Annex 1

State of Tennessee

The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

Contact Information Redacted

November 15, 2013

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
Contact Information Redacted

The Honorable Julie Brill
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Maureen Ohlhausen
Commissioner
Federal Trade Commission
Contact Information Redacted

The Honorable Joshua Wright
Commissioner
Federal Trade Commission
Contact Information Redacted

Dear Chairwoman Ramirez, Commissioner Brill, Commissioner Ohlhausen, and Commissioner Wright,

Along with the Federal Trade Commission, the National Association of Secretaries of State (NASS), of which I currently serve as President, has been following the Internet Corporation for Assigned Names and Numbers' (ICANN's) new generic top-level domain (gTLD) program for some time. We share the Commission's concerns (FTC release 12/11) about the potential for consumer fraud and abuse in new top-level domains (TLDs). We are particularly concerned about a special class of top-level domains commonly referred to as "corporate identifier" TLDs. Examples include: .CORP, .INC, and .LLP.

We recently learned that ICANN may consider awarding these highly-sensitive TLDs to registries that could sell domains to anyone, regardless of their legal standing with state registration authorities. We are concerned that instead of requiring entities to prove they are in good standing with a Secretary of State or Lieutenant Governor's office in order to register one of these domains, the ICANN Board is considering a move lax standard that would allow anyone to "attest" that they have the necessary standing to own one of these domains with no third party verification or validation. It is likely that those who wish to

perpetrate fraud and other crimes involving deception will take advantage of this process and provide false information to ensure they are able to register these domains.

NASS and many individual Secretaries have expressed our concerns in multiple letters to ICANN, clearly stating that any new business-related extension identifiers and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the U.S. This process would ostensibly include a verification of registration and good standing based upon a confirmation from the registrar.

To underscore the level of state agreement on this issue amongst state business registration authorities, Secretaries of State unanimously approved a resolution[1] at our July 2013 NASS national meeting calling on ICANN to accept the advice of ICANN's Government Advisory Committee and require higher levels of consumer protection. We also believe that the community application process ensures that safeguards and restrictions are enforced.

In closing, I hope the Commission urges the ICANN Board to support a stricter standard. The body should require a process that includes information verification for the protection of consumers and businesses, thereby reducing opportunities for fraud.

ICANN is meeting on November 18, 2013 to discuss this issue. I would appreciate any immediate attention and input that the Federal Trade Commission can provide.

Sincerely,

Tre Hargett
Secretary of State

[1] http://www.nass.org/index.php?option=com_docman&task=doc_download&gid=1435&Itemid=

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

UNITED STATES OF AMERICA
Federal Trade Commission
Office of International Affairs
WASHINGTON, D.C. 20580

Laureen Kapin
Counsel for International Consumer Protection
Contact Information Redacted

January 29, 2014

Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

Dear Mr. Jolles:

Thank you for your November 14, 2013 letter to the Federal Trade Commission supporting the Commission's advocacy for stronger consumer protection safeguards in connection with ICANN's expansion of generic top-level domains (gTLDs). I was asked to respond to your letter because the Office of International Affairs for Consumer Protection works closely with the Department of Commerce via the Government Advisory Council (the GAC) to advise ICANN of concerns and make recommendations. The FTC has been involved in ICANN-related matters for over ten years, pressing ICANN and other stakeholders to improve policies that cause harm to consumers engaged in e-commerce or that impede law enforcement efforts to identify and locate bad actors. In addition, our involvement has included testifying before Congress, participating in ICANN meetings, and issuing statements on various ICANN policy initiatives.

