

## Summary of Changes to Applicant Guidebook

Showing changes from 30 May 2011 version to version 2011-09-19

Section	Topic	Change to Text	Rationale and Comments
<i>Module 1</i>			
Introductory section		<del>A glossary of relevant terms is included at the end of this Applicant Guidebook.</del>	A glossary is included in the reference material available to applicants on the New gTLD Program page.
1.1.1	Application Submission Dates	<p>The user registration and application submission periods open at <del>00:01{time}</del> UTC <u>12 January 2012</u> <del>{date}</del>.</p> <p>The user registration period closes at <del>23:59-{time}</del> UTC <u>29 March 2012</u> <del>{date}</del>. <del>New users to TAS will not be accepted beyond this time. Users already registered will be able to complete the application submission process.</del></p> <p>Applicants should be aware that, due to required processing steps (i.e., online user registration, application submission, fee submission, and fee reconciliation) and security measures built into the online application system, it might take substantial time to perform all of the necessary steps to submit a complete application. Accordingly, applicants are encouraged to submit their completed applications and fees as soon as practicable after the Application Submission Period opens.</p>	Updated to include dates based on Board resolution <a href="http://www.icann.org/en/minutes/resolutions-20jun11-en.htm">http://www.icann.org/en/minutes/resolutions-20jun11-en.htm</a>

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		<p>Waiting until the end of this period to begin the process may not provide sufficient time to submit a complete application before the period closes. Accordingly, new user registrations will not be accepted after the date indicated above.</p> <p>The application submission period closes at <del>23:59[time]</del> UTC <u>12 April 2012[date]</u>.</p>	
1.1.2.1	Application Submission Period	<p>At the time the application submission period opens, those wishing to submit new gTLD applications can become registered users of the TLD Application System (TAS).</p> <p>After completing the user registration, applicants will supply a deposit for each requested application slot (see section 1.4), after which they will receive access to the full application form. To complete the application, users will answer a series of questions to provide general information, demonstrate financial capability, and demonstrate technical and operational capability. The supporting documents listed in subsection 1.2.2 of this module must</p>	Deleted reference to 60-day application submission period in accordance with 20 June 2011 Board resolution.

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		<p>also be submitted through the online application system as instructed in the relevant questions.</p> <p>Applicants must also submit their evaluation fees during this period. Refer to Section 1.5 of this module for additional information about fees and payments.</p> <p>Each application slot is for one gTLD. An applicant may submit as many applications as desired; however, there is no means to apply for more than one gTLD in a single application.</p> <p><del>The application submission period is expected to last for 60 days.</del></p> <p>Following the close of the application submission period, ICANN will provide applicants with periodic status updates on the progress of their applications.</p>	
1.1.2.3	Comment Period	Public comment mechanisms are part of ICANN’s policy development, implementation, and operational processes. As a private-public partnership, ICANN is dedicated to: preserving the operational security and stability of the Internet, promoting competition, achieving	Added terminology for Application Comment period.

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		<p>broad representation of global Internet communities, and developing policy appropriate to its mission through bottom-up, consensus-based processes. This necessarily involves the participation of many stakeholder groups in a public discussion.</p> <p>ICANN will open a comment period <u>(the Application Comment period)</u> at the time applications are publicly posted on ICANN’s website (refer to subsection 1.1.2.2). This period will allow time for the community to review and submit comments on posted application materials (referred to as “application comments.”) The comment forum will require commenters to associate comments with specific applications and the relevant panel. <u>Application</u> <del>c</del>Comments received within a 60-day period from the posting of the application materials will be available to the evaluation panels performing the Initial Evaluation reviews. This period is subject to extension, should the volume of applications or other circumstances require. To be considered by evaluators, comments must be received in the designated</p>	

