

## Response to Documentary Information Disclosure Policy Request

To: Mr. Flip Petillion, Crowell & Moring LLP

Date: 25 July 2013

Re: Follow up to request No. 20130328-1

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Thank you for your letter of 26 June 2013, in follow up to your Request for Information dated 28 March 2013 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (ICANN) Documentary Information Disclosure Policy (DIDP). For reference, a copy of your letter is attached to the email forwarding this follow up Response.

### **Items Requested**

The follow up seeks the following items of information:

“Was the string similarity evaluation process designed as specified by the Process Description before the start of the evaluation or has it been adapted over time? If the process was adapted, why was it adapted, how was it adapted and how did it influence the evaluation results? And why was the publication of the Process Description delayed?

“Booking.com respectfully requests an answer to these questions along with a detailed overview of how the .hotels string has been evaluated and including a response to the following questions:

- How has the .hotels string been evaluated, according to which criteria (e.g., what was included in the standard checklist to ensure consistency) and by whom?
- What were the qualifications of the project manager, evaluator(s) and core team members that evaluated the .hotels string?
- What did the “evaluation workbook” contain for the .hotels string? Who had access to the “evaluation workbook” for .hotels during the evaluation process?
- What was the advice that the Operations manger provided to ICANN re .hotels? did that advice ever change throughout the evaluation process? How and when did ICANN check that the .hotels string evaluation was performed in accordance with the process described in the Process Description.
- The document titled the “String Similarity new gTLD Evaluation Panel – Process Description” included the heading: “New gTLD Program Evaluation Panels: Geographic Names.” Is this the description of the String Similarity Evaluation, or the geographic Names Evaluation? Is this a mistake, or, were the evaluations combined?

## Response

ICANN's DIDP is for requesting documentation within ICANN that is not already publicly available. The DIDP is not for the submission of questions for which narrative responses are sought. ICANN is therefore responding to your Request to the extent that it can be understood to seek documentary information.

As previously explained, an independent String Similarity Panel (SSP), coordinated by InterConnect Communications, in partnership with the University College London, performed the string similarity review specified at Section 2.2.1.1 of the Applicant Guidebook, available at <http://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>. The Applicant Guidebook sets out detail regarding the string similarity review, including the review methodology.

The evaluation of the .hotels string by the SSP panel was performed according to the SSP process documentation at <http://newgtlds.icann.org/en/program-status/evaluation-panels/geo-names-similarity-process-07jun13-en.pdf>.<sup>1</sup> The report of the SSP regarding contention sets is already publicly posted at <http://newgtlds.icann.org/en/announcements-and-media/announcement-26feb13-en>, and the report of the SSP is the only "advice" that ICANN received in regards to .hotels.

The SSP's work was subjected to quality control review, as has been publicly discussed, for example, at pages 21 and 22 of <http://dakar42.icann.org/meetings/dakar2011/presentation-new-gtld-program-update-26oct11-en.pdf> and page 14 and 15 of <http://dakar42.icann.org/meetings/dakar2011/presentation-new-gtld-program-update-26oct11-en.pdf>. The quality control review is not performed on a string-by-string basis, but over a sampling of applications.

ICANN's scope of work and selection criteria for the SSP are set forth in the expressions of interest document that is publicly available at <http://archive.icann.org/en/topics/new-gtlds/eoi-string-sim-31jul09-en.pdf>. InterConnect Communications, in partnership with the University College London, the entities selected to perform the SSP work, were responsible for the compilation of the panel membership as set forth in that selection criteria.

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<sup>1</sup> There is an error in the posted documentation, as the Geographic Names Evaluation is also referenced in the header. However, the referenced documentation is only for the SSP. The Geographic Names Evaluation was performed according to the process available at <http://newgtlds.icann.org/en/program-status/evaluation-panels/geo-names-process-07jun13-en.pdf>. All of the panels performing reviews in the Initial Evaluation stage had process documentation posted at the same time, and the coordination of that posting among multiple panels contributed to a perceived delay in posting the SSP process documentation.

For the further information that you seek regarding the evaluation or findings for the strings at issue in your Request, or the identification of the specific evaluators, and the evaluation workbook requested in your follow up, that information is subject to the following Defined Conditions for Nondisclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Confidential business information and/or internal policies and procedures.

As much of this Request seeks information similar to that requested initially, all Defined Conditions of Nondisclosure identified in ICANN's initial response are also incorporated herein.

### **About DIDP**

ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).