We appreciate your concerns over the launch of TLDs, such as corporate identifiers (*e.g.,* .inc, .llc, .llp, .corp), without proper safeguards. As you know, the Commission has expressed similar concerns, albeit in a broader context, with proposed domains associated with various regulated or professional sectors, including corporate identifiers.[1] FTC staff advice and concerns about the need for further consumer protection safeguards for regulated and professional extensions are reflected in the GAC Beijing Communiqué issued on April 11, 2013: https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee. The communiqué set forth several concerns regarding the new gTLDs. In particular, the communiqué recommended three additional safeguards for market sectors that have regulated entry requirements such as corporate identifiers. They are: 1) verification and validation of registrant's credentials for participation in the sector specified in the domain name; 2) consultation with relevant supervisory authorities in case of doubt regarding authenticity of credentials; and 3) post-registration checks to ensure registrant's validity and continuing compliance with their credentialing requirements. We believe this is the type of proactive approach required to combat fraudulent websites.

[1] *See* http://www.ftc.gov/news-events/press-releases/2011/12/ftc-warns-rapid-expansion-internet-domain-name-system-could-leave

We will continue to monitor ICANN's response to the communiqué and work with the GAC to help ensure that the communiqué's recommended consumer protection safeguards are implemented in a concrete and meaningful manner. We will also continue to work with our law enforcement partners to share information and perspectives about how to best protect consumers from illicit activities associated with the domain name system.

We appreciate you taking the time to raise the concerns expressed in your letter. If you have any questions or wish to discuss this matter further, please contact me at (202) 326-3237.

Very truly yours,

Laureen Kapin

State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

Elaine F. Marshall

Elaine F. Marshall

Contact Information Redacted

website: www.sosnc.com

Contact Information Redacted

ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

STATE CAPITOL
ROOM 208
Contact Information Redacted

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
Contact Information Redacted

February 24, 2012

DOT Registry
Contact Information Redacted

Dear Ladies and Gentlemen:

This letter advises that the Secretary of State of Missouri is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, "INC" and "LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with the Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Very truly yours,

Robin Carnahan

Robin Carnahan
Secretary of State

STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
Contact Information Redacted

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

Contact Information Redacted

Contact Information Redacted

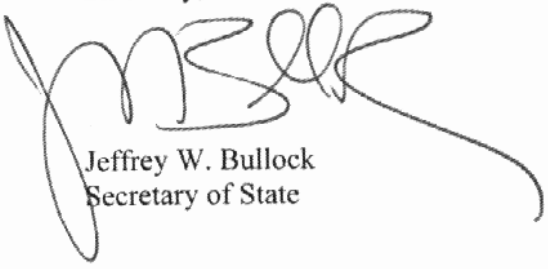
I therefore request that ICANN reject any request for the unrestricted use of ".INC", ".LLC", ".LLP", ".CORP", ".BANK", ".TRUST" or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as "bank" and "trust" that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as ".BANK" and ".TRUST".

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at Contact Information Redacted Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State

OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
Contact Information Redacted

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

ROSS MILLER
Secretary of State

Contact Information Redacted

NASS
National Association of Secretaries of State

April 1, 2014

Economist Intelligence Unit
Contact Information Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Tre Hargett

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Contact Information Redacted
Contact Information Redacted | www nass.org

> -----Original Message-----

> From: Andrei Franklin [mailto Contact Information Redacted

> Sent: Tuesday, April 22, 2014 2:43 PM

> To: Contact Information Redacted

> Subject: Confirmation of authenticity of support for new generic Top Level Domain (.INC)

>

> To whom it may concern:

>

> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based

> applications.

>

> Dot Registry LLC has applied for the gTLD .INC, for which we received documentation of support from your organization.

>

> Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

>

> We kindly request that you respond to this request via email to Andrei Franklin Contact Information Redacted . A short email response confirming the above points are correct would be greatly appreciated.

>

> We would be grateful if you could respond to this request by 22/05/2014.

> We will follow up via email and telephone in the interim on a regular basis.

>

> Thank you for your assistance in this matter.

