December 17, 2019

Maarten Botterman, Board Chair
ICANN Board Members
Goran Marby, CEO
John Jeffries, General Counsel
Cyrus Nemazi, SVP, Global Domains Division

Via E-Mail
With Attachment

Re: Change in Control of the .ORG Registry

Dear ICANN Board and Leadership,

We write to thank ICANN for requesting that Public Interest Registry (PIR) and the Internet Society (ISOC) provide more information to ICANN about the proposed sale of PIR to Ethos Capital. We appreciate ICANN’s call for transparency into this secretive deal. We encourage ICANN to go further, and withhold its approval for this change in control of the .ORG registry, unless and until PIR makes concrete and binding commitments to operate the registry in the best interests of noncommercial civil society registrants.

We enclose a letter signed by over 400 nonprofit entities / NGOs who are registrants in the .ORG top-level domain. The signatories include Access Now, Open Society Foundations, Communications Workers of America, Girl Scouts of the USA, Greenpeace, Human Rights Watch, the League of Women Voters, the National Council of Nonprofits, Oxfam, the European Climate Foundation, Derechos Digitales, the Gulf Centre for Human Rights, ICT Watch Indonesia, Integrity Watch Afghanistan, Media Foundation for West Africa, and many more.

The signatories on this letter are digital rights organizations, tech-focused groups, food banks and hunger relief organizations, co-ops, community art galleries and theaters, local humane societies, youth groups, community centers, mental health clinics, fitness groups, churches and religious organizations, libraries, unions and trade groups, violence prevention organizations, human rights and aid agencies, outdoor, environmental, and wildlife protection groups, radio stations, and research foundations.

They are joined by over 18,000 individuals who have added their names to the letter. These organizations and individuals are concerned about the sale of PIR and the way it has been conducted to date.

Many of the organizations signing the enclosed letter have used domain names in .ORG as the foundation of their online identities for years, if not decades. The difficulty of
changing to a different top-level domain—which approaches impossibility for some—makes them vulnerable to the policy and business practices of the .ORG registry operator.

The .ORG registry is unique. It is recognized the world over as the home of NGOs and other groups that act for the public good. Many .ORG registrants work to hold governments and corporations to account. They face all of the risks inherent in speaking truth to power, including becoming targets for censorship and repression. Eighteen years ago, ICANN proposed to find a new operator for .ORG, to achieve a “registry returned . . . to its originally intended function as a registry operated by and for non-profit organizations.” When ISOC founded PIR to fill that role, the previous operator, Verisign, gave the new registry operator $5 million “to be used to fund future operating costs of the non-profit entity designated by ICANN as successor operator of the .ORG registry.”

The speed and secrecy of the proposed sale cast doubt on PIR’s ability to maintain the level of service it has provided to nonprofit registrants in the past once it becomes a privately owned, for-profit concern. As a newly-formed entity, Ethos Capital has no track record of operating in the public interest. We also know little to nothing about Ethos’s investors, their goals, and whether those goals are compatible with the charge ICANN gave to PIR at its founding. In particular, we are concerned that PIR may wield the threat of domain suspension to influence the political, social, religious, journalistic, or personal expression of .ORG registrants and their users at the request of corporations or governments. And to all of the nonprofit registrants who cannot readily switch domains, PIR will have no accountability once its links to ISOC are severed.

The vague representations Ethos and PIR have made to date about accountability and stewardship are woefully insufficient to earn the trust of the .ORG community. The .ORG registry agreement should not come under Ethos’s control without the company first earning that trust. This requires transparency, as you have requested. It also requires specific, legally binding commitments to safeguard the rights of NGOs and other non-commercial registrants against financial exploitation and arbitrary censorship. We stand ready to help in defining those commitments. If PIR is unable or unwilling to make such commitments before completing its change of control, ICANN should exercise its right under Section 7.5 of the Registry Agreement to withhold consent to that change in control, terminate the Agreement, and begin a process to find a capable and trustworthy steward of the .ORG domain.

