

## **Reconsideration Request by Foggy Sunset, LLC**

*Regarding Action Contrary to Established ICANN Policies  
Pertaining to Community Priority Evaluation of New gTLD Applications*

### **Introductory Summary**

i. Foggy Sunset, LLC, “adversely affected by” an “ICANN action ... that contradict[s] established ICANN policy,” respectfully submits this request for reconsideration (“Request”) to the Board Governance Committee (“BGC”). Bylaws Art. IV § 2.2(a). Foggy Sunset asks that the BGC reconsider the 22 July 2015 report by which the Economist Intelligence Unit (“EIU”) granted community priority to Application ID 1-1309-81322 by Asia Spa and Wellness Promotion Council Limited (“ASWPC”) for .SPA (the “Award”).

ii. Having so attained “community priority,” the ASWPC application “eliminates all directly contending standard applications, regardless of how well qualified the latter may be.” Applicant Guidebook (“Guidebook” or “AGB”) § 4.2.3 at 4-9. Foggy Sunset also applied for .SPA, Application ID 1-1619-92115, and now can no longer compete for that string as a consequence of the Award.

iii. In issuing the Award, the EIU failed to follow processes established by ICANN and by the EIU itself for community priority evaluation (“CPE”):

**Important:** application comments and letters of support or opposition must be submitted within 14 days of the CPE Invitation Date in order to be considered by the CPE Panel.

<http://newgtlds.icann.org/en/applicants/cpe> (bold in original). The Award makes clear, however, that the EIU granted community priority to ASWPC based on a claimed letter of support submitted well *after* that clear deadline.

iv. Foggy Sunset and other applicants and stakeholders rely on published processes and expect all affected parties to adhere to them. Foggy Sunset itself met

the deadline with its own opposition to CPE for the ASWPC application, and could have responded to the tardy letter of support had it been submitted timely.

v. The EIU's failure to follow established processes has completely extinguished Foggy Sunset's own .SPA application. This entitles Foggy Sunset to reconsideration,<sup>1</sup> which should direct the EIU to conduct CPE of the ASWPC application without considering untimely submissions in its "support" analysis.

### **1. Requestor Information**

**Name:** Foggy Sunset, LLC

**Address:** Contact Information Redacted

**Email:** Contact Information Redacted

**Counsel:** John M. Genga, Don C. Moody  
The IP and Technology Legal Group, P.C.  
dba New gTLD Disputes

**Address:** Contact Information Redacted

**Email:** Contact Information Redacted

### **2. Request for Reconsideration of:**

Board action/inaction

Staff action/inaction

### **3. Description of specific action you are seeking to have reconsidered.**

Foggy Sunset seeks reconsideration of the Award by the EIU of community priority to the ASWPC application for .SPA, and of the acceptance of the Award by ICANN by operation of the community priority provisions of the Guidebook, AGB § 4.2.3 at 4-9.

---

<sup>1</sup> See <https://www.icann.org/en/system/files/files/determination-dotgay-20jan15-en.pdf> at 6-7: "The reconsideration process can properly be invoked for challenges to expert determinations rendered by panels ... such as the EIU, where it can be demonstrated that a panel failed to follow the established policies or procedures in reaching its determination ...."

**4. Date of action:**

22 July 2015

**5. On what date did you become aware of the action?**

22 July 2015

**6. Describe how you believe you are materially affected by the action:**

Foggy Sunset is materially affected because its own application for .SPA faces elimination as a consequence of the Award of community priority to the ASWPC application for the same string. AGB § 4.2.3 at 4-9.

**7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.**

The EIU has yet to conduct CPE for several community new gTLD applications. Competing standard applications for those TLDs could be eliminated absent an order on reconsideration that requires the EIU to comply with published processes in evaluating the remaining community-based applications.

**8. Detail of Board or Staff Action – Required Information**

**Staff Action:** Foggy Sunset has summarized the action subject to this Request in Section 3 above, and the propriety of reconsideration at footnote 1. Factual and procedural history appears immediately below in this Section 8. Process violations are discussed at greater length in Section 10 further below.

**Board action:** Not applicable; Foggy Sunset does not seek reconsideration of any Board action of which it is aware.

**Provide the Required Detailed Explanation here:**

8.1. Foggy Sunset timely submitted its Application ID 1-1619-92115 for .SPA to ICANN by 13 June 2012. <https://gtldresult.icann.org/application->

[result/applicationstatus/applicationdetails/599](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/599). Foggy Sunset did not apply to operate the TLD as a community. Foggy Sunset Applic. § 19.<sup>2</sup>

8.2. ASWPC timely submitted its own application for .SPA, ID 1-1309-81322, likewise by 13 June 2012. <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/123>. ASWPC did apply as a community. ASWPC Applic. § 19. It submitted but a single letter of support with its application, which appears at **Attachment 1** hereto.<sup>3</sup>

8.3. The ASWPC application was invited to CPE on 3 February 2015. See <http://newgtlds.icann.org/en/applicants/cpe>. The cited ICANN web page also states as follows:

**Important:** application comments and letters of support or opposition must be submitted within 14 days of the CPE Invitation Date in order to be considered by the CPE Panel.

8.4. On 17 February 2015, Foggy Sunset timely opposed community priority for the ASWPC application. See <https://newgtlds.icann.org/en/program-status/correspondence>. No letters of support for the ASWPC application appear by then on that page or <https://gtldcomment.icann.org/applicationcomment/viewcomments>, the application comments page.

8.5. On 9 April 2015 – nearly three years after submitting its application for .SPA, more than two months after being invited to CPE and more than seven weeks past the deadline for further submissions – ASWPC sent a letter claiming additional support for its application. A copy of that letter and its enclosures is available at <https://newgtlds.icann.org/en/program-status/correspondence>, and also appears in

---

<sup>2</sup> The Foggy Sunset application can be accessed from the linked “application details” page by clicking on the “download public portion of application” link. The ASWPC application can be so accessed similarly.

<sup>3</sup> The letter is also available at <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/123> Attmt. [20f \(Q20f support of .spa.pdf\)](#).

**Attachment 2** hereto for convenience. The enclosures include what purports to be a letter from the International Spa Association (“ISA”), bearing a date of July 2, 2014, addressed to ASWPC (but not to ICANN, the EIU or any other ICANN representative), three other previously unsubmitted letters and 35 pages of argument by ASWPC as to why the EIU should grant its .SPA application community priority.

8.6. The EIU issued its Award granting community priority to the ASWPC application on 22 July 2015. See <http://newgtlds.icann.org/en/applicants/cpe>. The Award also appears in **Attachment 3** hereto for convenience. It reflects that, of the 16 points available for CPE, the EIU awarded the ASWPC application 14 points. *Id.* at 1. That represents the minimum number of points needed to pass CPE. *Id.*; see also AGB § 4.2.3 at 4-10. Had the EIU awarded one fewer point under any criterion, the ASWPC application would not have passed CPE or attained priority over other applications.

8.7. The Award relies on the ISA “support” letter in at least two places for as many as two total scoring points. The first pertains to “community establishment,” and the second to “community endorsement.”

8.7.1. With regard to “community establishment,” the Award gives the ASWPC application both the two available points for “delineation, organization and pre-existence,” but relies entirely on the ISA letter for the latter two of those three elements. See **Attachment 3** at 2-3. According to the Guidebook, however, the full two points are available only if all three elements are established; a lack of “organization” – *i.e.*, “at least one entity mainly dedicated to the community” – takes at least one point away. AGB § 4.2.3 at 4-10 to 4-11. Insufficient “pre-existence” – *i.e.*, an organized existence predating the commencement of the new gTLD program in 2007 – can take another point away. From the content of the Award itself, the ISA letter forms the entire basis for the grant of two full community establishment points; without that letter, the application would have received zero or at most one point for this criterion.

8.7.2. “Community endorsement” has both “support” and “opposition” subparts, each worth as many as two points. AGB § 4.2.3 at 4-17. The Award grants the ASWPC application one of the available two support points, but does so solely with reference to the ISA, the organization whose “support” letter came with the ASWPC’s tardy 9 April 2015 submission. See **Attachment 3** at 7-8. From the language of the Award itself, the application would have received no support points but for the untimely ISA letter.

8.8. Foggy Sunset has brought these transgressions to the attention of ICANN and its Ombudsman, asking for an investigation and to suspend the time within which to bring a reconsideration request and/or a request for independent review process (“IRP”). On the day this Request was due, ICANN announced that it would not extend Foggy Sunset’s deadline to request reconsideration. As a consequence, Foggy Sunset has prepared this Request as fully as possible given the short deadline, and reserves the right to amend this Request to present additional evidence and argument.

**9. What are you asking ICANN to do now?**

Foggy Sunset respectfully requests that the BGC vacate the Award and direct that a different panel of EIU evaluators consider the ASWPC application without reference to the ISA letter or any other “support” presented to the EIU after 17 February 2015, the published deadline for expressions of support or opposition.

**10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.**

10.1. Foggy Sunset has been adversely affected by the actions of ICANN staff in the form of its agents and appointees, the EIU and its evaluation panel, and thus has both procedural standing to make this Request and the substantive right to have it granted.

**a) Foggy Sunset has standing to make this Request.**

10.2. Foggy Sunset has been “adversely affected by ... one or more staff actions or inactions that contradict established ICANN policy ....” This includes actions by ICANN's CPE vendor, the EIU. This fact gives Foggy Sunset standing within the meaning of Bylaws Art. IV § 2.2(a).

10.3. According to the form reconsideration request used here, a requestor must “demonstrate material harm and adverse impact” by the following measures:

10.3.1. *A loss or injury, financial or non-financial.* Foggy Sunset has described this in Section 6, *supra*, thus satisfying this element of standing.

10.3.2. *A direct and causal connection between the loss or injury and the staff action or inaction that is the basis of the Request.* Absent the failure of the EIU to follow established and published processes for CPE, the aberrant Award should not have occurred.

10.3.3. *The relief requested must be capable of reversing the harm alleged.* Foggy Sunset seeks exactly that here, asking that the BGC vacate the existing Award and direct a new CPE by a different EIU panel without reference to the ISA letter or any other materials submitted after 17 February 2015 deadline for expressions of support and opposition.

**b) The Award violates the policies and processes established and published by ICANN and the EIU for the consideration of materials in connection with community priority evaluation.**

10.4. This tribunal has previously and repeatedly held that the “reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be demonstrated that a panel failed to follow the established policies or procedures in reaching its determination, or that staff failed to follow its policies or procedures in

accepting that determination.” <https://www.icann.org/en/system/files/files/determination-dotgay-20jan15-en.pdf> at 6-7, citing previous decisions.

10.5. The CPE website clearly states that “application comments and letters of support or opposition must be submitted within 14 days of the CPE Invitation Date in order to be considered by the CPE Panel.” <http://newgtlds.icann.org/en/applicants/cpe>. The page also links to a timeline and a “process document” created by the EIU, **Attachment 4** and **Attachment 5** hereto, respectively.

10.5.1. The timeline clearly shows that all comments in support of or in opposition to community priority for an application be received within 14 days after the application is invited for CPE. See **Attachment 4**.

10.5.2. The process document also clearly describes the 14-day window for submission of support and opposition papers:

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**.

...

The public comments are provided to EIU by ICANN **following the close of the 14-day window associated with the CPE invitation**.

See <http://newgtlds.icann.org/en/applicants/cpe#status/panel-process-07aug14-en.pdf> (**Attachment 5**) at 2 (emphases added).

10.6. The letters submitted by ASWPC on 9 April 2015 exceed these published deadlines. Foggy Sunset timely submitted its own opposition, and could have responded to any additional purported support offered by or on behalf of ASWPC had it come timely.

10.7. In this respect, this Request presents a situation almost identical to that presented in Reconsideration Request 14-44 concerning the .GAY new gTLD. The



requestor in that proceeding alleged that the EIU had failed to follow established processes with respect to letters of support and opposition, and the BGC granted reconsideration notwithstanding that doing so likely would not have affected the ultimate outcome (because the requisite number of CPE scoring points would not have been achieved even if consideration of the support and opposition papers had been proper).

10.8. The BGC should follow its determination in the .GAY proceeding and grant reconsideration here. Doing so is even more important in this case because, unlike in .GAY, eliminating the ISA letter from consideration will take away at least two points from the ASWPC application and make the difference between passing and failing CPE.

**11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)**

Yes

No

**11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.**

Not applicable.

**Terms and Conditions for Submission of Reconsideration Requests**

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

DATED: August 6, 2015

Respectfully submitted,

THE IP and TECHNOLOGY LEGAL GROUP  
dba New gTLD Disputes

By:         /jmg/          
John M. Genga  
Attorneys for Requestor  
FOGGY SUNSET, LLC

**Documents Submitted**

- Attachment 1:** 20 April 2012 letter to ASWPC from Ka'Andaman Traditional Healing Garden of Malaysian Borneo
- Attachment 2:** 9 April 2015 ASWPC letter to ICANN Board, CPE Evaluation Panel and ICANN Global Domains Division re CPE for .SPA Community Application, with enclosures
- Attachment 3:** 22 July 2015 EIU CPE Report re ASWPC Community Application for .SPA
- Attachment 4:** EIU CPE Timeline
- Attachment 5:** EIU CPE Process Document

# **Attachment 1**



# KA'ANDAMAN

---

Traditional Healing Garden

## Contact Information Redacted

---

20<sup>th</sup> April 2012

Mr. William Ng  
Chairman  
Asia Spa & Wellness Promotion Council

### Contact Information Redacted

Dear Mr. Ng:

**Support for the Application of .spa**

We are pleased to support the application for .spa as a mean to further develop and promote the spa and wellness industry.

Should you require further assistance, do feel free to contact us.

Thank you!

Yours sincerely,

---

VIVIEN LIM HUEY CHYANG  
General Manager  
Ka'andaman Spa

## **Attachment 2**



Date: April 9, 2015

Application ID:	1-1309-81322
Applying Entity Name:	Asia Spa and Wellness Promotion Council Limited
Applied-for TLD:	spa
Note/Remark:	Please post this letter [3 pages], along with the included attachments (4 letters of support [total 5 pages] and a CPE requirements explanation document [total 35 pages]) as correspondence

Attention: ICANN Board, CPE Evaluation Panel, and ICANN Global Domains Division (GDD)

**Re: Update and Input to the Community Priority Evaluation (CPE) for the .Spa Community TLD application.**

Dear Mr. Crocker, CPE Evaluation Panel (EIU) and Mr. Atallah,

We write to provide important update and input to the Community Priority Evaluation process for the .Spa Community TLD application that is underway.

