

Summary of Changes to Applicant Guidebook

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Section	Topic	Change to Text	Rationale and Comments
<i>Module 1</i>			
1.1.2.4	GAC Early Warning	<p>Concurrent with the 60-day comment period, ICANN’s Governmental Advisory Committee (GAC) may issue a GAC Early Warning notice concerning an application. This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments.</p> <p>The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs (see subsection 1.1.2.7) or of a formal objection (see subsection 1.1.2.6) at a later stage in the process.</p> <p>A GAC Early Warning typically results from a notice to the GAC by one or more governments that an application might be problematic, e.g., potentially violate national law or raise sensitivities. A GAC Early Warning may be issued for any reason.¹ The GAC may then send that notice to the Board – constituting the GAC Early Warning. ICANN will notify applicants of GAC Early Warnings as soon as practicable after receipt from the GAC. The GAC</p>	<p>Added clarification to specify that delivery refers to the date the GAC Early Warning notice is delivered to the applicant.</p>

¹ While definitive guidance has not been issued, the GAC has indicated that strings that could raise sensitivities include those that "purport to represent or that embody a particular group of people or interests based on historical, cultural, or social components of identity, such as nationality, race or ethnicity, religion, belief, culture or particular social origin or group, political opinion, membership of a national minority, disability, age, and/or a language or linguistic group (non-exhaustive)" and "those strings that refer to particular sectors, such as those subject to national regulation (such as .bank, .pharmacy) or those that describe or are targeted to a population or industry that is vulnerable to online fraud or abuse."

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		<p>Early Warning notice may include a nominated point of contact for further information.</p> <p>GAC consensus is not required for a GAC Early Warning to be issued. Minimally, the GAC Early Warning must be provided in writing to the ICANN Board, and be clearly labeled as a GAC Early Warning. This may take the form of an email from the GAC Chair to the ICANN Board. For GAC Early Warnings to be most effective, they should include the reason for the warning and identify the objecting countries.</p> <p>Upon receipt of a GAC Early Warning, the applicant may elect to withdraw the application for a partial refund (see subsection 1.5.1), or may elect to continue with the application (this may include meeting with representatives from the relevant government(s) to try to address the concern). To qualify for the refund described in subsection 1.5.1, the applicant must provide notification to ICANN of its election to withdraw the application within 21 calendar days of the <u>date of</u> GAC Early Warning delivery <u>to the applicant</u>.</p> <p>To reduce the possibility of a GAC Early Warning, all applicants are encouraged to identify potential sensitivities in advance of application submission, and to work with the relevant parties (including governments) beforehand to mitigate concerns related to the application.</p>	
1.1.2.5	Initial Evaluation	Initial Evaluation will begin immediately after the	Updated to provide additional detail on the batching

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		<p>administrative completeness check concludes. All complete applications will be reviewed during Initial Evaluation. At the beginning of this period, background screening on the applying entity and the individuals named in the application will be conducted. Applications must pass this step in conjunction with the Initial Evaluation reviews.</p> <p>There are two main elements of the Initial Evaluation:</p> <ol style="list-style-type: none"> 1. String reviews (concerning the applied-for gTLD string). String reviews include a determination that the applied-for gTLD string is not likely to cause security or stability problems in the DNS, including problems caused by similarity to existing TLDs or reserved names. 2. Applicant reviews (concerning the entity applying for the gTLD and its proposed registry services). Applicant reviews include a determination of whether the applicant has the requisite technical, operational, and financial capabilities to operate a registry. <p>By the conclusion of the Initial Evaluation period, ICANN will post notice of all Initial Evaluation results. Depending on the volume of applications received, such notices may be posted in batches over the course of the Initial Evaluation period.</p> <p>The Initial Evaluation is expected to be completed for all applications in a period of approximately 5 months. If the volume of applications received significantly exceeds 500,</p>	<p>process, based on Board resolution http://www.icann.org/en/minutes/resolutions-08dec11-en.htm#1.2.</p>

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		<p>applications will be processed in batches and the 5-month timeline will not be met. The first batch will be limited to 500 applications and subsequent batches will be limited to 400 to account for capacity limitations due to managing extended evaluation, string contention, and other processes associated with each previous batch.</p> <p>If batching is required, a <u>secondary time-stamp</u> process external to the application submission process will be employed to establish <u>the batches evaluation priority</u>. <u>(Batching priority will not be given to an application based on the time at which the application was submitted to ICANN, nor will batching priority be established based on a random selection method.)</u></p> <p><u>The secondary time-stamp process will require applicants to obtain a time-stamp through a designated process that will occur after the close of the application submission period. This process will be based on an online ticketing system or other objective criteria. The secondary time stamp process will occur, if required, according to the details to be published on ICANN's website. (Upon the Board's approval of a final designation of the operational details of the "secondary timestamp" batching process, the final plan will be added as a process within the Applicant Guidebook.)</u></p> <p>If batching is required, the String Similarity review will be completed on all applications prior to the establishment of evaluation priority batches. For applications identified as part of a contention set, the entire contention set will be</p>	

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		<p>kept together in the same batch.</p> <p>If batches are established, ICANN will post updated process information and an estimated timeline.</p> <p>Note that the processing constraints will limit delegation rates to a steady state even in the event of an extremely high volume of applications. The annual delegation rate will not exceed 1,000 per year in any case, no matter how many applications are received.²</p>	
1.1.2.7	Receipt of GAC Advice on New gTLDs	<p>The GAC may provide public policy advice directly to the ICANN Board on any application. The procedure for GAC Advice on New gTLDs described in Module 3 indicates that, to be considered by the Board during the evaluation process, the GAC Advice on New gTLDs must be submitted by the close of the objection filing period. A GAC Early Warning is not a prerequisite to use of the GAC Advice process.</p> <p>If the Board receives GAC Advice on New gTLDs stating that includes a consensus statement³ 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. from the GAC that an application should not proceed as</p>	<p>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.</p>

² See "Delegation Rate Scenarios for New gTLDs" at <http://icann.org/en/topics/new-gtlds/delegation-rate-scenarios-new-gtlds-06oct10-en.pdf> for additional discussion.

~~³ The GAC will clarify the basis on which consensus advice is developed.~~

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		<p>submitted (or other terms created by the GAC to express that intent), and that includes a thorough explanation of the public policy basis for such advice, will create a strong presumption for the Board that the application should not be approved. If the Board does not act in accordance with this type of advice, it must provide rationale for doing so.</p> <p>See Module 3 for additional detail on the procedures concerning GAC Advice on New gTLDs.</p>	
1.1.6	Subsequent Application Rounds	<p>ICANN’s goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed. The goal is for the next application round to begin within one year of the close of the application submission period for the initial round.</p> <p>ICANN has committed to reviewing the effects of the New gTLD Program on the operations of the root zone system after the first application round, and will defer the delegations in a second application round until it is determined that the delegations resulting from the first round did not jeopardize root zone system security or stability.</p> <p><u>It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term.</u></p>	Clarification in response to questions received. This is in accordance with the GNSO policy advice that “applications must initially be assessed in rounds until the scale of demand is clear.”
1.2.1	Eligibility	Established corporations, organizations, or institutions in good standing may apply for a new gTLD. Applications from	Updated to provide additional detail on steps that may be required of applicants during the background screening

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		<p>individuals or sole proprietorships will not be considered. Applications from or on behalf of yet-to-be-formed legal entities, or applications presupposing the future formation of a legal entity (for example, a pending Joint Venture) will not be considered.</p> <p>ICANN has designed the New gTLD Program with multiple stakeholder protection mechanisms. Background screening, features of the gTLD Registry Agreement, data and financial escrow mechanisms are all intended to provide registrant and user protections.</p> <p>The application form requires applicants to provide information on the legal establishment of the applying entity, as well as the identification of directors, officers, partners, and major shareholders of that entity. The names and positions of individuals included in the application will be published as part of the application; other information collected about the individuals will not be published.</p> <p>Background screening at both the entity level and the individual level will be conducted for all applications to confirm eligibility. This inquiry is conducted on the basis of the information provided in questions 1-11 of the application form. ICANN may take into account information received from any source if it is relevant to the criteria in this section. <u>If requested by ICANN, all applicants will be required to obtain and deliver to ICANN and ICANN's background screening vendor any consents or agreements of the entities and/or individuals named in questions 1-11 of the application form necessary to conduct background</u></p>	<p>process, based on discussions with potential service providers.</p>

