Your name:

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| **Issue** | **Applicable text (please quote directly)** | **Number and name of applicable report section** | **Cannot live with rationale** | **Proposed changes (taking into account whether others would be able to live with them)** |
|  | Clarification on when the ‘application fee floor’ can be used. |  | It’s not a cannot live with issue, but rather one of clarity: In reading the whole section it is unclear to me whether the ‘application fee floor’ can be used in the next Subsequent Procedure or only in rounds that follow. I don’t recall the intent so have not suggested any language, but I do believe this is something that should be an explicit recommendation particularly if the intent is that an application fee floor not be used in the intial Subsequent Procedure. |  |
|  | Implementation Guidance xx (rationale 3): A reassessment should take place prior to each application round to estimate the application fee that would be necessary to achieve cost recovery. In the event that the estimated application fee, based on the revenue neutral principle, falls below a predetermined threshold amount (i.e., the application fee floor), the actual application fee should be set at that higher application fee floor instead.  | 2.5.1 Application Fees & 2.5.2 Variable Fees | This section would benefit from Implementation Guidance that requires ICANN to be transparent in how they arrived at the Application Fee amount for the Subsequent Procedure and all rounds that follow. Particularly when a value has been determined for an application fee floor. One of the challenges we experienced in discussion the application fee for 2012 was the lack of information available on how the fee was determined. | Implementation Guidance: The development of the Application Fee should be fully transparent with all cost assumptions explained and documented. |
|  | Implementation Guidance xx (rationale 4): In the event that an application fee floor is used in determining the overall application fee, excess fees received by ICANN should be used to benefit one or more of the following elements of the New gTLD Program: |  | The work ‘should’ allows for ICANN discretion in the use of excess funds, I would prefer that this is not discretionary and as such prefer the use of the word ‘must’. | Implementation Guidance xx (rationale 4): In the event that an application fee floor is used in determining the overall application fee, excess fees received by ICANN must be used to benefit one or more of the following elements of the New gTLD Program: |
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