Included with this letter are 4 important letters of support for the .Spa Community TLD application:

- **International Spa Association** ([www.experienceispa.com](http://www.experienceispa.com)) – ISPA is the most recognized voice in the Spa community. With members in more than 70 countries, ISPA advances the Spa community by providing invaluable educational and networking opportunities, promoting the value of the Spa experience and speaking as the authoritative voice to foster professionalism and growth.
- **City of Spa** – The City of Spa is recognized as the etymological origin of the word “Spa”. The meaning of the word “Spa” to represent curative springs takes directly from the same originating from the City of Spa. Any use of the word “Spa” alludes to the heritage of the city.
- **Government of Malaysia** (Tourism Malaysia)
- **Government of Thailand** (Ministry of Tourism and Sports)

Also included with this letter is an explanation of the ASWPC proposal corresponding to the Community TLD assessment criteria as put forward in the New gTLD Applicant Guidebook (AGB), especially in the spirit of the adopted GNSO new gTLD policy recommendations.

We also write in response to a grossly incorrect assessment of the ASWPC application by Donuts (the commercial opponent for the .Spa Community TLD). Donut’s interpretation of

the community priority process is misguided and must not be perpetuated. The Community Priority process is a process to allow for legitimate communities to utilize the new gTLD process and to rally behind a new generic TLD (gTLD) name to further the cause of the community. In so doing, it enhances competition by introducing legitimate generic TLD (gTLD) operators that are not only motivated by commercial interests, but have the best interests of the named community in mind.

Competition is enhanced when different types of operators operate fully generic TLDs (gTLD). Not when all operators of generic TLDs (gTLD) are only commercially oriented. The community priority evaluation (CPE) process is not a protection mechanism, it is a mechanism to enhance competition itself. Especially to level the playing field for legitimate communities against purely commercial interests who would otherwise be substantively advantaged (against community oriented entities) in the auction process.

For .Spa specifically, both on a rhetorical and practical point of view, the argument that it “enhances competition” to award the gTLD in a commercially biased (i.e. market) mechanism (i.e. auction), would simply be empty. How would taking away the opportunity for the global Spa community to operate .Spa and awarding it (through an auction mechanism that advantages the commercial interests) to an entity that is already the operator with already the largest number of applications be “enhancing competition”? Such views can at best be considered anti-competitive.

The ASWPC respects the adopted GNSO policies, GAC advices and the AGB. All of which we believe supports the legitimacy of our community TLD application. None of which required that the applicant entity be a/the “representative” of the community. The new gTLD process even encouraged new entities to be established to apply. What is important is that the community to be served is well established, clearly delineated and that the proposed policy framework and rules are reflective of the community purpose, which the ASWPC community TLD proposal exemplifies. ASWPC understands that policies must evolve over time as the community is engaged in the operations of the community TLD is reflective of the continued accountability of the proposed community TLD to the named community. That community policies will continue to be developed must not be construed to be a defect.

The intentional confusion of the concept taken from the AGB that “a globally well-known but local tennis club applying for “.TENNIS”” is not eligible is another fundamentally misguided interpretation that must be debunked. The context of the example is that a local tennis club proposing to serve its local members and applying for a global term “tennis”, which explains the “over-reach”. Also that members, being tennis players, could mean anyone (i.e. anyone can be a “tennis player”) itself is an “over-reach”. The case for the ASWPC application is not the same. Not anyone can or will be a Spa operator or professional or be a Spa community member, and the proposal specifically proposes to serve the global Spa community not restricted to local. While the ASWPC entity itself currently serves the Asia region (which nevertheless now accounts for the largest concentration of spas globally), the governance and proposed community of the .Spa community TLD engages and serves the global Spa community.

It is the framework that ASWPC put forward for the development of a .Spa Community TLD that attracted the support of 2 of the most representative authorities of the Spa Community, the International Spa Association, and the City of Spa.

Finally, we strongly believe that in order to best assess if the ASWPC .Spa Community TLD application truly satisfies the intents and requirements of the Community Priority as explained in the GNSO policies, AGB and GAC advices, face-to-face, teleconference, or

otherwise interactive correspondence between the evaluators and the applicant is indispensable.

The community priority procedures of the new gTLD process is an integral part of the program's objectives to enhance competition, consumer choice and consumer trust. The integrity of the Community Priority process is critical for all 3 aspects.

We look towards ICANN and the CPE Panel to adhere to the spirit of the GNSO policies as deployed in the AGB and further informed by the GAC advices to make your decision.

Sincerely,

William Ng  
Chairman  
Asia Spa & Wellness Council (ASWPC)

CC: Mr. Cherine Chalaby, Chair, ICANN Board New gTLD Program Committee  
Ms. Christine Willett, Vice President of gTLD Operations, ICANN  
Mr. Chris LaHatte, Office of the ICANN Ombudsman  
PS. Mr. LaHatte, We understand that you are undertaking an "own motion" investigation on the New gTLD Program's Community Priority Evaluation ("CPE") process, we humbly submit the above observations to your consideration.





2 July 2014

**Asia Spa and Wellness Promotion Council**  
Contact Information Redacted

Attention to William Ng, Chairman

**Support for .spa gTLD Application**

Dear Mr. Ng:

We are pleased to inform that the International SPA Association supports your application for the .spa gTLD.

For over 20 years, the International SPA Association has been recognized worldwide as the professional organization and voice of the spa industry, representing health and wellness facilities and providers in more than 70 countries. Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers.

ISPA advances the spa industry by providing invaluable educational and networking opportunities, promoting the value of the spa experience and speaking as the authoritative voice to foster professionalism and growth.

We wish you well in your application and look forward to supporting the .spa initiative as proposed by the ASWPC.

Yours sincerely,

Lynne McNees  
President, International SPA Association

April 30, 2014



AUTHENTI' CITY

---

**VILLE DE SPA**  
**Mayor**

ICANN

Attention: New gTLD Evaluation Process  
Suite 330, 4676 Admiralty Way  
Marina del Rey, CA 90292  
UNITED STATES OF AMERICA

**OBJET: Letter for support for .SPA (as applied for by the ASWPC)**

This letter is to confirm that the City of Spa fully supports the application for .spa submitted to ICANN by **Asia Spa and Wellness Promotion Council Limited** (hereunder the "ASWPC") in the New gTLD Program (ID number 1-1309-81322). As the Mayor of the City of Spa I confirm that I have the authority of the City of Spa, which I represent, to be writing to you on this matter.

The gTLD will be used to promote the mission and purposes of the .spa TLD (Applicant's Response to Question 20c Purpose of community-based TLD) namely:

- A. to support the spa and wellness community, especially to extend the spa experience on the Internet;
- B. to advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,
- C. to transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.

All these purposes will be carried out with the involvement of the City of Spa as described in the Memorandum of Understanding of 13 July 2013, because the City of Spa is also the historical thermal town which gave its name to the "spa" activity, and in order to ensure that the introduction of the .spa TLD will not inadvertently impact the activities of the City of Spa and of its inhabitants and enterprises.

The City of Spa has worked closely with the applicant in the development of this proposal.

The City of Spa supports this application, and in doing so, understands that in the event that the application is successful, the ASWPC will be required to enter into a Registry Agreement with ICANN. In doing so, the ASWPC will be required to pay fees to ICANN and comply with consensus policies developed through the ICANN multi-stakeholder policy processes.

The City of Spa further understands that, in the event of a dispute between the City of Spa and the ASWPC, ICANN will comply with a legally binding order from a court in the jurisdiction of the City of Spa.

This application is being submitted as a community-based application, and as such it is understood that the Registry Agreement will reflect the community restrictions proposed in the application. In the


event that the registry is not complying with these restrictions, possible avenues of recourse include the Registry Restrictions Dispute Resolution Procedure.

In the event that this application is successful the City of Spa will enter into a separate agreement with the ASWPC. This agreement will outline the conditions under which the City of Spa will coordinate with ASWPC in the operation of the TLD, and circumstances under which the City of Spa would disengage. ICANN will not be a party to this agreement, and enforcement of this agreement lies fully with the City of Spa.

The City of Spa understands that the Geographic Names Panel engaged by ICANN will, among other things, conduct due diligence on the authenticity of this documentation. I would request that if additional information is required during this process, that our attorney Philippe Laurent Contact Information Redacted be contacted in the first instance.

Thank you for the opportunity to support this application.

Yours sincerely,

 The Mayor,  
J. HOUSSA

The seal is circular with the text "ADMINISTRATION COMMUNALE SPA" around the perimeter. In the center, there is a depiction of a building, likely a town hall or administrative building.



17 January 2013

Mr. William Ng  
Chairman  
**Asia Spa and Wellness Promotion Council**  
Contact Information Redacted

Dear Mr. Ng:

**Support for .spa gTLD Application**

We are pleased to inform you that we support your application for the .spa gTLD with ICANN.

However, this does not constitute an endorsement by Tourism Malaysia and that such application shall be judged on its own merits.

We wish you well in your application and your expressed desire to drive the economic and social value for spa and wellness brands, businesses and consumers around the world through the development of an open generic namespace supporting the spa and wellness industry online.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Victor Wee", written in a cursive style.

DATUK DR VICTOR WEE  
Chairman

**MALAYSIA TOURISM PROMOTION BOARD**  
(MINISTRY OF TOURISM MALAYSIA)

Contact Information Redacted

URL: <http://tourism.gov.my>

**URGENT**

No. 0207/ ๒๒๘๗



Ministry of Tourism and Sports  
Contact Information Redacted

๖ June 2013

Dear Mr. Ng,

Support for Dotspa gTLD Application by Asia Spa and Wellness Promotion Council

On behalf of the Ministry of Tourism and Sports of Thailand, I am pleased to support the Dotspa gTLD application by Asia Spa and Wellness Promotion Council.

This is in-line with our desire to see the gTLD managed by an independent, industry-led organisation that supports the integrity of the global spa and wellness industry.

Thailand, as a leading global spa and wellness destination, wishes to stress our support for an open namespace that is able to better protect the interests of the industry online.

Your sincerely,

A handwritten signature in blue ink, appearing to read "Dr. Sidthilaw".

Dr. Suwat Sidthilaw  
Permanent Secretary,  
Ministry of Tourism and Sports

Asia Spa and Wellness Promotion Council,  
Hong Kong

# ASWPC “.Spa” Community Application Community Priority Evaluation (CPE) Guidelines Comparison

## Criterion #1: Community Establishment

This section relates to the community as explicitly identified and defined according to statements in the application. (The implicit reach of the applied-for string is not considered here, but taken into account when scoring Criterion #2, “Nexus between Proposed String and Community.”)

Measured by  
1-A Delineation  
1-B Extension

A maximum of 4 points is possible on the Community Establishment criterion, and each sub-criterion has a maximum of 2 possible points.

### 1-A Delineation

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
<p>Scoring</p> <p>2= Clearly delineated, organized, and pre-existing community. □ 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2. 0= Insufficient delineation and pre-existence for a score of 1.</p>	<p>The following questions must be scored when evaluating the application:</p> <p>Is the community clearly delineated?</p> <p>Is there at least one entity mainly dedicated to the community?</p> <p>Does the entity (referred to above) have documented evidence of community activities?</p> <p>Has the community been active since at least September 2007?</p>	<p>First of all it is important to note that the community and the entity applying for the TLD is not one and the same, and need not be. The consideration of the community is obviously larger than the entity (ASWPC) applying for the TLD “.Spa”. Nevertheless that, the applicant entity covers the entire community, is not a requirement based on the Community TLD policies adopted by ICANN nor as stipulated in the new gTLD Application Guidebook (AGB).</p> <p><b>What is important in the fulfilment of these criteria is whether the identified community that the TLD intends to serve (not the applying entity itself) is clearly delineated, organized, and pre-existing.</b></p> <p>The Spa community is clearly delineated:</p> <ul style="list-style-type: none"> <li>•Spa operators, professionals and practitioners</li> <li>•Spa associations and their members around the world</li> <li>•Spa products and services manufacturers and distributors.</li> </ul> <p>Furthermore, if one looks into the history of “Spa”, the word, the community and its origins, it is easy identify that the etymology of the word came from</p>

the city of Spa (and not the other way round) and today the Spa community identifies the curative springs as a central essence.

