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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)
1.	Applications must be submitted with a bona fide (“good faith”) intention to operate the gTLD. Applicants must affirmatively attest to a bona fide use clause for any and all applications that they submit.	2.1 Auctions Recommendation xx (Rationale 2) ~pg 2 Also in the Rationale for Recommendation xx and xx (Rationale 2), ~pg 7, and c. New Issues raised, ~pg 8	Query: The first sentence refers to “bona fide”intention to operate the gTLD while in the next sentence refers to “bona fide use”. We have proceeded to try to describe what “bona fide” is not but have we been defined what “use” is? In the TLD Rollout section, didn’t we say that we don’t have an agreed definition of “use”?	Refrain from utilizing the term “use” and keep to the term “intent”?
2.	The non-exhaustive list of “Factors” may include, but are not limited to: <ul style="list-style-type: none"> If an applicant is awarded a top-level domain and sells the TLD (separate and apart from a sale of all or 	2.1 Auctions Recommendation xx (Rationale 2) ~pg 2	<ul style="list-style-type: none"> An attempt to sell just the TLD is a better and more timely identifier of intention since “sells” implies an after-the-fact event. We should try to “catch”an intention as early as possible. Are we not asking the community for input on applicable penalty in the event of absence of bona fide intent i.e. where there are no other credible explanations for the existence of listed factors, and if not, why not? 	<ul style="list-style-type: none"> If an applicant is awarded a top-level domain and <u>attempts to sell</u> the TLD (separate and apart from a sale of all or substantially all of its non-TLD related assets) within (1) year, this may be a factor considered by ICANN in determining non-good faith intent for that applicant.

	substantially all of its non-TLD related assets) within (1) year, this may be a factor considered by ICANN in determining non-good faith intent for that applicant.			Please include a request for input on penalty for identified occurrence of “no bona fide intent”.
3.	<ul style="list-style-type: none"> To the extent any contention sets are shrunk, by having other applications removed from the process (e.g., withdrawal, losing objections, failing evaluation, etc.), applicants will NOT be allowed to adjust their sealed bids. However, in the event of a partial 	2.1 Auctions Recommendation xx (Rationale 3); 2 nd sub-bullet to the 4 th bullet; ~pg 3	<ul style="list-style-type: none"> An attempt to account for possibility of CPE limiting only Community-based applications which prevailed which can proceed to an auction. Just avoiding use of the phrase “existing <u>members</u> of the contention set” and making it clear that each of the other existing applications may submit a new bid. (word-smithing) 	To the extent any contention sets are shrunk, by having other applications removed from the process (e.g., withdrawal, losing objections, failing evaluation, <u>Community Priority Evaluation identifying only Community-based Applications which prevailed</u> , etc.), applicants will NOT be allowed to adjust their sealed bids. However, in the event of a partial resolution of a contention set through the formation of a business combination or joint venture and the corresponding withdrawal of one or more Applications, the remaining Application AND <u>each of the other existing applications in members of the contention set</u> will be allowed, but are not required, to submit a new Last Resort Sealed Bid.

	<p>resolution of a contention set through the formation of a business combination or joint venture and the corresponding withdrawal of one or more Applications, the remaining Application AND existing members of the contention set will be allowed, but are not required, to submit a new Last Resort Sealed Bid.</p>			
4.	<ul style="list-style-type: none"> • Auctions of last resort shall only take place after all other evaluation procedures, objections, etc., <ul style="list-style-type: none"> ○ 	<p>2.1 Auctions Recommendation xx (Rationale 3); 5th bullet, bottom of pg 3</p>	<ul style="list-style-type: none"> • A time limit for payment needs to be mentioned • Query: Is there a reason why we have not specified what would happen if an applicant which succeeded in an auction does not pay within the 	<ul style="list-style-type: none"> ○ Once payment is received <u>within the specified time period</u>, the applicant may proceed to the Transition to Delegation. ○ <u>Non-payment within the specified time period will result in disqualification of the applicant.</u>

	<ul style="list-style-type: none"> ○ Once payment is received, the applicant may proceed to the Transition to Delegation 		specified time period? Consequence suggested.	
5.	<ul style="list-style-type: none"> ○ The beneficiary(ies) of the proceeds of the bidding process and the respective distribution amounts; and The value of the Applicant Support bidding credits or multiplier used, if applicable 	2.1 Auctions Recommendation xx (Rationale 4), <u>For Private Auction or Bidding Process / ICANN Auction</u> , last bullet, ~pg 4	Formatting query – “The value of the Applicant Support bidding credits or multiplier used, if applicable” should be bulleted ?	<ul style="list-style-type: none"> ○ The beneficiary(ies) of the proceeds of the bidding process and the respective distribution amounts; and ○ The value of the Applicant Support bidding credits or multiplier used, if applicable
6.	<ul style="list-style-type: none"> • Except as otherwise set forth in the transparency requirements above, no 	2.1 Auctions Recommendation xx (Rationale 4), <u>Protections for Disclosing</u>	Use of “a standard TLD application” – in the AGB “standard application” is specifically distinguished from “community-based application”, so we don’t mean to exclude	Perhaps replace “standard” with “regular”?

	<p>participant in any private resolution process shall be required to disclose any proprietary information such as trade secrets, business plans, financial records, or personal information of officers and directors unless such information is otherwise required as part of a standard TLD application.</p>	<p><u>Applicants</u>, 1st bullet, ~pg 5</p>	<p>any community-based applications from transparency requirements.</p>	
7.	<ul style="list-style-type: none"> The information obtained from the contention resolution process may not be used by ICANN for any purpose other than as necessary to evaluate the application, evaluate the New gTLD Program, or 	<p>2.1 Auctions Recommendation xx (Rationale 4), <u>Protections for Disclosing Applicants</u>, 2nd bullet, ~pg 5</p>	<p>Word missing?</p>	<p>.. or to otherwise comply with <u>applicable</u> law.</p>

	to otherwise comply with law.			
8.	The Working Group discussed a number of possible alternatives to auctions of last resort for resolving contention , as detailed in the Supplemental Initial Report.....Therefore, the Working Group affirms the use of auctions as a method of last resort to resolve contention , though per Recommendation xx (Rationale 4), the mechanism for conducting those auctions shall be different.	2.1 Auctions Rationale for Affirmation xx (Rationale 1), 2 nd para, ~pg 5	Please add the word "sets"	... for resolving contention <u>sets</u> , as to resolved contention <u>sets</u> , though