Background

gTLDs launched as a result of community-based applications submitted in the New gTLD process may wish to change some community-related aspects in their operations as the community it serves evolves. Per Section 2.19 of a Community gTLD Registry Agreement, "Registry Operator shall operate the TLD in a manner that allows the TLD community to discuss and participate in the development and modification of policies and practices for the TLD." As proposed changes may result in the need to modify Specification 12 of the Registry Agreement, which would be subject to ICANN approval, the following procedure has been drafted to develop a predictable environment for ICANN to handle change requests of this nature. The following procedure was prepared by a working group that includes community gTLD applicants and community gTLD Registry Operators, and the 51 Community gTLD Registry Operators, as of November 11, 2016, were invited to participate in the work.

1. Definitions

1.1 A Community gTLD is defined as a gTLD that has a Registry Agreement with ICANN that includes a Specification 12, Community Registration Policies.

1.2 A Community gTLD Change is defined as a change of any community-related aspect outlined in Specification 12 of the Registry Agreement with ICANN.

1.3 The TLD Community as defined by the eligibility requirements outlined in Specification 12 of the Registry Agreement with ICANN.

2. Process for Consideration of a Proposed Community gTLD Change

2.1 Registry Operator proposes a Community gTLD Change

A Community gTLD Registry Operator may at any time propose a Community gTLD Change. Such a proposal shall be made in writing to ICANN using the Community gTLD Change Request form (See Annex A), and include documentation of support for the Community gTLD Change by the TLD Community (including by entities representing any proposed extension of the TLD Community, if applicable), as well as by the representative governing bodies, if applicable.

2.2 ICANN preliminary review of the proposed Community gTLD Change

2.2.1 Upon receipt of the proposal, ICANN will verify its completeness and notify the Registry Operator in writing of any deficiencies in that respect within 15 days. The Registry Operator may resubmit a completed proposal to ICANN at any time for renewed handling. Provided all questions in the Community gTLD Change Request form are addressed and the public comment

period requirement defined in Section 2.2.2 has been met, the proposal will be considered complete.

2.2.2 Registry Operator will conduct a public comment period made available to the TLD Community for no less than 21 days. If the Registry Operator conducted a public comment period as part of its consultation, this requirement will be deemed as fulfilled.

2.3 ICANN Review

2.3.1   Standard

ICANN shall prepare a report analyzing whether the proposed modification to Specification 12 creates a likelihood of detriment to the rights or legitimate interests of the TLD Community. Such an assessment would include, but not be limited to, the following factors:
Community gTLD Change Proposal Assessment:

- Nature and extent of damage (versus benefit) to the TLD Community that would result from implementation of the Community gTLD Change proposal.
- Evidence implementation of the Community gTLD Change proposal:
    i.   is not in the best interests or does not intend to act in accordance with the interests of the TLD Community, such as evidence that the proposal would cause damage to the reputation of the TLD Community;
    ii. interferes with the core activities of the TLD Community; and/or
    iii. would cause concrete or economic damage to the TLD Community.
- Level of certainty that detrimental outcome(s) would occur.
- Examples of support for the proposed change include, for example, demonstration of compliance with an established Policy Development Policy (PDP) process; a Registry Operator board resolution; consultation with the TLD Community (e.g., consultation with a TLD Community advisory council or similar), expert and/or others, etc.; and public comment period to the TLD Community following posting of proposed modifications to the TLD Community.

Reasons for rejection of proposed changes to the Community gTLD shall be modifications that are detrimental to the rights or legitimate interests of the TLD Community. ICANN will provide the Registry Operator notification in writing, with the reason for rejection clearly stated.

