INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

ICDR Case No. 50 117 T 00224 08

In the Matter of an Independent Review Process:

ICM REGISTRY, LLC,

Claimant,

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS ("ICANN"),

Respondent

DECLARATION OF THE INDEPENDENT REVIEW PANEL

Judge Stephen M. Schwebel, *Presiding*
Mr. Jan Paulsson
Judge Dickran Tevrizian

February 19, 2010

who understandably react negatively to pornography, and, in some cases, their reactions may be more visceral than rational. But they may also have had doubts, as did the Board, that ICM would be able successfully to achieve what it claimed .XXX would achieve.

151. The Board's resolution of March 30, 2007, rejecting ICM's proposed agreement and denying its request for delegation of the .XXX sTLD lists four grounds for so holding in addition to failure to meet sponsored community criteria (*supra,* paragraph 47). The essence of these grounds appears to be the Board's understanding that the ICM application "raises significant law enforcement compliance issues ... therefore obligating ICANN to acquire responsibility related to content and conduct ... there are credible scenarios that lead to circumstances in which ICANN would be forced to assume an ongoing management and oversight role regarding Internet content, which is inconsistent with its technical mandate." ICM interprets these grounds, and statements of Dr. Twomey and Dr. Cerf, as seeking to impose on ICM responsibility for "enforcing restrictions around the world on access to illegal and offensive content" (*supra,* paragraph 66-67). ICM avers that it never undertook "to enforce the laws of the world on pornography", an undertaking that it could never discharge. It did undertake, in the event of the approval and activation of .XXX, to install tools that would make it far easier for governments to restrict access to content that they deemed illegal and offensive. ICM argues that its application was rejected in part because of its inability to comply with a contractual undertaking to which it never had agreed in the first place *(supra,* paragraphs 66-71). To the extent that this is so – and the facts and the conclusions drawn from the facts by the ICANN Board in its resolution of March 30, 2007, in this regard are not fully coherent – the Panel finds ground for questioning the neutral and objective performance of the Board, and the consistency of its so doing with its obligation not to single out ICM Registry for disparate treatment.

PART FIVE: CONCLUSIONS OF THE INDEPENDENT REVIEW PANEL

152. The Panel concludes, for the reasons stated above, that:

First, the holdings of the Independent Review Panel are advisory in nature; they do not constitute a binding arbitral award.

Second, the actions and decisions of the ICANN Board are not entitled to deference whether by application of the "business judgment" rule or otherwise; they are to be appraised not deferentially but objectively.

Third, the provision of Article 4 of ICANN's Articles of Incorporation prescribing that 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," requires ICANN to operate in conformity with relevant general principles of law (such as good faith) as well as relevant principles of international law, applicable international conventions, and the law of the State of California.

Fourth, the Board of ICANN in adopting its resolutions of June 1, 2005, found that the application of ICM Registry for the .XXX sTLD met the required sponsorship criteria.

Fifth, the Board's reconsideration of that finding was not consistent with the application of neutral, objective and fair documented policy.

Sixth, in respect of the first foregoing holding, ICANN prevails; in respect of the second foregoing holding, ICM Registry prevails; in respect of the third foregoing holding, ICM Registry prevails; in respect of the fourth foregoing holding, ICM Registry prevails; and in respect of the fifth foregoing holding, ICM Registry prevails. Accordingly, the prevailing party is ICM Registry. It follows that, in pursuance of Article IV, Section 3(12) of the Bylaws, ICANN shall be responsible for bearing all costs of the IRP Provider. Each party shall bear its own attorneys' fees. Therefore, the administrative fees and expenses of the International Centre for Dispute Resolution, totaling $4,500.00, shall be borne entirely by ICANN, and the compensation and expenses of the Independent Review Panel, totaling $473,744.91, shall be borne entirely by ICANN. ICANN shall accordingly reimburse ICM Registry with the sum of $241,372.46, representing that portion of said fees and expenses in excess of the apportioned costs previously incurred by ICM Registry.

Judge Tevrizian is in agreement with the first foregoing conclusion but not the subsequent conclusions. His opinion follows.

Stephen M. Schwebel

Date: February 19, 2010

Jan Paulsson

Date: 16 February 2010

Dickran Tevrizian

Date: February 18, 2010

New Generic Top-Level Domains

Français 日本語

ABOUT THE PROGRAM

The Internet Corporation for Assigned Names and Numbers, founded in 1998, has as its mission to ensure a stable and unified global Internet. One of its key responsibilities is introducing and promoting competition in the registration of domain names, while ensuring the security and stability of the domain name system (DNS).

In 2005, ICANN's Generic Names Supporting Organization (GNSO) began a policy development process to consider the introduction of new gTLDs, based on the results of trial rounds conducted in 2000 and 2003. The GNSO is the main policy-making body for generic top-level domains, and encourages global participation in the technical management of the Internet.

The two-year policy development process included detailed and lengthy consultations with the many constituencies of ICANN's global Internet community, including governments, civil society, business and intellectual property stakeholders, and technologists.

In 2008, the ICANN Board adopted 19 specific GNSO policy recommendations for implementing new gTLDs, with certain allocation criteria and contractual conditions.

After approval of the policy, ICANN undertook an open, inclusive, and transparent implementation process to address stakeholder concerns, such as the protection of intellectual property and community interests, consumer protection, and DNS stability. This work included public consultations, review, and input on multiple draft versions of the Applicant Guidebook.

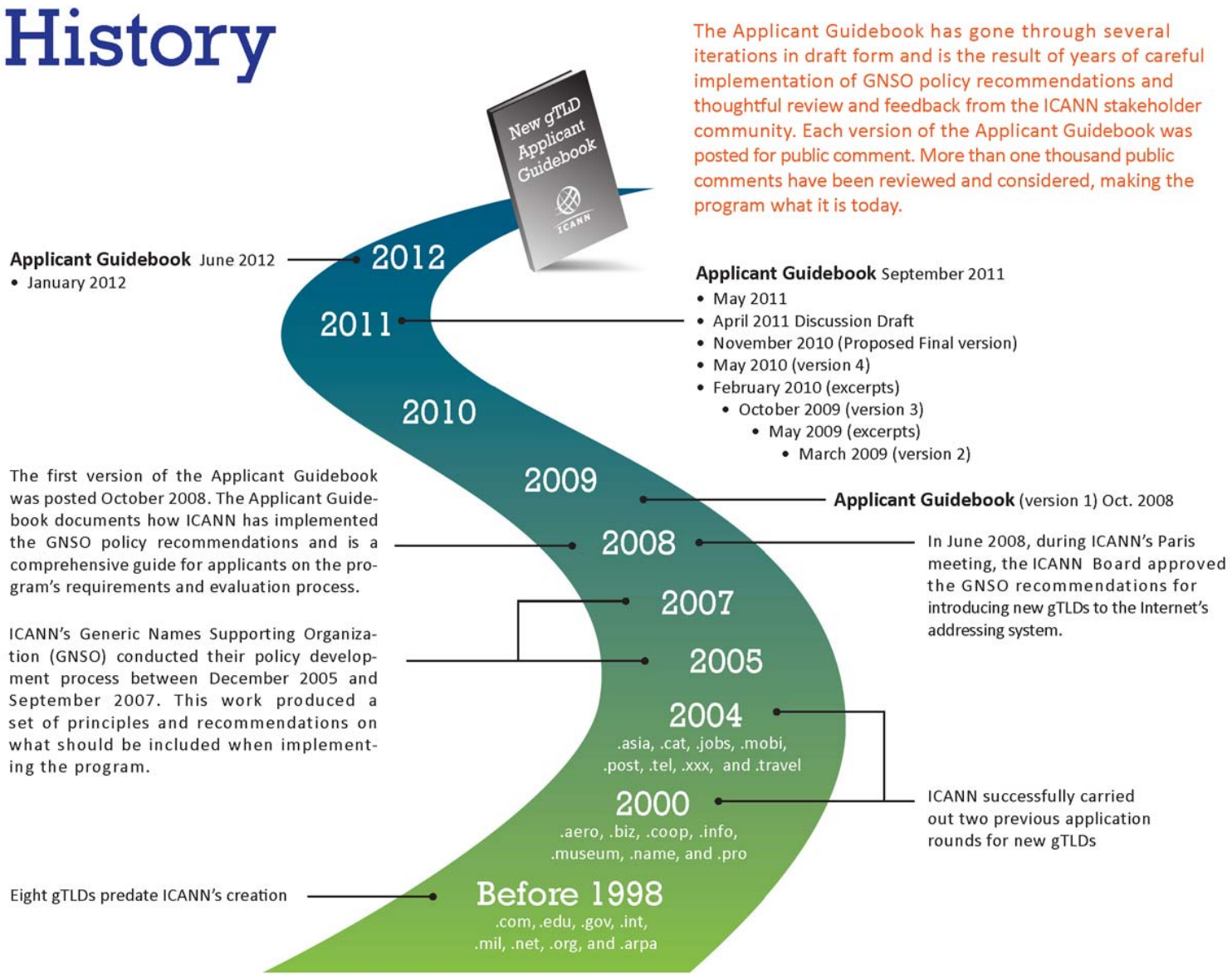
In June 2011, ICANN's Board of Directors approved the Guidebook and authorized the launch of the New gTLD Program. The program's goals include enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs, including both new ASCII and internationalized domain name (IDN) top-level domains.

The application window opened on 12 January 2012, and ICANN received 1,930 applications for new gTLDs. On 17 December 2012, ICANN held a prioritization draw to determine the order in which applications would be processed during Initial Evaluation and subsequent phases of the program. These applications were processed by ICANN staff and evaluated by expert, independent third-party evaluators according to priority numbers.

On 22 March 2013, ICANN released the first set of Initial Evaluation results to applicants and the public. ICANN anticipates that Initial Evaluation results for all applications will be published by the end of August 2013.

Applications that pass Initial Evaluation (and that do not face any objections or string contention) will be eligible to proceed to contracting. It is anticipated that contracting will begin in mid 2013, and the first new gTLDs will be delegated soon afterwards.

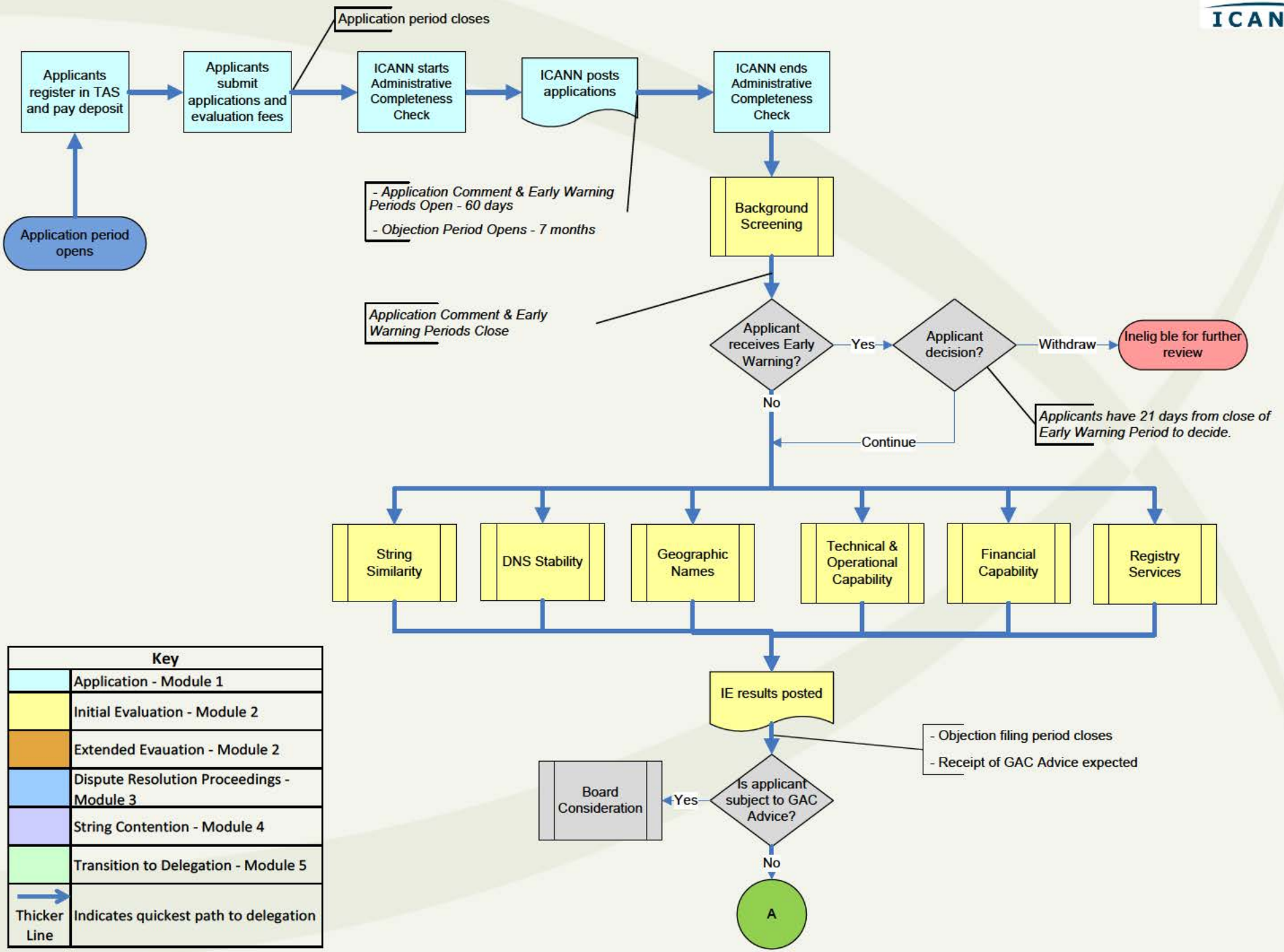
New gTLD Fast Facts (/en/about/program/materials/fast-facts-28feb14-en.pdf) [PDF, 149 KB]



(/sites/default/files/main-images/gtld-history-1200x975-08oct13-en.png)

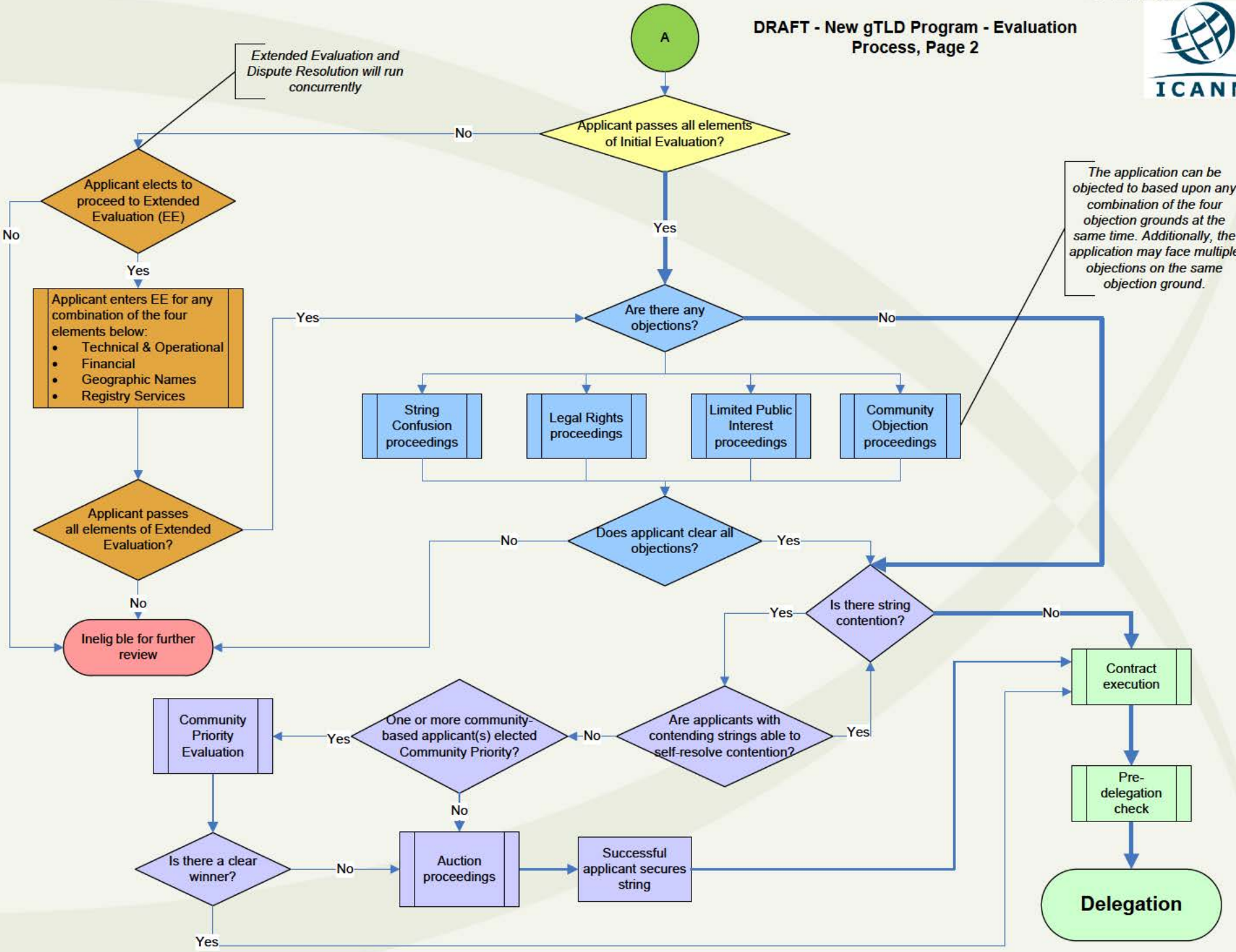
Site Map

DRAFT - New gTLD Program - Evaluation Process



C-ER-07

DRAFT - New gTLD Program - Evaluation Process, Page 2



How ICANN's New gTLD Auctions can serve Public Interest and Promote Competition, Innovation and Diversity

By Constantine Roussos 30/01/2014 16:25:00

ICANN new gTLD auctions

How ICANN can implement Auction Rules that are consistent with its Bylaws, their non-for profit status and the Objectives of the new gTLD Program to promote competition, diversity, innovation and consumer choice.

Background

ICANN is seeking public comments on Auction Rules for its new gTLD program (https://www.icann.org/en/news/public-comment/new-gtld-auction-rules-17dec13-en.htm) based on the document prepared by Power Auctions (http://newgtlds.icann.org/en/applicants/auctions/rules-12dec13-en.pdf).

ICANN's mission and core values as a non-profit organization are outlined in its Bylaws (http://www.icann.org/en/about/governance/bylaws):

- "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."
- "Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest."
- "Acting with a speed that is responsive to the needs of the Internet."
- "ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition."

ICANN's goals with the new gTLD Program are focused on "enhancing competition and consumer choice, and enabling the benefits of innovation" (http://newgtlds.icann.org/en/about/program).

According to the ICANN Applicant Guidebook, Module 4.3 Auction, (https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf), ICANN states that "it is expected that most cases of contention will be resolved by the community priority evaluation, or through voluntary agreement among the involved applicants" and that "In practice, ICANN expects that most contention cases will be resolved through other means before reaching the auction stage." ICANN also clarifies that any monies derived from auction "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" (emphasis added).

The Auction Rules are Not Aligned with ICANN's Goals

The auction mechanism prepared by Power Auctions LLC for ICANN fails to address these core issues and align its Auction Rules to the Applicant Guidebook and ICANN's own Bylaws to promote competition, innovation and diversity. ICANN itself even agrees that " auctions are not perfectly aligned with ICANN's objectives" but have been chosen as an allocation method because other alternatives would have "have more severe limitations and defects" (ICANN, Economic Case for Auctions in New gTLDs, 8th August 2008, Pg.1).

ICANN holds the power to adjust its auction rules to be consistent with its non-for profit status, its Mission and Core Values and to promote effective competition. ICANN should strongly consider aligning critical elements of its auction rules to level the playing field especially given the current status of the new gTLD Program which is dominated by Portfolio Applicants. For example, Google, Amazon and Donuts alone represent over 400 non-branded and generic gTLDs. If the current Auction Rules remain ICANN would be knowingly giving over control to the Internet's most semantic gTLDs to a handful of corporations with billions of dollars in cash. In other words, smaller players without Amazon's or Google's luxury of having billions of dollars of cash are eliminated. ICANN's expectations per the Applicant Guidebook (AGB) that "most" contention sets being resolved "voluntarily" or "through other means before reaching auction stage" have not been met.

As such, the AGB own expectations have failed and as it stands favors a few "deep pocketed" players and more importantly puts in question ICANN's role as a non-for profit organization by structuring the new gTLD Program and Auctions in a manner that maximizes profit for ICANN. This becomes a serious concern when public resources – such as semantic gTLDs – are given to a few, select companies who can afford to "buy" up the entire generic, non-branded gTLD space at the expense of other smaller players who could offer a more specialized, niche approach – such as community applicants serving their corresponding communities with registration policies and rules that cater to those entities without the fear of commoditizing gTLDs, which is the goal of many portfolio companies such as Donuts.

This is more worrisome if one analyzes ICANN's 2014 quarterly report (http://www.icann.org/en/about/financials/package-fy14-30sep13-en.pdf) which reveals that ICANN has only spent $119.2 million of its original $344.9 million new gTLD Program budget, leaving a substantial amount of monies on the table despite the new gTLD Initial Evaluation process – the most costly ICANN expense in relation to the new gTLD Program - being rendered complete. Furthermore, ICANN's "risk reserve" of $108.9 million still remains unused despite no publicly-announced lawsuits against ICANN over its handling of new gTLD Program. Furthermore, ICANN's adopted operating plan and budget for 2014 (http://www.icann.org/en/about/financials/adopted-opplan-budget-fy14-22aug13-en.pdf) completely ignores proceeds from auctions.

This poses many unanswered questions on the issue of auctions and how they should be administered to promote ICANN's Mission and Core Values and to ensure leveling the playing field and not make the entire new gTLD Program a space where the current Auction Rules only favor billion-dollar corporations or venture-capital-funded applicants with deep pockets. This completely ignores the context of the current new gTLD environment and how the Internet space is in danger of being divided amongst a few select players, many of whom have found ways to circumvent the process in relation to areas such as Background Checks, Objections in the form of Legal Rights Objections or Community Objections, Safeguards and other Material Changes, including NGPC Resolutions, new registry agreement revisions pertaining to exclusive-access, PICs (e.g Famous Four won .CHARITY over Donuts because of their PICs submission), Responses to GAC Category 2 Advice intending to change Applications from exclusive-access to non-exclusive access. As such, ICANN has not strictly followed the AGB and the global public interest should be considered while applying appropriate auction rules to promote competition and diversity.

The fact that a handful of portfolio players are poised to dominate the non-branded gTLDs and generic gTLD space is worrisome given the lack of any cap restrictions or rules on restricting anti-competitive behavior. Such examples include Amazon's attempt to apply for three music-themed gTLDs and synonyms - .MUSIC, .SONG and .TUNES – and close them off to its corresponding music community and not allowing anyone to register their names or Google's attempt to control the video distribution by applying for .TUBE,.YOUTUBE, .MOVIE, .MOV, .FILM and .CHANNEL. It has also become clear that a core defensive application strategy of many multi-billion brands to defensively apply for a portfolio of non-branded gTLDs in fear that a direct competitor would apply for those gTLDs. This strategy is further amplified by the fact that no-one has yet to see most contention sets meeting the AGB's expectations for "voluntary agreement among involved applicants" especially in cases relating to billion dollar companies such as Google or Amazon. What incentive does Google or Amazon have to cut any deal with any applicant(s) when they can literally buy the entire space with the billions of dollars of cash they have in their arsenal?

The Auction Rules have done little to incentivize partnerships and ICANN's role is constrained to "give time to applicants to negotiate amongst them", according to a response given by the head of the new gTLD program in the public forum in Buenos Aires. The current Auctions Rules actually ensure the opposite to happen: a select few competing solely on financial power irrespective of any single Applicant's innovative, niche and more focused approach. Rewarding a gTLD based on financial prowess alone is not aligned with ICANN's non-for profit status and new gTLD objectives to promote competition, diversity, innovation and consumer choice.

Three Solutions on How ICANN can structure new gTLD auctions to serve the global Public Interest and promote competition, innovation and diversity

ICANN must adopt an effective auction methodology to resolve string contention with rules and procedures that are aligned and consistent with its Mission and Core Values to serve the global public interest and promote competition, innovation, diversity and consumer choice.

Leveling the Playing Field, Promoting Competition, Diversity and Innovation:

The Auction Rules do little to promote competition and diversity. As it stands the highest bidder prevails. This favors Portfolio Applicants and multi-billion dollar corporations such as Google and Amazon. The current Auction Rules do nothing to incentivize "any "voluntary agreement among involved applicants" and partnerships. ICANN can investigate its own Program and agree that it has done little to facilitate this objective and failed to meet its AGB statement that ICANN "expects that most contention cases will be resolved through other means before reaching the auction stage." This is why ICANN has to create appropriate mechanisms to accommodate "voluntary" partnerships to be consistent with their expectations for the new gTLD program to prevent oligopolization of the program by a select few who have no incentive to work with others and whose main incentive is power and preventing competitors from winning gTLDs at any cost.

There is zero incentive for Google, Amazon or other deep-pocketed Applicants to make any deal since the alternative of "buying" gTLDs in an auction grants them more strategic power despite any negative consequences on competition and diversity. This is something that ICANN has to address in order to be aligned with its goals given the current status of the new gTLD program and the select few portfolio companies whose objective is to squash on smaller, more focused Applicants with diverse plans.

Another overarching issue is some Applicants, such as Community Applicants, have applications with restrictive policies (e.g Eligibility Requirements, Name Selection, Content and Use, Enforcement). It is indisputable that Community Applicants can not compete in an auction with an Applicant with an "open" application since "open" Applications lack such restrictions. No-one can dismiss the fact that the ROI on "open" applications is much higher than that of "restricted" applications giving non-community Applicants a "near-definite" assurance to win an auction unless a Community Applicant bids higher that their expected ROI. This is evidenced if one observes the domain registration volume differences between restricted gTLDs (e.g .EDU, .PRO, .JOBS, .AERO, .MUSEUM) and "open" gTLDs (e.g .COM, .NET, .ORG, .INFO, .BIZ - Source: https://www.myicann.org/compliance/domain-count-by-tld).

If Community Applicants choose to outbid non-community Applicants beyond their expected ROI, the unintended consequence would be the Community Applicant would face a certainty of registry failure since they would have spent all their monies which would otherwise be used for operations and marketing of the gTLD and given the restrictive nature of their gTLD would face an impossible feat in generating profits that would bring a positive ROI after over-bidding in the ICANN Auction. Also, the likelihood of luring investors would be crippled since no prudent investor would invest in a gTLD with restrictions that can not be changed to accomodate the recovery of the lost monies invested by over-bidding in the ICANN Auction beyond the Community Applicant's expected ROI based on their "restricted" gTLD.

This leads to the imbalance in the structure of ICANN new gTLD auctions since Community Applicants can not compete in the current ICANN Auction format since non-community Applications can afford to bid higher in an auction given that their "open" Application's ROI is much higher. It is important to mention that ICANN's AGB does not allow a Community Applicant to change their Application from "restricted" to "open" if they fail to meet community status in the CPE (Community Priority Evaluation) stage.

Solution to Address Competition, Innovation and Diversity : Implement a "luxury" competitive balance tax on bidding. The size of the "luxury" bidding tax should be imposed according to the total number of uncontested strings each portfolio Applicant has and the number of strings awarded to the same Applicant after contention resolution (e.g. after a private auction).

Adding the "luxury" tax would help incentivize partnerships. Also it would enable portfolio Applicants to prioritize and not overpay for some gTLDs and focus their attentions on those they would like to focus on which also facilitates innovation. By increasingly raising the luxury tax bid for each successive auction, ICANN will help level the playing field. There are many cases of other industries using efficient mechanisms to promote competition, diversity, and innovation, including: i) Salary cap and Luxury Tax Penalties, ii) Professional Sports Draft, and iii) Spectrum Caps:

(i) Salary cap and Competitive Balance Luxury Tax Penalties

In professional sports, a salary cap (or wage cap) is an agreement or rule that places a limit on the amount of money that a sporting club can spend on player salaries. The limit exists as a per-player limit or a total limit for the team's roster, or both. Several sports leagues have implemented salary caps, both as a method of keeping overall costs down, and to ensure parity between teams so wealthy teams cannot entrench dominance by signing many more top players than their competitors.

There are two main benefits derived from caps - promotion of parity between competitors and control of costs according to studies by:

Dietl, H., Lang, M. and Rathke, A. (2009): "The Effect of Salary Caps in Professional Team Sports on Social Welfare", The B.E. Journal of Economic Analysis and Policy, Vol. 9, Article 17, http://www.isu.uzh.ch/static/ISU_WPS/72_ISU_full.pdf

Dietl, H., Franck, E., Lang, M. and Rathke, A. (2008): "Welfare Effects of Salary Caps in Sports Leagues with Win-Maximizing Clubs", University of Zurich, ISU Working Paper Series No. 86, http://www.isu.uzh.ch/static/ISU_WPS/86_ISU_full.pdf

Dietl, H., Lang, M. and Rathke, A. (2010): "The Combined Effect of Salary Restrictions and Revenue Sharing in Sports Leagues", forthcoming in Economic Inquiry, http://www.isu.uzh.ch/static/ISU_WPS/102_ISU_full.pdf

For example, Major League Baseball implements a luxury tax (also called a competitive balance tax), an arrangement in which teams whose total payroll exceeds a certain figure (determined annually) are taxed on the excess amount in order to discourage large market teams from having a substantially higher payroll than the rest of the league. The tax is paid to the league, which then puts the money into its industry-growth fund (Dietl, H., Lang, M. and Werner, S. (2010): "The Effect of Luxury Taxes on Competitive Balance, Club Profits, and Social Welfare in Sports Leagues", http://www.isu.uzh.ch/static/ISU_WPS/91_ISU_full.pdf).

A team that goes over the luxury tax cap for the first time in a five-year period pays a penalty of 22.5% of the amount they were over the cap, second-time violators pay a 30% penalty, and teams that exceed the limit three or more times pay a 50% penalty from 2013 onwards. There is also an incentive to lower payroll; if in any year a team goes under the threshold, the penalty rate decreases to 17.5%, 25% or 40% (depending on prior record over the previous five years) for the next time the tax is paid, which will apply from 2013. The cap limit for 2011-2013 is $178 million, and for 2014-2016 $189 million.

Primarily, caps prevent wealthy teams from certain destructive behaviors, such as signing a multitude of high-paid star players to prevent their competitors from accessing talented players and ensuring victory through superior economic power. With a cap, each team has nearly the same economic power to attract players, which contributes to parity by producing roughly equal playing talent in each team in the league, and in turn brings economic benefits, both to the league and to its individual teams.

UEFA, the governing body of the Champions League, one the world's most popular leagues in viewership, has implemented a policy called Financial Fair Play (FFP) to protect the game of soccer and level the playing field. The objective of FFP is to ensure that all sports teams can compete equally, to introduce more discipline and rationality in club football finances and to limit the ability of ultra-wealthy billionaire owners (such as Chelsea's Roman Abramovich or Manchester City's Sheikh Mansour) to subsidize team expenses. EU law and US anti-trust law are similar in relation to sports since courts (i) require evidence of an actual imbalance of competition in the marketplace, (ii) allow sports teams to justify any competitive imbalances by demonstrating their legitimate pro-competitive benefits, and (iii) to block sports teams from pursuing legitimate goals by overly restrictive means.

It is clear that the FFP rules do affect "competitive balance." According to studies by the Institutue for Strategy and Business Economics at the University of Zurich (Egon Franck (2010), "Private Firm, Public Corporation or Member's Association – Governance Structures in European Football", International Journal of Sport Finance, 5(2), 108-127, http://www.isu.uzh.ch/static/ISU_WPS/106_ISU_full.pdf) other alternatives could also serve the purpose of leveling the playing field. One example is incorporating revenue-sharing, a common mechanism in professional U.S sports leagues. Another approach is imposing a salary cap based on the size of the league average payroll. Studies have shown that imposing a luxury tax increases competitive balance, especially if tax proceeds are distributed evenly between teams.

By ensuring a healthy degree of parity between teams, games are more exciting for the fans and not a foregone conclusion. Sports leagues that have adopted caps because they believe letting richer teams accumulate talent affects the quality of the sporting product they want to sell. If only a handful of dominant teams are able to win consistently and challenge for the championship, many of the contests will be blowouts by the superior team, reducing the sport's attractiveness for fans at the live events and viewers on television.

(ii) Professional Sports' Draft

ICANN's Bylaws clearly highlight the need for implementing rules to foster competition, diversity and innovation and should follow in the footsteps of other popular and highly successful non-for profits such as the National Football League (NFL). ICANN is formally organized as a non-profit corporation "for charitable and public purposes" under the California Nonprofit Public Benefit Corporation Law. ICANN was created in 1998 to oversee a number of Internet-related tasks previously performed directly on behalf of the U.S. government by other organizations, notably the Internet Assigned Numbers Authority (IANA). Before the establishment of ICANN, the United States controlled the Domain Name System (DNS) of the Internet.

ICANN could learn insightful lessons from non-for profits such as the NFL on how to make a League (or in ICANN's case the DNS) highly successful in relation to competition as mandated by its Bylaws. The NFL has a remarkable track record: they are the most successful sports league in the world with nearly $10 billion of revenues in 2012. Furthermore, NFL teams are on average the most lucrative and highly valued sports teams in the world. The average worth of a NFL team is $1.17 billion while in contrast the world's top 20 soccer teams have a mean value of $968 million.

As a non-for profit organization the NFL implemented the NFL Draft to increase diversity, innovation and competition between NFL teams. In the NFL Draft, the draft order in the NFL is determined in a reverse-record order (the previous season's worst team picking first, the Super Bowl winner picking last).

Other leagues followed suit. In the AFL Draft, clubs receive picks based on the position in which they finish on the ladder. Therefore, the teams that finish at the bottom of the AFL ladder will get the first draft picks. Also, any team that finishes in a low ladder position for consecutive seasons will receive priority picks. The National Hockey League (NHL), another non-for profit organization, implemented the NHL Draft, which allowed all 14 teams that failed to qualify for the playoffs take part in a weighted lottery with the winner moving up as much as four draft positions and no drop more than one draft position.

In the NBA Draft, instead of automatically granting the top pick to the worst team from the year before, the NBA holds a draft lottery to determine who chooses first. The top three picks are allocated by chance among the 14 teams that did not make the playoffs the year before. This discourages a team from losing on purpose to get a better draft pick.

In the AFL Draft, clubs receive picks based on the position in which they finish on the ladder. Therefore, the teams that finish at the bottom of the AFL ladder will get the first draft picks. Also, any team that finishes in a low ladder position for consecutive seasons will receive priority picks.
According to the Kevin B. Grier, Robert D. Tollison, Journal of Economic Behavior and Organization, The rookie draft and competitive balance: The case of professional football, Vol. 25, 1994, http://faculty-staff.ou.edu/G/Kevin.B.Grier-1/JEBO1994.pdf:

> On average, the draft clearly matters; higher draft choices raise winning percentages significantly over time. The rookie draft tends to promote competitive balance. Further, relative success in the draft is correlated with on-the-field success (pg. 298).
>
> The draft tends to balance competition in professional football, as its architects intended it to do (pg.298).
>
> According to Ross Booth, Sport Management Review, Comparing Sports Leagues: Does a Salary Cap and Player Draft Measure Up?, 2005, 8, 119–143, http://law.psu.edu/_file/Sports%20Law%20Policy%20and%20Research%20Institute/booth%20comparing%20competitive%20balance.pdf: Evidence of competitive balance in the AFL is consistent with Booth's theoretical argument that the introduction of the team salary cap and player draft has improved competitive balance in the AFL (pg.120)

(iii) Spectrum Caps

Other examples are spectrum caps. An independent paper prepared for the GSMA (http://www.gsma.com/spectrum/wp-content/uploads/2012/07/Spectrum-Mobile-broadband-competition-and-caps-report-2009.pdf):

> Spectrum caps have been introduced in several countries at various times as one ex ante means to implement competition policy in mobile communications markets. They have been applied to help ensure that no single mobile operator, or a very small number, can acquire all or almost all spectrum on offer either at the time of initial spectrum awards or in subsequent mergers of, or deals between operators. The goal is to prevent operators from gaining positions through large holdings of a scarce resource, i.e. spectrum, which they might then exploit anti-competitively so as to cause market failures with deleterious effects for customers and overall economic welfare (pg.1).
>
> Overall spectrum caps were introduced in the 1990s in several countries, notably in the Americas, to help ensure the development of effective competition in mobile markets. They limited and in some countries still limit the amount of spectrum any one operator can hold in order to ensure that several operators can enter the market, since no single operator or even a duopoly can acquire all the bandwidth that is made available at the time of awards, thereby precluding entry by other competitors (pg.3).

Peter Cramton, an expert on auctions whose methods powered many ICANN new gTLD private auctions, re-affirms (http://www.cramton.umd.edu/papers2000-2004/01hte-spectrum-auctions.pdf):

> Auctions have become the preferred method of assigning spectrum. The FCC auctions have shown that using an auction to allocate

> scarce resources is far superior to the prior methods: comparative hearings and lotteries. With a well-designed auction, there is a strong tendency for the licenses to go to the parties that value them the most, and the Treasury obtains much-needed revenues in the process. Overall, the auctions have been a tremendous success, putting essential spectrum in the hands of those best able to use it. The auctions have fostered innovation and competition in wireless communication services. Taxpayers, companies, and especially consumers have benefited from the auctions.
>
> To promote competition under the Spectrum Cap, a firm is limited in the quantity of spectrum it can hold in any market. For example in US auctions, firms can hold no more than 45 MHz of broadband spectrum in any area, assuring that there are at least five broadband wireless competitors in each market (pg.10).
>
> A spectrum cap is a direct method of limiting the concentration of spectrum for a particular type of service in a particular area. Its advantage is that it is a bright-line test that is easy to enforce, both before and after the auction. In the US, it has played a critical role in ensuring that there are many competitors for mobile wireless services in each market. This competition has led to clear gains for consumers (pg 30).
>
> Typically, spectrum caps lower auction revenues, but there is one important exception. In situations where incumbent bidders have an advantage, a spectrum cap may actually increase revenues and promote efficiency. In such a situation without a spectrum cap, non-incumbents may be unwilling to participate in the auction, knowing that the incumbents will ultimately win. As a result, in the auction without the cap only the incumbents show up, there is a lack of competition, and the incumbents split the licenses up among themselves. With the cap, the non-incumbents know that non-incumbents will win licenses, giving them an incentive and the ability to win (pg.31).

Geoffrey Meyers and the London School of Economics also wrote a paper re-affirming the same conclusion (http://www.lse.ac.uk/researchAndExpertise/units/CARR/pdf/DPs/DP74-Geoffrey-Myers.pdf):

> Policies that increase competition and permit wireless markets to operate more efficiently empirically dominate social gains from license rent extraction (Hazlett, T. and Muñoz, R., A welfare analysis of spectrum allocation policies, Rand Journal of Economics, 2009, Pg.437), Pg.2
> Ofcom, the UK communications regulator, decided to impose different competition measures to address distinct competition concerns: (a) Spectrum floors, an innovative competition measure providing the flexible reservation of spectrum for new entrants or the smallest incumbent, to promote downstream mobile competition between at least 4 national mobile competitors (pg.3)
>
> Caps place a limit on the maximum amount of spectrum any mobile operator can acquire. Set aside is spectrum for which only a defined class of bidder can compete, such as small incumbents or new entrants. Such competition measures can be characterized as providing a remedy to the risk of market failure, i.e. that small incumbents or new entrants fail to acquire the spectrum which they need to be effective competitors so that the market mechanism of the auction fails by resulting in a weakening of downstream competition to the detriment of consumers (pg.3).

As explained in Cramton et al (Cramton, P., Skrzypacz, A. and Wilson, R., The 700MHz spectrum auction: an opportunity to protect competition in a consolidating industry,' Submission to the US Department of Justice, Antitrust Division, http://www.cramton.umd.edu/papers2005-2009/cramton-skrzypacz-wilson-competition-in-700-mhz-auction.pdf, 2007, pg.4):

> This is the great deficiency of an unrestricted auction when incumbents have rents to protect. Symmetric auctions among asymmetric bidders are prone to inefficient outcomes because the interests of consumers are not directly represented in the auction – the responsibility to promote consumers' interests resides with the FCC and the Division [i.e. the US sector regulator and competition authority] when they consider the rules of the auction and the awarding of licenses in the public interest. Both those decisions will inevitably shape the structure of the industry far into the future.
>
> This is why, in major spectrum auctions, selling to the highest bidder may adversely affect output efficiency through weakening downstream competition. So the regulator should consider whether and what competition measures should be imposed in the auction to promote competition (pg.7).
>
> The rationale for spectrum floors, therefore, is that they provide a flexible remedy and alleviate regulatory failure when imposing competition measures to address the identified risks of market failure (pg.12).

According to Peter Cramton & Evan Kwerel & Gregory Rosston & Andrzej Skrzypacz, Using Spectrum Auctions to Enhance Competition in Wireless Services, Journal of Law and Economics, University of Chicago Press,vol. 54, November 2011 (http://www.stanford.edu/~skrz/spectrum-auctions-and-competition.pdf):

> Spectrum is an essential input. The more spectrum allocated to wireless services, the more competition can be sustained. (pg.S187).
>
> Spectrum auctions provide a fast and effective means of assigning spectrum to wireless operators. We believe that the primary objective of these auctions should be efficiency—putting the spectrum in the hands of those best able to use it—not raising revenue. Efficient auctions raise substantial revenues, and focusing more on revenues likely distorts the outcome away from social welfare maximization (pg.S187).

According to Jonathan B. Baker, Spectrum Auction Rules That Foster Mobile Wireless Competition, http://apps.fcc.gov/ecfs/document/view?id=7022130299, March 12, 2013:

> Auction rules with spectrum caps avoid costs, delays, and distortions in spectrum allocation that would result from relying on post-auction case-by-case review (pg.19).
>
> If the incumbent can limit competition from excluded rivals by acquiring a spectrum block at auction, the value it will place on that spectrum will include its market power benefit, and will therefore exceed the social value of the spectrum acquisition (pg.3).
>
> In consequence, these firms may outbid rivals and succeed in obtaining or maintaining market power in downstream services, when that would not be the best outcome for consumers or society as a whole. Spectrum policies, such as auction rules that incorporate spectrum ownership caps, can limit or prevent such competitive distortions (pg.4).

According to Peter Cramton, Evan Kwerel, Gregory Rosston & Andrzej Skrzypacz, Using Spectrum Auctions to Enhance Competition in Wireless Services, Volume 54, Journal of Law and Economics, Pg.167, 2011):

> [A]n auction that awards the spectrum to bidders with the highest values may not assure economic efficiency because the bidders' private values for the spectrum may differ from social values as a result of market structure issues. For example, an incumbent will include in its private value not only its use value of the spectrum but also the value of keeping the spectrum from a competitor.

According to Ex Parte Presentation of United States Department of Justice, GN Docket No. 09-51, at 23-24 (filed Jan.4, 2010):

> The goal in assigning licenses to any such new spectrum designated for commercial services should be to ensure that it generates the greatest ultimate benefits to the consumers of those services. When market power is not an issue, the best way to pursue this goal in allocating new resources is typically to auction them off, on the theory that the highest bidder, i.e., the one with the highest private value, will also generate the greatest benefits to consumers. But that approach can go wrong in the presence of strong wireline or wireless incumbents, since the private value for incumbents in a given locale includes not only the revenue from use of the spectrum but also any benefits gained by preventing rivals from eroding the incumbents' existing businesses. The latter might be called 'foreclosure value' as distinct from 'use value.' The total private value of spectrum to any given provider is the sum of these two types of value. However, the 'foreclosure value' does not reflect consumer value; to the contrary, it represents the private value of forestalling entry that threatens to inject additional competition into the market. In an established oligopoly with large margins between the price and the incremental cost of existing broadband services, the foreclosure value for incumbents in a given locale could be very high" (pg.4).

The U.S Department of Justice agreed on setting caps to promote competition in a letter to the Federal Communications Commission (http://apps.fcc.gov/ecfs/document/view?id=7022269624):

> The Department concludes that rules that ensure the smaller nationwide networks, which currently lack substantial low-frequency spectrum, have an opportunity to acquire such spectrum could improve the competitive dynamic among nationwide carriers and benefit consumers. (Pg.1)
>
> This could take the shape, for example, of pursuing spectrum in order to prevent its use by a competitor, independent of how efficiently the carrier uses the spectrum (pg.10)

The Justice Department said that in a perfect market, where a mere few industry players dominate, an auction, which allocates a scarce resource to the highest bidder, is an efficient way to distribute a public resource such as gTLD. But in a market that is lopsided where a few players have significantly deeper pockets than the rest of the competitors, the Justice Department thinks the FCC has a responsibility to craft rules that help ensure competition:

> Spectrum is a scarce resource and a key input for mobile wireless services. The Commission has an opportunity through its policies on spectrum holdings to preserve and promote competition and to ensure that the largest firms do not foreclose other rivals from access to low-frequency spectrum that would allow them to improve their coverage and make them stronger, more aggressive competitors (pg.18).

Timing:

The first issue is one of speed and timing. As ICANN's Bylaws state ICANN has to "act with a speed that is responsive to the needs of the Internet." The current Auction Rules as proposed by Power Auctions are time-consuming, complicated and are Rules that would benefit profit maximization (which is not aligned with ICANN's non-for profit status) since it encourages bidding wars. Furthermore it only benefits portfolio applicants since they can afford "bidding wars" and do not have any timing issues since they already have won uncontested gTLDs with the proceeds of their SLD sales, they can bid on future auctions and can afford to wait. The Auction Rules now allow for the resolution of 20 contention sets per month. Given all the delays that have occurred in the new gTLD Program to date, single or community applicants with late priority draw numbers risk not proceeding to auction until 2015.

The Auction Rules should incorporate Sealed Bid rules similar to what private auctioneer RightOfTheDot proposes. Perhaps Power Auctions and ICANN should work with RightOfTheDot given their domain expertise in the Sealed-Bid domain auction arena.

Reducing ICANN Liability and aligning auctions with ICANN's status as a Non-For Profit:

According to evidence pertaining to the use of particular auctions mechanism, the current ascending clock auction selected by Power Auctions puts ICANN's status as a non-for profit in question and increases ICANN's liability.

Based on empirical evidence by auction pioneer Peter Cramton (http://cramton.umd.edu/econ415/auction-design-and-strategy.pdf), an ascending bid auction is one that maximizes profits (Page 35). ICANN's goals are not revenue maximization (emphasis added). It also creates a situation of an inferiority complex that would create unnecessary bidding wars ("If its worth $x to them, why isn't it worth that much to us?"). A sealed bid on the other hand is a safer, simpler, more efficient and timely choice for ICANN. According to Cramton the benefits of sealed bid auctions is "risk aversion" (Page 36). In other words, less liability for both ICANN and Applicants and prevents bidding wars. Also it leaves more money on the table which could be used by winning registries for operations or marketing rather than enrich ICANN. Cramton calls leaving money on the table "risky" from a revenue maximization perspective. However ICANN's goals are not profit maximization. While private auctions by Innovative Auctions are based on "profit maximization" and "expanding the pie for losers", the ICANN auctions have a different goal in mind.

Solution to Address Timing , Efficiency and ICANN Liability : A Second-Price Sealed-Bid auction is where the highest bidder wins the rights to the gTLD while paying the second-highest bid. If you are a Portfolio Applicant an appropriate luxury competitive balance tax would be incorporated depending on Portfolio Applicant's total number of uncontested strings and contested strings resolved. Non-Portfolio Applicants can win over Portfolio Applicants just as long as they bid higher than the Portfolio Applicant's bid without considering the Portfolio Applicant's luxury competitive balance tax.

The simplicity of the Second Price Sealed-Bid auction with a luxury competitive tax is that it accommodates the possibility for maximizing resolution for significantly more contention sets, increase competition and diversity as well as to resolve the timing issue that unfairly burdens single gTLD Applicants (especially those with high lottery numbers) under the current Auction rules.

ICANN Use of Auction Proceeds:
Another issue that is not tackled in the Auction Rules is how auction monies will be used by ICANN and how it negatively affects losers of a gTLD in a contention set.

Solution to Address Monies Derived from Auctions: Losing Applicants in a contention set are given full refunds of their Application fee. The remaining funds can be used by ICANN to "support directly ICANN's Mission and Core Values and also allow ICANN to mainta in its not-for profit status."

This would be an area all new gTLD Applicants would unanimously agree too.

ICANN clarifies that any use of proceeds derived from auction "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." The most effective and relevant manner to use ICANN auction proceeds is to increase awareness of new gTLDs through diverse channels of promotion and activites focused on benefitting the new gTLD Program and new registries, especially in the cases where registries have spent a significant portion of their funds to win an auction and are left with significantly less funds to be used to market their new gTLD and its operations.

Conclusion

ICANN should implement Auction Rules that are consistent with its Bylaws, its non-for profit status and the Objectives of the new gTLD Program and the AGB to promote competition, diversity, innovation and consumer choice. Auctions should be simple to understand and quick to implement and not favor portfolio Applicants who can afford to lose in private auctions (since the contention losers split the final auction amount plus receive a 20% application refund of $37,000 from ICANN) in order to enrich themselves in preparation of ICANN auctions (where losers only receive a 20% application refund of $37,000 from ICANN).

It is clear that community-based Applicants who have restricted applications can not economically justify outbidding "open" Applicants who have a higher ROI since their "open" registration model generates more registrations and greater profit. For example, according to ICANN's gTLD domain counts, the restricted .JOBS and .PRO gTLDs have a registration volume of about 50,000 and 150,000 respectively, while the open .INFO and .BIZ gTLDs have about 6 million and 2 million registrations respectively. Nearly all community-based Applicants have applied for only one gTLD and can not hedge their bets with other gTLDs. Furthermore, they run a serious risk of failure if they decide to overbid to win over an "open" Applicant since they would be unable to recover those monies. According to the AGB, Applicants are not allowed to "loosen" registration policies to spur an increase of domain registrations to merely attempt to break-even after a financially-devastating auction.

The best way forward for ICANN to meets its goals with the new gTLD Program is to level the playing field to increase competition and diversity as well as to incentivize partnerships while limiting bidding wars that only Portfolio Applicants can afford. To accomplish these objectives, ICANN should incorporate a "luxury" competitive balance tax on bidding for Portfolio Applicants according to the total number of uncontested strings Portfolio Applicants have plus the total number of strings Portfolio Applicants have won by resolving contention sets. Another approach could be adopting a coefficient multiplier to assess and 'rank' applications for certain contested strings as suggested by NCC Group in their ICANN auction public comments.

Secondly, the most time-efficient and simple auction mechanism for ICANN to implement, which would also prevent the liability of ICANN revenue maximization, is the Second-Price Sealed-Bid auction with luxury competitive balance tax incorporated where the highest bidder wins the rights to the gTLD by paying the second-highest bid while considering luxury competitive taxes imposed on Portfolio Applicant bids to level the playing field. Implementing an ascending clock auction is risker and creates liability problems for ICANN because that auction type's main purpose is profit maximization which is contrary to ICANN's non-for profit status. Sealed-Bid auctions benefit the new gTLD Program as a whole since it leaves more money on the table for Applicants to be used for marketing and operations. Also it does not maximize revenues for ICANN nor does it completely drain smaller

Applicants of much-needed monies or unfairly harm community applicants who have restrictive policies and can not compete with "open" applicants in an auction since community-based applications' ROI is lower than that of "open" applications.

If ICANN adopted auction policies using other established templates as benchmarks for success then they would serve the global public interest and level the playing field. Such examplars for success include (i) a luxury competitive balance tax similar to those incorporated by successful sports leagues, such as the NBA, (ii) a weight-based allocation mechanism similar to the sports draft in the NFL (the world's most successful non-for profit organization), and (iii) a cap-based auction mechanism similar to various successful spectrum cap auctions.

Thirdly, ICANN should give all losing Applicants in a contention set a full refund of their Application fee. The remaining funds can be used by ICANN to "support directly ICANN's Mission/Core Values and also allow ICANN to maintain its not-for profit status."

Note: This is the position submitted to ICANN for Public Comments on new gTLD Auction Rules by .MUSIC and Constantine Roussos, the founder of .MUSIC and co-founder of MyTLD.com. To submit comments to ICANN on new gTLD Auction rules, please email comments-new-gtld-auction-rules-16dec13@icann.org.

Add a comment...

Post to Profile Posting as Meredith Craven (Not yo

Warning: this comments plugin is operating in compatibility mode, but has no posts yet. Consider specifying an explicit in the comments plugin documentation to take advantage of all plugin features.

New Generic Top-Level Domains

Français 日本語

NEW GTLD AUCTION PROCEEDS

Auctions are the mechanism of last resort to resolve string contention within the New gTLD Program. ICANN expects that most string contention will be resolved through other means before reaching an Auction conducted by ICANN's authorized Auction service provider, Power Auctions LLC. However, there is a possibility that significant funding will accrue as a result of several Auctions. Auction proceeds will be reserved and earmarked until the Board determines a plan for the appropriate use of the funds through consultation with the community. Auction proceeds are net of any Auction costs. Auction costs may include initial set-up costs, auction management fees, and escrow fees.

Information about the Auction process or Auction Results can be found on the Auctions page (/en/applicants/auctions) or Auction Results page (https://gtldresult.icann.org/application-result/applicationstatus/auctionresults), respectively.

Below is a breakdown of Auction proceeds as of 22 October 2014.

