

Chair, ICANN New gTLD Program Committee
RE: Document Information Disclosure Policy Request

18 September 2015

By email: didp@icann.org

Dear Sir,

.CPA Community Priority Evaluation for Application ID 1-1744-1971
Document Information Disclosure Policy Request

This request is submitted under ICANN's Documentary Information Disclosure Policy on behalf of CPA Australia, applicant for the .CPA gTLD ("Requestor") in relation to ICANN's Community Priority Evaluation Panel's ("CPE Panel") determination that Requestor's application for the .CPA gTLD (Application ID: 1-1744-1971; ("Application")) did not prevail in Community Priority Evaluation according to the Community Priority Evaluation report available at (<https://www.icann.org/sites/default/files/tlds/cpa/cpa-cpe-1-1744-1971-en.pdf>) (the "Determination").

Documentation Requested

The Requester respectfully requests the following information from ICANN under the Documentary Information Disclosure Policy:

1. the qualifications as regards the global financial community generally and the global CPA community specifically for members of the CPE Panel that were involved in reviewing the Application and producing the Determination;
2. the qualifications as regards the global financial community generally and the global CPA community specifically for the members of ICANN staff and/or the ICANN Board that were involved in reviewing and accepting the Determination;
3. any internal or unpublished guidelines or notes which were relied upon by the CPE Panel, ICANN or the Economist Intelligence Unit ("EIU") generally relating to the definition of the Criterion 2 Nexus;
4. any internal or unpublished discussion or notes which were relied upon by ICANN or the EIU in the development of the Determination;
5. research or documentation accessed by the CPE Panel in relation to the evaluation of Criterion 2 Nexus for the Application, regardless of whether the information is in the public domain;
6. research or documentation accessed by the CPE Panel in relation to the evaluation of Criterion 2 Nexus for all applications evaluated by the EIU which scored 2 or 3 in in Criterion 2 Nexus, regardless of whether the information is in the public domain.

For the avoidance of doubt, links to pre-existing publically available documents will not suffice to satisfy this request. Rather, additional documentation which is currently unavailable to Requestor in clarifying the decision to disallow the validity of the pre-existing CPA community reaching the necessary points to satisfy CPE. The Requestor would be amenable to documentation which redacts personal information to protect individual privacy should it be required yet still satisfy the above requests.

Context

The Requestor makes reference to the Determination which stated *“After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application did not meet the requirements specified in the Applicant Guidebook.”*

This Determination would result in ICANN not recognizing the community status of the Applicant and its application 1-1744-1971, and put application 1-1744-1971 into a contention set with other applicants which materially impacts the Requestor.

As outlined by ICANN’s By-Laws, *“ICANN’s Documentary Information Disclosure Policy (DIDP) is intended to ensure that information contained in documents concerning ICANN’s operational activities, and within ICANN’s possession, custody, or control, is made available to the public unless there is a compelling reason for confidentiality.”*¹ It is under these requirements that Requestor makes this filing to ICANN under the DIDP, in full consideration of the following:

1. Requestor seeks information to understand the rationale that the CPE Panel used in not seeking further information from the Requestor as regards the most recent state of agreements between parties as it directly relates to the composition of the defined community. The Application as submitted to ICANN states:

“CPA Australia may enter into further Mutual Recognition Agreements with other leading accounting bodies around the world in the future. At some point in the future, the CPA Australia community may review and consider expanding the community to include practicing accountants and other members of various CPA organisations around the world which also use a similar CPA designation.”

Given the information provided in the Application was submitted in 2012, and Requestor has for the majority of the intervening timeframe been disallowed from submitting updates to the Application as it relates to inclusion within community priority evaluation², clarification from the CPE Panel would be reasonably expected in this instance.

2. Requestor seeks further information to understand the criteria and standards used by the CPE Panel in asserting that the association between the string and the defined community in relation to the specific determination that the Requestor’s application is *“over-reaching substantially beyond the community.”* This term has not: (a) been fully defined in either the Applicant Guidebook or the CPE Guidelines; and (b) has been implemented in an inconsistent fashion in previous CPE evaluations, such as the .spa and .art (e-flux) applications which implement alternative implementations of *“over-reaching”* as regards to the string compared to the defined community (refer to subsequent Reconsideration Request submitted by the Applicant for further information).

¹ <https://www.icann.org/resources/pages/didp-2012-02-25-en>.

² <https://newgtlds.icann.org/en/applicants/global-support/change-requests>,
<https://newgtlds.icann.org/en/applicants/advisories/change-request-set-05sep14-en>

3. Given the CPE Panel stated the following in the Determination:


“That is because, the term “CPA” in the context of accounting is often used to mean Certified Public Accountant and to identify an individual who has passed a CPA exam, often in reference to the Uniform CPA Examination used in the US and elsewhere.”

this shows a significant lack of understanding of the global nature of the CPA community, which globally refers to CPA’s as not having simply passed an exam, but rather having passed an exam, securing a licence from a professional member body or licensing board and continuing to meet ongoing professional education and other prescribed requirements³⁴⁵⁶. The Requestor seeks to understand by the disclosure of the above documentation, if the CPE Panel used other methods or rationale in reaching the conclusion that the defined community did not meet the (unclear) requirements in terms of “over-reaching substantially beyond the community”.

For the avoidance of doubt in regards to the above, the Reqeustor desires disclosure of the requested information to futher understand the specific implementation of the provisions from the Applicant Guidebook and associated CPE Guidelines as it relates generally to application 1-1744-1971, and specifically the Community Priority Determination issued by ICANN on application 1-1744-1971 on 3 September 2015.

Respectfully submitted,

Susannah Bolton


Signature

18 SEPTEMBER 2015
Date

³ <http://www.cpaaustralia.com.au/about-us>

⁴ <http://nasba.org/education/becomingacpa/>

⁵ <http://www.accountingcoach.com/blog/what-is-a-certified-public-accountant>

⁶ <http://www.investopedia.com/terms/c/cpa.asp>