>

> Regards,

>

>

> Andrei Franklin

Contact Information Redacted

>

>

NASS
National Association of Secretaries of State

Resolution of Recommendation to the International Corporation of Assigned Names and Numbers (ICANN) for Issuance of Corporate Internet Extensions

WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and

WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and

WHEREAS, the International Corporation of Assigned Names and Numbers (ICANN) is in the process of awarding new Internet extensions that include business entity endings, including .INC, .LLC. .LLP and .CORP; and

WHEREAS, NASS and its members have followed this process closely and have expressed concerns regarding the potentially negative impacts of issuing generic gTLDs as corporate extensions, which we believe do not have enforceable safeguards to protect against misuse and could ultimately have a harmful effect on entities that are legally registered in the U.S. ; and

WHEREAS, NASS and many of its members have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or other state filing offices of jurisdiction; and

WHEREAS, there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection and consumer confusion; and

WHEREAS, if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type; and

WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S. business community and consumers.

Adopted the 21st day of July, 2013
in Anchorage, AK

EXPIRES: Summer 2018

Contact Information Redacted

Annex 2

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

Application ID:	1-880-
Applied-for String:	~~LLC~~I
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail

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

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

Panel Summary

Overall Scoring 5 Point(s)

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

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment 0/4 Point(s)

1-A Delineation *0/2 Point(s)*

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

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear

straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ~~("LLC")~~("INC") is:

> Members of the community are defined as businesses registered as ~~limited liability companies with~~corporations within the United States or its territories. ~~Limited Liability Companies~~This would include Corporations, Incorporated Businesses, Benefit Corporations, Mutual Benefit Corporations and Non-Profit Corporations. Corporations or ~~(LLC's)~~"INC's" as they are commonly abbreviated, represent one of the most ~~popular~~complex business entity structures in the ~~US. LLC's~~U.S. Corporations commonly participate in acts of commerce, public services, and product creation….
>
> ~~An LLC~~ A corporation is defined as a ~~flexible form~~business created under the laws of ~~enterprise~~a State as a separate legal entity, that ~~blends elements of partnership~~has privileges and liabilities that are distinct from those of its members. While corporate ~~structures. It is a legal form of company that provides limited liability to its owners~~law varies in ~~the vast majority of United States~~different jurisdictions~~. LLC's are a unique entity type because they~~, there are ~~considered a hybrid, having certain~~four characteristics of ~~both a corporation~~ the business corporation that remain consistent: legal personality, limited liability, transferable shares, and ~~a partnership or sole proprietorship. LLC's are closely related to~~centralized management under a board structure. Corporate statutes typically empower corporations ~~in the sense that they pru:ticipate in similar activities~~to own property, sign binding contracts, and ~~provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass-through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner~~pay taxes in a capacity separate from that of its shareholders.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a ~~limited liability company~~corporation with the relevant US state. In addition, ~~limited liability companies~~corporations must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these ~~limited liability companies~~incorporated firms would associate themselves with being part of the community as defined by the applicant.

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

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate registrations. According to the application:

> ~~LLC's~~Corporations can be formed through any jurisdiction of the United States. Therefore members

of this community exist in all 50 US states and its territories. ~~LLC~~Corporation formation guidelines are dictated by state law and can vary based on each State's regulations. Persons form ~~an LLC~~ a corporation by filing required documents with the appropriate state authority, usually the Secretary of State. Most states require the filing of Articles of Incorporation. These are considered public documents and are similar to articles of ~~incorporation~~organization, which establish a ~~corporation~~ limited liability company as a legal entity. At minimum, the Articles of ~~organization~~Incorporation give a brief description of ~~the intended~~proposed business ~~purposes,~~ activities, shareholders, stock issued and the registered ~~agent, and registered~~ business address. ~~LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the ~~.LLC~~.INC application, there is no

documented evidence of community activities.

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

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

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

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

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

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

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

The community as defined in the application is of a considerable size. The community for .~~LLC~~INC as defined in the application is large in terms of number of members. According to the application:

> With ~~the number of~~almost 470,000 new corporations registered ~~LLC's~~ in the United States ~~totaling over five million~~ in 2010 (as reported by the International Association of Commercial Administrators) resulting in over 8,000,000 total corporations in the US, it is hard for the average consumer to not conduct business with ~~an LLC~~a corporation.

