

Registries Stakeholder Group Statement

Public Comment: **GNSO New gTLD Subsequent Procedures Draft Final Report**

Date statement submitted: **30 September 2020**

Reference url: <https://www.icann.org/public-comments/gns0-new-gtld-subsequent-draft-final-report-2020-08-20-en>

*** original comment submitted via online form ***

Background¹

- New gTLD Subsequent Procedures Draft Final Report
<https://gns0.icann.org/sites/default/files/file/field-file-attach/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

RySG comments on the SubPro Initial reports

- RySG comment on the **SubPro Initial Report** (26 September 2018)
https://84e2b371-5c03-4c5c-8c68-63869282fa23.filesusr.com/ugd/ec8e4c_469902ff5f4844dead977e9880db4c79.pdf
- RySG comment on the **Supplemental Initial Report** (21 December 2018)
https://84e2b371-5c03-4c5c-8c68-63869282fa23.filesusr.com/ugd/ec8e4c_85f15aa39aa5473abe02a065c903b3f1.pdf
- RySG comment on the **New gTLD SubPro Work Track 5** (1 February 2019) https://84e2b371-5c03-4c5c-8c68-63869282fa23.filesusr.com/ugd/ec8e4c_8af58687691a40799ed02d825508fce7.pdf

Topics SubPro Draft Final support

<p>Topic 1: Continuing Subsequent Procedures</p> <p>Topic 2: Predictability</p> <p>Topic 3: Applications Assessed in Rounds (Application Submission Periods)</p> <p>Topic 4: Different TLD Types</p> <p>Topic 5: Application Submission Limits</p> <p>Topic 6: Registry Service Provider Pre- Evaluation</p> <p>Topic 7: Metrics and Monitoring</p> <p>Topic 8: Conflicts of Interest</p> <p>Topic 9: Registry Voluntary Commitments / Public Interest Commitments</p> <p>Topic 10: Applicant Freedom of Expression</p> <p>Topic 11: Universal Acceptance</p> <p>Topic 12: Applicant Guidebook</p>	<p>Topic 22: Registrant Protections</p> <p>Topic 23: Closed Generics (also known as Exclusive Generics)</p> <p>Topic 24: String Similarity Evaluations</p> <p>Topic 25: IDNs</p> <p>Topic 26: Security and Stability</p> <p>Topic 27: Applicant Reviews: Technical & Operational, Financial and Registry Services</p> <p>Topic 28: Role of Application Comment</p> <p>Topic 29: Name Collisions</p> <p>Topic 30: GAC Consensus Advice and GAC Early Warning</p> <p>Topic 31: Objections</p> <p>Topic 32: Limited Challenge / Appeal Mechanism</p> <p>Topic 33: Dispute Resolution Procedures After Delegation</p>
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¹ *Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.*

<p>Topic 13: Communications</p> <p>Topic 14: Systems</p> <p>Topic 15: Application Fees</p> <p>Topic 16: Applications Submission Period</p> <p>Topic 17: Applicant Support</p> <p>Topic 18: Terms and Conditions</p> <p>Topic 19: Application Queuing</p> <p>Topic 20: Application Change Requests</p> <p>Topic 21: Reserved Names</p> <p>Topic 21.1: Geographic Names at the Top- Level (Annex I)</p>	<p>Topic 34: Community Applications</p> <p>Topic 35: Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets</p> <p>Topic 36: Base Registry Agreement</p> <p>Topic 37: Registrar Non- Discrimination & Registry/Registrar Standardization</p> <p>Topic 38: Registrar Support for New gTLDs</p> <p>Topic 39: Registry System Testing</p> <p>Topic 40: TLD Rollout</p> <p>Topic 41: Contractual Compliance</p>
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Registries Stakeholder Group (RySG comment)

The comments are submitted on behalf of the gTLDs Registries Stakeholder Group (RySG).

In the interest of time, the RySG did not conduct a vote on these comments. We did discuss them on our mailing list and during a biweekly conference call, and no member opposed their submission.