Very truly yours,

Cindy Cohn, Executive Director
Mitchell L. Stoltz, Senior Staff Attorney
Cara Gagliano, Staff Attorney
ELECTRONIC FRONTIER FOUNDATION
Dear Mr. Sullivan,

We urge you to stop the sale of the Public Interest Registry (PIR) to Ethos Capital.

Non-governmental organizations all over the world rely on the .ORG top-level domain. Decisions affecting .ORG must be made with the consultation of the NGO community, overseen by a trusted community leader. If the Internet Society (ISOC) can no longer be that leader, it should work with the NGO community and the Internet Corporation for Assigned Names and Numbers (ICANN) to find an appropriate replacement.

The 2019 .ORG Registry Agreement represents a significant departure from .ORG’s 34-year history. It gives the registry the power to make several policy decisions that would be detrimental to the .ORG community:

- **The power to raise .ORG registration fees without the approval of ICANN or the .ORG community.** A .ORG price hike would put many cash-strapped NGOs in the difficult position of either paying the increased fees or losing the legitimacy and brand recognition of a .ORG domain.

- **The power to develop and implement Rights Protection Mechanisms unilaterally, without consulting the .ORG community.** If such mechanisms are not carefully crafted in collaboration with the NGO community, they risk censoring completely legal nonprofit activities.

- **The power to implement processes to suspend domain names based on accusations of “activity contrary to applicable law.”** The .ORG registry should not implement such processes without understanding how state actors frequently target NGOs with allegations of illegal activity.

A registry could abuse these powers to do significant harm to the global NGO sector, intentionally or not. We cannot afford to put them into the hands of a private equity firm that has not earned the trust of the NGO community. .ORG must be managed by a leader that puts the needs of NGOs over profits.

When ISOC originally proposed transferring management of .ORG to PIR in 2002, ISOC’s then President and CEO Lynn St. Amour promised that .ORG would continue to be driven by the NGO community—in her words, PIR would “draw upon the resources of ISOC’s
extended global network to drive policy and management.” As long-time members of that global network, we insist that you keep that promise.

Select signers:

Access Now
America's Service Commissions
American Alliance of Museums
American Council on Exercise
American Federation of Musicians of the U.S. and Canada
American Physical Society
American Society of Association Executives
April
Association of Junior Leagues International, Inc.
Center for Internet and Human Rights
Code for America
Communications Workers of America
Consumer Reports
Creative Commons
Crisis Text Line
Derechos Digitales
DoSomething.org
Electronic Privacy Information Center
European Center for Not-for-Profit Law Stichting (ECNL)
European Climate Foundation
Farm Aid
Fédération FDN
Feeding America
Fight for the Future
Free Software Foundation

Front Line Defenders
German Foundation for Data Protection
Girl Scouts of the USA
Greenpeace
Gulf Centre for Human Rights
Human Rights Watch
HURIDOCS
Integrity Watch Afghanistan
Internet Archive
Internet Policy Observatory Pakistan
Internet Sans Frontières
Internet Society Jakarta Chapter
Internet Society Netherlands Chapter
Jobs With Justice
Karisma Foundation
League of Women Voters
Meals on Wheels America
Media Foundation for West Africa
Mennonite Central Committee
MoveOn
Nati Conference on Public Employee Retirement
National Council of Nonprofits
NTEN
OCANDS
Open Knowledge Foundation

Open Society Foundations
Open Technology Institute
Oxfam
Palante
Philippine Human Rights Information Center
Public Citizen
Public Knowledge
Public Library of Science (PLOS)
R Street Institute
Redes Ayuda
Sierra Club
TechSoup
TEDIC NGO
Telecommunities Canada
The Association of Flight Attendants-CWA (AFA)
The Union of Concerned Scientists
Transparency International (Germany)
Ushahidi Inc.
VolunteerMatch
Volunteers of America
Web Foundation
Wikimedia Foundation
YMCA of the USA
Youth and Philanthropy Initiative (YPI) Canada
YWCA USA
Complete List of Organizational Signers

