**Comments by TLDDOT GmbH (.GmbH)**

Bethink of the Global Public Interest

When it comes to a batching procedure ICANN needs to bethink on its mission, core values and the global public interest and not fall for the portfolio applicants line.

It is highly inconsistent to value all applications the same through the batching/sequencing process. ICANN has already valued Geographical Names, Communities (except of strings which have been applied for to use as brand or company name) and IDNs differently by attributing a higher weight to them than Standard gTLDs, giving them special categories within the Applicant Guidebook, while also adding restrictions and other requirements to them. This valuation has been agreed upon by a multi-stakeholder consensus within the global Internet Community and cannot been annulled by portfolio latest sequencing ideas. The goals were to give Internet users more choice, support their language and to protect communities’ of high semantic meaning on the Internet. The achievements of the new gTLD program will be also measured against these goals.

Sequencing all gTLD applications in the same manner would compromise these achievements and differences by valuing generic gTLDs such as .BET, .CLICK or .CASINO in the same way as supported public interest gTLDs such as .PARIS, .IEEE or .ORG in Chinese characters.

It is unfair to single applicants, especially the ones without a portfolio of gTLD strings to swap slots (rich applicants pay poor applicants to step back towards a later evaluation/approval date). This mechanism favors the interest of portfolio applicants, who have a greater chance of gaining advantage from this mechanism on average than single applicants. This would compromise what ICANN should represent, especially if it does not take diversity into consideration or take smaller single applicants more seriously or into account. We are strictly against any mechanism which involves money for swapping slots.

Withholding applications for Geographical Name, Community and IDN gTLDs until all other applications have been processed might appear to some stakeholders that ICANN does not work in the global public interest, an important and critical part of its mission. The Geographical Name, Community and IDN gTLDs are mostly supported by governments and large communities and are truly in the global public interest.

In order to follow ICANN’s request to answer specific questions we would like to comment as follows:

***Should the metering or smoothing consider releasing evaluation results, and transitioning applications into the contract execution and pre-delegation testing phases, at different times?***

No, since according to the timeline all applications will be released in May/June 2013, which is app. one month after the GAC Advice, we do not see the necessity to establish a new process.

***How can applications be allocated to particular release times in a fair and equitable way?***

A fair and equitable way would be to delegate applications in an order that serves the public interest. Such an order should prioritize uncontested applications that have a special public interest status such as a) Geographical Name, b) Community or c) IDN (all together only 242 gTLDs). The sequencing for delegation should follow a round-robin process per ICANN region.

An advantage of processing these categories first is that the adherent direct contention sets (at least 107 applications = 1 Geographical Name, 1 IDN, 105 community) are likely to be solved early in the process.

As a second step an ICANN region based round-robin should be conducted with uncontested applications from single applicants and portfolio applicants who can choose one string as their preferred one, assuming this string has neither objections nor contention.

The round-robin will be continued as long as necessary. Applications in extended evaluation, objection, contention and with GAC interaction will be added to the round-robin pool as soon as their objection and/or contention has been completed.

***Would this approach provide sufficient smoothing of the delegation rate?***

Our described approach would not only serve the public interest and take the interests of all applicants into respect, it would also allow creating new gTLD success stories for ICANN. Such events are needed to reinforce public interest, trust and reliability in ICANN and are according to ICANN’s mission.

***Should the metering or smoothing be accomplished by downstream metering of application processing (i.e., in the contract execution, pre-delegation testing or delegation phases)?***

This is a question of facilitating efficiencies in the applications process. The RySG/NTAG group provided guidance on the efficiencies issue which we do not want to echo in detail here. However, with the proposed public interest prioritization and followed by a round-robin method we do not expect any further necessity to downstream delegation rates.

Keeping the said above in mind all applicants should be asked if they want to “opt out” with the consequence of being initially evaluated at a later stage. This could significantly decrease the number of applications to be reviewed ASAP.

***How can applications be allocated to a particular timing in contract execution, pre-delegation testing, or delegation in a fair and equitable way?***

ICANN should forward applications in the “transition to delegation” status as soon as possible after they have been reviewed successfully in order to facilitate a smooth introduction of new TLDs into the root.

***Provide reasoning for selecting this approach.***

Implementing any further mechanisms simply does not make sense to us.

***Include a statement describing the level of importance that the order of evaluation and delegation has for your application.***

Most Community-based gTLD strings are very well accepted and popular new gTLD strings, this is common opinion within the ICANN community including GAC. In terms of business planning an early approval of Community-based gTLD strings is likely to contribute to a maximum economical and political success of the New gTLD program and ICANN’s reputation as well.