Topic 1: Continuing Subsequent Procedures

See page 14 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences, but minor differences include the following:
 - Affirmed purposes for introducing gTLDs.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 2: Predictability

See page 15 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Added details to the Initial Report's conceptual Predictability Framework, including defining different "buckets" of changes, clarifying which parties can raise issues, and explaining in more detail the jurisdiction of the Framework/SPIRT.
- Added specific details to the structure of the SPIRT, governance model and operating procedures.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 3: Applications Assessed in Rounds (Application Submission Periods)

See page 19 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Simplified recommendation to make it clear that the New gTLD Program would be conducted in rounds.
- Added recommendations on when future rounds can be initiated (even if applications may still be pending from the previous round).
- Added clarity on the circumstances when a new application may be submitted for a string that was not delegated in the previous round.
- Added recommendations on the need for a predictable cadence of future rounds and that future reviews of the program should be conducted concurrently with the program.
- Added recommendation that material changes from reviews/policy development should apply only to the next subsequent round.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 4: Different TLD Types

See page 23 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- More detail provided on different categories of TLD applications and how those are treated (e.g., how the type of application, string, or applicant will result in differential treatment during the application evaluation process).
- Added Category 1 - GAC Safeguards, IGO and governments, and Applicant Support as different TLD Types.
- Added recommendation that creating types should be exceptional and need-based, but that there should be a predictable process to have potential changes considered by the community.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 5: Application Submission Limits

See page 27 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 6: Registry Service Provider Pre- Evaluation

See page 28 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Renamed the service to better align with its function (RSP Pre-Evaluation). Clarified that substantively, the program is more about timing of the review rather than introducing new evaluation requirements.
- Confirmed that new and existing RSPs are eligible for pre-evaluation (no automatic approval for existing RSPs).
- Provided guidance on timing and applicability of pre-evaluation (only applies to the specific round and that in the future, streamlining the process may be appropriate).
- Confirmed that pre-evaluated RSPs are not “contracted parties” for purposes of the GNSO Structure.
- Recommended that for usability, a list of pre-evaluated RSPs must be made available well enough in advance of the application submission window, so as to be useful for prospective applicants.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 7: Metrics and Monitoring

See page 33 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

No substantive differences, but minor differences include the following:

- The section itself is new, but the content is not. This new section simply aggregates the metrics and monitoring recommendations from various sections.

RySG feedback		RySG Comment
	Support Output(s) as written	
X	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	<p>Potential metrics to measure the impact of the New gTLD Program (first proposed in the RySG comments in the SubPro Initial Report):</p> <ul style="list-style-type: none"> • The presence of new gTLDs in lists of highly used websites, such as Alexa 1 Million and Cisco Umbrella 1 Million • Recognition of specific gTLDs in niches, communities, and verticals • Annual growth of new gTLDs as compared to legacy TLDs and previous application rounds, i.e., comparing the growth of TLDs approved in 2012 with TLDs approved in subsequent rounds • Number of new registries and registrars year over year • Locations of new registries and registrars year over year, in an effort to see how subsequent rounds affects diversity in the marketplace • Categories of gTLDs offered and diversity metrics within those categories

Topic 8: Conflicts of Interest

See page 35 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

No substantive differences, but minor differences include the following:

- The section itself is new, but the content is not. This concept was originally captured in Objections, but the WG deemed it to be broadly applicable to all vendors that support the program (e.g., evaluators, objections providers).

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 9: Registry Voluntary Commitments / Public Interest Commitments

See page 36 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Added specificity to mandatory PICs (i.e., reference to specification 11 3(a)-(d)).
- Added a recommendation to allow for single-registrant TLDs to obtain waivers for 11 3(a) and 3(b)
- Added specificity to voluntary PICs (which were renamed Registry Voluntary Commitments, or RVCs), including when and for what reasons they may be added and that they be treated as application change requests (to allow for public consideration).
- Recommended that the PICDRP be updated to account for name change.
- Added a recommendation to improve access for being able to review RVCs, in line with CCT-RT recommendation 25.
- Added a set of recommendations for Category 1 Safeguards, which affirms the NGPC framework and suggests that strings be evaluated as an evaluation element, to determine if they fall into any of the NGPC framework groupings.
- Added a recommendation that DNS Abuse should be addressed holistically, instead of just in the context of future new gTLDs.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	The RySG suggests that there should be a process to revise RVCs after delegation. For example, a RVC may no longer be fit for purpose (in practice, it could be either too broad or narrow to achieve its goal), expired if it is time bound, or a registry may wish to add RVCs after a period of operation.