There are many entities mainly dedicated to the community. Many of the many Spa operators themselves are dedicated to the community and there are many community organizations established. The following are some of these organisations:

- Asia Spa & Wellness Promotion Council, Asia (<http://www.aswpc.org/>)
- Asia Pacific Spa & Wellness Coalition, Asia (<http://www.apswc.org/>)
- Spa Association of Africa (SAA), Africa (<http://www.spaassociationofafrica.com/>)
- Argentina Spa Association, Argentina (<http://www.asociacionspa.org>)
- Australasian Spa Association (ASPA), Australia (<http://www.aspaassociation.com.au>)
- Bali Spa and Wellness Association (BSWA), Bali (<http://www.balispawellness-association.org/>)
- European Spa Association, Belgium (<http://www.espa-ehv.com/>)
- Brazilian Spas Association (ABC-Spas), Brazil (<http://www.abcspas.com.br>)
- Bulgarian Union for Balneology and Spa Tourism (BUBSPA), Bulgaria (<http://www.bubspa.org/>)
- Leading Spas of Canada, Canada (<http://www.leadingspasofcanada.com/web/>)
- Ontario's Finest Spas, Canada (<http://www.ontariosfinestspas.com/>)
- Premier Spas of Ontario, Canada (<http://www.ontariospremierspas.com/>)
- Spas Relais Santé, Canada (<http://www.spasrelaissante.com>)
- China National Spa Association, China (<http://www.chinaspaassociation.com/>)
- Cyprus Spa Association, Cyprus (<http://www.cyprusspaassociation.com/>)
- Association of the Spa Places of the Czech Republic, Czech Republic (<http://www.spas.cz/osdruzenien.htm>)
- Estonian Spa Association, Estonia (<http://www.estonianspas.com/en>)
- European Spas Association (ESPA), Europe (<http://www.espa-ehv.com>)
- French Spa Association (SPA-A), France (<http://www.spa-a.com/>)
- International Spa & Wellness Association (ISWA), Germany (<http://www.iswa.de/>)

	<p>German Spas Association, Germany  (<a href="http://www.deutscher-heilbaederverband.de/">http://www.deutscher-heilbaederverband.de/</a>)  International SPA &amp; Wellness Association (ISWA), Germany  (<a href="http://www.iswa.de">http://www.iswa.de</a>)  Hellenic Association of Municipalities and Communities with Curative Springs and Spas, Greece (<a href="http://www.thermalsprings.gr">http://www.thermalsprings.gr</a>)  Day Spa Association, Asian Chapter, Hong Kong  Hungarian Spa Tourism Association, Hungary  Hungarian Baths Association, Hungary (<a href="http://www.furdoszovetseg.hu/en/">http://www.furdoszovetseg.hu/en/</a>)  The Iceland Spa Association, Iceland  (<a href="http://www.visiteuropeanspas.com/iceland/">http://www.visiteuropeanspas.com/iceland/</a>)  Indian Spa &amp; Wellness Association (ISWA), India (<a href="http://www.iswa.in/">http://www.iswa.in/</a>)  Spa and Wellness Association of India (SWAI), India  (<a href="http://www.spaandwellnessassociation.com/">http://www.spaandwellnessassociation.com/</a>)  Spa Association of India, India (<a href="http://spaassociationofindia.in/">http://spaassociationofindia.in/</a>)  Leading Leisure in Ireland - Spa and Wellness Skillnet, Ireland (<a href="http://ilam.ie/">http://ilam.ie/</a>)  Japan Spa Association, Japan (<a href="http://www.j-spa.jp/">http://www.j-spa.jp/</a>)  Nippon Spa Association (NPO), Japan (<a href="http://www.n-spa.org/">http://www.n-spa.org/</a>)  International Spa Association, Korea  Nacionalin kurort asociacija (Lithuanian Health Resorts Association), Lithuania  Association of Malaysian Spas (AMSPA), Malaysia  (<a href="http://www.amspa.org.my/">http://www.amspa.org.my/</a>)  Spa &amp; Wellness Association of Malaysia, Malaysia (<a href="http://www.mawspa.org/">http://www.mawspa.org/</a>)  Mongolian Spa Sauna Association, Mongolia  Spa &amp; Wellness Association of Nepal, Nepal  Spa and Wellness Association of Cebu (SWAC), Philippines  (<a href="http://www.ngkhai.net/cebu/?tag=spa-and-wellness-association-of-cebu-swac">http://www.ngkhai.net/cebu/?tag=spa-and-wellness-association-of-cebu-swac</a>)  Spa Association of the Philippines, Philippines  (<a href="http://www.spaassociation.com.ph/">http://www.spaassociation.com.ph/</a>)  Association of Polish Spa Communities, Poland  (<a href="http://www.sgurp.pl/index1.htm">http://www.sgurp.pl/index1.htm</a>)  Portuguese Spas Association, Portugal (<a href="http://www.termasdeportugal.pt">http://www.termasdeportugal.pt</a>)  Organizatia Patronala a Turismului Balnear din Romania (OPTBR / Romanian Spa Organization), Romania (<a href="http://www.romanian-spas.ro/">http://www.romanian-spas.ro/</a>)</p>
--	---



	<p>National Guild of Spa Experts, Russia  (<a href="http://eng.russiaspas.ru/en/guild.phtml">http://eng.russiaspas.ru/en/guild.phtml</a>)  Spa and Wellness International Council (SWIC), Russia  (<a href="http://www.wellness-t.lact.ru/">http://www.wellness-t.lact.ru/</a>)  Serbian Spas and Resorts Association, Serbia  (<a href="http://www.udruzenjebanja.co.rs/index.htm">http://www.udruzenjebanja.co.rs/index.htm</a>)  Spa &amp; Wellness Association Singapore, Singapore  (<a href="http://www.spaandwellness.org/">http://www.spaandwellness.org/</a>)  Spa Association, Singapore, Singapore  (<a href="http://www.spaassociation.org.sg/members.htm">http://www.spaassociation.org.sg/members.htm</a>)  Asociácia slovenských kúpeov (Association of Slovakian Spas and Minerals Springs), Slovakia (<a href="http://www.balneotherma.sk/">http://www.balneotherma.sk/</a>)  Slovenian Spa Association, Slovenia (<a href="http://en.slovenia-terme.si/">http://en.slovenia-terme.si/</a>)  South Africa Spa Association, South Africa  (<a href="http://www.saspaassociation.co.za/">http://www.saspaassociation.co.za/</a>)  Asociacion Nacional de Balnearios (ANBAL/Spanish National Spa Association), Spain (<a href="http://www.balnearios.org">http://www.balnearios.org</a>)  Gran Canaria Spa and Wellness Association, Spain  (<a href="http://www.grancanariawellness.com">http://www.grancanariawellness.com</a>)  Sweden SpaHotel Association, Sweden (<a href="http://www.svenskaspahotell.se">http://www.svenskaspahotell.se</a>)  L'Association des Espaces Thermaux Suisses (Swiss Thermal Spas Association), Switzerland  Taiwan Spa Association, Taiwan (<a href="http://www.tspa.tw/index-a00.html">http://www.tspa.tw/index-a00.html</a>)  Samui Spa Association, Thailand (<a href="http://www.samuispaassociation.com">http://www.samuispaassociation.com</a>)  Thai Lanna Spa Association, Thailand (<a href="http://www.lannaspa.net">http://www.lannaspa.net</a>)  Phuket Spa Association, Thailand (<a href="http://www.spaphuket.org">http://www.spaphuket.org</a>)  Thai Spa Association (TSA), Thailand (<a href="http://www.thaispaassociation.com/">http://www.thaispaassociation.com/</a>)  Turkish Spa Association, Turkey (<a href="http://www.spa-turkey.com/eng/default.asp">http://www.spa-turkey.com/eng/default.asp</a>)  Ukrainian SPA Association, Ukraine (<a href="http://www.spaua.org">http://www.spaua.org</a>)  Middle East Spa Business Group, United Arab Emirates  (<a href="http://r5.ek.aero/mespa/">http://r5.ek.aero/mespa/</a>)  British International Spa Association (BISA), United Kingdom  (<a href="http://www.spaassociation.org.uk/">http://www.spaassociation.org.uk/</a>)  Global Hydrothermal Spa Standards Association, United Kingdom  Spa Business Association, United Kingdom  (<a href="http://www.spabusinessassociation.co.uk/">http://www.spabusinessassociation.co.uk/</a>)</p>
--	--

		<p>Dallas Spa Association, United States  Day Spa Association, United States (<a href="http://www.dayspaassociation.com/">http://www.dayspaassociation.com/</a>)  Destination Spa Group, United States (<a href="http://www.destinationspavacations.com">http://www.destinationspavacations.com</a>)  Green Spa Network, United States (<a href="http://greenspanetwork.org">http://greenspanetwork.org</a>)  Hawaii Spa Association, United States (<a href="http://www.hi-spa.com">http://www.hi-spa.com</a>)  Hydrothermal Spa Forum, United States (<a href="http://www.hydrothermal-spa-forum.com/">http://www.hydrothermal-spa-forum.com/</a>)  International Medical Spa Association, United States (<a href="http://www.medicalspaassociation.org/">http://www.medicalspaassociation.org/</a>)  International SPA Association (ISPA), United States (<a href="http://www.experienceispa.com/">http://www.experienceispa.com/</a>)  Las Vegas Spa Association, United States (<a href="http://www.lvspas.com/">http://www.lvspas.com/</a>)  New England Spa Association, United States (<a href="http://www.newenglandspaassociation.com">http://www.newenglandspaassociation.com</a>)  New Mexico Spa Association, United States  San Diego Spa Association, United States (<a href="http://www.sdspaassociation.org">http://www.sdspaassociation.org</a>)  Sedona Spa Association, United States (<a href="http://www.sedonaspaassociation.com/">http://www.sedonaspaassociation.com/</a>)  Southern California Spa Directors Association, United States (<a href="http://www.thespacconnect.com/">http://www.thespacconnect.com/</a>)  The Spa Association (SPAA), United States (<a href="http://www.thespaassociation.com/">http://www.thespaassociation.com/</a>)  Washington Spa Alliance (WSPA), United States (<a href="http://www.washingtonspaalliance.com/">http://www.washingtonspaalliance.com/</a>)</p> <p>Many of the above entities have documented evidence of community activities. You may simply refer to their respective websites for specific evidences.</p> <p>The community has been active since well before September 2007. Many of the Spa community associations, including the ASWPC is established before September 2007.</p>
Definitions		
"Community" - Usage of the expression "community" has evolved	The "community," as it relates to Criterion #1, refers to the stated	There are many entities established to "administer", or better understood to

considerably from its Latin origin – “communitas” meaning “fellowship” – while still implying more of cohesion than a mere commonality of interest. Notably, as “community” is used throughout the application, there should be: (a) an awareness and recognition of a community among its members; (b) some understanding of the community’s existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience— into the future

community in the application.

Consider the following:

- Was the entity established to administer the community?
- Does the entity’s mission statement clearly identify the community?

Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity’s web site, including mission statements, charters, etc.

support the community.

ASWPC is one of the associations. Nevertheless, the .Spa registry is intended to serve the global Spa community and the proposed governance structure of the .Spa registry supports the participation of all relevant associations established to “administer” (i.e. to serve or support) the community in the governance of the .Spa TLD.

The International Spa Association (ISPA – <http://experienceispa.com/>) is another one of the associations. The ISPA supports the .Spa community TLD proposal put forward by ASWPC. Since 1991, the ISPA has been recognized worldwide as the professional organization and voice of the spa community, representing health and wellness facilities and providers in more than 70 countries.

Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers.

**ISPA's Mission**  
ISPA advances the spa industry by providing invaluable educational and networking opportunities, promoting the value of the spa experience and speaking as the authoritative voice to foster professionalism and growth.

**ISPA's Vision**  
To be the leader in promoting and enhancing the well-being of the spa industry and the people it serves.

**ISPA's Definition of Spa**  
Spas are places devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit.

All of the entities identified above have mission statements clearly identifying the community, including ASWPC. You may refer to their respective websites for such evidences.

<p>"Delineation" relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.</p>	<p>"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members.</p> <p>The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, etc.</p>	<p>Community members are well aware of the community. There is clear recognition of the community among community members. Many of them include the word "Spa" in their names.</p> <p>The many Spa associations also provide evidence of a clearly delineated "industry" (or community).</p> <p>Not all companies or health institutions call themselves "Spa" further evidencing that there is clear delineation.</p> <p>In many countries, there are specific accreditation requirements, the most straightforward</p>
<p>"Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007.</p>		<p>The community has been active since well before the new gTLD policy recommendations were completed in September 2007.</p> <p>Most of the Spa associations (including the International Spa Association and the ASWPC) are established well before September 2007.</p> <p>Many of the Spa associations are very active in its events, membership activities, advocacy, etc.</p> <p>The use of the word "Spa", alluding to the city of Spa, where the concept originated, began at least as early as in the 1500s.</p>
<p>"Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.</p>	<p>"Mainly" could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization.</p> <p>Consider the following:</p> <p><input type="checkbox"/> Was the entity established to administer the community?</p>	<p>There are many entities established to "administer" (i.e. serve and support) the community with evidence of community activities.</p> <p>We note again that there is no requirement in the new gTLD policies or the AGB requiring that the applicant entity be the one (and only) entity established to "administer" the community. Rather, the policies and the AGB asks whether the said community to be served by the applicant entity is well established, clearly delineated, organized, and pre-existing.</p> <p>ASWPC is one of the entities established to support the community, and there are many entities around the world that supports the community in their respective locales as well. The ASWPC on one hand is one of the entities,</p>

	<p>☐☐ Does the entity's mission statement clearly identify the community?</p>	<p>on the other hand, the .Spa Registry is setup such that ALL the community entities are invited to participate in the governance of the .Spa community TLD.</p> <p>The mission statement of ASWPC as well as the many entities established to serve and support the community have their mission statements clearly identifying the community.</p> <p>The International Spa Association (ISPA) is another such organization established to “administer”, i.e. to serve and support the community.</p>
<p>Criterion 1-A guidelines</p>		
<p>With respect to “Delineation” and “Extension,” it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both “Delineation” and “Extension.”</p> <p>With respect to “Delineation,” if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2.</p>		<p>The Spa community is clearly delineated:</p> <ul style="list-style-type: none"> <li>•Spa operators, professionals and practitioners</li> <li>•Spa associations and their members around the world</li> <li>•Spa products and services manufacturers and distributors.</li> </ul> <p>Each of the Spa operators, professionals and practitioners themselves, each of the Spa associations as well as their members around the world, and each of the Spa products and services manufacturers and distributors understand that they are in the Spa community.</p> <p>Their choice of their names and their engagement in the Spa business or in the Spa associations themselves are clear evidence of such recognition of the community among the members.</p>
<p>Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 2 (for 1-A Delineation).</p>		

The Spa Community is clearly delineated from general internet users, in fact, the Spa Community is even delineated from the general medical or health community. The Spa Community is pre-existing. Many of the Spa associations, including ASWPC and the International Spa Association (ISPA), are established well before September 2007. The Spa community is organized. The many active Spa associations and events are clear evidence that the Spa community is organized.