4 June 2014 | 9 July 2014 | 6 August 2014 | 17 September 2014 | 22 October 2014

Description	Proceeds	Costs	Net Proceeds
Auction Development Costs			
Direct Contention		$ 230,000	
Indirect Contention		$ 120,000	
Wilmington Trust Annual Fee		$ 1,750	
Subtotal: Auction Development Costs	$ -	$ 351,750	$ (351,750)
4 June 2014 Auction			
Completed Auctions	$ 600,000	$ 24,000	
Escrow Fees		$ 500	
Subtotal: 4 June 2014 Auction	$ 600,000	$ 24,500	$ 575,500
9 July 2014 Auction			
Scheduled and Cancelled		$ 10,000	
Escrow Fees		$ 500	
Subtotal: 9 July 2014 Auction	$ -	$ 10,500	$ (10,500)
6 August 2014 Auction			

Scheduled and Cancelled		$ 20,000	
Escrow Fees		$ 500	
Subtotal: 6 August 2014 Auction	$ -	$ 20,500	$ (20,500)
17 September 2014 Auction			
Completed Auctions	$ 14,349,776	$ 573,991	
Scheduled and Cancelled		$ 60,000	
Escrow Fees		$ 3,750	
Subtotal: 17 September 2014 Auction	$ 14,349,776	$ 637,741	$ 13,712,035
22 October 2014 Auction			
Completed Auctions	$ 12,889,463	$ 515,579	
Scheduled and Cancelled		$100,000	
Escrow Fees		$5,750	
Subtotal: 22 October 2014 Auction	$ 12,889,463	$ 621,329	$ 12,268,134
Current Total	$ 27,839,239	$ 1,666,320	$ 26,172,919

Site Map

You can enter date, eg. 2014-05-21, 21 May 2014 or 05/21/2014

Auction results are listed below. Only contention sets that resolved through Auction are included. This page will be periodically updated within seven (7) days after an Auction or update in status.

Information about the Auction process, Auction proceeds or additional contention set status' can be found on the Auctions page, Auction proceeds page or Contention Set Status page, respectively.

String	Contention Set Number	Auction Date	Application ID	Winning Applicant	Winning Price
BUY	16	17 September 2014	1-1315-53217	Amazon EU S.à r.l.	$4,588,888
REALTY	112	22 October 2014	1-1913-14988	Fegistry, LLC*	$5,588,888
SALON	28	22 October 2014	1-1618-18834	Outer Orchard, LLC*	$5,100,575
SPOT	109	22 October 2014	1-1317-50025	Amazon EU S.à r.l.*	$2,200,000
TECH	20	17 September 2014	1-1670-76346	Dot Tech LLC	$6,760,000
VIP	41	17 September 2014	1-1037-88001	Top Level Domain Holdings Limited	$3,000,888
信息 (xn--vuq861b)	6	04 June 2014	1-995-44061	Beijing Tele-info Network Technology Co., Ltd.	$600,000

Displaying 1 - 7 of 7

Notes:

* Winning applicant results are preliminary until the winning price is received in full.All prices are displayed in United States Dollars (USD) with a comma denoting the thousands separator.

RECENT POSTS

Donuts wins .ltd gTLD contest

Kevin Murphy, August 15, 2014, 10:46:37 (UTC), Domain Registries

Donuts has emerged the victor of the contention set for .ltd, beating six other applicants for the new gTLD.

Dot Registry, NU DOT CO, Afilias and myLTD all withdrew their applications this week, evidently after a private auction.

LTD Registry and C.V. TLDcare withdrew their applications in April and May respectively.

The string is of course an abbreviation for "limited" as in "limited liability company", used by privately held companies in many companies including the UK.

While bids for comparable TLDs such as .inc, .corp and .gmbh have received criticism from company regulators in the US and Germany, .ltd hasn't raised as much of a ruckus.

Like all Donuts gTLDs, it looks like .ltd is set to be unrestricted.

I'm not a fan of corporate identifier TLDs. They always strike me as more prone to defensive registrations than other, more descriptive strings.

Related posts (automatically generated):

Donuts wins .immo gTLD

Famous Four wins .party gTLD contest

Seven new gTLD applications withdrawn, two after GAC Early Warnings

Tagged: .ltd, donuts

COMMENTS (1)

Acro

August 15, 2014 at 6:29 pm

An LTD TLD 😀

Reply

ADD YOUR COMMENT

Name (required)

Mail (will not be published) (required)

Web site (optional)

Noss hints at winning .online auction bid

Judge blocks seizure of Iran's ccTLD

Another 11 new gTLDs won at auction

ICM will NOT offer free .porn names to .xxx buyers

New gTLD implicated in Macaulay Culkin "death", but journalists get it all wrong

New gTLDs steal $5 million from Web.com's top line

Battles for .chat, .style, .tennis, bingo and .sas over

Donuts wins .wine auction

Ebola 1 – ICANN 0 as Marrakech dumped for Singapore

For only the second time, ICANN tells the GAC to get stuffed

.sucks domains "will not be $25k"

Momentous pays over $3 million for .sucks

.wine applicants changing tune on geo protection?

DreamHost hit with big breach notice

ROTD lends geo names to CentralNic registrar push

Oops! Cock-up reveals ICANN survey respondent emails

ICANN board bill tops $2 million

Nominet hires venture capitalist as new CEO

Quitted ICANN director gets old job back

Former pop star is .uk's 10,000th cybersquatting case

gTLD auctions net ICANN another $13m

Is the free ride over for Verisign's .net?

ICANN terminates deadbeat registrar

ICANN may cancel Morocco meeting over Ebola fear

Why kicking out the .gay "community" was right

Afilias set for $100m London IPO

Cowley, one foot out of the industry, joins Architelos

Two-letter domains to be released in new gTLDs

Another ICANN director mysteriously quits

EU IDN not banned after all

Two new gTLD confusion decisions thrown out

Bulgaria and Greece win IDN ccTLDs on appeal

GAC elects Swiss rep as new chair

Donuts sells millionth domain name

Submit Comment

Notify me of followup comments via e-mail. You can also subscribe without commenting.

RECENT COMMENTS

Iceland yanks Islamic State domain

Governments totally cool with two-letter domains

“Send registrars to jail!”, ICANN hears

Uniregistry wins .cars gTLD

Gay community not gay enough to win new gTLD

Music industry gets its ass handed to it by gTLD panel

.now and .realestate will be restricted, but Donuts keeps .tires open

Freenom adds .gq to free African ccTLD roster

.nz second-level names now available

gpmgroup:
Just had a quick look through the red lined document and on the surface at least, the changes don't look like a very sen... read more

Rubens Kuhl:
Likely to be related; there is little incentive for compliance if a transition is already in its way.... read more

Kassey:
The government failed to grab quebec.com using UDRP early this year and now they won't even want .quebec which they can ... read more

Andrew:
Even more interesting...CSC owns IP Mirror now https://www.cscglobal.com/global/web/csc/prs-csc-digital-brand-service... read more

Acro:
The collisions list was like the Y2k bug: the byproduct of lazy administrators to allocate full qualifying domains to th... read more

anony (eroyalmail):
He probably got a cricket bouncer from .Club Domains LLC, the registry which he could not play because the ball was not ... read more

anony (eroyalmail):
City new gtlds .london, .nyc, .vegas., .melbourne, .berlin and so on might bring negative perceptions because they are ... read more

Rubens Kuhl:
Possibly, but choosing this court was already a forum shopping decision by the filers. This court has fame of being rece... read more

Nigel Roberts:
John: Interesting authority you cite there. Are you suggesting that if this case had been filed in ICANN's home terri... read more

John Berryhill:
I'm surprised at no citation to the Ninth Circuit decision in Office Depot, Inc. v. Zuccarini, Case No. 07-16788 (9th Ci... read more

New gTLD Application Submitted to ICANN by: Dot Registry LLC

String: INC

Originally Posted: 13 June 2012

Application ID: 1-880-35979

Applicant Information

1. Full legal name

Dot Registry LLC

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

Primary Contact

6(a). Name

Ms. Tess Pattison-Wade

6(b). Title

Executive Director

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

Shaul Jolles

7(b). Title

CEO

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

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

Kansas

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

Christopher Michael Parrott	Director of Finance
Paul Eugene Spurgeon	COO
Scott Adam Schactman	Director Law & Policy
Shaul Jolles	CEO

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

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

Ecyber Solutions Group Inc	not applicable

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.

INC

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.

There are no known operational or rendering issues associated with our applied for string. We are relying on the proven capabilities of Neustar to troubleshoot and quickly eliminate these should they arise.

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.

To build confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Corporations. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Registered Community of Corporations. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States. The ".INC" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Registered Community of Corporations.

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

With the increased popularity of the Internet as a consumer marketplace and the ease with which individuals are able to access information online, it is essential that safeguards be put in place to validate and identify legitimate businesses.
Businesses representing themselves as corporations by including Inc., Incorporated or Corporation in their business names create an expectation amongst consumers that they have the legal right to conduct business as a corporation. Unfortunately, consumers are currently unable to quickly verify the accuracy of this representation. Fraudulent business entities rely on this consumer assumption and the lack of available verification resources to prey on both businesses and consumers. As online commerce replaces brick-and-mortar businesses, there has been a corresponding rise in business identity theft online, which in turn creates a lack of consumer confidence.
In the vast majority of states, the Secretary of State is responsible for overseeing the business entities in the state – from the registration of corporations or verification of business filings, to the administration of the Uniform Commercial Code, an act, which provides for the uniform application of business contracts and practices across the United States. The Secretaries' role is critical to the chartering of businesses (including, but not limited to the formation of corporations) that wish to operate in their state. In this regard, the Secretaries of State maintain all records of business activities within the state, and in some states, the Secretary of State has wide-ranging regulatory authority over businesses as well.
The ".INC" gTLD will be exclusively available to members of the Community of Registered Corporations, as verified through the records of each registrant's Secretary of State's Office (or other state official where applicable). By verifying that a registrant is a registered U.S. corporation, DOT Registry will be able to bring unprecedented clarity and security to consumers and business owners, assuring Internet users, registry applicants, and others that web addresses ending in ".INC" are a hallmark of a valid corporation recognized by a governmental authority of the United States. This process will decrease the possibility of identity misrepresentation in a cyber setting and assist lesser-known businesses in legitimizing their services to consumers.
In January 2012, after many public forums and contributions from consumer advocates, the Business Services Committee of the National Association of Secretaries of State (NASS) released the NASS White Paper on Business Identity Theft, indicating that at least 26 states have reported business identity theft cases resulting from fraudulent business representations online. North Carolina Secretary of State Elaine Marshall, who serves as Co-Chair of the NASS Business Services Committee, indicates that the primary function of the White Paper is to "Harness new technology to develop cost-effective solutions, and ultimately make it harder for identity thieves to prey upon state-based businesses."
With the implementation of the ".INC" gTLD, consumers would have the ability to quickly

identify the presented business as a valid U.S. corporation. As ".INC" registrations grow, we will see a reduction in the ease with which criminals are able to hide behind fictitious entities because consumers will be conditioned to look for the appropriate gTLD ending before conducting business online. This simple gTLD extension would provide an efficient and cost-effective solution to a growing economic concern in the United States by creating a verifiable online business community network. Through this innovative concept, the DNS system will help to build a stronger more resilient business platform for members of the Registered Community of Corporations, while fostering increased user confidence, by ensuring accurate business representation.

It is our goal to provide an efficient and secure application process by minimizing the input required by the registrant and creating a streamlined, efficient evaluation process. We will accomplish this by reviewing the applicant's proof of business registration with their State. Registry Applicants will only be awarded a domain through DOT Registry if the Registrant is an active member of the Community of Registered Corporations. "Active" in this context can be defined as any corporation registered with a Secretary of State in the United States and its territories, that is determined to be authorized to conduct business within that State at the time of their registration. Registrant's "Active" status will be verified on an annual basis to ensure the reputation and validity of the ".INC" gTLD.

DOT Registry will also ensure that registrants are represented by a web address that is both simple and intuitive allowing for easy recognition by search engines and internet users. Awarded addresses will identify the registrant's company and may be presented in the shortest, most memorable way.

At DOT Registry, we believe in complete transparency, consistent with the Secretaries of State Policy with regard to "Active" members of the Community of Registered Corporations becoming publicly recorded upon completion of their entity registration process. Further, DOT Registry is informed by the position of the United States Senate Task Force for Financial Integrity and Economic Development, which was created to advocate for improved levels of transparency and accountability with regard to beneficial ownership, control, and accounts of companies. Over the last decade the Task Force has focused specifically on combatting fraudulent business registrations which result in "fake" entities absorbing, hiding, and transferring wealth outside the reach of law enforcement agencies. Because of this DOT Registry will not allow private or proxy registrations.

All approved domain registrants will be made public and available, so as to further validate DOT Registry's mission of fostering consumer peace of mind by creating a gTLD string dedicated solely to valid members of the Community of Registered Corporations. These transparency mechanisms will also serve as a deterrent for fraudulent entities by creating an expectation among consumers as to who they are conducting business with.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the ".INC" domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power. Further, the ".INC" gTLD will strive to foster competition by presenting members of the Community of Registered Corporations with a highly valued customized domain name that not only represents their business, but also their validity in the marketplace. Within the current existing top-level domains it is hard for businesses to find naming options that appropriately represent them. One advantage of the ".INC" gTLD is that it will drive the "right" kind of online registrations by offering a valued alternative to the currently overcrowded and often unrestricted name space. Registrants will be inspired to pursue ".INC" domains not only because they will be guaranteed a name representative to their business, but also because of the increased validity for their business operations brought about by the ".INC" verification process. DOT Registry anticipates that the security offered through a ".INC" extension will increase consumer traffic to websites which in turn will boost advertising revenue online and consumer purchasing.

Successful implementation of the ".INC" domain will require two registration goals: (1)

capture newly formed corporations and assist them in securing a ".INC" domain relative to their legal business name, and (2) converting existing online members of our community to a ".INC" domain relative to their legal business name. These goals will be accomplished by the following practices:

1) Through our Founder's Program, DOT Registry will secure key community tenants in the name space who will act as innovative leaders to assist us in changing the online culture of business representation by promoting the benefits of the ".INC" gTLD and shaping economic growth through increased consumer confidence.

2) DOT Registry will work closely with companies such as Legalzoom and CSC (both companies assist in the formation of entities and their registration processes), as well as individual Secretary of State's offices, to capture newly admitted members of the community.

3) DOT Registry will educate members of the Community of Registered Corporations on the benefits and importance of using a ".INC" gTLD by building a strong relationship with organizations like the Small Business Administration and the Better Business Bureau, which promote business validation and consumer insight. By working closely with these well-known and highly regarded entities, DOT Registry will be able to reach a larger majority of community members and enhance our message's validity.

4) DOT Registry will strive to create consumer and Internet user awareness through a strong Internet marketing presence and by developing a relationship with the National Association of Consumer Advocates, which was formed with the intention of curbing consumer abuse through predatory business practices.

At DOT Registry, we strive to meet the exact needs of our registrants and the Internet users who patronize them. This will be accomplished by the creation of a seamless connection and strong communication channel between our organization and the governmental authority charged with monitoring the creation and good standing of corporations. DOT Registry will work closely with each Secretary of State's office to tailor our validation process to complement each office's current information systems and to maximize the benefits of accurate information reporting. These processes are essential in fully assisting consumers in making educated decisions in regards to what businesses to patronize. The reach of the ".INC" gTLD will not only impact online consumerism, but also offer an additional validation process for consumers to research contractors, businesses, and solicitors before choosing to do business with them in person.

The guidelines listed below were developed through collaborations with both NASS and individual Secretary of State's offices in order to ensure the integrity of the ".INC" domain. All policies comply with ICANN-developed consensus policies.

To maintain the integrity of our mission statement and our relationship with each Secretary of State's office we will implement Registration Guidelines. In order to apply for a domain name ending in ".INC", a Registrant must be registered with one of the Secretary of State's offices in the United States, the District of Columbia, or any of the U.S. possessions or territories as a corporation pursuant to that jurisdiction's laws on valid corporate registration. In addition, Applicant will implement the following Registration Guidelines and naming conventions:

1) A Registrant will only be awarded the ".INC" domain that matches or includes a substantial part of the Registrant's legal name. For example, Blue Star Partners, Inc. would be able to purchase either BlueStarPartners.INC or BlueStar.INC.

2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant's legal name.

3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".INC" domain will be awarded on a first-come, first-served basis to the first registrant.

4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".INC" domain.

5) If a registrant's ".INC" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a

".INC" domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.INC was awarded to Blue Star Partners, Inc. of California, then Blue Star Partners, Inc. of Kansas would be offered the opportunity to use BlueStarPartners.INC.

6) DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States' online resources to confirm that companies applying for their ".INC" domain are in fact registered businesses.

7) All registrants that are awarded the ".INC" domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.

8) DOT Registry or it's designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant's "Active" Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered "Active" members of the Community of Registered Corporations. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".INC" domain:

(a) If a registrant previously awarded the ".INC" domain ceases to be registered with the State.

(b) If a registrant previously awarded a ".INC" domain is dissolved and⁄or forfeits the domain for any reason.

(c) If a registrant previously awarded the ".INC" domain is administratively dissolved by the State.

Any registrant is found to be "Inactive," or which falls into scenarios (a) through (c) above, they will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined 30 day probationary period, their previously assigned ".INC" will be forfeited. DOT Registry reserves the right to change the definition of "Active" in accordance with the policies of the Secretaries of State. Domains will be temporarily suspended during the review process.

9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a ".INC" domain, then such ".INC" will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Corporations, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting⁄tasting).

10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.

11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.inc. The WHOIS Web application will be an intuitive and easy to use application. A complete description of these services can be found in Question 26 below.

12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed

to maintain the previously awarded ".INC" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".INC" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.
13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.
14) DOT Registry will implement a reserved names policy consisting of both names DOT Registry wishes to reserve for our own purposes as the registry operator and names protected by ICANN. DOT Regisgtry will respect all ICANN reserved names including, but not limited to, two letter country codes and existing TLD's. Additionally, DOT Registry will seek ICANN approval on any additional names we plan to reserve in order to appropriately secure them prior to the opening of general availability.

In addition to DOT Registry's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

".INC" was proposed for the sole purpose of eliminating business and consumer vulnerability in a cyber setting. In order to maintain the integrity of that mission and minimize the negative consequences to consumers and business owners, the following policies will be adhered to:
(a) No information collected from any registrant will be used for marketing purposes.
(b) Data collected will not be traded or sold.
(c) All data collected on any registrant will be available to the registrant free of charge.
(d) Registrants will be allowed to correct data inaccuracies as needed.
(e) All data will be kept secure.
DOT Registry will strictly uphold the rules set forth in their registration guidelines in order to accurately service the Community of Registered Corporations and mitigate any negative consequences to consumers or Internet users.
Price structures for the ".INC" gTLD are designed to reflect the cost of verification within our community requirements and the ongoing cost of operations. Price escalation will only occur to accommodate rising business costs or fees implemented by the Secretaries of State with regard to verifying the "Active" status of a Registrant. Any price increases would be submitted to ICANN as required in our Registry Agreement and will be compiled in a thoughtful and responsible manner, in order to best reduce the affects on both the registrants and the overall retail market.
DOT Registry does not plan to offer registrations to registrants directly therefore our pricing commitments will be made within our Registry–Registrar Agreements. It is our intention that these commitments will percolate down to registrants directly and that the contractual commitments contained within our Registry-Registrar Agreements will be

reflected in the retail sale process of our gTLD, thus minimizing the negative consequences that might be imposed on registrants via the retail process.
DOT Registry plans to offer bulk registration benefits to Registrars during the first 6 months of operation. Registrars wishing to purchase bulk registrations of 1,000 names or more would be offered a 5% discount at the time of purchase. DOT Registry shall provide additional financial incentives to it's Registrars for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database.

Additionally, DOT Registry , through our founders program will provide a 25% discount to founders participants as a participation incentive. It is possible that DOT Registry would offer additional pricing benefits from time to time as relative to the market. All future pricing discounts not detailed in this application will be submitted through the appropriate ICANN channels for approval prior to introduction to the market.

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.

DOT Registry plans to serve the Community of Registered Corporations. Members of the community are defined as businesses registered as corporations within the United States or its territories. This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or "INC's" as they are commonly abbreviated, represent one of the most complex business entity structures in the U.S. Corporations commonly participate in acts of commerce, public services, and product creation.
Corporations are the oldest form of organized business in the United States, with the first organized corporation dating back to the 18th century. In 1819 The US Supreme Court formalized their policy on corporation formation by enhancing the rights granted to US Corporations. This policy change for the United States spurred increased corporate registrations and acted as an early economic boom for the states. Well known early corporations included the British East India Company, Carnegie Steel Company, and Standard Oil. The creation of corporations is synonymous with the development of free enterprise in the United States and much of our countries infrastructure and services were created by early and innovative corporations.
Corporation creation has been viewed as especially unique throughout US history because corporations are considered the only business model that are recognized by law to have the rights and responsibilities similar to natural persons. Corporations can exercise human rights against real individuals and the state. Additionally, they themselves can be responsible for human rights violations. This unique human element makes corporations

acutely responsible for their actions as an entity. This feature becomes especially applicable when we begin to view corporations as a community. “Community” is defined by Merriam Webster’s dictionary as a group sharing common characteristics or interests and perceived or perceiving itself as distinct in some respect from the larger society within which it exists. DOT Registry believes that corporations fall well within this definition due to their specific registration requirements, which set them apart from individuals and other business entities, while granting them operating privileges and distinct rights and responsibilities.

A corporation is defined as a business created under the laws of a State as a separate legal entity, that has privileges and liabilities that are distinct from those of its members. While corporate law varies in different jurisdictions, there are four characteristics of the business corporation that remain consistent: legal personality, limited liability, transferable shares, and centralized management under a board structure. Corporate statutes typically empower corporations to own property, sign binding contracts, and pay taxes in a capacity separate from that of its shareholders.

Business formation favors the corporate entity structure because it provides its shareholders with limited personal liability and a unique taxing structure.

Corporations provide the backbone of the American business culture. Fortune 500’s top ten US corporations for 2011 include: Wal-Mart Stores, Exxon Mobil, Chevron, ConocoPhillips, Fannie Mae, General Electric, Berkshire Hathaway, General Motors, Bank of America and Ford Motors. From this listing one can ascertain that corporations span every genre of business and play an intricate role in the daily lives of consumers. From gas stations to hospitals, grocery stores to financial lending institutions corporations drive the stock market, industry production, and consumer spending.

With almost 470,000 new corporations registered in the United States in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with a corporation.

Corporations can be formed through any jurisdiction of the United States. Therefore members of this community exist in all 50 US states and its territories. Corporation formation guidelines are dictated by state law and can vary based on each State’s regulations. Persons form a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of organization, which establish a limited liability company as a legal entity. At minimum, the Articles of Incorporation give a brief description of proposed business activities, shareholders, stock issued and the registered business address.

Corporations are expected to conduct business in conjunction with the policies of the State in which they are formed, and the Secretary of State periodically evaluates a corporation’s level of good standing based on their commercial interactions with both the state and consumers. DOT Registry or its designated agents would verify membership to the Community of Corporations by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to maintain the reputation of the “.INC” string and accurately delineate the member to consumers, Registrants would only be awarded a domain that accurately represents their registered legal business name. Additionally, DOT Registry will not allow blind registrations or registration by proxy, therefore DOT Registry’s WHOIS service will tie directly back to each member’s state registration information and will be publicly available in order to provide complete transparency for consumers.

Over 64% of US public corporations are registered in the state of Delaware. Because of this preeminence, Dot Registry has drawn on Delaware Law as an example of formation requirements and operating privileges.

According to Delaware Law corporations may be formed by:

(a) Any person, partnership, association or corporation, singly or jointly with others, and without regard to such person’s or entity’s residence, domicile or state of incorporation, may incorporate or organize a corporation under this chapter by filing with the Division of Corporations in the Department of State a certificate of incorporation

which shall be executed, acknowledged and filed in accordance with this title.
(b) A corporation may be incorporated or organized under this chapter to conduct or promote any lawful business or purposes, except as may otherwise be provided by the Constitution or other law of this State.
Entities are required to comply with formation practices in order to receive the right to conduct business in the US. Once formed a corporation must be properly maintained. Corporations are expected to comply with state regulations, submit annual filings, and pay specific taxes and fees. Should a corporation fail to comply with state statutes it could result in involuntary dissolution by the state in addition to imposed penalties, taxes and fees.
All entities bearing the words Corporation or Incorporated in their business name create the assumption that they have been awarded the privileges associated to that title such as: the ability to conduct commerce transactions within US borders or territories, the ability to market products, solicit consumers and provide reputable services in exchange for monetary values, and finally to provide jobs or employment incentives to other citizens. Membership in the Community of Corporations is established through your business entity registration. In order to maintain your membership to this community you must remain an "Active" member of the community. Active" in this context can be defined as any corporation registered with a Secretary of State in the United States and its territories, that is determined to be authorized to conduct business within that State.

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

DOT Registry, LLC is owned solely by ECYBER Solutions Group, Inc., a registered Corporation in the State of Kansas. DOT Registry has a direct relationship to the proposed community because of our ownership makeup. In addition, DOT Registry is a corporate affiliate of the National Association of Secretaries of State (NASS), an organization which acts as a medium for the exchange of information between states and fosters cooperation in the development of public policy, and is working to develop individual relationships with each Secretary of State's office in order to ensure our continued commitment to honor and respect the authorities of each state.
DOT Registry is acutely aware of our responsibility to uphold our mission statement of: building confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Corporations.DOT Registry has also specifically pledged to various Secretaries of State to responsibly manage this gTLD in a manner that will both protect and promote business development in the US. Further our policies were developed through direct collaboration with the state offices so as to mitigate any possibility of misrepresenting their regulations.
In order to ensure that we accomplish this goal and preserve the credibility of our operations DOT Registry has taken the following advance actions to ensure compliance and community protection:
1) Developed registration policies that are currently reflective of common state law dictating the creation and retention of corporations in the United States.
2) Created a strong partnership with CSC (an ICANN approved registrar also specializing in corporate formation services). Through this partnership DOT Registry was able to develop a streamlined verification process to validate potential Registrants as members of the community and ensure that continued annual verifications are completed in a time sensitive and efficient manner. This process will ensure that consumers are not misled by domains registered with the ".INC" gTLD. Additionally, this process will create peace of mind amongst community members by ensuring that their integrity is not diminished by falsely identified corporations being represented by a ".INC" extension.
3) Built a strong relationship with several Secretaries of State in order to receive and give consistent input on policy implementation and state regulation updates. DOT Registry has also notified NASS that we have designed our registration policies and

procedures to address NASS' concerns about verification requirements in the TLD.
4) Established an in-house legal and policy director to review, enhance, and ensure compliance and consistency with all registration guidelines and community representations.
As indicated in many of the attached letters, DOT Registry will be held specifically accountable for protecting the integrity of its restrictions and of the members of this community. DOT Registry will consult directly with NASS and policy advisors in the state offices consistently in order to continue to accurately represent the Community of Corporations and live up to the vast standards associated to the ".INC" gTLD.
In furtherance of this goal, DOT Registry has attached letters from critical advocates for and representatives of the proposed community, including:
1) Various Secretary of States Offices: Specifically The Secretary of State of Delaware which represents over 55% of public corporations in the United States and a majority of members in this community and The Secretary of State of South Dakota, which is working towards combatting business identity theft and fictitious business registration.
2) Members of the community including but not limited to CSC our registrar partner and Legal Zoom, the nation's leading provider for online business registration.
DOT Registry can be viewed as an exemplary community representative not only through its pledged commitment to excellence, but also through its continued commitment to build relationships with the state offices charged with registering and overseeing members of this community. DOT Registry pledges through its registry policies to uphold a common standard of evaluation for all applicants and to add increased integrity to the Community of Registered Corporations. These pledges are further enforced by the endorsement letters from the above organizations, which call the authentication/verification measures proposed by DOT Registry critical to the success of the proposed community.
Similarly, DOT Registry will adhere to all standards of business operations as described in the Kansas state business statutes and will be equally accountable to consumers to deliver continuously accurate findings and valid registrations.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

The goal of the ".INC" gTLD is to build confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Corporations. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Community of Corporations. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States. The ".INC" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Registered Community of Corporations. The creation of the ".INC" gTLD will bring innovation and unprecedented coordination of this valuable service of verification, a purpose endorsed by many individual Secretary of States and NASS. Additionally, ".lNC" will further promote the importance of accurate business registrations in the US, while assisting in combatting business identity theft by increasing registration visibility through our WHOIS services and strict abuse policies.
The intended registrants of the ".INC" gTLD would consist of members of the Community of Corporations. This would be verified by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to ensure that this process is accomplished in a secure and time effective manner DOT Registry will develop partnerships with each Secretary of State's office in order to create the applicable applications to securely verify registrant data.
End-users for this TLD would include everyday consumers, members of the community, businesses without the community, and consumers looking for more accurate information with

regards to those with whom they may conduct business. DOT Registry plans to initiate a robust marketing campaign geared towards the proposed end-users in order to ensure that consumers are aware of what ".INC" stands for and its significance throughout the Community of Corporations. In addition to the vast consumer benefits from the creation of the ".INC" gTLD, DOT Registry believes that ".INC" domains would be considerably beneficial to business end users. Since DOT Registry will not allow blind registration or registration by proxy businesses viewing ".INC" sites would be able to instantly ascertain what businesses operate under the blanket of parent companies, are subsidiaries of other businesses, and of course where a corporation is domiciled. This easily identifiable information not only assists businesses in accurately identifying who they are doing business with, it would also assist in locating sales and use tax information, identifying applicable state records, and tracking an entity's history. These factors could help to determine the outcome of sales, mergers, contract negotiations, and business relationships. Ensuring that this kind of transparency and accountability – qualitities previously not attainable in a TLD – shall be at the fingertips of potential business partners or investors.

Our registry policies will be adapted to match any changing state statutes in relation to the definition and creation of corporations in the U.S., ensuring the longevity and reputation of our registry services and our commitment to consumers to only represent valid U.S. corporations. Much like the perpetuity of the members of the Community of Corporations, the ".INC" gTLD will enjoy a similar immortality, for as long as incorporated entities continue to exist in the United States the ".INC" relevance will not diminish. As awareness of the gTLD's mission becomes more widely recognized by end-users expectations to understand who you choose to do business with will increase, making the need for the ".INC" gTLD more prominent.

In addition, it is our concern that the implementation of the gTLD string ".INC" as a generic string, without the restrictions and community delineations described in this application and endorsed by NASS and the various Secretaries of State, could promote confusion among consumers and provide clever criminal enthusiasts the tools necessary to misrepresent themselves as a U.S.-based corporation. There is an expectation amongst consumers that entities using the words corporation, incorporated, or INC in their business name have the legal right and ability to conduct business in the United States. This representation by non-members of the Community of Registered Corporations is not only fraudulent, but a great disservice to consumers

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

".INC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language the word incorporation is primarily shortened to Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are incorporated businesses we believed that ".INC" would be the simplest, most straightforward way to accurately represent our community. Inc. is a recognized abbreviation in all 50 states and US Territories denoting the corporate status of an entity. Our research indicates that Inc. as corporate identifier is used in three other jurisdictions (Canada, Australia, and the Philippines) though their formation regulations are different from the United States and their entity designations would not fall within the boundaries of our community definition.

20(e). Provide a description of the applicant's intended registration policies in

support of the community-based purpose of the applied-for gTLD.

In order to accurately protect the integrity of our domain name and serve the proposed community the following safeguards will be adapted:

1)All Registrants will be required to submit a minimum of: Their registered business address, State of Incorporation, name and contact information of responsible party, and legally registered business name. DOT Registry or its agents will use this information to cross-reference the applicable state's registration records in order to verify the accuracy of the Registrant's application. Should DOT Registry be unable to verify the legitimacy of the Registrants application additional information might be requested in order to award a domain name.
2)A Registrant will only be awarded the ".INC" domain that matches or includes a substantial part of the Registrant's legal name. For example, Blue Star Partners, Inc. would be able to purchase either BlueStarPartners.INC or BlueStar.INC.
3)Registrants will not be allowed to register product line registrations, regardless of the product's affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant's legal name.
4)If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".INC" domain will be awarded on a first-come, first-served basis to the first registrant.
5)However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".INC" domain.
6)If a registrant's ".INC" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a ".INC" domain with a distinctive denominator including but not limited to a geographic tag, company describer, or name abbreviation. For example, if BlueStar.INC was awarded to Blue Star, Inc. of California, then Blue Star, Inc. of Kansas would be offered the opportunity to use BlueStar-KS.INC. Companies will be able to choose a geographic tag that either matches their State of Incorporation or their principal place of business, which is listed with their applicable Secretary of State's office or legally reciprocal jurisdiction.
7)DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States' online resources to confirm that companies applying for their ".INC" domain are in fact registered businesses.
8)DOT Registry or its designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant's "Active" Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered "Active" members of the Community of Registered Corporations. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".INC" domain:
(a)If a registrant previously awarded the ".INC" domain ceases to be registered with the State.
(b)If a registrant previously awarded a ".INC" domain is dissolved and⁄or forfeits the domain for any reason.
(c)If a registrant previously awarded the ".INC" domain is administratively dissolved by the State.
Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined 30 day probationary period their previously assigned ".INC" will be forfeited.

DOT Registry reserves the right to change the definition of “Active” in accordance with the policies of the Secretaries of State.
9)If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.INC” domain, then such “.INC” will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Corporations, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting⁄tasting).
10)All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry’s registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.inc. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each “.INC” site. A complete description of these services can be found in Question 26 below.
11)Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant’s business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded “.INC” domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a “.INC” domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a 30 day grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry’s guidelines, the awarded domain will be revoked.
12)If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.In addition to Applicant’s comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse (“Clearinghouse”); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; stringent take down policies in order to properly operate the registry; and Applicant shall comply with any RRDRP decision, further reinforcing the fact that Applicant is committed to acting in best interest of the community.DOT Registry will employ an in house Rights Protection Mechanism Team consisting of our Director of Legal and Policy and two additional support personnel. The RPM team will work to mitigate any RPM complaints, while protecting the general rights and integrity of the “,INC” gTLD. The RPM team will strictly enforce the rights protection mechanisms described in this application.
Membership verification will be performed via DOT Registry’s designated agents that which have software systems in place to efficiently interface with each state’s data records. By utilizing the resources of industry leaders in this field, DOT Registry will ensure accurate and timely verification in addition to our ability to meet the needs of such a vast community. “Active” status will be specifically verified by cross referencing an applicant’s registration data with state records. If this process is unable to be automated at any given time DOT Registry’s agents will manually verify the information by contacting the applicable state agencies. While manual verification will obviously employ a larger pool of resources, DOT Registry believes that its industry partners are sufficiently able to accomplish this task based on their employee pool and past business accomplishments. Registrants will be expected to provide a minimum of their legal registered name, state of incorporation, registered business address, and administrative contact. All additional

information required such as proof of incorporation or “active” status verification will be the sole responsibility of DOT Registry or its designated agents and will be acquired through the processes described herein.
DOT Registry will not restrict the content of “.INC” sites other then through the enforcement of our Abuse Mitigation practices or Rights Protection Mechanisms as described in question 28 and 29 of this application. All “.INC” sites will be expected to adhere to the content restrictions described in DOT Registry’s abuse policies. Any sites infringing on the legal rights of other individuals or companies, trademarks, or participating in the practice and promotion of illegal activities will be subject to Applicant’s take down procedures. “.INC” domains are designed for the sole use of community members with the intention of promoting their specific business activities.

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.

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper

showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23.1 Introduction

DOT Registry has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the ".INC" registry. In making this decision, DOT Registry recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the ".INC" registry. The following section describes the registry services to be provided.

23.2 Standard Technical and Business Components

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. DOT Registry will use Neustar's Registry Services platform to deploy the ".INC" registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to ".INC"):

-Registry-Registrar Shared Registration Service (SRS)

-Extensible Provisioning Protocol (EPP)

-Domain Name System (DNS)

-WHOIS

-DNSSEC

-Data Escrow

-Dissemination of Zone Files using Dynamic Updates

-Access to Bulk Zone Files

-Dynamic WHOIS Updates

-IPv6 Support

-Rights Protection Mechanisms

-Internationalized Domain Names (IDN). [Optional should be deleted if not being offered].

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The ".INC" registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

DOT Registry will leverage Neustar's world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar's existing standard WHOIS solution will be used for the ".INC". The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data

model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

Standard WHOIS (Port 43)

Standard WHOIS (Web)

Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 Data Escrow

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

-Protect against data loss

-Follow industry best practices

-Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure

-Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 Dissemination of Zone Files using Dynamic Updates

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology

ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 Access to Bulk Zone Files

DOT Registry will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 Dynamic WHOIS Updates

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 Support

The ".INC" registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS/DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 Required Rights Protection Mechanisms

DOT Registry, will provide all ICANN required Rights Mechanisms, including:

-Trademark Claims Service

-Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)

-Registration Restriction Dispute Resolution Procedure (RRDRP)

-UDRP

-URS

-Sunrise service.

More information is presented in the response to Question 29.

23.2.12 Internationalized Domain Names (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users. A detailed description of the IDN implementation is presented in response to Question 44.

23.3 Unique Services

DOT Registry will not be offering services that are unique to ".INC".

23.4 Security or Stability Concerns

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 Introduction

DOT Registry has partnered with NeuStar, Inc ("Neustar"), an experienced TLD registry operator, for the operation of the ".INC" Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar's state of the art registry has a proven track record of being secure, stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 The Plan for Operation of a Robust and Reliable SRS

24.2.1 High-level SRS System Description

The SRS to be used for ".INC" will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality, reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, DOT Registry is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

-State-of-the-art, production proven multi-layer design

-Ability to rapidly and easily scale from low to high volume as a TLD grows

-Fully redundant architecture at two sites

-Support for IDN registrations in compliance with all standards

-Use by over 300 Registrars

-EPP connectivity over IPv6

-Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS Systems, Software, Hardware, and Interoperability

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

-The IP address of the client

-Timestamp

-Transaction Details

-Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS Design

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

-Protocol Layer

-Business Policy Layer

-Database.

Each of the layers is described below.

24.2.4 Protocol Layer

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

-The registrar’s host exchanges keys to initiates a TLS handshake session with the EPP server.

-The registrar’s host must provide credentials to determine proper access levels.

-The registrar’s IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 Business Policy Layer

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can

be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 Database

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 Number of Servers

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the ".INC" registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 Description of Interconnectivity with Other Registry Systems

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

-WHOIS

-DNS

-Billing

-Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for ".INC".

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS External Notifier

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS External Notifier

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 Billing External Notifier

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 Data Warehouse

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 Frequency of Synchronization between Servers

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 Synchronization Scheme (e.g., hot standby, cold standby)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 Compliance with Specification 6 Section 1.2

The SRS implementation for ".INC" is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 Compliance with Specification 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the ".INC" Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 Resourcing Plans

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

-Development/Engineering

-Database Administration

-Systems Administration

-Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has

been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the ".INC" registry. The following resources are available from those teams:

-Development/Engineering 19 employees

-Database Administration- 10 employees

-Systems Administration 24 employees

-Network Engineering 5 employees

The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the ".INC" registry.

25. Extensible Provisioning Protocol (EPP)

25.1 Introduction

DOT Registry's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure DOT Registry is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the ".INC" registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP Interface

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.

The main features of the EPP implementation are:

-Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

-Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the footprint of the Registry system for a particular TLD.

-Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

-Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

-Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change rippling through the whole application.

-Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

-Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 Compliance with RFCs and Specifications

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP Toolkits

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 Proprietary EPP Extensions

[Default Response]

The ".INC" registry will not include proprietary EPP extensions. Neustar has implemented

various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the ".INC" registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the ".INC" registry is attached in the document titled EPP Schema Files.

25.5 Resourcing Plans

The development and support of EPP is largely the responsibility of the Development/Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

-Development/Engineering 19 employees

-Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the ".INC" registry.

26. Whois

DOT Registry, LLC recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

DOT Registry, LLC's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both

as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by DOT Registry, LLC's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of DOT Registry, LLC's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (DOT Registry, LLC's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

DOT Registry, LLC's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

DOT Registry, LLC's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. DOT Registry, LLC's registry services operator currently processes millions of WHOIS queries per day.

In addition to the WHOIS Service on port 43, DOT Registry, LLC will provide a Web-based WHOIS application, which will be located at www.whois.inc. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

DOT Registry, LLC will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their

WHOIS information will quickly be returned to the user.
In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password. DOT Registry, LLC will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.
DOT Registry, LLC will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future.
DOT Registry, LLC's Legal Team consisting of 3 dedicated employees, will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain DOT Registry, LLC's information, DOT Registry, LLC's WHOIS services will necessarily be in compliance with any applicable privacy laws or policies.

27. Registration Life Cycle

27.1 Registration Life Cycle

27.1.1 Introduction

".INC" will follow the lifecycle and business rules found in the majority of gTLDs today. Our back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be use for ".INC".

27.1.2 Domain Lifecycle - Description

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state

of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the ".INC" registry per the defined ".INC" business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

-OK Default status applied by the Registry.

-Inactive Default status applied by the Registry if the domain has less than 2 nameservers.

-PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the ".INC" registry.

-PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.

-PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.

-PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action is pending. This status will not be used in the ".INC" registry.

-PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the ".INC" registry.

-Hold Removes the domain from the DNS zone.

-UpdateProhibited Prevents the object from being modified by an Update command.

-TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.

-RenewProhibited Prevents a domain from being renewed by a Renew command.

-DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information in not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

-Domain may be updated

-Domain may be deleted, either within or after the add-grace period

-Domain may be renewed at anytime during the term

-Domain may be auto-renewed by the Registry

-Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 Registration States

27.2.1 Domain Lifecycle Registration States

As described above the ".INC" registry will implement a standard domain lifecycle found in most gTLD registries today. There are five possible domain states:

-Active

-Inactive

-Locked

-Pending Transfer

-Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 Active State

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 Inactive State

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

27.2.4 Locked State

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

27.2.5 Pending Transfer State

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

27.2.6 Pending Delete State

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

27.3 Typical Registration Lifecycle Activities

27.3.1 Domain Creation Process

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1. Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2. Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3. The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13 nameservers, with Check and Create commands submitted for each object.

27.3.2 Update Process

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

-Domain statuses

-Registrant ID

-Administrative Contact ID

-Billing Contact ID

-Technical Contact ID

-Nameservers

-AuthInfo

-Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 Renew Process

The term of a domain may be extended using the EPP Renew operation. ICANN policy general establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed/extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 Transfer Process

The EPP Transfer command is used for several domain transfer related operations:

-Initiate a domain transfer

-Cancel a domain transfer

-Approve a domain transfer

- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1. The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.

2. If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status

3. A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar's message queue

4. The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request

5. If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer

6. The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject a transfer operation.

27.3.6 Deletion Process

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 Applicable Time Elements

The following section explains the time elements that are involved.

27.4.1 Grace Periods

There are six grace periods:

-Add-Delete Grace Period (AGP)

-Renew-Delete Grace Period

-Transfer-Delete Grace Period

-Auto-Renew-Delete Grace Period

-Auto-Renew Grace Period

-Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 Add-Delete Grace Period

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar’s billing account.

27.4.3 Renew-Delete Grace Period

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 Transfer-Delete Grace Period

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 Auto-Renew-Delete Grace Period

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 Auto-Renew Grace Period

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not required to provide registrants with the full 45 days of the period.

27.4.7 Redemption Grace Period

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain command as described below. Following the 30day RGP period the domain will remain in pendingDelete status for an additional five days, during which time the domain may NOT be restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore the domain and fulfill all the reporting obligations required under ICANN policy. The following describes the restoration process.

27.5 State Diagram

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending delete.Please refer to section 27.2 for detailed descriptions of each of these states. The lines between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

-Create:Registry receives a create domain EPP command.

-WithNS:The domain has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-WithOutNS:The domain has not met the minimum number of nameservers required by registry policy. The domain will not be in the DNS zone.

-Remove Nameservers: Domain's nameserver(s) is removed as part of an update domain EPP command. The total nameserver is below the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Add Nameservers: Nameserver(s) has been added to domain as part of an update domain EPP command.The total number of nameservers has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Delete: Registry receives a delete domain EPP command.

-DeleteAfterGrace: Domain deletion does not fall within the add grace period.

-DeleteWithinAddGrace:Domain deletion falls within add grace period.

-Restore: Domain is restored.Domain goes back to its original state prior to the delete command.

-Transfer: Transfer request EPP command is received.

-Transfer Approve/Cancel/Reject:Transfer requested is approved or cancel or rejected.

-TransferProhibited: The domain is in clientTransferProhibited and/or serverTranferProhibited status. This will cause the transfer request to fail.The domain goes back to its original state.

-DeleteProhibited: The domain is in clientDeleteProhibited and/or serverDeleteProhibited status.This will cause the delete command to fail.The domain goes back to its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be in a locked state in combination with any of the other states: inactive, active, pending transfer, or pending delete.

27.5.1 EPP RFC Consistency

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN policies and related EPP RFCs.

27.6 Resources

The registration lifecycle and associated business rules are largely determined by policy and business requirements; as such the Product Management and Policy teams will play a critical role in working Applicant to determine the precise rules that meet the requirements of the TLD. Implementation of the lifecycle rules will be the responsibility of Development/Engineering team, with testing performed by the Quality Assurance team.Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The ".INC" registry will be using standard lifecycle rules, and as such no customization is anticipated.However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.The following resources are available from those teams:

-Development/Engineering 19 employees

-Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the ".INC" registry.

28. Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.INC, providing access to .INC's WhoIs services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.INC and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry 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, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- Illegal or fraudulent actions: use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- Spam: use of electronic messaging systems from email addresses from domains in the TLD 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;

- Trademark and Copyright Infringement: DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .INC TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- Phishing: use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- Pharming: redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- Willful distribution of malware: 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.
- Fast flux hosting: use of fast-flux techniques 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 techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- 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 denial-of-service attacks (DDoS attacks);
- Distribution of pornography;
- 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);
- Domain Kiting⁄Tasting: registration of domain names to test their commercial viability before returning them during a Grace Period;
- High Volume Registrations⁄Surveying: registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- Geographic Name: registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- Inadequate Security: registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect third-party information in accordance with that geographic area's data and financial privacy laws;
- Front Running: registrars mining their own web and WhoIs traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- WhoIs Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's WhoIs database in connection with the bad faith registration and use of the domain in question;
- WhoIs Misuse: abusing access to the WhoIs database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing WhoIs Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.INC the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Time who will review and if

applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation.
Such notification shall state:
1) the nature of the violation;
2) the proposed remedy to the violation;
3) the time frame to cure the violation; and
4) the Registry's options to take subsequent action if the Registrant does not cure the violation.
If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.
If the Registrant responds within ten (10) business days, it'[s response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring

registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on “serverHold”.

Maintenance of Registration Criteria

If a Registrant previously awarded the “.INC” domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned “.INC” domain at their designated renewal date.
If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a “.INC” domain, then such “.INC” will be immediately forfeited to DOT Registry.
If a Registrant previously awarded a “.INC” domain is dissolved and⁄or forfeited for any reason, then such “.INC” domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.
If a Registrant previously awarded the “.INC” domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such “.INC” will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.
A Registrant’s “Active” Status will be verified annually. Any Registrant not considered “Active” by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to “Active” Status. If the Registrant is unable to restore itself to “Active” status within the defined probationary period, their previously assigned “.INC” will be forfeited. In addition, DOT Registry’s definition of “Active” may change in accordance with the policies of the Secretaries of State.
Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the “dominant use of orphaned glue supports the correct and ordinary operation of the DNS.” See http:⁄⁄www.icann.org⁄en⁄committees⁄security⁄sac048.pdf.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry’s registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

WhoIs Accuracy

DOT Registry will provide WhoIs accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 WhoIs Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick WhoIs services, in which all authoritative WhoIs data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete WhoIs information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote WhoIs accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete WhoIs data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate WhoIs information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the WhoIs information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the

inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

Abuse Prevention and Mitigation – Domain Name Access

All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

29. Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names

registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered corporations and all applied-for domains will only be awarded the ".INC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes 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.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active corporations in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and⁄or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration.
DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SRDP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on 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 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.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period: Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B
Applications that fit the following criteria will be considered during the Sunrise B period:
a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.
Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program
Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:
a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".INC" website within 30 days of signing the Program Agreement.
b) In addition, each registrant will be required to issue a press release announcing the launch of their ".INC" Founder Website, concurrent with the launch of their .INC Founder Website, said press release must be approved by DOT Registry;
c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
d) Founders are expected to proactively market and promote ".INC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".INC" string.
e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.
f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.
DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Additionally, DOT Regsitry may suspend or delete a Founder's site without prior notice to the Registrar or Registrant if the Founder's site is deemed in violation of any of DOT Registry's registration guidelines or policies.
Registrants participating in the Founders program will receive 25% off their initial registration fees, additional discounts may be offered to founders at the time of renewal, should DOT Registry choose to offer additional discounts to founders or term extensions (not to exceed 5 years) DOT Registry will seek advance approval from ICANN via the specified channels.

Landrush
Landrush is a limited time opportunity for companies that want to secure a high value ".INC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the Applicant. Domain names with two or more applications will proceed to a closed mini auction, between the respective Applicants , where the highest bidder wins.

General Availability Period
Applicants must meet registration requirements.
Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions
Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.
a) Both Applicants will be notified of the contention and the Sunrise A Applicants will be given first right to either register their requested domain or withdraw their application. Since ".INC" is a sponsored community domain for registered Corporations, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.
b) If the Sunrise A Applicant chooses to register their name regardless of the contention, then the Sunrise B Applicant may choose to pursue further action independently of DOT Registry to contest the name.
c) If two Sunrise A Applicants apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.INC) then DOT Registry will notify both Applicantts of the contention and proceed to an auction process as described in Section 9.
d) If a Sunrise A Applicant and a Landrush Applicant apply for the same domain name, the Sunrise A Applicant , all else being equal will have priority over the Landrush Applicant .
e) If two Sunrise B Applicants apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications
An Applicant can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions
Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:
a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.
b) All auction participants are expected to keep their account information current, throughout the auction process.
c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.
d) Bidding
i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.
ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.
iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.
iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.
e) Extensions
i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.
ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.
iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.
iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.
f) Payment Default
In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any⁄all of your winning registrations for any .INC domain name, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry's RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry's registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a "Trademark Claims Notice" (Notice) in English to the protective registrant of the domain name and copy DOT Registry's RPM Team The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark 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. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to by a UDRP

panel to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .INC as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick WhoIs

DOT Registry will include a thick WhoIs database as required in Specification 4 of the Registry agreement. A thick WhoIs provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".INC" domain is dissolved and⁄or forfeited for any reason, then such ".INC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.

If a Registrant previously awarded the ".INC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".INC" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.INC contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registrys RPM Team who will catalogue and ticket in DOT Registry's CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry's RPM Team. A member of DOT Registry's RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry's RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry's RPM Team If DOT Registry's RPM Team is satisfied by the registrant's response that the content has been taken down or is not infringing, DOT Registry's RPM Team will unsuspend the domain name. DOT Registry's RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party's election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry's response to Question 28.

30(a). Security Policy: Summary of the security policy for the proposed registry

30.(a).1 Security Policies

DOT Registry and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The ".INC" registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements.

Neustar's approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Policies are reviewed annually by Neustar's information security team.

The following is a summary of the security policies that will be used in the ".INC" registry, including:

1. Summary of the security policies used in the registry operations

2. Description of independent security assessments

3. Description of security features that are appropriate for ".INC"

4. List of commitments made to registrants regarding security levels

All of the security policies and levels described in this section are appropriate for the ".INC" registry.

30.(a).2 Summary of Security Policies

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

-The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

-The rights that can be expected with that use.

-The standards that must be met to effectively comply with policy.

-The responsibilities of the owners, maintainers, and users of Neustar's information resources.

-Rules and principles used at Neustar to approach information security issues

The following policies are included in the Program:

1. Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2. Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3. Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4. Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5. Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6. Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7. Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8. Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9. Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system/application accounts, shared/group accounts, guest/public accounts, temporary/emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10. Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11. Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12. Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as well as requirements for PDAs, mobile phones, digital cameras and music players, and any other removable device capable of transmitting, processing or storing information.

13. Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14. Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor, and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15. Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

30.(a).3 Independent Assessment Reports

Neustar IT Operations is subject to yearly Sarbanes-Oxley (SOX), Statement on Auditing Standards #70 (SAS70) and ISO audits. Testing of controls implemented by Neustar management in the areas of access to programs and data, change management and IT Operations are subject to testing by both internal and external SOX and SAS70 audit groups. Audit Findings are communicated to process owners, Quality Management Group and Executive Management. Actions are taken to make process adjustments where required and remediation of issues is monitored by internal audit and QM groups.

External Penetration Test is conducted by a third party on a yearly basis. As authorized by Neustar, the third party performs an external Penetration Test to review potential security weaknesses of network devices and hosts and demonstrate the impact to the environment. The assessment is conducted remotely from the Internet with testing divided into four phases:

-A network survey is performed in order to gain a better knowledge of the network that was being tested

-Vulnerability scanning is initiated with all the hosts that are discovered in the previous phase

-Identification of key systems for further exploitation is conducted

-Exploitation of the identified systems is attempted.

Each phase of the audit is supported by detailed documentation of audit procedures and results. Identified vulnerabilities are classified as high, medium and low risk to facilitate management’s prioritization of remediation efforts. Tactical and strategic recommendations are provided to management supported by reference to industry best practices.

30.(a).4 Augmented Security Levels and Capabilities

There are no increased security levels specific for ”.INC”. However, Neustar will provide the same high level of security provided across all of the registries it manages.

A key to Neustar’s Operational success is Neustar’s highly structured operations practices. The standards and governance of these processes:

-Include annual independent review of information security practices

-Include annual external penetration tests by a third party

-Conform to the ISO 9001 standard (Part of Neustar’s ISO-based Quality Management System)

-Are aligned to Information Technology Infrastructure Library (ITIL) and CoBIT best practices

-Are aligned with all aspects of ISO IEC 17799

-Are in compliance with Sarbanes-Oxley (SOX) requirements (audited annually)

-Are focused on continuous process improvement (metrics driven with product scorecards reviewed monthly).

A summary view to Neustar's security policy in alignment with ISO 17799 can be found in section 30.(a).5 below.

30.(a).5 Commitments and Security Levels

The ".INC" registry commits to high security levels that are consistent with the needs of the TLD. These commitments include:

Compliance with High Security Standards

-Security procedures and practices that are in alignment with ISO 17799

-Annual SOC 2 Audits on all critical registry systems

-Annual 3rd Party Penetration Tests

-Annual Sarbanes Oxley Audits

Highly Developed and Document Security Policies

-Compliance with all provisions described in section 30.(b) and in the attached security policy document.