Topic 10: Applicant Freedom of Expression

See page 48 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

No substantive differences.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 11: Universal Acceptance

See page 50 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 12: Applicant Guidebook

See page 52 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences, but minor differences include the following:
 - Emphasis was placed on the need for enhancing language support in the 6 UN languages

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 13: Communications

See page 55 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	13.3 The RySG suggests that “at least six months” is only one component that needs to be incorporated in a well designed and comprehensive Applicant Support program. The communication period needs to provide ample runway to design, develop and implement the outreach program to potential applicants to ensure the programs best chance of success.

Topic 14: Systems

See page 57 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 15: Application Fees

See page 62 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Combined the Application Fees and Variable Fees section.
 - Clarified that applicants utilizing a pre-evaluated RSP would not incur costs for the technical/operational evaluation element and that applicants qualifying for Applicant Support would necessarily be subject to a different fee structure.

RySG feedback		RySG Comment
	Support Output(s) as written	
X	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	<p>15.5 the application fee floor should also consider that new gTLDs are a valuable piece of the Internet and be reflective of the commitment of owning and operating a TLD. As such, an evaluation of the fee floor should be conducted and updated for each application round.</p> <p>15.8 In the event, the excess fees are less than an agreed-upon amount for example, \$1k then those funds should be used for the purpose as outlined in recommendation 15.9. This will help ICANN remain efficient while ensuring the costs related to the return of the fees are not exceeded by the related resources to return the excess to applicants.</p> <p>15.10 Periodic review should be conducted at a minimum of once every application round to ensure the contingency funds are adequately funded.</p> <p>15.8 Excess funds should be returned to applicants in a timely manner. Options could include a percentage of the processing of applications for a specific application round i.e. 90%, predetermined time period i.e. 24 months or a credit against future ICANN fees. Timing should be provided before the application period opens.</p> <p>This section of the Final Report does not seem to provide any guidance on how Applicant Support fees are determined, which would be useful.</p>

Topic 16: Applications Submission Period

See page 66 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 17: Applicant Support

See page 67 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - For the recommendation related to support beyond the application fee, financial support for ongoing registry fees were removed.
 - Suggested that a dedicated Implementation Review Team (IRT) (ASP) may be warranted for this topic alone and be constituted of experts in this area.
 - Added greater detail on outreach and collaboration with local partners to achieve outreach plan.
 - Added recommendation that the dedicated IRT establish metrics for success (with a non-exhaustive list of potential metrics included).
 - Added Implementation Guidance that the dedicated IRT consider how to allocate support if the number of qualified applicants exceeds funds.
 - Added recommendation that ICANN develop a plan for funding the ASP and potentially seek funding partners.

RySG feedback		RySG Comment
	Support Output(s) as written	
X	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	<p>The RySG supports the goals of Applicant Support but notes strongly that every application should be evaluated to ensure the applicant is sufficiently funded and equipped to operate a registry for the long term in a manner that maintains the security and stability of the DNS and is able to implement accepted anti-abuse practices and principles.</p> <p>17.2 financial support should be clarified and/or expanded upon to include a variety of professional fees (beyond application writing and attorney fees) such as financial viability, securing funding, etc.</p> <p>17.5 Significant concerns on how bid credits, multipliers, and other features may be used in other unintended ways beyond benefiting AS applicants, and how the risk of gaming can be mitigated.</p>

