



May 5, 2014

**RE: Supporting Evidence of Criterion 1 & 2 for dotgay LLC (Application ID# 1-1713-23699)**

Dear ICANN,

As the Community Priority Evaluation (CPE) gets underway for dotgay LLC's new gTLD application for .GAY (ID# 1-1713-23699), we appreciate ICANN sharing the following letter with the CPE evaluators as further evidence in support fulfilling the requirements of Criterion 1 and 2 on the CPE scorecard.

Earlier in the new gTLD program the gay community was involved in community objections, both as objectors and dotgay LLC specifically as an applicant. The community objections involved both the string .GAY and .LGBT, two TLDs that have an obvious association to the gay community. During the objections, an expert was assigned to decide if community harm was being established by the applicants based on the objections filed. In all cases the objections failed and the applicants prevailed, however there was an expert opinion rendered in all cases that is important to reiterate at this time.

In the findings for the .LGBT case and all .GAY cases, the expert's opinion and statements are found to be consistent with assertions presented in the dotgay LLC application and claims presented by the many endorsers of the dotgay LLC application. The expert's findings offer an unbiased third party opinion from an individual whose opinion is highly regarded enough to determine the fate of community's in the objection process, and his findings support key scorecard requirements to maximize CPE points. His exact statements include the following;

*The gay community is a clearly delineated community. It is publicly recognized as such in the language of the media, scholarship, and common usage, formed by millions of individuals whose gender identities and sexual orientations are outside of the societal norms for heterosexual behavior and who, whether they are more or whether they are less organized, share the awareness of their special status. During the last century, the gay community has grown out of individuals with that special awareness into a community in its own right and is now a worldwide presence. That this community is diverse, in flux, and in lack of a single ideology does not deprive it of being a community; communities are living entities. - Case EXP/394/ICANN/11, #14 (.GAY by United TLD Holdco LTD) \*\**

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*There is no disagreement between the parties that the gay or LGBTQ community is a clearly delineated community. But while the conservative segment, with which Metroplex claims association, is a segment of the clearly delineated gay community, it is not a clearly delineated community in and of itself. – Case EXP/446/ICANN/63, #13 (.GAY by dotgay LLC) \*\**

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Although it is the CPE evaluators who have been tasked with completing the Community Priority Evaluation scorecard, dotgay LLC would like to ensure that these findings are included in the CPE review. It is also important to note that there is no objection on record to these specific findings by the expert, with respect to the gay community, by any party involved (objector or applicant). ICANN has also presumably accepted these findings given that all community objections for .GAY and .LGBT have been dismissed, rendering the findings unchallenged as third-party expert findings.

Of special note is the portion contained in Case EXP/393/ICANN/10 which states “TLDH's notion of a community being a bloc with a hierarchical top down structure and one leader or speaker may suit a paramilitary organisation or a certain type of political party, but is far from characteristic for a community.” It is dotgay LLC's belief that this statement supports the original GNSO policy development for the Applicant Guidebook definition of “community” and helps to dispel the more stringent definition of “community” contained in the CPE Guidelines prepared by the EIU.

dotgay LLC remains confident that evidence presented in our application, and from endorsing organizations of the gay community, provide ample support to garner full points in Criterion 1 & 2 on the CPE scorecard. This additional evidence obtained in a previous ICANN dispute resolution process even further support our community's claims, and offers an unbiased third-party opinion that we hope and believe should be considered carefully by the CPE evaluators.

Best regards,



Jamie Baxter  
Vice President of Marketing  
dotgay LLC

\*\* The complete expert determination results for all Community Objections noted above are available at:

<http://newgtlds.icann.org/en/program-status/odr/determination>