliance. The organization has been operating under its present name since 1997.

The Community Priority Evaluation panel determined that the community as defined in the application fulfills the requirements for Pre-existence.

1-B Extension	*2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size
Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of a considerable size. The community for .HOTEL as defined in the application is large in terms of the number of members. According to the applicant, "the global Hotel Community consists of more than 500,000 hotels and their associations".

In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of association with the provision of hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Size.

Longevity
Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .HOTEL community are of a lasting, non-transient nature.

In addition, the community as defined in the application has awareness and recognition among its members because the community is defined in terms of association with the provision of hotel services.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Longevity.

Criterion #2: Nexus between Proposed String and Community	**3/4 Point(s)**
2-A Nexus	*2/3 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Nexus as

specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the name of the community, without over-reaching substantially beyond the community. The application received a score of 2 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. "Identify" means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.HOTEL) identifies the name of the community. According to the applicant,

> The proposed top-level domain name, "HOTEL", is a widely accepted and recognized string that globally identifies the Hotel Community and especially its members, the hotels.

The string nexus closely describes the community, without overreaching substantially beyond the community. The string identifies the name of the core community members (i.e. hotels and associations representing hotels). However, the community also includes some entities that are related to hotels, such as hotel marketing associations that represent hotels and hotel chains and which may not be automatically associated with the gTLD. However, these entities are considered to comprise only a small part of the community. Therefore, the string identifies the community, but does not over-reach substantially beyond the community, as the general public will generally associate the string with the community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string identifies the name of the community as defined in the application. It therefore partially meets the requirements for Nexus.

2-B Uniqueness	*1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string .HOTEL must have no other significant meaning beyond identifying the community described in the application. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies	**4/4 Point(s)**
3-A Eligibility	*1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility, as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to the narrow category of hotels and their organizations as defined by ISO 18513, and verifying this association through membership lists, directories and registries. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection *1/1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for gTLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that eligible applicants will be entitled to register any domain name that is not reserved or registered at the time of their registration submission. Furthermore, the registry has set aside a list of domain names that will be reserved for the major hotel industry brands and sub-brands. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use *1/1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.
To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that each domain name must display hotel community-related content relevant to the domain name, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement *1/1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application provided specific enforcement measures as well as appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. The applicant's registry will establish a process for questions and challenges that could arise from registrations and will conduct random checks on registered domains. There is also an appeals mechanism, whereby a registrant has the right to request a review of a decision to revoke its right to hold a domain name. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies both conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement **4/4 Point(s)**

4-A Support *2/2 Point(s)*

The Community Priority Evaluation panel determined that the application fully met the criterion for Support

specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s). The application received a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from the recognized community institution(s)/member organization(s), and this documentation contained a description of the process and rationale used in arriving at the expression of support. These groups constitute the recognized institutions to represent the community, and represent a majority of the overall community as defined by the applicant. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received relevant opposition from, at most, one group of non-negligible size. According to the Applicant Guidebook, "To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant". "Relevance" and "relevant" refers to the communities explicitly and implicitly addressed.

The application received letters of opposition, which were determined not to be relevant, as they were either from groups of negligible size, or were from entities/communities that do not have an association with the applied for string. The Community Priority Evaluation Panel determined that these letters therefore were not relevant because they are not from the recognized community institutions/member organizations, nor were they from communities/entities that have an association with the hotel community. In addition, some letters were filed for the purpose of obstruction, and were therefore not considered relevant. The Community Priority Evaluation Panel determined that the applicant satisfies the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Exhibit A15

New gTLD Program
Community Priority Evaluation Report
Report Date: 10 September 2014

Application ID:	1-1083-39123
Applied-for String:	RADIO
Applicant Name:	European Broadcasting Union

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Prevailed

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring — 14 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	3	4
#2: Nexus between Proposed String and Community	3	4
#3: Registration Policies	4	4
#4: Community Endorsement	4	4
Total	14	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 3/4 Point(s)

1-A Delineation — ***1/2 Point(s)***

The Community Priority Evaluation panel determined that the community as defined in the application partially met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as it is clearly delineated and pre-existing, but, as defined, is not sufficiently organized. The application received a score of 1 out of 2 points under criterion 1-A: Delineation.

Delineation
Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("RADIO") is, as follows:

> The Radio industry is composed of a huge number of very diverse radio broadcasters: public and private; international and local; commercial or community-oriented; general purpose, or sector-

specific; talk or music; big and small. All licensed radio broadcasters are part of the .radio community, and so are the associations, federations and unions they have created (such as the EBU, applicant for the .radio TLD with the support of its sister Unions; see below for more details on Radio industry representativeness). Also included are the radio professionals, those making radio the fundamental communications tool that it is.

However, the Radio industry keeps evolving and today, many stations are not only broadcasting in the traditional sense, but also webcasting and streaming their audio content via the Internet. Some are not broadcasters in the traditional sense: Internet radios are also part of the Radio community, and as such will be acknowledged by .radio TLD, as will podcasters. In all cases certain minimum standards on streaming or updating schedules will apply.

The .radio community also comprises the often overlooked amateur radio, which uses radio frequencies for communications to small circles of the public. Licensed radio amateurs and their clubs will also be part of the .radio community.

Finally, the community includes a variety of companies providing specific services or products to the Radio industry.

This community definition shows a clear and straightforward membership and is therefore well defined. Association with, and membership in, the radio community can be verified through licenses held by professional and amateur radio broadcasters; membership in radio-related associations, clubs and unions; internet radios that meet certain minimum standards; radio-related service providers that can be identified through trademarks; and radio industry partners and providers.

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities and individuals that are in the radio industry[1], and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community. In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for Delineation.

Organization

Two conditions need to be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application does not have one entity mainly dedicated to the community. There are several entities that represent parts of the radio community, such as the World Broadcasting Unions (WBU), the Association for International Broadcasting, the Association of European Radios, the Association Mondiale des Radiodiffuseurs Communautaires, the European Association of Television and Radio Sales Houses, the Union Radiophonique et Télévisuelle Internationale, and the Internet Media Device Alliance. Based on the Panel's research, these entities only represent certain segments of the community as defined by the applicant. For example, the WBU is the umbrella organization for eight regional broadcasting unions, but does not represent amateur radio. There is no entity that represents all of the radio member categories outlined by the applicant. According to the application:

[1] The radio industry is included in the North American Industrial Classification System (NAICS). It defines this industry as, "Establishments primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. Also included here are establishments primarily engaged in radio broadcasting and which produce radio program materials." This definition of the industry includes the vast majority of entities included in the defined community.

The Radio community is structured mainly under 8 world broadcasting Unions which represent radio broadcasting interests at the World Radio Frequencies Conferences and coordinate their work through the WBU, as described in response to Question 11H.

The WBU works through a number of permanent working commissions, such as the Technical Committee, which deals with technical standardization; the Sports Committee, dealing with the coverage of world sports events (such as Olympic Games and football world championships); ISOG (International Satellite Operations Group), dealing with satellite contribution circuit issues. Besides the WBU, other specialized broadcasting associations represent specific radio interests, such as the already mentioned AMARC and AER.

According to the AGB, "organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities." As described above, there is no entity(ies) that represents all of the radio member categories outlined by the applicant. An "organized" community is one that is represented by at least one entity that encompasses the entire community as defined by the applicant. For example, there should be at least one entity that encompasses and organizes: "radio broadcasters, the associations, federations and unions they have created, radio professionals, Internet radios, podcasters, amateur radio (and their clubs), and companies providing specific services or products to the Radio industry." Based on information provided in the application materials and the Panel's research, there is no such entity that organizes the community defined in the application. Therefore, as there is no entity that is mainly dedicated to the community as defined in the .RADIO application, as the Panel has determined, there cannot be documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. Radio broadcast technologies have existed in one form or another for nearly a century. As the industry has evolved[2] through the uptake of new technologies, so too has industry membership. For example, in the early years of the industry, members of the radio industry included radio professionals, broadcasters and companies providing products to the industry, amongst others. With the advent of the internet and other radio technologies, the community has expanded to include Internet radios, podcasters and others. The Panel acknowledges that not all elements of the community defined in the application have been in existence since the dawn of the industry; however, the proposed community segments have been active prior to September 2007.

The Community Priority Evaluation panel determined that the community as defined in the application fulfills the requirements for Pre-existence.

1-B Extension ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

[2] According to the US Federal Communications Commission, in 1906 the first program including speech and music was transmitted over the radio; by 1912 the US government put in place regulations for radio stations and operators. See http://transition.fcc.gov/omd/history/radio/documents/short_history.pdf

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size, and it must display an awareness and recognition of a community among its members.

The community as defined in the application is of a considerable size. The community for .RADIO as defined in the application is large in terms of the number of members. According to the application:

> Currently, there are about 50,000 radio stations worldwide, according to the figure published by CIA World Facts on their website. In addition, there are at least another 50,000 web radios.

Moreover, the community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities and individuals that are in the radio industry[3], and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and it must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .RADIO community are of a lasting, non-transient nature. Radio services have, as noted, existed for more than a century and are likely to continue, although technological advances may change form and function.

Moreover, as mentioned previously, the community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities and individuals that are in the radio industry[4], and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Longevity.

Criterion #2: Nexus between Proposed String and Community	**3/4 Point(s)**
2-A Nexus	***2/3 Point(s)***

The Community Priority Evaluation panel determined that the application partially met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string "identifies" the name of the community as defined in the application, without over-reaching substantially beyond the community, but it does not "match" the name of the community as defined. The application received a score of 2 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must "match" the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must "identify" the community. "Identify" means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.RADIO) identifies the name of the community. According to the applicant:

[3] Ibid
[4] Ibid

Radio means the operators, services and technologies defined here as the Radio community. Radio also means, and is, audio broadcasting. The station broadcasting or streaming that audio content is radio, and the company performing the audio broadcasting is radio. A radio is the receiver used by the listener. Radio is the name everybody uses to refer to the entire industry, and the whole community.

With the advent of streaming via the Internet and the continuous delivery of audio content to broad groups of listeners, we now often refer to the new services as web, net or Internet radio.

The Radio community could not find any other name, even vaguely appropriate, to designate the TLD for its community. .radio is the TLD for the Radio community and could not be anything else. It is perfectly tuned.

The string closely describes the community, without overreaching substantially beyond the community. The string identifies the name of the core community members (i.e. licensed professional and amateur radio broadcasters and their associated unions and clubs, and Internet radio). However, the community, as defined in the application, also includes some entities that are only tangentially related to radio, such as companies providing specific services or products to radio broadcasting organizations and which may not be automatically associated with the gTLD string. For example, network interface equipment and software providers to the industry, based on the Panel's research, would not likely be associated with the word RADIO[5]. However, these entities are considered to comprise only a small part of the community. Since only a small part of the community as defined by the applicant extends beyond the reference of the string, it is not a substantial over-reach. Therefore, the string identifies the community, as the public will generally associate the string with the community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string identifies the name of the community as defined in the application. It therefore partially meets the requirements for Nexus.

2-B Uniqueness	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application. The string as defined in the application demonstrates uniqueness, as the string does not have any other meaning beyond identifying the community described in the application. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies	**4/4 Point(s)**
3-A Eligibility	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as eligibility

[5] There are numerous definitions of the word radio. These include: (a) the transmission and reception of electromagnetic waves of radio frequency, especially those carrying sound messages; (b) the activity or industry of broadcasting sound programs to the public; (c) an apparatus for receiving radio programs. Definition (b) closely reflects the core community as defined by the applicant, which includes: radio broadcasters, the associations, federations and unions they have created, radio professionals, Internet radios, podcasters, and amateur radio (and their clubs). However, the community members that provide "specific services or products to the Radio industry", such as software or interface equipment, would not be associated with the term "radio" by the general public.

is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to the community categories mentioned in Delineation, and additionally requiring that the registered domain name be "accepted as legitimate; and beneficial to the cause and values of the radio industry; and commensurate with the role and importance of the registered domain name; and in good faith at the time of registration and thereafter." (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated, community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that the registrant's nexus with the radio community and use of the domain must be commensurate with the role of the registered domain, and with the role and importance of the domain name based on the meaning an average user would reasonably assume in the context of the domain name. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.
To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that use of the domain name must be beneficial to the cause and values of the radio industry, and commensurate with the role and importance of the registered domain name, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application provided specific enforcement measures as well as appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. The enforcement program is based on random checks, and if the content or use of an existing domain name shows bad faith, it will be suspended. There is also an appeals mechanism, which is managed in

the first instance by the registry, with appeals heard by an independent, alternative dispute resolution provider. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies both conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement	**4/4 Point(s)**
4-A Support	***2/2 Point(s)***

The Community Priority Evaluation panel determined that the application fully met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s). The application received a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means those institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from institutions/organizations representing a majority of the community addressed, and this documentation contained a description of the process and rationale used in arriving at the expression of support. The applicant received support from a broad range of recognized community institutions/member organizations, which represented different segments of the community as defined by the applicant. These entities represented a majority of the overall community. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition	***2/2 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received letters of opposition, which were determined not to be relevant, as they were (1) from individuals or groups of negligible size, or (2) were not from communities either explicitly mentioned in the application nor from those with an implicit association to such communities. The Community Priority Evaluation Panel determined that the applicant satisfies the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Exhibit A15-2

New gTLD Program
Community Priority Evaluation Report
Report Date: 8 October 2015

Application ID:	1-1713-23699
Applied-for String:	Gay
Applicant Name:	dotgay LLC

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel has determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.

Your application may still resolve string contention through the other methods as described in Module 4 of the Applicant Guidebook.

Panel Summary

Overall Scoring — 10 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	4	4
#4: Community Endorsement	2	4
Total	10	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 4/4 Point(s)

1-A Delineation — ***2/2 Point(s)***

The Community Priority Evaluation panel has determined that the community as defined in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community defined in the application is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

In its application, dotgay LLC defines its community as follows:

> …individuals whose gender identities and sexual orientation are outside of the norms defined for heterosexual behavior of the larger society. The Gay Community includes individuals who identify themselves as male or female homosexuals, bisexual, transgender, queer, intersex, ally and many other terminology - in a variety of languages - that has been used at various points to refer most simply to those individuals who do not participate in mainstream cultural practices pertaining to gender identity, expression and adult consensual sexual relationships…
>
> The membership criterion to join the Gay Community is the process of 'coming out'. This process is unique for every individual, organization and ally involving a level of risk in simply becoming visible…
>
> Membership in the Gay Community is not restricted by any geographical boundaries and is united by a common interest in human rights. (Application, section 20(a))

The applicant relies on the "process of coming out" to delineate its members, who are individuals with non-normative sexual orientation or gender identities, as well as their allies[1]. The process of "coming out" is by nature personal, and may vary from person to person. Some individuals within the proposed community may not come out publicly, reflecting real or feared persecution for doing so. Similarly, membership in a community organization may not be feasible for the same reason. Furthermore, organizations within the applicant's defined community recognize "coming out" as a defining characteristic of individuals within the defined community.[2] Many such organizations advocate on behalf of individuals even though they are not members, precisely because their coming out publicly may be illegal or otherwise harmful. Therefore, the Panel recognizes that the standard of "coming out" – whether publicly or privately – as homosexual, bisexual, transgender, queer, intersex, or ally is sufficiently clear and straightforward to meet the AGB's requirements.[3]

In addition, the community as defined in the application has awareness and recognition among its members. There is an implicit recognition and awareness of belonging to a community of others who have come out as having non-normative sexual orientations or gender identities, or as their allies. As cited by the applicant in supporting materials, for example, the American Psychological Association recognizes the process of coming out as a key part of entering the community.[4] For many individuals, this awareness and recognition of community is made more explicit, such as by membership in organizations, participation in events, and advocacy for the rights of individuals with non-normative sexual orientations and gender identities. As the applicant states, organizations and individuals within the community also often cohere around areas of discrimination, whether in the workplace, marketplace, the media, or other areas. Regardless of whether this awareness and recognition of shared community is explicit or rather an implicit consequence of one's coming

[1] The Panel, following the applicant's reference to "individuals whose gender identities and sexual orientation are outside of the norms defined for heterosexual behavior of the larger society", uses the phrase "non-normative sexual orientations and/or gender identities" throughout this document. The term "non-normative" is used both by the applicant as well as organizations, academics, and publications discussing the topic; it is not the Panel's terminology, nor is it considered to be derogatory in this context. This phrase refers to the same individuals usually referred to with the acronyms "LGBT", "GLBT", "LGBTQ", and others. Because issues related to these acronyms are relevant later in this document, they are not used here.

[2] See as examples http://www.hrc.org/campaigns/coming-out-center and http://www.lalgbtcenter.org/coming_out_support

[3] For allies, the "coming out" process may differ from that of individuals who are acknowledging privately or sharing publicly their own non-normative sexual orientation or gender identity. Nevertheless, there are risks associated even with supporting non-heterosexual individuals; making this support explicit is how allies can mark their awareness and recognition of the wider community and their sense of belonging to it. For example, large international organizations within the applicant's defined community, such as GLAAD, HRC, and PFLAG offer concrete avenues for individuals to "come out" as allies. See http://www.glaad.org/form/come-outas-ally-join-allynetwork-today, http://www.hrc.org/resources/entry/straight-guide-to-lgbt-americans, http://community.pflag.org/page.aspx?pid=539

[4] http://www.apa.org/topics/lgbt/orientation.pdf

out, the Panel has determined that the link among these individuals goes well beyond "a mere commonality of interest" and satisfies the AGB's requirements for recognition and awareness.[5]

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

There are many organizations that are dedicated to the community as defined by the application, although most of these organizations are dedicated to a specific geographic area and/or segment of the proposed community. However, there is at least one entity mainly dedicated to the entire global community as defined: the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), an umbrella organization whose organizational members also include those representing allies. According to the letter of support from ILGA:

> The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) is the only worldwide federation of more than 1,200 lesbian, gay, bisexual, transgender and intersex (LGBTI) national and local organizations, fighting for the rights of LGBTI people. Established in 1978 in Coventry (UK), ILGA has member organizations in all five continents and is divided into six regions; ILGA PanAfrica, ILGA ANZAPI (Aotearoa/New Zealand, Australia and Pacific Islands), ILGA Asia, ILGA Europe, ILGA LAC (Latin America and Caribbean) and ILGA North America.

The community as defined in the application also has documented evidence of community activities. This is confirmed by detailed information on ILGA's website, including documentation of conferences, calls to action, member events, and annual reports.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. According to the application:

> …in the 20th century a sense of community continued to emerge through the formation of the first incorporated gay rights organization (Chicago Society for Human Rights, 1924). Particularly after 1969, several groups continued to emerge and become more visible, in the US and other countries, evidencing awareness and cohesion among members.

Additionally, the ILGA, an organization mainly dedicated to the community as defined by the applicant, as referred to above, has records of activity beginning before 2007. Individuals with non-normative sexual orientations and/or gender identities, as well as their supporters, have been increasingly active in many countries as they work to advance their acceptance and civil rights.[6]

[5] Although the score on Delineation is unchanged since the first evaluation, the Panel's analysis has changed due to the applicant's response to a Clarifying Question regarding the role of Authentication Partners (APs). Previously, the Panel had understood the APs to be a mechanism of members' awareness and recognition, but, as above, that is no longer the case and the role of APs is correctly understood to be relevant for the purposes of Section 3.

[6] See for example, advocacy in China, Guyana, and Argentina: http://www.cnn.com/2013/06/27/world/asia/china-gay-lesbian-marriage/, http://www.gaystarnews.com/article/guyana-urged-to-end-ban-on-gay-sex-at-un-human-rights-commission/, http://www.huffingtonpost.com/2011/10/18/argentina-gay-marriage_n_1018536.html

The Community Priority Evaluation panel has determined that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates that the community meets the requirements for size and demonstrates longevity. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size, and it must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. The application cites global estimates of the self-identified population of individuals with non-normative sexual orientations and/or gender identities, but relies on a more conservative size based on the number of such individuals who are affiliated with one or more of the applicant's community organizations:

> Most studies place the global gay population at 1.2% (Williams 1996), higher in countries with existing gays rights protections projected at 4-6% (eg. Australia, Canada, United Kingdom, United States). Rather than projecting the size of the community from these larger global statistical estimates, dotgay LLC has established a conservative plan with identified partners and endorsing organizations (listed in 20F) representing over 1,000 organizations and 7 million members. This constitutes our base line estimate for projecting the size of the Gay Community and the minimum pool from which potential registrants will stem.

As the applicant also acknowledges, estimating the size of the defined community is difficult because, for example, of the risks of individuals self-identifying in many parts of the world. The applicant instead offers a "minimum" size based on the 7 million individuals who are members of one or more of its "Authentication Partners", organizations serving as entry points for domain registration. Regardless of the method used to produce these estimates, the Panel has determined that the size of the delineated community is considerable.[7]

In addition, as previously stated, the community as defined in the application has awareness and recognition among its members.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the community defined in the application are of a lasting, non-transient nature. According to the application materials:

> …one of the first movements for the human rights of the Gay Community was initiated by Magnus Hirschfeld (Scientific Humanitarian Committee, 1897).

The organization of individuals with non-normative sexual orientations and/or gender identities and their supporters has accelerated since then, especially in recent decades, and an organized presence now exists in many parts of the world. Evidence shows a clear trend toward greater visibility of these individuals,

[7] The Panel has verified the applicant's estimates of the defined community's size and compared it with other estimates. Even smaller estimates constitute a substantial number of individuals especially when considered globally.

recognition of their civil and human rights, and community organization, both in the US and elsewhere.[8] While socio-political obstacles to community organization remain in some parts of the world,[9] the overall historical trend of increasing rights and organization demonstrates that the community as defined has considerable longevity.

In addition, as previously stated, the community as defined in the application has awareness and recognition among its members.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**0/4 Point(s)**
2-A Nexus	***0/3 Point(s)***

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string does not identify or match the name of the community as defined in the application, nor is it a well known short-form or abbreviation of the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive a partial score for Nexus, the applied-for string must identify the community. According to the AGB, "'Identify' means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community." In addition to meeting the criterion for "identify", in order to receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community.

In order to identify the community defined by the applicant as required for Nexus, the applied-for string must "closely describe the community or the community members", i.e. the applied-for string is what "the typical community member would naturally be called" (AGB). The Panel has therefore considered the extent to which the string "gay" *describes* the members of the applicant's defined community and has evaluated whether "gay" is what these individuals *would naturally be called*. The Panel has determined that more than a small part of the applicant's defined community is not identified by the applied-for string, as described below, and that it therefore does not meet the requirements for Nexus.

The community as defined by the application consists of

> individuals who identify themselves as male or female homosexuals, bisexual, transgender, queer, intersex, ally and many other terminology - in a variety of languages - that has been used at various points to refer most simply to those individuals who do not participate in mainstream cultural practices pertaining to gender identity, expression and adult consensual sexual relationships. The Gay Community has also been referred to using the acronym LGBT, and sometimes the more inclusive LGBTQIA. The most common and globally understood term - used both by members of the Gay Community and in the world at large - is however "Gay".

The applicant's assertion that the applied-for string ("gay") is the "most common" term used by members of its defined community to refer to all gay, lesbian, bisexual, transgender, queer, intersex, and ally individuals is central to its demonstration of Nexus. In order to support this claim, the applicant, in its application and in supporting materials received both prior to and since its initial evaluation, has offered evidence that the Panel has evaluated. The Panel has also conducted its own research. The Panel has determined that the applied-for string does not sufficiently identify some members of the applicant's defined community, in particular transgender, intersex, and ally individuals. According to the Panel's own review of the language used in the

[8] Haggerty, George E. "Global Politics." In *Gay Histories and Cultures: An Encyclopedia*. New York: Garland, 2000.
[9] http://www.theguardian.com/world/2013/jul/30/gay-rights-world-best-worst-countries

media[10] as well as by organizations that work within the community described by the applicant, transgender, intersex, and ally individuals are not likely to consider "gay" to be their "most common" descriptor, as the applicant claims. These groups are most likely to use words such as "transgender," "trans," "intersex," or "ally" because these words are neutral to sexual orientation, unlike "gay". Both within the community and outside of it, such as in the media, acronyms such as "LGBT," "GLBT," "LGBTQ," or "LGBTQIA"[11] are used to denote a group of individuals that includes those described above, i.e. transgender, intersex and ally individuals. In fact, organizations within the defined community, when they are referring to groups that specifically include transgender, intersex or ally individuals, are careful not to use only the descriptor "gay," preferring one of the more inclusive terms[12].

The first piece of evidence offered by the applicant to support the claim that "gay" is the "most common" term used to describe the defined community is the Oxford English Dictionary (OED) and its documentation of uses of the word "gay" over hundreds of years. It summarizes the shifting meaning of "gay" in order to show how the word has become embraced by at least a part of its defined community and to support its claim that it is the "most common" term for the entirety of its defined community. According to the applicant, the OED shows that "Gay by the early 20th century progressed to its current reference to a sexuality that was non-heterosexual" (application, 20(d)). The Panel agrees that the more derogatory uses of "gay" or uses unrelated to sexuality have largely fallen away, and that the word has come to refer to homosexual women as well as men, as the applicant asserts, citing the OED. However, the Panel's review of the OED[13] as well as other sources (cited below) does not support the applicant's claim that "gay" identifies or closely describes transgender, intersex, or ally individuals, or that "gay" is what these individuals "would naturally be called," as the AGB requires. This is because "gay" refers to homosexuality (and to some extent non-heterosexuality more broadly), while transgender and intersex individuals may or may not identify as homosexual or gay, and allies are generally understood to be heterosexual.

The applicant acknowledges that its application attempts to represent several groups of people, namely lesbian, gay, bisexual, transgender, queer, intersex, and ally (LGBTQIA) individuals. It claims that all of these groups, or "sub-communities", are identified by what it calls the "umbrella" term "gay":

> The term "gay" today is a term that has solidified around encompassing several sub-communities of individuals whose gender identities and sexual orientation are outside of the norms defined for heterosexual behavior of the larger society. Within these sub-communities even further classifications and distinctions can be made that further classify its members but are equally comfortable identifying as gay, particularly to those outside their own sub-communities. As an example, it has become commonplace for celebrities to acknowledge their homosexuality with the now routine declaration of "Yup, I'm gay" on the cover of newsmagazines as the comedienne Ellen Degeneres did when she "came out" on the cover of TIME magazine.
>
> Notably, "gay" is used to super-identify all these groups and circumstances. Whether homosexual, bisexual, transgender, intersex or ally, all members of the Gay Community march in the "gay pride parade" read the same "gay media" and fight for the same "gay rights." Gay has become the prevalent term in how members of this community refer to themselves when speaking about themselves as demonstrated by the large number of organizations that use the term globally.

Despite the applicant's assertions to the contrary, its own evidence here shows that "gay" is most commonly used to refer to both men and women who identify as homosexual, and not necessarily to others. The applicant's "umbrella term" argument does not accurately describe, for example, the many similar

[10] While a comprehensive survey of the media's language in this field is not feasible, the Panel has relied on both the data in the applicant's own analysis as well as on the Panel's own representative samples of media.
[11] There is some variability to these acronyms but one or another of them is very commonly used throughout the community defined by the applicant to refer to Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Allies.
[12] While a survey of all LGBTQIA individuals and organizations globally would be impossible, the Panel has relied for its research on many of the same media organizations and community organizations that the applicant recognizes. Details of the Panel's analysis follow.
[13] See "gay, adj., adv., and n." *OED Online*. Oxford University Press, June 2015. Web. 19 August 2015.

transgender stories in the mass media where "gay" is not used to identify the subject.[14] In these cases, "transgender" is used because "gay" does not identify those individuals. With regard to the applicant's argument that the various parts of its defined community are engaged in the same activities, such as "gay pride" events and "gay rights" advocacy, the Panel acknowledges that this is likely the case. However, transgender people's participation in these activities no more identifies them as gay than allies' participation in transgender rights advocacy identifies them as transgender. Indeed, there are many organizations focused on events and advocacy specific to the needs of transgender individuals[15] and they often take special care to separate labels of sexual orientation from those of gender identity/expression.[16] Similarly, the Panel has reviewed the literature of several organizations that advocate and provide services and support for intersex individuals and they clarify that sexual orientation is unrelated to being intersex.[17] That is, while such organizations would fall within the applicant's defined community, they explicitly differ on the applicant's assertion that the applied-for string "gay" identifies all LGBTQIA individuals. Thus, the applicant's assertion that even the members of its so-called sub-communities "are equally comfortable identifying as gay" is in fact often not the case.

In materials provided in support of the application[18], a survey of news media articles is analyzed in an effort to show that "gay" is the most common name used to refer to the community defined by the applicant. This analysis shows that indeed "gay" is used more frequently than terms such as "LGBT" or "LGBTQIA" in reference to both individuals and communities:

> In the first random sample period (April 1-8, 2013), "gay" was used 2,342 times, "LGBT" 272 times, "lesbian" 1008 times, "queer" 76 times and "LGBTQ" 19 times. "LGBTQIAA" and "GLBTQ" were not used at all, demonstrating that "gay" remains a default generic term for the community. An overwhelming amount of the time these terms beyond gay were used in articles that also used gay. Said another way, "LGBT" was used in only 35 articles that did not also use the term "gay," "lesbian" in 43 articles, "queer" in 55, and "LGBTQ" in 3. Data shows, thus, that "gay" is both the most frequently used term when referring to non-heterosexual gender identity and sexual orientation and is used as an umbrella term to cover the diversity.

Despite this claim, the analysis fails to show that when "gay" is used in these articles it is used to identify transgender, intersex, and/or ally individuals or communities. This is the key issue for the Panel's consideration of Nexus. That is, the greater use of "gay" does not show that "gay" in those instances is used to identify all LGBTQIA individuals, as the applicant asserts and as would be required to receive credit on Nexus. Indeed, the Panel's own review of news media[19] found that, while "gay" is more common than terms such as "LGBTQ" or "LGBTQIA", these terms are now more widely used than ever, in large part due to their greater inclusivity and specificity than "gay". Even several of the articles cited by the applicant in its reconsideration request[20] as evidence of its "umbrella term" argument do not show "gay" being used to identify the groups in question, nor is "gay" the most commonly used term to refer to the aggregate LGBTQIA community in these articles.[21] Furthermore, researching sources from the same periods as the

[14] As examples of cover stories that parallel the applicant's own example from Time Magazine, see: http://time.com/135480/transgender-tipping-point/ and http://www.vanityfair.com/hollywood/2015/06/caitlyn-jenner-bruce-cover-annie-leibovitz. In these two very prominent examples, the articles do not use "gay" to refer to their subjects.

[15] See for instance http://transgenderlawcenter.org/, http://srlp.org/, http://transequality.org/

[16] See National Center for Transgender Equality: http://transequality.org/issues/resources/transgender-terminology

[17] See for example the Organization International Intersex: http://oii-usa.org/1144/ten-misconceptions-intersex

[18] See https://www.icann.org/en/system/files/correspondence/gudelunas-to-icann-eiu-evaluators-30apr14-en.pdf, drafted and submitted by David Gudelunas a member of the dotGay LLC team according to its website, http://dotgay.com/the-dotgay-team/#section=Jamie_Baxter

[19] As noted above, while a comprehensive survey of the media's language in this field is not feasible, the Panel has relied on both the applicant's own analysis, as discussed here, as well as on the Panel's own representative samples of media.

[20] See dotGay's Reconsideration Request: https://www.icann.org/en/system/files/files/request-dotgay-annexes-redacted-29nov14-en.pdf

[21] See http://www.economist.com/news/international/21595034-more-places-are-seeing-gay-marchesor-clever-substitutes-pride-and-prejudice, http://www.nytimes.com/2013/01/10/fashion/generation-lgbtqia.html, http://www.economist.com/blogs/johnson/2013/01/gender-and-sexual-orientation

applicant's analysis for the terms "transgender" or "intersex" shows again that these terms refer to individuals and communities not identified by "gay".[22] In other words, "gay" is not used to refer to these individuals because it does not *closely describe* them and it is not *what they would naturally be called*, as the AGB requires for partial credit on Nexus.

Finally, the Panel reviewed in detail the many letters of support submitted on behalf of the applicant by many LGBTQIA organizations worldwide. In addition to evaluating these letters of support, as noted in Section 4, the Panel examined how these organizations refer to their members and those for whom they advocate, noting in particular the words used to identify them. In a minority of cases, these organizations included in their letters the view that "gay" is an "umbrella term" for the LGBTQIA community, as argued by the applicant. However, even the organizations that made this claim in their letters do not use the term "gay" to identify their transgender, intersex, and/or ally members in their own organizational materials. In fact, the names of many of these organizations usually include a term other than "gay" such as "LGBTQ" or, in the case of some, "transgender" or "intersex".

GLAAD, as an example of one of the applicant's supporters, writes on its own website, "Transgender people have a sexual orientation, just like everyone else. Transgender people may be straight, lesbian, gay, or bisexual."[23] Indeed, it is for this reason that GLAAD, like other organizations active in the defined community, have revised their names and use of labels specifically to be more inclusive of the individuals in their communities whom "gay" does not identify by using instead terms like LGBTQ or LGBTQIA.[24] Similarly, ally organizations such as PFLAG (Parents, Families and Friends of Lesbians and Gays) support the applicant and reiterate the importance of allies in the struggles facing the LGBTQIA community. However, not even these organizations use "gay" to describe allies. The Panel's research and review of the applicant's materials has demonstrated that even the applicant's supporters recognize that "gay" is insufficient to identify the diversity of the LGBTQIA community, especially with regard to transgender, intersex, and ally individuals.

The Community Priority Evaluation panel has determined that the applied-for string does not identify or match the name of the community as defined in the application, nor is it a well known short-form or abbreviation of the community. It therefore does not meet the requirements for Nexus.

2-B Uniqueness	***0/1 Point(s)***

The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the "string has no other significant meaning *beyond identifying the community described in the application*," (AGB, emphasis added) and it must also score a 2 or a 3 on Nexus. The string as defined in the application cannot demonstrate uniqueness as it does not score a 2 or a 3 on Nexus (i.e., it does not identify the community described, as above). The Community Priority Evaluation panel has determined that the applied-for string is ineligible for a Uniqueness score of 1.

Criterion #3: Registration Policies	**4/4 Point(s)**
3-A Eligibility	***1/1 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as

[22] While it is not possible for the Panel to review all the articles in the LexisNexis search results cited by the applicant, the Panel reviewed a representative sample of articles from the same time periods.
[23] See http://www.glaad.org/transgender/transfaq
[24] In 2013, to be more inclusive of transgender individuals by not including them in the label "gay" or "lesbian", the organization's name officially was changed to GLAAD, as opposed to being an acronym for Gay and Lesbian Alliance Against Defamation (http://www.glaad.org/about/history). This is reflective of the trend the Panel identified among organizations within the defined community towards greater inclusivity and away from names and labels that identified only gays and lesbians.

eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by specifying that registration in ".gay is restricted to members of the Gay Community. Eligibility is determined through formal membership with any of dotgay LLC's Authentication Partners (AP) from the community."

According to the application, and as the applicant has confirmed in follow-up materials, in order to register a domain, the applicant requires

> community members to have registered with one of our Authenticating Partners (process described in 20E). The Authentication Partners are the result of a century or more of community members voluntarily grouping themselves into gay civic organizations.

As the application explains, these Authentication Partners (APs) include some of the largest organizations dedicated to members of the defined community and these organizations will provide "the most trusted entry points into .gay" while "reducing risk to unqualified registrations".

The Community Priority Evaluation panel has determined that the application fulfills the requirements for Eligibility.

3-B Name Selection	***1/1 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for gTLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining the types of names that may be registered within the .gay top-level domain, including rules barring "[s]ensitive words or phrases that incite or promote discrimination or violent behavior, including anti-gay hate speech." The rules are consistent with the purpose of the gTLD. The Community Priority Evaluation panel has determined that the application fulfills the requirements for Name Selection.

3-C Content and Use	***1/1 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for gTLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. This includes "efforts to prevent incitement to or promotion of real or perceived discrimination based upon race, color, gender, sexual orientation or gender expression."

The Community Priority Evaluation panel has determined that the application fulfills the requirements for Content and Use.

3-D Enforcement	***1/1 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application provided specific enforcement measures and appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals

mechanisms. The application outlines policies that include specific enforcement measures constituting a coherent set. The application also outlines a comprehensive list of investigation procedures, and circumstances in which the registry is entitled to suspend domain names. The application also outlines an appeals process, managed by the Registry, to which any party unsuccessful in registration, or against whom disciplinary action is taken, will have the right to access.

The Community Priority Evaluation panel has determined that the application fulfills the requirements for Enforcement.

Criterion #4: Community Endorsement 2/4 Point(s)

Support for or opposition to a CPE gTLD application may come in any of three ways: through an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and, as applicable, attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at http://newgtlds.icann.org/en/applicants/cpe. The table below summarizes the review and verification of all support and opposition documents for the dotgay LLC application for the string "GAY".

Summary of Review & Verification of Support/Opposition Materials as of 5 September 2015[25]

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	177	0	0	0
Attachments to 20(f)	128	128	128	51
Correspondence[26]	152	136	136	56
Grand Total	457	264	264	107

4-A Support ***1/2 Point(s)***

The Community Priority Evaluation panel has determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. In this context, "recognized" refers to the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed by the application's defined community.

[25] The table below reflects all comments, attachments, and pieces of correspondence received by the Panel as of the date noted pertaining to the application both during the period of its previous evaluation and the present one. The Verification Attempted column includes efforts made by the Panel to contact those entities that did not include contact information.

[26] The Panel reviewed 41 pieces of correspondence that contained 152 individual letters.

The Community Priority Evaluation panel has determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s).