	<p>(see 35.2) Applicant Support applicants who have access to bid credits, multipliers, other should be protected from more sophisticated applicants who benefit financially from entering into a business combination or joint venture.</p> <p>17.9 Metrics should include: a) number of applicants who received bid credits, multiplier, other and were successful in auction; b) number of applicants who withdrew from auction; c) number of applicants who entered in to a business combination or other forms of joint ventures; d) the value of the bid credits, multiplier, other; and e) length of time before any change of ownership occurred.</p> <p>17.13 The amount of funding should be determined and communicated before the commencement of the application round. This will provide potential applicants with insight on their potential likelihood of success and whether they should apply for funding. It will also provide the information required to 17.14 in seeking additional funding partners without delay.</p> <p>17.14 If there are difficulties in attaining the relevant funding, then the weighting of 15.9 (c) should be increased to help fund potential AS in future rounds.</p> <p>17.17 financial support should include application fees and any related bid credit, multiplier or related benefits received by the applicants. Clarification on any amounts related to 17.2 should be described, i.e., professional services.</p> <p>17.17 'Going out of business' should be clearly defined to avoid any ambiguity, i.e., where the TLD is unable to meet their financial obligations and unable to secure financing or restructure operations to carry out operations in the short-term.</p>
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Question for Community Input

Recommendation 17.2 states: "The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process."

Question: Should the Applicant Support Program also include the reduction or elimination for eligible candidates of ongoing registry fees specified in Article 6 of the Registry Agreement? If so, how should the financial impact to ICANN be accounted for?

If you have a response to the question please enter your response here:

Topic 18: Terms and Conditions

See page 79 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - Added recommendation about treatment of confidential elements of applications.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	The RySG is supportive of the proposed changes, however, supporting this recommendation does not endorse the eventual validity of any covenant not to sue drafted by ICANN.
	New information or interests that the Working Group has not considered <i>add response -></i>	The RySG is supportive of the proposed changes to the Terms and conditions as described in Section 18 of the Draft Final Report. We do note that throughout the report, there are several proposed changes/and or additions to the Terms and Conditions that are not captured in this section. Examples include implementation guidance for Registry Service Provider Pre-Evaluation, Application Change Requests, Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets, and potentially Closed Generics, depending on the final recommendation of the group. Having all these changes enumerated and detailed in Section 18 will ensure clarity in the implementation process and allow future applicants to have more certainty in the requirements prior to filing an application.

Topic 19: Application Queuing

See page 81 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Added recommendation to equitably prioritize IDN applications, including a detailed formula if relatively high volumes of IDN applications are received.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 20: Application Change Requests

See page 86 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

No substantive differences, but minor differences include the following:

- Recommends allowance of resolving string contention 1) through business combinations and 2) through string change for .Brand TLDs in limited circumstances.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 21: Reserved Names

See page 89 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - For consistency with other top-level Reserved Names, the WG altered the recommendation related to Public Technical Identifiers to only reserve the PTI acronym, not the full names.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 21.1: Geographic Names at the Top- Level (Annex I)

Please see Annex I, which contains the Final Report of Work Track 5 on Geographic Names at the Top Level of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 22: Registrant Protections

See page 93 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - The Initial Report provided options to consider as alternatives to the Continuing Operations Instrument. Although the WG did not agree on a specific alternative, the WG did add a recommendation that alternatives be explored during implementation.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 23: Closed Generics (also known as Exclusive Generics)

See page 96 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - For the purposes of the draft Final Report, the WG designated the status as No Agreement and continued to make no recommendations with respect to either allowing or disallowing Closed Generics. However, with widely diverging viewpoints, the WG asked WG members to contribute proposals for consideration, to help identify circumstances when a closed generic may be permitted. These proposals were not thoroughly vetted by the WG and therefore none of the proposals at this point in time have any agreement within the WG to pursue. However, the WG is very interested in community feedback regarding the three proposals received, in regards to both the high level principles and the details (where provided). Thus, any feedback is appreciated.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Question for Community Input:

Please review the following proposals:

- A Proposal for Public Interest Closed Generic gTLDs (PICG TLDs), submitted by Alan Greenberg, Kathy Kleiman, George Sadowsky, Greg Shatan):
<https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376262/ProposalforPICGnTLDs.pdf>

- The Case for Delegating Closed Generics, submitted by Kurt Pritz, Marc Trachtenberg, Mike Rodenbaugh:
<https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376263/ClosedGenerics24July2020.pdf>
- Closed Generics Proposal, submitted by Jeff Neuman in his individual capacity:
<https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376261/Neuman%20Closed%20Generics%20Proposal.pdf>

Which, if any, do you believe warrant further consideration by the WG, and why? Are there elements or high-level principles in any of the proposals that you believe are critical to permitting closed generics even if you may disagree with some of the details? If so, please explain.

