New gTLD Applicant Update Webinar – 23 October 2013
Additional Questions & Answers

We receive questions during webinars that go unanswered due to time constraints. Because all participant questions are important, we've provided responses to these additional questions below. Questions are grouped and ordered alphabetically by subject.

Auctions

Q. When will Auctions start?

A: ICANN anticipates notifying applicants that their contention set is being sent to auction in, or shortly after, December 2013. Dates have not been finalized, but it's likely that auctions will be held in early 2014. As mentioned in previous webinars, we plan to initiate the auction process for eligible contention sets based on the lowest priority number held among contention set members. Please review the slide deck and recording of the Auctions webinar held on 7 November 2013 to learn further details about Auctions at http://newgtlds.icann.org/webinars.

Community Priority Evaluation

Q: When can I comment on a gTLD that has applied for Community Priority Evaluation? How will I know when the comment period has closed?

A: The CPE panel will consider application comments submitted within 14 days after a CPE invitation has been issued. You can download the CPE Timeline for further information, and you can find out when invitations have been sent by visiting the Community Priority Evaluation page of the microsite. Additionally, all members of a

contention set will be notified via the Customer Portal when any member of the contention set has been invited to CPE.

Q: Will applicants who have cleared GAC Category 2 Safeguard Advice be eligible to receive an invitation to CPE?

A: The eligibility requirements for CPE can be found on the Community Priority Evaluation page of the microsite. According to the requirements, all members of a contention set must have resolved any and all applicable GAC Advice for the set to be considered eligible for CPE. In most cases, committing to not operate as an exclusive access Registry via the "GAC Advice Category 2: Exclusive Access Response Form" will resolve the Category 2 Advice. In some cases, an applicant must complete a change request to fully resolve this Advice – those applicants have been notified by the Customer Service Center. If a member of a contention set confirmed their intention to operate the gTLD as an exclusive access Registry, then the GAC Advice would not be considered resolved, and applicants in the contention set would not be eligible for CPE. Visit the GAC Category 2 Safeguard Advice page of the Microsite for more information.

Contracting

Q: What does the term "registration policies" refer to in the Code of Conduct Exemption Request form? Exactly which policies must be submitted?

A: The Code of Conduct Exemption Request process requires that the registration policy for the TLD (policies relating to the registration of domain names under that TLD) be submitted with the Exemption Request. Registration policies would include, but are not limited to, any Registry rules on who can register, what can and can not be registered, and what use registered domains must serve.

Q: Will ICANN be publishing those TLDs that have been granted an exemption from the code of conduct?

A: ICANN does not intend to publish a distinct list of TLDs that have been granted an exemption to the Code of Conduct. However, all signed Registry Agreements, and the accompanying redlines, will be published on the Registry Agreements page of icann.org.

Delegation

Q: Will ICANN announce when every new gTLD is delegated?

A: You can find a list of delegated new gTLDs on the Delegated Strings page of the microsite. This page will be updated as new gTLDs are delegated and announcements will be published on the microsite signaling these updates.

Q: When is ICANN likely to issue more delegation tokens?

A: ICANN anticipates issuing delegation tokens on a weekly basis. We are working to align the handoffs from Contracting to Pre-Delegation Testing to Delegation to be as seamless as possible for applicants.

Q: Does ICANN still expect to delegate 20 strings per week once delegation of new gTLDs commences?

A: As communicated in Section 1.2.9 of the Applicant Guidebook, based on careful study of root zone scaling effects on the stability of the DNS, ICANN has committed to delegate no more than 1000 new gTLDs into the root zone in a given year. Therefore ICANN may delegate, *on average,* approximately 20 gTLDs per week.

GAC Advice

Q: Some applicants originally intended to operate their gTLDs as exclusive access. In light of GAC Category 2 Safeguard Advice, they've chosen to instead operate their TLDs as non-exclusive access. Will these applicants be required to amend their applications? Will ICANN publish these application changes?

A: In an [announcement](#) published on 9 October 2013, ICANN disclosed that applicants representing 35 applications indicated that they now intend to operate their gTLDs as non-exclusive access. ICANN has asked these applicants to submit change requests so that their applications will be consistent with their new intentions. Once these change requests are approved, the changes will be made public and a 30-day application comment window will ensue.

Q: Regarding GAC Category 2 Safeguard Advice, what is the status of the 10 applications for which the applicant has expressed interest in operating an exclusive access gTLD?

A: ICANN will perform an analysis on whether the GAC's advice is implementable and then provide the results and a recommended course of action to the NGPC ([read more](#)).

