Preliminary Recommendations, Options, and Questions for

Topic	Type	Text	LEMARIT comments
2.2.4: Different TLD Types (full WG)	Preliminary Recommendation	2.2.4.c.1: The Working Group recommends that each of the categories recognized by the 2012 Applicant Guidebook, both explicitly and implicitly, continue to be recognized on a going forward basis. These include standard TLDs, community-based TLDs, TLDs for which a governmental entity serves as the registry operator, and geographic TLDs. In addition, the Working Group also recognizes that Specification 13 .Brand TLDs should also be formally established as a category. The ramifications of being designated a specific category are addressed throughout this Initial Report as applicable.	We support the recommendation for keeping the defined five (5) categories (standard TLDs, community-based TLDs, TLDs for which a government entity acts as the registry operator, geographic TLDs and .Brand (Specification 13 TLDs) and we believe that no additional categories need to be established.
2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.1: The Working Group did not reach agreement on adding any additional categories of gTLDs. What would be the benefit of adding a further category/further categories? Should additional categories of TLDs be established and if so, what categories? Why or why not?	See 2.2.4.c.1 above

2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.2: To the extent that you believe additional categories should be created, how would applications for those TLDs be treated differently from a standard TLD throughout the application process, evaluation process, string contention process, contracting, post-delegation, etc.	See 2.2.4.c.1 above
2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.3: If you have recommended additional categories of TLDs, what would be the eligibility requirements for those categories, how would those be enforced and what would be the ramifications of a TLD that qualified for a newly created category failing to continue to meet those qualifications?	See 2.2.4.c.1 above
2.2.5 Applications Submission Limits (full WG)	Preliminary Recommendation	2.2.5.c.1: Although some members of Working Group supported the notion of putting limits into place, ultimately the Working Group concluded that there were no effective, fair and/or feasible mechanisms to enforce such limits. It therefore concluded that no limits should be imposed on either the number of applications in total or the number of applications from any particular entity.	We do not see any reason for limiting the number of the applications and are supporting the WG outcome.

2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.1: Work Track 1 recommends using the term "pre-approval" as opposed to "accreditation." To a number of Work Track members, the term "accreditation" implies having a contract in place with ICANN and other items for which there is no agreement within the	The term can be defined when the scope of the process is better determined.

| 2.2.6: Accreditation Programs (WT1) | Preliminary Recommendation | 2.2.6.c.2: The Work Track generally agrees that there should be a registry service provider (RSP) pre-approval process, which must be in place at least three (3) months prior to the opening of the application period. | We are not fully supporting the recomendation of the Working Group for an RSP pre-approval process. We believe that the idea for such a "pre-approval" program is to avoid unnecessary duplications in the applications and to reduce time and cost in the evaluation process for both applicants and ICANN. We suggest not to solve this via a "pre-approval" program but just by allowing the applicants with more than one application to apply in one work stream. With or without a "pre-approval" program the Technical Evaluation fee should not be per single application but for the whole bundle. And the Technical Evaluation would have to be evaluated only once, not per individual application (as described in section 2.7.7.c.5 of this report). Another reason for creating such a program seems to be facilitating the applicants by providing them a list with RSPs. Considering the statements in the report such a list with current RSPs can be provided anyway. ICANN can help applicants with choosing a RSP by maintaining and updating such a list so new RSPs could also be added anytime. Such a list should include all the providers in the market ("pre-approved" and new ones) for fair competition and a wider range of pricing. Another thing that has to be taken into account is the Pre- Delegation testing. The PDT is on a stand-alone basis and it is very often passed by the same RSP providing the exact same services to multiple TLD applications. Is this going to be in the scope of the "pre-approval" program? This process can be rationalized regardless of the program. We would recommend that this is handled in a different way (e.g. after a registry operator passes three (3) tests, ICANN provides a certificate that gives a right to exclude some of the elements from the test). When it comes about the security and stability of the Domain Name System there should be monitoring, reaction time to threats, reporting and statistical process controls whether RSP program is implemented or not. The measures should be applied to all the providers. In the report it is mentioned possible affect of the RSP "pre-approval" program on the Transfer process. The Transfer process should be dependent of whether the RSPs have passed the Technical evaluation panel in general, not of the RSP pre-approval program. (1) The "pre-approval" program can have unforeseen consequences on the development of the procedures above. (2) All the RSPs in the market should compete on equal terms and the same rules and conditions should be applicable to all of them. We do not see any reason for such a "pre-approval" program if the applications can be bundled and some of the processes are being modified. It should not create more complexity and problems than it solves. In case that such a RSP pre-approval process would be accepted we believe that four (4) months prior to the opening of the application period is sufficient if an 8 (eight) months prior announcement is made. |