If you have a response to the questions please enter your response here:

The members of the RySG do not have a consensus position on the topic of Closed Generics. We understand that the SubPro PDP WG has not agreed on policy advice concerning this category of potential new gTLDs and is continuing to deliberate on this matter during the duration of the public comment period on this Final Report by considering proposals that have been put forth by WG members.

Recognizing that the proposals themselves do not constitute policy recommendations from the SubPro WG, the RySG would like to offer the following comments on certain aspects of those proposals, in the event that the WG reaches consensus on whether/under what terms Closed Generics should exist in future new gTLD procedures. Please note that the RySG does not officially endorse any specific proposal.

Code of Conduct: Should SubPro recommend proceeding with Closed Generics, the RySG believes that a Code of Conduct, overseen and enforced by ICANN Compliance, would be a beneficial requirement for Closed Generics. The Code of Conduct must not exceed the limit of ICANN's remit to ensure that ICANN Compliance can enforce the Code of Conduct. The RySG suggests the following be considered for a possible Code of Conduct:

- Domain name registrations in the Closed Generic must not infringe the legal rights of others (e.g., the RO forfeits the Closed Generic nature if a certain number of UDRP and/or URS cases lost in a specific time period);
- Must engage an anti-trust expert to periodically review the RO's use of the Closed Generic to confirm that the RO is not in breach of any applicable anti-trust law OR self-certify that they are not in breach of applicable anti-trust law per in-house counsel;
- Must not use the Closed Generic to attack critical infrastructure or otherwise cause technical harm, which includes but is not limited to distributing malware, phishing, pharming, malicious botnets or spam where it is a delivery mechanism for the aforementioned activities;
- Must not otherwise engage in misleading or deceptive conduct.

Governance Council: Should SubPro recommend proceeding with Closed Generics, the RySG cautiously recognizes the potential utility of some form of Governance Council. The role of the Governance Council would be to ensure that the Closed Generic supports a public interest goal. This public interest goal may or may not be within ICANN's remit. The Governance Council members should have some expertise in the public interest goal of the Closed Generic.

Any applicant can operate a Closed Generic: Finally, should SubPro recommend proceeding with Closed Generics, the RySG would oppose any restriction on who can operate a Closed Generic TLD beyond the general background criteria required for all new gTLD applicants. Closed Generics should not be limited to non-profits.

Topic 24: String Similarity Evaluations

See page 102 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - The WG added detail and precision around its recommendations, especially around singular/plurals.
 - The concept of “intended usage” was integrated into the singular/plural standard, meaning that in circumstances where string combinations that could be considered singular/plural, but where the applicants intend to use the strings in connection with different meanings, both can possibly be delegated. In this case, applicants must agree to mandatory PICs to use the string in line with their intended usage as described in the application.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

X	Do not support certain aspects or all of the Output(s) <i>add response -></i>	<p>Single/plural variations of the same string should not be permitted unless the application type is an Exclusive Use (Specification 13 .Brand TLDs or Code of Conduct Exempt TLDs). Applications for single/plural variations of the same string, excluding if the application type is an Exclusive Use (Specification 13 .Brand TLDs or Code of Conduct Exempt TLDs), in the same application window should automatically be placed in the same contention set. Applications for single/plural variations of an existing TLD or Reserved Name, unless the application type is an Exclusive Use (Specification 13 .Brand TLDs or Code of Conduct Exempt TLDs), should be automatically disqualified.</p> <p>The inclusion of “intended use” introduces a host of issues including, but not limited to: enforcing PICs, inhibiting innovation such as the ability to change business models and increasing the need for defensive registrations. Furthermore, if a stated goal of the new gTLD program is to increase predictability, introducing “intended use” would do exactly the opposite.</p>
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 25: IDNs

