

24 July 2026

George T Bundy
Founder & CEO
BRS Media Inc.

RE: Formal Notice – Systematic Abuse of Community Priority Evaluation (CPE) and Required Safeguards for the New gTLD Program

Dear Mr. Bundy,

Thank you for your [16 April 2026 letter](#) regarding the Community Priority Evaluation (CPE) process. ICANN notes your long engagement on this topic and appreciates the concerns you've described in your most recent correspondence, as well as in [previous correspondence](#). ICANN also notes similar concerns addressed in the [letter from fTLD Registry Services](#) from earlier this year and will continue to monitor these concerns and any future community work on this topic.

ICANN notes that your letter addresses concerns regarding the following: the enforcement of Specification 12 and Community Registration Policies; transition or assignment of Community TLDs to an “open” or “unrestricted” model; the CPE process and determinations; and “safeguards”¹ for the 2026 Round.

Relationship Between Community Applications and CPE

As an initial matter, ICANN would like to clarify the relationship between CPE and an application for a Community TLD. **Any applicant** can designate their application as one for a Community TLD in the New gTLD Program: 2026 Round application process. This designation **cannot be changed** once the application has been submitted. Only applicants that designate their applied-for string as a Community TLD and are found to meet the relevant eligibility criteria may elect to participate in CPE. However, an applicant's election for its application to participate in CPE has no bearing on the Community status of an applied-for TLD, as CPE is an **optional contention resolution mechanism**. That is, an applicant with a successful application for a Community TLD must include a set of Community Registration Policies in Specification 12 of its respective Registry Agreement (RA) with ICANN regardless of whether the application is in contention and the applicant chooses to participate in CPE.

Secondly, as it relates to the concerns described in your letter, ICANN has provided some responses below.

Enforcement of Specification 12 and Community Registration Policies

For a community TLD, Specification 12 is incorporated as part of the RA and sets forth the TLD community definition, registration policies, eligibility criteria, and registration restrictions. If a registry operator of a community TLD requests an assignment to a new registry operator, the new registry operator must assume responsibility for the rights and obligations under the RA as-

¹ Based on ICANN's reading of your letter, it does not understand this to be a reference to “Safeguard Public Interest Commitments” (see Section [7.8.2](#) of the Applicant Guidebook), and has therefore included this word in quotation marks to ensure that these concepts are not conflated.

is. The newly assigned registry operator is not able to revise or abandon those Specification 12 obligations through the assignment process. The only process in which a registry operator may revise obligations and commitments to its TLD community is through the [Community gTLD Change Request Procedure](#). This procedure establishes a narrow scope in changes permitted, requires TLD community consultation, and sets a high bar for evidence from the requesting registry operator to make proposed changes.

Part of ICANN org's diligence of any assignment request is to ensure there are no outstanding compliance issues under the registry agreement(s) before consenting. If a registrant or community member finds issues with a registry operator's compliance with its Specification 12 policies, they may contact ICANN Contractual Compliance to submit a [Complaint](#). Additionally, the RA includes a specific mechanism, the [Registry Restrictions Dispute Resolution Procedure](#) (RRDRP), to address claims that a community TLD registry is not following its registration restrictions. If an Expert Panel (as defined in the RRDRP Rules) determines that a registry operator is in breach, ICANN org will issue a notice of breach and provide the opportunity to cure, as required under the RA.

Transition of the Registry Operator for a Community TLD

There is currently no mechanism for Community TLD registry operators to transition into open or unrestricted commercial models or to otherwise abandon its original community commitments. The community definition, registration policies, eligibility criteria, and restrictions established at the time of contracting are carried forward in full and are enforceable throughout the life of the RA.

[Registry agreement \(RA\) assignments](#) follow the requirements set forth in the RA, as well as procedural requirements in the [Registry Transition Processes](#). ICANN notes that TLD community consultation, or evidence of community support/non-objection are existing requirements in the RA assignment process. Consultation with the impacted TLD community provides transparency and a means to obtain input from the TLD community, specifically those who are most directly impacted by the proposed change. Furthermore, within the assignments process, ICANN org conducts diligence to understand and evaluate the entity that is expected to operate the gTLD. This includes having reasonable assurances that this entity will continue to enable the secure, stable, and resilient operation of the gTLD, including that the obligations within the RA will continue to be met.

CPE Process and Determinations

In the 2012 Round, the CPE process was subject to a [Board-commissioned review](#), which included three areas of scope, one of which was "(ii) an evaluation of whether the CPE criteria were applied consistently throughout each CPE report (Scope 2)." The [findings](#) of the Scope 2 report were that "the CPE Provider consistently applied the criteria set forth in the New gTLD Applicant Guidebook...and the CPE Guidelines throughout each CPE." The [CPE Process Review reports](#) are publicly available, as are all of the [determinations](#) from the 2012 round, each of which includes rationale for the scoring provided by the CPE provider.