-Resources necessary for providing information security

-Fully documented security policies

-Annual security training for all operations personnel

High Levels of Registry Security

-Multiple redundant data centers

-High Availability Design

-Architecture that includes multiple layers of security

-Diversified firewall and networking hardware vendors

-Multi-factor authentication for accessing registry systems

-Physical security access controls

-A 24x7 manned Network Operations Center that monitors all systems and applications

-A 24x7 manned Security Operations Center that monitors and mitigates DDoS attacks

-DDoS mitigation using traffic scrubbing technologies

New gTLD Application Submitted to ICANN by: Dot Registry LLC

String: LLC

Originally Posted: 13 June 2012

Application ID: 1-880-17627

Applicant Information

1. Full legal name

Dot Registry LLC

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

Primary Contact

6(a). Name

Ms. Tess Pattison-Wade

6(b). Title

Executive Director

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

Shaul Jolles

7(b). Title

CEO

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

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

Kansas

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

Christopher Michael Parrott	Director of Finance
Paul Eugene Spurgeon	COO
Scott Adam Schactman	Director Law & Policy
Shaul Jolles	CEO

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

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

Ecyber Solutions Group Inc	not applicable

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.

LLC

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.

There are no known operational or rendering issues associated with our applied for string. We are relying on the proven capabilities of Neustar to troubleshoot and quickly eliminate these should they arise.

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.

To build confidence, trust, reliance and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Companies. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Community of Registered Limited Liability Companies. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States. The ".LLC" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Community of Registered Limited Liability Companies.

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

With the increased popularity of the Internet as a consumer marketplace and the ease with which individuals are able to access information online, it is essential that safeguards be put in place to validate and identify legitimate businesses.

Businesses representing themselves as Limited Liability Companies by including LLC in their business names create an expectation amongst consumers that they have the legal right, to conduct business as a Limited Liability Company. Unfortunately, consumers are currently unable to quickly verify the accuracy of this representation. Fraudulent business entities rely on this consumer assumption and the lack of available verification resources to prey on both businesses and consumers. As online commerce replaces the brick-and-mortar business model there has been a corresponding rise in business identity theft online, which in turn creates a lack of consumer confidence.

In the vast majority of states, the Secretary of State is responsible for overseeing business entity registrations for their state — from basic funcions such as the registration of corporations or verification of business filings, to the administration of the Uniform Commercial Code, an act which provides for the uniform application of business contracts and practices across the United States. The Secretaries' role is critical to the chartering of businesses (including, but not limited to the formation of Limited Liability Companies) that wish to operate in their state. In this regard, the Secretaries of State maintain all records of business activities within the state, and in some states, the Secretary of State has wide-ranging regulatory authority over businesses as well.
The ".LLC" gTLD will be exclusively available to members of the Community of Registered Limited Liability Companies, as verified through each applicant's Secretary of States Office. By verifying that an applicant is a registered Limited Liability Company, DOT Registry will be able to bring unprecedented clarity and security to consumers and business owners, assuring internet users, registry applicants, and others that web addresses ending in ".LLC" are a hallmark of a valid Limited Liability Company recognized by a governmental authority of the United States. This process will decrease the possibility of identity misrepresentation in a cyber setting and assist lesser-known businesses in legitimizing their services to consumers.

In January 2012 after many public forums and contributions from consumer advocates, the Business Services Committee of the National Association of Secretary of States (NASS) released the NASS White Paper on Business Identity Theft, indicating that at least 26 states have reported business identity theft cases resulting from fraudulent business representations online. North Carolina Secretary of State Elaine Marshall, who serves as Co-Chair of the NASS Business Services Committee, indicates that the primary function of

the White Paper is to, “Harness new technology to develop cost-effective solutions, and ultimately make it harder for identity thieves to prey upon state-based businesses.”

With the implementation of the “.LLC” gTLD, consumers would have the ability to quickly identify the presented business as a valid US Limited Liability Company. As “.LLC” registrations grow, we will see a reduction in the ease with which criminals are able to hide behind fictitious entities because consumers will be conditioned to look for the appropriate gTLD ending before conducting business online. This simple gTLD extension would provide an efficient and cost effective solution to a growing economic concern in the United States by creating a verifiable online business community network. Through this innovative concept, the DNS system will help to build a stronger more resilient business platform for members of the Community of Registered Limited Liability Companies, while fostering user confidence, by ensuring accurate business representation.

It is our goal to provide an efficient and secure application process by minimizing the input required by the registrant and creating a streamlined, efficient evaluation process. We will accomplish this by reviewing the applicant’s proof of business registration with their state. Registry Applicants will only be awarded a domain through DOT Registry if the Registrant is an active member of the Community of Registered Limited Liability Companies. “Active” in this context can be defined as any Limited Liability Company registered with a Secretary of State in the United States and it’s territories, that is determined to be authorized to conduct business within the state at the time of registration. Registrants “Active” status will be verified on an annual basis to ensure the reputation and validity of the “.LLC” gTLD

DOT Registry will also ensure that registrants are represented by a web address that is both simple and intuitive allowing for easy recognition by search engines and Internet users. Awarded addresses will identify the registrants company and may be presented in the shortest most memorable way.

At DOT Registry, we believe in complete transparency, consistent with the Secretary of State’s Policy with regard to “Active” members of the Community of Registered Limited Liability Companies becoming publicly recorded upon completion of their entity registration process. Further, DOT Registry is informed by the position of the Task Force for Financial Integrity and Economic Development, which was created to advocate for improved levels of transparency and accountability in regards to beneficial ownership, control, and accounts of companies. Over the last decade the Task Force has focused specifically on combatting fraudulent business registrations which result in “fake” entities absorbing, hiding and transferring wealth outside the reach of law enforcement agencies. Because of this DOT Registry will not allow private or proxy registrations.

All approved domain registrants will be made public and available, so as to further validate DOT Registry’s mission of fostering consumer peace of mind by creating a gTLD string dedicated solely to valid members of the Community of Registered Limited Liabilty Companies. These transparency mechanisms will also serve as a deterrent for fraudulent entities by creating an expectation among consumers as to who they are conducting business with.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.LLC” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Further, the “.LLC” gTLD will strive to foster competition by presenting members of the

Community of Registered Limited Liability Companies with a highly valued customized domain name that not only represents their business, but also their validity in the marketplace. Within the current existing top-level domains it is hard for businesses to find naming options that appropriately represent them. One advantage of the ".LLC" gTLD is that it will drive the "right" kind of online registrations by offering a valued alternative to the currently overcrowded and often unrestricted name space. Registrants will be inspired to pursue ".LLC" domains not only because they will be guaranteed a name representative to their business, but also because of the increased validity for their business operations brought about by the ".LLC" verification process. DOT Registry anticipates that the security offered through a ".LLC" extension will increase consumer traffic to websites which in turn will boost advertising revenue online and consumer purchasing.
Successful implementation of the ".LLC" domain will require two registration goals: 1) Capture newly formed corporations and assist them in securing a ".LLC" domain appropriate to their legal business name, and 2) converting existing online members of our community to a ".LLC" domain appropriate to their legal business name. These goals will be accomplished by the following practices:
1) Through our Founders Program, DOT Registry will secure key community tenants in the name space who will act as innovative leaders to assist us in changing the online culture of business representation, by promoting the benefits of the ".LLC" gTLD and shaping economic growth through increased consumer confidence.
2) DOT Registry will work closely with companies such as Legalzoom and CSC (both companies assist in the formation of entities and their registration processes), as well as individual Secretary of State's offices to capture newly admitted members of the community.
3) DOT Registry will educate members of the Community of Registered Limited Liability Companies on the benefits and importance of using a ".LLC" gTLD by building a strong relationship with organizations like the Small Business Administration and the Better Business Bureau, which promote business validation and consumer insight. By working closely with these well- known and highly regarded entities DOT Registry will be able to reach a larger majority of community members and enhance our message's validity.
4) DOT Registry will strive to create consumer and Internet user awareness through a strong Internet marketing presence and by developing a relationship with the National Association of Consumer Advocates, which was formed with the intention of curbing consumer abuse through predatory business practices.

At DOT Registry, we strive to meet the exact needs of our registrants and the internet users who patronize them. This will be accomplished by the creation of a seamless connection and strong communication channel between our organization and the governmental authority charged with monitoring the creation and good standing of Limited Liability Companies. DOT Registry will work closely with each Secretary of State's office to tailor our validation process to compliment each office's current information systems and to maximize the benefits of accurate information reporting. These processes are essential in fully assisting consumers in making educated decisions in regards to what businesses to patronize. The reach of the ".LLC" gTLD will not only impact online consumerism, but also offer an additional validation process for consumers to research contractors, businesses, and solicitors before choosing to do business with them in person.

The guidelines listed below were developed through collaborations with both NASS and individual Secretary of State's offices in order to ensure the integrity of the ".LLC" domain. All policies comply with ICANN-developed consensus policies.
In order to maintain the integrity of our mission statement and our relationship with each Secretary of State's office we will implement Registration Guidelines. In order to apply for a domain name ending in ".LLC", a Registrant must be registered with one of the Secretary of State's offices in the United States, the District of Columbia, or any of the U.S. possessions or territories as a limited liability company pursuant to that jurisdiction's laws on valid business registration. In addition, DOT Registry will implement the following Registration Guidelines and naming conventions:
1) A Registrant will only be awarded the ".LLC" domain that matches or includes a

substantial part of the Registrant's legal name. For example, Blue Star Partners, LLC. would be able to purchase either BlueStarPartners.LLC or BlueStar.LLC.
2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the limited liability company. All awarded domains must match or include a substantial part of the Registrant's legal name.
3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".LLC" domain will be awarded on a first-come, first-served basis to the first registrant.
4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".LLC" domain.
5) If a registrant's requested ".LLC" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a ".LLC" domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLC was awarded to Blue Star Partners, LLC. of California, then Blue Star Partners, LLC. of Kansas would be offered the opportunity to use BlueStarPartners.LLC.
6) DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its' domain names. DOT Registry will utilize the Secretary of States' data resources to confirm that companies applying for their ".LLC" domain are in fact registered businesses.
7) All registrants that are awarded the ".LLC" domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
8) DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLC" domain:
(a) If a registrant previously awarded the ".LLC" domain ceases to be registered with the State.
(b) If a registrant previously awarded a ".LLC" domain is dissolved and⁄or forfeits the domain for any reason.
(c) If a registrant previously awarded the ".LLC" domain is administratively dissolved by the State.
Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited. DOT Registry reserves the right to change the definition of "Active" in accordance with the policies of the Secretaries of State.

9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a ".LLC" domain, then such ".LLC" will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Companies, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting⁄tasting).
10) In the case of domain forfeiture due to any of the above described options, all

payments received by the Registrant for registration services to date or in advance payment will be non-refundable.
11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.llc. The WHOIS Web application will be an intuitive and easy to use application. A complete description of these services can be found in Question 26 below.
12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLC" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLC" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.
13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.

14) DOT Registry will implement a reserved names policy consisting of both names DOT Registry wishes to reserve for our own purposes as the registry operator and names protected by ICANN. DOT Registry will respect all ICANN reserved names including, but not limited to, two letter country codes and existing TLD's. Additionally, DOT Registry will seek ICANN approval on any additional names we plan to reserve in order to appropriately secure them prior to the opening of general availability.

In addition to DOT Registry's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

.LLC was proposed for the sole purpose of eliminating business and consumer vulnerability in a cyber setting. In order to maintain the integrity of that mission and minimize the negative consequences to consumers and business owners the following policies will be adhered to:

a) No information collected from any registrant will be used for marketing purposes.
b) Data collected will not be traded or sold.
c) All data collected on any registrant will be available to the registrant free of charge.
d) Registrants will be allowed to correct data inaccuracies as needed.
e) All data will be kept secure.

DOT Registry will strictly uphold the rules set forth in their registration guidelines in order to accurately service the Community of Registered Limited Liability Companies and mitigate any negative consequences to consumers or Internet users.
Price structures for the ".LLC" gTLD are designed to reflect the cost of verification within our community requirements and the ongoing cost of operations. Price escalation will only occur to accommodate rising business costs or fees implemented by the Secretaries of State with regard to verifying the "Active" status of a Registrant. Any price increases would be submitted to ICANN as required in our Registry Agreement and will be compiled in a thoughtful and responsible manner, in order to best reduce the affects on both the registrants and the overall retail market.
DOT Registry does not plan to offer registrations to registrants directly therefore our pricing commitments will be made within our Registry–Registrar Agreements. It is our intention that these commitments will percolate down to registrants directly and that the contractual commitments contained within our Registry-Registrar Agreements will be reflected in the retail sale process of our gTLD, thus minimizing the negative consequences that might be imposed on registrants via the retail process.
DOT Registry plans to offer bulk registration benefits to Registrars during the first 6 months of operation. Registrars wishing to purchase bulk registrations of 1,000 names or more would be offered a 5% discount at the time of purchase.With regard to Registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database

Additionally, DOT Registry , through our founders program will provide a 25% discount to founders participants as a participation incentive. It is possible that DOT Registry would offer additional pricing benefits from time to time as relative to the market. All future pricing discounts not detailed in this application will be submitted through the appropriate ICANN channels for approval prior to introduction to the market.

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.

DOT Registry plans to serve the Community of Registered Limited Liability Companies. Members of the community are defined as businesses registered as limited liability companies with the United States or its territories. Limited Liability Companies or (LLC's) as they are commonly abbreviated, represent one of the most popular business entity structures in the US. LLC's commonly participate in acts of commerce, public services, and product creation.

Limited Liability Companies (LLC) are a relatively new business structure for the United

States, the first LLC was validated in the state of Wyoming in 1977 and in 1996 the National Conference of Commissioners on Uniform State Laws adopted the Uniform Limited Liability Company Act; providing for both the definition of an LLC and the governmental standards under which an LLC may be formed. It was through the Uniform Limited Liability Company Act that a standard set of policies were created to define, validate, and monitor the operations of LLC's, thus creating a unique and accountable business community in the United States.

An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC's are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC's are closely related to corporations in the sense that they participate in similar activities and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass-through income taxation. LLC's are a more flexibile entity type than a corporation and are often well suited for businesses owned by a single owner.

Common advantages to forming an LLC include:

1) Flexibility in tax reporting, LLC's may choose if they would like to be taxed as a sole proprietorship, partnership, S Corporation, or C Corporation. This is the only business entity form in the United States that allows for taxation flexibility.
2) LLC's have much less administrative paperwork and reporting requirements then corporations.
3) Unless the LLC elects to be taxed as a C Corp, LLC's enjoy pass through taxation.
4) Limited liability, meaning that owners of an LLC, called "members" are protected from some or all liability acts and debts of the LLC.

LLC's have become increasingly popular in the United States because their formation provides owners with the protection of a corporation and the flexibility of a partnership.

With the number of registered LLC's in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC (popular LLC's in the United States include: AOL and BMW). Through the creation of DOT Registry's .LLC string, consumers can quickly validate that they are working with a member of the Community of Registered Limited Liability Companies, providing consumers with brand reassurance and peace of mind. DOT Registry believes that it is essential to identify limited liability companies online in order to expand on their creditability and further highlight their privilege to conduct business in the US. Proper representation of this community would allow consumers to make educated choices in choosing businesses to patronize and support.
LLC's can be formed through any jurisdiction of the United States. Therefore members of this community exist in all 50 US states and its territories. LLC formation guidelines are dictated by state law and can vary based on each state's regulations. Persons form an LLC by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Organization. These are considered public documents and are similar to articles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address.
LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers. DOT Registry or its designated agents would verify membership to the Community of Registered Limited Liability Companies by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to maintain the reputation

of the ".LLC" string and accurately delineate the member to consumers, Registrants would only be awarded a domain that accurately represents their registered legal business name. Additionally, DOT Registry will not allow blind registrations or registration by proxy, therefore DOT Registry's WHOIS service will tie directly back to each member's state registration information and will be publicly available in order to provide complete transparency for consumers.
Entities are required to comply with formation practices in order to receive the right to conduct business in the US. Once formed an LLC must be properly maintained. LLC's are expected to comply with state regulations, submit annual filings, and pay specific taxes and fees. Should an LLC fail to comply with state statutes it could result in involuntary dissolution by the state in addition to imposed penalties, taxes and fees.
While state statutes vary, the majority of states have adopted the following guidelines in regards to the formation of LLC's:

(1) The name of each limited liability company must contain the words "Limited Liability Company" or the abbreviation "L.L.C." or the designation "LLC".

(2) In order to form a limited liability company, one or more authorized persons must execute the Articles of Organization. Which shall contain: the name of the limited liability company; the address of the registered office and the name and address of the registered agent for service of process required to be maintained; and any other matters the members determine to include therein.
(3) A Limited Liability Company may be organized to conduct or promote any lawful business or purposes, except as may otherwise be provided by the Constitution or other law of this State.
All entities bearing the abbreviation LLC in their business name create the assumption that they have been awarded the privileges associated to that title such as: the ability to conduct commerce transactions within US borders or territories, the ability to market products, solicit consumers and provide reputable services in exchange for monetary values, and finally to provide jobs or employment incentives to other citizens.
Membership in the Community of Registered Limited Liability Companies is established through your business entity registration. In order to maintain your membership to this community you must remain an "Active" member of the community. Active" in this context can be defined as any LLC registered with a Secretary of State in the United States and its territories, that is determined to be authorized to conduct business within that State at the time of their registration. Registrant's "Active" status will be verified on an annual basis as described above in question 18 in order to ensure the reputation and validity of the ".LLC" gTLD.
Since LLC's are not currently delineated on the Internet, the creation of this string would mark a unique advancement in consumer security and confidence in the United States. Essentially, this will create the first ever, clear delineator for the Community of Registered Limited Liability Companies.

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

DOT Registry is a registered LLC in the State of Kansas as defined by the Kansas LLC Statute: Kan. Stat. Ann. §§ 17-7662 through 17-76,142. By becoming a verifiable US LLC, DOT Registry becomes a member of the community it serves. In addition, DOT Registry is a corporate affiliate of the National Association of Secretaries of State (NASS), an organization which acts as a medium for the exchange of information between states and fosters cooperation in the development of public policy, and is working to develop individual relationships with each Secretary of State's office in order to ensure our continued commitment to honor and respect the authorities of each state.
DOT Registry is acutely aware of our responsibility to uphold our mission statement of:

building confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Companies .DOT Registry has also specifically pledged to various Secretaries of State to responsibly manage this gTLD in a manner that will both protect and promote business development in the US. Further our policies were developed through direct collaboration with the state offices so as to mitigate any possibility of misrepresenting their regulations. In order to ensure that we accomplish our goal and preserve the credibility of our operations DOT Registry has taken the following advance actions to ensure compliance and community protection:

1) Developed registration policies that are currently reflective of common state law dictating the creation and retention of LLC's in the United States.

2) Created a strong partnership with CSC (an ICANN approved registrar also specializing in corporate formation services). Through this partnership DOT Registry was able to develop a streamlined verification process to validate potential Registrants as members of the community and ensure that continued annual verifications are completed in a time sensitive and efficient manner. This process will ensure that consumers are not misled by domains registered with the ".LLC" gTLD. Additionally, this process will create peace of mind amongst community members by ensuring that their integrity is not diminished by falsely identified corporations being represented by a ".LLC" extension.

3) Built a strong relationship with several Secretaries of State in order to receive and give consistent input on policy implementation and state regulation updates. DOT Registry has also notified NASS that we have designed our registration policies and procedures to address NASS' concerns about verification requirements in the TLD.

4) Established an in-house legal and policy director to review, enhance, and ensure compliance and consistency with all registration guidelines and community representations. As indicated in many of the attached letters, DOT Registry will be held specifically accountable for protecting the integrity of its restrictions and of the members of this community. DOT Registry will consult directly with NASS and policy advisors in the state offices consistently in order to continue to accurately represent the Community of Registered Limited Liability Companies and live up to the vast standards associated to the ".LLC" gTLD.

In furtherance of this goal, DOT Registry has attached letters from critical advocates for and representatives of the proposed community, including:

1) Various Secretary of States Offices: Specifically The Secretary of State of Delaware which is widely regarded as a leader in entity formation and policy in the United States and The Secretary of State of South Dakota, which is working towards combatting business identity theft and fictitious business registration.

2) Various members of the community that are interested in utilizing the ".LLC" gTLD

DOT Registry can be viewed as an exemplary community representative not only through its pledged commitment to excellence, but also through its continued commitment to build relationships with the state offices charged with registering members of this community. DOT Registry pledges through its registry policies to uphold a common standard of evaluation for all applicants and to add increased integrity to the Community of Limited Liability Companies. These pledges are further enforced by the endorsement letters from the above organizations, which call the authentication/verification measures proposed by DOT Registry critical to the success of the proposed community.

Similarly, DOT Registry will adhere to all standards of business operations as described in the Kansas state business statutes and will be equally accountable to consumers to deliver continuously accurate findings and valid registrations.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

.The goal of the ".LLC" gTLD is to build confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Companies. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Community of Registered Limited Liability Companies. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States.
The ".LLC" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Registered Community of Limited Liability Companies. The creation of the "LLC" gTLD will bring innovation and unprecedented coordination of this valuable service of verification, a purpose endorsed by many individual Secretary of States and NASS. Additionally, ".LLC" will further promote the importance of accurate business registrations in the US, while assisting in combatting business identity theft by increasing registration visibility through our WHOIS services and strict abuse policies.
The intended registrants of the ".LLC" gTLD would consist of members of the Community of Registered Limited Liability Companies. This would be verified by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to ensure that this process is accomplished in a secure and time effective manner DOT Registry will develop partnerships with each Secretary of State's office in order to create the applicable applications to securely verify registrant data.
End-users for this TLD would include everyday consumers, members of the community, businesses within the community, and consumers looking for more accurate information with regards to those with whom they may conduct business. DOT Registry plans to initiate a robust marketing campaign geared towards the proposed end-users in order to ensure that consumers are aware of what ".LLC" stands for and its significance throughout the Community of Registered Limited Liability Companies. In addition to the vast consumer benefits from the creation of the ".LLC" gTLD, DOT Registry believes that ".LLC" domains would be considerably beneficial to business end users. Since DOT Registry will not allow blind registration or registration by proxy businesses viewing ".LLC" sites would be able to instantly ascertain what businesses operate under the blanket of parent companies, are subsidiaries of other businesses, and of course where an LLC is domiciled. This easily identifiable information not only assists businesses in accurately identifying who they are doing business with, it would also assist in locating sales and use tax information, identifying applicable state records, and tracking an entity's history. These factors could help to determine the outcome of sales, mergers, contract negotiations, and business relationships. Ensuring that this kind of transparency and accountability — qualities previously not attainable in a TLD — shall be at the fingertips of potential business partners or investors.
Our registry policies will be adapted to match any changing state statutes in relation to the definition and creation of LLC's in the U.S., ensuring the longevity and reputation of our registry services and our commitment to consumers to only represent valid U.S. limited liability companies. Much like the perpetuity of the members of the Community of Registered Limited Liability Companies, the ".LLC" gTLD will enjoy a similar immortality, for as long as LLC entities continue to exist in the United States the ".LLC" relevance will not diminish. As awareness of the gTLD's mission becomes more widely recognized by end-users expectations to understand who you choose to do business with will increase, making the need for the ".LLC" gTLD more prominent.
In addition, it is our concern that the implementation of the gTLD string ".LLC" as a generic string, without the restrictions and community delineations described in this application and endorsed by NASS and the various Secretaries of State, could promote confusion among consumers and provide clever criminal enthusiasts the tools necessary to misrepresent themselves as a U.S.-based LLC. There is an expectation amongst consumers that entities using the words Limited Liability Company in their business name have the legal right and ability to conduct business in the United States. This representation by non-members of the Community of Registered Limited Liability Companies is not only fraudulent, but a great disservice to consumers.

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

".LLC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Company is primarily shortened to LLC when used to delineate business entity types. For example Red Bridge, LLC. could additionally be referred to Red Bridge Limited Liability Company. Since all of our community members are limited liability companies we believed that ".LLC" would be the simplest, most straight forward way to accurately represent our community.

LLC is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. Our research indicates that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language.

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

In order to accurately protect the integrity of our domain name and serve the proposed community the following safeguards will be adapted:

1) All Registrants will be required to submit a minimum of: Their registered business address, State of formation, name and contact information of responsible party, and legally registered business name. DOT Registry or its agents will use this information to cross-reference the applicable state's registration records in order to verify the accuracy of the Registrant's application. Should DOT Registry be unable to verify the legitimacy of the Registrants application additional information might be requested in order to award a domain name.

2) A Registrant will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. For example, Blue Star Partners, LLC. would be able to purchase either BlueStarPartners.LLC or BlueStar.LLC.
3) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the limited liability company. All awarded domains must match or include a substantial part of the Registrant's legal name.
4) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".LLC" domain will be awarded on a first-come, first-served basis to the first registrant.
5) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".LLC" domain.
6) If a registrant's ".LLC" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a ".LLC" domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLC was awarded to Blue Star Partners, LLC. of California, then Blue Star Partners, LLC. of Kansas would be offered the

opportunity to use BlueStarPartners.LLC.

7) DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States' data resources to confirm that companies applying for their ".LLC" domain are in fact registered businesses.

8) DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLC" domain:

(a) If a registrant previously awarded the ".LLC" domain ceases to be registered with the State.

(b) If a registrant previously awarded a ".LLC" domain is dissolved and⁄or forfeits the domain for any reason.

(c) If a registrant previously awarded the ".LLC" domain is administratively dissolved by the State.

Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited. DOT Registry reserves the right to change the definition of "Active" in accordance with the policies of the Secretaries of State.

9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a ".LLC" domain, then such ".LLC" will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Companies, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting⁄tasting).

10) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.llc. The WHOIS Web application will be an intuitive and easy to use application. A complete description of these services can be found in Question 26 below.

11) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLC" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLC" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.

12) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.

In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse

("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; stringent take down policies in order to properly operate the registry; and Applicant shall comply with any RRDRP decision, further reinforcing the fact that Applicant is committed to acting in best interest of the community.

DOT Registry will employ an in house Rights Protection Mechanism Team consisting of our Director of Legal and Policy and two additional support personnel. The RPM team will work to mitigate any RPM complaints, while protecting the general rights and integrity of the ",LLC" gTLD. The RPM team will strictly enforce the rights protection mechanisms described in this application.

Membership verification will be performed via DOT Registry's designated agents that which have software systems in place to efficiently interface with each state's data records. By utilizing the resources of industry leaders in this field, DOT Registry will ensure accurate and timely verification in addition to our ability to meet the needs of such a vast community. "Active" status will be specifically verified by cross referencing an applicant's registration data with state records. If this process is unable to be automated at any given time DOT Registry's agents will manually verify the information by contacting the applicable state agencies. While manual verification will obviously employ a larger pool of resources, DOT Registry believes that its industry partners are sufficiently able to accomplish this task based on their employee pool and past business accomplishments. Registrants will be expected to provide a minimum of their legal registered name, state of organization, registered business address, and administrative contact. All additional information required such as proof of incorporation or "active" status verification will be the sole responsibility of DOT Registry or its designated agents and will be acquired through the processes described herein.

DOT Registry will not restrict the content of ".LLC" sites other then through the enforcement of our Abuse Mitigation practices or Rights Protection Mechanisms as described in question 28 and 29 of this application. All ".LLC" sites will be expected to adhere to the content restrictions described in DOT Registry's abuse policies. Any sites infringing on the legal rights of other individuals or companies, trademarks, or participating in the practice and promotion of illegal activities will be subject to Applicant's take down procedures.

".LLC" domains are designed for the sole use of community members with the intention of promoting their specific business activities. Any Registrants falsely identifying themselves as a community members or inaccurately representing their intentions could be deemed in non-compliance with our registry policies resulting in the revocation of their awarded domain.

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.

DOT Registry has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23.1 Introduction

DOT Registry has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the ".LLC" registry. In making this decision, DOT Registry recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the ".LLC" registry. The following section describes the registry services to be provided.

23.2 Standard Technical and Business Components

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. DOT Registry will use Neustar's Registry Services platform to deploy the ".LLC" registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to ".LLC"):

-Registry-Registrar Shared Registration Service (SRS)

-Extensible Provisioning Protocol (EPP)

-Domain Name System (DNS)

-WHOIS

-DNSSEC

-Data Escrow

-Dissemination of Zone Files using Dynamic Updates

-Access to Bulk Zone Files

-Dynamic WHOIS Updates

-IPv6 Support

-Rights Protection Mechanisms

-Internationalized Domain Names (IDN). [Optional should be deleted if not being offered].

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The ".LLC" registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

DOT Registry will leverage Neustar's world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar's existing standard WHOIS solution will be used for the ".LLC". The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

Standard WHOIS (Port 43)

Standard WHOIS (Web)

Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 Data Escrow

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

-Protect against data loss

-Follow industry best practices

-Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure

-Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 Dissemination of Zone Files using Dynamic Updates

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 Access to Bulk Zone Files

DOT Registry will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 Dynamic WHOIS Updates

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 Support

The ".LLC" registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS/DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 Required Rights Protection Mechanisms

DOT Registry, will provide all ICANN required Rights Mechanisms, including:

-Trademark Claims Service

-Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)

-Registration Restriction Dispute Resolution Procedure (RRDRP)

-UDRP

-URS

-Sunrise service.

More information is presented in the response to Question 29.

23.2.12 Internationalized Domain Names (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users. A detailed description of the IDN implementation is presented in response to Question 44.

23.3 Unique Services

DOT Registry will not be offering services that are unique to ".LLC".

23.4 Security or Stability Concerns

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 Introduction

DOT Registry has partnered with NeuStar, Inc (”Neustar”), an experienced TLD registry operator, for the operation of the ”.LLC” Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar’s state of the art registry has a proven track record of being secure, stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 The Plan for Operation of a Robust and Reliable SRS

24.2.1 High-level SRS System Description

The SRS to be used for ”.LLC” will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality,

reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, DOT Registry is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

-State-of-the-art, production proven multi-layer design

-Ability to rapidly and easily scale from low to high volume as a TLD grows

-Fully redundant architecture at two sites

-Support for IDN registrations in compliance with all standards

-Use by over 300 Registrars

-EPP connectivity over IPv6

-Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS Systems, Software, Hardware, and Interoperability

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

-The IP address of the client

-Timestamp

-Transaction Details

-Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS Design

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

-Protocol Layer

-Business Policy Layer

-Database.

Each of the layers is described below.

24.2.4 Protocol Layer

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

-The registrar’s host exchanges keys to initiates a TLS handshake session with the EPP

server.

-The registrar’s host must provide credentials to determine proper access levels.

-The registrar’s IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 Business Policy Layer

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 Database

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 Number of Servers

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the ".LLC" registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 Description of Interconnectivity with Other Registry Systems

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

-WHOIS

-DNS

-Billing

-Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for ".LLC".

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS External Notifier

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a

signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS External Notifier

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 Billing External Notifier

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 Data Warehouse

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 Frequency of Synchronization between Servers

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 Synchronization Scheme (e.g., hot standby, cold standby)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 Compliance with Specification 6 Section 1.2

The SRS implementation for ".LLC" is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 Compliance with Specification 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the ".LLC" Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 Resourcing Plans

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

-Development/Engineering

-Database Administration

-Systems Administration

-Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the ".LLC" registry. The following resources are available from those teams:

-Development/Engineering 19 employees

-Database Administration- 10 employees

-Systems Administration 24 employees

-Network Engineering 5 employees

The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the ".LLC" registry.

25. Extensible Provisioning Protocol (EPP)

25.1 Introduction

DOT Registry's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure DOT Registry is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the ".LLC" registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP Interface

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.

The main features of the EPP implementation are:

-Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

-Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the footprint of the Registry system for a particular TLD.

-Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

-Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

-Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change

rippling through the whole application.

-Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

-Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 Compliance with RFCs and Specifications

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP Toolkits

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 Proprietary EPP Extensions

[Default Response]

The ".LLC" registry will not include proprietary EPP extensions. Neustar has implemented various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the ".LLC" registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the ".LLC" registry is attached in the document titled EPP Schema Files.

25.5 Resourcing Plans

The development and support of EPP is largely the responsibility of the Development/Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

-Development⁄Engineering 19 employees

-Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the ".LLC" registry.

26. Whois

DOT Registry, LLC recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

DOT Registry, LLC's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by DOT Registry, LLC's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of DOT Registry, LLC's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (DOT Registry, LLC's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

DOT Registry, LLC's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

DOT Registry, LLC's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. DOT Registry, LLC's registry services operator currently processes millions of WHOIS queries per day.

In addition to the WHOIS Service on port 43, DOT Registry, LLC will provide a Web-based WHOIS application, which will be located at www.whois.llc. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes

full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

DOT Registry, LLC will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password. DOT Registry, LLC will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

DOT Registry, LLC will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future.

DOT Registry, LLC's Legal Team consisting of 3 dedicated employees, will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain DOT Registry, LLC's information, DOT Registry, LLC's WHOIS services will necessarily be in compliance with any applicable privacy laws or policies.

27. Registration Life Cycle

27.1 Registration Life Cycle

27.1.1 Introduction

”.LLC” will follow the lifecycle and business rules found in the majority of gTLDs today. Our back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be use for ”.LLC”.

27.1.2 Domain Lifecycle - Description

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the ”.LLC” registry per the defined ”.LLC” business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

-OK Default status applied by the Registry.

-Inactive Default status applied by the Registry if the domain has less than 2 nameservers.

-PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the ”.LLC” registry.

-PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.

-PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.

-PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action

is pending. This status will not be used in the ".LLC" registry.

-PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the ".LLC" registry.

-Hold Removes the domain from the DNS zone.

-UpdateProhibited Prevents the object from being modified by an Update command.

-TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.

-RenewProhibited Prevents a domain from being renewed by a Renew command.

-DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information in not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

-Domain may be updated

-Domain may be deleted, either within or after the add-grace period

-Domain may be renewed at anytime during the term

-Domain may be auto-renewed by the Registry

-Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 Registration States

27.2.1 Domain Lifecycle Registration States

As described above the ".LLC" registry will implement a standard domain lifecycle found in

most gTLD registries today. There are five possible domain states:

-Active

-Inactive

-Locked

-Pending Transfer

-Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 Active State

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 Inactive State

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

27.2.4 Locked State

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

27.2.5 Pending Transfer State

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

27.2.6 Pending Delete State

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

27.3 Typical Registration Lifecycle Activities

27.3.1 Domain Creation Process

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1. Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2. Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3. The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13

nameservers, with Check and Create commands submitted for each object.

27.3.2 Update Process

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

-Domain statuses

-Registrant ID

-Administrative Contact ID

-Billing Contact ID

-Technical Contact ID

-Nameservers

-AuthInfo

-Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 Renew Process

The term of a domain may be extended using the EPP Renew operation. ICANN policy general establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed/extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 Transfer Process

The EPP Transfer command is used for several domain transfer related operations:

-Initiate a domain transfer

-Cancel a domain transfer

-Approve a domain transfer

- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1. The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.

2. If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status

3. A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar's message queue

4. The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request

5. If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer

6. The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject

a transfer operation.

27.3.6 Deletion Process

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 Applicable Time Elements

The following section explains the time elements that are involved.

27.4.1 Grace Periods

There are six grace periods:

-Add-Delete Grace Period (AGP)

-Renew-Delete Grace Period

-Transfer-Delete Grace Period

-Auto-Renew-Delete Grace Period

-Auto-Renew Grace Period

-Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 Add-Delete Grace Period

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar's billing account.

27.4.3 Renew-Delete Grace Period

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 Transfer-Delete Grace Period

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 Auto-Renew-Delete Grace Period

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 Auto-Renew Grace Period

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not

required to provide registrants with the full 45 days of the period.

27.4.7 Redemption Grace Period

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain command as described below. Following the 30day RGP period the domain will remain in pendingDelete status for an additional five days, during which time the domain may NOT be restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore the domain and fulfill all the reporting obligations required under ICANN policy. The following describes the restoration process.

27.5 State Diagram

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending delete.Please refer to section 27.2 for detailed descriptions of each of these states. The lines between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

-Create:Registry receives a create domain EPP command.

-WithNS:The domain has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-WithOutNS:The domain has not met the minimum number of nameservers required by registry policy. The domain will not be in the DNS zone.

-Remove Nameservers: Domain’s nameserver(s) is removed as part of an update domain EPP

command. The total nameserver is below the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Add Nameservers: Nameserver(s) has been added to domain as part of an update domain EPP command.The total number of nameservers has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Delete: Registry receives a delete domain EPP command.

-DeleteAfterGrace: Domain deletion does not fall within the add grace period.

-DeleteWithinAddGrace:Domain deletion falls within add grace period.

-Restore: Domain is restored.Domain goes back to its original state prior to the delete command.

-Transfer: Transfer request EPP command is received.

-Transfer Approve/Cancel/Reject:Transfer requested is approved or cancel or rejected.

-TransferProhibited: The domain is in clientTransferProhibited and/or serverTranferProhibited status. This will cause the transfer request to fail.The domain goes back to its original state.

-DeleteProhibited: The domain is in clientDeleteProhibited and/or serverDeleteProhibited status.This will cause the delete command to fail.The domain goes back to its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be in a locked state in combination with any of the other states: inactive, active, pending transfer, or pending delete.

27.5.1 EPP RFC Consistency

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN policies and related EPP RFCs.

27.6 Resources

The registration lifecycle and associated business rules are largely determined by policy and business requirements; as such the Product Management and Policy teams will play a critical role in working Applicant to determine the precise rules that meet the requirements of the TLD. Implementation of the lifecycle rules will be the responsibility of Development/Engineering team, with testing performed by the Quality Assurance team.Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The ”.LLC” registry will be using standard lifecycle rules, and as such no customization is anticipated.However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.The following resources are available from those teams:

-Development⁄Engineering 19 employees

-Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the ”.LLC” registry.

28. Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry’s homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.LLC, providing access to .LLC’s WhoIs services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy (“Abuse Policy”).

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.LLC and clearly provide DOT Registry’s Point of Contact (“Abuse Contact”) and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry’s Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse

communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry 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, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- Illegal or fraudulent actions: use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- Spam: use of electronic messaging systems from email addresses from domains in the TLD 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;
- Trademark and Copyright Infringement: DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .LLC TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- Phishing: use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- Pharming: redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- Willful distribution of malware: 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.
- Fast flux hosting: use of fast-flux techniques 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 techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- 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 denial-of-service attacks (DDoS attacks);
- Distribution of pornography;
- 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);
- Domain Kiting/Tasting: registration of domain names to test their commercial viability before returning them during a Grace Period;
- High Volume Registrations/Surveying: registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry

from offering them to legitimate users or timely services to other subscribers;
• Geographic Name: registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
• Inadequate Security: registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect third-party information in accordance with that geographic area's data and financial privacy laws;
• Front Running: registrars mining their own web and WhoIs traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
• WhoIs Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's WhoIs database in connection with the bad faith registration and use of the domain in question;
• WhoIs Misuse: abusing access to the WhoIs database by using Registrant information for data mining purposes or other malicious purposes;
• Fake Renewal Notices; misusing WhoIs Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLC the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Team, who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation.
Such notification shall state:
1) the nature of the violation;
2) the proposed remedy to the violation;
3) the time frame to cure the violation; and
4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.
If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".LLC" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".LLC" domain at their designated renewal date.
If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".LLC" domain, then such ".LLC" will be immediately forfeited to DOT Registry.
If a Registrant previously awarded a ".LLC" domain is dissolved and⁄or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.
If a Registrant previously awarded the ".LLC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLC" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.
A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the “dominant use of orphaned glue supports the correct and ordinary operation of the DNS.” See http://www.icann.org/en/committees/security/sac048.pdf.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry’s registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

WhoIs Accuracy

DOT Registry will provide WhoIs accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 WhoIs Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick WhoIs services, in which all authoritative WhoIs data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete WhoIs information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry’s registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote WhoIs accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete WhoIs data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry’s abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a Limited Liability Company is in active status, contact information, e-mail address, and, to the best of its

abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate WhoIs information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the WhoIs information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

Abuse Prevention and Mitigation – Domain Name Access

All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished (48) hours.

29. Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in

general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered limited liability companies and all applied-for domains will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use — was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes 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.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active limited liability companies in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration.
DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SRDP will

allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on 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 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.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT⁄AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.
Applications that fit the following criteria will be considered during the Sunrise A period: Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.
Sunrise B
Applications that fit the following criteria will be considered during the Sunrise B period:
a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.
Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program
Applications for the Founder's Program will be accepted after the close of the Sunrise

Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLC" website within 30 days of signing the Program Agreement.

b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLC" Founder Website, concurrent with the launch of their .INC Founder Website, said press release must be approved by DOT Registry;

c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,

d) Founders are expected to proactively market and promote ".LLC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLC" string.

e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.

f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Additionally, DOT Registry may suspend or delete a Founder's site without prior notice to the Registrar or Registrant if the Founder's site is deemed in violation of any of DOT Registry's registration guidelines or policies.

Registrants participating in the Founders program will receive 25% off their initial registration fees, additional discounts may be offered to founders at the time of renewal, should DOT Registry choose to offer additional discounts to founders or term extensions (not to exceed 5 years) DOT Registry will seek advance approval from ICANN via the specified channels.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the Applicant. Domain names with two or more applications will proceed to a closed mini auction, between the respective Applicants , where the highest bidder wins.

General Availability Period

Applicant must meet registration requirements.

Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

a) Both Applicants will be notified of the contention and the Sunrise A Applicant will be given first right to either register their requested domain or withdraw their application. Since ".LLC" is a sponsored community domain for registered limited liability companies, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A Applicant chooses to register their name regardless of the

contention, then the Sunrise B Appliant may choose to pursue further action independently of Applciant to contest the name.
c) If two Sunrise A Applicant's apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.LLC) then DOT Registry will notify both Applicants of the contention and proceed to an auction process as described in Section 9.
d) If a Sunrise A Applicant and a Landrush Applicant apply for the same domain name, the Sunrise A Applicant, all else being equal will have priority over the Landrush Applicant.
e) If two Sunrise B Applicants apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. LLC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications
An Applicant can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions
Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:
a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.
b) All auction participants are expected to keep their account information current, throughout the auction process.
c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.
d) Bidding
i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.
ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.
iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.
iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.
e) Extensions
i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.
ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.
iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.
f) Payment Default
In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .LLC domain name, regardless of whether they have been paid for or not. You do not have the right to “pick and choose” the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry’s RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry’s registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a “Trademark Claims Notice” (Notice) in English to the protective registrant of the domain name and copy DOT Registry’s RPM Team The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark 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. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry’s RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner

consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to by a UDRP panel to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .LLC as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick WhoIs

DOT Registry will include a thick WhoIs database as required in Specification 4 of the Registry agreement. A thick WhoIs provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLC" domain is dissolved and⁄or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.

If a Registrant previously awarded the ".LLC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLC" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLC contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registrys RPM Team who will catalogue and ticket in DOT Registry's CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry's RPM Team. A member of DOT Registry's RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry's RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry's RPM Team If DOT Registry's RPM Team is satisfied by the registrant's response that the content has been taken down or is not infringing, DOT Registry's RPM Team will unsuspend the domain name. DOT Registry's RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party's election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry's response to Question 28.

30(a). Security Policy: Summary of the security policy for the proposed registry

29.1 Rights Protection Mechanisms

DOT Registry is firmly committed to the protection of Intellectual Property rights and to implementing the mandatory rights protection mechanisms contained in the Applicant Guidebook and detailed in Specification 7 of the Registry Agreement. ".LLC" recognizes that although the New gTLD program includes significant protections beyond those that were mandatory for a number of the current TLDs, a key motivator for ".LLC"'s selection of Neustar as its registry services provider is Neustar's experience in successfully launching a number of TLDs with diverse rights protection mechanisms, including many the ones required in the Applicant Guidebook. More specifically, ".LLC" will implement the following rights protection mechanisms in accordance with the Applicant Guidebook as further described below:

-Trademark Clearinghouse: a one-stop shop so that trademark holders can protect their trademarks with a single registration.

-Sunrise and Trademark Claims processes for the TLD.

-Implementation of the Uniform Dispute Resolution Policy to address domain names that have been registered and used in bad faith in the TLD.

-Uniform Rapid Suspension: A quicker, more efficient and cheaper alternative to the Uniform Dispute Resolution Policy to deal with clear cut cases of cybersquatting.

-Implementation of a Thick WHOIS making it easier for rights holders to identify and locate infringing parties

29.1.1 Trademark Clearinghouse Including Sunrise and Trademark Claims

The first mandatory rights protection mechanism (RPM) required to be implemented by each new gTLD Registry is support for, and interaction with, the trademark clearinghouse. The trademark clearinghouse is intended to serve as a central repository for information to be authenticated, stored and disseminated pertaining to the rights of trademark holders. The data maintained in the clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service. Although many of the details of how the trademark clearinghouse will interact with each registry operator and registrars, ".LLC" is actively monitoring the developments of the Implementation Assistance Group (IAG) designed to assist ICANN staff in firming up the rules and procedures associated with the policies and technical requirements for the trademark clearinghouse. In addition, ".LLC"'s back-end registry services provider is actively participating in the IAG to ensure that the protections afforded by the clearinghouse and associated RPMs are feasible and implementable.

Utilizing the trademark clearinghouse, all operators of new gTLDs must offer: (i) a sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a trademark claims service for at least the first 60 days that second-level registrations are open. The trademark claim service is intended to provide clear notice" to a potential registrant of the rights of a trademark owner whose trademark is registered in the clearinghouse.

〈TLD's〉 registry service provider, Neustar, has already implemented Sunrise and⁄or Trademark Claims programs for numerous TLDs including .biz, .us, .travel, .tel and .co and will implement the both of these services on behalf of ".LLC".

29.1.1.1 Neustar's Experience in Implementing Sunrise and Trademark Claims Processes

In early 2002, Neustar became the first registry operator to launch a successful authenticated Sunrise process. This process permitted qualified trademark owners to pre-register their trademarks as domain names in the .us TLD space prior to the opening of the space to the general public. Unlike any other Sunrise plans implemented (or proposed before that time), Neustar validated the authenticity of Trademark applications and registrations with the United States Patent and Trademark Office (USPTO).

Subsequently, as the back-end registry operator for the .tel gTLD and the .co ccTLD, Neustar launched validated Sunrise programs employing processes. These programs are very similar to those that are to be employed by the Trademark Clearinghouse for new gTLDs.

Below is a high level overview of the implementation of the .co Sunrise period that demonstrates Neustar's experience and ability to provide a Sunrise service and an overview of Neustar's experience in implementing a Trademark Claims program to trademark owners for the launch of .BIZ. Neustar's experience in each of these rights protection mechanisms will enable it to seamlessly provide these services on behalf of ".LLC" as required by ICANN.

a) Sunrise and .co

The Sunrise process for .co was divided into two sub-phases:

-Local Sunrise giving holders of eligible trademarks that have obtained registered status from the Colombian trademark office the opportunity apply for the .CO domain names corresponding with their marks

-Global Sunrise program giving holders of eligible registered trademarks of national effect, that have obtained a registered status in any country of the world the opportunity apply for the .CO domain names corresponding with their marks for a period of time before registration is open to the public at large.

Like the new gTLD process set forth in the Applicant Guidebook, trademark owners had to have their rights validated by a Clearinghouse provider prior to the registration being

accepted by the Registry. The Clearinghouse used a defined process for checking the eligibility of the legal rights claimed as the basis of each Sunrise application using official national trademark databases and submitted documentary evidence.

Applicants and/or their designated agents had the option of interacting directly with the Clearinghouse to ensure their applications were accurate and complete prior to submitting them to the Registry pursuant to an optional Pre-validation Process. Whether or not an applicant was pre-validated, the applicant had to submit its corresponding domain name application through an accredited registrar. When the Applicant was pre-validated through the Clearinghouse, each was given an associated approval number that it had to supply the registry. If they were not pre-validated, applicants were required to submit the required trademark information through their registrar to the Registry.

As the registry level, Neustar, subsequently either delivered the:

-Approval number and domain name registration information to the Clearinghouse

-When there was no approval number, trademark information and the domain name registration information was provided to the

Clearinghouse through EPP (as is currently required under the Applicant Guidebook).

Information was then used by the Clearinghouse as either further validation of those pre-validated applications, or initial validation of those that did not go through pre-validation. If the applicant was validated and their trademark matched the domain name applied-for, the Clearinghouse communicated that fact to the Registry via EPP.

When there was only one validated sunrise application, the application proceeded to registration when the .co launched. If there were multiple validated applications (recognizing that there could be multiple trademark owners sharing the same trademark), those were included in the .co Sunrise auction process. Neustar tracked all of the information it received and the status of each application and posted that status on a secure Website to enable trademark owners to view the status of its Sunrise application.

Although the exact process for the Sunrise program and its interaction between the trademark owner, Registry, Registrar, and IP Clearinghouse is not completely defined in the Applicant Guidebook and is dependent on the current RFI issued by ICANN in its selection of a Trademark Clearinghouse provider, Neustar’s expertise in launching multiple Sunrise processes and its established software will implement a smooth and compliant Sunrise process for the new gTLDs.

b) Trademark Claims Service Experience

With Neustar's biz TLD launched in 2001, Neustar became the first TLD with a Trademark Claims service. Neustar developed the Trademark Claim Service by enabling companies to stake claims to domain names prior to the commencement of live .biz domain registrations.

During the Trademark Claim process, Neustar received over 80,000 Trademark Claims from entities around the world. Recognizing that multiple intellectual property owners could have trademark rights in a particular mark, multiple Trademark Claims for the same string were accepted. All applications were logged into a Trademark Claims database managed by Neustar.

The Trademark Claimant was required to provide various information about their trademark rights, including the:

-Particular trademark or service mark relied on for the trademark Claim

-Date a trademark application on the mark was filed, if any, on the string of the domain name

-Country where the mark was filed, if applicable

-Registration date, if applicable

-Class or classes of goods and services for which the trademark or service mark was registered

-Name of a contact person with whom to discuss the claimed trademark rights.

Once all Trademark Claims and domain name applications were collected, Neustar then compared the claims contained within the Trademark Claims database with its database of collected domain name applications (DNAs). In the event of a match between a Trademark Claim and a domain name application, an e-mail message was sent to the domain name applicant notifying the applicant of the existing Trademark Claim. The e-mail also stressed that if the applicant chose to continue the application process and was ultimately selected as the registrant, the applicant would be subject to Neustar's dispute proceedings if challenged by the Trademark Claimant for that particular domain name.

The domain name applicant had the option to proceed with the application or cancel the application. Proceeding on an application meant that the applicant wanted to go forward and have the application proceed to registration despite having been notified of an existing Trademark Claim. By choosing to cancel, the applicant made a decision in light of an existing Trademark Claim notification to not proceed.

If the applicant did not respond to the e-mail notification from Neustar, or elected to cancel the application, the application was not processed. This resulted in making the applicant ineligible to register the actual domain name. If the applicant affirmatively elected to continue the application process after being notified of the claimant's (or claimants') alleged trademark rights to the desired domain name, Neustar processed the

application.

This process is very similar to the one ultimately adopted by ICANN and incorporated in the latest version of the Applicant Guidebook. Although the collection of Trademark Claims for new gTLDs will be by the Trademark Clearinghouse, many of the aspects of Neustar's Trademark Claims process in 2001 are similar to those in the Applicant Guidebook. This makes Neustar uniquely qualified to implement the new gTLD Trademark Claims process.

29.1.2 Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS)

29.1.2.1 UDRP

Prior to joining Neustar, Mr. Neuman was a key contributor to the development of the Uniform Dispute Resolution Policy (UDRP) in 1998. This became the first Consensus Policy of ICANN and has been required to be implemented by all domain name registries since that time. The UDRP is intended as an alternative dispute resolution process to transfer domain names from those that have registered and used domain names in bad faith. Although there is not much of an active role that the domain name registry plays in the implementation of the UDRP, Neustar has closely monitored UDRP decisions that have involved the TLDs for which it supports and ensures that the decisions are implemented by the registrars supporting its TLDs. When alerted by trademark owners of failures to implement UDRP decisions by its registrars, Neustar either proactively implements the decisions itself or reminds the offending registrar of its obligations to implement the decision.

29.1.2.2 URS

In response to complaints by trademark owners that the UDRP was too cost prohibitive and slow, and the fact that more than 70 percent of UDRP cases were clear cut cases of cybersquatting, ICANN adopted the IRT's recommendation that all new gTLD registries be required, pursuant to their contracts with ICANN, to take part in a Uniform Rapid Suspension System (URS). The purpose of the URS is to provide a more cost effective and timely mechanism for brand owners than the UDRP to protect their trademarks and to promote consumer protection on the Internet.

The URS is not meant to address Questionable cases of alleged infringement (e.g., use of terms in a generic sense) or for anti-competitive purposes or denial of free speech, but rather for those cases in which there is no genuine contestable issue as to the infringement and abuse that is taking place.

Unlike the UDRP which requires little involvement of gTLD registries, the URS envisages much more of an active role at the registry-level. For example, rather than requiring the

registrar to lock down a domain name subject to a UDRP dispute, it is the registry under the URS that must lock the domain within 24hours of receipt of the complaint from the URS Provider to restrict all changes to the registration data, including transfer and deletion of the domain names.

In addition, in the event of a determination in favor of the complainant, the registry is required to suspend the domain name. This suspension remains for the balance of the registration period and would not resolve the original website. Rather, the nameservers would be redirected to an informational web page provided by the URS Provider about the URS.

Additionally, the WHOIS reflects that the domain name will not be able to be transferred, deleted, or modified for the life of the registration. Finally, there is an option for a successful complainant to extend the registration period for one additional year at commercial rates.

".LLC" is fully aware of each of these requirements and will have the capability to implement these requirements for new gTLDs. In fact, during the IRT's development of f the URS, Neustar began examining the implications of the URS on its registry operations and provided the IRT with feedback on whether the recommendations from the IRT would be feasible for registries to implement.

Although there have been a few changes to the URS since the IRT recommendations, Neustar continued to participate in the development of the URS by providing comments to ICANN, many of which were adopted. As a result, Neustar is committed to supporting the URS for all of the registries that it provides back-end registry services.