See page 109 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Added Implementation Guidance to allow applicants to apply for a string in a script that is not yet part of RZ-LGR, though it will not be allowed to proceed to contracting.
 - Added additional recommendations/detail around same entity requirements for IDN variants at the top and second levels.
 - Added recommendation that second-level IDN variants are not required to behave identically.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	<p>25.3 The wording of the implementation guidance in 25.3, when taken with the recommendation 25.2, implies that there is a possibility that an applied-for gTLD string may not be able to be delegated if it is not yet integrated into an existing RZ-LGR. If there is a possibility that an applied-for string would never be delegated, the applicant should be warned, as early as possible, of that possibility.</p> <p>25.5 - 25.8 The RySG notes that these issues are going to be the subject of policy development in the ccNSO and may be in the GNSO. The future implementation of these recommendations regarding variant second-level registrations, if approved, should consider that work that may be in progress.</p>

Topic 26: Security and Stability

See page 113 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Refined recommendations related to root zone scaling, focusing on the rate of change for the root zone for a shorter period of time (e.g. monthly basis) rather than on a yearly basis.
 - Added Implementation Guidance intended to promote the conservative expansion of the DNS.
 - While previously discussed, formalized as a recommendation that emojis should not be allowed at any level in gTLDs.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 27: Applicant Reviews: Technical & Operational, Financial and Registry Services

See page 116 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - Structural and grammatical changes made for ease of understanding.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 28: Role of Application Comment

See page 124 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences, but minor differences include the following:
 - Recommendations are better aligned and consistent with what occurred in the 2012 round, resulting in some recommendations being converted to affirmations instead. With more detail and precision overall, several recommendations were broken into discrete elements, expanding the number of overall recommendations in this section.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 29: Name Collisions

See page 128 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Affirmed the use of the New gTLD Collision Occurrence Management framework, unless it is replaced by a new Board approved framework (e.g., as a result of the NCAP studies)
 - Focused recommendations more on criteria for assessing name collision risk, relying less so on prescribed lists (e.g., High, Aggravated, Low).

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 30: GAC Consensus Advice and GAC Early Warning

See page 133 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Created this separate section on GAC Early Warning and GAC Consensus Advice, apart from Objections.
 - In recognition of the GAC's role under the ICANN Bylaws, the recommendations were made consistent with the GAC's role. The WG expressed its preference for certain outcomes (e.g., providing GAC Consensus Advice on TLD types ahead of program launch), but acknowledged that it is unable to impose such requirements on the GAC.
 - The WG solidified its proposal to remove the language in the AGB that creates a "strong presumption for the ICANN Board that the application should not be approved," which the WG believes is consistent with the GAC's role under the ICANN Bylaws and encourages mutually beneficial outcomes rather than creating a presumption of rejected applications.
 - Clarified that GAC Early Warnings must also include rationale for the warning, which should also promote mutually beneficial outcomes.
 - Converted potential guidance in the Initial Report to a recommendation: RVCs should be allowed as a mechanism to address or mitigate concerns in GAC Early Warning or GAC Consensus Advice.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 31: Objections

See page 139 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Added Implementation Guidance aimed at improving accessibility to objections (e.g., reducing costs, timing requirements).
 - Added recommendation to allow parties to mutually agree to one or three-expert panels.
 - Added a recommendation and Implementation Guidance aimed at improving clarity in the process and transparency of outcomes (e.g., criteria and/or processes and fees/refunds should be available ahead of program launch and in the Applicant Guidebook; any additional panel requirements should be available in a central location).

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 32: Limited Challenge / Appeal Mechanism

See page 148 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - The draft Final Report now includes a substantial amount of additional detail regarding challenges and appeals.
 - The recommendations identify which evaluation mechanisms can be challenged and which objection decisions can be appealed. An Annex is included, which provides clarity around standing, the arbiter of the challenge/appeal, who is responsible for costs, standard for appeal ("clearly erroneous" for everything but conflicts of interests), and remedies.
 - The recommendations seek to limit the impact that challenges/appeals may have on program timing and costs.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 33: Dispute Resolution Procedures After Delegation

See page 156 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 34: Community Applications

See page 157 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
Substantive differences include the following:
 - Added recommendation that letters of opposition should be considered in balance with letters of support.
 - Added recommendation intending to clarify the scope of additional research done in performing CPE, and noting that any research impacting the decision should be disclosed to the applicant.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Question for Community Input:

Implementation Guideline 34.3 states: "To support predictability, the CPE guidelines, or as amended, should be considered a part of the policy adopted by the Working Group." In deliberations, the Working Group considered proposals for specific changes to the Community Priority Evaluation (CPE) Guidelines from 2012, but did not ultimately recommend any specific changes to the text of the Guidelines (see proposals at <https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>).

