

NCSG PUBLIC COMMENT

Draft Evaluation Guide for Community Priority Evaluation (CPE)

Submitted by: , The Non-Commercial Stakeholder Group (NCSG)

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ICANN public comment proceeding

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end users in formulating Domain Name System policy within the Generic Names Supporting Organization. We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end users and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of [ICANN's mission](#), stimulating an informed citizenry and building understanding of relevant DNS policy issues.

Gratitude

The Non-Commercial Stakeholder Group (NCSG) welcomes the publication of the [Draft Community Priority Evaluation \(CPE\) Vendor Evaluation Guide](#) and appreciates the efforts made to improve clarity and predictability in the evaluation process.

CPE remains a critical mechanism to ensure that community-based applicants have a meaningful opportunity to obtain priority in contention sets. As such, it is essential that the framework operates in a manner that is not only predictable, but also inclusive, fair, and reflective of the diversity of non-commercial communities.

NCSG Position and Arguments

Terminology consistency

There is a need for clearer and more consistent terminology throughout the document. For example, the reference to “CPE provider” in the context of forming a Challenge Panel introduces ambiguity, as it is unclear whether this term is synonymous with “CPE Vendor” or refers to a distinct entity. In policy and implementation documents of this nature, inconsistent terminology can lead to misinterpretation and operational risk. It is recommended that the document adopt a single defined term (e.g., “CPE Vendor”) and include a definitions section to ensure clarity and uniform usage across all sections.

Inclusivity of Diverse Community Structures

While the draft maintains a structured approach to defining “community,” NCSG is concerned that the current criteria favor well-established, formalized entities who can more easily prove their existence. Many non-commercial communities, particularly in the Global South or those centered

on cultural, linguistic, and digital identities, often lack traditional institutional structures. The evaluation framework must ensure these groups are not unintentionally excluded or erased by rigid documentation requirements or traditional definitions.

Evidentiary Burden and Accessibility

The current framework requires extensive documentation to prove *community nexus*, *establishment*, and *endorsement*. While rigor is vital, excessive evidentiary demands create barriers for smaller or resource-constrained applicants. The process should balance technical rigor with accessibility, ensuring legitimate applicants are not disadvantaged by limited administrative or legal capacity.

Transparency and Consistency in Evaluation and Eligibility

Several evaluation components rely on qualitative assessments, particularly regarding community endorsement and opposition. To bolster trust in the Community Priority Evaluation (CPE) process, the framework must ensure that criteria are applied uniformly, scoring decisions are accompanied by clear documentation of the underlying reasoning, and stakeholders can easily trace the path from evidence to conclusion. Such transparency is fundamental to maintaining long-term confidence in the program's outcomes.

Furthermore, while the document emphasizes impartiality and accountability, it lacks sufficient detail regarding the eligibility and qualification standards for the CPE Vendor and its appointed panelists. Given their decisive role in assessing community-based applications, the guide should explicitly mandate demonstrable independence, a total absence of conflicts of interest, and strict adherence to due diligence. Crucially, panelists must possess a verifiable understanding of diverse community structures, including cultural, linguistic, geographic, or interest-based identities, to ensure that outcomes are both credible and defensible.

Treatment of Opposition

The role of opposition requires careful calibration. While substantiated opposition is a relevant metric, there is a risk that limited or strategically motivated objections could disproportionately skew outcomes. Further clarification is needed to ensure that opposition is weighted based on its relevance and legitimacy, and that evaluators are equipped to distinguish between genuine community concerns and external or strategic objections.

Panel Challenge process

The draft could benefit from greater procedural transparency regarding the Challenge Panel process. While it is noted that a different set of panelists will be used in the event of a CPE Evaluation Challenge, there is limited information on how these panelists are selected, what

safeguards ensure their independence from the original evaluation, and how consistency in decision-making is maintained. Providing more detail on these mechanisms would enhance trust in the fairness and robustness of the appeals or challenge process.

Equity Between Global and Local Communities and Context-Sensitive Evaluation

The evaluators must not unintentionally allow the well-known name or language of a large, internationally recognized tribe, people or community to be taken over by a small subset of the tribe, people or community, without the larger tribal or community agreement and endorsement. Further, the evaluators must not unintentionally allow a large non-profit organization closely related to a business to take the name of an indigenous people, tribe or community, or their language, as a New gTLD (for example, if Jeep Cherokee had a foundation and wanted to register .Cherokee for the foundation, thus taking the string from The Cherokee Nation, a nation of approximately 477,673 citizens). *Maintaining equity across different organizational scales is essential to the integrity of the CPE mechanism and the broader goal of supporting diverse participation within the New gTLD Program.*

While increased predictability is a welcome goal, the framework must remain flexible enough to respect cultural, linguistic, and social diversity. Because community identity is inherently context-dependent, evaluators should be empowered to consider these nuances rather than relying solely on a rigid, universal rubric.

Conclusion

NCSG appreciates the opportunity to contribute to this process and urges ICANN to give full consideration to the views expressed herein. We remain committed to constructive engagement in support of ICANN's mission to ensure an open, secure, and stable Internet.

Our primary concern remains the integrity and accessibility of the Community Priority Evaluation (CPE) process. *As currently drafted, the framework's heavy evidentiary requirements and rigid documentation standards create a significant disleverage for resource-constrained or small organizations and grassroots communities and indigenous tribes and peoples.* To ensure a fair and equitable New gTLD Program, the CPE must transition toward a model that balances technical rigor with procedural accessibility. We urge ICANN to implement the transparency and eligibility safeguards we have proposed to ensure that smaller entities are not structurally disadvantaged in favor of well-established, formalized institutions.

Respectfully submitted,

Non-Commercial Stakeholder Group (NCSG)

Generic Names Supporting Organisation (GNSO), ICANN