While the ILGA is sufficient to meet the AGB's requirement for an "entity mainly dedicated to the community" under Delineation (1-A), it does not meet the standard of a "recognized" organization. The AGB specifies that "recognized" means that an organization must be "clearly recognized by the community members as representative of the community." The ILGA, as shown in its mission and activities, is clearly dedicated to the community and it serves the community and its members in many ways, but "recognition" demands not only this unilateral dedication of an organization to the community, but a reciprocal recognition on the part of community members of the organization's authority to represent them. There is no single such organization recognized by all of the defined community's members as the representative of the defined community in its entirety. However, the applicant possesses documented support from many groups with relevance; their verified documentation of support contained a description of the process and rationale used in arriving at the expression of support, showing their understanding of the implications of supporting the application. Despite the wide array of organizational support, however, the applicant does not have the support from the recognized community institution, as noted above, and the Panel has not found evidence that such an organization exists. The Community Priority Evaluation Panel has determined that the applicant partially satisfies the requirements for Support.

4-B Opposition ***1/2 Point(s)***

The Community Priority Evaluation panel has determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one source. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one relevant group of non-negligible size.

The Community Priority Evaluation panel has determined that there is opposition to the application from one group of non-negligible size.[27] The opposition comes from a local organization in the United States whose mission, membership, and activities make it relevant to the community as defined in the application. The organization is of non-negligible size, as required by the AGB. The grounds of opposition are related to how the applied-for string represents the diversity of the LGBTQ community and the opposition is not made for any reason forbidden by the AGB, such as competition or obstruction. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

[27] The Panel has reviewed all letters of opposition and support, even when more than one letter has been received from the same organization. In those cases, as with all others, the Panel has reviewed each letter to determine the most current stance of each organization with respect to the application. In the case of this opposition, all letters have been reviewed.

Exhibit A16-1

New gTLD Program
Community Priority Evaluation Report
Report Date: 22 July 2015

Application ID:	1-1309-81322
Applied-for String:	SPA
Applicant Name:	Asia Spa and Wellness Promotion Council Limited

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	**Prevailed**

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring 14 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	4	4
#3: Registration Policies	3	4
#4: Community Endorsement	3	4
Total	14	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment 4/4 Point(s)

1-A Delineation ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the community as defined by the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. The application received a score of 2 out of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the application) among its members.

The applicant defines its community as follows:

> The spa community primarily includes:
> - Spa operators, professionals and practitioners
> - Spa associations and their members around the world
> - Spa products and services manufacturers and distributors

According to the AGB, "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." As required by the AGB, the application shows a clear and straight-forward membership definition given the specificity of the industry's services and products, the prevalent requirement to have a license, and a verifiable membership by way of participation in associations representing the interests of spa operators. Spa operators can be identified by way of their service offerings and licenses; spa associations by way of their missions and membership; the third category of related products and service providers must directly serve spa operators themselves.

According to the AGB's second Delineation criterion, "community" implies "more of cohesion than a mere commonality of interest" and there should be "an awareness and recognition of a community among its members." The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities that are in the spa industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community.[1] In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show. Members of all three of these membership categories recognize themselves as part of the spa community as evidenced, for example, by their inclusion in industry organizations and participation in their events.[2]

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities.

According to the AGB, "organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities." According to the application:

> There are about 40,000 spas around the world. There are regional spa associations in Asia, Africa and Europe, a few international spa associations mainly established in the US, and many local and national spa associations around the world. These associations are usually member organizations of which spa operators are members.

The International Spa Association (ISA)[3], which the applicant cites as an example of a community organization and from which the applicant has received a letter of support, is committed to serving the community as defined by the applicant. According to the ISA website, membership is comprised of spa operators, their employees, owners of spa chains, and suppliers of the spa industry. The ISA membership is therefore closely aligned with the community as defined by the applicant.

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[1] The Panel's review of a sub-set of spa associations found that their definitions of the spa industry are closely aligned with the applicant's definition of its community. For example, the International Spa Association, one of the main industry associations, represents "health and wellness facilities and providers in more than 70 countries. Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers." This definition of the industry includes the vast majority of entities included in the defined community.

[2] See for example the International Spa Association: http://experienceispa.com/

[3] See http://experienceispa.com/

The ISA has been active since its founding in 1991 and its documented activities include conferences and expositions[4].

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for organization.

Pre-existence
To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed) and must display an awareness and recognition of a community among its members.

The community as defined in the application was active prior to September 2007 as required by the AGB, section 4.2.3. According to the application:

> The spa community has been active for a very long time… National and local spa legislatures and associations have been leading the way in the organization of the community since the 18th century. In the recent decades, regional and international organizations have been established.

The Panel acknowledges that not all elements of the community defined in the application have been in existence since the dawn of the industry; however, the proposed community segments have been active prior to September 2007. For example, the International Spa Association, a professional organization representing spas in over 70 countries, has been in existence since 1991. As discussed above, these associations and their members, in addition to being active prior to 2007, demonstrate the AGB's requirements for awareness and recognition.

The Panel determined that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension ***2/2 Point(s)***

The Panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application fulfilled the requirements for the size and longevity of the community. The application received a score of 2 out of 2 points under criterion 1-B: Extension.

Size
Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. According to the application, there are more than 40,000 spas worldwide. The global spa industry is estimated to have generated US$94 billion in revenue in 2013.[5] Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfil the requirements for longevity.

Longevity
Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

[4] See http://experienceispa.com/ispamedia/news/item/2006-ispa-conference-expo-2
[5] See http://www.reuters.com/article/2014/09/30/us-life-wellness-idUSKCN0HP2OK20140930, http://www.globalwellnesssummit.com/images/stories/pdf/wellness_tourism_economy_exec_sum_final_10022013.pdf

The community as defined in the application demonstrates longevity. Spa services have existed for centuries and industry growth indicates that spas are likely to continue to operate well into the future. According to research conducted by SRI International, the global spa industry generated US$94 billion in 2013, up 58% from 2007. The study also found that the number of spa locations grew by 47% to around 106,000 in the same period. Moreover, participation in spa associations has also increased. For example, the International Spa Association was born from a meeting of spa professionals in 1990 to an organization with members in more than 70 countries and an annual conference and expo with over 200 exhibitors. Another example is the European Spas Association[6], which began with eight founding members[7] and now has 19[8]. Given the size of the spa industry, both in terms of revenue and number of establishments, as well as its historical background, the Panel has determined that the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**4/4 Point(s)**
2-A Nexus	***3/3 Point(s)***

The Panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string matches the name of the community as defined in the application. The application received a score of 3 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus (of 2 out of 3 points; 1 point is not possible), the applied-for string must identify the community. "Identify means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community."

According to the application:

> Most people inside and outside the spa community refer to spas and the spa community with the word "spa" as a distinctive descriptor… The word "spa" is the noun that the typical community member would naturally be called in the context. The term "spa" is not excessively broad and relates to the primary community of about 40,000 spas around the world, along with the community organizations, whose members are generally these operational spas.

The Panel has determined that the associations of spas, including those cited by the application, as well as the individual establishments that are operated by members of the community as defined by the application, are also "commonly known by others" (AGB) both in and outside of the community by the applied-for string "SPA", as required by the AGB. Indeed, the word "spa" is defined as "A commercial establishment offering health and beauty treatment through such means as steam baths, exercise equipment, and massage" (Oxford Dictionaries)[9]. This common usage of the applied-for string closely aligns with the community as defined in the application. The community as defined by the application also includes entities which are not spas or spa

[6] The European Spas Association was founded in 1995 in Brussels, Belgium as an umbrella association for national spa associations in Europe. See http://www.europeanspas.eu/who-we-are/

[7] Members are national spa associations in European countries.

[8] See http://www.europeanspas.eu/press/ESPACongress2015_postcongressnews

[9] The Panel's consulting a dictionary is based on the AGB's requirement to determine how the applied-for string is used for evaluation of Nexus. While there are many dictionaries, Oxford's is among the most well-respected usage dictionaries available. Usage dictionaries specifically analyze present and evolving uses of a word, capturing in this case the most prevalent uses of "spa". See: http://www.oxforddictionaries.com/us/words/about

associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a non-essential component of the spa community. Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association.[10] This subset of the community, along with the principal spa community, therefore, meets the requirement for "match" with regard to Nexus.

Therefore, the Panel has determined that the applied-for string is the established name by which the community is commonly known by others. The Panel determined that the applied-for string does match the community as defined in the application. It therefore meets the requirements for full credit on Nexus.

2-B Uniqueness	***1/1 Point(s)***

The Panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application received a score of 1 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The application acknowledges several other uses of the string "SPA" and the Panel has further identified others, including colloquial uses of the word "spa" to refer to products used outside of a spa business. However, these uses are insignificant in comparison to the generally known reference of "spa" globally and the Panel has determined therefore that there are no other significant meanings to the public in general beyond identifying the community defined in the application.[11]

The Panel therefore determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies	**3/4 Point(s)**
3-A Eligibility	***1/1 Point(s)***

The Panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. According to the application:

> the registrant must be able to provide information/data demonstrating that they have:
> 1. A valid operating license, where applicable;
> 2. A spa, beauty or wellness certification, where applicable;
> 3. A valid business registration;
> 4. A membership with any spa or wellness industry association;
> 5. A declaration that the domain will be used for the promotion of spas and wellness related products or services.

The application therefore demonstrates adherence to the AGB's requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

[10] http://experienceispa.com/

[11] Among the other uses of the word "spa" cited by the applicant and others reviewed by the applicant, the Panel reviewed that of the Belgian town of Spa. The municipality has reached an agreement with the applicant and supports its use of the applied-for string. Furthermore, the name of the small town, with a population of about 10,000, is known locally but is not a significant use in comparison to the global context of the applicant's community.

3-B Name Selection **1/1 Point(s)**

The Panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a score of 1 out of 1 point under criterion 3-B: Name Selection.

According to the application:

> During Sunrise, registrants must select names corresponding to their trademark, trade name, company name, or otherwise names with demonstrable usage (especially in relation to the spa community).

Outside of the Sunrise phase, the application states that "registrants may select names of their choice. However, all registrants must accept the mandatory guidelines (as described in C) below), including the selected domain name. This ensures that name selection rules are consistent with the community-based purpose of the .spa TLD." In particular,

> the community purposes of the .spa TLD are:
> A. To support the spa and wellness community, especially to extend the spa experience on the Internet;
> B. To advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,
> C. To transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.

Therefore, the Panel determined that the application did satisfy the conditions to fulfill the requirements for Name Selection.

3-C Content and Use **0/1 Point(s)**

The Panel determined that the application does not meet the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria). The application does not provide evidence that the content and use rules included are consistent with the articulated community-based purpose of the applied-for TLD. The application therefore received a score of 0 points under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies for content and use must be consistent with the articulated community-based purpose of the applied-for gTLD. According to the application,

> One of the first tasks for the SPARC [.SPA Registry Community-Advisory-Council] upon its formalization (after the approval from ICANN of the .spa TLD) is the development of a set of mandatory guidelines for .spa registrants. Some of the broad based principles have been included in #18c 5. Mandatory Guideline for Registrants.

The mandatory guidelines described in the application are not sufficiently specific with regard to content and use to meet AGB requirements for rules that are consistent with the community-based purpose. Moreover, although the applicant has established a body (SPARC) to develop the guidelines, the rules specific to content and use have not been developed and therefore the Panel was unable to evaluate whether or not such rules meet the criteria contained in the AGB.

The application therefore does not meet the AGB's requirement of content and use rules that are consistent with the application's community-based purpose and scores 0 points.

3-D Enforcement **1/1 Point(s)**

The Panel determined that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines a coherent and appropriate appeals mechanisms. The application received a score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. According to the application:

> a. Sunrise Verification Process To ensure the integrity of the process and enforcement, all Sunrise applications will be verified against the requirements (as suggested in A) above, and further detailed in the full Sunrise policies). Registrants that cannot substantiate their claims will be rejected. The verification process will also include a reconsideration and amendment process which serves as an appeal mechanism (further details in #29).
> b. Sunrise Challenge Process All Community Sunrise applications will also be locked for a 60 day period upon it being successfully verified and registered. The Whois information along with the documentary proof provided will be publicly searchable (via the registry website). At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism…
>
> a. Abuse Prevention & Mitigation
> Illegal activities and activities that threaten the security and stability of the Internet or the registry will be responded to utilizing the abuse prevention & mitigation (APM) processes as described in #28. All illegal and abusive activities would be considered to be against the community purpose of .spa. Illegal activities will be referred to appropriate law enforcement agencies.
> b. Warning and Suspension Process
> All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, B), as well as content and use, C), of .spa domain names. Description of the Warning and Suspension Process has been included in #18c 6. Warning and Suspension Process above. This Warning and Suspension process provides an effective, efficient and definite measure for due process and takedown procedures to be taken against violators of the mandatory guidelines, which ensures that the community purpose of the .spa TLD is maintained.

The applicant outlined policies that include specific enforcement measures constituting a coherent set. The Panel determined that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

Criterion #4: Community Endorsement 3/4 Point(s)

Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and as applicable attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at http://newgtlds.icann.org/en/applicants/cpe. The table below summarizes the review and verification of all support for and opposition to the ASWPC application for the string "SPA".

Summary of Review & Verification of Support/Opposition Materials as of 22 May 2015

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	1	0	0	0
Attachments to 20(f)	1	1	1	0

Correspondence	12[12]	5	5	2
Grand Total	14	6	6	2

4-A Support ***1/2 Point(s)***

The Panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or must have documented support from the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means that the institution(s)/organization(s), through membership or otherwise, are clearly recognized by the community members as representative of the community as a whole. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed by the application.

The applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support, as required by the AGB. However, the Panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s). A recognized community institution or member organization is one which not only (1) represents the entirety of the community as defined by the application, but is also (2) recognized by the same community as its representative. No such organization among the applicant's supporters demonstrates the kind of structure required to be a "recognized" organization, as per AGB guidelines, and the Panel has determined that no such organization exists. While the International Spa Association, cited previously in this document, is dedicated to the spa community, all members of the community defined in the application do not uniformly recognize it as having the authority to represent them. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition ***2/2 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received no relevant opposition. The application received a score of 2 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one relevant group of non-negligible size.

The Community Priority Evaluation panel has determined that there is no relevant opposition to the application. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the AGB or the Registry Agreement. For updated application status and complete details on the program, please refer to the AGB and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

[12] The correspondence for .SPA includes several letters from the applicant, from ICANN, and from the Belgian City of Spa that all relate to the same point. The relevant subject was evaluated and initial objection was verified to have been withdrawn.

Exhibit A16-2

New gTLD Application Submitted to ICANN by: Asia Spa and Wellness Promotion Council Limited

String: spa

Originally Posted: 13 June 2012

Application ID: 1-1309-81322

Applicant Information

1. Full legal name

Asia Spa and Wellness Promotion Council Limited

2. Address of the principal place of business

Contact Information Redacted

3. Phone number

Contact Information Redacted

4. Fax number

Contact Information Redacted

5. If applicable, website or URL

www.aswpc.org

Primary Contact

6(a). Name

Mr. Edmon Chung

6(b). Title

Director Representative

6(c). Address

6(d). Phone Number

Contact Information Redacted

6(e). Fax Number

6(f). Email Address

Contact Information Redacted

Secondary Contact

7(a). Name

Ms. Rebecca Chan

7(b). Title

Company Secretary

7(c). Address

7(d). Phone Number

Contact Information Redacted

7(e). Fax Number

7(f). Email Address

Contact Information Redacted

Proof of Legal Establishment

8(a). Legal form of the Applicant

Body Corporate

8(b). State the specific national or other jursidiction that defines the type of entity identified in 8(a).

Hong Kong SAR

8(c). Attach evidence of the applicant's establishment.

Attachments are not displayed on this form.

9(a). If applying company is publicly traded, provide the exchange and symbol.

9(b). If the applying entity is a subsidiary, provide the parent company.

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Ng Yan Meng	Chairman
Ooi Keim Fung	Director
Tay Seng Tong	Director

11(b). Name(s) and position(s) of all officers and partners

Ng Yan Meng	Chairman

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

Ng Yan Meng	Chairman

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

spa

14(a). If an IDN, provide the A-label (beginning with "xn--").

14(b). If an IDN, provide the meaning or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

14(c). If an IDN, provide the language of the label (in English).

14(c). If an IDN, provide the language of the label (as referenced by ISO-639-1).

14(d). If an IDN, provide the script of the label (in English).

14(d). If an IDN, provide the script of the label (as referenced by ISO 15924).

14(e). If an IDN, list all code points contained in the U-label according to Unicode form.

15(a). If an IDN, Attach IDN Tables for the proposed registry.

Attachments are not displayed on this form.

15(b). Describe the process used for development of the IDN tables submitted, including consultations and sources used.

15(c). List any variant strings to the applied-for gTLD string according to the relevant IDN tables.

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

A number of operational and rendering issues may arise with the delegation, and subsequent operation and use of a new TLD. Some of these issues may be experienced just by the users of one or two particular TLDs, due to the nature or composition of the string itself; whereas other issues (such as software support) may be experienced across all new TLDs.
Evaluation of the potential operational and rendering issues for this TLD was delegated to ARI. ARI is experienced with:

- The operational issues of operating TLDs
- TLDs that offer registrations at the third level (eg .com.au, .net.au) and below
- The rendering and operational issues surrounding the introduction of IDNs

ARI has executed a suite of tests to evaluate any issues arising from the use of the TLD string. ARI configured a test environment that consisted of DNS software, web server software, and an email server configured for sample domains in this TLD. Where possible, ARI attempted to test many equivalent applications, however the number of and different versions of applications means that testing was limited to the most common environments.
The tests executed by ARI indicate that this TLD is subject to the same issues already experienced by TLDs in the root, which are neither new nor unique. A summary of these common issues is provided below.

- Some applications make assumptions about known valid TLDs and fail to recognize new TLDs
- Some Non-IDN aware applications require the user to provide input in A-labels
- Some IDN aware applications present the user with the domain name using A-labels instead of U-labels
- Some IDN aware applications fail to render IRIs in a manner consistent with user expectations.

To mitigate these issues, ARI will work with us to ensure that maintainers of applications are made aware of the delegation and operation of this TLD. When relevant, we will refer the maintainers to the verification code produced by ICANN in the area for Universal Acceptance of All Top Level Domains such that operational issues can be mitigated for other TLDs.
ARI and us will work with maintainers of applications to provide subject matter knowledge where required, and provide directions to the tools provided by third parties such as the International Components for Unicode project and other groups, that can assist the application maintainer in adding the required support. User education may be required enabling users to configure their applications for correct functioning of this TLD. An informational section on the TLD website will be considered to address questions raised by the Internet community.
The steps ARI will take to mitigate these issues are more than adequate. Thus, we do not believe this TLD raises stability concerns and there is no reason that it should be denied on an operational and rendering issues bases.

17. (OPTIONAL) Provide a representation of the label according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/).

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

.spa is dedicated to the spa and wellness community.

According to a recent PricewaterhouseCoopers survey focused on the spa industry, 95% have dedicated business websites, 81% advertise and connect to consumers through social media, and over 50% are listed in online directories and monitor reviews. What this means is that the community is eager to reach out to and communicate with its customers online. Developing a strong online presence is therefore becoming increasingly important for operators in the spa community.

Today, none of the TLDs offer the type of health conscious, relaxation and wellness branding that is extremely important for successful spas. Domain names are already more than just a command line used for navigation and resource location on the Internet. Having a TLD that expresses the spirit and branding for spas would be very meaningful to the community. The .spa TLD would be the most appropriate TLD for this purpose.

Another emerging trend as identified in SpaFinder’s 2012 report for top 10 spa trends is online wellness games. While online games are not traditionally associated with personal wellness and health, SpaFinder reports that medical experts agree that online wellness games “could actually

be the key to changing the world's health, given the unique power that its core mechanisms (especially social dynamics) have on sustaining wellness goals."

Building on these developing trends, the vision of the Registry is that through the development of the .spa TLD, it is possible to promote the advancement of the spirit and mind-body vitality philosophies of the spa community, to advocate the wholesome health and wellness consciousness of people around the world.

The mission and purposes of the .spa TLD are:

1. To operate the .spa TLD as a world-class domain registry dedicated to promoting the spa and wellness community;

2. To support the spa and wellness community, it's industry operators, professionals and practitioners, in their efforts to develop and extend their presence online;

3. To foster collaboration within the community, which in turn supports the advocacy of the sustainable holistic mind, body and spiritual wellness of the society;

4. To encourage excellence and professionalism in the spa and wellness community by leveraging the .spa TLD to further the interaction between the industry and consumers; and,

5. To deliver a secure and stable TLD registry with a high sense of integrity with policies that protect against abusive registrations and the infringement of rights of others.

In addition, to its mission and vision, as a new gTLD, the Registry believes in its responsibility as a responsible industry participant to advance competition, enhance consumer trust and promote consumer choice with the development of the TLD:

A. Advance Constructive Competition

The .spa TLD is focused on developing a namespace that can be complementary to the spa community. The TLD is not intended to be a generic alternative to existing gTLDs. The .spa TLD advances constructive competition among TLDs by offering a niche TLD with the appropriate stylistic identity over other TLDs, for the spa community.

The adoption of the .spa TLD also promotes constructive competition among spas which could exemplify their awareness in the development of technologies supporting wellness. Furthermore, the Registry believes that the utilization of a .spa domain can provide spas with a better online brand that matches with the style and touch as a relaxed and comfortable environment that matches their offline identity.

B. Enhance Consumer Trust

Based on expert studies, Internet users have more trust for domain names that exactly matches what they are looking for. Providing a namespace for spas would allow spa operators to develop a more trusting online brand which they can advertise to their customers with. The value of the TLD name in itself is therefore a core part of the value and of building consumer trust.

Furthermore, appropriate Abuse Prevention & Mitigation (APM) as well as Rights Protection Mechanisms (RPM) is also important to ensuring a trusted domain space. Further details of APM and RPM above and beyond the basic ICANN requirements is discussed in responses to Q28 & 29

C. Promote Consumer Choice

According to a research by PricewaterhouseCoopers, there are a total of around 40,000 spas around the world (not including the hundreds and thousands of massage establishments and foot spas in Mainland China). According to the same research, in 2010, spas received 150 million client visits in the US, an increase from 143 million the year before. The revenue from the spa industry has reached US$12.8 billion in 2010 in the US, up from US$12.3 in 2009. The spas in the Asia Pacific region generate around US$2 billion a year and this figure is expected to increase significantly in the coming years.

The .spa TLD believes in creating value for the spa community and consumers in general which is not necessarily measured by the volume of domain names registered under the .spa TLD but the branding value it offers to the spa community. A consumer of spa products and services is looking for an environment that nurtures their mind and body in relaxed environment. None of the existing TLDs evoke that sense of peaceful calm for consumers.

The .spa TLD has the possibility to address those needs and provide consumers with a choice to enter a domain that harmonizes with the emotional wellbeing they are seeking in a spa.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

As the world becomes more health conscious, the spa community is seeing rapid growth for its products and services. The global spa industry has grown to a multi-billionaire dollar industry. Spa facilities and services are a given in luxury hotels around the world and spa-centric travel have become increasingly popular. An increased consumer interest and focus on personal health and wellbeing have generated a surge in online searches for information regarding spa services and products so having an online presence is vital. More consumers are now looking for spa packages at home or when traveling abroad, and many are seeking information about spas online.

According to the Online Gaming Association (http://www.onlinegaming association.com/statistics) the online gaming market is worth more than $15 billion in 2011. A growing sector per the 2012 report by SpaFinder, is online wellness games. “Wellness gaming is projected to generate $2 billion in revenues by 2015/6 and the challenge for the spa and wellness industries will be to create truly engaging games (whether online or off) that creatively connect their clients to the spa’s programming, experts and special community, whether they use/customize third- party gaming platforms or unleash their own.”

These are both trends to support the importance of the .spa TLD as a dedicated namespace for the spa community, and its benefits to Internet users.

1) Goals of the TLD

The .spa TLD aspires to be the domain of choice for the global spa community. For the spa industry much of the novelty and value will be in the name itself. It is well understood that words evoke feelings and emotions. This technique and knowledge is popularized in advertising and branding. Looking at the existing TLDs, it is hard to imagine any of them being able to evoke the types of feeling necessary for a successful spa. The area of specialty for the Registry is in the spa community and to provide a namespace based on a name that evokes feelings of relaxation, traquillity,rejuvenation that are complementary to spas around the world.

With the full support of ARI as the registry back-end services provider, the TLD aims to operate at world class service levels delivering registry services to its registrars, registrants as well as general internet users a high capacity and high availability platform.

The Registry, through the support from its Registry Front-End Services Provider, Namesphere, which is a spin-off of the DotAsia Organisation, sets a noble goal in building itself as a reputable initiative that is economically viable, sensitive to the cultural aspects of the community it serves, and one which participates in the global community as a responsible netizen, upholding a high level of integrity and respecting the rights of others.

2) Differentiation and Innovation

The Registry believes that a name makes a difference. An important point of differentiation of the .spa TLD is the TLD itself, what the word “spa” means to most people and the types of emotions evoked by the word “spa” (especially as compared with the other existing TLDs).

As a gTLD, the Registry believes in providing a secure and stable platform from which innovations can be built by registrants. The Registry will focus its efforts on innovations that improve the security, stability and user experience of Internet users by providing high availability and seamless advancement of technologies. The Registry will be supportive of the innovations from the spa community, for example, in the developing interest in online wellness games.

3) Improving User Experience

The user experience is enhanced by the use of the .spa TLD itself. As explained above, names and words evoke meaning and emotions. The spa experience begins with the moment the user enters the .spa domain name through the keyboard.

As a TLD targeted for the spa and wellness industry, providing a complementary user experience is at the core vision of the Registry. Besides the name value itself, the Registry is dedicated to maintaining a secure and stable infrastructure both in terms of the technical resolution of .spa domain names as well as the prevention against abusive registrations.

4) Registration Policies Supporting the Goals to Drive User Benefits

Special Sunrise provisions will be developed (in addition to the standard Sunrise and TMCH processes as required by Specification 7 of the new gTLD Registry Agreement) to provide priority registration opportunity for licensed spa and wellness centers around the world. This ensures that existing spas have the best opportunity to utilize their brand name on a .spa domain.

Upon Go Live of the registry, the TLD will be an open registry accepting registrations from individuals and organizations around the world who identify with the spirit of the spa community. To uphold its reputation as a socially responsible TLD, beyond the basic ICANN requirements, the Registry is committed to put in place a comprehensive Sunrise and Startup process (Q29) as well as effective Abuse Prevention (Q28) and Rights Protection Mechanisms (Q29) to strengthen the orderly and stable introduction of the TLD. Furthermore, special considerations are being made for the reservation of relevant geographical and other related names. Further explanation in #18c, #20e, #22 and #29.

5) Privacy and Confidentiality Protection

Measures to protect the privacy and any confidential information of registrants will be

consistent with other existing broad generic gTLDs. This ensures a sense of coherence from users and registrants and reinforce the goals of making IDN not an alternative but a given.

To address registrant privacy, the Registry is administered with compliance to a Privacy Policy which requires that identifying information received by the Registry Operator in connection with registrations will not be disclosed to third parties, except as required to combat any abusive registrations and comply with our contractual obligations to ICANN and investigations conducted by law enforcement agencies.

The .spa TLD will be based out of Hong Kong and will be governed by the Privacy Ordinance, while the registry systems will be mainly based in Australia, governed by the Privacy Act 1988 (Cth), both of which sets down specific terms and conditions for collecting, storing and using the personal information of others. A Privacy Policy has been developed which is compliant with relevant legislation and ensures that a high level of privacy and information security surrounds all collected data.

6) Alignment of Mission of the Asia Spa & Wellness Promotion Council

As the applicant of the .spa TLD, the Asia Spa & Wellness Promotion Council (ASWPC) is itself very much involved in the positive development of the spa and wellness community. As such, the organization is also dedicated to promoting the benefits of end-users at large as well as the broader promotion of maintaining socially responsible operations.

ASWPC is the regional coordinating body for the promotion of spa and wellness centres. We assist national and regional organisations in promoting spa and wellness centres both inter- and intra-regionally to an audience of wellness tourists, health practitioners and other stakeholders.

As a promotion council, ASWPC aims to bring together the top spa and wellness centres of today and tomorrow to uphold the growth and professionalism of the spa and wellness industry through the positive power of collective and co-operative marketing.

ASWPC is closely connected to the spa and wellness centres' networks. We work hand in hand with our partners to provide educational, marketing, branding and networking opportunities to stakeholders of the spa and wellness industry. The connections are made possible through the ASWPC network that will benefit individuals and communities around the world while fostering an environment for personal and professional development among the participants.

ASWPC embraces a multi-stakeholder approach in its work by connecting stakeholders from different spectrums:
- Governments: tourism, trade promotions, health and SME development agencies
- Industry Associations: spa and wellness associations, export and SME associations, health and tourism associations, hotel and travel associations
- Spas & Wellness Centers: spas and wellness centers, investors, owners, operators and managers
- Practitioners: spa and wellness enthusiasts, therapists and practitioners
- Media: spa, wellness, tourism, hospitality, business and lifestyle media -- broadcast, print and digital
- Thought Leaders: industry thought leaders, subject experts and academicians

The core objectives of ASWPC are delivered through a series of programs that address the three key pillars of the organization:
1. Capacity Building
2. Sustaining Awareness: Collective and Co-operative Marketing
3. Creating Value: Industry Standards and Feedback Mechanism

In upholding the credos of ASWPC:
- Uphold the professionalism of the spa and wellness industry
- Promote sustainability and respect for the environment
- Treat all practitioners and stakeholders equitably

ASWPC members pledge to:
- Promote and encourage the highest level of ethics within the spa and wellness industry while maintaining the highest standards of professional conduct;
- Strive for excellence in all aspects of the spa and wellness industry by performing consistently at or above acceptable industry standards;
- Protect the public against fraud and unfair practices, and promote all practices that bring credit and respect to the industry;
- Provide truthful and accurate information;
- Treat all stakeholders fairly regardless of race, religion, gender, disability, age, or national origin;
- Accept responsibility in making decisions consistent with the safety, health and welfare of the public, and to disclose promptly factors that might endanger the public or the environment;
- Seek, accept, and offer honest criticism to acknowledge and correct the errors, and to credit properly the contributions of others;
- Accept responsibility in helping one another. Avoid negative competition and real/perceived conflicts of interest;
- Adhere to all national and local laws & regulations; and not engage in unlawful activity in any country.

7) Spa & Wellness Community Organisations

The ASWPC is not alone in the spa and wellness community. The community is well organized and

have many associations whose activities and principles also have users at large in mind.

The following are some of these organisations:

Asia Spa & Wellness Promotion Council, Asia (http://www.aswpc.org/)
Asia Pacific Spa & Wellness Coalition, Asia (http://www.apswc.org/)
Spa Association of Africa (SAA), Africa (http://www.spaassociationofafrica.com/)
Argentina Spa Association, Argentina (http://www.asociacionspa.org)
Australasian Spa Association (ASPA), Australia (http://www.aspaassociation.com.au)
Bali Spa and Wellness Association (BSWA), Bali (http://www.balispawellness-association.org/)
European Spa Association, Belgium (http://www.espa-ehv.com/)
Brazilian Spas Association (ABC-Spas), Brazil (http://www.abcspas.com.br)
Bulgarian Union for Balneology and Spa Tourism (BUBSPA), Bulgaria (http://www.bubspa.org/)
Leading Spas of Canada, Canada (http://www.leadingspasofcanada.com/web/)
Ontario's Finest Spas, Canada (http://www.ontariosfinestspas.com/)
Premier Spas of Ontario, Canada (http://www.ontariospremierspas.com/)
Spas Relais Santé, Canada (http://www.spasrelaissante.com)
China National Spa Association, China (http://www.chinaspaassociation.com/)
Cyprus Spa Association, Cyprus (http://www.cyprusspaassociation.com/)
Association of the Spa Places of the Czech Republic, Czech Republic (http://www.spas.cz/osdruzenien.htm)
Estonian Spa Association, Estonia (http://www.estonianspas.com/en)
European Spas Association (ESPA), Europe (http://www.espa-ehv.com)
French Spa Association (SPA-A), France (http://www.spa-a.com/)
International Spa & Wellness Association (ISWA), Germany (http://www.iswa.de/)
German Spas Association, Germany (http://www.deutscher-heilbaederverband.de/)
International SPA & Wellness Association (ISWA), Germany (http://www.iswa.de)
Hellenic Association of Municipalities and Communities with Curative Springs and Spas, Greece (http://www.thermalsprings.gr)
Day Spa Association, Asian Chapter, Hong Kong
Hungarian Spa Tourism Association, Hungary
Hungarian Baths Association, Hungary (http://www.furdoszovetseg.hu/en/)
The Iceland Spa Association, Iceland (http://www.visiteuropeanspas.com/iceland/)
Indian Spa & Wellness Association (ISWA), India (http://www.iswa.in/)
Spa and Wellness Association of India (SWAI), India (http://www.spaandwellnessassociation.com/)
Spa Association of India, India (http://spaassociationofindia.in/)
Leading Leisure in Ireland - Spa and Wellness Skillnet, Ireland (http://ilam.ie/)
Japan Spa Association, Japan (http://www.j-spa.jp/)
Nippon Spa Association (NPO), Japan (http://www.n-spa.org/)
International Spa Association, Korea
Nacionalin kurort asociacija (Lithuanian Health Resorts Association), Lithuania
Association of Malaysian Spas (AMSPA), Malaysia (http://www.amspa.org.my/)
Spa & Wellness Association of Malaysia, Malaysia (http://www.mawspa.org/)
Mongolian Spa Sauna Association, Mongolia
Spa & Wellness Association of Nepal, Nepal
Spa and Wellness Association of Cebu (SWAC), Philippines (http://www.ngkhai.net/cebu/?tag=spa-and-wellness-association-of-cebu-swac)
Spa Association of the Philippines, Philippines (http://www.spaassociation.com.ph/)
Association of Polish Spa Communities, Poland (http://www.sgurp.pl/index1.htm)
Portuguese Spas Association, Portugal (http://www.termasdeportugal.pt)
Organizatia Patronala a Turismului Balnear din Romania (OPTBR / Romanian Spa Organization), Romania (http://www.romanian-spas.ro/)
National Guild of Spa Experts, Russia (http://eng.russiaspas.ru/en/guild.phtml)
Spa and Wellness International Council (SWIC), Russia (http://www.wellness-t.lact.ru/)
Serbian Spas and Resorts Association, Serbia (http://www.udruzenjebanja.co.rs/index.htm)
Spa & Wellness Association Singapore, Singapore (http://www.spaandwellness.org/)
Spa Association, Singapore, Singapore (http://www.spaassociation.org.sg/members.htm)
Asociácia slovenských kúpeov (Association of Slovakian Spas and Minerals Springs), Slovakia (http://www.balneotherma.sk/)
Slovenian Spa Association, Slovenia (http://en.slovenia-terme.si/)
South Africa Spa Association, South Africa (http://www.saspaassociation.co.za/)
Asociacion Nacional de Balnearios (ANBAL/Spanish National Spa Association), Spain (http://www.balnearios.org)
Gran Canaria Spa and Wellness Association, Spain (http://www.grancanariawellness.com)
Sweden SpaHotel Association, Sweden (http://www.svenskaspahotell.se)
L'Association des Espaces Thermaux Suisses (Swiss Thermal Spas Association), Switzerland
Taiwan Spa Association, Taiwan (http://www.tspa.tw/index-a00.html)
Samui Spa Association, Thailand (http://www.samuispaassociation.com)
Thai Lanna Spa Association, Thailand (http://www.lannaspa.net)
Phuket Spa Association, Thailand (http://www.spaphuket.org)
Thai Spa Association (TSA), Thailand (http://www.thaispaassociation.com/)
Turkish Spa Association, Turkey (http://www.spa-turkey.com/eng/default.asp)
Ukrainian SPA Association, Ukraine (http://www.spaua.org)
Middle East Spa Business Group, United Arab Emirates (http://r5.ek.aero/mespa/)
British International Spa Association (BISA), United Kingdom (http://www.spaassociation.org.uk//)
Global Hydrothermal Spa Standards Association, United Kingdom
Spa Business Association, United Kingdom (http://www.spabusinessassociation.co.uk/)
Dallas Spa Association, United States
Day Spa Association, United States (http://www.dayspaassociation.com/)
Destination Spa Group, United States (http://www.destinationspavacations.com)
Green Spa Network, United States (http://greenspanetwork.org)

Hawaii Spa Association, United States (http://www.hi-spa.com)
Hydrothermal Spa Forum, United States (http://www.hydrothermal-spa-forum.com/)
International Medical Spa Association, United States (http://www.medicalspaassociation.org/)
International SPA Association (ISPA), United States (http://www.experienceispa.com/)
Las Vegas Spa Association, United States (http://www.lvspas.com/)
New England Spa Association, United States (http://www.newenglandspaassociation.com)
New Mexico Spa Association, United States
San Diego Spa Association, United States (http://www.sdspaassociation.org)
Sedona Spa Association, United States (http://www.sedonaspaassociation.com/)
Southern California Spa Directors Association, United States (http://www.thespaconnect.com/)
The Spa Association (SPAA), United States (http://www.thespaassociation.com/)
Washington Spa Alliance (WSPA), United States (http://www.washingtonspaalliance.com/)

18(c). What operating rules will you adopt to eliminate or minimize social costs?

The Registry is committed to introducing the .spa TLD in an orderly manner to minimize the social costs and maximize the social value of the TLD. Following the successful launch of the .ASIA TLD, and leveraging the experience and knowledge from the DotAsia (through Namesphere), the Registry is committed to developing and implementing a comprehensive startup process that would include, besides Sunrise and Landrush processes, a Multi-Category Pioneer Domains Program.