350.org
50by40.org
A Blessing to One Another
A Bunch of Hacks
A New Beginning Animal Rescue
A1K.org
Access Now
Affiliation of Multicultural Societies and Service Agencies of British Columbia
African Academic Network on Internet Policy
AfroLeadership
Agaric Tech Cooperative
Agile France
Albertine Watchdog
All Faiths
Allegheny RiverStone Center for the Arts
Alliance for Morris County Parks
Alternatives-et-Autogestion.org
Alternatives, Inc
America’s Service Commissions
American Alliance of Museums
American Bible Society
American Council on Exercise
American Federation of Musicians of the United States and Canada
American Physical Society
American Political Science Association
American Society of Association Executives
Anarchist Group Amsterdam
Ann Martin Center
APpeas Associação Portuguesa de promoção do envelhecimento ativo e saudável
April
Aquilenet
Arab American Association of New York (AAANY)
ARTabilityAZ
arXiv.org
Aspiration
Association Artistique Alexandre Roubizoff
Association for the Advancement of Sustainability in Higher Education (AASHE)
Association of Junior Leagues International, Inc.
Astra Labs
ASUTIC (Senegal ICT Users Association)
Auroville Foundation
Austin Baroque Orchestra
Australian Play, Imagination, and Learning Institute
Autimatisering
AvaCon
AvRM
Bangladesh NGOs Network for Radio and Communication (BNNRC)
Barracon Digital
Basic Internet Foundation
Battle of Homestead Foundation
Bay Area Mashers
Berkeley Institute for Free Speech
Online
Better Future for All
Bike Walk Montana
Blueprint for Free Speech
Bridgewell Inc
Bring Your Own Ideas LTD
British Columbia Aviation Council
Business & Human Rights Resource Centre
C4 Atlanta
California Association of Nonprofits (CalNonprofits)
Capital Region Community Foundation
Cargografias.org
CASA New Orleans
Center for Digital Resilience
Center for Innovative Thinking, Inc
Center for Internet and Human Rights
Centro de Documentación en Derechos Humanos “Segundo Montes Mozó S.J.” (CSMM)
Centro Latinoamericano de Investigaciones Sobre Internet
Centrum Cyfrowe Foundation
Chautikum e.V.
Chestnut Creek School of the Arts
Child Saving Institute, Inc.
Children’s Alliance of Montana
Children’s Law Center Inc
Chilliwack Arts & Cultural Centre Society
Chordoma Foundation
Circus Freaks
Cita Press
City of Anacortes
CiviCRM
Civilsphere
Clever Octopus Inc
Clinton-Gratiot Habitat for Humanity ReStore
CN Guidance and Counseling Services
Co-op Source
Code for America
Codeando Mexico
Codeberg e.V.
Colorado Nonprofit Association
Communications Workers of America
Communities United Against Police Brutality
Community Action Center
Community Tech Network
Completely KIDS
Computer Aid International
condorcon.org
Connecticut Community Nonprofit Alliance
Consumer Action
Consumer Reports
Council of Michigan Foundations
Coworker.org
Creative Commons
Crisis Text Line
Cybertelecom
Cycle On Hawaii
Daily Bread Food Bank
daltonbookclub.org
Daniel 2:28, Inc.
Datenschutzraum e.V.
Defending Rights & Dissent
Demand Progress Education Fund
Derechos Digitales
Design Action Collective
Digital Empowerment Foundation
Digital Rights Foundation, Pakistan
Digital Rights Watch
Digital Society School
Digitale Gesellschaft
Dieoamore.org
Domain Name Rights Coalition
DoSomething.org
Downtown Aurora Visual Arts
Drayton Avenue Cooperative Preschool
DroidWiki.org
Droit et Justice
Dutch Virtual Reality Foundation