



VERISIGN™

October 18, 2013

Cyrus Namazi
Vice President, DNS Engagement
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: GNSO Discussion with ICANN CEO

Dear Cyrus,

I was disappointed by your October 3, 2013, response to my August 30 letter to Fadi. But before I tell you why, let me start by saying that I am not interested in starting an unending chain of correspondence. That said, I do want to communicate several things to set the record straight and ask one final question for which I would request a response.

First of all, in reference to my August 30 letter to Fadi , you said, “We also understand that you write this letter as a representative of your company, Verisign.” I did not say in my letter that I was commenting on behalf of Verisign, nor was it my intent to do so. My intent was to respond to Fadi’s request in my personal capacity, as one who has been involved in the ICANN community since 1999. That aside, it appears that your purpose in making this assertion was to impliedly discredit the specific examples of ICANN’s lack of accountability that I provided as requested by Fadi. Your statement reveals your, and I assume Fadi’s, desire to dismiss my company as a credible source of information. Our credibility however is not at issue.

Second, and most importantly, you have missed the main points of my comments in Durban and in my response letter to Fadi. My main point in Durban was that ICANN doesn’t serve the public interest by continually refusing to take accountability for its actions and instead flows all risks down to members of the community. In my response to Fadi, I provided specific and detailed examples – as he requested me to do. His request of me is quoted here: “I invite you to send me a list of the areas you think we can increase our accountability.” Unfortunately,

in assuming that I was just a disgruntled community participant that didn't get what I wanted, you appear to have either missed or ignored the thrust of what I tried to communicate, which was to provide some areas where I thought accountability was lacking and could be improved.

In your letter you accused me of making "vague and unsupported accusations about ICANN not operating as a multi-stakeholder, accountable organization." This statement is odd given that my letter contained six enumerated and specific examples. I would ask therefore that you please identify the "vague and supported accusations" I made. This is the one question for which I request a response. I provided six specific examples for which I believed ICANN could improve its accountability, just as Fadi asked. I also gave the rationale for each one. Just because you may not agree with my rationale doesn't mean what I said was "vague" or "unsupported." And my points had nothing to do with who won and who lost on each issue. In fact, if I may say so directly, I think we – ICANN, Verisign, the community – all lose when ICANN fails to be accountable.

The underlying basis of my concerns relate to ICANN staff's implementation of the multi-stakeholder model and in your letter you spent a lot of time defending ICANN in that regard, but you failed to address the following very specific areas in which ICANN has failed to act in an accountable manner:

- The unwillingness of ICANN to assume *any* risk in its contractual agreements and how undoing community consensus to force a unilateral right to amend the RA was in any way acceptable;
- Why it took four years for ICANN to start dealing with the SSAC SSR recommendations regarding new gTLDs;
- Why ICANN refused to accept the GNSO advice regarding evaluating string similarity confusion.

Finally, you conclude by encouraging me "to re-assume (my) role as a leader within the ICANN community." The term 're-assume' implies that you think my leadership has diminished. I will let my record speak for itself.

Sincerely,

Chuck Gomes
Vice President, Policy
VeriSign, Inc.

cc: Fadi Chehadé