

# ICANN CALL FOR EXPRESSIONS OF INTEREST (EOIs) for a New gTLD Comparative Evaluation Panel

25 February 2009

## 1 Introduction

Generic top-level domains (gTLDs) are an important part of the structure of the DNS. Examples of existing gTLDs include .BIZ, .COM, .INFO and .JOBS. A complete listing of all gTLDs is available at <http://www.iana.org/gtld/gtld.htm>. The responsibility for operating each gTLD (including maintaining the authoritative registry of all domain names registered within that gTLD) is delegated to a particular organization. These organizations are referred to as "registry operators" or "sponsors," depending upon the type of agreement they have with ICANN.

Following years of community-driven policy development that recommended the introduction of new gTLDs, ICANN is preparing a process to receive applications to operate new generic top-level domain (gTLD) registries. This new program is described in detail at <http://www.icann.org/en/topics/new-gtld-program.htm>. ICANN has published a draft Applicant Guidebook at <http://www.icann.org/en/topics/new-gtlds/comments-2-en.htm> that provides detailed information about the process for applying to operate a new gTLD. The Applicant Guidebook will constitute the request for proposals (RFP) for new gTLDs.

The development of the Applicant Guidebook is an iterative process, which includes seeking public comment on draft versions. The comment resulting from the publication of the first draft Applicant Guidebook led to the identification of several overarching issues that will require additional examination and discussion to resolve. Although ICANN has prepared a revised Applicant Guidebook, the information in the Guidebook is not yet fixed and the new gTLD process is not yet launched. While that work goes forward, steps will also be taken to assure there will be a robust, effective and timely evaluation process in place to review applications once the round is launched. Retaining competent evaluation panels with sufficient expertise, resources and geographic diversity is expected to take many months. Some preliminary steps, such as the publication of this call for expressions of interest, are being taken now, even as important decisions regarding the overall implementation process are still being considered.

ICANN is now seeking expertise to enable the formation of panels to evaluate applications against the criteria published in the Applicant Guidebook. Expressions of Interest (EOIs) in providing management and evaluation services are sought in the following five areas of assessment:

1. Has the applicant demonstrated their technical capability to run a registry for the purpose specified in the application, as measured against the criteria in the Applicant Guidebook?
2. Has the applicant demonstrated their financial and organizational capability, as measured against the criteria in the Applicant Guidebook?
3. In the context of the criteria specified in the Applicant Guidebook, does the gTLD represent a geographical name, and if so, have authenticated support from the relevant government?

4. Will the introduction of the proposed gTLD string likely result in user confusion with (i.e., due to similarity with) (i) a reserved name; (ii) an existing TLD; or (iii) other proposed gTLDs?
5. In the context of resolving contention among two or more applicants for the same or similar gTLD string, does an applicant claim to represent a community and if so, satisfy the criteria for prevailing in a comparative evaluation?

ICANN also seeks information from potential providers regarding estimation of reasonable timeframes for each type of evaluation (e.g., per string or per application) and anticipated costs associated with conducting the evaluation. The cost and time to process an application are critical factors that must be carefully considered in the information provided by the interested parties.

This EOI refers to question 5 above and describes the criteria and requirements for providers that seeking to perform the comparative evaluation of applications for identical (or very similar) strings. The comparative evaluation seeks to award a priority to applications representing communities. Providers should respond by 13 April 2009 23:59 UTC with the required information that is described below. From the information provided, ICANN will invite respondents to exchange additional information.

Contracts will not be awarded from this EOI, but ICANN expects to use the responses to identify entities capable of providing the various evaluation roles and better refine the costs and time frames for conducting evaluation as part of the new gTLD process.

## **2 Background**

The [Internet Corporation for Assigned Names and Numbers](#) (ICANN) is a not-for-profit, multi-stakeholder, international organization that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) top-level domain name system management, and root server system management functions. ICANN's mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of these systems. It coordinates policy development reasonably and appropriately related to these technical functions, consistent with ICANN's core values. Among these values are:

- Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet;
- Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment;
- Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest; and
- 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.

New gTLDs have previously been established based on proposals that were submitted to ICANN during two specific application periods. Materials from the 2000 application round, which led to the delegation of .AERO, .BIZ, .COOP, .INFO, .MUSEUM, .NAME and .PRO, are available at <http://www.icann.org/tlds/app-index.htm>. Materials from the 2003 round, which led to the delegation of .ASIA, .CAT, .JOBS, .MOBI, .TEL and .TRAVEL, are available at <http://www.icann.org/tlds/std-apps-19mar04>. Applications received during both of these rounds were evaluated on the basis of instructions and criteria contained in the respective RFPs published by ICANN. Applicants that were successful went on to negotiate and enter gTLD agreements with ICANN.