## 1-B Extension

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
<p>Scoring</p> <p>Extension: □2=Community of considerable size and longevity            1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2. □0=Community of neither considerable size nor longevity</p>	<p>The following questions must be scored when evaluating the application:</p> <p>Is the community of considerable size?</p> <p>Does the community demonstrate longevity?</p>	<p>The global Spa community is of considerable size.</p> <p>There are an estimated 120,000 spas around the world, and growing at 7% annually. The global spa revenue stood at US\$ 94 billion in 2013, according to statistics by research company SRI International, having grown 58% since 2007. By 2020, the global spa industry is expected to generate US\$ 160 billion in revenue, employing 1.5 million people.</p> <p>7. Longevity</p> <p>According to historians, the word spa has been a generic description of what it means in the present day since at least 1596, with its origins from the city of Spa. The practice of harnessing the curative powers of mineral waters harkens back to prehistoric times and have continued to be popular around the world, especially in Europe and Japan. With the growing trend towards holistic wellness of the body and mind, the spa approach has experienced a revival in the US, while Mainland China has been readily integrating spas into its cultural traditions of therapeutic massage. The continued popularity in certain cultures and its strong growth in major markets demonstrate that the spa community is of a lasting and non-transient nature.</p>
Definitions		
<p>“Extension” relates to the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime, as further explained in the</p>		<p>The Spa community is large in the number of its members and has a global geographic reach with limitless foreseeable activity lifetime.</p> <p>New Spa operations, professionals and practitioners continue to join the</p>

following.		community directly and also as members of Spa associations worldwide.
<p>"Size" relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size."</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is the designated community large in terms of membership and/or geographic dispersion?</li> </ul>	<p>The community is large in terms of both its membership and geographical dispersion. There are Spas in every corner of the world and also Spa associations around the world.</p>
<p>"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?</li> <li><input type="checkbox"/> <input type="checkbox"/> Is the community forward-looking (i.e. will it continue to exist in the future)?</li> </ul>	<p>The Spa community is not a short-lived congregation. The community is forward-looking and have a limitless future to continue to exist.</p> <p>The global Spa community is clearly delineated and has global extension. The Spa community is clearly understood as servicing, operating or supporting Spas, that means curative springs, as coined from its etymological origins from the city of Spa.</p>
<p>Criterion 1-B Guidelines</p>		<p>The community successfully demonstrates both community size and longevity.</p>
<p>With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the</p>		

<p>requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both “Delineation” and “Extension.”</p> <p>With respect to “Extension,” if an application satisfactorily demonstrates both community size and longevity, it scores a 2.</p>		
--	--	--

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 2 (for 1-B Extension).

The Spa community is global in nature. The International Spa Association (ISPA) which supports the .Spa community TLD application itself has members from over 70 countries. According to SRI International, global Spa industry revenues will grow from US\$94 billion in 2013 to US\$160 billion by 2020, employing 1.5 million people. Originating from the city of Spa since the Roman times, and with “Spa” being used in connection with the city of Spa for its curative springs since the 1500s, the Spa community has shown a long history and growing success in its vision. There is no reason to think that the Spa community will no longer exist into the future. These provide clear demonstration that the community is of substantive size and longevity.

**Criterion #2: Nexus between Proposed String and Community**

This section evaluates the relevance of the string to the specific community that it claims to represent. Measured by 2-A Nexus 2-B Uniqueness

A maximum of 4 points is possible on the Nexus criterion, and with the Nexus sub-criterion having a maximum of 3 possible points, and the Uniqueness sub-criterion having a maximum of 1 possible point.

**2-A Nexus**

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
Scoring		
Nexus: <input type="checkbox"/> 3= The string matches the name of the community or is a	The following question must be scored when evaluating the	The string “Spa” matches the name of the community as it is known by the community and by the public in general.



<p>well-known short-form or abbreviation of the community <input type="checkbox"/>2= String identifies the community, but does not qualify for a score of 3 <input type="checkbox"/>0= String nexus does not fulfill the requirements for a score of 2</p>	<p>application:</p> <p>Does the string match the name of the community or is it a well-known short-form or abbreviation of the community name? The name may be, but does not need to be, the name of an organization dedicated to the community.</p>	<p>The word “Spa” has been used for a long time to describe places offering curative springs as originated from the city of Spa. A simple background information can be found at: <a href="http://en.wikipedia.org/wiki/Spa">http://en.wikipedia.org/wiki/Spa</a></p> <p>The name is the name of the city of Spa which is the origin of the concept and word of “Spa”.</p>
<p>Definitions</p>		
<p>“Name” of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community.</p>	<p>“Others” refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organizations, such as quasi-official, publicly recognized institutions, or other peer groups.</p>	<p>Many individuals outside of the community itself refer to the community or its members as “Spa”s. The name is well recognized by official and publicly recognized institutions such as tourism authorities/ministries, and many international, national and local authorities.</p> <p>The community is global. There are Spas established in many different places that offer curative springs and holistic wellness environments.</p>
<p>“Identify” means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.</p>	<p>“Over-reaching substantially” means that the string indicates a wider geographical or thematic remit than the community has.</p> <p>Consider the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant’s community?</li> <li><input type="checkbox"/> <input type="checkbox"/> An Internet search should be <input type="checkbox"/> utilized to help understand whether the string identifies the community and is known by others.</li> <li><input type="checkbox"/> <input type="checkbox"/> Consider whether the application mission</li> </ul>	<p>The word “Spa” is used almost exclusively for the purpose. Based on the definition provided by British Dictionary (and consistent with many other dictionaries for that matter) spa:</p> <ol style="list-style-type: none"> <li>1. a mineral spring or a place or resort where such a spring is found</li> </ol> <p>Word Origin: named after Spa, Belgium</p> <p>Therefore there is no over-reaching. The word “Spa” is used by the community and the public to describe the key offering, service or operations for which the Spa community is known for.</p> <p>The mission statement and community description also matches the definition.</p> <p>While the ASWPC is currently focused on the Asia region, the proposed .Spa community TLD serves the global Spa community as explained in the ASWPC community application.</p> <p>ASWPC do not purport to “represent” the global Spa community (nor is this a</p>

	statement, community responses, and websites align.	requirement by the GNSO New gTLD policies or as stipulated by the AGB), but rather, the ASWPC is committed to serve the global Spa community. In fact, the application describes in detail the establishment of a global governance structure for the .Spa TLD: .Spa Registry Community Advisory Council (SPARC).
<p>Criterion 2-A Guidelines</p> <p>With respect to “Nexus,” for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community.</p> <p>With respect to “Nexus,” for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for “.TENNIS”) then it would not qualify for a 2.</p>		<p>The application is NOT the same as the example in the AGB: a globally well-known but local tennis club applying for “.TENNIS” because:</p> <ol style="list-style-type: none"> <li>1. the .Spa community application intends to serve the global Spa community. The context with in the “.TENNIS” example is such that the local tennis club intends only to serve its members where as there are many tennis players around the world.</li> <li>2. not everyone operates a “Spa” or is a Spa professional, practitioner, provider or a member of a Spa association (members of Spa associations are Spas themselves, not customers of Spas). This is unlike the case of “TENNIS” where anyone can play tennis or watch tennis and consider themselves part of the community. A spa goer will not consider itself in the Spa community nor are they considered part of the community .Spa intends to serve.</li> </ol> <p>The applied for string, “.Spa” closely describe the community and its community members. The word “Spa” is almost exclusively used for the purpose as proposed by the community definition, therefore there is no over-reaching beyond the community.</p> <p>“Spa” is the noun that the typical community member would naturally be called.</p>
<p>Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 3 (for 2-A Nexus).</p> <p>The string “Spa” matches the name of the community exactly. The word “Spa” also forms the substantive and delineating part of most of the members of the community and is the keyword associating any member to the Spa community. Whether people refer to the community as the</p>		

Spa industry or the Spa profession, etc., the word “Spa” is the differentiating factor delineating the community.

Unlike the example given in the AGB for “.TENNIS” where the named community is the members of a local tennis club, and therefore excluding many others from using the TLD “.TENNIS”, the .Spa Community TLD proposes to serve the global Spa community. This is evidenced with the support from two of the key authoritative voices in the community, including the city of Spa and the International Spa Association (ISPA).

Also unlike the example given in the AGB for “.TENNIS” where everyone could essentially be a tennis player and therefore a delineation of the community from the general Internet community is hard to define, the Spa community is clearly delineated in that not everyone is a Spa profession or operates a Spa, and therefore there is clear membership of the community, especially as evidenced by the many Spa associations and dedicated community organizations.

The name of the community is an exact match of the proposed TLD string: “.Spa”, members of the community as well as the general public identifies the community with the word “Spa” (Spa industry, Spa professionals, Spas, etc.), and there is no over-reach of the word because “Spa” is very specific in its meaning based on the origins of the word from the city of Spa, now understood as curative springs and not excessively broad.

## 2-B Uniqueness

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
<p>Scoring</p> <p>Uniqueness: <input type="checkbox"/>1=String has no other significant meaning beyond identifying the community described in the application. <input type="checkbox"/>0=String does not fulfill the requirement for a score of 1.</p>	<p>The following question must be scored when evaluating the application:</p> <p>Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application</p>	<p>The string “Spa” have no other significant meaning beyond identifying the community described in the application.</p> <p>The public in general will immediately think of the applying community when thinking of the applied for string “Spa”.</p>
<p>Definitions</p> <p>“Identify” means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.</p>	<p>“Over-reaching substantially” means that the string indicates a wider geographical or thematic remit than the community has.</p>	<p>While the ASWPC is focused currently in the Asia region, the proposed .Spa TLD is not restricted to Asia, but is established to serve the global Spa community, which is clearly delineated and is a thematic remit that is not over-reaching.</p>

<p>"Significant meaning" relates to the public in general, with consideration of the community language context added</p>	<p>Consider the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Will the public in general immediately think of the applying community when thinking of the applied-for string?</li> <li><input type="checkbox"/> If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.</li> <li><input type="checkbox"/> Is the geography or activity implied by the string?</li> <li><input type="checkbox"/> Is the size and delineation of the community inconsistent with the string?</li> <li><input type="checkbox"/> An internet search should be utilized to find out whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application.</li> </ul>	<p>The word "Spa" which originated from the city of Spa means places offering curative springs and is the community that the application is proposed to serve.</p> <p>The public in general will immediately think of the applying community when thinking of the applied for string "Spa".</p> <p>The string is familiar to the public in general, and the public in general understands that "Spa" represents places offering curative springs and is consistent with the proposed application. There is no other significant meaning for the word "Spa" beyond this purpose.</p> <p>While the word "Spa" originated from the city of Spa, it is now used globally. Nevertheless, the original meaning the noun is understood by remains that of being a place where curative springs are offered.</p> <p>The size and the delineation of the community is consistent of the usage of the word "Spa".</p> <p>The most telling Internet search to substantiate the claim would be if one searches "Spa" for images (<a href="https://www.google.com/search?q=spa&amp;tbm=isch&amp;gws_rd=ssl">https://www.google.com/search?q=spa&amp;tbm=isch&amp;gws_rd=ssl</a>). One will be presented almost exclusively with pictures depicting Spas as defined by the community referenced in the application.</p>
<p>Criterion 2-B Guidelines</p>		
<p>"Uniqueness" will be scored both with regard to the community context and from a general point of view. For example, a string for a particular geographic location community may seem unique from a general perspective, but would not score a 1 for uniqueness if it carries another significant meaning in the common language used in the relevant community location. The phrasing "...beyond identifying the community" in the score of 1 for "uniqueness" implies a requirement that the string does identify the community, i.e. scores 2 or 3 for "Nexus," in order to be eligible for a score of 1 for "Uniqueness."</p> <p>It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."</p>		

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 1 (for 2-B Uniqueness).

The word "Spa" originated from the city of Spa and is now used to define: a mineral spring or a place or resort where such a spring is found, which is closely tied with its origins. The string "Spa" have no other significant meaning beyond identifying the community described in the application. The public in general will immediately think of the applying community when thinking of the applied for string "Spa". In fact, even the

opposing commercial new gTLD applicant identified the same meaning of “Spa”. More importantly, the support from both the city of Spa as the origin of the word and from the largest community organization: International Spa Association (ISPA) are strong evidence that the meaning holds. Internet searches (especially when one searches “spa” for images e.g.: [https://www.google.com/search?q=spa&tbm=isch&gws\\_rd=ssl](https://www.google.com/search?q=spa&tbm=isch&gws_rd=ssl)) and dictionary definitions further confirms the uniqueness of the word “Spa”.

### Criterion #3: Registration Policies

This section evaluates the applicant’s registration policies as indicated in the application. Registration policies are the conditions that the future registry will set for prospective registrants, i.e. those desiring to register second-level domain names under the registry.

Measured by

- 3-A Eligibility
- 3-B Name Selection
- 3-C Content and Use
- 3-D Enforcement

A maximum of 4 points is possible on the Registration Policies criterion and each sub-criterion has a maximum of 1 possible point.

#### 3-A Eligibility

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
Scoring		
Eligibility: <input type="checkbox"/> 1= Eligibility restricted to community members 0= Largely unrestricted approach to eligibility	The following question must be scored when evaluating the application:	Eligibility for a .Spa domain name is restricted.
Definitions	Is eligibility for being allowed as a registrant restricted?	The eligibility for the .Spa TLD is for the community as described: <ul style="list-style-type: none"> <li>•Spa operators, professionals and practitioners</li> <li>•Spa associations and their members around the world</li> <li>•Spa products and services manufacturers and distributors.</li> </ul>
Criterion 3-A Guidelines		To ensure that the restrictions are enforceable in the environment of a generic TLD (gTLD), a 2 prong approach was proposed:
With respect to “eligibility” the limitation to community “members” can invoke a formal membership but		1. During Sunrise and startup phases, to be eligible for Sunrise as a

can also be satisfied in other ways, depending on the structure and orientation of the community at hand. For example, for a geographic location community TLD, a limitation to members of the community can be achieved by requiring that the registrant's physical address be within the boundaries of the location.

community member, the registrant must be able to provide information/data demonstrating that they have:

- A valid operating license, where applicable;
- A spa, beauty or wellness certification, where applicable;
- A valid business registration;
- A membership with any spa or wellness industry association;
- A declaration that the domain will be used for the promotion of spas and wellness related products or services.

For community organizations, such as spa associations, to be eligible, the registrant must be able to provide information/data substantiating that they have:

- A valid entity registration, or equivalent;
- Proof that the organization accepts members from the spa and wellness community; and,
- A declaration that the domain will be used for the promotion of the spa and wellness community.

2. Upon go-live, and consistent with the ICANN requirement as advised by the GAC and accepted by the ICANN board, that "closed generic" TLDs are not acceptable, the ".Spa" TLD is not "closed" but rather, all registrants are required to accept and abide by a set of Mandatory Guidelines that ensure they are serving the Spa community's purposes and also be subjected to Community Compliance Compliant that would effectively take away the .Spa domain should they violate the Mandatory Guidelines.

In summary, the ".Spa" community TLD proposes that eligibility be restricted to community "members". Whereby during sunrise and startup, documentary evidence is required to substantiate the claim, upon go live, in consistent with the ICANN requirements for generic TLDs, it is an open TLD that requires registrants to adhere to Mandatory Guidelines that ensures enforcement of community restrictions along with a Community Compliance Compliant process to suspend and/or delete incompliant registrations.

Referencing from the .Spa community TLD application:

**Q18a Mission & Purpose:**

.spa is dedicated to the spa and wellness community.

