

December 4, 2013

Dr. Stephen D. Crocker, Chair, Board of Directors

ICANN

12025 Waterfront Drive, Suite 300

Los Angeles, CA 90094-2536

USA

Dear Dr. Crocker,

**RE: RESOLUTION ON THE .ISLAM AND .HALAL APPLICATIONS**

I write to document the resolution of our applications for .ISLAM and .HALAL, and to receive contracts from ICANN as soon as possible.

Six months ago, on June 4, 2013, the New gTLD Program Committee (NGPC) of the ICANN Board adopted a resolution<sup>1</sup> as a consequence to communication received from the ICANN's Government Advisory Committee (GAC) at the conclusion of the Beijing meeting. The NGPC responded to this communication by producing a Scorecard,<sup>2</sup> and committing to further dialogue with the GAC. This Scorecard further referenced the community objection filed with ICC against .ISLAM and .HALAL, and said that "these applications cannot move to the contracting phase until the objections are resolved."

The GAC has now clearly concluded its discussion as to these applications. In her November 29, 2013 letter to you, GAC Chair Heather Dryden said *"You also state that the NGPC will await any further GAC input on this matter in Buenos Aires. This was brought up in the GAC in Buenos Aires and, as I trust you have noticed, the Buenos Aires Communiqué (section II.7) simply clarifies that the GAC concluded its*

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<sup>1</sup> <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm#1.a>

<sup>2</sup> <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-04jun13-en.pdf>

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*discussions on these applications with the advice provided in the Beijing Communiqué. Accordingly, no further GAC input on this matter can be expected."*

Furthermore, Asia Green IT has prevailed in both objections filed with ICC. The ICC expert found there was no substantial opposition to our applications and that, *"The Objector has certainly not provided any evidence that the Respondent is not acting or does not intend to act in accordance with the interests of the Muslim community."*<sup>3</sup> This was consistent with the Independent Objector's earlier findings, nearly a year ago, in response to the Early Warnings issued by a few governments.<sup>4</sup> Therefore, as there are no remaining objections, there is no remaining hurdle to ICANN's issuance of contracts to us for these two TLDs

AGIT has garnered tremendous global support for the .ISLAM and .HALAL applications. Our primary mission with these TLDs is to act in accordance with the interests of the world's many various Muslim communities. We are seeking only to act as technical facilitator and coordination vehicle to strengthen the world's Muslim communities' presence online through their own dedicated TLDs. This is why, from the outset, our TLD operations plan included multi-stakeholder governance mechanisms designed to allow all Muslim community stakeholders to become active participants in the governance of .ISLAM and .HALAL.

This was clearly stated in our initial applications to ICANN. Although these were made public by ICANN on June 13, 2012, as mentioned in the text of the applications themselves, we at AGIT had been working toward dedicated Muslim domain names for more than 8 years. Quoting from our application for .HALAL for example, I would highlight that the *".HALAL gTLD is designed to accommodate a global community."* The same application references an accountability mechanism, which is also described in our application for .ISLAM as *"populated by members of the Islamic community,"* and which AGIT intended from the start to *"be representative of the entire broad spectrum of the Muslim community."*

At the core of this governance mechanism is the Policy Advisory Council (PAC) contemplated for each TLD. PACs will be deployed for both .ISLAM and .HALAL. They will serve as non-profit governing

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<sup>3</sup> <http://www.iccwbo.org/Data/Documents/Buisness-Services/Dispute-Resolution-Services/Expertise/ICANN-New-gTLD-Dispute-Resolution/EXP-427-ICANN-44-Expert-Determination/> and <http://www.iccwbo.org/Data/Documents/Buisness-Services/Dispute-Resolution-Services/Expertise/ICANN-New-gTLD-Dispute-Resolution/EXP-430-ICANN-47-Expert-Determination/>

<sup>4</sup> <http://www.independent-objector-newgtlds.org/home/the-independent-objector-s-comments-on-controversial-applications/islam-general-comment/>

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boards made up of leaders from many of the world's various Muslim communities, governments, and organizations. The PACs will oversee policy development for the TLDs, to ensure they are coherent and consistent with Muslim interests. AGIT has invited the leading Muslim organisations, including the Organization for Islamic Cooperation (OIC), to become members of the PACs.

Therefore, we hope you will agree with us that it is high time the significant delays we have faced in getting our applications for .Islam and .Halal approved have come to an end. When all possible avenues of objection against an applicant have been exhausted, and when an applicant has followed ICANN's new gTLD program rules to the letter, ICANN's Board should do the same. The new gTLD program was quite rightly designed to allow recourse against an applicant. But it was also quite rightly designed not to force applicants into an endless process loop that can be perpetuated even when the standard mechanisms for recourse have been exhausted.

ICANN's objection procedure expert at the ICC, and the Independent Objector, have advised that there are no grounds for blocking our two applications. ICANN's GAC has effectively advised that there are no grounds for blocking our two applications, and that their deliberations have concluded. We now ask that the NGPC finally concludes its discussion of these applications, and causes ICANN staff to issue Contracting Invitation Requests to us immediately.

Sincerely yours,



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