



February 5, 2015

RE: Contention Set recognition of Nexus between GAY and LGBTQIA (Application ID# 1-1713-23699)

To ICANN and the Economist Intelligence Unit,

In the original CPE evaluation, the nexus between the string 'gay', the gay community and LGBTQIA people was challenged. Yet if one looks at two of the other applications in the contention set for .gay we see explicit reference to a wider gay community¹.

It is clear that .GAY is going to be directed at the gay community, i.e. the LGBT[QIA] community. The only question is whether this will be subject to gay community control or a non-community led exploitative market. One of the roles of the CPE examination is to insure the protection of a recognized community; a community even the contention set for .GAY openly recognizes and even intends to exploit for financial advantage.² . In

¹ Wikipedia definition of gay community:

The **LGBT community** or **GLBT community**, commonly referred to as the **gay community**, is a loosely defined grouping of [lesbian](#), [gay](#), [bisexual](#), and [transgender \(LGBT\)](#) and LGBT-supportive people, organizations, and [subcultures](#), united by a common [culture](#) and [social movements](#). These communities generally celebrate [pride](#), [diversity](#), [individuality](#), and [sexuality](#). LGBT activists and sociologists see LGBT community-building as an antidote to [heterosexism](#), [homophobia](#), [biphobia](#), [transphobia](#), [sexualism](#), and [conformist](#) pressures thought to exist in the larger society. The term [gay pride](#) is used to express the LGBT community's identity and collective strength; [gay pride parades](#) provide both a prime example of the use and a demonstration of the general meaning of the term. The LGBT community is diverse in political affiliation. Not all LGBT individuals consider themselves part of an LGBT community.

Groups that may be considered part of the LGBT community include [gay villages](#), [LGBT rights organizations](#), LGBT employee groups at companies, [LGBT student groups in schools and universities](#), and [LGBT-affirming religious groups](#).

LGBT communities may organize themselves into, or support, [movements for civil rights](#) promoting [LGBT rights](#) in various places around the world.

Countries like [India](#) have started to encourage the citizens of this community, with the [Supreme Court of India](#) recently making it mandatory to include this community as 3rd type of gender, in gender column of all Governmental/Official work and/or documents.

² As described by ILGA in their objection and acknowledged by the evaluator ([EXP/390/ICANN/7](#)) : 23. ILGA has shown a likelihood of material detriment to the legitimate interests of the gay community if there is no gTLD designed to serve the gay community and to operate under appropriate principles that grant safety and financial rewards for the gay community. ILGA has not proven that other gTLDs with names that can also be targeted to the gay community are likely to cause material detriment to the legitimate interests of the gay community or a significant portion thereof.

addition to facts presented referencing media research statistics on the inclusive use of GAY around the world, nexus is also supported by expert opinion from the community, expert opinion from an ICANN third party panelist, institutional definitions beyond the OED, and agreement with from over 240 global organizations.

Specific statements from the other applications in the contention set include:

Top Level Domain Holdings Limited

The goal of the .GAY top-level domain is to have an interactive, identifiable, and easily accessible outlet for people in the gay community or interested in gay-related issues. We wish to provide a top-level domain that provides an identifiable means of communicating with people who identify as gay, lesbian, bisexual, transgender, genderqueer, and their allies (GLBTQA) as well as with organizations and businesses that market to, support, associate with, or identify with the GLBTQA population.

With the passage of statutes and laws which help to protect the rights of homosexual, bisexual, transsexual, and transgendered people in communities throughout the united states and the world, people are more likely to openly and comfortably express themselves rather than keeping their sexuality private.

<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1519>

Top Level Design, LLC

Top Level Design, LLC's mission is to create a dedicated space in the root zone for those involved in the various aspects of homosexual culture. We recognize the size and diversity of the individuals identifying as LGBTQ (Lesbian, Gay, Bisexual, Trans, Queer/Questioning) and want to welcome everyone underneath a succinct and widely understood top-level domain. Labeling those that identify through queer gendering or sexuality proves to be difficult and widely controversial, both to those identifying as queer and those that do not.

<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1460>

United TLD Holdco Ltd.

The mission and purpose of the .gay TLD is to establish an easily recognized and accessible namespace for the large and dynamic group of people³ and organizations who positively associate with this term.

<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1115>

Best regards,



Jamie Baxter

Vice President of Marketing

dotgay LLC

They can only cause a certain amount of competition, and Afilius has convincingly argued that there is a legitimate interest in targeting the gay community without belonging to it or without belonging to the portion of it that supports the string .gay. A coexistence of an "official" gTLD of the gay community and another "unofficial" gTLD is no material detriment to the legitimate interests of the gay community.

³ Note: While they do not explicitly indicate the association of the name with LGBT, they also do not explicitly mention it is oriented only toward men.