2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.3: The RSP pre-approval process shall have technical requirements equal to the Technical and Operational Capabilities Evaluation (as established in section 2.7.7 on Applicant Reviews: Technical/Operational, Financial and Registry Services), but will also consider the RSP's overall breadth of registry operator support.	The technical requirements such as the Technical and Operational Capabilities are checked during the Evaluation process, the Service Level Requirements are described in the Registry Agreement and regularly tested via the ICANN's SLA monitoring system. The level of the registry operator support is relative to the Type of managed TLDs and should not be included as a criteria for a pre-approval. As we mentioned above the same rules and conditions should be applicable to all of the RSPs.
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.4: The RSP pre-approval process should be a voluntary program and the existence of the process will not preclude an applicant from providing its own registry services or providing registry services to other New gTLD Registry Operators.	We are supporting this WG outcome (see also our comments under 2.2.6.c.2 above)
2.2.6: Accreditation Programs (WT1)	Preliminary Recommendation	2.2.6.c.5: The RSP pre-approval process should be funded by those seeking pre-approval on a cost-recovery basis.	Agree, but the entry fee should be reasonable low not to limit competion.
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.1: Should the pre-approval process take into consideration the number and type of TLDs that an RSP intends to support? Why or why not?	No, it should not be taken into consideration as a RSP can not intend which and how many applicants it will support.

2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.2: If so, how would the process take that into consideration? What if the number of applications submitted during the TLD application round exceed the number of TLDs for which the RSP indicated it could support?	See 2.2.6.e.1 above
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.3: Should RSPs that are pre-approved be required to be periodically reassessed? If so, how would such a process work and how often should such a reassessment be conducted?	The status of a pre-approved RSP should be for a certain period of time (e.g. 4 years). Reassessment can be requested at any time if an RSP performance is too close to the limits of the expected levels in any of the parameters being measured in the SLA (Specification 10 of the Registry Agreement). The status should be revoked if an RSP fail to meet up-time targets in any of the five critical functions described in the Emergency Thresholds matrix (Specification 10 of the Registry Agreement). The status should be automatically renewed after the period expires if the RSP was operating the TLD(s) without any breach during the period.
2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.4: If RSPs that go through the pre-approval process are required to go through a reassessment process, should RSPs/applicants that do not take part in the pre-approval program (e.g., providing registry services for its own registry or other registries) also be required to go through the reassessment process? Do you feel it will lead to inconsistent treatment of RSPs otherwise?	In our understanding an reassessment of not pre-approved RSPs doesn't make any sense, as the reassessment only regards the pre-approval status and not the general capability to service as an RSP.

2.2.6: Accreditation Programs (WT1)	Question	2.2.6.e.5: Existing RSPs: Should existing RSPs be automatically deemed "pre-approved"? Why or why not? If not automatically pre-approved, should existing RSPs have a different process when seeking to become pre-approved? If so, what would the different process be? Are there any exceptions to the above? For example, should a history of failing to meet certain Service Levels be considered when seeking pre-approval? Please explain.	All RSPs should be treated equally as the next round does not necessarily have the same technical requirements and SLAs
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.3: Program Information, Education and Outreach: Publish all program information on the main icann.org website (as opposed to https://newgtlds.icann.org), along with other related ICANN information and links to improve usability and accessibility.	It will be useful if ICANN organizes couple of webinars explaining how to apply, to navigate the applicants through the application questions and provide links to all the necessary sources. Mailing lists for each category of TLDs also can be created, where people can discuss issues and share experience.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.4: Program Information, Education and Outreach: Leverage Global Stakeholder Engagement staff to facilitate interaction between regional ICANN organization teams and potential applicants from these regions.	Not needed.

2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.5: Communications with Applicants: Provide a robust online knowledge base of program information that is easy to search and navigate, updated in a timely manner, and focused on issues with wide-reaching impact. Offer an opt-in notification service that allows applicants to receive updates about the program and their application in real or near real time.	Yes, this could be useful.
2.4.2: Communications (WT1)	Preliminary Recommendation	2.4.2.c.7: Communications with Applicants: Facilitate communication between applicants and the ICANN organization by offering real-time customer support using a telephone "help line," online chat functionality, and other online communication tools.	Yes, this could be useful.

2.4.2: Communications (WT1)	Question	2.4.2.e.3: If ICANN were to launch new application windows in regular, predictable windows, would a communications period prior to the launch of each window be necessary? If so, would each communications period need to be the same length? Or if the application windows are truly predictable, could those communication periods be shorter for the subsequent windows?	Four (4) months communications period prior to the launch of the first window and three (3) months communication periods for the subsequent windows would be acceptable.
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.1: The ICANN organization should ensure that enough time is provided for development and testing before any system is deployed.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.2: Systems should undergo extensive, robust Quality Assurance (QA), User Interface (UI), and Penetration testing to ensure that they are stable and secure, and that data is properly protected and kept confidential where appropriate.	Agree
2.4.3: Systems (WT1)	Preliminary Recommen	2.4.3.c.3: Applicant-facing systems should be usable and integrated, ideally with a single login.	Agree, if the applications could be bundled the systems could work with single login but multiple TLDs under the same account.

