



**Governmental Advisory Committee
Chair**

Mr. Peter Dengate Thrush
Chairman of the Board
ICANN

4 August 2010

RE: Procedures for Addressing Culturally Objectionable and/or Sensitive Strings

Dear Peter,

The GAC firmly believes that the absence of any controversial strings in the current universe of top level domains (TLDs) to date contributes directly to the security and stability of the domain name and addressing system (DNS) and the universal resolvability of the system. As a matter of principle, and consistent with Sections 3(b) and 8(a) of the *Affirmation of Commitments* and the core values contained in Article 1, Section 2 of ICANN's Bylaws, the GAC believes that the objective of stability, security and universal resolvability must be preserved in the course of expanding the DNS with the addition of new top level domains to the root. The GAC urges the Board to ensure that this fundamental value, which preserves the integrity of the DNS, is incorporated as an element of the public interest standard to which it has committed in the *Affirmation of Commitments*.

In this regard, the GAC believes that procedures to identify strings that could raise national, cultural, geographic, religious and/or linguistic sensitivities or objections are warranted so as to mitigate the risks of fragmenting the DNS that could result from the introduction of controversial strings.

While the GAC appreciates that the proposed objection procedure on "Morality and Public Order" grounds included in DAGv4 was intended to satisfy the concern noted above, the GAC strongly advises the Board to replace the proposed approach to addressing objections to new gTLD applications based on "Morality and Public Order" concerns with an alternative mechanism for addressing concerns related to objectionable strings. The terms "morality and public order" are used in various international instruments, such as the Paris Convention for the Protection of Industrial Property, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR). Generally, these terms are used to provide the basis for countries to either take an exemption from a treaty obligation or to establish by law limitations on rights and freedoms at the national level. Judicial decisions taken on these grounds are based on national law and vary from country to country. Accordingly, the GAC advises that using these terms as the premise for the proposed approach is flawed as it suggests that there is an internationally agreed definition of "Morality and Public Order". This is clearly not the case.

The GAC therefore recommends that community-wide discussions be facilitated by ICANN in order to ensure that an effective objections procedure be developed that both recognizes the relevance of national laws and effectively addresses strings that raise national, cultural, geographic, religious and/or linguistic sensitivities or objections that could result in intractable disputes. These objection procedures should apply to all pending and future TLDs.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H. Dryden', written over a light blue horizontal line.

Heather Dryden
Chair of the Governmental Advisory Committee,
Senior Advisor to the Government of Canada