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		<p><u>screening activities.</u></p> <p>ICANN will perform background screening in only two areas: (1) General business diligence and criminal history; and (2) History of cybersquatting behavior. The criteria used for criminal history are aligned with the “crimes of trust” standard sometimes used in the banking and finance industry.</p>	
1.2.2	Required Documents	<p>All applicants should be prepared to submit the following documents, which are required to accompany each application:</p> <ol style="list-style-type: none"> 1. Proof of legal establishment – Documentation of the applicant’s establishment as a specific type of entity in accordance with the applicable laws of its jurisdiction. 2. Financial statements – Applicants must provide audited or independently certified financial statements for the most recently completed fiscal year for the applicant. In some cases, unaudited financial statements may be provided. <p><u>As indicated in the relevant questions, s</u>Supporting documentation should be submitted in the original language. English translations are not required.</p> <p>All documents must be valid at the time of submission. Refer to the Evaluation Criteria, attached to Module 2, for additional details on the requirements for these documents.</p>	<p>Updated to indicate that clarification regarding which materials should be submitted in the original language and which must be submitted in English will be included as part of the application questions where this is relevant.</p>

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		<p>Some types of supporting documentation are required only in certain cases:</p> <ol style="list-style-type: none"> <li data-bbox="554 428 1260 740">1. Community endorsement – If an applicant has designated its application as community-based (see section 1.2.3), it will be asked to submit a written endorsement of its application by one or more established institutions representing the community it has named. An applicant may submit written endorsements from multiple institutions. If applicable, this will be submitted in the section of the application concerning the community-based designation. <p>At least one such endorsement is required for a complete application. The form and content of the endorsement are at the discretion of the party providing the endorsement; however, the letter must identify the applied-for gTLD string and the applying entity, include an express statement of support for the application, and supply the contact information of the entity providing the endorsement.</p> <p>Written endorsements from individuals need not be submitted with the application, but may be submitted in the application comment forum.</p> <ol style="list-style-type: none"> <li data-bbox="554 1247 1260 1382">2. Government support or non-objection – If an applicant has applied for a gTLD string that is a geographic name (as defined in this Guidebook), the applicant is required to submit documentation of support for or non- 	

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		<p>objection to its application from the relevant governments or public authorities. Refer to subsection 2.2.1.4 for more information on the requirements for geographic names. If applicable, this will be submitted in the geographic names section of the application.</p> <p>3. Documentation of third-party funding commitments – If an applicant lists funding from third parties in its application, it must provide evidence of commitment by the party committing the funds. If applicable, this will be submitted in the financial section of the application.</p>	
1.2.10	Resources for Applicant Assistance	<p>A variety of support resources are available to gTLD applicants. For example, ICANN is establishing a means for providing financial assistance will be available to a limited number of eligible applicants, through a process independent of this Guidebook.</p> <p><u>To request financial assistance, applicants must submit a separate financial assistance application in addition to the gTLD application form. To be eligible for consideration, all financial assistance applications must be received by 23:59 UTC 12 April 2012. Financial assistance applications will be evaluated and scored against pre-established criteria. Details and instructions for the financial assistance application process will be available on ICANN’s website.</u></p> <p>In addition, ICANN will maintain a webpage as an informational resource for applicants seeking assistance, and organizations offering support. More information will</p>	<p>Updated to provide additional detail concerning availability of financial assistance for qualified applicants, in accordance with Board resolution http://www.icann.org/en/minutes/resolutions-08dec11-en.htm#1.1.</p>

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		<p>be available on ICANN's website at http://www.icann.org/en/topics/new_gtld_program.htm.⁴ See http://newgtlds.icann.org/applicants/candidate-support for details on these resources.</p>	
1.3.2	IDN Tables	No text changes	Updated link in footnote 10.
1.4	Submitting an Application	<p>Applicants may complete the application form and submit supporting documents using ICANN's TLD Application System (TAS). To access the system, each applicant must first register as a TAS user.</p> <p>As TAS users, applicants will be able to provide responses in open text boxes and submit required supporting documents as attachments. Restrictions on the size of attachments as well as the file formats are included in the instructions on the TAS site.</p> <p><u>Except where expressly provided within the question, all application materials must be submitted in English.</u></p> <p>ICANN will not accept application forms or supporting materials submitted through other means than TAS (that is, hard copy, fax, email), unless such submission is in accordance with specific instructions from ICANN to applicants.</p>	Updated to provide clarification regarding the general requirement for application materials to be submitted in English, except where indicated in the relevant application questions.
1.5.1	gTLD Evaluation	The gTLD evaluation fee is required from all applicants. This	Fees for Community Priority Evaluation are in the form of a

⁴~~The Joint SO/AC New gTLD Applicant Support Working Group is currently developing recommendations for support resources that may be available to gTLD applicants. Information on these resources will be published on the ICANN website once identified.~~

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	Fee	<p>fee is in the amount of USD 185,000. The evaluation fee is payable in the form of a 5,000 deposit submitted at the time the user requests an application slot within TAS, and a payment of the remaining 180,000 submitted with the full application. ICANN will not begin its evaluation of an application unless it has received the full gTLD evaluation fee by 23:59 UTC 12 April 2012.</p> <p>The gTLD evaluation fee is set to recover costs associated with the new gTLD program. The fee is set to ensure that the program is fully funded and revenue neutral and is not subsidized by existing contributions from ICANN funding sources, including generic TLD registries and registrars, ccTLD contributions and RIR contributions.</p> <p>The gTLD evaluation fee covers all required reviews in Initial Evaluation and, in most cases, any required reviews in Extended Evaluation. If an extended Registry Services review takes place, an additional fee will be incurred for this review (see section 1.5.2). There is no additional fee to the applicant for Extended Evaluation for geographic names, technical and operational, or financial reviews. The evaluation fee also covers community priority evaluation fees in cases where the applicant achieves a passing score.</p>	<p>deposit, which is refunded if the applicant receives a passing score in the Community Priority Evaluation. Based on questions received, reference to the deposit as part of the gTLD evaluation fee seemed to cause confusion and this reference was removed.</p>
1.5.1	Refunds	<p>An applicant that wishes to withdraw an application must initiate the process through TAS and submit the required form to request a refund, including agreement to the terms and conditions for withdrawal. <u>Withdrawal of an application is final and irrevocable.</u> Refunds will only be issued to the organization that submitted the original payment. All refunds are paid by wire transfer. Any bank</p>	<p>This section is updated to provide clarity to applicants on the provisions relevant to withdrawal of an application.</p>

