

CLIENT ALERT

ICANN Publishes Its Proposed New gTLD Applicant Guidebook

Nov.15.2010

On November 12, 2010, the Internet Corporation for Assigned Names and Numbers (ICANN) published its [Proposed New gTLD Applicant Guidebook](#) for public comment.

With this document, its fifth version of the guidebook, ICANN moves towards finalizing the process and criteria for applying for a new generic top-level domain.

The most important changes from the fourth version it issued in May are:

- (i) allowing registry – registrar cross-ownership (which some opposed based on possible anti-competitive effects);
- (ii) requiring that all registries must abide by a Code of Conduct addressing, *inter alia*, non-discriminatory access for all authorized registrars (which could have an important impact on companies who are considering applying for their own brand/gTLDs);
- (iii) providing for batch processing of applications if the demand for new gTLDs exceeds 500 applications (which indicates that ICANN may consider its prior estimates too low), along with capping the number of annual delegations at 1000; and
- (iv) explicitly reserving the Board's right, under exceptional circumstances, to decide whether a TLD would be in the best interest of the Internet community.

ICANN's proposed pricing for submitting an application for a new gTLD has not changed, and remains at USD 185,000.

While a first read might suggest that the guidebook is now evolving towards a stable document, there are still a few open issues that will need to be resolved and detailed.

We are aware that many of our clients have been waiting for the new gTLD Applicant Guidebook in order to determine whether or not to apply for a new gTLD, and the newly released Applicant Guidebook will be of some assistance in helping to resolve that question.

As we have explained in previous Alerts, this document is by no means a complete "Registry Manual", explaining how you should implement, launch and manage a proprietary Internet extension. Managing a domain name registry requires an in-depth understanding of technical, marketing, operational, legal and risk management dimensions that cannot be addressed in an Applicant Guidebook.

Crowell & Moring's Domains and Domain Name Practice intends to submit comments with regard to the Proposed Final gTLD Applicant Guidebook by the deadline of December 10th, 2010. If you would like to participate in this initiative, or would like to

remain informed of the drafts we will be circulating amongst clients and interested parties, please send an email to htresolini@crowell.com.

We are also planning the next installment in our series of gTLD webinars, on December 16, 2010. We will provide guidance on strategic assessments and updates coming from ICANN's December Meetings in Cartagena.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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