

Summary of Changes to Applicant Guidebook

Showing changes from version 2012-01-11 to 2012-06-04

Section	Topic	Change to Text	Rationale and Comments
<i>Attachment to Module 2: Evaluation Questions and Criteria</i>			
22	Protection of Geographic Names	<p>Applicants should consider and describe how they will incorporate Governmental Advisory Committee (GAC) advice in their management of second-level domain name registrations. See “Principles regarding New gTLDs” at https://gacweb.icann.org/display/GACADV/New+gTLDs https://gacweb.icann.org/display/gacweb/New+gTLDs .</p> <p>For reference, applicants may draw on existing methodology developed for the reservation and release of country names in the .INFO top-level domain. See the Dot Info Circular at https://gacweb.icann.org/display/GACADV/New+gTLDs https://gacweb.icann.org/display/gacweb/New+gTLDs.</p> <p>Proposed measures will be posted for public comment as part of the application. However, note that procedures for release of geographic names at the second level must be separately approved according to Specification 5 of the Registry Agreement. That is, approval of a gTLD application does not constitute approval for release of any geographic names under the Registry Agreement. Such approval must be granted separately by ICANN.</p>	Link references are updated.
<i>Module 3</i>			
3.1	GAC Advice on New gTLDs	ICANN’s Governmental Advisory Committee was formed to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues.	Updated for consistency with the formulation of GAC advice, as detailed at https://gacweb.icann.org/download/attachments/4816912/Communique+Dakar+-+27+October+2011.pdf?version=1&modificationDate=1319796551000 .

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		<p>The process for GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.</p> <p>GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors.</p> <p>The GAC can provide advice on any application. For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period (see Module 1).</p> <p>GAC Advice may take one of the following forms:</p> <p>I. The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved. The ICANN Board is also expected to provide a rationale for its decision if it does not follow the GAC Advice.</p> <p>II. The GAC advises ICANN that there are concerns about a particular application “dot-example.” The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision.</p>	

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		<p>III. The GAC advises ICANN that an application should not proceed unless remediated. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook (such as securing the approval of one or more governments), that is implemented by the applicant. If the issue identified by the GAC is not remediated, the ICANN Board is also expected to provide a rationale for its decision if the Board does not follow GAC advice.</p> <p>Where GAC Advice on New gTLDs is received by the Board concerning an application, ICANN will publish the Advice and endeavor to notify the relevant applicant(s) promptly. The applicant will have a period of 21 calendar days from the publication date in which to submit a response to the ICANN Board.</p> <p>ICANN will consider the GAC Advice on New gTLDs as soon as practicable. The Board may consult with independent experts, such as those designated to hear objections in the New gTLD Dispute Resolution Procedure, in cases where the issues raised in the GAC advice are pertinent to one of the subject matter areas of the objection procedures. The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).</p>	

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3.3	Filing Procedures	<p>The information included in this section provides a summary of procedures for filing:</p> <ul style="list-style-type: none"> • Objections; and • Responses to objections. <p>For a comprehensive statement of filing requirements applicable generally, refer to the New gTLD Dispute Resolution Procedure (“Procedure”) included as an attachment to this module. In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail.</p> <p>Note that the rules and procedures of each DRSP specific to each objection ground must also be followed. See <u>http://newgtlds.icann.org/en/program-status/objection-dispute-resolution</u> for the applicable rules.</p> <ul style="list-style-type: none"> • For a String Confusion Objection, the applicable DRSP Rules are the ICDR Supplementary Procedures for ICANN’s New gTLD Program. These rules are available in draft form and have been posted along with this module. • For a Legal Rights Objection, the applicable DRSP Rules are the WIPO Rules for New gTLD Dispute Resolution. These rules are available and have been posted along with this module. • For a Limited Public Interest Objection, the 	Updated to provide current reference to Dispute Resolution Service Provider rules.

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		<p style="color: red;">applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC)¹; as supplemented by the ICC as needed.</p> <ul style="list-style-type: none"> • For a Community Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC)², as supplemented by the ICC as needed. 	
Dispute Resolution Service Provider fees and rules			<p>Draft provider fees and rules are no longer included in Guidebook as page has been established for the Objection and Dispute Resolution processes and the current information is available at http://newgtlds.icann.org/en/program-status/objection-dispute-resolution.</p>
<i>Attachment to Module 5: Registry Agreement</i>			
Specific ation 3	Registry Functions Activity Report	<p>The first line shall include the field names exactly as described in the table above as a “header line” as described in section 2 of RFC 4180. The last line of each report shall include totals for each column across all registrars; the first field of this line shall read “Totals” while the second field shall be left empty in that line. No other lines besides the ones described above shall be included. Line breaks shall be <U+000D, U+000A> as described in RFC 4180.</p>	<p>Removed total line for registrars as this report relates to registry functions.</p>
<i>Attachment to Module 5: Trademark Clearinghouse</i>			

¹ See <http://www.iccwbo.org/court/expertise/id4379/index.html>

² *Ibid.*

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6.1	Trademark Claims Service	<p>6.1.5 The Trademark Clearinghouse Database will be structured to report to registries when registrants are attempting to register a domain name that is considered <u>an “Identical Match” with the mark in the Clearinghouse.</u> <u>“Identical Match” means that the domain name consists of the complete and identical textual elements of the mark. In this regard: (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) only certain special characters contained within a trademark are spelled out with appropriate words describing it (@ and &); (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name may either be (i) omitted or (ii) replaced by spaces, hyphens or underscores and still be considered identical matches; and (d) no plural and no “marks contained” would qualify for inclusion.</u>Identical Match” with the mark in the Clearinghouse. “Identical Match” means that the domain name consists of the complete and identical textual elements of the mark. In this regard: (a) spaces contained within a mark that are either replaced by hyphens (and vice versa)</p>	Updated to correct copy/paste error in sentence order.