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different~~-~~
sectors, which sometimes have little or no association with one another. Research showed that firms are~~-~~typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LLCs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

~~Lo~~

Longevity

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

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

the applicant. Therefore, the pursuits of the .~~LLC~~INC community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because ~~limited liability companies~~corporations operate in vastly different sectors, which sometimes have little or no association with one another. !Research showed that firms are-
typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~INC. Based on the Panel's research, there is no evidence of ~~LL.Cs~~INCs from different sectors acting as a community as defined by the Applicant Guidebook. These ~~limited liability companies~~incorporated firms would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

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

2-A Nexus *0/3 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

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

The applied-for string (.~~LLC~~INC) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".INC" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of -our community. In the English language ~~Limited Liability Company~~the word incorporation is primarily shortened to ~~LLC~~Inc. when used to delineate business entity types. For example, McMillion Incorporated would additionally be referred to as McMillion Inc. Since all of our community members are ~~limited liability companies~~incorporated businesses we believed that ~~".LLC"~~".INC" would be the simplest, most straightforward way to accurately represent our community.
>
> ~~LLC~~Inc. is a recognized abbreviation in all 50 states and US Territories denoting the ~~registration~~

~~type~~corporate status of ~~a business~~an entity. ~~The Panel's~~Our research indicates that ~~while~~Inc. as corporate identifier is used in three other jurisdictions ~~use LLC as a corporate identifier.~~(Canada, Australia, and the Philippines) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Canada, Australia and the ~~US).~~Philippines. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for nexus.

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

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

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

Criterion #3: Registration Policies **3/4 Point(s)**

3-A Eligibility *1 / 1 Point(s)*

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

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered ~~limited liability companies~~corporations and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application, etc. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

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

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

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

3 C Content and Use	1 1 Poit t(s)

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

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

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

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

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

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

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

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

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

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.

The application included letters from a number of Secretaries of State of US states, which were considered to constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition *1 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

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

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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

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

Application ID:	1-880-
Applied-for String:	LLC
Applicant Name:	Dot Registry LLC

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail

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

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

Panel Summary

Overall Scoring 5 Point(s)

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

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment 0/4 Point(s)

1-A Delineation *0 / 2 Point(s)*

The -Community Priority Evaluation panel -determined that -the community as identified in the application did not -meet -the criterion for Delineation as specified -in section 4.2.3 (Community Priority Evaluation Criteria)

of the Applicant Guidebook, as the community demonstrates insufficient delineation, organization and pre-existence. The -application received -a score -of 0 out -of 2 points under- criterion 1-A: Delineation.

Delineation

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

The community defined in the application ~~("LLC")~~("LLP") is:

> Members of the community are defined as businesses registered as ~~limited liability companies~~Limited Liability Partnerships with the United States or its territories. Limited Liability ~~Companies~~Partnerships or (~~LLC's~~LLP's) as they are commonly abbreviated, are specifically designed to represent ~~one of the most popnlar business entity structures in the US. LLC's commonly pru:ticipate in acts of commerce, public services, and product creation….~~professional service businesses in the US . Limited Liability Partnerships are commonly adopted by businesses which focus on: accounting, attorneys, architects, dentists, doctors and other fields treated as professionals under each state's law….
>
> ~~An LLC is defined as a flexible form of enterprise that blends elements of partnership and corporate structures. It is a legal form of company that provides limited liability to its owners in the vast majority of United States jurisdictions. LLC's are a unique entity type because they are considered a hybrid, having certain characteristics of both a corporation and a partnership or sole proprietorship. LLC's are closely related to corporations in the sense that they pru:ticipate in similar activities and provide limited liability to their partners. Additionally, LLC's share a key characteristic with partnerships through the availability of pass through income taxation. LLC's are a more flexible entity type than a corporation and are often well suited for businesses owned by a single owner.~~
> A Limited Liability Partnership is defined as a partnership in which some or all partners (depending on jurisdiction) have limited liability. LLP's therefore exhibit qualities of both partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence. This distinction is why the LLP is a popular business entity amongst accountants, doctors, and lawyers; which deal heavily with issues that could inspire mal-practice lawsuits.

