

Response to Documentary Information Disclosure Policy Request

To: Ms. Diane Duke, Free Speech Coalition

Date: 7 October 2010

Re: Request No. 20100908-1

Thank you for your Request for Information, submitted on behalf of the Free Speech Coalition, dated 08 September 2010 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested:

Pertaining to ICM's application for the .XXX sTLD:

1. The list of the IFFOR Board members;
2. The list of proposed members of the Policy Council;
3. IFFOR's Business Plan/Financials;
4. Business Plan/Financials Years 1-5 utilizing 125,000 Initial Registrations;
5. The list of .XXX sTLD pre-registrants who have been identified to ICANN; and
6. ICM's Proof of Sponsorship Community Support as submitted to ICANN.

Response:

To the extent that ICANN is in possession of the information requested above, and the information is not already publicly available (such as historical correspondence regarding the proof of Sponsorship Community support, at <http://www.icann.org/en/correspondence/cover-letter-pre-reservation-aatt.pdf> and <http://www.icann.org/en/correspondence/lawley-to-cerf-23mar07.pdf> or the redacted lists of .XXX sTLD pre-registrants, at <http://www.icann.org/en/correspondence/redacted-subscriber-list.pdf>, as well as the due diligence materials posted at <http://www.icann.org/en/public-comment/#xxx-revised-icm-agreement>), all information was provided by ICM to ICANN with a request that ICANN maintain those materials as confidential. ICM's designation of the information as confidential therefore makes all requested documentation subject to the following defined condition for nondisclosure set forth in the DIDP:

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

ICANN asked ICM if it would remove the confidentiality designation from documentation sought in the Request, which would allow ICANN to publicly disclose information you are seeking. ICM has not responded to ICANN's request and thus ICANN is not in a position to

publicly disclose the materials previously identified as confidential that are sought in the Request and are within ICANN's possession.

About DIDP

ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see <http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.