Name Collision

Q: Will ICANN provide a definitive list of all Second-Level Domains that need to be reserved, similar to the list of IOC and Red Cross/Crescent strings? We are particularly concerned with handling spaces, as they aren't allowed in the Domain Name System. It would be very helpful if ICANN could provide a single, authoritative list of reserved names.

A: ICANN will look into developing such a list, as resources permit. In the meantime, Registries should develop their own method for implementing the requirements in Specification 5 of the Registry Agreement. Registries should be conservative (e.g., reserve both equatorial-guinea and equatorialguinea).

Q: If "nic" is excluded from the name collisions list because it's special, does ICANN accept liability for the collisions that result from including it in a gTLD? If not, why is "nic" excluded?

A: No; ICANN does not accept any liability for the Registry operations of a gTLD. In fact, the Registry Operator must indemnify and defend ICANN against any liability relating to delegation of the TLD, as it pertains to the Registry Operator or Registry Operator's operation of the Registry for the TLD (see section 7.1 of the Registry Agreement for details). If a Registry Operator believes that a significant risk of collisions could arise from delegating "nic" in the TLD, the Registry Operator may request that ICANN issue a waiver of the requirement in Specification 4, Section 1 of the Registry Agreement. This section mandates that a Registry Operator provide a Directory Service at <whois.nic.TLD>. If a Registry must waive this this requirement, ICANN requires that the Registry propose an alternative server name at which it would commit to provide a Directory Service. In that case, a Registry must comply with all other requirements of Specification 4, and propose a means of publicizing the alternative server name.

Q: When does ICANN expect to publish the interim block lists for all new gTLDs?

A: ICANN plans to publish the Alternate Path to Delegation Reports, which include the list of Second-Level Domains to block, for all proposed new gTLDs before the Buenos Aires meeting (November 2013).

Q: When does ICANN project it will post the Name Collision Occurrence Management Framework for public comment?

A: ICANN plans to develop the framework in cooperation with the community. We intend to hold the first public discussions in Buenos Aires, after which a proposal will be published for public comment.

Q: When does ICANN project it will deliver a Name Collision Occurrence Assessment to each applicant? Will the Name Collision Occurrence Assessments be published for public review?

A: ICANN intends to make a timeline available for the Name Collision Occurrence Assessment Framework in the next few weeks, possibly during the ICANN meeting in Buenos Aires (November 2013). ICANN also plans to make all assessments public; we'll provide further information in the coming weeks.

Q: How will the "alternate path" to delegation work in relation to the implicitly standard, Name Collision Occurrence Assessment?" How and when will the "alternate path" be able to switch to the standard mitigation path and release the initially blocked names, per standard mitigation strategies?

A: As soon as the assessment is delivered to the Registry, it can start implementing the required mitigation measures. The Registry Operator will keep blocking those Second-Level Domains for which the mitigation measures have not been implemented. The implementation of the mitigation measures may allow the release of blocked Second-Level Domains, based on analysis or evidence that the cause of collision occurrence has been mitigated.

Q: Will "alternate path" applicants be held up from moving switching to the standard mitigation path until all standard applicants receive their unique plan for Name Collision Occurrence Management?

A: No. As soon as an "alternate path" Registry receives its assesment, it can start implementing the required mitigation measures without having to wait for other Registries to receive their assessments.

Q: How is eligibility for the "alternate path" determined?

A: ICANN determines eligibility by reviewing all DITL datasets to determine the stability of the Second-Level Domain sets, and the number of DNS requests received.

Q: What sort of timeframe for Second-Level Domain blocking is ICANN considering for both the standard and alternate path? Do you expect that Registries will have to block whole swaths of names for months, years or indefinitely?

A: The TLD Name Collision Occurrence Assessment will prescribe the appropriate measure for each Second-Level Domain. At this point, it is not possible to state the

length of the blocking until the framework has been developed and the assessments have been produced.

Q: Can you provide further information on the parameters of data that ICANN will use to create Name Collision Occurrence Assessments? Will ICANN use data generated after the June 2013 "Reveal Day" of new gTLDs even though there's a chance it has been affected by the publicity of new gTLDs?

A: ICANN plans to develop the framework in cooperation with the community. We expect that these discussion will include what type of data should be included, and what should be excluded.

Q: In regard to Name Collision Report Handling, clause 6.3.2 of the new Specification 6 states, "...remove a recently activated name from the TLD zone for a period of up to two years in order to allow the affected party to make changes to its systems." What's the definition of "recently?"

