

## Response to Documentary Information Disclosure Policy Request

To: Susannah Bolton, on behalf of CPA Australia

Date: 18 October 2015

Re: Request No. 20150918-1

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Thank you for your Request for Information dated 18 September 2015 (Request), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN's) Documentary Information Disclosure Policy (DIDP) on behalf of CPA Australia. For reference, a copy of your Request is attached to the email forwarding this Response.

### Items Requested

Your Request seeks documentary information relating to the Community Priority Evaluation (CPE) of your application for the .CPA gTLD (Application ID: 1-1722-1971) and requests disclosure of:

- (1) "the qualifications as regards the global financial community generally and the global CPA community specifically for members of the CPE Panel that were involved in reviewing the Application and producing the Determination;"
- (2) "the qualifications as regards the global financial community generally and the global CPA community specifically for the members of ICANN staff and/or the ICANN Board that were involved in reviewing and accepting the Determination;"
- (3) "any internal or unpublished guidelines or notes which were relied upon by the CPE Panel, ICANN or the Economist Intelligence Unit ('EIU') generally relating to the definition of the Criterion 2 Nexus;"
- (4) "any internal or unpublished discussion or notes which were relied upon by ICANN or the EIU in the development of the Determination;"
- (5) "research or documentation accessed by the CPE Panel in relation to the evaluation of Criterion 2 Nexus for the Application, regardless of whether the information is in the public domain;" and
- (6) "research or documentation accessed by the CPE Panel in relation to the evaluation of Criterion 2 Nexus for all applications evaluated by the EIU which scored 2 or 3 in in [sic] Criterion 2 Nexus, regardless of whether the information is in the public domain."

### Response

CPE is a method to resolve string contention. The standards governing CPE are set forth in Module 4.2 of the New gTLD Applicant Guidebook (Guidebook), and are available at <http://newgtlds.icann.org/en/applicants/agb>. CPE will occur only if a community-based applicant in contention selects CPE, and after all applications in the contention set have completed all previous stages of the gTLD evaluation process. (See Guidebook, § 4.2.) CPEs are performed by independent CPE panels that are coordinated by the Economist Intelligent Unit (EIU), an independent third party provider, which contracts with ICANN to perform that coordination role. (See *id.*; see also, CPE webpage at <http://newgtlds.icann.org/en/applicants/cpe>.) The CPE panel's role is to determine whether a community-based application fulfills the community priority criteria. (See *id.*) The Guidebook, CPE Panel Process Document, and the CPE Guidelines (all of which can be accessed at <http://newgtlds.icann.org/en/applicants/cpe>) set forth the guidelines, procedures, standards and criteria applied to CPEs, and make clear that the EIU and its designated panelists are the only persons or entities involved in the performance of CPEs.

As part of the evaluation process, the CPE panels review and score a community application submitted to CPE against the following four criteria: (i) Community Establishment; (ii) Nexus between Proposed String and Community; (iii) Registration Policies; and (iv) Community Endorsement. An application must score at least 14 out of a possible 16 points to prevail in a CPE; a high bar because awarding priority eliminates all non-community applicants in the contention set as well as any other non-prevailing community applicants. (See Guidebook at § 4.2; see also, CPE webpage at <http://newgtlds.icann.org/en/applicants/cpe>.)

To provide transparency of the CPE process, ICANN has established a CPE webpage on the New gTLD microsite, at <http://newgtlds.icann.org/en/applicants/cpe>, which provides detailed information about CPEs. In particular, the following information can be accessed through the CPE webpage:

- CPE results, including information regarding to the Application ID, string, contention set number, applicant name, CPE invitation date, whether the applicant elected to participate in CPE, and the CPE status. (<http://newgtlds.icann.org/en/applicants/cpe#invitations>)
- CPE Panel Process Document (<http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>)
- EIU Contract and Statement of Work Information (SOW) (<http://newgtlds.icann.org/en/applicants/cpe/eiu-contract-sow-information-08apr15-en.zip>)
- CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>)
- Draft CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe/guidelines-16aug13-en.pdf>)
- Community Feedback on Draft CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe#invitations>)