The Pioneer Domains Program will be designed to curb abusive registrations, whereby reducing social costs, as well as to promote the adoption of the TLD, to maximize the social value of the TLD. An important goal of the program is to allow for the introduction of showcase domains under the TLD in a well structured manner, while ensuring that the protection of the rights of others are maintained. The implementation of showcase domains support the development of positive foundation of usage of the TLD. More detailed explanation of the overall startup process is included in #29.

In response to the question specifically:

1. Mechanisms for Resolving Multiple Applications to a Domain

A comprehensive Sunrise and Landrush program will be put in place at the launch of the TLD. As an important stakeholder of the Registry, DotAsia (through Namesphere) will be lending its experience and knowledge in the development of an appropriate Sunrise and Landrush program that includes mechanisms for resolving multiple applications to a domain when the TLD is first launched. More detailed explanation of the approach is included in #29. In short, during the Sunrise and Landrush processes, a first come first served model will not be used as previous launches has demonstrated that such mechanism creates undue tension, chaos and frustration in the process. Applications for domains will be received within a designated time period and all applications received within such period will be considered to be received at the same time. All applicants will be verified first for their eligibility against the Sunrise and Landrush policies respectively. If there is only one successfully verified application for a particular domain, then it will be allocated directly. If there is more than one successfully verified application an auction will be held to resolve the contention.

During regular operations of the registry (upon GoLive and after Sunrise and Landrush), domain registrations will be accepted on a first-come-first-served basis. In cases of contention, the Registry will not prohibit the use of secondary market mechanisms for interested registrants to resolve the contention. Registrant transfers will be administered by accredited registrars without intervention by the Registry. In the cases of contention against abusive registrations, the Registry will adhere to the UDRP and URS procedures.

When a domain name registration is deleted and after completing the lifecycle according to ICANN requirements, the domain name will be re-released to the available pool and registrations will be accepted on a first-come-first-served basis. If activities to snatch names from this “dropzone” become contentious, the Registry is prepared to work closely with the community to provide better mechanisms to resolve contentions where appropriate.

2. Cost Benefits for Registrants

The Registry intends to implement periodic cost reduction programs to encourage the adoption of the TLD by registrants. Such cost reduction programs can also be targeted towards key segments of the market in relation to the mission and vision of the Registry explained above. Based on the experience of DotAsia (through Namesphere), rebate programs that essentially lower the costs for registrants are one of the most effective ways to drive the adoption of a new TLD.

Introductory programs will be important to drive awareness and interest in the TLD as well. These should include not only broad price discounts but also targeted programs. Based on DotAsia’s past experience, targeted programs, such as Home Market Growth programs are effective in raising the awareness for targeted segments. Such programs can also come in the form of special price reduction promos or rebate type programs.

Besides price reduction programs, other cost benefits can also be introduced to registrants. For example, DotAsia also pioneered the offering of free gift redemption programs to spark interest

from registrants as well as to drive the cost benefits for adoption of the TLD.

3. Contractual Commitments to Registrants

The Registry will abide by the ICANN Registry Agreement requirements as well as ICANN Consensus Policies, including offering domain registrations for periods of one to ten years at the discretion of the registrar upon GoLive (when normal first-come-first-served registrations begin). During Sunrise and Landrush the Registry will request multi-year initial registrations. The Registry does not plan to implement contractual commitments to registrars regarding the magnitude of price escalation, but is committed to providing a stable environment for registrations, including a stable pricing for registrars.

Besides implementing policies and rules, the Registry believes that prudent operations as an economically viable and socially responsible TLD operator in itself is an important mitigation of increased social costs as a new gTLD is being introduced. The Registry will leverage the knowledge and expertise from its technology provider and DotAsia to ensure that a substantial portion of the costs for operating the registry is managed in variable costs leveraging the economies of scale from already established operations and focus on delivering value to registrants and consumers with the introduction of the .spa TLD and its mission and features.

4. Other Operating Rules Which Eliminate Or Minimise Social Costs

Abusive registrations will be prevented through having in place and enforcing a robust anti-abuse policy; this policy is described in detail in the response to Question 28. ARI, as provider of back-end registry services, has robust preventative and responsive mechanisms to address DDOS attacks, spamming, phishing, data theft, and similar nefarious activity. In addition to compliance with Trademark Clearing House (TMCH) requirements, policy will include processes to address issues involving trademark, copyright and intellectual property.

Furthermore, understanding that the string “spa” may be used in other contexts, special provisions will be put in place to ensure that such exploitations will not adversely compromise the integrity of the TLD. Further discussions about these provisions are included in #20e, #22 and #29.

5. Mandatory Guideline for Registrants

In alignment with the community-based purpose of the .spa TLD, all .spa domain registrations must abide by a set of mandatory guidelines. The following are 3 broad based principles that the provisions within the guidelines will follow (detailed development of the Mandatory Guidelines will be completed by the .SPA Registry Community-Advisory-Council -- SPARC, and further discussed in 20b below):

A. Revitalizing Vigour: allegiance to the community purpose of .spa (as articulated in section #20c below).

B. Positive Energy: promote a positive and socially responsible attitude with strong tolerance to diversity, balanced with vigilance against abusive behaviours.

C. Curative Spirit: support a highly ethical and professional approach in its guard against fraudulent and deceptive activities, beyond adherence to laws and regulations, especially in the equitable and non-discriminatory treatment of people, and the considerations for the environment.

Details of the mandatory guidelines and the implementation of the above principles will be developed and published before the acceptance of registrations in the .spa TLD. All registrants must adhere to these guidelines and the violation of which will constitute grounds for suspension and/or cancellation of the domain registration (further discussion in #20e below). The mandatory guidelines apply to content and other uses of the domain, including the name itself where applicable.

The mandatory guidelines will also include clear enforceable parameters of what constitutes violation of the principles. For example:

- Illegal activities
Illegal activities contradict with the community purpose of “.spa”. Suspected illegal activities will be investigated following the abuse prevention and mitigation (APM) processes (#28), including being referred to appropriate law enforcement agencies. Suspected activities not otherwise handled by the APM will be referred to the SPARC as potential deceptive behaviour.

- Promoting violence
The promotion of violence is against the community purpose of the .spa TLD. For illustrative purposes, the following would be considered in violation of the community purpose of the .spa TLD:
i) A substantiated complaint to a domain that is supported by at least one Associate (i.e. a spa and wellness community association) and not objected to by any other Associate and not responded to by the registrant; or
ii) A substantiated complaint to a domain that is supported by at least one Associate and not objected to by any Associate and responded by the registrant explaining that no action can be taken by the registrant to mitigate the issue (e.g. that the domain/host has been hijacked or that it is operating a sub-domain or sub-site of the registrant).

- Deceptive behaviour

Deceptive behaviours counter the positive spirit of the .spa TLD. A similar type of process as described for “promoting violence” will be used to consider whether or not a violation of the community purpose is established and what action should be taken.

- Copyright infringement
Copyright infringement will be considered contradictory to the highly ethical and professional approach of the .spa TLD, and therefore considered in violation of the community purpose. For illustrative purposes, the following general framework can be put in place to establish if a domain is in violation:
i) Substantiated claims from bona fide copyright holders that are not responded to by the registrant; or
ii) Substantiated claims from bona fide copyright holders that have been responded by the registrant explaining that no action can be taken by the registrant to mitigate the issue.

- Excessive speculation
Excessive speculation of domain names is considered abusive behaviour in the .spa TLD. For illustrative purposes, the following would be considered excessive speculation:
i) Registering a .spa domain name solely for the purposes of selling, trading or leasing the domain name for compensation; or
ii) Unsolicited offering of registered .spa domains for the purposes of selling, trading or leasing the domain name for compensation;

6. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, #20e B), as well as content and use, #20e C), of .spa domain names.

To manage the warning and suspension process, a simple webform will be established on the Registry website to receive substantiated complaints. A simple web-based system will be maintained by the Registry for this process, and each Associate (member of the SPARC, further discussion in #20b below) will receive a login to view the complaints received.

Any one from the public may lodge a complaint (Community Compliance Complaint) by utilizing the web or email form.

- Substantiated Complaint
A Substantiated Complaint is a Community Compliance Complaint filed that includes a clear description as to why the complainant believes that a .spa domain is in violation of the community purpose requirements according to the mandatory guidelines. A substantiated complaint should include at a minimum:
-- a valid email address of the complainant (will not be disclosed)
-- the .spa domain in question
-- specify which guideline the complainant believes the .spa domain is in violation of
-- explanation of why the complainant believes the .spa domain violated the mandatory guidelines
-- evidence of such violation (e.g. screen capture of the website)

- Supported Complaint
A Substantiated Complaint that have received an affirmative confirmation of support from An Associate (i.e. a member of the SPARC, who would be a representative of a participating spa and wellness association -- further discussion in #20b below) is regarded as a Supported Complaint.

The following describes the framework of the warning and suspension process:

i) Upon the receipt of a Community Compliance Complaint, the Registry will conduct a preliminary review to see whether the minimum requirement as a Substantiated Complaint has been reached. If not, the complainant will be notified of the incompleteness and asked to resubmit (and the case will be closed).

ii) Upon the identification of a Substantiated Complaint, the Registry will determine if the complaint concerns are of an abusive nature relevant for the Abuse Prevention & Mitigation (APM) mechanisms (e.g. illegal activities, etc., further discussions in #28) or not. If so, the complaint will be referred to the APM process. Otherwise, the Substantiated Complaint will enter this warning and suspension process. The Registry will first notify the SPARC. Any Associate (i.e. member of the SPARC) may respond to provide an affirmative confirmation of support to the Community Compliance Complaint.

iii) Upon the receipt of such affirmative confirmation, i.e. the establishment of a substantiated and supported complaint against a domain, the Registry will issue a warning letter to the registrant (and/or the sponsoring registrar where appropriate) of the domain, and will provide a 15 calendar day window for the registrant to respond with a description of how the issue would be rectified and remedied.

iv) If a response containing a remedy is received within the 15 days, the domain will be considered cleared until further complaints are received.

v) If no response is received, upon the lapsing of the 15 days, another warning letter along with a notice that the domain will be suspended if the notice is not responded to in 15 calendar days will be sent to the registrant (and/or the sponsoring registrar where appropriate). At the same time, the SPARC will also be notified.

vi) If a response containing a remedy is received within the 15 days, the domain will be considered cleared until further complaints are received.

vii) If no response is received upon the lapsing of the 15 days, the domain will be suspended.

viii) Upon or before the suspension of a domain a registrant may appeal the suspension by responding with a clear description of how the issue would be rectified and remedied. Upon the receipt of such appeal, the domain will be considered cleared until further complaints are received.

ix) If at any point in time an objection against the suspension of the domain is received from an Associate, such objection will be considered a substantiated appeal. The domain will be considered cleared until further complaints are received.

ix) Upon the occurrence of ii), iv), vi) or ix) above, the complainant will be notified. If the complainant is unsatisfied with the remedy, the complainant may further advance the complaint through an Administrative Proceeding (explained in c. below).

It is important to note that failure to respond by a registrant will be considered a violation and the domain will be suspended accordingly. Furthermore, a response from a registrant indicating that it is unable to rectify or remedy the issue will also be considered a violation and result in the domain being suspended. These conservative steps are taken to ensure the integrity of the .spa namespace, and to establish that should a registrant be unable to advance the community purpose requirements to its users, such inability would not be considered defence and the domain will still be suspended.

If the domain expires while it is in suspension, the domain registration will not auto-renew, but will enter into redemption grace period and be deleted upon the conclusion of the pending delete period.

Community-based Designation

19. Is the application for a community-based TLD?

Yes

20(a). Provide the name and full description of the community that the applicant is committing to serve.

The spa community primarily includes:
- Spa operators, professionals and practitioners
- Spa associations and their members around the world
- Spa products and services manufacturers and distributors

There are about 40,000 spas around the world. There are regional spa associations in Asia, Africa and Europe, a few international spa associations mainly established in the US, and many local and national spa associations around the world. These associations are usually member organizations of which spa operators are members. While sometimes the word “spa” is loosely used for massage parlours and wellness centers, spa associations often have a more robust definition based on licensed spas and centers (where such licensing is required) that must consist of a key element of water treatment, professionally qualified practitioners and proper facilities.

The secondary community generally also includes holistic and personal wellness centers and organizations. While these secondary community organizations do not relate directly to the operation of spas, they nevertheless often overlap with and participate in the spa community and may share certain benefits for the utilization of the .spa domain. Together, the industry is generally called the “spa and wellness” community. In this document, we will use both “spa and wellness community” and “spa community” interchangeably.

The spa community is clearly delineated from the general Internet community at large; is pre-existing, demonstrated by the multitude of international, regional, national and local organizations and associations; and, is a community of considerable size and longevity.

1. Community

There is a strong cohesion among the spa and wellness community beyond a mere commonality of interest. Beyond business interests, the advocacy of the spirit of the spa approach of a therapeutic and holistic mind and body relaxation and revitalization is an important shared philosophy among the spa community. It is also this shared philosophy to life and society that bonds the spa community.

Many of the operators and members of the spa community are passionate about not just its products and services but about the lifestyle.

2. Delineation

The spa community is clearly delineated. The membership of the spa community include licensed spa operators, professional practitioners, spa associations and their members, as well as manufacturer and distributors of spa products and services.

3. Pre-Existing

The spa community has been active for a very long time. The operation of spas date back to medieval times and the use of the word “spa” as a term to refer to any health resort located near natural springs can be dated back at least to 1596 or as early as the 1300s. National and local spa legislatures and associations have been leading the way in the organization of the community since the 18th century. In the recent decades, regional and international organizations have been established.

4. Organized

The spa community is very much organized and has a multitude of international, regional, national and local associations and organizations, all of which carries the word “spa” as an important distinctive element in its name.

The many organizations of the spa and wellness community has been included in #18b 7) Spa & Wellness Community Organisations above.

Many of the organizations are very active and convene events and conferences for its members as well as among different organizations jointly. The following are some of these conferences:

Global Spa & Wellness Summit (http://www.globalspaandwellnesssummit.org)
ISPA Conference & Expo (http://www.experienceispa.com/events/annual-conference/)
Asia Spa & Wellness Festival
Pool & Spa & Bath China

5. Extension

There are about 40,000 spas around the world and many international, regional, national and local spa associations. The membership of the spa community is geographically diverse. With the increasingly health conscious trends around the world, there is a strong growth and revival of the spa as a holistic approach to mind, body and spirit wellness. The community therefore sees no foreseeable end to the continuing development of spas.

6. Size

While there are only 40,000 spas around the world, based on the US industry statistics from the International Spa Association, there are around 19,900 spas in the US, employing 338,600 people, serving about 150 million spa visits, and generating US$12.8 billion of revenue per year. In the Asia Pacific, about 3,500 spas employ around 50,000 people generating over US$2 billion of revenue per year.

These statistics do not include the rapidly growing market in Mainland China. With a culture and tradition of holistic health and massage, there are numerous day spas and up to hundreds of thousands of massage parlours offering services. While reliable statistics are hard to find, according to an expert estimate, there are 40 brand-name spas in China operating more than 75 outlets, with one third in Beijing and another third in Shanghai, and overall 70% in hotels. The room for growth in China, especially with the proliferation of foot spas, will be tremendous.

7. Longevity

According to historians, the word spa has been a generic description of what it means in the present day since at least 1596. The practice of harnessing the curative powers of mineral waters hearkens back to prehistoric times and have continued to be popular around the world, especially in Europe and Japan. With the growing trend towards holistic wellness of the body and mind, the spa approach has experienced a revival in the US, while Mainland China has been readily integrating spas into its cultural traditions of therapeutic massage. The continued popularity in certain cultures and its strong growth in major markets demonstrate that the spa community is of a lasting and non-transient nature.

20(b). Explain the applicant's relationship to the community identified in 20(a).

The Asia Spa and Wellness Promotion Council (ASWPC) as the Applicant for the .spa TLD is deeply involved in the spa and wellness community. Connected with over 400 licensed spas across Asia and over 2000 spa professionals participating in and attending its events, the ASWPC is committed to supporting a vibrant, self-sustaining spa and wellness industry.

Please refer to #18b 6) Alignment of Mission of the Asia Spa & Wellness Promotion Council, and the .spa TLD for more detailed description of the ASWPC (http://www.aswpc.org/).

For the .spa TLD initiative nevertheless, ASWPC intends to operate the registry as an open global platform for spas around the world (not just for Asia). As such, upon the successful approval of the .spa TLD by ICANN, ASWPC will formalize a dedicated .Spa Registry Community Advisory Council to support the governance and policy development for the global .spa TLD.

.SPA Registry Community-Advisory-Council (SPARC)

While ASWPC is itself a spa community organization with the participation of over 400 spa operators around Asia and has taken the initiative to lead the effort for the creation and establishment of the .spa TLD for the community, ASWPC believes that the governance of the .spa TLD must not be managed by ASWPC alone and must be opened to include other spa community organisations around the world.

In order to ensure that the .spa TLD is accountable to the community, the .SPA Registry Community-Advisory-Council (SPARC) will be convened to oversee the governance of the Registry. The SPARC will be especially tasked to ensure that policies developed and implemented by the .spa registry would fully take the spa community into consideration.

1. Constitution & Structure of SPARC

Upon the successful approval of the .spa TLD, ASWPC will formalize the creation of the SPARC by inviting all community organizations to become Associates of the .spa TLD. Each Associate will nominate one individual as a representative to the SPARC.

International, regional, national and local spa and wellness associations (such as those listed in 20a 4 above) are eligible to become an Associate of the .spa TLD. To be eligible to become an Associate, an organization must:
i. Be properly registered (or otherwise established) in the jurisdiction for which they serve;
ii. Be generally a membership based organization constituted of members of the spa and wellness community (i.e. spa operators, spa products and services providers, spa associations, etc.);
iii. Show its dedication towards the positive development of the spa community; and,
iv. Demonstrate or be willing to declare that its principles, mandate or objectives are not contrary to the principles of the .spa TLD to:
- Uphold the professionalism of the spa and wellness industry
- Promote the sustainability and respect for the social, physical and natural environment
- Treat practitioners and stakeholders equitably

The requirements of becoming an Associate are intentionally flexible to encourage more community members to participate, especially in the beginning. The .spa Registry understands that the interest from the community may only be generated as the TLD is actually put into operation and people can see .spa domain names being used. Therefore, membership to the SPARC will remain open with an inclusive approach to allow community organizations to join the initiative at their pace without being disadvantaged.

It is intended that as the membership to the SPARC increases, sub-committees, panels and working groups will be established to support the development of policies, processes and measures for the .spa TLD. Specific operational processes and principles of the SPARC will be developed by the SPARC itself, with an initial framework to be put in place within the first 6-months upon the approval of the TLD by ICANN. The initial framework will include principles and processes for policy development processes as well as decision making procedures of the SPARC.

2. Policy Development Processes

While the SPARC will be tasked to develop the policy development framework, the following basic principles should be observed:

i. all registry policies above and beyond the standard ICANN registry requirements and specifications as well as ICANN consensus policies must be formally adopted by the SPARC

ii. the SPARC shall operate on a consensus and rough consensus basis

iii. in the cases where an issue is to be resolved by a vote of the SPARC, decisions shall be determined by a simple majority of votes casted forming a quorum

Specifically on policy development processes, the following elements should be included as a minimum:

i. A mechanism for public consultation. Such as, a public comment period (with draft policies publicly posted), should be included and notices for such posting issued to Associates and

community organizations.

ii. Mechanisms to ensure accountability to the community should be included in the processes. Such as, having at least an annual open meeting of the SPARC at an industry event to encourage the participation from and also report back to the community.

iii. Compliant with ICANN requirements, specifications and consensus policies. All policies developed must be compliant with contractual requirements and the development processes should invite and/or be open to the participation from knowledgeable expertise from the ICANN community.

iv. Due considerations to rights protection mechanisms, anti-abuse policies and the overarching concern for maintaining the security and stability of the Internet.

3. Community Engagement

The Registry understands that, as the observation of the development of ICANN itself demonstrates, policy development processes must include outreach and community engagement to continuously improve community participation and remain accountable to the community it serves.

The Registry will proactively reach out to the community and SPARC is also an important vehicle for that. With the support and experience from DotAsia (through Namesphere) and learning from DotAsia's successful community engagement programs, the Registry is committed to and is confident that it will be able to maintain an open governance structure that could attract growing participation.

From the experience of the development of the ICANN community through the years, as well as from the DotAsia community development, we observe that many participants will only join gradually after the .spa TLD is fully established and has become a reality. As such, we understand the importance of continued dedication to outreach to and engage with the community. The SPARC is important both as a council for the community to participate in, as well as a committee that can help spread the news to the community at large.

Relationship and Appropriateness of the Selected TLD string with the Community

The TLD string "spa" is an exact match of the name for which the community is identified and well-known as. The phrase "spa and wellness" is a common phrase for the community as a whole, for the purposes of the .spa TLD, the Registry will focus more on the spa community. More importantly, the string "spa" is most appropriate to be used in the context of a TLD and encapsulates the key distinguishing aspect of the community and its members in the operation, support and promotion of spa products and services with a shared vision of the spa approach and lifestyle which places importance on the holistic wellbeing of the mind, body and spirit.

The word "spa" has no other significant meaning beyond identifying the spa community. The Registry is aware of other uses of the string "spa", nevertheless, they represent a minority over the use of the word "spa" as a generic description of its present day meaning referring to the curative use of water treatment to revitalize the body, mind and spirit at a resort or near localities with mineral springs.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

As a community-based TLD, the .spa TLD will concern itself especially with supporting the development of the spa and wellness community. The Registry believes that, beyond providing a domain of choice for the community aligned with the spirit and way of life of spas, the .spa TLD itself can be a beacon and cause in driving the awareness of holistic health and wellness that spas and the spa and wellness community strives towards. In turn, this is a philosophy that the community believes in and advocates to humanity at large.

Distilling and advancing from the mission of the Registry (as expressed in 18a), the community purposes of the .spa TLD are:

A. To support the spa and wellness community, especially to extend the spa experience on the Internet;

B. To advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,

C. To transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.

The Registry also believes that it is important for the .spa TLD to be a community-based TLD in order to best serve the spa and wellness community. While, given the high percentage of spas already having a website, the spa and wellness community may already be quite connected; their awareness and participation on Internet governance is very limited. As a community-based TLD dedicated to the community, the Registry also aims to bring the participation from the spa and

wellness community to the international Internet governance discussions, including those at ICANN. This in turn contributes to the further broadening and advocacy of the multi-stakeholder model for Internet governance which the Registry believes would be beneficial to the Internet community at large.

Furthermore, the purpose of the .spa community-based TLD is consistent and aligned with the credos and purpose and the 3 pillars of the Asia Spa and Wellness Promotion Council (ASWPC):

1. Capacity Building
To deliver world-class, industry-leading educational programs that address current, pressing issues and fundamental learning milestones of spa and wellness professionals at all levels of the learning curve,

2. Sustaining Awareness: Collective and Co-operative Marketing
To promote better understanding of the spa and wellness market; create, build and sustain relationships with major stakeholders and enable continued awareness for spas and wellness centers through collaborative promotional efforts, and

3. Creating Value: Industry Standards and Feedback Mechanism
To enable industry suppliers to reach decision makers across the region whilst recognising outstanding achievements within the industry in promoting excellence and unlocking the value of the industry.

and the credos of the Asia Spa and Wellness Promotion Council (ASWPC):
- To uphold the professionalism of the spa and wellness industry
- To promote sustainability and respect for the environment
- To treat all practitioners and stakeholders equitably

Of course, the Registry understands that the .spa domain is just a TLD registry, and its contribution may be limited in scope. Nevertheless, the Registry truly believes in the value and power of a name and what it stands for, and believe that, however much it may be able to achieve, as a community-TLD it can make a difference for the spa community and inspire the betterment of the society at large.

In response to the specific notes in the Applicant Guidebook:

A. Intended registrants in the TLD

Intended registrants are primarily members of the spa and wellness community. Consistent with the purpose of the .spa TLD to promote the mind, body and spiritual wellness of the society at large, the .spa TLD also welcomes individuals and organisations who aspire to this vision and philosophy to utilize and expand the reach of the .spa TLD to health conscious people around the world.

Priority is provided to members of the community through the Sunrise and startup processes (see #20e and #29) to build a positive foundation of usage for the .spa TLD. Special consideration is also provided to incidental implicated communities for which the string “spa” may be used in another context (see also #20e and #29).

Upon Go Live of the .spa TLD, the registry will accept registrations on a first-come-first-served basis. Given well defined meaning of the word “spa” and its tight relationship with the spa and wellness community, the Registry believes that registrants will mainly come from the intended community. Nevertheless, the Registry believes in the spirit of the Internet in being an open platform supporting innovation and therefore will take an approach that allows for an open adoption of the .spa TLD with strong measures to mitigate against abuse (rather than to restrict usage).

B. Intended end-users of the TLD

Primary end-users are registrants and their immediate users (e.g. staff / team of the registrant organization). Primary users are expected to be mainly from the spa and wellness community, including spa operators, professional practitioners, spa associations and spa products and services manufacturers and distributors. The .spa TLD intends to provide primary users a domain of choice that aligns well with their businesses and philosophies towards wellness. Primary users also include staff of .spa domain registrants, such as technical, legal and marketing departments of registrants. The .spa TLD provides a domain that is consistent with the line of business and approach to wellness that could permeate through the organisation as it is being used in emails, correspondences, internal and external communications.

Secondary end-users are Internet users at large. Secondary users are Internet users seeking information about spa and wellness. The .spa domain begins the spa experience for users around the world at the very moment they enter the domain through their keyboard to navigate to their destination. The Registry believes that words evoke emotional response and that the .spa domain provides an enhanced user experience by its name alone above other existing gTLDs.

C. Related activities the applicant has carried out or intends to carry out in service of this purpose

As explained in #20b above, Asia Spa & Wellness Promotion Council (ASWPC) is the regional coordinating body for the promotion of spa and wellness centres. It assist national and regional organisations in promoting spa and wellness centres both inter- and intra-regionally to an

audience of wellness tourists, health practitioners and other stakeholders.

ASWPC is deeply involved in the spa and wellness community. Connected with over 400 licensed spas across Asia and over 2000 spa professionals participating in and attending its events, the ASWPC is committed to supporting a vibrant, self-sustaining spa and wellness industry.

Furthermore, for the .spa TLD initiative specifically, ASWPC intends to operate the registry as an open global platform for spas around the world (not just for Asia), and will formalize a dedicated .Spa Registry Community Advisory Council to support the governance, policy development, community engagement and outreach for the global .spa TLD.

D. Explanation of how the purpose is of a lasting nature

The core purposes of the .spa TLD to:
- promote the development of the spa and wellness community; and
- advocate the spa approach: the sustainable holistic mind, body and spiritual wellness, to the society at large

are both meaningful and of a lasting nature. Spas have been used as a curative water treatment since prehistoric times and have been popular around the world throughout history. With the growing global consciousness for health and wellness, along with the revival and boom of the spa lifestyle, the Registry believes that its purpose is of a lasting nature.

20(d). Explain the relationship between the applied-for gTLD string and the community identified in 20(a).

Following from #20b “Relationship and Appropriateness of the Selected TLD string with the Community”, the selected TLD string “spa” perfectly matches with the name as well as the philosophy of the spa and wellness community.

1. Name

“Spa” is the name for which the community is commonly known by others. Almost all the associations in the community uses the word “spa” as a distinctive element in its name. The activity or its facilities are sometimes known as “bath” or “springs” (more common in the past), but in the present day, the predominant trend is to use the name “spa”.

The community often identifies itself as the “spa and wellness” community. The Registry has studied the different possibilities for representing the community with a TLD string, including for example, .spa, .well, .wellness, .saw, etc. None of the alternatives come close to the choice of “.spa” as a short, representative and meaningful representation of a key distinctive spirit and cohesion describing the community.

2. Identify

The applied for string: “spa” closely describes the community and the community members. Almost all the associations in the community uses the word “spa” as a distinctive element in its name. Many members of the community, i.e. spa operators and providers include or integrate the word “spa” in its own company name, and almost all of them include the word “spa” in the description of their business.

Based on research conducted by the Registry, we are aware that the string “spa” is also used in three other contexts:
- the municipality of Spa in Belgium
- the short form of "Società Per Azioni" means “stock corporation” in Italy and is often denoted in the short form: "S.p.A."
- the short form of "Spondyloarthropathy", a medical term for any joint disease of the vertebral column

While the municipality of Spa in Belgium was likely the inspiration of the use of the term “spa” in its present day meaning as a generic description, the .spa TLD is not intended to serve the town of Spa in Belgium. The registry is also aware of the use of the term “S.p.A.” to mean "Società Per Azioni" (i.e. stock corporation) in Italy, as well as a short form of the medical term “Spondyloarthropathy”. Neither of which is associated with the use of the term “spa” in its most accepted meaning and the meaning for which the .spa TLD intends. Furthermore their usage is significantly less prevalent than the use of the term “spa” in its present day generic descriptive meaning. As such, the registry does not believe that the use of the term over-reaches substantially beyond the community.

Further explanation is provided in 4. Uniqueness below and further policies to mitigate its use for other possible designations are further discussed in #20e, #22 and #29.

3. Nexus

Most people inside and outside the spa community refer to spas and the spa community with the word “spa” as a distinctive descriptor. The location for which a member of the community operates is called a spa; a member of the community is often called simply a spa or in a more industrial descriptor a spa operator; and, products and services of members of the community are described as spa products and spa services. All of which utilizes the word “spa” as a distinctive element.

The word “spa” is the noun that the typical community member would naturally be called in the context. The term “spa” is not excessively broad and relates to the primary community of about 40,000 spas around the world, along with the community organizations, whose members are generally these operational spas.

4. Uniqueness

According to historians, the word spa has been a generic description since at least 1596 or perhaps as early as in the 1300s. The global public in general would refer to the word “spa” in its meaning as offered by the Dictionary.com:
1. a mineral spring, or a locality in which such springs exist.
2. a luxurious resort or resort hotel.
3. health spa.
4. a hot tub or similar warm-water hydromassage facility, usually for more than one person.
5. New England . soda fountain.

And Wikipedia (http://en.wikipedia.org/wiki/Spa):
“The term spa is associated with water treatment which is also known as balneotherapy. Spa towns or spa resorts (including hot springs resorts) typically offer various health treatments.”

Understanding that the string “spa” is being used in other contexts, the Registry has done further research to assert that the word is predominantly used in a general point of view with the meaning as associated with the spa community.

In order to establish that the term “spa” is used on the Internet predominantly with the meaning for which is associated with spas as in places offering water treatment and holistic body, mind and spirit revitalization sessions, the following basic search exercise was conducted at the Google search engine:

Searching the keyword: “spa” minus “-belgium” in Google returned about 4,020,000,000 results;
Searching the keyword: “spa” minus “-italy” in Google returned about 3,880,000,000 results;
Searching the keywords: “spa” and “health” in Google returned about 537,000,000 results;
Searching the keywords: “spa” and “Belgium” in Google returned about 108,000,000 results;
Searching the keywords: “spa” and specifying “Italian” as the language in Google returned about 263,000,000 results;
Searching the keywords: “spa” and “Spondyloarthropathy” in Google returned about 168,000 results
Searching the keywords: “spa” and “soda fountain” in Google returned about 2,340,000 results

Based on the results, it can be seen that by taking away either “belgium” or “italy” as part of the search term, the total number of results returned (about 4 Billion) is significantly over the number if they were included as part of the search (about 100 Million). On further analysis of the results, for those even including the terms “belgium” or “italy” the results are predominantly related to spas as understood in general and as a designator identifying the community. Given that the town of Spa is relatively small with a total population of only around 10,000, and that the origins of the use of the word “spa” in its present day meaning relates to the town’s own spas, the Registry believes that it should not take away from the fact the only significant meaning of the term “spa” is the one for which the Registry intends to promote.

The use of “S.p.A.” as a short form for the Italian form of stock corporation: "Società Per Azioni" is also relatively much less prevalent than the word as intended for the spa community. Furthermore, a more proper and popular way of denoting the form of corporation is “S.p.A.” with the periods included. While this is an important usage of the string “SpA”, the Registry believes that it should not take away from the significant meaning of the word “spa” in its intended use for the spa community as a TLD. Furthermore, additional preventive measures can be put in place to mitigate against any concerns for abusive utilization of the TLD in this manner.

The use of “SpA” as a short form for the medical term “Spondyloarthropathy” is not popular among the general public (with only 168,000 results returned). As this is a very specialized use of the term for the medical profession, the Registry does not believe that it represents a significant over-reach.

Finally, the use of “spa” for soda fountains can be understood as an adaptation, from its popular meaning as intended by the Registry, i.e. the element of a water spring. Therefore again, the Registry believes that this meaning does not form a substantive usage of the word and therefore should not be considered a significant over-reach beyond the community.

In summary, none of the other uses of the string “spa” carries another significant meaning in the common language used in the community and in the global general public as a whole.

20(e). Provide a description of the applicant's intended registration policies in

support of the community-based purpose of the applied-for gTLD.

Special Sunrise and startup policies will be developed to provide priority registration opportunities for community members. Furthermore, the feasibility of additional dispute resolution processes in addition to (and not in replacement of) the basic UDRP and URS processes, that takes into consideration the nature of the TLD in relation to the community it serves will be studied, further explanation is included in #29. Upon normal registry operations after GoLive, the registry intends to maintain an open platform allowing individuals and companies from around the world meeting basic eligibility requirements as required by ICANN to register and utilize the TLD on a first-come-first-served basis.

A) Eligibility: Who is eligible to register a second-level name in the gTLD, and how will eligibility be determined.

During Sunrise, special considerations will be provided to allow the spa community to register names corresponding to their existing operations and brands. This will be introduced in addition to and consistent with the standard Sunrise, Trademark Clearing House and Trademark claims requirements according to the Applicant Guidebook and Specification 7 of the New gTLD Registry Agreement.

More specifically, to be eligible for Sunrise as a community member, the registrant must be able to provide information/data demonstrating that they have:
1. A valid operating license, where applicable;
2. A spa, beauty or wellness certification, where applicable;
3. A valid business registration;
4. A membership with any spa or wellness industry association;
5. A declaration that the domain will be used for the promotion of spas and wellness related products or services.

For community organizations, such as spa associations, to be eligible, the registrant must be able to provide information/data substantiating that they have:
1. A valid entity registration, or equivalent;
2. Proof that the organization accepts members from the spa and wellness community; and,
3. A declaration that the domain will be used for the promotion of the spa and wellness community.

Upon Go Live, the Registry will accept registrations on a first-come-first-served basis. Reserved names and other abuse prevention and rights protection mechanisms will continue to be in full force. Further discussions are included in #22, #28 and #29.

Furthermore, before the acceptance of registrations to the .spa registry, the SPARC (.SPA Registry Community-Advisory-Council as described in 20b above) will develop a set of mandatory guidelines that must be adopted by all .spa registrants. Violation of such guidelines will be grounds for cancellation or suspension of the domain. Further discussion on the guidelines are included in C) below, enforcement mechanisms are discussed in D) below.

B) Name Selection

During Sunrise, registrants must select names corresponding to their trademark, trade name, company name, or otherwise names with demonstrable usage (especially in relation to the spa community).

Upon Landrush and Go Live, registrants may select names of their choice. However, all registrants must accept the mandatory guidelines (as described in C) below), including the selected domain name. This ensures that name selection rules are consistent with the community-based purpose of the .spa TLD.

C) Content and Use

One of the first tasks for the SPARC upon its formalization (after the approval from ICANN of the .spa TLD) is the development of a set of mandatory guidelines for .spa registrants. Some of the broad based principles have been included in #18c 5. Mandatory Guideline for Registrants.

Details of the mandatory guidelines and the implementation of the above principles will be developed and published before the acceptance of registrations in the .spa TLD. All registrants must adhere to these guidelines and the violation of which will constitute grounds for suspension and/or cancellation of the domain registration. The mandatory guidelines apply to content and other uses of the domain, including the name itself where applicable.

The mandatory guidelines will also include clear enforceable parameters of what constitutes violation of the principles. Examples have also been included in #18c 5. Mandatory Guideline for Registrants.

These mandatory guidelines (including the principles and the enforcement parameters) adhere to the purpose and mission of the .spa TLD (and are aligned with the credos of ASWPC and the philosophies of the spa and wellness community) and will help to ensure that content and use of .spa domain names are consistent with the community-based purpose of the Registry. Details of the mandatory guidelines and enforcement parameters will be completed by the SPARC before registrations to the .spa TLD will be accepted. Enforcement mechanisms are further discussed in

D) below.

Furthermore, a multi-category Pioneer Domains Program will be put in place to encourage a positive foundation of usage of the .spa TLD. This will not only help set the course and positioning of the TLD but also send a clear message to the broader community at large about the intended purpose of the TLD. Further discussion about the program is included in #29.

D) Enforcement

Besides the standard UDRP, URS, TMCH and other ICANN and contractual requirements, additional enforcement mechanisms will be put in place to ensure that the integrity and implementation of the community policies of the .spa namespace. These include:
- Sunrise Eligibility
- Community Purpose
- Coincidental Considerations (further discussed under #22)

Provisions for the mandatory submission to all of these processes will be included in the Registry-Registrar Agreement (RRA), and in turn required in the registration agreement with the registrant to ensure their enforceability.