A: ICANN expects that if a domain name would cause significant harm related to a name collision it would likely happen and be noticed within a few days of activation in the DNS. Registries should also consider the time it may take someone to report the issue and provide the required information to make the case. Rather than define a specific period, ICANN expects the Registries to exercise their own judgment on a case-by-case basis.

Q: When do you expect Name Collision Occurrence Assessments to be available for each applicant? Will there be a time lag between assessments being available to different applicants and if so will ICANN ensure they are commissioned and

issued in the order that applicants are moving through Contracting, Pre-Delegation Testing and delegation – rather than simple priority order?

A: ICANN is issuing the first assessments incrementally in the order that applicants are moving through Contracting, Pre-Delegation Testing and Transition to Delegation. The rest will be done shortly after. We plan to publish the Alternate Path to Delegation Reports for all proposed new gTLDs before the Buenos Aires meeting (November 2013).

Q: When will ICANN publish the process to support section 6.3 of the new Specification 6, Name Collision Report Handling? What options will Registrants of names which are removed from delegation through this process have to protect themselves from malicious submissions?

A: As indicated in Specification 6, section 6.3.2, the Registry Operator will develop an internal process for handling, in an expedited manner, these reports. ICANN expects Registries to consider appropriate measures to evaluate an alleged severe harm from collisions in their processes.

Objections & Dispute Resolution

Q: How much additional time is being allotted to Community Objection panelists that request more time in order to come to a determination? Will ICANN publish information about extensions?

A: In cases where an expert panel requests an extension, the length of the extension is determined by the Dispute Resolution Service provider on a case-by-case basis. In cases where an expert panel requests a time extension, this information is not published.

Q: If one of the parties in a Community Objection requests a stay, will the other affected party be notified?

A: Per Article 6(a) of the Applicant Guidebook, Attachment to Module 3, Article 6(b), "The DRSP, Panel, Applicant, and Objector shall provide copies to one another of all correspondence (apart from confidential correspondence between the Panel and the DRSP and among the Panel) regarding the proceedings."

Rights Protection Mechanisms

Q: Where do I submit our TLD Startup Information?

A: Registry Operators should submit the TLD Startup Information form via ICANN's Customer Service Center at newgtld@icann.org. Upon introduction by ICANN of an enhanced system for submission of the TLD Startup Information (e.g., Sunrise Portal on ICANN's webpage), Registry Operators will be provided with the relevant instructions for use of the system.

Q: Section 2.1.1 of the Rights Protection Mechanism Requirements Document states that the Registry Operator must provide TLD Startup Information to ICANN and the Trademark Clearinghouse Sunrise and Claims Operator. And section 2.1.2 states that such information must be submitted through the Customer Service Portal. Can you confirm that submission of the TLD Startup Information through the Portal satisfies the requirement to provide TLD Startup Information to all of the parties listed in 2.1.1?

A: Yes. Acceptance of the TLD Startup Information by ICANN includes provision of the information to the Trademark Clearinghouse Sunrise and Claims Operator.

Q: Section 2.1.1.1 states that the TLD Startup Information needs to include confirmation that the Registry Operator has completed testing. Can you please provide details of what this confirmation should contain and how a Registry will receive it?

A: Registry Operators and Registrars will receive an email from IBM confirming completion of Trademark Clearinghouse Integration Testing. Registry Operators should provide this email confirmation to ICANN along with their TLD Startup Information.

Q: Does ICANN have a Service Level Agreement with IBM to ensure that test completion confirmation is provided within a reasonable timeframe? If not, this could delay a Registry Operator from submitting its TLD Startup Information.

A: There is not a Service Level Agreement that specifically defines this step of the process. IBM performs these services pursuant to its agreement with ICANN.

Q: What is the process for a Registry Operator to seek approval to conduct a registration program not otherwise permitted by the Trademark Clearinghouse Requirements under Section 4.5.2 of the Rights Protection Mechanism Requirements?

A: ICANN is developing a process for the submission and approval of Approved Launch Programs under Section 4.5.2, and will post the process on the [ICANN] website icann.org when completed.

Q: How do the Rights Protection Mechanism Requirements affect those Registry Operators that have obtained an exemption to the Code of Conduct under Specification 9?

A: The Trademark Clearinghouse Requirements are unaffected by an exemption to the Code of Conduct under Specification 9. All Registries must adhere to these requirements.

Q: Can you confirm that Registries that have designated their gTLDs as "Geographic" are able to avail themselves of either the Qualified Launch Program or Approved Launch Program options set out in 4.5.1 and 4.5.2 of the Rights Protection Mechanism Requirements?