2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.4: Once a system is in use, the ICANN organization should be transparent about any system changes that impact applicants or the application process. In the event of any security breach, ICANN should immediately notify all impacted parties.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.6: As stated in section 2.4.1 above, "Any Agreements/Terms of Use for systems access (including those required to be "clicked-through") should be finalized in advance and included in the Applicant Guidebook with the goal of minimizing obstacles and/or legal burdens on applicants.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.7: Implementation Guidance regarding technical systems: Applicants should be able to enter non-ASCII characters in certain	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.8: Implementation Guidance regarding technical systems: Applicants should be able to access live (real time) support using tools such as a phone helpline or online chat to address technical system issues.	Agree

2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.9: Implementation Guidance regarding technical systems: A single applicant should be able to submit and access multiple applications without duplicative data entry and multiple logins.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.10: Implementation Guidance regarding technical systems: Applicants should be able to receive automated confirmation emails from the systems.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.11: Implementation Guidance regarding technical systems: Applicants should be able to receive automated application fee related invoices.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.12: Implementation Guidance regarding technical systems: Applicants should be able to view changes that have been made to an application in the	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.13: Implementation Guidance regarding technical systems: Applicants should be able to upload application documents in the application system.	Agree

2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.14: Implementation Guidance regarding technical systems: Applicants should be able to update information/documentation in multiple fields without having to copy and paste information into the	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.15: Implementation Guidance regarding technical systems: Applicants should be able to specify additional contacts to receive communication about the application and/or access the application and be able to specify different levels of access for these additional points of contact. The systems should provide means for portfolio applicants to provide answers to questions and then have them disseminated across all applications being supported.	Agree
2.4.3: Systems (WT1)	Preliminary Recommendation	2.4.3.c.16: Implementation Guidance regarding technical systems: The systems should provide clearly defined contacts within the ICANN organization for particular types of questions.	Agree

2.5.1: Variable Fees (WT1)	Question	2.5.2.d.2: Should there be any exception to the rule that all applicants pay the same application fee regardless of the type of application? What exceptions might apply? Why or why not?	There should be different prices for different types of applications. If the application is from the Brand category (Specification 13), the application fee should be reduced because evaluation of Q45-50 is not applicable. But there should be clear rules that the purpose of the TLD can not be changed (e.g. to be for open registration) to avoid „gaming". (See 2.7.2.e.2)
2.5.1: Variable Fees (WT1)	Question	2.5.2.d.3: If different types of applications result in different costs, what value (e.g., amount, percentage, other) would justify having different fees? How could we seek to prevent gaming of the different costs?	The rules of the categories should be strictly defined, switching from one to another type of TLDs should be an exemption. (See 2.5.2.d.2 and 2.7.2.e.2)
2.5.3: Application Submission Period (WT1)	Question	2.5.3.e.1: For the next round, is having the applicant submission period set at three (3) months sufficient?	No, we do not believe that three (3) months is sufficient. Some of the required documents need a significant amount of time to be acquired and if it is necessary to be resubmitted during the application window three months could not be enough. Five (5) months submission period is sufficient if an 8 months prior announcement is made.
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.6: How can we improve the learning curve – what ideas are there beyond mentorship?	Creating mailing lists and webinars could be useful.
2.5.4: Applicant Support (WT1)	Question	2.5.4.e.9: Should there be a dedicated round for applicants from developing countries?	Only if applications just from the category geographic TLDs can be submitted during this specific round.

2.6.1: Application Queuing (WT2)	Question	2.6.1.e.2: In subsequent procedures, should IDNs and/or other types of strings receive priority in processing? Is there evidence that prioritization of IDN applications met stated goals in the 2012 round (served the public interest and increased DNS diversity, accessibility	No, prioritization of IDN applications is not necessary.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.1: The base Registry Agreement allows registry operators to voluntarily reserve (and activate) up to 100 strings at the second level which the registry deems necessary for the operation or the promotion of the TLD. Should this number of names be increased or decreased? Please explain. Are there any circumstances in which exceptions to limits should be approved? Please explain.	100 strings are reasonable and sufficient.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3: In addition to the reservation of up to 100 domains at the second level, registry operators were allowed to reserve an unlimited amount of second level domain names and release those names at their discretion provided that they released those names through ICANN-accredited	