- Updated CPE Frequently Asked Questions (<http://newgtlds.icann.org/en/applicants/cpe/faqs-10sep14-en.pdf>)
- CPE Processing Timeline (<http://newgtlds.icann.org/en/applicants/cpe/timeline-10sep14-en.pdf>)

Items 1 and 2 seek “the qualifications as regards the global financial community generally and the global CPA community specifically” of “the members of the CPE Panel” that reviewed the Requester’s application (“CPE Panel”) and of “the members of ICANN staff and/or the ICANN Board that were involved in reviewing and accepting the [CPE Panel’s report].” To help assure independence of the process and evaluation of CPEs, ICANN (either Board or staff) is not involved with the selection of a CPE panel’s individual evaluators that perform the scoring in each CPE process, nor is ICANN provided with information about who the evaluators on any individual panel may be. The coordination of a CPE panel, as explained in the CPE Panel Process Document, is entirely within the work of the EIU’s team. ICANN therefore does not have any documentation regarding the “qualifications as regards the global financial community generally and the global CPA community specifically” of the CPE Panel members. Additionally, as set forth in Module 4.2 of the Guidebook (<http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf>), the CPE Panel Process Document (<http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>), and the CPE Guidelines (<http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>), CPEs are performed by the CPE Panel, not ICANN. The CPE Panel Process Document provides a detailed description of the EIU’s experience level, qualifications, EIU evaluators and core team. Specifically, the CPE Panel Process Document states:

The Economist Intelligence Unit (EIU) was selected as a Panel Firm for the gTLD evaluation process. The EIU is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 500 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world’s leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The evaluation process respects the principles of fairness, transparency, avoidance of potential conflicts of interest, and non-discrimination. Consistency of approach in scoring applications is of particular importance. In this regard, the Economist Intelligence Unit has more than six decades of experience building evaluative frameworks and benchmarking models for its clients, including governments, corporations, academic institutions and NGOs. Applying scoring systems to complex questions is a core competence.

## **EIU evaluators and core team**

The Community Priority Evaluation panel comprises a core team, in addition to several independent 1 evaluators. The core team comprises a Project Manager, who oversees the Community Priority Evaluation project, a Project Coordinator, who is in charge of the day-to-day management of the project and provides guidance to the independent evaluators, and other senior staff members, including The Economist Intelligence Unit's Executive Editor and Global Director of Public Policy. Together, this team assesses the evaluation results. Each application is assessed by seven individuals: two independent evaluators, and the core team, which comprises five people.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators, including the core team, have ensured that no conflicts of interest exist.
- All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment. This process included a pilot training process, which has been followed by regular training sessions to ensure that all evaluators have the same understanding of the evaluation process and procedures.
- EIU evaluators are highly qualified, they speak several languages and have expertise in applying criteria and standardized methodologies across a broad variety of issues in a consistent and systematic manner.
- Language skills and knowledge of specific regions are also considered in the selection of evaluators and the assignment of specific applications.

(CPE Panel Process Document, Pgs. 1-2,  
<http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.)

The process by which ICANN “accepts” a CPE panel’s report is set forth in the Section 4.2.2 of the Guidebook, which indicates that “[r]esults of each community priority evaluation will be posted when completed.” (See <http://newgtlds.icann.org/en/applicants/agnb>.) ICANN therefore does not have any documentation regarding the “qualifications as regards the global financial community generally and the global CPA community specifically” of the CPE Panel members, the ICANN Board or ICANN staff as requested in Items 1 and 2.