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		transfer or transaction fees incurred by ICANN, <u>or any unpaid evaluation fees</u> , will be deducted from the amount paid. <u>Any refund paid will be in full satisfaction of ICANN's obligations to the applicant. The applicant will have no entitlement to any additional amounts, including for interest or currency exchange rate changes.</u>	
<i>Module 2</i>			
2.2.1.3.2	String Requirements (Requirements for Internationalized Domain Names)	<p>2.1 The label must be an A-label as defined in IDNA, converted from (and convertible to) a U-label that is consistent with the definition in IDNA, and further restricted by the following, non-exhaustive, list of limitations:</p> <p>2.1.1 Must be a valid A-label according to IDNA.</p> <p>2.1.2 The derived property value of all codepoints used in the U-label, as defined by IDNA, must be PVALID or CONTEXT (accompanied by unambiguous contextual rules).⁵</p> <p>2.1.3 The general category of all codepoints, as defined by IDNA, must be one of (Li, Lo, Lm, Mn, <u>Mc</u>).</p> <p>2.1.4 The U-label must be fully compliant with Normalization Form C, as described in <i>Unicode Standard Annex #15: Unicode Normalization Forms</i>.</p>	<p>The text of 2.1.3, drawn from ongoing IETF discussions, required that the general category of all code points in an IDN U-label must be one of (Li, Lo, Lm, Mn). The Mc (Mark, spacing combining) category is similar to the Mn (Mark, nonspacing) category, and the exclusion of all code points with category Mc prevents a number of possible characters in Devanagari and other scripts from being available in gTLD labels. The relevant Internet Draft (http://tools.ietf.org/html/draft-li-man-tld-names-06) has been updated to include the Mc category and this section has been correspondingly updated. Note that this requirement does not mean that <u>every</u> character in those categories would be allowable, but only those valid according to IDNA.</p>

⁵ It is expected that conversion tools for IDNA will be available before the Application Submission period begins, and that labels will be checked for validity under IDNA. In this case, labels valid under the previous version of the protocol (IDNA2003) but not under IDNA will not meet this element of the requirements. Labels that are valid under both versions of the protocol will meet this element of the requirements. Labels valid under IDNA but not under IDNA2003 may meet the requirements; however, applicants are strongly advised to note that the duration of the transition period between the two protocols cannot presently be estimated nor guaranteed in any specific timeframe. The development of support for IDNA in the broader software applications environment will occur gradually. During that time, TLD labels that are valid under IDNA, but not under IDNA2003, will have limited functionality.

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		<p>See also examples in http://unicode.org/faq/normalization.html.</p> <p>2.1.5 The U-label must consist entirely of characters with the same directional property, or fulfill the requirements of the Bidi rule per RFC 5893.</p>	
2.2.1.3.2	String Requirements (Requirements for Internationalized Domain Names)	<p>2.1 The label must meet the relevant criteria of the ICANN <i>Guidelines for the Implementation of Internationalised Domain Names</i>. See http://www.icann.org/en/topics/idn/implementation-guidelines.htm. This includes the following, non-exhaustive, list of limitations:</p> <p style="margin-left: 40px;">2.1.1 All code points in a single label must be taken from the same script as determined by the Unicode Standard Annex #24: Unicode Script Property (See http://www.unicode.org/reports/tr24/).</p> <p style="margin-left: 40px;">2.1.2 Exceptions to 2.2.1 are permissible for languages with established orthographies and conventions that require the commingled use of multiple scripts. However, even with this exception, visually confusable characters from different scripts will not be allowed to co-exist in a single set of permissible code points unless a</p>	Updated to provide link to relevant Unicode reference.

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		<p>corresponding policy and character table are clearly defined.</p>	
2.2.1.4.4	Review Procedure for Geographic Names	<p>A Geographic Names Panel (GNP) will determine whether each applied-for gTLD string represents a geographic name, and verify the relevance and authenticity of the supporting documentation where necessary.</p> <p>The GNP will review all applications received, not only those where the applicant has noted its applied-for gTLD string as a geographic name. For any application where the GNP determines that the applied-for gTLD string is a country or territory name (as defined in this module), the application will not pass the Geographic Names review and will be denied. No additional reviews will be available.</p> <p>For any application where the GNP determines that the applied-for gTLD string is not a geographic name requiring government support (as described in this module), the application will pass the Geographic Names review with no additional steps required.</p> <p>For any application where the GNP determines that the applied-for gTLD string is a geographic name requiring government support, the GNP will confirm that the applicant has provided the required documentation from the relevant governments or public authorities, and that the communication from the government or public authority is legitimate and contains the required content. ICANN may confirm the authenticity of the communication by consulting with the relevant diplomatic authorities or members of ICANN’s Governmental Advisory Committee</p>	<p>Added “calendar” days to provide clarity on calculation of days in this procedure.</p>

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		<p>for the government or public authority concerned on the competent authority and appropriate point of contact within their administration for communications.</p> <p>The GNP may communicate with the signing entity of the letter to confirm their intent and their understanding of the terms on which the support for an application is given.</p> <p>In cases where an applicant has not provided the required documentation, the applicant will be contacted and notified of the requirement, and given a limited time frame to provide the documentation. If the applicant is able to provide the documentation before the close of the Initial Evaluation period, and the documentation is found to meet the requirements, the applicant will pass the Geographic Names review. If not, the applicant will have additional time to obtain the required documentation; however, if the applicant has not produced the required documentation by the required date (at least 90 <u>calendar</u> days from the date of notice), the application will be considered incomplete and will be ineligible for further review. The applicant may reapply in subsequent application rounds, if desired, subject to the fees and requirements of the specific application rounds.</p> <p>If there is more than one application for a string representing a certain geographic name as described in this section, and the applications have requisite government approvals, the applications will be suspended pending resolution by the applicants. If the applicants have not reached a resolution by either the date of the end of the application round (as announced by ICANN), or</p>	

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		<p>the date on which ICANN opens a subsequent application round, whichever comes first, the applications will be rejected and applicable refunds will be available to applicants according to the conditions described in section 1.5.</p> <p>However, in the event that a contention set is composed of multiple applications with documentation of support from the same government or public authority, the applications will proceed through the contention resolution procedures described in Module 4 when requested by the government or public authority providing the documentation.</p> <p>If an application for a string representing a geographic name is in a contention set with applications for similar strings that have not been identified as geographical names, the string contention will be resolved using the string contention procedures described in Module 4.</p>	
2.2.3.2	Customary Services	<p>The following registry services are customary services offered by a registry operator:</p> <ul style="list-style-type: none"> • Receipt of data from registrars concerning registration of domain names and name servers • Dissemination of TLD zone files • Dissemination of contact or other information concerning domain name registrations (e.g., port-43 WHOIS, Web-based Whois, RESTful Whois) • DNS Security Extensions 	Added examples for additional detail on customary Whois services.

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		<p>The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD.</p> <p>Any additional registry services that are unique to the proposed gTLD registry should be described in detail. Directions for describing the registry services are provided at http://www.icann.org/en/registries/rsep/rrs_sample.html.</p>	
2.3.1	Geographic Names Extended Evaluation	<p>In the case of an application that has been identified as a geographic name requiring government support, but where the applicant has not provided sufficient evidence of support or non-objection from all relevant governments or public authorities by the end of the Initial Evaluation period, the applicant has additional time in the Extended Evaluation period to obtain and submit this documentation.</p> <p>If the applicant submits the documentation to the Geographic Names Panel by the required date, the GNP will perform its review of the documentation as detailed in section 2.2.1.4. If the applicant has not provided the documentation by the required date (at least 90 calendar days from the date of the notice), the application will not pass the Extended Evaluation, and no further reviews are available.</p>	Added “calendar” days to provide clarity on calculation of days in this procedure.
2.3.3	Registry Services Extended	This section applies to Extended Evaluation of registry services, as described in subsection 2.2.3.	Added “calendar” days to provide clarity on calculation of days in this procedure.

