New gTLD Program
Community Priority Evaluation Report
Report Date: 11 June 2014

Application ID:	1-1273-63351
Applied-for String:	GMBH
Applicant Name:	TLDDOT GmbH

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.

Your application may still resolve string contention through the other methods as described in Module 4 of the Applicant Guidebook.

Panel Summary

Overall Scoring		5 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	0	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	2	4
#4: Community Endorsement	3	4
Total	5	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment	0/4 Point(s)
1-A Delineation	*0/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The application received a score of 0 out of 2 points under criterion 1-A: Delineation.

Delineation
Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("GMBH") is:

> The GmbH Community and its members are clearly and sharply delineated because they (i) are all entities, (ii) are all registered in official registers and (iii) are operating, representing or overseeing a company or companies with the legal form of a GmbH as described in #18.
>
> The GmbH Community includes regulatory authorities, courts, institutions, associations, chambers and the GmbH companies themselves. The core of the community are the companies with the legal form of a GmbH.
>
> The GmbH Community is well organized along the lines of the following model:
>
> Layer 1 – Governments (Oversight)
> The governments of Austria, Germany, Liechtenstein and Switzerland are the guardian and oversight and regulatory bodies of the national legislation regarding companies with the legal form of a GmbH. The governments have also installed the official company registers where GmbH companies need to be registered and operate services regarding administrative needs of GmbH companies.
>
> Layer 2 – Chambers and Associations (Representation)
> Chambers and associations play an important role in the distribution and dissemination of information from the legislative bodies of layer 1 to the GmbH companies and in the lobbying of the interests of GmbH companies in the public and opposite to the governments. In some countries like Austria and Germany the GmbH companies are mandatory member of a chamber.
>
> Layer 3 – The GmbH companies (Operation)
> These are the sole companies with the legal form of a GmbH.

This community definition does not demonstrate a clear and straightforward membership. The community is not clearly delineated, because it is broadly defined and may not resonate with all the stakeholders it seeks to represent.

In addition, the community as defined in the application does not have awareness and recognition of a community among its members. This is because GmbH companies (Layer 3 of the community as defined by the applicant) operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel's research, there is no evidence of GmbHs from different sectors acting as a community as defined by the Applicant Guidebook. Furthermore, the regulatory authorities and associations (Layers 1 and 2, respectively) would likely have only a tangential relationship with the core GmbH community and have remits extending beyond those relating to the community. They therefore would not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for delineation.

Organization
Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities.

The community as defined in the application does not have at least one entity mainly dedicated to the entire community as defined by the applicant. Additionally, existing entities do not represent a majority of the community as defined by the applicant, as they are limited in geographic scope or only represent parts of the community. For example, chambers of commerce do not capture the entire community as defined by the applicant as entities, such as courts, are not their members, and they are typically focused on a single country.

According to the application:

> TLDDOT GmbH is also member of the largest association representing the interests of GmbH companies, the BVMW (The German Association for Small and Medium-sized Businesses). The Berlin-based BVMW is a politically independent association which caters for all commercial branches and professions, and represents the interests of small and medium- sized businesses in politics, with administrative authorities, with trade unions and with major companies. The BVWM has around 80.000 GmbHs as members.

> TLDDOT GmbH and its managers maintain also relationships to other organizations representing GmbH companies, such as the Deutsche Industrie- und Handelskammer (www.dihk.de), Wirtschaftskammer Österreich (www.wko.at), Association of Berlin Merchants and Manufacturers e.V. (www.vbki.de), medianet Berlin-Brandenburg e.V. (www.medianet-bb.de), Unternehmerverband Berlin-Brandenburg e.V. (www.uv-berlin.de), eco Verband der deutschen Internetwirtschaft e.V. (the association for the German Internet economy, www.eco.de), BITKOM - Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V. (the German association for information technology, telecommunications and new media, www.bitkom.org).

The community as defined in the application does not have documented evidence of community activities. There are no documented activities of these fragmented organizations interacting together as a single community or in support of the entire community as defined by the applicant. Therefore, there is no documented evidence of community activities.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for organization.

Pre-existence
To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was not active prior to September 2007. According to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as both GmbH companies and the regulatory authorities and associations would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the community could not have been active prior to the above date (although its constituent parts were active).

The Community Priority Evaluation panel determined that the community as defined in the application does not fulfill the requirements for pre-existence.