Items 3 through 6 seek documentary information relied upon by the CPE Panel in its evaluation of CPA Australia’s application, particularly as it relates to the evaluation of

Criterion 2 Nexus. As stated above, the Guidebook, CPE Panel Process Document, and the CPE Guidelines set forth the guidelines, procedures, standards and criteria applied to CPEs. As further discussed above, ICANN is not involved with the CPE Panel's evaluation. The coordination of the CPE Panel is entirely within the work of the EIU's team. (See the CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.) As stated in the CPE Process Document, "[t]he Panel Firm's Project Manager is notified by ICANN that an application is ready for CPE, and the application ID and public comment delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website." (See CPE Process Document, Pg. 2, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.) Thus, except for the notice of commencement of CPE and the public comments submitted on the Application Comments page relating to the application (of which there were none in the case of CPA Australia's application for .CPA), ICANN is not responsible for gathering the materials to be considered by the CPE Panel. In response to this DIDP Request, ICANN will provide the email notification to begin CPE of the community applications for .CPA that was sent from ICANN staff to the EIU on 30 April 2015. As stated in the CPE Panel Process Document, along with the notice to commence CPE, ICANN delivers to the EIU the public comment(s), if any, received on the application. (See CPE Process Document, Pg. 2, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>.) In the case of CPA Australia's application for .CPA, no comments were submitted to the Application Comment Forum, available at <https://gtdcomment.icann.org/applicationcomment/viewcomments>, and therefore, no comments were provided to the EIU in conjunction with the notice to commence CPE. Except for the email notification, ICANN does not have, nor does it collect or maintain, the work papers of the individual CPE panels (including the CPA Australia's .CPA CPE Panel) that contain the information called for within these items. The end result of the CPE Panel's analysis is the CPE Report, which explains the CPE Panel's determinations and scoring, and is available at <https://www.icann.org/sites/default/files/tlds/cpa/cpa-cpe-1-1911-56672-en.pdf>.

In accordance with the Panel Process Document, the CPE Panel reviews documents and communications that are publicly available through a number of resources, such as: (a) the Requester's application for .CPA available at <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/209>; (b) the New gTLD Correspondence webpage available at <http://newgtlds.icann.org/en/program-status/correspondence>; (c) the Applicant Comment Forum available at <https://gtdcomment.icann.org/comments-feedback/applicationcomment/viewcomments>; and (d) the Objection Determinations webpage available at <http://newgtlds.icann.org/en/program-status/odr/determination>.

Based on the foregoing, to the extent that ICANN has documentation responsive to Items 3 thru 6, such documents are either already public or subject to certain of the Defined Conditions for Nondisclosure set forth in the DIDP:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting

the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

For each of the items identified above subject to Defined Conditions of Nondisclosure, ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN, its contractual relationships, and its contractors' deliberative processes by the requested disclosure.

### **About DIDP**

ICANN's DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because, as we continue to enhance our reporting mechanisms, reports will be posted for public access.

We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).

**Attachment**

**Subject:** Notification to Begin Evaluation of Applications for .cpa

**Date:** Thursday, April 30, 2015 at 2:45:57 PM Pacific Daylight Time

**From:** Parissa Sohie Contact Information Redacted

**To:** EIU Contact Information Redacted

**CC:** Russ Weinstein Contact Information Redacted , Jared Erwin Contact Information Redacted

Hi EIU Contact Information Redacted

This email serves as the EIU's notification that evaluation can begin on application 1-1911-56672 (American Institute of Certified Public Accountants) and 1-1744-1971 (CPA Australia LTD) , community applicants for CPA. As per other evaluations, the following are in scope:

- Application questions 1-30a
- There were no application comments
- Correspondence
- Objection outcomes
- Outside research (as necessary)

The CPE micro site (<http://newgtlds.icann.org/en/applicants/cpe>) will be updated later today to reflect that evaluation is now in progress for this applicant.

Please let me know if you have any questions.

Regards,

Parissa Sohie  
Operations Specialist  
Global Domains Division

Direct: Contact Information Redacted

Mobile

Email:

[www.icann.org](http://www.icann.org)