ICANN is now seeking a provider to supply and enable comparative evaluation of applications in cases of contention involving two or more applications for the same or similar strings, when one of the applicants indicates that it represents a community. (Note: A separate EOI is being issued for experts to assist with the Applicant Evaluation, i.e., assessment of technical and financial criteria; geographic names; and string similarity. It is recommended that potential providers review all drafts of the Applicant Guidebook and other resources on the new gTLD program available at <http://www.icann.org/en/topics/new-gtld-program.htm>).

The number of applications that will be received is unknown; however it is estimated to be several hundred or more. It is therefore vital that the provider be able to convene – or have the capacity to convene - as many panels of evaluators as is necessary to evaluate all the applications, in a timely and complete manner. For example, the provider may wish to consider the process it will use to evaluate applications, and how that process will scale if 100, 250, 500, 700, 900 or more applications are received. There should be a statement describing how 2000 applications would be processed (even though this is thought to be highly unlikely). The provider should also consider how the number of applications may impact evaluation timeframes and costs of evaluations.

It is expected that there will be more than one application round. Therefore, there may be an opportunity for cyclical work in evaluating applications. In the longer term, the work may become continuous with new gTLD applications being submitted and evaluated at any time.

In addition, given the international nature of the ICANN community and the likelihood that applications will be received for both ASCII and non-ASCII new gTLDs, it will be important that the provider can convene – or have the capacity to convene - globally diverse panels familiar with internationalized domain names (IDNs). A non-ASCII domain name, also called an IDN, is one that utilizes characters from the full Unicode set rather than just the “letter-digit-hyphen” characters specified in the original DNS standards. Using IDNs, for example, make it possible to add TLDs in Arabic, Hebrew, Cyrillic and other scripts. For more information on IDNs, please visit <http://www.icann.org/en/topics/idn/>.

### **3 Comparative evaluation**

If multiple Applicants request the same string, or strings that are determined to be unacceptably similar<sup>1</sup> to one another, a “string contention” process is invoked to determine which Applicant(s) should be permitted to proceed. The new gTLD policy states a claim to support a community by

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<sup>1</sup> String similarity is determined through a separate process that takes place prior to comparative evaluation.

one party will be a reason to award priority to that application. “Comparative evaluation” refers to the process whereby the claims of one or more Applicants to represent defined communities<sup>2</sup> are compared with respect to a set of evaluation criteria to determine if such a priority should be given. The process and the evaluation criteria are specified in [Module 4](#) of the Applicant Guidebook and in the new gTLD program [explanatory memorandum](#) “Resolving String Contention.” See appendix A, “Applicant Guidebook section describing Comparative Evaluation Process.”

Comparative evaluation is used only when a contention set<sup>3</sup> identified during the string contention process contains one or more self-declared community Applicant(s) and at least one of those community Applicants declared a preference for comparative evaluation. When these conditions are met, comparative evaluation applies to all of the community Applicants in a contention set, including those that did not declare a preference for comparative evaluation during the Application Phase.

Community Applicants will be asked to respond to a set of questions during the Application Phase to provide information should a comparative evaluation be necessary. Before a comparative evaluation begins, an Applicant may be asked by the evaluation service provider sought here to furnish additional information to substantiate its claim to represent the designated community.

String contention is resolved only after Applications have been subjected to and passed other evaluations, however, comparative evaluation is an independent analysis which does not consider any other results.<sup>4</sup>

When comparative evaluation is invoked during the string contention resolution process, a comparative evaluation panel will review and score the community Applicants according to four criteria:

- Nexus between proposed string and community
- Dedicated registration policies
- Community establishment
- Community endorsement

These criteria are defined in Module 4 of the Applicant Guidebook, which also defines the way in which the string contention process incorporates the various possible outcomes of comparative evaluation. The scoring process requires that the evaluators exercise considerable subjective judgment concerning the extent to which each community Applicant meets or fails to meet the standards defined for each of the four criteria. (A section of the Guidebook describing the criteria and scoring is attached in Appendix A.)

#### **4 Criteria**

ICANN anticipates expressions of interest (i.e., answers to questions posed in section 5 below) from providers to conduct the comparative evaluation of applications in contention must meet the following criteria:

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<sup>2</sup> Comparative evaluation applies only to Applicants claiming to represent different defined communities. Applicants competing to represent the same defined community must resolve their differences outside of the new gTLD program.

<sup>3</sup> The term “contention set” is defined in Module 4 of the Applicant Guidebook.

<sup>4</sup> An Application that fails at any point during IE or EE will, of course, never be involved in string contention.

