

New gTLD Applicant Update Webinar – 22 January 2014 Additional Questions & Answers

We receive questions during webinars that go unanswered due to time constraints. Because all participant questions are important, we've provided responses to these additional questions below. Questions are grouped and ordered alphabetically by subject.

GAC Advice

Q: ICANN has mentioned that staff cannot take any action on GAC Advice until the New gTLD Program Committee of the Board of Directors makes a ruling. Can you please tell us what steps ICANN's senior leadership is taking to press the issue with the NGPC?

A: The NGPC and the GAC are both working diligently to try to resolve all remaining issues that are the subject of GAC Advice. The NGPC has considered GAC Advice on several occasions and has already addressed and resolved many of the issues posed by GAC Advice. See, e.g.,

- <https://www.icann.org/en/news/announcements/announcement-2-10may13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-22may13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-2-06jun13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-14jun13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-27jun13-en.htm>
- <https://www.icann.org/en/news/announcements/announcement-2-03jul13-en.htm>
- <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-17jul13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-2-16aug13-en.htm>
- <http://www.icann.org/en/news/announcements/announcement-12sep13-en.htm>
- <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-28sep13-en.htm>
- <https://www.icann.org/en/news/announcements/announcement-2-01oct13-en.htm>

We expect that GAC Advice will again be on the agenda at an NGPC meeting scheduled for February 5. We are hopeful that these issues will be resolved in the near future. ICANN routinely publishes updates on NGPC consideration of GAC Advice and correspondence with the GAC regarding GAC Advice on new gTLDs. Please monitor the ICANN website for further updates.

Q: Regarding GAC Category 2 Advice, has ICANN verified the responses filed by applicants or did ICANN just take them at face value?

A: ICANN solicited responses from applicants for the strings identified by the GAC in its Category 2 advice regarding whether they planned to operate the applied-for TLDs as exclusive access registries (defined as a registry restricted to a single person or entity and/or that person's or entity's Affiliates" (as defined in Section 2.9c of the Registry Agreement)). If an applicant responds that it does not intend to operate the applied-for TLD as an exclusive access registry, ICANN will expect the registry operator to abide by that commitment. A Registry Operator of a Generic String TLD that limits registrations to a single person or entity and/or that person's or entity's Affiliates would be in violation of the Public Interest Commitments set forth in Specification 11 and the provisions of Specification 11 would be subject to enforcement through compliance mechanisms.

Q: Does ICANN foresee that the expected “enhanced and revised Public Interest Commitment” process associated with GAC Category 1 Advice implementation would require a public comment period?

A: The implementation of GAC Category 1 Advice has already been the subject of a [public comment period](#), and ICANN does not believe that a second public comment period is necessary. On 11 April 2013, the Governmental Advisory Committee issued its Beijing Communiqué in which it provided advice on New gTLDs. On 23 April 2013, ICANN sought public comment on how to implement safeguards applicable to categories of new gTLD strings. The public comment period was open from 23 April 2013 to 14 May 2013 with a reply period from 15 May 2013 to 4 June 2013. In considering how to implement GAC Category 1 advice, ICANN and the NGPC have had the benefit of public comments submitted during that period, as well as feedback from the community through other channels, such as input at ICANN meetings. [ICANN’s proposed implementation of GAC Category 1 and Category 2 Safeguard Advice](#) was published in the form of a letter from the Chair of ICANN’s Board to the Chair of the GAC on 29 October 2013, and that implementation has been open to community review and the subject of community discussions including at the ICANN meetings in Buenos Aires in November 2013.

Certain comments made during the Q&A session of the webinar suggested that some smaller or single applicants may be experiencing financial difficulties. ICANN reminds applicants that Section 1.2.7 of the Applicant Guidebook requires applicants to notify ICANN if information previously submitted by an applicant becomes untrue or inaccurate, -this includes applicant-specific information such as changes in financial position. A failure to notify ICANN of a change in financial circumstances that would render any information provided in the application false or misleading may result in denial of the application.

Registry-Registrar Agreement

Q. Could you please clarify or issue guidelines as to what would constitute or be deemed a material change to an RRA?

A: Section 2.9(a) of the new gTLD registry agreement states that “Registry Operator may amend the Registry-Registrar Agreement from time to time; provided, however, that any material

revisions thereto must be approved by ICANN ...” The term "material revisions" is not specifically defined in the Registry Agreement. It would likely be interpreted consistent with its ordinary meaning in light of the all the relevant facts and circumstances.

TLD Startup

Q: Registrants sometimes do not know the price of registrations in a TLD until after the opening of a sunrise period. For example, the price that registrars charge registrants to register in a Sunrise that begins 1 March and ends 30 March might not be available until 10 March. Is it required that each registry's prices be reported in advance for Start-date Sunrises?

A: ICANN collects and publishes TLD Startup Information to help users anticipate and plan for gTLD launches; however, ICANN is not involved in setting the prices charged by each Registry and Registrar. The Registry is not required to include its prices to Registrars in its TLD Startup Information. Registrars can obtain information about prices from Registries, and potential Registrants can obtain information about registration prices from their preferred Registrar (for which fees might vary depending on the registrar).