29.1.3 Implementation of Thick WHOIS

The ".LLC" registry will include a thick WHOIS database as required in Specification 4 of the Registry agreement. A thick WHOIS provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

29.1.4 Policies Handling Complaints Regarding Abuse

In addition the Rights Protection mechanisms addressed above, DOT Registry will implement a number of measures to handle complaints regarding the abusive registration of domain names in its TLD as described in 〈TLD's〉 response to Question 28.

29.1.4.1 Registry Acceptable Use Policy

One of the key policies each new gTLD registry is the need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute abuse and the repercussions associated with an abusive domain name registration. The policy must be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This may include locking down the domain name preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name on hold rendering the domain name non-resolvable, transferring to the domain name to another registrar, and/or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation. ".LLC"'s Acceptable Use Policy, set forth in our response to Question 28, will include prohibitions on phishing, pharming, dissemination of malware, fast flux hosting, hacking, and child pornography. In addition, the policy will include the right of the registry to take action necessary to deny, cancel, suspend, lock, or transfer any registration in violation of the policy.

29.1.4.2 Monitoring for Malicious Activity

".LLC" is committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security of the TLD, or is part of a real-time investigation by law enforcement.

Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on ServerHold. Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

29.2 Safeguards against Unqualified Registrations

IN THE EVENT, ".LLC" IS VERIFYING INFORMATION SUPPLIED BY REGISTRANTS TO ENSURE THAT A REGISTRANT IS QUALIFIED TO REGISTER A DOMAIN, INFORMATION FROM THE APPLICANT SHOULD BE INSERTED IN THIS SECTION. IT IS NOT REQUIRED BY ICANN IN ORDER TO SCORE A 1 MEETS REQUIREMENTS, BUT MAY BE REQUIRED TO GET A SCORE OF 2 ON THIS QUESTION. THIS IS NOT PART OF NEUSTAR'S REGISTRY SERVICES OFFERING.

29.3 Resourcing Plans

The rights protection mechanisms described in the response above involve a wide range of tasks, procedures, and systems. The responsibility for each mechanism varies based on the specific requirements. In general the development of applications such as sunrise and IP claims is the responsibility of the Engineering team, with guidance from the Product Management team. Customer Support and Legal play a critical role in enforcing certain policies such as the rapid suspension process. These teams have years of experience implementing these or similar processes.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

-Development⁄En

New gTLD Application Submitted to ICANN by: Dot Registry LLC

String: llp

Originally Posted: 13 June 2012

Application ID: 1-880-35508

Applicant Information

1. Full legal name

Dot Registry LLC

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

Primary Contact

6(a). Name

Ms. Tess Pattison-Wade

6(b). Title

Executive Director

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

Shaul Jolles

7(b). Title

CEO

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

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

Kansas

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

Christopher Michael Parrott	Director of Finance
Paul Eugene Spurgeon	COO
Scott Adam Schactman	Director Law & Policy
Shaul Jolles	CEO

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

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

Ecyber Solutions Group Inc	not applicable

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.

llp

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.

There are no known operational or rendering issues associated with our applied for string. We are relying on the proven capabilities of Neustar to troubleshoot and quickly eliminate these should they arise.

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.

To build confidence, trust, reliance and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Partnerships. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Community of Registered Limited Liability Partnerships. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States. The ".LLP" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Community of Registered Limited Liability Partnerships

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

With the increased popularity of the Internet as a consumer marketplace and the ease with which individuals are able to access information online, it is essential that safeguards be put in place to validate and identify legitimate businesses.

Businesses representing themselves at Limited Liability Partnerships by including LLP in their business names create an expectation amongst consumers that they have the legal right, to conduct business as a Limited Liability Partnership. Unfortunately, consumers are currently unable to quickly verify the accuracy of this representation. Fraudulent business entities rely on this consumer assumption and the lack of available verification resources to prey on both businesses and consumers. As online commerce replaces the brick-and-mortar businesses there has been a corresponding rise in business identity theft online, which in turn creates a lack of consumer confidence.

In the vast majority of states, the Secretary of State is responsible for overseeing the registration of business entities — from the registration of corporations or the verification of business filings, to the administration of the Uniform Commercial Code, an act which provides for the uniform application of business contracts and practices across the United States. The Secretaries' role is critical to the chartering of businesses (including, but not limited to the formation of Limited Liability Partnerships) that wish to operate in their state. In this regard, the Secretaries of State maintain all records of business activities within the state, and in some states, the Secretary of State has wide-ranging regulatory authority over businesses as well.
The ".LLP" gTLD will be exclusively available to members of the Community of Registered Limited Liability Partnerships, as verified through each applicant's Secretary of States Office. By verifying that an applicant is a registered Limited Liability Partnership, DOT Registry will be able to bring unprecedented clarity and security to consumers and business owners, assuring internet users, registry applicants, and others that web addresses ending in ".LLP" are a hallmark of a valid Limited Liability Partnership recognized by a governmental authority of the United States. This process will decrease the possibility of identity misrepresentation in a cyber setting and assist lesser-known businesses in legitimizing their services to consumers.

In January 2012 after many public forums and contributions from consumer advocates, the Business Services Committee of the National Association of Secretary of States (NASS) released the NASS White Paper on Business Identity Theft, indicating that at least 26 states have reported business identity theft cases resulting from fraudulent business representations online. North Carolina Secretary of State Elaine Marshall, who serves as Co-Chair of the NASS Business Services Committee, indicates that the primary function of

the White Paper is to, “Harness new technology to develop cost-effective solutions, and ultimately make it harder for identity thieves to prey upon state-based businesses.”

With the implementation of the “.LLP” gTLD, consumers would have the ability to quickly identify the presented business as a valid US Limited Liability Partnership. As “.LLP” registrations grow, we will see a reduction in the ease with which criminals are able to hide behind fictitious entities because consumers will be conditioned to look for the appropriate gTLD ending before conducting business online. This simple gTLD extension would provide an efficient and cost effective solution to a growing economic concern in the United States by creating the first ever verifiable online business community network. Through this innovative concept, the DNS system will help to build a stronger more resilient business platform for members of the Community of Registered Limited Liability Partnerships, while fostering user confidence, by ensuring accurate business representation.

It is our goal to provide an efficient and secure application process by minimizing the input required by the registrant and creating a streamlined, efficient evaluation process. We will accomplish this by reviewing the applicant’s proof of business registration with their state. Registry Applicants will only be awarded a domain through DOT Registry if the Registrant is an active member of the Community of Registered Limited Liability Partnerships. “Active” in this context can be defined as any Limited Liability Partnership registered with a Secretary of State in the United States and it’s territories, that is determined to be authorized to conduct business within the state at the time of registration. Registrants “Active” status will be verified on an annual basis to ensure the reputation and validity of the “.LLP” gTLD.

DOT Registry will also ensure that registrants are represented by a web address that is both simple and intuitive allowing for easy recognition by search engines and Internet users. Awarded addresses will identify the registrants company and may be presented in the shortest most memorable way.

At DOT Registry, we believe in complete transparency, consistent with the Secretary of State’s Policy with regard to “Active” members of the Community of Registered Limited Liability Partnerships becoming publicly recorded upon completion of their entity registration process. Further, DOT Registry is informed by the position of the Task Force for Financial Integrity and Economic Development, which was created to advocate for improved levels of transparency and accountability in regards to beneficial ownership, control, and accounts of companies. Over the last decade the Task Force has focused specifically on combatting fraudulent business registrations which result in “fake” entities absorbing, hiding and transferring wealth outside the reach of law enforcement agencies. Because of this DOT Registry will not allow private or proxy registrations.

All approved domain registrants will be made public and available, so as to further validate DOT Registry’s mission of fostering consumer peace of mind by creating a gTLD string dedicated solely to valid members of the Community of Registered Limited Liability Partnerships. These transparency mechanisms will also serve as a deterrent for fraudulent entities by creating an expectation among consumers as to who they are conducting business with.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.LLP” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Further, the ".LLP" gTLD will strive to foster competition by presenting members of the Community of Registered Limited Liability Partnerships with a highly valued customized domain name that not only represents their business, but also their validity in the marketplace. Within the current existing top-level domains it is hard for businesses to find naming options that appropriately represent them. One advantage of the ".LLP" gTLD is that it will drive the "right" kind of online registrations by offering a valued alternative to the currently overcrowded and often unrestricted name space. Registrants will be inspired to pursue ".LLP" domains not only because they will be guaranteed a name representative to their business, but also because of the increased validity for their business operations brought about by the ".LLP" verification process. DOT Registry anticipates that the security offered through a ".LLP" extension will increase consumer traffic to websites which in turn will boost advertising revenue online and consumer purchasing.
Successful implementation of the ".LLP" domain will require two registration goals: 1) Capture newly formed corporations and assist them in securing a ".LLP" domain appropriate to their legal business name, and 2) converting existing online members of our community to a ".LLP" domain appropriate to their legal business name. These goals will be accomplished by the following practices:
1) Through our Founders Program, DOT Registry will secure key community tenants in the name space who will act as innovative leaders to assist us in changing the online culture of business representation, by promoting the benefits of the ".LLP" gTLD and shaping economic growth through increased consumer confidence.
2) DOT Registry will work closely with companies such as Legalzoom and CSC (both companies assist in the formation of entities and their registration processes), as well as individual Secretary of State's offices to capture newly admitted members of the community.
3) DOT Registry will educate members of the Community of Registered Limited Liability Partnerships on the benefits and importance of using a ".LLP" gTLD by building a strong relationship with organizations like the Small Business Administration and the Better Business Bureau, which promote business validation and consumer insight. By working closely with these well- known and highly regarded entities DOT Registry will be able to reach a larger majority of community members and enhance our message's validity.
4) DOT Registry will strive to create consumer and Internet user awareness through a strong Internet marketing presence and by developing a relationship with the National Association of Consumer Advocates, which was formed with the intention of curbing consumer abuse through predatory business practices.

At DOT Registry, we strive to meet the exact needs of our registrants and the Internet users who patronize them. This will be accomplished by the creation of a seamless connection and strong communication channel between our organization and the governmental authority charged with monitoring the creation and good standing of Limited Liability Partnerships. DOT Registry will work closely with each Secretary of State's office to tailor our validation process to compliment each office's current information systems and to maximize the benefits of accurate information reporting. These processes are essential in fully assisting consumers in making educated decisions in regards to what businesses to patronize. The reach of the ".LLP" gTLD will not only impact online consumerism, but also offer an additional validation process for consumers to research contractors, businesses, and solicitors before choosing to do business with them in person.

The guidelines listed below were developed through collaborations with both NASS and individual Secretary of State's offices in order to ensure the integrity of the ".LLP" domain. All policies comply with ICANN-developed consensus policies.
In order to maintain the integrity of our mission statement and our relationship with each Secretary of State's office we will implement Registration Guidelines. In order to apply for a domain name ending in ".LLP", a Registrant must be registered with one of the Secretary of State's offices in the United States, the District of Columbia, or any of the U.S. possessions or territories as a Limited Liability Partnership pursuant to that jurisdiction's laws on valid corporate registration. In addition, Applicant will implement

the following Registration Guidelines and naming conventions:
1) A Registrant will only be awarded the ".LLP" domain that matches or includes a substantial part of the Registrant's legal name. For example, Blue Star Partners, LLP. would be able to purchase either BlueStarPartners.LLP or BlueStar.LLP.
2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the Limited Liability Partnership. All awarded domains must match or include a substantial part of the Registrant's legal name.
3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".LLP" domain will be awarded on a first-come, first-served basis to the first registrant.
4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".LLP" domain.
5) If a registrant's ".LLP" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a ".LLP" domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLP was awarded to Blue Star Partners, LLP. of California, then Blue Star Partners, LLCP. of Kansas would be offered the opportunity to use BlueStarPartners.LLP.
6) DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States' data resources to confirm that companies applying for their ".LLP" domain are in fact registered businesses.
7) All registrants that are awarded the ".LLP" domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
8) DOT Registry or it's designated agent will annually verify each registrant's community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLP" domain:
(a) If a registrant previously awarded the ".LLP" domain ceases to be registered with the State.
(b) If a registrant previously awarded a ".LLP" domain is dissolved and⁄or forfeits the domain for any reason.
(c) If a registrant previously awarded the ".LLP" domain is administratively dissolved by the State.
Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLP" will be forfeited. DOT Registry reserves the right to change the definition of "Active" in accordance with the policies of the Secretaries of State.

9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a ".LLP" domain, then such ".LLP" will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Partnerships, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other

computers or networks, and domain kiting/tasting).
10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.
11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.LLP. The WHOIS Web application will be an intuitive and easy to use application. A complete description of these services can be found in Question 26 below.
12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLP" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLP" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.
13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.
14) DOT Registry, LLC will implement a reserved names policy consisting of both names DOT Registry wishes to reserve for our own purposes as the registry operator and names protected by ICANN. DOT Registry will respect all ICANN reserved names including, but not limited to, two letter country codes and existing TLD's. Additionally, DOT Registry LLC will seek ICANN approval on any additional names we plan to reserve in order to appropriately secure them prior to the opening of general availability.

In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

.LLP was proposed for the sole purpose of eliminating business and consumer vulnerability in a cyber setting. In order to maintain the integrity of that mission and minimize the negative consequences to consumers and business owners the following policies will be adhered to:

a) No information collected from any registrant will be used for marketing purposes.
b) Data collected will not be traded or sold.
c) All data collected on any registrant will be available to the registrant free of charge.
d) Registrants will be allowed to correct data inaccuracies as needed.

e) All data will be kept secure.
DOT Registry will strictly uphold the rules set forth in their registration guidelines in order to accurately service the Community of Registered Limited Liability Partnerships and mitigate any negative consequences to consumers or Internet users.
Price structures for the ".LLP" gTLD are designed to reflect the cost of verification within our community requirements and the ongoing cost of operations. Price escalation will only occur to accommodate rising business costs or fees implemented by the Secretaries of State with regard to verifying the "Active" status of a Registrant. Any price increases would be submitted to ICANN as required in our Registry Agreement and will be compiled in a thoughtful and responsible manner, in order to best reduce the affects on both the registrants and the overall retail market.
DOT Registry does not plan to offer registrations to registrants directly therefore our pricing commitments will be made within our Registry–Registrar Agreements. It is our intention that these commitments will percolate down to registrants directly and that the contractual commitments contained within our Registry-Registrar Agreements will be reflected in the retail sale process of our gTLD, thus minimizing the negative consequences that might be imposed on registrants via the retail process.
DOT Registry plans to offer bulk registration benefits to Registrars during the first 6 months of operation. Registrars wishing to purchase bulk registrations of 1,000 names or more would be offered a 5% discount at the time of purchase. With regard to Registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database. Additionally, DOT Registry , through our founders program will provide a 25% discount to founders participants as a participation incentive. It is possible that DOT Registry would offer additional pricing benefits from time to time as relative to the market. All future pricing discounts not detailed in this application will be submitted through the appropriate ICANN channels for approval prior to introduction to the market.

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.

DOT Registry plans to serve the Community of Registered Limited Liability Partnerships. Members of the community are defined as businesses registered as Limited Liability Partnerships with the United States or its territories. Limited Liability Partnerships or (LLP's) as they are commonly abbreviated, are specifically designed to represent professional service businesses in the US . Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state's law.

Limited Liability Partnerships (LLP) are a relatively new business structure for the United States. LLP's were first recognized in the state of Texas in the 1980's to offer increased protections to individual partners of businesses and combat potential business losses due to mal-practice claims. In 1996 the National Conference of Commissioners on Uniform State Laws adopted the Revised Uniform Partnership Act; providing for both the definition of an LLP and the governmental standards under which an LLP may be formed. It was through the Revised Uniform Partnership Act that a standard set of policies were created to define, validate, and monitor the operations of LLP's, thus creating a unique and accountable business community in the United States.

A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP's therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.

Common advantages to forming an LLC include:

1) Pass through income taxation to partners, which avoids the "double taxation" often associated with corporations.
2) Limited Liability to individual members. This feature protects individual partners from being responsible for another partners' misconduct or negligence.
3) Unlike a corporation shareholders can actively participate in managing the business.

LLP's represent a small but prestigious sector of business in the United States. DOT Registry believes that due to the specifically personal nature of business operations conducted by LLP's it is essential for consumers to be able to appropriately identify legitimate LLP's prior to using their services. Through the creation of DOT Registry's .LLP string, consumers can quickly validate that they are working with a member of the Community of Registered Limited Liability Partnerships, providing consumers with brand reassurance and peace of mind. DOT Registry believes that it is essential to identify Limited Liability Partnerships online in order to expand on their creditability and further highlight their privilege to conduct business in the US. Proper representation of this community would allow consumers to make educated choices in choosing businesses to patronize and support.

Limited Liability Partnerships can be formed through all but ten states in the United States. Therefore members of this community exist in close to forty US states. LLP formation guidelines are dictated by state law and can vary based on each state's regulations. Persons form an LLP by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Organization. These are considered public documents and are similar to articles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. Additionally, many states restrict LLP registrations to professional service companies, making the LLP specifically applicable to industries such as architects, accountants, lawyers, and doctors.
LLP's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLP's level of good standing based on their commercial interactions with both the state and consumers. DOT Registry or its designated agents would verify membership to the Community of Registered Limited Liability Partnerships by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to maintain the reputation of the ".LLP" string and accurately delineate the member to consumers, Registrants would only be awarded a domain that accurately represents their registered legal business name. Additionally, DOT Registry will not allow private or proxy

registrations, therefore DOT Registry's WHOIS service will tie directly back to each member's state registration information and will be publicly available in order to provide complete transparency for consumers.
Entities are required to comply with formation practices in order to receive the right to conduct business in the US. Once formed an LLP must be properly maintained. LLP's are expected to comply with state regulations, submit annual filings, and pay specific taxes and fees. Should a Limited Liability Partnership fail to comply with state statutes it could result in involuntary dissolution by the state in addition to imposed penalties, taxes and fees.
While state statutes vary, the majority of states have adopted the following guidelines in regards to the formation of LLP's:

(1) The name of each Limited Liability Partnership must contain the words "Limited Liability Partnership" or the abbreviation "L.L.P" or the designation "LLP".

(2) In order to form a Limited Liability Partnership, two or more authorized persons must execute the Articles of Organization. Which shall contain: the name of the Limited Liability Partnership; the address of the registered office and the name and address of the registered agent for service of process required to be maintained; and any other matters the members determine to include therein.
(3) A Limited Liability Partnership may be organized to conduct or promote any lawful business or purposes, except as may otherwise be provided by the Constitution or other law of this State.
All entities bearing the abbreviation LLP in their business name create the assumption that they have been awarded the privileges associated to that title such as: the ability to conduct commerce transactions within US borders or territories, the ability to market products, solicit consumers and provide reputable services in exchange for monetary values, and finally to provide jobs or employment incentives to other citizens.
Membership in the Community of Registered Limited Liability Partnerships is established through your business entity registration. In order to maintain your membership to this community you must remain an "Active" member of the community. Active" in this context can be defined as any LLP registered with a Secretary of State in the United States and its territories, that is determined to be authorized to conduct business within that State at the time of their registration. Registrant's "Active" status will be verified on an annual basis as described above in question 18 in order to ensure the reputation and validity of the ".LLP" gTLD.
Since LLP's are not currently delineated on the Internet, the creation of this string would mark a unique advancement in consumer security and confidence in the United States. Essentially, this will create the first ever, clear delineator for the Community of Registered Limited Liability Partnerships.

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

DOT Registry is a corporate affiliate of the National Association of Secretaries of State (NASS), an organization which acts as a medium for the exchange of information between states and fosters cooperation in the development of public policy, and is working to develop individual relationships with each Secretary of State's office in order to ensure our continued commitment to honor and respect the authorities of each state.
DOT Registry is acutely aware of our responsibility to uphold our mission statement of: building confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Partnerships.DOT Registry has also specifically pledged to various Secretaries of State to responsibly manage this gTLD in a manner that will both protect and promote business development in the US. Further our policies were developed through direct

collaboration with the state offices so as to mitigate any possibility of misrepresenting their regulations.

In order to ensure that we accomplish this goal and preserve the credibility of our operations DOT Registry has taken the following advance actions to ensure compliance and community protection:

1) Developed registration policies that are currently reflective of common state law dictating the creation and retention of Limited Liability Partnerships in the United States.

2) Created a strong partnership with CSC (an ICANN approved registrar also specializing in corporate formation services). Through this partnership DOT Registry was able to develop a streamlined verification process to validate potential Registrants as members of the community and ensure that continued annual verifications are completed in a time sensitive and efficient manner. This process will ensure that consumers are not misled by domains registered with the ".LLP" gTLD. Additionally, this process will create peace of mind amongst community members by ensuring that their integrity is not diminished by falsely identified corporations being represented by a ".LLP" extension.

3) Built a strong relationship with several Secretaries of State in order to receive and give consistent input on policy implementation and state regulation updates. DOT Registry has also notified NASS that we have designed our registration policies and procedures to address NASS' concerns about verification requirements in the TLD.

4) Established an in-house legal and policy director to review, enhance, and ensure compliance and consistency with all registration guidelines and community representations.

As indicated in many of the attached endorsement letters, DOT Registry will be held specifically accountable for protecting the integrity of its restrictions and of the members of this community. DOT Registry will consult directly with NASS and policy advisors in the state offices consistently in order to continue to accurately represent the Community of Registered Limited Liability Partnerships and live up to the vast standards associated to the ".LLP" gTLD.

In furtherance of this goal, DOT Registry has attached letters from critical advocates for and representatives of the proposed community, including:

1) Various Secretary of States Offices: Specifically The Secretary of State of Delaware which is widely regarded as a leader in entity formation and policy in the United States and The Secretary of State of South Dakota, which is working towards combatting business identity theft and fictitious business registration.

2) Members of the community including but not limited to Drinker Biddle & Reath, LLP a national law firm specializing in corporate law. Specifically, partners at Drinker Biddle have consulted on many relevant business protection issues and collaborated with organizations such as NASS to form policy and programs to protect businesses in the United States.

DOT Registry can be viewed as an exemplary community representative not only through its pledged commitment to excellence, but also through its continued commitment to build relationships with the state offices charged with registering and overseeing members of this community. DOT Registry pledges through its registry policies to uphold a common standard of evaluation for all applicants and to add increased integrity to the Community of Limited Liability Partnerships. These pledges are further enforced by the endorsement letters from the above organizations, which call the authentication/verification measures proposed by DOT Registry critical to the success of the proposed community.

Similarly, DOT Registry will adhere to all standards of business operations as described in the Kansas state business statutes and will be equally accountable to consumers to deliver continuously accurate findings and valid registrations.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

The goal of the ".LLP" gTLD is to build confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Partnerships. Through our registry service, we will foster consumer peace of mind with confidence by ensuring that all domains bearing our gTLD string are members of the Community of Registered Limited Liability Partnerships. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant's right to conduct business in the United States. The ".LLP" gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names by identifying members of the Registered Community of Limited Liability Partnerships. The creation of the "LLC" gTLD will bring innovation and unprecedented coordination of this valuable service of verification, a purpose endorsed by many individual Secretary of States and NASS. Additionally, ".LLP" will further promote the importance of accurate business registrations in the US, while assisting in combatting business identity theft by increasing registration visibility through our WHOIS services and strict abuse policies.

The intended registrants of the ".LLP" gTLD would consist of members of the Community of Registered Limited Liability Partnerships. This would be verified by collecting data on each Registrant and cross-referencing the information with their applicable registration state. In order to ensure that this process is accomplished in a secure and time effective manner DOT Registry will develop partnerships with each Secretary of State's office in order to create the applicable applications to securely verify registrant data. DOT Registry or it's agents will be solely responsible for managing the verification process in order to decrease the burden on our registrar partners.

End-users for this TLD would include everyday consumers, members of the community, businesses within the community, and consumers looking for more accurate information with regards to those with whom they may conduct business. DOT Registry plans to initiate a robust marketing campaign geared towards the proposed end-users in order to ensure that consumers are aware of what ".LLP" stands for and its significance throughout the Community of Registered Limited Liability Partnerships. In addition to the vast consumer benefits from the creation of the ".LLP" gTLD, DOT Registry believes that ".LLP" domains would be considerably beneficial to business end users. Since DOT Registry will not allow private or proxy registrations businesses viewing ".LLP" sites would be able to instantly ascertain what businesses operate under the blanket of parent companies, are subsidiaries of other businesses, and of course where a corporation is domiciled. This easily identifiable information not only assists businesses in accurately identifying who they are doing business with, it would also assist in locating sales and use tax information, identifying applicable state records, and tracking an entity's history. These factors could help to determine the outcome of sales, mergers, contract negotiations, and business relationships. Ensuring that this kind of transparency and accountability – qualities previously not attainable in a TLD – shall be at the fingertips of potential business partners or investors.

Our registry policies will be adapted to match any changing state statutes in relation to the definition and creation of Limited Liability Partnerships in the U.S., ensuring the longevity and reputation of our registry services and our commitment to consumers to only represent valid U.S. Limited Liability Partnerships. Much like the perpetuity of the members of the Community of Registered Limited Liability Partnerships, the ".LLP" gTLD will enjoy a similar immortality, for as long as LLP entities continue to exist in the United States the ".LLP" relevance will not diminish. As awareness of the gTLD's mission becomes more widely recognized by end-users expectations to understand who you choose to do business with will increase, making the need for the ".LLP" gTLD more prominent.

In addition, it is our concern that the implementation of the gTLD string ".LLP" as a generic string, without the restrictions and community delineations described in this application and endorsed by NASS and the various Secretaries of State, could promote confusion among consumers and provide clever criminal enthusiasts the tools necessary to misrepresent themselves as a U.S.-based corporation. There is an expectation amongst consumers that entities using the words Limited Liability Partnership in their business name have the legal right and ability to conduct business in the United States. This

representation by non-members of the Community of Registered Limited Liability Partnerships is not only fraudulent, but a great disservice to consumers.

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

".LLP" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Partnership is primarily shortened to LLP when used to delineate business entity types. For example Red Bridge, LLP could additionally be referred to Red Bridge Limited Liability Partnership. Since all of our community members are Limited Liability Partnerships we believed that ".LLP" would be the simplest, most straight forward way to accurately represent our community.

LLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. Our research indicates that LLP. as corporate identifier is used in eleven other jurisdictions (Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their formation regulations are different from the United States and their entity designations would not fall within the boundaries of our community definition.

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

In order to accurately protect the integrity of our domain name and serve the proposed community the following safeguards will be adapted:

1) All Registrants will be required to submit a minimum of: Their registered business address, State of formation, name and contact information of responsible party, and legally registered business name. DOT Registry or its agents will use this information to cross-reference the applicable state's registration records in order to verify the accuracy of the Registrant's application. Should DOT Registry be unable to verify the legitimacy of the Registrants application additional information might be requested in order to award a domain name.
2)A Registrant will only be awarded the ".LLP" domain that matches or includes a substantial part of the Registrant's legal name. For example, Blue Star Partners, LLP. would be able to purchase either BlueStarPartners.LLP or BlueStar.LLP.
3)Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the LLP. All awarded domains must match or include a substantial part of the Registrant's legal name.
4)If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the ".LLP" domain will be awarded on a first-come, first-served basis to the first registrant.
5)However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for ".LLP" domain.
6)If a registrant's ".LLP" domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a ".LLP" domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLP was awarded to Blue Star

Partners, LLP. of California, then Blue Star Partners, LLP. of Kansas would be offered the opportunity to use BlueStarPartners.LLP.
7)DOT Registry will work closely with the Secretary of State's Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States' data resources to confirm that companies applying for their ".LLP" domain are in fact registered businesses.
8)DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLP" domain:
(a) If a registrant previously awarded the ".LLP" domain ceases to be registered with the State.
(b) If a registrant previously awarded a ".LLP" domain is dissolved and⁄or forfeits the domain for any reason.
(c) If a registrant previously awarded the ".LLP" domain is administratively dissolved by the State.
Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLP" will be forfeited. DOT Registry reserves the right to change the definition of "Active" in accordance with the policies of the Secretaries of State.
9)If DOT Registry discovers that a registrant wrongfully applied for and was awarded a ".LLP" domain, then such ".LLP" will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Partnerships, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting⁄tasting).
10)All registration information will be made publicly available. DOT Registry will not accept private or proxy registration. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.LLP. The WHOIS Web application will be an intuitive and easy to use application. A complete description of these services can be found in Question 26 below.
11)Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLP" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLP" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.
12)If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid.
In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM),

including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; stringent take down policies in order to properly operate the registry; and Applicant shall comply with any RRDRP decision, further reinforcing the fact that Applicant is committed to acting in best interest of the community.

DOT Registry will employ an in house Rights Protection Mechanism Team consisting of our Director of Legal and Policy and two additional support personnel. The RPM team will work to mitigate any RPM complaints, while protecting the general rights and integrity of the ",LLP" gTLD. The RPM team will strictly enforce the rights protection mechanisms described in this application.

Membership verification will be performed via DOT Registry's designated agents that which have software systems in place to efficiently interface with each state's data records. By utilizing the resources of industry leaders in this field, DOT Registry will ensure accurate and timely verification in addition to our ability to meet the needs of such a vast community. "Active" status will be specifically verified by cross referencing an applicant's registration data with state records. If this process is unable to be automated at any given time DOT Registry's agents will manually verify the information by contacting the applicable state agencies. While manual verification will obviously employ a larger pool of resources, DOT Registry believes that its industry partners are sufficiently able to accomplish this task based on their employee pool and past business accomplishments. Registrants will be expected to provide a minimum of their legal registered name, state of organization, registered business address, and administrative contact. All additional information required such as proof of organization or "active" status verification will be the sole responsibility of DOT Registry or its designated agents and will be acquired through the processes described herein.

DOT Registry will not restrict the content of ".LLP" sites other then through the enforcement of our Abuse Mitigation practices or Rights Protection Mechanisms as described in question 28 and 29 of this application. All ".LLP" sites will be expected to adhere to the content restrictions described in DOT Registry's abuse policies. Any sites infringing on the legal rights of other individuals or companies, trademarks, or participating in the practice and promotion of illegal activities will be subject to Applicant's take down procedures.

".LLP" domains are designed for the sole use of community members with the intention of promoting their specific business activities. This purpose implies that site content should be restricted to information, products, and services directly related to the Registrants business practices, any Registrants falsely identifying themselves as a community member or inaccurately representing their intentions could be deemed in non-compliance with our registry policies resulting in the revocation of their awarded domain.

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.

DOT Registry has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the draft Registry Agreement. DOT Registry shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. DOT Registry has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will DOT Registry then relay this request to ICANN. At this point, DOT Registry would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23.1 Introduction

DOT Registry has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the ".LLP" registry. In making this decision, DOT Registry recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the ".LLP" registry. The following section describes the registry services to be provided.

23.2 Standard Technical and Business Components

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. DOT Registry will use Neustar's Registry Services platform to deploy the ".LLP" registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to ".LLP"):

-Registry-Registrar Shared Registration Service (SRS)

-Extensible Provisioning Protocol (EPP)

-Domain Name System (DNS)

-WHOIS

-DNSSEC

-Data Escrow

-Dissemination of Zone Files using Dynamic Updates

-Access to Bulk Zone Files

-Dynamic WHOIS Updates

-IPv6 Support

-Rights Protection Mechanisms

-Internationalized Domain Names (IDN). [Optional should be deleted if not being offered].

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The ”.LLP” registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

DOT Registry will leverage Neustar’s world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar’s existing standard WHOIS solution will be used for the ”.LLP”. The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

Standard WHOIS (Port 43)

Standard WHOIS (Web)

Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 Data Escrow

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

-Protect against data loss

-Follow industry best practices

-Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure

-Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 Dissemination of Zone Files using Dynamic Updates

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 Access to Bulk Zone Files

DOT Registry will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 Dynamic WHOIS Updates

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 Support

The ".LLP" registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS/DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 Required Rights Protection Mechanisms

DOT Registry, will provide all ICANN required Rights Mechanisms, including:

-Trademark Claims Service

-Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)

-Registration Restriction Dispute Resolution Procedure (RRDRP)

-UDRP

-URS

-Sunrise service.

More information is presented in the response to Question 29.

23.2.12 Internationalized Domain Names (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users. A detailed description of the IDN implementation is presented in response to Question 44.

23.3 Unique Services

DOT Registry will not be offering services that are unique to ".LLP".

23.4 Security or Stability Concerns

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 Introduction

DOT Registry has partnered with NeuStar, Inc (”Neustar”), an experienced TLD registry operator, for the operation of the ”.LLP” Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar’s state of the art registry has a proven track record of being secure, stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 The Plan for Operation of a Robust and Reliable SRS

24.2.1 High-level SRS System Description

The SRS to be used for ”.LLP” will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality,

reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, DOT Registry is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

-State-of-the-art, production proven multi-layer design

-Ability to rapidly and easily scale from low to high volume as a TLD grows

-Fully redundant architecture at two sites

-Support for IDN registrations in compliance with all standards

-Use by over 300 Registrars

-EPP connectivity over IPv6

-Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS Systems, Software, Hardware, and Interoperability

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

-The IP address of the client

-Timestamp

-Transaction Details

-Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS Design

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

-Protocol Layer

-Business Policy Layer

-Database.

Each of the layers is described below.

24.2.4 Protocol Layer

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

-The registrar’s host exchanges keys to initiates a TLS handshake session with the EPP

server.

-The registrar’s host must provide credentials to determine proper access levels.

-The registrar’s IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 Business Policy Layer

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 Database

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 Number of Servers

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the ".LLP" registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 Description of Interconnectivity with Other Registry Systems

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

-WHOIS

-DNS

-Billing

-Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for ".LLP".

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS External Notifier

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a

signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS External Notifier

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 Billing External Notifier

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 Data Warehouse

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 Frequency of Synchronization between Servers

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 Synchronization Scheme (e.g., hot standby, cold standby)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 Compliance with Specification 6 Section 1.2

The SRS implementation for ".LLP" is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 Compliance with Specification 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the ".LLP" Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 Resourcing Plans

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

-Development/Engineering

-Database Administration

-Systems Administration

-Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the ".LLP" registry. The following resources are available from those teams:

-Development/Engineering 19 employees

-Database Administration- 10 employees

-Systems Administration 24 employees

-Network Engineering 5 employees

The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the ".LLP" registry.

25. Extensible Provisioning Protocol (EPP)

25.1 Introduction

DOT Registry's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure DOT Registry is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the ".LLP" registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP Interface

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.

The main features of the EPP implementation are:

-Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

-Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the footprint of the Registry system for a particular TLD.

-Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

-Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

-Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change

rippling through the whole application.

-Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

-Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 Compliance with RFCs and Specifications

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP Toolkits

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 Proprietary EPP Extensions

[Default Response]

The ".LLP" registry will not include proprietary EPP extensions. Neustar has implemented various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the ".LLP" registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the ".LLP" registry is attached in the document titled EPP Schema Files.

25.5 Resourcing Plans

The development and support of EPP is largely the responsibility of the Development/Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

-Development/Engineering 19 employees

-Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the ".LLP" registry.

26. Whois

DOT Registry, LLC recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

DOT Registry, LLC's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by DOT Registry, LLC's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of DOT Registry, LLC's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (DOT Registry, LLC's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

DOT Registry, LLC's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

DOT Registry, LLC's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. DOT Registry, LLC's registry services operator currently processes millions of WHOIS queries per day.

In addition to the WHOIS Service on port 43, DOT Registry, LLC will provide a Web-based WHOIS application, which will be located at www.whois.llp. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes

full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

DOT Registry, LLC will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password. DOT Registry, LLC will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

DOT Registry, LLC will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future.

DOT Registry, LLC's Legal Team consisting of 3 dedicated employees, will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain DOT Registry, LLC's information, DOT Registry, LLC's WHOIS services will necessarily be in compliance with any applicable privacy laws or policies.

27. Registration Life Cycle

27.1 Registration Life Cycle

27.1.1 Introduction

".LLP" will follow the lifecycle and business rules found in the majority of gTLDs today. Our back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be use for ".LLP".

27.1.2 Domain Lifecycle - Description

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the ".LLP" registry per the defined ".LLP" business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

-OK Default status applied by the Registry.

-Inactive Default status applied by the Registry if the domain has less than 2 nameservers.

-PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the ".LLP" registry.

-PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.

-PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.

-PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action

is pending. This status will not be used in the ".LLP" registry.

-PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the ".LLP" registry.

-Hold Removes the domain from the DNS zone.

-UpdateProhibited Prevents the object from being modified by an Update command.

-TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.

-RenewProhibited Prevents a domain from being renewed by a Renew command.

-DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information in not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

-Domain may be updated

-Domain may be deleted, either within or after the add-grace period

-Domain may be renewed at anytime during the term

-Domain may be auto-renewed by the Registry

-Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 Registration States

27.2.1 Domain Lifecycle Registration States

As described above the ".LLP" registry will implement a standard domain lifecycle found in

most gTLD registries today. There are five possible domain states:

-Active

-Inactive

-Locked

-Pending Transfer

-Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 Active State

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 Inactive State

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

27.2.4 Locked State

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

27.2.5 Pending Transfer State

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

27.2.6 Pending Delete State

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

27.3 Typical Registration Lifecycle Activities

27.3.1 Domain Creation Process

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1. Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2. Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3. The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13

nameservers, with Check and Create commands submitted for each object.

27.3.2 Update Process

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

-Domain statuses

-Registrant ID

-Administrative Contact ID

-Billing Contact ID

-Technical Contact ID

-Nameservers

-AuthInfo

-Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 Renew Process

The term of a domain may be extended using the EPP Renew operation. ICANN policy general establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed/extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 Transfer Process

The EPP Transfer command is used for several domain transfer related operations:

-Initiate a domain transfer

-Cancel a domain transfer

-Approve a domain transfer

- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1. The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.

2. If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status

3. A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar’s message queue

4. The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request

5. If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer

6. The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject

a transfer operation.

27.3.6 Deletion Process

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 Applicable Time Elements

The following section explains the time elements that are involved.

27.4.1 Grace Periods

There are six grace periods:

-Add-Delete Grace Period (AGP)

-Renew-Delete Grace Period

-Transfer-Delete Grace Period

-Auto-Renew-Delete Grace Period

-Auto-Renew Grace Period

-Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 Add-Delete Grace Period

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar's billing account.

27.4.3 Renew-Delete Grace Period

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 Transfer-Delete Grace Period

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 Auto-Renew-Delete Grace Period

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 Auto-Renew Grace Period

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not

required to provide registrants with the full 45 days of the period.

27.4.7 Redemption Grace Period

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain command as described below. Following the 30day RGP period the domain will remain in pendingDelete status for an additional five days, during which time the domain may NOT be restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore the domain and fulfill all the reporting obligations required under ICANN policy. The following describes the restoration process.

27.5 State Diagram

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending delete.Please refer to section 27.2 for detailed descriptions of each of these states. The lines between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

-Create:Registry receives a create domain EPP command.

-WithNS:The domain has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-WithOutNS:The domain has not met the minimum number of nameservers required by registry policy. The domain will not be in the DNS zone.

-Remove Nameservers: Domain’s nameserver(s) is removed as part of an update domain EPP

command. The total nameserver is below the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Add Nameservers: Nameserver(s) has been added to domain as part of an update domain EPP command.The total number of nameservers has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.

-Delete: Registry receives a delete domain EPP command.

-DeleteAfterGrace: Domain deletion does not fall within the add grace period.

-DeleteWithinAddGrace:Domain deletion falls within add grace period.

-Restore: Domain is restored.Domain goes back to its original state prior to the delete command.

-Transfer: Transfer request EPP command is received.

-Transfer Approve/Cancel/Reject:Transfer requested is approved or cancel or rejected.

-TransferProhibited: The domain is in clientTransferProhibited and/or serverTranferProhibited status. This will cause the transfer request to fail.The domain goes back to its original state.

-DeleteProhibited: The domain is in clientDeleteProhibited and/or serverDeleteProhibited status.This will cause the delete command to fail.The domain goes back to its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be in a locked state in combination with any of the other states: inactive, active, pending transfer, or pending delete.

27.5.1 EPP RFC Consistency

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN policies and related EPP RFCs.

27.6 Resources

The registration lifecycle and associated business rules are largely determined by policy and business requirements; as such the Product Management and Policy teams will play a critical role in working Applicant to determine the precise rules that meet the requirements of the TLD. Implementation of the lifecycle rules will be the responsibility of Development/Engineering team, with testing performed by the Quality Assurance team.Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The ".LLP" registry will be using standard lifecycle rules, and as such no customization is anticipated.However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.The following resources are available from those teams:

-Development/Engineering 19 employees

-Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the ".LLP" registry.

28. Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.LLP, providing access to .LLP's WhoIs services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.LLP and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse

communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry 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, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- Illegal or fraudulent actions: use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- Spam: use of electronic messaging systems from email addresses from domains in the TLD 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;
- Trademark and Copyright Infringement: DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .LLP TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- Phishing: use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- Pharming: redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- Willful distribution of malware: 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.
- Fast flux hosting: use of fast-flux techniques 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 techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- 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 denial-of-service attacks (DDoS attacks);
- Distribution of pornography;
- 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);
- Domain Kiting/Tasting: registration of domain names to test their commercial viability before returning them during a Grace Period;
- High Volume Registrations/Surveying: registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry

from offering them to legitimate users or timely services to other subscribers;
• Geographic Name: registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
• Inadequate Security: registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect third-party information in accordance with that geographic area's data and financial privacy laws;
• Front Running: registrars mining their own web and WhoIs traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
• WhoIs Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's WhoIs database in connection with the bad faith registration and use of the domain in question;
• WhoIs Misuse: abusing access to the WhoIs database by using Registrant information for data mining purposes or other malicious purposes;
• Fake Renewal Notices; misusing WhoIs Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLP the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Time who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation.
Such notification shall state:
1) the nature of the violation;
2) the proposed remedy to the violation;
3) the time frame to cure the violation; and
4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.
If the Registrant responds within ten (10) business days, it'[s response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".LLP" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".LLP" domain at their designated renewal date.
If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".LLP" domain, then such ".LLP" will be immediately forfeited to DOT Registry.
If a Registrant previously awarded a ".LLP" domain is dissolved and⁄or forfeited for any reason, then such ".LLP" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.
If a Registrant previously awarded the ".LLP" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLP" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.
A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLP" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the “dominant use of orphaned glue supports the correct and ordinary operation of the DNS.” See http://www.icann.org/en/committees/security/sac048.pdf.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry’s registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

WhoIs Accuracy

DOT Registry will provide WhoIs accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 WhoIs Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick WhoIs services, in which all authoritative WhoIs data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete WhoIs information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry’s registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote WhoIs accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete WhoIs data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry’s abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities,

determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its WhoIs database.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate WhoIs information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the WhoIs information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current WhoIs data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

Abuse Prevention and Mitigation – Domain Name Access

All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

29. Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the

TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered corporations and all applied-for domains will only be awarded the ".LLP" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes 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.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active corporations in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and

the domain name will be released for registration.
DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SRDP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on 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 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.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT⁄AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period: Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B
Applications that fit the following criteria will be considered during the Sunrise B period:
a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.
Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community

cannot apply for names in the TLD.

Founder's Program
Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:
a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLP" website within 30 days of signing the Program Agreement.
b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLP" Founder Website, concurrent with the launch of their .LLP Founder Website, said press release must be approved by DOT Registry;
c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
d) Founders are expected to proactively market and promote ".LLP" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLP" string.
e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.
f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.
DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Additionally, DOT Registry may suspend or delete a Founder's site without prior notice to the Registrar or Registrant if the Founder's site is deemed in violation of any of DOT Registry's registration guidelines or policies.
Registrants participating in the Founders program will receive 25% off their initial registration fees, additional discounts may be offered to founders at the time of renewal, should DOT Registry choose to offer additional discounts to founders or term extensions (not to exceed 5 years) DOT Registry will seek advance approval from ICANN via the specified channels.

Landrush
Landrush is a limited time opportunity for companies that want to secure a high value ".LLP" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the Applicant. Domain names with two or more applications will proceed to a closed mini auction, between the respective Applicants, where the highest bidder wins.

General Availability Period
Applicant must meet registration requirements.
Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions
Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.
a) Both Applicants will be notified of the contention and the Sunrise A Applicant will

be given first right to either register their requested domain or withdraw their application. Since ".LLP" is a sponsored community domain for registered Corporations, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A Applicant chooses to register their name regardless of the contention, then the Sunrise B Applicant may choose to pursue further action independently of DOT Registry to contest the name.

c) If two Sunrise A Applicants apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.LLP) then DOT Registry will notify both Applicants of the contention and proceed to an auction process as described in Section 9.

d) If a Sunrise A Applicant and a Landrush Applicant apply for the same domain name, the Sunrise A Applicant, all else being equal will have priority over the Landrush Applicant.

e) If two Sunrise B Applciants apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. LLP), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An applicant can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.

b) All auction participants are expected to keep their account information current, throughout the auction process.

c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.

d) Bidding

i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.

ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.
ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.
iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.
iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.
f) Payment Default
In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .LLP domain name, regardless of whether they have been paid for or not. You do not have the right to “pick and choose” the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry’s RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry’s registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a “Trademark Claims Notice” (Notice) in English to the protective registrant of the domain name and copy DOT Registry’s RPM Team The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark 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. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to by a UDRP panel to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .LLP as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick WhoIs

DOT Registry will include a thick WhoIs database as required in Specification 4 of the

Registry agreement. A thick WhoIs provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLP" domain is dissolved and⁄or forfeited for any reason, then such ".LLP" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and⁄or forfeited.

If a Registrant previously awarded the ".LLP" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLP" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLP contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registrys RPM Team who will catalogue and ticket in DOT Registry's CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry's RPM Team. A member of DOT Registry's RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry's RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry's RPM Team If DOT Registry's RPM Team is satisfied by the registrant's response that the content has been taken down or is not infringing, DOT Registry's RPM Team will unsuspend the domain name. DOT Registry's RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party's election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry's response to Question 28.

30(a). Security Policy: Summary of the security policy for the proposed registry

30.(a).1 Security Policies

DOT Registry and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The ".LLP" registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements.

Neustar's approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Policies are reviewed annually by Neustar's information security team.

The following is a summary of the security policies that will be used in the ".LLP" registry, including:

1. Summary of the security policies used in the registry operations

2. Description of independent security assessments

3. Description of security features that are appropriate for ".LLP"

4. List of commitments made to registrants regarding security levels

All of the security policies and levels described in this section are appropriate for the ".LLP" registry.

30.(a).2 Summary of Security Policies

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

-The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

-The rights that can be expected with that use.

-The standards that must be met to effectively comply with policy.

-The responsibilities of the owners, maintainers, and users of Neustar's information resources.

-Rules and principles used at Neustar to approach information security issues

The following policies are included in the Program:

1. Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2. Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3. Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4. Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5. Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6. Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7. Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8. Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9. Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system/application accounts, shared/group accounts, guest/public accounts, temporary/emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10. Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11. Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12. Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as

well as requirements for PDAs, mobile phones, digital cameras and music players, and any other removable device capable of transmitting, processing or storing information.

13. Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14. Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor, and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15. Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

30.(a).3 Independent Assessment Reports

Neustar IT Operations is subject to yearly Sarbanes-Oxley (SOX), Statement on Auditing Standards #70 (SAS70) and ISO audits. Testing of controls implemented by Neustar management in the areas of access to programs and data, change management and IT Operations are subject to testing by both internal and external SOX and SAS70 audit groups. Audit Findings are communicated to process owners, Quality Management Group and Executive Management. Actions are taken to make process adjustments where required and remediation of issues is monitored by internal audit and QM groups.

External Penetration Test is conducted by a third party on a yearly basis. As authorized by Neustar, the third party performs an external Penetration Test to review potential security weaknesses of network devices and hosts and demonstrate the impact to the environment. The assessment is conducted remotely from the Internet with testing divided into four phases:

-A network survey is performed in order to gain a better knowledge of the network that was being tested

-Vulnerability scanning is initiated with all the hosts that are discovered in the previous phase

-Identification of key systems for further exploitation is conducted

-Exploitation of the identified systems is attempted.

Each phase of the audit is supported by detailed documentation of audit procedures and results. Identified vulnerabilities are classified as high, medium and low risk to facilitate management's prioritization of remediation efforts. Tactical and strategic recommendations are provided to management supported by reference to industry best practices.

30.(a).4 Augmented Security Levels and Capabilities

There are no increased security levels specific for ".LLP". However, Neustar will provide the same high level of security provided across all of the registries it manages.

A key to Neustar's Operational success is Neustar's highly structured operations practices. The standards and governance of these processes:

-Include annual independent review of information security practices

-Include annual external penetration tests by a third party

-Conform to the ISO 9001 standard (Part of Neustar's ISO-based Quality Management System)

-Are aligned to Information Technology Infrastructure Library (ITIL) and CoBIT best practices

-Are aligned with all aspects of ISO IEC 17799

-Are in compliance with Sarbanes-Oxley (SOX) requirements (audited annually)

-Are focused on continuous process improvement (metrics driven with product scorecards reviewed monthly).

A summary view to Neustar's security policy in alignment with ISO 17799 can be found in section 30.(a).5 below.

30.(a).5 Commitments and Security Levels

The ".LLP" registry commits to high security levels that are consistent with the needs of the TLD. These commitments include:

Compliance with High Security Standards

-Security procedures and practices that are in alignment with ISO 17799

-Annual SOC 2 Audits on all critical registry systems

-Annual 3rd Party Penetration Tests

-Annual Sarbanes Oxley Audits

Highly Developed and Document Security Policies

-Compliance with all provisions described in section 30.(b) and in the attached security policy document.

-Resources necessary for providing information security

-Fully documented security policies

-Annual security training for all operations personnel

High Levels of Registry Security

-Multiple redundant data centers

-High Availability Design

-Architecture that includes multiple layers of security

-Diversified firewall and networking hardware vendors

-Multi-factor authentication for accessing registry systems

-Physical security access controls

-A 24x7 manned Network Operations Center that monitors all systems and applications

-A 24x7 manned Security Operations Center that monitors and mitigates DDoS attacks

-DDoS mitigation using traffic scrubbing technologies

What we offer

Custom solutions | Subscription services | Economist Corporate Network

Custom solutions

Our clients ask us to solve problems that are specific to them.

Whether it is deciding which Latin American country will provide the best operating environment for a logistics business, predicting which cities in China will emerge in the coming years to have the most favourable income levels and socio-demographics for a specific consumer product or assessing distribution channels in Africa for construction equipment, we can help.

- Economic, political and socio-demographic forecasting
- Country and city forecasting
- Market sizing, market entry and demand forecasting
- Industry analysis
- Bespoke modelling and scenario analysis
- Location benchmarking
- Risk analysis

Robin Bew 9h
Sign up for our Chief Economist's free weekly newsletter at http://t.co/RDfv46hCKC and follow him at @baptist_simon

Robert Ward 8h
@desplazatua Yes, it's beautiful, isn't it. The city comes alive at night.

Simon Baptist EIU 5h
@MaxfieldVandel true! lucky I didn't see this tweet until I'd exited...

The EIU 4h
RT @IreneMia_EIU: #Cuba to invest $3.5bn in renewable energy to diversify energy matrix/reduce energy use. Good thinking but impact to be f...

EIU Healthcare 5h
The #microbiome market will reach $658m in size by 2023. Who is best placed to capture that opportunity? http://t.co/dujq14Kipy

The EIU China Nov 3
#China PMI slips to lowest level since May, but policymakers will hold off from major stimulus if the jobs market remains stable.

More

About us

We are the research and analysis division of The Economist Group, the sister company to *The Economist* newspaper. Created in 1946, we have nearly 70 years' experience in helping businesses, financial firms and governments to understand how the world is changing and how that creates opportunities to be seized and risks to be managed. A British company, we are intensely global. We service clients across the world from our 40 offices, our staff speak over 25 languages and we embrace foreign cultures with a passion.

We believe that deep insight comes from bringing together the best data with the best methodologies and the best people. We deploy huge resources to acquiring and checking our economic and market data, including the use of primary research techniques and fieldwork when necessary. Some of our methodologies, frameworks and analytical tools are quantitative.

Outstanding team of experts

130 full time country specialists and economists

75% have advanced degrees

24 offices around the globe

25 languages spoken

All offices

New gTLD Program
Community Priority Evaluation Report
Report Date: 11 June 2014

Application ID:	1-880-35979
Applied-for String:	INC
Applicant Name:	Dot Registry 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 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 — 5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	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 identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and 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 ("INC") is:

> Members of the community are defined as businesses registered as corporations within the United States or its territories. This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or "INC's" as they are commonly abbreviated, represent one of the most complex business entity structures in the U.S. Corporations commonly participate in acts of commerce, public services, and product creation….
>
> A corporation is defined as a business created under the laws of a State as a separate legal entity, that has privileges and liabilities that are distinct from those of its members. While corporate law varies in different jurisdictions, there are four characteristics of the business corporation that remain consistent: legal personality, limited liability, transferable shares, and centralized management under a board structure. Corporate statutes typically empower corporations to own property, sign binding contracts, and pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a corporation with the relevant US state. In addition, corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these incorporated firms would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for delineation.

<u>Organization</u>
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 does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

> Corporations can be formed through any jurisdiction of the United States. Therefore members of this community exist in all 50 US states and its territories. Corporation formation guidelines are dictated by state law and can vary based on each State's regulations. Persons form a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of organization, which establish a limited liability company as a legal entity. At minimum, the Articles of Incorporation give a brief description of proposed business activities, shareholders, stock issued and the registered business address.

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the .INC application, there is no

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 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation 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 Community Priority Evaluation 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 Applicant Guidebook, as the application did not demonstrate considerable size or longevity for 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 a considerable size. The community for .INC as defined in the application is large in terms of number of members. According to the application:

> With almost 470,000 new corporations registered in the United States in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with a corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. These incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation 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.

