

3 July 2013

via email

Mr Akram Atallah
President, Generic Domains Division
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536
USA

Dear Mr Atallah,

Re: Use of prioritisation draw number to proceed to contracting

I am writing to seek assurances that the integrity of the prioritization draw number of an application will be respected throughout the contracting process, and subsequently through pre-delegation testing and delegation. I seek this assurance in light of the Contracting Information Request Guidance document recently published by ICANN that states, among other things: *The timing of receipt of the applicant's completed CIR response submittal will determine the order it proceeds through the contracting process.*

I believe this is a fundamental change to our previous understanding of the importance of the prioritization draw number in processing applications and as stated in the staff paper released prior to the Toronto meeting *Use of a Drawing for Prioritizing new gTLD Applications*, which states:

“Draw Numbers will be used to schedule initial evaluations and release evaluation results, the first evaluation results The Draw Numbers will also be used later in the process to schedule appointments for pre-delegation testing, and executing agreements. There will be approximately 20 pre-delegation testing appointments per week and 20 contracts executed per week.”

New gTLD applicants embraced the prioritization draw concept and have readily accepted that their prioritization draw number is the number by which they will proceed through the evaluation, contracting, pre-delegation and delegation processes. There should be NO change to this anticipated and expected process at this late and critical stage.

I understand ICANN will be using the prioritization draw number to release the first 40 Contracting Information Requests, and will then release in batches of 20 per week moving forward. I do not understand why it is not possible to also process responses according to prioritization draw number. I acknowledge that there will be variances in the time it takes applicants to respond to the CIR and that some applicants may not be in a hurry to furnish ICANN with the requested information. However, I do believe it is possible for ICANN to nominate an administrative deadline for applicants to respond to the CIR, and those that meet the deadline will proceed through the contracting process according to their prioritization draw number. Those that do not meet the administrative deadline should still be processed according to their prioritization draw number to the extent that this is possible.

The new gTLD program team has done an excellent job to date of preserving the integrity of the prioritization draw number through the Initial Evaluation process, despite the challenges of managing the clarifying questions process and reviewing change requests. I believe the approach outlined above is not inconsistent with the release of IE results and every effort should be made to continue to do so through to delegation.

I strongly urge ICANN to amend the Contracting Information Request Guidance document to reflect that applicants will proceed through the contracting process according to their prioritisation draw number and the manner in which this will be achieved.

Yours sincerely,



Adrian Kinderis
Chief Executive Officer
ARI Registry Services