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	Evaluation	<p>If a proposed registry service has been referred to the Registry Services Technical Evaluation Panel (RSTEP) for an extended review, the RSTEP will form a review team of members with the appropriate qualifications.</p> <p>The review team will generally consist of three members, depending on the complexity of the registry service proposed. In a 3-member panel, the review could be conducted within 30 to 45 <u>calendar</u> days. In cases where a 5-member panel is needed, this will be identified before the extended evaluation starts. In a 5-member panel, the review could be conducted in 45 <u>calendar</u> days or fewer.</p> <p>The cost of an RSTEP review will be covered by the applicant through payment of the Registry Services Review Fee. Refer to payment procedures in section 1.5 of Module 1. The RSTEP review will not commence until payment has been received.</p> <p>If the RSTEP finds that one or more of the applicant’s proposed registry services may be introduced without risk of a meaningful adverse effect on security or stability, these services will be included in the applicant’s registry agreement with ICANN. If the RSTEP finds that the proposed service would create a risk of a meaningful adverse effect on security or stability, the applicant may elect to proceed with its application without the proposed service, or withdraw its application for the gTLD. In this instance, an applicant has 15 calendar days to notify ICANN of its intent to proceed with the application. If an applicant</p>	

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		does not explicitly provide such notice within this time frame, the application will proceed no further.	
2.4.2	Panel Selection Process	<p>ICANN hasis in the process of selecting qualified third-party providers to perform the various reviews, <u>based on an extensive selection process.</u>^{6,7} In addition to the specific subject matter expertise required for each panel, specified qualifications are required, including:</p> <ul style="list-style-type: none"> • The provider must be able to convene – or have the capacity to convene - globally diverse panels and be able to evaluate applications from all regions of the world, including applications for IDN gTLDs. • The provider should be familiar with the IETF IDNA standards, Unicode standards, relevant RFCs and the terminology associated with IDNs. • The provider must be able to scale quickly to meet the demands of the evaluation of an unknown number of applications. At present it is not known how many applications will be received, how complex they will be, and whether they will be predominantly for ASCII or non-ASCII gTLDs. • The provider must be able to evaluate the applications within the required timeframes of Initial and Extended Evaluation. <p>The providers will be formally engaged and announced on</p>	Updated to reflect selection of evaluation panels as announced at http://newgtlds.icann.org/preparing-evaluators-22nov11-en .

⁶ ~~See <http://icann.org/en/topics/new-gtlds/open-tenders-eoi-en.htm>.~~

⁷ <http://newgtlds.icann.org/about/evaluation-panels-selection-process>

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		ICANN's website prior to the opening of the Application Submission period.																			
<i>Annex to Module 2: Separable Country Names List</i>																					
Entry for LY		Libya	Updated in accordance with ISO 3166-1 Newsletter VI-11 http://www.iso.org/iso/nl_vi-11_name_change_for_libya.pdf As LIBYA is now the English short name for this entry, this string does not require additional protection on the Separable Country Names List.																		
<i>Attachment to Module 2: Evaluation Questions and Criteria</i>																					
6	Primary Contact	<table border="1"> <thead> <tr> <th>Fields</th> <th>Included in public posting</th> </tr> </thead> <tbody> <tr> <td>Name</td> <td>Y</td> </tr> <tr> <td>Title</td> <td>Y</td> </tr> <tr> <td><u>Date of birth</u></td> <td><u>N</u></td> </tr> <tr> <td><u>City of birth</u></td> <td><u>N</u></td> </tr> <tr> <td>Address</td> <td><u>N</u>Y</td> </tr> <tr> <td>Phone number</td> <td>Y</td> </tr> <tr> <td>Fax number</td> <td>Y</td> </tr> <tr> <td>Email address</td> <td>Y</td> </tr> </tbody> </table>	Fields	Included in public posting	Name	Y	Title	Y	<u>Date of birth</u>	<u>N</u>	<u>City of birth</u>	<u>N</u>	Address	<u>N</u> Y	Phone number	Y	Fax number	Y	Email address	Y	Updated for consistency with fields provided for individuals named in question 11.
Fields	Included in public posting																				
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Title	Y																				
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<u>City of birth</u>	<u>N</u>																				
Address	<u>N</u> Y																				
Phone number	Y																				
Fax number	Y																				
Email address	Y																				
6 Notes	Primary Contact	The primary contact is the individual designated with the primary responsibility for management of the application, including responding to tasks in the TLD Application System (TAS) during the various application phases. will receive all communications regarding the application. Either the primary or the secondary contact may respond. In the event of a conflict, the communication received from the primary contact will be taken as authoritative. Both contacts listed should also be prepared to receive inquiries from the public.	Updated to provide clarification in response to questions concerning the role of the primary contact.																		

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7	Secondary Contact	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fields</th> <th style="text-align: left;">Included in public posting</th> </tr> </thead> <tbody> <tr> <td>Name</td> <td>Y</td> </tr> <tr> <td>Title</td> <td>Y</td> </tr> <tr> <td><u>Date of birth</u></td> <td><u>N</u></td> </tr> <tr> <td><u>City of birth</u></td> <td><u>N</u></td> </tr> <tr> <td>Address</td> <td>Y<u>N</u></td> </tr> <tr> <td>Phone number</td> <td>Y</td> </tr> <tr> <td>Fax number</td> <td>Y</td> </tr> <tr> <td>Email address</td> <td>Y</td> </tr> </tbody> </table>	Fields	Included in public posting	Name	Y	Title	Y	<u>Date of birth</u>	<u>N</u>	<u>City of birth</u>	<u>N</u>	Address	Y <u>N</u>	Phone number	Y	Fax number	Y	Email address	Y	Updated for consistency with fields provided for individuals named in question 11.
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Address	Y <u>N</u>																				
Phone number	Y																				
Fax number	Y																				
Email address	Y																				
7 Notes	Secondary Contact	The secondary contact <u>is listed in the event the primary contact is unavailable to continue with the application process. will be copied on all communications regarding the application. Either the primary or the secondary contact may respond.</u>	Updated to provide clarification in response to questions concerning the role of the secondary contact.																		
8(c) Notes	Proof of Legal Establishment	Applications without valid proof of legal establishment will not be evaluated further. <u>Supporting documentation for proof of legal establishment should be submitted in the original language.</u>	Updated to provide clarification on supporting documentation.																		
11(a)	Applicant Background	Enter the full name, <u>date and country of birth</u> , contact information (permanent residence), and position of all directors (i.e., members of the applicant’s Board of Directors, if applicable).	The requirements for submission of information concerning individuals named in the application are updated based on discussions with candidate background screening service providers. This will assist providers in tying information to the relevant individuals and helping to eliminate false positives.																		
11(b)	Applicant Background	Enter the full name, <u>date and country of birth</u> , contact information (permanent residence), and position of all	The requirements for submission of information concerning individuals named in the application are updated based on																		

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		<p>officers and partners. Officers are high-level management officials of a corporation or business, for example, a CEO, vice president, secretary, chief financial officer. Partners would be listed in the context of a partnership or other such form of legal entity.</p>	<p>discussions with candidate background screening service providers. This will assist providers in tying information to the relevant individuals and helping to eliminate false positives.</p>
11(c)	Applicant Background	<p>(c) Enter the full name, <u>and</u> contact information (permanent residence of individual or principal place of business of entity) and position of all shareholders holding at least 15% of shares, and percentage held by each. <u>For a shareholder entity, enter the principal place of business. For a shareholder individual, enter the date and country of birth and contact information (permanent residence).</u></p>	<p>The requirements for submission of information concerning individuals named in the application are updated based on discussions with candidate background screening service providers. This will assist providers in tying information to the relevant individuals and helping to eliminate false positives.</p>
11(d)	Applicant Background	<p>(d) For an applying entity that does not have directors, officers, partners, or shareholders, enter the full name, <u>date and country of birth,</u> contact information (permanent residence of individual or principal place of business of entity), <u>and</u> position of all individuals having overall legal or executive responsibility for the applying entity.</p>	<p>The requirements for submission of information concerning individuals named in the application are updated based on discussions with candidate background screening service providers. This will assist providers in tying information to the relevant individuals and helping to eliminate false positives.</p>
15(a) Notes	IDN Tables	<p>In the case of an application for an IDN gTLD, IDN tables must be submitted for the language or script for the applied-for gTLD string. IDN tables must also be submitted for each language or script in which the applicant intends to offer IDN registrations at the second level <u>(see question 44).</u></p> <p><u>IDN tables should be submitted in a machine-readable format. The model format described in Section 5 of RFC 4290 would be ideal. The format used by RFC 3743 is an</u></p>	<p>Updated to provide additional detail on suggested formats for submission of IDN tables.</p>