The community as defined in the application does not demonstrate longevity. As mentioned previously, 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .INC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. These incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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 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 identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 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 (.INC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ".INC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language the word incorporation is primarily shortened to Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are incorporated businesses we believed that ".INC" would be the simplest, most straightforward way to accurately represent our community.
>
> Inc. is a recognized abbreviation in all 50 states and US Territories denoting the corporate status of an entity. Our research indicates that Inc. as corporate identifier is used in three other jurisdictions (Canada, Australia, and the Philippines) though their formation regulations are different from the United States and their entity designations would not fall within the boundaries of our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in Canada, Australia and the Philippines. Therefore, there is a substantial over-reach between the prop
osed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond 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 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 string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy 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 limiting eligibility to registered corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, 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 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 a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (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 noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (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	*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. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (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	**2/4 Point(s)**
4-A Support	*1/2 Point(s)*

The Community Priority Evaluation panel 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. "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), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, 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.

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition *1/2 Point(s)*

The Community Priority Evaluation panel 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 group of non-negligible size. 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 group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals 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 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>.

DETERMINATION
OF THE BOARD GOVERNANCE COMMITTEE (BGC)
RECONSIDERATION REQUESTS 14-30, 14-32, 14-33

24 July 2014

The Requester, DotRegistry, LLC, seeks reconsideration of the Community Priority Evaluation ("CPE") Panels' Reports, and ICANN's acceptance of those Reports, finding that the Requester did not prevail in the CPEs for .LLC, .INC, and .LLP.[1] In light of the CPE results, while the Requester's applications will not be given priority over other applications for the same strings, each is still in contention to ultimately be, following contention resolution, the prevailing application for its string.

I. Brief Summary.

The Requester submitted community-based applications for .LLC, .INC, and .LLP ("Applications"). The Applications were placed in contention sets with other applications for .LLC, .INC, and .LLP, respectively. As each of the Applications is community-based, the Requester was invited to, and did, participate in CPE for each Application. The Requester's Applications did not prevail in any of the CPEs. As a result, the Applications go back into contention with the other applications for the same strings; the contention will be resolved by auction or some arrangement among the involved applicants.

The Requester claims that the CPE Panels ("Panels")[2] failed to comply with established ICANN policies and procedures in rendering the respective CPE Reports. Specifically, the

---

[1] Requests 14-30, 14-32, and 14-32 (collectively, the "Requests") seek reconsideration of the determinations on Requester's applications for, respectively, .LLC, .INC, and .LLP. Because the Requests are made by the same Requester and raise sufficiently similar issues, they will be addressed in the same proceeding. *Cf.* ICANN Bylaws, Art. IV, § 2.8.

[2] The "Panels" includes those people who were involved in: (i) evaluating and scoring the Applications; (ii) validating letters of support and opposition; and (iii) issuing the "CPE Report" on the Requester's Applications.

Requester contends that the Panels: (i) failed to validate all letters submitted in support of or in opposition to .LLC, .INC, or .LLP; (ii) failed to provide details regarding the independent research on which they relied; (iii) engaged in improper "double counting" by factoring its assessment of certain specified CPE criteria into its assessment of other CPE criteria; (iv) failed to independently evaluate each of the Requester's applications; and (v) improperly applied the CPE criteria.

The Requester's claims do not support reconsideration. The Requester has failed to demonstrate that the Panels acted in contravention of established policy or procedure in rendering their respective CPE Reports, or that it has been adversely affected by the challenged actions of the Panels. CPE Panels are not required to provide details regarding their independent research, and contrary to the Requester's claims, the Panels did not engage in prohibited "double counting" in applying the CPE criteria. Further, the Requester has not demonstrated that: (i) it was adversely affected by the Panels' alleged failure to validate letters of support or opposition; (ii) the Panels failed to independently evaluate its Applications; or (iii) the Panels did not properly apply the CPE criteria. The BGC therefore concludes that Requests 14-30, 14-32, and 14-33 be denied.

II. Facts.

A. Background Facts.

The Requester submitted community-based applications for .LLC, .INC, and .LLP.

The Requester's applications were placed in contention sets with other applicants for the .LLC, .INC, and .LLP strings, respectively.

On 19 February 2014, the Requester was invited to participate in CPEs for .LLC, .INC, and .LLP, respectively. (*See* http://newgtlds.icann.org/en/applicants/cpe#invitations.) CPE is a

method of resolving string contention, described in section 4.2 of the Applicant Guidebook ("Guidebook"). It will occur only if a community application is in contention and if that applicant elects to pursue CPE.

The Requester elected to participate in CPE for LLC, .INC, and .LLP, respectively, and its Applications for these strings were forwarded to the Economist Intelligence Unit ("EIU"), the CPE provider, for evaluation.

On 4 March 2014, the European Commission ("EC") submitted letters opposing the Requester's Applications for LLC, .INC, and .LLP on the grounds that, by seeking to "limit the ability to register these domains for corporate identifiers to US registered businesses only [, the Requester] is excluding numerous companies worldwide including European Member States and is therefore discriminating [against] potential registrants in an illegitimate manner." (*See* https://gtldcomment.icann.org/applicationcomment/commentdetails/12361; https://gtldcomment.icann.org/applicationcomment/commentdetails/12363; https://gtldcomment.icann.org/applicationcomment/commentdetails/12359.) The EC noted, with respect to the Requester's application for .LLP, that Requester admitted in its application that "EU Member States [such] as Germany, Greece, Poland, Romania, and the United Kingdom are indeed using LLP as a legal form for entities." (*Id*.)

Also on 4 and 5 March 2014, respectively, InterNext GmbH and Afilias Limited submitted letters of opposition to the Applications on the grounds that they excluded non-United States registrants. (*See* https://gtldcomment.icann.org/applicationcomment/commentdetails/12358; https://gtldcomment.icann.org/applicationcomment/commentdetails/12357; https://gtldcomment.icann.org/applicationcomment/commentdetails/12356;

https://gtldcomment.icann.org/applicationcomment/commentdetails/12398; https://gtldcomment.icann.org/applicationcomment/commentdetails/12412; https://gtldcomment.icann.org/applicationcomment/commentdetails/12396.)

On 20 March 2014, Delaware's Secretary of State sent a letter to ICANN's Board, stating that while Delaware continued to have "considerable concerns" about granting gTLD strings "defined by state registries as 'company endings,'" such as .INC, .LLP, and .LLC, it sought to "correct a recent comment letter submitted as part of the [CPE] process by Donuts, Inc.," which "erroneously implied that the State of Delaware is specifically opposed to the community application of [Requester]." (*See* https://www.icann.org/en/system/files/correspondence/bullock-to-crocker-20mar14-en.pdf.)

On 25 March 2014, the EC submitted comments withdrawing its objections to Requester's Applications. (*See* https://gtldcomment.icann.org/applicationcomment/commentdetails/12413; https://gtldcomment.icann.org/applicationcomment/commentdetails/12412; https://gtldcomment.icann.org/applicationcomment/commentdetails/12411.) The EC stated that the Requester had "provided extensive field research that provides sufficient basis for a withdrawal of our objection[s], and after discussing in depth the issues raised in our comments we have a different approach to these community applications." (*Id*.) With respect to the Requester's Application for .LLP, the EC stated that it had "reached an agreement [with the Requester] based on the commitment that if the string is delegated to [the Requester], parties will work together towards the implementation of a framework which ensures that UK registrants that comply with certain requirements can make use of the corporate identifier." (*Id*.)

On 11 June 2014, the Panels issued their reports on the Requester's Applications ("Reports"). The Reports explained that the Applications did not meet the CPE requirements specified in the Guidebook and therefore concluded that the Applications did not prevail in their respective CPEs. (*See* .LLC Report, *available at* https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf; .INC Report, *available at* https://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf; .LLP Report, *available at* https://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.)

On 12 June 2014, ICANN posted the CPE results on its microsite. (*See* http://newgtlds.icann.org/en/applicants/cpe#invitations.)

On 25 June 2014, the Requester filed Requests 14-30, 14-32, and 14-33, requesting reconsideration of the Reports.

B. The Requester's Claims.

The Requester contends that reconsideration is warranted because the Panels:

1. Failed to validate all letters submitted in support of or in opposition to the Applications, (Request 14-30, § 8, Pgs. 4-7; Request 14-32 § 8, Pgs. 3-5; Request 14-33, § 8, Pgs. 3-5);
2. Failed to "cit[e] any sources or give[] any information about [] the substance or the methods or scope of the 'research,'" (Request 14-30, § 8, Pgs. 7-8; Request 14-32, § 8, Pgs. 5-6; Request 14-33, § 8, Pgs. 5-6);
3. Violated the policy against "double counting," which provides that "any negative aspect found in assessing an application for one [CPE] criterion should only be counted there and should not affect the assessment for other criteria," (Request 14-30, § 8, Pgs. 8-9; Request 14-32, § 8, Pgs. 6; Request 14-33, § 8, Pg. 6);

4. Failed to independently evaluate each of Requester's Applications, (Request 14-30, § 8, Pgs. 9; Request 14-32, § 8, Pgs. 6-7; Request 14-33, § 8, Pgs. 6-7);
5. Failed to properly apply the CPE criteria in evaluating each of Requester's Applications, (Request 14-30, § 8, Pgs. 9-17; Request 14-32, § 8, Pgs. 7-15; Request 14-33, § 8, Pgs. 7-15.)

C. Relief Requested.

The Requester asks the Board to reverse the Reports and grant community priority to its Applications or, in the alternative, assemble new CPE Panels to reassess its Applications for community priority. (Request 14-30, § 9, Pgs. 17-18; Request 14-32, § 9, Pg. 15; Request 14-33, § 8, Pg. 15.)

III. Issues.

In view of the claims set forth in Requests 14-30, 14-32, and 14-33, the issues for reconsideration are whether the Panels, in rendering the Reports, and ICANN staff in accepting those Reports, violated established policy or procedure by:

1. Failing to validate all letters submitted in support of or opposition to the Applications, (Request 14-30, § 8, Pgs. 4-7; Request 14-32 § 8, Pgs. 3-5; Request 14-33, § 8, Pgs. 3-5);
2. Failing to "cit[e] any sources or give[] any information about [] the substance or the methods or scope of the 'research,'" (Request 14-30, § 8, Pgs. 7-8; Request 14-32, § 8, Pgs. 5-6; Request 14-33, § 8, Pgs. 5-6);
3. Violating the policy against "double counting," which provides that "any negative aspect found in assessing an application for one [CPE] criterion should only be counted there and should not affect the assessment for other criteria," (Request

14-30, § 8, Pgs. 8-9; Request 14-32, § 8, Pgs. 6; Request 14-33, § 8, Pg. 6);

4. Failing to independently evaluate each of Requester's Applications, (Request 14-30, § 8, Pgs. 9; Request 14-32, § 8, Pgs. 6-7; Request 14-33, § 8, Pgs. 6-7);
5. Failing to properly apply the CPE criteria in evaluating Requester's Applications, (Request 14-30, § 8, Pgs. 9-17; Request 14-32, § 8, Pgs. 7-15; Request 14-33, § 8, Pgs. 7-15).

IV. The Relevant Standards for Evaluating Reconsideration Requests and Community Priority Evaluation.

ICANN's Bylaws provide for reconsideration of a Board or staff action or inaction in accordance with specified criteria.[3] (Bylaws, Art. IV, § 2.) Dismissal of a request for reconsideration of staff action or inaction is appropriate if the BGC concludes, and the Board or the NGPC[4] agrees to the extent that the BGC deems that further consideration by the Board or NGPC is necessary, that the requesting party does not have standing because the party failed to satisfy the reconsideration criteria set forth in the Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that a Panel failed to follow the established policies or procedures in reaching its determination, or that staff failed to follow its policies or procedures in accepting that

[3] Article IV, § 2.2 of ICANN's Bylaws states in relevant part that any entity may submit a request for reconsideration or review of an ICANN action or inaction to the extent that it has 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.

[4] New gTLD Program Committee.

determination.[5]

In the context of the New gTLD Program, the reconsideration process does not call for the BGC to perform a substantive review of CPE reports. Accordingly, the BGC does not evaluate the Panels' substantive conclusions that the Applications did not prevail in CPE. Rather, the BGC's review is limited to whether the Panels violated any established policy or procedure.

The standards governing CPE are set forth in Section 4.2 of the Guidebook. In addition, EIU – the firm selected to perform CPE – has published supplementary guidelines ("CPE Guidelines") that provide more detailed scoring guidance, including scoring rubrics, definitions of key terms, and specific questions to be scored.[6]

CPE will occur only if a community-based applicant selects CPE and after all applications in the contention set have completed all previous stages of the gTLD evaluation process. (Guidebook, § 4.2.) CPE is performed by an independent community priority panel appointed by EIU. (Guidebook, § 4.2.2.) A CPE panel's role is to determine whether the community-based applicant fulfills the four community priority criteria set forth in Section 4.2.3 of the Guidebook. The four criteria include: (i) community establishment; (ii) nexus between proposed string and community; (iii) registration policies; and (iv) community endorsement. To prevail in CPE, an applicant must receive a minimum of 14 points on the scoring of foregoing four criteria, each of which is worth a maximum of four points (for a total of 16 points).

V. Analysis and Rationale.

A. The Requester's Claim that the CPE Panels Failed to Validate All Letters of Support and Opposition Does Not Support Reconsideration.

---

[5] *See* http://www.icann.org/en/groups/board/governance/reconsideration/recommendation-booking-01aug13- en.doc, BGC Recommendation on Reconsideration Request 13-5.

[6] The CPE Guidelines may be found here: http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en.

CPE Panels are required to validate all letters submitted in support of or in opposition to an application "to ensure that the individuals who have signed the documents have the authority to speak on behalf of their institution." (*See* CPE FAQs, *available at* newgtlds.icann.org/en/applicants/cpe/faqs-31oct13-en.pdf.) Here, the Requester claims that the Panel evaluating the Requester's Application for .LLC failed to properly validate five letters of support received from individual limited liability corporations. (Request 14-30, § 8, Pgs. 4-5.) The Requester's claim is unsupported.

First, as the Requester acknowledges, the CPE Panel evaluating its .LLC application did contact each of the five supporting institutions to validate their respective supporting letters, as required by the Guidebook. (*Id*., § 8, Pg. 5.) The Requester claims that this was insufficient because, when validating the letters supporting the .LLC application, the CPE Panel mistakenly identified the supporters' letters as involving the Requester's application for .INC. (*Id*.) The Requester, however, provides no evidence demonstrating that the typographical error represented a substantive misunderstanding, or that those supporting the Requester's application were confused by the error, or that those supporters' letters were not ultimately validated by the Panel considering the .LLC application.

Further, the Requester has not demonstrated that the typographical error materially affected Requester in any way. The "support" element of the fourth CPE criterion, "community endorsement," is worth two points. One point is available where the applicant has documented support from at least one group with relevance. The CPE Panel expressly found that the letters of support that the Requester claims were not validated actually justified the award of one point. (.LLC Report at 7; *see also* Guidebook § 3.2.1.)

In order to have achieved the maximum score—two points—on the "support" element, the Requester would have had to "[be], or ha[ve] documented support from, the recognized community institution(s)/ member organization(s) or ha[ve] otherwise documented authority to represent the community." (Guidebook § 3.2.1.) The Guidebook defines "recognized" community institution/organization as an "institution[]/organization[] that, through membership or otherwise, [is] clearly recognized by the community members as representative of the community." (.LLC Report at 7; Guidebook § 3.2.1.)

Correctly identifying that standard, the Panel declined to award the Requester two points on the "support" element because it found that the Requester "was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s)." (.LLC Report at 7.) The Requester does not claim that the individual LLCs that submitted letters in support of its application constitute "recognized community institutions" or "member organizations," or that their endorsement entitled it to two points on the "support" element.

The Requester also claims that the Panels failed to validate a letter of opposition received from the EC.[7] The Requester alleges that the EC "confirmed to [Requester] that it was never contacted by [the Panels] in connection with the validation of" the EC's objection. Requester, however, provides no evidence supporting that assertion. (Request 14-30, § 8, Pg. 6; Request 14-32, § 8, Pg. 4; Request 14-33, § 8, Pg. 4.)

[7] The Requester also argues that the Panels failed to validate a letter of opposition received by the Secretary of State of Delaware. However, as the Secretary's 20 March 2014 letter to ICANN's Board states, the Secretary never submitted a letter of opposition with respect to the Requester's Applications. (*See* https://www.icann.org/en/system/files/correspondence/bullock-to-crocker-20mar14-en.pdf.)

The Requester further contends that the letter of opposition from the EC was rescinded on 25 March 2014, such that the Panels erred in relying on the letter when scoring the Applications. (Request 14-30, § 8, Pgs. 5-6; Request 14-32, § 8, Pgs. 3-4; Request 14-33, § 8, Pgs. 3-4.) The Requester's claim does not support reconsideration, as the Requester has not demonstrated that it was adversely affected by this alleged error. To prevail in CPE, an applicant must receive a minimum of 14 out of 16 points on the scoring of the four CPE criteria. The Requester's Applications each received only five out of 16 points. As such, even had the Panels awarded one additional point on the scoring of element 4-B, which assesses community opposition to an application, the Applications would still have received only six out of 16 points, which is insufficient to prevail on CPE.

As such, the Requester has not stated grounds for reconsideration with respect to the Panels' consideration of letters submitted in support of or in opposition to the Applications.

B. CPE Panels Are Authorized to Conduct Research And Are Not Required to Publish Information Regarding That Research.

The Requester argues that the Panels improperly conducted and relied upon independent research while failing to "cit[e] any sources or give[] any information about [] the substance or the methods or scope of the 'research,'" (Request 14-30, § 8, Pgs. 7-8; Request 14-32, § 8, Pgs. 5-6; Request 14-33, § 8, Pgs. 5-6.) As the Requester acknowledges, Section 4.2.3 of the Guidebook expressly authorizes CPE Panels to "perform independent research, if deemed necessary to reach informed scoring decisions. (Guidebook § 4.2.3; *see also* Request 14-30, § 8, Pg. 7; Request 14-32, § 8, Pg. 5; Request 14-33, § 8, Pg. 5.) The Requester cites to no established policy or procedure (because there is none) requiring a CPE Panel to disclose details regarding the sources, scope, or methods of its independent research. As such, the Requester's argument does not support reconsideration.

C. The Requester's Claim That The CPE Panels Engaged In "Double Counting" In The CPE Criteria Does Not Support Reconsideration.

The Guidebook states that in developing the CPE criteria, "[t]he utmost care [was] 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." (Guidebook § 4.2.3; Request 14-30, § 8, Pgs. 8-9; Request 14-32, § 8, Pgs. 6; Request 14-33, § 8, Pg. 6.) The Requester claims that the Panels engaged in improper "double counting" in their consideration of certain of the CPE criteria because: (i) "awareness and recognition of a community . . . among its members" is a requirement for both elements of the first CPE criterion—1-A, "delineation," and 1-B, "extension;" and (ii) in order to be eligible for a score of one point on element 2-B, "uniqueness," an application must score at least two out of three points on element 2-A, "nexus." (*Id*.)

The Requester is not alleging that the Panels violated any established policy or procedure. To the contrary, the Requester alleges that the Panels *did* adhere to established policy or procedure, namely by applying the CPE criteria as the Guidebook required. (*See* Guidebook § 4.2.3, CPE Panels are to "review and score . . . community-based applications having elected the community priority evaluation against [the] four [CPE] criteria" set forth in the Guidebook.) As such, the Requester has not demonstrated a basis for reconsideration.

Further, the Guidebook's provision on double counting states that a "negative aspect found in assessing an application for *one criterion* . . . should not affect the assessment *for other criteria*." (Guidebook § 4.2.3) (emphasis added.) Double counting did not occur here. There are only four criteria set out for CPE (Community Establishment; Nexus between Proposed String and Community; Registration Policies; and Community Endorsement). Each criterion has sub-parts; for example, Community Establishment is broken into two parts—1-A (Delineation)

and 1-B (Extension). Double counting may be present only when a single negative aspect is used to determine scores in more than one of the four criteria. Here, however, the alleged "double counting" cited by Requester is based upon the use of the same negative aspect in scoring each of the subparts of a single criterion; it did not affect the assessment of *other* criteria. For example, the Requester alleges that the Panels assessed "awareness and recognition of a community . . . among its members" in scoring both element 1-A and element 1-B of the first CPE criterion. The Requester *does not* allege (nor do the Panel Reports demonstrate) that the Panels' assessment of the Applications' "awareness and recognition of a community . . . among its members" affected their assessments of the other three CPE criteria. Similarly, the Requester alleges that the Panels' score on element 2-A of the second CPE criterion affected their score on element 2-B of that same criterion, but that too is not double counting. Here again, there is no demonstration that the score on element 2-A affected the Panels' assessments of any criteria other than the second CPE criterion. As such, the Requester has not shown that the Panels violated any policy or procedure against "double counting."

D. The Requester's Claim that the Panels Failed to Independently Evaluate Each of the Requester's Applications Does Not Support Reconsideration.

ICANN procedure requires that "each application [filed by a gTLD applicant] will be treated individually." (*See* http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en.) The Requester alleges that the Panels evaluating its three Applications were "working in concert" and therefore failed to treat each of its Applications individually. (Request 14-30, § 8, Pg. 9; Request 14-32, § 8, Pgs. 6-7; Request 14-33, § 8, Pgs. 6-7.) The Requester notes that each Panel awarded the Application it evaluated an identical score, five out of sixteen points, and that the three Reports have "virtually identical language and reasoning" and appear to rely on the

same independent research. (*Id*.)

The Requester cites to no policy or procedure that would prevent Panels evaluating different gTLD applications from consulting with each other and sharing resources. As the Requester's three Applications (which themselves use identical language) state, .LLC, .INC, and .LLP each represent "commonly used abbreviation[s] for [business] entity types." (.LLC Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1804; .INC Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1805; .LLP Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1808.) The communities in the Requester's Applications for .LLC, .INC, and .LLP are defined in identical terms—as those businesses registered as, respectively, limited liability corporations, corporations, and limited liability partnerships. (.LLC Application, § 20(a); .INC Application, § 20(a); .LLP Application § 20(a).) Further, the Applications contain substantially identical registration policies. (.LLC Application § 18(b); .INC Application § 18(b); LLP Application § 18(b).)

Given these similarities, it is not surprising that the community definitions in the Requesters' Applications raised similar issues, and that the Panels might collaborate in researching and addressing those issues. In all events, the Requester presents no evidence that this alleged collaboration prevented any of the Panels from independently evaluating each respective Application. To the contrary, as the Requester acknowledges, each Panel issued a separate Report, and each Report contained factual details unique to the particular Application being evaluated. (Request 14-30, § 8, Pg. 9; Request 14-32, § 8, Pg. 7; Request 14-33, § 8, Pg. 7.) Accordingly, as the Requester has not demonstrated that the Panels failed to independently

evaluate each of the Requester's Applications, it has failed to show that any established policy or procedure was violated in this regard.

E. The Panels Properly Applied the CPE Criteria.

The Requester objects to each of the Panels' decisions to award only five of the possible 16 points to each of the Requester's Applications. As noted above, in the context of the New gTLD Program, the reconsideration process does not call for the BGC to evaluate the Panels' substantive conclusions that the Applications did not prevail in CPE. Rather, the BGC's review is limited to whether the Panels (or staff) violated any established policy or procedure. As discussed below, insofar as the Requester claims that the number of points awarded by the CPE Panels for various criteria was "wrong," the Requester does not claim that the Panels violated established policy or procedure, but instead challenges the substantive determinations of the Panels. That is not a basis for reconsideration.

1. The Panels Properly Applied the First CPE Criterion.

The Requester claims that the Panels improperly awarded the Requester's Applications zero out of four points on the first criterion, which assesses the community identified in the application. (Guidebook, § 4.2.3; *see also* Request 14-30, § 8, Pgs. 10-14; Request 14-32, § 8, Pgs. 7-11; Request 14-33, § 8, Pg. 7-11.) Specifically, this criterion evaluates "the community as explicitly identified and defined according to statements in the application" through the scoring of two elements—1-A, delineation (worth two points), and 1-B, extension (worth two points). (*Id*.)

a. The Panels Properly Applied Element 1-A.

Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the delineation element, an application must identify a "clearly delineated, organized, and pre-

existing community." Section 4.2.3 also sets forth further guidelines for determining delineation. In awarding zero out of two points for element 1-A (delineation), each of the Panels accurately described and applied the Guidebook scoring guidelines and scored the mandatory questions listed the CPE Guidelines. (.LLP Report, Pgs. 1-3; .INC Report, Pgs. 1-3; .LLC Report, Pgs. 1-3.) Each Panel found that while the relevant application identified a "clear and straightforward membership," it did not "have awareness and recognition of a community among its members" because business organizations, whether LLCs, corporations, or LLPs "operate in vastly different sectors, which sometimes have little or no association with one another." (.LLP Report, Pg. 2; .INC Report, Pg. 2; .LLC Report, Pg. 2.) Each Panel also found that the community defined in the relevant application had neither "at least one entity mainly dedicated to the community" nor "documented evidence of community activities." (.LLP Report, Pgs. 2-3; .INC Report, Pgs. 2-3; .LLC Report, Pgs. 2-3.) Finally, each Panel found that the relevant community had not been active prior to September 2007. (.LLP Report, Pg. 3; .INC Report, Pg. 3; .LLC Report, Pg. 3.)

In challenging the Reports, the Requester does not identify any policy or procedure that the Panels misapplied in scoring element 1-A. Instead, the Requester simply objects to the Panels' substantive conclusions arguing that "while firms may organize around specific industries, locales, and other criteria not related to the entities' structure . . . this does not preclude firms from also organizing around the entities' structure." (Request 14-30, § 8, Pg. 10; Request 14-32, § 8, Pg. 8; Request 14-33, § 8, Pg. 8.) The Requester further argues that Secretaries of State constitute entities "mainly dedicated to the community," and that members of the defined communities participate in community activities by doing things such as "claiming their status" as limited liability companies, corporations, or limited liability partnerships on tax returns. (Request 14-30, § 8, Pgs. 11-12; Request 14-32, § 8, Pg. 9; Request 14-33, § 8, Pg. 9.)

Finally, the Requester argues that the communities were active prior to September 2007 because limited liability companies, corporations, and limited liability partnerships existed prior to that time. (Request 14-30, § 8, Pg. 12; Request 14-32, § 8, Pgs. 9-10; Request 14-33, § 8, Pgs. 9-10.) The Requester's arguments reflect only substantive disagreement with the Panels' findings, and are not a proper basis for reconsideration

b. The Panels Properly Applied Element 1-B.

The Requester also objects to the Panels awarding the Applications zero out of two points on element 1-B (extension). Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the extension element, the application must identify a "community of considerable size and longevity." (Guidebook § 4.2.3.)

In awarding zero out of two points for element 1-B (extension), the Panels each accurately described and applied the Guidebook scoring guidelines and scored the mandatory questions listed the CPE Guidelines. (.LLP Report, Pgs. 3-4; .INC Report, Pgs. 3-4; .LLC Report, Pgs. 3-4.) In particular, each Panel found that while the community defined in each Application was "of considerable size," each, again, did not "have awareness and recognition of a community among its members" because business organizations such as LLCs, corporations, and LLPs "operate in vastly different sectors, which sometimes have little or no association with one another." (.LLP Report, Pg. 3; .INC Report, Pg. 3; .LLC Report, Pg. 3.) Each Panel also found that the relevant community as defined in the application did not demonstrate longevity. (.LLP Report, Pg. 4; .INC Report, Pg. 4; .LLC Report, Pg. 4.)

In challenging the Reports, the Requester claims that the Guidebook and the CPE Panels "do not list the requirement that the community must display an awareness and recognition of a community among its members" in assessing size and longevity. (Request 14-30, § 8, Pg. 8;

Request 14-30, § 8, Pgs. 10-11; Request 14-30, § 8, Pgs. 10-11.) Thus, in the Requester's view, the Panels should not have considered such "awareness and recognition" issues when assessing the size and longevity factors. However, contrary to what the Requester claims, the Guidebook does define "community" as involving "an awareness and recognition of a community among its members." (Guidebook, § 4.2.2.) As such, in considering the size and longevity of the communities described by the Requester, the Panels necessarily had to consider whether those described communities even met the definition of "community."

2. The Panels Properly Applied the Second CPE Criterion.

The Requester claims that the Panels improperly awarded the Requester's Applications zero out of four points on the second criterion, which assesses the nexus between the proposed string and the community. (Guidebook, § 4.2.3; *see also* Request 14-30, § 8, Pgs. 14-15; Request 14-32, § 8, Pgs. 11-14; Request 14-33, § 8, Pgs. 11-12.) This criterion evaluates "the relevance of the string to the specific community that it claims to represent" through the scoring of two elements—2-A, nexus (worth three points), and 2-B, uniqueness (worth one point). (Guidebook, § 4.2.3.)

a. The Panels Properly Applied Element 2-A.

Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the nexus element, the applied-for string must "match[ ] the name of the community or [be] a well-known short-form or abbreviation of the community name." (Guidebook, § 4.2.3.) In awarding zero out of three points for element 2-A (nexus), the Panels all accurately described and applied the Guidebook scoring guidelines and scored the mandatory questions listed the CPE Guidelines. (.LLP Report, Pgs. 4-5; .INC Report, Pgs. 4-5; .LLC Report, Pgs. 4-5.)

The Requester's Applications for .LLC, .INC, and .LLP each state that those strings are

"recognized abbreviation[s] in all 50 states and US territories denoting the registration type of a business entity." LLC Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1804; .INC Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1805; .LLP Application, § 20(d), *available at* https://gtldresult.icann.org/applicationstatus/applicationdetails/1808.) Each Panel found that given that definition, the relevant applied-for string "capture[d] a wider geographical remit than the community." (.LLP Report, Pg. 4-5; .INC Report, Pgs. 4-5; .LLC Report, Pgs. 4-5.) The .LLC Panel noted that "LLC" is used as a corporate identifier in jurisdictions outside the US; the .LLP Panel noted that "LLP" is used as a corporate identifier in Poland, the UK, Canada, and Japan; and the .INC Panel noted that "INC" is used as a corporate identifier in Canada, Australia, and the Philippines. (*Id*.)

In challenging the Reports, the Requester does not identify any policy or procedure that the Panels misapplied in scoring element 2-A. Rather, the Requester argues that while its own research confirms that "LLC" is used outside the United States and that "INC" and "LLP" "may be" used outside the United States, those identifiers "are not used outside the US in connection with the [] communities described in the [Applications]." (Request 14-30, § 8, Pgs. 14-15; Request 14-32, § 8, Pg. 12; Request 14-33, § 8, Pg. 12.) Again, the Requester's substantive disagreement with the Panels' findings is not a proper basis for reconsideration.

b. The Panels Properly Applied Element 2-B.

The Requester next objects to the Panels having awarded its Applications zero out of one point on element 2-B (uniqueness). To fulfill the requirements for element 2-B, a string must have "no other significant meaning beyond identifying the community described in the

application." (Guidebook, § 4.2.3.) Section 4.2.3 of the Guidebook further states that "[t]he 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.'"

Because each Panel awarded the relevant Application a score of zero out of three points for "nexus," each also awarded the relevant Application a score of zero out of one point for "uniqueness." (.LLP Report, Pgs. 5; .INC Report, Pg. 5; .LLC Report, Pg. 5.) The Requester argues that those scores were improper because the scores for "nexus" were improper. (Request 14-30, § 8, Pg.15; Request 14-32, § 8, Pg. 12; Request 14-33, § 8, Pg. 12.) As discussed immediately above, the Requester's arguments relating to the Panels' evaluation of the "nexus" requirement do not support reconsideration. So too, then, the Requester's claims concerning the "uniqueness" criterion also must fail.

The Requester also appears to argue that the Panels should have disregarded the Guidebook in scoring this element—it contends that "regardless, since ["LLC," "INC," and "LLP"] ha[ve] no other significant meaning outside the US, [the Applications] should have been awarded one point for Uniqueness." (*Id*.) That argument is not a basis for reconsideration.

3. The Panels Properly Applied the Third CPE Criterion.

The Requester claims that the Panels improperly awarded the Requester's Applications three out of four points on the third criterion, which assesses an applicant's registration policies. (Guidebook, § 4.2.3; *see also* Request 14-30, § 8, Pgs. 15-16 Request 14-32, § 8, Pgs. 12-14; Request 14-33, § 8, Pgs. 12-14.) This criterion evaluates the applicant's registration policies through the scoring of four elements—3-A, eligibility (worth one point); 3-B, name selection (worth one point); 3-C, content and use (worth one point); and 3-D, enforcement (worth one

point). (*Id*.)

The Requester challenges the Panels' evaluation of criterion 3-D, enforcement. (Request 14-30, § 8, Pgs. 15-16 Request 14-32, § 8, Pgs. 12-14; Request 14-33, § 8, Pgs. 12-14.) Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the enforcement element, an applicant's policies must "include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms." (*Id*.) In awarding zero out of one point for element 3-D (enforcement), the Panels all accurately described and applied the Guidebook scoring guidelines and scored the mandatory questions listed the CPE Guidelines. (.LLP Report, Pgs. 1-3; .INC Report, Pgs. 1-3; .LLC Report, Pgs. 1-3.) Each Panel found that while the relevant application "outlined policies that include specific enforcement measures constituting a coherent set," it "did not outline an appeals process." (.LLP Report, Pg. 6; .INC Report, Pg. 5; .LLC Report, Pg. 6.)

In challenging the Reports, the Requester does not identify any policy or procedure that the Panels misapplied in scoring element 3-D. Rather, the Requester argues its Applications do in fact outline appeals processes. (Request 14-30, § 8, Pgs. 15-16 Request 14-32, § 8, Pgs. 12-14; Request 14-33, § 8, Pgs. 12-14.) Again, the Requester's substantive disagreement with the Panels' findings is not a proper basis for reconsideration.

4. The Panels Properly Applied the Fourth CPE Criterion.

Finally, the Requester claims that the Panels improperly awarded the Requester's Applications two out of four points on the fourth criterion, which assesses community endorsement of an application. (Guidebook, § 4.2.3; *see also* Request 14-30, § 8, Pgs. 16-17; Request 14-32, § 8, Pgs. 14-15; Request 14-33, § 8, Pgs. 14-15.) This criterion evaluates community support for and/or opposition to an application through the scoring of two

elements—4-A, support (worth two points), and 4-B, opposition (worth two points). (Guidebook, § 4.2.3.)

a. The Panels Properly Applied Element 4-A.

Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the support element, the applicant must be, or "ha[ve] documented support from, the recognized community institution(s)/ member organization(s) or ha[ve] otherwise documented authority to support the community." (*Id*.) In challenging the Reports, the Requester does not identify any policy or procedure that the Panels misapplied in scoring element 4-A. The Requester simply disagrees with the Panels' substantive conclusion that while Secretaries of State "ha[ve] responsibility for corporate registrations and the regulations pertaining to corporate formation in [their] jurisdiction[s]," they "are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community." (.LLC Report at Pgs. 6-7.)[8] The Requester's substantive disagreement with the Panels' findings is not a proper basis for reconsideration.

b. The Panels Properly Applied Element 4-B.

Pursuant to Section 4.2.3 of the Guidebook, to receive a maximum score for the opposition element, there must be "no opposition of relevance" to the application. (*Id*.) In challenging the Panels' awarding its Applications only one out of two points on this element, the Requester makes the same arguments discussed above regarding the opposition letter submitted by the EC. For the reasons already stated, that argument does not support reconsideration.

[8] As to the .LLC Panel, the Requester also again argues that the Panel failed to consider certain letters of support. (Request 14-30, § 8, Pg. 17.) As discussed above, there is no evidence that any of the Panels failed to consider those letters—in fact it appears that the Panels did consider them. That argument therefore does not support reconsideration.

VI. Determination.

Based on the foregoing, the BGC concludes that the Requester has not stated proper grounds for reconsideration, and therefore denies Requests 14-30, 14-32, and 14-33. As there is no indication that either the Panels or ICANN violated any ICANN policy or procedure with respect to the Reports, or ICANN's acceptance of those Reports, the Requests should not proceed. If the Requester believes that it has somehow been treated unfairly in the process, the Requester is free to ask the Ombudsman to review this matter.

In accordance with Article IV, Section 2.15 of the Bylaws, the BGC concludes that this determination is final and that no further consideration by the Board (or the New gTLD Program Committee) is warranted.

Reconsideration Request Form

Version of 11 April 2013

1. Requester Information

Name: Dot Registry, LLC

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

Name: National Association of Secretaries of State

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

2. Request for Reconsideration of (Check one only):

___ Board action/inaction

X Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

Dot Registry, LLC ("Dot Registry") is seeking reconsideration of the Economic Intelligence Unit ("EIU") Community Priority Evaluation panel's (the "Panel") determination that Dot Registry's application, no. 1-880-35979 for .INC (the ".INC Community Application") did not meet the requirements for Community Priority specified in the Applicant Guidebook ("AGB") (the "Panel Determination") and subsequent placement of the Application into active contention by the New gTLD Programming Committee ("NGPC").

4. Date of action/inaction:

The Community Priority Evaluation Report (the "Report") lists the date of the Panel Determination as June 11, 2014. Dot Registry believes that as a result of the Panel Determination, the Application was placed into active contention by the NGPC shortly thereafter.

5. On what date did you became aware of the action or that action would not be taken?

Dot Registry became aware of the Determination on June 11, 2014 when Dot Registry received an email indicating the Community Priority Evaluation ("CPE") status for the .INC Community Application had been updated and to view its CSC portal for more information.

6. Describe how you believe you are materially affected by the action or inaction:

The Panel Determination, based on its violation and misapplication of the policies and processes set out in the AGB, CPE Guidelines and ICANN Bylaws, and the subsequent placement of the .INC Community Application into active contention by the NGPC, will materially affect Dot Registry because Dot Registry will now have to resolve contention of the Application with seven other applicants. This will cause significant material harm to Dot Registry. As a result of the Panel Determination, which is inconsistent with both AGB and ICANN policy, Dot Registry will incur significant additional expenses to participate in the contention auction and ultimately may and not be able to operate the .INC TLD.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

The improper denial of Community Priority status to the .INC Community Application will likely result in delegation of the .INC TLD to one of the non-community applicants, which as US government officials and Secretaries of State have stated, do not have enforceable safeguards in place. If the .INC TLD proceeds to auction and the string is awarded to a generic, non-community application, ICANN is not only ignoring the direct communication provided by US and state government officials, which calls for transparent, enforceable registration policies,[1] but it is then possible that anyone could register an .INC domain, even if they did not have an active corporation, which could result in significant harm to registered corporations within the US, the consumers that patronize them and the US government officials then tasked with combatting the damages. The majority of US Secretaries of States are charged with the administrative oversight associated with business registration and reporting compliance in the US. Thus, state's would be financially taxed by the additional time and staff needed to investigate registrants of .INC domain names that do not have an active INC. The use of the designation .INC implies that the company has the right to conduct business within the US. This designation if used haphazardly could create false consumer confidence, business identify theft and a legacy of damage that ultimately affects Registrants, end users and Registry operators. States are not adequately resourced to protect legitimate businesses from fraudulent operators. Furthermore, the use of an .INC domain name by a company or entity that does not have an active corporation would violate state laws that specifically prohibit portraying a business as a corporation if it is not properly registered with the state[2] and/or deceptive trade practices' laws.

---

[1] *See* Annex 1.

[2] *See, e.g.*, http://www.leg.state.nv.us/NRS/NRS-078.html#NRS078Sec047.

Therefore, many Secretaries of State support a process which seeks to deter fraudulent business activities and provides some basic checks and balances in the use of domain extensions.

8. Detail of Board or Staff Action—Required Information

The Panel Determination, and the NGPC's subsequent placing of the .INC Community Application into active contention in reliance on the Panel Determination, is inconsistent with established policies and procedures in the AGB and ICANN Bylaws. The inconsistencies with established policies and procedures include: (1) the Panel's failure to properly validate all letters of support and opposition; (2) the Panel's repeated reliance on "research" without disclosure of the source or substance of such research; (3) the Panel's "double counting"; (4) the Panel's apparent evaluation of the .INC Community Application in connection with several other applications submitted by Dot Registry; and (5) the Panel's failure to properly apply the CPE criteria in the AGB in making the Panel Determination.

A. The Panel's Failure to Validate All Letters of Opposition

CPE Panels are required to validate all letters of support and opposition.[3] However, in evaluating the .INC Community Application for Community Priority, the Panel here did not meet this obligation becausethe Panel did not validate all of the letters that were purportedly submitted in opposition to the Application, particularly those submitted by a group of non-negligible size. This is important because the .INC Application only received 1 out of 2 points in the Opposition criteria, based on a purported opposition from a group of non-negligible size. Dot Registry is only aware of two letters submitted by a group of non-negligible size that could have been construed as in opposition to the application: a letter from the Secretary of State of Delaware, on March 5, 2014, stating his opinion that certain business identifier extensions should not be delegated[6] and a letter from the European Commission on March 4, 2014 expressing concern about Dot Registry's operation of .INC due to usage of the term "INC" outside of the US.[7] On March 20, 2014, the Secretary of State of Delaware submitted another letter clarifying that the State of Delaware was not opposed to the .INC Community Application, which was posted on the ICANN new gTLD website on March 20, 2014.[8] Similarly, the European Commission submitted a letter rescinding its earlier opposition to the application, which was posted to the ICANN website on

---

[3] *See* Community Priority Evaluation FAQ's, http://newgtlds.icann.org/en/applicants/cpe/faqs-31oct13-en.pdf.

[6] https://www.icann.org/en/system/files/correspondence/bullock-to-dryden-radell-05mar13-en.pdf.

[7] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12359.

[8] http://newgtlds.icann.org/en/program-status/correspondence/bullock-to-crocker-20mar14-en.pdf.

March 25, 2014.[9] Notably, in addition to the letter being posted on the ICANN New gTLD website, the European Commission specifically asked that ICANN forward a copy of this communication to the Economist Intelligence Unit "for the avoidance of any potential confusion with the pending Community Priority Evaluation processes underway for Dot Registry." The follow up letters submitted by both the Delaware Secretary of State and the European Commission clearly show that these groups of non-negligible size do not oppose the .INC Community Application. Furthermore, the European Commission confirmed to Dot Registry that it was never contacted by EIU in connection with validation of the purported opposition, and it is Dot Registry's understanding that the Panel never attempted to contact the Delaware Secretary of State to validate any purported opposition to the .INC Community Application. If the Panel had done so, it would likely have learned that the European Commission's initial concerns were based on deceptive information provided to it by a competitor of Dot Registry, which led the European Commission to believe that the term "INC", as defined in the .INC Community Application, was used in Europe in connection with similar business structures, when, in fact, it is not.

In addition to the Panel's failure to validate all letters of support and opposition constituting a violation of established CPE process, its refusal to identify the group of non-negligible size, which purportedly opposed the .INC Community Application, is inconsistent with the ICANN policy and Bylaws requirement to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.[10] In its Determination, the Panel stated that the relevant letter of opposition from an organization of non-negligible size "was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses." What organization, other than the European Commission, who as discussed above, rescinded any opposition it might have had to the .INC Community Application, could the Panel be referring to? The Panel's refusal to disclose the identity of this organization of non-negligible size, which is purportedly in opposition to the .INC Community Application, is neither transparent nor fair. It is difficult to imagine what purpose the Panel could have for choosing not to identify this organization, since presumably any letter of opposition submitted by it would have been posted publicly anyway, and the Panel's failure to identify the organization calls into question whether such opposition actually exists. The BGC addressed this issue recently in its Determination of Reconsideration Request 14-1 regarding the Community Objection filed by the Independent Objector against the application or .MED. The BCG's language in that decision is instructive:

> "The Requester has provided the BGC with uncontroverted information demonstrating that the

[9] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12412.
[10] ICANN Bylaws, Article III, Section 1.

> public comments on which the Objection was based were not, in fact, in opposition to the Requester's application. Accordingly, the BGC concludes that ICANN not consider the Expert Determination at issue."[11]

Similarly, since there is no evidence of public comments of relevance in opposition to the .INC Community Application, the BGC should determine that the Panel Determination should not be considered.

B. The Panel's "Research"

In its Determination, the Panel repeatedly relies on its "research." For example, the Panel states that its decision not to award any points to the .INC Community Application for 1-A Delineation is based on "[r]esearch [that] showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC" and also that "[b]ased on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook."[12] Similarly, the Panel states that its decision not to award any points for 1-B Extension is based on its determination that the .INC Community Application did not meet the criteria for Size or Longevity because "[b]ased on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook."[13] Thus, the Panel's "research" was a key factor in its decision not to award at least four (but possibly more) points to the .INC Community Application. However, despite the significance of this "research", the Panel never cites any sources or gives any information about its substance or the methods or scope of the "research."

Dot Registry does not take issue with the Panel conducting independent research during its evaluation of the .INC Community Application, which is permitted by the AGB."[15] However, as discussed above, ICANN's Bylaws obligate it (and by extension Staff and expert panels working on behalf of ICANN) to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.[16] To the extent that the Panel's "research" is a key factor in its decision not to award at least four (but possibly more) points to the .INC Community Application, it is not consistent with ICANN's obligation to operate in a transparent manner or with procedures designed to ensure fairness; to not include even a single citation or any information on the substance or method of the "research." The principles of transparency and fairness require that the Panel should have disclosed to Dot

---

[11]https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.
[12]http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.
[13]*Id.*
[15]*See* Section 4.2.3.
[16]ICANN Bylaws, Article III, Section 1.

Registry (and the rest of the community) what "research" showed that firms are typically organized around specific industries, locales and other criteria not related to the entities structure as an INC and that there is no evidence of corporations from different sectors acting as a community as defined by the Applicant Guidebook.

C. The Panel's "Double Counting"

The AGB sets forth an established policy against "double counting" in the CPE criteria, such that "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."[17] However AGB contains numerous instances of double counting as does the Determination. For example, one of the requirements for Delineation is that "there must be awareness and recognition of a community (as defined by the applicant) among its members." However, "awareness and recognition of a community (as defined by the applicant) among its members" is also a requirement for Size and for Longevity. Accordingly, if a CPE panel makes a determination that there is not sufficient awareness and recognition of a community (as defined by the applicant) among its members to award any points to an application for Delineation,[18] then this negative aspect found in assessing an application for this one criteria will also affect the assessment of Size and Longevity and result in no points being awarded for Extension; as well as it did here when the Panel determined in these sections that "[t]here is no evidence that these INCs would associate themselves with being part of the community as defined by the applicant."

The requirement for Uniqueness is an even more blatant violation of the principle of no double counting. The AGB states that in order to be eligible for a score of one for Uniqueness, the application must score a two or three for Nexus.[19] Accordingly, a negative aspect found in assessing Nexus will affect the assessment of Uniqueness, as it did in the Panel Determination as set forth below.

D. The Panel's Failure to Evaluate the .INC Community Application Independent of other Applications

It is a well-established ICANN policy within the new gTLD program that every application will be treated individually.[20] Evaluating multiple applications together with regard to community priority violates this policy as well as ICANN's mandate to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Individual treatment aside, to the extent that the Panel is taking into account other applications when

---

[17] AGB Section 4.2.3.
[18] http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.
[19] AGB Section 4.2.3.
[20] *See, e.g.*, http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en, Section 2.10.

making its determination, fairness and transparency dictate that it should disclose this fact. The EIU's actions in evaluating applications for community priority are inconsistent with ICANN's well-established policy of treating gTLD applications individually and the ICANN policy and mandate to operate in a fair and transparent manner. It is clear that the EIU panels for Dot Registry's .INC Community Application, .INC Community Application and .LLP Community Application (and likely the .GMBH Panel as well) were working in concert. First, the EIU panels gave the .INC, .LLP, and .INC Community Applications the exact same score, five out of sixteen.[21] Furthermore, all three Community Priority Evaluation Reports have virtually identical language and reasoning, with just some of the factual details swapped out, including heavy reliance on the yet as unidentified "research," to come to the same conclusions.[22] The failure of the Panel to evaluate the .INC Community Application on its own merit and reliance in information and analysis of other applications may have resulted in the .INC Community Application being penalized unjustly.

E. The Panel's Failure to Properly Apply the CPE Criteria

The process and criteria for evaluating Community Priority applications is set forth in Section 4 of the AGB. ICANN has also published the Community Priority Evaluation (CPE) Guidelines prepared by the EIU (CPE Guidelines),[23] the purpose of which, according to the ICANN website, is "to ensure quality, consistency and transparency in the evaluation process."[24] However, the "[CPE Guidelines] do not modify the framework or standards laid out in the AGB."[25] Accordingly, the policies and processes in the AGB control, as will be explained in more detail below, the scoring in and ultimate outcome of the Panel Determination is inconsistent with the CPE process set forth in the AGB.

1. Criterion #1: Community Establishment

The Panel determined that the community, as identified in the .INC Community Application, did not meet the criterion for Delineation or Extension, and awarded the .INC Application 0 out of 4 points for Community Establishment. This determination is not consistent with the AGB and CPE Guidelines.

a. Delineation

The Panel determined that the community, as identified in the .INC Community Application, did not meet the criterion for Delineation because the community did

[21] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf; http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf; http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[22] *See* Annex 2, redlines of the .LLP and .INC Determination against the .INC Determination.
[23] http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf.
[24] http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en.
[25] *Id.*

not demonstrate sufficient delineation, organization and pre- existence and awarded the .INC Community Application 0 out of 2 points.

i. **Delineation**

According to the Panel Determination, 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.[26] The Panel acknowledged that the community definition in the .INC Community Application shows a clear and straightforward membership. However, the Panel determined that the community, as defined in the application, does not have awareness and recognition of a community among its members, because:

> "corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these incorporated firms would associate themselves with being part of the community as defined by the applicant."

As discussed above, the Panel bases this determination on mysterious "research" to which it does not provide any citations or insight as to how the research was conducted. That aside, while firms may organize around specific industries, locales and other criteria not related to the entities structure as a corporation, this does not preclude firms from also organizing around the entities' structure as an corporation. In fact, while there may be a wide variation of the types of companies that elect to become corporations, there are still commonalities and binding requirements for any corporation registered in the US. Specifically, every registered corporations in the US would describe themselves as a registered corporation within the US, the exact definition of our community. Additionally each member of the INC community chose this particular legal entity type to operate as, with the understanding and expectation of the tax and legal benefits and liability protections that the entity type provides. Accordingly, all members of the INC community have a shared and common interest to the extent that there is a change to the legal or tax treatment of corporations, which would affect all members of the INC community. Furthermore, there is ample evidence that INCs would associate themselves as being part of the INC community because, at a minimum: (1) they chose to become a corporation and join the community; (2) they identify themselves as part of the community by including the word "INC" in their official name; and (3) they must identify

[26]http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.

themselves as part of the community when filing tax returns and filing out other legal documents.

ii. 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 Panel indicated that the community, as defined in the application, does not have at least one entity mainly dedicated to the community because:

> Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations.[28]

First, inclusion of the term "mainly" implies that the entity administering the community may have additional roles/functions beyond administering the community. In addition to administering filings and record keeping of corporations, many Secretaries of State are dedicated to providing information about corporations through their websites, pamphlets and other programs and support to existing members of the INC community, as well as those considering joining the INC community.

There is also ample evidence of community activities, which was seemingly ignored by the Panel. These activities include things that all members of the INC community must do such as file articles of incorporation, file an annual report and claim their status as an corporation on their state and federal tax returns—activities which identify them as members of the INC community; which they otherwise would not do if they were not part of the INC community.

iii. Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007. The Panel determined that the community defined in the .INC Community Application does not meet the requirements for pre-existence. However, rather than providing evidence or explanation for this determination, the Panel instead merely cites a sentence from the AGB[29] and

---

[28]http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.

[29]"[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 get a sought-after generic word as a

then makes the conclusory determination that the .INC Community Application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string; which is based on the Panel's previous conclusion that corporations would typically not associate themselves with being part of the community as defined by the applicant—a conclusion that Dot Registry has shown is questionable at best. In fact, as the panel must be aware, corporations have existed in all 50 states long before September 2007.[30] Furthermore, 100% of the states have acknowledged that the community exists through the National Association of Secretaries of State.[31]

b. Extension

The Panel determined that the community, as identified in the application, did not meet the criterion for Extension because the .INC Community Application did not demonstrate considerable size or longevity for the community identified in the .INC Community Application, which is inconsistent with the AGB.

i. **Size**

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must be of considerable size and (2) must display an awareness and recognition of a community among its members.[32] However, the second requirement for size cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "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."[33]

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of size. The Panel's application of this additional requirement to the criteria of Size, is thus not only

---

gTLD string) and "false negatives" (not awarding priority to a qualified community application)."

[30] 2005 CCH Federal Taxation Comprehensive Topics, CCH Incorporated, 2004, Chicago, IL; Section 14,015.

[31] *See* Annex 3.

[32] http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.

[33] AGB, Pgs. 4-11.

inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above; since the Panel erroneously determined that the members of the INC community do not have an awareness of their community.

As the Panel acknowledged, there are over eight million registered corporations in the US. Accordingly, when the AGB definition of "Size" is properly applied, it is clear that the community identified in the .INC Community Application meets this criteria and should have been awarded points.

ii. Longevity

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must demonstrate longevity; and (2) must display an awareness and recognition of a community among its members.[34] However, the second requirement for longevity cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.[35]

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of longevity. The Panel's application of this additional requirement to the criteria of longevity, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above, since the Panel erroneously determined that the members of the INC community do not have an awareness of their community.

corporations are corporate structures that are intended to be perpetual until either the entity is wound down or the statutory requirements are not met. In other words, they are the direct opposite of transient. Accordingly, when the AGB definition of "longevity" is properly applied, it is clear that the community identified in the .INC Community Application meets this criteria and should have been awarded points.

2. Criterion #2: Nexus Between Proposed String and Community

The Panel determined that the .INC Community Application did not meet the criterion for Nexus of Uniqueness and awarded no points. However, the Panel's determination with regards to Nexus was based on incorrect factual information and the Panel's determination with regard to Uniqueness was based on its erroneous determination of Nexus.

a. Nexus

[34]http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.
[35]AGB, Pgs. 4-11.

The Panel determined that the .INC Community Application did not meet the criterion for Nexus because while the string identifies the community, it over-reaches substantially beyond the community.[36]

According to the Panel, "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."