A: If a Qualified Launch Program is approved by ICANN, it is anticipated that all TLDs will be able to avail themselves of the Qualified Launch Program, as well as apply for an Approved Launch Program.

Q: Approved "Geographic" Launch Programs under clause 4.5.3 of the Rights Protection Mechanism Requirements seem to be intended to allow a Registry Operator of a Geographic gTLD to reserve names that fit within certain categories (e.g., names of government institutions or administrative areas within the area that the Geographic gTLD covers). Is that correct? If so, is this intended to be an addition to any Approved Launch Program or Qualified Launch Program that a Registry Operator may choose to set up?

A: Section 4.5.3 is intended to encourage Registries that plan to operate Geographic gTLDs to work with intellectual property experts to craft an Approved Launch Program that all Geographic gTLDs could then apply for. While it is possible that such a solution could cover names of government institutions or administrative areas within

the area that the Geographic TLD covers, no specific formulation has been considered by ICANN.

Q: Clause 4.5.1 of the Rights Protection Mechanism Requirements states that Registry Operators being able to reserve up to 100 names for third parties to use in promoting a gTLD (e.g., as part of a founders program), but no mention is made of this limit in 4.5.2 and 4.5.3. Will ICANN allow an unlimited number names to be reserved for third parties under an Approved Launch Program or Approved Geographic Launch Program (subject to appropriate protections being in place to prevent abuse)?

A: ICANN will review applications for Approved Launch Programs on a case-by-case basis. We anticipate that Approved Launch Programs will be limited in nature to meet the specific needs of the applicable Registry Operator.

Q: When will ICANN start accepting applications for approval of an Approved Launch Program (clause 4.5.2 of the Rights Protection Mechanism Requirements)? Can you further detail what the approvals process will be?

A: Registry Operators may submit applications for approval of an Approved Launch Program after they have signed a Registry Agreement, and until the start date of their Sunrise Period. ICANN is currently working on the application procedures.

Q: How will Registries and Registrars enter into the Trademark Clearinghouse Terms of Service?

A: The Terms of Service are a click-through agreement that Registries and Registrars enter into when accessing the TMDB Web Platform for the first time.

Q: Is a Registry Operator that will run multiple TLDs expected to pay the "one time Rights Protection Mechanism Access Fee" referenced in Section 6.4 of the Registry Agreement for each separate TLD?

A: Yes; all TLD costs are independent of one another.

Q: Section 1.1 of the Terms of Service states that the Trademark Clearinghouse Sunrise Claims Operator will waive the Integration Testing Requirements if the Registry Operator has previously successfully completed integration testing. What is the process for a Registry Operator to seek such a waiver?

A: The RPM Requirements provide that the Trademark Clearinghouse Sunrise and Claims Operator may waive the Integration Testing Requirements if testing has been successfully completed for another TLD. Requests to waive the requirements should be made directly to the Trademark Clearinghouse Sunrise and Claims Operator.

Q: In the Registry Agreement, certain time periods are measured in calendar days rather than business days. What happens if a calendar day falls on a holiday celebrated by many people around the world?

A: Because business days vary by jurisdiction, calendar days have been used to measure applicable time periods. Registry Operators should consider applicable holidays when planning to respond to deadlines or setting operations.

Q: In regard to Section 1.1 of the Rights Protection Mechanism Requirements, when will a Registry Operator be permitted to conduct Integration Testing?

A: Registry Operators may conduct Integration Testing for their TLD using the access token provide for that TLD at the time of signing of the Registry Agreement, and may then request confirmation from IBM that Integration Testing has been completed. A Registry Operator may conduct Integration Testing at any time after IBM schedules its testing. Following completion of Integration Testing, a Registry Operator may use the Testing Database to conduct other testing functions beyond the Integration Testing.

Q: Regarding Rights Protection Mechanism Requirements Section 2.1.1: Could you please explain in greater detail the definitions of Start-Date Sunrise and End-Date Sunrise and the practical difference(s) between the two?

A: Registry Operators must provide either a "Start-Date Sunrise" or an "End-Date Sunrise." During a Start-Date Sunrise, a Registry Operator may allocate or register domain names on a first-come, first served basis, or any other time-based allocation or registration process, whereas an End-Date Sunrise cannot allocate or register domain names prior to the end of the Sunrise Period. In order to offer a Start-Date Sunrise, a Registry Operator must provide its compliant TLD Startup Information to ICANN and IBM at least 30 days before the start date of the Sunrise Period. An End-Date Sunrise may commence anytime after a Registry Operator has submitted compliant TLD Startup Information. A Start Date Sunrise Period must stay open for at least 30 days and cannot commence prior to expiration of the required 30-day notice period. An End-Date Sunrise Period must stay open for at least 60 days from the date compliant TLD Startup Information is submitted by the Registry Operator. In either case, none of the applicable periods may begin until the Registry Operator has submitted compliant TLD Startup Information. A Sunrise Period may be extended, once commenced, at any time until four days prior to the scheduled end date; it cannot be shortened.