Question: Do you support any of the proposed changes? Please explain. Are there other changes to the Guidelines that you believe the Working Group should recommend?

If you have a response to the questions please enter your response here:

Topic 35: Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets

See page 163 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:

Substantive differences include the following:

- Selected the second price sealed-bid mechanism for the ICANN Auctions of Last Resort, which was previously one of several options under consideration. The Working Group added procedural details, such as when bids should be submitted, confirmed that program evaluation elements should remain largely unchanged, how the ICANN Auction of Last Resort should be conducted, among other elements.
- The Working Group had previously been trending towards disallowing private resolution where a party is paid to withdraw, but is now focusing instead on seeking to ensure that applications are submitted with a bona fide (“good faith”) intentions, while also allowing private resolution (including private auctions). Contentions sets resolved via private resolution have information disclosure requirements (i.e., Contention Resolution Transparency Requirements).

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Question for Community Input:

Recommendation 35.3 requires that, “Applications must be submitted with a bona fide (“good faith”) intention to operate the gTLD.” The Working Group discussed examples of what would constitute a lack of bona fide intent and included a non-exhaustive list of indicative “Factors,” though it believes analysis of the included examples and identification of additional examples is helpful. What do you believe are appropriate “Factors” to consider when determining if an application was submitted with a bona fide intention, and why?

If you have a response to the question please enter your response here:

Bona Fide intent factors should consider other aspects other than the volume of TLDs. While the working group has made considerable efforts, the fact remains that “good faith” and “bona fide intent” continue to be incredibly difficult to quantify and are certainly open to interpretation.

Net cash inflows or outflows are perhaps more indicative of intent. Applicants often have a favorite TLD that they are willing to more heavily weight their budget to acquire. For example, an applicant who loses three auctions and receives a total financial windfall of \$2m and spends \$6m to win their fourth application for a net cash outlay of \$4m. It would be fair to assume that an organization that outlays \$4m to win a TLD has the right intentions yet based on the current bona fide factors, they would fail as they would not meet the 50% volume threshold.

Additionally, the initial recommendations do not allow applicants to change or withdraw their bids without withdrawing their entire application. This could lead to various unintended consequences as applicants may unexpectedly exceed their financial resources leading to unnecessary auctions, delays and confusion. If applicants are required to submit all of their bids at the end of the String Similarity Evaluation period, they may have no choice other than to default on payment. Allowing applicants with the ability to withdraw their auction amount would allow them to keep their application alive without the potential downfalls of payment issues. Withdrawing an application in a small contention set is unlikely due to the possibility of the other applicants withdrawing.

‘More than 50%’ may cause undue confusion and should be updated to reflect, greater than 49% or equal to 50% or greater.

The factors should be clearly detailed without any ambiguity. If an applicant:

- a. Has six or more applications in contention sets; and
- b. 50% or more of the contention sets are resolved in private auctions; and
- c. 50% or more of the private auctions produce a financial windfall to the applicant

Question for Community Input:

Also related to Recommendation 35.3, the Working Group discussed what the punitive measures should be if an application is found to have been submitted lacking a bona fide intention, in respect of the “Factors.” Some of the ideas discussed include the potential loss of the registry, barring participation in any future rounds (both for the individuals as well as the entities (and their affiliates) involved), or financial penalties. In this respect, the Working Group discussed the timing of when such “Factors” may be identified (e.g., likely after private auctions have already taken place) and how that may impact potential punitive measures. What do you believe are appropriate punitive measures for applications that were submitted lacking a bona fide intention, and why?

If you have a response to the question please enter your response here:

Any applicant support who lacked a bona fide intent should incur the following penalties:

- 125% of the value of any multiplier, bidding credits or other that was received during the Auction of Last Resort
- 125% of the difference between the standard application process fee and the applicant support fees
- Immediate repayment of any other benefits received i.e. reduced maintenance fees, etc.