As an initial matter, it should be noted that according to the AGB, to receive the maximum score of three, "the essential aspect is that the applied for string is commonly known by others as the identification/name of the community." However, regardless of whether the AGB standard or the inconsistent Panel standard is applied, it is clear that the .INC Community Application should still receive the maximum number of points for Nexus. In fact, the Panel acknowledged that "the string identifies the name of the community."[37] However, unfortunately for Dot Registry, the Panel also erroneously determined that the string substantially overreaches because "INC" is also used in Canada, Australia, and the Philippines. While there may be some use of “INC” in several countries outside the US, , it is not used outside the US in connection with the .INC community described in the .INC Community Application. Notably, no relevant organization in Canada, Australia, or the Philippines submitted any opposition to the .INC Community Application. Furthermore, the AGB does not require applicants to define "any connotations the string may have beyond the community" and does not provide any direction in relation to scoring question 20A negatively if the designation is used outside of the community regardless of scale. Accordingly, it is clear that the .INC Community Application should receive full points for Nexus.

b. Uniqueness

The Panel determined that the application does not meet the criterion for Uniqueness because the string does not score a two or a three on Nexus. However, as discussed above, the only reason that the .INC Community Application did not score a two or three on Nexus was due to the Panel's erroneous determination. Furthermore, the Panel's basing of its decision with regard to Uniqueness (and the AGB's direction to do so) on the results of another criteria violates the established policy against double counting.**Criterion #3: Registration Policies**

The Panel correctly awarded the .INC Community Application points for Eligibility, Name Selection, and Content and Use, but determined that the .INC Community Application did not meet the criterion for Enforcement because it

[36]http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf.
[37]*Id.*

provided specific enforcement measures but did not include appropriate appeal mechanisms. However, the .INC Community Application does in fact contain an appropriate appeals mechanism.

According to the .INC Community Application, the enforcement mechanism is as follows:

> DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".INC" domain:
>
> (a) If a registrant previously awarded the ".INC" domain ceases to be registered with the State.
>
> (b) If a registrant previously awarded a ".INC" domain is dissolved and/or forfeits the domain for any reason.
>
> (c) If a registrant previously awarded the ".INC" domain is administratively dissolved by the State.

The .INC Community Application also contains an appeals mechanism, which is that:

> Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".INC" will be forfeited.

The AGB states that "[t]he 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."[38] While the above-referenced appeal process may not be a traditional appeals process, it is appropriate to, and aligned with, the community-based purpose of the .INC Community Application. Here, the .INC Community Application is restricted to those with active corporations. Because Dot Registry will verify the status of the corporation,

[38]AGB, Pgs. 4-16.

which is the basis for a second level domain registration in .INC, it will be a simple matter to verify whether the corporation is "active" or not. To the extent that the corporation is not in "active" status, the registrant is issued a probationary warning. This warning allows the registrant to appeal Dot Registry's inactivity determination by resolving the issue with the relevant Secretary of State and restoring the domain name to active status. Notably, .edu utilizes a similar appeals mechanism.[39] Accordingly, the .INC Community Application should have received points for Enforcement.

3. Criterion #4: Community Endorsement

The Panel incorrectly determined that the .INC Community Application only partially met the criterion for Support and Opposition, which is inconsistent with the CPE process as set forth in the AGB.

a. Support

The Panel awarded the .INC Community Application only 1 out of 2 points for Support because it determined that while Dot Registry possesses documented support from at least one group with relevance, Dot Registry was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community or documented support from a majority of the recognized community institution(s)/member organization(s).

The Panel acknowledged that the .INC Community Application included letters of support from a number of Secretaries of State of US states which constituted groups with relevance, but that the Secretaries of State are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. As discussed above, in addition to administering filings and record keeping of corporations, many Secretaries of State are dedicated to providing information about INCs through their websites, pamphlets and other programs and support to existing members of the INC community (including Dot Registry, which as an INC is a member of the community); as well as those considering joining the INC community, the Secretaries of State *are* the recognized community institutions. As also discussed above, numerous letters of support and endorsement were submitted by members of the INC community, including one from the National Association of Secretaries of State in which it described the agreement of 100% of the states for community operation of .INC. However, these letters appear not to have been considered by the Panel, and in any case were not validated by the Panel in connection with the .LCC Community Application. Accordingly, the .INC Community Application should have been awarded full points for Support.

b. Opposition

The Panel determined that the .INC Community Application partially met the criterion for Opposition because it received relevant opposition from one group of

[39] http://net.educause.edu/edudomain/show_faq.asp?code=EDUPOLICY#faq425.

non-negligible size. As discussed above, the only groups of non-negligible size that could even arguably be viewed as having submitted opposition are the Secretary of State of Delaware or the European Commission. However, the Secretary of State of Delaware clarified that it did not oppose the .INC Community Application and the European Commission rescinded any comments in opposition to the .INC Community Application. Furthermore, any opposition by the European Commission, even if it existed, which clearly it does not, is not relevant because the INC designation is not used in Europe. Additionally, as also discussed above, to the extent any opposition by the Secretary of State of Delaware or European Commission existed, which it does not, the Panel failed to validate any such letters in connection with the .INC Community Application. Accordingly, the .INC Community Application should have been awarded full points for Opposition.

9. What are you asking ICANN to do now?

(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

Dot Registry is asking that ICANN reverse the decision of the Panel and grant Dot Registry's .INC TLD application Community Priority status. There is precedence for this when, as here, there is substantial and relevant evidence indicating that the Objection was inconsistent with ICANN procedures.[40] Just recently, the BCG concluded that ICANN not consider the Expert Determination in the Community Objection filed against .MED because the Requester provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application, as is the case here. In the alternative, ICANN should disregard the results of the first Panel determination and assemble a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .INC TLD application in compliance with the policies and processes in the AGB, CPE Guidelines and ICANN Bylaws. To the extent that ICANN assembles a new Panel to re-evaluate the .INC Community Application for Community Priority, the Panel should not be affiliated with EIU, or at a minimum, should not consist of the same EIU panelists or anyone who participated in the initial CPE.

10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration and the grounds or justifications that support your request.

(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the requester must be able to demonstrate well-known requirements: there must be a loss or injury suffered (financial or non-financial)

[40]https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.

that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration. The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details. The relief requested from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)

Dot Registry has standing and the right to assert this request for Reconsideration because the Panel's Determination, and the NGPC's subsequent placement of Dot Registry's .INC application into active contention, was based on the Panel's failure to follow the established policies and procedures for Community Priority Evaluation in the AGB and ICANN's Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that the Panel failed to follow the established policies or processes in reaching its determination, or that staff failed to follow its policies or processes in accepting that determination.[41] In addition, the NGPC's placement of the .INC Community Application into active contention based on the Panel Determination constitutes Staff or Board Action. Furthermore, Staff became involved with the Panel Determination when it responded to complaints that the Panel did not engage in uniform or consistent manner when questioning Secretaries of State as part of the validation process for letters of support, resulting in an apology from EIU to the Secretaries of State.[42]

This failure to follow established policies and procedures by the Panel and the NGPC will result in material harm to, and will have an adverse impact on, Dot Registry, registered businesses in the US and consumers, as a result of the Determination and placement of Dot Registry's .INC Application into active contention; at best, Dot Registry will have to expend significant additional funds to win the contention auction for .INC, and, at worst, Dot Registry will lose the contention auction and not be able to operate the .INC TLD and the string will be operated generically without necessary consumer protections in place.

This harm to Dot Registry, Secretaries of State, potential registrants and the public generally, can be reversed by setting aside the decision of the Panel and granting Dot Registry's .INC TLD application Community Priority status, or in the alternative, by assembling a new CPE Panel to reevaluate the Community

---

[41] *See* https://www.icann.org/en/system/files/files/determination-tennis-au-29apr14-en.pdf, DETERMINATION OF THE BOARD GOVERNANCE COMMITTEE (BGC) RECONSIDERATION REQUEST 14-12 and http://www.icann.org/en/groups/board/governance/reconsideration/recommendationbooking-01aug13-en.doc, BGC Recommendation on Reconsideration Request 13-5.

[42] *See* Annex 4.

Priority election by Dot Registry for its .INC TLD application, in compliance with the established policies and processes in the AGB and CPE Guidelines.

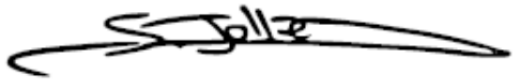
11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

X Yes

___ No

11a. If yes, is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

The causal connection between the circumstances of the Reconsideration Request and the harm caused by the awarding of the string to a non-community applicant are the same for Dot Registry and the National Association of Secretaries of State (NASS), on whose behalf this Request is also being made. Whereas the immediate harm to Dot Registry is material and financial, the harm to the Secretaries of State is related to their ability to prevent business fraud and consumer confusion. As discussed above, the improper denial of Community Priority to the .INC Community Application will likely result in delegation of the .INC TLD to one of the non-community applicants, which do not have enforceable safeguards in place, and could allow anyone to register a .INC domain name regardless of their actual business registration status and entity type. This could facilitate fraudulent business registration, business identity theft and other harmful online activity, as well as cause significant consumer confusion and protection issues. Over the last two and a half years, NASS and many of its individual members have expressed their clear concerns via numerous letters to ICANN, the GAC and the FTC calling for the issuance of these strings in a community format, in order to provide appropriate protections for both the community and consumers with the necessary recourse required to hold the Registry Operators accountable if these strings are not operated in a responsible manner. As most of the Secretaries of State in the US have the ultimate responsibility for INC registration and validation, this is of significant concern to them, and to NASS as well, which is acting on behalf of their interest. The issuance of these strings to a non-community applicant without enforceable protection mechanisms directly disregards the opinions expressed by the US Secretaries of State in regards to this matter and shows a blatant disregard by ICANN to operate accountably, as required by the ICANN bylaws.



_____ _June 26, 2014_____

Signature Date

Annex 1

The Secretary of State
Contact Information Redacted

Con ac nforma ion Redac ed

Tre Hargett
Secretary of State

November 15, 2013

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
Contact Information Redacted

The Honorable Julie Brill
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Maureen Ohlhausen
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Joshua Wright
Commissioner
Federal Trade Commission
Contact Information Redacted

Dear Chairwoman Ramirez, Commissioner Brill, Commissioner Ohlhausen, and Commissioner Wright,

Along with the Federal Trade Commission, the National Association of Secretaries of State (NASS), of which I currently serve as President, has been following the Internet Corporation for Assigned Names and Numbers' (ICANN's) new generic top-level domain (gTLD) program for some time. We share the Commission's concerns (FTC release 12/11) about the potential for consumer fraud and abuse in new top-level domains (TLDs). We are particularly concerned about a special class of top-level domains commonly referred to as "corporate identifier" TLDs. Examples include: .CORP, .INC, and .LLP.

We recently learned that ICANN may consider awarding these highly-sensitive TLDs to registries that could sell domains to anyone, regardless of their legal standing with state registration authorities. We are concerned that instead of requiring entities to prove they are in good standing with a Secretary of State or Lieutenant Governor's office in order to register one of these domains, the ICANN Board is considering a move lax standard that would allow anyone to "attest" that they have the necessary standing to own one of these domains with no third party verification or validation. It is likely that those who wish to

perpetrate fraud and other crimes involving deception will take advantage of this process and provide false information to ensure they are able to register these domains.

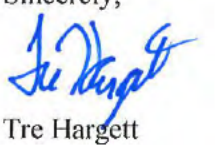
NASS and many individual Secretaries have expressed our concerns in multiple letters to ICANN, clearly stating that any new business-related extension identifiers and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the U.S. This process would ostensibly include a verification of registration and good standing based upon a confirmation from the registrar.

To underscore the level of state agreement on this issue amongst state business registration authorities, Secretaries of State unanimously approved a resolution[1] at our July 2013 NASS national meeting calling on ICANN to accept the advice of ICANN's Government Advisory Committee and require higher levels of consumer protection. We also believe that the community application process ensures that safeguards and restrictions are enforced.

In closing, I hope the Commission urges the ICANN Board to support a stricter standard. The body should require a process that includes information verification for the protection of consumers and businesses, thereby reducing opportunities for fraud.

ICANN is meeting on November 18, 2013 to discuss this issue. I would appreciate any immediate attention and input that the Federal Trade Commission can provide.

Sincerely,



Tre Hargett
Secretary of State

[1] http://www.nass.org/index.php?option=com_docman&task=doc_download&gid=1435&Itemid=

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Hall of States, Contact Information Redacted
Contact Information Redacted
www.nass.org

UNITED STATES OF AMERICA
Federal Trade Commission
Office of International Affairs
WASHINGTON, D.C. 20580

Laureen Kapin
Counsel for International Consumer Protection
Phone: Contact Information Redacted
Email: Contact Information Redacted

January 29, 2014

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Dear Mr. Jolles:

Thank you for your November 14, 2013 letter to the Federal Trade Commission supporting the Commission's advocacy for stronger consumer protection safeguards in connection with ICANN's expansion of generic top-level domains (gTLDs). I was asked to respond to your letter because the Office of International Affairs for Consumer Protection works closely with the Department of Commerce via the Government Advisory Council (the GAC) to advise ICANN of concerns and make recommendations. The FTC has been involved in ICANN-related matters for over ten years, pressing ICANN and other stakeholders to improve policies that cause harm to consumers engaged in e-commerce or that impede law enforcement efforts to identify and locate bad actors. In addition, our involvement has included testifying before Congress, participating in ICANN meetings, and issuing statements on various ICANN policy initiatives.

We appreciate your concerns over the launch of TLDs, such as corporate identifiers (*e.g.,* .inc, .llc, .llp, .corp), without proper safeguards. As you know, the Commission has expressed similar concerns, albeit in a broader context, with proposed domains associated with various regulated or professional sectors, including corporate identifiers.[1] FTC staff advice and concerns about the need for further consumer protection safeguards for regulated and professional extensions are reflected in the GAC Beijing Communiqué issued on April 11, 2013: https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee. The communiqué set forth several concerns regarding the new gTLDs. In particular, the communiqué recommended three additional safeguards for market sectors that have regulated entry requirements such as corporate identifiers. They are: 1) verification and validation of registrant's credentials for participation in the sector specified in the domain name; 2) consultation with relevant supervisory authorities in case of doubt regarding authenticity of credentials; and 3) post-registration checks to ensure registrant's validity and continuing compliance with their credentialing requirements. We believe this is the type of proactive approach required to combat fraudulent websites.

[1] *See* http://www.ftc.gov/news-events/press-releases/2011/12/ftc-warns-rapid-expansion-internet-domain-name-system-could-leave

We will continue to monitor ICANN's response to the communiqué and work with the GAC to help ensure that the communiqué's recommended consumer protection safeguards are implemented in a concrete and meaningful manner. We will also continue to work with our law enforcement partners to share information and perspectives about how to best protect consumers from illicit activities associated with the domain name system.

We appreciate you taking the time to raise the concerns expressed in your letter. If you have any questions or wish to discuss this matter further, please contact me at Contact nformation Redacted

Very truly yours,

Laureen Kapin

State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

Elaine F. Marshall

Elaine F. Marshall

Contact nformation Redacted

website: www.sosnc.com

Telephone Contact Information Redacted
Facsimile Contact Information Redacted

Contact Information Redacted

ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
Contact Information Redacted

February 24, 2012

DOT Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Secretary of State of Missouri is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, "INC" and "LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with the Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Very truly yours,

Robin Carnahan

Robin Carnahan
Secretary of State

STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

Contact Information Redacted

FAX: Contact nformation Redacted

CARVEL STATE OFFICE BUILDING
Contact Information Redacted

FAX: Contact nformation Redacted

ICANN – gTLD program
March 20, 2012

I therefore request that ICANN reject any request for the unrestricted use of ".INC", ".LLC", ".LLP", ".CORP", ".BANK", ".TRUST" or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as "bank" and "trust" that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as ".BANK" and ".TRUST".

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at Contact information Redacted Thank you for your consideration of this request.

Sincerely,

Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State

OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

ROSS MILLER
Secretary of State

Contact Information Redacted

April 1, 2014

Economist Intelligence Unit
Contact nformation Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

Contact Information Redacted
Contact Information Redacted Fax | www.nass.org

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Tre Hargett

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Contact Information Redacted
Contact Information Redacted Fax | www.nass.org

> -----Original Message-----

> From: Andrei Franklin [mailto:Contact Information Redacted

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: Contact Information Redacted

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

> Contact Information Redacted

>

>

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

www.nass.org

Annex 2

New gTLD Program Community Priority Evaluation Report Report Date: 11 June 2014

Application ID:	1-880-
Applied-for String:	~~LLC~~I
Applicant Name:	Dot Registry 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 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 5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	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 identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and 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 ~~("LLC")~~("INC") is:

> Members of the community are defined as businesses registered as ~~limited liability companies with~~corporations within the United States or its territories. ~~Limited Liability Companies~~This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or ~~(LLC's)~~"INC's" as they are commonly abbreviated, represent one of the most ~~popular~~complex business entity structures in the ~~US. LLC's~~U.S. Corporations commonly participate in acts of commerce, public services, and product creation….
>
> ~~An LLC~~ A corporation is defined as a ~~flexible form~~business created under the laws of ~~enterprise~~a State as a separate legal entity, that ~~blends elements of partnership~~has privileges and liabilities that are distinct from those of its members. While corporate ~~structures. It is a legal form of company that provides limited liability to its owners~~law varies in ~~the vast majority of United States~~different jurisdictions~~. LLC's are a unique entity type because they~~, there are ~~considered a hybrid, having certain~~four characteristics of ~~both a corporation~~ the business corporation that remain consistent: legal personality, limited liability, transferable shares, and ~~a partnership or sole proprietorship. LLC's are closely related to~~centralized management under a board structure. Corporate statutes typically empower corporations ~~in the sense that they pru:ticipate in similar activities~~to own property, sign binding contracts, and ~~provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass-through income taxation. LLC's are a more flexible~~
> ~~entity type than a corporation and are often well suited for businesses owned by a single owner~~pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a ~~limited liability company~~corporation with the relevant US state. In addition, ~~limited liability companies~~corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these ~~limited liability companies~~incorporated firms would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two 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 does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

> ~~LLC's~~Corporations can be formed through any jurisdiction of the United States. Therefore members

of this community exist in all 50 US states and its territories. ~~LLC~~Corporation formation guidelines are dictated by state law and can vary based on each State's regulations. Persons form ~~an LLC~~ a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of ~~incorporation~~organization, which establish a ~~corporation~~ limited liability company as a legal entity. At minimum, the Articles of ~~organization~~Incorporation give a brief description of ~~the intended~~proposed business ~~purposes,~~ activities, shareholders, stock issued and the registered ~~agent, and registered~~ business address. ~~LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the ~~.LLC~~.INC application, there is no

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 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation 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 Community Priority Evaluation 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 Applicant Guidebook, as the application did not demonstrate considerable size or longevity for 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 a considerable size. The community for .~~LLC~~INC as defined in the application is large in terms of number of members. According to the application:

> With ~~the number of~~almost 470,000 new corporations registered ~~LLC's~~ in the United States ~~totaling over five million~~ in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with ~~an LLC~~a corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different~~-~~
sectors, which sometimes have little or no association with one another. Research showed that firms are~~-~~typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

~~Lo~~

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 does not demonstrate longevity. As mentioned previously, 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a ""community"" construed to obtain a sought-after corporate identifier as a gTLD string, as these ~~limited liability companies~~corporations would typically not associate themselves with being part of the community as defined by

the applicant. Therefore, the pursuits of the .~~LLC~~INC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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 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 identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 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 (.~~LLC~~INC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".INC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language ~~Limited Liability Company~~the word incorporation is primarily shortened to ~~LLC~~Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are ~~limited liability companies~~incorporated businesses we believed that ~~".LLC"~~".INC" would be the simplest, most straightforward way to accurately represent our community.
>
> ~~LLC~~Inc. is a recognized abbreviation in all 50 states and US Territories denoting the ~~registration~~

~~type~~corporate status of ~~a business~~an entity. ~~The Panel's~~Our research indicates that ~~while~~Inc. as corporate identifier is used in three other jurisdictions ~~use LLC as a corporate identifier.~~(Canada, Australia, and the Philippines) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Canada, Australia and the ~~US).~~Philippines. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond 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 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 string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy 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 limiting eligibility to registered ~~limited liability companies~~corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, 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 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 a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (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 noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (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	*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. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (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	**2/4 Point(s)**
4-A Support	*1 / 2 Point(s)*

The Community Priority Evaluation panel 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. "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), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, 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.

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition *1 / 2 Point(s)*

The Community Priority Evaluation panel 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 group of non-negligible size. 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 group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals 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 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>.

New gTLD Program Community Priority Evaluation Report Report Date: 11 June 2014

Application ID:	1-880-
Applied-for String:	LLC
Applicant Name:	Dot Registry 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 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 5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	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 identified in the application did not -meet -the criterion for Delineation as specified -in section 4.2.3 (Community Priority Evaluation Criteria)

of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and 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 ~~("LLC")~~("LLP") is:

> Members of the community are defined as businesses registered as ~~limited liability companies~~Limited Liability Partnerships with the United States or its territories. Limited Liability ~~Companies~~Partnerships or (~~LLC's~~LLP's) as they are commonly abbreviated, are specifically designed to represent ~~one of the most popnlar business entity structures in the US. LLC's commonly pru:ticipate in acts of commerce, public services, and product creation….~~professional service businesses in the US . Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state's law….
>
> ~~An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC's are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC's are closely related to corporations in the sense that they pru:ticipate in similar activities and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner.~~ A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP's therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability ~~company~~partnership with the relevant US state~~.~~ (LLPs operate in about 40 US states). In addition, limited liability ~~companies~~partnerships must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability ~~companies~~partnerships operate in vastly different sectors, which sometimes have little or no association with one another. ~~-~~!Research showed that firms are~~-~~
typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability ~~companies~~partnerships would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two 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 does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/~~-~~functions beyond processing corporate

registrations. According to the application:

> ~~LLC's~~Limited Liability Partnerships can be formed through ~~any jurisdiction of~~ all but ten states in the United States.~~-~~
> Therefore members of this community exist in ~~all 50~~close to forty US states~~ and its territories. LLC~~. LLP formation guidelines are dictated by state law and can vary based on each ~~state's~~state's regulations. Persons form an ~~LLC~~LLP by filing required documents with the appropriate state authority, usually the Secretary of State.~~ Most states require the filing of Articles of Organization. These are considered public documents and are similar to ru:ticles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the ~~LLC~~LLP application, there is no 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 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application).). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability ~~companies~~partnerships would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active)..

The Community Priority Evaluation 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 Community Priority Evaluation 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 Applicant Guidebook, as the application did not demonstrate considerable size or longevity for 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 a considerable size. The community for .~~LLC~~LLP as defined in the application is large in terms of number of members. According to the application~~:~~, "LLP's represent a small but prestigious sector of business in the United States."

> ~~With the number of registered LLC's in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC.~~

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability ~~companies~~partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation 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.

The community as defined in the application does not demonstrate longevity. As mentioned previously, 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to

a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLP community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLC~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

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 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 identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 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 (.~~LLC~~LLP) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".LLP" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability ~~Company~~Partnership is primarily shortened to ~~LLC~~LLP when used to delineate business entity types~~. Since all of our community members are limited liability companies we believed that ".LLC" would be the simplest, most straight forward way to accurately represent our community.~~…
>
> ~~LLC~~LLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. ~~The Panel's~~Our research indicates that ~~while~~LLP as corporate identifier is used in eleven other jurisdictions ~~use LLC as a corporate identifier,~~(Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Poland, the ~~US).~~UK, Canada and Japan, amongst others. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond 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 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 string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy 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 limiting eligibility to registered limited liability partnerships and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (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 outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (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 noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (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 *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. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (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 **2/4 Point(s)**

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

The Community Priority Evaluation panel 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. "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), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, 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.

The application included letters from a number of Secretaries of State of US states, which were considered to

constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one

particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition	*1/2 Point(s)*

The Community Priority Evaluation panel 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 group of non-negligible size. 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 group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals 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 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>.

Annex 3

April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

Hall of States, Contact Information Redacted
Contact Information Redacted Fax | www.nass.org

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Tre Hargett

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Hall of States, Contact Information Redacted
Contact Information Redacted Fax | www.nass.org

Annex 4

From: Leila Butt [mailto: Contact Informat on Redacted
Sent: Tuesday, May 27, 2014 8:58 AM
To: Jaeger, Al A.
Subject: Apology and explanation of letter authenticity process for generic Top Level Domains .LLC, .LLP and .INC

Dear Secretary Jaeger

My name is Leila Butt and I am writing to you on behalf of the Economist Intelligence Unit (EIU), which has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications as part of ICANN's new gTLD program. I am the project manager for the ICANN project at the EIU.

Several of our evaluators have recently been in contact with you to seek confirmation as to whether your organization supports Dot Registry LLC's application for three gTLDs: .LLC, .LLP and .INC. We realize that in some cases receiving multiple emails may have caused confusion and inconvenience, for which we apologize.

We would like to take the opportunity to clarify our evaluation process. As we are evaluating the three gTLD applications separately, we need to maintain separate formal records of all communications related to each particular application. This was our rationale for sending you three separate emails, each of which related to a different gTLD application.

Going forward, I will be your sole point of contact. After reviewing the feedback that you have already supplied with regard to these three applications, we do not have additional questions.

Thank you for clarifying your position towards Dot Registry's application for the three gTLDs. Again, we are sorry for any inconvenience or confusion this may have caused.

Yours sincerely

Leila Butt

Project Manager

The Economist Intelligence Unit

--

Shaul Jolles, CEO
Dot Registry, LLC
Contact nformation Redacted
Skype Contact Information Redacted

US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted

---------- Forwarded message ----------
From: **New gTLD Customer Support** <newgtld@icann.org>
Date: Fri, May 23, 2014 at 5:57 PM
Subject: RE: Concerns regarding CPE [ref: 00Dd0huNE._500d0HmLkf:ref]
To: Contact Information Redacted >
Cc: Contact Information Redacted
Contact Information Redacted

Dear Shaul Jolles,

Thank you for sharing your experiences and your concerns regarding the Community Priority Evaluation (CPE) CPE letters of support validation process. We apologize for any confusion and frustration this has caused you and your supporters. The EIU has been made aware of the frustration that some authors of the letters of support are experiencing during the validation process, both from us and the authors themselves. They are making adjustments to streamline the communication process and where possible, and to consolidate communications to individuals that need to be contacted several times.

The validation of letters of support (or opposition) is a standard part of the CPE Panel's overall process while conducting the evaluation Community Priority Evaluation (CPE), and was articulated in the CPE Guidelines document developed by the Panel . This process is designed to verify the authenticity of these letters and ensure they meet the requirements as stated:

1. clearly expressing the organization's support for the community based application,
2. demonstrating the organization's understanding of the string being requested,
3. that the organization exists and,
4. the author has the authority to represent the organization.

Consistent with all phases of the program, each application is reviewed on an individual basis. In your case, 3 of your applications (LLC, LLP, INC) are simultaneously undergoing CPE. Each application has its own team of evaluators working in parallel, thus performing the validation process for the particular TLD to which they are assigned. The letters of support associated with your applications often reference all of your applied for strings in the same letter. With the evaluations occurring in parallel as-described above, the communications were sent to the same secretaries of state from several different evaluators at the EIU.

Additionally, some of the letters submitted did not clearly express the organization's support for your specific application(s) for the TLD(s). In these cases the EIU evaluators have followed up with the authors of these letters to confirm that their organizations support your specific application. While this has led to several additional email exchanges, it is necessary for the panel to have the documented evidence of the author's intentions relative to supporting the application, rather than to require the evaluators to interpret the letter.

Also, as stated in their email communication to the author, the EIU evaluators send frequent follow up and reminder emails in order receive a response so that they can complete the evaluation in a timely manner. These reminder emails are followed up by a phone call if an email response is not received. This was based on their experience as one of the Geographic

Names Panel firms, if they did not follow up, they often would not get an answer, and could not complete their evaluation in a timely manner.

The new gTLD team is working with the EIU to streamline the communications with supporters and reduce the total number of messages sent. We are also working with the EIU to ensure that all communications are professional and courteous, and reference both ICANN and the New gTLD program in an effort to clarify the intent and purpose of the communications. We apologize for any frustration and inconvenience this process has cause for you or the supporters of your applications.

Please let us know if you have further concerns.

Sincerely,

Russ Weinstein

Sr. Manager, gTLD Operations

---------- Original Message ----------
From: New gTLD Customer Support [newgtld@icann.org]
Sent: 5/19/2014 10:37 PM
To: Contact Information Redacted
Subject: RE: Concerns regarding CPE [ref:_00Dd0huNE._500d0HmLkf:ref]

Dear Shaul Jolles,
Thank you for your inquiry.

We have a status meeting with the CPE evaluators later in the week. We will follow up on this topic with them and respond to you later this week with a more detailed response.

Regards,
New gTLD Operations Team

---------- Original Message ----------
From: Shaul Jolles Contact Informat on Redacted
Sent: 5/19/2014 3:02 PM
To: Contact Information Redacted
Con ac nforma ion Redac ed

Contact Information Redacted

Subject: Concerns regarding CPE

Good afternoon Christine,

We are reaching out to ICANN with serious concerns brought to our attention over the EIU's handling of the CPE Authenticity process for Dot Registry's applications for .inc, .llc and .llp.

Over the last several months, the evaluators have reached out to all of the authors of Dot Registry's support letters attached to our applications, requesting that they; (1) first, prove their authority to write such letters of support and (2) after sending a second letter, that they give their "explicit" consent and authorization of Dot Registry to operate the respective gTLDs. Many Secretaries of State have been contacted in upwards of five or more times for the same letter of support and have expressed their concerns that this process reflects poorly on ICANN's ability to manage the CPE process. Much like the President of the U.S., these Secretaries of State have also been sworn to office, under oath, to act in an official governmental capacity. The repeated contact by the evaluators of these government officials, which already carry heavy work-loads, has become excessive and burdensome.

Dot Registry has been contacted by all of the Secretaries of State offices, expressing their increased irritation level with having to repeatedly verify that they are a government official. Each office has indicated that it appears their responses, like their previous support correspondence over the last two years, has fallen on deaf ears and is not being taken seriously by ICANN. They have all indicated that this reflects poorly on ICANN and we are finding it difficult to defend the EIU's actions, ICANN and the process, without clear and convincing examples, to the contrary.

Further, the response period requested by the evaluators at this point is over the 90 day from evaluation start time-line, which indicates that the evaluations are not on schedule. Dot Registry kindly requests that ICANN ensure that the schedule is adhered to as established and set forth. If a deviation in the schedule is required, the affected applicant should be promptly notified. To date, that has not been the case.

In closing, we would greatly appreciate it if ICANN would review the concerns set forth in this email and take appropriate remedial action to stop the barrage of emails going to Secretaries of State and ensure the CPE timeline is adhered to. Below are several examples received today, as outlined above, to demonstrate the growing frustration mounting with Dot Registry's community.

From one Secretary of State after receiving 5 requests:

Sara, Andrei, and Conrad,
I have responded to each of you twice regarding the top level domains of .LLC, .LLP, .CORP, and .INC and the verification of the letters I have written as well as the support for Dot Registry's community application.
I though it might be helpful to make sure you also have a letter from the National Association of Secretaries of State (NASS), which I am a member of, that clearly details the support of the entire organization and how critical a community application is for the issuance of these specific top level domains.

From another Secretary of State after "additional verification" request:

Andrei…

I am a bit concerned with the tone and aggressiveness in your email below.

I had already responded to a Mr. Conrad Heine at the Economist and now question the veracity of your request as well the role of "the Economist".

Frankly, I am now questioning if your contact is a legitimate email? If so, what is the interest of The Economist in "verifying the authenticity of our position".

Further, Mr. Heine (email of May 8) asked for a response by June 7 – and now you are requesting a response by May 30.

As your letter states, *"**we must confirm whether or not your organization explicitly supports this community based application"** .*

This statement seems a bit drastic, and hence has raised red flags.

I also question why you wrote to the public email for my office and not the direct email to me?

– As Mr. Heine used.

- As was on my original letter.

Before I have any further communications with you or your organization, I would like some type of confirmation on:

· Who you are?

· Who you represent?

· *Confirmation* of your representation?

· What is the intent of any communication with me or my office?

· Will this response or any of those received from other Secretaries of State be in an article in your publication?

Thank you…

Thanks for your attention Christine.

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Skype Contact Information Redacted

ref:_00Dd0huNE._500d0HmLkf:ref

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Skype Contact Information Redacted

US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted

Reconsideration Request Form

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. *Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit http://www.icann.org/en/general/bylaws.htm#IV and http://www.icann.org/en/committees/board-governance/.*

This form is provided to assist a requester in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.

Requesters may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12 point font.

For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.

Please submit completed form to reconsideration@icann.org.

1. Requester Information

Name: Dot Registry, LLC

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

Name: National Association of Secretaries of State

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

(Note: ICANN will post the Requester's name on the Reconsideration Request page at http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm. Requesters address, email and phone number will be

removed from the posting.)

2. Request for Reconsideration of (Check one only):

___ Board action/inaction

_X_ Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

Dot Registry, LLC ("Dot Registry") is seeking reconsideration of the Economic Intelligence Unit ("EIU") Community Priority Evaluation panel's (the "Panel") determination that Dot Registry's application, no. 1-880-17627 for .LLC (the ".LLC Community Application") did not meet the requirements for Community Priority specified in the Applicant Guidebook ("AGB") (the "Panel Determination") and subsequent placement of the Application into active contention by the New gTLD Programming Committee ("NGPC").

4. Date of action/inaction:

The Community Priority Evaluation Report (the "Report") lists the date of the Panel Determination as June 11, 2014. Dot Registry believes that as a result of the Panel Determination, the Application was placed into active contention by the NGPC shortly thereafter.

5. On what date did you became aware of the action or that action would not be taken?

Dot Registry became aware of the Determination on June 11, 2014 when Dot Registry received an email indicating the Community Priority Evaluation ("CPE") status for the .LLC Community Application had been updated and to view its CSC portal for more information.

6. Describe how you believe you are materially affected by the action or inaction:

The Panel Determination, based on its violation and misapplication of the policies and processes set out in the AGB, CPE Guidelines and ICANN Bylaws, and the subsequent placement of the .LLC Community Application into active contention by the NGPC, will materially affect Dot Registry because Dot Registry will now have to resolve contention of the Application with seven other applicants. This will cause significant material harm to Dot Registry. As a result of the Panel Determination, which is inconsistent with both AGB and ICANN policy, Dot Registry will incur significant additional expenses to participate in the contention auction and ultimately may and not be able to operate the .LLC TLD.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

The improper denial of Community Priority status to the .LLC Community Application will likely result in delegation of the .LLC TLD to one of the non-community applicants, which as US government officials and Secretaries of State have stated, do not have enforceable safeguards in place. If the .LLC TLD proceeds to auction and the string is awarded to a generic, non-community application, ICANN is not only ignoring the direct communication provided by US and state government officials, which calls for transparent, enforceable registration policies,[1] but it is then possible that anyone could register an .LLC domain, even if they did not have an active limited liability company, which could result in significant harm to registered limited liability companies within the US, the consumers that patronize them and the US government officials then tasked with combatting the damages. The majority of US Secretaries of States are charged with the administrative oversight associated with business registration and reporting compliance in the US. Thus, state's would be financially taxed by the additional time and staff needed to investigate registrants of .LLC domain names that do not have an active LLC. The use of the designation .LLC implies that the company has the right to conduct business within the US. This designation if used haphazardly could create false consumer confidence, business identify theft and a legacy of damage that ultimately affects Registrants, end users and Registry operators. States are not adequately resourced to protect legitimate businesses from fraudulent operators. Furthermore, the use of an .LLC domain name by a company or entity that does not have an active limited liability company would violate state laws that specifically prohibit portraying a business as a limited liability company if it is not properly registered with the state[2] and/or deceptive trade practices' laws. Therefore, many Secretaries of State support a process which seeks to deter fraudulent business activities and provides some basic checks and balances in the use of domain extensions.

8. Detail of Board or Staff Action—Required Information

Staff Action: If your request is in regards to a staff action or inaction, please provide a detailed explanation of the facts as you understand that they were provided to staff prior to the action/inaction presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). Please identify the policy(ies) with which the action/inaction was inconsistent. The policies that are eligible to serve as the basis for a Request for Reconsideration are those that are approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing staff action, the outcomes of prior Requests for Reconsideration challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.

---

[1] *See* Annex 1.

[2] *See, e.g.*, http://www.leg.state.nv.us/NRS/NRS-086.html#NRS086Sec213.

Board action: If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board. If that information was not presented to the Board, provide the reasons why you did not submit the material information to the Board before it acted or failed to act. "Material information" means facts that are material to the decision.

If your request is in regards to a Board action or inaction that you believe is based upon inaccurate, false, or misleading materials presented to the Board and those materials formed the basis for the Board action or /inaction being challenged, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board before it acted or failed to act.

Reconsideration requests are not meant for those who believe that the Board made the wrong decision when considering the information available. There has to be identification of material information that was in existence of the time of the decision and that was not considered by the Board in order to state a reconsideration request. Similarly, new information – information that was not yet in existence at the time of the Board decision – is also not a proper ground for reconsideration. Please keep this guidance in mind when submitting requests.

Provide the Required Detailed Explanation here:

(You may attach additional sheets as necessary.)

The Panel Determination, and the NGPC's subsequent placing of the .LLC Community Application into active contention in reliance on the Panel Determination, is inconsistent with established policies and procedures in the AGB and ICANN Bylaws. The inconsistencies with established policies and procedures include: (1) the Panel's failure to properly validate all letters of support and opposition; (2) the Panel's repeated reliance on "research" without disclosure of the source or substance of such research; (3) the Panel's "double counting"; (4) the Panel's apparent evaluation of the .LLC Community Application in connection with several other applications submitted by Dot Registry; and (5) the Panel's failure to properly apply the CPE criteria in the AGB in making the Panel Determination.

A. The Panel's Failure to Validate All Letters of Support and Opposition

CPE Panels are required to validate all letters of support and opposition.[3] However, in evaluating the .LLC Community Application for Community Priority, the Panel here did not meet this obligation. In addition to the letters of support from the Secretaries of State, Dot Registry submitted letters of support for the .LLC Community Application from six organizations that are members of the LLC community: Bishop-McAnn, LLC; C 3 Capital, LLC; Kaseff Services, LLC dba

[3] *See* Community Priority Evaluation FAQ's, http://newgtlds.icann.org/en/applicants/cpe/faqs-31oct13-en.pdf.

Metro Title Services; Latteland Espresso, LLC; Luminopolis, LLC; and OfficePort, LLC. However, of these six letters of support from organizations that are members of the LLC community, the Panel only validated one—the letter from Kaseff Services, LLC dba Metro Title Services in connection with the .LLC Community Application. The Panel validated this letter of support via an email from Conrad Heine, dated April 24, 2014, who presumably is one of the panelists. Notably, just a few days earlier, Metro Title was contacted via email by Andrei Franklin, presumably a panelist for the .INC CPE, asking Metro Title to validate its letter of support of Dot Registry's community application for .INC (the ".INC Community Application"), a letter which Metro Title never submitted.[4] Mr. Franklin then contacted three other LLC community members who submitted letters in support of the .LLC Community Application (which were attached to the .LLC Community Application) to validate their letters of support. However, Mr. Franklin's email was specifically seeking support of the authenticity of those letters for the .INC Community Application, *not* the .LLC Community Application, for which the letters were actually submitted.[5] In other words, the Panel did not validate 80% of the letters of support from member organizations submitted by Dot Registry in connection with the .LLC Community Application. Additionally, as discussed below, the Panel's clear cross-over of verification implies that the reviewers were privy to information regarding the review and scoring of Dot Registry's other community applications, which influenced the presentation and scoring of the evaluators' final determination.

Similarly, the Panel did not validate all of the letters that were purportedly submitted in opposition to the Application, particularly those submitted by a group of non-negligible size. This is important because the .LLC Application only received 1 out of 2 points in the Opposition criteria, based on a purported opposition from a group of non-negligible size. Dot Registry is only aware of two letters submitted by a group of non-negligible size that could have been construed as in opposition to the application: a letter from the Secretary of State of Delaware, on March 5, 2014, stating his opinion that certain business identifier extensions should not be delegated[6] and a letter from the European Commission on March 4, 2014 expressing concern about Dot Registry's operation of .LLC due to usage of the term "LLC" outside of the US.[7] On March 20, 2014, the Secretary of State of Delaware submitted another letter clarifying that the State of Delaware was not opposed to the .LLC Community Application, which was posted on the ICANN new gTLD website on March 20, 2014.[8] Similarly, the European

[4] Metro Title only submitted a letter in connection with Dot Registry's application for .LLC. *See* Annex 2.
[5] *See* Annex 3.
[6] https://www.icann.org/en/system/files/correspondence/bullock-to-dryden-radell-05mar13-en.pdf.
[7] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12359.
[8] http://newgtlds.icann.org/en/program-status/correspondence/bullock-to-crocker-20mar14-en.pdf.

Commission submitted a letter rescinding its earlier opposition to the application, which was posted to the ICANN website on March 25, 2014.[9] Notably, in addition to the letter being posted on the ICANN New gTLD website, the European Commission specifically asked that ICANN forward a copy of this communication to the Economist Intelligence Unit "for the avoidance of any potential confusion with the pending Community Priority Evaluation processes underway for Dot Registry." The follow up letters submitted by both the Delaware Secretary of State and the European Commission clearly show that these groups of non-negligible size do not oppose the .LLC Community Application. Furthermore, the European Commission confirmed to Dot Registry that it was never contacted by EIU in connection with validation of the purported opposition, and it is Dot Registry's understanding that the Panel never attempted to contact the Delaware Secretary of State to validate any purported opposition to the .LLC Community Application. If the Panel had done so, it would likely have learned that the European Commission's initial concerns were based on deceptive information provided to it by a competitor of Dot Registry, which led the European Commission to believe that the term "LLC", as defined in the .LLC Community Application, was used outside of the US in connection with similar business structures, when, in fact, it is not.

In addition to the Panel's failure to validate all letters of support and opposition constituting a violation of established CPE process, its refusal to identify the group of non-negligible size, which purportedly opposed the .LLC Community Application, is inconsistent with the ICANN policy and Bylaws requirement to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.[10] In its Determination, the Panel stated that the relevant letter of opposition from an organization of non-negligible size "was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses." What organization, other than the European Commission, who as discussed above, rescinded any opposition it might have had to the .LLC Community Application, could the Panel be referring to? The Panel's refusal to disclose the identity of this organization of non-negligible size, which is purportedly in opposition to the .LLC Community Application, is neither transparent nor fair. It is difficult to imagine what purpose the Panel could have for choosing not to identify this organization, since presumably any letter of opposition submitted by it would have been posted publicly anyway, and the Panel's failure to identify the organization calls into question whether such opposition actually exists. The BGC addressed this issue recently in its Determination of Reconsideration Request 14-1 regarding the Community Objection filed by the Independent Objector against the application or .MED. The BCG's language in that decision is instructive:

---

[9] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12412.

[10] ICANN Bylaws, Article III, Section 1.

> "The Requester has provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application. Accordingly, the BGC concludes that ICANN not consider the Expert Determination at issue."[11]

Similarly, since there is no evidence of public comments of relevance in opposition to the .LLC Community Application, the BGC should determine that the Panel Determination should not be considered.

B. The Panel's "Research"

In its Determination, the Panel repeatedly relies on its "research." For example, the Panel states that its decision not to award any points to the .LLC Community Application for 1-A Delineation is based on "[r]esearch [that] showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC" and also that "[b]ased on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook."[12] Similarly, the Panel states that its decision not to award any points for 1-B Extension is based on its determination that the .LLC Community Application did not meet the criteria for Size or Longevity because "[b]ased on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook."[13] The Panel also states that its decision to not award any points to the .LLC Community Application for 2-A Nexus is based on "[t]he Panel's research [which] indicates that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language."[14] Thus, the Panel's "research" was a key factor in its decision not to award at least seven points to the .LLC Community Application. However, despite the significance of this "research", the Panel never cites any sources or gives any information about its substance or the methods or scope of the "research."

Dot Registry does not take issue with the Panel conducting independent research during its evaluation of the .LLC Community Application, which is permitted by the AGB."[15] However, as discussed above, ICANN's Bylaws obligate it (and by extension Staff and expert panels working on behalf of ICANN) to operate to the maximum extent feasible in an open and transparent manner

---

[11] https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.
[12] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.
[13] *Id.*
[14] *Id.*
[15] *See* Section 4.2.3.

and consistent with procedures designed to ensure fairness.[16] To the extent that the Panel's "research" is a key factor in its decision not to award at least seven points to the .LLC Community Application, which is half of the points necessary to prevail in a CPE, it is not consistent with ICANN's obligation to operate in a transparent manner or with procedures designed to ensure fairness; to not include even a single citation or any information on the substance or method of the "research." The principles of transparency and fairness require that the Panel should have disclosed to Dot Registry (and the rest of the community) what "research" showed that firms are typically organized around specific industries, locales and other criteria not related to the entities structure as an LLC and that there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. This is even more so the case with the Panel's assertion that its research showed "that while other jurisdictions use LLC as a corporate identifier, their definitions are quite different and there are no other known associations or definitions of LLC in the English language." This is because Dot Registry's research shows the exact opposite—that while equivalent business structures may exist outside the US, the designation "LLC" is unique to the US.

C. The Panel's "Double Counting"

The AGB sets forth an established policy against "double counting" in the CPE criteria, such that "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."[17] However AGB contains numerous instances of double counting as does the Determination. For example, one of the requirements for Delineation is that "there must be awareness and recognition of a community (as defined by the applicant) among its members." However, "awareness and recognition of a community (as defined by the applicant) among its members" is also a requirement for Size and for Longevity. Accordingly, if a CPE panel makes a determination that there is not sufficient awareness and recognition of a community (as defined by the applicant) among its members to award any points to an application for Delineation,[18] then this negative aspect found in assessing an application for this one criteria will also affect the assessment of Size and Longevity and result in no points being awarded for Extension; as well as it did here when the Panel determined in these sections that "[t]here is no evidence that these limited liability companies would associate themselves with being part of the community as defined by the applicant."

The requirement for Uniqueness is an even more blatant violation of the principle of no double counting. The AGB states that in order to be eligible for a score of one for Uniqueness, the application must score a two or three for Nexus.[19] Accordingly, a negative aspect found in assessing Nexus will affect the

[16] ICANN Bylaws, Article III, Section 1.
[17] AGB Section 4.2.3.
[18] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.
[19] AGB Section 4.2.3.

assessment of Uniqueness, as it did in the Panel Determination as set forth below.

D. The Panel's Failure to Evaluate the .LLC Community Application Independent of other Applications

It is a well-established ICANN policy within the new gTLD program that every application will be treated individually.[20] Evaluating multiple applications together with regard to community priority violates this policy as well as ICANN's mandate to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Individual treatment aside, to the extent that the Panel is taking into account other applications when making its determination, fairness and transparency dictate that it should disclose this fact. The EIU's actions in evaluating applications for community priority are inconsistent with ICANN's well-established policy of treating gTLD applications individually and the ICANN policy and mandate to operate in a fair and transparent manner. It is clear that the EIU panels for Dot Registry's .LLC Community Application, .INC Community Application and .LLP Community Application (and likely the .GMBH Panel as well) were working in concert. First, the EIU panels gave the .LLC, .LLP and .INC Community Applications the exact same score, five out of sixteen.[21] Furthermore, all three Community Priority Evaluation Reports have virtually identical language and reasoning, with just some of the factual details swapped out, including heavy reliance on the yet as unidentified "research," to come to the same conclusions.[22] The failure of the Panel to evaluate the .LLC Community Application on its own merit and reliance in information and analysis of other applications may have resulted in the .LLC Community Application being penalized unjustly.

E. The Panel's Failure to Properly Apply the CPE Criteria

The process and criteria for evaluating Community Priority applications is set forth in Section 4 of the AGB. ICANN has also published the Community Priority Evaluation (CPE) Guidelines prepared by the EIU (CPE Guidelines),[23] the purpose of which, according to the ICANN website, is "to ensure quality, consistency and transparency in the evaluation process."[24] However, the "[CPE Guidelines] do not modify the framework or standards laid out in the AGB."[25]

---

[20] *See, e.g.*, http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en, Section 2.10.
[21] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf; http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf; http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[22] *See* Annex __, redlines of the .LLP and .INC Determination against the .LLC Determination.
[23] http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf.
[24] http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en.
[25] *Id.*

Accordingly, the policies and processes in the AGB control, as will be explained in more detail below, the scoring in and ultimate outcome of the Panel Determination is inconsistent with the CPE process set forth in the AGB.

1. Criterion #1: Community Establishment

The Panel determined that the community, as identified in the .LLC Community Application, did not meet the criterion for Delineation or Extension, and awarded the .LLC Application 0 out of 4 points for Community Establishment. This determination is not consistent with the AGB and CPE Guidelines.

a. Delineation

The Panel determined that the community, as identified in the .LLC Community Application, did not meet the criterion for Delineation because the community did not demonstrate sufficient delineation, organization and pre- existence and awarded the .LLC Community Application 0 out of 2 points.

i. Delineation

According to the Panel Determination, 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.[26] The Panel acknowledged that the community definition in the .LLC Community Application shows a clear and straightforward membership. However, the Panel determined that the community, as defined in the application, does not have awareness and recognition of a community among its members, because:

> "limited liability companies operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLC. Based on the Panel's research, there is no evidence of LLCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability companies would associate themselves with being part of the community as defined by the applicant."

As discussed above, the Panel bases this determination on mysterious "research" to which it does not provide any citations or insight as to how the research was conducted. That aside, while firms may organize around specific industries, locales and other criteria not related to the entities structure as an LLC, this does not preclude firms from also organizing around the entities' structure as an LLC. In fact, while there may be a wide variation of the types of

[26] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.

companies that elect to become LLCs, there are still commonalities and binding requirements for any LLC registered in the US. Specifically, every registered LLC in the US would describe themselves as a registered limited liability company within the US, the exact definition of our community. Additionally each member of the LLC community chose this particular legal entity type to operate as, with the understanding and expectation of the tax and legal benefits and liability protections that the entity type provides. Accordingly, all members of the LLC community have a shared and common interest to the extent that there is a change to the legal or tax treatment of LLCs, which would affect all members of the LLC community.[27] Furthermore, there is ample evidence that LLCs would associate themselves as being part of the LLC community because, at a minimum: (1) they chose to become an LLC and join the community; (2) they identify themselves as part of the community by including the word "LLC" in their official name; and (3) they must identify themselves as part of the community when filing tax returns and filing out other legal documents.

ii. 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 Panel indicated that the community, as defined in the application, does not have at least one entity mainly dedicated to the community because:

> Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations; according to the application.[28]

First, inclusion of the term "mainly" implies that the entity administering the community may have additional roles/functions beyond administering the community. In addition to administering filings and record keeping of LLC's, many Secretaries of State are dedicated to providing information about LLCs through their websites, pamphlets and other programs and support to existing members of the LLC community, as well as those considering joining the LLC community.

There is also ample evidence of community activities, which was seemingly

---

[27] *See*, *e.g.*, http://www.irs.gov/Businesses/Partnerships/2008-Changes-to-Form-1065---Frequently-Asked-Questions, Q19, 38 for changes in tax treatment for LLCs.

[28] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.

ignored by the Panel. These activities include things that all members of the LLC community must do such as file articles of organization, file an annual report and claim their status as an LLC on their state and federal tax returns—activities which identify them as members of the LLC community; which they otherwise would not do if they were not part of the LLC community.

iii. Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007. The Panel determined that the community defined in the .LLC Community Application does not meet the requirements for pre-existence. However, rather than providing evidence or explanation for this determination, the Panel instead merely cites a sentence from the AGB[29] and then makes the conclusory determination that the .LLC Community Application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string; which is based on the Panel's previous conclusion that limited liability companies would typically not associate themselves with being part of the community as defined by the applicant—a conclusion that Dot Registry has shown is questionable at best. In fact, as the panel must be aware, the first LLC was registered in 1977 and LLCs have existed in all 50 states long before September 2007.[30] Furthermore, 100% of the states have acknowledged that the community exists through the National Association of Secretaries of State.[31]

b. Extension

The Panel determined that the community, as identified in the application, did not meet the criterion for Extension because the .LLC Community Application did not demonstrate considerable size or longevity for the community identified in the .LLC Community Application, which is inconsistent with the AGB.

i. Size

---

[29] "[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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application)."

[30] 2005 CCH Federal Taxation Comprehensive Topics (14-4 "In 1977, Wyoming passed the first limited liability company (LLC) legislation. Florida passed LLC legislation in 1982. In 1988, the IRS issued Rev. Rul. 88-76, 1988-2 CB 360 holding that a Wyoming LLC would be treated as a partnership for federal income tax purposes. Since then, all 50 states and the District of Columbia have passed LLC legislation;" well beyond the 2007 time frame. 2005 CCH Federal Taxation Comprehensive Topics, CCH Incorporated, 2004, Chicago, IL; *see also* http://www.uniformlaws.org/ActSummary.aspx?title=Limited%20Liability%20Company%20(Revised).

[31] *See* Annex 4.

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must be of considerable size and (2) must display an awareness and recognition of a community among its members.[32] However, the second requirement for size cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "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."[33]

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of size. The Panel's application of this additional requirement to the criteria of Size, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above; since the Panel erroneously determined that the members of the LLC community do not have an awareness of their community.

As the Panel acknowledged, there are over five million registered LLCs in the US. Accordingly, when the AGB definition of "Size" is properly applied, it is clear that the community identified in the .LLC Community Application meets this criteria and should have been awarded points.

ii. Longevity

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must demonstrate longevity; and (2) must display an awareness and recognition of a community among its members.[34] However, the second requirement for longevity cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.[35]

---

[32] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.
[33] AGB, Pgs. 4-11.
[34] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.
[35] AGB, Pgs. 4-11.

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of longevity. The Panel's application of this additional requirement to the criteria of longevity, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above, since the Panel erroneously determined that the members of the LLC community do not have an awareness of their community.

LLCs are corporate structures that are intended to be perpetual until either the entity is wound down or the statutory requirements are not met. In other words, they are the direct opposite of transient. Accordingly, when the AGB definition of "longevity" is properly applied, it is clear that the community identified in the .LLC Community Application meets this criteria and should have been awarded points.