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		comment forum within the stated time period.	
1.1.2.4	GAC Early Warning	A GAC Early Warning typically results from a notice to the GAC by one or more governments that an application might be problematic, e.g., potentially violate national law or raise sensitivities. A GAC Early Warning may be issued for any reason. <sup>1</sup> The GAC may then send that notice to the Board – constituting the GAC Early Warning. ICANN will notify applicants of GAC Early Warnings as soon as practicable after receipt from the GAC. <u>The GAC Early Warning notice may include a nominated point of contact for further information.</u>	This change is an addition suggested by some GAC members.
1.1.2.5	Initial Evaluation	<u>If batching is required, a</u> A process external to the application submission process will be employed to establish evaluation priority. This process will be based on an online ticketing system or other objective criteria.	Revised to clarify that the process for prioritizing applications only occurs if batching is required.
1.2.1	Eligibility	j. has been convicted, <u>within the respective timeframes,</u> of aiding,	Clarification in response to questions received.

<sup>1</sup> While definitive guidance has not been issued, the GAC has indicated that strings that could raise sensitivities include those that "purport to represent or that embody a particular group of people or interests based on historical, cultural, or social components of identity, such as nationality, race or ethnicity, religion, belief, culture or particular social origin or group, political opinion, membership of a national minority, disability, age, and/or a language or linguistic group (non-exhaustive)" and "those strings that refer to particular sectors, such as those subject to national regulation (such as .bank, .pharmacy) or those that describe or are targeted to a population or industry that is vulnerable to online fraud or abuse."

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		<p>abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes <del>within the respective timeframes specified above (i.e., within the past 10 years for crimes listed in (a) – (d) above, or ever for the crimes listed in (e) – (i) above);</del></p> <p>k. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents) <u>within the respective timeframes listed above</u> for any of the listed crimes <del>within the respective timeframes listed above (i.e., within the past 10 years for crimes listed in (a) – (d) above, or ever for the crimes listed in (e) – (i) above);</del></p>	
1.2.10	Resources for Applicant Assistance	<p>A variety of support resources are available to gTLD applicants. For example, ICANN <del>is</del><u>may</u> <del>establishing</del> a means for providing financial assistance to eligible applicants, <u>through a process independent of this Guidebook. In addition, ICANN will maintain as well as providing</u> a webpage as an informational resource for applicants seeking assistance, and organizations offering support. More</p>	<p>Updated to reflect commitment by ICANN to establishing a program to ensure support for applicants from developing countries.  <a href="http://www.icann.org/en/minutes/resolutions-20jun11-en.htm">http://www.icann.org/en/minutes/resolutions-20jun11-en.htm</a></p>

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		information will be available on ICANN's website at <a href="http://www.icann.org/en/topics/new-gtld-program.htm">http://www.icann.org/en/topics/new-gtld-program.htm</a> .	
1.4.1.1	TAS User Registration	No new user registrations will be accepted after <u>23:59 UTC 29 March 2012</u> <del>{date to be inserted in final version of Applicant Guidebook}</del> .	Updated to reflect time and date for expected implementation timeframe.
1.5.1	gTLD Evaluation Fee	The gTLD evaluation fee is required from all applicants. This fee is in the amount of USD 185,000. The evaluation fee is payable in the form of a 5,000 deposit submitted at the time the user requests an application slot within TAS, and a payment of the remaining 180,000 submitted with the full application. ICANN will not begin its evaluation of an application unless it has received the full gTLD evaluation fee by <u>23:59{time} UTC 12 April 2012{date}</u> .	Updated to reflect time and date for expected implementation timeframe.