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		<p><u>acceptable alternative. Variant generation algorithms that are more complex (such as those with contextual rules) and cannot be expressed using these table formats should be specified in a manner that could be re-implemented programmatically by ICANN. Ideally, for any complex table formats, a reference code implementation should be provided in conjunction with a description of the generation rules.</u></p>	
20(f) Notes	Community-based Designation	<p>At least one such endorsement is required for a complete application. The form and content of the endorsement are at the discretion of the party providing the endorsement; however, the letter must identify the applied-for gTLD string and the applying entity, include an express statement support for the application, and the supply the contact information of the entity providing the endorsement.</p> <p>Endorsements from institutions not mentioned in the response to 20(b) should be accompanied by a clear description of each such institution's relationship to the community.</p> <p><u>Endorsements presented as supporting documentation for this question should be submitted in the original language.</u></p>	Updated to provide clarification on supporting documentation.
21(b) Notes	Geographic Names	<p>See the documentation requirements in Module 2 of the Applicant Guidebook.</p> <p><u>Documentation presented in response to this question should be submitted in the original language.</u></p>	Updated to provide clarification on supporting documentation.

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22 Notes	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/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 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. <u>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.</u></p>	Clarification in response to questions received.
23	Registry Services	<p>Provide name and full description of all the Registry Services to be provided. Descriptions should include both technical and business components of each proposed service, and address any potential security or stability concerns.</p> <p>The following registry services are customary services offered by a registry operator:</p> <ul style="list-style-type: none"> A. Receipt of data from registrars concerning registration of domain names and name servers. 	Added examples for additional detail on customary Whois services.

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		<p>B. Dissemination of TLD zone files.</p> <p>C. Dissemination of contact or other information concerning domain name registrations (e.g., port-43 WHOIS, Web-based Whois, RESTful Whois service).</p> <p>D. Internationalized Domain Names, where offered.</p> <p>E. DNS Security Extensions (DNSSEC).</p> <p>The applicant must describe whether any of these registry services are intended to be offered in a manner unique to the TLD.</p> <p>Additional proposed registry services that are unique to the registry must also be described.</p>	
30(a)	Security Policy	<p>2 - exceeds requirements: Response meets all attributes for a score of 1 and includes:</p> <p>(1) Evidence of highly developed and detailed security capabilities, with various baseline security levels, independent benchmarking of security metrics, robust periodic security monitoring, and continuous enforcement; and</p> <p>(2) an independent assessment report is provided demonstrating effective security controls are either in place or have been designed, and are commensurate with the applied-for gTLD string. (This could be ISO 27001 certification or other well-established and recognized industry certifications for the registry operation. If new independent standards for demonstration of effective security controls are</p>	Added an example of a set of independent standards based on recent correspondence from the Security Standards Working Group.

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		<p>established, such as the High Security Top Level Domain (HSTLD) designation, this could also be included. An illustrative example of an independent standard is the proposed set of requirements described in http://www.icann.org/en/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf.</p>	
35	DNS Service	<p>DNS Service: describe the configuration and operation of nameservers, including how the applicant will comply with relevant RFCs.</p> <p>All name servers used for the new gTLD must be operated in compliance with the DNS protocol specifications defined in the relevant RFCs, including but not limited to: 1034, 1035, 1982, 2181, 2182, 2671, 3226, 3596, 3597, 3901, 4343, and 4472.</p> <ul style="list-style-type: none"> • Provide details of the intended DNS Service including, but not limited to: A description of the DNS services to be provided, such as query rates to be supported at initial operation, and reserve capacity of the system. How will these be scaled as a function of growth in the TLD? Similarly, describe how services will scale for name server update method and performance. Describe how your nameserver update methods will change at various scales. Describe how DNS performance will change at various scales. • RFCs that will be followed – describe how services are compliant with RFCs and if these are 	Clarification in response to questions received.

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		<p>dedicated or shared with any other functions (capacity/performance) or DNS zones.</p> <ul style="list-style-type: none"> • The resources used to implement the services - describe complete server hardware and software, including network bandwidth and addressing plans for servers. Also include resourcing plans for the initial implementation of, and ongoing maintenance for, this aspect of the criteria (number and description of personnel roles allocated to this area). • Demonstrate how the system will function - describe how the proposed infrastructure will be able to deliver the performance described in Specification 10 (section 2) attached to the Registry Agreement. <p>Examples of evidence include:</p> <ul style="list-style-type: none"> • Server configuration standard (i.e., planned configuration). • Network addressing and bandwidth for query load and update propagation. • Headroom to meet surges. <p>A complete answer is expected to be no more than 10 pages.</p>	
44 Notes	IDNs	IDNs are an optional service at time of launch. Absence of IDN implementation or plans will not detract from an applicant's score. Applicants who respond to this question with plans for implementation of IDNs at time of launch will	Updated to provide additional detail on suggested formats for submission of IDN tables.

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		<p>be scored according to the criteria indicated here.</p> <p><u>IDN tables should be submitted in a machine-readable format. The model format described in Section 5 of RFC 4290 would be ideal. The format used by RFC 3743 is an acceptable alternative. Variant generation algorithms that are more complex (such as those with contextual rules) and cannot be expressed using these table formats should be specified in a manner that could be re-implemented programmatically by ICANN. Ideally, for any complex table formats, a reference code implementation should be provided in conjunction with a description of the generation rules.</u></p>	
45 Notes	Financial Statements	<p>The questions in this section (45-50) are intended to give applicants an opportunity to demonstrate their financial capabilities to run a registry.</p> <p><u>Supporting documentation for this question should be submitted in the original language.</u></p>	Updated to provide clarification on supporting documentation.
45 Scoring	Financial Statements	<p>1 - meets requirements: Complete audited or independently certified financial statements are provided, at the highest level available in the applicant’s jurisdiction. Where such audited or independently certified financial statements are not available, such as for newly-formed entities, the applicant has provided an explanation and has provided, at a minimum, unaudited financial statements.</p> <p>0 - fails requirements: Does not meet all the requirements to score 1. For example, entity with an operating history fails to provide audited or independently certified statements.</p>	Removed example, which was inconsistent with other requirements stated in this question.

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48(a) Notes	Funding & Revenue	<u>Supporting documentation for this question should be submitted in the original language.</u>	Updated to provide clarification on supporting documentation.
50(a) Notes	Continued Operations Instrument	<p>Registrant protection is critical and thus new gTLD applicants are requested to provide evidence indicating that the critical functions will continue to be performed even if the registry fails. Registrant needs are best protected by a clear demonstration that the basic registry functions are sustained for an extended period even in the face of registry failure. Therefore, this section is weighted heavily as a clear, objective measure to protect and serve registrants.</p> <p>The applicant has two tasks associated with adequately making this demonstration of continuity for critical registry functions. First, costs for maintaining critical registrant protection functions are to be estimated (Part a). In evaluating the application, the evaluators will adjudge whether the estimate is reasonable given the systems architecture and overall business approach described elsewhere in the application.</p> <p>The Continuing Operations Instrument (COI) is invoked by ICANN if necessary to pay for an Emergency Back End Registry Operator (EBERO) to maintain the five critical registry functions for a period of three to five years. Thus, the cost estimates are tied to the cost for a third party to provide the functions, not to the applicant's actual in-house or subcontracting costs for provision of these functions.</p> <p><u>Note that ICANN is building a model for these costs in</u></p>	Updated to provide reference to cost guidelines, as at http://www.icann.org/en/announcements/announcement-3-23dec11-en.htm .

