

NEW gTLD PROGRAM: NEXT ROUND

gTLD

Compilation of Public Comments on Draft Sections of the Applicant Guidebook and ICANN Responses

28 May 2025



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Overview

This document is a compilation of public comments on the draft New gTLD Program: Next Round Applicant Guidebook received by ICANN during the following public comment periods:

- [1 February-19 March 2024](#)
- [10 September-21 October 2024](#)
- [19 December 2024-7 February 2025](#)
- [14 February-2 April 2025](#)

The information in the "ICANN Response" column of each table reflects ICANN org's discussions of the public comments with the Implementation Review Team. For more detailed information concerning the ICANN org - IRT discussions, please consult the wiki at <https://icann-community.atlassian.net/wiki/x/CACwBq>.

Topic	Y	N	N/A
Public Comment #1			
Predictability Framework	9	1	0
Code of Conduct and Conflict of Interest Guidelines	7	2	1
Conflicts of Interest Process for Vendors and Subcontractors	8	0	2
Applicant Freedom of Expression	7	2	1
Universal Acceptance	9	0	1
Reserved and Blocked Names	9	0	1
Geographic Names	8	2	0
Public Comment #2			
Applications Assessed in Rounds	3	3	6
Registrant Protections	2	4	6
String Similarity Evaluations	3	3	6
Internationalized Domain Names (IDNs)	5	4	3
Dispute Resolution Procedures After Delegation	3	3	6
Registrar NonDiscrimination / Registry/Registrar Standardization	3	2	7
Registrar Support for New gTLDs	4	1	7
Root Zone Label Generation Rules - IDNs	5	3	4
Closed Generics	4	2	6
Public Comment #3			
Application Comments	8	3	1
GAC Member Early Warnings	10	1	1
GAC Advice	10	1	1

Topic	Y	N	N/A
Singular/Plural Notification	8	3	1
Objections	8	2	2
ICANN Dispute Resolution Procedure	8	2	2
ICANN Objection Appeals Procedure	8	2	2
New gTLD Program: Next Round Privacy Policy	7	3	2
Post-Contracting	10	0	2
DNS Stability	8	2	2
Security and Stability	9	1	2
Different TLD Types	6	5	1
Legal Compliance Check	8	2	2
Public Comment #4			
Material Impact	8	0	3
Registry Voluntary Commitments / Public Interest Commitments	5	2	4
Applicant Journey (related to Topic 5: Application Submission Limits)	5	3	3
Applicant Journey (related to Topic 16: Application Submission Period)	6	2	3
Application Questions	4	4	3
Application Fees	3	7	1
Terms and Conditions	5	2	4
Order of Application Processing and the Prioritization Draw	6	2	3
Application Change Requests	6	2	3
Financial and Operational Evaluation	2	5	4
Registry Service Provider Selection	5	2	4
Name Collision	4	4	3
Community Applications (Community Priority Evaluation)	2	4	5
Contention Set Resolution	3	5	3
Code of Conduct Exemption Evaluation (Specification 9)	6	1	4
Brand Eligibility Evaluation (Specification 13)	6	1	4

Public Comment #1

Predictability Framework

Public Comment	ICANN Response
RySG: The AGB should define what constitutes “material” impact on applicants, or otherwise provide more transparency into how the materiality of a proposed change will be determined. Much of the SPIRT framework relies on this determination, but it is not clear from the current draft how changes will be assessed, or by whom.	The current draft does not include any language that defines what is considered a material change and the language was updated once ICANN has the opportunity to discuss with the IRT the definition of material change during the Terms and Conditions topic. This sequence has already been discussed with and agreed by the IRT.
RySG: Since the GNSO Council will oversee the SPIRT, the IRT should consider working with the Council to develop guidelines regarding conflicts of interests for Councillors when it comes to such oversight duties.	It is important to note that the development of the SPIRT guidelines falls outside the scope of this IRT. As the GNSO Council is responsible for overseeing the SPIRT, ICANN org recommends that the RySG collaborates with the SPIRT chartering team to develop guidelines regarding conflict of interests for Councillors.
ALAC: Clarity related to Policy Changes Section 3 of the Predictability Framework, bullet three includes the text “If a policy change is necessary the Board, ICANN org, GNSO Council and the SPIRT will collaborate to identify an appropriate solution to secure the continuation of the program as well as an appropriate process to implement it.” The Change Execution flowchart includes a box at the lower right saying “In collaboration with the SPIRT, ICANN Org, GNSO Council and ICANN Board develop a solution in variance of or an exception to the policy for the existing round.” Despite these statements, there is a pervasive belief among some ICANN participants that the SPIRT will not engage in any discussions about policy but will only advise on methodology for how policy issues should be addressed. Additional clarity would be helpful. As an example: “For avoidance of doubt, should policy variances or exceptions be required for the existing round, SPIRT will be a full participant in arriving at the recommended changes.”	ICANN has updated the text based on the suggestions in this comment.
ALAC: Non-Policy Change Resolution In the case of a non-minor operational change, the	ICANN has updated the flowchart based on the suggestions in this comment.

Public Comment	ICANN Response
Change Execution Flowchart includes a box with the text “The SPIRT and ICANN org to agree on a solution*”, followed by text which effectively says that if they do not agree within 30 days, then ICANN org may develop a “temporary solution” while they continue to collaborate to find an agreed permanent solution. Out of an abundance of caution, we suggest that additional text be included to indicate that should the inability of the SPIRT and ICANN org to agree on a permanent solution continue for another 30 days after the implementation of the “temporary solution”, then ICANN org’s independent action should continue but the impasse towards a permanent solution must be escalated to the GNSO Council. There is also no explanation for the asterisk.	
ALAC: The arrowheads on the first flowchart are nearly invisible. They need to be enlarged to enhance readability.	ICANN has updated the arrows in flowchart based on the suggestion in this comment.
IPC: The IPC requests that the AGB draft language be revised to make it clear what the role of the SPIRT is in relationship to formulating solutions to problems, namely, “The SPIRT can only formulate solutions in conjunction with the GNSO Council.” It is not intended to be a decision-maker on its own. The draft language states that the SPIRT is expected to develop a “permanent solution” in some instances. In fact, the SPIRT is intended to operate as a “sorting mechanism” to assist in determining where an issue should be resolved and is, in all cases, under the supervision of the GNSO Council.	ICANN has updated the text based on the suggestions in this comment.

Code of Conduct and Conflict of Interest Guidelines

Public Comment	ICANN Response
ALAC: Please include in section 1.1.1.7 Affirmation, that all Vendors shall certify in writing that they have not only read and understand the Code of Conduct and Conflict of Interest Guidelines but also agree to comply with the Guidelines. This is to establish consistency with Conflicts of Interest Process for Vendors and Subcontractors item 9 on page 2 which refers	ICANN has updated the text based on the suggestions in this comment.

Public Comment	ICANN Response
to 'Vendors being required to contractually comply with and document acknowledgement that they understand ICANN's Conflict of Interest policies and guidelines established in Section [] of the AGB.' We see both parts as complementary, and aimed at fulfilling SubPro Recommendation 8.1.	
Timileyin Adisa: it does not solicit feedback. This can be done by vendors encouraging customers to provide feedback on their experiences with services. Vendors should actively listen to their concerns and take appropriate action to address any instances of bias or discrimination.	ICANN org notes that this comment proposes that vendors (i.e., third parties contracted by ICANN) solicit feedback from their customers on the services provided. ICANN would like to note that it already has procedures in place for individuals to provide feedback, input or note questions or concerns, such as via its Global Support Center. As such, ICANN has not made any updates.
RySG: While the proposed language is consistent with the relevant recommendation, the RySG suggests that the IRT consider incorporating transparency reporting requirements in the event that a new gTLD application has to be re-assigned to a secondary evaluator. Additionally, the RySG requests that the IRT make clear, either in this section of the AGB or elsewhere, whether the Guidelines included in section 2.1 of this draft also apply to the Codes of Conduct for Applicants and Registry Services Providers.	ICANN understands this comment to be a request for transparency reporting requirements to be flowed down to a secondary evaluator. However, ICANN notes that the proposed language includes the following statement: <i>AGB COI section: 2. Conflict of Interest Guidelines for Vendors states that: "Where possible, ICANN will identify and secure primary and backup providers for evaluation and dispute resolution. In conjunction with the Vendors, ICANN will identify conflicts and re-assign applications as appropriate to secondary or contingent third-party providers to perform the reviews."</i> Accordingly, ICANN believes that this statement covers transparency requirements as it relates to secondary evaluators and has not made any updates based on this comment. Additionally, ICANN understands this comment to request clarification as to whether the Guidelines in Section 2.1 apply to RSPs and applicants. ICANN updated the text based on the suggestions in this comment.

Applicant Freedom of Expression

Public Comment	ICANN Response
Kong Diep: Because of some geolocation, there will be a possible impact	ICANN notes this comment, which does not recommend specific additions to the draft language. As such, ICANN has not made any updates.
RySG: This language appears to be consistent with the relevant recommendation, but it is difficult to assess without seeing the content that will be linked in this section of the AGB (where the draft includes placeholders). The Affirmation 10.1 includes a number of useful references to legal rights that would be helpful to include in the final language of this section of the AGB.	ICANN has updated the text based on suggestions in this comment. The Language has been updated to include an excerpt from Affirmation 10.1, which references examples of relevant legal rights: <i>Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industrial Property, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.</i> The hyperlinked sections in the draft text will be accessible once the relevant content has been finalized and available for review in a subsequent public comment period.
ALAC: Please include a reference to “prohibitions” as another element that could result in an unsuccessful string application. By “prohibitions” we mean restrictions applicable to Reserved and Blocked Names (including Geographic Names) and other such restrictions which may not be viewed as “requirements”. In particular, we suggest the following amendment: “Applications are subject to an evaluation and objection process [hyperlink] as described in the AGB and will be unsuccessful should an applied-for string be found to violate applicable laws or other rights and requirements or prohibitions specified in the AGB.”	ICANN has updated the text based on suggestions in this comment. The language has been updated to include reference to “prohibitions” as stated in the proposed ALAC amendment. ICANN wishes to clarify that the New gTLD Program is structured as an objection based scheme. Applicants to the Program are able to submit requests for any gTLD string that meets technical requirements and the eligibility criteria noted in the AGB. ICANN will consider any objections to an applied-for string according to the process detailed in the AGB.
Timileyin Adisa: As part of ICANN's responsibilities, it is crucial that the organization ensures that its policies and practices respect the freedom of expression rights of applicants. This includes allowing individuals and organizations to apply for domain names without unjustified censorship or restrictions that unduly limit their ability to express themselves online. By affirming its	The comment does not suggest any changes to the draft language and is approving of its content and sentiment. As such, ICANN has not updated the text.

Public Comment	ICANN Response
commitment to respecting freedom of expression rights and giving no chance for bias in its codes and conduct, ICANN demonstrates its dedication to maintaining an open and inclusive internet environment. This approach not only supports the principles of free speech but also contributes to the diversity of voices and perspectives that enrich the online community. It is important that ICANN upholds the principles of freedom of expression. This fundamental human right is essential for fostering open communication and facilitating the free flow of information online.	

Reserved and Blocked Names

Public Comment	ICANN Response
RySG: This language appears to be consistent with the relevant recommendation, but the RySG requests that the IRT make a clarifying edit for the avoidance of doubt. Specifically, above the table in Section 1, “Blocked and Reserved Names,” we suggest that the language reflect that the names are not available to be applied for as gTLD/top-level strings in the next application round or future application procedures, and not gTLDs that are already delegated into the Root Zone.	ICANN has updated the text based on suggestions in this comment. The language states that “gTLD strings on the Blocked Names list are not eligible under existing GNSO policy to be applied for in any future application round. This exclusion does not apply to those gTLDs that are already delegated into the Root Zone.”

Geographic Names

Public Comment	ICANN Response
dotBERLIN GmbH & Co. KG: We would like to point out that no protocols or other relevant documents on decisions from the 2012 Geographic Name Panel are publicly available. Such documents would illustrate to new gTLD applicants how the Geographic Name Panel made decisions on the various strings that were identical to geographic names. In this context, it is hard to assess whether the proposed language is consistent with the relevant recommendations and further information and clarification form	Panel procedures and guidelines, along with other Next Round materials, will be published prior to the opening of the Next Round. For previous documentation from the 2012 Round, please see the following link: https://newgtlds.icann.org/sites/default/files/geo-names-process-07jun13-en.pdf.

ICANN org would be appreciated to make a final assessment. The absence of essential information leaves a bitter aftertaste when it comes to the transparency of the classification of geographic top-level domains.	
RySG: The RySG notes that it is difficult to fully assess this section of the draft AGB, and whether the proposed language is consistent with the relevant recommendations, given that some portions will be revisited when the IRT deals with subsequent topics (e.g., the language on the Review Procedure for Geographic Names in section 1.4). Additionally, the rules and procedures outlined in this section necessarily go beyond what is written in the recommendations. On that language, the RySG offers the following comments for the IRT's consideration: 1. Section 1.3 states that ICANN will comply with a legally binding court order, but does not provide any detail as to what will happen to the gTLD application in such an event. It would be useful to provide more detail around such a scenario, including if and how the applicant would be renumerated. 2. Section 1.4 appears to introduce the concept that ICANN may announce an end to the application round. This would seem to have significant implications to other sections of the AGB, so we urge the IRT to make the language on this subject in other relevant sections very clear.	ICANN acknowledges that it may be difficult in some instances to review a particular topic without the context of the full AGB. All topics have been put for a final public comment with the full AGB as of 30 May 2025.
Dotzon GmbH: We would like to point out that there is no documentation available from the 2012 Geographic Name Panel. Such documentation would illustrate how the Geographic Name Panel made decisions on the various strings that were identical to geographic names. In this context, it is hard to assess whether the proposed language in the AGB is consistent with the relevant recommendations. Therefore, further information and clarification from ICANN org would be appreciated to make a final assessment.	ICANN acknowledges that it may be difficult in some instances to review a particular topic without the context of the full AGB. All topics have been put for a final public comment with the full AGB as of 30 May 2025. For previous documentation from the 2012 Round, please see the following link: https://newgtlds.icann.org/sites/default/files/geo-names-process-07jun13-en.pdf.
ALAC: Please refer to Geographic Names (Work Track 5 Final Report) on page 4, under item 4 to do with “UNESCO region” and “Geographic Regions” and its Annex at page 9; as well as page 10 of the Work Track 5	ICANN has updated the text based on the suggestions in this comment. Additionally, ICANN acknowledges the importance of maintaining a static and current list from UN Stats and is exploring the most effective

Final Report to the New gTLD SubPro PDP WG. Our comments are: 1) The Work Track 5 Final Report recommendation on the above does not include the words “in the six UN languages” as was included in the draft AGB text at the end of the first paragraph of item 4. While the draft AGB text does go on to mention in the second paragraph “will be limited to the six UN languages specified on that list” which is technically correct per <https://unstats.un.org/unsd/methodology/m49/> (footnote 5), we believe that the six UN languages are set by the UN, and not ICANN. Hence, we propose that the words “in the six UN languages” be deleted from the said first paragraph; AND that the text “will be limited to the six UN languages specified on that list” in said second paragraph be changed to “will be limited to the languages specified on that list”; 2) If ICANN org is going to specifically rely on <https://unstats.un.org/unsd/methodology/m49/> as at Sep 2023, then we suggest a capture of that webpage be published by ICANN org for applicants’ benefit. Otherwise, the reference to “Sep 2023” may become meaningless. This goes back to earlier input by our representatives on the IRT regarding the need to ensure that any external information referred to by ICANN in the AGB has to consider the currency, and hence validity, of that information; 3) Please include a hyperlink (or bookmark thereto) to link “DNS Label Conversion Rules” in the said second paragraph to the source of that information; and 4) Most importantly, the first line of the third paragraph of the draft AGB text, should read as “In the case of an application for a string appearing on either of the lists in this item 4, documentation of...” instead of “In the case of an application for a string appearing on the list above, documentation of...”. This is to correctly reflect the narrow amendment intended in the Work Track 5’s recommendation 3 at page 10 of the Work Track 5 Final Report to the New gTLD SubPro PDP WG. Please refer to Geographic Names (Work Track 5 Final Report) on page 5; wherein our comments are: 5) In paragraph 2, please be consistent when mentioning “government support” to also include “or non-objection”; and 6) Paragraph 3 first line should perhaps read as, “For each application, the Geographic

means to achieve this.

Names Panel will determine which governments and/or public authorities are relevant” Please refer to Geographic Names (Work Track 5 Final Report) on pages 6 and 7 wherein our comment for references to “government” to consistently include “(and/or) public authority” are relevant to the: 7) The fourth and last paragraphs on page 6; and 8) The fourth and last paragraphs on page 7.	
IPC: The draft AGB section states: “If there is more than one application for a string representing a certain Geographic Name as described in this section, and the applications have requisite government approvals, the applications will be suspended pending resolution by the applicants. If the applicants have not reached a resolution by either the date of the end of the application round (as announced by ICANN), or the date on which ICANN opens a subsequent application round, whichever comes first, the applications will be rejected and applicable refunds will be available to applicants according to the conditions described in section 1.5.” The IPC requests clarification on how applicants can resolve such conflicts between themselves in the event that ICANN bans private auctions.	ICANN acknowledges that it may be difficult in some instances to review a particular topic without the context of the full AGB. All topics have been put for a final public comment with the full AGB as of 30 May 2025.

Public Comment #2

Applications Assessed in Rounds

Public Comment	ICANN Response
RySG: The Registries Stakeholder Groups (RySG) notes that the draft AGB language for the Subsequent Application Rounds section is not consistent with ALL of the relevant SubPro Final Report recommendations on this topic. Most notably, the proposed AGB text is missing any reference to Recommendation 3.5, which provides an opportunity for the GNSO Council to recommend pausing the New gTLD Program if needed. The Annex of “Relevant Outputs” for this draft section also includes implementation guidance around strings that are “still being processed” from a previous application round. The RySG recognizes that it may be more appropriate to incorporate this guidance into a different section of the AGB, but is noting it here for completeness.	ICANN has updated the text to state: <i>“ICANN anticipates future rounds of new gTLDs will take place at regular and predictable intervals without indeterminable periods of review and, absent extraordinary circumstances, application procedures will take place without pause unless the GNSO Council recommends pausing the New gTLD Program and the Board approves this recommendation.”</i> Additionally, ICANN will also include language in the AGB regarding strings that are “still being processed”. This language is part of the final version of the AGB, which has been put for a final public comment as of 30 May 2025.
Patrick Flaherty, IPC: No. Subsequent Application Rounds, Page 2. Reword sentence one by replacing “ICANN works towards” with “ICANN anticipates”. Page 2, Paragraph 2. This paragraph should be refined to make it clear that any decision to open or close the new gTLD program requires a board decision and is not within the discretion of the staff. Page 2, last sentence. The word “next” should be inserted before “subsequent round of applications.”	ICANN has updated the text with the suggested changes.
Lori Schulman, INTA: No. Recommendation 3.2 asserts: “Upon the commencement of the next application submission period, there must be clarity around the timing and/or criteria for initiating subsequent procedures from that point forth. More specifically, prior to the commencement of the next application submission period, ICANN must publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round.” However, the draft language states that the schedule	ICANN understands and appreciates the concerns raised in this comment and would like to reiterate its commitment to the multistakeholder model. ICANN would like to note that its understanding of the Recommendation 3.2 and references to the “next subsequent round” is the round following the “Next Round,” which is set to open in April 2026. Therefore, ICANN has included in the draft text the “specific set of criteria and/or events” that the Board will use to determine the opening of the round following the Next

Public Comment	ICANN Response
for future rounds is to be set by the Board "as soon as feasible, but preferably not later than the second Board meeting after all the following conditions have been met: 1. The list of applied-for strings for the ongoing round has been confirmed and the window for string change requests has closed. " That is, after the next round. This language therefore does not agree with the recommendation and should be changed. Both Brand owners, applicants, and potential applicants would like a clear and predictable schedule for future application rounds. Further, while INTA is providing substantive comments, we remain opposed to new rounds until not in favor of new rounds before substantial reforms are made to ICANN's approach to domain abuse and contract compliance. We recognize that ICANN has made a meaningful first step in working with the CPH on recent domain name abuse amendments within the RAA and RA. We view these amendments as a good faith first step, but we firmly believe more work needs to be done. Our members provided redlines and substantive comments on those amendments and no comments were ultimately adopted. This is typical of a trend that has developed where the concerns of constituent community members are solicited but consistently go unheeded. The result has been a decline in interest in the work of ICANN as otherwise engaged members have determined that there is very little return on the thousands of hours of time that they have devoted to ICANN's continuous improvement and evolution over the last 25 years, and instead have opted to pursue more balanced outcomes through regulators, legislatures, and courts. The ICANN Board, Org and review team members would do well to consider the consequences of continuing to ignore the input of non-contracted parties especially when it comes to addressing ongoing harms within the domain name system. At a time when governments are vying to assume more policy oversight over the DNS, ICANN is well positioned to double down on the multistakeholder model by giving serious consideration and adjusting proposed policies in a balanced manner. We support the multistakeholder model with the	Round. As such, ICANN believes that this language meets Recommendation 3.2.

Public Comment	ICANN Response
good faith belief that ICANN holds community inputs with fair weight. Otherwise, we fear that the external threats to ICANN may be realized.	

Registrant Protections

Public Comment	ICANN Response
RySG: The draft of this section notes that publicly traded corporations may undergo more limited background screening in section 1.1.2, which is consistent with Recommendation 22.4. However, it does not provide any further detail about how the background screening for such a corporation would differ from the screening of all other applicants. The RySG suggests that this section of the AGB will be clearer for future applicants if that is clarified, to the extent feasible. Additionally, it is challenging to fully assess this draft section while section 1.2.4.1 “Addressing Issues Identified during Background Screening” is not yet finalized	While ICANN understands the request for more information regarding how a background screening may differ for a publicly traded corporation, as described in Section 1.1.2, should there be any differences in the procedures for such a corporation, this will be context dependent and done on a case-by-case basis. Additionally, the general procedures are provided in detail in the proposed language, and an applicant should be prepared to meet those requirements. Please also note the requirements in the Financial Evaluation Criteria, which includes four different profiles depending on the type of applicant. The section on “Addressing Issues Identified during Background Screening” has been updated for the final public comment on the full AGB, which has opened as of 30 May 2025.
Patrick Flaherty, IPC: No. Overarching comment: The section numbering appears to have gone awry, going from 1.1.4 straight to 1.2.3. Section 1 Introduction, Page 2. Background screening should be subject to Bylaws to ensure fairness of the screening process. Section 1.1.4, Page 3. A footnote would provide guidance to the applicant by making reference to the applicant guidebook section which explains the circumstances which would allow for a change in the applying entity. Section 1.2.3, Page 4. The paragraph before “Eligibility Criteria” should not leave so much room for interpretation by stating “In the absence of exceptional circumstances.” This section should to be subject to Bylaws to prevent unfair discrimination against applicants by ICANN. Further, “In the absence of exceptional circumstances” should be deleted entirely as	ICANN would like to note that all ICANN processes and procedures are subject to the ICANN Bylaws, and all AGB sections have been drafted to adhere to the ICANN Bylaws. Regarding Section 1.1.4 and changes to an applying entity, the types of allowable changes to an applying entity are explained in detail in the Application Change Request Section. ICANN has updated this section to refer to the Application Change Request Section of the AGB. ICANN has opted not to remove the language “in the absence of exceptional circumstances” as there may indeed be circumstances that ICANN or the applicant may not foresee that need to be taken into account. Additionally, the Background Screening provider will have the opportunity to issue clarifying questions in

Public Comment	ICANN Response
it could open ICANN up to unnecessary Independent Review Processes (IRPs) by individuals trying to prove an exceptional circumstance. Section 1.2.3, Page 5. The second bullet point (twelfth sub-bullet in the section) should make it clear that only a decision by a qualified neutral can disqualify an applicant. The sentence should be preceded with “Decisions by qualified neutrals evidencing systemic or repetitive engagement in cybersquatting...” Section 1.2.3, Page 5. The text in the third bullet point (thirteenth sub-bullet in the section) be amended, as set out hereafter. Mere allegations cannot be sufficient to disqualify an applicant. Only a decision by a recognized neutral can be sufficient to contribute to the disqualification of an applicant. “A final determination by a dispute resolution provider or a court of competent jurisdiction of intellectual property infringement relating to registration or use of a domain name by the applicant or any of the individuals named in the Organizational Account Record respectively, within the last 10 years.” Section 1.2.3, Page 5. The text in Paragraph 2(a) should be amended, as set out hereafter. Mere allegations cannot be sufficient to disqualify an applicant. Only a decision by a recognized neutral can be sufficient to contribute to the disqualification of an applicant. “Confirm that neither the applicant nor any of the individuals named in the Organizational Account Record has been subject to a final determination by a dispute resolution provider or a court of competent jurisdiction of intellectual property infringement relating to registration or use of a domain name within the last ten years. If you are unable to confirm, please provide an explanation.” Section 1.2.3, Page 5. The Applicant Onboarding Questions should also include whether the applicant and individuals or entities named within the Organizational Account have violated the Uniform Rapid Suspension (URS) Policy, or Post-Delegation Dispute Resolution Procedures (PDDRP). Furthermore, the four-year limitation placed on “systemic or repetitive cybersquatting” should be removed because a single decision (even within a four-year period) can contain multiple domain names. Also, a	cases where an applicant has shown not having met certain criteria. ICANN notes the concerns regarding Section 1.2.3 Paragraph 2(a). While allegations, alone, will not disqualify an applicant, a decision by a recognized neutral can be sufficient to contribute to the disqualification of an applicant. Accordingly, ICANN has updated the text to state: <i>“Confirm that neither the applicant nor any of the individuals named in the Organizational Account Record has been subject to a final determination by a dispute resolution provider or a court of competent jurisdiction of intellectual property infringement relating to registration or use of a domain name within the last ten years. If you are unable to confirm, please provide an explanation.”</i> Finally, ICANN will add a new Paragraph 2(b): <i>“Confirm that the applicant and individuals or entities named within the Organizational Account have not violated the Uniform Rapid Suspension (URS) Policy, or Post-Delegation Dispute Resolution Procedures (PDDRP). If you are unable to confirm, please provide an explanation.”</i> Regarding removal of the four-year limitation placed on “systemic or repetitive cybersquatting” ICANN finds that this language sufficiently covers the concerns noted. ICANN will take into account any decision and whether that decision includes multiple domain names. The section on “Addressing Issues Identified during Background Screening” has been updated for the final public comment on the full AGB, which has opened as of 30 May 2025.

Public Comment	ICANN Response
single decision finding multiple instances of cybersquatted domain names, be treated as multiple decisions (of the same number) finding a single instance of a cybersquatted domain name. In addition, the phrase “in which allegations of intellectual property infringement relating to registration or use of a domain name” be amended to add “or allegations of bad faith use and registration of a domain name”. Section 1.2.4., Page 6. This section should be subject to Bylaws to ensure no unfair discrimination by ICANN. Section 1.2.4.1, Page 6. When there is a stable draft of this section, it should be placed for public comments.	
NCSG: We support the change of title to “Background Screening.” Ensuring that ICANN has clear, published and followed Background Screening Procedures, including Eligibility Criteria and Applicant Onboarding Questions is a protection for ICANN, the current Community, and our DNS users for years to come. In general, we support the Background Screening Section as it generally reflects the work of the Community. However, we raise questions on two different sections of the language as they raise specific concerns that the rules proposed in the Applicant Guidebook DO NOT meet the requirements of the SubPro Working Group in the following two ways. PART 1: Intellectual Property Infringement Criteria - An Eligibility Criteria that Seems Unrooted in any request of the SubPro or RPM Working Groups We note the unusual new addition to the Background Screening Eligibility Criteria, Bullet 2, final sub-bullet: <<Involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made against the applicant or any of the individuals named in the Organizational Account Record respectively, within the last 10 years.>> This Eligibility criterion – that an Applicant “Involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made against the applicant or any of the individuals named in the Organizational Account Record	Part 1: ICANN notes the concerns listed and that they echo concerns identified by the IPC. ICANN has made several changes to the text as described above. Part 2: ICANN understands the concerns regarding different types of applicants. ICANN would like to note that the language states: <i>“Background screening will be conducted at both the organizational and individual levels to confirm eligibility and assess risk. Information may vary based on the accessibility of data and local data protection laws. ICANN may take into account information received from any source if it is relevant to the criteria listed below and in compliance with local data protection laws, e.g., comments received via the Application Comment Forum (see Module/Section Application Comments for more information)”.</i> ICANN expects that the Background Screening Provider will make adjustments as needed or required in some cases. Additionally, it should be noted that the Financial Evaluation Criteria also differentiates between four different profiles to allow for different types of applicants and requirements. Finally, please note that in the Applicant Support Program Handbook, it states that “All new gTLD applicants—supported or not—are

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respectively, within the last 10 years” means that, “in the absence of exceptional circumstance”, “any entity (...) not meeting the eligibility criteria listed (...) will be disqualified from the program”. Similar text can be found in the section about “Applicant Onboarding Questions”. But this is not fair, or right, or balanced. “Allegations of IP infringement” can be made by anyone at any time. We also find that many allegations of registration of the domain name in bad faith fails to take into account the use of the same dictionary words, generic terms, and first and last names around the world by millions of people. Even a finding of bad faith domain name registration is not proof of infringement and has no precedential value. Further, only a court of law can make a finding of trademark infringement (and as above, a UDRP or URS filing is an allegation of registration of a domain name in bad faith, not an allegation or finding of trademark or IP infringement). In the Applicant Guidebook of 2012, we find a similar excerpt in the “Scoring section”, but leading to a different and much more nuanced approach and result: “(g) Disclose whether the applicant or any of the individuals named above has been involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made. Provide an explanation related to each such instance”. In this context, this was an aspect that should be evaluated, and did not appear to pose such a rigid possible barrier to applicants. The current wording of these proceedings is inaccurate, unbalanced, and unfair, creating something upon which the SubPro WG did not seem to agree, and apparently fails to take into account the real effects of its enforcement. As above, an entity or individual involved in any allegation of intellectual property infringement while using or acquiring domain names in the last ten years (which is not a short time) does not necessarily mean that any real infringement occurred. This text may create a loophole for IP abuse and anti-competitive practices, and inverting the burden of proof to the person being accused of being an infringer seems too onerous to potential applicants. This	required to submit a completed application for a new gTLD, which requires demonstration of the technical, operational and financial capabilities needed to operate a gTLD.”

Public Comment	ICANN Response
proposed wording could create a whole new form of gaming. Overall, in the original SubPro Final Report, Topic 22, the words “trademark”, IP, and intellectual are not even mentioned. We don’t know how a paragraph this broad, vague and undefined appeared in the Eligibility Criteria, and we respectfully request that it be deleted immediately as inconsistent with the advice of the SubPro and the inclusive goals of the New gTLD Program: Involved in any administrative or other legal proceeding in which allegations of intellectual property infringement relating to registration or use of a domain name have been made against the applicant or any of the individuals named in the Organizational Account Record respectively, within the last 10 years PART 2: WG Recommendation 22.4 not being sufficiently covered - where is our broad and inclusion of many types of entities? It is also important to note that the SubPro WG Final Recommendation 22.4 mentions that the revision should “consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases”. Specifically: “Recommendation 22.4: The Working Group supports Recommendation 2.2.b. in the Program Implementation Review Report, which states: ‘Consider whether the background screening procedures and criteria could be adjusted to account for a meaningful review in a variety of cases (e.g., newly formed entities, publicly traded companies, companies in jurisdictions that do not provide readily available information).’” SubPro Final Report. NCSG notes that work was done on this section by the IRT to create an addition of a section related to publicly traded companies, which benefits larger enterprises, but no real work appears to have been done to create the real and clear flexibility needed in the cases where applicants would need some flexibility, such as “newly formed entities” and particularly “companies in jurisdictions that do not provide readily available information.” This is an oversight of the IRT that we respectfully and with great dismay, submit can and will affect underrepresented countries and communities in substantial ways. The only phrase that gives some	

Public Comment	ICANN Response
flexibility to the process, which is “in the absence of exceptional circumstance”, seems deeply insufficient to address the concerns that background screening could exclude applicants because of an exaggerated formalism or not taking into account bureaucratic barriers that underrepresented organizations could find. The very entities ICANN and the ICANN Community want most to apply in the next round - the diversity we are seeking to achieve, and the gaps we are hoping to fill - lie in two key types of entities that the SubPro Working Group called on the IRT to define and create specific implementation rules to protect, namely: newly formed entities,” and those organizations “in jurisdictions that do not provide readily available information.” We call on the IRT to create these rules and equivalencies as soon as possible, and in all events for this next and upcoming rounds of New gTLDs to achieve the clear language and purpose and goals of SubPro Recommendation 22.4 for all entities named, not only the world’s largest. Going forward as currently written will harm the broad and inclusive goals of the section and make the disparities far worse, not better – counter to the intents of SubPro, the Board and the larger ICANN Community. ----- On a related note, the IRT, while engaged in this review and revision task, should provide flexibility also for noncommercial organizations and indigenous peoples which, consistent with SubPro Final Recommendation 22, may not look like US non-profit organizations (educational and charitable US non-profits being classified under a section of the US tax codes), but are nevertheless important and legitimate organizations whose applications we are seeking and have committed to fairly reviewing and evaluating. We call on the IRT to write express rules for the Background Screening of the broad and international range of organizations that ICANN hopes will apply for the Applicant Support Program (A	

Closed Generics

Public Comment	ICANN Response
Patrick Flaherty, IPC: No. The text regarding the definition of “Closed Generics” should be clarified to make it clear that an applicant for a Dot Brand (Under Specification 11) that happens to be a generic term for other goods is not excluded under this definition, as has been the case to date.	ICANN has updated the text to state: <i>“Note that this does not affect Section 9.3 of Specification 13 of the Registry Agreement, which states that “.Brand TLDs are TLDs where: (ii) only Registry Operator, its Affiliates or Trademark Licensees are registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.”</i>
Lori Schulman, INTA: It is important to distinguish Trademarks from unregistrable Closed Generics. Therefore, INTA believes that the definition of “Closed Generics” should be clarified so to ensure that an applicant for a Dot Brand (Under Specification 11) that happens to be a generic term for other goods is not excluded.	ICANN has updated the text to state: <i>“Note that this does not affect Section 9.3 of Specification 13 of the Registry Agreement, which states that “.Brand TLDs are TLDs where: (ii) only Registry Operator, its Affiliates or Trademark Licensees are registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.”</i>

String Similarity Evaluations

Public Comment	ICANN Response
Ashley Roberts, Com Laude: 1.1 “In case strings or their variant strings are determined as similar by the String Similarity Review Panel, these will be marked and may not be able to proceed or put in contention sets.” The end of the above sentence could be read to mean strings determined to be similar may not be put into contention sets. Based on our understanding of the intention of this passage, we suggest modifying it to read, “...these will be marked and may not be able to proceed or may be put in contention sets”. As a more general comment on the String Similarity Review language, although SubPro recommended the elimination of the SWORD tool, noting that there was “insufficient correlation between the results of the SWORD Tool and the outcomes of the String Similarity Review, indicating that the SWORD Tool, as implemented, was not a helpful resource for evaluators and especially for applicants”, it did not rule out the possibility of	The text for allowing single character Han TLDs has been removed from the AGB module and is under consideration by the GNSO Council. The Council has made clear that it does not see this issue as a dependency for the immediate Next Round.