As it relates to the 2026 Round, in the context of the [New gTLD Subsequent Procedures \(SubPro\) Policy Development Process \(PDP\)](#), the Working Group considered Community

Applications and CPE (see Topic 34: Community Applications). The Working Group noted in its rationale on Topic 34 that “[t]he Working Group offers [these] recommendations and implementation guidance in an effort to guide improvements in the Community Priority Evaluation process.” Further, the Working Group noted that “[w]ith [the recommended changes], the Working Group believes that the Community Priority Evaluation process reflects to a greater extent the purposes set forth in the original GNSO policies and will hopefully reduce the number of complaints the CPE process receives compared to the 2012 new gTLD application round.”

As a result of these recommendations and related implementation guidance, ICANN org worked with the [SubPro Implementation Review Team \(IRT\)](#) to incorporate them into the [2026 Round Applicant Guidebook](#). As part of that effort, ICANN org and the SubPro IRT included in the Guidebook clear guidelines for each criterion. One key area of difference between the 2012 and 2026 Rounds, as it relates to “methodologies” and “decision rationales,” is the inclusion in the Guidebook of the requirement for the CPE Panel to disclose any “independent research”:

- *Guidebook Section 5.4.6: “If the panel conducts limited independent research or consults with community experts, it must disclose the results of this research to the applicant and include a citation or link to such research in its evaluation. The applicant will have 30 days to respond before the evaluation decision is rendered. When conducting any such research, panelists are cautioned not to assume an advocacy role either for or against the applicant or application.”*

Additionally, ICANN has now [contracted](#) with a vendor to conduct CPE for the 2026 Round and is developing an [Evaluation Guide](#), which recently went through [Public Comment](#). All CPE reports for the 2026 Round will be published as was done in the 2012 Round.

2026 Round “Safeguards”: Industry vs. other Organized Communities

One of the SubPro Working Group’s items of implementation guidance (34.2) was to ensure that “the Evaluation Guidelines [include] provisions that allow communities which are not economic in nature (and which therefore may not have clear and straight-forward membership structure) with an equal opportunity to score [full or partial]...points...” One example of how this concept was incorporated into the 2026 Round CPE process is visible in the Guidelines for Criterion 1: Community Establishment, where applicants are asked to provide (via their responses to application questions):

“...an overview of the identified community structure, as applicable, and whether it is formal or informal:

- 1. Formal communities typically have well-defined organizational structures and membership lists, such as economic communities or coalitions of nonprofit organizations.*
- 2. Non-formal communities may consist of self-identified members, or individuals, such as those in linguistic or cultural groups.”²*

²See Guidebook [Section 5.4.8.1.1](#).

This information will be considered by the CPE Panel as it evaluates the Community Establishment criterion. Additionally, the **CPE Guidelines explicitly state for the CPE Panel to consider different types of communities** as it evaluates the criteria (see Guidebook [Section 5.4.8](#))

2026 Round “Safeguards”: Community Designation

As noted above, CPE is, unto itself, not a “designation” but rather an **optional contention resolution mechanism**. The “Community Application” designation **cannot be changed** once the applicant has submitted its application.

Further, please note the points above regarding enforcement of Specification 12 and transition of Community TLDs. As it currently stands, the community definition, registration policies, eligibility criteria, and restrictions established at the time of contracting are carried forward in full and are enforceable throughout the life of the RA; there is currently no mechanism for this to be abandoned nor for ICANN to “sunset” such community TLDs that have “failed to achieve meaningful adoption”.

Based on the above, and regarding your overall concerns of the potential for gaming, ICANN believes these existing processes, which have been established based on policy, incorporate factors to mitigate the potential gaming risk within the TLD application process and future assignment requests. The application process itself is deliberately rigorous, which in practice can potentially discourage applicants who do not have a genuine intent to operate a TLD.

Additionally, ICANN org has the ability to cancel an application if the application was not submitted in good faith (see [Appendix 10: Terms and Conditions](#) of the Applicant Guidebook).

As noted above, ICANN will continue to monitor these concerns, including whether the broader community decides to conduct further policy work on this topic and revise how or when community TLDs may be assigned or “sunset”. If you haven’t done so, ICANN suggests that you share your concerns with the Registry Stakeholder Group, or relevant Supporting Organization or Advisory Committee, as that would be the appropriate avenue for the community to advance a policy discussion on this topic.

Sincerely,



Theresa Swinehart
SVP, Global Domains & Strategy