1. Sunrise Eligibility

As mentioned in A) above (and further explained in #29), a special phase will be included in the Sunrise process (in addition to and consistent with the standard required Sunrise, TMCH and TM claims services) to allow community members to register their corresponding .spa domain name.

a. Sunrise Verification Process

To ensure the integrity of the process and enforcement, all Sunrise applications will be verified against the requirements (as suggested in A) above, and further detailed in the full Sunrise policies). Registrants that cannot substantiate their claims will be rejected. The verification process will also include a reconsideration and amendment process which serves as an appeal mechanism (further details in #29).

b. Sunrise Challenge Process

All Community Sunrise applications will also be locked for a 60 day period upon it being successfully verified and registered. The Whois information along with the documentary proof provided will be publicly searchable (via the registry website). At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism (further discussion in #29).

2. Community Purpose

There are 3 levels of enforcement to ensure that registrations under the .spa TLD adhere to the community based purpose:

a. Abuse Prevention & Mitigation

Illegal activities and activities that threaten the security and stability of the Internet or the registry will be responded to utilizing the abuse prevention & mitigation (APM) processes as described in #28. All illegal and abusive activities would be considered to be against the community purpose of .spa. Illegal activities will be referred to appropriate law enforcement agencies.

b. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, B), as well as content and use, C), of .spa domain names.

Description of the Warning and Suspension Process has been included in #18c 6. Warning and Suspension Process above.

This Warning and Suspension process provides an effective, efficient and definite measure for due process and takedown procedures to be taken against violators of the mandatory guidelines, which ensures that the community purpose of the .spa TLD is maintained.

c. Mandatory Administrative Proceeding

In cases where the above warning and suspension process is unable to resolve a dispute or an alleged violation of the mandatory guidelines, a complainant may initiate an administrative proceeding against a registered .spa domain. All .spa registrations will be subject to this mandatory administrative proceeding, which will be included in the RRA as well as the registrant agreement for .spa registrations.

The process will be very similar to the RDRP (Restriction Dispute Resolution Procedure) that has been successfully put in place for the .biz TLD: http://www.icann.org/en/help/dndr/rdrp

The remedies available to a successful complainant pursuant to any proceeding before an Administrative Panel shall be limited to requiring the cancellation of the disputed domain name

or the transfer of the disputed domain name registration to the complainant.

20(f). Attach any written endorsements from institutions/groups representative of the community identified in 20(a).

Attachments are not displayed on this form.

Geographic Names

21(a). Is the application for a geographic name?

No

Protection of Geographic Names

22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD.

The Registry is committed to following the GAC advice and Specification 5 of the New gTLD Agreement in the protection of geographic names for registrations under the TLD.

More specifically, the Registry commits to:

a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of the TLD.

b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of the TLD

Building on the experience from .INFO and .ASIA in their handling of country and government related names, the Registry will develop and establish policies for:

1) obtaining and maintaining a list of names with national or geographic significance to be reserved (at no cost to governments) upon the demand of governments, public authorities or IGOs;

2) the process for registrants to apply for and for the Registry to obtain consent from the respective government, public authorities or IGOs in the releasing of such reserved geographic names; and

The procedures may be similar to the management of governmental reserved names for .ASIA (Section 3.4 of http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf -- also attached for reference). In summary:

I) The Registry will adhere to the New gTLD Registry Agreement Specification 5 requirements regarding 2. Two-Character Labels as well as 5. Country and Territory Names;

II) Before the launch of the TLD, the Registry will also proactively reach out to governments around the world, especially through GAC members (and ccTLD managers where appropriate), to solicit from them their demand for reserving any names with national or geographic significance at the second level of the TLD;

III) The Registry will develop mechanisms and maintain a list of governmental reference contacts,

especially through correspondence with GAC members and ccTLD managers where appropriate. The corresponding reference contact(s) will be contacted in case a registration request is received for a governmental reserved name. If the consent from the governmental contact is received, the registration request will be approved. The domain will nevertheless remain in the reserved names list so that in case the registration lapses, the domain will not be released into the available pool, but will require the same approval process to be registered.

IV) The Registry will maintain an ongoing process for adding and updating governmental reserved names as they are demanded by governments, public authorities or IGOs.

In accordance with Specification 5 of the New gTLD Registry Agreement, the registry operator must initially reserve all geographic names at the second level, and at all other levels within the TLD at which the registry operator provides for registrations.
ARI supports this requirement by using the following internationally recognised lists to develop a comprehensive master list of all geographic names that are initially reserved:

- The 2-letter alpha-2 code of all country and territory names contained on the ISO 3166-1 list, including all reserved and unassigned codes [http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166-1_decoding_table.htm].

- The short form (in English) of all country and territory names contained on the ISO 3166-1 list, including the European Union, which is exceptionally reserved on the ISO 3166-1 List, and its scope extended in August 1999 to any application needing to represent the name European Union [http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166-1_decoding_table.htm#EU].

- The United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardisation of Geographical Names, Part III Names of Countries of the World. This lists the names of 193 independent States generally recognised by the international community in the language or languages used in an official capacity within each country and is current as of August 2006 [http://unstats.un.org/unsd/geoinfo/ungegn%20tech%20ref%20manual_M87_combined.pdf].

- The list of UN member states in six official UN languages prepared by the Working Group on Country Names of the United Nations Conference on the standardisation of Geographical Names [http://unstats.un.org/unsd/geoinfo/UNGEGN/docs/9th-uncsgn-docs/econf/9th_UNCSGN_e-conf-98-89-add1.pdf].

Names on this reserved list in ARI's registry system are prevented from registration.

The following applies to all Domain Names contained within the registry's reserved list:
- Attempts to register listed Domain Names will be rejected.
- WhoIs queries for listed Domain Names will receive responses indicating their reserved status.
- Reserved geographic names will not appear in the TLD zone file.
- DNS queries for reserved domain names will result in an NXDOMAIN response.

Furthermore, the Registry will actively participate in the development of appropriate process and policies for governments, public authorities or IGOs to challenge abuses of names with national or geographic significance. As an important stakeholder in the Registry, DotAsia Organisation (through Namesphere) will be supporting the efforts as well. DotAsia has been a pioneer of protective measures for new gTLDs, especially in its handling of governmental reserved names and its engagement with different stakeholders to develop rapid suspension policies, which provided part of the genesis of what is now standardized for new gTLDs as the URS (Uniform Rapid Suspension) process. Similar administrative processes may be explored and developed for supporting challenge processes for abuses of names with national or geographic significance.

Special Coincidental Considerations

In addition to the GAC advice and Specification 5, and following from the discussions in #20d and #20e D) Enforcement: based on the research as described in #20d, we recognize that there is coincidental usage of the string "spa" in other contexts beyond its predominant meaning. For completeness in mitigating against abusive usage of the .spa TLD based on such coincidental usage, the Registry will put in place 3 key measures to address potential concerns.

a. Reserved Names List

In addition to ICANN and geographical reserved names lists, upon the approval from ICANN for the .spa TLD, the Registry will proactively reach out to the Town of Spa in Belgium (http://www.spa-info.be/) as well as the Italian Chambers of Commerce (http://www.infocamere.it/) who is responsible for "Società Per Azioni" (i.e. S.p.A.) registrations, to study whether additional reserved names would be appropriate at the .spa TLD.

This will serve to ensure that the introduction of the .spa TLD will not inadvertently negatively impact the coincidental communities where the string "spa" may carry a meaning. Where appropriate additional reserved names will be included, for which activation will require special conditions to be met.

The activation process can follow a similar mechanism described above for the activation of governmental reserved names:

i) For names corresponding to the Town of Spa, the same mechanism can be used, where the consent from the corresponding government is to be sought before accepting the registration;

ii) For names related to registered “Società Per Azioni” (i.e. S.p.A.), the Registry will verify whether the registrant for the name corresponds with the Italian Chambers of Commerce (http://www.infocamere.it/) database. If the information agrees, the registration is accepted.

b. Special Sunrise Considerations

Similarly, the appropriateness of additional Sunrise considerations specifically for entities from the town of Spa in Belgium and registered “Società Per Azioni” (i.e. S.p.A.) would be explored. Such considerations will, if found appropriate, will be incorporated into the Sunrise process (see further details in #29). In the study, the Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such verification and registration processes can be procured through a similar process.

If such Sunrise phase is included, a similar addition, as the consent process described above in a. Reserved Names List, to the verification process could be implemented.

c. Claims & Notification Mechanism

Finally, a claims and notification mechanism, similar to the standard trademarks claims service as described in the Applicant Guidebook, will also be considered and discussed with the town of Spa and with the Italian Chambers of Commerce. The possibility of a two way notification process may also be explored (i.e. both for when a “.spa” domain is registered which may conflict with a registered “S.p.A.” registration as well as vice versa for a newly registered “S.p.A.” that may conflict with a registered .spa domain).

The Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such processes can be procured through a similar process as the standard trademark claims service.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

ARI Registry Services (ARI) and DotAsia Organisation (through Namesphere) are respectively the Registry Back-End and Registry Front-End services provider for the TLD. This response describes the registry services for our TLD, as jointly provided by ARI and Namesphere.

1 INTRODUCTION

ARI’s Managed TLD Registry Service is a complete offering, providing all of the required registry services. What follows is a description of each of those services. Namesphere on the other hand provides a comprehensive registry front-end service in the development of appropriate policies, administrative procedures and the liaising of registrars, ICANN policy and compliance, and the enforcement of a socially responsible approach of the registry in its delivery of services.

2 REGISTRY SERVICES
The following sections describe the registry services provided. Each of these services has, where required, been designed to take into account the requirements of consensus policies as documented here:
[http://www.icann.org/en/resources/Registrars/consensus-policies]
At the time of delegation into the root this TLD will not be offering any unique Registry services, other than the fact that it will be offering IDN registrations in accordance with the CDNC IDN Variant policies.

2.1 Receipt of Data from Registrars

The day-to-day functions of the registry, as perceived by Internet users, involves the receipt of data from Registrars and making the necessary changes to the SRS database. Functionality such as the creation, renewal and deletion of domains by Registrars, on behalf of registrants, is provided by two separate systems:
– An open protocol-based provisioning system commonly used by Registrars with automated domain management functionality within their own systems.
– A dedicated website providing the same functionality for user interaction.
Registrants (or prospective registrants) who wish to manage their existing domains or credentials, register new domains or delete their domains will have their requests carried out by Registrars using one of the two systems described below.
ARI operates Extensible Provisioning Protocol (EPP) server software and distributes applicable toolkits to facilitate the receipt of data from Registrars in a common format. EPP offers a

common protocol for Registrars to interact with SRS data and is favoured for automating such interaction in the Registrar's systems. In addition to the EPP server, Registrars have the ability to use a web-based management interface (SRS Web Interface), which provides functions equivalent to the EPP server functionality.

2.1.1 EPP

The EPP software allows Registrars to communicate with the SRS using a standard protocol. The EPP server software is compliant with all appropriate RFCs and will be updated to comply with any relevant new RFCs or other new standards, as and when they are finalised. All standard EPP operations on SRS objects are supported.
Specifically, the EPP service complies with the following standards:
– RFC 5730 Extensible Provisioning Protocol (EPP).
– RFC 5731 Extensible Provisioning Protocol (EPP) Domain Name Mapping.
– RFC 5732 Extensible Provisioning Protocol (EPP) Host Mapping.
– RFC 5733 Extensible Provisioning Protocol (EPP) Contact Mapping.
– RFC 5734 Extensible Provisioning Protocol (EPP) Transport over TCP.
– RFC 5910 Domain Name System (DNS) Security Extensions for the Extensible Provisioning Protocol (EPP).
– RFC 3915 Domain Registry Grace Period Mapping for the Extensible Provisioning Protocol (EPP).
– Extensions to ARI's EPP service comply with RFC 3735 Guidelines for Extending the Extensible Provisioning Protocol (EPP).

2.1.1.1 Security for EPP Service

To avoid abuse and to mitigate potential fraudulent operations, the EPP server software uses a number of security mechanisms that restrict the source of incoming connections and prescribe the authentication and authorisation of the client. Connections are further managed by command rate limiting and are restricted to only a certain number for each Registrar, to help reduce unwanted fraudulent and other activities. Additionally, secure communication to the EPP interface is required, lowering the likelihood of the authentication mechanisms being compromised.
The EPP server has restrictions on the operations it is permitted to make to the data within the registry database. Except as allowed by the EPP protocol, the EPP server cannot update the credentials used by Registrars for access to the SRS. These credentials include those used by Registrars to login to ARI's SRS Web Interface and the EPP service.
Secure communication to the EPP server is achieved via the encryption of EPP sessions. The registry system and associated toolkits support AES 128 and 256 via TLS.
The Production and Operational Testing and Evaluation (OTE) EPP service is protected behind a secure firewall that only accepts connections from registered IP addresses. Registrars are required to supply host IP addresses that they intend to use to access the EPP service.
Certificates are used for encrypted communications with the registry. Registrars require a valid public/private key pair signed by the ARI CA to verify authenticity. These certificates are used to establish a TLS secure session between client and server.
EPP contains credential elements in its specification which are used as an additional layer of authentication. In accordance with the EPP specification, the server does not allow client sessions to carry out any operations until credentials are verified.
The EPP server software combines the authentication and authorisation elements described above to ensure the various credentials supplied are associated with the same identity. This verification requires that:
– The username must match the common name in the digital certificate.
– The certificate must be presented from a source IP listed against the Registrar whose common name appears in the certificate.
– The username and password must match the user name and password listed against the Registrar's account with that source IP address.
To manage normal operations and prevent an accidental or intentional Denial of Service, the EPP server can be configured to rate limit activities by individual Registrars.

2.1.1.2 Stability Considerations

The measures that restrict Registrars to a limit of connections and operations for security purposes also serve to keep the SRS and the EPP server within an acceptable performance and resource utilisation band. Therefore, scaling the service is an almost linear calculation based on well-defined parameters.
The EPP server offers consistent information between Registrars and the SRS Web Interface. The relevant pieces of this information are replicated to the DNS within seconds of alteration, thus ensuring that a strong consistency between the SRS and DNS is maintained at all times.

2.1.2 SRS Web Interface

The registry SRS Web Interface offers Registrars an alternative SRS interaction mechanism to the EPP server. Available over HTTPS, this interface can be used to carry out all operations which would otherwise occur via EPP, as well as many others. Registrars can use the SRS Web Interface, the EPP server interface or both – with no loss of consistency within the SRS.

2.1.2.1 Security and Consistency Considerations for SRS Web Interface

The SRS Web Interface contains measures to prevent abuse and to mitigate fraudulent operations. By restricting access, providing user level authentication and authorisation, and protecting the communications channel, the application limits both the opportunity and scope of security compromise.
Registrars are able to create individual users that are associated with their Registrar account.

By allocating the specific operations each user can access, Registrars have full control over how their individual staff members interact with the SRS. Users can be audited to identify which operations were conducted and to which objects those operations were applied.
A secure connection is required before credentials are exchanged and once authenticated. On login, any existing user sessions are invalidated and a new session is generated, thereby mitigating session-fixation attacks and reducing possibilities that sessions could be compromised.

2.1.3 Securing and Maintaining Consistency of Registry-Registrar Interaction Systems

ARI ensures all systems through which Registrars interact with the SRS remain consistent with each other and apply the same security rules. Additionally, ARI also ensures that operations on SRS objects are restricted to the appropriate entity. For example:
– In order to initiate a transfer a Registrar must provide the associated domain password (authinfo) which will only be known by the registrant and the current sponsoring Registrar.
– Only sponsoring Registrars are permitted to update registry objects.
All operations conducted by Registrars on SRS objects are auditable and are identifiable to the specific Registrar's user account, IP address and the time of the operation.

2.2 Disseminate Status Information of TLD Zone Servers to Registrars

The status of TLD zone servers and their ability to reflect changes in the SRS is of great importance to Registrars and Internet users alike. ARI will ensure that any change from normal operations is communicated to the relevant stakeholders as soon as is appropriate. Such communication might be prior to the status change, during the status change and/or after the status change (and subsequent reversion to normal) – as appropriate to the party being informed and the circumstance of the status change.
Normal operations are those when:
– DNS servers respond within SLAs for DNS resolution.
– Changes in the SRS are reflected in the zone file according to the DNS update time SLA.
The SLAs are those from Specification 10 of the Registry Agreement.
A deviation from normal operations, whether it is registry wide or restricted to a single DNS node, will result in the appropriate status communication being sent.

2.2.1 Communication Policy

ARI maintains close communication with Registrars regarding the performance and consistency of the TLD zone servers.
A contact database containing relevant contact information for each Registrar is maintained. In many cases, this includes multiple forms of contact, including email, phone and physical mailing address. Additionally, up-to-date status information of the TLD zone servers is provided within the SRS Web Interface.
Communication using the Registrar contact information discussed above will occur prior to any maintenance that has the potential to effect the access to, consistency of, or reliability of the TLD zone servers. If such maintenance is required within a short time frame, immediate communication occurs using the above contact information. In either case, the nature of the maintenance and how it affects the consistency or accessibility of the TLD zone servers, and the estimated time for full restoration, are included within the communication.
That being said, the TLD zone server infrastructure has been designed in such a way that we expect no down time. Only individual sites will potentially require downtime for maintenance; however the DNS service itself will continue to operate with 100% availability.

2.2.2 Security and Stability Considerations

ARI restricts zone server status communication to Registrars, thereby limiting the scope for malicious abuse of any maintenance window. Additionally, ARI ensures Registrars have effective operational procedures to deal with any status change of the TLD nameservers and will seek to align its communication policy to those procedures.

2.3 Zone File Access Provider Integration

Individuals or organisations that wish to have a copy of the full zone file can do so using the Zone Data Access service. This process is still evolving; however the basic requirements are unlikely to change. All registries will publish the zone file in a common format accessible via secure FTP at an agreed URL.

ARI will fully comply with the processes and procedures dictated by the Centralised Zone Data Access Provider (CZDA Provider or what it evolves into) for adding and removing Zone File access consumers from its authentication systems. This includes:

– Zone file format and location.
– Availability of the zone file access host via FTP.
– Logging of requests to the service (including the IP address, time, user and activity log).
– Access frequency.

2.4 Zone File Update

To ensure changes within the SRS are reflected in the zone file rapidly and securely, ARI updates the zone file on the TLD zone servers using software compliant with RFC 2136 (Dynamic Updates in the Domain Name System (DNS UPDATE)) and RFC 2845 (Secret Key Transaction Authentication for DNS (TSIG)).

This updating process follows a staged but rapid propagation of zone update information from the SRS, outwards to the TLD zone servers – which are visible to the Internet. As changes to the SRS data occur, those changes are updated to isolated systems which act as the authoritative primary server for the zone, but remain inaccessible to systems outside ARI's network. The primary servers notify the designated secondary servers, which service queries for the TLD zone from the public. Upon notification, the secondary servers transfer the incremental changes to the zone and publicly present those changes.
The protocols for dynamic update are robust and mature, as is their implementation in DNS software. The protocols' mechanisms for ensuring consistency within and between updates are fully implemented in ARI's TLD zone update procedures. These mechanisms ensure updates are quickly propagated while the data remains consistent within each incremental update, regardless of the speed or order of individual update transactions. ARI has used this method for updating zone files in all its TLDs including the .au ccTLD, pioneering this method during its inception in 2002. Mechanisms separate to RFC 2136-compliant transfer processes exist; to check and ensure domain information is consistent with the SRS on each TLD zone server within 10 minutes of a change.

2.5 Operation of Zone Servers

ARI maintains TLD zone servers which act as the authoritative servers to which the TLD is delegated.

2.5.1 Security and Operational Considerations of Zone Server Operations

The potential risks associated with operating TLD zone servers are recognised by ARI such that we will perform the steps required to protect the integrity and consistency of the information they provide, as well as to protect the availability and accessibility of those servers to hosts on the Internet. The TLD zone servers comply with all relevant RFCs for DNS and DNSSEC, as well as BCPs for the operation and hosting of DNS servers. The TLD zone servers will be updated to support any relevant new enhancements or improvements adopted by the IETF.
The DNS servers are geographically dispersed across multiple secure data centres in strategic locations around the world. By combining multi-homed servers and geographic diversity, ARI's zone servers remain impervious to site level, supplier level or geographic level operational disruption.
The TLD zone servers are protected from accessibility loss by malicious intent or misadventure, via the provision of significant over-capacity of resources and access paths. Multiple independent network paths are provided to each TLD zone server and the query servicing capacity of the network exceeds the extremely conservatively anticipated peak load requirements by at least 10 times, to prevent loss of service should query loads significantly increase.
As well as the authentication, authorisation and consistency checks carried out by the Registrar access systems and DNS update mechanisms, ARI reduces the scope for alteration of DNS data by following strict DNS operational practices:
- TLD zone servers are not shared with other services.
- The primary authoritative TLD zone server is inaccessible outside ARI's network.
- TLD zone servers only serve authoritative information.
- The TLD zone is signed with DNSSEC and a DNSSEC Practice⁄Policy Statement published.

2.6 Dissemination of Contact or Other Information

Registries are required to provide a mechanism to identify the relevant contact information for a domain. The traditional method of delivering this is via the WhoIs service, a plain text protocol commonly accessible on TCP port 43. ARI also provides the same functionality to users via a web-based WhoIs service. Functionality remains the same with the web-based service, which only requires a user to have an Internet browser.
Using the WhoIs service, in either of its forms, allows a user to query for domain-related information. Users can query for domain details, contact details, nameserver details or Registrar details.
A WhoIs service, which complies with RFC 3912, is provided to disseminate contact and other information related to a domain within the TLD zone.

2.6.1 Security and Stability Considerations

ARI ensures the service is available and accurate for Internet users, while limiting the opportunity for its malicious use. Many reputation and anti-abuse services rely on the availability and accuracy of the WhoIs service, however the potential for abuse of the WhoIs service exists.
Therefore, certain restrictions are made to the access of WhoIs services, the nature of which depend on the delivery method – either web-based or the traditional text-based port 43 service. In all cases, there has been careful consideration given to the benefits of WhoIs to the Internet community, as well as the potential harm to registrants – as individuals and a group – with regard to WhoIs access restrictions.
The WhoIs service presents data from the registry database in real time. However this access is restricted to reading the appropriate data only. The WhoIs service does not have the ability to alter data or to access data not related to the WhoIs service. The access limitations placed on the WhoIs services prevent any deliberate or incidental denial of service that might impact other registry services.
Restrictions placed on accessing WhoIs services do not affect legitimate use. All restrictions are designed to target abusive volume users and to provide legitimate users with a fast and available service. ARI has the ability to 'whitelist' legitimate bulk users of WhoIs, to ensure they are not impacted by standard volume restrictions.
The data presentation format is consistent with the canonical representation of equivalent

fields, as defined in the EPP specifications and ICANN agreement.

2.6.1.1 Port 43 WhoIs

A port 43-based WhoIs service complying with RFC 3912 is provided and will be updated to meet any other relevant standards or best practice guidelines related to the operation of a WhoIs service. While the text-based service can support thousands of simultaneous queries, it has dynamic limits on queries per IP address to restrict data mining efforts. In the event of identified malicious use of the service, access from a single IP address or address ranges can be limited or blocked.

2.6.1.2 Web-based WhoIs

ARI's web-based WhoIs service provides information consistent with that contained within the SRS. The web-based WhoIs service contains an Image Verification Check (IVC) and query limits per IP address. These restrictions strike a balance between acceptable public usage and abusive use or data mining. The web-based WhoIs service can blacklist IP addresses or ranges to prevent abusive use of the service.

2.7 IDNs – Internationalised Domain Names

An Internationalised Domain Name (IDN) allows registrants to register domains in their native language and have it display correctly in IDN aware software. This includes allowing a language to be read in the manner that would be common for its readers. For example, an Arabic domain would be presented right to left for an Arabic IDN aware browser.
The inclusion of IDNs into the TLD zones is supported by ARI. All the registry services, such as the EPP service, SRS Web Interface and RDPS (web and port 43), support IDNs. However there are some stability and security considerations related to IDNs which fall outside the general considerations applicable individually to those services.

2.7.1 Stability Considerations Specific to IDN

To avoid the intentional or accidental registration of visually similar chars, and to avoid identity confusion between domains, there are several restrictions on the registration of IDNs.

2.7.1.1 Prevent Cross Language Registrations

Domains registered within a particular language are restricted to only the chars of that language. This avoids the use of visually similar chars within one language which mimic the appearance of a label within another language, regardless of whether that label is already within the DNS or not.

2.7.1.2 Inter-language and Intra-language Variants to Prevent Similar Registrations

ARI restricts child domains to a specific language and prevents registrations in one language being confused with a registration in another language, for example Cyrillic a (U+0430) and Latin a (U+0061).

2.8 DNSSEC

DNSSEC provides a set of extensions to the DNS that allow an Internet user (normally the resolver acting on a user's behalf) to validate that the DNS responses they receive were not manipulated en-route.
This type of fraud, commonly called 'man in the middle', allows a malicious party to misdirect Internet users. DNSSEC allows a domain owner to sign their domain and to publish the signature, so that all DNS consumers who visit that domain can validate that the responses they receive are as the domain owner intended.
Registries, as the operators of the parent domain for registrants, must publish the DNSSEC material received from registrants, so that Internet users can trust the material they receive from the domain owner. This is commonly referred to as a 'chain of trust'. Internet users trust the root (operated by IANA), which publishes the registries' DNSSEC material, therefore registries inherit this trust. Domain owners within the TLD subsequently inherit trust from the parent domain when the registry publishes their DNSSEC material.
In accordance with new gTLD requirements, the TLD zone will be DNSSEC signed and the receipt of DNSSEC material from Registrars for child domains is supported in all provisioning systems.

2.8.1 Stability and Operational Considerations for DNSSEC

2.8.1.1 DNSSEC Practice Statement

ARI's DNSSEC Practice Statement is included in our response to Question 43. The DPS following the guidelines set out in the draft IETF DNSOP DNSSEC DPS Framework document.

2.8.1.2 Receipt of Public Keys from Registrars

The public key for a child domain is received by ARI from the Registrar via either the EPP or SRS Web Interface. ARI uses an SHA-256 digest to generate the DS Resource Record (RR) for inclusion into the zone file.

2.8.1.3 Resolution Stability

DNSSEC is considered to have made the DNS more trustworthy; however some transitional

considerations need to be taken into account. DNSSEC increases the size and complexity of DNS responses. ARI ensures the TLD zone servers are accessible and offer consistent responses over UDP and TCP.
The increased UDP and TCP traffic which results from DNSSEC is accounted for in both network path access and TLD zone server capacity. ARI will ensure that capacity planning appropriately accommodates the expected increase in traffic over time.
ARI complies with all relevant RFCs and best practice guides in operating a DNSSEC-signed TLD. This includes conforming to algorithm updates as appropriate. To ensure Key Signing Key Rollover procedures for child domains are predictable, DS records will be published as soon as they are received via either the EPP server or SRS Web Interface. This allows child domain operators to rollover their keys with the assurance that their timeframes for both old and new keys are reliable.

3 APPROACH TO SECURITY AND STABILITY

Stability and security of the Internet is an important consideration for the registry system. To ensure that the registry services are reliably secured and remain stable under all conditions, ARI takes a conservative approach with the operation and architecture of the registry system. By architecting all registry services to use the least privileged access to systems and data, risk is significantly reduced for other systems and the registry services as a whole should any one service become compromised. By continuing that principal through to our procedures and processes, we ensure that only access that is necessary to perform tasks is given. ARI has a comprehensive approach to security modelled of the ISO27001 series of standards and explored further in the relevant questions of this response.
By ensuring all our services adhering to all relevant standards, ARI ensures that entities which interact with the registry services do so in a predictable and consistent manner. When variations or enhancements to services are made, they are also aligned with the appropriate interoperability standards.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q24 – ARI Background & Roles.pdf'. This response describes the SRS as implemented by ARI.

1 INTRODUCTION
ARI has demonstrated delivery of an SRS with exceptional availability, performance and reliability. ARI are experienced running mission critical SRSs and have significant knowledge of the industry and building and supporting SRSs.
ARI's SRS has successfully supported a large group of Registrars for ASCII and IDN based TLDs. The system is proven to sustain high levels of concurrency, transaction load, and system uptime.
ARI's SRS meets the following requirements:
- Resilient to wide range of security & availability threats
- Consistently exceeds performance & availability SLAs
- Allows capacity increase with minimal impact to service
- Provides fair & equitable provisioning for all Registrars

2 CAPACITY
ARI's SRS was built to sustain 20M domain names. Based on ARI's experience running a ccTLD registries and industry analysis, ARI were able to calculate the conservative characteristics of a registry this size.
Through conservative statistical analysis of the .au registry and data presented in the May 2011 ICANN reports for the .com & .net, .org, .mobi, .info, .biz and .asia [http://www.icann.org/en/resources/registries/reports] we know there is:
- An average of 70 SRS TPS per domain, per month
- A ratio of 3 query to 2 transform txs
This indicates an expected monthly transaction volume of 1,400M txs (840M query and 560M transforms).
Through statistical analysis of the .au registry and backed up by the data published in the .net RFP responses [http://archive.icann.org/en/tlds/net-rfp/net-rfp-public-comments.htm] we also know:
- The peak daily TPS is 6% of monthly total
- The peak 5 min is 5% of the peak day
Thus we expect a peak EPP tx rate of 14,000 TPS (5,600 transform TPS and 8,400 query TPS)
Through conservative statistical analysis of the .au registry we know:
- The avg no. contacts/domain is 3.76
- The avg no. hosts/domain is 2.28
This translates into a requirement to store 75.2M contacts and 45.6M hosts.

Finally through real world observations of the .au registry, which has a comprehensive web interface when compared to those offered by current gTLD registries, we know there is an avg of 0.5 HTTP requests/sec to the SRS web interface per Registrar. We also know that this behaviour is reasonably flat. To support an estimated 1000 Registrars, would require 500 requests/second.
For perspective on the conservativeness of this, the following was taken from data in the May 2011 ICANN reports referenced above:
– .info: ~7.8M names peaks at ~1,400 TPS (projected peak TPS of ~3,600 with 20M)
– .com: ~98M names peaks at ~41,000 TPS (projected peak TPS of ~8,300 TPS with 20M)
– .org: ~9.3M names, peaks at ~1,400 TPS (projected peak TPS of ~3,100 with 20M)
After performing this analysis the projected TPS for .com was still the largest value.
ARI understand the limitations of this method but it serves as a best estimate of probable tx load. ARI has built overcapacity of resources to account for limitations of this method, however as numbers are more conservative than real world observations, we are confident this capacity is sufficient.
This TLD is projected to reach 17,648 domains at its peak volume and will generate 12.3536 EPP TPS. This will consume 0.09% of the resources of the SRS infrastructure. As is evident ARI's SRS can easily accommodate this TLD's growth plans. See attachment 'Q24 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI expects to provide Registry services to 100 TLDs and a total of 12M domains by end of 2014. With all the TLDs and domains combined, ARI's SRS infrastructure will be 60% utilized. The SRS infrastructure capacity can be easily scaled as described in Q32
ARI benchmarked their SRS infrastructure and used the results to calculate the required computing resources for each of the tiers within the architecture; allowing ARI to accurately estimate the required CPU, IOPS, storage and memory requirements for each server, and the network bandwidth & packet throughput requirements for the anticipated traffic. These capacity numbers were then doubled to account for unanticipated traffic spikes, errors in predictions, and headroom for growth. Despite doubling numbers, effective estimated capacity is still reported as 20M. The technical resource allocations are explored in Q32.

3 SRS ARCHITECTURE
ARI's SRS has the following major components:
– Network Infrastructure
– EPP Application Servers
– SRS Web Interface Application Servers
– SRS Database
Attachment 'Q24 – SRS.pdf' shows the SRS systems architecture and data flows. Detail on this architecture is in our response to Q32. ARI provides two distinct interfaces to the SRS: EPP and SRS Web. Registrar SRS traffic enters the ARI network via the redundant Internet link and passes (via the firewall) to the relevant application server for the requested service (EPP or SRS Web). ARI's EPP interface sustains high volume and throughput domain provisioning transactions for a large number of concurrent Registrar connections. ARI's SRS Web interface provides an alternative to EPP with a presentation centric interface and provides reporting and verification features additional to those provided by the EPP interface.

3.1 EPP
ARI's EPP application server is based on EPP as defined in RFCs 5730 – 5734. Registrars send XML based transactions to a load balanced EPP interface which forwards to one of the EPP application servers. The EPP application server then processes the XML and converts the request into database calls that retrieve or modify registry objects in the SRS database. The EPP application server tier comprises of three independent servers with dedicated connections to the registry database. Failure of any one of these servers will cause Registrar connections to automatically re-establish with one of the remaining servers. Additional EPP application servers can be added easily without any downtime. All EPP servers accept EPP both IPv4 & IPv6.

3.2 SRS Web
The SRS Web application server is a Java web application. Registrars connect via the load balancer to a secure HTTP listener running on the web servers. The SRS web application converts HTTPs requests into database calls which query or update objects in the SRS database. The SRS Web application server tier consists of two independent servers that connect to the database via JDBC. If one of these servers is unavailable the load balancer re-routes requests to the surviving server. Additional servers can be added easily without any downtime. These servers accept both IPv4 & IPv6.

3.3 SRS Database
The SRS database provides persistent storage for domains and supporting objects. It offers a secure way of storing and retrieving objects provisioned within the SRS and is built on the Oracle 11g Enterprise Edition RDBMS. The SRS Database tier consists of four servers clustered using Oracle Real Application Clusters (RAC). In the event of failure of a database server, RAC will transparently transition its client connections to a surviving database host. Additional servers can be added easily without any downtime.

3.4 Number of Servers
EPP Servers – The EPP cluster consists of 3 servers that can more than handle the anticipated 20M domains. This TLD will utilize 0.09% of this capacity at its peak volume. As the utilisation increases ARI will add additional servers ensuring the utilisation doesn't exceed 50% of total capacity. Adding a new server to the cluster can be done live without downtime.
SRS Web Servers – The SRS Web cluster consists of 2 servers that can more than handle the anticipated 20M domains. This TLD will utilize 0.09% of this capacity at its peak volume. As the utilisation increases ARI will add additional servers ensuring the utilisation doesn't exceed 50% of total capacity. Adding a new server to the cluster can be done live without downtime.
SRS DB Servers – The SRS DB cluster consists of 4 servers that can more than handle the

anticipated 20M domains. This TLD will utilize 0.09% of this capacity at its peak volume. As the utilisation increases ARI will add additional servers ensuring the total utilisation doesn't exceed 50% of total capacity. Adding a new server to the cluster can be done live without downtime.

3.5 SRS Security
ARI adopts a multi-layered security solution to protect the SRS. An industry leading firewall is deployed behind the edge router and is configured to only allow traffic on the minimum required ports and protocols. Access to the ARI EPP service is restricted to a list of known Registrar IPs.
An Intrusion Detection device is in-line with the firewall to monitor and detect suspicious activity.
All servers are configured with restrictive host based firewalls, intrusion detection, and SELinux. Direct root access to these servers is disabled and all access is audited and logged centrally.
The SRS database is secured by removal of non-essential features and accounts, and ensuring all remaining accounts have strong passwords. All database accounts are assigned the minimum privileges required to execute their business function.
All operating system, database, and network device accounts are subject to strict password management controls such as validity & complexity requirements.
Registrar access to the SRS via EPP or the Web interface is authenticated and secured with multi-factor authentication (NIST Level 3) and digital assertion as follows:
– Registrar's source IP must be allowed by the front-end firewalls. This source IP is received from the Registrar via a secure communication channel from within the SRS Web interface
– Registrar must use a digital certificate provided by ARI
– Registrar must use authentication credentials that are provided by encrypted email
All communication between the Registrar and the SRS is encrypted using at least 128 bit encryption which been designated as 'Acceptable' till '2031 and beyond' by NIST Special Publication 800-57.

3.6 SRS High Availability
SRS availability is of paramount. Downtime is eliminated or minimised where possible. The infrastructure contains no single points of failure. N+1 redundancy is used as a minimum, which not only protects against unplanned downtime but also allows ARI to execute maintenance without impacting service.
Redundancy is provided in the network with hot standby devices & multiple links between devices. Failure of any networking component is transparent to Registrar connections.
N+N redundancy is provided in the EPP and SRS Web application server tiers by the deployment of multiple independent servers grouped together as part of a load-balancing scheme. If a server fails the load balancer routes requests to the remaining servers.
N+N redundancy is provided in the database tier by the use of Oracle Real Application Cluster technology. This delivers active/active clustering via shared storage. This insulates Registrars from database server failure.
Complete SRS site failure is mitigated by the maintenance of a remote standby site – a duplicate of the primary site ready to be the primary if required.
The standby site database is replicated using real time transaction replication from the main database using Oracle Data Guard physical standby. If required the Data Guard database can be activated quickly and service resumes at the standby site.

3.7 SRS Scalability
ARI's SRS scales efficiently. At the application server level, additional computing resource can be brought on-line rapidly by deploying a new server online. During benchmarking this has shown near linear.
The database can be scaled horizontally by adding a new cluster node into the RAC cluster online. This can be achieved without disruption to connections. The SRS has demonstrated over 80% scaling at the database level, but due to the distributed locking nature of Oracle RAC, returns are expected to diminish as the number of servers approaches double digits. To combat this ARI ensures that when the cluster is 'scaled' more powerful server equipment is added rather than that equal to the current members. Capacity can be added to the SAN at any time without downtime increasing storage and IOPs.

3.8 SRS Inter-operability and Data Synchronisation
The SRS interfaces with a number of related registry systems as part of normal operations.

3.8.1 DNS Update
Changes made in the SRS are propagated to the DNS via an ARI proprietary DNS Update process. This process runs on the 'hidden' primary master nameserver and waits on a queue. It is notified when the business logic inserts changes into the queue for processing. The DNS Update process reads these queue entries and converts them into DNS update (RFC2136) commands that are sent to the nameserver. The process of synchronising changes to SRS data to the DNS occurs in real-time.