Public Comment	ICANN Response
an alternative tool being developed during implementation. Significant additional complexity has been added to the assessment of string similarity by the development of rules on IDN variants after SubPro concluded and which were thus not envisaged by that working group. As a result, potential applicants face an almost impossible task in attempting to determine whether their proposed string will be identical or confusingly similar to all primary strings, allocatable variants and blocked variants of all existing gTLDs, ccTLDs, reserved names, blocked names and two-character ASCII codes. It is essential that there should be comprehensive guidance on how string similarity will be assessed, readily understandable by the layperson, and tools provided well in advance of the opening of the application window if we are not to see large numbers of applications fail the string similarity evaluation. The previously published draft String Similarity Review Guidelines are not readily understandable by the layperson. We note that ICANN does have available an LGR Label Validation Tool at lgrtool.icann.org. As we understand it, at present this covers only the existing TLDs but not applied-for ccTLDs, reserved names, blocked names and two-character ASCII codes. It is essential that the tool is expanded to include all relevant categories of string (as per section 1.2 of the String Similarity Review AGB language) prior to the next application window. Even with such an expansion of the scope of the LGR tool, it will still only identify identical match conflicts with labels, leaving an applicant to potentially compare hundreds, or even thousands of strings for similarity. It is essential that, at a minimum, guidance is provided and, ideally, that an online tool is provided to assist applicants in understanding how evaluators will determine similarity. Patrick Flaherty IPC: No. Section 1.2, Page 3. In addition to blocked variant strings, reference should also be made to blocked domain names. Section 1.2, Page 4. Reference should also be made to blocked domain names. Section 1.2, Page 4. It is unclear the extent of the String	

Public Comment	ICANN Response
Similarity Review Panel's discretion to omit some comparisons with the blocked variant strings. There should be reference to the String Similarity Review Guidelines to understand the extent of discretion the panel has to favor an application through omission of comparisons. Section 1.4.9, Page 12. This section needs clarification as it appears the Board is prepared to open the alternative strings options to all applicants. The first sentence ought also to say "...the applied-for .BRAND gTLD string does not pass String Similarity review..." NCSG: There is a slight variation in the definition of "similar" between the proposed Next Round Applicant Guidebook and the relevant SubPro Final Report recommendation. In the proposed Next Round Application Guidebook section on "Topic 24: String Similarity Evaluations", "Similar" is defined as "strings so visually similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone." However, the September 2023 Board scorecard (dated 10 September 2023) defines the standard of similarity as meaning "visually confusingly similar." While it is largely obvious that these mean the same thing, we would recommend utilizing the same phrasing as that of the Board to ensure clarity and uniformity with the guidebook's application, while also avoiding any extensive interpretation of the concept of "string similarity", something that could negatively affect the diversity and numbers of applications. Regarding the "exception for .BRAND strings" (section 1.4.9 on p.12), there is a sentence with a verb missing, which makes the section difficult to comprehend. After clarifying with ICANN staff, the sentence should read "...and this applied-for .BRAND gTLD does not clear String Similarity Review and is therefore unable to proceed..." This should be amended in the final text. We are concerned with this exception as it can be applied in a way that discriminates against non-commercials/any applicants that do not qualify as .BRAND. As written, only those who qualify as .BRAND have the opportunity to reapply with another string whereas	

Public Comment	ICANN Response
non-commercials/any applicants that do not qualify as .BRAND do not have the same opportunity. As such, we encourage the ICANN board to consider allowing other categories of applied-for gTLD strings - beyond just those applicants that qualify as a .BRAND - that do not clear String Similarity Review to be offered the opportunity to change their string.	
Lori Schulman, INTA: Section 1.4.9. needs the word “pass” inserted in the second line.	ICANN has updated the text to clarify, as suggested.

Root-Zone Label Generation Rules

Public Comment	ICANN Response
LiJun Wang, Research Center for Collation and Standardization of Chinese Characters: The Internet Corporation for Assigned Names and Numbers (ICANN) is initiating discussions on the proposed language for the next round of the New gTLD Program Applicant Guidebook (AGB), with Agenda Item 25 addressing the issue of opening single-character domain names in Chinese characters. In our previous feedback regarding the opening of single-character TLDs in Chinese, we pointed out that, based on the inherent characteristics of Chinese characters and the practical difficulties in their use, it is currently inappropriate to open single-character TLDs in Chinese. In the recommendations of the current discussion, specifically 3.17, it is also clearly stated that applications for single-character gTLDs in pictographic characters cannot be accepted until a consensus is reached. Therefore, we wish to emphasize that the current discussions have not yet reached a consensus and reiterate our opinion that it is not advisable to hastily open Chinese character single-character TLDs. 1. The opinions on opening Chinese character single-character TLDs are far from unified. According to ICANN's summary report from the previous round of discussions, a total of 16 comments were received on the topic of single-character TLDs in Chinese characters. Among these, 10 explicitly stated that it is inappropriate to open single-character TLDs	The text for allowing single character Han TLDs has been removed from the AGB module and is under consideration by the GNSO Council. The Council has made clear that it does not see this issue as a dependency for the immediate Next Round.

Public Comment	ICANN Response
in Chinese (ISC, CM, BNU, CASS, TI, CAICT, JK, WR, TU, SC), 5 suggested that more cautious and comprehensive consideration should be given (CGP, CNNIC, BC, NB, RL), and only 1 believed there was no issue (VR). It is clear that there is no consensus on this matter, and most parties agree that a detailed and actionable implementation guide is needed for further discussion. Therefore, the timing for opening single-character TLDs in Chinese is not yet ripe. 2. Reiterating Our Opinions In previous discussions, we have thoroughly argued that the characteristics of Chinese characters and the Chinese language do not support the opening of single-character TLDs. We will now briefly restate our opinions, hoping to draw the attention of all parties. (1) Opening single-character TLDs in Chinese characters is inconsistent with the characteristics of Chinese characters and the Chinese language. Firstly, the relationship between single Chinese characters and the meanings of Chinese vocabulary is very complex. Using a single Chinese character as a domain name presents the insurmountable issue of one character corresponding to multiple meanings. For example, with existing Chinese generic top-level domains, using a single character from any of the current two-character domain names would also lead to numerous ambiguities. Secondly, single-character Chinese domain names do not fit with the current status of the Chinese language system, which predominantly uses disyllabic words. The disyllabic structure has an absolute advantage in modern Chinese and is the most commonly used and easily understood basic unit of expression. Using single Chinese characters as domain names does not reflect the reality of the Chinese language and would create significant inconvenience for users. (2) Opening single-character TLDs in Chinese characters is not conducive to the practical use of domain names. Considering the context of network domain name usage, even if the issues of ambiguity and infrequency of single-character Chinese domains could be resolved, there would still be additional difficulties in recognition and memorization during their use. The main scenarios for	

Public Comment	ICANN Response
using network domain names include accessing and displaying URLs. In both scenarios, single-character Chinese domain names would present certain challenges. For example, from the perspective of displaying URLs: in Chinese, abbreviations for various polysyllabic names typically reduce to two or three characters, making it challenging for a single-character abbreviation to establish a direct connection with its full name. Rui Zhong, Internet Society of China: Highly appreciate ICANN's efforts to put forward the draft sections of the next round AGB. The only input I would like to raise is the concern of the risks of allowing the application of single character gTLD, as it will potentially cause confusion issue. The Recommendation 25.4 of the "Final Report" also mentioned the confusion risks condition when referring to the open of Single character gTLDs. Some examples already provided in previous public comment, for example, the Chinese character “新” may has different implications including but no limit to mean “new”, the abbreviation for country name of “Singapore”, and the abbreviation for the provincial name of “Xinjiang Uygur Autonomous Region” in accordance to different contexts. Meanwhile, the implication of Chinese character might be updated or changed or added new meanings in accordance with the development of times and social activities, especially meet with constantly fast growth of diverse online culture in the Internet era today. The vitality of creation and application is one of the key features of the Chinese character. With combination the new thing/hot topic on the Internet, a single Chinese character might be added to a whole new implication, so it is difficult to predict the confusion risks caused by the potentially change of single character implications.	
Patrick Flaherty, IPC: No. Section 5, Page 4. In relation to “Section xx – challenge mechanisms,” when there is a stable draft of this section, it should be placed for public comments.	ICANN has included a section regarding challenges in the final version, which has been put for Public Comment as of 30 May 2025.

Internationalized Domain Names

Public Comment	ICANN Response
Lang Wang, CNNIC: It mentions Recommendation 3.17 of EPDP Phase 1 Final Report in the Annex which says: single-character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph..... the only script that meets the criteria is the Han script.....applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after Public Comment, and implemented in the New gTLD Program. ICANN requested feedback of the Considerations for the Application of Han Script Single Character IDN gTLD in June. As of August 18th, a total of 18 comments have been collected, providing different feedback from various aspects such as security and stability, cultural and language challenges, technical issues, user experience and public interest, as well as policy and internationalization needs. Most of them called for not opening or at least taking more careful consideration of taking single-character of Han scripts as gTLDs. Before the guidelines approved, I hereby highlight two possible public policy issues regarding the single-character gTLD of Han scripts. One hand, bi-character or poly-character of Han scripts are the mainstream direction for the use of contemporary Chinese. Due to the features of polysemy and polyphony, using a single-character of Han scripts alone can lead to ambiguity and confusion, and more likely influence the user experience seriously. On the other hand, the similarities in pronunciation, form, and meaning of Han script single-character gTLD could lead to the risks of phishing, homophone attacks, intellectual property disputes, etc, which increased the difficulty of domain name management and governance. In a nutshell, from my point of view, single-characters of Han scripts are not suitable as gTLDs until the relevant issues are properly resolved.	The text for allowing single character Han TLDs has been removed from the AGB module and is under consideration by the GNSO Council. The Council has made clear that it does not see this issue as a dependency for the immediate Next Round.

Public Comment	ICANN Response
Wei Wang, CNNIC: The Recommendation 3.17 states that single-character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph. At the time of the EPDP Team's deliberations, the only script that meets the criteria is the Han script, which is used in the Chinese, Japanese, and Korean languages. Nevertheless, applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after Public Comment, and implemented in the New gTLD Program. In the event that the Generation Panels determine such additional guidelines beyond the analysis already provided in the RZ-LGR unnecessary, applications for single-character gTLDs in the Han script shall be accepted. CGP had a internal meeting in late September. The meeting was concluded that from a technical standpoint, the CGP has completed the generation rules applicable to both single-character and multiple-character labels, however, CGP recognize many CGP experts and CDN community members strongly oppose single Han-character registration in their personal capacities. Given that the single-character registration policy is not within the CGP's work scope, we discussed whether it is appropriate for the EPDP to consider the opinions of the CJK as a prerequisite for launching single-character registration. Therefore, the CGP is unable to give either a green light or a red light to the EPDP, leading to a cognitive difference between the EPDP and the CJK. Consequently, if possible, asking the ICANN board to form a separate expert group to handle this matter could be a way to bridge the gap. In the mean time, CJK chairs also had thorough discussions in the mailing list and exchanged ideas via zoom meeting held in early October, It was generally agreed by CJK that it should be more appropriate to form another working group to focus on the topic is as it can be specific on the Han script, and it be completed in a quicker timeline. The working group should consist of experts in policy, linguistic as well as technical. The working group could use the	

Public Comment	ICANN Response
Sub Pro recommendation, the IDN EPEP Recommendation, and the feedback received via the public comment as a starting premise. Na Xing, CAICT: Regarding the issues raised in the last public comment which was announced in June, we have found that many Chinese community members have also expressed their concerns of Han Script Single Character IDN Generic Top-Level Domains with similar feedback. Therefore, for Topic 25: IDNs in this public comment of the Second Proceeding for Proposed Language for Draft Sections of the Next Round Applicant Guidebook, we would like to reiterate the following viewpoints: 1. In the SAC052 clearly states that “the SSAC recommends a very conservative approach to the delegation of single-character top-level domains. In particular, ICANN should disallow by default the delegation of all single-character IDN TLDs in all scripts; exceptions are possible, but only after careful consideration of each individual case.” On the contrast, ICANN is taking considerations for the Application of Han script single character IDN in the next round opening. Currently, in terms of security and stability, we believe that ICANN is considering opening Han scrip single character IDN, but has not solved all the problems that need to be solved. It is definitely not a conservative approach that ICANN has taken. In addition, concerns can also be raised from the perspective of domain name security issues such as whether the delegation of Han script single characters IDN gTLDs will increase the risk of domain abuse. We have also noticed that there are still questions from some SO and AC regarding opening the application of Han script single character IDN TLDs. The members of CJK GPs do not all support of opening Han scrip single character IDN. Due to the above issues, we would like to request a re-evaluation of the security of openness, especially considering that only the Han script single character IDN TLDs are currently included in delegation. However, considering the differences in usage, user habits, and diverse meanings of the Han script single character, it is necessary to conduct a separate evaluation on this issue,	

Public Comment	ICANN Response
and to communicate and consult with the competent authorities of the countries and territories where the Han script single character IDN TLDs are mainly used on security. Moreover, we would like to suggest that the ICANN Board shall communicate with ccNSO, ALAC, GAC and other organizations, especially representatives from countries and territories where the Han script single characters are mainly used. ICANN shall fully listen to the opinions of relevant communities and reach consensus on the relevant issues. 2.The JIG also suggested moving forward with the implementation of single character IDN TLDs while addressing relevant technical, linguistic, and policy matters. From the current perspective, the technology, language, and policy issues are not solved. If it is opened rashly, according to the situation of the first round of opening, single character IDN TLD are bound to cause more new problems, such as trademarks and intellectual property, public interests, user rights, and other aspects. In addition, we would like to remind that ICANN is bound by its Articles of Incorporation and Bylaws to respect relevant principles of international law and applicable local law. There are Chinese laws and regulations related to language, trademark and intellectual property rights, geographic name management, organization name management and other laws and regulations also involved with language and other related issues. For instance, according to the application rules for gTLDs when applying for a Geographical Name TLD, the applicant is required to submit a support or non-objection document issued by relevant government departments. Therefore, we urge ICANN to conduct a legal compliance assessment and comply with relevant regulatory requirements before opening the application of Han single character IDN. 3. In the CGP Statement on the Single Character IDN TLD Implementation, CGP has expressed that they have completed the task of the Root Zone Label Generation Ruleset (RZ-LGR). "CGP did not distinguish between single-character labels and multiple-character Chinese strings."CGP experts and CDN community members strongly oppose	

Public Comment	ICANN Response
single-character registration in their personal capacities. Given that the single-character registration policy is not within the scope of CGP's work, they have discussed whether EPDP should take the views of CJK as a prerequisite for initiating single-character registration. From a technical perspective, CGP has completed the generation rules applicable to single-character and multi-character labels. Therefore, CGP cannot give a green light or a red light to EPDP, resulting in a cognitive difference between EPDP and CJK. Despite knowing the attitude of CGP/CJK GPs, ICANN still insists on linking openness to whether CJK GPs will provide more guidance. According to the next steps of Considerations for the Application of Han Script Single Character IDN Generic Top-Level Domains, "Based on the inputs from the Chinese, Japanese, and Korean Script Generation Panels, no further analysis is required. So, ICANN org is able to move forward with implementing the policy recommendations regarding the single character IDN gTLDs in the Han script. " Before the public comment of Topic 25, from the statements of CGP/CJK GPs and ICANN, it can be seen that there are differences in understanding regarding the opening of Han script single characters. While CGP/CJK GPs hold that openness is unrelated to certain aspects, ICANN seems to link openness to other factors. Given the complexity of the situation related to single character openness, there is currently a lack of a comprehensive evaluation of whether openness meets the conditions and a full solution for the application of Han script single character IDN TLDs. Based on three points of views mentioned, ICANN has not completed a full competent assessment and has not addressed all relevant concerns of most related stakeholders/parties. Therefore, we recommend that ICANN not open application of of Han Script Single Character IDN in the next round in 2026. In conclusion, regarding the application and delegation of Han script single character IDN gTLDs in the next round in 2026, firstly, we believe that ICANN is not taking a conservative approach that there are still remaining unsolved issues related to security and public policy.	

Public Comment	ICANN Response
Secondly, CGP and ICANN have not reached a consensus. That is, CGP insists that the team "should NOT and has NOT be involved in registration policy discussions on single character issue", referring to the feedback and comments from CGP/CJK GPs and their members, while ICANN links openness to whether CJK GPs will provide more guidance.	
Patrick Flaherty, IPC: No. Section 2.1. The current language leaves room for interpretation. To prevent any uncertainty, there should be a contractual requirement that the registry agreement can only be assigned in conjunction with all sibling registry agreements, and that the strings, if moved to another registry service provider, must be moved as a group. Section 3.4, Page 6. Instead of requiring additional IDN trademark registrations, it may be more effective to utilize the Doctrine of Foreign Equivalents in the interpretation of Recommendation 3.16.3.	ICANN has updated Section 2.1 to note that a gTLD and its applied-for allocatable variant gTLDs will be allocated to the same registry operator through the same registry agreement. Regarding the comments related to the IDN trademark registrations, ICANN has provided guidance to Brand TLD applicants in the Brand TLD Eligibility section of the AGB, a draft of which can be found here: https://itp.cdn.icann.org/en/files/policy-development/brand-eligibility-evaluation-spec-13-14-02-2025-en.pdf. As noted in that section, Brand TLD applicants must ensure that "any desired variant labels of the primary Brand string are listed in elements in SMD files. All applied-for variants of a Brand TLD must exactly match a element (sic) in a valid SMD dated prior to application submission." ICANN believes this reflects Recommendation 3.16.3 (3.16.3: "An applicant for a .Brand TLD string and its allocatable variant label(s) is required to submit proof that its applied-for primary gTLD string and applied-for allocatable variant label(s) are identical to registered trademarks owned and used by the registry operator or its affiliate.").

Dispute Resolution Procedures After Delegation

Public Comment	ICANN Response
Patrick Flaherty, IPC: No. The first sentence of this section does not set forth the fact that allegation of the bad faith registration of	ICANN has made the following update based on this comment: Deleted the following: "... rather than an

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second level domain names is a required element of Section 6.2 of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP). Without specific reference to this, the applicant may not understand the nuance of this paragraph.	alleged bad faith registration of a second level domain name by a registrant.” - Moved the following footnote to the end of the last sentence of this topic text. - Footnote: “For further details about additional policies and procedures that apply to various types of disputes over the registration and use of domain names, see: https://www.icann.org/resources/pages/dndr-2012-02-25-en.”
NCSG: As laid out in SubPro Final Recommendation 33.2: For the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the Registration Restrictions Dispute Resolution Procedure (RRDRP), clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available. NCSG respectfully submits that this section, Dispute Resolution Procedures After Delegation, needs more detail, discussion, and clarification. Far too much history, and recent events, are packed into two few words. The conciseness fails to provide readers from around the world - the ones we have promised the world we will engage in marketing and outreach to bring into the New gTLD Program - and thus creates an unfair benefit and knowledge base for those of us who have been with these ICANN policymaking processes for so many years. NCSG calls for more explanation and details, just as the SubPro in its Final Recommendation 33.2 called for the PICDRP and RRDRP to be “clearer, more detailed, and better-defined guidance on the scope of the procedure, the role of all parties, and the adjudication process must be publicly available.” (We note that this clarity, detail and clear guidance must apply to the “Trademark Post-Delegation Dispute Resolution Procedure, reviewed within the remit of the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group” and just as relevant to the consideration in this analysis, and clarity in this section of the Applicant Guidebook). The text that explains the Dispute Resolution Procedures is too summarized, mainly	ICANN has reviewed and considered the comment, and believes that additional update, as suggested by this comment, are not needed due to following reasons: - The AGB draft text indicates that the guidance on the “scope of the procedures, the roles of all parties, and the adjudication process” with respect to all these three post-delegation dispute resolution procedures (including the TM-PDDRP, as NCSG noted) will be included in the “educational materials” (in the form of Frequently Asked Questions (FAQs), as planned by ICANN org) to be published on newgtldprogram.icann.org, which the general public will have access. This approach is not inconsistent with the <u>SubPro Recommendation 33.2</u>, which requires that “...clearer, more detailed, and better-defined guidance...must be publicly available” and does not specifically require the inclusion of such guidance in the AGB. The IRT has supported the approach of developing educational materials outside of the AGB. - The draft educational materials in the form of FAQs on the post delegation dispute resolution procedures, once developed, will be made available to the IRT for input and feedback before they are finalized and published on newgtldprogram.icann.org. - The reference to the ICANN Board resolution on RVCs will be mentioned in the RVC related topic/section in the AGB. ICANN org will consider providing additional detail on this Board resolution and its impact, as well as other pertinent background information in the

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referring to details in other sections. Even if those other sessions provide more details satisfactorily, which we do not know and cannot here approve, they lack a) clarity, b) details, and c) better-defined guidance on the scope of the procedures, the role of all the parties, and the process for making the adjudication process... publicly available.” We note there is not even a reference here for the basic and fundamental change to the Public Internet Commitments/ Registry Voluntary Commitments decision of the ICANN Board in June 2024, building on work throughout the year including community consultation in late 2023 and early 2024, including a panel in March 2024. The June 8, 2024, Board resolution, and its conclusions, must be referenced here clearly and with detail a) to achieve the clearly written goals of the SubPro Final Recommendation 33.1 and b) to avoid giving unfair information and advantage to only the ICANN Insiders who participated in the process, and not all of the future Applicants and Community around the world who we hope will benefit from these procedures. We call for this section of the ICANN Report to specifically reference resolutions of the Board regarding PICs and RVCs (and directly affecting and limiting the scope of the PICDRP), including “Resolved (2024.06.08.08), the ICANN Board determines that ICANN should exclude from the Next Round RAs any RVCs and other comparable registry commitments that restrict content in gTLDs.” “Resolved (2024.06.08.09), the Board directs the ICANN Interim President and CEO, or her designee(s), to commence the implementation of the SubPro recommendations related to RVCs and other comparable RA commitments, including the design and implementation of evaluation criteria and processes to effectuate this exclusion.” Overall, considering the specific recommendation made by the SubPro Working Group, providing some extra relevant information may be useful for Applicants and the Community, it is critical to	educational materials for PICDRP outside of the AGB. This approach is consistent with SubPro Implementation Guidance 12.6, which states “...Historical context and policy should be included in appendices or a companion guide, while remaining linked to relevant AGB provisions.”¹

¹ See [SubPro Implementation Guidance 12.6](#) here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdf-02feb21-en.pdf#page=55>

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provide more information here in this section on topics that could or could not be disputed under each procedure, exemplified by the Board resolution excluding content from RVCs. We call for this section to be pulled back and reissued when additional details, proper guidance, and clarity are provided so we can review it together, and in the proper context.	
Lori Schulman, INTA: INTA emphasizes that both the base new gTLD Registry Agreement and Paragraph 1 of this proposed AGB language MUST EXPLICITLY PROHIBIT each registry operator from engaging in fraudulent, deceptive, or illegal conduct. Otherwise, the (Public Interest Commitment Domain Resolution Policy) PICDRP will remain completely meaningless. See e.g. Standing Panel Evaluation for .FEEDBACK (14 March 2017) available at https://www.icann.org/en/system/files/files/feedback-picdrp-panel-report-14mar17-en.pdf (“the Panel finds that Respondent’s Registry Operator Agreement contains no covenant by the Respondent to not engage in fraudulent and deceptive practices.”)	ICANN has reviewed and considered the comment, and believes that additional update, as suggested by this comment, are not needed due to following reasons: • This topic of the AGB specifically concerns post-delegation dispute resolution procedures, which includes the PICDRP. As stated in this AGB draft text, the PICDRP provides a mechanism to address alleged complaints that a registry operator may not be complying with one or more Public Interest Commitments (PICs) and/or Registry Voluntary Commitments (RVCs) made in Specification 11 of the Registry Agreement (RA). • This comment seems to be made in association with SubPro Final Recommendation 36.4, which provides, in pertinent part, “ICANN must add a contractual provision stating that the registry operator will not engage in fraudulent or deceptive practices...ICANN may, at its discretion, either commence dispute resolution actions under the Registry Agreement...or appoint a panel under the PICDRP.” • To implement SubPro Final Recommendation 36.4, the draft Next Round RA proposes an additional ground for ICANN to terminate a RA in circumstances in which ICANN receives a complaint, or otherwise becomes aware, that a registry operator is engaging in fraudulent or deceptive business practices in connection with the operation of the gTLD. In other words, ICANN’s proposed implementation does not include the creation of an additional PIC to address fraudulent or deceptive practices, and the proposed contractual

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	provision is not subject to the PICDRP.

Registrar Non-Discrimination / Registry/Registrar Standardization

Public Comment	ICANN Response
NCSG: A key element regarding the process of granting exemptions to the Registry Code of Conduct is missing from the draft section on topic 37 in the guidebook. Although it is noted in the annex as an update to “Recommendation 37.1,” the stipulation that “no exemptions shall be granted without public comment” is such an important element of the process that it is our NCSG recommendation that it be integrated directly into the relevant section of the text rather than as an item in the annex. We emphasize to the Board that public comment allows for more transparency and accountability in upholding registrar non-discrimination. We also note that increased transparency of ICANN and the Registry/Registrar Code of Conduct further supports the implementation of Work Stream 2 recommendations.	Based on IRT input on the public comments received, ICANN has consolidated the AGB text on this topic with the AGB text on the “Registrar Support for New gTLDs” topic, and created a new section titled “Fundamental Obligations of Registry Operators to Registrars”. This approach is to remove redundancy and make the information educational for future registry operators, highlighting their fundamental obligations with respect to registrars. ICANN has made the following key points in the newly consolidated section: • Registry operators (ROs) must use ICANN-accredited registrars to register domain names; • Registry Operator Code of Conduct (CoC) must be followed, unless an exemption is granted; • Per CoC, ROs are required to provide non-discriminatory access to ICANN-accredited registrars; • Per CoC, RO that also operates as a registrar must ensure such services are offered through a separate legal entity and maintain separate books of accounts; • Reference to the relevant sections/clauses/specifications in the Registry Agreement are included for further detail. ICANN has made the following update in the “Code of Conduct Exemption Evaluation” section of the AGB based on this comment, as it is more appropriate to reflect the change in that section: • After the sentence “...Applicants are permitted to request a Code of Conduct Exemption in the gTLD program application or, after the submission of the application, using an Application Change

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	Request.”, added the following sentence: “The request for Code of Conduct Exemption is open to the public for review and input via the application comment period. See Application Comments in the Evaluation Process for more information.”
Lori Schulman, INTA: The term “non-discriminatory access” lacks a definition or context, and INTA recommends that the AGB provide a few clearcut practical examples, such as inclusion / exclusion based (i) on a registrar’s total Domains Under Management (DUMs), (ii) a registrar’s openness to all prospective customers, or (iii) RRA pricing or liability terms intended to exclude all registrars except those affiliated with the registry operator. Ultimately, INTA wishes to ensure that the trusted corporate domain name registrars of INTA members are not discriminated against by new gTLD registry operators.	ICANN has made the following update based on this comment: - Revised this sentence “...all registry operators are required to abide by a Code of Conduct addressing, inter alia, non-discriminatory access for all authorized registrars.” as follows: “...The Registry Operator Code of Conduct requires the registry operator to provide non-discriminatory access to its registry services to all ICANN-accredited registrars that enter into and are in compliance with the RRA for the TLD. See Specification 9, Section 1(a) of the Base Registry Agreement for more information regarding registrar non-discrimination.” ICANN notes the following rationale for the proposed update: - The Code of Conduct provides that registry operators must not “directly or indirectly show any preference or provide any special consideration to any registrar with respect to operational access to registry systems and related registry services, unless comparable opportunities to qualify for such preferences or considerations are made available to all registrars on substantially similar terms and subject to substantially similar conditions...”. See RA Specification 9, Section 1(a) for more detail. - As the authoritative document, ICANN has updated the text to provide reference to the Code of Conduct in the Registry Agreement for clarity.

Registrar Support for New gTLDs

Public Comment	ICANN Response
Patrick Flaherty, IPC: No. Section 1.1, Page 2, first sentence. Use of the word “partnerships” renders the Applicant Guidebook (AGB) imprecise as the AGB refers to corporate structures and legal terms. Partnership is not used here as it is legally defined. Deletion of this phrase in its entirety will prevent any confusion. Section 1.2, Page 2. The AGB should make it clear that applicants will not be receiving financial or legal support from ICANN. The first sentence should read, “ICANN will continue to provide support, as defined in this paragraph, for...” Section 1.3, Page 3. The second sentence should read “An ICANN-Accredited registrar will consider whether it will enter into each RRA with the registry operator and support the gTLD by adding it to their product line-up.”	Based on IRT input on the public comments received, ICANN has consolidated the AGB text on this topic with the AGB text on the “Registrar Non-Discrimination / Registry/Registrar Standardization” topic, and created a new section titled “Fundamental Obligations of Registry Operators to Registrars”. This approach is to remove redundancy and make the information educational for future registry operators, highlighting their fundamental obligations with respect to registrars. ICANN has made the following key points in the newly consolidated section: • Registry operators (ROs) must use ICANN-accredited registrars to register domain names; • Registry Operator Code of Conduct (CoC) must be followed, unless an exemption is granted; • Per CoC, ROs are required to provide non-discriminatory access to ICANN-accredited registrars; • Per CoC, RO that also operates as a registrar must ensure such services are offered through a separate legal entity and maintain separate books of accounts; • Reference to the relevant sections/clauses/specifications in the Registry Agreement are included for further detail. ICANN has made the following update based on this comment: • Removed “Maintain partnerships with ICANN accredited registrars.” • Revised the paragraph “Registrars are encouraged to follow updates regarding the New gTLD Program in order to be aware of delegated gTLDs. An ICANN-Accredited registrar will consider whether it will enter into an RRA with the registry operator and support the gTLD to their product line-up.” as follows: “A registry operator should be aware that an ICANN-accredited registrar has no obligation to carry a gTLD or offer it to

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	its customers in its product offerings. While registrars are encouraged to follow updates regarding the New gTLD Program in order to be aware of delegated gTLDs, it is at the registrars' discretion to evaluate whether to enter into an RRA with each registry operator."

Public Comment #3²

General Comments

Public Comment	ICANN Response
ALAC: It would have been more helpful for this public comment submission form to state clearly which document each question relates to rather than to refer solely to a topic, especially where such topic features in more than one document - case in point, the document entitled “Community Input and Dispute Resolution” covers many topics under this public comment. Nevertheless, the ALAC looks forward to the opportunity in May 2025 to review the draft AGB in its entirety. End-User Impact The ALAC and At-Large Community’s interests in the Next Round of New gTLDs evolve around the broad themes of:- 1) DNS security and stability; 2) Mitigation of name collision risk as well as end-user confusion risk and DNS Abuse all of which encompasses a conservative approach to expanding the DNS; 3) Diversification of the DNS marketplace to include more niche community TLDs and assistance (in the form of Applicant Support resources) particularly to support the Global South or underserved communities/regions; and 4) Having effective ability to raise concerns (including filing Objections) on problematic string applications, whilst ensuring applicants (in becoming eventual Registry Operators) are contractually bound by appropriate, enduring Registry commitments. Our comment touches on all 4 of the above broad themes:- - The ICANN Community and Board agreed policy on variant TLDs is that only allocatable variants can be applied for, and that the Root	ICANN appreciates the ALAC’s input and notes the recommendation regarding naming vs. topics and will ensure that this is clear in the final AGB. ICANN has responded to each of the ALAC’s comments in the topic areas below in this document.