Q: Regarding Section 2.2.4 of the Trademark Clearinghouse Requirements: Domain names that are self-allocated by a Registry Operator, or registered by a Registry Operator to itself, in either case pursuant to Section 3.2 of Specification 5, are exempt from the general prohibition of this section. However, isn't this provision also intended to exempt from this section's general prohibition domain names that are released for registration to third parties in the Registry Operator's discretion pursuant to Sections 3.3 of Specification 5?

A: No. Section 2.2.4 of the Trademark Clearinghouse Requirements relates to self-allocation or registration to a Registry Operator. Section 3.3 of Specification 5 relates to reserving from registration domain names.

Q: It seems that Rights Protection Mechanism Requirements 2.4.1 and 2.2.4 are inconsistent. Can you please explain why that's not the case?

A: Section 2.4.1 of the Trademark Clearinghouse Requirements prohibits the allocation, or requires a valid SMD file to be presented in order to register domain names in a Sunrise Period. Section 2.2.4 provides an exception to account for the fact that certain registrations (i.e. self-allocations or Approved Launch Program registrations) may occur prior to the registration of all Sunrise Registrations.

Q: Would ICANN be willing to incorporate the requirements of section 2.1 of the Rights Protection Mechanism Requirements into the Trademark Database Registration and Access to Production Platform Process swim lane diagram?

A: We will look at updating both the swim-lane diagram and the process document in the near future.

Q: What is the process by which we obtain IBM's approval of our Sunrise and Claims date as required to submit the TLD Startup Information?

A: Registry Operators should include their desired Sunrise and Claims dates in their TLD Startup Information submitted to ICANN. ICANN will confirm the dates with IBM and advise the Registry Operator in the event of any problem with the dates.

Q: According to Russian Law, trademarks registered on the territory of the Russian Federation must be given priority. Is it possible for us to give priority to the national trademarks first in the Sunrise Policy? And then to the Trademarks from the Trademark Clearinghouse?

A: ICANN is not certain it fully understands the question and offers no view on the impact of Russian law. A Registry Operator could apply restrictions relating to the underlying rights of a Trademark Record if those restrictions are related to the purpose of the TLD (e.g., restrictions that are related to the purpose of the TLD on the jurisdiction of the Trademark, or requirements that all domain name registrants have a nexus or local presence). If a Registry Operator permits registrants from various jurisdictions, it is free to set its allocation methodologies with respect to competing domain name registrations from multiple Sunrise Eligible Rights Holders in any manner it chooses; however, the Registry Operator must provide a Sunrise Dispute Resolution Policy mechanism to allow challenges to Sunrise Registrations related to Registry Operator's Allocation and registration policies.

Q: Can a Registry Operator, or subcontractor, responsible for multiple gTLDs use one account for all TLDs to connect to the Trademark Clearinghouse?

A: No; the Trademark Database system is designed so that one account correlates to one unique TLD.

Q: Can a subcontractor access the Trademark Clearinghouse on behalf of its Registry or Registrar client?

A: Whomever the Registry/Registrar designates as its technical contact will have access. This person will designated as the user for the Trademark Database Sunrise and Claims Services.

Q: Under the Terms of Service (TOS) Agreement for Registries and Registrars for access to the Trademark Clearinghouse, does ICANN consider a subcontractor who accesses the Trademark Clearinghouse on behalf of its client a "User?"

A: Yes; anyone who agrees to the Terms of Service will be considered a "User" thereunder.

Q: Can you please explain how a back-end Registry services provider can gain access to the Trademark Clearinghouse production environment? If you could include information regarding external parties and Service Level expectations it would help us schedule our Sunrise and other launch periods.

A: Access to the production environment occurs upon commencement of a Sunrise period. A Registry service provider with an active gTLD application may obtain access to the test environment according the instructions at http://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs/db-access-30sep13-en.pdf. This may occur at any time.

Other (Miscellaneous)

Q: Is it possible to make publicly available the Questions submitted via email and their answers?

A: The questions submitted in advance of the 23 October webinar and corresponding answers are available publicly. Many were read aloud and addressed during the webinar; the remaining questions and answers are included in this document. You can access recorded webinar content here: http://newgtlds.icann.org/webinars.