ICANN

25 January 2018

The Honorable Robert E. Latta
United States House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

RE: Your correspondence of 21 December 2017 regarding .CPA

Dear Mr. Latta,

Thank you for your correspondence of 21 December 2017 regarding the .CPA generic top-level domain name (gTLD). Your letter is posted on the ICANN organization's correspondence page at https://www.icann.org/en/system/files/correspondence/latta-to-marby-21dec17-en.pdf. We appreciate your interest, and I want to provide you with an update the status of the .CPA gTLD, with some background.

As you correctly state in your letter, multiple applicants applied for the .CPA string. There are five applicants: American Institute of Certified Public Accountants (AICPA), CPA Australia, Ltd., Top Level Domains Holdings Limited, Trixy Canyon, and Charleston Road Registry (https://gtldresult.icann.org/application-result/applicationstatus/viewstatus). Two of the five applicants (AICPA and CPA Australia) submitted community applications, under a process designed to grant communities a priority status, in accordance with clearly defined procedures within the New gTLD Applicant Guidebook (Applicant Guidebook).[1] AICPA also submitted a second, standard application.

All six applications filed by the five applicants were placed in what is called a contention set, which requires defined and orderly processes to resolve the contention. (https://gtldresult.icann.org/application-result/applicationstatus/contentionsetdiagram/44).

The processing of the .CPA contention set is currently on hold because certain applicants in the contention set have invoked several accountability mechanisms (https://newgtlds.icann.org/en/applicants/advisories/application-contention-set-14mar14-en).[2] Specifically, in July 2016, AICPA and CPA Australia separately initiated the Cooperative Engagement Processes (CEP), a process with ICANN org for the purpose of resolving or narrowing the issues that are contemplated to be brought to an Independent Review Process.[3] Both CEPs are currently active (https://www.icann.org/en/system/files/files/irp-cep-status-

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[1] New gTLD Applicant Guidebook, Module 4.2, https://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf.

[2] Id. at Module 6.6, https://newgtlds.icann.org/en/applicants/agb/terms-04jun12-en.pdf.

[3] An Independent Review Process is an accountability mechanism available under the ICANN Bylaws that allows for independent third-party review of ICANN Board or staff actions or inactions that are allegedly inconsistent with ICANN's Articles of Incorporation or Bylaws. See ICANN Bylaws, Art. 4, Section 4.3, https://www.icann.org/resources/pages/governance/bylaws-en/#article4.

15nov17-en.pdf). In July 2016, CPA Australia submitted a Reconsideration Request[4] (Request 16-8) challenging the outcome of the Community Priority Evaluation (CPE) of its application, resulting in the findings that CPA Australia's application did not satisfy the CPE criteria set forth under Module 4.2 of the Applicant Guidebook to be awarded community priority (https://www.icann.org/en/system/files/files/reconsideration-16-8-cpa-australia-request-with-annexures-redacted-15jul16-en.pdf and https://www.icann.org/sites/default/files/tlds/cpa/cpa-cpe-1-1744-1971-en.pdf).

The Board's consideration of Request 16-8 has been placed on hold pending completion of the CPE Process Review, a review initiated at the request of the ICANN Board as part of the Board's oversight of the New gTLD Program. This is an additional process step that was deemed important and necessary by the ICANN Board to address certain concerns raised by applicants during the CPE process. Once the CPE Process Review is completed, the Board will resume its consideration of Request 16-8.

When these pending accountability mechanisms conclude, the contention set will proceed to the next phase of the New gTLD Program (https://newgtlds.icann.org/en/applicants/advisories/application-contention-set-14mar14-en).

As you have indicated, .CPA is subject to the Governmental Advisory Committee (GAC) Category 1 Safeguards Advice. Whoever becomes the prevailing applicant for the .CPA gTLD will need to comply with the implementation framework adopted by the New gTLD Program Committee for GAC Category 1 strings. Since your letter is focused mainly on this aspect of the process, we want to assure you that ICANN will rigorously adhere to the prescribed process related to Safeguard Advice. As you can see, this framework will become an implementation issue only after the steps outlined above have been completed (https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf).

We are looking forward to seeing a .CPA string. I am sure you can appreciate that it is our responsibility to follow our Community agreed upon processes and accountability mechanisms each step along the way. I hope you find this information helpful, and thank you again for raising this with us. Please do not hesitate to contact me, or the ICANN engagement office in Washington, DC, if you require further information. We would be happy to speak with you further on this, or any other matter.

Sincerely,

Göran Marby
President and Chief Executive Office
Internet Corporation for Assigned Names and Numbers (ICANN)

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[4] A reconsideration request is an accountability mechanism available under the ICANN Bylaws by which a person or entity materially affected by an action of the ICANN Board or staff may request a review or reconsideration of that action by the ICANN Board. See ICANN Bylaws, Art. 4, Section 4.2, https://www.icann.org/resources/pages/governance/bylaws-en/#article4.