² The NSCG submission can be found at <https://icann-community.atlassian.net/wiki/download/attachments/112197941/NCSG%20Comment%20-%20Third%20Proceeding%20for%20Proposed%20Language%20for%20Draft%20Sections%20of%20Next%20Round%20AGB..pdf?api=v2>

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Zone Label Generation Rules (RZ-LGR) is the sole authoritative source for determining which variants are allocatable and which are blocked. The concept of “only allocatable variants can be applied for” should be consistently reflected throughout the AGB. - Given there will be a new Name Collision Risk Management Framework which differs quite significantly in implementation to (and replacing) the 2012 framework, additional care should be taken to explain how the new framework will be applied vis-à-vis the evaluation and approval of gTLD strings to their delegation as TLDs. - It is currently unclear whether Applicant Support qualified applicants will be supported financially to file Objections (and Notice(s) of Appeal against dismissal of Objections) for which they are eligible to file. - It is also unclear whether the ALAC will be supported financially to file Notice(s) of Appeal against dismissal of any Objections filed by the ALAC. Due process demands that any party having ability to file an Objection should also be given the ability to appeal against a dismissal of the Objection. Ratification Record On 19 December 2024, the Public Comment proceeding opened for the Third Proceeding for Proposed Language for Draft Sections of Next Round AGB. On 15 January 2025, Justine Chew, Avri Doria and Nthabiseng Pule discussed the comments for the ALAC statement during the Consolidated Policy Working Group (CPWG) call. The At-Large CPWG decided it would be in the interest of end users to develop and submit an ALAC statement for this Public Comment proceeding. Justine Chew volunteered to draft the initial ALAC statement for CPWG consideration and ALAC endorsement. On 22 January 2025, the initial draft statement was shared with the CPWG for review and input. On 29 January 2025, a second reading of the draft statement was presented to the CPWG. On 05 February 2025, the At-Large Public Comment Statement was finalized. The ALAC Chair, Jonathan Zuck, requested that the Public	

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Comment Statement be ratified by the ALAC before submission to the ICANN Public Comment feature. On 07 February 2025, staff confirmed the online vote resulted in the ALAC endorsing the statement with 15 out of 15 votes in favor. 0 votes against, and 0 abstentions. Please note 100% of ALAC members participated in the poll. The ALAC members who participated in the poll are (alphabetical order by first name): Aziz Hilali, Bukola Oronti, Claire Craig, Eunice Alejandra Perez Coello, Emilia Zalewska-Czajczynska, Jonathan Zuck, Kathleen Scoggin, Natalie Tercova, Judith Hellerstein, Justine Chew, Lilian Ivette De Luque, Pari Esfandiari, Raihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman. You may view the results here: https://tally.icann.org/cgi/results?e=ba5f9fd9981.	
GAC: The ICANN Governmental Advisory Committee (GAC) welcomes the opportunity to provide comments on the Third Proceeding for Proposed Language for Draft Sections of the Next Round Applicant Guidebook (AGB) opened on 19 December 2024. GAC members have reviewed the proposed language and herein provide general comments in that regard. The GAC thanks the Subsequent Procedures Implementation Review Team and ICANN org for the multiphase approach to drafting of Applicant Guidebook Language, providing the GAC and other members with multiple opportunities to review and provide input prior to the publication of the complete AGB. The GAC recognizes that the full Applicant Guidebook will be submitted for public comment prior to its publication, and therefore these comments do not preclude any future GAC input on the AGB as a whole. GAC Topic Leads have found the Applicant Guidebook language on the following topics as discussed since ICANN81 by the IRT to be in accordance with SubPro PDP WG Recommendations: Community Input and Dispute Resolution	ICANN appreciates the GAC's continued support and input on draft sections of the AGB.

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• Application Comments (Topic 28: Role of Application Comment) • GAC Member Early Warnings (Topic 30: GAC Consensus Advice and GAC Early Warning) • GAC Advice (Topic 30: GAC Consensus Advice and GAC Early Warning) • Singular/Plural Notification (Topic 24: String Similarity Evaluations) • Objections (Topic 31: Objections and Topic 32: Limited Challenge/Appeal Mechanism) • Topic 31: Objections and Topic 32: Limited Challenge/Appeal Mechanism • ICANN Dispute Resolution Procedure • ICANN Objection Appeals Procedure • Post-Contracting • DNS Stability • Security and Stability (Topic 26: Security and Stability) • Different TLD Types (Topic 4: Different TLD Types) Specifically, on the topics of GAC Member Early Warnings and GAC Advice (Topic 30: GAC Consensus Advice and GAC Early Warning) the GAC wishes to convey its support for the language included in the draft Applicant Guidebook. Such language aligns with GAC discussions and interactions with the Board following the GAC ICANN77 Communiqué, where this topic was addressed under “issues of importance”, and with the agreed compromise reached with the Board during the subsequent GAC/Board discussions. The language included is consistent with the relevant outputs from the Final Report on the New gTLD Subsequent Procedures Policy Development Process. While there is no specific consultation here on the Applicant Support Process; the GAC would like to thank ICANN Org and the IRT for updating the GAC and other Community members of the progress of the process. It has been beneficial for the GAC to be represented in the Subsequent Procedures Implementation Review Team (IRT) and to therefore take part in the discussions of the	

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important issues articulated above. This has been important in keeping the wider GAC informed of developments. The GAC is grateful to ICANN org for this opportunity to share the committee's perspective on the Third Proceeding for Proposed Language for Draft Sections of the Next Round Applicant Guidebook (opened on 19 December 2024) and the committee looks forward to contributing to potential future comment opportunities as they relate to this matter at ICANN82 and in the future.	
INTA: INTA maintains its longstanding position that “gTLDs should not be introduced unless and until ICANN resolves the overarching issues of trademark protection, the potential for malicious conduct, Internet security and stability, and top-level demand and economic impact.” Furthermore, “any expansion of the generic domain name space must not be unlimited, but must be responsible, deliberate and justified.” See INTA Board Resolution, <i>Creation of New gTLDs and Trademark Protection</i> (July 8, 2009). Nevertheless, ICANN is poised to launch its next round of new gTLD applications in an environment where <i>inter alia</i> (i) ICANN org has endorsed only a very narrow definition of DNS Abuse; (ii) publicly available domain name registration data no longer exists in gTLDs; and (iii) law enforcement, cybersecurity researchers, intellectual property rights holders, and indeed victims of abuse all lack any meaningful access to domain name registration data. INTA remains a good faith participant in the ICANN multi-stakeholder model. Advice and positions expressed by INTA on matters related to the DNS warrant serious consideration by ICANN; particularly with respect to issues like new gTLD confusing similarity and dispute resolution procedures. INTA positions are formed based on deep member experience comprised of the world's leading intellectual property attorneys, paralegals, trademark agents, academics, and brand protection professionals. Imbalanced policy and	ICANN appreciates the INTA's input and notes that all comments are considered carefully. ICANN has responded to each of the INTA's comments in the topic areas below in this document.

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contractual outcomes, which do not reflect the advice or positions of businesses, rights holders, Internet users, and consumer protection organizations, only undermine the multi-stakeholder model.	
Ministry of Digital Affairs, Chinese Taipei: We appreciate the opportunity to provide feedback regarding current ICANN documents and processes. To have the most inclusiveness, we would like to propose more comprehensive words to ensure every stakeholders' participation. To be aligned with established ICANN practices performed as 2012 round, we suggest amending the term "governments" in AGB as "governmental entities", and adding an interpretation that "governmental entities" indicates "ISO 3166-1 standard 2-Letter Country/Territory code as well as the published list of GAC Representatives" referred to the 2012 Program. And the "GAC Representatives" mentioned in previous paragraph, according to the GAC Operating Principles, comprise not only representatives from governments but also multinational governmental organizations, treaty organizations, and distinct economies as recognized in international fora. This approach ensures consistency with ICANN's commitment to inclusivity while respecting the established practices in previous New gTLD Programs. Thank you for considering this recommendations	ICANN appreciates Chinese Taipei's concern. ICANN has updated the language to clarify that all GAC members have the opportunity to file a GAC Member Early Warning. In the case of GAC Consensus Advice, it should be noted that the proposed language is aligned with the Bylaws 12.2.(a)(i) and cannot be updated: <i>The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments, [...]</i> In the section Standing to Object: Community, ICANN has clarified that 'governments' is one of the examples provided.
NCSG: Thank you for these important sections of the Applicant Guidebook and the Opportunity to Comment. We appreciate your careful consideration of NCSG's comments and would be happy to meet with ICANN Staff and the IRT to discuss any issues that need additional clarification.	ICANN appreciates the NCSG's input and notes that all comments are considered carefully. ICANN has responded to each of the NCSG's comments in the topic areas below in this document.
RySG: The RySG appreciates the work that has gone into drafting these sections of the future AGB. For new gTLD applicants who are not experts in ICANN policy or steeped in the history and context that has resulted in the text of the AGB, transparency of the rules	ICANN appreciates the RySG's input and notes the request for a 60 day comment period for the full draft of the AGB. ICANN currently plans to open a 54 day comment period. This timing accounts for the ICANN83 meeting as well as additional time

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and predictability of the application, evaluation and subsequent processes is critical. We urge ICANN Org to keep this in mind as it continues drafting new sections of the AGB and refining these draft sections into their final versions. While we recognize the efficiencies offered by publishing the draft AGB in segments and believe this approach to be sensible, the RySG also notes that it will be important for our stakeholder group as well as the rest of the ICANN Community to conduct a thorough review of the full draft AGB once it is ready. With that in mind, we request that ICANN Org provide a longer comment window (i.e., longer than 60 days) for review of the final draft AGB.	considering the size of the AGB. ICANN believes this timing allows for sufficient review of the AGB by the ICANN community as well as for ICANN to stay on target for publication of the AGB by the end of 2025 (no later than four months prior to the opening of the round, as per SubPro Policy Recommendations).

Community Input and Dispute Resolution

Public Comment	ICANN Response
NCSG: We'll open with this question because we do have an important comment to make. We find the titles of three sections confusing, and with a little rewrite (and later we'll propose a division of the first one), they will be much clearer to a general audience, including those not familiar with the SubPro procedures or ICANN-specific work. • Community Input and Dispute Resolution • ICANN Dispute Resolution • ICANN Objection Appeals Procedure. In our ICANN world of many different types of dispute resolutions from UDRP, PICDRP, and RDRP, among others, as well as the "dispute resolution" provisions with ICANN within the Registry Agreement. These sections will benefit from reference to Objections as the specific type of Dispute Resolution category. The Four Objections are a very specific class of dispute resolution and using the "Objections" name in the title will provide great clarity to those seeking to use these	ICANN has updated the title of the ICANN Dispute Resolution Procedure to "ICANN Objection Procedure". ICANN believes that Application Comments, GAC Advice, GAC Member Early Warnings, Singular/Plural Notification should be in the same section, because each constitutes a way in which the community can provide their input on applications. Additionally, the processes are related in terms of application processing; each starts on String Confirmation Day. However, for clarity, ICANN has updated the title of the overarching section to "Community Input, Objections, and Appeals", and has updated the "Objections" section to "Objections and Appeals."

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Objections as part of their form of input to the New gTLD Process. Accordingly, we suggest adopting the following titles (and below we set out the reasons we recommend for separating the very large <i>Community Input and DR</i> section into two parts: • Public Comments, GAC Early Warnings, and GAC Advice; and Separately “Objections” • ICANN Objection Procedure • ICANN Objection Appeals Procedure (unchanged) Too big and unwieldy for the public to manage - two shorter sections would be easier to navigate and understand. Weighing in at a massive 42 pages, this important section about public input - aimed at those who participate least in ICANN - is very long and combines too many concepts to be in one place. We recommend dividing this section/chapter into <i>two separate sections/chapters for the AGB</i> to allow better navigation and help readers understand their various comment and objection options. It will help us separate matters adequately. We suggest the following titles: 1. (Section 1) Public Comments, GAC Early Warnings and GAC Advice, Singular and Plural String Notification 2. (Section 2) Objections: Principles, Grounds for Objection, Standing, and other Overview Information. Grouping the sections in this manner makes sense as Public Comments, GAC Warnings and Advice, and Singular/Plural Notification are processes filed with and coming before ICANN directly. While Objections are filed with and handled by independent arbitration tribunals pursuant to special rules and processes developed by the ICANN community– they involve outside Panelists and considerable fees. Overall, it will be very important for people and entities to have easy access to	

Public Comment	ICANN Response
these various forms of participation in the New gTLD process, and share their thoughts, concerns, comments, and formal objections. Having different comment & objection sections will (a) help the public find their mechanism for input, and (b) easily access the description and rules for using it (and we note the Objection section alone is almost 30 pages).	

Application Comments

Public Comment	ICANN Response
NCSG: An Overarching Comment about the SubPro Recommendations and the IRT implementation. Regarding “Application Comments”, Recommendation 28.9 of the final Subsequent Procedures (“SubPro”) report calls for “the New gTLD Program [to] be clear and transparent about the role of application comment in the evaluation of applications.” This does not seem to have been sufficiently covered in this section. Similarly, per implementation guidance 28.10, the AGB “should also be clear to what extent different types of comments will or will not impact scoring.” <i>Per this guidance, the Implementation Review Team should also develop guidelines about how public comments are to be utilized or taken into account by the relevant evaluators and panels, and these guidelines should be included in the Applicant Guidebook.</i> People need to know if their contributions will make a difference. We ask that the IRT, using the Applicant Guidebook, adopt a more straightforward approach and add clarifying language here in addition to a set of guidelines, as recommended in the SubPro final report, to help people understand how their contributions will impact the Application and its processing.	ICANN notes that the proposed AGB language indicates that “application comments are a mechanism for the public to bring relevant information and issues to the attention of ICANN, applicants, and evaluators. If a comment is not relevant to specific evaluation criteria, it may not have any impact on the outcome of the evaluation”. In other words, comments might have an impact on the evaluation if they are relevant to the evaluation criteria, which are outlined in the relevant sections, and evaluators will use their discretion on how to address any concerns raised. ICANN believes that creating specific criteria in addition to the existing criteria for each evaluation may be challenging, duplicative and potentially confusing. However, to make the paragraph clearer, ICANN has updated the language to “If a comment is relevant to specific evaluation criteria [...], it may be taken into account in the course of the evaluation. Should the comment include factual claims, evaluators, at their discretion, may verify the facts and request more information from the commenter if necessary.” For instance, if a comment includes a claim that a certain applicant may have provided incorrect or misleading information regarding their standing, evaluators may verify such a

Public Comment	ICANN Response
	claim and keep this information into account when performing the background screening against the criteria.
NCSG: In the Application Comments, Section 1.2, we see a section that appears to allow “secret comments” and ask that it be changed to make much of the comment open and the submission of the comment public (although some of the data/writing may be redacted). Section 1.2 of the <i>Community Input</i> document states: <i>“Should a commenter believe that they possess information related to confidential portions of the application, which may not be appropriate to submit publicly, they will have the option to submit a confidential comment, which will only be visible to ICANN, the applicant, and evaluators. To ensure transparency, this option should only be used for comments related to confidential portions of the application, and ICANN will review the comment before making it visible to the applicant and the relevant evaluator(s); should ICANN determine that the comment refers to public portions of the application, the comment will not be accepted and the commenter informed. It should be noted that ICANN will not process confidential comments received outside of official comment periods.” [bold added]</i> NCSG seeks clarification in this document that there are no confidential comments and that every part of the comment that is not related to the <i>limited confidential portion of the submission</i> will be made public, including the commenter, new gTLD, date submitted, and all other header information. Thus, it should be clearly visible to the public that a comment has been submitted, who has submitted it, and that certain sensitive portions of the comment have been redacted, and further, that the commenter has requested confidentiality for some wording.	ICANN notes that Recommendation 28.18 states that “ICANN must create a mechanism for third-parties to submit information related to confidential portions of the application, which may not be appropriate to submit through public comment. At a minimum, ICANN must confirm receipt and that the information is being reviewed. The applicant must be fully informed of the submitted information and be able to respond through the same mechanism.” Given the nature of the information included in the confidential portion of the application, ICANN believes that making any of the information relating to comments on confidential portions of the application public might jeopardize the safety and identity of the commenter. Additionally, ICANN believes that this may also discourage potential commenters from raising important issues. As indicated in the policy, the applicant will have access to the entirety of the comment. The system will display that a comment relating to a confidential portion of the application was submitted, but all information will be redacted. Please note that ICANN will make a determination as to whether the comment refers to a public portion of the application and should therefore be made public, as described in the language: “should ICANN determine that the comment refers to public portions of the application, the comment will not be accepted and the commenter informed.” As such, ICANN does not believe a change here is warranted.

Public Comment	ICANN Response
In the event that some level of confidentiality for some comments, it should be done under clear and objective criteria. It must be extended particularly to protect the data of those seeking to comment on the application who could be harmed by the process, including human rights organizations, who believe that their comments may create some physical danger to the comment writer, their families, the organization, or its members and community. Otherwise, comments are part of a discussion for the world, ICANN, and the applicant and it is important that all comments must be seen and known to the public and across the world.	
NCSG: Comment count and deadline, 1.3.1 Application Comments Timeline after Application Publication This section states: “ICANN will open an application comment period on String Confirmation Day. Only application comments received during the following 90 days will be considered by the evaluation panels. ICANN reserves the right to extend the comment period for one, more, or all applications.” We seek clarification that the 90 days will begin <u>the day after the public notice is sent and clearly state the final date and time for filing responses on the notice.</u> This is necessary because, while ICANN in California may circulate a notice on day X, for many parts of the world, that notice will be received on Day X+1. It will never occur to these groups that the first day of the count <i>is the day before they receive the notice.</i> We note that starting a deadline count <i>on the day after a notice or other triggering event</i> is also a common practice for courts, agencies, and other organizations. As an examples, we ask for express confirmation in the AGB that for String Confirmation Day and the big “reveal” –	ICANN notes that UTC will be used and the exact date and time the period opens and closes will be indicated on the forum and website. While ICANN understands that different time zones should be accounted for, ICANN does not believe any changes are required here.

Public Comment	ICANN Response
perhaps a Tuesday in California but with Asia and the Pacific are already well into their Wednesday,, in the interest of fairness and traditional counts, the 90 day period for application comments should start officially the day after Reveal Day. Ditto for the counts of all comments relating to their application.” The world will thank you!	
NCSG: Application Comments, Section 1, is missing an important notification tool recommended by the SubPro Working Group: <i>In the SubPro Final Report, the Working Group called on ICANN to create a list for each application - one in which those interested in that application could sign up and receive notices about it - including notices about later changes that, in turn, open a public notice.</i> The expectation is that those who are interested in this Initial Comment Period may also be interested in later comments, revisions, and changes. Since the period for those changes will be sporadic and could be months later (for example, Settlements in response to Objections that must be put out for public notice and comment), the list is designed to ensure that all with an interest in comments and changes to an application are notified of proposed changes and revisions to it. We note that such changes may come from Evaluation Panels, Objection Proceedings, Early Warnings, GAC Advice and other avenues and include changes to the Application and its public portions and/or changes to Public Interest Commitments and proposed Registry Voluntary Commitments. Those on the listserve will be able to track these changes, some coming months or even years later. Overall, to be fair to all who want to follow the path of a New gTLD Application that is relevant to their community, SubPro called for ICANN to set up a list and notify people and groups of all proposed changes to these applications.	ICANN plans to give members of the public the opportunity to subscribe to a mailing list to be notified whenever a comment period is opened following an Application Change Request. A clarifying sentence has been added to the AGB language: “The general public can opt in to be notified whenever an application comment period opens following an Application Change Request.”

Public Comment	ICANN Response
We ask that: a) ICANN expressly shows that such a list and notification system will be established; and b) that this resource be referenced here in this AGB section (and other relevant sections), e.g.: “Changes that result in material changes to public portions of the application will be subject to a 30-day comment period, during which the community will have the opportunity to raise any concerns they might have on the change(s). The community that had previously commented on this application or otherwise expressed interest in following the progress of this application through all public comment processes will be notified by ICANN at the start of any public notice period for material changes to public portions of the application. [bold text added] Noting the SubPro Final Report Implementation Guidance (page 91) for Topic 20 on Application Changes: “Implementation Guidance 20.5: Community members should have the option of being notified if an applicant submits an application change request that requires an operational comment period to be opened at the commencement of that operational comment period.”)	
Com Laude: s1.2 - the term "have a relationship with any applicants or applications" is vague/too narrow. Commenters should be disclosing not just if they, for example, work for a conflicting applicant or are involved with a conflicting application, but also if they have some commercial or other reason to be opposed to the application they are commenting on, e.g. due to being an industry competitor, even if that competitor is not itself an applicant.	ICANN has updated the language to clarify the definition of “relationship.” However, ICANN does not believe that commenters should explicitly disclose whether they have “commercial or other reason to be opposed to the application they are commenting on” - this can be indicated in the comment. It should be noted that the set of questions that a commenter must respond to prior to making a comment in the Application Comment Forum includes the question “Are you or any individual or entity on whose behalf you are commenting a competitor of any of the applicants?”.
INTA: Section 1.1 explains that “If a comment is not relevant to specific evaluation criteria, it	ICANN has updated the language in Section 1.1 as suggested. In the case of objections,

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may not have any impact on the outcome of the evaluation.” And Section 1.5 explains that “Comments related to any of the four objection grounds, or about an objection that has been filed, will be for a dispute resolution panel, not ICANN, to consider.” For each of these scenarios, INTA recommends that ICANN consider language to confirm that ICANN and the dispute resolution panel, in their sole discretion, need not address public comments that are patently frivolous, factually misleading, unreasonable, or vexatious.	ICANN believes that the Quick Look Review addresses the concern noted in the comment. Please also note that any party posting comments must abide by the ICANN Terms of Service .

GAC Member Early Warnings

Public Comment	ICANN Response
NCSG: As an overall comment regarding GAC Member Early Warnings and GAC Advice, to help the public understand (3.1 GAC Advice Overview), <i>what is the time limit for when these can be issued?</i> As a reminder, as stated in the ICANN Bylaws, GAC Early Warnings and GAC Consensus Advice must include a clearly articulated rationale. We therefore recommend that the drafters include in the AGB that GAC Early Warnings and Consensus Advice must be <u>limited to the scope set out in the applicable ICANN Bylaws provisions</u> and elaborate on any “interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.”³ This is laid out in the March 2023 scorecard and should be reiterated in the AGB. For the sake of transparency and understandability of potential applicants, it is important that this be clarified so that applicants can know at what stage of the process they could expect a GAC Consensus Advice or Early Warning. <u>The application process should define a specific time period during which GAC Early Warnings can be issued and require that the government(s) issuing such warning(s)</u>	Regarding concerns related to timing, ICANN notes that the proposed AGB language indicates that “GAC [Member] Early Warnings should be submitted in the 90 days following String Confirmation Day.” Concerning limitations “to the scope set out in the applicable Bylaws provisions” as it relates to GAC Member Early Warnings in addition to GAC Consensus Advice, ICANN notes that, Recommendation 30.3, which was adopted by the Board in March 2023, only refers to GAC Advice, not GAC Member Early Warnings. GAC Member Early Warnings do not have an immediate impact on the application but simply signal the likelihood to applicants that their application could be, but will not necessarily be, subject to GAC Consensus Advice. In addition, since they are not issued by the GAC but by individual members or groups thereof, they are not subject to the same provisions of the ICANN Bylaws. However, ICANN has updated the proposed AGB language to include language that addresses Recommendation 30.6 (adopted by the Board in September 2023): “GAC Member Early Warnings [...] must include a

³ Scorecard: Subsequent Procedures (16 March 2023)

<<https://www.icann.org/en/system/files/files/scorecard-subpro-pdp-board-action-16mar23-en.pdf>>

Public Comment	ICANN Response
<u>include both a written rationale with a legal basis and specific reasonable action requested of the applicant.</u> The applicant should also have an opportunity to engage in direct dialogue in response to such warnings and amend the application during a specified time period. The public and ICANN Community should be given notice of these proposed modifications-- and the opportunity to comment to agree, disagree, or modify such proposals. Nothing should be bilateral or done in secret; all modifications to the gTLD applications must be done openly and publicly with the opportunity to review, comment, and contest.⁴	written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns." ICANN believes that requesting more than what is outlined in the recommendation (i.e. "a written rationale with a legal basis and specific reasonable action requested of the applicant") appears to go beyond the policy recommendations and should be discussed in the context of a Policy Development Process. Further, ICANN notes that the proposed AGB language indicates that "[a]pplicants that receive Early Warnings are encouraged to enter dialogue directly with relevant parties (including governments) as soon as possible to address the concerns voiced." Regarding the concern that modifications to applications may be done in secret, please refer to the Application Change Request section, the draft of which was posted for public comment. The section also includes information on how applicants may make changes to their applications.

GAC Consensus Advice

Public Comment	ICANN Response
NCSG: As an overall comment regarding GAC Member Early Warnings and GAC Advice, to help the public understand (3.1 GAC Advice Overview), <i>what is the time limit for when these can be issued?</i> As a reminder, as stated in the ICANN Bylaws, GAC Early Warnings and GAC Consensus Advice must include a clearly articulated rationale. We therefore recommend that the drafters include in the AGB that GAC Early Warnings and Consensus Advice must be <u>limited to the scope set out in the applicable ICANN</u>	The proposed AGB language currently indicates that "[w]hile the GAC is encouraged to submit advice during the Community Input period to allow for the Board to consider the GAC's Advice during the evaluation process, the GAC may submit advice on a particular application or aspect of the New gTLD Program at any time." In addition, the current language indicates, as per Recommendation 30.3, which was adopted by the Board in March 2023, that "GAC Advice must clearly state that it is GAC Consensus Advice, include a clearly

⁴ Statement of the Non-Commercial Stakeholders Group on the Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4) <<https://www.ncuc.org/wp-content/uploads/2017/05/NCSGproposedCommentonCC2.pdf>>

Public Comment	ICANN Response
<u>Bylaws provisions</u> and elaborate on any “interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.”⁵ This is laid out in the March 2023 scorecard and should be reiterated in the AGB. For the sake of transparency and understandability of potential applicants, it is important that this be clarified so that applicants can know at what stage of the process they could expect a GAC Consensus Advice or Early Warning. [...]	articulated rationale, be limited to the scope set out in the applicable Bylaws provisions, and elaborate on any ‘interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.’”
NCSG: Additionally, <u>special care must be taken to ensure that ICANN’s decision to follow GAC Advice would not infringe an applicant’s freedom of expression rights</u>, which are explicitly protected in ICANN’s New gTLD Policy, its legal bylaws, and international legal treaties. ICANN should refrain from taking sides in political disputes and should ensure that the policy prevents governments from using the gTLD objection process as a handy means to control or eliminate certain speech in the Internet’s domain name system.⁶ The limited scope of GAC Advice should be reiterated in the AGB.	ICANN notes that the proposed AGB language, as per Recommendation 30.3, which was adopted by the Board in March 2023, addresses GAC Advice, indicating that it “must clearly state that it is GAC Consensus Advice, include a clearly articulated rationale, be limited to the scope set out in the applicable Bylaws provisions, and elaborate on any ‘interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.’”. The Applicant Guidebook will include a section concerning the freedom of expression of the applicant, which was part of the first iteration for public comments and has been included in the final Applicant Guidebook draft that was put for public comment as of 30 May 2025.
NCSG: Further, under 3.2 Notice to Applicants, we would recommend allowing all applicants to have a period of 30 days from the day after being notified that their application is subject to GAC advice to submit a statement to ICANN in response, as 21 days may not be sufficient time for smaller applicants with fewer resources to respond. Alternatively, we would propose a system that provides additional time for those categorized as under-resourced (such as those eligible for the Applicant Support	In 2012, applicants were given 21 days to provide a response to ICANN when the GAC issued advice on their application. ICANN org considered whether this timing should be the same for the Next Round, and notes that the Board typically meets with the GAC within 30 days of the GAC issuing advice to make sure the Board understands the advice. To inform the Board’s discussion with the GAC on advice concerning an application, it would be ideal to have an applicant’s response before such a meeting. With this timing in mind, and

⁵ Scorecard: Subsequent Procedures (16 March 2023)

<<https://www.icann.org/en/system/files/files/scorecard-subpro-pdp-board-action-16mar23-en.pdf>>

⁶ Statement of the Non-Commercial Stakeholders Group on the Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4)

<<https://www.ncuc.org/wp-content/uploads/2017/05/NCSGproposedCommentonCC2.pdf>>

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Program 'ASP') while keeping a 21-day response time window for all other applicants.	considering that there is no policy indicating that more time was needed for applicants to respond, or significant issues with the timing in the 2012 round, ICANN is not proposing to make changes to the language.
NCSG: Lastly, it is important to remind ourselves of the reasoning behind creating the AGB: to encourage as diverse a set of applicants to enter the DNS ecosystem. As such, the drafters should consider ensuring that all technical terminology and subject matter-related concepts are clearly defined. As such, we highly recommend editing section 3.4 GAC Advice and Registry Voluntary Commitments for clarity, paying special attention to defining new terms (such as "remedial RVCs" and how the concept differs from normal 'RVCs').	ICANN notes that information on this special type of RVCs is included in the draft AGB language under Situation 1: Commitments Made to Overcome Objections or GAC Consensus Advice.

Singular/Plural Notification

Public Comment	ICANN Response
NCSG: The section about Singular/Plural Notifications could benefit from further clarification. For those reading the AGB, it should be clear what a "notification" means for them: from a procedural standpoint, what happens to their application(s) if a singular/plural notification is filed? What are the possible outcomes, and how would that impact their application(s), if at all? As it stands, these questions are not answered in this section, which risks causing confusion and at worst, discouraging potential applicants from entering or remaining in the application process. We urge ICANN Staff and the IRT to revise this section and help it become as accessible as possible for marketing the program for New gTLDs.	ICANN notes that this has been specified in the draft AGB language: "[i]f an applied-for gTLD string represents a word that is the singular or plural version of the same word of another applied-for gTLD string in the same language, then both these strings must be put in contention to avoid end-user confusion between the two strings. And, if an applied-for string represents a word that is the singular or plural version of a delegated TLD, strings being processed from a previous new gTLD round, or any of the blocked names as adopted by the GNSO Council, then the application for the applied-for string cannot proceed." Please note, ICANN has updated the language to be clearer by moving the paragraph to the section 'Outcome of Singular/Plural Notification' and adding bullet points.
NCSG: Additionally, under 4.2 Singular/Plural Notification Requirements , how are 'legitimate' notifications defined? Who decides what is a legitimate notification? Further clarity is needed on the process	ICANN has added a footnote clarifying which notifications will not be considered legitimate.

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ICANN uses to decide what notifications are made publicly available and why.	
NCSG: Finally, in 4.6 Challenges to Singular/Plural Notification , we note that, as above, 21 days is unlikely to be sufficient time for a smaller applicant with fewer resources to prepare and submit all facts necessary to demonstrate the rationale for their challenge. We would suggest allowing for 30 days to challenge the results, in line with the time provided for the notifications filing window (4.4). Alternatively, in line with our recommendation under 3.2 , we propose a system that provides additional time for those categorized as under-resourced (such as those eligible for the Applicant Support Program 'ASP') while keeping a 21-day window for all other applicants to challenge the results of a Singular/Plural Notification.	The 21-day time limit is aligned with other challenges, and extending it for all or certain applicants will have an impact on the overall application processing timeline. In addition, the SubPro Working Group did not give any indications that ASP supported applicants should have different deadlines compared to other applicants. As such, ICANN does not believe that any changes in this regard are warranted.
Com Laude: Although the section aligns with the Supplemental Recommendations submitted to and adopted by the ICANN Board, there appears to be a drafting error in s4.6, since the following text does not make sense. "The challenge will be reviewed by ICANN. It will be determined that ICANN made a factual or procedural error when it determined that (1) the applicant's applied-for string is a singular or plural form of another applied-for string, or (2) the dictionary submitted to document the singular/plural claim meets the criteria established in the AGB. The challenge will be assessed under a "clearly erroneous" standard of review." Amending the second sentence above to read as follows might be sufficient to address the concern: "It will be determined whether ICANN made a factual or procedural error when it determined that ..."	ICANN has updated the language to clarify, as suggested: "The review will determine whether ICANN made a factual or procedural error if it is determined that [...]".
INTA: Section 4.2 reads, "The ability to notify ICANN about a singular/plural issue will be provided on https://newgtldprogram.icann.org/ ." This language is indefinite and unclear, and ICANN should instead direct such notifications through the Application Comment process. Further to that end, Section 4.4 considers a thirty-day notification	ICANN notes that Singular/Plural Notifications will not be submitted via the Application Comment Forum. This is because the information that needs to be submitted is specific to these types of notifications. To avoid potential confusion, ICANN will create a dedicated page on the Next Round website with clear instructions for how to submit these notifications, the link of which will be included in the Applicant Guidebook.

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period, which should be consolidated into the Application Comment period and process.	