3.8.2 WhoIs
The provisioned data supporting the SRS satisfies WhoIs queries. Thus the WhoIs and SRS share data sets and the WhoIs is instantaneously updated. Under normal operating conditions the WhoIs service is provided by the infrastructure at the secondary site in order to segregate the load and protect SRS from WhoIs demand (and vice versa). WhoIs queries that hit the standby site will query data stored in the standby database – maintained in near real-time using Oracle Active Data Guard. If complete site failure occurs WhoIs and SRS can temporarily share the same operations centre at the same site (capacity numbers are calculated for this).

3.8.3 Escrow

A daily Escrow extract process executes on the database server via a dedicated database account with restricted read-only access. The results are then transferred to the local Escrow Communications server by SSH.

4 OPERATIONAL PLAN
ARI follow defined policies/procedures that have developed over time by running critical registry systems. Some principals captured by these are:
- Conduct all changes & upgrades under strict and well-practised change control procedures
- test, test and test again
- Maintain Staging environments as close as possible to production infrastructure/configuration
- Eliminate all single points of failure
- Conduct regular security reviews & audits
- Maintain team knowledge & experience via skills transfer/training
- Replace hardware when no longer supported by vendor
- Maintain spare hardware for all critical components
- Execute regular restore tests of all backups
- Conduct regular capacity planning exercises
- Monitor everything from multiple places but ensure monitoring is not 'chatty'
- Employ best of breed hardware & software products & frameworks (such as ITIL, ISO27001 and Prince2)
- Maintain two distinct OT&E environments to support pre-production testing for Registrars

5 SLA, RELIABILITY & COMPLIANCE
ARI's SRS adheres to and goes beyond the scope of Specification 6 and Specification 10 of the Registry Agreement. ARI's EPP service is XML compliant and XML Namespace aware. It complies with the EPP protocol defined in RFC5730, and the object mappings for domain, hosts & contacts are compliant with RFC 5731, 5732 & 5733 respectively. The transport over TCP is compliant with RFC5734. The service also complies with official extensions to support DNSSEC, RFC5910, & Redemption Grace Period, RFC 3915.
ARI's SRS is sized to sustain a peak transaction rate of 14,000 TPS while meeting strict internal Operational Level Agreements (OLAs). The monthly-based OLAs below are more stringent than those in Specification 10 (Section 2).
EPP Service Availability: 100%
EPP Session Command Round Trip Time (RTT): 〈=1000ms for 95% of commands
EPP Query Command Round Trip Time (RTT): 〈=500ms for 95% of commands
EPP Transform Command Round Trip Time (RTT): 〈=1000ms for 95% of commands
SRS Web Interface Service Availability: 99.9%
ARI measure the elapsed time of every query, transform and session EPP transaction, and calculate the percentage of commands that fall within OLA on a periodic basis. If percentage value falls below configured thresholds on-call personnel are alerted.
SRS availability is measured by ARI's monitoring system which polls both the EPP and SRS Web services status. These checks are implemented as full end to end monitoring scripts that mimic user interaction, providing a true representation of availability. These 'scripts' are executed from external locations on the Internet.

6 RESOURCES
This function will be performed by ARI. ARI staff are industry leading experts in domain name registries with the experience and knowledge to deliver outstanding SRS performance.
The SRS is designed, built, operated and supported by the following ARI departments:
- Products and Consulting Team (7 staff)
- Production Support Group (27 staff)
- Development Team (11 staff)
A detailed list of the departments, roles and responsibilities in ARI is provided in attachment 'Q24 – ARI Background & Roles.pdf'. This attachment describes the functions of the teams and the number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a vast experience in estimating the number of resources required to support a SRS.
Based on past experience ARI estimates that the existing staff is adequate to support an SRS that supporting at least 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment 'Q24 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required, trained resources can be added to any of the teams with a 2 month lead time.
The Products and Consulting team is responsible for product management of the SRS solution including working with clients and the industry to identify new features or changes required. The team consists of:
- 1 Products and Consulting Manager
- 1 Product Manager
- 1 Technical Product Manager
- 4 Domain Name Industry Consultants
The Production Support Group (PSG) is responsible for the design, deployment and maintenance of the SRS infrastructure including capacity planning and monitoring as well as security aspects – ensuring the SRS services are available and performing at the appropriate level and operating correctly. The team consists of:
- Production Support Manager

- Service Desk:
  - 1 Level 1 Support Team Lead
  - 8 Customer Support Representatives (Level 1 support)
  - 1 Level 2 Support Team Lead
  - 4 Registry Specialists (Level 2 support)
- Operations (Level 3 support):
  - 1 Operations Team Lead
  - 2 Systems Administrators
  - 2 Database Administrators
  - 2 Network Engineers
- Implementation:
  - 1 Project Manager
  - 2 Systems Administrators
  - 1 Database Administrator
  - 1 Network Engineer

The development team is responsible for implementing changes and new features into the SRS as well as bug fixing and complex issue diagnosis. The team consists of:
- 1 Development Manager
- 2 Business Analysts
- 6 Developers
- 2 Quality Analysts

These resources sufficiently accommodate the needs of this TLD, and are included in ARI's fees as described in our Financial responses.

25. Extensible Provisioning Protocol (EPP)

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q25 – ARI Background & Roles.pdf'. This response describes the Extensible Provisioning Protocol (EPP) interface as implemented by ARI.

1 INTRODUCTION

ARI's EPP service is XML compliant and XML Namespace aware. The service complies with the EPP protocol defined in RFC5730, and the object mappings for domain, hosts and contacts are compliant with RFC5731-3 respectively. The transport over TCP is implemented in compliance with RFC5734. The service also complies with the official extensions to support DNSSEC, RFC5910 and Redemption Grace Period, RFC3915. ARI implemented EPP draft version 0.6 in 2002, then migrated to EPP RFC 1.0 on its publishing in 2004. The system has operated live since 2002 in the .au ccTLD. Descriptions in this response follow the terminology used in the EPP RFCs. When referring to the software involved in the process, ARI's EPP interface is called the server, and the software used by Registrars is called the client.

2 TRANSPORT LAYER

The ARI EPP service implements the RFC5734 – EPP Transport over TCP. Connections are allowed using TLSv1 encryption, optionally supporting SSLv2 Hello for compatibility with legacy clients. AES cipher suites for TLS as described in RFC3268 are the only ones allowed.

2.1 Authentication
Registrar access to the EPP interface is authenticated and secured with multi-factor authentication (NIST Level 3) and digital assertion as follows. Registrars must:
- present a certificate, during TLS negotiation, signed by the ARI Certificate Authority (CA). The server returns a certificate also signed by the ARI CA. Not presenting a valid certificate results in session termination. ARI requires that the Common Name in the subject field of the certificate identifies the Registrar.
- originate connections from an IP address that is known to be assigned to the Registrar with that Common Name.
- Registrar must use authentication credentials provided to the Registrar via encrypted email
- Registrars aren't able to exceed a fixed number of concurrent connections. The connection limit is prearranged and designed to prevent abuse of Registrars' systems from affecting the Registry. The limit is set to reasonable levels for each Registrar, but can be increased to ensure legitimate traffic is unaffected. If any of the above conditions aren't met the connection is terminated.

All communication between the Registrars and the EPP service is encrypted using at least 128 bit encryption which been designated as 'Acceptable' till '2031 and beyond' by NIST Special Publication 800-57.

2.3 Connection Close
The server may close the connection as a result of a logout, an error where the state of the connection is indeterminate, or after a timeout. Timeout occurs where no complete EPP message is received on the connection for 10 minutes.

3 EPP PROTOCOL

This section describes the interface relating to the EPP protocol described in RFC5730. This

includes session management, poll message functionality and object mappings for domains, hosts and contacts.

3.1 Session Management
Session management refers to login and logout commands, used to authenticate and end a session with the SRS. The Login command is used to establish a session between the client and the server. This command succeeds when:
– The username supplied matches the Common Name in the digital certificate used in establishing the TLS session.
– The provided password is valid for the user.
– The user's access to the system isn't suspended.
The Logout command is used to end an active session. On processing a logout the server closes the underlying connection. The Hello command can be used as a session keep-alive mechanism.

3.2 Service Messages
Offline notifications pertaining to certain events are stored in a queue. The client is responsible for polling this queue for new messages and to acknowledge read messages. Messages include notification about server modification of sponsored objects, transfer operations, and balance thresholds.

4 EPP OBJECT MAPPINGS

This section covers the interface for the 3 core EPP objects; domain, host and contact objects, as per RFC5731, 5732, & 5733 respectively.

The EPP domain, contact and host object mapping describes an interface for the check, info, create, delete, renew (domain only), transfer (domain & contact only) and update commands. For domain objects the server doesn't support the use of host attributes as described by RFC5731, but rather uses host objects as described by RFC5731 and RFC5732. Details of each command are:
– check command: checks availability of 1 or more domain, contact or host objects in the SRS. Domain names will be shown as unavailable if in use, invalid or reserved, other objects will be unavailable if in use or invalid.
– info command: retrieves the information of an object provisioned in the SRS. Full information is returned to the sponsoring client or any client that provides authorisation information for the object. Non-sponsoring clients are returned partial information (no more than is available in the WhoIs).
– create command: provisions objects in the SRS. To ascertain whether an object is available for provisioning, the same rules for the check command apply.
– delete command: begins the process of removing an object from the SRS. Domain names transition into the redemption period and any applicable grace periods are applied. Domain names within the Add Grace Period are purged immediately. All other objects are purged immediately if they are not linked.
– renew command (domain only): extends the registration period of a domain name. The renewal period must be between 1 to 10 years inclusive and the current remaining registration period, plus the amount requested in the renewal mustn't exceed 10 years.
– transfer command (domain and contact only): provides several operations for the management of the transfer of object sponsorship between clients. Clients that provide correct authorisation information for the object can request transfers. Domain names may be rejected from transfer within 60 days of creation or last transfer. The requesting client may cancel the transfer, or the sponsoring client may reject or approve the transfer. Both the gaining and losing clients may query the status of the current pending or last completed transfer.
– update command: updates authorisation information, delegation information (domains), and registration data pertaining to an object.

5 NON-PROPRIETARY EPP MAPPINGS

ARI's EPP service implements 2 non-proprietary EPP mappings, to support the required domain name lifecycle and to provide & manage DNSSEC information. The relevant schema documents aren't provided as they are published as RFCs in the RFC repository.

5.1 Grace Period Mapping
The Domain Registry Grace Period Mapping for the Extensible Provisioning Protocol (as per RFC 3915) is used to support the domain name lifecycle as per existing TLDs. The update command is extended by the restore command to facilitate the restoration of previously deleted domains in the redemption period. This command defines 2 operations, request & report, described here:
– Request operation: requests the restoration of a domain.
– Report operation: completes the restoration by specifying the information supporting the restoration of the domain. The restore report must include a copy of the WhoIs information at both the time the domain was deleted & restored, including the restore reason.

5.2 DNSSEC Mapping
The Domain Name System (DNS) Security Extensions Mapping for EPP, as per RFC5910, is used to support the provisioning of DNS Security Extensions. ARI requires clients use the Key Data interface. Clients may associate a maximum of 4 keys per domain. The registry system generates the corresponding DS data using the SHA-256 digest algorithm for the domain and any active variant domains.
ARI is aware of issues DNSSEC causes when transferring DNS providers – a transfer of Registrar usually means a change in DNS provider. DNSSEC key data won't be removed from the SRS or the DNS if a transfer occurs. It is the responsibility of and requires the cooperation of the registrant, Registrars, and DNS providers, to provide a seamless transition. ARI observes progress with this issue and implements industry agreed solutions as available. DNSSEC information is included in

info responses when the secDNS namespace in login.

6 PROPRIETARY MAPPING

The registry system supports 3 additional EPP extensions where no published standard for the required functionality exists. Developed to conform to the requirements specified in RFC3735, these extensions include the provisioning of Internationalised Domain Names and domain name variants, and the association of arbitrary data with a domain name. These 3 extensions are introduced below, and further described in the attached schema documentation.

6.1 Internationalised Domain Names
ARI has developed an extension to facilitate the registration and management of Internationalised Domain Names as per RFCs 5890-5893 (collectively known as the IDNA 2008 protocol). This extension extends the domain create command and the info response.
The create command is extended to capture the language table identifier that identifies the corresponding IDN language table for the domain name. Additionally the extension requires the Unicode form to avoid an inconsistency with DNS-form, as per RFC 5891.
The domain info command is extended to identify the language tag and Unicode form provided in the initial create command. This information is disclosed to all querying clients that provided the extension namespace at login. This extension is documented in the attachment ‘Q25 – idnadomain-1.0.pdf’.

6.2 Variant
ARI has developed an extension to facilitate the management of Domain Name variants. This extension extends the domain update command and the domain create and info responses. The domain update command is extended to allow the addition (activation) and removal (de-activation) of domain name variants subject to registry operator policy.
The domain create and info responses are extended to return the list of activated domain name variants. This information is disclosed to all querying clients that provided the extension namespace at login. The extension is documented in the attachment ‘Q25 – variant-1.1.pdf’.
ARI is aware of the work underway at IETF to produce a standard for the management and provisioning of IDN Variants and is committed to contributing to the development of the standard as well as to implement it upon its completion.

6.3 Key-Value
ARI has developed an extension to facilitate the transport of arbitrary data between clients and the SRS without the need for developing EPP Extensions for each specific use-case. This extension extends the domain create and domain update transform commands and the domain info query command. This extension is documented in the attachment ‘Q25 – kv-1.0.pdf’.

This feature can be used to extend requirements to support Sunrise registrations, for example extensions used by .ASIA in its Sunrise process:
• An 〈ipr:name〉 element that indicates the name of Registered Mark.
• An 〈ipr:number〉 element that indicates the registration number of the IPR.
• An 〈ipr:ccLocality〉 element that indicates the origin for which the IPR is established (a national or international trademark registry).
• An 〈ipr:entitlement〉 element that indicates whether the applicant holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”.
• An 〈ipr:appDate〉 element that indicates the date the Registered Mark was applied for.
• An 〈ipr:regDate〉 element that indicates the date the Registered Mark was issued and registered.
• An 〈ipr:class〉 element that indicates the class of the registered mark.
• An 〈ipr:type〉 element that indicates the Sunrise phase the application applies for.

Depending on the TMCH (Trademark Clearing House) and corresponding Sunrise requirements, ARI will follow the RFC 5735 and the requirements specified in the agreement and specifications in ICANN’s Registry Agreement to produce an implementation to support TMCH and Sunrise EPP transactions.

7 ADDITIONAL SECURITY

The registry system provides additional mechanisms to support a robust interface. The use of command rate limiting enables the registry to respond to and withstand erroneous volumes of commands, while a user permission model provides fine-grained access to the EPP interface. These 2 mechanisms are described below.

7.1 Rate Limiting
The registry system supports command and global rate limits using a token-bucket algorithm. Limits apply to each connection to ensure fair and equitable use by all. Clients that exceed limits receive a command failed response message indicating breach of the limit.

7.2 User Permission Model
The registry system supports a fine-grained permission model controlling access to each specific command. By default, clients receive access to all functionality; however it is possible to remove access to a specific command in response to abuse or threat to stability of the system. Clients that attempt a command they have lost permission to execute, receive an EPP command failed response indicating loss of authorisation.

8 COMPLIANCE

Compliance with EPP RFCs is achieved through design and quality assurance (QA). The EPP interface

was designed to validate all incoming messages against the respective XML Schema syntax. The XML Schema is copied directly from the relevant RFCs to avoid any ambiguity on version used. Inbound messages that are either malformed XML or invalid are rejected with a 2400 response. Outbound messages are validated against the XML Schema, and if an invalid response is generated, it is replaced with a known valid pre-composed 2400 response, and logged for later debugging.
A QA process provides confidence that changes don't result in regressions in the interface. Automated build processes execute test suites that ensure every facet of the EPP service (including malformed input, commands sequencing and synchronisation, and boundary values) is covered and compliant with RFCs and the EPP service specification. These tests are executed prior to committing code and automatically nightly. The final deliverable is packaged and tested again to ensure no defects were introduced in the packaging process.
New versions of the EPP Service follow a deployment schedule. The new version is deployed into an OT&E environment for Registrar integration testing. Registrars are encouraged during this stage to test their systems operate correctly. After a fixed time in OT&E without issue, new versions are scheduled for production deployment. This ensures incompatibilities with RFCs that made it through QA processes are detected in test environments prior reaching production.
ARI surveys Registrars for information about the EPP client toolkit. These surveys indicated that while many Registrars use ARI toolkits, several Registrars use either their own or that from another registry. The ability for Registrars to integrate with the ARI EPP service without using the supplied toolkit indicates the service is compliant with RFCs.
ARI is committed to providing an EPP service that integrates with third party toolkits and as such tests are conducted using said toolkits. Any issues identified during testing fall into the following categories:
– Third-party toolkit not compliant with EPP
– EPP service not compliant with EPP
– Both third-party toolkit and EPP service are compliant, however another operational issue causes an issue
Defects are raised and change management processes are followed. Change requests may also be raised to promote integration of third-party toolkits and to meet common practice.

9 CAPACITY

This TLD is projected to reach 17,648 domains at its peak volume and will generate 12.3536 EPP TPS. This will consume 17,648% of the EPP resources. ARI's SRS can easily accommodate this TLD. This was described in considerable detail in the capacity section of question 24.

10 RESOURCES

This function will be performed by ARI. ARI provides a technical support team to support Registrars and also provides Registrars with a tool kit (in Java and C++) implementing the EPP protocol. Normal operations for all registry services are managed by ARI's Production Support Group (PSG), who ensure the EPP server is available and performing appropriately.
Faults relating to connections with or functionality of the EPP server are managed by PSG. ARI monitors EPP availability and functionality as part of its monitoring practices, and ensures PSG staff are available to receive fault reports from Registrars any time. PSG has the appropriate network, Unix and application (EPP and load balancing) knowledge to ensure the EPP service remains accessible and performs as required. These ARI departments support EPP:
– Products and Consulting Team (7 staff)
– Production Support Group (27 staff)
– Development Team (11 staff)
A detailed list of the departments, roles and responsibilities in ARI is provided as attachment 'Q25 – ARI Background & Roles.pdf'. This attachment describes the functions of the above teams and the exact number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.
Based on past experience ARI estimates that existing staff are adequate to support a registry system that supports in excess of 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment 'Q25 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required, trained resources can be added to any of the above teams with a 2-month lead time.

10.1 Team Details
The products and consulting team is responsible for product management of the EPP solution, and works with clients and industry to identify required system features or changes. The team consists of:
– 1 Products and Consulting Manager
– 1 Product Manager
– 1 Technical Product Manager
– 4 Domain Name Industry Consultants
The Production Support Group (PSG) is responsible for the design, deployment and maintenance of the EPP infrastructure including capacity planning, monitoring, and security. This team ensures the EPP services are available and performing appropriately. The team consists of:
– Production Support Manager
– Service Desk:
 – 1 Level 1 Support Team Lead

- 8 Customer Support Representatives (Level 1 support)
- 1 Level 2 Support Team Lead
- 4 Registry Specialists (Level 2 support)

– Operations (Level 3 support):
- 1 Operations Team Lead
- 2 Systems Administrators
- 2 Database Administrators
- 2 Network Engineers

– Implementation:
- 1 Project Manager
- 2 Systems Administrators
- 1 Database Administrator
- 1 Network Engineer

The development team is responsible for EPP changes and features, bug fixes and issue diagnosis. The team consists of:
– 1 Development Manager
– 2 Business Analysts
– 6 Developers
– 2 Quality Analysts
These resources sufficiently accommodate the needs of this TLD, and are included in ARI's fees as described in our financial responses.

26. Whois

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q26 – ARI Background & Roles.pdf'. This response describes the WhoIs interface as implemented by ARI.

1 INTRODUCTION

ARI's WhoIs service is for all domain names, contacts, nameservers and Registrars provisioned in the registry database. This response describes the port 43 and web interfaces of WhoIs, security controls to mitigate abuse, compliance with bulk access requirements for registration data, and the architecture delivering the service.

2 PORT 43 WHOIS SERVICE

WhoIs is on TCP port 43 in accordance with RFC3912. Requests are made in semi-free text format and ended by CR & LF. The server responds with a semi-free text format, terminating the response by connection close.
To support IDNs and Localised data we assume the query is encoded in UTF-8 and sends responses encoded in UTF-8. UTF-8 is backwards compatible with the ASCII charset and its use is consistent with the IETF policy on charsets as defined in BCP 18 [http://tools.ietf.org/html/bcp18].

2.1 Query Format
By default WhoIs searches domains. To facilitate the queries of other objects keywords must be used. Supported keywords are:
– Domain
– Host/Nameserver
– Contact
– Registrar
Keywords are case-insensitive. The rest of the input is the search string. Wildcard chars may be used in search strings to match zero or more chars (%), or match exactly one char(_). Wildcard chars must not be in the first 5 chars.

2.2 Response Format
The response follows a semi-structured format of object-specific data, followed by query-related meta-information, then a disclaimer.
The object-specific data is represented by key/value pairs, beginning with the key, followed by a colon and a space then the value terminated by an ASCII CR & LF. Where no object is found 'No Data Found' is returned.
The meta-information is used to identify data freshness and indicate when limits have been exceeded. It appears on one line within '〉〉〉' and '〈〈〈' chars.
The legal disclaimer is presented without leading comment marks wrapped at 72 chars. This format is consistent with that in the registry agreement.

2.3 Domain Data
Domain data is returned in response to a query with the keyword omitted, or with the 'domain' keyword. Domain queries return information on domains that are provisioned in the registry database.
The IDN domains may be specified in either the ASCII-compatible encoded form or the Unicode form. Clients are expected to perform any mappings, in conformance with relevant guidelines such as those specified in RFC5894 and UTS46.
Variant domains may be specified in the search string and WhoIs will match (using case-

insensitive comparison) and return information for the primary registered domain.
For queries containing wildcard chars, if only one domain name is matched its details are returned, if more than one domain name is matched then the first 50 matched domain names are listed.

2.3.1 Internationalised Domain Names
The WhoIs response format, prescribed in Specification 4, does not provide a mechanism to identify active variant domain names. ARI will include active variant domain names in WhoIs responses until a common approach for handling and display of variant names is determined.

2.3.2 Reserved Domain Names
Domain names reserved from allocation will have a specific response that indicates the domain is not registered but also not available.

2.4 Nameserver Data
Nameserver data is returned in response to a query where the 'nameserver' or 'host' keywords have been used. Nameserver queries return information on hosts that are provisioned in the registry.
The search string for a nameserver query can be either a hostname or IP. Queries using the hostname produce one result unless wildcards are used. Queries using the IP produce one or more results depending on the number of hostnames that match that address. Queries for the hostname are matched case-insensitively.
The quad-dotted notation is expected for IPv4 and the RFC3513 – IPv6 Addressing Architecture format for IPv6. Wildcards cannot be used for IP queries.

2.5 Contact Data
Contact data is returned in response to a query where the 'contact' keyword was used. Contact queries return information on contacts that are provisioned in the registry.
The search string for a contact query is the contact identifier. Contact identifiers are matched using a case-insensitive comparison. Wildcards cannot be used.

2.6 Registrar Data
Registrar data is returned in response to a query where the 'Registrar' keyword was used.
Registrar queries return information on Registrar objects that are provisioned in the registry.
The search string for a Registrar query can be name or IANA ID. Queries using the name or the IANA ID produce only one result. Queries for the name are matched using a case-insensitive comparison. Wildcards cannot be used.

2.7 Non-standard Data
The SRS supports domain-related data beyond that above. It may include information used to claim eligibility to participate in the sunrise process, or other arbitrary data collected using the Key-Value Mapping to the EPP. This information will be included in the WhoIs response after the last object-specific data field and before the meta-information.

3 WEB-BASED WHOIS SERVICE

WhoIs is also available via port 80 using HTTP, known as Web-based WhoIs. This interface provides identical query capabilities to the port 43 interface via an HTML form.

4 SECURITY CONTROLS

WhoIs has an in-built mechanism to blacklist malicious users for a specified duration.
Blacklisted users are blocked by source IP address and receive a specific blacklisted notification instead of the normal WhoIs response.
Users may be blacklisted if ARI's monitoring system determines excessive use. A whitelist is used to facilitate legitimate use by law enforcement agencies and other reputable entities.

5 BULK ACCESS

The registry system complies with the requirements for the Periodic Access to Thin Registration Data and Exceptional Access to Thick Registration Data as described in Specification 4.

5.1 Periodic Access to Thin Registration Data
ARI shall provide ICANN with Periodic Access to Thin Registration Data. The data will contain the following elements as specified by ICANN. The format of the data will be consistent with the format specified for Data Escrow. The Escrow Format prescribes an XML document encoded in UTF-8.
The generated data will be verified to ensure that it is well formed and valid.
The data will be generated every Monday for transactions committed up to and on Sunday unless otherwise directed by ICANN. The generated file will be made available to ICANN using SFTP.
Credentials, encryption material, and other parameters will be negotiated between ARI and ICANN using an out-of-band mechanism.

5.2 Exceptional Access to Thick Registration Data
If requested by ICANN, ARI shall provide exceptional access to thick registration data for a specified Registrar. The date will contain full information for the following objects:
– Domain names sponsored by the Registrar
– Hosts sponsored by the Registrar
– Contacts sponsored by the Registrar
– Contacts linked from domain names sponsored by the Registrar
As above the format of the data will be consistent with the format specified for Data Escrow. And will be made available to ICANN using SFTP.

6 CAPACITY

ARI's WhoIs infrastructure is built to sustain 20M domain names. Based on ARI's experience running a high volume ccTLD registry (.au) and industry analysis, ARI were able to calculate the conservative characteristics of a registry of this size.
Through conservative statistical analysis of the .au registry and data presented in the May 2011 ICANN reports for the .com & .net, .org, .mobi, .info, .biz and .asia [http://www.icann.org/en/resources/registries/reports] we know there is:
- An average of 30 SRS txs per domain, per month.
Which indicates an expected monthly transaction volume of 600M txs?
Through statistical analysis of the .au registry and backed up by the data published in the .net RFP responses [http://archive.icann.org/en/tlds/net-rfp/net-rfp-public-comments.htm] we also know:
- The peak daily transactions is 6% of the monthly total
- The peak 5 min is 5% of the peak day
Thus we expect a peak WhoIs tx rate of WhoIs 6,000 TPS.
For perspective on the conservativeness of this, the following numbers were taken from data in the May 2011 ICANN reports referenced above:
- .info ~7.8M domain names, peaks at ~1,300 TPS (projected peak TPS of ~3,400 with 20M names).
- .mobi ~1M domain names, peaks at ~150 TPS (projected peak TPS of ~3,000 TPS with 20M names).
- .org ~9.3M domain names, peaks at ~1,300 TPS (projected peak TPS of ~2,800 with 20M names).
ARI understand the limitations of these calculations but they serve as a best estimate of probable transaction load. ARI has built overcapacity of resources to account for limitations of this method, however as conservative numbers were used and these are greater than real world observations, we are confident these capacity numbers are sufficient.
ARI benchmarked their WhoIs infrastructure and used the results to calculate the required computing resources for each of the tiers within the WhoIs architecture – allowing ARI to accurately estimate the required CPU, IOPS, storage and memory requirements for each server within the architecture, as well as the network bandwidth and packet throughput requirements for the anticipated WhoIs traffic. These capacity numbers were then doubled to account for unanticipated traffic spikes, errors in predictions and head room for growth. The technical resource allocations are explored in question 32.
This TLD is projected to reach 17,648 domains at its peak volume and will generate 5.2944 WhoIs transactions per second. This will consume 0.09% of the resources of the WhoIs infrastructure. As is evident ARI's WhoIs can easily accommodate this TLD's growth plans. See attachment 'Q26 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI expects to provide Registry services to 100 TLDs and a total of 12M domains by end of 2014. With all the TLDs and domains combined, ARI's WhoIs infrastructure will be only 60% utilized. The WhoIs infrastructure capacity can also be easily scaled as described in question 32

7 ARCHITECTURE

WhoIs uses a database separate from the SRS database as it operates from the secondary site such that network and database resources are decoupled from the operation of the SRS. Oracle Data Guard ensures the two databases are synchronised in real-time. The WhoIs service is operated live from the SRS 'failover' site, with the SRS 'primary' site serving as the 'failover' site for the WhoIs service. Both sites have enough capacity to run both services simultaneously, however by separating them, in normal operating modes headroom above the already over provisioned capacity is available. The architecture and data flow diagrams are described below and shown in the attachment 'Q26 – WhoIs.pdf'.
Traffic enters the network from the Internet through border routers and then firewalls. All traffic destined for this service except for TCP ports 43, 80 & 443 is blocked. Load balancers forward the request to one of the application servers running ARI built WhoIs software. Each server is connected to the database cluster through another firewall further restricting access to the. Each server uses a restricted Oracle user that has read only access to the registry data and can only access the data that is relevant to the WhoIs queries. This ensures that in the unlikely event of an application server compromise the effects are limited.
All components are configured and provisioned to provide N+1 redundancy. Multiple Internet providers with separate upstream bandwidth suppliers are used. At least one additional component of all hardware exists, enabling maintenance without downtime. This configuration provides a service exceeding the availability requirements in Specification 10.
The use of load balancing allows addition of application servers with no downtime. From a database perspective, the ability to scale is enabled by utilising Oracle RAC database clustering. The entire service, including routers, firewalls and application is IPv6 compatible and WhoIs is offered on both IPv4 and IPv6. Detail about this architecture is available in our response to Question 32.

7.1 Synchronisation
The WhoIs database is synchronised with the SRS database using Oracle Data Guard. Committed transactions in the SRS database are reflected in the WhoIs database in real-time. Should synchronisation break, WhoIs continues to operate with the latest available data until the issue is reconciled. The channel between the two sites consists of two independent dedicated point to point links as well as the Internet. Replication traffic flows via the dedicated links or if both links fail replication traffic flows over Internet tunnels.

7.2. Interconnectivity with Other Services
The WhoIs service is not directly interconnected with other registry services or systems. The software has been developed to provide the WhoIs service exclusively and retrieve response information from a database physically separate to the SRS transactional database. This database is updated as described in 'Synchronisation' above. Although for smaller system the WhoIs and SRS can be configured to use the same data store. The WhoIs servers log every request to a central repository that is logically separate from the WhoIs database. This repository is used for query

counts, detection of data mining and statistical analysis on query trends.

7.3 IT and Infrastructure Resources
The WhoIs service is provided utilizing Cisco networking equipment, IBM servers & SAN. They are described in the attachment ‘Q26 – WhoIs.pdf’. For more information on the architecture including server specifications and database capabilities please see Questions 32 & 33.

8 COMPLIANCE

Compliance with WhoIs RFCs is achieved through design and QA. The WhoIs interface was designed to conform to the RFCs as documented and independent test cases have been developed.
QA processes provide confidence that any changes to the service don’t result in regression of the WhoIs. Automated build processes execute test suites that ensure every facet of the WhoIs service (including malformed input, commands sequencing and synchronisation, and boundary values) is covered and compliant with RFCs. These tests are executed prior to the committing of code and nightly. The final deliverable is packaged and tested again to ensure no defects were introduced in the packaging of the software.
New versions of the WhoIs follow a deployment schedule. The new version is deployed into an OT&E environment for Registrar integration testing. Registrars who rely on WhoIs functionality are encouraged during this stage to test their systems operate without change. After a fixed time in OT&E without issue, new versions are scheduled for production deployment. This ensures incompatibilities with RFCs that made it through QA processes are detected in test environments prior to reaching production.
ARI is committed to providing a WhoIs service that integrates with third party tools and as such tests are conducted using these tools such as jWhoIs, a popular UNIX command line WhoIs client. Any issues identified during integration fall into 1 of the following categories:
– Third-party tool not compliant with the WhoIs specification
– WhoIs service not compliant
– Both third-party tool and WhoIs service are compliant, however another operational issue causes a problem
Defects are raised and follow the change management. Change requests may also be raised to promote integration of third-party tools and to meet common practice.

9 RESOURCES

This function will be performed by ARI. The WhoIs system is supported by a number of ARI departments:
– Products and Consulting Team (7 staff)
– Production Support Group (27 staff)
– Development Team (11 staff)
– Legal, Abuse and Compliance Team (6 staff)
A detailed list of the departments, roles and responsibilities in ARI is provided as attachment ‘Q26 – ARI Background & Roles.pdf’. This attachment describes the functions of the above teams and the exact number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.
Based on past experience ARI estimates that the existing staff is adequate to support a registry system that supports in excess of 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment ‘Q26 – Registry Scale Estimates & Resource Allocation.xlsx’ for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required. Additional trained resources can be added to any of the above teams with a 2 month lead time.
The products and consulting team is responsible for product management of the WhoIs solution including working with clients and the industry to identify new features or changes required to the system. The team consists of:
– 1 Products and Consulting Manager
– 1 Product Manager
– 1 Technical Product Manager
– 4 Domain Name Industry Consultants
ARI employ a development team responsible for the maintenance and continual improvement of the WhoIs software. The team consists of:
– 1 Development Manager
– 2 Business Analysts
– 6 Developers
– 2 Quality Analysts
ARI’s Production Support Team ensures the successful operation of the WhoIs system. The team comprises Database Administrators, Systems Administrators and Network Administrators. This team routinely checks and monitors bandwidth, disk and CPU usages to plan and respond to expected increases in the volume of queries, and perform maintenance of the system including security patches and failover and recovery testing. The team consists of:
– Production Support Manager
– Service Desk:
 – 1 Level 1 Support Team Lead
 – 8 Customer Support Representatives (Level 1 support)
 – 1 Level 2 Support Team Lead
 – 4 Registry Specialists (Level 2 support)

- Operations (Level 3 support)
  - 1 Operations Team Lead
  - 2 Systems Administrators
  - 2 Database Administrators
  - 2 Network Engineers
- Implementation
  - 1 Project Manager
  - 2 Systems Administrators
  - 1 Database Administrators
  - 1 Network Engineers

ARI's registry provides abuse monitoring detection mechanisms to block data mining. ARI support staff may be contacted to remove blacklisted users during which they may be referred to the Legal, Abuse and Compliance Team for evaluation of their activities. Additionally the support team in conjunction with the Legal, Abuse and Compliance team administer requests for listing on the whitelist. The team consists of:
- 1 Legal Manager
- 1 Legal Counsel
- 4 Policy Compliance Officers

These resources sufficiently accommodate the needs of this TLD, and are included in ARI's fees as described in our Financial responses.

27. Registration Life Cycle

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q27 – ARI Background & Roles.pdf'. This response describes the Registration Lifecycle as implemented by ARI.

1 INTRODUCTION

The lifecycle described matches current gTLD registries. All states, grace periods and transitions are supported by the EPP protocol as described in RFC5730 – 5734 & the Grace Period Mapping published in RFC3915. An overview is in attachment 'Q27 – Registration Lifecycle.pdf'.

2 REGISTRATION PERIODS

The registry supports registration up to 10 years and renewals for 1 to 10 years. The total current validity period can't exceed 10 years.
Transfers under part A of the ICANN Policy on Transfer of Registrations between Registrars (Adopted 7 November 2008) extend registration by 1 year. The period truncates to 10 years if required.

3 STATES

The states that a domain can exist in are: Registered, Pending Transfer, Redemption, Pending Restore & Pending Delete.
All domain name statuses (RFC3915, 5730-5734 and 5910) are covered below

3.1 Registered
EPP Status: ok
In DNS: Yes
Allowed Operations: Update, Renew, Transfer (request) & Delete
The default state of a domain – no pending operations. The sponsoring Registrar may update the domain.

3.2 Pending Transfer
EPP Status: pendingTransfer
In DNS: Yes
Allowed Operations: Transfer (cancel, reject, approve)
Another Registrar has requested transfer of the domain and it is not yet completed All transform operations, other than those to cancel, reject, or approve the transfer are rejected.

3.3 Redemption
EPP Status: pendingDelete
RGP Status: redemptionPeriod
In DNS: No
Allowed Operations: Restore (request)
Domain has been deleted. The sponsor may request restoration of the domain. The domain continues to be withheld from the DNS unless it is restored. No transform operations other than restore are allowed.

3.4 Pending Restore
EPP Status: pendingDelete
RGP Status: pendingRestore
In DNS: Yes
Allowed Operations: Restore (report)

A restore request is pending. The sponsor must submit a restore report. The domain is provisioned the DNS. No transform operations other than the restore report are allowed.

3.5 Pending Delete
EPP Status: pendingDelete
RGP Status: pendingDelete
In DNS: No
Allowed Operations: None
The Redemption Grace Period has lapsed and the domain is pending purge from the registry. This state prohibits the sponsor from updating, restoring or modifying the domain. This status applies for 5 days. At the end of this period the domain is purged from the database and made available for registration.

4 GRACE PERIODS

The registry system supports 4 grace periods: add, renew, auto-renew, and transfer, described below with consideration for overlap of grace periods. States described here are additional to those above.

4.1 Add Grace Period
Length: 5 days
RGP Status: addPeriod
Allows for the no-cost cancellation of a domain registrations resulting from typing mistakes and other errors by Registrars and registrants – beginning on the creation of a domain and lasting for 5 days. When the following operations are performed during this period these rules apply:
– Delete: the sponsoring Registrar, who must have created the domain, may delete the domain and receive a refund. The domain is deleted with immediate effect. The refund is subject to the Add Grace Period Limits consensus policy. Excess deletions over 50 or 10% of creates (whichever is greater), are not subject to a refund, except in extraordinary circumstances.
– Renew: the sponsor may renew the domain but does not receive any refund for the initial registration fee. The Registrar is charged for the renewal operation. The total period for the domain is the sum of the initial period in the create and any renewal term, limited to a 10 year maximum.
– Transfer: Under ICANN policy a transfer can’t occur during the Add Grace Period or at any other time in the first 60 days after the initial registration. The registry system enforces this, rejecting such requests.
– Bulk Transfers: Under Part B of the ICANN Policy on Transfer of Registrations between Registrars, a bulk transfer can occur during the Add Grace Period. Any bulk transfer causes the Add Grace Period to not apply.
The Add Grace Period does not have any impact on other commands.