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<i>Module 2</i>			
2.1.1	General Business Diligence and Criminal History	<u><a href="#">ICANN is in discussions with INTERPOL to identify ways in which both organizations can collaborate in background screenings of individuals, entities and their identity documents consistent with both organizations' rules and regulations.</a></u>	Updated to reflect discussions regarding potential ICANN collaboration with INTERPOL in the background screening process.
2.2.1.2	Reserved Names and Other Unavailable Strings	Reserved Names <u><a href="#">and Other Unavailable Strings</a></u>  <u><a href="#">Certain names are not available as gTLD strings, as detailed in this section.</a></u>	Heading and introduction updated to reflect content in section.
2.2.1.2.1	Reserved Names		Section renumbered to incorporate additional content.
2.2.1.2.2	Declared Variants		Section renumbered to incorporate additional content.
2.2.1.2.3	Strings Ineligible for Delegation	<u><a href="#">The following names are prohibited from delegation as gTLDs in the initial application round. Future application rounds may differ according to consideration of further policy advice. These names are not being placed on the Top-Level Reserved Names List, and thus are not part of the string similarity review conducted for names on that list. Refer to subsection 2.2.1.1: where applied-for gTLD strings are reviewed for similarity to existing TLDs and reserved names, the</a></u>	Updated in accordance with Board resolution direction regarding incorporation of text concerning protection for specific requested Red Cross and IOC names for the top level only during the initial application round, until the GNSO and GAC develop policy advice based on the global public interest.  <a href="http://www.icann.org/en/minutes/resolutions-20jun11-en.htm">http://www.icann.org/en/minutes/resolutions-20jun11-en.htm</a>



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		<u>strings listed in this section are not reserved names and accordingly are not incorporated into this review. Applications for names appearing on the list included in this section will not be approved. [List included]</u>	
2.2.1.4.3	Documentation Requirements	No text changes	Updated link in footnote 10.
<i>Annex to Module 2: Separable Country Names List</i>			
Introductory text		<del>Under various proposed ICANN policies,</del> gTLD application restrictions on country or territory names are tied to listing in property fields of the ISO 3166-1 standard. Notionally, the ISO 3166-1 standard has an “English short name” field which is the common name for a country and can be used for such protections; however, in some cases this does not represent the common name. This registry seeks to add additional protected elements which are derived from definitions in the ISO 3166-1 standard. An explanation of the various classes is included below.	Updated to remove conditional language.
Entry for BQ		Bonaire, <del>S</del> aint Eustatius and Saba	Updated in accordance with ISO 3166-1 Newsletter VI-9 <a href="http://www.iso.org/iso/newsletter_vi-9_fiji-myanmar_and_other_minor_corrections-incl_bulgaria.pdf">http://www.iso.org/iso/newsletter_vi-9_fiji-myanmar_and_other_minor_corrections-incl_bulgaria.pdf</a>
<i>Attachment to Module 2: Evaluation Questions and Criteria</i>			
11(e)	Applicant Background	x. has been convicted, <u>within the respective timeframes,</u> of aiding, abetting, facilitating, enabling,	Clarification in response to questions received.

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		<p>conspiring to commit, or failing to report any of the listed crimes <del>within the respective timeframes specified above (i.e., within the past 10 years for crimes listed in (a) – (d) above, or ever for the crimes listed in (e) – (i) above);</del></p> <p>xi. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents) <u>within the respective timeframes listed above</u> for any of the listed crimes <del>within the respective timeframes listed above (i.e., within the past 10 years for crimes listed in (a) – (d) above, or ever for the crimes listed in (e) – (i) above);</del></p>	
12	Evaluation Fee	<p>The evaluation fee is paid in the form of a deposit at the time of user registration, and submission of the remaining amount at the time the full application is submitted. The information in question 12 is required for each payment.</p> <p><u>The full amount in USD must be received by ICANN. Applicant is responsible for all transaction fees and exchange rate fluctuation.</u></p>	Added detail in response to requests for additional guidance to applicants on wire transfer mechanisms.

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		<u>Fedwire is the preferred wire mechanism; SWIFT is also acceptable. ACH is not recommended as these funds will take longer to clear and could affect timing of the application processing.</u>	
18 (b)-(c)	Mission/Purpose	No text changes	Moved detail to notes column for consistency with other questions.
22	Protection of Geographic Names	No text changes	Updated links to GAC documents.
24-50	Evaluation Questions	A complete answer is expected to be <del>approximately [x]</del> <u>no more than</u> [y] pages.	Updated page range estimates for responses to provide a maximum.
29	Registry Continuity	Registry Continuity: describe how the applicant will comply with registry continuity obligations as described in Specification 6 (section <del>1.3</del> ) to the registry agreement. This includes conducting registry operations using diverse, redundant servers to ensure continued operation of critical functions in the case of technical failure.	Updated to correct reference.