Objections and Appeals

Public Comment	ICANN Response
NCSG: In the Objections section, we recommend moving “Dispute Resolution Principles”, (hopefully to be changed to Objection Principles), from its current place at the very end of the materials to a location much earlier in the Objections section. These are important principles for everyone - from parties to panelists - to know. They can be stated much earlier in the document to help newcomers and potential parties, and referenced later for panelists. NCSG: Section 5.1, Objections Dispute Resolution Overview We request an abridged version of the 5.4 Objection Principles (from DR Principles) be moved up to this introductory section. This addition will help many people and entities to see a clear overview of the four Objections and their relevant criteria and standing. This is key information to determining whether they want to dig further into the procedures. Grounds for Objection can follow. NCSG: As above, we like 5.4 Objection Principles (DR Principles) and strongly request that a summary be moved up early in the materials – with this full section being moved to ICANN Objections Procedure (ICANN DR Procedure).	ICANN has moved the section in question up to the section “Objections and Dispute Resolution Overview” and has updated the title to “Objection Principles.” ICANN notes the other suggested changes but believes the current organization and level of detail of the section are appropriate to its purpose in providing information to panels/panelists.
NCSG: Redundancies should also be removed. We see a lot of redundancy between the (1) Initial Objections document (currently part of <i>Community Input and Dispute Resolution</i>) and the two procedural documents, namely: the <i>ICANN Dispute Resolution Procedure</i> and <i>ICANN Objection Appeals Procedure</i> docs. <i>We ask the IRT to leave the introductory and high level information and orientation</i>	ICANN would like to note that the sections on Objections, Dispute Resolution, and Appeals in the Applicant Guidebook are not meant to provide an overview of the processes, but rather are intended to be the go-to place for applicants, objectors, and the public, in general. The procedural documents, on the other hand, are to be used by the selected Dispute Resolution Service Providers to develop their

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<i>sections in the introductory document - and move the procedural details to the two Procedural Documents: ICANN Objection Procedure (DR Procedure) and ICANN Objection Appeals Procedure.</i> The result will be a high-level introductory document and two detailed procedural documents (and eliminate the current problem of details that may be duplicated and/or inconsistent). The distinction will provide great clarity to newcomers and community members seeking to understand the four Objection Procedures, and then route them to the details of the filing procedures, and appeal procedures. We note that this is consistent with how the original AGB introduced Objections, while highlighting that appeals did not exist in the first round). NCSG: 5.23.7 Quick Look Review. We do not know why the details of the Quick Look Review, and we will address our issues and concerns regarding them in the ICANN Objections Procedure (ICANN DR Procedure) section below. We request this section be greatly reduced and streamlined to review the existence of a Quick Look Review process (with details to be found in the separate procedures AGB section). NCSG: Ditto for Payment of Dispute Fees, Responding to Objections, and all other Objections Procedures that follow. This is the overview section and should route the reader to the procedures for all of the details. This is only the introduction. NCSG: Ditto for the 5.3 Appeals, which we think should be titled more fully 5.3 Appeals of Objection Decisions. As with the Objection Procedures, we recommend that the overview be provided here with reference to the ICANN Objection Appeals Procedure where details will follow.	rules, and will be included in the Applicant Guidebook as an annex. This is the same approach that was used in 2012 and the SubPro Policy Development Process Working Group did not provide any recommendations to make changes to this process. As such, ICANN does not believe that any changes in this regard are warranted.
NCSG: Section 5.1, Objections Dispute Resolution Overview We request that the following section be highlighted in bold to draw the attention of all applicants to it: "Applicants are therefore	ICANN has made editorial changes, as necessary, to the draft AGB which has been put for final public comment as of 30 May 2025.

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encouraged to identify possible regional, cultural, property interests, or other sensitivities regarding gTLD strings and their uses before applying and, where possible, consult with interested parties to mitigate any concerns in advance.” NCSG: Section 5.1, Objections Dispute Resolution Overview In keeping with the suggestions above, we recommend changing the title of 5.1 to Objections Dispute Resolution Overview.	
NCSG: Section 5.1, Objections Dispute Resolution Overview Pursuant to changes we are strongly recommending to the ICANN Objection Procedures, in 5.2.5 Consolidation of Objections, the Dispute Resolution Service Provider <i>should not have unqualified discretion to consolidate certain objections – but only with the approval of the parties (or at least consideration of their input and concerns), whether the consolidation is requested by the parties or initiated by the Provider.</i>	ICANN understands the concerns that potentially unrelated objections could be consolidated. However, ICANN notes that the DRSPs have expertise in these types of objections and will consider the relation of the objections prior to consolidation. Additionally, ICANN will commit to, as part of the RFP process for DRSPs, to better understand the consolidation process and ensure that a selected DRSP has appropriate procedures in place that account for such concerns as part of consolidations. Finally, ICANN would like to note that the ability to consolidate objections or appeal is one of the key measures in place that contributes to ensuring consistency in the determinations, which was of major concern in the 2012 round. However, this sentence was added to the language: “New gTLD applicants and objectors also will be permitted to propose consolidation of objections within 14 days of the deadline for filing objections, but it will be at the DRSP’s discretion whether to agree to the proposal.”
NCSG: Section 5.1, Objections Dispute Resolution Overview We will note under Procedural comments that the phrase “based on the same ground” in 5.2.5 Consolidation of Objections is ambiguous and could be interpreted to refer broadly to the type of objection – string confusion, community, etc. We will argue that “the same ground” is much narrower and actually means similar substantive arguments within a given Objection. Any changes made	ICANN has edited the text and this particular line no longer appears. As such, this comment is no longer applicable. However, ICANN understands the comment and will ensure that the concept is clear in any future iterations of the text, as appropriate.

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to the Objections Procedures(s) should be reflected here.	
NCSG: 5.2.6 Appointment of the Objections Panel (DR Panel). We request that the title be updated to reflect the Objections Panels being involved, and question and request changes to the Experts of the Panel (noting that if there is <i>only one Panelist</i>, then the requirement becomes mandatory - and a few of these requirements <i>do not make sense</i>. - Specifically, NCSG objects to “legal rights” experts (“experience in legal rights disputes” being mandated for String Confusion Objections. Why? This is a study of aural and visual string comparison, not legal rights. We need linguists and comparative language specialists, and definitely (and as recommended) panelists (and perhaps scholars) with knowledge of the relevant script(s). Many of these strings may have nothing to do with trademarks or other legal rights - but that’s a different objection. - Legal Rights Objections - this seems to be the place to require a Panelist with “legal rights” expertise. - Community Objections - <i>we do not understand how a panelist with “experience in the relevant academic field of study” is useful here, as an academic research for cell phone spectrum technology may have no idea how the mobile wireless business operates – and further many “communities” are not academic at all in their orientation, e.g., the many sporting communities of the world.</i> What we need here are panelists who are excellent lawyers, fair and impartial jurists, and have a strong knowledge of related communities. Thus, a jurist coming from the skiing community will probably have a conflict of interest presiding over a .SKI Community Objection, but a jurist with deep expertise in the organization of	ICANN has updated the heading of the section to “Appointment of the Objection Panel.” Concerning the expertise required for String Confusion objections, ICANN would like to note that this was discussed at IRT Meeting #84. ICANN believes that legal rights experts will likely have the appropriate understanding of similarity based on their experience with the review of trademarks, of which confusability and similarity is a key component. Additionally, ICANN would like to note that the DRSPs will have expertise to put into place the most appropriate panelists for each objection type. ICANN will commit to discussing this process and the type of expertise required as part of the RFP process for DRSPs, which is ongoing. ICANN has updated the remaining bullet points based on the feedback received.

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another sport and its international communities could bring that understanding into this decision.	
NCSG: 5.2.6 Appointment of the Objections Panel (DR Panel). We need a modification to the unlimited waiver of liability. If the experts, DRSP and others intentionally violate their agreements, they should be liable. Thus, if a Panelist misrepresents their independence (and there is a real, genuine and known conflict of interest that they do not disclose) and/or if there are other acts and omissions that are intentional and blatant and harmful, there should be appropriate level of accountability and redress.	ICANN has updated the language to include 'except in cases of willful misconduct or gross negligence'.
Ethereum Name Service: ENS agrees that the proposed language in connection with Objections is consistent with the SubPro Final Report and EPDP Phase 1 Final Report. However, ENS would urge ICANN to finalize selection of the DRSPs as soon as possible, and to ensure that the Final AGB can at least publish proposed estimated ranges for objection costs. As many applicants are likely currently budgeting for participation in the 2026 new gTLD application round, budgeting for participation in one or more objections to an applicant's new gTLD application will also be essential, but this is difficult when no ranges or estimates are provided. Particularly as ICANN is looking to improve the diversity of applicants and to improve global representation of applications as compared to the 2012 application round, many applicants will likely not have vast resources to field objections, particularly if they are not made aware of these potential costs well in advance of the opening of the application period. INTA: The names of the Dispute Resolution Service Providers are blank. INTA, and the Multi-stakeholder Community, should have input into the choice of the Service Providers. RySG: The RySG notes that the ability to fully assess this draft section of the AGB is limited by the amount of information that	The efforts for procuring Dispute Resolution Service Providers (DRSP) are already ongoing. The DRSP Rules, which will include information on fees, will be appended to the final Applicant Guidebook, which will be published in December 2025, as per Affirmation with Modification 31.2. The Request for Proposal (RFP) is public, and all details including the timeline and selection criteria are available on ICANN's RFP website. ICANN will collaborate with the relevant subject matter experts and make a selection based on the RFP criteria. ICANN's Vendor Management team will manage the issuance of the RFP to solicit proposals from qualified suppliers for the provision of services.

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needs to be provided by specific Dispute Resolution Providers. In later versions of the AGB, we encourage ICANN to provide as much detail as possible, in particular with respect to the costs associated with dispute resolution for each Provider, so that future applicants have sufficient information to make informed decisions.	
Ethereum Name Service: In addition, ENS would urge ICANN to clarify whether applicants participating in the Applicant Support Program will also receive support in connection with objection fees for any objections filed against their applications, whether this would be a percentage of the objection fees or a specific dollar amount. Otherwise, Applicant Support Program applicants, who already have much more limited financial resources than standard new gTLD program applicants, may have significant difficulty with securing the funds for the full cost of objections, particularly within the narrow window allotted to pay the fees to avoid dismissal of the application. As ICANN has invested heavily in the Applicant Support Program to encourage a wide variety of new gTLD applications from organizations that would otherwise not be able to participate, ENS believes that some degree of support through the objection process would align with ICANN's goals in this endeavor. ALAC: 5.1.6 Objections, Dispute Resolution and Appeals Costs Would qualified Applicant Support applicants receive financial support to file objections and appeals? If answered affirmatively, then how much support would that amount to?	ICANN understands the concerns raised by ENS and ALAC regarding the potential financial challenges that qualified ASP applicants may be facing to address an objection. Since an objection is a matter between the applicant and the objector to resolve, and it is the applicant's discretion to apply for a string which may or may not be subject to an objection, ICANN believes it is neither within its role/remit nor appropriate for ICANN to help an applicant pay for an objection, of which the fees are set by and paid to the relevant DRSP, a third-party handles the objection process outside of ICANN. Furthermore, there is no policy recommendation requesting such financial support to qualified ASP applicants. The SubPro IRT, in discussing objections and application fees, did not raise this issue either. Nevertheless, as explained in the application fees topic of the draft AGB, in the event a Registry Voluntary Commitment (RVC) is used as the condition to resolve an objection, ICANN plans to provide a reduction for qualified ASP applicants for the fees associated with evaluating a proposed RVC by ICANN (i.e., Registry Commitments Evaluation).
ALAC: 5.3 Appeals Provision is needed for ICANN funding for the ALAC's ability to file Limited Public Interest Objections and Community Objections must also include the ability to file Notice(s) of Appeal in the event the ALAC's Objection(s) is dismissed and the ALAC wishes to appeal against the dismissal	The ALAC will also have the opportunity to receive funding to file appeals; the language has been updated accordingly.

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determination by the relevant Dispute Resolution Service Provider.	
INTA: The substantive portion of each objection is limited to 5,000 words, excluding attachments. That was likely intended to mirror the word limit applicable to the Uniform Domain Name Dispute Resolution Policy, but is unlikely sufficient for new gTLD Objections.	This word limit is the same as the word limit for objection submission in the 2012 round of the New gTLD Program (see Section 3.3.1, Module 3 of the 2012 round AGB here). Based on the 2012 round experience, ICANN did not receive feedback that this word limit for objection submission was insufficient. Furthermore, there are no policy outputs requesting a change to the word limit.
INTA: After a Response to an Objection has been filed, Additional Written Submissions (under Article 17) are subject to the discretion of the Panel. INTA members believe this should be revised so that, after a Response to an Objection has been made, the Party that filed the Objection, be given an automatic right to Reply to the Response within a specific period of time.	The process as described in the proposed AGB language mirrors the process in the 2012 round. ICANN sees no need to change the process - this is intended to be a streamlined process and ICANN believes it is appropriate to leave this to the discretion of the Panel.
INTA: Article 22 (h) provides that the non-successful Party in an Objection will have the opportunity to appeal and Expert Determination and such appeal will be considered under the clearly erroneous standard of review. Instead, given the limitations on the length of submissions, evidence, and timing on the procedure, INTA members believe all appeals should be reviewed under a de novo standard.	The proposed approach is in line with Implementation Guidance 32.7: "All challenges and appeals except for the conflict of interest appeals should be reviewed under the 'clearly erroneous' standard." The Working Group considered the standard of review, including whether it should be a do over, but on balance, the idea was to create a more streamlined process so as not to be too costly/time consuming.
NCSG: Article 6. Communications and Time Limits - because of the global nature of the ICANN Community and the common practice of many judicial and regulatory systems to count the first day of public notice <u>as the day after it is sent</u>, we strongly urge the following change: "e. For the purpose of calculating a period of time under this Procedure, such period shall begin to run <i>on the day after the notice or other communication was sent.</i>" NCSG: Article 6. Communications and Time Limits.	This comment is acknowledged and ICANN agrees that the first day of public notice is the day after the notice is sent.

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See the changes mentioned above in relation to ICANN Objection Procedures.	
NCSG: NCSG strongly, strongly, strongly requests some additional words of clarification and explanation of Article 7, section e(ii), which is currently rather cryptic: “e. Objections may be filed when ICANN announces the opening of an Objection window during the following time periods; *** ii. For 30 days following ICANN’s acceptance of a .brand application’s string change request, for String Confusion Objections only: should no String Confusion Objections against the proposed .brand gTLD (as revised) be filed, then [adding: ICANN will announce somewhere (to be filled in a space that the public can monitor, and also placed on the listserve for those interested in change to this application as discussed above)] that a new 30-day window has opened for the filing of other Objection proceedings, including Community Objections and Legal Rights Objections.	Following discussions with the IRT, the objection filing windows will be different from what originally discussed and included in the language that was published for Public Comment; the language was updated accordingly, and the objections filing windows will align with what was described during meeting #98. Given the changes, ICANN does not believe a clarification is needed. The objection filing windows will be as follows: • For 90 days, for all objection grounds, starting on String Confirmation Day. • For 30 days, for String Confusion only, following the publication of contention sets. • For 30 days, for all objections grounds, in case of Brand String Change, starting on the day the string evaluation reports are published, and only if the string evaluation is successful.
NCSG: Article 11. Consolidation of Objections We are deeply concerned that the rush to consolidation of objections can result in combining substantive concerns that are very different. Just because the strings are the same or very similar does not mean that the Applicants are similarly situated. In the first round, very different Community Objections proceeded by CTIA against Dish DBS and Amazon for .MOBILE. It would not have made sense to combine them as the facts, issues, and substance were different - and ultimately the resolutions were very different, with Amazon withdrawing its application and Dish DBS significantly changing its application to allow in members of CTIA and GSMA. a. We strongly request that ICANN Staff and the IRT modify the language of (a) to include the language of (c) so everything is visible in the same	ICANN understands the concerns that potentially unrelated objections could be consolidated. However, ICANN notes that the DRSPs have expertise in these types of objections and will consider the relation of the objections prior to consolidation. Additionally, ICANN will commit to, as part of the RFP process for DRSPs, better understand the consolidation process and ensure that a selected DRSP has appropriate procedures in place that account for such concerns as part of consolidations. Finally, ICANN would like to note that the ability to consolidate objections or appeal is one of the key measures in place that contributes to ensuring consistency in the determinations, which was of major concern in the 2012 round. Based on these factors, ICANN does not believe the suggested change is warranted at this time.

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place and at the same time, otherwise readers are left with the impression of “consolidation at all costs.” b. Further, we ask that no party be thrown into a consolidated proceeding without the opportunity to defend why equity and fairness would be better served by keeping the Objections separate. c. Accordingly, we request the language of (a) be updated to: <i>=> The DRSP is encouraged, where possible and practicable, to consolidate Objections. In deciding whether to consolidate Objections, the DRSP shall weigh the benefits (in terms of time, cost, consistency of decisions, etc.) that may result from the consolidation against the possible prejudice or inconvenience that the consolidation may cause. Further, the DRSP, if it seeks to consolidate the objections on its own evaluation, shall provide reasonable input to all parties (Objectors and Applicants) as to whether they agree that the consolidation will serve the best interest of the proceeding. Similarly, if parties request a consolidation, e.g., the Applicants of the same/significantly similar strings, then the Objector(s) written opinion shall be solicited and evaluated by the DRSP in determining the outcome.</i>	
NCSG: Article 12. Appointment of the Panel We repeat our deep concern about the unusual expertise being required of the Panelists and urge that our changes recommended above be moved here for consistency and fairness. We are happy to engage in a further discussion with the IRT about how unusual we think these requirements are, how inconsistent with any recommendations of the SubPro WG, and how much inequity and unfairness, and utter confusion, we think the current wording will introduce into these Objections.	Concerning the expertise required for objections, ICANN would like to note that this was discussed at IRT Meeting #84. Based on that discussion, ICANN believes that, for example, legal rights experts will likely have the appropriate understanding of similarity based on their experience with the review of trademarks, of which confusability and similarity is a key component. Additionally, ICANN would like to note that the DRSPs will have expertise to put into place the most appropriate panelists for each objection type. ICANN will commit to discussing this process and the type of expertise required as part of the RFP process for DRSPs, which is ongoing.

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However, since this wording and the expertise of the Panelists can be easily aligned with the nature of the Objection, and this wording may be an error, we copy our comments from above and look forward to significant changes. - Specifically, NCSG objects to “legal rights” experts (“experience in legal rights disputes”) being mandated for String Confusion Objections. String Confusion is a study of aural and visual string comparison, not legal rights. We need linguists and comparative language specialists, and definitely (and as recommended) panelists (and perhaps scholars) with knowledge of the relevant script(s). Many of these strings may have nothing to do with trademarks or other legal rights - and requiring panelist with this type of expertise <i>will inevitably introduce unnecessary bias and unfairness— there is a separate legal rights objection (below) where this expertise is needed</i> - Legal Rights Objections - this seems to be the place to require a Panelist with “legal rights” expertise. Not having these specific expertise expressly named needs an odd thing to leave out in this section - making us wonder what is the difference between “experience in intellectual property rights” and “experience in Legal Rights disputes.” We recommend the latter to be used to be consistent and avoid these questions by others. - Community Objections - we do not understand how a panelist with “experience in the relevant academic field of study” is useful here, as an academic research for cell phone spectrum technology may have no idea how the mobile wireless business operates – and further many “communities” are not academic at all in their orientation, e.g., the many sporting communities of the world. What we need here are	

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panelists who are excellent lawyers, fair and impartial jurists, and have a strong knowledge of related communities. Thus, a jurist coming from the skiing community will probably have a conflict of interest presiding over a .SKI Community Objection, but a jurist with deep expertise in the organization of another sport and its international communities could bring that understanding into this decision.	
NCSG: Article 13. Quick Look Review First, we want to make sure that this Quick Look Review (QLR) is not done as an administrative matter, but only once a Panelist is assigned, and done by that Panel. One of the reasons for this important request is that the evaluation of “standing” is a core plank of what the Objector must prove and the decision on this issue <i>must be made by a Panelist</i>. Accordingly, we ask that special language be added indicating that these evaluations will be made by the Panel after it is assigned and seated.	As indicated in the language, the Quick Look Review will be performed by the Panel: “Each Panel shall conduct the Quick Look Review...”.
NCSG: Article 13. Quick Look Review We do not understand section vii and ask that it be removed, at least for Community Objections and Public Interest Objections. For Community and Public Interest Objections, but their very nature, are looking beyond the string to the Applicant– and evaluating the nature of their relationship with the string, its meaning, and the community and/or users associated with it. (Alternatively, there may be a reason to keep this section, but only, only for String Confusion Objections.)	ICANN has removed the criterion, as suggested.
NCSG: Article 13. Evidence Objections are very important procedures and are not fast or inexpensive. Accordingly, the Panelist(s) should be able to get access to the evidence they need, and that would be appropriate for their resolution of the Objection, and the standard must not be so outrageously high as to cause an appeal whenever they do so.	ICANN updated the language as follows: “To ensure disputes are resolved rapidly and at a reasonable cost, document production procedures shall be limited. Where necessary and appropriate, the panel may require a party to produce additional evidence or hold a virtual hearing, though disputes will usually be resolved without a hearing.”

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Accordingly, we request the following revision of the paragraph: => In order to achieve the goal of resolving disputes over new gTLDs rapidly and at a reasonable cost, procedures for the production of documents shall be limited. However, should the Panelist(s) feel it is necessary and appropriate for their resolution of the Objection, they may request a Party or Parties to provide additional evidence. The standard here shall be a “reasonableness” one. NCSG: Article 19. Hearings Ditto for hearings. => Disputes under this Procedure and the applicable DRSP Rules will usually be resolved without a hearing, but the Panel may decide, on its own initiative or at the request of the Party that a hearing is necessary, appropriate and helpful for the resolution of the Objection [continuing with b. In that event [details of the online, one-day hearing]	
RySG: It is very helpful that this section of the AGB clearly notes that there is a specific end of the appeals process. We believe this is a positive development for the next application round.	ICANN appreciates the RySG’s comment in this regard.
NCSG: Filing of an Appeal. It is standard practice in many forums to allow at least 30 days for the filing of an appeal. We feel any less will be unfair to communities, NGOs, indigenous people and tribes, and the microbusinesses from the Global South that we are working so hard to bring into the New gTLD Program. It is hard for all but the largest players to evaluate the decision, find counsel and raise the funds for an appeal - and it is both reasonable and fair to allow them time and opportunity (of 30 days) to do so.	The language was updated to clarify that the non-prevailing party will have 15 days to provide notice to the DRSP that they intend to file and appeal and an additional 15 days from the moment they submit the notice to file the appeal and pay the required fees, in line with Annex of of the SubPro Final Report.
NCSG: Where is the Quick Look Review? What’s good for the goose is good for the gander. We are surprised not to find a Quick Look Review here, as it is in the Objections Procedure and seems even more appropriate	ICANN has added A Quick Look Review for appeals, as suggested.

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here. Accordingly, we ask the Quick Look be added here (with the changes requested to it above).	
NCSG: Article 12. Consolidation of Appeals. We think the <i>only consolidation of appeals, by right, can take place when the Objections were consolidated in the underlying Objection.</i> Otherwise, we think this rush to consolidation is misplaced and could result in manifest unfairness. Accordingly, we call for the same changes above and ask that joinder be allowed - on request of some parties or by the DRSP - <i>only after the other parties have received notice and a reasonable opportunity to share their concerns and reasons for not consolidating the Appeals</i>, and these filings are duly considered.	ICANN understands the concerns that potentially unrelated appeals could be consolidated. However, ICANN notes that the DRSPs have expertise in these types of objections and appeals and will consider the relation of the appeals prior to consolidation. Additionally, ICANN will commit to, as part of the RFP process for DRSPs, to better understand the consolidation process and ensure that a selected DRSP has appropriate procedures in place that account for such concerns as part of consolidations. Finally, ICANN would like to note that the ability to consolidate objections and appeals is one of the key measures in place that contributes to ensuring consistency in the determinations, which was of major concern in the 2012 round. Based on these factors, ICANN does not believe the suggested change is warranted at this time.

New gTLD Program: Next Round Privacy Policy

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Ministry of Digital Development, Communications and Mass Media of the Russian Federation: Specifically, on the topics of "New gTLD Program: Next Round Privacy Policy" the Russian Federation expresses serious concern for the language included in the draft Applicant Guidebook. This document sets out how the ICANN collects and uses Personal Information provided by or collected from individuals in relation to the Next Round Program run by ICANN. At the same time, the document includes references only to the European regulation of personal data - the General Data Protection Regulation (GDPR). However "Next Round Privacy Policy" does not mention that it is necessary to take into account the norms and laws of other jurisdictions. But, we should not forget that the Applicants would be from different countries. This shows selective approach of ICANN, which apparently does not consider	The Next Round Privacy Policy aligns with ICANN's overarching Privacy Policy, reflecting best practices and the latest jurisprudence, including GDPR compliance. This approach ensures a solid foundation for global data protection. Specifying GDPR specific legal bases in the Next Round Privacy Policy does not impact ICANN's requirement to comply with, or the applicability of, other relevant data protection laws. However, ICANN has amended Section 4 of the Next Round Policy to clarify that references to GDPR legal bases are also intended to encompass equivalent legal bases under Other Applicable Data Protection Laws, and in cases where the GDPR does not apply, ICANN will comply with the relevant applicable data protection laws. This change ensures that, for individuals concerned, where the GDPR does not apply, ICANN will comply with the

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needs to take into account the national regulations of other States with the exception of the European Union. This policy violates the principles of an equal and non-selective approach to protection of personal data. The Russian Federation calls for finalizing this documents to reflect the need to take into account the requirements for personal data protection of all national standards.	relevant applicable data protection laws.
RySG: The RySG suggests adjusting Section 12 of this section on Revisions to the Privacy Policy. If the Privacy Policy changes subsequent to the initiation of the application window, ICANN should proactively notify the data subjects whose data it has collected, rather than only post the revised Policy to a website or updated version of the AGB.	It is important to clarify that ICANN would not be in a position to notify each data subject, as most personal information is submitted by the Applicant, who, in turn, is the controller of the personal information it submits in the Application. However, the Policy has been amended to specify that if ICANN makes any material changes in how we collect, use, and/or share the personal information you have provided, ICANN will make reasonable efforts to notify you before such changes take effect, such as by posting a prominent notice on the ICANN.org website.
INTA: In Section 1: Definitions, the definition for “Applicant” or “ICANN Next Round Applicant” is unclear. Specifically, the last portion of the definition that states “or to be submitted by the Applicant” needs to be clarified. In Section 3: Personal Information Processed, the second sentence in the “Application Submission” sub-section is unclear and does not make sense. Also, the terms “Registry Service Provider” and “Applicant Support Program” should be included in the definition section. In the “Administration” sub-section, the paragraph discusses that the ICANN organization uses information to conduct necessary background checks and other evaluations as part of ‘the Program.’ However, it is not clear which ‘program’ is being referred to so the term ‘Program’ in the second to last sentence should be clarified/better defined. In the “Background Screening Information” sub-section, there is a single bracket that appears to be an error as there is no closing bracket. Also, in the “Background Screening Information” sub-section the first paragraph is	An amendment to the Definition Section was made to clarify that defined terms shall have the same meaning ascribed to them in the ICANN Privacy Policy and Applicant Guidebook (with reference to AGB included). The definition of "Applicant" has been slightly modified to address concerns. The second sentence in Section 3 has been amended for clarity. In Section 3 - Administration, "Program" refers to the "Next Round Program." The policy has been updated accordingly. The typo (single bracket) has been corrected. The section on Background Checks has been revised for clarity. The term "CV" has been spelled out for better understanding. The section on data transfers and the responsibility of Applicants to implement

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unclear and specifically does not make sense after the terms “as well as” in the paragraph. In the “Personal Information from the Panelists and Independent Objectors” sub-section, the term ‘Panelists CVs’ should be defined and/or ‘CV’ should be spelled out/clarified. In Section 6: International Transfers, the 4th paragraph is unclear and doesn’t make sense as it’s not clear how an Applicant could ensure that “any transfer of Personal Information subject to cross-border data transfer restrictions under applicable law into the Next Round Portal operated by ICANN in the US takes place in compliance with applicable laws”, including the implementation of necessary transfer safeguards. Specifically, how can an applicant ensure compliance when the portal is operated by ICANN and how can an Applicant ensure the implementation of necessary transfer safeguards? The paragraph should be revised in order to clarify how an applicant can ensure compliance and how an applicant can ensure the implementation of safeguards. In Section 9: Exercise of Data Subject Rights, the second paragraph mentions a ‘period of time’, but it’s unclear how long that period of time lasts. As such, the reference to ‘period of time’ should be clarified and specified.	necessary safeguards before submitting data subject to transfer restrictions has been clarified. Under Section 9, the paragraph on the time to respond to data subject requests specifies “within the legally required period of time,” rather than just “a period of time.” This was not changed, as the applicable law relevant to the request defines the timeframe within which ICANN must respond.
NCSG: A. Article 5, Sharing of Personal Information We urge ICANN Staff to revisit Article 5. Sharing of Personal Information to ensure that it more closely complies with the GDPR sections that it cites and provides the protection that the GDPR requires for data subjects, which appear to have been stripped out of the section. We provide some examples below, but urge that the data sharing section be reviewed with European experts on the GDPR, as they are in the best position to know their laws and the current interpretations of the National Data Protection Authorities. The section on “Consultants and Advisors, Government Authorities and Agencies” is too broad and seems to allow ICANN to do anything that it wants in response to any type	Sections 4 and 5 have been amended to clarify the purposes and legal bases for data processing activities, as well as how and when data will be shared with third parties, when relevant. References to the ICANN Privacy Policy, to which the Next Round Privacy Policy is complementary, have been included for enhanced clarity and transparency. As a result, the references in square brackets within the list in Section 5 were removed, as they were causing confusion, particularly due to the presentation of the list. It has been clarified in Section 4 that, if and to the extent the GDPR applies, ICANN will rely on the legal basis of Article 6(1)(f) GDPR, which permits the processing of personal information when necessary for ICANN’s or a third party’s legitimate interests, unless otherwise specified in this Policy. In Section

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of law enforcement request - whether formal or informal, legal or illegal – and protect ICANN's legal rights, or strangely “a third party's legal rights,” <i>without the balancing protection for the data subsection, in this case the applicant, that Article 6(1)(f) of the GDPR requires. It's not a carte blanche, but a proportionality test that ICANN must comment to honoring, specifically:</i> “GDPR Article 6 – Lawfulness of processing: “Processing shall be lawful only if and to the extent that at least one of the following applies: *** (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.” This AGB section appears to be a carte blanche to allow ICANN to reveal sensitive and personal data of Applicants to nearly anyone who asks for it for nearly any purpose, including informal requests from law enforcement, informal allegations of impropriety or infringement by third parties, or any indication of error and much more. All cite to GDPR Article 6(1)(f) yet none of these disclosures (except 1) are allowed in the open and unfettered form that the six bullet points allow and seem to encourage. For the sake of compliance with the GDPR, notice to the public, law enforcement, consultants and others hoping to go fishing in ICANN's New gTLD personal and sensitive data, we ask that next version of this AGB section expressly cite the language of Article 6(1)(f) and note that for all disclosures, large and small, except court orders, the “interests or fundamental rights and freedoms of the data subject which require protection of personal data”	5, a sentence has been added to specify that, where the GDPR applies and the processing of personal information is necessary for ICANN to comply with a legal obligation, the legal basis for such processing will be Article 6(1)(c) GDPR. Although this was implied because it is a legal requirement, the policy now explicitly states that, when relying on Article 6(1)(f) GDPR, ICANN carefully assesses the necessity of the processing to ensure that it does not override the interests and/or fundamental rights and freedoms of the data subject whose data is being processed, as required by law. Additionally, while this was already part of ICANN's Privacy Policy, a new paragraph has been added to Section 5 to clarify that ICANN will not sell or share personal information with third parties for marketing purposes. ICANN also does not share personal information that reasonably identifies an individual with third parties for their independent use, except when ICANN has your permission, are doing so at your direction, as needed to comply with legal obligations, as permitted by applicable law, or as otherwise described in this Policy. For more information on how ICANN shares personal information, please refer to Section 5 of ICANN's Privacy Policy. Finally, a sentence has been added to the introduction to reaffirm ICANN's commitment to protecting personal data it processes, including when sharing data with others.

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will be weighed and included prior to disclosure. No disclosure of personal data will be rote or automatic.	
NCSG: B. 7. Security Under 7. Security, while we applaud the drafters' inclusion of ICANN's to "use reasonable industry safeguards....to protect against the unauthorized disclosure of Personal Information it collects and holds," the NCSG is concerned that neither this section - nor any other section of this policy for that matter - explicitly commits ICANN to uphold user privacy and security considerations. Service providers (in this case, ICANN) should only be required to disclose personal information about their users subject to a court order, which must be in line with the requirements of legality, legitimate aim, necessity, and proportionality under international human rights law (IHRL). We urge the drafters to reiterate ICANN's commitment to upholding IHRL when it comes to protecting applicants' right to privacy and anonymity online, such as by including language ensuring that storage and usage of applicants' data is governed by rigorous privacy standards and is equipped with safeguards to prevent data exploitation.⁷	A sentence has been added to the introduction to reaffirm ICANN's commitment to safeguarding personal data it processes, including when sharing data with third parties. Regarding Section 7 on Security, it aligns with Article 32 of the GDPR, which requires organisations to consider the state of the art, the costs of implementation, the nature, scope, context, and purposes of processing, as well as the risk, including the varying likelihood and severity of potential impacts on the rights and freedoms of individuals, when implementing appropriate technical and organizational measures to ensure a level of security proportional to the identified risks. However, a sentence was added to confirm that, when required or appropriate and feasible, obtaining written assurances from third parties that may access your personal information that they will protect such information with safeguards designed to provide a level of protection equivalent to those adopted by ICANN.