...the vision of the Registry is that through the development of the .spa TLD, it is possible to promote the advancement of the spirit and mind-body vitality philosophies of the spa community, to advocate the wholesome health and wellness consciousness of people around the world.

The mission and purposes of the .spa TLD are:

1. To operate the .spa TLD as a world-class domain registry dedicated to promoting the spa and wellness community;
2. To support the spa and wellness community, it's industry operators, professionals and practitioners, in their efforts to develop and extend their presence online;
3. To foster collaboration within the community, which in turn supports the advocacy of the sustainable holistic mind, body and spiritual wellness of the society;
4. To encourage excellence and professionalism in the spa and wellness community by leveraging the .spa TLD to further the interaction between the industry and consumers; and,
5. To deliver a secure and stable TLD registry with a high sense of integrity with policies that protect against abusive registrations and the infringement of rights of others.

In addition, to its mission and vision, as a new gTLD, the Registry believes in its responsibility as a responsible industry participant to advance competition, enhance consumer trust and promote consumer choice with the development of the TLD:

A. Advance Constructive Competition

The .spa TLD is focused on developing a namespace that can be complementary to the spa community. The TLD is not intended to be a generic alternative to existing gTLDs. The .spa TLD advances constructive competition among TLDs by offering a niche TLD with the appropriate stylistic identity over other TLDs, for the spa community.

The adoption of the .spa TLD also promotes constructive competition among

spas which could exemplify their awareness in the development of technologies supporting wellness. Furthermore, the Registry believes that the utilization of a .spa domain can provide spas with a better online brand that matches with the style and touch as a relaxed and comfortable environment that matches their offline identity.

#### B. Enhance Consumer Trust

Based on expert studies, Internet users have more trust for domain names that exactly matches what they are looking for. Providing a namespace for spas would allow spa operators to develop a more trusting online brand which they can advertise to their customers with. The value of the TLD name in itself is therefore a core part of the value and of building consumer trust.

Furthermore, appropriate Abuse Prevention & Mitigation (APM) as well as Rights Protection Mechanisms (RPM) is also important to ensuring a trusted domain space. Further details of APM and RPM above and beyond the basic ICANN requirements is discussed in responses to Q28 & 29

#### C. Promote Consumer Choice

According to a research by PricewaterhouseCoopers, there are a total of around 40,000 spas around the world (not including the hundreds and thousands of massage establishments and foot spas in Mainland China). According to the same research, in 2010, spas received 150 million client visits in the US, an increase from 143 million the year before. The revenue from the spa industry has reached US\$12.8 billion in 2010 in the US, up from US\$12.3 in 2009. The spas in the Asia Pacific region generate around US\$2 billion a year and this figure is expected to increase significantly in the coming years.

The .spa TLD believes in creating value for the spa community and consumers in general which is not necessarily measured by the volume of domain names registered under the .spa TLD but the branding value it offers to the spa community. A consumer of spa products and services is looking for an environment that nurtures their mind and body in relaxed environment. None of the existing TLDs evoke that sense of peaceful calm for consumers.

The .spa TLD has the possibility to address those needs and provide consumers with a choice to enter a domain that harmonizes with the emotional wellbeing they are seeking in a spa.



		<p><b>Q20c Purpose of community-based TLD:</b></p> <p>As a community-based TLD, the .spa TLD will concern itself especially with supporting the development of the spa and wellness community. The Registry believes that, beyond providing a domain of choice for the community aligned with the spirit and way of life of spas, the .spa TLD itself can be a beacon and cause in driving the awareness of holistic health and wellness that spas and the spa and wellness community strives towards. In turn, this is a philosophy that the community believes in and advocates to humanity at large.</p> <p>Distilling and advancing from the mission of the Registry (as expressed in 18a), the community purposes of the .spa TLD are:</p> <p>A. To support the spa and wellness community, especially to extend the spa experience on the Internet;</p> <p>B. To advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,</p> <p>C. To transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.</p> <p>... Furthermore, the purpose of the .spa community-based TLD is consistent and aligned with the credos and purpose and the 3 pillars of the Asia Spa and Wellness Promotion Council (ASWPC):</p> <ol style="list-style-type: none"> <li>1. Capacity Building To deliver world-class, industry-leading educational programs that address current, pressing issues and fundamental learning milestones of spa and wellness professionals at all levels of the learning curve,</li> <li>2. Sustaining Awareness: Collective and Co-operative Marketing To promote better understanding of the spa and wellness market; create, build and sustain relationships with major stakeholders and enable continued awareness for spas and wellness centers through collaborative promotional efforts, and</li> <li>3. Creating Value: Industry Standards and Feedback Mechanism To enable industry suppliers to reach decision makers across the region whilst recognising outstanding achievements within the industry in promoting excellence and unlocking the value of the industry.</li> </ol> <p>and the credos of the Asia Spa and Wellness Promotion Council (ASWPC):</p>
--	--	--

		<ul style="list-style-type: none"> <li>- To uphold the professionalism of the spa and wellness industry</li> <li>- To promote sustainability and respect for the environment</li> <li>- To treat all practitioners and stakeholders equitably</li> </ul>
--	--	--

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 1 (for 3-A Eligibility).

The .Spa Community TLD proposes eligibility restrictions for all registrants. The eligibility restrictions are aligned with the community-purpose and is focused on upholding the wellbeing and professionalism of the Spa community. The eligibility requirements are also matched with enforceable rules that encourage the adoption of the .Spa Community TLD by the community while maintaining a namespace with restricted eligibility.

We note that the criteria specifically “With respect to “eligibility’ the limitation to community “members” can invoke a formal membership but can also be satisfied in other ways, depending on the structure and orientation of the community at hand”. We also note that the GAC has put forward advice to avoid “closed generic” TLDs. Balancing between these, the AGB requirements, the GNSO policies and our community-purpose of serving the global Spa community, a complete framework for eligibility, enforceability and to support community development.

Unlike a largely unrestricted approach to eligibility, registrations violating the eligibility requirements will be suspended and/or cancelled based on the mandatory administrative processes.

Most importantly, the governance of the .Spa community TLD ensures that the community continues to be involved in the development of the .Spa policies to ensure that the TLD registry continues to be accountable to the Spa community, stay relevant with the larger Internet development, and be governed in a manner with the best interests of the Spa community at heart.

### 3-B Name Selection

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
Scoring		
Name selection: <input type="checkbox"/> 1= Policies include name selection rules consistent with the articulated community-based purpose of the applied-for TLD <input type="checkbox"/> 0= Policies do not fulfill the requirements for a score of 1	<p>The following questions must be scored when evaluating the application:</p> <p>Do the applicant’s policies include name selection rules?</p>	<p>The proposal includes name selection rules.</p> <p>1. During Sunrise and startup processes, the name chosen must correspond with the names (trademarks, trade names, company names, association names, etc.) the registrant is known in the Spa community.</p>

	<p>Are name selection rules consistent with the articulated community-based purpose of the applied-for gTLD?</p>	<p>2. Upon go-live, and as consistent with the ICANN requirement against “closed generic” TLDs, the .Spa TLD is open but requires that registrant adhere to the Mandatory Guidelines, including the choice of the domain name, as well as be subjected to the Community Compliance Compliant process (which could effectively suspend or cancel non-compliant registrations) to ensure that name selection rules are enforced.</p> <p>The name selection rules are therefore consistent with the articulated community-based purpose.</p>
<p>Definitions</p>		
<p>“Name selection” means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.</p>	<p>Consider the following:</p> <p><input type="checkbox"/> <input type="checkbox"/> Are the name selection rules consistent with the entity’s mission statement?</p>	<p>There are many entities “administering”, serving and supporting the Spa community. The Name selection rules as proposed are consistent with the mission statements of Spa community associations that promote the wellbeing of the Spa community.</p> <p>The name selection rules are also consistent with the ASWPC mission statement.</p> <p>More importantly, because the .Spa community TLD will be governed by the global Spa community, through the .Spa Registry Community Advisory Council (SPARC), the name selection rules are consistent with the mission statement of the SPARC which is the mission statement of the .Spa Community TLD.</p>
<p>Criterion 3-B Guidelines</p>		
<p>With respect to “Name selection,” scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include</p>		<p>The Name selection criteria are particularly designed to address the needs of the community and to ensure that they are consistent with the community purpose and other rules for content and use.</p> <p>In fact, the same requirements for the Mandatory Guidelines and the Community Compliance Complaint process are used for eligibility, name selection as well as for content and use. This ensures a consistent set of rules that are enforceable.</p> <p>The restrictions and corresponding enforcement mechanisms proposed</p>

<p>forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.</p>		<p>show an alignment with the community-based purpose of the TLD. The restrictions are based on ensuring that the names promote the wellbeing of the global Spa community and do not contain objectionable words that may be harmful for the community.</p> <p>The enforcement mechanism utilizes the Community Compliance Complaint process, which includes takedown procedures that are aligned with the community-based purpose of the TLD.</p> <p>The Mandatory Guidelines and the Community Compliance Complaint process are administered and coordinated with community members through the SPARC with the global Spa community representatives directly involved thereby demonstrating continuing accountability to the community named in the application.</p>
--	--	--

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 1 (for 3-B Name Selection).

The .Spa Community TLD proposal has put forward name selection conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry. The name selection requirements are aligned with the community-purpose and enforceable.

Second-level domain names, including the domain name itself, violating the Mandatory Guidelines will be grounds for suspension and/or cancellation of the names.

**3-C Content and Use**

<b>AGB Criteria</b>	<b>Evaluation Guidelines</b>	<b>.Spa Community TLD Application</b>
Scoring		
<p>Content and use: <input type="checkbox"/>1= Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for TLD <input type="checkbox"/>0= Policies do not fulfill the requirements for a score of 1</p>	<p>The following questions must be scored when evaluating the application:</p> <p>Do the applicant's policies include content and use rules?</p> <p>If yes, are content and use rules consistent with the articulated community-based purpose of the</p>	<p>The proposed .Spa policies include content and use rules.</p> <p>All registrants of the .Spa community TLD must adhere to the Mandatory Guidelines that are consistent with the articulated community-based purpose, and violation of these rules will constitute grounds for suspension and/or cancellation of the domain registration.</p> <p>All content and services provided under a registered .Spa domain must adhere to the .Spa Mandatory Guidelines.</p>

	applied-for gTLD?	
Definitions		
“Content and use” means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.	Consider the following:  <input type="checkbox"/> <input type="checkbox"/> Are the content and use rules consistent with the applicant’s mission statement?	The same requirements for the Mandatory Guidelines and the Community Compliance Complaint process are used for eligibility, name selection as well as for content and use. This ensures a consistent set of rules that are enforceable.
Criterion 3-C Guidelines		
With respect to “Content and Use,” scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.		<p>The restrictions and corresponding enforcement mechanisms proposed show an alignment with the community-based purpose of the TLD. The restrictions are based on ensuring that the content and use of .Spa domain names promote the wellbeing of the global Spa community.</p> <p>The enforcement mechanism utilizes the Community Compliance Complaint process, which includes takedown procedures that are aligned with the community-based purpose of the TLD.</p> <p>The Mandatory Guidelines and the Community Compliance Complaint process are administered and coordinated with community members through the SPARC with the global Spa community representatives directly involved thereby demonstrating continuing accountability to the community named in the application.</p>
<p>Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 1 (for 3-C Content and Use).</p> <p>All registrants of the .Spa community TLD must adhere to the Mandatory Guidelines that are consistent with the articulated community-based purpose, and violation of these rules will constitute grounds for suspension and/or cancellation of the domain registration.</p>		

The governance of the .Spa community TLD ensures that the community continues to be involved in the development of the .Spa policies to ensure that the TLD registry continues to be accountable to the Spa community, stay relevant with the larger Internet development, and be governed in a manner with the best interests of the Spa community at heart.

### 3-D Enforcement

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
<p>Scoring</p> <p>Enforcement <input type="checkbox"/> 1= Policies include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms <input type="checkbox"/> 0= Policies do not fulfill the requirements for a score of 1</p>	<p>The following question must be scored when evaluating the application:</p> <p>Do the policies include specific enforcement measures constituting a coherent set with appropriate appeal mechanisms?</p>	<p>Specific enforcement measures constituting a coherent set with appropriate appeal mechanisms are included in the proposal.</p>
<p>Definitions</p> <p>“Enforcement” means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.</p>	<p>“Coherent set” refers to enforcement measures that ensure continued accountability to the named community, and can include investigation practices, penalties, and takedown procedures with appropriate appeal mechanisms. This includes screening procedures for registrants, and provisions to prevent and remedy any breaches of its terms by registrants.</p> <p>Consider the following: <input type="checkbox"/> Do the enforcement measures include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Investigation practices</li> <li><input type="checkbox"/> Penalties</li> </ul>	<p>The enforcement measures form a coherent set:</p> <ol style="list-style-type: none"> <li>1. Mandatory Guidelines</li> <li>2. Community Compliance Complaint process</li> <li>3. .Spa Registry Community Advisory Council (SPARC)</li> <li>4. Mission &amp; purpose of the .Spa community TLD</li> </ol> <p>In addition to the above, a clear direction for community engaged policy development processes to ensure that policies continue to be updated and current in line with the developing Spa community and its relevance on the Internet. This also ensures continued accountability to the named community.</p> <p>The enforcement tools also include enforcement through Accredited Registrars as stipulated through the Registry-Registrar Agreement (RRA):</p>

	<p><input type="checkbox"/> <input type="checkbox"/> Takedown procedures (e.g., <input type="checkbox"/> removing the string)</p> <p><input type="checkbox"/> <input type="checkbox"/> Whether such measures are <input type="checkbox"/> aligned with the community- <input type="checkbox"/> based purpose of the TLD</p> <p><input type="checkbox"/> <input type="checkbox"/> Whether such measures demonstrate continuing <input type="checkbox"/> accountability to the community named in the application</p>	<p><b>28. Abuse Prevention and Mitigation</b></p> <p>4.2.4 Safeguards Against Allowing for Unqualified Registrations The eligibility restrictions for this TLD are outlined in our response to Question 18. Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements: - Registrant warrants that it satisfies eligibility requirements. Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful. Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.</p>
<p><b>Criterion 3-D Guidelines</b></p> <p>With respect to “Enforcement,” scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.</p>		<p>The enforcement mechanism includes investigation practices:</p> <p><b>Q18c Rule to minimize social costs:</b></p> <p>i) Upon the receipt of a Community Compliance Complaint, the Registry will conduct a preliminary review to see whether the minimum requirement as a Substantiated Complaint has been reached. If not, the complainant will be notified of the incompleteness and asked to resubmit (and the case will be closed).</p> <p>ii) Upon the identification of a Substantiated Complaint, the Registry will determine if the complaint concerns are of an abusive nature relevant for the Abuse Prevention &amp; Mitigation (APM) mechanisms (e.g. illegal activities, etc., further discussions in #28) or not. If so, the complaint will be referred to the APM process. Otherwise, the Substantiated Complaint will enter this warning and suspension process. The Registry will first notify the SPARC. Any Associate (i.e. member of the SPARC) may respond to provide an affirmative confirmation of support to the Community Compliance Complaint.</p> <p>The enforcement mechanism includes penalties as well as take down</p>

procedures:

**Q18c Rule to minimize social costs:**

iii) Upon the receipt of such affirmative confirmation, i.e. the establishment of a substantiated and supported complaint against a domain, the Registry will issue a warning letter to the registrant (and/or the sponsoring registrar where appropriate) of the domain, and will provide a 15 calendar day window for the registrant to respond with a description of how the issue would be rectified and remedied.

iv) If a response containing a remedy is received within the 15 days, the domain will be considered cleared until further complaints are received.

v) If no response is received, upon the lapsing of the 15 days, another warning letter along with a notice that the domain will be suspended if the notice is not responded to in 15 calendar days will be sent to the registrant (and/or the sponsoring registrar where appropriate). At the same time, the SPARC will also be notified.