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<i>Module 3</i>			
3.1	GAC Advice on New gTLDs	<p><u>The GAC has expressed the intention to develop a standard vocabulary and set of rules for use in providing its advice in this program. These will be published and, as a result, this section might be updated to reflect the terms established by the GAC.</u></p> <p>ICANN's Governmental Advisory Committee was formed to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.</p> <p>The process for GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.</p> <p>GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on</p>	<p>Updated in accordance with Board resolution direction to delete text indicating that future Early Warnings or Advice must contain particular information or take specified forms. <a href="http://www.icann.org/en/minutes/resolutions-20jun11-en.htm">http://www.icann.org/en/minutes/resolutions-20jun11-en.htm</a></p>

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		<p>GAC advice to forward to the ICANN Board of Directors.</p> <p>The GAC can provide advice on any application. For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period (see Module 1).</p> <p><del>ICANN's transparency requirements indicate that GAC Advice on New gTLDs should identify objecting countries, the public policy basis for the objection, and the process by which consensus was reached. To be helpful to the Board, the explanation might include, for example, sources of data and the information on which the GAC relied in formulating its advice.</del></p> <p><del>The GAC has expressed the intention to create, in discussion with the ICANN Board, "a mutually agreed and understandable formulation for the communication of actionable GAC consensus advice regarding proposed new gTLD strings."</del></p> <p>GAC Advice may take several forms,</p>	
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		<p>among them:</p> <p>I. The GAC advises ICANN that it is the consensus<sup>2</sup> of the GAC that a particular application should not proceed, <del>(or other terms created by the GAC to express that intent)</del>. This will create a strong presumption for ICANN that the application should not be approved. In the event that the ICANN Board determines to approve an application despite the consensus advice of the GAC, <u>pursuant to the ICANN Bylaws</u>, the GAC and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. In the event the Board determines not to accept the GAC Advice, the Board will provide a rationale for its decision.</p> <p>II. The GAC provides advice that <del>does not indicate the presence of a GAC consensus, or any advice that does not state that the application should not proceed (or other terms created by the GAC to express that intent)</del>, <u>indicates that some</u></p>	
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<sup>2</sup> The GAC will clarify the basis on which consensus advice is developed.