Post Contracting

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Com Laude: It might be helpful to new applicants to also point them to ICANN's Registry Stakeholder Group as a potentially valuable resource, and to include information about the RySG and the New TLD Applicant Group (NTAG), if this is reconvened, on the New gTLD website. The AGB might include text along the following lines, in the final paragraph and before the sentence "For additional information...": "New Registry Operators may also wish to consider joining ICANN's Registry Stakeholder Group,	ICANN agrees that these are helpful resources but believes that this information is most useful in the "Welcome Kit" for Registry Operators and will include the information there, as opposed to the AGB.

⁷ ARTICLE 19 The Global Principles on Protection of Freedom of Expression and Privacy (Policy Brief)
<https://www.article19.org/data/files/medialibrary/38657/Expression-and-Privacy-Principles-1.pdf>

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information about which can be found on the New gTLD Program Website".	

DNS Stability

Public Comment	ICANN Response
NCSG: Ensuring the stability, security, and resilience of the Domain Name System (DNS) is crucial to maintaining trust in the internet infrastructure. However, we believe that the current suggestions from the SSAC could mean significant challenges for smaller gTLD applicants and marginalized communities, who may have difficulties with fundamental aspects of DNS operations. There is a need for flexibility and guidance for those applicants, or else the mentioned criteria could inadvertently harm the aim of achieving more diversity in the DNS. <i>Rather than mandating for strict and detailed criteria to be met without any differentiation among different applicants, the Guidebook should consider this diversity and work with, for example, variations in timeframes and deadlines, determining the availability of templates and examples (and other resources, such as best practices documents), tiered approaches, etc.</i>	ICANN appreciates the concerns expressed in this comment regarding differentiating between different types of applicants, and notes that, where possible, ICANN has taken steps to make such accommodations (for example, the Financial Evaluation takes into account different types of applicants). Additionally, through its Outreach and Engagement efforts, ICANN plans to ensure different types of applicants from across the globe are aware of the different processes, timelines, and requirements of the New gTLD Program. However, the DNS Stability Review involves a narrow set of technical checks on the syntax of the string, and is unrelated to other evaluations such as Name Collision or String Similarity. A string not meeting the DNS Stability requirements cannot be delegated. As such, ICANN believes that this particular comment is not directly relevant to and beyond the scope of this section and has not made any updates to the section.
Ethereum Name Service: ENS agrees that the proposed language on DNS Stability is consistent with the SubPro Final Report recommendations. However, ENS would suggest revisiting whether an application that does not pass the stability checks will simply not be allowed to proceed, or whether, in the event that a simple technical correction may resolve the stability issue, the applicant will be permitted a brief cure period. As ICANN has stated its goal of increasing applicant diversity and global representation – and because DNS stability issues are more likely to arise in gTLDs for IDNs in non-Latin scripts – permitting a brief cure period would ensure that more applicants from underrepresented regions are able to proceed with the application process.	ICANN has reviewed the comment and notes the concerns but does not believe a change is warranted. Applicants will be notified that their string does not meet the requirements in real-time before they submit the application, and will have the chance to choose a different string before the end of the submission period. Additionally, applicants will have the opportunity to challenge the result if the applicant has identified a system error in the software and the identified system error caused the applicant to fail the DNS Stability Review. ICANN has updated the current “Challenges” section of the proposed AGB language to include more information regarding this process.

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	As indicated in the Applicant Journey section, applicants are encouraged to start working on their applications as soon as possible in order to be able to meet the deadline, and online tools such as the LGR Tool https://lgrtool.icann.org/ can be used to validate whether a string confirms to the rules in the Root Zone Label Generation Rulesets.
RySG: The RySG suggests two modifications to improve this section of the AGB: first, in order to minimize confusion that could result in the event that the IDNA2008 RFCs are updated while the application window is open, the language referencing these RFCs should include an “as of” date, at least for the purposes of the 2026 application round.	ICANN notes that Requests For Comments (RFCs) published by the IETF are archival and do not change. ICANN notes that it is possible that the IETF might publish new RFCs that mark the IDNA2008 RFCs “obsolete”; however, that would follow the standard process to incorporate new standards into policy and agreements. However, for the sake of clarity, ICANN will remove the text requiring future updates to IDNA2008.
RySG: Second, this section of the AGB should provide more detail about how the results of a test could be challenged. As currently written, the section states that applicants will have the opportunity to challenge a test, but provides no information as to how that can be done.	ICANN has updated the challenges section with additional information regarding this process.
INTA: The proposed language should include a clear and authoritative definition for the phrase “security and stability” that is consistent with the ICANN Bylaws, or at a minimum the proposed language should include a reference to such a definition. INTA members observed that the definition of the phrase “security and stability” has been amorphous at times within ICANN, which has sparked disputes relevant to ICANN remit, name collisions, and other subject matter.	ICANN has updated the text to remove the mention to security and stability as this section pertains to string review.

Security and Stability

Public Comment	ICANN Response
NCSG: Ensuring the stability, security, and resilience of the Domain Name System (DNS) is crucial to maintaining trust in the internet infrastructure. However, we believe that the current suggestions from the SSAC	ICANN appreciates the concerns expressed in this comment regarding differentiating between different types of applicants, and notes that, where possible, ICANN has taken steps to make such accommodations (for

Public Comment	ICANN Response
could mean significant challenges for smaller gTLD applicants and marginalized communities, who may have difficulties with fundamental aspects of DNS operations. There is a need for flexibility and guidance for those applicants, or else the mentioned criteria could inadvertently harm the aim of achieving more diversity in the DNS. Rather than mandating for strict and detailed criteria to be met without any differentiation among different applicants, the Guidebook should consider this diversity and work with, for example, variations in timeframes and deadlines, determining the availability of templates and examples (and other resources, such as best practices documents), tiered approaches, etc.	example, the Financial Evaluation takes into account different types of applicants). Additionally, through its Outreach and Engagement efforts, ICANN plans to ensure different types of applicants from across the globe are aware of the different processes, timelines, and requirements of the New gTLD Program. However, the DNS Stability Review involves a narrow set of technical checks on the syntax of the string, and is unrelated to other evaluations such as Name Collision or String Similarity. A string not meeting the DNS Stability requirements cannot be delegated. As such, ICANN believes that this particular comment is not directly relevant to and beyond the scope of this section and will not make any updates to the section.
RySG: While this draft section is consistent with RSSAC guidance, we note that as written, the text implies that the rate of delegation can change ONLY if ICANN determines that DNS service instabilities have occurred. We suggest revising this language to allow ICANN to adjust the delegation rate if it has sufficient reason to believe DNS service instabilities may potentially occur.	ICANN has updated the language to specify that it may adjust the delegation rate if it has sufficient reason to believe that actual or potential DNS service instabilities may occur.
ALAC: We answer “Yes” but would like to suggest for the sake of clarity, that additional guidance be included in this section on how a delegation request of a new gTLD that is ready to be delegated into the root relates to the new Name Collisions Risk Management framework in terms of sequence and impact.	ICANN notes that the topic of Name Collisions is treated as a separate module in the AGB. ICANN has inserted a footnote directing the reader to this information.

Different TLD Types

Public Comment	ICANN Response
NCSG: An asterisk after the column title “Additional Contract Schedules*” with the asterisk stating that it is an available option for applicants in all categories to adopt RVCs as part of their Spec 11s.	ICANN has made the update, as suggested.

Public Comment	ICANN Response
NCSG: For CAT 1 Safeguard gTLD Type, Additional PICs and RVCS, as applicable, in Spec 11” [as broad set of applications may generate a new PIC from the GAC, but only a few applications may result in RVCs arising from GAC Early Warnings or Advice - or public comments or objections]	ICANN has made the update, as suggested.
NCSG: Exclusive Use TLDs are baffling to us. We note that <i>the only time the term “exclusive use”</i> is used in the SubPro Final Report is in reference to Closed Generics: “Closed Generics: Should there be restrictions around exclusive use of generics TLDs?” These Exclusive Use TLDs appear to be extensions of .BRANDs and in the footnotes even reference the .BRAND Code of Conduct and Code of Conduct exemptions. <i>NCSG strongly objects to this category of gTLDs as unsupported by the SubPro WG’s recommendations and outside of the policy recommendations made by SubPro and asks that it be deleted in the AGB.</i>	ICANN understands there is confusion about the meaning of “exclusive use” as it relates to Brand TLDs and other types of TLDs. In this context, the term “exclusive use” comes from the registry agreement (see Specification 9 Paragraph 6) and relates to TLDs where “all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its Affiliates.” This concept is often used in reference to “closed generics,” which would be a TLD that consists of a generic term that is used “exclusively” for the registry operator and its affiliates. Such “closed generics” are not allowed, as per the AGB language, found here. However, any TLD, as long as it is not being used in a generic way, could be “exclusive use” by applying for (and obtaining a) Code of Conduct Exemption. Additionally, an applicant wishing to apply as a Brand TLD must complete Brand TLD Eligibility Evaluation. If successful, the Brand TLD must include a Specification 13 in their registry agreement and will also be eligible for a Code of Conduct Exemption (Specification 9). For a Brand TLD that qualifies for Specification 13, only the Registry Operator, its Affiliates or Trademark Licensees are registrants of domain names can register domain names in the TLD.
Ethereum Name Service: ENS agrees that the proposed language on Different TLD Types is consistent with the SubPro Final Report and the EPDP Phase 1 Final Report recommendations. However, ENS suggests that ICANN provide additional clarifications in the Final AGB to avoid confusion among	Regarding Cat 1 TLDs, ICANN notes that this is covered by the proposed AGB language related to Topic 9. Regarding Brands vs. Exclusive Use TLDs, please see response above for additional information. Regarding contention, Brands

Public Comment	ICANN Response
applicants. First, for the Category 1 Safeguard TLDs, ENS requests that ICANN provide additional detail on how an applied-for TLD string will be evaluated for designation in this category as well as how ICANN will evaluate what specific safeguards may be needed, particularly as regulatory requirements vary greatly among jurisdictions. For example, in the United States, nearly every industry is regulated to some degree in terms of consumer protection concerns, although of course some industries are subject to higher standards, e.g., licensing or certification requirements. In addition, ENS requests that ICANN clarify how Category 1 Safeguards may apply to TLDs relevant to industries that are rapidly evolving and for which new regulatory requirements may be implemented in the future (e.g., data security and privacy considerations as well as evolving aspects of the technology industry). These clarifications could help applicants select strings and prepare applications in a forward-looking manner, thus contributing to both the longevity and safety of their TLDs. Next, ENS requests that ICANN provide further clarifications on the difference between .BRAND type TLDs and Exclusive Use TLDs with specific regard to application requirements and evaluation procedures. Specifically, if there are multiple applicants for the same TLD string, including both .BRAND type applicants and Exclusive Use type applicants, would .BRAND applicants take precedence, or would a Legal Rights Objection or a string contention process be required? Such clarifications would allow applicants to be thoughtful when selecting their TLDs (particularly if considering applying under an Exclusive Use designation). Such a clarification would also help applicants avoid unnecessary objections or inclusion in contention sets, and thus would increase efficiencies of the new gTLD program. Finally, ENS applauds ICANN's thoughtful approach to geographic name TLDs. As one minor point, ENS would request a bit more clarification regarding the treatment of applications for TLDs that are geographic names but are intended to be used in a capacity unrelated to a geographic	would not take “precedence” or “priority” (this concept doesn’t exist for Brand TLDs); string contention would be required. Alternatively, an applicant for a Brand TLD could opt to change their string (see String Change procedures in the Contention Set Resolution section of the AGB). A Legal Rights Objection is a potential avenue to resolve disputes but is not a contention resolution mechanism. See the Community Input and Dispute Resolution section of the AGB for more information regarding this type of objection proceeding. Regarding geographic names, please note that if a TLD is identified as a geographic name, then it will be required to provide documentation of the relevant governmental or public authority support. As stated in the proposed AGB language: “The [documentation of support] must clearly express the government’s or public authority’s support for or non-objection to the applicant’s application and demonstrate the government’s or public authority’s understanding of the string being requested and its intended use.” Please see here for more information.

Public Comment	ICANN Response
name designation. Specifically, what threshold will be set for when a statement of support or non-objection is or is not required from a government entity? E.g., there may be a higher likelihood of consumer confusion and infringement on the rights of countries, states, or municipalities, if an applied-for string (whether a brand or common word) is also a commonly used territory or city name (other than a capital city). In such cases it may be advisable to seek approval for delegation of the TLD from multiple GAC members, or otherwise require a similar measure of support that an applicant would have to provide for a capital city application.	
Com Laude: Table XX and the accompanying text seems inconsistent with what the IRT has recently been discussing regarding conditional evaluation fees, in that it may be understood to be saying that the only TLD type where there are additional fees on top of the standard \$227,000 application fee are those which go to CPE. So, for example, in the case of Community TLDs, there is a reference to additional fees for CPE but not to additional fees for the evaluation of Spec 12 registration policies. Similarly, many of the other TLD types in the table have been identified as subject to additional evaluation fees, e.g. Brands, COCE, etc., but the table says there are no additional fees.	ICANN notes that updated fee information can be found in the proposed AGB language on fees, which can be found here. ICANN has ensured that this section aligns with that language, as applicable.
RySG: In this draft section, “Category 1 Safeguard TLDs” are defined extremely vaguely. The draft text does little to provide clarity for future new gTLD applicants as to whether their applied-for string might fall into this category and what additional information or safeguards they will need to provide as a result. It is also unclear who makes the determination that a string qualifies as a “Category 1 Safeguard TLD” and how that determination is made - future applicants cannot simply rely on past GAC actions or the examples cited in this section to understand how their own applications might be assessed. More transparency is needed here. Additionally, this section should also include information about whether an applicant may make changes to its	Regarding Cat 1 TLDs, ICANN notes that this is covered by the proposed AGB language related to Topic 9, which can be found here. Additionally, application changes are discussed in the proposed AGB language here.

Public Comment	ICANN Response
application in order to not qualify as this type of TLD.	
ALAC: In the opening text for Section 1.2.2.6 “Applications for Variants of Existing TLDs” and Section “1.2.2.7 Applications for New IDN TLD including one or more Variants” there are mentions of “applied-for variants”. The ALAC believes that in line with Board-adopted policy recommendations from the IDN-EPDP Phase 1 Final Report the term “variants” should be preceded with “allocatable”. We note that the term “allocatable variants” is correctly and consistently reflected elsewhere in the proposed AGB text seen thus far.	ICANN has made this update, as suggested.
Dotzon GmbH: The language is consistent with the relevant recommendation, however we would like to offer two amendments which will support applicants and the ICANN community with greater clarity, and streamline the wording of different TLD types. OLD: 1.2.2.1 An applicant that elects to designate its applied-for gTLD string as community-based (hereinafter, a “community gTLD string”) propose to operate the community gTLD string for the benefit of a clearly delineated community [see CPE]. NEW - Delete: “propose to” 1.2.2.1 An applicant that elects to designate its applied-for gTLD string as community-based (hereinafter, a “community gTLD string”) must operate the community gTLD string for the benefit of a clearly delineated community [see CPE]. OLD 1.2.2.4.1. .BRAND TLD is a string that is identical to the textual elements (e.g., a name, word, or phrase) of a registered trademark valid under applicable law, and which the applicant intends to operate as a .BRAND TLD. NEW - Delete: “intends to” 1.2.2.4.1. .BRAND TLD is a string that is identical to the textual elements (e.g., a name, word, or phrase) of a registered trademark valid under applicable law, and which the applicant must operate as a .BRAND TLD.	ICANN has made the update to remove “propose to”, as suggested. Additionally, ICANN will make the update to remove “intends to”, as suggested.
INTA: In Section 1.1, we recommend rephrasing the explanatory phrases following the bold categories from questions to statements. For example, rather than	ICANN has updated the questions at the beginning of the section to restate as statements. ICANN will also make updates to the table to clarify the different types of

Public Comment	ICANN Response
"Application Questions: Does an application type require the applicant to answer specialized questions in their application?" instead phrasing this as "Application Questions: Whether an application type requires the applicant to answer specialized questions in their application, and the nature of those questions." This phrasing more closely tracks with how the information is presented with respect to each specific application type throughout the following Sections. In Section 1.2, we recommend modifying the table as follows: • Include columns for "Specialized Application Questions" and "Specialized Evaluation" to match with the categories set forth in 1.1; • Include a row for "Exclusive Use TLDs" following the row for ".BRAND" to account for the differences between these two application types; and • Moving this Section/table to the end of this Topic to act as a summary of the information presented in the Topic, rather than an introduction of the information that follows, which makes the table easier to follow in our view. It is unclear why "Evaluations of Community Registration Policies" appears as a subsection of 1.2.2.1, whereas similar information presented for other application types are not set forth in their own subsections. To harmonize this Topic, we recommend taking the information set forth in Section 2, and including it as subsections of the corresponding parts of Section 1. For example, Sections 2.1, 2.1.1 and 2.1.2 should become Section 1.2.2.2.1, 1.2.2.2.1.1, and 1.2.2.2.1.2, respectively. This also keeps relevant information about each application type together, rather than splitting it across two sections. In Section 2.1, the information included under number 4 in the list is not presented clearly; it currently is split across three different paragraphs, the last of which includes more general information. We recommend merging the number 4 information into a single paragraph, and then separating that from the other information by starting a new paragraph.	applications. Finally, has updated Section 2 and general organization of the document to make it clearer.

Legal Compliance Check

Public Comment	ICANN Response
NCSG: The current text focuses on ICANN's compliance with U.S. sanctions without fully addressing the international nature of ICANN's mandate. A brief clarification of ICANN's global role in the broader context of Internet governance would be helpful. The current language seems biased or too focused on the limitations imposed by U.S. law. A more neutral tone could be adopted to avoid presenting the U.S. sanctions as a central constraint. A sentence emphasizing ICANN's commitment to fairness, neutrality, and equal access to Internet governance can be added to alleviate concerns about its adherence to geopolitical pressures.	ICANN notes that the international nature of ICANN and its commitment "to fairness, neutrality, and equal access to Internet governance" is reiterated throughout the AGB and other Program materials and does not need to be repeated in this section.
Ministry of Digital Development, Communications and Mass Media of the Russian Federation: Specifically, on the topics of "Legal Compliance Check" the Russian Federation would like to highlight importance of the ICANN' status and jurisdiction. ICANN is a global international organization, and one of national administrations can set up barriers to third party participation. We would like to emphasize that no single state or group of states should have the right to interfere in the operation of critical Internet infrastructure and/or the activities of ICANN, including the mechanisms for legal regulation of Next Round Program. In this regard, we call ICANN community and stakeholders to start discussion for development proposals for measures or mechanisms that can ensure equal participation of Applicants from all countries in Next Round Program.	ICANN notes that the Legal Compliance language is consistent with the Guidebook for the 2012 round as well as the current Applicant Support Program Handbook and the Registry Service Provider Evaluation Program Handbook. Additionally, ICANN notes that, as stated in the Legal Compliance section, it must comply with all U.S. laws, rules, and regulations, and is committed to doing so throughout its operations, including its various application programs, and carefully considers each matter or application on a case by case basis. Any entity may submit a gTLD application; and, in the 2012 Round of the New gTLD Program, no applicant or application was barred due to ICANN's compliance with applicable sanctions. ICANN further notes that the U.S. is not unique in maintaining sanctions programs. Various regions around the world similarly have sanctions programs (many of which are consistent with the Office of Foreign Assets Control (OFAC) sanctions programs) and companies/organizations that are located in other parts of the world that do business in the U.S. are similarly obligated to comply with OFAC's sanctions programs.

Public Comment #4

General Comments

Public Comment	ICANN Response
NCSG: A footer note: Some Topic numbers are listed in the footer of a section e.g., ICANN Next Round Applicant Guidebook: Topic 18 Terms and Conditions [Date] and some are not, e.g., ICANN Community Priority Evaluation (CPO) [Date]. Could we add the Topic numbers to all section footers?	ICANN acknowledges the NCSG's comment. The entire AGB has been reviewed for consistency for the final draft that has been published for public comment as of 30 May 2025.
NCSG: As shared above and per our previous input to the Third Proceeding, there is a need for flexibility and additional guidance for applicants on this process, or else there could be inadvertently harm to the aim of achieving more diversity in the DNS. The Guidebook should therefore consider providing templates and examples (and other resources, such as best practices documents), tiered approaches, etc. to support new applicants.	Per SubPro Implementation Guidance 12.6, "...the AGB is a practical resource for users, the core text of the AGB should be focused on the application process". As such, ICANN plans to develop support material (such as FAQs and topic overviews) outside of the AGB, with the aim to help new applicants, non-experts, and the broader community improve understanding of the program. ICANN will share these support materials with the community as soon as feasible after they are developed. See also the blog on these materials here: https://www.icann.org/en/blogs/details/icann-materials-provide-prospective-new-gtld-applicants-clarity-on-key-topics-21-05-2025-en .
TLDz: The SubPro Final Report emphasises fostering competition, innovation, and accessibility in the gTLD program. However, the current fee and refund structure disproportionately impacts smaller applicants, non-profits, and those from developing regions, contrary to ICANN's commitment to inclusivity. If ICANN continues to raise costs while lowering refunds and imposing hidden fees, it will discourage participation, reduce competition, and undermine the objectives of the new gTLD program. We urge ICANN to reconsider these areas and implement necessary corrections before finalising the next round's application process.	Per SubPro Final Report Affirmation with Modification 15.4, the evaluation fee is set on a cost recovery basis to ensure that the New gTLD Program: Next Round is fully funded and does not require funds from ICANN's operating budget. This is also reflected in the fee and evaluation structure, as well as the refund structure. In addition, it should be noted that ICANN developed the Applicant Support Program (ASP) as part of its New TLD Program, which is intended to provide financial and non-financial assistance to eligible entities that demonstrate need and wish to apply for and operate a gTLD in the DNS. Eligible entities are nonprofits/charities/nongovernmental organizations; intergovernmental organizations; indigenous/tribal communities;

Public Comment	ICANN Response
NNE: NIC do Norte-Nordeste (NNE), registry operator for the extension .nne.com.br, with the aim of fostering the involvement and establishing an online presence in the north-northeastern region of Brazil, would like to publicly provide its public comment to ICANN. Our contribution: ICANN should be transparent, clear, and objective in relation to its intentions, as well as providing the entire community with the opportunity to participate in the development and planning of the New gTLD Program: Next Round. Some points can be mentioned to improve the performance of the New gTLD Program: Next Round. A) Prevent businesses from requesting geographic, generic or public interest terms without merit or applicable restrictions; B) Provide third sector candidates with discounts and incentives for gTLD applications that may serve the public or community interest; C) Provide incentives and financial assistance to candidates from developing or poor countries; D) Categorize the applied for strings as geographic, community-based, third sector, business, etc.... giving priority to community and third sector strings.	small businesses that are social enterprises or operating in a less-developed economy. The community has developed the SubPro policy recommendations that are the basis for the applicant guidebook. The community also is participating in the drafting of the guidebook via the Implementation Review Team (IRT), which is an open group. A) All geographic strings require support from relevant public authorities. B) The Applicant Support Program has been significantly enhanced compared to the 2012 round, and provides qualified supported applicants with gTLD evaluation fee reductions as well as other financial and nonfinancial support. Eligible entity types include nonprofits, nongovernmental organizations, social enterprises, and public benefit corporations, among others. Community applications, if in contention with other applications, and if successfully passing community priority evaluation, will prevail in the contention against non-community strings without the need to go to an auction. C) The Applicant Support Program has been significantly enhanced compared to the 2012 round, and provides qualified supported applicants with gTLD evaluation fee reductions as other financial and nonfinancial support. Outreach and engagement around the Applicant Support Program has been focused on underserved regions, and one of the eligible entity types to qualify for support is specific to micro or small businesses from developing economies. D) SubPro policy allows for the creation of different TLD, application or string types, including, for example, geographic, and community-based types. These types and any differing requirements or characteristics are defined in the draft AGB language on

Public Comment	ICANN Response
	"Different TLD Types," which can be found here .

Registry Voluntary Commitments / Public Interest Commitments

Public Comment	ICANN Response
ALAC: With reference to Section 2.2 and footnote 5 - the list of strings that might attract Safeguard PICs is mentioned as "the full list". This is misleading as the list of strings found in the ICANN46 Beijing Communique are not exhaustive.	ICANN has made the following update based on this comment: Replaced "full list" with "the non-exhaustive list".
ALAC: With reference to Section 3, first paragraph - the phrase "limited unique circumstances" for RVCs is unnecessarily presumptuous. Nothing precludes the use of RVCs with or without Mandatory and/or Safeguard PICs since safeguards built into the application process may not foresee every circumstance.	ICANN has made the following update based on this comment: Deleted "limited unique".
ALAC: With reference to Section 3, last paragraph - the use of "the" could be misconstrued as one single comment period. An application comment period isn't limited to any point in time or single period as there is no time limit for submitting Application Change Requests.	ICANN has made the following update based on this comment: Replaced "the application comment period" with "an application comment period" or "application comment periods" as a global update.
ALAC: With reference to the proposed Registry Commitments Evaluation (RCE) criteria - we have grave concerns that the need for Community Registration Policies to meet the RCE criteria may result in unintended consequences - eg. (i) key commitments which directly relate to how a Community TLD is proposed to be operated being excluded from the RA; and (ii) commitments intended to boost a Community TLD applicant's chance of prevailing in CPE being excluded from CPE.	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, are not needed due to the following reasons: - As explained in the 08 June 2024 ICANN Board resolution, "the ICANN Board determines that ICANN should exclude from the Next Round RAs any RVCs and other comparable registry commitments that restrict content in gTLDs." The Board also directs ICANN to "design and [implement] evaluation criteria and processes" of RVCs and other comparable registry commitments "to effectuate this exclusion". - Pursuant to the Board resolution, the Registry Commitments Evaluation was developed to evaluate proposed RVCs

Public Comment	ICANN Response
	and other comparable registry commitments which include the Community Registration Policies. As such, any Community Registration Policy proposed by an applicant for inclusion in the applicable RA must be evaluated pursuant to the RCE criteria. • With respect to “key commitments which directly relate to how a Community TLD is proposed to be operated”, they may, but are not required to be, included in the applicable RA. Community-based gTLD registry operators may implement any Community Registration Policies outside of the RA which are desired, so long as the policies otherwise comply with the applicable ICANN agreements and policies. Furthermore, there is no across-the-board exclusion of “key commitments which directly relate to how a Community TLD is proposed to be operated” from the RA. So long as they meet the RCE criteria and pass evaluation by ICANN, they can be included in the RA. • ICANN org discussed with the IRT about the rationale why the RCE is a prerequisite to the evaluation of Community Registration Policies during CPE. Furthermore, Community Registration Policies is one of the four criteria being evaluated during the CPE and has the lowest allocation of scores. Based on the “Topic 34: Community Applications” draft section of the AGB, the scope of the core questions asked to evaluate the applicant against this criteria is rather limited. The applicant has the opportunity to boost its chance of prevailing in the CPE by taking into account all four criteria in preparing its application.
ALAC: With reference to Section 3.2.2 - ICANN should implement a sign-up feature to get automatic updates on RCE results.	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, are not needed due to the following reasons: • ICANN notes that SubPro Recommendation 9.13 requests that “...RVCs must be readily accessible and presented in a manner that is usable”. However, there is no policy

Public Comment	ICANN Response
	recommendation specifically requesting a feature akin to ‘subscription’ for subscribers to receive automatic updates on the evaluation result of a submitted RVC. ICANN does not believe it is feasible to develop and implement such a feature, given its time and resource constraints. Notwithstanding, ICANN will publish and regularly update the RCE results of all submitted RVCs on the New gTLD Program website that is publicly accessible.
ALAC: With reference to Section 3.4 - We strongly recommend that ICANN implement a process for an RO to request modification of its RVCs following contract execution which calls for public comment prior to any negotiations between ICANN and that RO to contemplate such modification.	ICANN has made the following update based on this comment: - Revised the sentence “ICANN is exploring the possibility of implementing a process for registry operators to request modification to RVCs following contract execution.” as follows: “ICANN may propose a process for community input with respect to registry operators requesting modification to RVCs following contract execution.” Rationale: - Since ICANN does not currently have a process for registry operators to request modification to RVCs in RAs that have been executed, ICANN may propose a process for community input in accordance with ICANN's rules and procedure and for the purpose of transparency and accountability. - If and when proposing such a process, ICANN would take into account the suggestion from ALAC and consider whether it aligns with existing processes for handling change requests with regard to the RA. However, the details of such a future process are outside of the AGB to address.
ALAC: With reference to Section 4 - We strongly recommend that ICANN not only do more to draw the public's attention to the education materials about scope of dispute procedures, the roles of all parties, and the adjudication process with respect of the PICDRP, RRDRP and TM-PDDRP, but also	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, are not needed due to the following reasons: Based on ICANN's understanding of this comment, ALAC requests ICANN to clarify what to expect after a compliance

Public Comment	ICANN Response
take affirmative action to fully recognize the scope and implications of the determinations of any such PDDRP.	determination is made in these three types of post delegation dispute resolution procedures (PDDRPs). • The rules of each of the procedures provide explanation to ALAC's inquiry. Specifically, please reference: ◦ PICDRP Rules Section 4; ◦ RRDRP Rules Sections 11-16; ◦ TM-PDDRP Rules Section 12-18 • ICANN notes that one of the main differences among these three PDDRPs is that: ◦ RRDRP and TM-PDDRP are administered by third-party providers and a compliance determination must be issued by an expert panel; whereas ◦ PICDRP is administered by ICANN and a compliance determination is issued by ICANN following a compliance investigation, which may or may not invoke an expert panel at ICANN's sole discretion. • ICANN plans to provide further information and clarifications on what to expect following a compliance determination in the educational materials, in the form of frequently asked questions, on the PDDRP, which are under development and will be linked from the "Dispute Resolution Procedures After Delegation" topic in the AGB. However, ICANN believes that such information is outside the scope of the AGB to address.
RySG: Implementation Guidance 9.6 recommends that a panel of experts in regulated industries determine whether applied-for strings should be subject to the Safeguards described in Section 2 of Topic 9 of the AGB. As written, the AGB gives ICANN org the power to determine whether a given string falls into one of the categories warranting additional safeguards. Further, the rationale for 9.6 is to promote predictability for applicants. We would suggest bolstering the language in 2.1 to describe the questions applicants will need to answer.	ICANN has made the following update based on this comment: • After the sentence "In the new gTLD application, the applicant must answer questions to assess which Safeguard PICs, if any, would be required in the RA.", added the following sentence "Please see Application Questions for more information."

Public Comment	ICANN Response
RySG: As an added point, the RySG believes that the text of the PICs, especially Safeguard PICs, should be considered a starting point for applicants to draft contractual terms. Applicants should have the ability to refine the text of the PICs to fit their specific needs and circumstances.	ICANN has made the following update based on this comment: - Added “...without modification” at the end of the sentence “...the applicable Safeguard PICs must be included in Specification 11 of the applicable RA.” - Added the following footnote after “without modification” in the aforementioned sentence: - The Registry Agreement is the product of extensive community consultation. ICANN will only consider modification to the agreement in extraordinary circumstances, such as situations in which unique legal, jurisdictional, or regulatory issues would legally prevent an entity from executing the Registry Agreement as-is. See Contracting for more information. Rationale: - The SubPro Final Recommendation 9.8 states “...if an applied-for string is determined to fall into one of the four groups of strings applicable to highly sensitive or regulated industries, the relevant Category 1 Safeguards must be integrated into the Registry Agreement as mandatory Public Interest Commitments.” The policy recommendation does not explicitly permit modification to the wording of Safeguard PICs. - Nevertheless, ICANN will only consider modification to the Registry Agreement in extraordinary circumstances. The “Contracting Section” of the “Applicant Journey” topic in the AGB provides further explanation.
Ethereum Name Service: In connection with Section 2 on Safeguard PICs, ICANN has provided a number of phrases that must be included in the Registry Agreements for certain applicants who are determined to be required to meet additional safeguards. However, ICANN should state whether these phrases must be included in the Registry Agreements exactly as written by ICANN, or if any of the Safeguard PICs may be revised or customized in any way.	Same comment as above.

Public Comment	ICANN Response
Ethereum Name Service: In the final draft AGB, we request that ICANN specify the fees, or at least the likely range of fees, associated with undergoing a Registry Commitments Evaluation (Section 3.2).	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, will be reflected in the fee related topic in the final version of the AGB, instead of this current topic.
Ethereum Name Service: In Section 5 on ICANN Compliance, ICANN should detail what penalties may be assessed upon a new gTLD registry operator if the registry operator is determined to be in non-compliance with a PIC, RVC, or Community Registration Policy.	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, are not needed due to the following reasons: • Potential remedies imposed by ICANN or penalties upon determination of a registry operator's non-compliance with registry commitments included the Registry Agreement (RA) may include ICANN sending a breach notice, or even terminating the RA. Please see Article 4, Section 4.3(e) in the current Base RA for reference. However, it is not feasible to list all possible remedies or penalties as they have to be assessed on a case-by-case basis if/when the non-compliance determination is made. Furthermore, ICANN believes that such information is outside the scope of the AGB to address. • ICANN will aim to provide further information on potential remedies and penalties via the educational materials on post dispute resolution procedures (PDDRP), which are under development and will be linked from the "Dispute Resolution Procedures After Delegation" topic in the AGB.

Applicant Journey

Public Comment	ICANN Response
NCSG: Under 1.1 Eligibility, it states that "[only] established corporations, organizations or institutions may apply for a new gTLD." It is important to note that concepts, especially legal concepts, can change substantially from language to language, and the wording used in the AGB should take those differences into consideration. What does "established" mean within the context of the new gTLD process? Please provide several definitions so that the	ICANN has updated the language to address these concerns.