2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.1: Should there be any limit to the number of names reserved by a registry operator? Why or why not?	There should be a limit of no more than 5000 reserved names (including their IDN variants) to avoid circumvents of the requirements from the Registry Code of Conduct set forth in Specification 9 of the Registry agreement as well as section 2.9 of the Registry agreement. We have seen Registries with hundred thousands of reserved names in the first round. Such names are also excluded from the Sunrise period, which contradicts its intention.The premium lists should not be used to speculate with the price and the owner.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.2: Should the answer to the above question be dependent on the type of TLD for which the names are reserved (e.g., .Brand TLD, geographic TLD, community-based TLD and/or open)? Please explain.	No, the limit should be the same for all the TLD types.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.3: During the 2012 round, there was no requirement to implement a Sunrise process for second-level domain names removed from a reserved names list and released by a registry operator if the release occurred after the general Sunrise period for the TLD. Should there be a requirement to implement a Sunrise for names released from the reserved names list regardless of when those names are released? Please explain.	Yes sure! After releasing names from a reserved names list they should pass a Sunrise period for at least 90 days. The trademark holders should of course have the opportunity to register the domain names corresponding to their brands before names are generally available to the public, as it would have happend if teh names haven't been on the reserved names list.

| 2.7.2: Registrant Protections (WT2) | Question | 2.7.2.e.2: Should specific types of TLDs be exempt from certain registrant protections? If yes, which ones should be exempt? Should exemptions extend to TLDs under Specification 9, which have a single registrant? TLDs under Specification 13, for which registrants are limited to the registry operator, affiliates, and trademark licensees? If you believe exemptions should apply, under what conditions and why? If not, why not? | Yes, TLDs under Specifications 9 and 13 should be exempt from EBERO and COI. The purpose of creating COI, on the first hand, is to protect consumers, but finally it causes unreasonable burden for the applicants and especially for the .brand applicants. Having in mind the fact, that all registrations in the TLDs under Spec 13 are closed, no risk for the public interest occurs. And if the Registration Policy for the .brand Registry Operators stays locked for changes (from closed to open registrations) as it is now according to Spec 13, the COI and respectively one of the COI instruments- Letter of Credit are irrelevant requirements. Acquiring Letter of Credit from the corresponding authorities causes significant inconvenience for the .brand applicants and the businesses they represent, that it could be a showstopper for the future corporate applicants. |

2.7.5: IDNs (WT4)	Question	2.7.5.e.2: Should the policy of bundling second-level domains across variant TLDs be unified for all future new gTLDs or could it be TLD-specific? If unified, should it be prescribed in the Working Group final report or chosen at implementation? If TLD-specific, could it be any policy that adequately protects registrants, or would it need to be chosen from a menu of possible bundling implementations? Currently known bundling strategies include PIR's .ong/.ngo, Chinese Domain Name Consortium guidance and Latin-script supporting ccTLDs such as .br and .ca.	Bundling second-level domains across variant TLDs should be unified for all future new gTLDs. Once domain name is effectively allocated all its variants should be blocked, the activation of the variants should be up to the registrants. This leads to more consumer protection and limited confusion.
2.7.6: Security and Stability (WT4)	Question	2.7.6.e.2: The SSAC strongly discourages allowing emoji in domain names at any level and the Work Track is supportive of this position. Do you have any views on this issue?	We fully support SSAC position about NOT allowing emoji in domain names at any level.

2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.2: If it is recommended that a registry only be evaluated once despite submitting multiple applications, what are some potential drawbacks of consolidating those evaluations? How can those issues be mitigated?	We believe that there will be no drawbacks. As we have experienced from the previous round, multiple TLD applications provided absolutely similar answers on some questions.
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.4: Some in the Work Track have suggested that ICANN provide a list of persons or entities that could assist applicants in establishing a proposed business model. Should ICANN be allowed or even required to maintain such a	No, strongly disagree. It is not ICANN's purpose to promote individuals or entities products or services to applicants or anybody. This would lead to limited competition and less applicant choice. It is up to the single applicant to search assistance especially for developing a business model.
2.12.3: Contractual Compliance (WT2)	Question	2.12.3.e.2: A concern was raised in the CC2 comment from INTA about operational practices, specifically, "arbitrary and abusive pricing for premium domains targeting trademarks; use of reserved names to circumvent Sunrise; and operating launch programs that differed materially from what was approved by ICANN." What evidence is there to support this assertion? If this was happening, what are some proposed mechanisms for addressing these issues? How will the proposed mechanisms effectively address these issues?	We can confirm from own experience with clients having a TMCH record in the first round and wanted to use SR for registration that in a relevant amount of cases the TM (not generic nor extremely short) have been part of reserved names list and by this have been excluded from the SR period. Therefore regulations for domain names matching a mark recorded in the TMCH and are part of premium list must be found. We suggest not allowing non-generic terms which have a TMCH record to be part of a reserved name list and in case generic terms which have a record in the TMCH to release them under auction. On top of this we strongly recommend a limit of the allowed number of reserved names. (see our answer 2.7.1.e.3.1)