**The enforcement mechanisms include screening of registrants to deter repeated violators:**

**28. Abuse Prevention and Mitigation**

**4.2.5 Registrant Disqualification**

As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.

Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.

In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any



existing or new registration that uses such fraudulent NS record will be investigated.

The disqualification of 'bad actors' and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.

The enforcement mechanism includes appropriate appeal mechanisms. These include appeals for 1. suspensions brought forward by the registrant, or by 2. a SPARC member (or member representative) on behalf of a registrant (who is a spa operator or a member of the particular spa association who is a SPARC member, as well as 3. Appeals for Sunrise decisions:

#### Q18c Rule to minimize social costs:

viii) Upon or before the suspension of a domain a registrant may appeal the suspension by responding with a clear description of how the issue would be rectified and remedied. Upon the receipt of such appeal, the domain will be considered cleared until further complaints are received.

ix) If at any point in time an objection against the suspension of the domain is received from an Associate, such objection will be considered a substantiated appeal. The domain will be considered cleared until further complaints are received.

#### Q29 Rights protection mechanisms

##### 29.1.3 Sunrise Challenge (Dispute Resolution) Process

Besides a contention resolution process, an important part of any Sunrise process is a well developed Sunrise Challenge Process to ensure the integrity of the Sunrise program. The Sunrise Challenge Process is important such that after the allocation of a Sunrise name, there is a period of time where legitimate rights owners can challenge the legitimacy and eligibility of a registrant based on the Sunrise policies to a domain name.

Most importantly, the above illustrates that enforcement mechanisms and procedures are aligned with the community purposes and also engages the

		<p>community in its decisions.</p> <p>Furthermore, a policy development process as well as a governance structure is described to ensure that the community continues to be engaged and that the registry continues to be accountable to the named community.</p>
--	--	---

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 1 (for 3-D Enforcement).

Policies proposed by the .Spa Community TLD application include specific enforcement measures (e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms. The Mandatory Guidelines developed by the .Spa Registry Community Advisory Council (SPARC) forms a coherent set of rules, which are then enforced through the Community Compliance Complaint process overseen by the SPARC with participation from community associations and members.

The Community Compliance Complaint process can be initiated by SPARC members or community members (or members of the public) and includes investigative practices (through the registry, the abuse prevention teams, and the SPARC), penalties (suspension of domain and blacklisting of repeated offenders), take down procedures (suspension and cancellation of domain registrations), as well as appeal mechanisms (appeals and proposed remedies by registrants, sunrise challenge mechanisms, etc.).

Community eligibility, name selection, content and use, and other anti-abuse mechanisms are proposed in a comprehensive framework driven by the community-based purpose of the .Spa Community TLD. In addition, the governance of the .Spa community TLD ensures that the community continues to be involved in the development of the .Spa policies to ensure that the TLD registry continues to be accountable to the Spa community, stay relevant with the larger Internet development, and be governed in a manner with the best interests of the Spa community at heart.

#### **Criterion #4: Community Endorsement**

This section evaluates community support and/or opposition to the application. Support and opposition will be scored in relation to the communities explicitly addressed in the application, with due regard for communities implicitly addressed by the string.

Measured by

4-A Support

#### 4-B Opposition

A maximum of 4 points is possible on the Community Endorsement criterion and each sub-criterion (Support and Opposition) has a maximum of 2 possible points.

#### 4-A Support

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
<p>Scoring</p> <p>Support: □2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community □1= Documented support from at least one group with relevance, but insufficient support for a score of 2 □0= Insufficient proof of support for a score of 1</p>	<p>The following questions must be scored when evaluating the application:</p> <p>Is the applicant the recognized community institution(s) or member organization(s)?</p> <p>To assess this question please consider the following:</p> <p>Consider whether the community institution or member organization is the clearly recognized representative of the community.</p> <p>Consider whether there is more than one recognized community institution or member organization.</p> <p>Does the applicant have documented support from the recognized community institution(s)/member organization(s) to represent the community?</p>	<p>Note first of all that neither the GNSO Policies nor the AGB requires that the applicant entity be a/the “representative” of a said community. More importantly the criteria are based on whether the community is established, whether the TLD string corresponds with the community, whether there are policies corresponding to the community purpose and whether there is some demonstrated support from the community.</p> <p>The .Spa Community TLD application is supported by the most authoritative Spa industry associations: International Spa Association (ISPA – <a href="http://www.experienceispa.com">www.experienceispa.com</a>) – the global association of Spas – the recognized authoritative representative of the Spa community.</p> <p><i>Since 1991, the International SPA Association has been recognized worldwide as the professional organization and voice of the spa industry, representing health and wellness facilities and providers in more than 70 countries.</i></p> <p><i>Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers.</i></p> <p><i>In 1990, a group of spa professionals from across the globe came together for a spa symposium at New Age Health Spa in Neversink, New York, and little did this group know they were forming the framework for ISPA. The need for a guiding voice in the industry led to the development of what was then known as the International SPA and Fitness Association. The first</i></p>

	<p>Does the applicant have documented authority to represent the community?</p> <p>Does the applicant have support from at least one group with relevance?</p> <p>Instructions on letter(s) of support requirements are located below, in Letter(s) of support and their verification</p>	<p><i>ISPA Conference came just one year later at Turnberry Isle Resort &amp; Club in Aventura, Florida, where 150 attendees from 10 countries gathered.</i></p> <p><i>Twenty-five years later, ISPA is the most recognized voice in the industry. With members in more than 70 countries, ISPA advances the spa industry by providing invaluable educational and networking opportunities, promoting the value of the spa experience and speaking as the authoritative voice to foster professionalism and growth.</i></p> <p><i>ISPA's Mission</i>  <i>ISPA advances the spa industry by providing invaluable educational and networking opportunities, promoting the value of the spa experience and speaking as the authoritative voice to foster professionalism and growth.</i></p>
Definitions		
<p>“Recognized” means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.</p>		<p><i>ISPA's Vision</i>  <i>To be the leader in promoting and enhancing the well-being of the spa industry and the people it serves.</i></p> <p>For the Spa community, the most important institution is of course the origin of “Spa”, that is the city of Spa. Based on the etymological origins of the word “Spa” its use stems from the curative springs from the city of Spa as early as in the 14<sup>th</sup> Century.</p>
<p>“Relevance” and “relevant” refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.</p>	<p>The institution(s)/organization(s) could be deemed relevant when not identified in the application but has an association to the applied-for string.</p>	<p>The ASWPC .Spa community TLD application is supported by the city of Spa.</p> <p>The ASWPC is itself also a recognized community institution with over 400 members from the Spa community and has been active in the community before September 2007. It has the support and recognition by the community as evidenced by it being permanently represented in the Global Wellness Summit.</p>
Criterion 4-A Guidelines		
<p>With respect to “Support,” it follows that documented support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly oriented to</p>	<p>Letter(s) of support and their verification:</p> <p>Letter(s) of support must be evaluated to determine both the relevance of the organization and the validity of the documentation</p>	<p><a href="http://www.globalwellnesssummit.com/industry-resource/associations">http://www.globalwellnesssummit.com/industry-resource/associations</a>.</p> <p>While the ASWPC entity itself currently serves the Asia region (which now accounts for the largest concentration of spas globally), the governance and proposed community of the .Spa community TLD engages and serves the global Spa community.</p>

<p>that national level, but only a 1 if the string implicitly addresses similar communities in other nations.</p> <p>Also with respect to “Support,” the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2.</p> <p>The applicant will score a 1 for “Support” if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on “Support” if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant</p>	<p>and must meet the criteria spelled out below. The letter(s) of support is an input used to determine the relevance of the organization and the validity of the documentation.</p> <p>Consider the following: Are there multiple</p> <p>institutions/organizations supporting the application, with documented support from institutions/organizations representing a majority of the overall community addressed?</p> <p>Does the applicant have support from the majority of the recognized community institution/member organizations?</p> <p>Has the applicant provided full documentation that it has authority to represent the community with its application?</p> <p>A majority of the overall community may be determined by, but not restricted to, considerations such as headcount, the geographic reach of the organizations, or other features such as the degree of power of the organizations.</p> <p>Determining relevance and recognition</p> <p>Is the organization relevant and/or recognized as per the definitions</p>	<p>The application is also supported by the relevant bureau/ministry governing the spa industry from the Malaysian (Tourism Malaysia) and Thai (Ministry of Tourism and Sports) governments.</p> <p>Attached to this document are the support letters received from the International Spa Association (ISPA), the city of Spa, Tourism Malaysia, and the Ministry of Tourism and Sports of Thailand.</p>
---	--	--

<p>community will not be required for a score of 2 regarding support.</p> <p>To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.</p>	<p>above?</p> <p>Letter requirements &amp; validity</p> <p>Does the letter clearly express the organization’s support for or non-objection to the applicant’s application?</p> <p>Does the letter demonstrate the organization’s understanding of the string being requested?</p> <p>Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?</p> <p>To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.</p>	
---	--	--

Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 2 (for 4-A Support).

While there is no “institution” that “administers” the Spa Community, the .Spa Community TLD application is supported by the most authoritative Spa related institutions, including:

*(Americas)* International Spa Association (ISPA) – recognized worldwide as the professional organization and voice of the spa industry,

representing health and wellness facilities and providers in more than 70 countries. The ISPA also runs the annual ISPA Conference and Expo (<http://attendispa.com/>) which draws over 2,000 Spa community professionals from over 41 countries to the event, as well as the “Pulse” magazine for the Spa community that reaches over 30,000 Spa professionals around the world.

(Europe) City of Spa – The term Spa is derived from the name of the town of Spa, Belgium, whose name is known back to Roman times, when the location was called Aquae Spadanae. Since medieval times, illnesses caused by iron deficiency were treated by drinking chalybeate (iron-bearing) spring water (in 1326, the ironmaster Collin le Loup claimed a cure, when the spring was called Espa, a Walloon word for "fountain"). In 16th-century England, the old Roman ideas of medicinal bathing were revived at towns like Bath (not the source of the word bath), and in 1596 William Slingsby who had been to the Belgian town (which he called Spaw) discovered a chalybeate spring in Yorkshire. He built an enclosed well at what became known as Harrogate, the first resort in England for drinking medicinal waters, then in 1596 Dr Timothy Bright after discovering a second well called the resort The English Spaw, beginning the use of the word Spa as a generic description (<http://en.wikipedia.org/wiki/Spa>).

(Asia) Asia Spa and Wellness Promotion Council (ASWPC) – as the entity submitting the application, the ASWPC is of course supportive of the .Spa Community TLD application. The ASWPC a recognized community institution with over 400 members from the Spa community and has the support and recognition by the community as evidenced by it being permanently represented in the Global Wellness Summit. <http://www.globalwellnesssummit.com/industry-resource/associations>.

In addition, The application is also supported by the relevant bureau/ministry governing the spa industry from the Malaysian (Tourism Malaysia) and Thai (Ministry of Tourism and Sports) governments.

The .Spa Community TLD application has presented documented support from not only more than one group of recognized community institution(s)/member organization(s), but the most authoritative and recognized groups around the world for the Spa community.

#### 4-B Opposition

AGB Criteria	Evaluation Guidelines	.Spa Community TLD Application
Scoring		
Opposition: <input type="checkbox"/> 2= No opposition of relevance <input type="checkbox"/> 1= Relevant opposition from one group of non-negligible size <input type="checkbox"/> 0= Relevant opposition from two or more groups of non-negligible size	The following question must be scored when evaluating the application:  Does the application have any opposition that is deemed relevant?	The .Spa community application have received no opposition of relevance from any Spa community members or associations.

<p><b>Definitions</b></p> <p>“Relevance” and “relevant” refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.</p> <p><b>Criterion 4-B Guidelines</b> When scoring “Opposition,” previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for “Opposition.” To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature.</p> <p>Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.</p>	<p>Consider the following:  <input type="checkbox"/> For “non-negligible” size consider:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A web search may help determine relevance and size of the objecting organization.</li> <li><input type="checkbox"/> If there is opposition by some other reputable organization, such as a quasi-official, publicly recognized organization or a peer organization?</li> <li><input type="checkbox"/> If there is opposition from a part of the community explicitly or implicitly addressed?</li> </ul>	
<p>Based on the Criteria as set forth, the .Spa Community TLD application should have a score of 2 (for 4-B Opposition).</p>		



# **Attachment 3**



**New gTLD Program**  
**Community Priority Evaluation Report**  
Report Date: 22 July 2015

Application ID:	1-1309-81322
Applied-for String:	SPA
Applicant Name:	Asia Spa and Wellness Promotion Council Limited

**Overall Community Priority Evaluation Summary**

<b>Community Priority Evaluation Result</b>	<b>Prevailed</b>
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 met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.	