This community definition shows a clear and straightforward membership. While broad, the community is clearly defined, as membership requires formal registration as a limited liability ~~company~~partnership with the relevant US state. (LLPs operate in about 40 US states). In addition, limited liability ~~companies~~partnerships must comply with US state law and show proof of best practice in commercial dealings to the relevant state authorities.

However, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability ~~companies~~partnerships operate in vastly different sectors, which sometimes have little or no association with one another. !Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. There is no evidence that these limited liability ~~companies~~partnerships would associate themselves with being part of the community as defined by the applicant.

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

Organization

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

The community as defined in the application does not have at least one entity mainly dedicated to the community. Although responsibility for corporate registrations and the regulations pertaining to corporate formation are vested in each individual US state, these government agencies are fulfilling a function, rather than representing the community. In addition, the offices of the Secretaries of State of US states are not mainly dedicated to the community as they have other roles/functions beyond processing corporate

registrations. According to the application:

> ~~LLC's~~Limited Liability Partnerships can be formed through ~~any jurisdiction of~~ all but ten states in the United States.~~-~~
> Therefore members of this community exist in ~~all 50~~close to forty US states~~ and its territories. LLC~~. LLP formation guidelines are dictated by state law and can vary based on each ~~state's~~state's regulations. Persons form an ~~LLC~~LLP by filing required documents with the appropriate state authority, usually the Secretary of State.~~ Most states require the filing of Articles of Organization. These are considered public documents and are similar to ru:ticles of incorporation, which establish a corporation as a legal entity. At minimum, the articles of organization give a brief description of the intended business purposes, the registered agent, and registered business address. LLC's are expected to conduct business in conjunction with the policies of the state in which they are formed, and the Secretary of State periodically evaluates a LLC's level of good standing based on their commercial interactions with both the state and consumers.~~

The community as defined in the application does not have documented evidence of community activities. As there is no entity that is mainly dedicated to the community as defined in the .~~LLC~~LLP application, there is no documented evidence of community activities.

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

Pre-existence

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

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

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

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

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

Size

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

The community as defined in the application is of a considerable size. The community for .~~LLC~~LLP as defined in the application is large in terms of number of members. According to the application~~:~~, "LLP's represent a small but prestigious sector of business in the United States."

> ~~With the number of registered LLC's in the United States totaling over five million in 2010 (as reported by the International Association of Commercial Administrators) it is hard for the average consumer to not conduct business with an LLC.~~

However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLCs~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability ~~companies~~partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

Longevity

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

The community as defined in the application does not demonstrate longevity. As mentioned previously, according to section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook the CPE

process is conceived to identify qualified community-based applications, while preventing both "false positives" (awarding undue priority to an application that refers to a "community" construed merely to a get a sought-after generic word as a gTLD string) and "false negatives" (not awarding priority to a qualified community application). The Community Priority Evaluation panel determined that this application refers to

a "community" construed to obtain a sought-after corporate identifier as a gTLD string, as these limited liability partnerships would typically not associate themselves with being part of the community as defined by the applicant. Therefore, the pursuits of the .LLP community are not of a lasting, non-transient nature.

Additionally, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members. This is because limited liability partnerships operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an ~~LLC~~LLP. Based on the Panel's research, there is no evidence of ~~LLC~~LLPs from different sectors acting as a community as defined by the Applicant Guidebook. These limited liability partnerships would therefore not typically associate themselves with being part of the community as defined by the applicant.