1. The provider will be an internationally recognized firm or organization with significant demonstrated expertise in the evaluation and assessment of proposals in which the relationship of the proposal to a defined public or private community plays an important role.
2. The provider must be able to convene (either in advance or rapidly on-demand) a linguistically and culturally diverse panel capable (even though the applications will be submitted in English), in the aggregate, of evaluating Applications from a wide variety of different communities, which may:
  - be local or global in scope;
  - be based on geography, political affiliation, common interests, or other factors;
  - involve either commercial or non-commercial interests (or both); and
  - be either objectively defined or self-defining.<sup>5</sup>
3. The provider must propose a structure and plan for the comparative evaluation panel that is viable for a range in number of Applications, as the number of Applications, and the percentage of those that will invoke the comparative evaluation process, will not be known in advance. It is anticipated that the percentage of applications requiring comparative evaluation will be relatively small compared to the total number. Applications requiring comparative evaluation must: be a self-declared community-based TLD; be in contention with other applicants; and elect comparative evaluation.
4. Considering the comparative evaluation criteria defined in Module 4 of the Applicant Guidebook and described in Section 3 of this document, the provider must propose a panel that is capable of:
  - exercising consistent and somewhat subjective judgment in making its evaluations, (the Guidebook criteria seeks to make the judgment as objective as possible)
  - reaching conclusions that are compelling and defensible, and
  - documenting the way in which it has done so in each case.
5. The provider must convene and operate the comparative evaluation panel so as to prevent communication between the panel (or any of its members) and any party with an interest in the Applications being evaluated, except as may be explicitly permitted by the process as defined in the Applicant Guidebook, and to avoid conflicts of interest.
6. The provider should be comfortable that the Applicant Guidebook is comprehensive and satisfactorily expresses all selection criteria, but understand that it is not finalized. It is possible, that the provider will be selected before the Applicant Guidebook is finalized, it will have the opportunity to review the text to ensure that the basis for the evaluation is clear. The criteria must be objective, measurable, publicly available at the outset of the evaluation process, and described fully in the Applicant Guidebook. All applications will be evaluated against these criteria.
7. The evaluation process for selection of new gTLDs will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination.

## 5 Response to EOI Requirements

Interested parties should respond to each of the eight subject areas below. Responses will be gauged on the basis of the criteria defined in this document and Applicant Guidebook. Candidates desiring to express their interest to ICANN in the comparative evaluation role in the new gTLD program should provide the following:

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<sup>5</sup> An example of an objectively defined community is “the registered voters in the city of Perth, Australia”; an example of a self-defining community is “people who are interested in dogs.”

1. A Statement of Suitability that includes a detailed description of the candidate's ability to perform the work described in the previous section which demonstrates knowledge, experience and expertise, including but not limited to projects, consulting work, research, publications and other relevant information.
2. Evidence of the candidate's knowledge of and familiarity with ICANN, its role, structure and processes, including the Internet's Domain Name System (DNS) and past gTLD application and evaluation rounds.
3. The *curriculum vitae* for each person proposed by the candidate to manage or lead work on this project, the candidate's selection process for persons being proposed to ICANN, and explanation of the role that each named person would play. Also indicate the experience and availability of proposed panelists. The submission should identify any potential conflicts that would prevent them from making an objective evaluation of any application and how the conflict can be addressed.
4. A warrant that the candidate, if selected, will operate under ICANN's non-disclosure agreement and standard consulting agreement, and that neither the candidate nor any individual who might be engaged to work on this project (whether or not declared pursuant to (4) above) has a known conflict of interest.
5. A statement of the candidate's plan for ensuring fairness, nondiscrimination and transparency.
6. Considering the nature of the expertise necessary for evaluating applications for financial and technical criteria at a global scale, a statement of the candidate's plan for ensuring that the evaluation teams will consist of qualified individuals and that the candidate will make every effort to ensure a consistently diverse and international panel.
7. Project and operational timelines.
  - a. A proposed work schedule for planning and starting panel operations including key milestone dates, consistent with but more detailed than those specified in this document.
  - b. Projected targets for the time frame necessary for it to complete a thorough and careful evaluation of all applications. Identification of volumes of applications that can be processed in those timeframes.
8. Costs. The candidate should provide a detailed statement of the proposed fee structure, including any variable provisions that may be based on the number of comparative evaluations conducted, the number of comparative evaluations that involve IDNs, or other factors.

## **6 Deadline**

Interested providers must submit expressions of interest by email to [compara-eval-eoi@icann.org](mailto:compara-eval-eoi@icann.org) by 13 April 2009, 23:59 UTC. A confirmation email will be sent for each submission received within one business day.

Also send queries regarding this request to [compara-eval-eoi@icann.org](mailto:compara-eval-eoi@icann.org). Questions will be accepted until 3 April 2009, 23:59 UTC. Queries and answers will be posted to a page on the ICANN website dedicated to this purpose.

If selected, the successful candidate is expected to be ready to assist ICANN with the finalization of the Applicant Guidebook, prepare for the evaluation phase, and be ready to begin work within four months after release of the final Applicant Guidebook.

**Thanks you for your interest.**