**Panel Summary**

<b>Overall Scoring</b>	<b>14 Point(s)</b>	
<u>Criteria</u>	<u>Earned</u>	<u>Achievable</u>
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	4	4
#3: Registration Policies	3	4
#4: Community Endorsement	3	4
<b>Total</b>	<b>14</b>	<b>16</b>
<b>Minimum Required Total Score to Pass <u>14</u></b>		

<b>Criterion #1: Community Establishment</b>	<b>4/4 Point(s)</b>
<b>1-A Delineation</b>	<b>2/2 Point(s)</b>
The Community Priority Evaluation panel determined that the community as defined by the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), as the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. The application received a score of 2 out of 2 points under criterion 1-A: Delineation.	
<u>Delineation</u>	
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 application) among its members.	

The applicant defines its community as follows:

The spa community primarily includes:

- Spa operators, professionals and practitioners
- Spa associations and their members around the world
- Spa products and services manufacturers and distributors

According to the AGB, “Delineation relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.” As required by the AGB, the application shows a clear and straight-forward membership definition given the specificity of the industry’s services and products, the prevalent requirement to have a license, and a verifiable membership by way of participation in associations representing the interests of spa operators. Spa operators can be identified by way of their service offerings and licenses; spa associations by way of their missions and membership; the third category of related products and service providers must directly serve spa operators themselves.

According to the AGB’s second Delineation criterion, “community” implies “more of cohesion than a mere commonality of interest” and there should be “an awareness and recognition of a community among its members.” The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities that are in the spa industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community.<sup>1</sup> In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show. Members of all three of these membership categories recognize themselves as part of the spa community as evidenced, for example, by their inclusion in industry organizations and participation in their events.<sup>2</sup>

The Panel determined that the community as defined in the application satisfies both of the 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.

According to the AGB, “organized” implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.” According to the application:

There are about 40,000 spas around the world. There are regional spa associations in Asia, Africa and Europe, a few international spa associations mainly established in the US, and many local and national spa associations around the world. These associations are usually member organizations of which spa operators are members.

The International Spa Association (ISA)<sup>3</sup>, which the applicant cites as an example of a community organization and from which the applicant has received a letter of support, is committed to serving the community as defined by the applicant. According to the ISA website, membership is comprised of spa operators, their employees, owners of spa chains, and suppliers of the spa industry. The ISA membership is therefore closely aligned with the community as defined by the applicant.

---

<sup>1</sup> The Panel’s review of a sub-set of spa associations found that their definitions of the spa industry are closely aligned with the applicant’s definition of its community. For example, the International Spa Association, one of the main industry associations, represents “health and wellness facilities and providers in more than 70 countries. Members encompass the entire arena of the spa experience, from resort/hotel, destination, mineral springs, medical, club and day spas to service providers such as physicians, wellness instructors, nutritionists, massage therapists and product suppliers.” This definition of the industry includes the vast majority of entities included in the defined community.

<sup>2</sup> See for example the International Spa Association: <http://experienceispa.com/>

<sup>3</sup> See <http://experienceispa.com/>

The ISA has been active since its founding in 1991 and its documented activities include conferences and expositions<sup>4</sup>.

The Panel determined that the community as defined in the application satisfies both of the 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) and must display an awareness and recognition of a community among its members.

The community as defined in the application was active prior to September 2007 as required by the AGB, section 4.2.3. According to the application:

The spa community has been active for a very long time... National and local spa legislatures and associations have been leading the way in the organization of the community since the 18th century. In the recent decades, regional and international organizations have been established.

The Panel acknowledges that not all elements of the community defined in the application have been in existence since the dawn of the industry; however, the proposed community segments have been active prior to September 2007. For example, the International Spa Association, a professional organization representing spas in over 70 countries, has been in existence since 1991. As discussed above, these associations and their members, in addition to being active prior to 2007, demonstrate the AGB's requirements for awareness and recognition.

The Panel determined that the community as defined in the application fulfills the requirements for pre-existence.

#### 1-B Extension

*2/2 Point(s)*

The Panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application fulfilled the requirements for the size and longevity of the community. The application received a score of 2 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 considerable size. According to the application, there are more than 40,000 spas worldwide. The global spa industry is estimated to have generated US\$94 billion in revenue in 2013.<sup>5</sup> Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

#### 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.

<sup>4</sup> See <http://experienceispa.com/ispamedia/news/item/2006-ispera-conference-expo-2>

<sup>5</sup> See <http://www.reuters.com/article/2014/09/30/us-life-wellness-idUSKCN0HP2OK20140930>, [http://www.globalwellnesssummit.com/images/stories/pdf/wellness\\_tourism\\_economy\\_exec\\_sum\\_final\\_10022013.pdf](http://www.globalwellnesssummit.com/images/stories/pdf/wellness_tourism_economy_exec_sum_final_10022013.pdf)

The community as defined in the application demonstrates longevity. Spa services have existed for centuries and industry growth indicates that spas are likely to continue to operate well into the future. According to research conducted by SRI International, the global spa industry generated US\$94 billion in 2013, up 58% from 2007. The study also found that the number of spa locations grew by 47% to around 106,000 in the same period. Moreover, participation in spa associations has also increased. For example, the International Spa Association was born from a meeting of spa professionals in 1990 to an organization with members in more than 70 countries and an annual conference and expo with over 200 exhibitors. Another example is the European Spas Association<sup>6</sup>, which began with eight founding members<sup>7</sup> and now has 19<sup>8</sup>. Given the size of the spa industry, both in terms of revenue and number of establishments, as well as its historical background, the Panel has determined that the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

**Criterion #2: Nexus between Proposed String and Community**

**4/4 Point(s)**

**2-A Nexus**

**3/3 Point(s)**

The Panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string matches the name of the community as defined in the application. The application received a score of 3 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 (of 2 out of 3 points; 1 point is not possible), 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.”

According to the application:

Most people inside and outside the spa community refer to spas and the spa community with the word “spa” as a distinctive descriptor... The word “spa” is the noun that the typical community member would naturally be called in the context. The term “spa” is not excessively broad and relates to the primary community of about 40,000 spas around the world, along with the community organizations, whose members are generally these operational spas.

The Panel has determined that the associations of spas, including those cited by the application, as well as the individual establishments that are operated by members of the community as defined by the application, are also “commonly known by others” (AGB) both in and outside of the community by the applied-for string “SPA”, as required by the AGB. Indeed, the word “spa” is defined as “A commercial establishment offering health and beauty treatment through such means as steam baths, exercise equipment, and massage” (Oxford Dictionaries)<sup>9</sup>. This common usage of the applied-for string closely aligns with the community as defined in the application. The community as defined by the application also includes entities which are not spas or spa

<sup>6</sup> The European Spas Association was founded in 1995 in Brussels, Belgium as an umbrella association for national spa associations in Europe. See <http://www.europeanspas.eu/who-we-are/>

<sup>7</sup> Members are national spa associations in European countries.

<sup>8</sup> See [http://www.europeanspas.eu/press/ESPACongress2015\\_postcongressnews](http://www.europeanspas.eu/press/ESPACongress2015_postcongressnews)

<sup>9</sup> The Panel’s consulting a dictionary is based on the AGB’s requirement to determine how the applied-for string is used for evaluation of Nexus. While there are many dictionaries, Oxford’s is among the most well-respected usage dictionaries available. Usage dictionaries specifically analyze present and evolving uses of a word, capturing in this case the most prevalent uses of “spa”. See: <http://www.oxforddictionaries.com/us/words/about>

associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a non-essential component of the spa community. Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association.<sup>10</sup> This subset of the community, along with the principal spa community, therefore, meets the requirement for “match” with regard to Nexus.

Therefore, the Panel has determined that the applied-for string is the established name by which the community is commonly known by others. The Panel determined that the applied-for string does match the community as defined in the application. It therefore meets the requirements for full credit on Nexus.

**2-B Uniqueness**

***1/1 Point(s)***

The Panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application received a score of 1 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 application acknowledges several other uses of the string “SPA” and the Panel has further identified others, including colloquial uses of the word “spa” to refer to products used outside of a spa business. However, these uses are insignificant in comparison to the generally known reference of “spa” globally and the Panel has determined therefore that there are no other significant meanings to the public in general beyond identifying the community defined in the application.<sup>11</sup>

The Panel therefore determined that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

**Criterion #3: Registration Policies**

***3/4 Point(s)***

**3-A Eligibility**

***1/1 Point(s)***

The Panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, 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. According to the application:

the registrant must be able to provide information/data demonstrating that they have:

1. A valid operating license, where applicable;
2. A spa, beauty or wellness certification, where applicable;
3. A valid business registration;
4. A membership with any spa or wellness industry association;
5. A declaration that the domain will be used for the promotion of spas and wellness related products or services.

The application therefore demonstrates adherence to the AGB’s requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

<sup>10</sup> <http://experienceispa.com/>

<sup>11</sup> Among the other uses of the word “spa” cited by the applicant and others reviewed by the applicant, the Panel reviewed that of the Belgian town of Spa. The municipality has reached an agreement with the applicant and supports its use of the applied-for string. Furthermore, the name of the small town, with a population of about 10,000, is known locally but is not a significant use in comparison to the global context of the applicant’s community.

3-B Name Selection	<i>1/1 Point(s)</i>
<p>The 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 score of 1 out of 1 point under criterion 3-B: Name Selection.</p> <p>According to the application:</p> <p style="padding-left: 40px;">During Sunrise, registrants must select names corresponding to their trademark, trade name, company name, or otherwise names with demonstrable usage (especially in relation to the spa community).</p> <p>Outside of the Sunrise phase, the application states that “registrants may select names of their choice. However, all registrants must accept the mandatory guidelines (as described in C) below), including the selected domain name. This ensures that name selection rules are consistent with the community-based purpose of the .spa TLD.” In particular,</p> <p style="padding-left: 40px;">the community purposes of the .spa TLD are:</p> <ul style="list-style-type: none"> <li>A. To support the spa and wellness community, especially to extend the spa experience on the Internet;</li> <li>B. To advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,</li> <li>C. To transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.</li> </ul> <p>Therefore, the Panel determined that the application did satisfy the conditions to fulfill the requirements for Name Selection.</p>	
3-C Content and Use	<i>0/1 Point(s)</i>
<p>The Panel determined that the application does not meet the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria). The application does not provide evidence that the content and use rules included are consistent with the articulated community-based purpose of the applied-for TLD. The application therefore received a score of 0 points under criterion 3-C: Content and Use.</p> <p>To fulfill the requirements for Content and Use, the registration policies for content and use must be consistent with the articulated community-based purpose of the applied-for gTLD. According to the application,</p> <p style="padding-left: 40px;">One of the first tasks for the SPARC [SPA Registry Community-Advisory-Council] upon its formalization (after the approval from ICANN of the .spa TLD) is the development of a set of mandatory guidelines for .spa registrants. Some of the broad based principles have been included in #18c 5. Mandatory Guideline for Registrants.</p> <p>The mandatory guidelines described in the application are not sufficiently specific with regard to content and use to meet AGB requirements for rules that are consistent with the community-based purpose. Moreover, although the applicant has established a body (SPARC) to develop the guidelines, the rules specific to content and use have not been developed and therefore the Panel was unable to evaluate whether or not such rules meet the criteria contained in the AGB.</p> <p>The application therefore does not meet the AGB’s requirement of content and use rules that are consistent with the application’s community-based purpose and scores 0 points.</p>	
3-D Enforcement	<i>1/1 Point(s)</i>
<p>The Panel determined that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines a coherent and appropriate appeals mechanisms. The application received a score of 1 point under criterion 3-D: Enforcement.</p>	

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. According to the application:

a. Sunrise Verification Process To ensure the integrity of the process and enforcement, all Sunrise applications will be verified against the requirements (as suggested in A) above, and further detailed in the full Sunrise policies). Registrants that cannot substantiate their claims will be rejected. The verification process will also include a reconsideration and amendment process which serves as an appeal mechanism (further details in #29).

b. Sunrise Challenge Process All Community Sunrise applications will also be locked for a 60 day period upon it being successfully verified and registered. The Whois information along with the documentary proof provided will be publicly searchable (via the registry website). At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism...

a. Abuse Prevention & Mitigation

Illegal activities and activities that threaten the security and stability of the Internet or the registry will be responded to utilizing the abuse prevention & mitigation (APM) processes as described in #28. All illegal and abusive activities would be considered to be against the community purpose of .spa. Illegal activities will be referred to appropriate law enforcement agencies.

b. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, B), as well as content and use, C), of .spa domain names. Description of the Warning and Suspension Process has been included in #18c 6. Warning and Suspension Process above. This Warning and Suspension process provides an effective, efficient and definite measure for due process and takedown procedures to be taken against violators of the mandatory guidelines, which ensures that the community purpose of the .spa TLD is maintained.

The applicant outlined policies that include specific enforcement measures constituting a coherent set. The Panel determined that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

**Criterion #4: Community Endorsement**

**3/4 Point(s)**

Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN. The Panel reviews these comments and documents and as applicable attempts to verify them as per the guidelines published on the ICANN CPE website. Further details and procedures regarding the review and verification process may be found at <http://newgtlds.icann.org/en/applicants/cpe>. The table below summarizes the review and verification of all support for and opposition to the ASWPC application for the string "SPA".

**Summary of Review & Verification of Support/Opposition Materials as of 22 May 2015**

	Total Received and Reviewed	Total Valid for Verification	Verification Attempted	Successfully Verified
Application Comments	1	0	0	0
Attachments to 20(f)	1	1	1	0



Correspondence	12 <sup>12</sup>	5	5	2
<b>Grand Total</b>	<b>14</b>	<b>6</b>	<b>6</b>	<b>2</b>
<b>4-A Support</b>				<b><i>1/2 Point(s)</i></b>
<p>The Panel determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, 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.</p> <p>To receive the maximum score for Support, the applicant is, or must have documented support from the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means that the institution(s)/organization(s), through membership or otherwise, are clearly recognized by the community members as representative of the community as a whole. 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 by the application.</p> <p>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, as required by the AGB. However, the 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). A recognized community institution or member organization is one which not only (1) represents the entirety of the community as defined by the application, but is also (2) recognized by the same community as its representative. No such organization among the applicant’s supporters demonstrates the kind of structure required to be a “recognized” organization, as per AGB guidelines, and the Panel has determined that no such organization exists. While the International Spa Association, cited previously in this document, is dedicated to the spa community, all members of the community defined in the application do not uniformly recognize it as having the authority to represent them. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.</p>				
<b>4-B Opposition</b>				<b><i>2/2 Point(s)</i></b>
<p>The Community Priority Evaluation panel has 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 received no relevant opposition. The application received a score of 2 out of 2 points under criterion 4-B: Opposition.</p> <p>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 relevant group of non-negligible size.</p> <p>The Community Priority Evaluation panel has determined that there is no relevant opposition to the application. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.</p>				

**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 AGB or the Registry Agreement. For updated application status and complete details on the program, please refer to the AGB and the ICANN New gTLDs microsite at <[newgtlds.icann.org](http://newgtlds.icann.org)>.