1-B Extension	*0/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application did not meet the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not demonstrate considerable size or longevity for the community. The application received a score of 0 out of 2 points under criterion 1-B: Extension.

Size
Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of a considerable size. The community for .GmbH as defined in the application is large both in terms of geographical reach and number of members. According to the applicant:

> The GmbH Community comprises of about 1.4 million companies with the legal form of a GmbH in Austria, Germany, Liechtenstein and Switzerland, thereof about 1.15 million in Germany.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because GmbH companies (Layer 3 of the community as defined by the applicant) operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel's research, there is no evidence of GmbHs from different sectors acting as a community as defined by the AGB. Furthermore, the regulatory authorities and associations (Layers 1 and 2, respectively) would likely have only a tangential relationship with the core GmbH community and have remits extending beyond those relating to the community. They therefore would not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application only satisfies one of the two conditions to fulfill the requirements for size.

Longevity
Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as both GmbH companies and the regulatory authorities and associations would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .GmbH community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because GmbH companies (Layer 3 of the community as defined by the applicant) operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel's research, there is no evidence of GmbHs from different sectors acting as a community as defined by the AGB. Furthermore, the regulatory authorities and associations (Layers 1 and 2, respectively) would likely have only a tangential relationship with the core GmbH community and have remits extending beyond those relating to the community. They therefore would not typically associate themselves with being part of the community as defined by the applicant.

The Community Priority Evaluation panel determined that the community as defined in the application does not satisfy either of the two conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	0/4 Point(s)
2-A Nexus	0/3 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string does not identify or match the name of the community, nor is it a well-known short-form or abbreviation of the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus, the applied-for string must identify the community. "Identify" means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.

The applied-for string (.GmbH) does not match or identify the name of the community. The application for .GmbH defines a core community of companies with the legal form of a GmbH, as well as regulatory authorities, courts, institutions, associations and chambers. According to the application documentation:

> The proposed top-level domain name, "GMBH", is without any doubt widely known among the general public as the most often used legal form of a legal form designation of companies. All companies with the ending "GmbH" have to be registered before using the name. Therefore there is a very strong relationship between the applied-for string and the name of the community.

While the string identifies the name of the core community members (i.e. companies with the legal form of a GmbH), it does not match or identify the regulatory authorities, courts and other institutions that are included in the definition of the community as described in Criterion 1-A. Therefore, there is a misalignment between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string does not match or identify the name of the community as defined in the application, nor is it a well-known short-form or abbreviation of the community. It therefore does not meet the requirements for Nexus.

2-B Uniqueness	0/1 Point(s)

The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. The Community Priority Evaluation panel determined that the applied-for string does not satisfy the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies	2/4 Point(s)
3-A Eligibility	1/1 Point(s)

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective

registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to GmbH registered companies, registered associations and chambers representing these companies, and regulatory authorities and institutions in Austria, Germany, Liechtenstein and Switzerland that are involved in functions relating to GmBH companies, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection	*1/1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that a .GmbH domain name must correspond either fully or in relevant parts with the company's name, or with goods and services mentioned in the corporate purpose of a company, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3-C Content and Use	*0/1 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are not consistent with the articulated community-based purpose of the applied-for TLD. The application received a score of 0 out of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application does not demonstrate adherence to this requirement as content and use rules are not well-defined and consistent with the articulated community-based purpose of the applied-for gTLD. The content and use rules state that the contents of the website must be accessible under a domain name directly related to the eligibility requirements and must be in use within 12 months of registration. However, there were no details provided regarding the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain in the registry. (Details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application did not satisfy the condition to fulfill the requirements for Content and Use.

3-D Enforcement	*0/1 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. The applicant outlines a comprehensive list of circumstances in which the registry is entitled to lock or cancel domain names that do not meet the registration criteria. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process.

The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement	3/4 Point(s)
4-A Support	*1 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s) / member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support. While the applicant had support from more than one group with relevance, these groups do not constitute the recognized institutions to represent the community, as they only represent the same geographic area in each case, and not similar communities in other nations. Even within this geographic region, these groups do not represent both the core GmbH companies as well as the other bodies and institutions that are included in the community definition. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition	*2 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application received letters of opposition, which were determined to not be relevant, as they were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant satisfies the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.