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

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

2-A Nexus *0/3 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string identifies the community, but over-reaches substantially beyond the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

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

The applied-for string (.~~LLC~~LLP) over-reaches substantially, as the string indicates a wider or related community of which the applicant is a part but is not specific to the applicant's community. According to the application documentation:

> ~~".LLC"~~".LLP" was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability ~~Company~~Partnership is primarily shortened to ~~LLC~~LLP when used to delineate business entity types~~. Since all of our community members are limited liability companies we believed that ".LLC" would be the simplest, most straight forward way to accurately represent our community.~~…
>
> ~~LLC~~LLP is a recognized abbreviation in all 50 states and US territories denoting the registration type of a business entity. ~~The Panel's~~Our research indicates that ~~while~~LLP as corporate identifier is used in eleven other jurisdictions ~~use LLC as a corporate identifier,~~(Canada, China, Germany, Greece, India, Japan, Kazakhstan, Poland, Romania, Singapore, and the United Kingdom) though their ~~definitions~~formation regulations are ~~quite~~ different ~~and there are no other known associations or definitions~~from the United States and their entity designations would not fall within the boundaries of ~~LLC in the English language~~our community definition.

While the string identifies the name of the community, it captures a wider geographical remit than the

community has, as the corporate identifier is used in ~~other jurisdictions (outside~~Poland, the ~~US).~~UK, Canada and Japan, amongst others. Therefore, there is a substantial over-reach between the proposed string and community as defined by the applicant.

The Community Priority Evaluation panel determined that the applied-for string over-reaches substantially beyond the community. It therefore does not meet the requirements for Nexus.

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

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

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

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

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

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by limiting eligibility to registered limited liability partnerships and by cross-referencing their documentation against the applicable US state's registration records in order to verify the accuracy of their application. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Eligibility.

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

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

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant's legal name, and specifying that registrants will not be able to register product line registrations, amongst other requirements. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Name Selection.

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

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

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by noting that all registrants must adhere to the content restrictions outlined in the applicant's abuse policies. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfies the condition to fulfill the requirements for Content and Use.

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

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

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set. For example, if a registrant wrongfully applied for and was awarded a second level domain name, the right to hold this domain name will be immediately forfeited. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement **2/4 Point(s)**

4-A Support *1 / 2 Point(s)*

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

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

The Community Priority Evaluation panel determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support.

The application included letters from a number of Secretaries of State of US states, which were considered to

constitute support from groups with relevance, as each Secretary of State has responsibility for corporate registrations and the regulations pertaining to corporate formation in its jurisdiction. These entities are not the recognized community institution(s)/member organization(s), as these government agencies are fulfilling a function, rather than representing the community. The viewpoints expressed in these letters were not consistent across states. While several US states expressed clear support for the applicant during the Letters of Support verification process, others either provided qualified support, refrained from endorsing one-

particular applicant over another, or did not respond to the verification request. Letters of support from other entities did not meet the requirement for relevance based on the Applicant Guidebook criteria, as they were not from the recognized community institutions/member organizations. The Community Priority Evaluation Panel determined that the applicant partially satisfies the requirements for Support.

4-B Opposition	*1 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received relevant opposition from one group of non-negligible size. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

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

The application received several letters of opposition, one of which was determined to be relevant opposition from an organization of non-negligible size. This opposition was from a community that was not identified in the application but which has an association to the applied-for string. Opposition was on the grounds that limiting registration to US registered corporations only would unfairly exclude non-US businesses. The remaining letters were either from groups/individuals of negligible size, or were not from communities which were not mentioned in the application but which have an association to the applied for string. The Community Priority Evaluation Panel determined that the applicant partially satisfied the requirements for Opposition.

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

Annex 3

NASS
National Association of Secretaries of State

April 1, 2014

Economist Intelligence Unit
Contact
Information
Redacted

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available online, reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

are only enforceable in the community application process." It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, "there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion," and " if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type."

We reiterate member sentiments that ICANN must proceed "cautiously and deliberately" in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,

Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN

Contact Information Redacted

| www nass.org

Annex 4

From: Leila Butt [Contact Information Redacted
Sent: Tuesday, May 27, 2014 8:58 AM
To: Jaeger, Al A.
Subject: Apology and explanation of letter authenticity process for generic Top Level Domains .LLC, .LLP and .INC

Dear Secretary Jaeger

My name is Leila Butt and I am writing to you on behalf of the Economist Intelligence Unit (EIU), which has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications as part of ICANN's new gTLD program. I am the project manager for the ICANN project at the EIU.