4.2 Renew Grace Period
Length: 5 days
RGP Status: renewPeriod
Allows the sponsoring Registrar to undo a renewal via the deletion of a domain – beginning on the receipt of a renewal command and lasting for 5 days. If any of the following operations are performed during this period these rules apply:
– Delete: the sponsoring Registrar, who must have initiated the renewal, may delete the domain and receive a renewal fee refund. The extension to the registration period caused by the preceding renew is reversed and unless the domain is also in the Add Grace Period, the domain enters the Redemption state. If also in the Add Grace Period it is deleted with immediate effect and availability for registration.
– Renew: the sponsoring Registrar, who must have performed the initial renew, can subsequently renew the domain again, causing a second independent Renewal Grace Period to start. The Registrar is charged for the operation and the total registration period for the domain is extended by the renewal term, limited to the 10 year maximum.
– Transfer: an approved transfer command ends the current Renew Grace Period without a refund and begins a Transfer Grace Period.
– Bulk Transfers: bulk transfers cause the Renew Grace Period to end without a refund, consequently registration periods are not changed.
The Renew Grace Period has no impact on other commands.

4.3 Auto-Renew Grace Period
Length: 45 days
RGP Status: autoRenewPeriod
Auto-Renew Grace Period allows for domains to remain in the DNS past registration expiration while giving adequate time for the sponsoring Registrar to obtain intention of renewal from the registrant.
This period begins on the expiration of the domain and lasts for 45 days. If any of the following are performed during this period these rules apply:
– Delete: the sponsoring Registrar, who must be the sponsor when the Auto-Renew Grace Period commenced, may delete the domain and receive an auto-renew fee refund. The registration period auto-renew extension is reversed and the domain enters the Redemption state.
– Renew: the sponsoring Registrar, who must be the sponsor when the auto-renew occurred, can renew the domain again causing an independent Renewal Grace Period to begin. The Registrar is charged and the registration period is extended by the renewal term, limited to the 10 year maximum.
– Transfer: an approved transfer command ends the current Auto-Renew Grace Period with a refund to the losing Registrar and begins a Transfer Grace Period. The registration period auto-renew extension is reversed and the registration is extended by the period specified in the transfer.
– Bulk Transfers: bulk transfers cause the Auto-Renew Grace Period to end without a refund

consequently registration periods are not changed.
The Auto-Renew Grace Period does not have any impact on other commands.

4.4 Transfer Grace Period
Length: 5 days
RGP Status: transferPeriod
Transfer Grace Period allows the sponsoring Registrar to undo the registration period extension (due to a transfer command), via the deletion of a domain. This period begins on a transfer completion and lasts for 5 calendar days. If the following are performed during the period these rules apply:
– Delete: the sponsoring Registrar, who must have initiated the transfer, may delete the domain and receive a transfer fee refund. The extension to the registration period of the preceding transfer is reversed and the Redemption state is entered.
– Renew: the sponsoring Registrar can renew the domain thus causing an independent Renewal Grace Period to begin. The Registrar is charged and the registration period for the domain is extended by the renewal term, limited to the 10 year maximum.
– Transfer: under Part A of the ICANN Policy on Transfer of Registrations between Registrars a transfer may not occur during the 60 day period after transfer (except in special circumstances). The registry system enforces this – effects of transfer do not require consideration. Should a special situation require transfer back to the losing Registrar, this is dealt with by taking into account the specific situation. The registry system does not allow this without intervention by registry staff.
– Bulk Transfers: bulk transfers cause the Transfer Grace Period to end without a refund; consequently registration periods are not changed.
The Transfer Grace Period does not have any impact on other commands.

4.5 Redemption Grace Period
Length: 30 days
RGP Status: as described in Redemption state
Redemption Grace Period refers to the period of time the domain spends in the Redemption state, starting after a domain is deleted. The Redemption state description provides information on operations during this period.

4.6 Overlap of Grace Periods
The 4 possible overlapping grace periods are:
– Add Grace Period with 1 or more Renew Grace Periods.
– Renew Grace Period with 1 or more other Renew Grace Periods.
– Transfer Grace Period with 1 or more Renew Grace Periods.
– Auto-Renew Grace Period with 1 or more Renew Grace Periods.
These are treated independently with respect to timelines however action that is taken has the combined effects of all grace periods still current.

4.6.1 Transfer Clarification
If several billable operations, including a transfer, are performed on a domain and it is deleted in the operations' grace periods, only those operations performed after/including the latest transfer are eligible for refund.

5 TRANSITIONS

5.1 Available 〉 Registered
Triggered by the receipt of a create command to register the domain. The sponsoring Registrar is charged for the creation amount. This transition begins the Add Grace Period.

5.2 Registered 〉 Pending Transfer
Triggered by the receipt of a request transfer command. The transfer must result in domain registration extension – the gaining Registrar is charged for the transfer. Requests to transfer the domain within 60 days of creation or a previous transfer are rejected. As per '4.4 Transfer Grace Period', exceptions specified in ICANN's Transfer Policy apply – dealt with individually.

5.3 Pending Transfer 〉 Registered
Triggered by 1 of 4 operations:
– Operation 1 (Cancel): during the Pending Transfer period the gaining Registrar may cancel the transfer by issuing a cancel transfer command. The gaining Registrar is refunded the transfer fee, the registration period remains unchanged and all existing grace periods at the time of transfer request remain in effect.
– Operation 2 (Reject): during the Pending Transfer period the losing Registrar may reject the transfer by issuing a reject transfer command. The gaining Registrar is refunded the transfer. The registration period remains unchanged and all grace periods existing at the time of transfer request remain in effect if not elapsed.
– Operation 3 (Approve): During the Pending Transfer period the losing Registrar may approve the transfer by issuing an approve transfer command. If the transfer was requested during the Auto-Renew Grace Period, the extension to the registration period is reversed and the losing Registrar is refunded the auto-renew. The registration period is extended by the amount specified in the transfer request. This begins the Transfer Grace Period.
– Operation 4 (Auto-Approve): If after 5 days, no action has been taken, the system approves the transfer. If the transfer was requested during the Auto-Renew Grace Period the extension to the registration period is reversed and the losing Registrar is refunded the auto-renew. The registration period is extended by the amount specified in the transfer request. This begins the Transfer Grace Period.

5.4 Registered 〉 Deleted
On receipt of a delete command if the domain is in the Add Grace Period, it is purged from the Database and immediately available for registration. Renew Grace Period may also be in effect.

5.5 Registered 〉 Redemption
On receipt of a delete command if the domain is not in the Add Grace Period, it transitions to the Redemption Period state and all grace periods in effect are considered.

5.6 Redemption 〉 Pending Restore
On receipt of a restore command if the Redemption Period has not lapsed, the domain transitions to the Pending Restore state. The domain is provisioned in the DNS. The sponsoring Registrar is charged a fee for the restore request.

5.7 Pending Restore 〉 Registered
During the Pending Restore period the sponsoring Registrar may complete the restore via a restore report containing the WhoIs information – submitted prior to the deletion, the WhoIs information at the time of the report, and the reason for the restoration.

5.8 Pending Restore 〉 Redemption
Seven calendar days after the transition to the Pending Restore state, if no restore report is received the domain transitions to the Redemption state, which begins a new redemption period. The domain is removed from the DNS. The restore has no refund.

5.9 Redemption 〉 Pending Delete
Thirty calendar days after the transition to the Redemption state, if no restore request is received the domain transitions to the Pending Delete state.

5.10 Pending Delete 〉 Deleted
Five calendar days after the transition to the Pending Delete state, the domain is removed from the Database and is immediately available for registration.

6 LOCKS

Locks may be applied to the domain to prevent specific operations occurring. The sponsoring Registrar may set the locks prefixed with ‘client’ while locks prefixed with ‘server’ are added and removed by the registry operator. Locks are added and removed independently but they can be combined to facilitate the enforcement of higher processes, such as ‘Registrar Lock’, and outcomes required as part of UDRP. All locks are compatible with EPP RFCs. The available locks are:
– clientDeleteProhibited, serverDeleteProhibited – Requests to delete the object are rejected
– clientHold, serverHold – DNS information is not published
– clientRenewProhibited, serverRenewProhibited – Requests to renew the object are rejected. Auto-renew is allowed
– clientTransferProhibited, serverTransferProhibited – Requests to transfer the object are rejected
– clientUpdateProhibited, serverUpdateProhibited – Requests to update the object are rejected, unless the update removes this status

7 SPECIAL CONSIDERATIONS

7.1 ICANN-Approved Bulk Transfers
ICANN-Approved Bulk Transfers do not follow the typical transfer lifecycle. Existing grace periods are invalidated and no refunds are credited to the losing Registrar. The prohibition of transfer period on domains created or transferred within 60 days does not apply.

7.2 Uniform Rapid Suspension
In the Uniform Rapid Suspension (URS) process, as described in the ‘gTLD Applicant Guidebook’ 11th January 2012, the following modification to the above processes is required.
Remedy allows for the addition of a year to the registration period, limited to the 10 year maximum. During this time no transform operations may be performed other than to restore the domain as allowed by Appeal. At the expiration of the registration period the domain is not automatically renewed, but proceeds to the Redemption state as per the lifecycle described above, and it is not eligible for restoration.

8 UPDATE⁄DNS

The update command does not impact the state of the domain through the Registration Lifecycle, however the command can be used to add and remove delegation information, which changes the DNS state of the domain.
A domain is required to have 2 or more nameservers published in the DNS. An update that results in a domain having less than 2 nameservers removes the domain from the DNS. An exception is when 1 nameserver remains assigned to a domain due to deletion of its other nameservers due to purge of their parent domain. The next update that modifies delegation information ends the exception and from then on the domain requires 2 nameservers be in the DNS.

9 RESOURCES

This function will be performed by ARI. ARI’s registry performs all time-based transitions automatically and enforces all other business rules – without requiring human resources for normal operation. If changes to the automatic behaviours or restrictions enforced by the policy

system are required, ARI has a development team for this.
Domain Name Lifecycle aspects requiring human resources to manage are included in the ARI outsourcing include:
– Processing Add Grace Period exemptions as requested by Registrars.
– Processing restore reports provided by Registrars.
– Meeting the registry operator's obligations under ICANN's Transfer Dispute Policy.
– Performing exception processing in the case of approved transfers during the 60 day transfer prohibition window.
The Registration Lifecycle is designed, built, operated and supported by these ARI departments:
– Products and Consulting Team (7 staff)
– Legal, Abuse and Compliance Team (6 staff)
– Development Team (11 staff)
A detailed list of the departments, roles and responsibilities in ARI is provided as attachment 'Q27 – ARI Background & Roles.pdf'. This attachment describes the functions of the above teams and the exact number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.
Based on past experience ARI estimates that the existing staff is adequate to support a registry system that supports in excess of 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment 'Q27 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required. Additional trained resources can be added to any of the above teams with a 2 month lead time.
The Products and Consulting team is responsible for product management of the Registration Lifecycle, including working with clients and the industry to identify new features or changes required to the system. The team consists of:
– 1 Products and Consulting Manager
– 1 Product Manager
– 1 Technical Product Manager
– 4 Domain Name Industry Consultants
Most manual tasks fall to the Legal, Abuse and Compliance team, with staff experienced in development of policy for policy rich TLD environments. They have the required legal and industry background to perform this function. The team consists of:
– 1 Legal Manager
– 1 Legal Counsel
– 4 Policy Compliance Officers
The automated aspects of the Registration lifecycle are supported by ARI's Domain Name Registry software. ARI has a development team for maintenance and improvement of the software. The team consist of:
– 1 Development Manager
– 2 Business Analysts
– 6 Developers
– 2 Quality Analysts
Information on these roles is in Resources in our response to Question 31. These resources sufficiently accommodate the needs of this TLD, and are included in ARI's fees as described in our Financial responses.

28. Abuse Prevention and Mitigation

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q28 – ARI Background & Roles.pdf'. The Registry works closely with DotAsia Organisation (through Namesphere, as the registry front-end services provider) to develop and implement additional measures to improve abuse prevention and mitigation. DotAsia is the operator for the .ASIA gTLD and is a pioneer in the development of registry level policies to mitigate against abusive registrations.

1 INTRODUCTION

The efforts that will be undertaken in this TLD to minimise abusive registrations and other activities that have a negative impact on Internet users are described below. As described in response to #20, especially regarding the enforcement of the community purposes, an important area of such enforcement relies on the set of Abuse Prevention & Mitigation (APM) processes described here. As a TLD promoting the sustainable holistic body, mind and spiritual wellness, maintaining a highly ethical, professional and socially responsible approach to curbing abuse and illegal activities is of great importance for the registry.

For Community Compliancy Complaints (see #20e) received that indicate that the activity is of any of the following nature, the APM processes described in this section will be initiated:
- suspected illegal activities
- suspected technical exploitation of the registry or registry related resources

- suspected abuse of a domain registration that could cause harm to other domain registrations, or the security and stability of the TLD, the DNS or the Internet at large.

We will be utilising the Anti-Abuse Service of our managed registry service provider, ARI. This service includes the implementation of our comprehensive Anti-Abuse Policy. This policy, developed in consultation with ARI, clearly defines abusive behaviour and identifies particular types of abusive behaviour and the mitigation response to such behaviour.

2 OVERVIEW

We have engaged ARI to deliver registry services for this TLD. ARI will, owing to their extensive industry experience and established anti-abuse operations, implement and manage on our behalf various procedures and measures adopted to mitigate the potential for abuse, identify abuse and handle identified abuse. ARI will forward to us all matters requiring determination by the registry operator which fall beyond the scope of ARI's Anti-Abuse Service. This is described below in the context of the implementation of our Anti-Abuse Policy.
Despite utilisation of ARI's Anti-Abuse Service, we are nonetheless cognisant of our responsibility to minimise abusive registrations and other activities that have a negative impact on Internet users in the TLD. In recognition of this responsibility, we will play an instrumental role in overseeing the implementation of the Anti-Abuse Service by ARI. We will also have contractual commitments in the form of SLA's in place to ensure that ARI's delivery of the Anti-Abuse Service is aligned with our strong commitment to minimise abuse in our TLD.
That strong commitment is further demonstrated by our adoption of many of the requirements proposed in the '2011 Proposed Security, Stability and Resiliency Requirements for Financial TLDs' (at http://www.icann.org/en/news/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf) (the 'BITS Requirements). We acknowledge that these requirements were developed by the financial services sector in relation to financial TLDs, but nevertheless believe that their adoption in this TLD (which is not financial-related) results in a more robust approach to combating abuse.
Consistent with Requirement 6 of the BITS Requirements, we will certify to ICANN on an annual basis our compliance with our Registry Agreement.
Please note that the various policies and practices that we have implemented to minimise abusive registrations and other activities that affect the rights of trademark holders are specifically described in our response to Question 29.

3 POLICY

In consultation with ARI we have developed a comprehensive Anti-Abuse Policy, which is the main instrument that captures our strategy in relation to abuse in the TLD.

3.1 Definition of Abuse
Abusive behaviour in a TLD may relate to the core domain name-related activities performed by Registrars and registries including, but not limited to:
– The allocation of registered domain names.
– The maintenance of and access to registration information.
– The transfer, deletion, and reallocation of domain names.
– The manner in which the registrant uses the domain name upon creation.
Challenges arise in attempting to define abusive behaviour in the TLD due to its broad scope. Defining abusive behaviour by reference to the stage in the domain name lifecycle in which the behaviour occurs presents difficulty given that a particular type of abuse may occur at various stages of the life cycle.
With this in mind, ARI has fully adopted the definition of abuse developed by the Registration Abuse Policies Working Group (Registration Abuse Policies Working Group Final Report 2010, at http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf), which does not focus on any particular stage in the domain name life cycle.
Abusive behaviour in a TLD may be defined as an action that:
– causes actual and substantial harm, or is a material predicate of such harm.
– is illegal or illegitimate, or is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.
In applying this definition the following must be noted:
1. The party or parties harmed, and the severity and immediacy of the abuse, should be identified in relation to the specific alleged abuse.
2. The term "harm" is not intended to shield a party from fair market competition.
3. A predicate is a related action or enabler. There must be a clear link between the predicate and the abuse, and justification enough to address the abuse by addressing the predicate (enabling action).
For example, WhoIs data can be used in ways that cause harm to domain name registrants, intellectual property (IP) rights holders and Internet users. Harmful actions may include the generation of spam, the abuse of personal data, IP infringement, loss of reputation or identity theft, loss of data, phishing and other cybercrime-related exploits, harassment, stalking, or other activity with negative personal or economic consequences. Examples of predicates to these harmful actions are automated email harvesting, domain name registration by proxy/privacy services to aid wrongful activity, support of false or misleading registrant data, and the use of WhoIs data to develop large email lists for commercial purposes. The misuse of WhoIs data is therefore considered abusive because it is contrary to the intention and design of the stated legitimate purpose of WhoIs data.

3.2 Aims and Overview of Our Anti-Abuse Policy
Our Anti-Abuse Policy will put registrants on notice of the ways in which we will identify and respond to abuse and serve as a deterrent to those seeking to register and use domain names for abusive purposes. The policy will be made easily accessible on the Abuse page of our registry

website which will be accessible and have clear links from the home page along with FAQs and contact information for reporting abuse.
Consistent with Requirements 15 and 16 of the BITS Requirements, our policy:
– Defines abusive behaviour in our TLD.
– Identifies types of actions that constitute abusive behaviour, consistent with our adoption of the RAPWG definition of 'abuse'.
– Classifies abusive behaviours based on the severity and immediacy of the harm caused.
– Identifies how abusive behaviour can be notified to us and the steps that we will take to determine whether the notified behaviour is abusive.
– Identifies the actions that we may take in response to behaviour determined to be abusive.

Our RRA will oblige all Registrars to do the following in relation to the Anti-Abuse Policy:
– comply with the Anti-Abuse Policy; and
– include in their registration agreement with each registrant an obligation for registrants to comply with the Anti-Abuse Policy and each of the following requirements:
'operational standards, policies, procedures, and practices for the TLD established from time to time by the registry operator in a non-arbitrary manner and applicable to all Registrars, including affiliates of the registry operator, and consistent with ICANN's standards, policies, procedures, and practices and the registry operator's Registry Agreement with ICANN. Additional or revised registry operator operational standards, policies, procedures, and practices for the TLD shall be effective upon thirty days notice by the registry operator to the Registrar. If there is a discrepancy between the terms required by this Agreement and the terms of the Registrar's registration agreement, the terms of this Agreement shall supersede those of the Registrar's registration agreement'.
Our RRA will additionally incorporate the following BITS Requirements:
– Requirement 7: Registrars must certify annually to ICANN and us compliance with ICANN's Registrar Accreditation Agreement (RAA) our Registry-Registrar Agreement (RRA).
– Requirement 9: Registrars must provide and maintain valid primary contact information (name, email address, and phone number) on their website.
– Requirement 14: Registrars must notify us immediately regarding any investigation or compliance action, including the nature of the investigation or compliance action by ICANN or any outside party (eg law enforcement, etc.) along with the TLD impacted.
– Requirement 19: Registrars must disclose registration requirements on their website.
We will re-validate our RRAs at least annually, consistent with Requirement 10.

3.3 Anti-Abuse Policy
Our Anti-Abuse Policy is as follows:
Anti-Abuse Policy
Introduction:
The abusive registration and use of domain names in the TLD is not tolerated given that the inherent nature of such abuses creates security and stability issues for all participants in the Internet environment.
Definition of Abusive Behaviour:
Abusive behaviour is an action that:
– causes actual and substantial harm, or is a material predicate of such harm; or
– is illegal or illegitimate, or is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.
A 'predicate' is an action or enabler of harm.
'Material' means that something is consequential or significant.
Examples of abusive behaviour falling within this definition:
– Spam: the use of electronic messaging systems to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums. An example, for purposes of illustration, would be the use of email in denial-of-service attacks.
– Phishing: the use of a fraudulently presented web site to deceive Internet users into divulging sensitive information such as usernames, passwords or financial data.
– Pharming: the redirecting of unknowing users to fraudulent web sites or services, typically through DNS hijacking or poisoning, in order to deceive Internet users into divulging sensitive information such as usernames, passwords or financial data.
– Wilful distribution of malware: the dissemination of software designed to infiltrate or cause damage to devices or to collect confidential data from users without the owner's informed consent.
– Fast Flux hosting: the use of DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves in order to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast flux hosting may only be used with prior permission of the registry operator.
– Botnet command and control: the development and use of a command, agent, motor, service or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
– Distribution of child pornography: the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.
– Illegal access to other computers or networks: the illegal accessing of computers, accounts, or networks belonging to another party, or attempt to penetrate security measures of another individual's system (hacking); also, any activity that might be used as a precursor to an attempted system penetration.

Detection of Abusive Behaviour:
Abusive behaviour in the TLD may be detected in the following ways:

– By us through our on-going monitoring activities and industry participation.
– By third parties (general public, law enforcement, government agencies, industry partners) through notification submitted to the abuse point of contact on our website, or industry alerts.
Reports of abusive behaviour will be notified immediately to the Registrar of record.

Handling of abusive behaviour:
When abusive behaviour is detected in our TLD through notification by a third party, a preliminary assessment will be performed in order to determine whether the notification is legitimately made. Applying the definitions of types of abusive behaviours identified in this policy, we will classify each incidence of legitimately reported abuse into one of two categories based on the probable severity and immediacy of harm to registrants and Internet users. These categories are provided below and are defined by reference to the action that may be taken by us. The examples of types of abusive behaviour falling within each category are illustrative only.
Category 1:
Probable Severity or Immediacy of Harm: Low
Examples of types of abusive behaviour: Spam, Malware
Mitigation steps:
1. Investigate
2. Notify registrant
Category 2:
Probable Severity or Immediacy of Harm: Medium to High
Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control
Mitigation steps:
1. Suspend domain name
2. Investigate
3. Restore or terminate domain name
In the event that we receive specific instructions regarding a domain name from a law enforcement agency, government or quasi-governmental agency utilising the expedited process for such agencies, our mitigation steps will be in accordance with those instructions provided that they do not result in the contravention of applicable law. In addition, we will take all reasonable efforts to notify law enforcement agencies of abusive behaviour in our TLD which we believe may constitute evidence of a commission of a crime, eg distribution of child pornography.
Note that these expected actions are intended to provide a guide to our response to abusive behaviour rather than any guarantee that a particular action will be taken.
The identification of abusive behaviour in the TLD, as defined above, shall give us the right, but not the obligation, to take such actions in accordance with the following text in the RRA, which provides that the registry operator:
‘reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, or instruct Registrars to take such an action as we deem necessary in our discretion to;
1. protect the integrity and stability of the registry;
2. comply with any applicable laws, government rules or requirements, requests of law enforcement, or dispute resolution process;
3. avoid any liability, civil or criminal, on the part of the registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees, per the terms of the registration agreement; and
4. correct mistakes made by the registry operator or any Registrar in connection with a domain name registration.
We reserve the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.
We also reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.
Registrars only and not Resellers may offer proxy registration services to private individuals using the domain name for non-commercial purposes.
We may amend or otherwise modify this policy to keep abreast of changes in consensus policy or new and emerging types of abusive behaviour in the Internet.
Registrar’s failure to comply with this Anti-Abuse Policy shall constitute a material breach of the RRA, and shall give rise to the rights and remedies available to us under the RRA.

4 ABUSE PREVENTION AND MITIGATION

This section describes the implementation of our abuse related processes regarding:
– Building awareness of the Anti-Abuse Policy.
– Mitigating the potential for abusive behaviour.
– Identifying abusive behaviour.
– Handling abusive behaviour.

4.1. Awareness of Policy
The Anti-Abuse Policy will be published on the Abuse page of our registry website, which will be accessible and have clear links from the home page. In addition, the URL to the Abuse page will be included in all email correspondence to the registrant, thereby placing all registrants on notice of the applicability of the Anti-Abuse Policy to all domain names registered in our TLD.
The Abuse page will, consistent with Requirement 8 of the BITS Requirements, provide registry contact information (name, email address, and phone number) to enable the public to communicate with us about TLD policies. The Abuse page will emphasise and evidence our commitment to combating abusive registrations by clearly identifying what our policy on abuse is and what effect our implementation of the policy may have on registrants. We anticipate that this clear message, which communicates our commitment to combating abusive registrations, will serve to minimise abusive registrations in our TLD.

4.2 Pre-emptive – Mitigating of the Potential for Abuse
The following practices and procedures will be adopted to mitigate the potential for abusive behaviour in our TLD.

4.2.1 ICANN Prescribed Measures
In accordance with our obligations as a registry operator, we will comply with all requirements in the 'gTLD Applicant Guidebook'. In particular, we will comply with the following measures prescribed by ICANN which serve to mitigate the potential for abuse in the TLD:
– DNSSEC deployment, which reduces the opportunity for pharming and other man-in-the-middle attacks. We will encourage Registrars and Internet Service Providers to deploy DNSSEC capable resolvers in addition to encouraging DNS hosting providers to deploy DNSSEC in an easy-to-use manner in order to facilitate deployment by registrants. DNSSEC deployment is further discussed in the context of our response to Question 43.
– Prohibition on Wild Carding as required by section 2.2 of Specification 6 of the Registry Agreement.
– Removal of Orphan Glue records (discussed below in '4.2.8 Orphan Glue Record Management').

4.2.2 Increasing Registrant Security Awareness
In accordance with our commitment to operating a secure and reliable TLD, we will attempt to improve registrant awareness of the threats of domain name hijacking, registrant impersonation and fraud, and emphasise the need for and responsibility of registrants to keep registration (including WhoIs) information accurate. Awareness will be raised by:
– Publishing the necessary information on the Abuse page of our registry website in the form of videos, presentations and FAQ's.
– Developing and providing to registrants and resellers Best Common Practices that describe appropriate use and assignment of domain auth Info codes and risks of misuse when the uniqueness property of this domain name password is not preserved.
The increase in awareness renders registrants less susceptible to attacks on their domain names owing to the adoption of the recommended best practices thus serving to mitigate the potential for abuse in the TLD. The clear responsibility on registrants to provide and maintain accurate registration information (including WhoIs) further serves to minimise the potential for abusive registrations in the TLD.

4.2.3 Mitigating the Potential for Abusive Registrations that Affect the Legal Rights of Others
Many of the examples of abusive behaviour identified in our Anti-Abuse Policy may affect the rights of trademark holders. While our Anti-Abuse Policy addresses abusive behaviour in a general sense, we have additionally developed specific policies and procedures to combat behaviours that affect the rights of trademark holders at start-up and on an ongoing basis. These include the implementation of a trademark claims service and a sunrise registration service at start-up and implementation of the UDRP, URS and PDDRP on an ongoing basis. The implementation of these policies and procedures serves to mitigate the potential for abuse in the TLD by ensuring that domain names are allocated to those who hold a corresponding trademark.
These policies and procedures are described in detail in our response to Question 29.

4.2.4 Safeguards Against Allowing for Unqualified Registrations
The eligibility restrictions for this TLD are outlined in our response to Question 18.
Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements:
– Registrant warrants that it satisfies eligibility requirements.
Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful.
Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.

4.2.5 Registrant Disqualification
As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD. Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.
In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any existing or new registration that uses such fraudulent NS record will be investigated.
The disqualification of 'bad actors' and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.

4.2.6 Restrictions on Proxy Registration Services
Whilst it is understood that implementing measures to promote WhoIs accuracy is necessary to ensure that the registrant may be tracked down, it is recognised that some registrants may wish to utilise a proxy registration service to protect their privacy. In the event that Registrars elect to offer such services, the following conditions apply:
– Proxy registration services may only be offered by Registrars and NOT resellers.

– Registrars must ensure that the actual WhoIs data is obtained from the registrant and must maintain accurate records of such data.
– Registrars must provide Law Enforcement Agencies (LEA) with the actual WhoIs data upon receipt of a verified request.
– Proxy registration services may only be made available to private individuals using the domain name for non-commercial purposes.
These conditions will be implemented contractually by inclusion of corresponding clauses in the RRA as well as being published on the Abuse page of our registry website. Individuals and organisations will be encouraged through our Abuse page to report any domain names they believe violate the above restrictions, following which appropriate action may be taken by us. Publication of these conditions on the Abuse page of our registry website ensures that registrants are aware that despite utilisation of a proxy registration service, actual WhoIs information will be provided to LEA upon request in order to hold registrants liable for all actions in relation to their domain name. The certainty that WhoIs information relating to domain names which draw the attention of LEA will be disclosed results in the TLD being less attractive to those seeking to register domain names for abusive purposes, thus mitigating the potential for abuse in the TLD.

4.2.7 Registry Lock
Certain mission-critical domain names such as transactional sites, email systems and site supporting applications may warrant a higher level of security. Whilst we will take efforts to promote the awareness of security amongst registrants, it is recognised that an added level of security may be provided to registrants by 'registry locking' the domain name thereby prohibiting any updates at the registry operator level. The registry lock service will be offered to all Registrars who may request this service on behalf of their registrants in order to prevent unintentional transfer, modification or deletion of the domain name. This service mitigates the potential for abuse by prohibiting any unauthorised updates that may be associated with fraudulent behaviour. For example, an attacker may update nameservers of a mission-critical domain name, thereby redirecting customers to an illegitimate website without actually transferring control of the domain name.
Upon receipt of a list of domain names to be placed on registry lock by an authorised representative from a Registrar, ARI will:
1. Validate that the Registrar is the Registrar of record for the domain names.
2. Set or modify the status codes for the names submitted to serverUpdateProhibited, serverDeleteProhibited and/or serverTransferProhibited depending on the request.
3. Record the status of the domain name in the Shared Registration System (SRS).
4. Provide a monthly report to Registrars indicating the names for which the registry lock service was provided in the previous month.

4.2.8 Orphan Glue Record Management
The ARI registry SRS database does not allow orphan records. Glue records are removed when the delegation point NS record is removed. Other domains that need the glue record for correct DNS operation may become unreachable or less reachable depending on their overall DNS service architecture. It is the registrant's responsibility to ensure that their domain name does not rely on a glue record that has been removed and that it is delegated to a valid nameserver. The removal of glue records upon removal of the delegation point NS record mitigates the potential for use of orphan glue records in an abusive manner.

4.2.9 Promoting WhoIs Accuracy
Inaccurate WhoIs information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of WhoIs information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of WhoIs information in our TLD including:
– Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided WhoIs information by a member of the ARI Abuse and Compliance Team in order to verify all WhoIs information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant, who must then provide a contact number that is verified by the member of the ARI Policy Compliance team. In the event that the registrant is not able to be contacted by any of the methods provided in WhoIs, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate WhoIs information and is grounds for terminating the registration agreement).
– Semi-annual audits: to identify incomplete WhoIs information. Registrants will be contacted using provided WhoIs information and requested to provide missing information. In the event that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.
– Email reminders: to update WhoIs information to be sent to registrants every 6 months.
– Reporting system: a web-based submission service for reporting WhoIs accuracy issues available on the Abuse page of our registry website.
– Analysis of registry data: to identify patterns and correlations indicative of inaccurate WhoIs (eg repetitive use of fraudulent details).
Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate WhoIs information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.
The measures to promote WhoIs accuracy described above strike a balance between the need to maintain the integrity of the WhoIs service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner. Awareness by registrants that we will actively take steps to maintain the accuracy of WhoIs

information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.

4.3 Reactive – Identification
The methods by which abusive behaviour in our TLD may be identified are described below. These include detection by ARI and notification from third parties. These methods serve to merely identify and not determine whether abuse actually exists. Upon identification of abuse, the behaviour will be handled in accordance with '4.4 Abuse Handling'.
Any abusive behaviour identified through one of the methods below will, in accordance with Requirement 13 of the BITS Requirements, be notified immediately to relevant Registrars.

4.3.1 Detection – Analysis of Data
ARI will routinely analyse registry data in order to identify abusive domain names by searching for behaviours typically indicative of abuse. The following are examples of the data variables that will serve as indicators of a suspicious domain name and may trigger further action by the ARI Abuse and Compliance Team:
– Unusual Domain Name Registration Practices: practices such as registering hundreds of domains at a time, registering domains which are unusually long or complex or include an obvious series of numbers tied to a random word (abuse40, abuse50, abuse60) may, when considered as a whole, be indicative of abuse.
– Domains or IP addresses identified as members of a Fast Flux Service Network (FFSN): ARI uses the formula developed by the University of Mannheim and tested by participants of the Fast Flux PDP WG to determine members of this list. IP addresses appearing within identified FFSN domains, as either NS or A records shall be added to this list.
– An Unusual Number of Changes to the NS record: the use of fast-flux techniques to disguise the location of web sites or other Internet services, to avoid detection and mitigation efforts, or to host illegal activities is considered abusive in the TLD. Fast flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves. As such an unusual number of changes to the NS record may be indicative of the use of fast-flux techniques given that there is little, if any, legitimate need to change the NS record for a domain name more than a few times a month.
– Results of WhoIs audits: The audits conducted to promote WhoIs accuracy described above are not limited to serving that purpose but may also be used to identify abusive behaviour given the strong correlation between inaccurate WhoIs data and abuse.
– Analysis of cross-validation of registrant WhoIs data against WhoIs data known to be fraudulent.
– Analysis of Domain Names belonging to a registrant subject to action under the Anti-Abuse Policy: in cases where action is taken against a registrant through the application of the Anti-Abuse Policy, we will also investigate other domain names by the same registrant (same name, nameserver IP address, email address, postal address etc).

4.3.2 Abuse Reported by Third Parties
Whilst we are confident in our abilities to detect abusive behaviour in the TLD owing to our robust ongoing monitoring activities, we recognise the value of notification from third parties to identify abuse. To this end, we will incorporate notifications from the following third parties in our efforts to identify abusive behaviour:
– Industry partners through ARI's participation in industry forums which facilitate the sharing of information.
– LEA through a single abuse point of contact (our Abuse page on the registry website, as discussed in detail below) and an expedited process (described in detail in '4.4 Abuse Handling') specifically for LEA.
– Members of the general public through a single abuse point of contact (our Abuse page on the registry website).

4.3.2.1 Industry Participation and Information Sharing
ARI is a member of the Registry Internet Safety Group (RISG), whose mission is to facilitate data exchange and promulgate best practices to address Internet identity theft, especially phishing and malware distribution. In addition, ARI coordinates with the Anti-Phishing Working Group (APWG) and other DNS abuse organisations and is subscribed to the NXdomain mailing list. ARI's strong participation in the industry facilitates collaboration with relevant organisations on abuse-related issues and ensures that ARI is responsive to new and emerging domain name abuses. The information shared as a result of this industry participation will be used to identify domain names registered or used for abusive purposes. Information shared may include a list of registrants known to partake in abusive behaviour in other TLDs. Whilst presence on such lists will not constitute grounds for registrant disqualification, ARI will investigate domain names registered to those listed registrants and take action in accordance with the Anti-Abuse Policy. In addition, information shared regarding practices indicative of abuse will facilitate detection of abuse by our own monitoring activities.

4.3.2.2 Single Abuse Point of Contact on Website
In accordance with section 4.1 of Specification 6 of the Registry Agreement, we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all Registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, Registrars, LEA, government and quasi-governmental agencies and recognised members of the anti-abuse community.
The SAPOC's accurate contact details (email and mailing address as well as a primary contact for handling inquiries related to abuse in the TLD) will be provided to ICANN and published on the Abuse page of our registry website, which will also include:
– All public facing policies in relation to the TLD, including the Anti-Abuse Policy.

- A web-based submission service for reporting inaccuracies in WhoIs information.
- Registrant Best Practices.
- Conditions that apply to proxy registration services and direction to the SAPOC to report domain names that violate the conditions.

As such, the SAPOC may receive complaints regarding a range of matters including but not limited to:

- Violations of the Anti-Abuse Policy.
- Inaccurate WhoIs information.
- Violation of the restriction of proxy registration services to individuals.

The SAPOC will be the primary method by which we will receive notification of abusive behaviour from third parties. It must be emphasised that the SAPOC will be the initial point of contact following which other processes will be triggered depending on the identity of the reporting organisation. Accordingly, separate processes for identifying abuse exist for reports by LEA/government and quasi-governmental agencies and members of the general public. These processes will be described in turn below.

4.3.2.2.1 Notification by LEA of Abuse

We recognise that LEA, governmental and quasi-governmental agencies may be privy to information beyond the reach of others which may prove critical in the identification of abusive behaviour in our TLD. As such, we will provide an expedited process which serves as a channel of communication for LEA, government and quasi-governmental agencies to, amongst other things, report illegal conduct in connection with the use of the TLD.