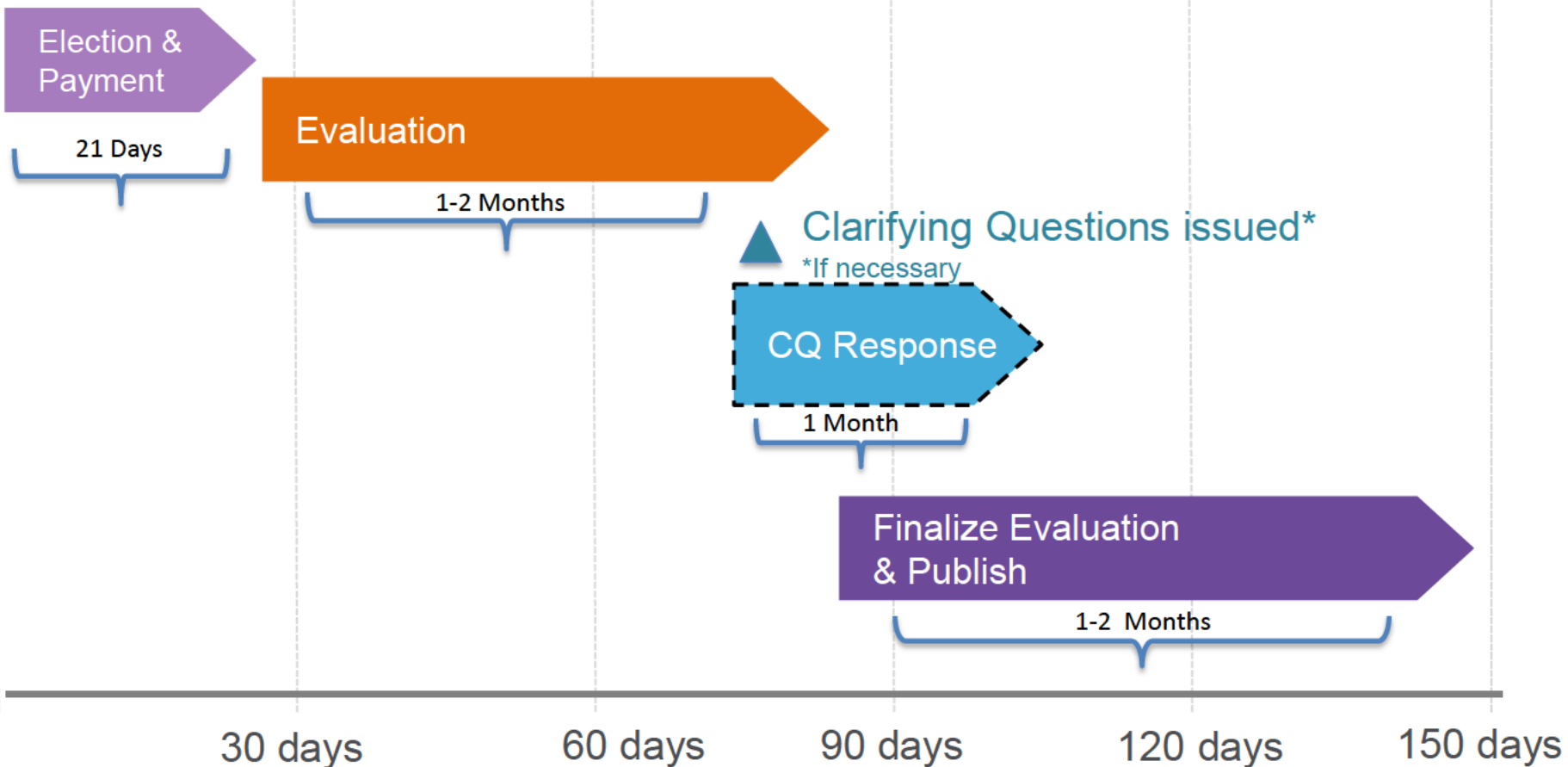
<sup>12</sup> The correspondence for .SPA includes several letters from the applicant, from ICANN, and from the Belgian City of Spa that all relate to the same point. The relevant subject was evaluated and initial objection was verified to have been withdrawn.

## **Attachment 4**

# Community Priority Evaluation > Timeline

▲ Invitations sent to eligible applicants

▲ Day 14: Deadline for application comment



# **Attachment 5**

## **COMMUNITY PRIORITY EVALUATION PANEL AND ITS PROCESSES**

### **Overview**

At the time of submitting the new gTLD application, applicants had the opportunity to designate themselves as a community-based application, as prescribed in the section 1.2.3 of the Applicant Guidebook (AGB).

Community Priority Evaluation (CPE) is defined in section 4.2 of the AGB, and allows a community based-application to undergo an evaluation against the criteria as defined in section 4.2.3 of the AGB, to determine if the application warrants the minimum score of 14 points (out of a maximum of 16 points) to earn priority and thus win the contention set.

Only community-based applicants are eligible to participate in a community priority evaluation. A determination by a community priority panel, appointed by ICANN, must be made before a community name is awarded to an applicant. This determination will be based on the string and the completeness and validity of supporting documentation.

There are two possible outcomes to a Community Priority Evaluation:

- Determination that the application met the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Prevalled.
- Determination that the application did not meet the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Did not prevail.

Section 4.2.2 of the AGB prescribes that the Community Priority Evaluations will be conducted by an independent panel. ICANN selected the Economist Intelligence Unit (EIU) as the panel firm for Community Priority Evaluations.

### **The Economist Intelligence Unit**

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<sup>1</sup> 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 Evaluation Process**

The EIU evaluates applications for gTLDs once they become eligible for review under CPE.

The evaluation process as described in section 4.2.3 of the Applicant Guidebook and discussed in the CPE Guidelines document is described below:

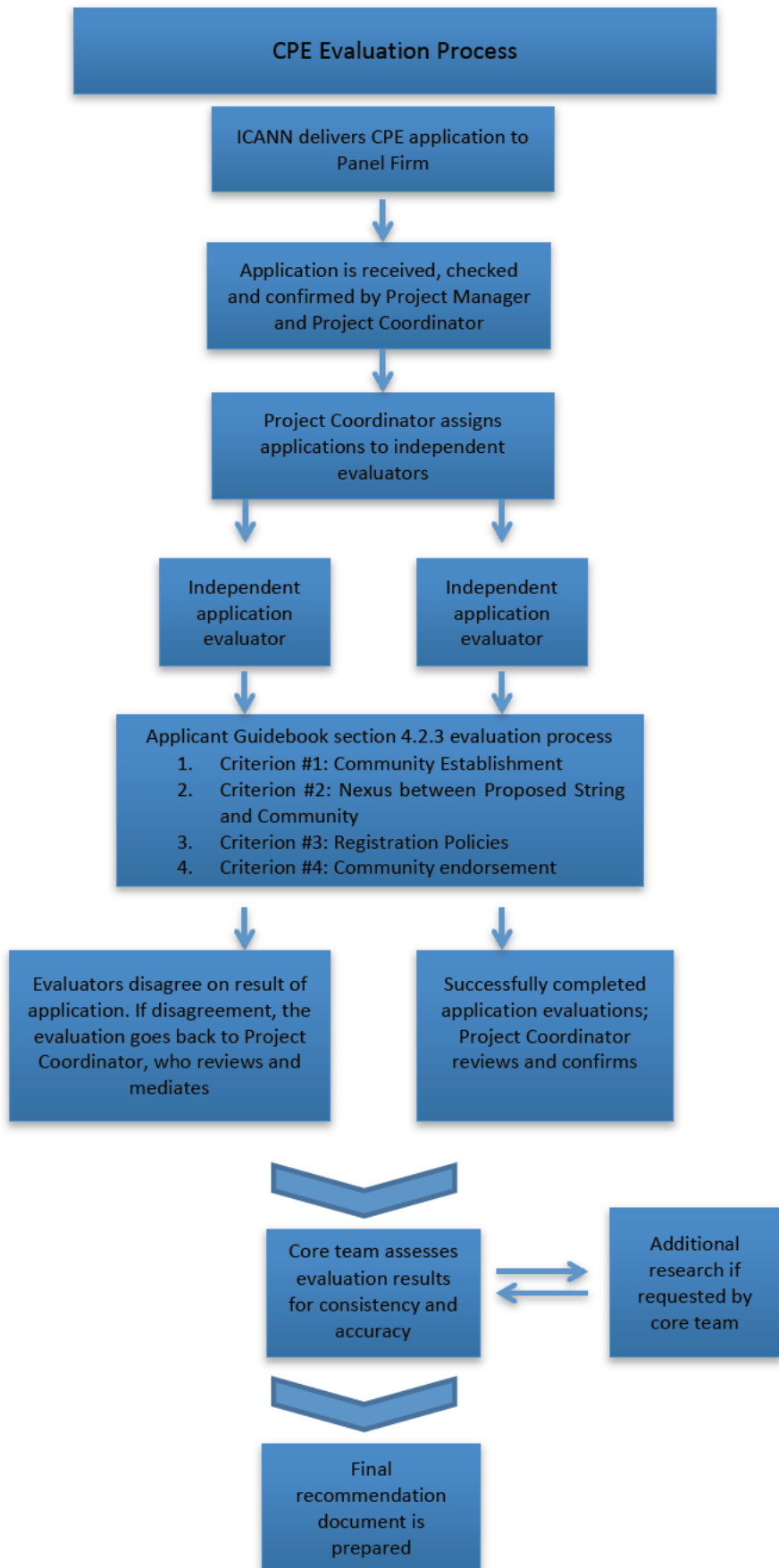
- The Panel Firm's Project Manager is notified by ICANN that an application for a gTLD is ready for CPE, and the application ID and public comments are delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website. The EIU Project Manager reviews the application and associated materials, in conjunction with the EIU Project Coordinator. The Project Coordinator assigns the application to each of two evaluators, who work independently to assess and score the application.
- Each evaluator reviews the application and accompanying documentation, such as letter(s) of support and opposition. Based on this information and additional independent research, the evaluators assign scores to the four CPE criteria as defined in the Applicant Guidebook.
- As part of this process, one of the two evaluators assigned to assess the same string is asked to verify the letters of support and opposition. (Please see "Verification of letter(s) of support and opposition" section for further details.)
- When evaluating an application the CPE Panel also considers the public application comments. The public comments are provided to EIU by ICANN following the close of the 14-day window associated with the CPE invitation. For every comment of support/opposition received, the designated evaluator assesses the relevance of the organization of the poster along with the content of the comment. A separate verification of the comment author is not performed as the Application Comments

---

<sup>1</sup> The term "independent" means that the evaluators do not have any conflict of interest with CPE applicants. It also means that the evaluators sit outside the core EIU team; they provide individual evaluation results based on their assessment of the AGB criteria, application materials, and secondary research without any influence from core team members.

system requires that users register themselves with an active email account before they are allowed to post any comments. However, the evaluator will check the affiliated website to ascertain if the person sending the comment(s) is at that entity/organization named, unless the comment has been sent in an individual capacity.

- Once the two evaluators have completed this process, the evaluation results are reviewed by the Project Coordinator, who checks them for completeness and consistency with the procedures of the Applicant Guidebook.
- If the two evaluators disagree on one or more of the scores, the Project Coordinator mediates and works to achieve consensus, where possible.
- The Project Director and Project Coordinator, along with other members of the core team, meet to discuss the evaluators' results and to verify compliance with the Applicant Guidebook. Justifications for the scores are further refined and articulated in this phase.
- If the core team so decides, additional research may be carried out to answer questions that arise during the review, especially as they pertain to the qualitative aspects of the Applicant Guidebook scoring procedures.
- If the core team so decides, the EIU may provide a clarifying question (CQ) to be issued via ICANN to the applicant to clarify statements in the application materials and/or to inform the applicant that letter(s) of support could not be verified.
- When the core team achieves consensus on the scores for each application, an explanation, or justification, for each score is prepared. A final document with all scores and justifications for a given application, including a determination of whether the application earned the requisite 14 points for prevailing, is presented to ICANN.
- The Economist Intelligence Unit works with ICANN when questions arise or when additional process information may be required to evaluate an application.
- The Panel Firm exercises consistent judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case.





### Verification of letter(s) of support and opposition

As part of this CPE evaluation process, one of the two evaluators assigned to assess the same string verifies the letters of support and opposition. This process is outlined below:

- On a regular basis, the EIU reviews ICANN's public correspondence page (<http://newgtlds.icann.org/en/program-status/correspondence>) for recently received correspondence to assess whether it is relevant to an ongoing evaluation. If it is relevant, the public correspondence is provided to the evaluators assigned to the evaluation for review.
- For every letter of support/opposition received, the designated evaluator assesses both the relevance of the organization and the validity of the documentation. Only one of the two evaluators is responsible for the letter verification process.
- With few exceptions, verification emails are sent to every entity that has sent a letter(s) of support or opposition to validate their identity and authority.
- The exceptions noted above regarding sending verification letter(s) include but may not be limited to:
  - If there are no contact details included in the letter(s). However, the evaluator will attempt to obtain this information through independent research.
  - If the person sending the letters(s) does not represent an organization. However, if the content of the letter(s) suggests that the individual sending a letter has sent this letter(s) on behalf of an organization/entity the evaluator will attempt to validate this affiliation.
- The verification email for letter(s) of support/opposition requests the following information from the author of the letter:
  - Confirmation of the authenticity of the organization(s) letter.
  - Confirmation that the sender of the letter has the authority to indicate the organization(s) support/opposition for the application.
  - In instances where the letter(s) of support do not clearly and explicitly endorse the applicant, the verification email asks for confirmation as to whether or not the organization(s) explicitly supports the community based application.
- To provide every opportunity for a response, the evaluator regularly contacts the organization for a response by email and phone for a period of at least a month.
- A verbal acknowledgement is not sufficient. The contacted individual must send an email to the EIU acknowledging that the letter is authentic.