Several of our evaluators have recently been in contact with you to seek confirmation as to whether your organization supports Dot Registry LLC's application for three gTLDs: .LLC, .LLP and .INC. We realize that in some cases receiving multiple emails may have caused confusion and inconvenience, for which we apologize.

We would like to take the opportunity to clarify our evaluation process. As we are evaluating the three gTLD applications separately, we need to maintain separate formal records of all communications related to each particular application. This was our rationale for sending you three separate emails, each of which related to a different gTLD application.

Going forward, I will be your sole point of contact. After reviewing the feedback that you have already supplied with regard to these three applications, we do not have additional questions.

Thank you for clarifying your position towards Dot Registry's application for the three gTLDs. Again, we are sorry for any inconvenience or confusion this may have caused.

Yours sincerely

Leila Butt

Project Manager

The Economist Intelligence Unit

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

---------- Forwarded message ----------
From: **New gTLD Customer Support** Contact Information Redacted
Date: Fri, May 23, 2014 at 5:57 PM
Subject: RE: Concerns regarding CPE [ref: 00Dd0huNE._500d0HmLkf:ref]
Contact Information Redacted

Dear Shaul Jolles,

Thank you for sharing your experiences and your concerns regarding the Community Priority Evaluation (CPE) CPE letters of support validation process. We apologize for any confusion and frustration this has caused you and your supporters. The EIU has been made aware of the frustration that some authors of the letters of support are experiencing during the validation process, both from us and the authors themselves. They are making adjustments to streamline the communication process and where possible, and to consolidate communications to individuals that need to be contacted several times.

The validation of letters of support (or opposition) is a standard part of the CPE Panel's overall process while conducting the evaluation Community Priority Evaluation (CPE), and was articulated in the CPE Guidelines document developed by the Panel . This process is designed to verify the authenticity of these letters and ensure they meet the requirements as stated:

1. clearly expressing the organization's support for the community based application,
2. demonstrating the organization's understanding of the string being requested,
3. that the organization exists and,
4. the author has the authority to represent the organization.

Consistent with all phases of the program, each application is reviewed on an individual basis. In your case, 3 of your applications (LLC, LLP, INC) are simultaneously undergoing CPE. Each application has its own team of evaluators working in parallel, thus performing the validation process for the particular TLD to which they are assigned. The letters of support associated with your applications often reference all of your applied for strings in the same letter. With the evaluations occurring in parallel as-described above, the communications were sent to the same secretaries of state from several different evaluators at the EIU.

Additionally, some of the letters submitted did not clearly express the organization's support for your specific application(s) for the TLD(s). In these cases the EIU evaluators have followed up with the authors of these letters to confirm that their organizations support your specific application. While this has led to several additional email exchanges, it is necessary for the panel to have the documented evidence of the author's intentions relative to supporting the application, rather than to require the evaluators to interpret the letter.

Also, as stated in their email communication to the author, the EIU evaluators send frequent follow up and reminder emails in order receive a response so that they can complete the evaluation in a timely manner. These reminder emails are followed up by a phone call if an email response is not received. This was based on their experience as one of the Geographic

Names Panel firms, if they did not follow up, they often would not get an answer, and could not complete their evaluation in a timely manner.

The new gTLD team is working with the EIU to streamline the communications with supporters and reduce the total number of messages sent. We are also working with the EIU to ensure that all communications are professional and courteous, and reference both ICANN and the New gTLD program in an effort to clarify the intent and purpose of the communications. We apologize for any frustration and inconvenience this process has cause for you or the supporters of your applications.

Please let us know if you have further concerns.

Sincerely,

Russ Weinstein

Sr. Manager, gTLD Operations

---------- Original Message ----------
From: New gTLD Customer Support Contact Information Redacted
Sen
To: Contact Information Redacted
Subject: RE: Concerns regarding CPE [ref:_00Dd0huNE._500d0HmLkf:ref]

Dear Shaul Jolles,
Thank you for your inquiry.

