



Article #: 030011	Updated Date: 10 January 2012
Article Name: Evaluation question #11: Applicant Background	AGB Reference: Sections 1.2.1 and 1.4.1.1
Version #: v05	Category: Supplemental Notes

[Supplemental Notes](#)
[Best Practice Suggestions](#)

1. SUPPLEMENTAL NOTES:

10 January 2012

1.5 This Supplemental Note applies to Questions 11(a), 11(b), and 11(d). ICANN recognizes that the organizational structure and titles of key individuals of the applying entity will differ by region. ICANN is seeking those key individuals that have overall legal or executive responsibility for the applying entity. ICANN is not necessarily looking for all worldwide directors and officers in all cases. Examples of titles of individuals that may be included are: Chairman of the Board, Directors responsible for leading Board Committees, Chief Executive Officer, Chief Operating Officer, Registry Operations Officer, and so on.

1.6 This Supplemental Note applies to Question 11(e). ICANN recognizes that certain terms contained in the criteria may have different meanings in different jurisdictions. Accordingly, it is not possible to provide single definitions for each term that would apply to all jurisdictions. The applicant must make a good faith effort to disclose any conviction that they think might fall under the criteria listed. If additional information not previously disclosed is uncovered during the background screening check, the applicant may be contacted to provide additional details, or at its discretion, ICANN may reject the application.

1.7 This Supplemental Note applies to Question 11(g). The intention of question 11g is for the applicant to disclose any information that would cause the application to fail to meet the background screening criteria. Applicants should list all of the proceedings where allegations of intellectual property infringement concerning registration or use of a domain name have been brought against the applying entity.

Applicants should also provide, at a minimum, a description of the general nature of all proceedings in this area that have been brought by the applicant. In other words if the applicant has filed a significant number of cases, it is not necessary to provide the details on each case but a summary of the cases filed. The response to this question must fit within the character limits in TAS. ICANN reserves the right to ask for more detail concerning the applicant's response.

5 January 2012

1.1.A [*Update to Supplemental Note 1.1 dated 15 November 2011*] The purpose of collecting personal information is to complete a meaningful background and other checks in an efficient and effective manner.



To meet this purpose and reduce the possibility of collecting inaccurate information, applicants are required to provide the following information for all individuals listed in the application:

- Full Legal Name;
- Date of Birth;
- Country of Birth; and
- City and Country of Primary Residence.

To help reduce the possibility of collecting inaccurate information, applicants may also provide the following optional information:

- Residential Street Address;
- Province/State; and
- Postal Code.

ICANN recognizes that there may be laws that prohibit the disclosure of certain information. Accordingly, an applicant should provide what is legally permissible in their jurisdiction. The background screening and other service providers will perform checks based on the information provided. If the results of the checks are inconclusive, ICANN may require the applicant to provide additional information, or provide consent to obtain additional information. This is based on the availability of public information and jurisdictional requirements.

As stated in section 1.2.1 of the Applicant Guidebook, ICANN reserves the right to deny an otherwise qualified application based on any information identified during the background screening process.

21 December 2011

1.4 Background screening, as well as all evaluations are performed on the applicant, not the parent company. The goal of the background screening program is to ensure meaningful background checks are conducted while reducing the potential for false-positive and false-negative checks. Pursuant to discussions with the selected background screening service provider personal residential information is being limited to city, country, and postal code of the individual's primary residence. Street number and street name will now be optional. In addition, applicants must list the country of birth and birthdate for all individuals in the application. Finally, ICANN may require the applicant to provide additional information or consent to obtain additional information should the need arise. The latter is based on the results of publicly available information as well as jurisdictional requirements.

16 December 2011

1.2 Question 11 is intended to capture background information on the applicant as a legal entity. The applicant should not provide information relating to any third-party service provider(s) that the applicant may contract with in the answer to question 11.

1.3 The answer to questions 11(e) through 11(h) should be a brief summary describing the allegation/conviction/negative judgment and how it was addressed. For example: "In 1998, our company was named in a lawsuit by XYZ corporation alleging trademark infringement by our Example Service. The California Court determined that we had pre-existing rights and dismissed the complaint in 1999, as recorded at <link/reference>."



15 November 2011

1.1 ICANN is currently in the process of selecting a background screening service provider. Once a background screening service provider is selected, ICANN will work with the selected service provider to determine the minimum required information to collect in order to perform a meaningful background screening.

2. BEST PRACTICE SUGGESTIONS:

15 November 2011

2.1 Applicants should read each evaluation question in its entirety, including the notes, criteria, and scoring text. The answer should address all criteria specified, and include detailed rationale demonstrating a thorough understanding of the criteria (i.e., show your work).

2.2 If acronyms are used, applicants should spell out the first instance, even if the acronyms represent a common term/product/service.

DISCLAIMER: This material is for information only and does not represent all requirements and criteria that the applicant must satisfy. ICANN is not providing legal, financial, business or any other kind of advice. This material does not represent a modification to the Applicant Guidebook, or the terms and conditions to the new gTLD program. This material also does not represent a waiver of any ICANN policy, procedure or agreement. In the event that any information provided in this material appears to be inconsistent with any information published elsewhere by ICANN, please do not rely on this material without confirmation or clarification from ICANN.