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		<p><u>governments are concerned about a particular application.</u> Such advice will be passed on to the applicant but will not create the presumption that the application should be denied, and such advice would not require the Board to undertake the process for attempting to find a mutually acceptable solution with the GAC should the application be approved. Note that in any case, that the Board will take seriously any other advice that GAC might provide <u>and will consider entering into dialogue with the GAC to understand the scope of the concerns expressed.</u></p> <p>III. The GAC advises ICANN <del>that GAC consensus is</del> that an application should not proceed unless remediated <del>(or other terms created by the GAC to express that intent).</del> This will raise a strong presumption for the Board that the application should not proceed. If there is a remediation method available in the Guidebook (such as securing government approval), that action may be taken. However, material amendments to applications are generally prohibited and if there is</p>	
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		<p>no remediation method available, the application will not go forward and the applicant can re-apply in the second round.</p> <p>Where GAC Advice on New gTLDs is received by the Board concerning an application, ICANN will publish the Advice and endeavor to notify the relevant applicant(s) promptly. The applicant will have a period of 21 calendar days from the publication date in which to submit a response to the ICANN Board.</p> <p>ICANN will consider the GAC Advice on New gTLDs as soon as practicable. The Board may consult with independent experts, such as those designated to hear objections in the New gTLD Dispute Resolution Procedure, in cases where the issues raised in the GAC advice are pertinent to one of the subject matter areas of the objection procedures. The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).</p>	
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3.2.2	Standing to Object: String Confusion	Existing TLD operator or gTLD applicant in current round. <u>In the case where an IDN ccTLD Fast Track request has been submitted before the public posting of gTLD applications received, and the Fast Track requestor wishes to file a string confusion objection to a gTLD application, the Fast Track requestor will be granted standing.</u>	This section was amended due to questions about the standing available to existing TLD operators or new gTLD applicants and whether parties requesting strings in the IDN ccTLD Fast Track would be permitted to object on this basis. For consistent treatment, these parties should also have standing to file a string confusion objection, in the case where the Fast Track request is lodged before the applied-for gTLD strings are announced.
3.3	Filing Procedures	<p>For a Limited Public Interest Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce<sup>3</sup> <u>(ICC), as supplemented by the ICC as needed.</u></p> <p>For a Community Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce<sup>4</sup> <u>(ICC), as supplemented by the ICC as needed.</u></p>	Revised to indicate that the ICC may draft supplemental rules or other relevant documents in addition to the Rules for Expertise.
<i>Attachment to Module 3: New gTLD Dispute Resolution Procedure</i>			
4(b)(iii)	Applicable Rules	For a Limited Public Interest Objection, the applicable DRSP Rules	Revised to indicate that the ICC may draft supplemental rules or other relevant documents in addition to the Rules

<sup>3</sup> See <http://www.icwbo.org/court/expertise/id4379/index.html>

<sup>4</sup> *Ibid.*

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		<p>are the Rules for Expertise of the International Chamber of Commerce (<u>ICC</u>), as supplemented by the ICC as needed.</p> <p><u>For a Community Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce<sup>5</sup> (ICC), as supplemented by the ICC as needed.</u></p>	for Expertise.
7(e)	Filing of the Objection	<p>If an Objection is filed with the wrong DRSP, that DRSP shall promptly notify the Objector of the error and that DRSP shall not process the incorrectly filed Objection. The Objector may then cure the error by filing its Objection with the correct DRSP within seven (7) days of <del>its</del> receipt of the error notice, failing which the Objection shall be disregarded. If the Objection is filed with the correct DRSP within seven (7) days of <del>its</del> receipt of the error notice but after the lapse of the time for submitting an Objection stipulation by Article 7(a) of this Procedure, it shall be deemed to be within this time limit.</p>	Revised to clarify that the 7 days are from the Objector's receipt of the error notice.

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<sup>5</sup> *Ibid.*

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<i>Attachment to Module 5: Uniform Rapid Suspension System (URS)</i>			
2.2	Fees	<p><del>A limited "loser pays" model has been adopted for the URS.</del> Complaints listing <del>fifteen</del><u>twenty-six (1526)</u> or more disputed domain names <del>registered by the same registrant</del> will be subject to a Response Fee which will be refundable to the prevailing party. Under no circumstances shall the Response Fee exceed the fee charged to the Complainant.</p>	<p>Updated in accordance with Board resolution directing modification of the "loser pays" provision in the URS to apply to complaints involving 15 (instead of 26) or more domain names with the same registrant.</p> <p><a href="http://www.icann.org/en/minutes/resolutions-20jun11-en.htm">http://www.icann.org/en/minutes/resolutions-20jun11-en.htm</a></p>
<i>Attachment to Module 5: Registry Restrictions Dispute Resolution Procedure (RRDRP)</i>			
1	Parties to the Dispute	<p>The parties to the dispute will be the harmed <del>institution or organization or individual</del> <u>established</u> and the gTLD registry operator. ICANN shall not be a party.</p>	<p>In response to public comment and recommendations, standing for the RRDRP was changed to established institutions only in the April 2011 draft of the Applicant Guidebook. When that change was made, section 5.1 was revised, but Section 1 was not updated accordingly. This change to section 1 is made to conform the language to the intent.</p>