The process will involve prioritisation and prompt investigation of reports identifying abuse from those organisations. The steps in the expedited process are summarised as follows:

1. ARI's Abuse and Compliance Team will identify relevant LEA, government and quasi-governmental agencies who may take part in the expedited process, depending on the mission/purpose and jurisdiction of our TLD. A means of verification will be established with each of the identified agencies in order to verify the identity of a reporting agency utilising the expedited process.
2. We will publish contact details on the Abuse page of the registry website for the SAPOC to be utilised by only those taking part in the expedited process.
3. All calls to this number will be responded to by the ARI Service Desk on a 24/7 basis. All calls will result in the generation of a ticket in ARI's case management system (CMS).
4. The identity of the reporting agency will be identified using the established means of verification (ARI's Security Policy has strict guidelines regarding the verification of external parties over the telephone). If no means of verification has been established, the report will be immediately escalated to the ARI Abuse and Compliance Team. Results of verification will be recorded against the relevant CMS ticket.
6. Upon verification of the reporting agency, the ARI Service Desk will obtain the details necessary to adequately investigate the report of abusive behaviour in the TLD. This information will be recorded against the relevant CMS ticket.
7. Reports from verified agencies may be provided in the Incident Object Description Exchange Format (IODEF) as defined in RFC 5070. Provision of information in the IODEF will improve our ability to resolve complaints by simplifying collaboration and data sharing.
8. Tickets will then be forwarded to the ARI Abuse and Compliance Team to be dealt with in accordance with '4.4 Abuse Handling'.

4.3.2.2.2 Notification by General Public of Abuse

Abusive behaviour in the TLD may also be identified by members of the general public including but not limited to other registries, Registrars or security researchers. The steps in this notification process are summarised as follows:

1. We will publish contact details on the Abuse page of the registry website for the SAPOC (note that these contact details are not the same as those provided for the expedited process).
2. All calls to this number will be responded to by the ARI Service Desk on a 24/7 basis. All calls will result in the generation of a CMS ticket.
3. The details of the report identifying abuse will be documented in the CMS ticket using a standard information gathering template.
4. Tickets will be forwarded to the ARI Abuse and Compliance Team, to be dealt with in accordance with '4.4 Abuse Handling'.

4.4 Abuse Handling

Upon being made aware of abuse in the TLD, whether by ongoing monitoring activities or notification from third parties, the ARI Abuse and Compliance Team will perform the following functions:

4.4.1 Preliminary Assessment and Categorisation

Each report of purported abuse will undergo an initial preliminary assessment by the ARI Abuse and Compliance Team to determine the legitimacy of the report. This step may involve simply visiting the offending website and is intended to weed out spurious reports, and will not involve the in-depth investigation needed to make a determination as to whether the reported behaviour is abusive.

Where the report is assessed as being legitimate, the type of activity reported will be classified as one of the types of abusive behaviour as found in the Anti-Abuse Policy by the application of the definitions provided. In order to make this classification, the ARI Abuse and Compliance Team must establish a clear link between the activity reported and the alleged type of abusive behaviour such that addressing the reported activity will address the abusive behaviour.

While we recognise that each incident of abuse represents a unique security threat and should be mitigated accordingly, we also recognise that prompt action justified by objective criteria are key to ensuring that mitigation efforts are effective. With this in mind, we have categorised the actions that we may take in response to various types of abuse by reference to the severity and immediacy of harm. This categorisation will be applied to each validated report of abuse and actions will be taken in accordance with the table below. It must be emphasised that the actions

to mitigate the identified type of abuse in the table are merely intended to provide a rough guideline and may vary upon further investigation.
Category 1
Probable Severity or Immediacy of Harm: Low
Examples of types of abusive behaviour: Spam, Malware
Mitigation steps:
1. Investigate
2. Notify registrant
Category 2
Probable Severity or Immediacy of Harm: Medium to High
Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control
Mitigation steps:
1. Suspend domain name
2. Investigate
3. Restore or terminate domain name
The mitigation steps for each category will now be described:

4.4.2 Investigation – Category 1
Types of abusive behaviour that fall into this category include those that represent a low severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in the dissemination of unsolicited information or the publication of illegitimate information. While undesirable, these activities do not generally present such an immediate threat as to justify suspension of the domain name in question. We will contact the registrant to instruct that the breach of the Anti-Abuse Policy be rectified. If the ARI Abuse and Compliance Team's investigation reveals that the severity or immediacy of harm is greater than originally anticipated, the abusive behaviour will be escalated to Category 2 and mitigated in accordance with the applicable steps. These are described below. The assessment made and actions taken will be recorded against the relevant CMS ticket.

4.4.3 Suspension – Category 2
Types of abusive behaviour that fall into this category include those that represent a medium to high severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in intrusion into other computers' networks and systems or financial gain by fraudulent means. Following notification of the existence of such behaviours, the ARI Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. Cancellation will result if, upon further investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, ARI will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.

Phishing is considered to be a serious violation of the Anti-Abuse Policy owing to its fraudulent exploitation of consumer vulnerabilities for the purposes of financial gain. Given the direct relationship between phishing uptime and extent of harm caused, we recognise the urgency required to execute processes that handle phish domain termination in a timely and cost effective manner. Accordingly, the ARI Abuse and Compliance Team will prioritise all reports of phishing from brand owners, anti-phishing providers or otherwise and carry out the appropriate mitigation response within 12 hours in accordance with the SLA's in place between us and ARI. In addition, since a majority of phish domains are subdomains, we believe it is necessary to ensure that subdomains do not represent an unregulated domain space to which phishers are known to gravitate. Regulation of the subdomain space is achieved by holding the registrant of the parent domain liable for any actions that may occur in relation to subdomains. In reality, this means that where a subdomain determined to be used for phishing is identified, the parent domain may be suspended and possibly cancelled, thus effectively neutralising every subdomain hosted on the parent. In our RRA we will require that Registrars ensure that their Registration Agreements reflect our ability to address phish subdomains in this manner.

4.4.4 Executing LEA Instructions
We understand the importance of our role as a registry operator in addressing consumer vulnerabilities and are cognisant of our obligations to assist LEAs, government and quasi-governmental agencies in the execution of their responsibilities. As such, we will make all reasonable efforts to ensure the integration of these agencies into our processes for the identification and handling of abuse by, amongst other things:
1. Providing expedited channels of communication (discussed above).
2. Notifying LEA of abusive behaviour believed to constitute evidence of a commission of a crime eg distribution of child pornography.
3. Sharing all available information upon request from LEA utilising the expedited process, including results of our investigation.
4. Providing bulk WhoIs information upon request from LEA utilising the expedited process.
5. Acting on instructions from a verified reporting agency.
It is anticipated that these actions will assist agencies in the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties. The relevant agencies are not limited to those enforcing criminal matters but may also include those enforcing civil matters in order to eliminate consumer vulnerabilities.
Upon notification of abusive behaviour by LEA, government or quasi– governmental agencies through the expedited process and verification of the reporting agency, a matter will be immediately communicated to us for our consideration. If we do not instruct ARI to refer the matter to us for

our resolution, the CMS ticket will be forwarded to the ARI Abuse and Compliance Team, which will take one of the following actions:
1. The reported behaviour will be subject to preliminary assessment and categorisation as described above. The reported behaviour will then be mitigated based on the results of the categorisation. A report describing the manner in which the notification from the agency was handled will be provided to the agency within 24 hours. This report will be recorded against the relevant CMS ticket.
OR
2. Where specific instructions are received from the reporting agency in the required format, ARI will act in accordance with those instructions provided that they do not result in the contravention of applicable law. ARI will, in accordance with their contractual commitment to us in the form of SLA's, execute such instructions within 12 hours. The following criteria must be satisfied by the reporting agency at this stage:
a. The request must be made in writing to ARI using a Pro Forma document on the agency's letterhead. The Pro Forma document will be sent to the verified agency upon request.
b. The Pro Forma document must be delivered to ARI by fax.
c. The Pro Forma document must:
i. Describe in sufficient detail the actions the agency seeks ARI to take.
ii. Provide the domain name/s affected.
iii. Certify that the agency is an 'enforcement body' for the purposes of the Privacy Act 1988 (Cth) or local equivalent.
iv. Certify that the requested actions are required for the investigation and/or enforcement of relevant legislation which must be specified.
v. Certify that the requested actions are necessary for the agency to effectively carry out its functions.
Following prompt execution of the request, a report will be provided to the agency in a timely manner. This report will be recorded against the relevant CMS ticket.
Finally, whilst we do not anticipate the occurrence of a security situation owing to our robust systems and processes deployed to combat abuse, we are aware of the availability of the Expedited Registry Security Request Process to inform ICANN of a present or imminent security situation and to request a contractual waiver for actions we might take or have taken to mitigate or eliminate the security concern.

5 RESOURCES

This function will be performed by ARI. Abuse services are supported by the following departments:

– Abuse and Compliance Team (6 staff)
– Development Team (11 staff)
– Service Desk (14 staff)

A detailed list of the departments, roles and responsibilities in ARI is provided as attachment 'Q28 – ARI Background & Roles.pdf'. This attachment describes the functions of the above teams and the exact number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.
Based on past experience ARI estimates that the existing staff is adequate to support a registry system that supports in excess of 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment 'Q28 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required.

ARI's Anti-Abuse Service serves to prevent and mitigate abusive behaviour in the TLD as well as activities that may infringe trademarks. These responsibilities will be undertaken by three teams. ARI's Development Team will be responsible for developing the technical platforms and meeting technical requirements needed to implement the procedures and measures adopted to mitigate the potential for abuse, identify abuse and handle identified abuse. ARI's Abuse and Compliance Team will be responsible for the ongoing implementation of measures to minimise abusive registrations and other activities that have a negative impact on Internet users. ARI's Service Desk will be responsible for responding to reports of abuse received through the abuse point of contact on the registry's website and logging these in a ticket in ARI's case management system.
The responsibilities of these teams relevant to the initial implementation and ongoing maintenance of our measures to minimise abusive registrations and other activities that affect the rights of trademark holders are described in our response to Question 29.
All of the responsibilities undertaken by ARI's Development Team, Abuse and Compliance Team, and Service Desk are inclusive in ARI's Managed TLD Registry services fee, which is accounted for as an outsourcing cost in our response to Question 47. The resources needs of these teams have been determined by applying the conservative growth projections for our TLD (which are identified in our response to Question 48) to the team's responsibilities at start-up and on an ongoing basis.

5.1 ARI Development Team
All tools and systems needed to support the initial and ongoing implementation of measures adopted to mitigate the potential for abuse, identify abuse and handle identified abuse will be developed and maintained by ARI. ARI has a software development department dedicated to this

purpose which will ensure that the tools are fit for purpose and adjusted as requirements change. ARI's Development Team participate actively in the industry; this facilitates collaboration with relevant organisations on abuse related issues and ensures that the ARI Development Team is responsive to new and emerging domain name abuses and the tools and systems required to be built to address these abuses. This team consists of:
- 1 Development Manager
- 2 Business Analysts
- 6 Developers
- 2 Quality Analysts

5.2 ARI Abuse and Compliance Team
ARI's Abuse and Compliance Team will be staffed by six full-time equivalent positions. These roles will entail the following:
Policy Compliance Officers: A principal responsibility of the Policy Compliance Officers will be handling notifications of abuse through the SAPOC. This will involve managing the expedited process, identifying and categorising suspected abuse according to our Anti-Abuse Policy, and carrying out the appropriate mitigation response for all categorised abuses. When abuse is identified, Policy Compliance Officers will investigate other domain names held by a registrant whose domain name is subject to a mitigation response. They will maintain a list of and disqualify registrants found to have repeatedly engaged in abusive behaviour. They will also be responsible for analysing registry data in search of behaviours indicative of abuse, reviewing industry lists in search of data that may identify abuse in the TLD.
Another key responsibility of Policy Compliance Officers will be implementing measures to promote WhoIs accuracy (including managing and addressing all reports of inaccurate WhoIs information received from the web submission service) and verifying the physical address provided by a registrant against various databases for format and content requirements for the region.
Policy Compliance Officers will act on the instructions of verified LEA and Dispute Resolution Providers and participate in ICANN and industry groups involved in the promulgation of policies and best practices to address abusive behaviour. They will escalate complaints and issues to the Legal Manager when necessary and communicate with all relevant stakeholders (Registrars, registrants, LEA, general public) as needed in fulfilling these responsibilities. This role will be provided on a 24⁄7 basis, supported outside of ordinary business hours by ARI's Service Desk. Policy Compliance Officers will be required to have the following skills⁄qualifications: customer service⁄fault handling experience, comprehensive knowledge of abusive behaviour in a TLD and related policies, Internet industry knowledge, relevant post-secondary qualification, excellent communication and professional skills, accurate data entry skills, high-level problem solving skills, and high-level computer skills.
Legal Manager: The Legal Manager will be responsible for handling all potential disputes arising in connection with the implementation of ARI's Anti-Abuse service and related policies. This will involve assessing escalated complaints and issues, liaising with Legal Counsel and the registry operator, resolving disputes and communicating with all relevant stakeholders (Registrars, registrants, LEA, general public) as needed in fulfilling these responsibilities. The Legal Manager will be responsible for forwarding all matters requiring determination by the registry operator which fall outside the scope of ARI's Anti-Abuse functions. The Legal Manager will be required to have the following skills⁄qualifications: legal background (in particular, intellectual property⁄information technology law) or experience with relevant tertiary or post-graduate qualifications, dispute resolution experience, Internet industry experience, strong negotiation skills, excellent communication and professional skills, good computer skills, high-level problem solving skills.
Legal Counsel: A qualified lawyer who will be responsible for all in-house legal advice, including responding to LEA and dealing with abusive behaviour.
The team consists of:
- 4 Policy Compliance Officers
- 1 Legal Manager
- 1 Legal Counsel

5.3 ARI Service Desk
ARI's Service Desk will be staffed by 14 full-time equivalent positions. Responsibilities of Service Desk relevant to ARI's Anti-Abuse Service include the following: responding to notifications of abuse through the abuse point of contact and expedited process for LEA, logging notifications as a ticket in ARI's case management system, notifying us of a report received through the expedited process for LEA, government and quasi-governmental agencies, and forwarding tickets to ARI's Abuse and Compliance team for resolution in accordance with the Anti-Abuse Policy.
For more information on the skills and responsibilities of these roles please see the in-depth resources section in response to Question 31.
Based on the projections and the experience of ARI, the resources described here are more than sufficient to accommodate the needs of this TLD.
The use of these resources and the services they enable is included in the fees paid to ARI which are described in the financial responses.

29. Rights Protection Mechanisms

The Registry is committed to a comprehensive strategy on Rights Protection Mechanisms (RPM). The Registry works closely with DotAsia Organisation (through Namesphere) and draws from the

successful experience and knowledge of the RPM measures implemented for the .ASIA, especially in its acclaimed Sunrise process and its contributions to rapid suspension policies.

29.1 Sunrise and Startup Processes

A comprehensive Sunrise and startup process is the key to successful RPMs. A successful Sunrise program not only provides priority to rights holders, but also sends a clear message to the market that the TLD is serious about RPMs, thereby further deterring abusive registrations.

The Sunrise process provides for the introduction of the TLD in an orderly and equitable manner. Its purpose is to give reasonable protection and priority to stakeholders and certain prior rights holders, as well as to deter abusive and bad faith registrations. The Sunrise policies are also designed to facilitate reliability for ICANN Accredited Registrars and fair competition amongst registrants. It is intended to create a stable and effective launch and registration process for the benefit of various stakeholders and the Internet community at large.

Learning from the successful experience of the .ASIA sunrise, which achieved 0 disputes and also 100% satisfaction (satisfied or very satisfied) in an online poll of Intellectual Property Rights (IPR) practitioners, the Registry will implement a thorough and multi-phased Sunrise and startup process similar to that of the .ASIA registry.

A comprehensive set of Sunrise policies will be put in place in addition to the standard Sunrise and Trademark Claims services as specified in SPECIFICATION 7: MINIMUM REQUIREMENTS FOR RIGHTS PROTECTION MECHANISMS, of the New gTLD Registry Agreement. The Sunrise policies will follow a similar framework of the .ASIA Sunrise Policies (http://dot.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf), in so far as it does not conflict with the specification 7.

29.1.1 Standard Sunrise and Trademark Claims Services

As a basic commitment, the Registry will implement the requirements from Specification 7 of the New gTLD Registry Agreement, and in accordance to the relevant Trademark Clearing House (TMCH) Sunrise and Trademark Claims services.

For this standard Sunrise, the Registry will establish, at a minimum, the eligibility requirements verified by Clearinghouse data, and incorporate a Sunrise Dispute Resolution / Challenge Policy. The standard Sunrise eligibility requirements include: (i) ownership of a mark that satisfies the criteria set forth in section 7.2 of the Trademark Clearing House specifications, (ii) description of international class of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

The Registry believes that these form only the very basic layer of RPM and will therefore add significant measures on top of the standard process to ensure that prior rights of others are not abused.

In terms of Sunrise, Specification 7 and the TMCH descriptions only provide a basic framework for Trademark holders to protect names that are identical to their trademark. The Registry believes that additional protection is important and can be efficiently and effectively put in place with a multi-phased Sunrise program. Further discussion about this is included in 29.1.4 below.

29.1.2 Auction Process

An important part of the success of the .ASIA Sunrise program is the use of auction in the resolution of contention. It is known that many Trademarks are similar or identical because of the different jurisdictions and different classes. Therefore, it is inevitable that there would be some competition among rights holders to certain names. A complete Sunrise program requires a contention resolution mechanism that works to reduce the tension of competition and resolve the issue in a stable and orderly manner.

When the .ASIA Sunrise Auction process was first introduced, the community was worried about possible high prices in the auctions making it costly for trademark holders. The results of the process demonstrate however the original intent prevailed. If a pure first-come-first-served model is used, the tension at the opening of the registry at the Sunrise period would be extremely high. Also, because of the competition, the so-called FCFS approach essentially becomes a lottery and one that favours registrars with systems in closer proximity to the registry servers. The tension and the inherent unjust of the process caused thousands of disputes and litigation in previous launches of TLDs utilizing such an approach.

In the .ASIA Sunrise process, a total of about 30,000 applications were received. Out of which less than 2% ended up in an auction. Furthermore, only about 40% ended up in a contested auction (i.e. that there was more than 1 bid in the auction). What that means is that, while it demonstrated clearly that there is certainly competition among trademark holders, it only represents a very small portion. Also, when there was more than one verified applicant for a Sunrise domain and an auction is setup, many trademark holders elect not to bid for the name. Based on the understanding from DotAsia, it is found that many trademark holders do know that their mark is “shared” by other companies, perhaps in different jurisdiction or in different categories. Their motivation to participate in the Sunrise is to avoid abuse of their mark by other parties. Because in the Sunrise process, before an auction is held, each of the verified applicants will be given the information of the other verified applicants in the auction ahead of time. They therefore know who else is bidding for the name and can evaluate whether the other party may in fact abuse their mark. Knowing that the other party is another legitimate trademark

holder who may not be abusing their mark, many of the trademark holders elected not to bid and let the other party win the auction with a nominal bid at $10.

What this illustrates is that the auction process is a very successful tool in reducing the stress of the people and the systems in the launch of a registry. Overall, the average winning price of the auctions in the .ASIA startup process was less than US$200. That represents a significant cost benefit for rights holders in comparison to possible litigation or alternative dispute resolution proceedings.

29.1.3 Sunrise Challenge (Dispute Resolution) Process

Besides a contention resolution process, an important part of any Sunrise process is a well developed Sunrise Challenge Process to ensure the integrity of the Sunrise program. The Sunrise Challenge Process is important such that after the allocation of a Sunrise name, there is a period of time where legitimate rights owners can challenge the legitimacy and eligibility of a registrant based on the Sunrise policies to a domain name.

Following again the .ASIA experience, a comprehensive Sunrise Challenge (Dispute Resolution) Process will be put in place and a dispute resolution provider will be selected to arbitrate disputes. A sample of the .ASIA Sunrise Challenge Process is included in the Attached. As part of the requirement of Specification 7 of the new gTLD Registry Agreement, An SDRP will be adopted to allow any party to raise a challenge on at least the four grounds identified in the Applicant Guidebook at TMCH s6.2.4. The remedy will be cancellation or deletion of a successfully challenged domain name. All registrants will be required to submit to proceedings under the SDRP, which will specify that SDRP claims may be raised after registration of a sunrise domain and will require that complaints clearly identify the challenger, the challenged domain, and the ground/s on which the complaint is based.

29.1.4 Additional Protection Mechanisms for Sunrise

In addition to the basic “identical” match of a Trademark to a domain name applied for during the Sunrise period, the Registry intends to follow the successful example of .ASIA to include additional types of matches, for example:
- Exceptions for registered mark (tm, sm, etc.) type or entity type (ltd, inc, etc.) identifiers
- Exceptions for the TLD string (i.e. allowing marks containing the TLD string to omit that substring)
- Considerations for commonly used short forms and omission of locality indications
- Acceptance of standard Romanization and Transliterations for Company Names
- Extended protection for trademarks + the class of the trademark (e.g. “BRAND Shoes” or “BRAND Computers”, etc.)

These considerations allow trademark holders priority registration opportunity to protect names that are important and related to them.

29.1.5 Community Sunrise Considerations

The Registry will also develop specialized phases targeted to provide priority registration periods for the community that the Registry will be primarily serving. For example, in the .ASIA Sunrise, Asian businesses and registered companies are allowed to participate in one of the phases of the Sunrise program ahead of the general availability of the domain. This allowed many Asian businesses who may not have a registered trademark to make use of the Sunrise process to protect their name.

For .spa, three additional sets of considerations will be considered:

29.1.5.1 Primary Community Considerations

The primary community has been described in #20c, and can be clearly delineated based on the response in #20e A) Eligibility. In summary:
- Spa operators, professionals and practitioners
- Spa associations and their members around the world
- Spa products and services manufacturers and distributors

A special phase in the Sunrise, before the general standard trademark Sunrise, should be afforded to allow the primary community a priority to register names corresponding to their spa related operations.

In order to be eligible for Sunrise as a community member, the registrant must be able to provide information/data demonstrating that they have:
1. A valid operating license, where applicable;
2. A spa, beauty or wellness certification, where applicable;
3. A valid business registration;
4. A membership with any spa or wellness industry association;
5. A declaration that the domain will be used for the promotion of spas and wellness related products or services.

For community organizations, such as spa associations, to be eligible, the registrant must be able to provide information/data substantiating that they have:
1. A valid entity registration, or equivalent;
2. Proof that the organization accepts members from the spa and wellness community; and,
3. A declaration that the domain will be used for the promotion of the spa and wellness

community.

Furthermore, primary community members whose name itself contains the word “spa” should be able to omit that word for the second level domain name applied for under the “.spa” TLD. For example a spa with the name “ABCD Spa” should be able to apply for “abcd.spa” with the domain name applied for being considered an acceptable match to their entity name. This is similar to section 3.3.4 Exceptions for the term “Asia” in the .ASIA Sunrise Policies (http://dot.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf).

29.1.5.2 Secondary Community Considerations

(From #20) The secondary community generally also includes holistic and personal wellness centers and organizations. While these secondary community organizations do not relate directly to the operation of spas, they nevertheless often overlap with and participate in the spa community and may share certain benefits for the utilization of the .spa domain. Together the industry calls it generally the “spa and wellness” community. In this document, we will use both “spa and wellness community” as well as “spa community”.

A special phase in the Sunrise, together with or after the general standard trademark Sunrise, should be afforded to allow the secondary community a priority to register names corresponding to their spa related operations before Landrush. This could be handled similar to Sunrise 3 of the .ASIA Sunrise process (http://dot.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf), with requirements and processes similar to Primary Community members (except with a lower priority).

29.1.5.3 Coincidental Usage Considerations

(From #22) Based on the research as described in #20d, we recognize that there is coincidental usage of the string “spa” in other contexts beyond its predominant meaning. For completeness in mitigating against abusive usage of the .spa TLD based on such coincidental usage, the Registry will put in place 3 key measures to address potential concerns:
1. Reserved Names List
2. Special Sunrise Consideration
3. Claim & Notification Mechanism

Some details have already been included in the response to #22.

These RPMs are especially put in place to ensure that the prior rights of those who may be unintentionally implicated also be considered and protected.

For the set of reserved names put in place and added to the Reserved Names List, an ongoing activation mechanism similar to Sunrise 1 of the .ASIA Sunrise policies (http://dot.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf) which is also an ongoing process for the activation of governmental reserved names.

If special Sunrise Considerations are included, i.e. if a phase of the .spa Sunrise would allow for entities for which coincidental usage of the string “spa” has an implicative meaning for them to apply for their corresponding name under .spa during Sunrise, then a mixture of a similar mechanism as .ASIA Sunrise 1 (for the activation of reserved names based on the Town of Spa in Belgium) and .ASIA Sunrise 3 (for application of registered entity name in Italy, i.e. registered “Società Per Azioni”, i.e. S.p.A.) could be utilized.

Especially for registered “Società Per Azioni” (i.e. S.p.A.) companies, the .spa Registry is prepared to work closely with the relevant authorities in Italy to explore the best approach to minimize unintended conflicts and/or circumventive abuse of .spa domains.

Such measures could include at one end of the spectrum to reserve all registered “Società Per Azioni” (i.e. S.p.A.) to another end of the spectrum where registrations are open and standard RPM of UDRP and URS are relied upon.

The Registry believes it is most appropriate to work with GAC and hear from GAC any further advice, if any, before completing the policy development process for the .spa TLD, especially for the Sunrise process involving coincidental usage of the TLD string “spa”. It is also important to maintain a balance where the primary community for the .spa TLD is not disenfranchised.

As a strawman proposal, the Registry suggests the following framework for handling the overlap with registered “Società Per Azioni”, i.e. S.p.A. entities:
1. Initially reserve all registered “Società Per Azioni”, i.e. S.p.A. entity names during Sunrise and Landrush
2. Allow activation of the names through a special Sunrise process
3. Continue to reserve all registered “Società Per Azioni”, i.e. S.p.A. entity names for 18 months from Go Live of the .spa TLD (and allow for ongoing activation by such entities)
4. Release the reservations and put in place a claims and notification process for another 6 months to ensure that new .spa registrants are aware if their registered .spa domain name may overlap with a registered “Società Per Azioni”, i.e. S.p.A., and that the registered “Società Per Azioni”, i.e. S.p.A. is notified of such registration.

This should provide a suitable balance that would ensure a stable and orderly introduction of the .spa TLD with due consideration for the protection of coincidental usage of the string “S.p.A” without compromising the long term development of the spa and wellness community .spa TLD.

Finally, it is important to note that all .spa registrants must still adhere to the mandatory guidelines and remain consistent with the community purpose of the .spa TLD, especially in promoting positive energy and a highly ethical, professional and tolerant attitude balanced with vigilant measures against abusive behaviours and described in #20d and #20e.

29.1.6 Reconsideration and Amendments Process

Besides the multitude of provisions for rights holders to participate in the Sunrise process, another important feature of the success of the .ASIA Sunrise program is the inclusion of a built-in reconsideration and amendment process. Because of the many applications a trademark holder may need to be filing, especially considering in the future the many new gTLD launches, it is possible that clerical mistakes and errors could be made in the Sunrise application. The .ASIA Sunrise process included a built-in reconsideration and amendment process that was critical to the overall success of the program. The success rate of the .ASIA Sunrise applications was over 90% as compared to other previous Sunrise launches where the success rate may be closer to 50-60%.

This explains the high approval rating of the .ASIA Sunrise program and also the rationale for the Registry to learn from and follow the good example set by .ASIA in the development of its comprehensive Sunrise policies.

29.1.7 Proactive Outreach and Specialized Programs

Furthermore, on top of the Sunrise program, a Pioneer Domains Program will be put in place to provide even further protection for prior rights holders while maintaining a strong balance against users' rights.

Two features of the Pioneer programs for rights holders include: 1) the ability to apply for typo or other variant forms of their trademark to improve protection; 2) the use of the Pioneer Domains Challenge process to protect against abuse.

Again, following from the success of the .ASIA startup processes, the Registry intends to put in place a Pioneer Domains Program similar to the .ASIA Pioneer Domains Program (http://pioneer.domains.asia/ascii/policies.html). Together with the Pioneer Domains Program, a Pioneer Domains Challenge Process will be put in place (http://pioneer.domains.asia/ascii/challenge.html).

In short, the Pioneer Domains Program invites potential registrants to submit proposals, explaining how they would use and promote the domain name. Each proposal will require an application fee and prior acknowledgment and acceptance of relevant terms and conditions. Evaluation criteria will take into account the applicant's business plan, marketing expertise, and the manner and purposes for which the proposed site would be operated. For Trademark applicants, the evaluation criteria is based on the trademarks filed and the rights holder can also apply for variations relevant to their mark.

29.1.8 Additional RPM Considerations

In addition to the RPMs mandated by the Applicant Guidebook, certain requirements proposed in the '2011 Proposed Security, Stability and Resiliency Requirements for Financial TLDs' (at http://www.icann.org/en/news/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf) (the 'BITS Requirements) will be adopted. We acknowledge that these requirements were developed by the financial services sector in relation to financial TLDs, but nevertheless believe that their adoption in this TLD (which is not financial-related) results in a more robust approach to combating abuse. The following requirements will be adopted:
Req. 6: annual certification to ICANN of compliance with the Registry Agreement.
Req. 8: provision and maintenance of valid Registry Operator primary contact information (name, email address, and phone number) on the registry website.
Req. 10: re-validation of Registry-Registrar Agreements at least annually.
Req. 13: immediate notification to Registrars regarding any RPM investigation or compliance action including the nature of the investigation or compliance action by ICANN or any outside party.
The Registry-Registrar Agreement (RRA) will additionally impose upon Registrars the following requirements:
Req. 7: Annual certification to ICANN compliance with the Registrar Accreditation Agreement (RAA).
Req. 9: Provision and maintenance of valid primary contact information (name, email address, and phone number) on Registrar's website.
Req. 19: Disclosure of registration requirements on Registrar's website.

29.2 UDRP, URS and other Suspension Processes

While the Startup process, including the multi-phased Sunrise program provides a proactive process for prior rights holders to protect their names under the TLD in a priority registration process, RPMs after the allocation and delegation of a second level domain under the TLD is equally important.

29.2.1 UDRP Implementation

The Registry will comply with and put in place mechanisms to ensure the enforcement of UDRP decisions. These include provisions within the Registry-Registrar Agreements (RRA) with Accredited Registrars to ensure that they have adequate provisions in their Registration

agreement with registrants to submit to UDRP proceedings, as well as to work closely with Accredited registrars in the implementation of UDRP decisions and required actions through the URS process.

29.2.2 URS Implementation

The URS is a new RPM the implementation of which is mandated in all new gTLDs. The URS is targeted at providing a rapid takedown solution to clear-cut cases of cybersquatting. It is intended to have a deterrent effect and reduce the number of UDRP disputes. The URS is intended to supplement and not replace the UDRP, and the Applicant Guidebook foreshadows (at URS ss8.6 & 13) the likelihood of URS claimants also commencing UDRP claims. For this reason the URS Implementation Plan considers potential interaction between URS and UDRP stakeholders. The following stakeholders are involved in implementation of the URS:
- URS claimants
- Registrants
- Registrars
- Registry operator
- ARI
- URS provider/s
- URS Examiner

The roles of these stakeholders are described below by reference to:
- URS Implementation Plan
- Contractual implementation

The URS Implementation Plan identifies certain aspects of implementation that are not clearly addressed in the Applicant Guidebook. For example, the Guidebook does not specify how from an operational perspective suspension of a domain name will transform to another status (e.g., transfer of a domain following a successful UDRP challenge); we assume that such a status change would only occur upon expiry of a registration but acknowledge the potential for further development of URS policy to allow for change of status as a result of a subsequent UDRP decision. In addition to identifying such gaps, the URS Implementation Plan identifies our proposed method of addressing these. Furthermore, understanding that a fundamental aim of the URS is expediency, all steps in the Implementation Plan below will be undertaken as soon as practical but without compromising security or accuracy.

29.2.2.1 Implementation

URS Implementation Plan

1. As an initial step, ARI will notify to each URS provider an email address for all URS-related filings and other correspondence. On an ongoing basis, ARI's Abuse and Compliance Team will monitor this address for communications from URS providers. ARI will validate all correspondence received from a URS provider.
2. ARI will within 24 hours of receipt of a URS Notice of Complaint lock the domain name/s the subject of complaint by restricting all changes to the registration data, including transfer and deletion of the domain name. The domain name will continue to resolve while in this locked status.
3. ARI will immediately notify the URS provider in the manner requested by the URS provider once the domain name/s have been locked.
4. Upon receipt of a favourable URS Determination ARI will lock the domain name the subject of the Determination for the balance of the registration period and redirect the nameservers to an informational web page provided by the URS provider. While a domain name is locked, ARI will continue to display all of the WhoIs information of the original registrant except for the redirection of the nameservers and (subject to future policy development taking into account the transfer of a URS-locked domain name following a successful UDRP challenge) the additional statement that the domain will not be able to be transferred, deleted or modified for the life of the registration.
5. Upon receipt of notification from the URS provider of termination of a URS proceeding ARI will promptly unlock the domain and return full control to the registrant.
6. Where a default has occurred (in accordance with the Applicant Guidebook at URS s6.1) and a Determination has been made in favour of the complainant, in the event that ARI receives notice from a URS provider that a Response has been filed in accordance with s6.4, ARI will as soon as practical restore a domain name to resolve to the original IP address while preserving its locked status until a Determination from de novo review is notified to ARI.
7. ARI will ensure that no changes are made to the resolution of a domain name the subject of a successful URS Determination until expiry of the registration or the additional registration year unless otherwise instructed by UDRP provider.
8. ARI will make available to successful URS complainants an optional extension of the registration period for one additional year at commercial rates. We understand that this requirement has been based on the provision in the Expired Domain Deletion Policy (3.7.5.7 of the 2009 RAA), under which there is no requirement to notify the complainant that a name is due to expire. From this we conclude that there is likewise no requirement on this TLD to notify a successful URS complainant that a name is due to expire.
9. The Applicant Guidebook specifies that renewal must be offered 'at commercial rates' but does not specify how and to whom the renewal payment should be made. If payment is to be made to a stakeholder other than the registry operator, it is not clear how this will be received by the registry operator. ARI's Abuse and Compliance Team will be prepared and have the expertise and flexibility necessary to develop the technical and financial interfaces necessary to facilitate the receipt of renewal fees by ARI.

Contractual Implementation

The following features of the URS Implementation Plan described above will be executed by inclusion of corresponding clauses in the RRA:
– In the event that a registrant does not submit an answer to a URS complaint in accordance with the Applicant Guidebook at URS s6.1 (default), Registrars must prevent registrants from making changes to the WhoIs information of a registration in default.
– Registrars must prevent changes to a domain in locked status to ensure that both the Registrar's systems and registry's systems contain the same information for the locked domain.
– Registrars must not take any action relating to a URS proceeding except as in accordance with a validated communication from ARI or a URS provider.

29.2.3 Other Suspension Programs

In addition to the basic dispute and suspension programs, the Abuse Prevention Mechanisms as described in #28 as well as the geographical names reservation processes described in #22, the Registry, following the footsteps of the .ASIA Registry as well, will explore appropriate suspension mechanisms and challenge processes to further improve the protection to prior rights holders.

For example, .ASIA has completed an MoU with the International Federation Against Copyrights Theft Greater China (IFACT-GC), and has explored extensively and works closely with the Anti-Phishing Working Group on possible alternative rapid suspension processes against gross copyright infringement and phishing sites. These discussions also helped inform some of the discussions that lead to the development of the URS.

Given the focus of the TLD, the Registry will also consider and explore adopting other relevant forums for domain dispute resolution. For example, the Registry may explore the adoption of other industry arbitration processes relevant to the use to broaden the protection of the legitimate prior rights of others in the registration of domain names in the TLD. These measures will be put in place in addition to not in replacement of and must not be in conflict of the basic requirements of submitting to UDRP, URS and other ICANN policies.

29.2.4 Post-Delegation Dispute Resolution Process (PDDRP)

While the Registry is confident that its processes and policies will be effective in curbing abusive registrations, and that it has the knowledge and capabilities to implement and enforce such measures, the Registry is fully prepared to work with ICANN should a PDDRP be initiated.

The Registry fully submits to the process and, along with its Backend Registry Services Provider as well as Front End Registry Services Provider, will comply with all ICANN requirements through a PDDRP.

29.2.5 ARI Abuse and Compliance Team

ARI's Abuse and Compliance Team will be staffed by five full-time equivalent positions:
– 4 Policy Compliance Officers
– 1 Legal Manager
Policy Compliance Officers will be responsible for managing sunrise and landrush applications, supporting the SDRP, TM Claims Service, URS, UDRP and Trademark PDDRP, managing communications with the TMCH, receiving, assessing and managing trademark infringement complaints received through the single abuse point of contact, escalating complaints and issues to the Legal Manager when necessary and communicating with all relevant stakeholders (Registrars, registrants, trademark holders, general public) as needed in fulfilling these responsibilities. This role will be provided on a 24⁄7 basis supported outside of ordinary business hours by ARI's Service Desk. Policy Compliance Officers will be required to have the following skills⁄qualifications: customer service⁄fault handling experience, complete knowledge of all RPMs offered by the TLD and related policies, Internet industry knowledge, relevant post-secondary qualification, excellent communication and professional skills, accurate data entry skills, high-level problem solving skills, and high-level computer skills.

The Legal Manager will be responsible for handling all potential disputes arising in connection with RPMs and related policies. This will involve assessing complaints and issues, liaising with legal counsel and management, resolving disputes and communicating with all relevant stakeholders (Registrars, registrants, trademark holders, general public) as needed in fulfilling these responsibilities. The Legal Manager will be required to have the following skills⁄qualifications: legal background (in particular, intellectual property⁄information technology law) or experience with relevant tertiary or post-graduate qualifications, dispute resolution experience, Internet industry experience, excellent communication, negotiation, problem solving and professional skills and good computer skills.

For more information on the skills and responsibilities of these roles, please see the in-depth resources section in response to Question 31. Based on the projections and the experience of ARI, the resources described here are more than sufficient to accommodate the needs of this TLD.