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		<p>conjunction with potential EBERO service providers. Thus, guidelines for determining the appropriate amount for the COI will be available to the applicant. Refer to guidelines at http://www.icann.org/en/announcements/announcement-3-23dec11-en.htm regarding estimation of costs. However, the applicant must will still be required to provide its own estimates and explanation in response to this question.</p>	
50(b)	Continued Operations Instrument	<p>Applicants must provide evidence as to how the funds required for performing these critical registry functions will be available and guaranteed to fund registry operations (for the protection of registrants in the new gTLD) for a minimum of three years following the termination of the Registry Agreement. ICANN has identified two methods to fulfill this requirement:</p> <p><u>(i) Irrevocable standby letter of credit (LOC) issued by a reputable financial institution.</u></p> <ul style="list-style-type: none"> • The amount of the LOC must be equal to or greater than the amount required to fund the registry operations specified above for at least three years. In the event of a draw upon the letter of credit, the actual payout would be tied to the cost of running those functions. • The LOC must name ICANN or its designee as the beneficiary. Any funds paid out would be provided to the designee who is operating the required registry functions. • The LOC must have a term of at least five years from the delegation of the TLD. The LOC may be structured with an annual expiration date if 	<p>Updated in accordance with guidelines provided to applicants at http://www.icann.org/en/announcements/announcement-3-23dec11-en.htm.</p>

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		<p>it contains an evergreen provision providing for annual extensions, without amendment, for an indefinite number of periods until the issuing bank informs the beneficiary of its final expiration or until the beneficiary releases the LOC as evidenced in writing. If the expiration date occurs prior to the fifth anniversary of the delegation of the TLD, applicant will be required to obtain a replacement instrument.</p> <ul style="list-style-type: none"> • The LOC must be issued by a reputable financial institution insured at the highest level in its jurisdiction. This may include a bank or insurance company with a strong international reputation that has a strong credit rating issued by a third party rating agency such as Standard & Poor's (AA or above), Moody's (Aa or above), or A.M. Best (A X or above). Documentation should indicate by whom the issuing institution is insured <u>(i.e., as opposed to by whom the institution is rated)</u>. • The LOC will provide that ICANN or its designee shall be unconditionally entitled to a release of funds (full or partial) thereunder upon delivery of written notice by ICANN or its designee. • Applicant should attach an original copy of the executed letter of credit or a draft of the letter of credit containing the full terms and conditions. If not yet executed, the Applicant will be required to provide ICANN with an original copy of the executed LOC prior to or concurrent with the execution of the Registry 	

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		<p>Agreement.</p> <ul style="list-style-type: none"> • The LOC must contain at least the following required elements: <ul style="list-style-type: none"> ○ Issuing bank and date of issue. ○ Beneficiary: ICANN / 4676 Admiralty Way, Suite 330 / Marina del Rey, CA 90292 / US, or its designee. ○ Applicant’s complete name and address. ○ LOC identifying number. ○ Exact amount in USD. ○ Expiry date. ○ Address, procedure, and required forms whereby presentation for payment is to be made. ○ Conditions: <ul style="list-style-type: none"> ▪ Partial drawings from the letter of credit may be made provided that such payment shall reduce the amount under the standby letter of credit. ▪ All payments must be marked with the issuing bank name and the bank’s standby letter of credit number. ▪ LOC may not be modified, amended, or amplified by reference to any other document, agreement, or instrument. ▪ The LOC is subject to the 	

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		<p style="text-align: center;">International Standby Practices (ISP 98) International Chamber of Commerce (Publication No. 590), or to an alternative standard that has been demonstrated to be reasonably equivalent.</p> <p>(ii) A <u>deposit into an irrevocable cash escrow account</u> held by a reputable financial institution.</p> <ul style="list-style-type: none"> • The amount of the deposit must be equal to or greater than the amount required to fund registry operations for at least three years. • Cash is to be held by a third party financial institution which will not allow the funds to be commingled with the Applicant’s operating funds or other funds and may only be accessed by ICANN or its designee if certain conditions are met. • The account must be held by a reputable financial institution insured at the highest level in its jurisdiction. This may include a bank or insurance company with a strong international reputation that has a strong credit rating issued by a third party rating agency such as Standard & Poor’s (AA or above), Moody’s (Aa or above), or A.M. Best (A-X or above). Documentation should indicate by whom the issuing institution is insured <u>(i.e., as opposed to by whom the institution is rated)</u>. • The escrow agreement relating to the escrow 	

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		<p>account will provide that ICANN or its designee shall be unconditionally entitled to a release of funds (full or partial) thereunder upon delivery of written notice by ICANN or its designee.</p> <ul style="list-style-type: none"> • The escrow agreement must have a term of five years from the delegation of the TLD. • The funds in the deposit escrow account are not considered to be an asset of ICANN. • Any interest earnings less bank fees are to accrue to the deposit, and will be paid back to the applicant upon liquidation of the account to the extent not used to pay the costs and expenses of maintaining the escrow. • The deposit plus accrued interest, less any bank fees in respect of the escrow, is to be returned to the applicant if the funds are not used to fund registry functions due to a triggering event or after five years, whichever is greater. • The Applicant will be required to provide ICANN an explanation as to the amount of the deposit, the institution that will hold the deposit, and the escrow agreement for the account at the time of submitting an application. • Applicant should attach evidence of deposited funds in the escrow account, or evidence of provisional arrangement for deposit of funds. Evidence of deposited funds and terms of escrow agreement must be provided to ICANN prior to or concurrent with the execution of the 	

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		Registry Agreement.	
50(b) Notes	Continued Operations Instrument	<p>Second (Part b), methods of securing the funds required to perform those functions for at least three years are to be described by the applicant in accordance with the criteria below. Two types of instruments will fulfill this requirement. The applicant must identify which of the two methods is being described. The instrument is required to be in place at the time of the execution of the Registry Agreement.</p> <p><u>Financial Institution Ratings: The instrument must be issued or held by a financial institution with a rating beginning with “A” (or the equivalent) by any of the following rating agencies: A.M. Best, Dominion Bond Rating Service, Egan-Jones, Fitch Ratings, Kroll Bond Rating Agency, Moody’s, Morningstar, Standard & Poor’s, and Japan Credit Rating Agency.</u></p> <p><u>If an applicant cannot access a financial institution with a rating beginning with “A,” but a branch or subsidiary of such an institution exists in the jurisdiction of the applying entity, then the instrument may be issued by the branch or subsidiary or by a local financial institution with an equivalent or higher rating to the branch or subsidiary.</u></p> <p><u>If an applicant cannot access any such financial institutions, the instrument may be issued by the highest-rated financial institution in the national jurisdiction of the applying entity, if accepted by ICANN.</u></p>	<p>Updated in accordance with guidelines provided to applicants at http://www.icann.org/en/announcements/announcement-3-23dec11-en.htm. Contains additional clarifications based on questions received concerning the guidelines.</p>

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		<p><u>Execution by ICANN: For any financial instruments that contemplate ICANN being a party, upon the written request of the applicant, ICANN may (but is not obligated to) execute such agreement prior to submission of the applicant's application if the agreement is on terms acceptable to ICANN. ICANN encourages applicants to deliver a written copy of any such agreement (only if it requires ICANN's signature) to ICANN as soon as possible to facilitate ICANN's review. If the financial instrument requires ICANN's signature, then the applicant will receive 3 points for question 50 (for the instrument being "secured and in place") only if ICANN executes the agreement prior to submission of the application. ICANN will determine, in its sole discretion, whether to execute and become a party to a financial instrument.</u></p> <p><u>The financial instrument should be submitted in the original language.</u></p>	
	Projections Template Instructions	<p>Section IIb – Breakout of Critical Registry Function Operating Cash Outflows</p> <p>Lines A – E. Provide the projected cash outflows for the five critical registry functions. If these functions are outsourced, the component of the outsourcing fee representing these functions must be separately identified and provided. The projected cash outflow for these functions will form the basis of the 3-year reserve required in Question 50 of the application. These costs are based on the applicant's cost to manage these functions and should be calculated separately from the Continued Operations Instrument (COI) for Question 50.</p>	Previously, these sections were used for calculation of the Continued Operations Instrument. Given the guidelines provided, this is no longer required.