2. Criterion #2: Nexus Between Proposed String and Community

The Panel determined that the .LLC Community Application did not meet the criterion for Nexus of Uniqueness and awarded no points. However, the Panel's determination with regards to Nexus was based on incorrect factual information and the Panel's determination with regard to Uniqueness was based on its erroneous determination of Nexus.

a. Nexus

The Panel determined that the .LLC Community Application did not meet the criterion for Nexus because while the string identifies the community, it over-reaches substantially beyond the community.[36]

According to the Panel, "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."

As an initial matter, it should be noted that according to the AGB, to receive the maximum score of three, "the essential aspect is that the applied for string is commonly known by others as the identification/name of the community." However, regardless of whether the AGB standard or the inconsistent Panel standard is applied, it is clear that the .LLC Community Application should still receive the maximum number of points for Nexus. In fact, the Panel acknowledged that "the string identifies the name of the community."[37] However, unfortunately for Dot Registry, the Panel also erroneously determined that the string substantially overreaches because "LLC" is used in other jurisdictions (outside the US). Dot Registry's research and application clearly indicates that

[36] https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf.
[37] *Id.*

while there may be similar business structures in countries outside the US, and the abbreviation .LLC may be used in other countries, it is not used outside the US in connection with the .LLC community described in the .LLC Community Application. Furthermore, the AGB does not require applicants to define "any connotations the string may have beyond the community" and does not provide any direction in relation to scoring question 20A negatively if the designation is used outside of the community regardless of scale. Accordingly, it is clear that the .LLC Community Application should receive full points for Nexus.

b. Uniqueness

The Panel determined that the application does not meet the criterion for Uniqueness because the string does not score a two or a three on Nexus. However, as discussed above, the only reason that the .LLC Community Application did not score a two or three on Nexus was due to the Panel's erroneous reliance on incorrect information that "LLC" was used outside the US. Furthermore, the Panel's basing of its decision with regard to Uniqueness (and the AGB's direction to do so) on the results of another criteria violates the established policy against double counting. Regardless, since "LLC" has no other significant meaning outside the US, the .LLC Application should have been awarded one point for Uniqueness.

3. **Criterion #3: Registration Policies**

The Panel correctly awarded the .LLC Community Application points for Eligibility, Name Selection, and Content and Use, but determined that the .LLC Community Application did not meet the criterion for Enforcement because it provided specific enforcement measures but did not include appropriate appeal mechanisms. However, the .LLC Community Application does in fact contain an appropriate appeals mechanism.

According to the .LLC Community Application, the enforcement mechanism is as follows:

> DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLC" domain:
>
> (a) If a registrant previously awarded the ".LLC" domain ceases to be registered with the State.
>
> (b) If a registrant previously awarded a ".LLC" domain is

> dissolved and/or forfeits the domain for any reason.
>
> (c) If a registrant previously awarded the ".LLC" domain is administratively dissolved by the State.

The .LLC Community Application also contains an appeals mechanism, which is that:

> Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited.

The AGB states that "[t]he 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."[38] While the above-referenced appeal process may not be a traditional appeals process, it is appropriate to, and aligned with, the community-based purpose of the .LLC Community Application. Here, the .LLC Community Application is restricted to those with active limited liability companies. Because Dot Registry will verify the status of the limited liability company, which is the basis for a second level domain registration in .LLC, it will be a simple matter to verify whether the limited liability company is "active" or not. To the extent that the limited liability company is not in "active" status, the registrant is issued a probationary warning. This warning allows the registrant to appeal Dot Registry's inactivity determination by resolving the issue with the relevant Secretary of State and restoring the domain name to active status. Notably, .edu utilizes a similar appeals mechanism.[39] Accordingly, the .LLC Community Application should have received points for Enforcement.

4. Criterion #4: Community Endorsement

The Panel incorrectly determined that the .LLC Community Application only partially met the criterion for Support and Opposition, which is inconsistent with the CPE process as set forth in the AGB.

a. Support

The Panel awarded the .LLC Community Application only 1 out of 2 points for Support because it determined that while Dot Registry possesses documented support from at least one group with relevance, Dot Registry was not the

---

[38] AGB, Pgs. 4-16.

[39] http://net.educause.edu/edudomain/show_faq.asp?code=EDUPOLICY#faq425.

recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community or documented support from a majority of the recognized community institution(s)/member organization(s).

The Panel acknowledged that the .LLC Community Application included letters of support from a number of Secretaries of State of US states which constituted groups with relevance, but that the Secretaries of State are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. As discussed above, in addition to administering filings and record keeping of LLCs, many Secretaries of State are dedicated to providing information about LLCs through their websites, pamphlets and other programs and support to existing members of the LLC community (including Dot Registry, which as an LLC is a member of the community); as well as those considering joining the LLC community, the Secretaries of State *are* the recognized community institutions. As also discussed above, numerous letters of support and endorsement were submitted by members of the LLC community, including one from the National Association of Secretaries of State in which it described the agreement of 100% of the states for community operation of .LLC. However, these letters appear not to have been considered by the Panel, and in any case were not validated by the Panel in connection with the .LCC Community Application. Accordingly, the .LLC Community Application should have been awarded full points for Support.

b. Opposition

The Panel determined that the .LLC Community Application partially met the criterion for Opposition because it received relevant opposition from one group of non-negligible size. As discussed above, the only groups of non-negligible size that could even arguably be viewed as having submitted opposition are the Secretary of State of Delaware or the European Commission. However, the Secretary of State of Delaware clarified that it did not oppose the .LLC Community Application and the European Commission rescinded any comments in opposition to the .LLC Community Application. Furthermore, any opposition by the European Commission, even if it existed, which clearly it does not, is not relevant because as Dot Registry has shown, the LLC designation is not used anywhere outside of the US, much less in Europe. Additionally, as also discussed above, to the extent any opposition by the Secretary of State of Delaware or European Commission existed, which it does not, the Panel failed to validate any such letters in connection with the .LLC Community Application. Accordingly, the .LLC Community Application should have been awarded full points for Opposition.

9. What are you asking ICANN to do now?

(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

Dot Registry is asking that ICANN reverse the decision of the Panel and grant

Dot Registry's .LLC TLD application Community Priority status. There is precedence for this when, as here, there is substantial and relevant evidence indicating that the Objection was inconsistent with ICANN procedures.[40] Just recently, the BCG concluded that ICANN not consider the Expert Determination in the Community Objection filed against .MED because the Requester provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application, as is the case here. In the alternative, ICANN should disregard the results of the first Panel determination and assemble a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLC TLD application in compliance with the policies and processes in the AGB, CPE Guidelines and ICANN Bylaws. To the extent that ICANN assembles a new Panel to re-evaluate the .LLC Community Application for Community Priority, the Panel should not be affiliated with EIU, or at a minimum, should not consist of the same EIU panelists or anyone who participated in the initial CPE.

10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration and the grounds or justifications that support your request.

(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the requester must be able to demonstrate well-known requirements: there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration. The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details. The relief requested from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)

Dot Registry has standing and the right to assert this request for Reconsideration because the Panel's Determination, and the NGPC's subsequent placement of Dot Registry's .LLC application into active contention, was based on the Panel's failure to follow the established policies and procedures for Community Priority Evaluation in the AGB and ICANN's Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that the Panel failed to follow the established policies or processes in reaching its determination, or that staff failed to follow its

[40] https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.

policies or processes in accepting that determination.[41] In addition, the NGPC's placement of the .LLC Community Application into active contention based on the Panel Determination constitutes Staff or Board Action. Furthermore, Staff became involved with the Panel Determination when it responded to complaints that the Panel did not engage in uniform or consistent manner when questioning Secretaries of State as part of the validation process for letters of support, resulting in an apology from EIU to the Secretaries of State.[42]

This failure to follow established policies and procedures by the Panel and the NGPC will result in material harm to, and will have an adverse impact on, Dot Registry, registered businesses in the US and consumers, as a result of the Determination and placement of Dot Registry's .LLC Application into active contention; at best, Dot Registry will have to expend significant additional funds to win the contention auction for .LLC, and, at worst, Dot Registry will lose the contention auction and not be able to operate the .LLC TLD and the string will be operated generically without necessary consumer protections in place.

This harm to Dot Registry, Secretaries of State, potential registrants and the public generally, can be reversed by setting aside the decision of the Panel and granting Dot Registry's .LLC TLD application Community Priority status, or in the alternative, by assembling a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLC TLD application, in compliance with the established policies and processes in the AGB and CPE Guidelines.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

_X_ Yes

___ No

11a. If yes, is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

The causal connection between the circumstances of the Reconsideration Request and the harm caused by the awarding of the string to a non-community applicant are the same for Dot Registry and the National Association of Secretaries of State (NASS), on whose behalf this Request is also being made. Whereas the immediate harm to Dot Registry is material and financial, the harm to the Secretaries of State is related to their ability to prevent business fraud and

---

[41] *See* https://www.icann.org/en/system/files/files/determination-tennis-au-29apr14-en.pdf, DETERMINATION OF THE BOARD GOVERNANCE COMMITTEE (BGC) RECONSIDERATION REQUEST 14-12 and http://www.icann.org/en/groups/board/governance/reconsideration/recommendationbooking-01aug13-en.doc, BGC Recommendation on Reconsideration Request 13-5.

[42] *See* Annex 5.

consumer confusion. As discussed above, the improper denial of Community Priority to the .LLC Community Application will likely result in delegation of the .LLC TLD to one of the non-community applicants, which do not have enforceable safeguards in place, and could allow anyone to register a .LLC domain name regardless of their actual business registration status and entity type. This could facilitate fraudulent business registration, business identity theft and other harmful online activity, as well as cause significant consumer confusion and protection issues. Over the last two and a half years, NASS and many of its individual members have expressed their clear concerns via numerous letters to ICANN, the GAC and the FTC calling for the issuance of these strings in a community format, in order to provide appropriate protections for both the community and consumers with the necessary recourse required to hold the Registry Operators accountable if these strings are not operated in a responsible manner. As most of the Secretaries of State in the US have the ultimate responsibility for LLC registration and validation, this is of significant concern to them, and to NASS as well, which is acting on behalf of their interest. The issuance of these strings to a non-community applicant without enforceable protection mechanisms directly disregards the opinions expressed by the US Secretaries of State in regards to this matter and shows a blatant disregard by ICANN to operate accountably, as required by the ICANN bylaws.

Do you have any documents you want to provide to ICANN?

If you do, please attach those documents to the email forwarding this request. Note that all documents provided, including this Request, will be publicly posted at http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm.

Terms and Conditions for Submission of Reconsideration Requests

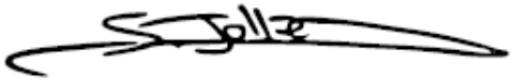
The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process; however Requesters may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.



_____ _June 25, 2014_____

Signature Date

Annex 1

The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

Contact Information Redacted

November 15, 2013

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
Contact Information Redacted

The Honorable Julie Brill
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Maureen Ohlhausen
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Joshua Wright
Commissioner
Federal Trade Commission
Contact Information Redacted

Dear Chairwoman Ramirez, Commissioner Brill, Commissioner Ohlhausen, and Commissioner Wright,

Along with the Federal Trade Commission, the National Association of Secretaries of State (NASS), of which I currently serve as President, has been following the Internet Corporation for Assigned Names and Numbers' (ICANN's) new generic top-level domain (gTLD) program for some time. We share the Commission's concerns (FTC release 12/11) about the potential for consumer fraud and abuse in new top-level domains (TLDs). We are particularly concerned about a special class of top-level domains commonly referred to as "corporate identifier" TLDs. Examples include: .CORP, .INC, and .LLP.

We recently learned that ICANN may consider awarding these highly-sensitive TLDs to registries that could sell domains to anyone, regardless of their legal standing with state registration authorities. We are concerned that instead of requiring entities to prove they are in good standing with a Secretary of State or Lieutenant Governor's office in order to register one of these domains, the ICANN Board is considering a move lax standard that would allow anyone to "attest" that they have the necessary standing to own one of these domains with no third party verification or validation. It is likely that those who wish to

perpetrate fraud and other crimes involving deception will take advantage of this process and provide false information to ensure they are able to register these domains.

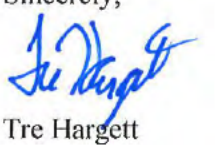
NASS and many individual Secretaries have expressed our concerns in multiple letters to ICANN, clearly stating that any new business-related extension identifiers and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the U.S. This process would ostensibly include a verification of registration and good standing based upon a confirmation from the registrar.

To underscore the level of state agreement on this issue amongst state business registration authorities, Secretaries of State unanimously approved a resolution[1] at our July 2013 NASS national meeting calling on ICANN to accept the advice of ICANN's Government Advisory Committee and require higher levels of consumer protection. We also believe that the community application process ensures that safeguards and restrictions are enforced.

In closing, I hope the Commission urges the ICANN Board to support a stricter standard. The body should require a process that includes information verification for the protection of consumers and businesses, thereby reducing opportunities for fraud.

ICANN is meeting on November 18, 2013 to discuss this issue. I would appreciate any immediate attention and input that the Federal Trade Commission can provide.

Sincerely,



Tre Hargett
Secretary of State

[1] http://www.nass.org/index.php?option=com_docman&task=doc_download&gid=1435&Itemid=

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

UNITED STATES OF AMERICA
Federal Trade Commission
Office of International Affairs
WASHINGTON, D.C. 20580

Laureen Kapin
Counsel for International Consumer Protection
Contact Information Redacted

January 29, 2014

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Dear Mr. Jolles:

Thank you for your November 14, 2013 letter to the Federal Trade Commission supporting the Commission's advocacy for stronger consumer protection safeguards in connection with ICANN's expansion of generic top-level domains (gTLDs). I was asked to respond to your letter because the Office of International Affairs for Consumer Protection works closely with the Department of Commerce via the Government Advisory Council (the GAC) to advise ICANN of concerns and make recommendations. The FTC has been involved in ICANN-related matters for over ten years, pressing ICANN and other stakeholders to improve policies that cause harm to consumers engaged in e-commerce or that impede law enforcement efforts to identify and locate bad actors. In addition, our involvement has included testifying before Congress, participating in ICANN meetings, and issuing statements on various ICANN policy initiatives.

We appreciate your concerns over the launch of TLDs, such as corporate identifiers (*e.g.,* .inc, .llc, .llp, .corp), without proper safeguards. As you know, the Commission has expressed similar concerns, albeit in a broader context, with proposed domains associated with various regulated or professional sectors, including corporate identifiers.[1] FTC staff advice and concerns about the need for further consumer protection safeguards for regulated and professional extensions are reflected in the GAC Beijing Communiqué issued on April 11, 2013: https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee. The communiqué set forth several concerns regarding the new gTLDs. In particular, the communiqué recommended three additional safeguards for market sectors that have regulated entry requirements such as corporate identifiers. They are: 1) verification and validation of registrant's credentials for participation in the sector specified in the domain name; 2) consultation with relevant supervisory authorities in case of doubt regarding authenticity of credentials; and 3) post-registration checks to ensure registrant's validity and continuing compliance with their credentialing requirements. We believe this is the type of proactive approach required to combat fraudulent websites.

[1] *See* http://www.ftc.gov/news-events/press-releases/2011/12/ftc-warns-rapid-expansion-internet-domain-name-system-could-leave

We will continue to monitor ICANN's response to the communiqué and work with the GAC to help ensure that the communiqué's recommended consumer protection safeguards are implemented in a concrete and meaningful manner. We will also continue to work with our law enforcement partners to share information and perspectives about how to best protect consumers from illicit activities associated with the domain name system.

We appreciate you taking the time to raise the concerns expressed in your letter. If you have any questions or wish to discuss this matter further, please contact me at (202) 326-3237.

Very truly yours,

Laureen Kapin

State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

Elaine F. Marshall

Elaine F. Marshall

ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

STATE CAPITOL
ROOM 208
Contact Information Redacted

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
Contact Information Redacted

February 24, 2012

DOT Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Secretary of State of Missouri is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, "INC" and "LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with the Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Very truly yours,

Robin Carnahan

Robin Carnahan
Secretary of State

STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
Contact Information Redacted

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

Contact Information Redacted

Contact Information Redacted

ICANN – gTLD program
March 20, 2012

I therefore request that ICANN reject any request for the unrestricted use of ".INC", ".LLC", ".LLP", ".CORP", ".BANK", ".TRUST" or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as "bank" and "trust" that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as ".BANK" and ".TRUST".

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,

Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State

OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
Contact Information Redacted

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

ROSS MILLER
Secretary of State

Contact Information Redacted

April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Tre Hargett

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Contact Information Redacted
Contact Information Redacted | www nass.org

> -----Original Message-----

> From: Andrei Franklin [mailto Contact Information Redacted

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: Contact Information Redacted

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin Contact Information Redacted . A short email response confirming the above points are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

> Contact Information Redacted

>

>

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

Annex 2

METRO TITLE SERVICES (

March 21, 2012

Mr. Paul Spurgeon
Dot Registry
Contact Information Redacted

RE: Letter of support for th<:! issuance of the internet domain name extensions ".INC", ".LLP", ".LLC" and ".COR P".

Dear Paul;

I understand that Dot Registry is applyi ng for the rights to manage new internet name extensions under ICANN's new GTLD program. I also understand that your application is a "members only" community application which restricts a company being awarded a new domain name to be a valid and existing US corporation of similar fidelity. T believe this differentiation in restrictive use will bring a higher level of credibility and trustworthiness to the users and owners of these sites.

I serve as President and control shareho lder for Kaseff Services, LLC. Our company operates a web site under the domain name www.mymetrotitle.com. We are organized as a Kansas LLC and are a member of the larger comm uni ty of US based corporations and partnerships.

I an1writing in support of Dot Registry's application for the issuance of these "strings" that would attempt to protect legitimate businesses and consumers from confusion or fraud; such restrictions would include measures to authenticate the active and good standing status of all corporations and partnerships who seek to register a second-level domain within the respective TLD as proposed by DOT Registry.

l wish you much success in this endeavor and look forward to the opportunity to be awarded a domain name with one of the above referenced extensions.

Sincerely,

Barry Kaseff
President

Annex 3

> -----Original Message-----

> From: Andrei Franklin [mailto:Contact Information Redacted

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: Contact Information Redacted

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

> Contact Information Redacted

>

>

Annex 4

New gTLD Program Community Priority Evaluation Report Report Date: 11 June 2014

Application ID:	1-880-
Applied-for String:	~~LLC~~I
Applicant Name:	Dot Registry 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 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 5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	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 identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and 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 ~~("LLC")~~("INC") is:

> Members of the community are defined as businesses registered as ~~limited liability companies with~~corporations within the United States or its territories. ~~Limited Liability Companies~~This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or ~~(LLC's)~~"INC's" as they are commonly abbreviated, represent one of the most ~~popular~~complex business entity structures in the ~~US. LLC's~~U.S. Corporations commonly participate in acts of commerce, public services, and product creation….
>
> ~~An LLC~~ A corporation is defined as a ~~flexible form~~business created under the laws of ~~enterprise~~a State as a separate legal entity, that ~~blends elements of partnership~~has privileges and liabilities that are distinct from those of its members. While corporate ~~structures. It is a legal form of company that provides limited liability to its owners~~law varies in ~~the vast majority of United States~~different jurisdictions~~. LLC's are a unique entity type because they~~, there are ~~considered a hybrid, having certain~~four characteristics of ~~both a corporation~~ the business corporation that remain consistent: legal personality, limited liability, transferable shares, and ~~a partnership or sole proprietorship. LLC's are closely related to~~centralized management under a board structure. Corporate statutes typically empower corporations ~~in the sense that they pru:ticipate in similar activities~~to own property, sign binding contracts, and ~~provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass-through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner~~pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a ~~limited liability company~~corporation with the relevant US state. In addition, ~~limited liability companies~~corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these ~~limited liability companies~~incorporated firms would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two 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 does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

> ~~LLC's~~Corporations can be formed through any jurisdiction of the United States. Therefore members

of this community exist in all 50 US states and its territories. ~~LLC~~Corporation formation guidelines are dictated by state law and can vary based on each State's regulations. Persons form ~~an LLC~~ a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of ~~incorporation~~organization, which establish a ~~corporation~~ limited liability company as a legal entity. At minimum, the Articles of ~~organization~~Incorporation give a brief description of ~~the intended~~proposed business ~~purposes,~~ activities, shareholders, stock issued and the registered ~~agent, and registered~~ business address. ~~LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the ~~.LLC~~.INC application, there is no

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 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these corporations would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation 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 Community Priority Evaluation 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 Applicant Guidebook, as the application did not demonstrate considerable size or longevity for 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 a considerable size. The community for .~~LLC~~INC as defined in the application is large in terms of number of members. According to the application:

> With ~~the number of~~almost 470,000 new corporations registered ~~LLC's~~ in the United States ~~totaling over five million~~ in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with ~~an LLC~~a corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different~~-~~
sectors, which sometimes have little or no association with one another. Research showed that firms are~~-~~typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

~~Lo~~

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 does not demonstrate longevity. As mentioned previously, 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a ""community"" construed to obtain a sought-after corporate identifier as a gTLD string, as these ~~limited liability companies~~corporations would typically not associate themselves with being part of the community as defined by

the applicant. Therefore, the pursuits of the .~~LLC~~INC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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 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 identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 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 (.~~LLC~~INC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".INC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language ~~Limited Liability Company~~the word incorporation is primarily shortened to ~~LLC~~Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are ~~limited liability companies~~incorporated businesses we believed that ~~".LLC"~~".INC" would be the simplest, most straightforward way to accurately represent our community.
>
> ~~LLC~~Inc. is a recognized abbreviation in all 50 states and US Territories denoting the ~~registration~~

~~type~~corporate status of ~~a business~~an entity. ~~The Panel's~~Our research indicates that ~~while~~Inc. as corporate identifier is used in three other jurisdictions ~~use LLC as a corporate identifier.~~(Canada, Australia, and the Philippines) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Canada, Australia and the ~~US).~~Philippines. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond 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 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 string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy 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 limiting eligibility to registered ~~limited liability companies~~corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, 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 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 a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (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 noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (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	*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. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (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	**2/4 Point(s)**
4-A Support	*1 / 2 Point(s)*

The Community Priority Evaluation panel 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. "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), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, 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.

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition *1 / 2 Point(s)*

The Community Priority Evaluation panel 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 group of non-negligible size. 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 group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals 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 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>.

New gTLD Program Community Priority Evaluation Report Report Date: 11 June 2014

Application ID:	1-880-
Applied-for String:	LLC
Applicant Name:	Dot Registry 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 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 5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	3	4
#4: Community Endorsement	2	4
Total	5	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 identified in the application did not -meet -the criterion for Delineation as specified -in section 4.2.3 (Community Priority Evaluation Criteria)

of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and 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 ~~("LLC")~~("LLP") is:

> Members of the community are defined as businesses registered as ~~limited liability companies~~Limited Liability Partnerships with the United States or its territories. Limited Liability ~~Companies~~Partnerships or (~~LLC's~~LLP's) as they are commonly abbreviated, are specifically designed to represent ~~one of the most popnlar business entity structures in the US. LLC's commonly pru:ticipate in acts of commerce, public services, and product creation….~~professional service businesses in the US . Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state's law….
>
> ~~An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC's are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC's are closely related to corporations in the sense that they pru:ticipate in similar activities and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner.~~ A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP's therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability ~~company~~partnership with the relevant US state. (LLPs operate in about 40 US states). In addition, limited liability ~~companies~~partnerships must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability ~~companies~~partnerships operate in vastly different sectors, which sometimes have little or no association with one another. !Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability ~~companies~~partnerships would associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two 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 does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate

registrations. According to the application:

> ~~LLC's~~Limited Liability Partnerships can be formed through ~~any jurisdiction of~~ all but ten states in the United States.~~-~~
> Therefore members of this community exist in ~~all 50~~close to forty US states~~ and its territories. LLC~~. LLP formation guidelines are dictated by state law and can vary based on each ~~state's~~state's regulations. Persons form an ~~LLC~~LLP by filing required documents with the appropriate state authority, usually the Secretary of State.~~ Most states require the filing of Articles of Organization. These are considered public documents and are similar to ru:ticles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the ~~LLC~~LLP application, there is no 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 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application).). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability ~~companies~~partnerships would typically not associate themselves with being part of the community as defined by the applicant. The community therefore could not have been active prior to the above date (although its constituent parts were active)..

The Community Priority Evaluation 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 Community Priority Evaluation 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 Applicant Guidebook, as the application did not demonstrate considerable size or longevity for 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 a considerable size. The community for .~~LLC~~LLP as defined in the application ~~:~~, "LLP's represent a small but prestigious sector of business in the United States."

> ~~With the number of registered LLC's in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC.~~

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability ~~companies~~partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation 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.

The community as defined in the application does not demonstrate longevity. As mentioned previously, 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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to

a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLP community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLC~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

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 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 identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 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 (.~~LLC~~LLP) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".LLP" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability ~~Company~~Partnership is primarily shortened to ~~LLC~~LLP when used to delineate business entity types~~. Since all of our community members are limited liability companies we believed that ".LLC" would be the simplest, most straight forward way to accurately represent our community.~~…
>
> ~~LLC~~LLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. ~~The Panel's~~Our research indicates that ~~while~~LLP as corporate identifier is used in eleven other jurisdictions ~~use LLC as a corporate identifier,~~(Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Poland, the ~~US).~~UK, Canada and Japan, amongst others. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond 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 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 string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy 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 limiting eligibility to registered limited liability partnerships and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (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 outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (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 noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (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 *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. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (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 **2/4 Point(s)**

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

The Community Priority Evaluation panel 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. "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), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, 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.

The application included letters from a number of Secretaries of State of US states, which were considered to

constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one

particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition *1 / 2 Point(s)*

The Community Priority Evaluation panel 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 group of non-negligible size. 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 group of non-negligible size.

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals 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 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>.

Annex 5

April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Contact Information Redacted

Contact Information Redacted | www nass.org

Annex 6

From: Leila Butt [mailto Contact Information Redacted
Sent: Tuesday, May 27, 2014 8:58 AM
To: Jaeger, Al A.
Subject: Apology and explanation of letter authenticity process for generic Top Level Domains .LLC, .LLP and .INC

Dear Secretary Jaeger

My name is Leila Butt and I am writing to you on behalf of the Economist Intelligence Unit (EIU), which has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications as part of ICANN's new gTLD program. I am the project manager for the ICANN project at the EIU.

Several of our evaluators have recently been in contact with you to seek confirmation as to whether your organization supports Dot Registry LLC's application for three gTLDs: .LLC, .LLP and .INC. We realize that in some cases receiving multiple emails may have caused confusion and inconvenience, for which we apologize.

We would like to take the opportunity to clarify our evaluation process. As we are evaluating the three gTLD applications separately, we need to maintain separate formal records of all communications related to each particular application. This was our rationale for sending you three separate emails, each of which related to a different gTLD application.

Going forward, I will be your sole point of contact. After reviewing the feedback that you have already supplied with regard to these three applications, we do not have additional questions.

Thank you for clarifying your position towards Dot Registry's application for the three gTLDs. Again, we are sorry for any inconvenience or confusion this may have caused.

Yours sincerely

Leila Butt

Project Manager

The Economist Intelligence Unit

--

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted

---------- Forwarded message ----------
From: **New gTLD Customer Support** Contact Information Redacted
Date: Fri, May 23, 2014 at 5:57 PM
Subject: RE: Concerns regarding CPE [ref: 00Dd0hmNE. 500d0HmLkf:ref]
To: Contact Information Redacted
Cc:
Contact Information Redacted

Dear Shaul Jolles,

Thank you for sharing your experiences and your concerns regarding the Community Priority Evaluation (CPE) CPE letters of support validation process. We apologize for any confusion and frustration this has caused you and your supporters. The EIU has been made aware of the frustration that some authors of the letters of support are experiencing during the validation process, both from us and the authors themselves. They are making adjustments to streamline the communication process and where possible, and to consolidate communications to individuals that need to be contacted several times.

The validation of letters of support (or opposition) is a standard part of the CPE Panel's overall process while conducting the evaluation Community Priority Evaluation (CPE), and was articulated in the CPE Guidelines document developed by the Panel . This process is designed to verify the authenticity of these letters and ensure they meet the requirements as stated:

1. clearly expressing the organization's support for the community based application,
2. demonstrating the organization's understanding of the string being requested,
3. that the organization exists and,
4. the author has the authority to represent the organization.

Consistent with all phases of the program, each application is reviewed on an individual basis. In your case, 3 of your applications (LLC, LLP, INC) are simultaneously undergoing CPE. Each application has its own team of evaluators working in parallel, thus performing the validation process for the particular TLD to which they are assigned. The letters of support associated with your applications often reference all of your applied for strings in the same letter. With the evaluations occurring in parallel as-described above, the communications were sent to the same secretaries of state from several different evaluators at the EIU.

Additionally, some of the letters submitted did not clearly express the organization's support for your specific application(s) for the TLD(s). In these cases the EIU evaluators have followed up with the authors of these letters to confirm that their organizations support your specific application. While this has led to several additional email exchanges, it is necessary for the panel to have the documented evidence of the author's intentions relative to supporting the application, rather than to require the evaluators to interpret the letter.

Also, as stated in their email communication to the author, the EIU evaluators send frequent follow up and reminder emails in order receive a response so that they can complete the evaluation in a timely manner. These reminder emails are followed up by a phone call if an email response is not received. This was based on their experience as one of the Geographic

Names Panel firms, if they did not follow up, they often would not get an answer, and could not complete their evaluation in a timely manner.

The new gTLD team is working with the EIU to streamline the communications with supporters and reduce the total number of messages sent. We are also working with the EIU to ensure that all communications are professional and courteous, and reference both ICANN and the New gTLD program in an effort to clarify the intent and purpose of the communications. We apologize for any frustration and inconvenience this process has cause for you or the supporters of your applications.

Please let us know if you have further concerns.

Sincerely,

Russ Weinstein

Sr. Manager, gTLD Operations

---------- Original Message ----------
From: New gTLD Customer Support Contact Information Redacted
Sent: 5/19/2014 10:37 PM
To: Contact Information Redacted
Subject: RE: Concerns regarding CPE [ref:_00Dd0huNE._500d0HmLkf:ref]

Dear Shaul Jolles,
Thank you for your inquiry.

We have a status meeting with the CPE evaluators later in the week. We will follow up on this topic with them and respond to you later this week with a more detailed response.

Regards,
New gTLD Operations Team

---------- Original Message ----------
From: Shaul Jolles Contact Information Redacted
Sent: 5/19/2014 3:02 PM
To: Contact Information Redacted
Contact Information Redacted

Contact Information Redacted

Subject: Concerns regarding CPE

Good afternoon Christine,

We are reaching out to ICANN with serious concerns brought to our attention over the EIU's handling of the CPE Authenticity process for Dot Registry's applications for .inc, .llc and .llp.

Over the last several months, the evaluators have reached out to all of the authors of Dot Registry's support letters attached to our applications, requesting that they; (1) first, prove their authority to write such letters of support and (2) after sending a second letter, that they give their "explicit" consent and authorization of Dot Registry to operate the respective gTLDs. Many Secretaries of State have been contacted in upwards of five or more times for the same letter of support and have expressed their concerns that this process reflects poorly on ICANN's ability to manage the CPE process. Much like the President of the U.S., these Secretaries of State have also been sworn to office, under oath, to act in an official governmental capacity. The repeated contact by the evaluators of these government officials, which already carry heavy work-loads, has become excessive and burdensome.

Dot Registry has been contacted by all of the Secretaries of State offices, expressing their increased irritation level with having to repeatedly verify that they are a government official. Each office has indicated that it appears their responses, like their previous support correspondence over the last two years, has fallen on deaf ears and is not being taken seriously by ICANN. They have all indicated that this reflects poorly on ICANN and we are finding it difficult to defend the EIU's actions, ICANN and the process, without clear and convincing examples, to the contrary.

Further, the response period requested by the evaluators at this point is over the 90 day from evaluation start time-line, which indicates that the evaluations are not on schedule. Dot Registry kindly requests that ICANN ensure that the schedule is adhered to as established and set forth. If a deviation in the schedule is required, the affected applicant should be promptly notified. To date, that has not been the case.

In closing, we would greatly appreciate it if ICANN would review the concerns set forth in this email and take appropriate remedial action to stop the barrage of emails going to Secretaries of State and ensure the CPE timeline is adhered to. Below are several examples received today, as outlined above, to demonstrate the growing frustration mounting with Dot Registry's community.

From one Secretary of State after receiving 5 requests:

Sara, Andrei, and Conrad,
I have responded to each of you twice regarding the top level domains of .LLC, .LLP, .CORP, and .INC and the verification of the letters I have written as well as the support for Dot Registry's community application.
I though it might be helpful to make sure you also have a letter from the National Association of Secretaries of State (NASS), which I am a member of, that clearly details the support of the entire organization and how critical a community application is for the issuance of these specific top level domains.

From another Secretary of State after "additional verification" request:

Andrei…

I am a bit concerned with the tone and aggressiveness in your email below.

I had already responded to a Mr. Conrad Heine at the Economist and now question the veracity of your request as well the role of "the Economist".

Frankly, I am now questioning if your contact is a legitimate email? If so, what is the interest of The Economist in "verifying the authenticity of our position".

Further, Mr. Heine (email of May 8) asked for a response by June 7 – and now you are requesting a response by May 30.

As your letter states, *"**we must confirm whether or not your organization explicitly supports this community based application"** .*

This statement seems a bit drastic, and hence has raised red flags.

I also question why you wrote to the public email for my office and not the direct email to me?

– As Mr. Heine used.

- As was on my original letter.

Before I have any further communications with you or your organization, I would like some type of confirmation on:

· Who you are?

· Who you represent?

· *Confirmation* of your representation?

· What is the intent of any communication with me or my office?

· Will this response or any of those received from other Secretaries of State be in an article in your publication?

Thank you…

Thanks for your attention Christine.

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

ref:_00Dd0huNE._500d0HmLkf:ref

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted

Reconsideration Request Form

Version of 11 April 2013

1. Requester Information

Name: Dot Registry, LLC

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

Name: National Association of Secretaries of State

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

2. Request for Reconsideration of (Check one only):

___ Board action/inaction

X_ Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

Dot Registry, LLC ("Dot Registry") is seeking reconsideration of the Economic Intelligence Unit ("EIU") Community Priority Evaluation panel's (the "Panel") determination that Dot Registry's application, no. 1-880-35508 for .LLP (the ".LLP Community Application") did not meet the requirements for Community Priority specified in the Applicant Guidebook ("AGB") (the "Panel Determination") and subsequent placement of the Application into active contention by the New gTLD Programming Committee ("NGPC").

4. Date of action/inaction:

The Community Priority Evaluation Report (the "Report") lists the date of the Panel Determination as June 11, 2014. Dot Registry believes that as a result of the Panel Determination, the Application was placed into active contention by the NGPC shortly thereafter.

5. On what date did you became aware of the action or that action would not be taken?

Dot Registry became aware of the Determination on June 11, 2014 when Dot Registry received an email indicating the Community Priority Evaluation ("CPE") status for the .LLP Community Application had been updated and to view its CSC portal for more information.

6. Describe how you believe you are materially affected by the action or inaction:

The Panel Determination, based on its violation and misapplication of the policies and processes set out in the AGB, CPE Guidelines and ICANN Bylaws, and the subsequent placement of the .LLP Community Application into active contention by the NGPC, will materially affect Dot Registry because Dot Registry will now have to resolve contention of the Application with seven other applicants. This will cause significant material harm to Dot Registry. As a result of the Panel Determination, which is inconsistent with both AGB and ICANN policy, Dot Registry will incur significant additional expenses to participate in the contention auction and ultimately may and not be able to operate the .LLP TLD.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

The improper denial of Community Priority status to the .LLP Community Application will likely result in delegation of the .LLP TLD to one of the non-community applicants, which as US government officials and Secretaries of State have stated, do not have enforceable safeguards in place. If the .LLP TLD proceeds to auction and the string is awarded to a generic, non-community application, ICANN is not only ignoring the direct communication provided by US and state government officials, which calls for transparent, enforceable registration policies,[1] but it is then possible that anyone could register an .LLP domain, even if they did not have an active limited liability partnership, which could result in significant harm to registered limited liability partnerships within the US, the consumers that patronize them and the US government officials then tasked with combatting the damages. The majority of US Secretaries of States are charged with the administrative oversight associated with business registration and reporting compliance in the US. Thus, state's would be financially taxed by the additional time and staff needed to investigate registrants of .LLP domain names that do not have an active limited liability partnership. The use of the designation .LLP implies that the company has the right to conduct business within the US. This designation if used haphazardly could create false consumer confidence, business identify theft and a legacy of damage that ultimately affects Registrants, end users and Registry operators. States are not adequately resourced to protect legitimate businesses from fraudulent operators. Furthermore, the use of a .LLP domain name by a company or entity that does not have an active limited liability partnership would violate state laws that specifically prohibit portraying a business as a limited

[1] *See* Annex 1.

liability partnership if it is not properly registered with the state[2] and/or deceptive trade practices' laws. Therefore, many Secretaries of State support a process which seeks to deter fraudulent business activities and provides some basic checks and balances in the use of domain extensions.

8. Detail of Board or Staff Action—Required Information

The Panel Determination, and the NGPC's subsequent placing of the .LLP Community Application into active contention in reliance on the Panel Determination, is inconsistent with established policies and procedures in the AGB and ICANN Bylaws. The inconsistencies with established policies and procedures include: (1) the Panel's failure to properly validate all letters of opposition; (2) the Panel's repeated reliance on "research" without disclosure of the source or substance of such research; (3) the Panel's "double counting"; (4) the Panel's apparent evaluation of the .LLP Community Application in connection with several other applications submitted by Dot Registry; and (5) the Panel's failure to properly apply the CPE criteria in the AGB in making the Panel Determination.

A. The Panel's Failure to Validate All Letters of Opposition

CPE Panels are required to validate all letters of support and opposition.[3] However, in evaluating the .LLP Community Application for Community Priority, the Panel here did not meet this obligation because the Panel did not validate all of the letters that were purportedly submitted in opposition to the Application, particularly those submitted by a group of non-negligible size. This is important because the .LLP Application only received 1 out of 2 points in the Opposition criteria, based on a purported opposition from a group of non-negligible size. Dot Registry is only aware of two letters submitted by a group of non-negligible size that could have been construed as in opposition to the application: a letter from the Secretary of State of Delaware, on March 5, 2014, stating his opinion that certain business identifier extensions should not be delegated[4] and a letter from the European Commission on March 4, 2014 expressing concern about Dot Registry's operation of .LLP due to usage of the term "LLP" outside of the US.[5] On March 20, 2014, the Secretary of State of Delaware submitted another letter clarifying that the State of Delaware was not opposed to the .LLP Community Application, which was posted on the ICANN new gTLD website on March 20, 2014.[6] Similarly, the European Commission submitted a letter rescinding its

---

[2] *See, e.g.*, http://www.leg.state.nv.us/NRS/NRS-088.html#NRS088Sec6062

[3] *See* Community Priority Evaluation FAQ's, http://newgtlds.icann.org/en/applicants/cpe/faqs-31oct13-en.pdf.

[4] https://www.icann.org/en/system/files/correspondence/bullock-to-dryden-radell-05mar13-en.pdf.

[5] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12359.

[6] http://newgtlds.icann.org/en/program-status/correspondence/bullock-to-crocker-20mar14-en.pdf.

earlier opposition to the application, which was posted to the ICANN website on March 25, 2014.[7] Notably, in addition to the letter being posted on the ICANN New gTLD website, the European Commission specifically asked that ICANN forward a copy of this communication to the Economist Intelligence Unit "for the avoidance of any potential confusion with the pending Community Priority Evaluation processes underway for Dot Registry." The follow up letters submitted by both the Delaware Secretary of State and the European Commission clearly show that these groups of non-negligible size do not oppose the .LLP Community Application. Furthermore, the European Commission confirmed to Dot Registry that it was never contacted by EIU in connection with validation of the purported opposition, and it is Dot Registry's understanding that the Panel never attempted to contact the Delaware Secretary of State to validate any purported opposition to the .LLP Community Application.

In addition to the Panel's failure to validate all letters of support and opposition constituting a violation of established CPE process, its refusal to identify the group of non-negligible size, which purportedly opposed the .LLP Community Application, is inconsistent with the ICANN policy and Bylaws requirement to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.[8] In its Determination, the Panel stated that the relevant letter of opposition from an organization of non-negligible size "was on the grounds that limiting registration to US registered limited liability partnerships only would unfairly exclude non-US businesses." What organization, other than the European Commission, who as discussed above, rescinded any opposition it might have had to the .LLP Community Application, could the Panel be referring to? The Panel's refusal to disclose the identity of this organization of non-negligible size, which is purportedly in opposition to the .LLP Community Application, is neither transparent nor fair. It is difficult to imagine what purpose the Panel could have for choosing not to identify this organization, since presumably any letter of opposition submitted by it would have been posted publicly anyway, and the Panel's failure to identify the organization calls into question whether such opposition actually exists. The BGC addressed this issue recently in its Determination of Reconsideration Request 14-1 regarding the Community Objection filed by the Independent Objector against the application or .MED. The BCG's language in that decision is instructive:

> "The Requester has provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application. Accordingly, the BGC concludes that ICANN not consider the Expert Determination at

[7] https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12412.
[8] ICANN Bylaws, Article III, Section 1.

issue."[9]

Similarly, since there is no evidence of public comments of relevance in opposition to the .LLP Community Application, the BGC should determine that the Panel Determination should not be considered.

B. The Panel's "Research"

In its Determination, the Panel repeatedly relies on its "research." For example, the Panel states that its decision not to award any points to the .LLP Community Application for 1-A Delineation is based on "[r]esearch [that] showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLP" and also that "[b]ased on the Panel's research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook."[10] Similarly, the Panel states that its decision not to award any points for 1-B Extension is based on its determination that the .LLP Community Application did not meet the criteria for Size or Longevity because "[b]ased on the Panel's research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook."[11] Thus, the Panel's "research" was a key factor in its decision not to award at least four (but possibly more) points to the .LLP Community Application. However, despite the significance of this "research", the Panel never cites any sources or gives any information about its substance or the methods or scope of the "research."

Dot Registry does not take issue with the Panel conducting independent research during its evaluation of the .LLP Community Application, which is permitted by the AGB."[12] However, as discussed above, ICANN's Bylaws obligate it (and by extension Staff and expert panels working on behalf of ICANN) to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.[13] To the extent that the Panel's "research" is a key factor in its decision not to award at least four (but possibly more) points to the .LLP Community Application, it is not consistent with ICANN's obligation to operate in a transparent manner or with procedures designed to ensure fairness; to not include even a single citation or any information on the substance or method of the "research." The principles of transparency and fairness require that the Panel should have disclosed to Dot Registry (and the rest of the community) what "research" showed that firms are typically organized around specific industries, locales and other criteria not related to the entities structure as an LLP and that there is no evidence of limited liability partnerships from different sectors acting as a community as defined by

---

[9]https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.
[10]http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[11]*Id.*
[12]*See* Section 4.2.3.
[13]ICANN Bylaws, Article III, Section 1.

the Applicant Guidebook.

C. The Panel's "Double Counting"

The AGB sets forth an established policy against "double counting" in the CPE criteria, such that "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."[14] However AGB contains numerous instances of double counting as does the Determination. For example, one of the requirements for Delineation is that "there must be awareness and recognition of a community (as defined by the applicant) among its members." However, "awareness and recognition of a community (as defined by the applicant) among its members" is also a requirement for Size and for Longevity. Accordingly, if a CPE panel makes a determination that there is not sufficient awareness and recognition of a community (as defined by the applicant) among its members to award any points to an application for Delineation,[15] then this negative aspect found in assessing an application for this one criteria will also affect the assessment of Size and Longevity and result in no points being awarded for Extension; as well as it did here when the Panel determined in these sections that "[t]here is no evidence that these LLPs would associate themselves with being part of the community as defined by the applicant."

The requirement for Uniqueness is an even more blatant violation of the principle of no double counting. The AGB states that in order to be eligible for a score of one for Uniqueness, the application must score a two or three for Nexus.[16] Accordingly, a negative aspect found in assessing Nexus will affect the assessment of Uniqueness, as it did in the Panel Determination as set forth below.

D. The Panel's Failure to Evaluate the .LLP Community Application Independent of other Applications

It is a well-established ICANN policy within the new gTLD program that every application will be treated individually.[17] Evaluating multiple applications together with regard to community priority violates this policy as well as ICANN's mandate to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Individual treatment aside, to the extent that the Panel is taking into account other applications when making its determination, fairness and transparency dictate that it should disclose this fact. The EIU's actions in evaluating applications for community priority are inconsistent with ICANN's well-established policy of treating gTLD applications individually and the ICANN policy and mandate to operate in a fair and

---

[14] AGB Section 4.2.3.
[15] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[16] AGB Section 4.2.3.
[17] *See, e.g.*, http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en, Section 2.10.

transparent manner. It is clear that the EIU panels for Dot Registry's .LLP Community Application, .LLP Community Application and .LLP Community Application (and likely the .GMBH Panel as well) were working in concert. First, the EIU panels gave the .LLP, .LLP, and .LLP Community Applications the exact same score, five out of sixteen.[18] Furthermore, all three Community Priority Evaluation Reports have virtually identical language and reasoning, with just some of the factual details swapped out, including heavy reliance on the yet as unidentified "research," to come to the same conclusions.[19] The failure of the Panel to evaluate the .LLP Community Application on its own merit and reliance in information and analysis of other applications may have resulted in the .LLP Community Application being penalized unjustly.

E. The Panel's Failure to Properly Apply the CPE Criteria

The process and criteria for evaluating Community Priority applications is set forth in Section 4 of the AGB. ICANN has also published the Community Priority Evaluation (CPE) Guidelines prepared by the EIU (CPE Guidelines),[20] the purpose of which, according to the ICANN website, is "to ensure quality, consistency and transparency in the evaluation process."[21] However, the "[CPE Guidelines] do not modify the framework or standards laid out in the AGB."[22] Accordingly, the policies and processes in the AGB control, as will be explained in more detail below, the scoring in and ultimate outcome of the Panel Determination is inconsistent with the CPE process set forth in the AGB.

1. Criterion #1: Community Establishment

The Panel determined that the community, as identified in the .LLP Community Application, did not meet the criterion for Delineation or Extension, and awarded the .LLP Application 0 out of 4 points for Community Establishment. This determination is not consistent with the AGB and CPE Guidelines.

a. Delineation

The Panel determined that the community, as identified in the .LLP Community Application, did not meet the criterion for Delineation because the community did not demonstrate sufficient delineation, organization and pre- existence and awarded the .LLP Community Application 0 out of 2 points.

i. **Delineation**

[18]https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf; http://www.icann.org/sites/default/files/tlds/inc/inc-cpe-1-880-35979-en.pdf; http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[19]*See* Annex 2, redlines of the .LLP and .INC Determination against the .INC Determination.
[20]http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf.
[21]http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en.
[22]*Id.*

According to the Panel Determination, 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.[23] The Panel acknowledged that the community definition in the .LLP Community Application shows a clear and straightforward membership. However, the Panel determined that the community, as defined in the application, does not have awareness and recognition of a community among its members, because:

> "limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an LLP. Based on the Panel's research, there is no evidence of LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant."

As discussed above, the Panel bases this determination on mysterious "research" to which it does not provide any citations or insight as to how the research was conducted. That aside, while firms may organize around specific industries, locales and other criteria not related to the entities structure as a limited liability partnership, this does not preclude firms from also organizing around the entities' structure as a limited liability partnership. In fact, while there may be a wide variation of the types of companies that elect to become limited liability partnerships, there are still commonalities and binding requirements for any limited liability partnership registered in the US. Specifically, every registered limited liability partnerships in the US would describe themselves as a registered limited liability partnership within the US, the exact definition of our community. Additionally each member of the LLP community chose this particular legal entity type to operate as, with the understanding and expectation of the tax and legal benefits and liability protections that the entity type provides. Accordingly, all members of the LLP community have a shared and common interest to the extent that there is a change to the legal or tax treatment of limited liability partnerships, which would affect all members of the LLP community. Furthermore, there is ample evidence that LLPs would associate themselves as being part of the LLP community because, at a minimum: (1) they chose to become a limited liability partnership and join the community; (2) they identify themselves as part of the community by including the word "LLP" in their official name; and (3) they must identify themselves as part of the community when filing tax returns and filing out other legal documents.

[23] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.

ii. 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 Panel indicated that the community, as defined in the application, does not have at least one entity mainly dedicated to the community because:

> Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations.[24]

First, inclusion of the term "mainly" implies that the entity administering the community may have additional roles/functions beyond administering the community. In addition to administering filings and record keeping of limited liability partnerships, many Secretaries of State are dedicated to providing information about limited liability partnerships through their websites, pamphlets and other programs and support to existing members of the LLP community, as well as those considering joining the LLP community.

There is also ample evidence of community activities, which was seemingly ignored by the Panel. These activities include things that all members of the LLP community must do such as filing an annual report and other documents and claim their status as an limited liability partnership on their state and federal tax returns—activities which identify them as members of the LLP community; which they otherwise would not do if they were not part of the LLP community.

iii. Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007. The Panel determined that the community defined in the .LLP Community Application does not meet the requirements for pre-existence. However, rather than providing evidence or explanation for this determination, the Panel instead merely cites a sentence from the AGB[25] and then makes the conclusory determination that the .LLP Community Application

---

[24] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.

[25] "[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 get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application)."

refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string; which is based on the Panel's previous conclusion that limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant—a conclusion that Dot Registry has shown is questionable at best. In fact, as the panel must be aware, limited liability partnerships have existed in all 50 states long before September 2007. Furthermore, 100% of the states have acknowledged that the community exists through the National Association of Secretaries of State.[27]

b. Extension

The Panel determined that the community, as identified in the application, did not meet the criterion for Extension because the .LLP Community Application did not demonstrate considerable size or longevity for the community identified in the .LLP Community Application, which is inconsistent with the AGB.

i. **Size**

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must be of considerable size and (2) must display an awareness and recognition of a community among its members.[28] However, the second requirement for size cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "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."[29]

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of size. The Panel's application of this additional requirement to the criteria of Size, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above; since the Panel erroneously determined that the members of the LLP community do not have an awareness of their community.

---

[27] *See* Annex 3.
[28] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[29] AGB, Pgs. 4-11.

As the Panel acknowledged, “[t]he community as defined in the application is of a considerable size..[t]he community for .LLP as defined in the application is large in terms of number of members.”. Accordingly, when the AGB definition of "Size" is properly applied, it is clear that the community identified in the .LLP Community Application meets this criteria and should have been awarded points.

ii. Longevity

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must demonstrate longevity; and (2) must display an awareness and recognition of a community among its members.[30] However, the second requirement for longevity cited by the Panel—that the community must display an awareness and recognition of a community among its members—does not exist in the AGB definition of size. Rather, the AGB states that:

> "Longevity" means that the pursuits of a community are of a lasting, non-transient nature.[31]

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of longevity. The Panel's application of this additional requirement to the criteria of longevity, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not "double counting" as discussed above, since the Panel erroneously determined that the members of the LLP community do not have an awareness of their community.

limited liability partnerships are corporate structures that are intended to be perpetual until either the entity is wound down or the statutory requirements are not met. In other words, they are the direct opposite of transient. Accordingly, when the AGB definition of "longevity" is properly applied, it is clear that the community identified in the .LLP Community Application meets this criteria and should have been awarded points.

2. Criterion #2: Nexus Between Proposed String and Community

The Panel determined that the .LLP Community Application did not meet the criterion for Nexus of Uniqueness and awarded no points. However, the Panel's determination with regards to Nexus was based on incorrect factual information and the Panel's determination with regard to Uniqueness was based on its erroneous determination of Nexus.

a. Nexus

The Panel determined that the .LLP Community Application did not meet the criterion for Nexus because while the string identifies the community, it over-

[30] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[31] AGB, Pgs. 4-11.

reaches substantially beyond the community.[32]

According to the Panel, "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."

As an initial matter, it should be noted that according to the AGB, to receive the maximum score of three, "the essential aspect is that the applied for string is commonly known by others as the identification/name of the community." However, regardless of whether the AGB standard or the inconsistent Panel standard is applied, it is clear that the .LLP Community Application should still receive the maximum number of points for Nexus. In fact, the Panel acknowledged that "the string identifies the name of the community."[33] However, unfortunately for Dot Registry, the Panel also erroneously determined that the string substantially overreaches because "LLP" is also used in some countries outside the US. While there may be some use of “LLP” in countries outside the US, it is not used outside the US in connection with the .LLP community described in the .LLP Community Application. Notably, no relevant organization in any of these countries submitted any opposition to the .LLP Community Application. Furthermore, the AGB does not require applicants to define "any connotations the string may have beyond the community" and does not provide any direction in relation to scoring question 20A negatively if the designation is used outside of the community regardless of scale. Accordingly, it is clear that the .LLP Community Application should receive full points for Nexus.

b. Uniqueness

The Panel determined that the application does not meet the criterion for Uniqueness because the string does not score a two or a three on Nexus. However, as discussed above, the only reason that the .LLP Community Application did not score a two or three on Nexus was due to the Panel's erroneous determination. Furthermore, the Panel's basing of its decision with regard to Uniqueness (and the AGB's direction to do so) on the results of another criteria violates the established policy against double counting.

3. Criterion #3: Registration Policies

The Panel correctly awarded the .LLP Community Application points for Eligibility, Name Selection, and Content and Use, but determined that the .LLP Community Application did not meet the criterion for Enforcement because it provided specific enforcement measures but did not include appropriate appeal mechanisms. However, the .LLP Community Application does in fact contain an appropriate appeals mechanism.

---

[32] http://www.icann.org/sites/default/files/tlds/llp/llp-cpe-1-880-35508-en.pdf.
[33] *Id.*

According to the .LLP Community Application, the enforcement mechanism is as follows:

> DOT Registry or it's designated agent will annually verify each registrants community status in order to determine whether or not the entity is still an "Active" member of the community. Verification will occur in a process similar to the original registration process for each registrant, in which each registrant's "Active" Status and registration information will be validated through the proper state authority. In this regard, the following items would be considered violations of DOT Registry's Registration Guidelines, and may result in dissolution of a registrant's awarded ".LLP" domain:
>
> (a) If a registrant previously awarded the ".LLP" domain ceases to be registered with the State.
>
> (b) If a registrant previously awarded a ".LLP" domain is dissolved and/or forfeits the domain for any reason.
>
> (c) If a registrant previously awarded the ".LLP" domain is administratively dissolved by the State.