We have a status meeting with the CPE evaluators later in the week. We will follow up on this topic with them and respond to you later this week with a more detailed response.

Regards,
New gTLD Operations Team

---------- Original Message ----------
From: Shaul Jolles Contact Information Redacted
Sent: 5/19/2014 3:0
Contact Information Redacted

Contact Information Redacted

Subject: Concerns regarding CPE

Good afternoon Christine,

We are reaching out to ICANN with serious concerns brought to our attention over the EIU's handling of the CPE Authenticity process for Dot Registry's applications for .inc, .llc and .llp.

Over the last several months, the evaluators have reached out to all of the authors of Dot Registry's support letters attached to our applications, requesting that they; (1) first, prove their authority to write such letters of support and (2) after sending a second letter, that they give their "explicit" consent and authorization of Dot Registry to operate the respective gTLDs. Many Secretaries of State have been contacted in upwards of five or more times for the same letter of support and have expressed their concerns that this process reflects poorly on ICANN's ability to manage the CPE process. Much like the President of the U.S., these Secretaries of State have also been sworn to office, under oath, to act in an official governmental capacity. The repeated contact by the evaluators of these government officials, which already carry heavy work-loads, has become excessive and burdensome.

Dot Registry has been contacted by all of the Secretaries of State offices, expressing their increased irritation level with having to repeatedly verify that they are a government official. Each office has indicated that it appears their responses, like their previous support correspondence over the last two years, has fallen on deaf ears and is not being taken seriously by ICANN. They have all indicated that this reflects poorly on ICANN and we are finding it difficult to defend the EIU's actions, ICANN and the process, without clear and convincing examples, to the contrary.

Further, the response period requested by the evaluators at this point is over the 90 day from evaluation start time-line, which indicates that the evaluations are not on schedule. Dot Registry kindly requests that ICANN ensure that the schedule is adhered to as established and set forth. If a deviation in the schedule is required, the affected applicant should be promptly notified. To date, that has not been the case.

In closing, we would greatly appreciate it if ICANN would review the concerns set forth in this email and take appropriate remedial action to stop the barrage of emails going to Secretaries of State and ensure the CPE timeline is adhered to. Below are several examples received today, as outlined above, to demonstrate the growing frustration mounting with Dot Registry's community.

From one Secretary of State after receiving 5 requests:

Sara, Andrei, and Conrad,
I have responded to each of you twice regarding the top level domains of .LLC, .LLP, .CORP, and .INC and the verification of the letters I have written as well as the support for Dot Registry's community application.
I though it might be helpful to make sure you also have a letter from the National Association of Secretaries of State (NASS), which I am a member of, that clearly details the support of the entire organization and how critical a community application is for the issuance of these specific top level domains.

From another Secretary of State after "additional verification" request:

Andrei…

I am a bit concerned with the tone and aggressiveness in your email below.

I had already responded to a Mr. Conrad Heine at the Economist and now question the veracity of your request as well the role of "the Economist".

Frankly, I am now questioning if your contact is a legitimate email? If so, what is the interest of The Economist in "verifying the authenticity of our position".

Further, Mr. Heine (email of May 8) asked for a response by June 7 – and now you are requesting a response by May 30.

As your letter states, *"**we must confirm whether or not your organization explicitly supports this community based application"** .*

This statement seems a bit drastic, and hence has raised red flags.

I also question why you wrote to the public email for my office and not the direct email to me?

– As Mr. Heine used.

- As was on my original letter.

Before I have any further communications with you or your organization, I would like some type of confirmation on:

· Who you are?

· Who you represent?

· *Confirmation* of your representation?

· What is the intent of any communication with me or my office?

· Will this response or any of those received from other Secretaries of State be in an article in your publication?

Thank you…

Thanks for your attention Christine.

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

ref:_00Dd0huNE._500d0HmLkf:ref

--
Shaul Jolles, CEO
Dot Registry, LLC
Contact Information Redacted

US Corporate Domain Community
www.DotRegistry.org
Contact Information Redacted