

APPROVED LAUNCH PROGRAM APPLICATION REVIEW GUIDELINES

The Trademark Clearinghouse Rights Protection Mechanism Requirements (the “TMCH Requirements”) give Registry Operators discretion to implement their TLD startup phases in accordance with their own business and operational models, so long as the minimum requirements contained in, and the objectives of, the TMCH Requirements are met. In particular cases, Registry Operators may want to implement special launch programs to facilitate the launch of their TLDs that are not permitted under the TMCH Requirements. To account for this, under Section 4.5.2 of the TMCH Requirements, a Registry Operator may apply to ICANN to conduct an “Approved Launch Program,” which, if approved, would allow the Registry Operator to register or allocate certain domain names prior to the completion of the Sunrise Period for the TLD.

A Registry Operator may submit an application (a “Launch Application”) to conduct an Approved Launch Program for its TLD in accordance with the Approved Launch Program Application Process available at: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-process-12nov13-en.pdf>.

These review guidelines are being published to provide the community with additional clarity on the process for approving proposed launch programs. ICANN will evaluate all properly submitted Launch Applications against the 10 factors below and inform the Registry Operator whether its Launch Application has been approved or declined. ICANN reserves the right to modify these review guidelines.

Review Guidelines

Determination of whether a Launch Application will be approved or declined will balance the following factors:

1. ***Was adequate documentation provided?*** – Was sufficient, clear and detailed information provided by the Registry Operator to enable ICANN to effectively evaluate the Launch Application?
2. ***Is the applied for launch program substantially similar to a launch program that ICANN has previously approved?*** – If the Launch Application states that the applied for launch program is similar to another launch program that was previously approved by ICANN, does the Launch Application state clearly and specifically why the applied for launch program is substantially similar to the previously approved launch program, and detail the facts and circumstances evidencing the similarity? Are there other facts or circumstances available to ICANN indicating a difference between the launch program that was previously approved and the applied for launch program, including the programs’ respective TLD or Registry Operator?
3. ***Was the applied for launch program referenced in the TLD application?*** – If the applied for launch program was set forth in the Registry Operator’s application for the TLD, did the Registry Operator describe the launch program with sufficient detail to

warrant and inform relevant public review and comment? Does the Launch Application state with specificity the relevant portions of the TLD application that described the launch program as well as detail how the applied for launch program in the Launch Application compares to the launch program described in its TLD application? How does the applied for launch program described in the Launch Application compare to the program described in the TLD application? If the applied for launch program was not described in, or was insufficiently described in, the Registry Operator's TLD application, ICANN will likely seek public comment prior to making a determination on the Launch Application.

4. ***How does the applied for launch program affect consumer confusion?*** – Would approving the Launch Application lead to consumer confusion (e.g. lack of differentiation between the launch program and other registration periods or insufficient information for consumers to easily understand the launch program)? Alternatively, does the Launch Application contain measures to diminish consumer confusion? Does the Launch Application provide for safeguards against consumer confusion?
5. ***How does the applied for launch program affect intellectual property rights?*** – Has the Registry Operator explained why the applied for launch program will not adversely affect the intellectual property rights of third parties? Could approving the Launch Application lead to potential infringement of third party intellectual property rights or undermine the benefits provided by the rights protection mechanisms required for the TLD? Does the Launch Application provide for safeguards against infringement, such as implementation of dispute resolution procedures or the Trademark Claims services?
6. ***Is there an ascertainable number of domain names that would be affected by the applied for launch program?*** – Does the Launch Application reflect that the Registry Operator understands and takes into consideration the limited purpose for Approved Launch Programs, and provide sufficient explanation as to why the applied for launch program will not have a material impact on the number of domain names available for registration or allocation in the TLD's Sunrise Period? Is the launch program narrowly defined or broad and open-ended? Does the Launch Application provide for a defined number of domains that could be registered or allocated under the applied for launch program? Could the length of the launch program cause confusion in other registration phases?
7. ***Is the launch program necessary to achieve the objectives of the Registry Operator?*** – Is the applied for launch program exclusively related to the successful launch of the TLD? Does the Registry Operator set forth legitimate and relevant objectives in its Launch Application for needing the applied for launch program? Could the applied for launch program's objectives be achieved under the TMCH Requirements without being an Approved Launch Program (e.g. by implementing it as a Limited Registration Period, rather than as an Approved Launch Program)? If ICANN has approved the Qualified Launch Program under Section 4.5.1 of the TMCH Requirements, why is the Qualified Launch Program insufficient to meet the needs for the TLD?

8. ***Has there been opposition or support from the Community to the applied for launch program?*** – Have there been any public comments regarding the program in response to the posted TLD application, the Launch Application or applications that applied for similar launch programs? If so, ICANN will review and take these public comments into consideration prior to reaching a decision.
9. ***How many launch programs is the Registry Operator intending to apply for?*** – Is the Registry Operator seeking approval of more than one launch program for the TLD? Has ICANN previously approved an Approved Launch Program for the TLD? If so, has the Registry Operator described in detail the need for multiple launch programs? Multiple applications will be considered cumulatively and in the aggregate.
10. ***Was the launch program applied for under Section 4.5.3?*** – If the Approved Geo Launch Program is created in accordance with Section 4.5.3 of the TMCH Requirements, does the Launch Application qualify under the requirements developed for the Approved Geo Launch Program?

ICANN may post Launch Applications for public comment in its discretion. In particular, ICANN is likely to seek public comment when Community input would be helpful in evaluating factors 4, 5 or 6 of these guidelines as well as in instances in which the Community has not had a previous opportunity to assess the proposed program (see factor 3).

ICANN will review and respond to Launch Applications on a timely basis. If ICANN has questions or insufficient information to complete its review of a Launch Application, ICANN will respond with a request for additional information. Should a Launch Application be approved, ICANN will issue a written approval to the Registry Operator qualifying it as an Approved Launch Program, which will be subject to the conditions and representations made in the Launch Application. ICANN may impose qualifications on the Approved Launch Program in its approval of the Launch Application. Should the Launch Application not be approved, ICANN will inform the Registry Operator as to the reason for the declining to approve the application.

Approved Launch Programs will be posted along with the relevant Registry Agreement on ICANN's website.