29.3 Meeting & Exceeding Requirements

29.3.1 Capabilities and Knowledge

The Registry is supported by Namesphere as the Front-End Services provider, and works closely with DotAsia Organisation (through Namesphere) to develop the Sunrise and Startup processes as well as agreements and other administrative proceedings to ensure effective, efficient and

implementable enforcement of such policies and processes.

DotAsia has significant knowledge and expertise in the development and successful implementation of Sunrise and RPM policies, as demonstrated by the successful launch of the .ASIA TLD. A dedicated team comprised of DotAsia, the Registry and our Registry Back-End Services Provider will be convened to ensure that policy as well as technical capabilities are in place to support the RPMs.

29.3.2 Compliance with Specification 7

The Registry is committed to comply with Specification 7 of the New gTLD Registry Agreement, and plans to implement additional RPM on top of the basic requirements of Specification 7.

29.3.3 Plans for Meeting Compliance with Contractual Requirements

The Registry, along with its Front-End Services Provider and Back-End Services Provider will work to ensure that contractual compliance is met. Besides the basic requirements in Specification 7, the Registry intends to consult with ICANN through the process as additional RPMs are put in place to ensure that they also comply with contractual requirements. With the strong experience from our partners, especially from DotAsia, the Registry can be assured that it will meet and comply with all the ICANN contractual requirements.

The following will be memorialized and be made binding via the Registry-Registrar and Registrar-Registrant Agreements:

The registry may reject a registration request or a reservation request, or may delete, revoke, suspend, cancel, or transfer a registration or reservation under the following criteria:
a. to enforce registry policies and ICANN requirements; each as amended from time to time;
b. that is not accompanied by complete and accurate information as required by ICANN requirements and/or registry policies or where required information is not updated and/or corrected as required by ICANN requirements and/or registry policies;
c. to protect the integrity and stability of the registry, its operations, and the TLD system;
d. to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the registry;
e. to establish, assert, or defend the legal rights of the registry or a third party or to avoid any civil or criminal liability on the part of the registry and/or its affiliates, subsidiaries, officers, directors, representatives, employees, contractors, and stockholders;
f. to correct mistakes made by the registry or any accredited registrar in connection with a registration; or
g. as otherwise provided in the Registry-Registrar Agreement and/or the Registrar-Registrant Agreement.

29.3.4 Consistency with Technical, Operational and Financial Approach

The use of pendingCreate along with other registry system features ensure that Sunrise and other startup processes could be processed in a standards based manner. In addition, DotAsia has helped to work out an open EPP extension for the implementation of Sunrise applications:

These EPP Extensions include:
• An 〈ipr:name〉 element that indicates the name of Registered Mark.
• An 〈ipr:number〉 element that indicates the registration number of the IPR.
• An 〈ipr:ccLocality〉 element that indicates the origin for which the IPR is established (a national or international trademark registry).
• An 〈ipr:entitlement〉 element that indicates whether the applicant holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”.
• An 〈ipr:appDate〉 element that indicates the date the Registered Mark was applied for.
• An 〈ipr:regDate〉 element that indicates the date the Registered Mark was issued and registered.
• An 〈ipr:class〉 element that indicates the class of the registered mark.
• An 〈ipr:type〉 element that indicates the Sunrise phase the application applies for.

Note that some of these extensions might be subject to change based on ICANN-developed requirements for the Trademark Clearinghouse and also specific implementation of the Sunrise process at the Registry.

29.3.5 Committed Resource to Carry out plans

Both ARI and Namesphere as the Registry Back-End and Registry Front-End Services provider respectively have teams prepared and dedicated with capacity and capability to implement a comprehensive Sunrise and Startup process as well as the additional RPM measures that the Registry intends to put in place.

29.3.6 Rights Protection as A Core Objective

Based on the in depth discussion and commitment to the multitude of RPM features as well as a multi-phased startup process to ensure the stable and orderly introduction of the TLD, the Registry believes that it has demonstrated its commitment to rights protection as a core objective.

Beyond RPMs, the comprehensive geographical names protection program as explained in #22 further demonstrates the dedication of the Registry towards the protection of the prior rights of others.

29.3.7 Effective Mechanisms in Addition to Requirements in Registry Agreement

The policies and processes proposed by the Registry are proven and time tested to be effective in curbing abusive registrations. The .ASIA sunrise processes were highly regarded by the industry and yielded 100% satisfaction rating from an online poll of Intellectual Property Rights practitioners.

Much of the approach has been tested and proven successful through the launch of the .ASIA TLD. The success of the process can be observed by the imitation or following of the processes, including the multi-phased startup, the auction based contention resolution, as well as the Pioneer Domains Program (i.e. an Request for proposal -- RFP -- type process) are now commonly used processes when a TLD is launched or certain section of names are released by a TLD (e.g. 1 and 2 character names in existing gTLDs).

30(a). Security Policy: Summary of the security policy for the proposed registry

We have engaged ARI Registry Services (ARI) to deliver services for this TLD. ARI provide registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment 'Q30a – ARI Background & Roles.pdf'. This response describes Security as implemented by ARI under direction from the registry operator taking into account any specific needs for this TLD.

1 SECURITY POLICY SUMMARY

ARI operates an ISO27001 compliant Information Security Management System (ISMS) for Domain Name Registry Operations; see attachment 'Q30a – SAI Global Certificate of Compliance.pdf'. The ISMS is an organisation-wide system encompassing all levels of Information Security policy, procedure, standards, and records. Full details of all the policies and procedures included in the ISMS are included in the attachment to Question 30b.

1.1 The ISMS
ARI's ISMS's governing policy:
– Defines the scope of operations to be managed (Domain Name Registry Operations).
– Designates the responsible parties (COO, CTO and Information Security Officer) for governance, Production Support Group for implementation and maintenance, and other departments for supporting services.
– Requires a complete Risk Assessment (a developed Security Threat Profile for the Service – in this case registry services for the TLD – and a Risk Analysis tracing threats and vulnerabilities through to Risks) and Risk Treatment Plan (each major risk in the Risk Assessment references the Statement of Applicability indicating controls to be implemented, responsible parties, and the effectiveness metrics for each).
– Includes a series of major sub policies governing security, which include but are not limited to:
 – ICT acceptable use policy and physical security policies.
 – PSG Security Policy which outlines the registry operations policies, the management of end-user devices, classification of networks and servers according to the classification of information they contain, networking, server & database configuration and maintenance guidelines, vulnerability and patch management, data integrity controls, access management, penetration testing, third party management, logging and monitoring, and cryptography.
– Requires ongoing review:
 – Of risks, threats, the Risk Treatment Plan, client requirements and commitments, process and policy compliance, process and policy effectiveness, user etc.
 – Regular internal and external penetration testing & vulnerability scanning.
 – Ad-hoc review raised during normal operations, common sources being change management processes, scheduled maintenance or project debriefs, and security incidents.
 – Yearly review cycle which includes both internal and external audits, including external surveillance audits for compliance.
 – Additional yearly security controls assessment reviews, which include analysis of the security control implementations themselves (rather than compliance with any particular standard).
 – At 24 month intervals, external penetration testing of selected production services.
 – periodic ISO reaccreditation
ARI's ISMS encompasses the following ARI standards:
– Configuration standards for operating systems, networking devices and databases based on several key publications, including those released by NIST (eg SP800-123, SP800-44v2, SP-800-40, SP800-41) and the NSA, staff testing and experience, and vendor supplied standards.
– Security Incident Classification, which identifies the various classifications of security incidents and events to ensure that events that qualify as security incidents.
– Information Classification and Handling which specifies the information classification scheme and the specific requirements of handling, labelling, management and destruction for each level of classification.

1.2 SECURITY PROCESSES
Processes are used to implement the policies. These include, but are not limited to:

1.2.1 Change Management
This includes change management and its sub-processes for access management, software deployment, release of small changes and scheduled maintenance. This process includes:
– The classification of changes and the flow into sub processes by classification.
– The release and deployment process for change control into production environments, outlining peer review, testing steps, approval points, checklist sets, staging requirements and communication requirements.
– The software release and deployment process with its specific testing and staged rollout requirements.
– The scheduled maintenance process and its various review points.

1.2.2 Incident Management
This includes incident management process and its sub-process for unplanned outages. These outline:
– How incidents are managed through escalation points, recording requirements, communication requirements etc.
– The unplanned outage procedure which applies directly to situations where the registry itself or other critical services are unexpectedly offline.

1.2.3 Problem Management
The goal of problem management is to drive long term resolution of underlying causes of incidents. This process centres on finding and resolving the root causes of incidents. It defines escalation points to third parties or other ARI departments such as Development, as well as verification of the solution prior to problem closure.

1.2.4 Security Incident Management
This process deals with the specific handling of security incidents. It outlines the requirements and decision points for managing security incidents. Decision points, escalation points to senior management and authorities are defined, along with evidence-gathering requirements, classification of incidents and incident logging.

1.2.5 Access Management
This process handles all access changes to systems. HR must authorize new users, and access changes are authorized by departmental managers and approved by the Information Security Officer. When staff leave or significantly change roles, a separation process is followed which ensures all access that may have been granted during their employment (not just their initially granted access) is checked and where appropriate, revoked.
Finally, quarterly review of all access is undertaken by the ISO, reviewing and approving or rejecting (with an action ticket) as appropriate.

2 ARI’s SECURITY INFRASTRUCTURE SOLUTIONS

ARI has developed a layered approach to IT security infrastructure. At a high level, some of the layers are as follows:
– DDoS countermeasures are employed outside ARI networks. These include routing traps for DDoS attacks, upstream provider intervention, private peering links and third party filtering services.
– Routing controls at the edge of the network at a minimum ensures that only traffic with valid routing passes into ARI networks.
– Overprovisioning and burstable network capabilities help protect against DoS and DDoS attacks.
– Network firewalls filter any traffic not pre-defined by network engineering staff as valid.
– Application layer firewalls then analyse application level traffic and filter any suspicious traffic. Examples of these would be an attempt at SQL injection, script injection, cross-site scripting, or session hijacking.
– Server firewalls on front-end servers again filter out any traffic that is not strictly defined by systems administrators during configuration as valid traffic.
– Only applications strictly necessary for services are running on the servers.
– These applications are kept up-to-date with the latest security patches, as are all of the security infrastructure components that protect them or that they run on.
– ARI infrastructure is penetration-tested by external tools and contracted security professionals for vulnerabilities to known exploits.
– ARI applications are designed, coded and tested to security standards such as OWASP and penetration-tested for vulnerabilities to common classes of exploits by external tools and contracted security professionals.
– ARI configures SELinux on its production servers. Specific details of this configuration is confidential; essentially any compromised application is extremely limited in what it can do.
– Monitoring is used to detect security incidents at all layers of the security model. Specifically:
 – Network Intrusion Detection systems are employed to monitor ARI networks for suspicious traffic.
 – ARI maintains its own host-based Intrusion Detection system based on tripwire, which has now undergone four years of development. Specific details are confidential, but in summary, the system can detect any unusual activity with respect to configuration, program files, program processes, users, or network traffic.
 – More generic monitoring systems are used as indicators of security incidents. Any behaviour outside the norm across over 1,100 individual application, database, systems, network and environmental checks is investigated.
– Capacity management components of the monitoring suite are also used to detect and classify security incidents. Some examples are:
 – Network traffic counts, packet counts and specific application query counts.

– Long term trend data on network traffic vs. specific incident windows.
– CPU, Storage, Memory and Process monitors on servers.
– A second layer of hardware firewalling separates application and middle tier servers from database servers.
– Applications only have as much access to database information as is required to perform their function.
– Finally, database servers have their own security standards, including server-based firewalls, vulnerability management for operating system and RDBMS software, and encryption of critical data.

2.1 Physical Security Infrastructure
ARI maintains a series of physical security infrastructure measures including but not limited to biometric and physical key access control to secured areas and security camera recording, alarm systems and monitoring.

3 COMMITMENTS TO REGISTRANTS

We commit to the following:
– Safeguarding the confidentiality, integrity and availability of registrant's data.
– Compliance with the relevant regulation and legislation with respect to privacy.
– Working with law enforcement where appropriate in response to illegal activity or at the request of law enforcement agencies.
– Maintaining a best practice information security management system that continues to be ISO27001-compliant.
– Validating requests from external parties requesting data or changes to the registry to ensure the identity of these parties and that their request is appropriate. This includes requests from ICANN.
– That access to DNS and contact administrative facilities requires multi-factor authentication by the Registrar on behalf of the registrant.– That Registry data cannot be manipulated in any fashion other than those permitted to authenticated Registrars using the EPP or the SRS web interface. Authenticated Registrars can only access Registry data of domain names sponsored by them.
– A Domain transfer can only be done by utilizing the AUTH CODE provided to the Domain Registrant.
– Those emergency procedures are in place and tested to respond to extraordinary events affecting the integrity, confidentiality or availability of data within the registry.

4 AUGMENTED LEVEL OF SECURITY

This TLD is a generic TLD and as such requires security considerations that are commensurate with its purpose. Our goal with this TLD is to provide registrants with adequate protections against unauthorized changes to their names, without making the registration process too onerous and thus increasing costs.
The following attributes describe the security with respect to the TLD:
– ARI, follows the highest security standards with respect to its Registry Operations. ARI is ISO 27001 certified and has been in the business of providing a Registry backend for 10 years. ARI have confirmed their adherence to all of the security standards as described in this application. As per recommendation 24 this ensures that the technical implementations do not compromise elevated security standards
– Registrant will only be permitted to make changes to their domain name after a authenticating to their Registrar.
– Registrants will only be able to access all interfaces for domain registration and management via HTTPS. A reputed digital certificate vendor will provide the SSL certificate of the secure site.
– Registrar identity will be manually verified before they are accredited within this TLD. This will include verification of corporate identity, identity of individuals involved / mentioned, and verification of contact information
– Registrars will only be permitted to connect with the SRS via EPP after a multi-factor authentication that validates their digital identity. This is described further ahead.
– Registrars will only be permitted to use a certificate signed by ARI to connect with the Registry systems. Self-signed certificates will not be permitted.
– The Registry is DNSSEC enabled and the TLD zone will be DNSSEC enabled. This is described in detail in our response to question 43. The following additional requirements will exist for Registrars who want to get accredited to sell this TLD:
– Registrars must support DNSSEC capabilities within its control panels.
– If the Registrar provides Managed DNS services to Registrants within this TLD they must provide the option for DNSSEC. This ensures that DNSSEC is deployed at each zone and subsequent sub-zones at Registry, Registrar and Registrant level as per recommendation 26.
– Registrar access to all Registry Systems will be via TLS and secured with multi-factor authentication as per recommendation 27. This is described in detail in our responses to Question 24 and Question 25.
– Registrant access to all Registrar and Registry Systems will be via TLS and secured with multi-factor authentication as per recommendation 28. This is described in detail in our response to Question 25, Question 27 and Question 29.
– All communication between the Registrar or the Registrars systems and the registry system is encrypted using at least 128 bit encryption which been designated as 'Acceptable' till '2031 and beyond' by NIST Special Publication 800-57. This includes the following communication:
– Secure websites and control panels provided by the Registrar to the Registrant.
– Ticketing systems provided by the Registrar to the Registrant.
– Web and EPP interfaces provided by ARI to the Registrars.
– Ticketing systems provided by ARI to the Registrar.

– Any communication between the Registrant, Registrar and Registry that is deemed as critical or contains credentials or sensitive information.

Where these requirements put controls on Registrars these will be enforced through the RRA.

5 RESOURCES

This function will be performed by ARI. The following resources are allocated to performing the tasks required to deliver the services described:
– Executive Management Team (4 staff)
– Production Support Group (27 staff)
ARI has ten years' experience designing, developing, deploying, securing and operating critical Registry systems, as well as TLD consulting and technology leadership.
As a technology company, ARI's senior management are technology and methodology leaders in their respective fields who ensure the organisation maintains a focus on technical excellence and hiring, training and staff management.
Executive Management is heavily involved in ensuring security standards are met and that continued review and improvement is constantly undertaken. This includes the:
– Chief Operations Officer
– Chief Technology Officer
A detailed list of the departments, roles and responsibilities in ARI is provided as attachment 'Q30a – ARI Background & Roles.pdf'. This attachment describes the functions of the above teams and the exact number and nature of staff within.
The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.
ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.
Based on past experience ARI estimates that the existing staff is adequate to support a registry system that supports in excess of 50M domains. Since this TLD projects 17,648 domains, 0.04% of these resources are allocated to this TLD. See attachment 'Q30a – Registry Scale Estimates & Resource Allocation.xlsx' for more information.
ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required. Additional trained resources can be added to any of the above teams with a 2 month lead time.
The Production Support Group is responsible for the deployment and operation of TLD registries. The group consists of:
– Production Support Manager (also the ISO)
– Service Desk:
 – 1 Level 1 Support Team Lead
 – 8 Customer Support Representatives (Level 1 support)
 – 1 Level 2 Support Team Lead
 – 4 Registry Specialists (Level 2 support)
– Operations (Level 3 support):
 – 1 Operations Team Lead
 – 2 Systems Administrators
 – 2 Database Administrators
 – 2 Network Engineers
– Implementation:
 – 1 Project Manager
 – 2 Systems Administrators
 – 1 Database Administrators
 – 1 Network Engineers
ARI employs a rigorous hiring process and screening (Police background checks for technical staff and Australian Federal Government 'Protected' level security clearances for registry operations staff).

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Exhibit A17

New gTLD Program
Community Priority Evaluation Report
Report Date: 6 October 2014

Application ID:	1-912-59314
Applied-for String:	ECO
Applicant Name:	Big Room Inc.

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Prevailed

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring 14 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	3	4
#3: Registration Policies	4	4
#4: Community Endorsement	3	4
Total	14	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment 4/4 Point(s)

1-A Delineation ***2/2 Point(s)***

The Community Priority Evaluation panel has determined that the community as defined in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("ECO") is as follows:

> Members of the Community are delineated from Internet users generally by community-recognized memberships, accreditations, registrations, and certifications that demonstrate active commitment, practice and reporting.

Community members include:

> Relevant not-for-profit environmental organizations (ie, accredited by relevant United Nations (UN) bodies; International Union for Conservation of Nature (IUCN) member; proof of not-for-profit legal entity status with documented environmental mission).
>
> Businesses (ie, members of environmental organizations; UN Global Compact participants; hold internationally-recognized environmental certifications; report to a global sustainability standard).
>
> Government agencies with environmental missions (ie, UN bodies, national/sub-national government agencies with environmental responsibilities).
>
> Individuals (ie, members of environmental organizations; academics; certified environmental professionals).

This community definition shows a clear and straightforward membership and is therefore well defined. Membership is determined through formal membership, certification, accreditation and/or a clearly defined mission, a transparent and verifiable membership structure that adequately meets the AGB criteria. Individuals' and organizations' association with, and membership in, the defined community can be verified by way of (1) membership in environmental organizations or certifiable practice in relevant fields in the case of individuals; or (2) accreditation, certification, or environmental mission in the case of organizations. In all cases, the application's membership definition depends on a transparent, explicit, and formal affiliation to an entity with an environmental focus.

In addition, the community as defined in the application has awareness and recognition among its members. According to the application:

> The Community has historically structured and organized itself and its work through an international network of organizations, including millions of individual members with strongly aligned goals, values and interests. As well as collaborating via long-standing international multi-stakeholder fora and membership organizations, members traditionally organize through multi-organization alliances around specific events, geographies, and issues.

According to the AGB, "community" implies "more of cohesion than a mere commonality of interest" and there should be "an awareness and recognition of a community among its members." Based on the Panel's research and materials provided in the application, the community members as defined in the application demonstrate the "cohesion" required by the AGB. The application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who "demonstrate active commitment, practice and reporting." This involvement may vary among member categories as below:

Not-for-profit environmental organizations and government agencies with environmental missions: These entities must have a demonstrable mission that is directly associated with promoting environmental goals. Their mission and activities therefore align with the community-based purpose of the application, which is to foster transparency and communication in order to advance progress towards environmental goals.

Individuals: These may be members of the organizations included in the above grouping, or are academics or professionals whose degree, license, or other form of certification demonstrates that their area of work falls in a field related to the environment.

Businesses: These are businesses which may be members of one of the organizations referred to in the first grouping of members (such as the UN Global Compact), or have certified compliance with standards that are recognized by such organizations as showing commitment to environmental goals.

In all of the above cases, each individual or entity has a clear, public and demonstrable involvement in environmental activities. The interdependence and active commitment to shared goals among the various membership types are indicative of the "cohesion" that the AGB requires in a CPE-eligible community. The Panel found that entities included in the membership categories defined in the application are shown to cohere in their work towards clearly defined projects and goals that overlap among a wide array of member organizations. For example, Conservation International is a nonprofit organization that falls within the application's delineated community. It shows cohesion with the application's membership by way of its advocacy to and cooperation with both businesses[1] and governments[2] worldwide. Greenpeace, another such organization, has consultative status with the UN and actively involves its thousands of members, volunteers, and experts worldwide in its campaigns.[3] Furthermore, businesses that are included in the applicant's defined community have voluntarily opted to subject themselves to evaluation of their compliance with environmental standards that qualify them for the accreditations referenced in the application. As such, the defined community's membership is found to meet the AGB's standard for cohesion, required for an adequately delineated community.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for Delineation.

Organization

Two conditions need to be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application has at least one entity mainly dedicated to the community. In fact, several entities are mainly dedicated to the community as defined by the application, such as the International Union for Conservation of Nature (IUCN), World Wide Fund For Nature (WWF), United Nations Environment Program and the Global Reporting Initiative, among others. According to the application:

> All the major international membership organizations (IUCN, WWF, Greenpeace, Friends of the Earth), the biggest global business and environment organizations (World Business Council for Sustainable Development (WBCSD), Green Economy Coalition), the largest international Community alliances (350.org, TckTckTck) and the key global environmental reporting standards (Global Reporting Initiative, Carbon Disclosure Project) support the creation of .ECO as a Community TLD. The United Nations Environment Programme (UNEP) has been an observer to the .ECO community process since 2010.
>
> As the world's largest and longest established organizations and alliances, these institutions represent over 190 countries, 1,000 entities, and more than 10 million individual members.

The international organizations like those above actively include elements from all the application's defined membership categories. The IUCN, for example, engages the private sector[4], individuals like environmental scientists[5], governmental agencies and other member organizations[6]. Its activities include the IUCN's World Conservation Congress that brings together its members, as well members of other organizations and government representatives.[7] The UN Global Compact similarly has regular events held worldwide where its affiliate organizations, governments and private sector partners come together in relation to the organization's environmental goals.[8] These organizational activities are representative of others that the Panel has reviewed that show ample evidence of the organized activity that the AGB requires of a community.

[1] http://www.conservation.org/how/pages/innovating-with-business.aspx
[2] http://www.conservation.org/how/pages/working-with-governments.aspx
[3] http://www.greenpeace.org/usa/en/campaigns/
[4] http://iucn.org/about/work/programmes/business/
[5] http://www.iucn.org/about/union/commissions/
[6] http://www.iucn.org/about/union/members/who_members/
[7] http://www.iucn.org/about/work/programmes/gpap_home/gpap_events/gpap_2012/
[8] https://www.unglobalcompact.org/NewsAndEvents/event_calendar/index.html

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for Organization.

Pre-existence
To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. The application presents the following as examples:

> 1948: First formal Community institution, the International Union for Conservation of Nature (IUCN), was established. Not-for-profit organizations, businesses and governments came together to address pressing environmental challenges. 1972: Global Environmental Community recognized by the world's governments on creation of the UN Environment Programme (UNEP), the UN's designated authority for addressing environmental issues at the global and regional level.

Many of the organizations that fall within the application's delineation have been active prior to 2007, including the UN Global Compact (founded in 2000)[9], Greenpeace (founded in 1971)[10], and others. The Panel has determined that since organizations like those referenced above are mainly dedicated to the members of the community as defined by the application, and since they and others were active prior to 2007, the community as defined in the application fulfills the requirements for Pre-existence.

1-B Extension ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size
Two conditions must be met to fulfill the requirements for size: the community must be of considerable size, and must display an awareness and recognition of a community among its members.

The community as defined in the application is of a considerable size. The community for .ECO as defined in the application is large in terms of the number of members. According to the applicant:

> 40,000+ Not-for-Profit Organizations, eg, 34,376 US environmental organizations (2011 Internal Revenue Service Exempt Organizations Business Master File, National Center for Charitable Statistics); 6,157 in the UK (March 2012, 1⁄3 of 18,470 Environment/Conservation/Heritage registered charities, Charity Commission);
>
> 148,000+ Businesses, eg, 68,200 US businesses committed to environmental sustainability (Pew Charitable Trust, "The Clean Energy Economy", 2009); 80,000 small and medium enterprises in the EU use certified environmental management systems (Danish Technological Institute, "SMEs and the Environment in the European Union", 2010);
>
> 193+ Environment-focused Governmental Bodies – eg, 193 member states (UN website, March 2012);
>
> 18 million+ Individuals, eg, International: WWF, 5M; Greenpeace, 2.8M; FOE, 2M; Ocean Conservancy, 0.5M. National: National Wildlife Federation, 4M; Sierra Club, 1.4M; National Resources Defense Council, 1.2M; The Nature Conservancy, 1M (Members, 2010).

[9] https://www.unglobalcompact.org/docs/news_events/8.1/UNGC_Annual_Review_2010.pdf
[10] http://www.greenpeace.org/usa/en/campaigns/history/

In addition, as previously stated, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with, and active participation in, environmental activities and environmental conservation and preservation.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for Size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

Many of the major catalysts of the modern environmental movement have continued or worsened in recent years, and the organizations founded with missions of environmental advocacy have redoubled their efforts. The number and breadth of environmental laws and protocols will continue to grow.[11] The effects of climate change are especially long-term[12] and many of the organizations in the application's delineated community advocate for long-term solutions and measures that they have committed to seeing through.[13] The Panel has therefore determined that the community as defined in the application demonstrates longevity. The pursuits of the .ECO community are of a lasting, non-transient nature.

In addition, as mentioned previously, the community as defined in the application has awareness and recognition of a community among its members. This is because the community is defined in terms of its association with, and active participation in, environmental activities. Its members are actively committed to environmental causes, such as sustainable use of the environment and environmental conservation and preservation.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for Longevity.

Criterion #2: Nexus between Proposed String and Community	**3/4 Point(s)**
2-A Nexus	***2/3 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string "identifies" the name of the community, without over-reaching substantially beyond the community, but does not "match" the name of the community. The application therefore received a score of 2 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must "match" the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must "identify" the community. "Identify" means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.ECO) identifies the name of the community. According to the applicant,

> The term "eco" has long been used to identify members of the Global Environmental Community (the Community), as well as concepts, products and services associated with the Community's goal of a respectful, responsible and sustainable use of the environment. The term appears in common usage and is clearly associated by consumers with environmentally responsible practices.

[11] http://www.britannica.com/EBchecked/topic/189205/environmentalism/224631/History-of-the-environmental-movement

[12] http://www.epa.gov/climatechange/science/future.html

[13] http://www.oecd.org/env/cc/Outlook%20to%202050_Climate%20Change%20Chapter_HIGLIGHTS-FINA-8pager-UPDATED%20NOV2012.pdf

The Oxford English Dictionary (OED) offers the following examples:
Individuals and organizations (eg, eco-activist, eco-charities, eco-group)
Concepts (eg, eco-advocacy, eco-activism, eco-justice, eco-cultural, eco-historical, eco-literacy, eco-philosophy, eco-minded, eco-savvy, eco-awareness, eco-consciousness)
Products and services (eg, eco-product, eco-label, eco-house, eco-holiday, eco-resort, eco-bottle, eco-bulb, eco-forestry, eco-car)
(Oxford English Dictionary, 3rd edition, Mar. 2008; online version Sept. 2011)
Eco in Consumer Protection Public Policy

The Panel has determined that the string ".ECO," is not a match of the community or a well-known short-form or abbreviation of the community name, as the AGB requires for a score of 3 for Nexus. This is because various organizations that are a part of the community as described by the application name the same community in various ways, but generally by use of the word "environment" or by words related to "eco" but not by "eco" itself or on its own. However, because of the common association of the prefix "eco" with various phrases closely associated with environmental protection, such as those provided in the excerpt of the application above, the Panel has determined that the string does identify the community, without overreaching substantially beyond the community.

Additionally, while the string identifies the name of the core community members (i.e. not-for-profit environmental organizations, government agencies with environmental missions, etc.) the community as defined by the application also includes some entities, such as businesses that use certified environmental management systems, which may not automatically be associated with the gTLD. For example, the applicant includes in the proposed community businesses that are participants in the UN Global Compact[14]. Business participants include China Development Bank, a US-based technology firm, Intel Corporation, a Brazil-based natural resources firm, Vale, and UK-based Unilever, a consumer goods company[15]. These companies, and the many others with the same or similar participation in the UN Global Compact, are not commonly known by the string "ECO" as the AGB requires for a full score on Nexus. However, since these entities comprise only part of one category of the application's community membership, the over-reach is not substantial, as the public will generally associate the string with the community as defined by the applicant. Therefore, the Panel has determined that the application should receive partial credit for Nexus.

The Community Priority Evaluation panel determined that the applied-for string "identifies" the name of the community as defined in the application, but does not "match" it. It therefore partially meets the requirements for Nexus.

2-B Uniqueness ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application. The string as defined in the application demonstrates uniqueness as the string does not have any other meaning beyond identifying the community described in the application. According to Oxford Dictionaries, the prefix "eco-" is defined as "Representing ecology, ecological, etc." The string "eco" as a word or concept itself is defined as "Not harming the environment; [as in] eco-friendly." The application cites, as in the excerpt above, several such uses of the applied-for string that correspond to the environmental focus of the community it defines. As such, the Panel has determined that the concept to which the definition refers is the same as the community purpose of the applied-for

[14] The UN Global Compact is the world's largest corporate citizenship and sustainability initiative, with over 10,000 business participants and other stakeholders from more than 145 countries. See https://www.unglobalcompact.org/ParticipantsAndStakeholders/index.html.
[15] https://www.unglobalcompact.org/HowToParticipate/Lead/lead_participants.html

string and that the applied-for string therefore satisfies the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies	**4/4 Point(s)**
3-A Eligibility	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to individuals and entities (non-for-profit, businesses and governments) that are members of the global environmental community and that meet recognized standards. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for gTLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated, community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying several categories of name registration policies. The applicant further ensures that any strings "used in a manner inconsistent with the Community's goals, values, and/or interests" (Application, Q18(b)) will be flagged and subject to additional scrutiny. The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that any approved registrant on the gTLD will post a link to their ECO Profile. This ECO Profile is a repository of registrant-specific information that, according to the application:

> "will cover community-recognized memberships, accreditations, registrations, certifications, and reports that demonstrate active commitment, practice and reporting. Additional questions may: be both qualitative and quantitative; include commitments to environmental and social issues that are considered to be linked to environmental goals; and, reference robust existing environmental standards, requirements, indicators, regulations, codes, and calculators."

Therefore, the applicant has required not only certain specific content (in the form of a link to the above registrant-related information), but such content is clearly consistent with the articulate community-based purpose of the applied-for string. The Panel has therefore determined that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement	***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the

application provided specific enforcement measures as well as appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. The applicant's registry will evaluate complaints against a registrant agreement and decide on an appropriate course of action, which may result in the case being referred to a dispute resolution process. There is also an appeals mechanism, whereby a registrant has the right to seek the opinion of an independent arbiter approved by the registry. The Community Priority Evaluation panel determined that the application satisfies both conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement **3/4 Point(s)**

4-A Support ***1/2 Point(s)***

The Community Priority Evaluation panel has determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. In this context, "recognized" refers to the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed by the application's defined community.

The Community Priority Evaluation panel has determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s). While organizations like the IUCN and the UN Global Compact are sufficient to meet the AGB's requirement for an "entity mainly dedicated to the community" under Delineation (1-A), it does not meet the standard of a "recognized" organization. The AGB specifies that "recognized" means that an organization must be "clearly recognized by the community members as representative of the community." The IUCN and others, as shown in their mission and activities, are clearly dedicated to the community and it serves the community and its members in many ways, but "recognition" demands not only this unilateral dedication of an organization to the community, but a reciprocal recognition on the part of community members of the organization's authority to represent it. There is no single such organization recognized by the defined community as representative of the community. However, the applicant possesses documented support from many groups with relevance; their verified documentation of support contained a description of the process and rationale used in arriving at the expression of support, showing their understanding of the implications of supporting the application. Despite the wide array of organizational support, however, the applicant does not have the support from the recognized community institution, as noted above, and the Panel has not found evidence that such an organization exists. The Community Priority Evaluation Panel has determined that the applicant partially satisfies the requirements for Support.

4-B Opposition ***2/2 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received letters of opposition, which were determined not to be relevant, as they were either from individuals or groups of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant satisfies the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases, the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Exhibit A18

New gTLD Program
Community Priority Evaluation Report
Report Date: 29 July 2014

Application ID:	1-901-9391
Applied-for String:	Osaka
Applicant Name:	Interlink Co., Ltd.

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Prevailed

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring — 15 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	4	4
#3: Registration Policies	3	4
#4: Community Endorsement	4	4
Total	15	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 4/4 Point(s)

1-A Delineation — *2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition, and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("Osaka") is:

> Members of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following:
> • Legal entities
> • Citizens
> • Governments and public sectors
> • Entities, including natural persons who have a legitimate purpose in addressing the community.

This community definition shows a clear and straightforward membership. The community is clearly defined because membership is dependent on having a clear connection to a defined geographic area.

In addition, the community as defined in the application has awareness and recognition among its members. This is because of the clear association with the Osaka geographical area, as according to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application has at least one entity mainly dedicated to the community, which is the Osaka Prefectural government. According to the letter of support from the Osaka Prefectural Government:

> As the Governor of Osaka Prefecture, I confirm that I have the authority of the government to be writing to you on this matter. As the local municipality, the government has the authority to decide conditions to use .osaka as a trustworthy domain.

The community as defined in the application has documented evidence of community activities. This is confirmed by detailed information on the website of the Osaka Prefectural government. These activities include carrying out promotional activities to attract overseas corporations and tourists to the Osaka region.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. According to the application:

> The Osaka community has been in existence for thousands of years, and is known as Japan's oldest capital. Osaka has been an economic and cultural center of the Japan for over a long span of time, though formally, the geographic area that defines the community, Osaka Prefecture, was formally established in 1868.

The Community Priority Evaluation panel determined that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension	*2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. The community for .Osaka as defined in the application is large in terms of the number of members. According to the applicant, "the Osaka Prefecture is currently the 3rd most populous area in Japan with a community of over 8.8 million people."

In addition, the community as defined in the application has awareness and recognition among its members. This is because of the clear association with the Osaka geographical area. According to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .Osaka community are of a lasting, non-transient nature. According to the application materials:

> The Osaka community has been in existence for thousands of years, and is known as Japan's oldest capital. Osaka has been an economic and cultural center of the Japan for over a long span of time, though formally, the geographic area that defines the community, Osaka Prefecture, was formally established in 1868. Osaka's culture is grounded in its long history of being a center for traditional performing arts known as the "kamigata culture". The community enjoys festivals and other customs that have been passed on from generation to generation.

In addition, the community as defined in the application has awareness and recognition among its members This is because of the clear association with the Osaka geographical area. According to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**4/4 Point(s)**
2-A Nexus	*3/3 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string matches the name of the community. The application received a maximum score of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community. To receive a partial score for Nexus, the applied-for string must identify the community. "Identify" means that the applied-for string closely describes

the community or the community members without over-reaching substantially beyond the community.

The applied-for string (.Osaka) matches the name of the community. The string matches the name of the geographical and political area around which the community is based. According to the application documentation:

> The string, ".osaka", directly represents the Osaka community, and has been fully approved by the Osaka Prefectural Government as the proper representation of the Osaka community on the Internet.

The Community Priority Evaluation panel determined that the applied-for string matches the name of the community as defined in the application. It therefore meets the requirements for nexus.

2-B Uniqueness ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application. The string as defined in the application demonstrates uniqueness, as the string does not have any other meaning beyond identifying the city and prefecture on which the community is based. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for uniqueness.

Criterion #3: Registration Policies **3/4 Point(s)**

3-A Eligibility ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by specifying that registrants must satisfy at least one of the following requirements:

> Osaka municipalities and local governments; public and private institutions in Osaka; organizations, companies and other businesses in Osaka; residents of Osaka; other community members who have a bona fide purpose for registering and using the domain. Registrants who purchase ".osaka" names will be required to certify that meet one of the categories above. (Comprehensive details are provided in Section 20e of the applicant documentation).

The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Eligibility.

3-B Name Selection ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants

must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining the types of names that may be registered within the .Osaka top-level domain, while the name selection rules are consistent with the purpose of the gTLD. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Name Selection.

3-C Content and Use *1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining prohibitions on certain types of content. Additionally, the applicant "will implement an Acceptable Use Policy (AUP) as well as include an Abuse Point of Contact on its website as a means to provide a method for users to submit complaints of abuse..." (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Content and Use.

3-D Enforcement *0 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set as the registry will monitor domain registrations for content and has the right to cancel or suspend domain names that are in breach of its policies. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement **4/4 Point(s)**

4-A Support *2 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application fully met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook based on documented support from the recognized community institution to represent the community. The application received a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant has documented support from the

recognized community institution that represents the community. The Osaka Prefectural government has provided its written endorsement to the applicant for the provision of registry services under the .Osaka gTLD. The government also provided support for the applicant in the Initial Evaluation (Geographic Names Evaluation) phase. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition *2/2 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application did not receive any letters of opposition. The Community Priority Evaluation Panel determined that the applicant satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.