



October 27, 2010

ICANN Board
Peter Dengate-Thrush
John Jeffrey
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292

To: ICANN Board Chairman Mr. Peter Dengate-Thrush and ICANN Board Members

I speak on behalf of the Free Speech Coalition (FSC), the trade association for the adult entertainment industry. It is our understanding that you will be discussing ICM's application for a .XXX sTLD at your October 28th Board meeting.

Despite our confidence that the Directors are aware of the necessity of consultation with the Government Advisory Committee, we feel obligated to emphasize the following matters pertaining to GAC and the sTLD application of ICM Registry:

- The last formal statement from GAC on the topic was in its March 28, 2007 Lisbon Communiqué which states, "The GAC reaffirms the letter sent to the ICANN Board on 2nd February 2007. The Wellington Communiqué remains a valid and important expression of the GAC's views on .xxx. The GAC does not consider the information provided by the Board to have answered the GAC concerns as to whether the ICM Application meets the sponsorship criteria.
- In the Wellington Communiqué of March 26, 2006 the GAC identified a number of concerns about the application and the concept as a whole, ending its comment on the subject with the statement, "Nevertheless without prejudice to the above, several members of the GAC are emphatically opposed from a public policy perspective to the introduction of a .xxx sTLD."
- During the GAC meeting in Brussels, in informal conversation among its members, there was general consensus that its concerns had still not been addressed, and its prior Communiqué objections stand.
- Just as the Board has given deference to the decision of the IRP, so must it give deference to the GAC advice.

In the interest in equitability and transparency, FSC highly encourages the ICANN Board to seek consultation from ICANN's Government Advisory Committee.

Sincerely,

Diane Duke
Executive Director