2.3.2   Enhanced

In the case of a Community gTLD that was awarded based upon a successful Community Priority Evaluation (CPE)[1] or Community Objection as determined by the respective Panel, ICANN shall conduct the following additional analysis. ICANN shall determine whether the proposed modification to Specification 12 represents a material change (e.g., a change in the "community based" nature of the TLD) to the original application that would have likely impacted the decision in the CPE or Community Objection. If ICANN determines that the proposed modification represents a material change that would have likely impacted the decision of the Panel, then ICANN shall conduct a full public comment period on the proposed modification, unless the proposed modification serves to comply with local/national law, rule or regulation. If a full public comment period is required under this enhanced review, then ICANN shall prepare and make public a report analyzing the proposed equity in granting Registry Operator's request to change Specification 12 versus the impact on the contending applicant(s) for the TLD that was not permitted to advance.

3. ICANN Action

3.1.   Standard

ICANN staff shall timely approve (within 45 days, with written explanation and indication of the new deadline in case of delay) any proposed modification to Specification 12, where the ICANN Review has determined that the proposed modification is not detrimental to the rights or legitimate interests of the TLD Community.

3.2   Enhanced

During the initial 10-year term of the Registry Agreement in the case of a Community gTLD that was awarded based upon a successful Community Priority Evaluation (CPE) or Community Objection, the ICANN Board shall timely approve (within 45 days, with written explanation and indication of the new deadline in case of delay) all non-material changes that are not detrimental to the rights or legitimate interests of the TLD Community. In the case of any material change, the ICANN Board may reject the proposed change. The ICANN Board shall exercise the duty of care set forth in the ICANN bylaws.

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[1] ICANN's analysis shall take into consideration support for the proposed modification from entities verified during the CPE as members of the TLD Community.

Following the initial 10-year term of the Registry Agreement in the case of a Community gTLD that was awarded based upon a successful Community Priority Evaluation (CPE) or Community Objection, ICANN staff can timely approve (within 45 days, with written explanation and indication of the new deadline in case of delay) all proposed material or non-material modifications to Specification 12 without the direct action by the ICANN Board, or it can refer the proposed modifications to the ICANN Board for its consideration.

3.3 Rejection

If ICANN declines to approve the proposed modification to Specification 12, it shall clearly state in a timely manner (within 45 days, with written explanation and indication of the new deadline in case of delay) how the proposed modification is detrimental to the rights or legitimate interests of the TLD Community.

ANNEX A: Community gTLD Change Request

The terms used in Annex A have the same meaning ascribed to them in Section 1. Definitions of the Process for Consideration of a Proposed Community gTLD Change Request.

Description of the Community gTLD Change	
Has the Community gTLD Change been requested by the TLD Community?	
What are the benefits to the TLD Community of the Community gTLD Change?	
What potential detriment is there to the TLD Community of the Community gTLD Change? If any, what measures will be adopted to minimize it?	
What are the benefits to the registry of the Community gTLD Change?	
Consultation	
Please describe with specificity your consultations with the TLD Community, experts, representative governing bodies and/or others. What were the quantity, nature and content of the consultations?	
What policies and/or procedures did the registry follow in development of the Community gTLD Change?	
What was the outcome of the public comment period on the Community gTLD Change?	

Did you consult with the ICANN community, experts and/or others? What were the quantity, nature and content of the consultations?	
Were consultations with the TLD registrants and/or end users appropriate? Which groups were consulted? What were the nature and content of these consultations?	
Benefits to the TLD Community	
Describe the benefits of the Community gTLD Change and what, if any, measures have been adopted to minimize any potential detriment to the TLD Community.	
Contractual Provisions	
List the relevant contractual provisions impacted by the Community gTLD Change.	
Contract Amendments	
Describe or provide the necessary contractual amendment(s) for the Community gTLD Change.	
Timeline	
Describe the timeline for implementation of the Community gTLD Change.	
Other Issues	
Describe any other relevant information related to the Community gTLD Change.	
Provide any other supplementary documentation related to the Community gTLD Change.	

(for Community Priority Evaluation or Community Objection winners only)	
Describe why the proposed change does not materially change the "community based" nature of the TLD as represented in the application.	
Describe your consultation with the TLD Community on the proposed change.	