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meaning can be understood by people with different backgrounds and legal systems. Dotzon: The wording in Section „1.1 Eligibility“ is inconsistent with other parts of the AGB - e.g. in Topic 27 governments are listed as potential applicants, whereas according to the Applicant journey document they are not listed as eligible applicants. A clarification would be helpful.	
NCSG: Under 1.2 Fees, should it be “seek to have a RVC,” e.g., “Applicants may also be required to pay additional fees for conditional evaluations, e.g. if they wish to be designated as a Brand gTLD OR SEEK TO have a Registry Voluntary Commitment added to their Registry Agreement.” [as an RVC must be evaluated and accepted]	ICANN has replaced ‘wish’ with ‘seek’.
NCSG: Under 2.1.6 DNS Stability Review, are there parameters that new applicants should be aware of ahead of time to avoid failing this review? If so, we ask that this be added to the Guidebook - whether in this section, or another (such as within the DNS Stability section)? Reiterating our previous input to the Third Proceeding, there is a need for flexibility and additional guidance for applicants on this process, or else there could be inadvertently harmful to the aim of achieving more diversity in the DNS. The Guidebook should therefore consider providing templates and examples (and other resources, such as best practices documents), tiered approaches, etc. to support new applicants.	The requirements are described in the DNS Stability Review section, which was part of the third public comment. The comments received and updates made to the language were discussed during meeting #120. It should be noted that the Applicant Journey is meant to be a high-level summary of all processes, and applicants should refer to the relevant sections for the details.
NCSG: Under 2.3.1 Application Comments and under 2.3.3 GAC Advice, there is no timeline listed. However, under 2.3.2 for GAC Member Early Warnings, it notes there is a 90-day window for comments. We are also aware that this window for contributions is listed in different sections under Topic 28: Role of Applicant Comment and Topic 30: GAC Consensus Advice and GAC Early Warning. For clarity, we request that the final section specifically note the window for contributions for all three comment processes - application comments, GAC Member Early Warnings, and GAC Advice - here.	ICANN has clarified the duration of the windows for submitting comments and objections as advised. GAC Consensus Advice, however, can be issued at any time. There is an overarching disclaimer indicating that the ‘countdown’ starts on the day after a process is launched.

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Additionally, as noted in our previous contribution we seek clarification that the 90 days for the Application Comment window will begin the day after the public notice is sent and clearly state the final date and time for filing responses on the notice. This is necessary because, while ICANN in California may circulate a notice on day X, for many parts of the world, that notice will be received on Day X+1. It will never occur to these groups that the first day of the count is the day before they receive the notice. We note that starting a deadline count on the day after a notice or other triggering event is also a common practice for courts, agencies, and other organizations. We understand that the IRT has agreed to this change/clarification - thank you - and ask that it be applied clearly and consistently, including in this section that may be read first by many newcomers.	
NCSG: Under 2.3.1, Application Comments, we should ensure that responses to public comments by the applications are also made public. As public comments are part of a dialogue with the Community, the general public, the applicant and the evaluators should all be allowed to see all public (nonconfidential) comments and the applicant's responses.	Responses to comments relating to public portions of the application will be submitted via the Application Comment Forum and will be public.
NCSG: As an overall comment on Section 2.3 Community Input and Dispute Resolution, we remind the drafters that as stated in the ICANN Bylaws, GAC Early Warnings and GAC Consensus Advice must include a clearly articulated rationale. We therefore recommend that the drafters include at the top of this section that GAC Early Warnings and Consensus Advice must be limited to the scope set out in the applicable ICANN Bylaws provisions.	The fact that GAC Advice and GAC Member Early Warnings must include a rationale is included in the relevant sections. The Applicant Journey is meant to be a high-level summary of all processes, and applicants should refer to the relevant sections for the details. GAC Member Early Warnings are not subject to the ICANN Bylaws. GAC Consensus Advice is subject to the ICANN Bylaws, as specified in the relevant language in the GAC Consensus Advice section.
NCSG: Under 2.3.5 Objections, we recommend changing the title to Formal Objections and listing off the three types of Formal Objections allowed: Community, Legal Rights and String Confusion. Further, it's important to note in writing for the many newcomers reading this Applicant Journey	The term 'objections' is used throughout the AGB and, since there are no 'informal' objections in the context of the Next Round, ICANN will maintain the current approach for consistency. ICANN has added the four grounds for

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that these are “formal objections held before third-party international arbitration tribunals designated by ICANN and subject to their own extensive filing and fee requirements.	objection to the language. A sentence clarifying that objections and appeals are handled by a third party and involve costs was added.
NCSG: Under 2.3.5, we request the change from “The non-prevailing party may file an appeal against the determination.” to “The losing party has certain limited rights of appeal as set out in [Objection Appeal section].	The term ‘non-prevailing party’ aligns with the Final Report language and is used in the Objections and Appeals section as well. ICANN believes that ‘prevailing’ and ‘non-prevailing’ are more inclusive terms compared to ‘winning’ and ‘losing’.
NCSG: Under 2.3.5, what does “parties with standing” mean? Clarity here is needed to understand who can submit objections as this is an integral element of the application process. There is also a typo here: it should read “Panel of qualified experts, rather than “exports.”	Information on parties with standing is included in the Objections and Appeals section, and since it is quite lengthy, it will not be added to the Applicant Journey, which is meant to be a high-level summary of the processes. The typo was corrected.
NCSG: Section 2.4.2, Additional clarity is needed on how a Name Collision Initial Assessment works. New applicants will require guidance to understand how to ensure that their applied-for strings do not have a high risk of name collision. An explainer on this topic should be integrated into the AGB	The section on Name Collision was part of this Public Comment and potential updates will be discussed with the IRT. The Applicant Journey is only meant to be a high-level overview.
NCSG: Section 2.5, alas, does not make sense. It breaks with the nice flow and direction of this Applicant Journey section with a long, detailed, complicated discussion that requires expert understanding of many terms not introduced anywhere in this section. Newcomers reading it will ask, among other questions: Why would a string that is not designated as “high-risk” have to go through a process of temporary delegation; what is a mitigation plan; what is a collision string list; and how does any of this material fit in a high level “journey” intended to be generally accessible? We ask the SubPro IRT to greatly simplify this section - and refer people to other sections for more expert detail.	Applicants are required to refer to the relevant section for the details on each process - definitions and clarifications are to be found there. In the case of Temporary Delegation, more details were added to address concerns raised by the IRT regarding Name Collision. See Meeting #112 , the email sent to the IRT on 12 February 2025 .
NCSG: On 2.7 String Confusion Objections and Identification of Potential New Contention Sets, we would like to reiterate a	ICANN notes that this was discussed during Meeting #127 .

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few key points from our contribution to the relevant section of the Third Proceeding. We think it is important here to note that the goal is to resolve disputes over new gTLDs rapidly and at a reasonable cost. Therefore procedures for the production of documents shall be limited. However, should the Panelist(s) feel it is necessary and appropriate for their resolution of the Objection, they may request a Party or Parties to provide additional evidence. The standard here shall be a “reasonableness” one.	
ALAC: We answered “No” simply to highlight a suggestion that it would be useful to identify which of the evaluation processes identified in Section 2.4 String Evaluation to Section 10 Application and Applicant Evaluation may be subject to challenge/appeal (as applicable) and to provide a link to the relevant section elsewhere in the AGB for elaboration.	ICANN has updated the language as suggested.
Dotzon: In section „1.2 Fees“ a clarification might be helpful: those applying for variant gTLDs -> those applying for variants of existing gTLDs.	ICANN has updated the language to refer to the section where the details are for the exceptions for variants, as the fee section is the authoritative one.
NCSG: It is standard practice in many forums to allow at least 30 days for the filing of an appeal. We feel any less will be unfair to communities, NGOs, indigenous people and tribes, and the microbusinesses from the Global South that we are working so hard to bring into the New gTLD Program. It is hard for all but the largest players to evaluate the decision, find counsel and raise the funds for an appeal - and it is both reasonable and fair to allow them time and opportunity (of 30 days) to do so. We therefore ask that this section integrate the appeals process into the Applicant Journey timeline.	The timeframe for filing appeals was discussed during Meeting #125 . ICANN has added a clarifying sentence.
NCSG: For 2.10.2.1, We do not think that having an RSP is required for an Applicant. They can certainly provide their own back-end registry services should choose to do so. We understood to the RSP Evaluation Program to be option to improve efficiency, not a replacement for the Applicant submitting their own technical and	New gTLD applicants are required to use RSPs that have been successfully evaluated through the RSP Evaluation Program. A gTLD applicant may operate its own back-end services, but it will still need to be evaluated through the RSP program before their gTLD application can be approved. In the next round, the RSP Program will have

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operational RSP capabilities for evaluation and acceptance.	two evaluation periods: one before the gTLD application submission period and another during the gTLD submission period. Per the Final Report on the new gTLD Subsequent Procedures Policy Development Process: <i>Affirmation with Modification 27.6: The Working Group affirms Recommendation 7 from the 2007 policy with the following proposed additional text in italics: “Applicants must be able to demonstrate their technical and operational capability to run a registry operation for the purpose that the applicant sets out, either by submitting it to evaluation at application time or agreeing to use an RSP that has successfully completed reevaluation as part of the RSP pre-evaluation program.”</i>
NCSG: For 2.10.2.1, We think there should be a link noit to to the RSP Evaluation Program generally, but also specifically a placeholder here for the link to the Published List of Evaluated and Accepted RSPs. That is what newcomers reading this Applicant Journey will need.	In the final applicant guidebook, ICANN will add a link to the web page that lists evaluated RSPs.
NCSG: For 2.10.2.3, Proving an example of past TLD deemed high-risk would be very helpful in this overview section.	This is mentioned in the Name Collision section.
NCSG: For 2.10.2.5 Registry Commitments Evaluation, we request that the public comment period be added in this important overview document, e.g., “As described [], each registry commitment proposed by the applicant for inclusion in the applicant Registry Agreement will be PUT OUT FOR PUBLIC COMMENT AND THEN assessed by ICANN.	ICANN has updated the language to include ‘[...] and published for an application comment period’.
TLDz: ICANN’s Board unilateral decision to introduce a replacement string option has impacted the processing timeline with the addition of the two-week Replacement Period, allowing applicants to change their applied-for string. This change, not part of the community-led policy process or the Subsequent Procedures Final Report, adds delays and disrupts the application timeline. The draft Applicant Guidebook sets a	As correctly mentioned in the comment, the Board directed ICANN to give applicants the opportunity to select a replacement string in a response to GAC advice. The Board resolution also followed several consultation calls with the GAC and an ICANN-wide community consultation that took place in August 2024. Recommendation 16.1 from the SubPro Final

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105-day application window (April 27 – August 10, 2026). To counteract the two-week process for the Replacement Period, we recommend reducing the application window to 90 days.	Report states that “absent “extenuating or extraordinary” circumstances, the application submission period must be a minimum of 12 and a maximum of 15 weeks in length”. The final application window period will be announced once the Board has adopted the Applicant Guidebook. The length of the window, limited by the policy recommendation, will be based on a number of factors - including but not limited to: grace periods, payment deadlines and overall processing timeline.

Application Questions

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Ethereum Name Service: As one minor point, we would request that ICANN should state whether there are any word limits or other length limitations or guidelines for the questions requiring narrative responses, so that applicants may begin planning their application processes and project plans accordingly.	ICANN will add the column as suggested.
NCSG: Not exactly a “no”, in regard to consistency, but the size and way the document was presented was not very friendly to readers to review, so this became a difficult topic to analyze properly. As we also mentioned in our previous Public Comments about the overall language and wording used in the AGB, this is a very important section and it should be easily understandable to people from all regions of the world. We ask that this section be revised.	ICANN has reviewed for readability.
ALAC: Public Disclosure of Applicant Ownership Structures - We strongly recommend that the identities of the Direct Parent Company (Question #22) and Ultimate Parent Company (Question #32) for each applicant (if any) should be publicly available to allow the community to assess potential affiliations, conflicts of interest, and the risks of market consolidation.	ICANN has made the requested information public.

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ALAC: Lack of Clear Submission Process for Community-Based TLD Applicants' Community Registration Policies - The proposed set of Application Questions does not include or explicitly indicate where or how applicants should submit their proposed Community Registration Policies, creating uncertainty for both applicants, the Registry Commitments Evaluation (RCE) process, and how the public would be able to comment on such policies. - The TLD community members must ultimately be made clearly aware of complaints handling mechanisms, including procedures related to PDDRPs (Post-Delegation Dispute Resolution Procedures), to establish how disputes within the community will be addressed.	ICANN has added clarifications/more questions related to PICs/RVCs.
ALAC: Unclear Process for Submitting Registry Voluntary Commitments (RVCs) - The proposed set of Application Questions does not clearly define how applicants should submit RVCs with their application for consideration to be included in the Registry Agreement (RA). - There should be explicit instructions on how RVCs can be voluntarily proposed and how they will be reviewed and enforced by ICANN to ensure commitments remain meaningful and binding.	ICANN has added clarifications/more questions related to PICs/RVCs.
TLDz: Q105: The question references the ASP Handbook in relation to the New gTLD Program: Next Round Eligibility Criteria. Why is the ASP Handbook cited here? This could cause confusion. Variant of Original String: This section appears to be duplicated, with the Replacement String section placed between them. This layout is unclear and may lead to misinterpretations between variants and replacement strings, increasing the risk of errors.	ICANN has corrected this.
RySG: In Question 59, there are two references to a person exerting "Significant Influence", but no definition as to what that means? As this is referenced as a defined term, can you please provide that definition. Question 105 refers to the ASP handbook which we believe is a typo.	ICANN has removed the reference to the ASP handbook.

Application Fees

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Ethereum Name Service: In addition to the standard application fees, ICANN has listed a number of conditional evaluation categories that will or may require additional evaluation fees. All of these fees are currently listed as “TBC.” We request that ICANN specify these fees, or at least provide a likely range for them, in the draft final AGB so that applicants can begin to budget accordingly in advance of the application process. Particularly as some of these fees are likely to add substantially to the basic application fee, and as these fees, when required, will need to be paid with a short turnaround time in order for applicants to continue with their applications, an understanding of the potential additional fees is necessary to ensure that potential applicants can reserve the necessary funds.	ICANN intends to include the expected conditional fees in the draft final Applicant Guidebook.
NCSG: In Section 1, The first time the Applicant Support Program term is used, the acronym should be set out: “except for qualified Applicant Support Program (ASP) applicants...” This will make the rest of the paragraph more readable for newcomers.	ICANN has updated this section accordingly.
NCSG: In Section 1, in the last two sentences, there seems to be an idea missing. If the applicant is waiting for results from the Applicant Support Program, then it does not yet have a “supported gTLD application”? Thus, if the applicant is waiting for the results of the ASP evaluation, its application would be put on hold until a) the evaluation result is received and b) if approved, within a reasonable amount of time the “appropriate gTLD evaluation payment” would be provided. As noted throughout our comments, for noncommercial communities, indigenous people, and microbusinesses applying for the ASP and then the New gTLD, multiple time periods and evaluations are involved and confusing, and at least 21 days should be provided for the payment.	ICANN proposes to update these sections as follows to make clear that it would concern a potentially supported gTLD application: “In the unlikely scenario of a supported gTLD an ASP applicant still awaiting results of the ASP evaluation, the applicant may need to submit a gTLD application without payment. The supported gTLD application would be put on hold until the appropriate gTLD evaluation fee has been determined and has been received.” Per the AGB, the fee is due upon receipt of the invoice, and no later than 7 calendar days after the close of the application window.
NCSG: There are no provisions about excess fees, which are a central part of the Final Report (see Implementation Guidance 15.5 and 15.6, but especially Recommendation 15.7). This is especially important for us	Affirmation with modification 15.4 notes that “ICANN must have a plan in place for managing any excess fees collected or budget shortfalls experienced. The plan for the management and disbursement of excess fees, if applicable, must be

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considering those excess fees could be used to benefit the Applicant Support Program.	communicated in advance of accepting applications and collecting fees for subsequent procedures”. ICANN org is working on this plan and intends to share it with the IRT later this year. This plan will not be part of the AGB.
NCSG: For 3.1.5, Refunds for strings: Why should an applicant withdrawing their application and eligible for a refund have to *request a refund*? Why shouldn't the refund be automatic – certainly for ASP-funded applicants, but also for all applicants. Refunds should not be a barrier to fairness or require expert knowledge - it is fair and right to provide all refunds automatically for which an applicant is eligible.	Noting the comments on this topic, ICANN is proposing to integrate the request for a refund with a request for withdrawal so that an applicant is able in the same effort to confirm that they are withdrawing their application and that they want to request a refund (tick the box) and confirm whether the refund is to be received on the same account as on file or a different account. ICANN is not able to provide an automatic refund as bank account details need to be confirmed and further administrative steps may need to be taken before a refund can be processed. If an applicant does not confirm that they want to request a refund, they will be considered to have forfeited their ability to request a refund. For the volume refund, applicants will be able to indicate as part of their application whether they want to receive a volume refund, should one be applicable. In those cases where an applicant is moved to 'terminated' status, an applicant will receive instructions for how to withdraw their application and receive a refund. The language in the AGB has been updated as follows: 3.1.1. Applicant withdrawal (...) Applicants who withdraw their applications will be able to request a refund as part of the withdrawal request. If the applicant does not request a refund, they will be considered to have forfeited their ability to request one. and wish to request a refund must submit the request to ICANN within 90 days of submitting the withdrawal request. 3.2 Application Volume Refund ICANN applied a conservative approach in relation to the recovery of the costs incurred to implement the program before receiving a

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	single application. To ensure that implementation efforts are recovered, the portion of the gTLD evaluation fee pertaining to estimated implementation expenses was derived under the scenario that 1,000 applications are received. Applicants will be requested as part of their gTLD application submission, to indicate whether they want to receive a volume refund, should one be applicable. If the applicant does not select the option to receive a volume refund, they will be considered to have forfeited their ability to receive a volume refund. ICANN will notify applicants that have selected the option to receive a volume refund if payment has been received from more than 1,000 applications and implementation costs have been recovered. , so that applicants may request the application volume refund within 90 days of being notified. Applicants who do not request an application volume refund within this 90-day window will be considered to have forfeited their ability to do so. The amount of the application volume refund will be determined based on the volume of applications received and the amount of excess over the costs incurred to implement the program (currently estimated at USD 70M).
NCSG: Ditto for 3.1.6 and 3.2, if there is an Application Volume Refund, it should not just be provided to those applicants who live and breathe ICANN every day but fairly and impartially, and automatically to all who are eligible.	See previous response - applicants will be able to indicate as part of their application whether they want to receive a volume refund, if one is applicable.
NCSG: Section 4, first bullet: Are Objections now different from “dispute resolution” or has one term (“Objection”) now replaced the other in this context?	ICANN has removed the term ‘Dispute Resolution’ to align with other sections.
ALAC: We acknowledge ICANN’s effort in structuring the application fees under a cost-recovery model as recommended by the SubPro PDP WG. However, we do not believe the current refund structure sufficiently accommodates general circumstances for qualified Application Support Program (ASP) applicants or niche Community-Based TLD applicants, and lacks	Consistent with the cost recovery principle, the refund windows are aligned with the processing activities that happen in that window. As the processing phase is now broken into two stages, string evaluations and applicant/application evaluations, refund windows have been aligned with those activities. The % refund for each window aligns with the average costs that are

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clarity in certain aspects, which may discourage participation. 1) With reference to Section 3.1.3 - It is recommended to consider higher refund percentages in the three designated refund windows and/or introduce additional refund eligibility windows. The current refund amounts may not adequately reflect the significant financial burden of the USD 227,000 base application fee. Additionally, the timeframe for applicants to decide whether to proceed with their application in the first two refund windows appears to be limited, which could lead to premature decisions. Providing additional time would allow applicants to fully evaluate their options.	expected to have been incurred during that window. Additional time could be provided for window 1, but that would mean delaying the start of string evaluations.
ALAC: 2) With reference to Section 3.1.4 - ICANN's consideration of multiple refund windows is appreciated, particularly in the four identified circumstances where refunds are possible: - As a result of material changes. - Withdrawal of applications for strings determined to be at high risk of name collision. - Applications for strings eliminated under the IDN ccTLD Application Process. - Application volume refund scenarios. To enhance transparency, it would be beneficial if ICANN provided additional details on how refund decisions related to material changes and volume-based refunds are communicated to the Board. This would offer the community greater clarity on the decision-making process.	In relation to the process to address material changes, please see the Standing Predictability Implementation Review Team (SPIRT) Charter for further details. ICANN org will follow its normal processes of providing information to the ICANN Board to facilitate a decision.
ALAC: 3) With reference to Section 3.1.5 - It is suggested that ICANN explore the possibility of offering a higher refund percentage as an incentive for applicants to withdraw their applications for strings found to be at a high risk of name collision. At the very least, a reference to a link to more guidance on how an applicant who opts to navigate the Name Collision Management Framework, especially if they should find their string on the Collision String List. Such guidance along with any extension of time would assist applicants in making well-informed decisions.	ICANN notes that the higher refund percentage, compared to the 'normal' refund windows, is already the result of ICANN's consideration of a request from the IRT to consider a special higher refund for those applicants that may be affected by high risk string identification. In relation to the timeline, the section was updated as follows to ensure consistency with the timeframe that applicants have to decide on whether to submit a mitigation plan: "Applicants that decide to withdraw their application within 14 90 days after their string has been determined to be at high risk of collision and who do not submit a Name Collision High Risk String Mitigation Plan for evaluation will be able to withdraw and request a refund of

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	65% of the gTLD evaluation fee paid that is eligible as a refund.” Further guidance on Name Collision can be found in the Name Collision AGB section.
dotStrategy, Co.: The successful launch of the .buzz top-level domain by dotStrategy, Co. during the 2012 round I believe stands as a compelling example of how single operator ventures can thrive under ICANN's New gTLD Program when equitable conditions are in place. The original 2012, 80% refund policy for early withdrawals significantly lowered the financial risk to entry, encouraging many innovative, mission-driven smaller scale applicants to take on the risks of launching a new domain. dotStrategy's success with .buzz confirms ICANN's model can support wide participation when risk is reasonably managed. If the aim for round two is to reduce participation from independent entrepreneurial applicants, then lowering the early withdrawal refund to 65% is a remarkably effective - if troubling - first step, and one that may well compel the next .buzz to step aside before ever applying. The current proposal to reduce early withdrawal refunds to 65% undermines the inclusive spirit of the program. Applicants now face a significantly higher application fee, yet are being offered a substantially weaker safety net. An applicant may forfeit nearly \$80,000 within weeks, even with minimal engagement from ICANN, making the process disproportionately risky for single - or start up - applicants. The SubPro Final Report explicitly calls for a predictable and fair refund structure, particularly in uncontrollable scenarios such as name collision risks. Paired with mandatory Auctions of Last Resort—which inherently favor well-funded entities—the reduced refund amplifies systemic inequity and will deter many of the very applicants ICANN claims to support. Restoring the 80% refund is not just about fairness—it's about ensuring that the next .buzz has a real chance to emerge in a policy environment that values inclusion, innovation, and opportunity.	ICANN appreciates that a higher refund would reduce the financial risk for applicants, but in line with the cost recovery approach, the refund percentages reflect the costs that will have been incurred at the different stages of processing. It may be worth noting that 30% of the gTLD evaluation fee consists of implementation costs (sunk costs). However, once these have been recuperated (1,000+ applications), a volume refund will be available for applicants. We understand that this may not provide the same level of financial risk reduction for applicants, but from an ICANN perspective, this is the prudent approach to ensure cost recovery is ensured and the financial risk to ICANN as an organisation is minimized. We also note that a special refund is available for those that may be affected by a high risk string determination. Furthermore, applicants have the option this round to select a replacement string that allows them to avoid contention and therefore avoid having to go to auction.

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Com Laude: The current AGB language on topic 15 does not make clear when an invoice for the application fee is generated and made available to an applicant. We suggest this is addressed to make things clearer for applicants. However, we understand that the intention may be to make invoices available once an applicant submits their application, with all invoices having to be paid within 7 days of the close of the window. This will have the effect of artificially shortening the application window for many applicants who do not have the ability to pay an invoice through their organization within 7 days. Such applicants would be forced to submit their application early in order to have time to effect payment once they receive the invoice, thus denying them the full allowance of the application window to submit their application. This will create a two-tier application system, penalising larger organizations that frequently have more rigid administrative procedures and so take longer to process invoices. We urge ICANN to ensure that the TAMS system will auto-generate an invoice upon an applicant registering in that system. We also support the comments from the RySG on this topic.	As outlined in the AGB, an invoice will be generated after an applicant has submitted their application and passed legal compliance checks. In exceptional circumstances, an applicant may request ICANN to generate an invoice before submission of the application. It is important to understand that this will trigger a manual process and will take time and resources. Should the number of requests for invoices prior to submission of the application result in a significant burden for ICANN, ICANN may deny further requests.
TLDz: We are deeply concerned about the proposed fee and refund schedule for the upcoming round of new gTLD applications. While ICANN claims the revised fees are designed to recover costs and maintain a revenue-neutral program, the structure and cost increases raise concerns about fairness, accessibility, and transparency. Several aspects of the proposal deviate from the policy recommendations and implementation guidance in the Final Report on Subsequent Procedures (SubPro Final Report), developed through extensive community consultation. The proposed framework imposes unnecessary financial burdens on applicants and fails to uphold cost-recovery, predictability, and accessibility principles outlined in the SubPro Final Report.	Please review IRT meeting #47 and IRT meeting #49 for further details on the structure and cost estimates that have informed the development of the gTLD evaluation fee. Additional information is also available in the Fee FAQ.
TLDz: 1. Lack of Justification for the Increased Application Fee In 2012, the base application fee was \$185,000. For the next round, this fee has increased to \$227,000,	Please review IRT meeting #47 and IRT meeting #49 for further details on the structure and cost estimates that have informed the development of the gTLD

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despite ICANN separating technical evaluation from the application process, a change that should logically reduce, not increase, costs. The SubPro Final Report emphasizes that fees must be based on actual cost recovery and developed with full transparency: “The development of the application fee must be fully transparent with all cost assumptions explained and documented” (p. 66), and “ICANN should be fully transparent about how the application fee has been developed, explaining and documenting all cost assumptions” (p. 69). ICANN has not provided a detailed breakdown showing how the revised fee aligns to actual program costs. Without such justification, the increased fee appears arbitrary and misaligned with the cost-recovery and transparency principles. This reflects a recurring issue from the 2012 round, where ICANN failed to provide sufficient cost information, leaving the community without access to accurate data. As a result, stakeholders were unable to make informed recommendations or meaningful improvements for future rounds.	evaluation fee. In particular slide 14 may help illustrate the evolution from the 2012 to the next round gTLD evaluation fee. Additional information is also available in the Fee FAQ.
TLDz: 2. Refund Policy Does Not Align With Policy Recommendations In 2012, applicants who withdrew early were eligible for an 80% refund. ICANN’s current proposal initially offered only a 45% refund – later increased to 65% - a steep and unjustified reduction. This decrease is troubling given the minimal processing and engagement ICANN undertakes in the early evaluation stages. Applicants could forfeit nearly \$80,000 within just a few weeks, with little to no substantive interaction or benefit from the program. This disproportionately affects smaller applicants and those contemplating the Applicant Support Program, for whom any financial loss can be a major deterrent. The SubPro Final Report emphasizes the importance of a fair, transparent, and predictable refund structure to ensure applicants are not exposed to unnecessary financial risk. Notably, Implementation Guidance 18.5 calls for full refunds in cases where applications cannot proceed due to external factors, such as name collision risks - reflecting the community’s strong expectation for fairness	The policy recommendations dictate cost recovery. As also explained in a previous response, 30% of the gTLD evaluation fee consists of implementation costs (sunk costs). As shared with the IRT during its meeting on 11 February, the following activities are carried out before string confirmation day: 1) administrative check, including legal compliance checks and invoicing, 2) reveal day, 3) replacement string, 4) string confirmation, 5) opening of the application comment forum, which results in the highest refund percentage being 65%. In relation to Implementation Guidance 18.5, ICANN has noted that the guidance contradicts the policy recommendations in relation to cost recovery. Furthermore, the implementation guidance predates the SSAC advice that the ICANN Board has adopted in relation to Name Collision which is being implemented in the context of the next round which provides potential applicants further insights into the process as well as the options that will exist to mitigate a high risk

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under uncontrollable circumstances. The current proposed refund structure: • Heightens financial risk, discouraging many prospective applicants • Disproportionately burdens smaller and less-resourced applicants, including those in the Applicant Support Program - undermining competition, diversity, and equitable access • Undermines ICANN's own revenue expectations - feedback from credible applicants, a 65% refund rate could deter up to 30% of potential participants, translating to an estimated \$102 million in lost revenue To align with the SubPro Final Report and the overarching goals of accessibility and predictability, a more equitable approach – such as restoring the 80% refund for early withdrawals should be adopted.	determination. Nevertheless, ICANN has proposed a higher refund for applicants that are subject to a high risk determination compared to the normal refund schedule, but has opted to not make this a full refund to respect the cost recovery nature of the program.
TLDz: 3. Auctions: A System that Reinforces Inequity Auctions of Last Resort were retained in the SubPro Final Report as a final mechanism for resolving contention sets, regardless of public interest, community value, or innovation potential. The ICANN Board's decision to prohibit private resolution removes a key flexibility that previously allowed applicants to form partnerships, joint ventures, or other collaborative arrangements to settle contention sets. While intended to promote fairness, this shift forces all unresolved contention into high-stakes auctions - benefiting those with the deepest pockets. Smaller organizations and Applicant Support Program participants face a difficult choice: enter a costly, low-odds auction or withdraw - forfeiting a minimum of \$80,000 without a realistic path to success. This burden is compounded by ICANN's limited refund policy, which offers only partial refunds even when applicants withdraw in good faith. The combined effect: • Reinforces systemic inequity, allowing well-funded applicants to dominate outcomes and consolidate control • Suppresses participation from smaller, mission-driven, or underserved applicants - reducing application volume and revenue • Undermines the program's core commitment to fairness, inclusion, and global accessibility Unless accompanied by a stronger and more equitable refund policy, continued reliance on	As ICANN also noted in response to comment 4f (re: applicant journey), the decision to prohibit private resolution was accompanied with the introduction of the replacement string which allows applicants the option to avoid contention and therefore avoid having to go to an auction. As outlined in the presentation to the IRT, the refund schedule aligns with the cost recovery principle as required by the SubPro recommendations.

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auctions will drive out the very applicants ICANN aims to support.	
TLDz: 4. Failure to Implement an Automatic Refund Mechanism The SubPro Final Report underscores the importance of efficiency, predictability and fairness throughout the application process. Yet ICANN's current approach – requiring applicants to manually request refund – fails to uphold these principles. The report clearly anticipates the need for streamlined processes including the refund process as reflected in Implementation Guidance 15.6: “The disbursement mechanism must be communicated before applicants submit applications and fees to ICANN. If ICANN is unable to locate the applicant for the return of excess fees, the amount of the excess for that applicant should be used for the purposed described in Recommendation 15.7” (p. 66). Despite this guidance, ICANN's proposal does not automatically refund excess fees if applications exceeds the 1,000-applicant cost threshold. Instead, applicants must submit a refund request within 90 days – placing the burden on the applicant and introducing administrative hurdles. To align with the SubPro Final Report and ensure operational transparency and trust, ICANN should: • Commit to a fixed timeframe for issuing refunds (e.g., within 30 days after String Confirmation Day) • Automatically disburse refunds to the applicant's designated account Failing to automate this process introduces inefficiencies and raises equity concerns, particularly for smaller applicants who may be less familiar with ICANN procedures.	Noting the comments on this topic, ICANN is proposing to integrate the request for a refund with a request for withdrawal so that an applicant is able in the same effort to confirm that they are withdrawing their application and that they want to request a refund (tick the box) and confirms whether the refund is to be received on the same account as on file or a different account. ICANN is not able to provide an automatic refund as bank account details need to be confirmed and further administrative steps may need to be taken before a refund can be processed. If an applicant does not confirm that they want to request a refund, they will be considered to have forfeited their ability to request a refund. For the volume refund, applicants will be able to indicate as part of their application whether they want to receive a volume refund, should one be applicable.
TLDz: 5. Lack of Transparency in Additional Fees The SubPro Final Report emphasizes the need for clear, predictable, and transparent application costs. However, ICANN has not disclosed the full scope of additional fees that applicants may face in the next round – undermining these principles. For example: • The Implementation Review Team was surprised by a proposed \$5,000 evaluation fee for Brand TLDs—despite no prior consultation or justification • ICANN has not published a	As shared with the IRT, ICANN is working on assessing the efforts involved in those activities for which conditional fees will apply and will share these details with the IRT as soon as possible. For some of these evaluations, such as Community Priority Evaluation, this information may not be available until a vendor has been identified.