The .LLP Community Application also contains an appeals mechanism, which is that:

> Any registrant found to be "Inactive," or which falls into scenarios (a) through (c) above, will be issued a probationary warning by DOT Registry, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State's office. If the registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLP" will be forfeited.

The AGB states that "[t]he 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."[34] While the above-referenced appeal process may not be a traditional appeals process, it is appropriate to, and aligned with, the community-based purpose of the .LLP Community Application. Here, the .LLP Community Application is restricted to those with active limited liability partnerships. Because Dot Registry will verify the status of the limited liability partnership, which is the basis for a second level domain registration in .LLP, it will be a simple matter to verify whether the limited liability partnership is "active" or not. To the extent that the limited liability partnership is not in "active" status, the registrant is issued a probationary warning. This warning allows the

[34] AGB, Pgs. 4-16.

registrant to appeal Dot Registry's inactivity determination by resolving the issue with the relevant Secretary of State and restoring the domain name to active status. Notably, .edu utilizes a similar appeals mechanism.[35] Accordingly, the .LLP Community Application should have received points for Enforcement.

4. Criterion #4: Community Endorsement

The Panel LLPorrectly determined that the .LLP Community Application only partially met the criterion for Support and Opposition, which is inconsistent with the CPE process as set forth in the AGB.

a. Support

The Panel awarded the .LLP Community Application only 1 out of 2 points for Support because it determined that while Dot Registry possesses documented support from at least one group with relevance, Dot Registry was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community or documented support from a majority of the recognized community institution(s)/member organization(s).

The Panel acknowledged that the .LLP Community Application included letters of support from a number of Secretaries of State of US states which constituted groups with relevance, but that the Secretaries of State are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. As discussed above, in addition to administering filings and record keeping of limited liability partnerships, many Secretaries of State are dedicated to providing information about LLPs through their websites, pamphlets and other programs and support to existing members of the LLP community (including Dot Registry, which as an LLP is a member of the community); as well as those considering joining the LLP community, the Secretaries of State *are* the recognized community institutions. As also discussed above, numerous letters of support and endorsement were submitted by members of the LLP community, including one from the National Association of Secretaries of State in which it described the agreement of 100% of the states for community operation of .LLP. However, these letters appear not to have been considered by the Panel, and in any case were not validated by the Panel in connection with the .LCC Community Application. Accordingly, the .LLP Community Application should have been awarded full points for Support.

b. Opposition

The Panel determined that the .LLP Community Application partially met the criterion for Opposition because it received relevant opposition from one group of non-negligible size. As discussed above, the only groups of non-negligible size that could even arguably be viewed as having submitted opposition are the Secretary of State of Delaware or the European Commission. However, the Secretary of State of Delaware clarified that it did not oppose the .LLP

[35] http://net.educause.edu/edudomain/show_faq.asp?code=EDUPOLICY#faq425.

Community Application and the European Commission rescinded any comments in opposition to the .LLP Community Application. Furthermore, any opposition by the European Commission, even if it existed, which clearly it does not, is not relevant because the LLP designation is not used in Europe. Additionally, as also discussed above, to the extent any opposition by the Secretary of State of Delaware or European Commission existed, which it does not, the Panel failed to validate any such letters in connection with the .LLP Community Application. Accordingly, the .LLP Community Application should have been awarded full points for Opposition.

9. What are you asking ICANN to do now?

(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

Dot Registry is asking that ICANN reverse the decision of the Panel and grant Dot Registry's .LLP TLD application Community Priority status. There is precedence for this when, as here, there is substantial and relevant evidence indicating that the Objection was inconsistent with ICANN procedures.[36] Just recently, the BCG concluded that ICANN not consider the Expert Determination in the Community Objection filed against .MED because the Requester provided the BGC with uncontroverted information demonstrating that the public comments on which the Objection was based were not, in fact, in opposition to the Requester's application, as is the case here. In the alternative, ICANN should disregard the results of the first Panel determination and assemble a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLP TLD application in compliance with the policies and processes in the AGB, CPE Guidelines and ICANN Bylaws. To the extent that ICANN assembles a new Panel to re-evaluate the .LLP Community Application for Community Priority, the Panel should not be affiliated with EIU, or at a minimum, should not consist of the same EIU panelists or anyone who participated in the initial CPE.

10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration and the grounds or justifications that support your request.

Dot Registry has standing and the right to assert this request for Reconsideration because the Panel's Determination, and the NGPC's subsequent placement of Dot Registry's .LLP application into active contention, was based on the Panel's failure to follow the established policies and procedures for Community Priority Evaluation in the AGB and ICANN's Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that the Panel failed to follow the established

[36] https://www.icann.org/en/system/files/files/determination-medistry-21jun14-en.pdf.

policies or processes in reaching its determination, or that staff failed to follow its policies or processes in accepting that determination.[37] In addition, the NGPC's placement of the .LLP Community Application into active contention based on the Panel Determination constitutes Staff or Board Action. Furthermore, Staff became involved with the Panel Determination when it responded to complaints that the Panel did not engage in uniform or consistent manner when questioning Secretaries of State as part of the validation process for letters of support, resulting in an apology from EIU to the Secretaries of State.[38]

This failure to follow established policies and procedures by the Panel and the NGPC will result in material harm to, and will have an adverse impact on, Dot Registry, registered businesses in the US and consumers, as a result of the Determination and placement of Dot Registry's .LLP Application into active contention; at best, Dot Registry will have to expend significant additional funds to win the contention auction for .LLP, and, at worst, Dot Registry will lose the contention auction and not be able to operate the .LLP TLD and the string will be operated generically without necessary consumer protections in place.

This harm to Dot Registry, Secretaries of State, potential registrants and the public generally, can be reversed by setting aside the decision of the Panel and granting Dot Registry's .LLP TLD application Community Priority status, or in the alternative, by assembling a new CPE Panel to reevaluate the Community Priority election by Dot Registry for its .LLP TLD application, in compliance with the established policies and processes in the AGB and CPE Guidelines.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

X Yes

___ No

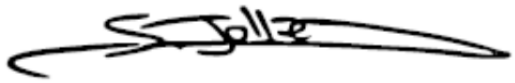
11a. If yes, is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

The causal connection between the circumstances of the Reconsideration Request and the harm caused by the awarding of the string to a non-community applicant are the same for Dot Registry and the National Association of Secretaries of State (NASS), on whose behalf this Request is also being made. Whereas the immediate harm to Dot Registry is material and financial, the harm

[37] *See* https://www.icann.org/en/system/files/files/determination-tennis-au-29apr14-en.pdf, DETERMINATION OF THE BOARD GOVERNANCE COMMITTEE (BGC) RECONSIDERATION REQUEST 14-12 and http://www.icann.org/en/groups/board/governance/reconsideration/recommendationbooking-01aug13-en.doc, BGC Recommendation on Reconsideration Request 13-5.

[38] *See* Annex 4.

to the Secretaries of State is related to their ability to prevent business fraud and consumer confusion. As discussed above, the improper denial of Community Priority to the .LLP Community Application will likely result in delegation of the .LLP TLD to one of the non-community applicants, which do not have enforceable safeguards in place, and could allow anyone to register a .LLP domain name regardless of their actual business registration status and entity type. This could facilitate fraudulent business registration, business identity theft and other harmful online activity, as well as cause significant consumer confusion and protection issues. Over the last two and a half years, NASS and many of its individual members have expressed their clear concerns via numerous letters to ICANN, the GAC and the FTC calling for the issuance of these strings in a community format, in order to provide appropriate protections for both the community and consumers with the necessary recourse required to hold the Registry Operators accountable if these strings are not operated in a responsible manner. As most of the Secretaries of State in the US have the ultimate responsibility for LLP registration and validation, this is of significant concern to them, and to NASS as well, which is acting on behalf of their interest. The issuance of these strings to a non-community applicant without enforceable protection mechanisms directly disregards the opinions expressed by the US Secretaries of State in regards to this matter and shows a blatant disregard by ICANN to operate accountably, as required by the ICANN bylaws.



_____ _June 26, 2014_____

Signature Date

Cooperative Engagement Process – Requests for Independent Review
11 April 2013

As specified in Article IV, Section 3 of the ICANN Bylaws, prior to initiating an independent review process, 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. It is contemplated that this cooperative engagement process will be initiated prior to the requesting party incurring any costs in the preparation of a request for independent review. Cooperative engagement is expected to be among ICANN and the requesting party, without reference to outside counsel.

The Cooperative Engagement Process is as follows:

1. In the event the requesting party elects to proceed to cooperative engagement prior to filing a request for independent review, the requesting party may invoke the cooperative engagement process by providing written notice to ICANN at [independentreview@icann.org], noting the invocation of the process, identifying the Board action(s) at issue, identifying the provisions of the ICANN Bylaws or Articles of Incorporation that are alleged to be violated, and designating a single point of contact for the resolution of the issue.
2. The requesting party must initiate cooperative engagement within fifteen (15) days of the posting of the minutes of the Board (and the accompanying Board Briefing Materials, if available) that the requesting party's contends demonstrates that the ICANN Board violated its Bylaws or Articles of Incorporation.
3. Within three (3) business days, ICANN shall designate a single executive to serve as the point of contact for the resolution of the issue, and provide notice of the designation to the requestor.
4. Within two (2) business days of ICANN providing notice of its designated representatives, the requestor and ICANN's representatives shall confer by telephone or in person to attempt to resolve the issue and determine if any issues remain for the independent review process, or whether the matter should be brought to the ICANN Board's attention.
5. If the representatives are not able to resolve the issue or agree on a narrowing of issues, or a reference to the ICANN Board, during the first conference, they shall further meet in person at a location mutually agreed to within 7 (seven) calendar days after such initial conference, at which the parties shall attempt to reach a definitive agreement on the resolution of the issue or on the narrowing of issues remaining for the independent review process, or whether the matter should be brought to the ICANN Board's attention.
6. The time schedule and process may be modified as agreed to by both ICANN and the requester, in writing.

If ICANN and the requestor have not agreed to a resolution of issues upon the conclusion of the cooperative engagement process, or if issues remain for a request

for independent review, the requestor's time to file a request for independent review designated in the Bylaws shall be extended for each day of the cooperative engagement process, but in no event, absent mutual written agreement by the parties, shall the extension be for more than fourteen (14) days.

Pursuant to the Bylaws, if the party requesting the independent review does not participate in good faith in the cooperative engagement process and ICANN is the prevailing party in the independent review proceedings, the IRP panel must award to ICANN all reasonable fees and costs incurred by ICANN in the proceeding, including legal fees. ICANN is expected to participate in the cooperative engagement process in good faith.

From: "Shaul Jolles" Contact Information Redacted
Date: Sep 10, 2014 1:16 PM
Subject: Communication from ICANN regarding the CEP
To: Contact Information Redacted
Cc:

Dear Mr. Jeffrey,
I am writing to request confirmation that ICANN intends to participate in the Cooperative Engagement Process ("CEP") with Dot Registry, LLC ("Dot Registry"), which Dot Registry timely invoked on Friday, September 5, 2014. Please see the attached correspondence, which was sent to your email address and to independentreview@icann.org.

According to ICANN's Bylaws, and the guidelines for Cooperative Engagement Process – Requests for Independent Review incorporated by reference therein, ICANN must designate a single executive as the point of contact for the CEP and notify the requestor within three business days of receiving such request. Consequently, Dot Registry expected to receive a notice from ICANN yesterday, September 9, identifying the name of ICANN's representative and his or her contact information. As of the date and time of this communication, we have not received any such communication.

Please confirm that ICANN intends to participate in the CEP with Dot Registry and provide an estimated date by which ICANN will designate a representative. Please also confirm that Dot Registry's deadline to file an IRP will be extended by one day for each additional day that ICANN takes to complete the steps for a CEP required of it pursuant to its Bylaws, in order to ensure that both Dot Registry and ICANN have the benefit of the full time period allotted to work together to resolve or narrow the issues Dot Registry is contemplating bringing in an IRP.

Sincerely,

Shaul Jolles

Weil, Gotshal & Manges LLP

Contact Information Redacted

BY E-MAIL

Arif H. Ali
Contact Information Redacted

September 17, 2014

John O. Jeffrey
General Counsel & Secretary
Internet Corporation for Assigned Names and Numbers
Office of the General Counsel
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
Contact Information Redacted

Re: Request for Response from ICANN regarding Dot Registry's Notice Invoking the CEP and the Eligibility of gTLDs .INC, .LLC and .LLP for Auction

Dear Mr. Jeffrey:

I am writing to you on behalf of my client, Dot Registry, LLC ("Dot Registry"), after Dot Registry's repeated attempts to contact you have gone unanswered. The purpose of this letter is to request that ICANN (i) promptly respond to Dot Registry's notice invoking the Cooperative Engagement Process ("CEP") relating to its applications to the Internet Corporation for Assigned Names and Numbers ("ICANN") for the generic Top-Level Domains ("gTLDs") .INC, .LLC and .LLP, as required by ICANN's Bylaws; (ii) promptly confirm in writing that ICANN will extend Dot Registry's deadline to file an IRP by one day for each additional day that ICANN takes to complete the steps required of it in a CEP under its Bylaws; and (iii) immediately revert the status of the contention sets for the aforementioned strings to "on hold" and ineligible for auction on the basis of a pending an accountability mechanism.

Cooperative Engagement Process

Dot Registry timely invoked the CEP with ICANN relating to its applications for .INC, .LLC and .LLP on September 5, 2014, by emailing a notice to independentreview@icann.org and to you.[1] The CEP procedures, which are incorporated by reference into ICANN's Bylaws, expressly provide that within

[1] A copy of the email and attached notice is appended hereto as Appendix "A."

three business days of a party initiating the CEP, "ICANN ***shall*** designate a single executive to serve as the point of contact for the resolution of the issue, and provide notice of the designation to the requestor."[2] Accordingly, ICANN should have communicated to Dot Registry by no later than September 9, 2014, its point of contact for the CEP. On September 10, 2014, the chief executive officer of Dot Registry sent an email to you requesting confirmation that ICANN intends to participate in the CEP and that ICANN will extend Dot Registry's deadline to file a notice of request for Independent Review Process ("IRP") for one day for each additional day that ICANN takes to complete the steps for a CEP required of its pursuant to its Bylaws. Although the chief executive officer of Dot Registry received "read receipts" confirming that each of the emails sent to these addresses was, in fact, delivered and opened, Dot Registry has not received any response from ICANN as of the date of this letter.

It is difficult to understand why ICANN has not complied with the simple steps enumerated in the CEP procedures and designated a point of contact for the CEP or, at the very least, instructed a staff member to telephone or email Dot Registry to explain why ICANN might be delayed in responding. Instead, ICANN has left Dot Registry uncertain as to both ICANN's commitment to the CEP and the potential efficacy of eventually engaging in any CEP with ICANN. This is an odd position for an applicant to be in when ICANN expressly states in its CEP procedures that "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."[3] ICANN's failure to timely respond—or respond at all—leaves Dot Registry no choice but to file a notice of request for IRP or risk losing the opportunity to engage further with ICANN in its accountability mechanisms. ICANN's inaction and this result hardly seem consistent with ICANN's purported commitment to accountability and transparency.

Notice of Eligibility for Auction

Eleven days ***after*** Dot Registry submitted its notice invoking the CEP, Dot Registry received a notification through ICANN's customer portal that provided a link to its Contention Set Status page, which indicated that ICANN had changed the status of the contention sets for strings .INC, .LLC and .LLP from "on-hold," as a result of pending accountability mechanisms, to "active," and, therefore, eligible for auction, and provided a new date (January 21, 2015) for the auctions to be held.[4] ICANN's actions are inconsistent with its Articles of Incorporation and Bylaws and, therefore, Dot Registry requests that ICANN immediately return the status of the contention sets for these strings to "on-hold" and ineligible for auction on the basis of Dot Registry invoking the CEP.

---

[2] Bylaws, Art. IV, § 3(14); ICANN Cooperative Engagement Process – Requests for Independent Review, ¶ 3 (11 April 2013) [hereinafter CEP Procedures] (emphasis added).

[3] CEP Procedures at p. 1 (emphasis added).

[4] A copy of the notice is appended hereto as Appendix "B."

Auction is a mechanism of "last resort," as per the terms of ICANN's gTLD Applicant Guidebook.[5] The gTLD Applicant Guidebook evidences ICANN's preference that applicants resolve string contention amongst themselves or through the Community Priority Evaluation ("CPE") process, as Dot Registry attempted to do. Where, as is the situation here, at each opportunity available within the context of ICANN's accountability mechanisms, an applicant has raised serious concerns about the CPE process with respect to certain strings as well as specific claims about actions (as well as inaction) by ICANN staff and the Board in violation of ICANN's Articles of Incorporation and Bylaws, it would be wholly incongruous for ICANN to proceed with facilitating auctions for such strings.

In addition, ICANN's own "Update on Application Status and Contention Sets Advisory" (the "Advisory") provides as an example of why a contention set's status might be "on-hold," pending "ICANN accountability mechanisms."[6] The Advisory further explains that the "on-hold" status for a contention set means that "[t]here are pending activities that may impact the processing of the applications in the set" and that "[a]pplications in the set cannot complete certain Program processes such as Auction" until such status is cleared.[7] In other words, ICANN acknowledges that it is inappropriate to proceed with an auction when a CEP or an IRP is ongoing because such activities have the potential to impact the processing of the applications in the contention set.

Furthermore, we note that ICANN has placed other contention sets on hold pending the outcome of accountability mechanisms involving strings in the set. Although it may not always be appropriate for ICANN to do so, where Dot Registry's request for CEP was timely and proper, and the deadline for Dot Registry to file an IRP relating to these strings has not yet expired, it is particularly appropriate for ICANN to immediately halt any preparations for auctioning .INC, .LLC and .LLP and return the status of the contention sets for these strings to "on hold" and ineligible for auction.

Dot Registry's Requests

For all of these reasons, Dot Registry requests that ICANN (i) promptly respond to its notice invoking the CEP relating to its applications to ICANN for .INC, .LLC and .LLP, first by designating a single point of contact and notifying Dot Registry of the identify of and contact information for such person; (ii) promptly confirm in writing that ICANN will extend Dot Registry's deadline to file an IRP by one day for each additional day that ICANN takes to complete the steps required of it in a CEP under its

[5] gTLD Applicant Guidebook, Module 4.3 (June 2012), *available at* http://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf.

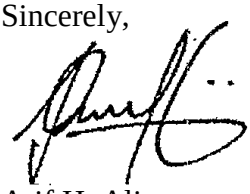
[6] Update on Application Status and Contention Sets Advisory (Sept. 4, 2014), http://newgtlds.icann.org/en/applicants/advisories/application-contention-set-14mar14-en.

[7] *Id.*

Bylaws; and (iii) immediately revert the status of the contention sets for the aforementioned strings to "on hold" and ineligible for auction on the basis of a pending accountability mechanism. We are confident that ICANN can comply with these requests, as Dot Registry merely asks that ICANN act in accordance with its Articles of Incorporation and Bylaws, including, without limitation, the CEP procedures incorporated therein by reference.

Dot Registry reserves all of its rights at law and in equity, including, without limitation, relating to the issues raised in this letter.

Sincerely,



Arif H. Ali

cc: Shaul Jolles, chief executive officer, Dot Registry Services, LLC

From: **Shaul Jolles** Contact Information Redacted
Date: Fri, Sep 5, 2014 at 10:21 AM
Subject: Cooperative Engagement Process
To: Contact Information Redacted

Mr. Jeffrey,

Dot Registry, LLC is writing to invoke the Cooperative Engagement Process described in Article IV, Section 3 of the Bylaws of the Internet Corporation for Assigned Names and Numbers for the following applications:

Application ID: 1-880-17627 for TLD: .LLC

Application ID: 1-880-35508 for TLD: .LLP

Application ID: 1-880-35979 for TLD: .INC

Please see attached letter and confirm receipt.

Thanks,

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

VIA EMAIL

September 5, 2014

John O. Jeffrey
General Counsel & Secretary
Office of the General Counsel
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
independentreview@icann.org

Re: Notice of Dot Registry Invoking the Cooperative Engagement Process for .LLC, .LLP and .INC

Dear Mr. Jeffrey:

Dot Registry LLC ("Dot Registry") is writing to invoke the Cooperative Engagement Process ("CEP") described in Article IV, Section 3 of the Bylaws of the Internet Corporation for Assigned Names and Numbers ("ICANN") for the following applications:

Application ID: 1-880-17627 for TLD: .LLC
Application ID: 1-880-35508 for TLD: .LLP
Application ID: 1-880-35979 for TLD: .INC

Basis for CEP

Dot Registry is seeking to raise and resolve with ICANN certain issues relating to the Determination of the Board Governance Committee ("BGC") on Reconsideration Requests 14-30 (.LLC), 14-32 (.INC), and 14-33 (.LLP), dated July 24, 2014 (the "Determination"), as discussed during the July 24 meeting of the BGC and documented in its meeting minutes, which were posted on ICANN's public website on August 22, 2014. In the process of considering Dot Registry's Reconsideration Requests and issuing the Determination, the BGC acted in direct violation of ICANN's Articles of Incorporation and its Bylaws, to the material and financial detriment of Dot Registry.

The BGC's actions and resulting harm to Dot Registry form the grounds on which Dot Registry could request an Independent Review Process ("IRP") with ICANN and, therefore, constitute a proper basis for participating in a CEP. Accordingly, Dot Registry seeks to participate in the CEP with ICANN in hopes of resolving its

issues with respect to the improper actions of the BGC and the EIU relating to Dot Registry's applications for .LLC, .LLP and .INC.

Violations of ICANN's Articles of Incorporation and Bylaws

ICANN's Articles of Incorporation bind it to "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." [1] Principles of international law provide that, at a minimum, ICANN act in good faith, avoid abuse of rights, engage in fair dealing and respect the legitimate contract-based expectations of the Internet community. Moreover, ICANN's Bylaws require ICANN, *inter alia*, to operate in an open, transparent and non-discriminatory manner, remaining accountable to the Internet community; [2] protect the security and stability of the Internet as well as consumer confidence and trust in the Internet; [3] ensure the accurate and unbiased application of ICANN's policies and procedures; [4] and give due regard to the policy recommendations of entities tasked with a policy role that are affected by ICANN actions. [5]

While Dot Registry has complied with ICANN's requirements at every stage of the new gTLD application process, the recent actions of ICANN's Board relating to the Determination, including ICANN's apparent willingness to overlook the grievous mishandling of the Community Priority Evaluation ("CPE") process by its staff and the Economic Intelligence Unit ("EIU"), are inconsistent with ICANN's Articles of Incorporation and Bylaws and deny Dot Registry its basic rights as a new gTLD community applicant. In doing so, ICANN has failed to comply with and enforce compliance with the processes and procedures outlined in the gTLD Applicant Guidebook, the CPE guidelines and ICANN's governing documents.

As described in Dot Registry's Reconsideration Requests, the EIU CPE panel not only failed to follow the procedures set forth in the gTLD Applicant Guidebook for the above-listed applications but also unduly harassed supporters of Dot Registry. By denying Dot Registry's Reconsideration Requests, ICANN protects the EIU from having to disclose its actions during the CPE process and endorses the EIU's egregious scope creep and misapplication of the CPE procedures set forth in the gTLD Applicant Guidebook and the serious errors committed by the EIU during Dot Registry's CPEs.

---

[1] ICANN Articles of Incorporation, Cl. 4 (21 November 1998).
[2] ICANN Bylaws, Art. I § 2(7), (8), (10), Art. II § 3, Art. III §§ 1, 6(1) (7 February 2014); Affirmation of Commitments, Cls. 3, 9.1 (30 September 2009).
[3] Bylaws, Art. I § 2(1); Affirmation of Commitments, Cls. 3, 9.1, 9.3.
[4] Bylaws, Art. I §2 (7), (8), Art. II § 3, Art. III § 1.
[5] Bylaws, Art. I §2(1), (3), (4), (7), (10), (11), Art. III § 6(1), Art. XI § 2(1), Affirmation of Commitments, Cl. 9.1.

In addition, over the past two years, the Governmental Advisory Committee, the Federal Trade Commission and various U.S. government officials have expressed specific concerns about the issuance of corporate identifier extensions and the consumer protection problems that could result from issuing these extensions without the proper protections offered by a community format. Rather than accord due regard to these recommendations, ICANN has completely disregarded them. Furthermore, instead of taking steps to ensure the protection of the Internet and consumer confidence in these extensions, ICANN has provided vague and inefficient solutions to the paramount risks that consumers could experience as a result of irresponsible management of these corporate identifiers.

For the above-stated reasons, we look forward to working with ICANN in the CEP to rectify the serious issues we have raised with respect to the handling of Dot Registry's CPE process and the denial of Dot Registry's Reconsideration Requests. Dot Registry, however, reserves all of its rights to pursue any and all remedies in the event that this CEP is unsuccessful.

Single Point of Contact for the CEP

Dot Registry designates its Chief Executive Officer, Shaul Jolles, as the single point of contact for this CEP. Mr. Jolles can be reached at Contact Information Redacted

Respectfully,

Shaul Jolles
CEO
Dot Registry, LLC

Dear Tess Pattison-Wade,

We are writing to inform you that the Auction date for the LLC contention set, has been adjusted from 17 December 2014 to 21 January 2015. This adjustment to the schedule is being made after further consideration by ICANN and Power Auctions for the capacity of the Auction. Moving this and the three other contention sets most recently notified of ICANN's intent to Auction from December to January will help us meter the total number of sets in both months closer to the target of 20 sets per Auction. These Auction dates are preliminary and will be confirmed via a case in the customer portal at least three (3) weeks prior to the Auction.

ICANN provides the current Auction Dates for all Contention Sets on the Contention Set Status pagehttps://gtldresult.icann.org/application-result/applicationstatus/stringcontentionstatus.

If the members of the contention set wish to advance or postpone the date of this auction, all members of the set must submit the Auction Date Advancement/Postponement Request form (http://newgtlds.icann.org/en/applicants/auctions/date-advancement-postponement-form-10jul14-en.pdf) no later than 45 days prior to the scheduled Auction.

Please feel free to add a comment to this case if you have any questions or concerns.

Best Regards,

Grant Nakata
New gTLD Operations Team

Weil, Gotshal & Manges LLP

Contact Information
Redacted

BY E-MAIL

Arif H. Ali
Contact Information
Redacted

September 30, 2014

John O. Jeffrey
General Counsel & Secretary
Internet Corporation for Assigned Names and Numbers
Office of the General Counsel
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
Contact Information Redacted

Re: Dot Registry's Intent to Auction Notifications for .INC, .LLC and .LLP

Dear Mr. Jeffrey:

Dot Registry, LLC ("Dot Registry") received final "Auction Notification Reminders" from "New gTLD Notify" at the Internet Corporation for Assigned Names and Numbers ("ICANN") on September 29, 2014, which state that the deadline for Dot Registry to file the "Intent to Auction Notifications" for gTLDs .INC, .LLC and .LLP is Wednesday, October 1, 2014. Dot Registry requests this final time that ICANN immediately revert the status of the contention sets for these strings to "on hold" and ineligible for auction on the basis of a pending accountability mechanism.

As you know, Dot Registry has repeatedly and timely raised serious issues about the Community Priority Evaluation ("CPE") process conducted by the Economist Intelligence Unit for these strings as well as specific claims about actions (and inaction) by ICANN staff and the Board in violation of ICANN's Articles of Incorporation and Bylaws. Given that Dot Registry timely invoked the Cooperative Engagement Process with ICANN on September 5, 2014; we wrote to you on behalf of Dot Registry on September 17, 2014, to request that ICANN revert the status of the contention sets for these strings to "on-hold;" Dot Registry timely filed a Request for Independent Review Process ("IRP") with the International Centre for Dispute Resolution on September 21, 2014; and we had a teleconference with you on September 26, 2014, regarding the issues raised in our written communications and submissions, it is wholly inconsistent with ICANN's policies and practice to proceed with facilitating auctions for these strings, particularly during the pendency of the IRP.

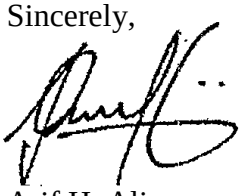
As we have noted previously, ICANN's own "Update on Application Status and Contention Sets Advisory" (the "Advisory") provides as an example of why a contention set's status might be "on-hold,"

pending "ICANN accountability mechanisms."[1] The Advisory further explains that the "on-hold" status for a contention set means that "[t]here are pending activities that may impact the processing of the applications in the set" and that "[a]pplications in the set cannot complete certain Program processes such as Auction" until such status is cleared.[2] In other words, ICANN acknowledges that it is inappropriate to proceed with an auction when an IRP is ongoing, because such activities have the potential to impact the processing of the applications in the contention set. Furthermore, we note that ICANN has placed other contention sets on hold pending the outcome of accountability mechanisms involving strings in the set.

In the event that ICANN does not immediately halt any preparations for auctioning .INC, .LLC and .LLP and return the status of the contention sets for these strings to "on hold" and ineligible for auction, Dot Registry will seek interim relief to enjoin ICANN from proceeding with these auctions during the pendency of the IRP.

Without prejudice to any claims Dot Registry may have and reserving all of its rights at law and equity, including, without limitation, the right to challenge the legitimacy of any auctions for .INC, .LLC and .LLP, Dot Registry is filing the Intent to Auction Notifications for these strings out of an abundance of caution to ensure that Dot Registry's intent to remain in the contention sets for these string is absolutely clear.

Sincerely,



Arif H. Ali

cc: ICANN New gTLD Notify, ngtld-notify@icann.org
Shaul Jolles, chief executive officer, Dot Registry Services, LLC

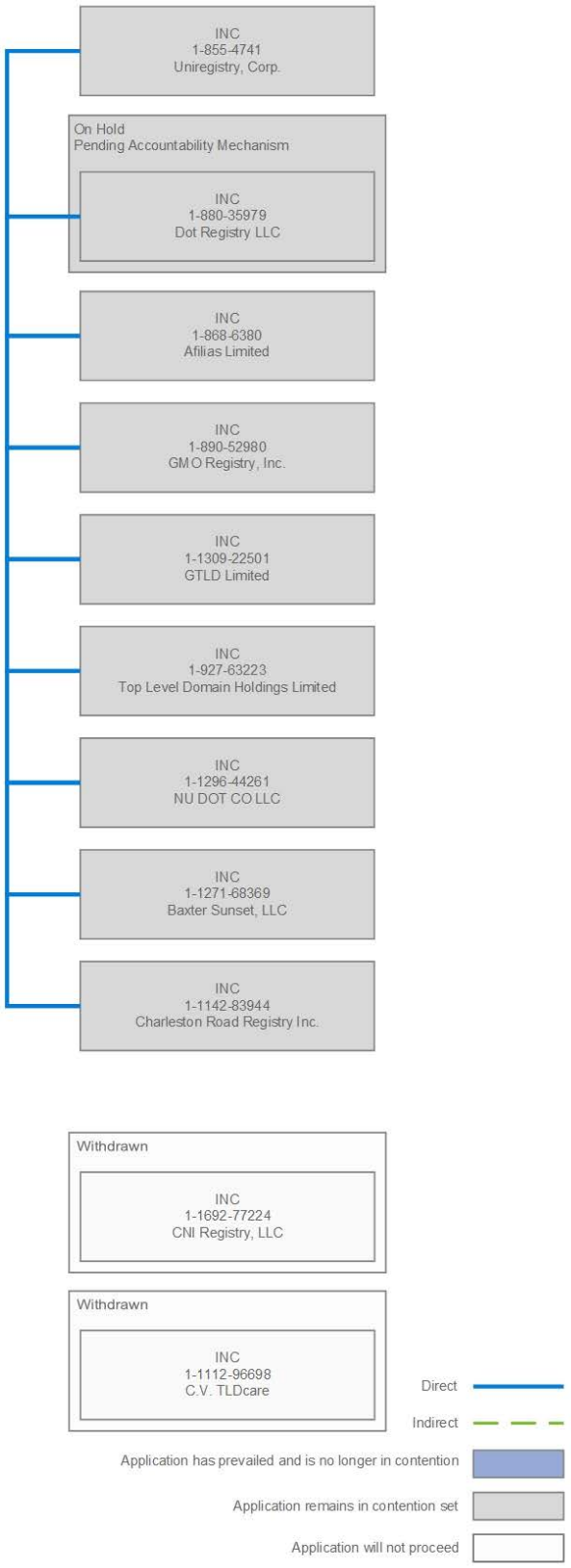
[1] Update on Application Status and Contention Sets Advisory (Sept. 4, 2014), http://newgtlds.icann.org/en/applicants/advisories/application-contention-set-14mar14-en.

[2] *Id.*

C-ER-25

Contention Set: **INC**

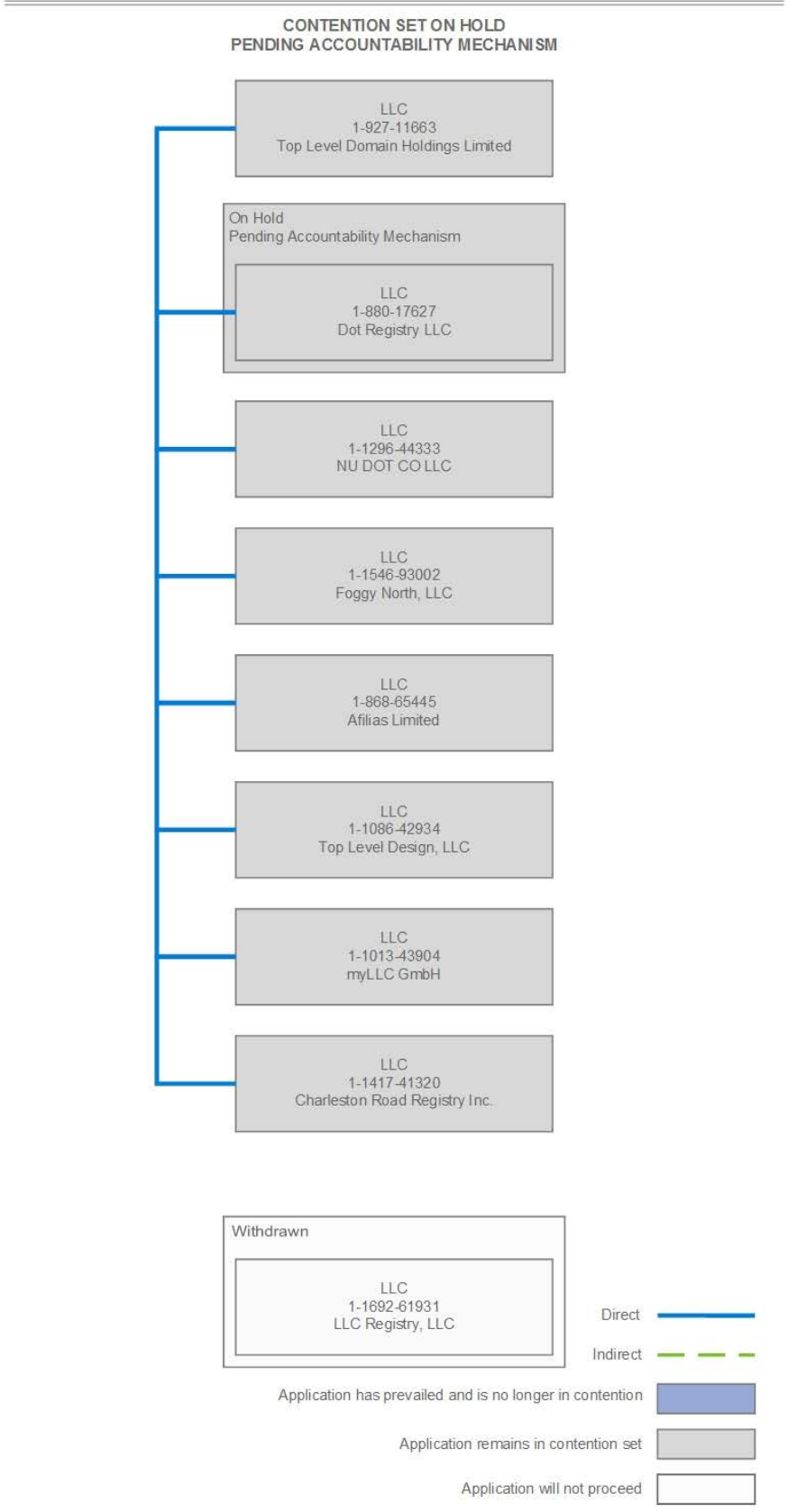
CONTENTION SET ON HOLD
PENDING ACCOUNTABILITY MECHANISM



September 26, 2014

C-ER-26

Contention Set: **LLC**

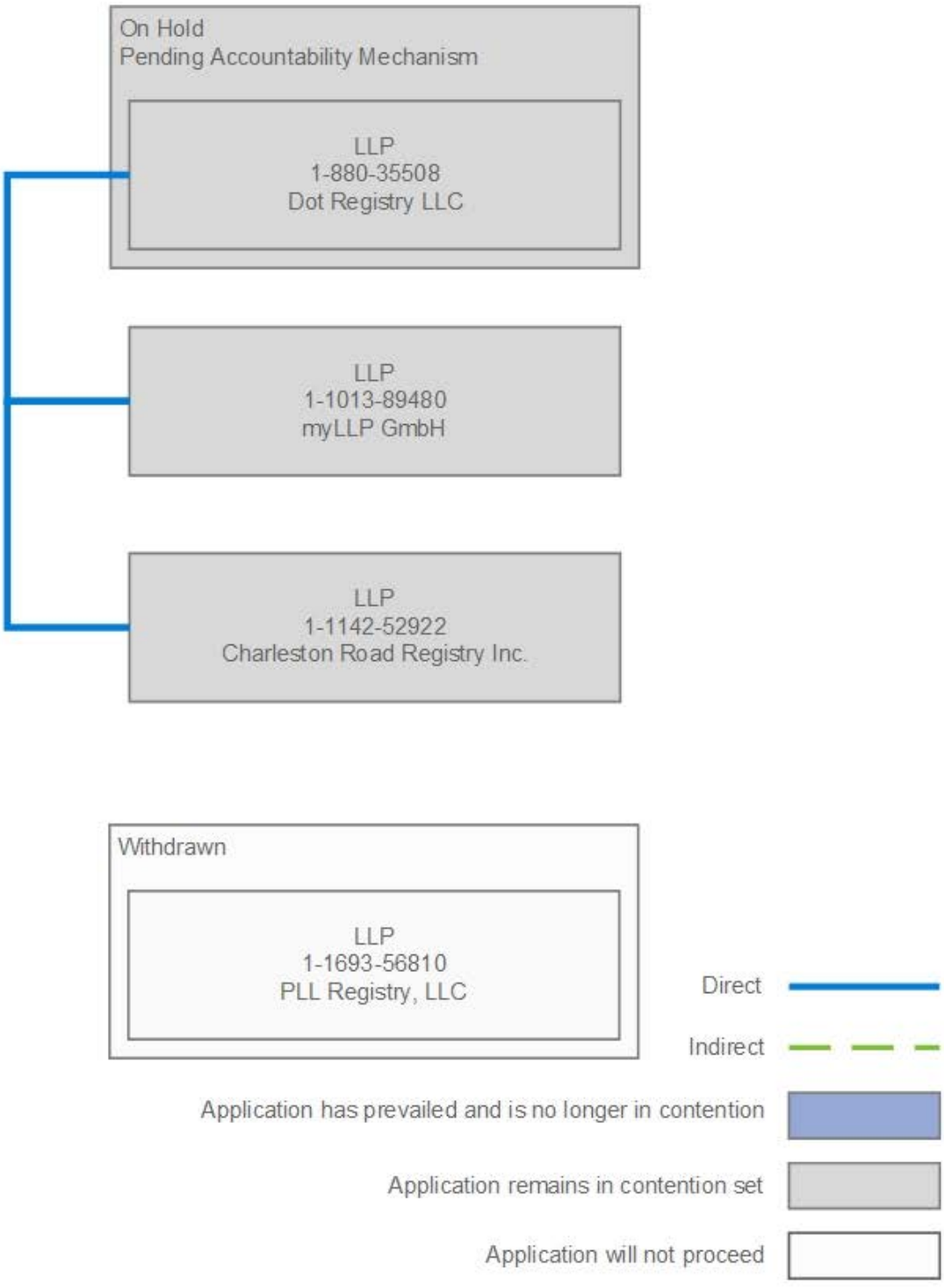


September 26, 2014

C-ER-27

Contention Set: LLP

CONTENTION SET ON HOLD
PENDING ACCOUNTABILITY MECHANISM



September 26, 2014

New gTLD Current Applica

https://gtldresult.icann.org/application-result/applicationstatus/viewstatus

Apps ICANN Contractual DocuSign Google GMail LinkedIn FB http://www.thedom ICANN ICANN New gTLDs ICANN Customer P ICANN GDD Portal https://kanbanflow https://groups.goo Webmail Login Craigslist Other Bookmarks

NEW GTLD CURRENT APPLICATION STATUS

INC Search Reset

Download All PICs
View All GAC Advice Responses
Contention Sets

CURRENT APPLICATION STATUS

Type
Application Status
Updates
Objections
GAC EW
Contention Sets
PICs
Apply Filters

APPLICATION PROCESSING

Show All Applications That Have:

Passed IE
Passed EE
Executed Contract
Completed PDT
Delegated

This page reflects the current application status. Application status will be updated from time to time to reflect the various New gTLD Program processes. Except for the application statuses "Withdrawn" and "Delegated", application statuses are not final.

A change in application status is intended to inform the applicants and the community of an application's current status. A change or update is not a definite indication that an application may proceed to another phase of the program. For more information including definitions of application statuses see the applicant advisory.

1 2 3 4 5 6 7 8 9 10 11 12

Prioritization Number	String [1]	Applicant	Location [2]
1216	ICE	IntercontinentalExchange, Inc.	US
1122	INC	GTLD Limited	HK

Contact name: **Edmon Chung**
Contact email: Contact Information Redacted
Application ID: **1-1309-22501**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

1481	INC	NU DOT CO LLC	US

Contact name: **Jose Ignacio Rasco**
Contact email: Contact Information Redacted
Application ID: **1-1296-44261**
Application status: **In Auction**
Evaluation result: **Pass IE**

String Contention

714	INC	CNI Registry, LLC	US

Contact name: **Joshua Bourne**
Contact email: Contact Information Redacted
Application ID: **1-1692-77224**
Application status: **Withdrawn**

Updates

1503	INC	C.V. TLDcare	NL

Contact name: **Mr. Tacco Merlijn Marijnen**
Contact email: Contact Information Redacted
Application ID: **1-1112-96698**
Application status: **Withdrawn**

Reset All

▼ 1818 INC Charleston Road Registry Inc. US

Contact name: **Sarah Falvey**
Contact email: Contact Information Redacted
Application ID: **1-1142-83944**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 964 INC GMO Registry, Inc. JP

Contact name: **Hiroya Tsukahara**
Contact email: Contact Information Redacted
Application ID: **1-890-52980**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 1136 INC Top Level Domain Holdings Limited VG

Contact name: **Antony Van Couvering**
Contact email: Contact Information Redacted
Application ID: **1-927-63223**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention
PICs

▼ 882 INC Afilias Limited IE

Contact name: **John Kane**
Contact email: Contact Information Redacted
Application ID: **1-868-6380**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 1721 INC Baxter Sunset, LLC US

Contact name: **Daniel Schindler**
Contact email: Contact Information Redacted
Application ID: **1-1271-68369**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention
PICs

▼ 421 INC Uniregistry, Corp. KY

Contact name: **Bret Fausett**
Contact email: Contact Information Redacted
Application ID: **1-855-4741**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 531 INC Dot Registry LLC US

Contact name: **Tess Pattison-Wade**

▼	531	INC	Dot Registry LLC	US

Contact name: **Tess Pattison-Wade**
Contact email: Contact Information Redacted
Application ID: **1-880-35979**
Application status: **On-hold**
Evaluation result: **Pass IE**
CPE: **Early Election**

Community[3]
Updates
String Contention

▶	842	ING	Charleston Road Registry Inc.	US
▶	297	INSURANCE	Dotfresh Inc.	AE
▶	1776	INTUIT	Intuit Administrative Services, Inc.	US
▶	518	IWC	Richemont DNS Inc.	CH
▶	1913	JCP	JCP Media, Inc.	US
▶	1870	JEWELRY	Richemont DNS Inc.	CH
▶	1033	JIO	Affinity Names, Inc.	US
▶	1590	JLC	Richemont DNS Inc.	CH
▶	355	JLL	Jones Lang LaSalle Incorporated	US
▶	1379	JNJ	Johnson & Johnson Services, Inc.	US
▶	1275	JUNIPER	JUNIPER NETWORKS, INC.	US
▶	1368	JUSTFORU	Safeway Inc.	US
▶	737	KETCHUP	ProMark Brands Inc.	US
▶	1822	KID	Charleston Road Registry Inc.	US
▶	1781	LAMER	The Estée Lauder Companies Inc.	US
▶	158	LASALLE	Jones Lang LaSalle Incorporated	US

▼ 1425 LLC Top Level Design, LLC US

Contact name: **Raymond King**
Contact email: Contact Information Redacted
Application ID: **1-1086-42934**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 342 LLC Dot Registry LLC US

Contact name: **Tess Pattison-Wade**
Contact email: Contact Information Redacted
Application ID: **1-880-17627**
Application status: **On-hold**
Evaluation result: **Pass Extended Evaluation**
CPE: **Early Election**

Community[3]
Updates
String Contention

▼ 1843 LLC Charleston Road Registry Inc. US

Contact name: **Sarah Falvey**
Contact email: Contact Information Redacted
Application ID: **1-1417-41320**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 335 LLC Top Level Domain Holdings Limited VG

Contact name: **Antony Van Couvering**
Contact email: Contact Information Redacted
Application ID: **1-927-11663**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention
PICs

▼ 941 LLC LLC Registry, LLC US

Contact name: **Joshua Bourne**
Contact email: Contact Information Redacted
Application ID: **1-1692-61931**
Application status: **Withdrawn**

▼ 1307 LLC Afilias Limited IE

Contact name: **John Kane**
Contact email: Contact Information Redacted
Application ID: **1-868-65445**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼ 798 LLC Foggy North, LLC US

Contact name: **Daniel Schindler**

▼ 798	LLC	Foggy North, LLC	US	
Contact name: **Daniel Schindler** Contact email: Contact Information Redacted Application ID: **1-1546-93002** Application status: **In Auction** Evaluation result: **Pass IE**				Updates String Contention PICs
▼ 462	LLC	NU DOT CO LLC	US	
Contact name: **Jose Ignacio Rasco** Contact email: Contact Information Redacted Application ID: **1-1296-44333** Application status: **In Auction** Evaluation result: **Pass IE**				String Contention
▼ 1472	LLC	myLLC GmbH	DE	
Contact name: **John Kane** Contact email: Contact Information Redacted Application ID: **1-1013-43904** Application status: **In Auction** Evaluation result: **Pass IE**				Updates String Contention
▶ 221	LLP	PLL Registry, LLC	US	
▶ 864	LLP	Dot Registry LLC	US	
▶ 1441	LOANS	June Woods, LLC	US	

1 2 3 4 5 6 7 8 9 10 11 12 13 14

Displaying 246 - 280 of 481

Notes:

1. **String [1]:** ASCII or Unicode for IDN strings
2. **Location [2]:** Indicated by applicant as principal place of business. Two-letter country code is based on ISO 3166-1 code lists. See http://www.iso.org/iso/country_codes/iso_3166_code_lists/country_names_and_code_elements.htm
3. **Community:** Based on applicant's answer to question 19
4. **Geographic:** Based on applicant's answer to question 21
5. **Applicant Support:** Three applications have applied for applicant support. See application IDs: 1-1309-46695 (KIDS), 1-1873-71868 (IDN) and 1-2104-81541 (UMMAH)
6. **Format:** In some cases the display of the application data has been adjusted for format consistency
7. The Geographic Names Panel has determined that the string does not fall within the criteria for a geographic name contained in the Applicant Guidebook Section 2.2.1.4.
8. The Geographic Names Panel has determined that the string falls within the criteria for a geographic name contained in the Applicant Guidebook Section 2.2.1.4. The applicant was contacted to provide documentation of support/non-objection per Section 2.2.1.4.3 of the Applicant Guidebook.

APPLICATION PROCESSING

Show All Applications That Have:

Passed IE

Passed EE

Executed Contract

Completed PDT

Delegated

Reset All

▶	1637	CLUB	Merchant Law Group LLP	CA
▶	1258	HOME	Merchant Law Group LLP	CA
▶	1027	LAW	Merchant Law Group LLP	CA
▼	221	LLP	PLL Registry, LLC	US

Contact name: **Joshua Bourne**
Contact email: Contact Information Redacted
Application ID: **1-1693-56810**
Application status: **Withdrawn**

▼	1408	LLP	myLLP GmbH	DE

Contact name: **John Kane**
Contact email: Contact Information Redacted
Application ID: **1-1013-89480**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼	1893	LLP	Charleston Road Registry Inc.	US

Contact name: **Sarah Falvey**
Contact email: Contact Information Redacted
Application ID: **1-1142-52922**
Application status: **In Auction**
Evaluation result: **Pass IE**

Updates
String Contention

▼	864	LLP	Dot Registry LLC	US

Contact name: **Tess Pattison-Wade**
Contact email: Contact Information Redacted
Application ID: **1-880-35508**
Application status: **On-hold**
Evaluation result: **Pass IE**
CPE: **Early Election**

Community[3]
Updates
String Contention

▶	1029	LOVE	Merchant Law Group LLP	CA
▶	281	NEWS	Merchant Law Group LLP	CA
▶	1280	PWC	PricewaterhouseCoopers LLP	GB

Displaying 1 - 15 of 15

Notes:

UPDATE ON APPLICATION STATUS AND CONTENTION SETS

Updated on 4 September 2014

ICANN has updated the "Update on Application Status and Contention Sets" Advisory to describe how application statuses and contention set statuses are currently being maintained. These changes reflect modifications that have been made to the process to enhance efficiency and transparency in application processing.

The following updates were made:

- The description of the "On-Hold" application status now reflects that applications may not "complete" certain Program processes while "On-Hold." Previously, the description indicated that an application would "stay in the current process step" until no longer "On-Hold."
- The contention set status descriptions have been updated to explain how each status reflects the pending activities within the contention set. Previously, contention set statuses were defined by whether or not applications in the contention set had statuses of "On-Hold."

Application Status and Contention Set Status

As applications complete evaluation and proceed to the next phases of the New gTLD Program, ICANN is updating application statuses and contention sets to provide a more complete picture of the current status of applications.

Updates Reflect the Results of the Most Recently Completed Processes:
ICANN is updating application statuses to reflect the results of various New gTLD Program processes. Such Program processes include Evaluation, Objections and Dispute Resolution, Community Priority Evaluation, and Auctions. ICANN is also updating contention sets as the result of these processes.

Note, however, that an update is not a definite indication that an application may proceed to another phase of the Program, such as contention resolution or contracting. Regardless of an application's status, it must meet all relevant eligibility criteria before proceeding to the next Program process. Application statuses are not final, except in the case of an application's status being "Withdrawn" or "Delegated." Further, contention sets listed as "On-Hold" are not final. Certain application statuses or contention sets, while updated to reflect the current status, may not yet be final because one or more of the applications in a contention set may be impacted by Program processes or other factors, including pending objection proceedings, ICANN accountability mechanisms, or direction from the ICANN Board's New gTLD Program Committee.

Explanation of Application Statuses:
The current application status page reflects the New gTLD Program process in which an application is currently engaged, for example, *In Contracting* or *In PDT*. An application engaged in one of the New gTLD Program processes as defined in Section 1.1.2 of the AGB is considered an active application and may have one of the following statuses: In IE, In EE, Evaluation Complete, In CPE, In Contracting, In PDT, or Transition to Delegation.

Alternatively, the page may reflect one of the following statuses for an application:

- **Withdrawn** – The applicant has withdrawn the application and will not continue in the New gTLD Program. This is a final status.
- **Not Approved** – The application is not approved and shall not continue in the New gTLD Program as a result of a resolution passed by the ICANN Board of Directors or a Committee of the ICANN Board, such as the New gTLD Program Committee.
- **Will Not Proceed** – The application has completed a Program process, and based on the outcome will not continue, as defined in the AGB. This could include process outcomes including but not limited to not passing evaluation, not prevailing a dispute resolution proceeding, not prevailing in contention resolution.
- **On-Hold** – May be applied if there are pending activities (e.g., ICANN accountability mechanisms, ICANN public comment periods on proposed implementation plans for Program-related activities, Board decisions, or other outstanding unresolved issues) that may impact the status of the application. The application is active but cannot complete certain Program processes such as Auction, Contracting, and Transition to Delegation until the On-Hold status is cleared.
- **Delegated** – Indicates the gTLD for this application has been delegated in the Root Zone of the DNS. This is a final status.

Explanation of Contention Set Status:
The following will be used to indicate the status of Contention Sets:

- **Active** – The set contains at least two active applications in direct contention with each other and there are no pending activities that may impact the processing of the applications in the set.
- **On Hold** –There are pending activities that may impact the processing of the applications in the set. Applications in the set cannot complete certain Program processes such as Auction, Contracting, and Transition to Delegation until the On-Hold status is cleared.
- **Resolved** – No direct contention remains amongst the active applications and there are no pending activities that may impact the processing of the applications in the set.

Application statuses and contention sets are updated on a weekly basis as necessary.

Click here to view the Current Application Status (https://gtldresult.icann.org/application-result/applicationstatus) page.

Click here to view the Contention Set Status (https://gtldresult.icann.org/application-result/applicationstatus/stringcontentionstatus) page.

Questions?

New gTLD Applicant: Submit an inquiry via the Customer Service Portal (https://myicann.secure.force.com/)
General Inquiries: Email us at newgtld@icann.org (mailto:newgtld@icann.org)