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	Projections Template Instructions	Line H – Equals the cash outflows for the critical registry functions projected over 3 years (Columns H, I, and J)	This referenced the totals from the removed section.
	Projections Template Sample		Numbering adjustments made to correct calculations throughout.
<i>Module 3</i>			
3.1	GAC Advice on New gTLDs	<p>The GAC has expressed the intention to develop a standard vocabulary and set of rules for use in providing its advice in this program. These will be published and, as a result, this section might be updated to reflect the terms established by the GAC.</p> <p>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.</p> <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</p>	<p>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.</p>

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		<p>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 formsseveral forms, among them:</p> <p>I. The GAC advises ICANN that it is the consensus⁸ of the GAC that a particular application should not proceed. This will create a strong presumption for <u>the ICANN Board</u> that the application should not be approved. In the event that the ICANN Board determines to approve an application despite the consensus advice of the GAC, pursuant to the ICANN Bylaws, the GAC and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. In the event the Board determines not to accept the GAC Advice, the Board will provide a rationale for its decision. 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 concernsprovides advice that indicates that some governments are concerned about a particular application <u>“dot-example.”</u> 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</p>	

⁸ ~~The GAC will clarify the basis on which consensus advice is developed.~~

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		<p>its decision. Such advice will be passed on to the applicant but will not create the presumption that the application should be denied, and such advice would not require the Board to undertake the process for attempting to find a mutually acceptable solution with the GAC should the application be approved. Note that in any case, that the Board will take seriously any other advice that GAC might provide and will consider entering into dialogue with the GAC to understand the scope of the concerns expressed.</p> <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 <u>unless</u>. If there is a remediation method available in the Guidebook (such as securing the approval of one or more governments approval), that is implemented by the applicant action may be taken. 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. However, material amendments to applications are generally prohibited and if there is no remediation method available, the application will not go forward and the applicant can re-apply in the second round.</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</p>	

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		<p>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>	
3.2.3	Dispute Resolution Service Providers	<p>To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground.</p> <ul style="list-style-type: none"> • The International Centre for Dispute Resolution has agreed in principle to administer disputes brought pursuant to string confusion objections. • The Arbitration and Mediation Center of the World Intellectual Property Organization has agreed in principle to administer disputes brought pursuant to legal rights objections. • The International Center of Expertise of the International Chamber of Commerce has agreed in principle to administer disputes brought pursuant to Limited Public Interest and Community Objections. <p>ICANN selected DRSPs on the basis of their relevant</p>	Updated to remove conditional language.

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		<p>experience and expertise, as well as their willingness and ability to administer dispute proceedings in the new gTLD Program. The selection process began with a public call for expressions of interest⁹ followed by dialogue with those candidates who responded. The call for expressions of interest specified several criteria for providers, including established services, subject matter expertise, global capacity, and operational capabilities. An important aspect of the selection process was the ability to recruit panelists who will engender the respect of the parties to the dispute.</p>	
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.</p> <ul style="list-style-type: none"> • For a String Confusion Objection, the applicable 	<p>Updated to indicate that WIPO Rules for New gTLD Dispute Resolution have been issued and are no longer in draft form. See http://www.icann.org/en/topics/new-gtlds/wipo-rules-clean-19sep11-en.pdf.</p>

⁹ See <http://www.icann.org/en/announcements/announcement-21dec07.htm>.

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		<p>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.</p> <ul style="list-style-type: none"> • For a Legal Rights Objection, the applicable DRSP Rules are the WIPO Rules for New gTLD Dispute Resolution. These rules are available in draft form and have been posted along with this module. • For a Limited Public Interest Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC), as supplemented by the ICC as needed. • For a Community Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce (ICC), as supplemented by the ICC as needed. 	
3.4.7	Dispute Resolution Costs	<p>Before acceptance of objections, each DRSP will publish a schedule of costs or statement of how costs will be calculated for the proceedings that it administers under this procedure. These costs cover the fees and expenses of the members of the panel and the DRSP’s administrative costs.</p> <p>ICANN expects that string confusion and legal rights objection proceedings will involve a fixed amount charged by the panelists while Limited Public Interest and community objection proceedings will involve hourly rates charged by the panelists.</p>	Updated to indicate “calendar” days for consistency with New gTLD Dispute Resolution Procedure.

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		<p>Within ten (10) calendarbusiness days of constituting the panel, the DRSP will estimate the total costs and request advance payment in full of its costs from both the objector and the applicant. Each party must make its advance payment within ten (10) calendar days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the parties will be credited against the amounts due for this advance payment of costs.</p> <p>The DRSP may revise its estimate of the total costs and request additional advance payments from the parties during the resolution proceedings.</p> <p>Additional fees may be required in specific circumstances; for example, if the DRSP receives supplemental submissions or elects to hold a hearing.</p> <p>If an objector fails to pay these costs in advance, the DRSP will dismiss its objection and no fees paid by the objector will be refunded.</p> <p>If an applicant fails to pay these costs in advance, the DSRP will sustain the objection and no fees paid by the applicant will be refunded.</p> <p>After the hearing has taken place and the panel renders its expert determination, the DRSP will refund the advance payment of costs to the prevailing party.</p>	
<i>Provider Fees and Rules</i>			

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			Included updated Supplementary Procedures for String Confusion Objections (Rules) provided by the International Centre for Dispute Resolution (ICDR).
<i>Module 4</i>			
4.4	Contention Resolution and Contract Execution	<p>An applicant that has been declared the winner of a contention resolution process will proceed by entering into the contract execution step. (Refer to section 5.1 of Module 5.)</p> <p>If a winner of the contention resolution procedure has not executed a contract within 90 calendar days of the decision, ICANN has the right to deny that application and extend an offer to the runner-up applicant, if any, to proceed with its application. For example, in an auction, another applicant who would be considered the runner-up applicant might proceed toward delegation. This offer is at ICANN's option only. The runner-up applicant in a contention resolution process has no automatic right to an applied-for gTLD string if the first place winner does not execute a contract within a specified time. If the winning applicant can demonstrate that it is working diligently and in good faith toward successful completion of the steps necessary for entry into the registry agreement, ICANN may extend the 90-day period at its discretion. Runner-up applicants have no claim of priority over the winning application, even after what might be an extended period of negotiation.</p>	Added "calendar" days to provide clarity on calculation of days in this procedure.
<i>Attachment to Module 5: gTLD Registry Agreement</i>			
2.10	Pricing for Registry Services	(a) With respect to initial domain name registrations, Registry Operator shall provide ICANN and each ICANN	The intent of this requirement for notification of price changes is to provide transparency around registry pricing.

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		<p>accredited registrar that has executed the registry-registrar agreement for the TLD advance written notice of any price increase (including as a result of the elimination of any refunds, rebates, discounts, product tying or other programs which had the effect of reducing the price charged to registrars, unless such refunds, rebates, discounts, product tying or other programs are of a limited duration that is clearly and conspicuously disclosed to the registrar when offered) of no less than thirty (30) calendar days. Registry Operator shall offer registrars the option to obtain initial domain name registrations for periods of one to ten years at the discretion of the registrar, but no greater than ten years.</p> <p>(b) With respect to renewal of domain name registrations, Registry Operator shall provide <u>ICANN and</u> each ICANN accredited registrar that has executed the registry-registrar agreement for the TLD advance written notice of any price increase (including as a result of the elimination of any refunds, rebates, discounts, product tying, Qualified Marketing Programs or other programs which had the effect of reducing the price charged to registrars) of no less than one hundred eighty (180) calendar days.</p> <p>Notwithstanding the foregoing sentence, with respect to renewal of domain name registrations: (i) Registry Operator need only provide thirty (30) calendar days notice of any price increase if the resulting price is less than or equal to (A) for the period beginning on the Effective Date and ending twelve (12) months following the Effective Date, the initial price charged for registrations in the TLD, or (B) for subsequent periods, a price for which Registry</p>	<p>Transparency will be enhanced by specifying that the notice should go to ICANN in addition to registrars.</p>