Reimbursement of any and all fees must be completed within a timely manner. If the applicant is unable to repay the amounts, the TLD will be awarded to the next highest bidder.

Topic 36: Base Registry Agreement

See page 172 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - The WG is converting questions in the Initial Report to recommendations.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Question for Community Input:

Recommendation 36.4 states: “ICANN must add a contractual provision stating that the registry operator will not engage in fraudulent or deceptive practices.” The Working Group discussed two options for implementing the recommendation: the addition of a PIC or a provision in the Registry Agreement. A new PIC would allow third parties to file a complaint regarding fraudulent and deceptive practices. ICANN would then have the discretion to initiate a PICDRP using the third-party complaint. If a provision regarding fraudulent and deceptive practices would be included in the RA, enforcement would take place through ICANN exclusively. Which option is preferable and why?

If you have a response to the question please enter your response here:

Topic 37: Registrar Non- Discrimination & Registry/Registrar Standardization

See page 175 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
	Support Output(s) as written	
X	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Question for Community Input:

The Working Group discussed specific circumstances in which it may be appropriate for ICANN to grant Code of Conduct exemptions. In particular the Working Group considered a proposal that if a registry makes a good faith effort to get registrars to carry a TLD, but is unable to do so after a given period of time, the registry should have the opportunity to seek a Code of Conduct exemption so that it can be its own registrar without needing to maintain separate books and records and legally separate entities. What standard should be followed or what evidence should be required of the registry in evaluating if a "good faith effort" has been made? Is a Code of Conduct exemption as it currently exists the right mechanism for a registry that lacks registrar support for its gTLD, considering that the Code of Conduct is primarily focused on registrant protections?

If you have a response to the question please enter your response here:

Topic 38: Registrar Support for New gTLDs

See page 176 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 39: Registry System Testing

See page 177 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
 - No substantive differences, but minor differences include the following:
 - Structural and grammatical changes made for ease of understanding.

RySG feedback		RySG Comment
	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
X	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 40: TLD Rollout

See page 180 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	
	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Topic 41: Contractual Compliance

See page 181 of the draft Final Report: <https://community.icann.org/display/NGSPP/g.+Draft+Final+Report>

- Description of Difference:
No substantive differences.

RySG feedback		RySG Comment
X	Support Output(s) as written	
	Not ideal, but willing to accept Outputs as written	
	No Opinion	

	Do not support certain aspects or all of the Output(s) <i>add response -></i>	
	New information or interests that the Working Group has not considered <i>add response -></i>	

Section 3: Other Comments & Submission

Are there any additional recommendations that you believe the Working Group should consider making? If yes, please provide details below.

Are there any other comments or issues you would like to raise pertaining to the Draft Final Report? If yes, please enter your comments here. If applicable, please specify the line or page number in the Draft Final Report to which your comments refer.

1. Given the importance of the “intended use” of the string in the String Similarity Evaluations, and perhaps other aspects of the evaluation of applications, there should be a specific question for this in the Applicant Guidebook (AG). In the 2012 AG Question 18a was, “Describe the mission/purpose of your proposed gTLD and this should be extended to describe the mission/purpose/intended use. If it’s not in the question itself, it must be in the notes accompanying it and the primary purpose of this is to unambiguously understand the intended use and to prevent the need to ask a Clarifying Question. This relates to Implementation Guidance 24.4 on page 104 of the Final Draft.
2. Conversion of Application from Community to Standard. If an applicant applies as a community, and during CPE it is determined by ICANN’s evaluator, that a community does not exist to move forward with the community application, then the applicant should have the ability to amend its application to a standard application and proceed on equal footing with standard applicants in the normal process. Community applications have more stringent requirements that can be more costly and burdensome to implement than standard applicants. Community Applicants that fail CPE should not be bound to such strict and burdensome requirements if ICANN and/or its evaluator determines that a community does not exist in CPE. It also presents problems later on in the amending the application before or after contracting through the Procedure for Community gTLD Change Request. If there’s no community then who is the applicant supposed to consult with and/or get approval from for a change?
3. To prevent a type of gaming, applicants or their affiliates should not be permitted to file both a community and a standard application for the same string.