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comprehensive list of fees for supplemental evaluations, such as Registry Service Evaluations or change requests This lack of transparency contradicts the SubPro Working Group's expectations. The report explicitly states: • "The development of the application fee must be fully transparent with all cost assumptions explained and documented" (p. 66). To ensure transparency, ICANN should: • Publish a detailed list of all possible application-related fees • Justify any new or modified fees in advance, aligned with cost-recovery principles • Clearly include fee information in the Applicant Guidebook. Continued under 'Other Comments' below.	
DotZon: In section „2. Conditional Evaluations“ we would like to note that the Community Priority Evaluation (CPE) includes the Evaluation of the Community Registration Policies („Scoring for Criterion 3: Registration Policies“). While we understand that an evaluation of Community Registration Policies against CPE criteria covers not all evaluation criteria against RVCs, we assume that efforts are minimal (=check against the ICANN Bylaws), should be covered by the already high fees for CPE and any additional evaluation fees for Community Registration Policies can be deleted. The Final Report by the SubPro Working Group emphasized the need to foster diversified participation, which should not be made unreasonably difficult.	As also explained during IRT meeting #126, Community Priority Evaluation and Registry Commitments Evaluation of Community Registration Policies (Specification 12) are two distinct evaluations. The CPE evaluation will review the Community Registration Policies against the CPE criteria, while in the context of the Specification 12 evaluation, ICANN org will review the Community Registration Policies to determine whether a registry agreement with specification 12, that conforms with its application, which includes specifying naming conventions and requirements for registration, can be executed.
DotZon: Section „2. Conditional Evaluations“ should include a description and the fees in case an applicant wishes to negotiate the Registry Agreement. This is referenced in the document "Applicant Journey 2.11 Contracting": „Applicants who request to negotiate limited amendments to the Registry Agreement will be required to provide a rationale justifying the need for such changes, along with a redline of the requested changes. Applicants are strongly encouraged to inform ICANN as soon as possible in the process. In such cases, additional fees may apply, as described in the [Fees and Payments].“	ICANN is not planning to charge fees in case an applicant wishes to negotiate the Registry Agreement. The Applicant Journey section was updated accordingly. As a reminder, ICANN will only consider modification to the Registry Agreement in extraordinary circumstances, such as situations in which unique legal, jurisdictional, or regulatory issues would legally prevent an entity from executing the Registry Agreement as-is.
DotZon: In section 3.1.3 the current schedule of refunds proposes a 65% refund of	As also explained in a previous response, 30% of the gTLD evaluation fee consists of

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applicant fees in the event of early withdrawal. In the previous application round in 2012, applicants could withdraw their application after the first evaluations and still receive a 80% refund. We strongly recommend to maintain this higher refund of 80% particularly in view of the fact that the evaluation will only start afterwards. In order to better understand the ranges of the estimated additional fees, we would like to ask ICANN org to specify the tasks involved.	implementation costs (sunk costs). As shared with the IRT during its meeting on 11 February, the following activities are carried out before string confirmation day: 1) administrative check, including legal compliance checks and invoicing, 2) reveal day, 3) replacement string, 4) string confirmation, 5) opening of the application comment forum, which results in the highest refund percentage being 65%.
RySG: Implementation Guidance 18.5 states that applicants who apply for a new gTLD that is later not approved because of a high risk of name collision should be granted a full refund, but this refund is not contemplated in this document. This comment concerns Topic 15.3 Application Fee Refunds. The SubPro Final Report emphasizes the importance of a predictable, fair and transparent refund process to ensure applicants are not exposed to unnecessary financial risk. Of course, this also needs to be balanced against limiting any potential attempts to game the process. As a result of the prohibition on private resolution, ICANN's Auction of Last Resort will now be the only mechanism to settle contention sets and will generate revenue for ICANN. This future source of resources makes the equitability of the application fee refund schedule even more vital. So, while the draft Guidebook language may reflect the original recommendation, the prohibition on private resolution has changed the overall landscape and process for applicants and therefore justifies review and revision. The RySG proposes the following additions to the current proposed schedule of refunds to ensure a predictable process: (1) Applicants that decide to withdraw their applications after string confirmation day should be entitled to a larger refund percentage. In the last round, Applicants were offered a refund of 80% if they withdrew at this point, and the RySG believes that it would be appropriate to do the same in this round. Although admittedly not many applicants in the last round withdrew at this point, that may have been due to the fact that private resolution of contention sets allowed flexibility to form partnerships, joint ventures, or other	In relation to Implementation Guidance 18.5, ICANN has noted that the guidance contradicts the policy recommendations in relation to cost recovery. Furthermore, the implementation guidance predates the Advice that the ICANN Board has adopted in relation to Name Collision which is being implemented in the context of the next round which provides potential applicants further insights into the process as well as the options that will exist to mitigate a high risk determination. Nevertheless, ICANN has proposed a higher refund for applicants that are subject to a high risk determination compared to the normal refund schedule, but has opted to not make this a full refund to respect the cost recovery nature of the program. (1) As noted, the refund percentage for the first refund window (the period between receipt of applicant gTLD evaluation fee and 10 days after string confirmation day), reflects the costs that will have been incurred within that window, in line with the cost recovery principle. To further explain, 30% of the gTLD evaluation fee consists of implementation costs (sunk costs). As shared with the IRT during its meeting on 11 February, the following activities are carried out before string confirmation day: 1) administrative check, including invoicing, 2) reveal day, 3) replacement string, 4) string confirmation, 5) opening of the application comment forum, which results in the highest refund percentage being 65%. (2) A GAC Member Early Warning does not prevent an applicant from continuing its

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collaborative arrangements to settle contention sets. However, by prohibiting private resolution, we believe there may be more applicants that will opt to withdraw shortly after String Confirmation Day. (2) GAC Early Warnings: In line with the 2012 Round of gTLD application fee refunds, applications that are withdrawn pursuant to a GAC Early Warning and within 21 days of such an Early Warning should receive a refund of 65%. Such withdrawals currently fall under the second refund tranche, i.e., 35%, the RySG firmly believes that GAC Early Warnings for specific strings can potentially introduce uncertainty for an applicant as they may have significant implications for the operation of the prospective TLD. As a result, this should be an exceptional situation that warrants this higher refund percentage. (3) Community Priority Evaluations: Similar to point 1 above, non-community based applications that are withdrawn pursuant to another application for the same string that prevails under a Community Priority Evaluation should also be eligible to receive a refund of 65% (i.e., eligible for the refund percentage for the current first refund window). Considering the advantages of a community application, and the inability to know if your application will be in a community contention set, even at the time of String Confirmation, losing applicants in a Community Priority Evaluation should be eligible for the 65% refund. (4) Applicant Support Program Applicants: ASP Applicants that withdraw their application at any stage of the application process should receive a full refund of the portion of the applicable application fee that they paid. Currently, the Applicant Support Program estimates a fee waiver of 75-85% of the application fees. As a result, certain ASP candidates that withdraw during the third refund schedule (20% refund) may still end up forfeiting a certain amount of their application fees. ASP candidates should receive a full refund of the application fee that they contribute regardless of when they may withdraw their application.	journey. As a result, although ICANN appreciates that this could introduce uncertainty, this does not warrant a special refund and is not supported by SubPro recommendations that confirm cost recovery. (3) Similar to GAC Member Early Warnings, a higher refund for contention sets in which a CPE applicant prevails is not supported by policy recommendations and is contrary to the cost recovery principle. (4) Full refunds for qualified ASP applicants is not supported by SubPro recommendations or GGP Guidance.
Afnic: The current refund process described in the Next Round Applicant Guidebook proposes a 65% refund on applicant fees in	ICANN appreciates that a higher refund would reduce the financial risk for applicants, but in line with the cost recovery approach,

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the event of early withdrawal (compared with 80% in 2012). This lower refund is not clearly justified, especially considering the minimal processing of applications at the start of the pre-evaluation process (administrative checks only). The impact on applicants is significant. They stand to lose up to \$80,000 between the initial payment and the first refund period, without any particular benefit, which is particularly problematic for small applicants and those in the Applicant Support Program. The application fee refund schedule should be structured more equitably particularly for unsuccessful applicants or those who withdraw their applications due to special circumstances. The SubPro final report stresses the need for a fair and predictable reimbursement structure. We therefore recommend that the repayment percentage for early withdrawals be increased to reduce financial risk and encourage diversified participation.	the refund percentages reflect the costs that will have been incurred at the different stages of processing. It may be worth noting that 30% of the gTLD evaluation fee consists of implementation costs (sunk costs). However, once these have been recuperated (1,000+ applications), a volume refund will be available for applicants. We understand that this may not provide the same level of financial risk reduction for applicants, but from an ICANN perspective, this is the prudent approach to ensure cost recovery is ensured and the financial risk to ICANN as an organisation is minimized.

Terms and Conditions

Public Comment	ICANN Response
Ethereum Name Service: We request that ICANN further clarify the language in Paragraph 15 on limitations on discussions with other applicants. We understand this general prohibition is to avoid collusion and negotiations that may prove unfair to some applicants and to require all applicants to participate in ICANN-administered string contention, objection and auction processes as needed. However, ICANN should further detail the types of discussions that are and are not permitted, given that new gTLD applications will be published and will be a general topic of discussion in the ICANN community for at least the next several years while the application evaluations are ongoing.	ICANN has updated the language in the Contention Resolution section about prohibited communications and the Terms and Conditions have been updated to be consistent with the relevant changes.
RySG: Paragraph 1: The term “material” should be clearly defined in this section. Paragraph 3: The RySG notes that the sentence “Applicant acknowledges and agrees that ICANN has the right to determine not to proceed with any and all applications for new gTLDs, including this Application,”	The Board considered when it deliberated on SubPro recommendation 18.1 and determined that these are already addressed by the Bylaws. The ICANN Board stated in its Scorecard in September 2023 regarding this

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and that there is no assurance that any additional gTLDs will be created” could be misconstrued as giving ICANN the power to cancel the New gTLD Program in its entirety, which would constitute overriding a Consensus Policy. We recommend clarifying this text to ensure it is consistent with ICANN’s Bylaws.	recommendation that: “...The Board takes note of the Working Group’s rationale and notes that these concerns are already addressed by the Bylaws. Article 3, Section 3.1 of the Bylaws requires that, “ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness....,” and that, “ICANN shall also implement procedures for the documentation and public disclosure of the rationale for decisions made by the Board and ICANN’s constituent bodies (including the detailed explanations discussed above).” Additionally, Article 2, Section 2.3 mandates that, “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.” The Bylaws already seem to address the concerns noted by the Working Group, and the Board remains concerned that if it adopts Recommendation 18.1, it may unduly limit ICANN’s discretion to reject an application in yet-to-be-identified future circumstance(s)...
RySG: Paragraph 9: Assignment Provisions: On April 30, 2023, the ICANN Board resolved to “provide greater clarity to applicants regarding the transparency and notification requirements throughout the application and auction process” with respect to agreements entered into pre-delegation to assign (or transfer change of control) immediately post delegation. The current Terms and Conditions does not provide that additional clarity. in fact, by removing the words in Topic 18, Section 9, “applicant’s rights or obligations in connection with the application” from Module 6, Section 10 of the 2012 Applicant Guidebook, ICANN seems to be implying that changes of control are allowed without ICANN consent during the application phase creating much more uncertainty in what is and what is not allowed. Change of Control does not require, and is not the same thing as, an assignment of the application - yet both may result in the ability to mask the	In light of this comment and others, ICANN has taken another look at edits to the language to provide additional clarity about what is permitted in this context. Also, ICANN has looked at whether there should be other changes or addition to AGB language, for example, in the form of an application question or in the section about change requests to make sure the requirements and limitations are more clear.

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underlying applicant during the application process thereby allowing that applicant to avoid being evaluated by ICANN and the community. The RySG recommends, in line with the ICANN Board resolution, that more clarity be added as to what is what is not allowed. Examples include: (1) Can an applicant assign the rights of its application, but not the actual application itself, to a third party? If this is allowed, then (a) would that require ICANN consent; and (b) would that trigger the required Applicant Change process? (2) Can an applicant agree with a third party to a future assignment of the Registry Agreement in exchange for funding in an Auction of Last Resort? If this is allowed, the RySG notes that the third party will have effectively avoided much of the application process, including, Objections, public comment, Government Early Warnings, GAC Consensus Advice, etc.	
RySG: Paragraph 13: The text regarding ICANN's ability to amend the AGB should reference the SPIRT process. Similarly, the reference to advice received by ICANN from ICANN Advisory Committees should be limited to advice that is received and adopted by the ICANN Board.	ICANN has updated Paragraph 13 with a reference to the SPIRT process.
RySG: Paragraph 15: This paragraph needs to be updated with citations to the relevant sections of the AGB.	ICANN has updated the language in the Contention Resolution section about prohibited communications and the Terms and Conditions have been updated to be consistent with the relevant changes.

Order of Application Processing and the Prioritization Draw

Public Comment	ICANN Response
NCSG: The document states that ICANN reserves the right to adjust the order of processing for operational reasons without giving clear criteria or circumstances for such adjustment. The lack of transparency can easily lead to issues of bias, favoritism, and inconsistency in the whole process. We think this is inconsistent with SubPro Recommendation 19.4: Any processes put	ICANN has deleted the paragraph as this is captured in section 1.5.

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into place for application queuing should be clear, predictable, finalized and published in the Applicant Guidebook, and Subpro's recommendation to establish processes in advance is consistent with Recommendation 1.2.a in the Program Implementation Review Report, which states: "Assign priority numbers to applications prior to commencement of application processing. ICANN should clearly define and publish the circumstance under which it may adjust application order. Also an appeal or review mechanism must be established for applicants who believe their application was deprioritized unfairly."	
NCSG: 1.1 The Prioritization Draw notes that "Participation in the Draw is optional. Please see section 1.1.3 for more information on how processing priority will be assigned to applications that are not entered into the Draw." However, there is no section 1.1.3 in this document. Has this been drafted, and if so, when can we provide input on it? It is a priority for NCSG that applications that are not entered into the Draw are judged fairly as part of the new gTLD application process.	ICANN has updated the cross reference number - 1.1.3 was 'old' numbering. The relevant language is included in Section 1.4 which was out for public comment and thus subject to the review/input.
NCSG: 1.5 states that "Once ICANN determines that the issues affecting the paused application have been cleared, it will resume processing per its assigned Priority Number." However, it did not define how long it will take to determine issue resolution. Without a timeline, this will create uncertainty for applicants such as non-profit and small organizations with limited resources, due to the indefinite delays. The policy must contain a maximum timeline (30-60 days) for ICANN to resolve or review paused applications.	Applications could be paused for a wide variety of issues and the resolution of the issue that led to the pause could take a few days, weeks, or months - based on the 2012 experience (e.g., if an IRP is launched). As such, it is not possible to set a maximum timeline for resolution of paused applications. ICANN believes that the language is appropriate and consistent with all applicable policy recommendations.
TLDz: Unresolved Legal Concerns Over the Prioritization Process: The SubPro Final Report supports the use of a prioritization draw for application processing, as outlined in Affirmation 19.1: "The Working Group supports the approach ultimately taken to application queuing during the 2012 round, in which ICANN conducted drawings to randomize the order of processing applications within an application window and therefore affirms the use of a "prioritization	The prioritization draw conducted for the 2012 round of the New gTLD Program was conducted as a charitable raffle, which is an exemption to lottery laws in California and other relevant jurisdictions that permit certain non-profit groups (including ICANN) to hold fundraising drawings. During the Operational Design Phase for the Program, ICANN considered different ways to make the prioritization process more efficient in an effort to implement Affirmation 19.1 in the

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draw” for subsequent procedures. The Working Group acknowledges that there may be possible adjustments or alternatives to the logistics of the prioritization draw used in the 2012 round that either would improve on existing processes or be necessitated under applicable law...” (p. 86). However, legal concerns remain unresolved regarding whether the prioritization draw complies under California law, specifically, whether it qualifies as an unregulated lottery. Despite repeated requests from the Implementation Review Team and the Sub Pro Working Group, ICANN has not provided a legal analysis addressing this issue. If ICANN intends to move forward with the prioritization draw, it should: • Clarify the legal basis for the process to ensure compliance with applicable laws • Address past challenges and concerns raised by the community • Provide transparency around any adjustments or alternatives considered This will need to be undertaken before the Final Draft of the Applicant Guidebook is published in May.	SubPro Final Report. In addition, as part of ICANN’s work with the IRT to implement Affirmation 19.1, ICANN explored the possibility of whether, and if so how, a random number generator or some other more-automated method could be used to assign a priority processing order to applications in place of the prioritization draw. ICANN discussed with the IRT during the meetings noted below a proposed approach to replace the prioritization draw with a randomized method that would align with applicable laws, however, the IRT did not support a change in methodology and noted that the policy calls for a prioritization draw as conducted in the 2012 round. The comment states that, “... legal concerns remain unresolved regarding whether the prioritization draw complies under California law, specifically, whether it qualifies as an unregulated lottery.” This is not the case. As noted above, the prioritization draw was conducted as a charitable raffle, which is an exception to lottery laws and was conducted in line with the required license issued by relevant authorities. Further details are available here: https://newgtlds.icann.org/en/applicants/prioritization-draw The comment also states that, “Despite repeated requests from the Implementation Review Team and the Sub Pro Working Group, ICANN has not provided a legal analysis addressing this issue.” ICANN is unaware of any such request that has gone unanswered, and as noted above, the issue of prioritization, whether conducted as a charitable raffle or other legally permissible methods has been discussed by the IRT. See the following IRT sessions: 20 Feb 2024 12 June 2024 6 August 2024 17 December 2024
Dotzon: In section „1.2. Participation in the Draw“ a proxy is mentioned, this wording has	ICANN has updated the draft to replace ‘proxy’ with ‘local third-party purchaser’ for

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not been introduced before. Does „proxy“ refer to „either of the primary contacts“? If not, a clarification as to who can serve as a proxy would be helpful.	consistency.

Application Change Requests

Public Comment	ICANN Response
ALAC: Although we indicated “No”, we do find the proposed language for this topic to be generally consistent with the relevant SubPro recommendations. However, we suggest that in Section 1 Overview, that a mention and link be included for the applicable Re-evaluations as a result of Application Change requests referred to under Topic 15, especially to any applicable fee(s).	A mention was added as suggested.
Com Laude: Section 1: To avoid confusion we believe that the string “Replacement Period” should also be mentioned. We would suggest the following: “Applicants may request changes to many aspects of their application, as described in Section 3. However, it should be noted that, outside of the short string Replacement Period [insert reference], applicants may not change their applied-for string except in cases where the applicant has qualified as a Brand TLD and is in contention (see the Section on Brand Eligibility Evaluation).”	ICANN has added a footnote to clarify the use of Replacement Strings.

Financial and Operational Evaluation

Public Comment	ICANN Response
Ethereum Name Service: In Section 2.2 on Financial and Operational Evaluation Criteria, ICANN has provided a requirement for applicants to have a certain amount of cash on hand. ICANN should clarify if this cash on hand requirement also applies to applicants applying under the Applicant Support Program, or if there is a proportionally reduced cash on hand requirement for ASP applicants.	Requirements for the Applicant Support Program are separate from TLD application round requirements. All TLD applicants are subject to required minimum Cash and Cash Equivalents in order to ensure a minimal level of business stability, subject to the Applicant Profile for that specific entity type.

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Ethereum Name Service: In Section 2.3 on Clarifying Questions, we request that ICANN provide an estimated time frame during which applicants will be required to respond to CQs in order to continue with their applications.	This is addressed in “Applicant Journey”.
Ethereum Name Service: In Section 2.4 on Extended Evaluation, we request that ICANN specify if there is an additional fee required for applicants who request an Extended Evaluation due to not passing the initial Financial and Operational Evaluations.	There is no additional fee for Extended Evaluation. Fees are addressed in the Application Fees section of the AGB.
NCSG: In Section 3. Instructions for Financial and Operational Evaluation, we understand the four profiles, and that the Standard Profile is the one to which many newcomers will be routed. Accordingly, it would be useful to make this section as clear as possible to the largest number of organizations around the world. To that end, we suggest expanding all acronyms on first use in the form and providing easily-accessible definitions, for example: “**Q4.1-1 ..” for the applying entity or a QFE entity.” Is that a Qualified Financial Entity? If so, we request Standard Q4.1-1 say so: “for the applying entity or a Qualifying Financial Entity (QFE).” **We note that QFE does not appear to be defined anywhere in the Topic 27: Financial and Operational Evaluation section. An easily-accessible definition and examples would greatly help those Applicants in the Applicant Support Program and other organizations joining us from around the world.	The section was reviewed and the acronyms spelled out.
NCSG: 3.4.3.2 Does a nice job of first defining “Most Likely Scenario (MLS)” for financial projections and then using the acronym. Let’s do the same for Worst-Case Scenario (WCS), e.g., expanding Q4.3.5-1 to read: “Populate and provide Worst-Case Scenario (WCS) projections...”	See response to the comment above.
ALAC: We have identified potential concerns regarding the applicability of Section 2 Execution of Evaluation and Section 3.4.1 Financial Statements to qualified ASP applicants including nonprofits, small businesses from less-developed economies, and community-based organizations; particularly those who may not possess	If audited statements are not available, the applicant may provide reviewed or compiled statements. This is the <u>same</u> requirement for the ASP program evaluation and therefore <u>cannot</u> impede an applicant that has “successfully qualified for ASP.”

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audited financial statements for legitimate reasons. The current language does not provide sufficient clarity on how these applicants might be accommodated, which could create barriers for their participation in an application for a string, after having successfully qualified for ASP.	
ALAC: We also suggest that “SSR” appearing in Section 1 be spelt out in full.	See response to the comment above on acronyms.
TLDz: The financial evaluation section repeatedly states that Annual Reports are not acceptable, but it does not explain why. Since Annual Reports include Financial Statements, this restriction seems unclear. The Guidebook should explicitly state the reasoning behind this requirement. Additionally, the evaluation criteria lack clarity. For example, under 2b, it states: “Audited financial statements report: Opinion of the auditor is a ‘going concern’ – no ‘emphasis of matter’ paragraph, ‘qualified opinion,’ or ‘adverse opinion.’” It is unclear whether these opinions would cause an applicant to fail the financial evaluation or simply affect scoring. The Guidebook should provide a clear explanation of how these factors impact evaluation outcomes. To align with Recommendation 27.3, all application evaluation criteria and guidance should be written to maximize predictability and minimize the need for Clarifying Questions (CQs). Greater transparency in financial evaluation criteria will help applicants better understand expectations and avoid unnecessary confusion.	Depending on the jurisdiction, Annual Reports may contain hundreds of pages of information not relevant to evaluation, and may or may not contain financial statements and transmittal a letter from the audit/accounting firm. For an applicant that produces annual reports, the request for a financial statement package is not at all burdensome and limits the request to only the required information, improving evaluation efficiency and reducing clarifying questions. As a part of ICANN’s mandate to protect the Security, Stability, and Resiliency of the Internet’s identifier system, business stability of Registry Operators is part of ICANN’s applicant diligence. If the applicant’s auditor indicates a Going Concern (business may not be sustainable for more than 12 months) or other material deficiency, the application may require Clarifying Questions and/or Extended Evaluation for ICANN to consider additional diligence as may be required for a specific scenario and fact pattern. The criteria, as stated in the AGB, is “[financial statements demonstrate] a strong liquidity position and ability to meet its financial obligations.”
Dotzon: 1. We recommend to specify the wording „Most responses should be several paragraphs but no more than two (2) pages“ to „Responses can be between x and y characters“ and should demonstrate due diligence appropriate for the requested information“. This recommendation increases predictability and clarity for applicants and should be added for all application questions.	The input is noted and ICANN has added a character limit.
Dotzon: We recommend to specify if financial figures can be provided in the	ICANN has clarified that “All currency values must be in USD (United States Dollars) or the

Public Comment	ICANN Response
currency of the applicants location or if it has to be provided in USD. In sections 1 to 3 we recommend to include information about all current TLDs to better understand existing financial commitments - not only for gTLDs, but also for ccTLDs and sponsored gTLDs: SC1.1-1.2: „That the applicant and/or an affiliate commits to the long-term funding required to operate all of the applicant's existing gTLDs (if applicable) and newly applied-for gTLD(s).“ This also applies to Q1.2-1, SC2.2-1.2 and Q2-3.1. In self commitment SC4.2-1.2 we recommend to delete the maximum amount. Amounts higher than US\$300,000 may be deemed necessary by applicants, depending on their business structure and operating model. The sentence would then read: „SC4.2-1.2: The applicant or QFE entity has at a minimum of US\$50,000 plus 25% of the application base fee for each applied-for gTLD in Cash and Cash Equivalents on the balance sheet of the provided financial statements, designated to support the startup and operation of all of the applicant's applied-for gTLDs.“	nationally recognized currency for the jurisdiction of the applicant or QPE (Qualified Parent Entity).“ As ccTLD operation spans a wide range of business and cost models, these are not considered in the gTLD application and should not be included. While an applicant may have more than USD 300,000 in CCE on their balance sheet, ICANN does not require more than USD 300,000 for any application.
RySG: There seems to be an error in the questions included in this section relating to DNS Abuse. The questions provided require documentation of government support, which does not align with the text of Q5.2-1 in the Application Questions document.	The typo was corrected and the section updated for consistency.

Registry Service Provider Selection

Public Comment	ICANN Response
NCSG: This is an expert question that is very difficult to understand. Thus, we repeat our comment from above. - In Section 3. Instructions for Financial and Operational Evaluation, we understand the four profiles, and that the Standard Profile is the one to which many newcomers will be routed. Accordingly, it would be useful to make this section as clear as possible to the largest number of organizations around the world. To that end, we suggest expanding all acronyms on first use in the form and providing easily-accessible definitions, for example: **Q4.1-1 ..” for the applying entity or a QFE	QFE was a legacy term that was missed in this section. It was corrected and clarified/updated.

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entity.” Is that a Qualified Financial Entity? If so, we request Standard Q4.1-1 say so: “for the applying entity or a Qualifying Financial Entity (QFE).” **We note that QFE does not appear to be defined anywhere in the Topic 27: Financial and Operational Evaluation section. An easily-accessible definition and examples would greatly help those Applicants in the Applicant Support Program and other organizations joining us from around the world.	
NCSG: 3.4.3.2 Does a nice job of first defining “Most Likely Scenario (MLS)” for financial projections and then using the acronym. Let’s do the same for Worst-Case Scenario (WCS), e.g., expanding Q4.3.5-1 to read: “Populate and provide Worst-Case Scenario (WCS) projections...”	Acronyms will be spelled-out on first use.
RySG: There appears to be an inconsistency between this draft section of the AGB and the information ICANN has published regarding the Registry Service Provider Evaluation Program (see: https://newgtldprogram.icann.org/en/application-rounds/round2/rsp). The latter indicates that Registry Service Providers will only be evaluated during two periods: from 19 November 2024 to 20 May 2025 (Pre-Evaluation Period) and during the application submission window. ICANN says explicitly, “ICANN org plans to close the submission period when the Next Round gTLD application submission period closes.” This statement does not seem to align with the draft section of the AGB, which states that applicants may specify their RSP(s) after submitting their applications. The RySG is concerned about this discrepancy and the impact its restriction may have on competition. We believe applicants should have the ability to designate an RSP following application, i.e., during the evaluation process, even if doing so would require opting for Extended Evaluation and/or incurring higher evaluation costs, and requests that ICANN resolve this apparent inconsistency.	Evaluation of RSPs occurs during the specified windows as a part of the Registry Service Provider evaluation program. This is separate from the submission of an application for a proposed new gTLD. A gTLD applicant may select and/or change their RSPs at any point during the gTLD application process until application evaluation has commenced.

Name Collision

Public Comment	ICANN Response
Ethereum Name Service: In Section 4 on Temporary Delegation and Final Assessment, ICANN indicates that the DNS root zone may not grow by more than 5% per month. We hope that ICANN can expand this language to specify how strings will be queued for temporary delegation, and in addition, if ICANN could provide an estimate of potential wait times in the temporary delegation queue so that applicants may plan accordingly.	Based on this comment, ICANN has made the following amendment to section 4 second paragraph: “It is expected that this rate limit corresponds to roughly 75 temporary delegations per month initially and will increase as more new TLDs are delegated. However, as permanent delegations take precedence over temporary delegations, this number may vary from month to month.” For details on how strings are assigned priority, please refer to module 19 (Application Queuing) of the AGB.
Ethereum Name Service: In Section 5.1 on the High-Risk String Mitigation Plan, we request that ICANN clarify if there is any additional cost to applicants who must submit a Mitigation Plan to proceed with their applications.	The evaluation is subject to an additional fee (c.f. section 5.1). The fee stipulated may be found in the fees section of the AGB.
Ethereum Name Service: Regarding Challenges to the Mitigation Plan Evaluation (Section 6), we request that ICANN specify whether, if a challenge to a Mitigation Plan evaluation is successful, the application will be terminated or if the applicant will have any opportunities to make additional revisions to the plan, and if so, how that process would evolve.	Based on ICANN’s understanding of this comment, the question is whether the applicant is given the opportunity to revise the high-risk mitigation plan if the evaluation panel raises concerns on its completeness or effectiveness. As described in section 5.1, the applicant will, based on feedback from the panel, be given the opportunity to amend and improve the plan within the evaluation process. A further 3 months will also be allowed for such amendments. If the panel’s concerns remain after this time have elapsed, there is the possibility to challenge the mitigation plan evaluation. If the challenge to the Mitigation Plan Evaluation according to Section 6 is unsuccessful, the application’s status will be moved to ‘terminated’.

Public Comment	ICANN Response
Ethereum Name Service: Regarding Section 7 that relates to Interaction with Variants, we request that ICANN specify how much time applicants will have to amend their applications to remove a variant label, upon receiving the assessment that a particular label is high risk.	Based on this comment, ICANN has added the following text last to section 7: “Removal of a variant label may occur at any time as long as the application status has not been moved to ‘terminated’.”
Ethereum Name Service: We request that ICANN consider reviewing several ancillary but critical matters relating to Name Collision before finalizing AGB language. One such issue is that we note that, if applications are in a contention set, ICANN does not require that applicants submit a High-Risk String Mitigation Plan until after the contention set is resolved. While we understand that ICANN may wish to avoid requiring applicants in contention sets that have not been resolved to invest the time and additional fees required to submit a Mitigation Plan, ultimately, we are concerned that not requiring and reviewing the Mitigation Plan until later may do applicants a disservice. - Specifically, if an auction is ultimately required to resolve a contention set, applicants may make very substantial additional investments only to learn that a Mitigation Plan is required, which may or may not be accepted to allow the application to proceed to delegation. Accordingly, we suggest that ICANN consider identifying high-risk strings, and requiring Mitigation Plans as needed, much earlier in the application process. - On another note, we understand that, to date, Name Collision issues have only arisen very rarely in the DNS. However, with specific regard to high-risk strings, we would like to flag that, due to the proliferation of alternative name spaces in recent years that are not under ICANN governance and which have not respected ICANN policies, there is a much higher potential for Name Collision issues in the forthcoming new gTLD round, particularly without	ICANN has reviewed and considered the comment, and believes that additional updates, as suggested by this comment, are not needed due to the following reasons: The initial assessment process is not interrupted by a string being found to be in a contention set. Bidders should therefore know if the string in question has been categorised as being a high-risk string and can take that into account in an auction. This would not depend on the availability of a mitigation plan. However, temporary delegation may take considerable time to complete. Conclusion from temporary delegation may therefore not be available ahead of contention resolution. Regarding potential policy related to alternative name spaces, ICANN would like to note that the ICANN Board has already approved a set of policy recommendations related to the Next Round of New gTLDs. Further, the Board adopted SubPro Recommendation 3.6, which states that “Absent extraordinary circumstances, future reviews and/or policy development processes, including the next Competition, Consumer Choice & Consumer Trust (CCT) Review, should take place concurrently with subsequent application rounds. In other words, future reviews and/or policy development processes must not stop or delay subsequent new gTLD rounds (bold for emphasis).” Additionally, a Policy Development Process can only be requested by the ICANN Board, the GNSO Council, or an ICANN Advisory Committee as outlined in Annex A of the ICANN Bylaws. A PDP may also take several years to complete. For instance, the GNSO Council requested an issues report for

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additional procedural changes and safeguards in place. This is precisely because many operators of such alternative name spaces are likely to apply for identical new gTLDs in the coming round and – depending on whether such applicants successfully or unsuccessfully become TLD operators for those strings that are already extant and in use – delegation of those strings could potentially result in a myriad of problems, including (i) Name Collisions, (ii) consumer confusion, (iii) resolution conflicts arising from queries to alternative roots, (iv) security risks from unintended DNS consequences, and (v) potentially even broken authentication systems should consistent TLD resolution be impacted – all of which affects the integrity of the DNS as a source of truth and Internet users’ trust in the DNS. At a minimum, we would request that current operators of alternative roots not be given any priority or preferential treatment if they apply for identical new gTLDs in the upcoming round. Such a policy would track with ICANN’s ICP-3 (July 2001), which prohibits such preferential treatment. (See ICP-3: A Unique, Authoritative Root for the DNS, at Section 4, Outside the Process, available at https://www.icann.org/resources/pages/unique-authoritative-root-2012-02-25-en) (“Some of these [alternative name space] operators and their supporters assert that their very presence in the marketplace gives them preferential right to TLDs to be authorized in the future by ICANN . . . under the philosophy that if they get there first with something that looks like a TLD and invite many registrants to participate, then ICANN will be required by their very presence and force of numbers to recognize in perpetuity these pseudo TLDs, inhibiting new TLDs with the same top-level name from being	subsequent New gTLD procedures in June 2015. The new gTLD Subsequent Procedures Policy Development Process was later initiated in December 2015 and the GNSO Council shared the Final Report on the new gTLD Subsequent Procedures Policy Development Process with the ICANN Board in February 2021. While ICANN understands the concerns raised in this comment, ICANN believes that any policy related to this issue should follow the Bylaws driven process for developing such policy and that such a policy would not be applicable to the Next Round.