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		<p>Operator provided a notice pursuant to the first sentence of this Section 2.10(b) within the twelve (12) month period preceding the effective date of the proposed price increase; and (ii) Registry Operator need not provide notice of any price increase for the imposition of the Variable Registry-Level Fee set forth in Section 6.3. Registry Operator shall offer registrars the option to obtain domain name registration renewals at the current price (i.e. the price in place prior to any noticed increase) for periods of one to ten years at the discretion of the registrar, but no greater than ten years.</p>	
Specification 2	Data Escrow Requirements	<p>1.1 "Full Deposit" will consist of data that reflects the state of the registry as of 00:00:00 UTC on each Sunday. Pending transactions at that time (i.e., transactions that have not been committed) will not be reflected in the Full Deposit.</p>	<p>Sentence removed to avoid confusion -- previous language could be read to indicate that, for example, pending transactions (e.g., pending creates, pending updates) should not be included in a full deposit, which is not the case.</p>
Specification 6	Registry Interoperability & Continuity	<p>No text changes</p>	<p>Numbering in sections 4 and 5 corrected.</p>
Specification 9	Registry Operator Code of Conduct	<p>If Registry Operator or a Registry Related Party also operates as a provider of registrar or registrar-reseller services, Registry Operator will, or will cause such Registry Related Party to, <u>ensure that such services are offered through a legal entity separate from Registry Operator, and</u> maintain separate books of accounts with respect to its registrar or registrar-reseller operations.</p>	<p>In most cases registry operators will be able to own and operate registrars in new gTLDs, but the registry and registrar must be separate legal entities (e.g., one could be a subsidiary or sister corporation to the other), provided that the registry operator may, directly or indirectly, partially or wholly-own such legal entity. A primary reason for requiring the registry and a registrar to be separate legal entities is that the Registry Agreement contains numerous provisions that refer to the existence of, and mandatory provisions in, a registry-registrar agreement,</p>

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			<p>and such an agreement could not exist if the registry and registrar were the same legal entity since a contract must have two or more parties. Registry Operators may request an exemption to the Code of Conduct if Registry Operator demonstrates to ICANN’s reasonable satisfaction that (i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate (as defined in the Registry Agreement) of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. Note also that ICANN reserves the right to refer any application to the appropriate competition authority relative to any cross-ownership issues.</p>
<i>Module 6</i>			
5	Terms & Conditions	<p>Applicant shall indemnify, defend, and hold harmless ICANN (including its affiliates, subsidiaries, directors, officers, employees, consultants, evaluators, and agents, collectively the ICANN Affiliated Parties) from and against any and all third-party claims, damages, liabilities, costs, and expenses, including legal fees and expenses, arising out of or relating to: (a) ICANN’s or an ICANN Affiliated Party’s consideration of the application, and any approval, or rejection <u>or withdrawal</u> of the application; and/or (b) ICANN’s or an ICANN Affiliated Party’s reliance on information provided by applicant in the application.</p>	<p>This section is updated to account for withdrawal of an application by an applicant.</p>
6	Terms &	Applicant hereby releases ICANN and the ICANN Affiliated	This section is updated to account for withdrawal of an

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	Conditions	<p>Parties from any and all claims by applicant that arise out of, are based upon, or are in any way related to, any action, or failure to act, by ICANN or any ICANN Affiliated Party in connection with ICANN’s or an ICANN Affiliated Party’s review of this application, investigation or verification, any characterization or description of applicant or the information in this application, <u>any withdrawal of this application</u> or the decision by ICANN to recommend, or not to recommend, the approval of applicant’s gTLD application. APPLICANT AGREES NOT TO CHALLENGE, IN COURT OR IN ANY OTHER JUDICIAL FORA, ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE APPLICATION, AND IRREVOCABLY WAIVES ANY RIGHT TO SUE OR PROCEED IN COURT OR ANY OTHER JUDICIAL FOR A ON THE BASIS OF ANY OTHER LEGAL CLAIM AGAINST ICANN AND ICANN AFFILIATED PARTIES WITH RESPECT TO THE APPLICATION. APPLICANT ACKNOWLEDGES AND ACCEPTS THAT APPLICANT’S NONENTITLEMENT TO PURSUE ANY RIGHTS, REMEDIES, OR LEGAL CLAIMS AGAINST ICANN OR THE ICANN AFFILIATED PARTIES IN COURT OR ANY OTHER JUDICIAL FORA WITH RESPECT TO THE APPLICATION SHALL MEAN THAT APPLICANT WILL FOREGO ANY RECOVERY OF ANY APPLICATION FEES, MONIES INVESTED IN BUSINESS INFRASTRUCTURE OR OTHER STARTUP COSTS AND ANY AND ALL PROFITS THAT APPLICANT MAY EXPECT TO REALIZE FROM THE OPERATION OF A REGISTRY FOR THE TLD; PROVIDED, THAT APPLICANT MAY UTILIZE ANY ACCOUNTABILITY MECHANISM SET FORTH IN ICANN’S BYLAWS FOR PURPOSES OF CHALLENGING ANY FINAL DECISION MADE BY ICANN WITH RESPECT TO THE APPLICATION. APPLICANT</p>	application by an applicant.

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		ACKNOWLEDGES THAT ANY ICANN AFFILIATED PARTY IS AN EXPRESS THIRD PARTY BENEFICIARY OF THIS SECTION 6 AND MAY ENFORCE EACH PROVISION OF THIS SECTION 6 AGAINST APPLICANT.	
8	Terms & Conditions	<p>Applicant certifies that it has obtained permission for the posting of any personally identifying information included in this application or materials submitted with this application. Applicant acknowledges that the information that ICANN posts may remain in the public domain in perpetuity, at ICANN’s discretion. <u>Applicant acknowledges that ICANN will handle personal information collected in accordance with its gTLD Program privacy statement <http://newgtlds.icann.org/en/applicants/agb/program-privacy>, which is incorporated herein by this reference. If requested by ICANN, Applicant will be required to obtain and deliver to ICANN and ICANN's background screening vendor any consents or agreements of the entities and/or individuals named in questions 1-11 of the application form necessary to conduct these background screening activities. In addition, Applicant acknowledges that to allow ICANN to conduct thorough background screening investigations:</u></p> <ul style="list-style-type: none"> a. <u>Applicant may be required to provide documented consent for release of records to ICANN by organizations or government agencies;</u> b. <u>Applicant may be required to obtain specific government records directly and supply those</u> 	Updated to provide additional detail on steps that may be required of applicants during the background screening process, based on discussions with potential service providers.

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		<p style="text-align: center;"><u>records to ICANN for review;</u></p> <p style="text-align: center;"><u>c. Additional identifying information may be required to resolve questions of identity of individuals within the applicant organization;</u></p> <p style="text-align: center;">b.d. <u>Applicant may be requested to supply certain information in the original language as well as in English.</u></p>	
14	Terms & Conditions	<p>ICANN reserves the right to make reasonable updates and changes to this applicant guidebook and to the application process, <u>including the process for withdrawal of applications</u>, at any time by posting notice of such updates and changes to the ICANN website, including as the possible result of new policies that might be adopted or advice to ICANN from ICANN advisory committees during the course of the application process. Applicant acknowledges that ICANN may make such updates and changes and agrees that its application will be subject to any such updates and changes. In the event that Applicant has completed and submitted its application prior to such updates or changes and Applicant can demonstrate to ICANN that compliance with such updates or changes would present a material hardship to Applicant, then ICANN will work with Applicant in good faith to attempt to make reasonable accommodations in order to mitigate any negative consequences for Applicant to the extent possible consistent with ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier</p>	<p>This section is updated to account for withdrawal of an application by an applicant.</p>

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