BRS MEDIA INC.
FORMAL RESPONSE TO ICANN

November 4, 2026

Ms. Theresa Swinehart
Senior Vice President, Global Domains & Strategy
Internet Corporation for Assigned Names and Numbers (ICANN)

Cc: Ms. Tripti Sinha, Chair, ICANN Board of Directors

Re: Response to ICANN's July 24, 2026 Letter — Failure to Evaluate the Effectiveness of Community Priority Evaluation (CPE) and the Need for Independent Review

Dear Ms. Swinehart:

Thank you for your July 24 response to our letter concerning Community Priority Evaluation (CPE) and the safeguards needed to protect the integrity of ICANN's New gTLD Program.

I appreciate the time taken to explain ICANN's current procedures. However, after reviewing your response, I believe we are still talking past one another on the central issue BRS Media has been raising since 2014.

Our concern is not whether ICANN has rules governing Community TLDs. Our concern is whether those rules, and the CPE process itself, have actually worked.

BRS Media has been involved in the domain industry for nearly three decades. We understand the difference between having a contractual framework and having a policy that produces the results it was intended to achieve. The existence of Specification 12, compliance procedures, and restrictions on registry assignments does not, by itself, demonstrate that CPE has succeeded in protecting genuine communities.

Your letter points to the review of the 2012 CPE process and its finding that evaluation criteria were consistently applied. That may address how applications were scored, but it leaves a much larger question unanswered: **What happened after those applications were approved?**

Did the successful applicants build meaningful communities around their TLDs? Did the communities they claimed to represent actually adopt them? Have those registries delivered the benefits that justified giving them priority over competing applicants?

These are not unreasonable questions. They go directly to the purpose of CPE.

In our original March 5, 2014 correspondence, and subsequently through ICANN's accountability proceedings, BRS Media challenged the fairness and transparency of the CPE process. Our concern was that applicants could use community claims to gain an advantage in contention, even when the underlying string represented a broad industry or market rather than a clearly defined community.

More than a decade later, that concern remains.

Your response explains that Community TLDs cannot simply abandon their Specification 12 commitments and that any assignment must preserve the existing contractual obligations. We recognize that distinction. But transferring those obligations to another operator does not necessarily mean the original community is being served, or that the operator has a meaningful connection to that community.

Nor does maintaining registration restrictions establish that the TLD has been successful in fulfilling its original purpose.

A registry can comply with its contract and still fail the community it was supposedly created to serve.

That is the gap we believe ICANN has failed to address.

I was particularly struck by your acknowledgment that ICANN has no mechanism to sunset a Community TLD that has failed to achieve meaningful adoption.

This is precisely why we raised the issue in the first place.

If an applicant receives preferential treatment because it promises to serve a particular community, there should be some reasonable expectation that the community will actually benefit. Otherwise, the applicant retains the advantage of its original designation indefinitely, regardless of whether the underlying purpose has been achieved.

We are not suggesting that every TLD with disappointing registration numbers should be terminated. Adoption takes time, and not every community can be measured by size alone. But there is a difference between a small, functioning community registry and one whose intended community has never meaningfully adopted it.

We believe ICANN has an important role in establishing reasonable, objective standards to evaluate that distinction and ensure that Community TLDs continue to fulfill the purpose and commitments upon which their original approval was based.

The broader concern is the incentive this creates for future applicants. If community status can provide a decisive advantage during the application process, but there is no meaningful assessment of whether the community model succeeds after delegation, what prevents applicants from treating CPE as an application strategy rather than a genuine commitment?

That is the potential for gaming we have been describing for years.

Your letter also suggests that BRS Media raise these matters through the Registry Stakeholder Group or other appropriate ICANN community channels. We recognize the importance of those processes and are not opposed to further community discussion.

However, I do not believe that referring this matter back to the community adequately answers the questions we have raised directly with ICANN.

ICANN administered the original program, established the evaluation procedures, entered into the resulting Registry Agreements, and continues to oversee contractual compliance. It should therefore be able to provide some assessment of whether the community priority mechanism has accomplished what it was designed to do.

To date, we have not been provided with such an assessment.

Rather than another review limited to how CPE applications were scored, BRS Media believes ICANN should undertake an independent examination of what happened after delegation.

That review should look at the actual performance of Community TLDs from the 2012 round, including adoption within their intended communities, continued community representation, the effectiveness of registration restrictions, and whether changes in registry ownership or operation have affected the original community purpose.

It should also examine whether the competitive advantages granted through CPE were justified by the results.

This would not require ICANN to prejudge individual registry operators. It would simply provide the factual record needed to determine whether the policy has worked and what changes, if any, are necessary.

We also believe ICANN should consider a formal review and potential sunset framework for Sponsored, Community, and Geographic TLDs that demonstrably fail to fulfill their original purpose. Any such framework would need appropriate standards, due process, and protections for existing registrants. But the complete absence of a mechanism deserves serious policy consideration.

As the 2026 New gTLD round moves forward, it is difficult to understand why ICANN would continue relying on a preferential evaluation mechanism without first examining its actual results from the previous round.

We have been raising these issues since 2014. Our position has not changed, but the passage of time has made the need for answers more pressing.

I would therefore appreciate a direct response to three questions:

1. **Has ICANN ever conducted an independent, post-delegation review to determine whether TLDs awarded priority through CPE have successfully served their intended communities?** If so, please identify that review and its findings.
2. **What evidence does ICANN have that the CPE process has achieved its original policy objectives**, beyond the consistency of application scoring and the existence of contractual compliance mechanisms?
3. **Will ICANN support an independent review of CPE outcomes from the 2012 round**, including consideration of appropriate post-delegation accountability and sunset provisions?

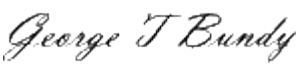
I am copying Ms. Tripti Sinha because I believe this deserves the Board's attention. This is not simply a disagreement about individual applications or past decisions. It concerns the credibility of a process that gives certain applicants a substantial advantage over others.

After more than a decade, ICANN should be willing to ask whether that advantage has actually served the public interest.

Following the rules is important. Knowing whether the rules worked is equally important.

We would appreciate a substantive response to these questions and an indication of whether ICANN is prepared to examine the long-term results of CPE rather than relying solely on reviews of the original evaluation process.

Sincerely,



George T Bundy
Founder & CEO
BRS Media Inc.
1-415-677-4027 Ext 101
gtbundy@brsmedia.com

References:

- BRS Media correspondence to ICANN, March 5, 2014
  https://www.icann.org/en/system/files/correspondence/bundy-to-willett-05mar14-en.pdf
- ICANN Reconsideration Request 14-41
  https://www.icann.org/resources/pages/14-41-2014-09-29-en
- Afilias Limited, BRS Media Inc., and Tin Dale, LLC v. ICANN
  https://www.icann.org/resources/pages/afilias-brs-tin-llc-v-icann-2015-10-12-en
- ICANN Community Priority Evaluation
  https://newgtlds.icann.org/en/applicants/cpe
- ICANN correspondence from Theresa Swinehart to George T. Bundy, July 24, 2026