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launched through the community's processes.") However, because the above negative consequences on the DNS can significantly erode public trust in the Internet and ICANN processes, we would urge ICANN to carefully study the issue of potential name collision impact arising specifically from co-existing identical TLDs and alternative roots from both a technical and policy perspective. With the issue of DNS stability on the table, studying this issue through a Policy Development Process Working Group before allowing such new gTLD applications to proceed through the evaluation and delegation process would be consistent with ICANN's fundamental mandate. The results of such a PDP would inform whether and how such new gTLD applications might be able to proceed without impacting DNS stability by, e.g., implementing certain collision mitigation safeguards that security researchers and the public have had ample opportunity to review, prioritizing specific roots for DNS resolution, or such a PDP may conclude that delegation at this time for certain high-risk strings should be delayed.	
NCSG: Implementation Guidance 18.5 mentions that "If the risk of name collisions will be determined after applications are submitted, ICANN should provide a full refund to applicants in cases where a new gTLD is applied for but later is not approved because of risk of name collision". However, this proposed language says that, in those situations, "a refund of 65% of the gTLD evaluation fee paid that is eligible as a refund." This may be particularly important considering that Implementation Guidance 29.3 to 29.5, regarding establishing clear criteria and previous identification of a potential name collision list, was not developed in a way that could make applicants well aware of those risks, with a high degree of certainty.	In relation to Implementation Guidance 18.5, ICANN has noted that the guidance contradicts the policy recommendations in relation to cost recovery. Furthermore, the implementation guidance predates the Advice that the ICANN Board has adopted in relation to Name Collision which is being implemented in the context of the next round which provides potential applicants further insights into the process as well as the options that will exist to mitigate a high risk determination. Nevertheless, ICANN has proposed a higher refund for applicants that are subject to a high risk determination compared to the normal refund schedule, but has opted to not make this a full refund to respect the cost recovery nature of the program.

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SSAC: Use of DNS Assessment Method: The SSAC seeks clarity on which specific domain name system (DNS)-related assessment methods (No Interruption, Controlled Interruption, Visible Interruption) recommended in the Name Collision Analysis Project (NCAP) Study 2 Final Report (NCAP2) will be used during temporary delegation. Additionally, The SSAC would appreciate understanding the justification if certain methods are excluded, and emphasizes the need for approaches that enable sufficient data collection.	ICANN is implementing the recommendations of the Name Collisions Analysis Project Study Two (NCAP2), where all four methods outlined in appendix 2 will be available in the toolbox. No methods have been excluded. Which method that will be selected for a string is determined on a case-by-case basis by the TRT. Based on this comment, ICANN has amended the third paragraph of section 4 by adding the following text: “Four different assessment methods for notification and data generation will be used during temporary delegation. These are outlined in the Appendix 2 of the Name Collision Analysis Project Study Two Report and are named “No Interruption” (NI), Controlled Interruption (CI), Visible Interruption (VI) and Visible Interruption and Notification (VIN). The assessment will be conducted by the Technical Review Team (TRT), which consists of internal experts from relevant ICANN org departments. The TRT will determine on a case-by-case basis which method or methods will be used for each assessment”
SSAC: Assessment in Support of Mitigation and Remediation Plans: The SSAC notes the apparent omission of the "Visible Interruption and Notification" assessment method. The SSAC believes this method is important for the root cause analysis required to develop effective mitigation plans and therefore requests clarification on its exclusion, particularly given its potential necessity in certain cases.	ICANN has no intention of excluding any of the assessment methods. Based on this comment, ICANN has made the following amendment to the fourth paragraph of section 4: “ICANN will evaluate all types of data collected during temporary delegation, that includes DNS queries to TLD servers [...] as well as data collected from the assessment methods, to determine [...]”.
SSAC: Implementation of the Technical Review Team: The SSAC would appreciate more information on the planned implementation of NCAP Final Report Recommendation 7. This information should cover the specific responsibilities and accountability of the Technical Review Team (TRT) concerning conducting assessments and the process for	Per NCAP2 Report, the Technical Review Team's (TRT) “function [is] to identify high-risk strings to ensure that their delegation is restricted”. More specifically, the TRT will serve four functions: assessing the visibility of name collisions, documenting the results, assessing any mitigation or remediation plans, and implementing an emergency

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reviewing and advising on applicant mitigation plans.	removal of a delegation, if necessary. The TRT is also responsible for providing the ICANN Board with advice on gTLD delegation and any need for additional mitigation and remediation. The role does not have operational authority. If the TRT identifies an issue with a delegation, they must contact the IANA function to handle the issue within accepted emergency processes.
ALAC: We do wish to highlight an omission which we recommend be taken into consideration by the IRT: End-user Reporting of Name Collisions We recall that end-user awareness and feedback on name collisions was an issue which was discussed by the NCAP Discussion Group (NCAP DG) and noted as an important resource to help mitigate name collision incidences and against associated risks. We understand that once a string is delegated into the Root, even during the Temporary Delegation Phase, data will be collected that includes DNS queries, to TLD servers, diversity of queries, origins, query names (labels), query types, etc. to determine whether the string will be designated as high-risk, and that such data would originate from end-user queries. If organizations or users rely on an internal domain name that becomes publicly delegated, they may face connectivity issues, security vulnerabilities, or unexpected system behavior. As such, we recommend that ICANN explicitly require that any High-Risk String Mitigation Plan submitted by the applicant must also contain a process for transparent end-user communication and incident reporting mechanisms, aligning with best practices identified by NCAP DG or SSAC and ICANN.	ICANN has implemented a name collision reporting mechanism available to end-users, where ICANN serves as the initial reporting point and will, if necessary, coordinate with registry operators to ensure the report is acted upon in an expedited manner. The reporting form can be found here: https://www.icann.org/forms/report-name-collision The implementation of this reporting mechanism follows NCAP2 recommendations which was adopted by the Board. For the requirement to include relevant end-user communication, ICANN has amended the third item in the enumeration in section 5.1 as follows: “[...] the risk of Name Collisions, including any communication activities with affected end-users.”
RySG: It is not clear from the proposed text whether the reports described in each of the final paragraphs of Section 3 and 4 under this Topic are the same report. We recommend ICANN staff refine the language to add this clarity, by naming the actual report(s). Additionally, it is not clear from	Based on this comment, ICANN has amended Section 3, second paragraph, first sentence as follows: “The Initial Assessment will take place following the [String Confirmation Day]. ICANN will publish an Initial Assessment

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Section 3 under this Topic who will perform the Initial Assessment. Related to this point, it is unclear what will be done with the feedback from the described Public Comment Period. We recommend ICANN staff update this Section to provide additional clarity.	report describing the assessment, [...]" And Section 4 last sentence: "[...] ICANN will produce a Temporary Delegation report outlining the findings, which will be published for applicants and other interested parties to review."
RySG: The role of the panel of technical experts in evaluating the High Risk Mitigation Plan is not clear from the text of Section 5 under this Topic. As written, it seems that the panel provides advice to ICANN org, but that the final decision on the approval of the Mitigation Plan is made by ICANN staff. If this is the case, we recommend ICANN provide more guidance on the weight given to the opinion of the panel and under what circumstances ICANN may go against the recommendation of the panel.	It is correct that the final decision on the approval or rejection of a high-risk mitigation plan is made by ICANN. More specifically, the Program Team reviews the Evaluation Panel results and rationale. If the Program Team requires additional information or clarity regarding the Evaluation Panel's results, the Program Team may discuss further with the Evaluation Panel. Otherwise, ICANN adopts the results and the decision is communicated to the applicant. Based on this comment, ICANN will make clarifications in section 5.1 and section 6 on the role of the panel.
RySG: The origin, composition, and operation of the Evaluation Challenge Service Provider, mentioned in Section 6 under this topic, are unclear in this context. We recommend ICANN staff update this section to provide additional clarity, either with expository text or a reference to another section of the Next Round Applicant Guidebook. Also, we note that in some portions of Section 6, the Evaluation Challenge Service Provider seems to be referred to as the Evaluation Service Provider.	Based on this comment, ICANN will amend Section 6 to clarify how an evaluation challenge will be assessed, the role of the assessor and how the final decision is taken.
RySG: Applicants need clarity on what ICANN considers "personal data" under Section 5.1 of this document, such that the information will not be disclosed to the applicant. The ability of an applicant to propose an adequate Mitigation Plan requires access to full name collision data. The community should have an opportunity to weigh in on ICANN's determination of what it considers "personal data" not subject to disclosure under this Section. Furthermore, the RySG recommends that ICANN consider the development of appropriate data	ICANN considers "personal data" to be any information that relates, directly or indirectly, to an identified or identifiable natural person. This interpretation aligns with the commonly accepted definition of the term under data protection laws, such as the GDPR. As part of its Data Protection Impact Assessment (DPIA), ICANN identified that the data collected in this context is primarily DNS-related. In most cases, such data does not qualify as personal data. However, there are instances where certain elements, such

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processing agreements to allow ICANN to disclose the personal data to applicants so they can prepare an adequate Mitigate Plan.	as client IP addresses or query names, could be characterized as personal data if they can be linked to an identifiable individual. In situations where personal data must be provided to the Applicant, and where technical safeguards like anonymization or aggregation are not feasible, ICANN may request to enter into a data processing agreement (DPA) with the Applicant. The relevant section of the Applicant Guidebook has been updated to incorporate these points.

Community Priority Evaluation

Public Comment	ICANN Response
Ethereum Name Service: In Section 1.3 on Conditional Fees, we request that ICANN provide a general range of what additional fees may be required so that organizations considering submitting a Community application, which may ultimately require a Community Priority Evaluation, can begin budgeting for this possibility, particularly as we understand that these fees may be substantial.	ICANN acknowledges the request for additional information regarding CPE fees and intends to publish further details on all gTLD application and conditional application fees in the updated Applicant Guidebook (AGB) section on Application Fees.
Ethereum Name Service: In Section 1.4.1 on Clarifying Questions, we request that ICANN specify the time frame, or likely time frame, that CPE applicants will have to respond to any Clarifying Questions issued.	ICANN has updated the language in Section 1.5.1 on Clarifying Questions to specify that “the applicant will have [21] days from the day after receipt of a clarifying question to respond.”
Ethereum Name Service: We submit that requiring a score of 12/15 (80%) on the Community Priority Evaluation may be a particularly high bar that is difficult for many legitimate Community applicants to meet and would suggest an alternative of requiring a score of 10/15 instead, with the caveat that successful CPE applicants may not score a zero in any of the four categories. During prior ICANN meeting sessions discussing Community applications for the upcoming new gTLD round, ICANN staff had stated that an assessment of the 2012 application round indicated that criteria were too stringent at	ICANN acknowledges the concerns regarding the high bar for successfully meeting the criteria for CPE. In seeking to strike a balance between rigor and accessibility, ICANN has increased the total score to 16 points by adding a point to the Community Establishment criterion (#1), while maintaining the passing threshold at 12 points (75%). The threshold reflects Implementation Guidance 34.11 from the SubPro Final Report which recommends: “Lowering the threshold for achieving community-based status from the 87.5% of the total available evaluation points (14 out of

Public Comment	ICANN Response
that time, resulting in missed opportunities for potential Community applicants. As ICANN has clearly invested significantly in developing procedures for Community applications, it would be unfortunate if there is a similar result to the 2012 round in which very few applicants could take advantage of Community Priority.	16 points) as was the case in the 2012 round to 75-80% of the total available points.” The threshold was also discussed with the IRT and no concerns were raised.
NCSG: Section 1.3 Conditional Fees states that, “any community-based applicants within a contention set will be notified of the opportunity to participate in CPE and will be requested to submit the requisite fees within 21 days of transmission of the notification.” But 21 days might be too tight for community applicants from underserved regions and we request special consideration of 30 days for this payment.	ICANN has updated the payment terms to 30 days of the notification being sent, which is standard with other fees associated with the New gTLD Program.
NCSG: Section 1.4 mentions the approximate time needed for the CPE process to take place. This section would benefit greatly from a table or figure to provide details on the timeline of the whole process.	ICANN is currently developing updated tables and graphics throughout the Applicant Guidebook to better support applicants throughout the application process. A revised timeline graphic will be included in the CPE section. In the meantime, for reference, the CPE timeline from the 2012 round can be found here: https://newgtlds.icann.org/sites/default/files/timeline-10sep14-en.pdf .
NCSG: Section 1.6.1.1. provides scoring criteria for the establishment of the community. The “engagement” sub-criterion notes that “active and consistent efforts to engage” may be demonstrated by “the applicant demonstrating recent activity within the community as identified,” where applicants can provide documentation of activities occurring within the last two years. However, this section does not seem to offer a clear enough detail on to what extent engagement efforts are considered as “consistent,” albeit applicants will be scored on a binary basis with respect to this specific sub-criterion. We seek an example of what would be considered as “active and consistent efforts” may be considered. For example, how regular should their activities be within the span of the last 2 years and how will these efforts be assessed by panels considering “different types of communities].	ICANN has clarified the language regarding “consistency” and the guidelines a panel should consider in reviewing frequency of activities.

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NCSG: Section 1.6.1.1., the “awareness” sub-criterion mentions potential engagement with “relevant community-related experts.” We seek more details on who the experts will be, how they will be selected, and how their relationship with the panel may enhance transparency and reduce risks of conflict of interest.	ICANN acknowledges the request for additional information regarding the use of “community-related experts” and refers to the forthcoming Requests for Proposals (RFP)_ process for selecting the CPE panel. As outlined in Recommendation 34.12 from the SubPro Final Report, “The process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community. In addition, any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment.” ICANN will ensure that any selected CPE provider can clearly demonstrate how it will incorporate community-related experts into its evaluation process.
NCSG: As food for thought for future processes, the drafters might wish to consider changing the scoring system to a percentage one. Several sub-criteria do not seem to be as well-represented by numerical scores. In many cases (e.g., “engagement” and “awareness” sub-criteria), the scoring system implies that the assessment is done on a binary basis while the nature of guidelines relevant to the sub-criteria asks the extent to which something occurs.	ICANN acknowledges the concerns regarding the scoring system. While in some cases the scoring is non-binary, to allow for different levels of scoring that can be achieved, in other cases a binary system has been used to reduce the complexity and subjectivity of the scoring. For that reason, ICANN has not opted to update the scoring to a percentage based system or a (fully) non-binary one. Additionally, the principle of the scoring system was presented to the IRT on numerous occasions and no concerns were raised.
ALAC: We remain concerned with implementation of the Community Priority Evaluation (CPE) framework despite obvious efforts to improve the same. In brief, the proposed CPE framework is still highly subjective and immensely dependent on a CPE evaluator / panel to exercise what is ‘determined’ as fair judgment and consistency with limited guardrails. For eg, there is little to no guidance on what “relevant minority opposition” means, suggesting that it is up to the evaluator to dictate the same. Noting that subjectivity cannot be avoided	ICANN acknowledges the concerns raised regarding potential subjectivity in the CPE process. As outlined in Recommendation 34.12 from the SubPro Final Report: “The process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community. In addition, any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment.”

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altogether, the ALAC continues to believe that the selection of an appropriate evaluation service provider is the paramount factor and the ALAC maintains its request to provide its input in that selection process conducted by ICANN org.	Regarding the examples mentioned, ICANN has updated the language to provide clarity in determining “relevant minority opposition.”
Dotzon: Section “1.4.1.1. Challenge Mechanisms for CPE” lacks a reference to applicable fees. At the end of the paragraph we recommend to add "There are no fees associated if an applicant files an Evaluation Challenge proceeding."	ICANN has made this change, as suggested.
RySG: The last sentence of Section 1.2 under this Topic should also reference all comments received during the applicant comment period. The CPE panel should consider both comments in support and comments in opposition to the application, submitted during the application comment period. Similarly, the CPE panel should observe the Objections process to ensure that formal Objections submitted on an application also factor into the evaluation. In Section 1.4, the final version of the AGB would benefit from defining what constitutes “Limited Research.”	ICANN has made these changes, as suggested.
RySG: Regarding section 1.4.1, we believe that a new set of panelists should be required, not merely suggested, to review Evaluation Challenges.	ICANN has revised the language in Section 1.5.1.1 on Challenge Mechanisms for CPE by updating the phrase “are encouraged to” to “should” in this sentence: “The CPE Service Providers are encouraged to use a different set of panelists to evaluate an Evaluation Challenge where practicable.” This change is intended to emphasize the expectation that a new set of panelists be used when reviewing an evaluation challenge.
RySG: Section 1.6.1.1.B.b - Engagement: The definition for Active and Consistent should include evidence of active and consistent engagement. Currently, this section only identifies the types of activities that can be considered as engagement. Applicants must provide evidence of REGULAR interactions with the community, and ACTIVE engagement, not just merely being a passive member. In fact, scoring elements that rely on binary criteria seem	ICANN acknowledges the concerns regarding the scoring system. While in some cases the scoring is non-binary, to allow for different levels of scoring that can be achieved, in other cases a binary system has been used to reduce the complexity and subjectivity of the scoring. For that reason, ICANN has not opted to update the scoring to a percentage based system or a (fully) non-binary one.

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ill-suited to the task of evaluating how communities truly function. We would suggest adjusting the overall scoring system to allow for additional nuance - this could mean increasing the number of total available points and commensurately increasing the threshold by which an applicant would be evaluated successfully.	It is important to note that the intent of certain criteria, particularly those related to community engagement, is to identify consistent and meaningful engagement, and the scoring is designed to distinguish applicants that demonstrate sustained, non-sporadic involvement from those with irregular or inconsistent engagement. Additionally, the principle of the scoring system was presented to the IRT on numerous occasions and no concerns were raised.
RySG: We believe that the text in Section 1.5 about the CPE process being designed to weed out both false positives and false negatives should be elevated to the very beginning of the AGB section on Community Applications and CPE.	ICANN has made this change, as suggested.

Contention Set Resolution

Public Comment	ICANN Response
Ethereum Name Service: In Sections 2.1 and 2.2, we request that ICANN amend the language to specify that the prohibition on communications among applicants is limited to the contention set resolution period. Due to general participation in the ICANN ecosystem, prospective applicants may wish to communicate regarding aspects of their prospective applications before contention sets are published and may wish to share information on their applications and business strategies once contention sets have been resolved. While these details are implied, we request that ICANN state this more explicitly, particularly as violations may have very severe consequences, including being permanently barred from participation in the new gTLD program.	ICANN has updated the language in 2.1 and 2.2 accordingly. Applicants including their respective agents and/or affiliates are prohibited from communicating directly or indirectly to other applicants any information related to their application(s) or application strategies for strings that are in contention from Reveal Day until the date a prevailing applicant signs a Registry Agreement for a specific contending gTLD string.
Ethereum Name Service: In Section 3.1.1 on Replacement Strings, we request that ICANN specify that each application may only designate a single Replacement String, aside from any variants.	ICANN has clarified the language in 3.1.1.

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Ethereum Name Service: Regarding Section 4.3 on the ICANN New gTLD Auction, we request that ICANN clarify how auction proceeds will be used to benefit the ICANN community, as this is not discussed in the section and may be a consideration for whether applicants in contention sets wish to proceed to participation in auctions.	The use of auction proceeds does not fall within the remit of the AGB but is, as was the case in 2012, ultimately a matter for the ICANN Board. Therefore, ICANN will not include language into the AGB about the use of auction proceeds.
NCSG: A more concrete example for section 1.1.2 Indirect Contention would be helpful. - Section 3.1.1 Replacement Strings refers to multiple strings, yet the section discusses the option to designate “a” replacement string in the singular, which would imply that an applicant can only designate one replacement string. We urge the drafters to be as clear as possible on this: can applicants submit more than one Replacement String” as part of the application process? If not, then this section should be renamed to “Replacement String” rather than “Strings.”	ICANN has updated section 3.1.1 to clarify that only one replacement string can be submitted. ICANN has also updated the name of the section. ICANN has added a diagram to illustrate indirect contention.
NCSG: As a broader comment on Section 3.1.1 Replacement String, the condition that prevents applicants from switching back to their original string if their Replacement string is found to be in contention following a String Similarity Evaluation due to the similarity with another applied-for-string: This could unnecessarily prevent new applicants from entering the DNS ecosystem, running counter to the goal of achieving more diversity in the DNS. We recommend that the drafters allow for Applicants who had opted for their Replacement String to be able to revert to their original string.	This was already discussed with the IRT at length. After string confirmation day, applicants cannot change their strings back nor use a previously unused replacement string. The only exception are .brand applicants who, if in contention, may change their string with the limitations outlined in section 4.1
NCSG: To those who are new to the gTLD application process, the decision to opt for a Replacement String is complex. We strongly request and recommend that as part of the Applicant Support Program (ASP), ICANN provide guidance and/or counsel during the Replacement Period” of the application process to beneficiaries of the ASP to help them navigate the decision making process. We ask the SubPro IRT to share this request with the individuals in ICANN worked on the Non-Financial Support for ASP Grantees.	ICANN is in the process of drafting support materials. Replacement String will be one of the topics. ICANN plans to develop support material (such as FAQs and topic overviews) outside of the AGB, with the aim to help new applicants, non-experts, and the broader community improve understanding of the program. ICANN expects that the topic of Replacement String/Replacement Period should be covered in the support materials that are under development. ICANN will

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	share these support materials with the community as soon as feasible after they are completed.
NCSG: We applaud the strict conditions for the ICANN New gTLD Auction and the commitment to provide bid credit to support beneficiaries of the ASP. NCSG supports the drafters' efforts to ensure a fair playing field for resolving string contention among applications within a contention set in situations where the contention cannot be resolved via a Community Priority Evaluation.	n/a
NCSG: We applaud the drafters' commitment to integrating the Board's determination that private resolutions of contention sets - including joint ventures - will not be permitted during the Next Round. The restrictions set out in "2.1. Prohibited Communications and Activities" are a strong supplement to ensuring this is followed through.	n/a
NCSG: 3.4, Contention as a Result of a Successful String Confusion Objection: We do not understand the last sentence and recommend its deletion: "Applicants can also appeal to instances of identified contention or cases where contention has not been identified, as described in the [Objections Appeal Procedure]. Of course, there is now a limited appeals process for all formal objections, but this seems to be a rather odd advertisement for it. Best to leave appeals in the Objection and Objection Appeals sections.	ICANN has updated the language to address this suggestion.
NCSG: 4.1.3, TAMS is not defined by anyone in this section.	The style for defined terms in the AGB is that terms will be defined globally in the consolidated AGB. The NCSG will have another opportunity to review terminology during the next public comment on the entire AGB.
NCSG: 4.2: NCSG seeks a better understanding in this section of the background of the "independent experts" who will be deciding the Community Priorities Evaluations.	As noted in the text, this is detailed in the CPE section. The consolidated AGB will have a proper cross-reference instead of the current placeholder. ICANN notes that the panel will be decided via the RFP process, the details of which will be published. And, per SubPro

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	recommendation 34.12, the process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community.
NCSG: 4.3.1. The following is not an accurate statement by our understanding: “The auction is the sole method for resolving string contention among the applications within a contention set if it cannot be resolved by a Community Priority Evaluation (CPE)...” All of the “Formal Objections - Community, Legal Rights and String Confusion- are also ways for solving string contention among the applications and determining better rights to the TLD. We request expansion of this first paragraph, and there are settlements and compromises that can be made.	The text has been adjusted to clarify that the auction is the final, rather than the sole method of resolving contention. While contention sets can be affected as a result of an objection, ICANN understands formal contention resolution as a distinct process that occurs when there are two or more remaining applicants for the same or confusingly similar strings following the completion of all preliminary evaluations and objections.
NCSG: 4.3.3. The following segment is hard to understand in the #2 example: “... the other a Brand TLD application that is not considered to be intended to be operated as a Geographic Name...” Can we simplify to: “the other a Brand TLD that will be operated as a brand and not a Geographic Name...”	The text has been changed to reflect this suggestion.
NCSG: Ditto for #4: “If there are two or more applications for two strings that are in contention...” Is this meant to read: If there are two or more applications for a string in contention where one is applied for as a GEO name...? We believe this entire paragraph is very difficult to understand. Given its importance, we ask that it be simplified - and a diagram be added.	ICANN has made some editorial changes to address this comment.
ALAC: We wish to express an acknowledgment that it may be challenging for ICANN org to detect breaches of the prohibition against private resolution of contention sets, especially if they are well concealed. Under this circumstance, we suggest it may be useful for ICANN org to do the following: 1) In Section 2.1, (a) to emphasize that given examples of prohibited communications and conduct by applicant are not exhaustive (for eg. say “include but are not limited to”); (b) to clarify whether the given example 3 of “discussing or negotiating	To address the concerns raised in the comment, ICANN has updated the language in Section 2.1 to provide additional clarity about the types of communications and conduct that are prohibited or excluded from the rules prohibiting private resolution of contention sets.

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settlement agreements or post-auction transfer arrangements in any manner with respect to any contending strings” is intended to include communications / conduct taking place post-auction	
ALAC: 2) In Section 2.3, ICANN org should consider including additional language to minimize and/or mitigate the risk of disputes by applicants whose communications and conduct are howsoever discovered by ICANN org and deemed to be prohibited We also suggest that the language in Section 3.1.1.1 be improved to better distinguish Replacement String being available to all applicants against String Change which is available to Brand TLD applicants only.	Regarding the first point on disputes, ICANN would request additional clarification from the ALAC of how it foresees ICANN “minimiz[ing] and/or mitigat[ing] the risk of disputes...”. Regarding the second point, Section 3.1.1.1 has been updated.
ALAC: Finally, we are concerned that the proposed level of bid credit of 35% made available to qualified ASP applicants amounts to insufficient support to such applicants who opt to enter an ascending-price auction of last resort. We ask that ICANN org consider factoring in a higher level of bid credit of 50% as a minimum.	ICANN researched bid credits and did not detect any auctions that provide bid credits higher than 35%. This research and settling on the appropriate level of bid credit was discussed with the IRT. We also note that a number of IRT members had asked for a significantly lower percentage, while others asked for a higher percentage. Therefore, ICANN has not proposed any changes to the bid credit percentage. The community may wish to consider if additional policy work should be undertaken for future rounds if a different percentage is sought going forward.
Com Laude: Section 2.1: Greater clarity should be provided as to when the prohibition of certain communications and activities comes into effect. Is this from the opening of the Application Window, the date an applicant submitted their application, Reveal Day, or some other time? Since it has been envisaged that applicants might communicate prior to applying, we would suggest that the appropriate date should be Reveal Day. This section (or section 2.2 on Exceptions) should also make it clear that the prohibition on direct/indirect communication with other applicants, and the prohibition on engaging in third party and/or public communications does not apply to any	The language in 2.1 has been updated to address this comment. With respect to the timeframe for the prohibition on certain communications, the language has been updated to clarify that applicants including their respective agents and/or affiliates are prohibited from communicating directly or indirectly to other applicants any information related to their application(s) or application strategies for strings that are in contention from Reveal Day until the date a prevailing applicant signs a Registry Agreement for a specific contending gTLD string.

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communications that are required or strongly encouraged, for example, obtaining consent/non-objection from a governmental authority, or engaging with a government as a result of a GAC EW or GAC Advice, or communicating directly or indirectly with an objector as part of the required response/submission to an Objection, or indeed filing one's own Objection to a third party application in contention.	With respect to prohibited communications and conduct, the language has been revised to make it clear that it would not be a violation of the rules for an applicant to discuss its application with a governmental entity in course of securing governmental support/non-objection to a geographic TLD or during the course of addressing a GAC Member Early Warning or GAC Advice provided that the applicant takes steps necessary to prevent the third party from becoming a conduit for communicating information directly or indirectly about its application.
TLDz: The AGB must clearly define when the prohibition on communication between applicants begins, as the current wording is vague and open to interpretation. One key concern is the restriction on public statements that could directly or indirectly disclose information about an application or strategy in a contention set. Many applicants have already announced their intended strings, raising questions about whether they could face penalties if those strings later become contested. This restriction could also create unintended obstacles for applicants seeking funding. Investors often require insights into an applicant's plans, including potential contention scenarios, and the current language may discourage necessary financial discussions. Without clear guidelines, applicants risk violating the rules simply by engaging in routine fundraising efforts.	The language in 2.1 has been updated to address this comment. As noted in the responses above, the language has been updated to clarify that applicants including their respective agents and/or affiliates are prohibited from communicating directly or indirectly to other applicants any information related to their application(s) or application strategies for strings that are in contention from Reveal Day until the date a prevailing applicant signs a Registry Agreement for a specific contending gTLD string.
TLDz: Another serious issue is the potential for this rule to be misused. If an allegation arises that an applicant engaged in prohibited communication, proving otherwise could be difficult, leading to unnecessary investigations that drain resources for both applicants and ICANN. Importantly, this prohibition was not part of the Subsequent Procedures Final Report but was introduced by the ICANN Board. To prevent unintended consequences, and putting the applicant at risk, the AGB must provide greater clarity and safeguards around this restriction.	We understand this concern, and in response to this comment as well as others, the language in this section of the AGB has been updated to provide more clarity around the rules concerning prohibited communications and conduct. In addition, we note that the section provides safeguard guidance to applicants if they have a concern in a specific situation. The language says, "In the event that an applicant believes that a particular disclosure required by law or regulation will result in a violation of these rules, we strongly encourage applicants to consult with ICANN before making the disclosure."

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RySG: The lack of diagrams in Section 1.2.2. regarding indirect contention made review very difficult. The RySG recommends that all diagrams and other images throughout the AGB be included in the final comment proceeding.	ICANN will strive to include as many diagrams as possible in the final comment proceeding. But due to timing constraints, ICANN cannot commit to including all diagrams in time for the next public comment. ICANN will review graphics that are not part of the next public comment with the IRT as they become available.
RySG: The AGB should be clear when the prohibition on communications between applicants begins; it is currently not clear. The RySG wishes to express strong concerns related to the prohibition on applicants making public statements “that provide direct or indirect information related to their application(s) or application strategies for strings that are in contention.” A number of future applicants have already publicly disclosed strings they intend to apply for when the application window opens, similarly, we are concerned that this could prevent applicants from discussing information related to their fundraising, since this could indicate possible auction strategies. Furthermore, the Guidebook does not provide a time restriction on this prohibition – will future applicants who have already announced their intended strings be found to be in violation of the AGB if those strings end up in contention?	The language in 2.1 has been updated to address this comment. As noted in the responses above, the language has been updated to clarify that applicants including their respective agents and/or affiliates are prohibited from communicating directly or indirectly to other applicants any information related to their application(s) or application strategies for strings that are in contention from Reveal Day until the date a prevailing applicant signs a Registry Agreement for a specific contending gTLD string.
RySG: We would like to express our concerns that the rule prohibiting communications between applicants may be used to unfairly cast doubt on the conduct of an innocent applicant. For example, once an allegation that a prohibited communication occurred, it may be very difficult to prove that such a communication did not occur and such an investigation could use significant resources of both the applicants and ICANN.	ICANN takes note of the concern expressed in this comment. ICANN will generally only investigate based on evidence and not on a mere allegation alone. The proposed language for the AGB has been updated in response to several comments received and is intended to provide additional clarity about communications and conduct that would violate the rule as well as clarity around any exceptions to the rules.

Code of Conduct Exemption Evaluation (Specification 9)

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Com Laude: Section 1.1. “Affiliate” is a defined term under the RA (and not contained in Spec 9). The defined term should be used, and the definition either repeated here or the relevant section of the Base RA identified and linked-to. Section 1.3.1. Here the defined term Affiliates is being used in I – but not in II. Consistency is required. As referred to above, within this module of the AGB applicants should be either provide with the definition or directed to the relevant section of the Base RA.	ICANN org has changed “affiliate” found in Section 1.1 and Section 1.3.1. to “Affiliate” and will provide a link to the definition in the relevant section of the Base RA.

Brand Eligibility Evaluation (Specification 13)

Public Comment	ICANN Response
Ethereum Name Service: In Section 1.3.1 on Required Documentation, the requirements state that the applicant seeking Brand eligibility must provide a “trademark registration.” However, we request that ICANN specify if this must be a current national trademark registration (or what types of registrations are eligible), and if the applicant must provide a copy of the certificate of registration, as well as whether there were any circumstances under which common law rights to a mark would suffice.	Please refer to the TMCH guidelines for eligibility requirements. See https://trademark-clearinghouse.com/.
Ethereum Name Service: We request that ICANN state whether applicants must keep the trademark registration in good standing (i.e., complete any applicable renewals or other required filings) during the new gTLD and Brand Eligibility evaluation processes.	Please refer to TMCH procedures, see: https://trademark-clearinghouse.com/.
Com Laude: Section 1.3.3: This will need to be updated to include alternative criteria where there is a Brand String Change – along the lines of the language being discussed for the Next Round RA/Spec 13. The criteria set out in 1.3.3 do not exactly match those of Spec 13. We assume that the intent is to provide applicants with an overview, but this runs the risk of creating	The duplicated content was removed and replaced with a reference to Specification 13 in the Appendix, which is authoritative for Brand TLD requirements.

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confusion if an applicant is not aware that they must actually meet the criteria as set out in Spec 13, not as set out here in the AGB. Either this text should exactly mirror Spec 13, or there should be a clear link in this section to Spec 13 and instructions to applicants that the requirements of Spec 13 prevail. For example: • under the definition of the trademark, criteria e and f are missing. • 3b. “Affiliate” is a defined term under the RA (and not contained in Spec 13), which would actually encompass a subsidiary. The defined term should be used, and the definition either repeated here or the relevant section of the Base RA identified and linked-to. • 4. “Trademark Licensees” is a defined term in Spec 13, and this should be used. The references to controlling the DNS records, and to domains being at any level are missing	

NEW gTLD PROGRAM: NEXT ROUND



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